

**COUNCIL MEETING
31st October, 2018**

Present:- The Mayor of Rotherham (Councillor Alan Buckley) (in the Chair); Councillors Albiston, Allcock, Allen, Andrews, Atkin, Beaumont, Bird, Brookes, Carter, Cooksey, Cowles, B. Cutts, Elliot, M. Elliott, R. Elliott, Ellis, Fenwick-Green, Hague, Hoddinott, Ireland, Jarvis, Jones, Keenan, Khan, Lelliott, McNeely, Mallinder, Marles, Marriott, Napper, Pitchley, Price, Read, Reeder, Roche, Rushforth, Russell, Sansome, Senior, Sheppard, Short, Simpson, Steele, Taylor, John Turner, Julie Turner, Vjestica, Walsh, Williams, Wilson, Wyatt and Yasseen.

The webcast of the Council Meeting can be viewed at:-
<https://rotherham.public-i.tv/core/portal/home>

72. ANNOUNCEMENTS

The Mayor was pleased to present his activity since the last Council meeting which was attached for information to the Mayor's letter. In doing so he wished to draw particular attention to the parade and service he had attended to mark the Centenary of L/Cpr Thomas Norman Jackson receiving the Victoria Cross in Swinton and to the Rotherham Poppy Display available to view at the Centenary Market Hall until 17th November, 2018.

The Mayor wished to pass on his thanks to all those involved in the events, showing Rotherham at its best, and invited everyone to join him in this year's acts of Remembrance on the 11th November, 2018 and the celebration of 100 years since the end of the First World War.

73. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Alam, Beck, Clark, Cusworth, D. Cutts, Evans, Jepson, Tweed, Watson and Whysall.

74. COMMUNICATIONS

There were no communications received.

75. MINUTES OF THE PREVIOUS COUNCIL MEETING

Resolved:- That the minutes of the meeting of Council held on 5th September, 2018, be approved for signature by the Mayor.

Mover:- Councillor Read

Seconder:- Councillor Lelliott

76. PETITIONS

The Mayor reported receipt of a petition, which had not met the threshold for consideration by Council, and would be referred to the relevant directorate for a response to be prepared:-

- From 41 residents calling on the Council to consider reducing the speed of traffic cutting through Nickerwood Drive, Aston since the installation of traffic calming measures on The Chase and Lodge Lane which may in turn reduce the volume.

Councillor Taylor addressed the Council as part of the presentation of the petition.

77. DECLARATIONS OF INTEREST

The Mayor of Rotherham (Councillor Alan Buckley); Councillors Albiston, Allcock, Allen, Andrews, Atkin, Beaumont, Bird, Brookes, Cooksey, Elliot, M. Elliott, Ellis, Fenwick-Green, Hoddinott, Ireland, Jarvis, Jones, Keenan, Khan, Lelliott, McNeely, Mallinder, Marles, Napper, Pitchley, Price, Read, Roche, Rushforth, Russell, Sansome, Senior, Sheppard, Steele, Taylor, Vjestica, Walsh, Williams, Wilson, Wyatt and Yasseen declared personal interests in Minute No. 85 on the grounds of being members of a Trade Union.

78. PUBLIC QUESTIONS

(1) Mr. S. Ball was unable to attend today's meeting so his question would be answered in writing.

(2) Mr. P. Thirlwall asked could the Leader tell him who was responsible for ensuring that Councillors complied with the 'Code of Conduct' and explain what actions were taken when Councillors were found to be in breach of the code?

The Leader confirmed that the responsibility for complying with the Code of Conduct rested with the individual Councillors.

Where a Councillor was found to be in breach of the Code of Conduct the options available to the Standards and Ethics Sub-Committee were:-

- (1) Censure or reprimand the Councillor.
- (2) Publish its findings in respect of the Councillor's conduct.
- (3) Report its findings to Council [or to the respective Parish/Town Council if appropriate], for information.
- (4) Recommend to the Councillor's Group Leader (or in the case of ungrouped Councillors, recommend to Council or to Committees) that he/she be removed from any or all Committees or Sub-Committees of the Council.

- (5) Recommend that the Councillor be removed from the Cabinet, or be removed from particular Portfolio responsibilities.
- (6) Instruct the Monitoring Officer to [or recommend that the Parish/Town Council] arrange training for the Councillor.
- (7) Remove [or recommend to the Parish/Town Council that it removes] the Councillor from all outside appointments to which he/she has been appointed or nominated by the Council [or by the Parish/Town Council].
- (8) Withdraw [or recommend to the Parish/Town Council that it withdraws] facilities provided to the Councillor by the Council, such as a computer, website and/or email and Internet access.
- (9) Exclude [or recommend that the Parish Council exclude] the Councillor from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.

The Localism Act 2011 abolished much of the standards system for Councillors including Councils' powers to suspend Councillors from their duties and the power to refer more serious cases to the First Tier Tribunal, which had the power to suspend for longer periods and to disqualify Councillors. This had severely limited the sanctions available to Councils when dealing with Councillor who have breached the Code of Conduct.

In a supplementary question Mr. Thirlwall pointed out that the failure to comply with the register of interests within twenty-eight days of being elected was a criminal offence with a £5,000 fine and the said Councillor could be barred from standing for elected office.

