

**CABINET/COMMISSIONERS'  
DECISION MAKING MEETING  
11th September, 2017**

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

Also in attendance was Councillor Steele, Chairman of the Overview and Scrutiny Management Board, Ward Members Allen, R. Elliott and Williams for Minute No. 35 and Councillor B. Cutts.

Apologies for absence were received from Commissioners Bradwell and Ney and Councillor Watson.

**29. DECLARATIONS OF INTEREST**

There were no Declarations of Interest to report.

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

(1) A member of the public asked would you please explain why RMBC invited expressions of interest for Greasbrough Public Hall in October, 2016 only to inform the four parties who had submitted interests in December, 2016 that a complete U turn had been made and decided to retain ownership and demolish the building to make way for a traffic congestion programme.

The Strategic Director for Regeneration and Environment explained it was an unfortunate situation when expressions of interest had been invited for the acquisition of Greasbrough Public Hall through private venture or asset transfer. Unfortunately, staff were unaware that colleagues in Transport were also looking at this area as part of the Bassingthorpe Farm development and potential solutions for the traffic requirements to alleviate the current congestion and traffic management following the development of housing on this site. The options being considered both required the land adjacent to the roundabout to do the improvements necessary. The timing was unfortunate as the service at the time were not aware of the potential traffic management solutions when the expressions were invited.

(2) A member of the public asked if the demolition proceeds Greasbrough would be left without a public hall. Could a new public hall be built as part of the Bassingthorpe Farm development under Section 106 of the Town and Country Planning Act 1990 thereby reducing the impact on the community, the cost of which could be recovered from the developers. This would resolve the problem and replace the public hall. In light of this could the Council please advise if Greasbrough could expect to see a new public hall.

The Strategic Director for Regeneration and Environment advised it was too early to predict what the development would look like and how viable, subject to a business case and viability assessments as part of the housing proposal. However, the member of the public was correct there was the possibility of using Section 106 monies, which was replaced by the Community Infrastructure Levy, which does allow the use of funding where it was able to be determined it was a viable proposition and there was enough money to contribute to the infrastructure needs with monies set aside for community use. A number of reasons would come into play around the community size, which in theory could potentially be the case due to number of houses planned, but this would come down to viability as the Council could not insist on something being built that rendered the development non-viable. So, yes potentially funds could be set aside, but there was still a way to go before this could be determined.

The Chair confirmed this was a fair challenge and this would be carefully monitored to see what could be done.

(3) A member of the public asked in these days of austerity where the Government was urging people to be more involved with communities, what consideration did RMBC give to Greasbrough Public Hall Community Trust's market research, which was compiled with help of views of local people where 90% of those interviewed expressed their support and interest in keeping the public hall as a community hub for the village of Greasbrough.

The Strategic Director for Regeneration and Environment confirmed a number of discussions had taken place with Ward Members and members of the Community Trust regarding the sensitive subject of a removal of a hall which had been a community facility for some time. Under normal circumstances asset transfer could take place to community groups unless there was a strategic requirement. In this case there was a strategic requirement for highway infrastructure that overrode the benefit of transfer to a community group.

The Assistant Director for Planning, Regeneration and Transport confirmed the market research document had been received and the detail considered in meetings with Ward Councillors, the Cabinet Member and members of the Community Trust. The document was well put together, contained lots of information about the hall and potential uses. This led onto further discussions about what elements of the hall could potentially be kept and salvaged for reuse and forms part of the report on the agenda for today's meeting.

(4) A member of the public asked, in light of growing problems of social isolation especially in economically deprived areas, could you explain how RMBC believe that local residents and community groups would experience greater benefits from the hall's demolition from it being used as a much needed resource for local people.

## CABINET/COMMISSIONERS' DECISION MAKING MEETING - 11/09/17

The Strategic Director for Regeneration and Environment explained that as a result of the removal of the hall for public use as to requirements or future provision, this was a discussion that could take place with developers to see if there was demand or need for a facility. Failing this a look would need to be made at other assets in the area that may be utilised, such as Greasbrough library and whether it could be used more appropriately for public use. The public hall has been redundant for some time and there was now a strategic requirement need to improve the access arrangements at that junction which overrode the need for the public hall.

(5) A member of the public asked would you explain why it was that Rotherham Borough Council considered only the public hall junction to be of primary importance when the Church Street and Cinder Bridge Road junctions were of secondary importance, when improvements to all three junctions should be carried out as all three junctions were equally as important in alleviating the traffic congestion throughout Greasbrough.

The Strategic Director for Regeneration and Environment explained all the junctions have been looked at and whatever happened at the roundabout would impact on the other junctions. The options that have been explored up to now did consider all the junctions including the Church Street area. The final design solution had not yet been agreed and would be something that would be discussed further as the proposal emerged.

Ward Councillors were invited to give their view on the proposals for Greasbrough Public Hall.

