

**CABINET/COMMISSIONERS'
DECISION MAKING MEETING
17th September, 2018**

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

Also in attendance Councillor Steele, Chair of the Overview and Scrutiny Management Board.

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

The webcast of Cabinet and Commissioners' Decision Making Meetings can be viewed at:-

<https://rotherham.public-i.tv/core/portal/webcasts/enctag/Executive%252BArea>

27. DECLARATIONS OF INTEREST

There were no declarations of interest.

28. QUESTIONS FROM MEMBERS OF THE PUBLIC

(1) A member of the public referred to the Neighbourhood Working Strategy 2017/18 in relation to the proposed demolition of the former Kimberworth Infants School and how assets could be drawn on with buildings revitalised through community asset transfer and used as local community hubs.

Councillor Lelliott had chaired a meeting on 14th March, 2018 which considered the Strategic Asset Management Plan and Property Reviews and a question was asked about non-operational properties and the criteria. The criteria applied depended on the benefit to the community and use and demand for properties. It stipulated consultation would take place with Ward Members and interested parties on the use of the properties going forward.

The member of the public, therefore, asked were the Ward Councillors consulted, did the Council explore all avenues, involve or find any interested parties, did the Council explore the possible benefit to the community and determine what the demand for this building would be, did the Council discuss, consider or determine what other use of the building and if so who and what were they.

Part of the process of asset transfers involved the asset management review and the member of the public also asked was there a stakeholder or any other list made before any decision was made to dispose of this building and why the community was not informed of the community right to bid for community asset transfers. He referenced the Rotherham West Ward Plan which put building stronger communities at the heart.

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Councillor Lelliott confirmed the former Kimberworth Infants School building had not been declared surplus and still formed part of the Council estate. Had it been, it would have followed the due process outlined by the member of the public as part of the asset transfer rules.

The Assistant Director for Planning, Regeneration and Transport further reiterated the process if the building had been declared surplus to the Local Authority and how it would follow the asset transfer process. Whilst this dilapidated building was no longer required the Council had not declared the site surplus and wished to retain this for its own use. The building was recommended for demolition and the land was to be utilised by the Council.

In a supplementary question the member of the public failed to understand why the Council wished to retain the land, but not the building and asked what the Council required the land for. The site co-located an NHS building at the bottom of the site and had adequate parking. If this was to be used as further car parking this would come at a cost. He further asked what other uses the Council had planned for the site when the building had the potential to become a fantastic community hub. The Council's own policy stated that communities were to be consulted when a building was redundant, which was the case, but the land was still to be retained for further use by the Council. In his opinion no other avenues had been explored as to the community asset transfer of this building and the community of Kimberworth knew nothing about it other than a notice of demolition poster which was pre-ordained and raised many questions.

Councillor Lelliott reiterated the building had not been declared surplus and the site in which the NHS building was located did belong to the Council.

The Assistant Director for Planning, Regeneration and Transport confirmed Ward Members were consulted in early 2018 and the public consultation was via the published and posted demolition notice because the Council was not looking to dispose of the asset. If the asset was not to be retained, either the building or the land, then it would have followed the asset disposal process policy. The site initially was to be used as a car park to support the joint Council and NHS services co-located in this area.

The member of the public questioned the level of car parking by the NHS building at the bottom of the site which he believed had adequate car parking and was not needed. Since the publication of the demolition notice very few vehicles had been observed in the car park.

To assist the Leader of the Council asked that the Service set out in detail in writing the plans for this site.

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(2) A member of the public also referred to the response to the question raised at the Council Meeting on the 5th September, 2018 relating to the former Kimberworth Infants School where he asked what were the Council's operational requirements for this site if it did not require the building and regarding any security on the length of tenure on the asset transfer. He referred to matters that were happening on this site and asked what the obvious things were when the car parking was adequate for the NHS and nothing to do with the Council ownership on this land or an evident need for a car park.

The Assistant Director for Planning, Regeneration and Transport confirmed there were financial considerations around maintaining a redundant building. Additional use for the site was for a car park to support the NHS and Council on that site.

In a supplementary question the member of the public asked what was happening on the site that would allow a poor security of tenure as referred to at the Council Meeting on 5th September, 2018.