He went on to point out that Councillor Cowles received £8,000 for being the Leader of the Opposition, however, ten of the thirteen UKIP Councillors had not completed the register of interests properly, eight of those Members had not listed their membership of the UKIP political party and two had left their register completely blank.

The Labour Party had not fared much better. Seven Labour Members had not listed their Labour membership, one was a Cabinet Member, one a Chair of a Committee and one claimed to own their own house. This was not satisfactory.

Members could not absolve themselves from completing their register now as they had missed the twenty-eight day period so Mr. Thirlwall, therefore, asked would the Leader be reporting all these Councillors to the Standards and Ethics Committee and the Crown Prosecution Service or was he going to allow them to continue breaking the law.

The Leader was not sure the Crown Prosecution Service would welcome the referral, but would take legal advice from the Monitoring Officer on the appropriate route to be followed and would urge Councillors to ensure their register of interests were updated.

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(3) Mr. L. Harron asked, in response to my supplementary question at the Council meeting on 25th July, 2018 the Leader of RMBC Council stated:-

“I will study that and I will come back to you in writing”

Ninety days had now passed and he had received no response in writing and he asked the Leader if he could explain this?

The Leader apologised as having checked the transcript of the meeting believed he was to receive something further from Mr. Harron before responding. However, he was happy to pick this up again if Mr. Harron wanted to forward on the latest piece of correspondence.

In a supplementary question Mr. Harron pointed out he had quoted from the transcript and had checked this again before he submitted the question.

This raised a bigger issue as at the same Council Meeting there was a petition calling on the Leader to urgently meet with the Adult Survivors Kampaign to review the bid to the Home Office with a view to taking a different approach in the bid for resources. Mr. Harron asked again when would the Adult Survivors Kampaign get a response to that petition.

The Leader confirmed he had responded regarding the petition and on at least two subsequent occasions offering meetings to meet with the Adult Survivors Kampaign.

(4) Mr. R. Beecher asked did South Yorkshire Fire Authority have sufficient funds to reinstate the second night time appliance at Rotherham Fire Station?

Councillor Atkin advised the Service continued to face significant funding pressures, including the need to save £1.4 million from its annual budget as a result of the Close Proximity Crewing Judicial Review, a potential multi-million pound increase in employer pension contributions and as yet unknown costs relating to detriment claims for staff displaced because of Close Proximity Crewing.

As a result of these cost pressures and the fact that significant proportions of reserves were allocated to essential capital investment, including operational equipment, replacement fire engines and fit for purpose stations and training facilities for firefighters, there was no opportunity to reinstate the second night time appliance. To do so, would require an alteration to the existing immediately available arrangements at a single pump station elsewhere, which would have even greater impact in that area.

The Fire Authority agreed earlier this year that the Service should begin the process of developing a revised Integrated Risk Management Plan, which would consider its future service provision (including fire cover) in line with the money available to it.

This Council had made clear its view that it would wish to see the second appliance restored and Councillor Atkin had made clear his view to the Fire Authority colleagues in the approach to the revised Integrated Risk Management Plan.

In a supplementary question Mr. Beecher pointed out the removal of the second appliance at night time in Rotherham was never meant as a cash saving, but an efficiency saving. The Integrated Risk Management Plan clearly stated the second pump would be placed at Parkway on day staffing. Where was this pump and where was its twelve staff. They simply did not exist. The station would require thousands of pounds to accommodate the changes. Currently in Rotherham there were seven members working the day shift when there should be twelve. This was a similar position in Barnsley. Quite simply it was not working and it never had and staff disliked the system so much that many had requested transfers onto the 224 shift system. The Fire Authority spokesperson blamed austerity for the cuts, but what he failed to tell this Chamber was that before this period the Fire Authority had consistently underspent meaning now had a reserve pot of £27 million out of an operating budget of around £49 million. Earlier this year Councillor Elliott tabled a motion. It was amended with Councillor Read including "where finances allow". Clearly, they did.

At a recent scrutiny meeting the Fire Authority spokesperson sat alongside the Chief Fire Officer answering questions for nearly two hours. At the end of the meeting it was recommended to reinstate that appliance. On this basis Mr. Beecher asked, as Vice-Chair of the Fire Authority, would Councillor Atkin lobby fellow members and openly and actively seek reinstatement of the second night time appliance.

Councillor Atkin confirmed he had consistently spoken to his Fire Authority colleagues about this and other requests. The Fire Authority simply could not do everything with the envelope they had.

(5) Mr. M. Sylvester asked what ambitions did this Council have to increase the number of green flag parks in the Borough?

Councillor Allen confirmed the Council had a strong desire for all of its services to be of a high quality, but sometimes ambition was overtaken by reality. In the face of continued reductions in funding from Central Government, pressures in Social Care and the cost of entering parks for awards (including the associated increase in levels of maintenance), ambitions were focused on possible achievements and the Service was looking into possible applications for Country Park Accreditation at two country parks (Thrybergh and Rother Valley) as there was no cost for this.