Councillor R. Elliott described how Greasbrough Town Hall was built in 1926 by public subscription in a prominent position in the heart of the village, the first building seen on the approach from Potters Hill and a beautiful backdrop to a vibrant village.

He explained how Greasbrough Town Hall was a vibrant well used facility, used daily by the public for a variety of classes and groups and a popular venue for birthdays, presentations and weddings. All of which brought economic benefit to the village. Suddenly RMBC increased the high charge to an incredible amount, resulting in the hall being too expensive to hire and unused. Cynically it was thought this was the result the Council had wanted and with hindsight something should have been done by Ward Members at the time.

Speaking as a resident of Greasbrough and a past hirer of the hall Councillor Elliott shared the frustration and anger of residents and with the development of Bassingthorpe Farm no-one from RMBC seemed to listen. Despite consultations, signatures and discussions public opinion appeared to count for nothing. The end result no matter what RMBC would prevail.

## CABINET/COMMISSIONERS' DECISION MAKING MEETING - 11/09/17

Councillor Elliott, therefore, urged the Council to save the hall as the junction was not needed and Councillor Williams would explain further. He asked let the people of Greasbrough have the hall as those residents present today had an excellent business plan that would breathe new life into the hall and provide a new hub for the community. This supported the new mantra for RMBC and Ward Councillors' locality working for the community.

Councillor Williams offered his thanks for the opportunity to speak today and also to the Chief Executive and officers who had met with Ward Members and members of the Community Trust about the concerns.

He described how Greasbrough Public Hall was considered an iconic local building, which was part of community and local heritage and the much loved heart of the village. In fact he had his own fond memories of birthday parties and attendance at events, which would be a similar situation for people not just from the area, but across the Borough.

From his election in 2016 Councillor Williams described his proud involvement with the Community Trust and their hard efforts and dedication which was highlighted and reflected in the documents. He expressed his disappointment and frustration that it had reached this point.

Describing what he believed to be main justification for the demolition of the hall with a road congestions scheme, he was concerned that whilst tackling the congestion that existed there were other pinch points in the system that required action. Action which should be taken before the demolition of Greasbrough Public Hall.

The current congestion problems were not just around the roundabout near the hall, but on Main Street and Church Street with no proper lanes to filter traffic which also caused tailbacks and queues. The location at the Wince at the junction of Cinder Bridge Road also caused problems with traffic from Rawmarsh and Parkgate.

The concerns had been raised at meetings with officers and community groups and it was suggested the traffic congestion at these two locations should be tackled first before the demolition of the hall. Even if a new road scheme was installed at the location of the public hall it was felt this would still not tackle the congestion as Greasbrough was a village with village type roads on the approaches and would prevent any proper solution to the congestion that existed today.

The proposed demolition of the public hall was a sad reflection of the current economic times. However, the Government's austerity measures and budget cuts were preventing local councils from providing community facilities in local buildings. Demolition of Greasbrough Public Hall would not only be a loss of a community facility it was also a loss of a local asset and heritage.

## CABINET/COMMISSIONERS' DECISION MAKING MEETING - 11/09/17

Councillor Williams was deeply saddened by the decision today and the possible demolition of a much loved iconic building and even at that this late stage urged the Council to pursue all other options that would tackle congestion and protect a much loved local building as well.

Councillor Allen echoed the comments by Councillor Williams at being given the opportunity to speak and the discussions that had taken place with officers and particularly thanked Greasbrough Public Hall Community Trust for sticking with the proposals here today.

She shared advice she had received from a Baptist Minister that the process was often far more important than the outcome, which was why she was so disappointed in the way the process had unfolded in relation to Greasbrough Town Hall.

As had already been indicated expressions of interests were invited by one section of the Directorate which was then nullified by another section and the requirement for the land for a traffic improvement scheme. It was highly regrettable that expectations were raised and cruelly dashed and unfortunate. If demolition was agreed this would leave a gap in community provision in Greasbrough.

Being pragmatic work had been taking place with officers looking at replacement facilities and identification of these was now available. As a result it was likely that proposals would be submitted back to the Cabinet for a community campus which would capitalise on existing facilities, which it was hoped would be supported as recognition of the loss of the hall.

Councillor Allen indicated she was keen to be genuinely involved in the asset management process to ensure no other community had to endure such an unacceptable and painful process as here today.

(6) A member of the public referred to an item on today's agenda relating to the "Introduction of a Public Spaces Protection Order for Rotherham Town Centre" and his disappointment at the consultation process. A drop in session for the 10<sup>th</sup> August, 2017 between 10.00 a.m. and 3.00 p.m. was advertised on the 21<sup>st</sup> July, 2017, with a consultation end date of 16<sup>th</sup> August, 2017.