Councillor Lelliott again confirmed there was a requirement for car parking overspill for those co-located services that were already on the site.

The Assistant Director for Planning, Regeneration and Transport pointed out the Council did not deem this site to be sold or leased to another organisation, but the asset was to be retained. Building demolition would follow and Ward Members had been informed accordingly.

(3) A member of the public asked what was proposed or planned for the Addison Centre or the land when the building closed down for its services.

Councillor Roche confirmed a number of options were being considered, but no definite plan. Nexus had now met with officers and had expressed interest in that building as a post-16 centre and this would be considered further once the centre was closed. Any other interest in the building or the site would also be considered should any come forward.

In a supplementary question the member of the public asked why would the Council wait until the building closed before any changes occurred and would there be further consultation with the surrounding areas about future use.

Councillor Roche confirmed Nexus was not interested in taking forward the building until it was empty and he would need to look into whether or not further consultation would be required and appropriate legal advice sought.

29. MINUTES OF THE PREVIOUS MEETING HELD ON 6 AUGUST 2018

Resolved:- That the minutes of the Cabinet and Commissioners' Decision Making Meeting held on 6th August, 2018, be agreed as a true and correct record of the proceedings.

30. 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 agenda items 11 and 12 on the grounds that the appendices 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.

31. JULY 2018/19 FINANCIAL MONITORING REPORT

Consideration was given to the report which set out the financial position as at the end of July, 2018 based on actual costs and income for the four months April to July, 2018 with a forecast for the remaining eight months of the financial year.

As at July 2018, the Council was expecting to deliver a balanced General Fund budget by the financial year-end, after taking account of the £10m budget contingency approved within the 2018/19 budget.

However, to achieve this position a number of mitigating savings actions and further spending reductions were required to be identified and implemented across all Council services, in order to offset the impact of a range of cost and demand pressures impacting on the Council's budgets.

Cabinet Members outlined the current position for the two large areas of overspend and it was noted that for Children's and Young People's Services Directorate the overspending against budget was continuing in the current financial year as a result of demand for services outstripping budget capacity. The number of children in care continued to increase this financial year and had reached 649 at the time of writing this report. The increased number of Looked after Children also placed significant pressure as did the number of young people requiring support from the Leaving Care Service following the increase of provision up to the age of twenty-five.

The targeted initiative "Right Child, Right Care" was profiled to result in a significant reduction in looked after children and a process to ensure that the young people were in the right placements for their needs. There was also pressure within Early Help and whilst this was being reduced through effective vacancy management there still remained some pressure. Challenges to potential efficiencies were continuing to take place.

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The Adult Care Services Directorate was forecasting an overall overspend of £6.221m. A combination of increased client numbers, the rising cost of care packages, and delays in delivery of savings plans had led to pressure on budgets across all client groups. A recovery plan had been developed to address previously undelivered savings and project plans were currently being finalised with the expectation that further savings would be identified from this activity. The main reasons for the delayed delivery of savings were related to the complexity of new cases and the historical assessment practice across all cohorts in terms of over reliance on residential care and poor application of self directed support.

Mitigating actions to deliver a balanced budget position, after use of the budget contingency were outlined as part of the report.

Resolved:- (1) That the forecast General Fund balanced budget position after use of the budget contingency be noted.

(2) That management actions continue to address areas of overspend, provide enhanced controls over all spend and identify alternative and additional savings.

(3) That the alternative budget savings proposals for Regeneration and Environment, and Finance and Customer Services as referenced in paragraph 3.4.4 and 3.6.7 be approved.

(4) That the updated Capital Programme be noted.

32. COUNCIL PLAN QUARTER 1 PERFORMANCE REPORT

Consideration was given to the report which detailed Quarter 1 Performance for the Council Plan and provided an analysis of the Council's current performance against fourteen key delivery outcomes and seventy measures.

At the end of the first quarter (April to June 2018) twenty-six measures had either met or had exceeded the target. This represented 47.2% of the total number of indicators where data was available or where targets have been set. This was an improvement over Q4 for 2017/2018 where 43.9% of indicators hit their targets. The direction of travel was positive for twenty-five (44.6%) of the indicators measured in this quarter. This, however, was down on the 49% figure for Q4 last year. The Priority area with the highest proportion of targets met remained Priority 4 (Extending Opportunity and Prosperity).