In a supplementary question Mr. Sylvester asked in looking at Green Flag status Rotherham did not fair too well as Bassetlaw had two, Doncaster had four and Sheffield had twelve plus another community one. This came down to resources and putting necessary details together and was it the best to be chasing Green Flag status. There was a perception local parks were being sacrificed for Green Flag. Over the past two weeks the play area at Thrybergh had been completely out of use, barricaded off and could not be used by local children during half term. Should officers not ensure play areas were available during half term rather than merely looking for Green Flag accreditation.

Councillor Allen was not aware of the position with the play area at Thrybergh, but assured Mr. Sylvester she would go away and investigate this particular situation and reply. She pointed out that there had been no sacrificing of other local parks for success of Green Flag status at Clifton Park or the chasing of votes and maintenance at any other parks had not been reduced. This status had been voted for by the people of Rotherham and Councillor Allen was incredibly grateful for this.

(6) Mr. N. Carbutt in February asked about monies committed to reserves on a yearly basis from 2006. The Fire Authority spokesperson said he would write to him with the answers. For the benefit of this Council could the spokesperson now describe the yearly sums committed to reserves in each of those years?

Councillor Atkin congratulated the FBU on its recent 100th anniversary. He went on to state that the Fire Service's finances were a matter of public record and were reported to the Fire Authority, which was a public meeting, on a regular basis which Mr. Carbutt attended.

As explained in response to the same question earlier this year, the growth in reserves was mainly a consequence of the retirement rate of operational staff outpacing the rate at which the Service's funding had reduced, and having no confidence to recruit new fire fighters (which were now a 40 year commitment) due to uncertainty about the extent and duration of future cuts. A significant proportion of these reserves would now be spent over the next few years on necessary capital projects including investments in equipment, vehicles and buildings for firefighters.

This would leave a much smaller amount of other earmarked and general reserves (expected to be around £5 million), to provide for other initiatives and unexpected future costs, such as insurance and operational contingency.

In a supplementary question Mr. Carbutt expressed his disappointment that on the second time of asking he was still awaiting answers. Council amended the motion to add "where finances allow" and clearly they have allowed. The finances were publically available, but this was not why he asked the question, but to demonstrate that there were resources to keep

Rotherham's second appliance available at night time. It was fact that this was the sixth busiest appliance in South Yorkshire and demonstrated not only a financial need, but a need in terms of risk and Mr. Carbutt asked that this matter be referred back to Scrutiny where it was discussed some months ago.

Councillor Atkin was unable to see what advantage it would be for the matter to be reconsidered by Scrutiny, as nothing significant had altered, but it would be for Scrutiny to decide.

(7) Elizabeth stated that, as a member of the community of Rotherham, she and many others were shocked by the negative comments made about same sex couples being allowed to foster and adopt the most vulnerable children.

She asked what did the Leader plan to do to challenge this disgraceful behaviour?

The Leader confirmed his shock and disappointment for reasons set out at Agenda Item 13, but gave his assurances that the view of the Member was not a representation of the views of the Council. He reiterated and welcomed foster carers from all backgrounds including same sex couples.

The Member concerned had been subject to a Standards and Ethics Committee hearing which produced a number of recommendations and as a result had undergone some equalities training. The agenda item later would consider the recommendations, but it was felt the Member was not an appropriate person to represent the Council on the Police and Crime Panel. The comments made fell short of the standards expected of Members.

79. EXCLUSION OF THE PRESS AND PUBLIC

Resolved:- That under Section 100(A) of the Local Government Act 1972, that should the Mayor deem if necessary the public be excluded from the meeting on the grounds that any items involve the likely disclosure of exempt information as defined in the paragraphs of Part 1 of schedule 12(A) of such Act indicated, as now amended by the Local Government (Access to information) (Variation) Order 2006.

80. LEADER OF THE COUNCIL'S STATEMENT

The Leader of the Council was pleased to congratulate Rahul Mandal from Rotherham on his successful win on the Great British Bake Off.

He also reported the departure of the Government-appointed Commissioners from Rotherham following the announcement by the Secretary of State for the Ministry of Housing, Communities and Local Government made on 18th September to reinstate decision making to democratically elected councillors as of 24th September, 2018.

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It was testimony to the dedication and resilience that all Members, Commissioners, officers and partners have demonstrated that had played a big role in bringing Commissioner involvement to an early conclusion and to make progress. This was the beginning and the Council should continue to have high standards with more to do.

Given that the Commissioners have left early the Council would undertake a 'Health Check' in February, 2019 to ensure that progress was continuing.

There have also been a number of boosts to the town over recent weeks in relation to regeneration and economic development with a national first and significant boost to the town's infrastructure with the launch of the Tram Train increasing connectivity between Rotherham and Sheffield.

Works commissioned by South Yorkshire Passenger Transport Executive (SYPTTE) had also reached the highest point of the refurbishment of Rotherham Interchange, as building contractors, Interserve, hit the halfway mark of the contract programme.

In addition, the first Rother Living show homes opened on Saturday, 13th October, 2018 off Braithwell Road, Maltby as part of the latest major housing development from the Council, offering high quality and affordable homes in the Borough. The Northgate development was part of a £29 million investment to construct new properties at a number of sites across the Borough, with a mixture of houses for sale, rent and shared ownership.

The Leader also drew attention to the recent verdicts resulting in twenty-one guilty accounts against seven defendants for Operation Stovewood. This was good news for all concerned and the Leader wished to place on record his thanks to professionals, the National Crime Agency and support staff who made this possible and again paid tribute to survivors and their families who continued to inspire with their determination and dedication.