The member of the public reiterated his dissatisfaction with the consultation process, the lack of appropriate information to fully understand what the Protection Order entailed, whether this was Borough-wide or restricted to the town centre, the limited information that was available and the impact this would have on unsuspecting vulnerable members of the public and communities who received £80.00 fines for littering, often only for a discarded cigarette butt.

He described the role of private security companies like Kingdom and their disregard for equal opportunities in the pursuit of profit fining victims, which was a fundamental change. It was for these reasons he regarded the consultation process as being flawed, did not bring people in and affected communities more due to not following guidelines issued by the Local Government Association about consultation duration and holiday periods, unlike Newcastle who had allowed a two month period of consultation prior to the implementation of their Protection Orders.

The member of the public, therefore, asked if he was approached by a member of a private sector firm was it not the case that he did not have to reply, could just walk away and nothing could be done. This would cost the Council more in the future. The legislation indicated these Orders should not be used unless it was absolutely necessary taking into account the difficult and delicate position Rotherham was in.

The Chair summarised the member of the public's question which appeared to be in two parts; the first about the consultation process and the number of people engaged, how that was run and whether it was an equitable process and secondly, who was doing the enforcement and the role of Kingdom.

Councillor Hoddinott, Cabinet Member for Waste, Road and Community Safety, confirmed a formal consultation process had been undertaken and the feedback and reasons received for doing it were not uncommon. As part of the consultation a number of roadshows had taken place across Rotherham, with discussions at Rotherham Show and as part of the Town Centre Masterplan. The main feedback was around safety in the town centre and the need to address the concerns and the behaviours of the minority who were spoiling it for the rest.

94% of the public and 99% of business agreed with the proposals, which was very high by public sector standards and this was one tool that could demonstrate that inappropriate behaviour in the town centre was not acceptable.

In terms of the role of Kingdom this was on a pilot basis as part of enforcement working closely with the Police and existing Council. This already had had an impact as part of the enhanced enforcement.

The Strategic Director for Regeneration and Environment confirmed the consultation process was a month long and compliant with current legislation. This was not just undertaken online, but involved the local media, the Council's website, Member seminars, Overview and Scrutiny visits, drop-in sessions, attendance at the national citizen scheme, Youth Cabinet, visits to businesses along with consultation with the Clifton Park Friends Group and the Police. Comprehensive survey statistics were so high in support of action being taken, when compared with performance on footfall in town centre which was down.

## CABINET/COMMISSIONERS' DECISION MAKING MEETING - 11/09/17

In addition, it was noted that littering was an offence across the U.K. not just in Rotherham Town Centre, and those individuals that chose to walk away from officers could possibly face obstruction offences.

Councillor Yasseen as Ward Councillor confirmed this had raised a huge amount of debate in the Ward, especially around the inclusion of Clifton Park, the need to combat the undesirable behaviours and the engagement of the public during holiday periods.

(7) A member of the public confirmed he had attended the consultation at Riverside House, which he described as not adequate. He believed a further period of consultation was warranted given the constraints being placed on dog walkers in Clifton Park, when often for pensioners this was the only time they came out of the house.

The Chair advised changes had been recommended following feedback about keeping dogs on a leash in Clifton Park.

Councillor Hoddinott, Cabinet Member for Waste, Road and Community Safety, confirmed having listened to the consultation a number of changes had been made since the original proposals. The proposal was now for dog exercise areas to be designated on the green space areas to allow walkers to allow their dogs off leash. However, the water and play areas accessed by adults and children required dogs in these areas to be kept on leads and kept under control.

### **31. MINUTES OF THE PREVIOUS MEETINGS HELD ON 26 JUNE AND 10 JULY 2017**

**Resolved:-** That the minutes of the Cabinet and Commissioners' Decision Making Meetings held on 26<sup>th</sup> June and 10<sup>th</sup> July, 2017, be agreed as a true and correct record of the proceedings.

### **32. 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 should the appendices be discussed for Minute Nos. 45 and 46 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.

### **33. DETERMINATION OF ASSET TRANSFER REQUESTS**

Consideration was given to the report which sought approval for the granting of three Asset Transfer Policy lease agreements without break options which was a departure from the current adopted policy and, therefore, could not be approved under the existing Officer Scheme of Delegation.

**Canklow Depot** – A request for the term of the lease agreement to be extended to twenty-five years without any break options, in order to secure grant funding with plans to secure a further £300,000 to invest into the former depot and create local jobs as well as improve the infrastructure. As part of the negotiations of the proposed terms the necessary safeguards would be included within the lease in the event that funding was not secured, such as the re-instatement of break clauses.

**Ulley Recreation Ground** – A request for a new 50 year lease under the Council's Adopted Asset Transfer Policy without the break options. The benefits would provide a long term commitment and protect the long term future of the recreation ground for the residents of Ulley with the Parish Council continuing to be responsible for the ongoing maintenance liabilities and responsibilities.