Cabinet Members were invited to highlight progress and performance related to their portfolio areas.

Councillor Allen, Cabinet Member for Cleaner Greener Communities, reported that visitor numbers overall were up against Quarter 4, but a little down compared to last year's figures due to the poor weather in April. The

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customer satisfaction figures in relation to Clifton Park were yet to be included and this could change positively the direction of travel. There had also been an increase in the number of customer contacts related to street cleansing, grounds maintenance and litter. However, this was primarily as a result of the wet spring which led to a delay in grass cutting.

Changes have been made to the way in which informal complaints were registered and it was expected as a result there would be an increase in the number of registered complaints.

The number of engagements with the Council's culture and leisure facilities which helped adults and children learn, develop their skills and get a job was an area of strong performance achieving 37% of the annual target in Quarter 1.

Councillor Lelliott, Cabinet Member for Jobs and the Local Economy, reported that many of the measures related to her own area were annual targets. She reported a strong performance in relation to the number of businesses that received help to start up from the Council.

Performance on the number of new homes delivered in the borough fell slightly short with 134 homes against a target of 138, but with the adoption of the Local Plan this should move development forward. Rotherham's Planning Service had also won Service of the Year which was excellent news for the borough.

Councillor Hoddinott, Cabinet Member for Waste, Roads and Community Safety, reported on the positive improvement to the reduction in the number of repeat victims of anti-social behaviour and the positive progress in the increased recycling rates.

Performance remained high in the percentage of taxi licence holders complying with the Council's Hackney Carriage and Private Hire Policy. However, proactive inspection of licensed vehicles in the first quarter highlighted a number of defects in vehicles which were rectified and ten drivers were issued with warnings for non-compliance.

An area requiring improvement related to a 4.3% reduction in positive outcomes to hate crime investigations to the same period last year. The Police had reported an increase in satisfaction levels for how hate crime was being dealt with and treated seriously.

Effective enforcement action required some improvement with a reduction in the number of fixed penalty notices being issued. The shared service with Doncaster was now operational and this should show significant progress in the next quarter.

Councillor Alam, Cabinet Member for Customer Services and Finance, reported on the in-year collection performance for Council Tax which was slightly down on the previous year. There were a number of contributory

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factors including the gradual roll-out of Universal Credit, but this would be closely monitored.

Councillor Watson, Deputy Leader, highlighted positive progress in the number of children subject to repeat child protection plans, and the decreased trend in fixed term exclusions.

However, there had been an increase in the numbers of children requiring Social Care intervention with Rotherham being higher than similar authorities. There had also been an increase in the percentage number of children not in education, employment or training with a proportion of young people's status not being known increasing the target by 0.5%.

Councillor Roche, Cabinet Member for Adult Social Care and Health, reported on the positive progress in the reduction in the target for smoking during pregnancy and how Rotherham's smoking rates was the lowest in South Yorkshire.

Childhood immunisations latest data confirmed this to be above the target level of 95% at 96.7%.

Latest figures for successful completion of opiate and non-opiate exits had dropped, but the new contract and service with CGL was now in operation with positive early indications.

Adult Social Care was showing good performance in relation to the number of people provided with information and advice at the first point of contact along with the number of new clients receiving short term service.

Off target was the number of safeguarding investigations completed. However, the safeguarding role had now moved into the Single Point of Access team to share knowledge and support staff. This had also impacted on indicator 2.B2 as there had been a significant reduction in the number of concerns which progressed to further safeguarding enquiries. The Council was working alongside other Yorkshire and Humber authorities to develop a consistent approach to the recording and capture of safeguarding activity which would in turn support meaningful benchmarking data.

Resolved:- (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 2018/19 be noted.

33. RESPONSE TO OVERVIEW AND SCRUTINY RECOMMENDATIONS - USE OF INTERIMS, AGENCY AND CONSULTANCY STAFF

Consideration was given to the report which detailed the outcome of the review following concerns by the Overview and Scrutiny Management Board at the increasing and significant forecast of in-year agency and consultancy overspend.

The review sought assurance that the Council measured performance and value for money in its use of agency staff and consultants and was taking appropriate action to maintain spend within acceptable limits. The recommendations made by Members were based on information and evidence collated during the course of the review and their challenge of existing practices and developing protocols.