Questions not exceeding ten minutes were invited from Members of the Council.

Councillor Carter made reference to the Tram Train, which was a good result for Rotherham and South Yorkshire as a whole, and asked, providing the teething issues got ironed out, would the Council be pushing for further expansion of the Tram Train throughout South Yorkshire.

The Leader confirmed there were no plans at this stage. The initial idea was for a two year trial given that the technology was still in testing. He advised there was a piece of work under the guise of Sheffield City Region for rail connectivity more widely across South Yorkshire and he had urged the Mayor of the City Region to given consideration to Tram

Train improvements. With the short term progress and if the technology worked well there should be serious consideration as to how best connect localities across South Yorkshire.

Councillor John Turner made reference to the Forge Island Seminar he had attended recently and asked if the Leader would direct his attentions to the development of a new theatre. Especially so with the development of the new Tram Train which could open up opportunities for people in Sheffield to attend and make it more viable given the funding spent on it.

The Leader confirmed funding for the new Tram Train had been from Central Government and at no cost to the Council. However, in terms of a new theatre this was being looked at closely, but at the moment this was not financially viable. However, this would be kept under consideration for any grants that may be available. The Leader confirmed he would keep Members informed of any developments.

81. MINUTES OF THE FORMER CABINET AND COMMISSIONERS' DECISION MAKING MEETING

Resolved:- That the reports, recommendations and minutes of the meeting of the former Cabinet/Commissioners' Decision Making Meeting held on 17th September, 2018, be received.

Mover:- Councillor Read

Seconder:- Councillor Lelliott

82. RESPONSE TO OVERVIEW AND SCRUTINY RECOMMENDATIONS - USE OF INTERIM, AGENCY AND CONSULTANCY STAFF

Further to Minute No. 92(5) of the meeting of the Overview and Scrutiny Management Board on 17th February, 2017, a cross-party review had taken place to seek 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 group completed its review in the summer of 2017 and submitted a final report to Cabinet on 17th September, 2018.

Under the Overview and Scrutiny Procedure Rules, the Cabinet was required to respond to any recommendations made by Scrutiny. All of the recommendations from the Overview and Scrutiny Management Board were formally accepted by the Cabinet. The recommendations from scrutiny were welcomed and contributed to the ongoing strengthening of arrangements to manage the use of agency, interim and consultancy staff by the Council.

This report was, therefore, submitted to ensure that all Members were aware of the implementation of recommendations from the review.

The Chair of the Overview and Scrutiny Management Board placed on record his thanks to the Cabinet, Members involved and relevant officers for their involvement in the review.

Resolved:- That the Cabinet's response to the scrutiny review on the use of Agency, Interim and Consultancy Staff, set out at Appendix A to the report submitted, be noted.

Mover:- Councillor Allen

Seconder:- Councillor Read

83. RECOMMENDATIONS FROM OVERVIEW AND SCRUTINY - ADULT RESIDENTIAL AND NURSING CARE HOMES

Consideration was given to the report which presented the findings of a scrutiny workshop undertaken by the Health Select Commission to consider residential and nursing care home for adults aged over 65. The purpose of the workshop was to consider progress in bringing about improvements to safety, quality and effectiveness in the sector. It was also an opportunity to explore the impact of the Care Home Support Service as the care home sector was one of the transformation initiatives under the Rotherham Integrated Health and Social Care Place Plan, a significant part of the Select Commission's work programme. The conclusions and recommendations made by Members were based on information gathered from the workshop and examination of related documentation.

Following consideration by the Council, the Cabinet would be required to respond formally to the four recommendations and indicate agreement or otherwise, what action would be taken to implement the recommendations, along with details of timescales and accountabilities.

Resolved:- (1) That the report and recommendations from the scrutiny workshop on adult residential and nursing care homes, be noted.

(2) That the response of Cabinet to the recommendations be fed back to the Health Select Commission.

Mover:- Councillor Short

Seconder:- Councillor Jarvis

84. RECOMMENDATION FROM STANDARDS & ETHICS SUB-COMMITTEE - OUTSIDE APPOINTMENTS - COUNCILLOR BRIAN CUTTS

Further to a meeting of the Standards and Ethics Sub-Committee held on 14th September, 2018, consideration was given to the outcome of complaints about the conduct of Councillor Brian Cutts. The Sub-Committee found that Councillor Brian Cutts' conduct at a pre-meeting of the Improving Lives Select Commission had been in breach of the Council's Code of Conduct for Members and Co-opted Members. The decision of the Sub-Committee included a recommendation to Council

that Councillor Brian Cutts be removed from all outside appointments to which he has been appointed or nominated by the Council. Councillor Brian Cutts was a member of the South Yorkshire Police and Crime Panel.

A number of Councillors spoke on the matter and expressed their personal views:-

Councillor John Turner was of the view that free speech had been damaged, gave examples of how contentious same sex issues were globally and did not feel that the comments made by Councillor Brian Cutts was unreasonable.

Councillor R. Elliott disagreed with Councillor Brian Cutts' comments about fostering and some of his views previously, but had always been open to a healthy discussion and believed he had never used derogatory language. Councillor Cutts was a hard working individual who was passionate about Rotherham's residents. He believed a Member was entitled to their opinion even if the majority may disagree.