**Chislett Community Centre** - A twenty-one year Asset Transfer lease on the Youth and Community Centre had been granted without break options to secure funding to extend/develop and refurbish the community centre which resulted in securing grant funding of £486,000. Following the completion of the works a request had been received to the existing term of the lease to extend to ninety-nine years to secure the long term future of the Community Centre so that the benefits of refurbishment works and the community services delivered by the building were continued in the long term. As part of the negotiations of the proposed term extension the necessary safeguards would be included within the lease should the centre cease to operate and no longer deliver the community benefits.

**Commissioner Kenny agreed:-** (1) That all three requests for Asset Transfer Policy lease agreements as detailed within the report be approved.

(2) That the Assistant Director of Planning, Regeneration and Transport be authorised to negotiate the terms of the requests.

(3) That the Assistant Director of Legal Services be authorised to complete the necessary documentation.

**34. ADOPTION OF LAND ADJACENT SALES POLICY AND PROCEDURES**

Consideration was given to the report which sought approval for the adoption and implementation of a new policy and procedure for dealing with enquiries to purchase small plots of land adjacent to the enquirer's property.

Appendix 1 (Procedures for dealing with small land sales) set out the basic streamlined procedure for dealing with these applications and included set tables to work out land values based on the size of the land and its proposed use.



Should any enquirers wish to proceed then an initial administration charge of £250 would be payable at the point of application, to cover the cost of obtaining planning and legal advice. If the application was successful then this payment would be deducted from any additional amount due in respect of Council's fees. If the applicant failed to complete then this administration charge was to be retained.

It was suggested that the new policy, if approved, could be advertised on the Council's website so anyone considering applying to purchase land could work out the likely costs of purchase (or renting) and then if they still wished to apply could do so by downloading and printing off an online application form to fill in.

Having a set minimum disposal value from the outset should ensure that abortive work was not undertaken as a result of applicants withdrawing from the process once an offer was made to them in terms of the purchase price.

**Commissioner Kenny agreed:-** (1) That the proposals contained in the report considering the adoption of new policy and procedures for dealing with land adjacent sales be approved.

(2) That the Assistant Director of Planning, Regeneration and Transport be authorised under delegated powers to approve qualifying disposals and that the Assistant Director of Legal Services be authorised to complete the necessary legal documentation.

(3) That a minimum value threshold of £2,000 plus fees be set for all disposals that arise through applications to purchase.

(4) That an administration charge of £250 be payable at the point of application which will be refunded if the application proceeds to completion.

(5) That any applications to purchase areas of land which are dedicated as public open space are not part of the delegated authority or considered as part of the policy.

### **35. GREASBOROUGH PUBLIC HALL FUTURE OPTIONS**

Consideration was given to the report which set out details and how Greasbrough Public Hall was declared surplus to the operational requirements of the Council following the "Review of Directly Managed Community Centres" undertaken in 2014. The hall was formally closed as a Community Centre following the review and the building had remained vacant ever since.

A number of options were initially considered for the hall following a marketing period inviting "expressions of interest". However, the Council's Transportation and Highways Team have now identified a requirement for

the site of the building for the delivery of a Highway Improvement Scheme at the junction of Main Street/Coach Road in Greasbrough.

The use of the site to facilitate a Highways Improvement Scheme should significantly reduce traffic congestion in the immediate area and would also support the delivery of the Bassingthorpe Farm development.

The Strategic Director for Regeneration and Environment confirmed a strategic requirement had been identified for the site and whilst it was regrettable some "expressions of interest" had been received, use of the site by the Transportation and Highways Team was the favoured option. This junction would not be considered in isolation, but along with other junctions in the locality to combat congestion.

It was also noted the building had attracted anti-social behaviour of late and recently been the subject of a number of vandalism attacks, including a number of thefts from the building (leadwork flashings and valleys from the roof). An issue also raised by Ward Members.

The Greasbrough Public Hall Community Trust had also objected to the demolition of the building, but the stone façade of the building was to be salvaged as part of the demolition works and retained for future use.

Other options to support community groups in the locality were to be explored.

**Commissioner Kenny agreed:-** (1) That the proposed demolition of Greasbrough Public Hall be approved and the cleared site be then retained in Council ownership for the delivery of the highway improvement scheme.

(2) That the façade and stone from the Greasbrough Public Hall be salvaged and retained for potential future use and the detail of what is to be retained be agreed in partnership with the Greasbrough Public Hall Community Trust.

(3) That the required funding for the project be taken from unallocated operational building maintenance capital funding.

## **36. COUNCIL PLAN 2017/18 QUARTER 1 PERFORMANCE REPORT**

Consideration was given to a report which detailed the Performance Report and Performance Scorecard (Appendices A and B) which provided an analysis of the Council's current performance against fourteen key delivery outcomes and seventy-two measures.