The Cabinet accepted all twelve broad recommendations arising from the scrutiny review and the submitted schedule provided the detail.

The Chair of the Overview and Scrutiny Management Board welcomed the positive response and acceptance from the Cabinet and the progress would continue to be closely monitored.

Resolved:- (1) That the Cabinet's response to the scrutiny review on the Use of Agency, Interim and Consultancy Staff be approved.

(2) That the Cabinet's response be referred to the next meeting of the Overview and Scrutiny Management Board on 17th October, 2018.

34. ARCHIVES ACCREDITATION – POLICY APPROVAL

Consideration was given to the report which sought approval for an application under the Archives Accreditation Scheme and the supporting Forward Plan and key policy documents were included as part of the appendices. This scheme was the UK standard for archive services maintained by The National Archives and defined good practice and supported the ongoing development of archive services across the country.

This would enable Rotherham to continue to be a recognised Place of Deposit under the Public Records Act 1958, and which required Rotherham Archives and Local Studies to submit an application.

A successful application would be essential not only for members of the public, but also for future funders and partners, who could have confidence in the delivery of this service.

The Chair of the Overview and Scrutiny Management Board confirmed this report had been considered at the meeting of the Board on 12th September, 2018 who were fully supportive of the recommendation.

Resolved:- That the Heritage Service's Forward Plan (2018-2022) and key policy documents to support the Council's application for Archives Accreditation be approved.

35. NEW APPLICATION(S) FOR BUSINESS RATES DISCRETIONARY RELIEF

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

Details of the two organisations were provided.

Resolved:- (1) That 20% top up relief be awarded to Barnsley Sexual Abuse and Rape Crisis Services, The Spectrum, Coke Hill, Rotherham, S60 2HX for the period 1st April, 2018 to 31st March, 2019.

(2) That 20% top up relief be refused for Sheffield YWCA, 89 Laughton Road, Dinnington, Sheffield, S25 2PN for the period 26th March, 2018 to 31st March, 2019.

36. DISPOSAL OF LAND AT WILLIAM STREET/ WHITELEE ROAD, SWINTON

Consideration was given to the report which sought approval for the disposal of an area of land used as a private car park by way of a private treaty to the occupier.

The current occupiers had used the land as a secure car park for use by staff since 2002 and under the protected tenancy arrangement the occupiers had the continued option to purchase the freehold interest in this land at an agreed Market Value.

Resolved:- (1) That the disposal of land, as shown edged and hatched in red at Appendices 1 and 2 as detailed within Option 1 of this report, be approved.

(2) That the Assistant Director of Planning, Regeneration and Transport be authorised to negotiate and agree the terms and conditions of the proposed disposal, with the Assistant Director of Legal Services negotiating and completing the necessary legal documentation.

37. WATH DISTRICT OFFICE, CHURCH STREET, WATH

Consideration was given to the report which sought approval for the disposal of the former Wath District Office, Church Street, Wath, which was declared surplus to requirements.

The recommended proposal (Option 1 as set out in the report) was to allow the District Office to be used for the benefit of the local community. Community interest groups such as Wath Hall Ltd. were to be given the opportunity to bid during the statutory moratorium period.

Wath Hall Ltd. have been using the building and were given a six months period to secure funding so that a community asset transfer lease may be granted. However, should the completion not be achieved during the statutory moratorium period the District Office would be disposed of at market value.

The site did have areas of green space which were used by the local community several times throughout the year. Because of the continued community use of these areas it was proposed that, should the site be disposed of, a restrictive covenant be put in place restricting any future development and any new owner from preventing access for community purposes.

Resolved:- (1) That the disposal of Wath District Office be approved, as shown edged in red at Appendix 1, as detailed within Option 1 of this report (should the disposal not complete within the six month statutory moratorium period then it is recommended that Option 2 is pursued instead).

(2) That the Assistant Director of Planning, Regeneration and Transport be authorised to negotiate and agree the terms and conditions of the proposed disposal in consultation with the Cabinet Member for Jobs and the Local Economy, with the Assistant Director of Legal Services negotiating and completing the necessary legal documentation.

38. 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 item and the details included accordingly.