Councillor M. Elliott too disagreed with Councillor Cutts' comments and distanced himself from the reported comments made. As a member of the Fostering Panel he understood the in-depth stringent lengthy assessment process for prospective foster carers, couples and individuals regardless of their sexuality orientation. However, he believed in the freedom of speech which supported the freedom of an individual to articulate their views and feelings publically without fear of retaliation, censorship or punishment. Councillor Cutts was a conscientious hard working Councillor and to remove him as a member of the South Yorkshire Police and Crime Panel was understandable, but from any other meeting was a step too far.

Councillor Hoddinott spoke of the important role of the Police and Crime Panel and the tackling of hate crime, which was on the increase, a priority for the Council and partners. Hate speech, including homophobic comments, was not acceptable and the effect of hurtful comments should not be under estimated on friends and family too. With free speech came responsibility as an elected representative to everyone in Rotherham.

Councillor Walsh made reference to the various sexuality orientations and how this was part of human life. Homophobic attitudes were irrational and not a freedom of speech and as such were the height of bad manners.

Councillor Roche was concerned about the increasing negative and adverse comments made in public and on social media. Councillor Cutts may use his right of free speech, but must accept the consequences of his actions and the impact of the comments on other people.

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The Leader considered it sad that in 2018 the Council were discussing a report about gender equality and sexual orientation and whether a member had treated another with respect. It was the not treating people with respect that the Standards and Ethics Committee found fault with and as a result a breach of the Code of Conduct.

This was clearly not a one off remark in a meeting from Councillor Cutts and the Leader described other occasions when comments of a similar nature were made and a pattern of behaviour.

Councillor Cutts was free to speak as he wished. However, he was acting as a Councillor and conclusions would have to be drawn. It was fit and proper to say there was enough evidence that Councillor Cutts was not the right person to represent this Council on any outside body.

It was hoped Councillor Cutts understood the offence he had caused and would urge the Leader of the Opposition to accept the recommendations of the Committee in full by removing Councillor Cutts from the Police and Crime Panel and also from his role in scrutiny. Due process had been followed and the complaint considered by a cross party group and independent members. It would, therefore, be appropriate to accept their conclusions.

Councillor Steele believed Members should respect the decision of the Committee. Individual comments were made that offended a member of staff and it was right that the Member concerned should be sanctioned.

Councillor Wilson believed people had opinions based on religion, culture etc, but Councillor Cutts was a representative of the people of Rotherham. The world was moving forward and to harken back to open discrimination was wrong and certainly not acceptable to make comments such as this on a regular basis.

Councillor Yasseen supported the decision of the Standards and Ethics Committee and hoped the comments had not caused offence to the public. She hoped this had not prejudiced people from wide ranging backgrounds to come forward to foster vulnerable people.

Councillor Brookes provided clarification on the definitions for inter-sex conditions.

Councillor Cowles' personal view was that it was better in a caring relationship than a care home. In this current situation he linked two similar cases that had been before the Standards and Ethics Committee regarding homophobic comments both with different outcomes – Councillor Bird and Councillor B. Cutts.

The recommendations and subsequent actions of the Standards and Ethics Sub-Committee were completely different. In the case of Councillor Bird he was censured and recommended to undertake diversity training with a minor article in the paper. In the case of Councillor Cutts it was recommended he be removed from all committees and from outside bodies, undertake equalities training and a front page spread in the paper.

The Sub-Committee's recommendations were for Councillor Cutts to stand down from the Police and Crime Panel, which was appropriate, given the need to foster harmonious relationships in all communities.

Councillor Cowles made reference to the freedom of speech and of debate where the difference of views should not be punished. The Leader himself referred to the greater culture of tolerance and freedom to disagree and debate.

Councillor Carter disagreed with Councillor Cutts' views. The right to free speech with responsibilities does not give freedom from consequence. Individuals and couples regardless of their sexual orientation should be encouraged to become foster parents should they so wish.

It was correct that as a consequence of the complaint Councillor Cutts should step down from the Police and Crime Panel. He expressed some anxiety over the political groupings and balance when determining the outcome of a minority group nomination to an outside body, but was in favour of the recommendations.

Councillor Pitchley supported the freedom of speech, but not the right to offend and believed boundaries had been crossed.

Councillor Cooksey believed this was not about free speech, but about standards in public life and how Councillor Cutts had not made the remarks under pressure, but by choice.

Councillor Napper believed everyone had the right to their own opinion. Training was recommended for Councillor Cutts yet three Scrutiny Chairs, who had been trained, were previously found to be unfit for office by a Government official, but retained their seats whilst it was recommended that Councillor Cutts be removed from all what he sat on.

Councillor Ellis defended the right to free speech, but the issue here was more about the manner in which views were put forward. She referred to the outcome of the Standards and Ethics Sub-Committee and the equalities responsibility and duty of elected representatives.

In her view Councillor Cutts should be removed from representing the Council on the Police and Crime Panel due to breaches of the code and concerns over a number of years.