At the end of this first quarter (April to June 2017) twenty-seven measures had either met or exceeded the target set in the Council Plan. Although this represented only 37.5% of the total number of measures in the Plan, it equated to **47.4%** of the total number of indicators where data was

## CABINET/COMMISSIONERS' DECISION MAKING MEETING - 11/09/17

available or where targets have been set. A total of sixteen (27.6% of those measured in the quarter) performance measures have not hit their target for the year (22.2% overall).

Cabinet Members provided an update in accordance with current performance for service areas:-

Councillor Beck, Cabinet Member for Housing, reported on the number of new homes being delivered and new and challenging target to ensure at least 10% more new homes would be built in the Borough.

It was also pointed out 93% of privately rented properties were compliant with Selective Licensing, which was slightly below the year-end target of 95%. Work was in progress to increase property compliance during the current year.

Councillor Roche, Cabinet Member for Adult Social Care and Health, also reported on the continuing commission of specialist stop smoking in pregnancy services. Work was also taking place with partners and G.P's looking at best practice in terms of drug treatment. The service was currently out to tender.

In terms of Adult Social Care the direction of travel was positive for the nine measures rated against targets; four were on target, one progressing satisfactorily, two off target and two measures not applicable.

Ian Thomas, Strategic Director for Children and Young People's Services, reported on the good progress against the improvement plan and one measure of success was around Early Help, and the offer that would reduce over time as families were offered supported at an earlier point.

He also referred to the numbers of children subject to a Child Protection Plan, which continued to increase as had the proportion of children on a repeat Child Protection Plan. This would need further improvement and work continued. He explained further, when questioned, that a further report on this issue giving more detail and what action had been taken would be provided in due course.

In terms of education Rotherham's current data for early years was strong with good progress being made in KS1 and KS2 with a slight dip in KS4. Work was taking place with secondary group leaders to understand the reasons for the drop in performance.

Councillor Alam, Cabinet Member for Corporate Services and Finance, reported on how council tax collection rates had been maintained at the same level as last year whilst the collection rate for non-domestic rates had been improved upon.

The pre-decision scrutiny process was now well embedded in the decision-making process and had been positive to date.

The Council's response rate for complaints had also decreased below the target of 85% and would be subject to further monitoring.

Sickness was also on a downward trend with a reduction of 3.5% on last year's outturn, which had been achieved by the end of the first quarter.

Councillor Hoddinott, Cabinet Member for Waste, Road and Community Safety, referred to the positive increase in the reporting of hate crime, outcome measures for the successful support for people at risk of domestic abuse, the strong commitment to tackle flytipping and environmental crime and the number of fixed penalty notices issued, new measure for public perception of anti-social behaviour and the release of up-to-date information from the Police.

In terms of measure 3.B3 it was noted the next report would provide more up-to-date information in terms of complaints about litter, but the position would be closely monitored.

Councillor Yasseen, Cabinet Member for Neighbourhood Working and Cultural Services, also highlighted the changes to some indicators, one of which included borrowing books, which was a poor reflection on the drive and participation in culture and leisure services.

Councillor Lelliott, Cabinet Member for Jobs and the Local Economy, was pleased to report on the statutory function of delivering determinations on planning applications and the achievement of 10% in all three categories of determination.

Footfall in the town centre had decreased and the reasons for this were being explored.

The Business Incubation Centred had another strong quarter with the average occupancy level of the four centres at 86%.

**Commissioner Kenny 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 performance reporting timetable for 2017/18 be noted.

**37. INTRODUCTION OF A PUBLIC SPACES PROTECTION ORDER (PSPO) FOR ROTHERHAM TOWN CENTRE**

Consideration was given to the report which set out in detail the Powers introduced by the Anti-Social Behaviour, Crime and Policing Act 2014 which created the provision for local authorities to implement Public Space Protection Orders (PSPO). These orders were designed to address

## CABINET/COMMISSIONERS' DECISION MAKING MEETING - 11/09/17

anti-social behaviour in local areas and were, therefore, adaptable to meet local need. This meant that prohibitions or requirements could be made at a local level in response to complaints from a range of sources including the public, business and Councillors.

Following analysis and initial consultation with stakeholders, the Council had undertaken a statutory consultation on a proposed Public Space Protection Order. In excess of 500 views were gathered, across a variety of forums and methods, and a significant majority (93.7%) of respondents supported the introduction of a Public Space Protection Order. Further consultation had also taken place with partners and greater consideration been given as to the impact of the proposed conditions which had led to the removal of some and the evolution of others.

This report, therefore, sought the approval to implement a Public Space Protection Order, in Rotherham Town Centre, in order to prohibit the following activity:-

- A. Behaving in such a way or using language that causes, or is likely to cause, harassment, alarm or distress to another person.
- B. Making unsolicited approaches, in the open air, for the purposes of face-to-face fundraising and marketing of commercial products, carried out by organisations without prior written permission from the Council.
- C. Failing to keep a dog on a leash and under control (otherwise than within the designated area within Clifton Park, where dogs may be off leads but must remain under control, see attached maps)
- D. Littering
- E. Urinating or defecating in a public place, other than within designated public toilets.
- F. Spitting saliva or any other product from the mouth
- G. Consuming alcohol other than on licensed premises or at a licensed event

The Council's Monitoring Officer also clarified points raised specifically around civil liberties and the loose definition of anti-social behaviour, but it was believed the above behavioural boundaries were considered necessary to support the Council and its partners in developing and supporting the town centre experience.

Following the period of consultation it was proposed that changes to the draft Order around the use or carrying controlled drugs otherwise than in accordance with a valid prescription not be included at this time along with the use of a vehicle to cause a nuisance by gathering in groups, playing loud music or otherwise impacting the quality of life in the locality and that further work be undertaken

Due to the case made by respondents to the public consultation, officers have recommended that dogs be allowed off leash within a designated zone in Clifton Park and be otherwise under control on leash in public areas such as the water play areas and playground.

The Cabinet Member supported the proposals for the introduction of a Public Spaces Protection Order.

The Chairman of the Overview and Scrutiny Management Board confirmed this report had been considered on the 6<sup>th</sup> September, 2017. The Board were in broad agreement with the recommendations, subject to the two insertions relating to the use of a vehicle to cause a nuisance being included in the Order and that a single code of practice in respect of enforcement activity be adopted. It was also suggested that this Order be closely monitored and progress be reported back to Overview and Scrutiny Management Board in twelve months' time.

In response to the Chairman of the Overview and Scrutiny Management Board Councillor Hoddinott welcomed the implementation of a single code of practice, but suggested that the use of a vehicle to cause a nuisance be subject to information gathering and reviewed for inclusion in six to twelve months' time.

**Commissioner Kenny agreed:-** (1) That approval be given to the Public Spaces Protection Order, for a period of three years, following consideration of the public consultation and relevant legal requirements.

(2) That a 12 month review, post implementation of the Order be undertaken to assess impact and make variations, adjustments or new orders as necessary and for this to be considered by the Overview and Scrutiny Management Board.

(3) That a single code of practice in respect of enforcement activity and issuing of penalties be adopted by the Council or any external body undertaking these functions on behalf of the Council.

**38. APPOINTMENT OF THE ACADEMY SPONSOR FOR THE PROPOSED PRIMARY SCHOOL ON THE WAVERLEY DEVELOPMENT SITE**

Consideration was given to the report which detailed the progress of the Waverley development site and following the construction and occupation of 550 dwellings, the Local Authority (LA) had a responsibility to ensure an education sponsor is appointed for the first primary school proposed for the site.

This report, therefore, detailed the appointment of Aston Community Education Trust (ACET) as sponsor for the proposed first primary school, as procedures commenced to establish a primary school on the site.

**Resolved:-** That the appointment of Aston Community Education Trust (ACET) as sponsor for the first proposed primary school at the Waverley development site be noted.

### 39. JULY 2017/18 FINANCIAL MONITORING REPORT

Consideration was given to the report which set out the financial position for the Revenue and Capital Budgets at the end of July 2017 and was based on actual costs and income for the first four months of 2017/18 and forecasted for the remainder of the financial year.

As at July 2017 the Council had a forecast overspend on the General Fund of £3.4m. The majority of the £24m budget savings approved within the 2017/18 budget were being achieved. £11.9m of those savings were Directorate budget savings, however, in addition to those budget savings, Directorates also have to achieve £5.4m of budget savings in 2017/18 which were agreed in previous budgets. Total Directorate savings for 2017/18 were, therefore, £17.3m. The current position was that around £5.2m of those total savings were at risk of not being achieved in this financial year in the manner approved by Council when the 2017/18 was set (and were reflected in the current overspend projection along with the impact of mitigating actions).

A significant in-year pressure of £6.460m on the Dedicated Schools Grant (DSG) High Needs Block continues. A recovery strategy set in place last year would, however, resolve £3m of the deficit and mitigate the in-year pressure through a series of measures including: a revised Special School funding model; a review of high cost out of authority education provision with a view to reducing cost and moving children back into Rotherham provision where possible; and a review of inclusion services provided by the Council. Whilst this pressure did not directly affect the Council's financial position at this time it was imperative that the recovery strategy is implemented which clearly set out how this position would be resolved and to avoid any risk to the Council in the future.

Control over spending was critical to maintaining a robust Medium Term Financial Strategy and avoiding unplanned spending impact on the Council's reserves. All Services continue to develop mitigating actions and alternative savings to compensate for financial pressures and delays in delivering the full amount of savings. The financial impact of the mitigating actions that have been identified and implemented to date were reflected in the current forecast outturn.