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Councillor B. Cutts addressed the meeting pointing out he had only ever had real concerns for the children in the Borough who he believed would be targeted at some point should their family dynamics be different to others. Statements and comments made by Members related only to sexual orientation. He was distressed following the meeting in question when he was shouted at by some attendees when making a simple point about how two men could father a child.

It was still his view that a child needed the love of a mother, which would always be his preference and believed there were differences between a male and a female and there should be a balance of both.

Councillor B. Cutts referred the Council to the report and Section 2.4 on Page 71 and the focus of the debate on lesbians and gay men fostering children rather than on the children themselves.

Councillor Fenwick-Green drew comparisons of how children learned to hate and how growing up they learned acceptance from home.

Councillor McNeely in her right to reply reiterated that the hearing panel had been made up of a majority of independent persons and not Elected Members.

Resolved:- That the Council remove Councillor Brian Cutts from the South Yorkshire Police and Crime Panel.

Mover:- Councillor McNeely

Seconder:- Councillor Vjestica

85. NOTICE OF MOTION -TUC'S GREAT JOBS AGENDA

Proposed by Councillor Steele and seconded by Councillor Rose Keenan:-

This Council notes that:-

- Insecure work includes people working on zero-hours contracts, temporary and agency work, and low-paid self-employment.
- 3.5 million people could be in insecure work by start of 2022 if current trends continue - a rise of 290,000. That's the equivalent of the entire working population of Sheffield.
- Workers on zero-hours and short-hours contracts earn a third less per hour than the average worker.
- 1 in 13 Black, Asian and minority ethnic employees are in insecure jobs, compared to 1 in 20 white employees.
- Insecure work costs the Treasury £4 billion a year in lost income tax and national insurance contributions, along with extra benefits and tax credits.

This Council further notes that:-

- UK workers are still on average £38 a week worse off than before the crash in 2008 (figures to April 2017). This is the longest squeeze on pay since Victorian times.
- Public sector workers' real wages are down thousands of pounds a year compared to 2010. For example, prison officers and paramedics are all down over £3,800 a year. Firefighters are down nearly £2,900, while teachers are down approximately £2,500.
- Just one in three people (33%) people say their employer offers regular training opportunities - and one in four workers (24%) say that no training is offered at their workplace at all apart from a new starters' induction.
- More than a million workers suffer from ill-health related to their employment, and around 23 million working days are lost each year due to injury or illness in the workplace.
- Almost one in three workers have been bullied in the workplace.
- More than a third (37%) of Black and minority ethnic workers have been bullied, abused or singled out at work.
- More than half (52%) of women and nearly two-thirds (63%) of women aged 18-24 years old have experienced sexual harassment at work.

This Council believes that:-

- Every job should be a secure and great job. That means every worker must be paid fairly; work in a safe and healthy workplace; be treated decently and with respect; have guaranteed hours; have the chance to be represented by unions and be consulted on what matters at work; have the chance to get on in life.
- Currently, too many jobs in the UK aren't great jobs – and too many people feel that great jobs aren't available where they live.
- It is positive that there is now a public debate about how we improve jobs in the UK – much of it driven by union campaigning and legal action against bad employers like Sports Direct, Uber and Hermes.
- The TUC have been clear that the proposals put forward by Mathew Taylor's review of employment standards for the government are inadequate.

This Council resolves to:-

- Support the TUC's Great Jobs Agenda, which sets out the actions employers and the government must take for every job to be a great job, and tell the TUC of this support.
- Ask for a paper to be presented to cabinet setting out the actions the authority is taking to ensure that every job in this authority is a great job, and relating those to the six standards in the Great Jobs Agenda. At a minimum this should include:-

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- Confirming how many council staff receive the real Living Wage.
 - Reporting on how many workers are employed on zero- or short-hours contracts or agency contracts, and what actions the authority is taking to reduce this.
 - Setting out how the authority proposes to use its procurement process to raise employment standards among its subcontractors.
- Write to all MPs in Rotherham and the Mayor of South Yorkshire, Dan Jarvis, informing them of our position and encouraging them to support the Great Jobs Agenda too.
 - Invite a trade union representative to present the Great Jobs Agenda to a meeting of the Rotherham Together Partnership's Business Growth Board.
 - Make increasing job quality a key part of the conversation when pursuing local economic development opportunities in Rotherham.
 - Continue to value meaningful workforce engagement and representation through our recognised trade unions in RMBC.

On being put to the vote, the motion was carried unanimously.

86. NOTICE OF MOTION - FOSTERING

Proposed by Councillor Read and seconded by Councillor Elliot:-

This Council recognises:-

1. The invaluable role of foster carers and families, caring for, nurturing and loving children who for any reason cannot be with their biological families.
2. As corporate parents to those children, we owe a debt of gratitude to those 171 foster carers – including three same sex families – currently caring for 190 children (in October 2018).
3. That foster families will often go on to become adoptive “forever” families. Indeed more than 100 children in the borough have been living with the same foster families for more than two years.
4. That individuals and families have the right to be treated equally before the law when they apply to become a foster parent, irrespective of their background, sexuality, ethnic origin, marital status or other protected characteristic. A good foster parent is a good foster parent.
5. That according to the government-backed website, Fosterline; “In 2010, The Centre for Family Research at the University of Cambridge conducted interviews for Stonewall with 82 children and young people who have lesbian, gay or bisexual parents to learn more about their experiences both at home and at school. The study found that:-

- Very young children with gay parents tend not to see their families as being any different to those of their peers.
 - Many of the older children said they saw their families as special and different, but only because all families are special and different – though some felt that their families were a lot closer than other people’s families.
 - Children with gay parents like having gay parents and would not want things to change, but that sometimes they wish that other people were more accepting.”
6. That 277 children from Rotherham are currently placed with Independent Fostering Agencies, often outside the borough, many of whom would benefit from fostering and adoptive families here in Rotherham right now.

This Council resolves:-

1. To thank all the foster families who make a difference in the lives of children in the council’s care.
2. To send a clear message: that we need more foster families for our children, and that we welcome applications from residents of all backgrounds and ages; men and women; black, white or Asian; gay or straight; of all religious backgrounds and none; married, unmarried or single.
3. To support efforts to recruit more foster carers and adoptive families in order to fulfil our objective of giving every child the best start in life.

On being put to the vote, the motion was carried unanimously.

87. MEMBERSHIP OF BOARDS, COMMITTEES AND PANELS

Further to Minute No. 190 of the meeting of Council held on 23rd May, 2018, consideration was given to the following proposed changes to the membership of Committees, Boards and Panels:-

Committee, Board or Panel	Outgoing Member	New Appointment
Standards and Ethics Committee	Councillor Brookes	Councillor Pitchley
Planning Board (Substitute)	Vacant	Councillor Short
South Yorkshire Police and Crime Panel	Councillor B. Cutts	Councillor Short

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Resolved:- That the appointments be approved.

Mover:- Councillor Read

Secunder: Councillor Lelliott

88. STANDARDS AND ETHICS COMMITTEE

Resolved:- That the reports, recommendations and minutes of the meeting of the Standards and Ethics Committee be adopted.

Mover:- Councillor McNeely

Secunder:- Councillor Vjestica

89. AUDIT COMMITTEE

Resolved:- That the reports, recommendation and minutes of the meeting of the Audit Committee be adopted.

Mover:- Councillor Wyatt

Secunder:- Councillor Walsh

90. HEALTH AND WELLBEING BOARD

Resolved:- That the reports, recommendation and minutes of the meeting of the Health and Wellbeing Board be adopted.

Mover:- Councillor Roche

Secunder:- Councillor Mallinder

91. PLANNING BOARD

Resolved:- That the reports, recommendation and minutes of the meeting of the Planning Board be adopted.

Mover:- Councillor Sheppard

Secunder:- Councillor Williams

92. LICENSING

Resolved:- That the reports, recommendation and minutes of the meeting of the Licensing Sub-Committee and Licensing Board Sub-Committee be adopted.

Mover:- Councillor Ellis

Secunder:- Councillor Beaumont

93. SHEFFIELD CITY REGION COMBINED AUTHORITY

Consideration was given to the minutes of the Sheffield City Region Combined Authority and the Leader provided a quarterly update on activity for:-

- Local Growth Fund which was the main source of funding for Council projects. The project spend profile had been approved which risked the City Region losing some of the funding allocation if targets were not met. Additional overspend over programming had been approved and as a result Rotherham had won funding for an extension for the incubation centre at Manvers with a grant of £1.6m. Timelines were still tight and the logistics were still being worked through.
- Rotherham's performance on the Employment Support Pilot which had seen 471 referrals being received. Only Sheffield had more people taking part in South Yorkshire.
- Housing business case had been submitted for the modern methods of construction pilot exploring how the City Region could close the viability gap for housing schemes.

Resolved:- That the minutes of the meeting of the South Yorkshire Combined Authority be received.

Mover:- Councillor Read

Seconder:- Councillor Lelliott

94. SOUTH YORKSHIRE FIRE AND RESCUE AUTHORITY

Consideration was given to the minutes of the South Yorkshire Fire and Rescue Authority. Councillor Atkin provided an update on activity and confirmed:-

- A further meeting where the Annual Report was agreed.
- Month by month description of works undertaken by the Fire Authority and the Fire Brigade.
- Link to video footage about the work of the Fire and Rescue Authority.
- A video for National Women's Day which was well received across the sector. This had now won several awards – copies to be circulated.

Resolved:- That the minutes of the meeting of the South Yorkshire Fire and Rescue Authority be received.

Mover:- Councillor Atkin

Seconder:- Councillor Taylor

95. SOUTH YORKSHIRE PENSIONS AUTHORITY

Consideration was given to the minutes of the meeting of the South Yorkshire Pensions Authority and Councillor Ellis provided an update on activity confirming:-

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- A report received from the Audit Committee and its function in the annual report provided reassurance in good governance in the Authority.
- A report received setting out various immediate and longer term changes to the Authority's governance arrangements.

Resolved:- That the minutes of the meeting of the South Yorkshire Pensions Authority be received.

Mover:- Councillor Ellis

Seconder:- Councillor Wyatt

96. SOUTH YORKSHIRE POLICE AND CRIME PANEL

Consideration was given to the minutes of the meeting of the South Yorkshire Police and Crime Panel and Councillor Sansome provided an update on activity confirming receipt of briefing paper on the impact of Neighbourhood Policing on South Yorkshire outcomes.