The July revenue full year forecast for Children's and Young People's Services was £2.592m over budget. The service continued to face a range of pressures. Further actions to mitigate the budget pressures were being developed by the Service.

It was confirmed, in relation to a query raised, that support was available for victims of child sexual exploitation, but that Government intervention for a statutory review of funding for those at risk of significant harm was still awaited.

It was also noted the HRA forecast outturn and budgeted use of reserves would now be less than planned, but a revision position would be submitted to the Cabinet in due course.

**Resolved:-** (1) That the current forecast overspend for 2017/18 of £3.4m be noted.

(2) That the management actions continuing to be developed to address areas of overspend be noted and any alternative and additional savings to mitigate shortfalls in achieving planned savings in 2017/18 be identified.

(3) That a detailed Dedicated Schools Grant (DSG) Recovery Strategy which will transfer £3m in 2017/18 to reduce the forecast High Needs Block deficit and mitigate the in-year pressure through a series of measures has been set in place be noted.

(4) That the current forecast outturn position on the approved Capital Programme for 2017/18 and 2018-2022 be noted.

#### **40. COUNCIL TAX DISCOUNT FOR CARE LEAVERS**

Consideration was given to the report which detailed how the Council had the discretion to reduce the Council Tax liability for individuals or prescribed groups. The Council exercised this discretion in accordance with Section 13A of the Local Government Finance Act 1992, in respect of the local Council Tax Reduction scheme, for ad hoc cases of extreme financial hardship or by determining a class of case for which the charge should be reduced.

It was proposed that the Council exercise its discretionary powers to award a 100% Council Tax discount for all Rotherham's care leavers aged between 18 and 21 years and up to the age of 25 for those in full-time education who resided within the Borough boundaries and were liable for Council Tax. It was further proposed that the Council Tax owed by eligible care leavers who resided outside of the Rotherham area be paid by Rotherham Council.

This proposal had been developed to help improve the life chances of looked after children and support care leavers in making an effective social and financial transition from Local Authority care to independent living.

It was proposed that the discount be awarded as part of the Council Tax Reduction scheme. However, changes to the scheme could only be implemented from 1st April, 2018, following a review and public



consultation and it was, therefore, proposed that a local discount be awarded under Section 13A (1)(c) for the period from the relevant date at the end of the formal call in period following decision (likely to be 22<sup>nd</sup> September) for the period to 31st March, 2018.

**Resolved:-** (1) That a 100% Council Tax discount be awarded for Council Tax liability arising from the relevant date at the end of the formal call in period following decision for the period to 31st March, 2018, under Section 13A (1)(c), to Rotherham care leavers between the ages of 18 to 21 and up to the age of 25 for care leavers in full-time education, who reside in the Borough based on the principles set out in this report.

(2) That for those care leavers from Rotherham living outside of the Borough, Rotherham Council will pay 100% of Council Tax liability arising from the relevant date at the end of the formal call in period following decision based on the principles set out in this report.

(3) That a full review of the Council Tax Reduction scheme be undertaken, including public consultation, to consider potential changes to the scheme for 2018 including the incorporation of the care leavers discount into the scheme.

**41. NEW APPLICATIONS FOR BUSINESS RATES DISCRETIONARY RATE RELIEF**

Consideration was given to the report detailing applications from two organisations for the award of a discretionary business rate relief in accordance with the Council's Discretionary Business Rates Relief Policy (approved 12th December, 2016).

**Resolved:-** (1) That 100% discretionary rate relief be awarded to SYTT Riverside Ltd reducing to 20% discretionary rate relief once the organisation becomes a registered charity.

(2) That 100% discretionary rate relief be awarded to Dexe Skatepark (Yorkshire) Ltd from 8th March, 2017 when they occupied the new premises.

**42. CONSULTATION ON CHANGES TO POLICY FOR HOME TO SCHOOL TRANSPORT**

Consideration was given to the report which sought approval to carry out consultation on the Home to School Transport Policy for Rotherham, including post-16 students and children with Special Educational Needs or Disability (SEND). A number of policy options were put forward for consultation including:-

- To develop and promote Independent Travel Training as a central service in Rotherham and apply it in particular at transitional stages (e.g. the Year 6 to Year 7 transfer).

## CABINET/COMMISSIONERS' DECISION MAKING MEETING - 11/09/17

- To consider whether to make transport support dependent on the parents/carers agreeing to an assessment of the young person's suitability for Independent Travel Training.
- To consider whether the Council should offer and promote alternative options to compliment transport arrangements, such as bicycle loans or grants, walking buses and bus passes.

It was proposed to report back to Cabinet with the results at the December, 2017 Cabinet Meeting as it was recognised that some children would not be suitable for some of the policy options, but this would be considered in full following the consultation period.

The Council was currently facing significant financial challenges as a consequence of Central Government's austerity measures and grant funding reductions. The Council's Financial Strategy required the identification of significant savings across the provision of services.

The report had been considered by the Overview and Scrutiny Management Board at its meeting on the 6<sup>th</sup> September, 2017 and the Chairman reported the Board were generally in support, but asked that any proposals for change to the policy be resubmitted back to the Board prior to its submission to Cabinet for decision.

**Resolved:-** (1) That approval be given to carry out a consultation on all aspects of home to school transport in Rotherham.

(2) That a further report be submitted to the Cabinet meeting in December 2017 detailing the outcome of the consultation exercise and presenting the recommended policy options for approval.

(3) That any proposals for change to the policy for Home to School Transport be submitted to the Overview and Scrutiny Management Board for consideration prior to submission of the report to the Cabinet for decision.

### 43. **PLANNING SERVICE: PLANNING ENFORCEMENT PLAN**

Consideration was given to the report which detailed the period of consultation on the draft Planning Enforcement Plan, which described the range of powers available to remedy breaches of planning control; how decisions would be made; and the details of the enforcement process.

The Plan set out how planning enforcement would be managed and when direct action could be taken to ensure that Councillors, officers, external agencies and the community have clear information about the process and the action that could be taken to resolve issues in relation to development.

This report, therefore, sought approval to adopt the plan.

**Resolved:-** That the Planning Enforcement Plan be approved and adopted.

**44. ROTHERHAM TOWN CENTRE MASTERPLAN**

Consideration was given to the report which detailed how a Masterplan had been produced for Rotherham Town Centre, which included viability and deliverability analysis, and an Implementation Plan to help to turn the vision and plans into reality. The Masterplan identified early delivery of redevelopment on Forge Island as an essential catalyst to wider regeneration.

This report sought the approval of Cabinet and Commissioners to adopt the recently completed Town Centre Masterplan. It also sought agreement to go out to the market to secure a development partner to redevelop Forge Island, which was identified in the Masterplan as a major component of a re-invigorated Town Centre offer and a catalyst for the regeneration of adjacent sites. The Masterplan's proposals for a major leisure destination were consistent with the Supplementary Planning Document which identifies Forge Island as a strategic development site and a variety of options moving forward were considered.

Cabinet Members welcomed the adoption of the Masterplan alongside the introduction of housing in the town centre.

**Resolved:-** (1) That the Rotherham Town Centre Masterplan be adopted.

(2) That the Council go out to the market to secure a development partner for Forge Island.

**45. RIGHTS OF REPRESENTATION TO SHEFFIELD COUNTY COURT FOR MATTERS RELATING TO HOUSING POSSESSION CLAIMS**

Consideration was given to the report which, following the restructure of the Housing Income and Financial Inclusion Team, which was approved by Cabinet in October, 2016, the legal representation for Housing Possession claims in the County Court would now be undertaken by employees in the Housing Income Team. This report, therefore, sought authorisation for the relevant officers to appear in appropriate cases on behalf of the Council in the County Court.

**Resolved:-** That the following officers be authorised under Section 60 of the County Courts Act 1984 to initiate, represent, defend or appear in proceedings on behalf of the Council in the County Court:-

- Specialist Income Recovery and Court Co-ordinator
- Court Officer
- Area Income Recovery Co-ordinators

**46. UNLOCKING PROPERTY INVESTMENT - BEIGHTON LINK**

Consideration was given to a report which detailed how the Council had analysed and compared a number of commercial property development opportunities in Rotherham for the potential to stimulate business growth and generate an investment return. This had identified a preferred deliverable option on a site owned by JF Finnegan at Beighton Link and the potential to improve the attractiveness of the project through regional investment funding.

This report recommended that the Council acquired the land and entered into a development agreement for JF Finnegan to construct business units, which on completion of construction the Council would own. The project would secure economic growth benefits and an investment return which would help support the Council's revenue budget.

It was proposed that the costs of this project were funded from the £5m Growth Fund, which was approved by Council on the 8<sup>th</sup> March, 2017, as part of the Council's Capital Strategy 2017-2022.

**Resolved:-** (1) That the Strategic Director of Regeneration and Environment be authorised to agree terms to acquire land at Old Colliery Way, Beighton Link, Rotherham and enter into a development agreement with JF Finnegan Ltd.

(2) That, subject to an assessment of the financial viability of the proposed final terms of the agreement with JF Finnegan and formal approval of the JESSICA funding bid, the funding for the purchase be taken from the £5m Growth Fund, which was approved as part of the Capital Strategy 2017-2022.

(3) That the Assistant Director of Legal Services be authorised to complete the necessary legal agreements.

(4) That, in order to allow the development to proceed, an exemption to standing orders under paragraph 43.2.4 be agreed.

**47. RECOMMENDATIONS FROM OVERVIEW AND SCRUTINY MANAGEMENT BOARD**

Consideration was given to the circulated report, the contents of which were included as part of the relevant items and the details included accordingly.