Resolved:- That the minutes of the meeting of the South Yorkshire Police and Crime Panel be received.

Mover:- Councillor Sansome

Seconder:- Councillor Hoddinott

97. MEMBERS' QUESTIONS TO DESIGNATED SPOKESPERSONS

(1) Councillor R. Elliott asked why did Councillor Atkin not lobby for the reinstatement of the second pump at the recent Fire Authority Budget Meeting.

Councillor Atkin stated that the Council had made clear its view that it would wish to see the second appliance restored and his Fire Authority colleagues were in no doubt about that.

However, the latest financial report presented to the Fire Authority had showed the Service achieving a relatively small underspend of £600k on an annual budget of £50m. In presenting this report to Members the Director of Support Services outlined significant financial risks facing the service. These included:-

- The requirement to save £1.4 million from the Service's annual budget, following the outcome of a Judicial Review relating to the Close Proximity Crewing duty system.
- The outcome of a Government pensions revaluation, which would almost certainly mean a sharp rise in employer pension contributions.
- Substantial legal costs and detriment claims for staff displaced because of Close Proximity Crewing, which were not yet known and would have to be met from the current year's underspend

It was as a result of these factors that the Fire Authority agreed earlier this year that the Service should begin the process of developing a revised Integrated Risk Management Plan, which would consider its future Service provision (including fire cover) in line with the money available to it. It was as part of this process that the Fire Authority would consider whether the resources were available to restore the second appliance.

In a supplementary question Councillor Elliott welcomed the glimmer of hope relating to the restoration of the second appliance. When the motion requesting reinstatement was amended Councillor Elliott knew it was a fudge, but he would not let the situation drop despite numerous answers and excuses given to his questions since. Twelve new recruits had been appointed and a further twelve were in training and more to follow and fire fighters in Rotherham had offered to work overtime whilst the new recruits were in place so to enable the second pump and to keep residents safe at night.

There were questions about money that was spare and Councillor Atkin had previously said there was £5 million whereas the Fire Chief at the Scrutiny meeting said they were £10 million. Again inconsistencies in information. If the money was there and staff were there when would the second pump be reinstated.

Councillor Atkin confirmed twelve new fire fighters had been recruited and a further twelve were in training, but they had been recruited to replace those lost to retirement. Approximately, twenty fire fighters retired each year and each time someone retired it was the plan to replace them.

(2) Councillor R. Elliott asked did South Yorkshire residents suffer from a lack of attention by South Yorkshire Fire Authority when it set up a now failed company and spent thousands on a company credit card.

Councillor Atkin advised that Safety Solutions UK Ltd was set up by the Fire Authority in anticipation of future profits being reinvested into the service. Indeed UKIP had often said that public services needed to be more commercially minded and tried to raise more external revenue.

The company's performance was regularly scrutinised, but fell short of its initial business projections. Earlier this year board members approved a recommendation to begin a managed and solvent closure of the company, which was being delivered with minimal impact on the Service and its activities. In closing the company a small retained profit was expected to be returned to the Service for future investment in its core activities, with no cost to the Council tax payers of South Yorkshire.

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In a supplementary question Councillor Elliott agreed he had spoken about commercial activity previously, but while this had been engaged and failed a second pump had been taken from the residents of Rotherham and asked what was the Service going to do now to build confidence in the Fire Authority.

Councillor Atkin confirmed the company was set up following the formation of a relationship with the Kuwait Fire Authority to train in South Yorkshire at Handsworth. Unfortunately, due to the volatile position of the Middle East it was decided the company would cease. Councillor Atkin found it, however, disingenuous to indicate that those employed in the company were incompetent in their roles.

(3) Councillor Carter asked given there was a £153,000 underspend in the Fire Authority's budget last year, did the Member agree that finances now allowed for a second Rotherham fire engine to be on duty at night time?

Councillor Atkin reported that South Yorkshire Fire and Rescue had suffered severe cuts to its budget, having lost around £12.5 million in Government funding since 2010 – a 29% reduction. The most recent medium term financial plan actually predicted a small deficit by 2019/20.

The Fire Authority as a whole had determined that there was currently no opportunity to reverse changes which had already been made to frontline services as a result of previously published plans. It was only as a result of implementing those changes that the Service was now in a relatively stable financial position, although there remained considerable uncertainty about its finances beyond 2020. This was due in part to mounting cost pressures, including the need to save £1.4 million from its annual budget as a result of the Close Proximity Crewing Judicial Review and a potential multi-million pound increase in employer pension contributions.

In a supplementary question Councillor Carter asked what representations had Councillor Atkin taken to the Fire Authority on behalf of the Council based on the motion passed earlier this year to reinstate an overnight fire pump.

Councillor Atkin confirmed he had at every opportunity lobbied Fire Authority colleagues. The finances did not allow at this time so it was premature to reinstate the second pump on nights when a new Integrated Risk Management Plan was being developed.

(4) Councillor Carter asked how much were the legal costs of losing the case about knowingly implementing an unlawful duty system for Close Proximity Crewing?

Councillor Atkin advised that it had previously been reported to the Authority – in July and September - the costs position in respect of the Judicial Review as being in the region of £75,000 which included own costs.

There were two elements of the litigation – the ongoing claims of the Employment Tribunal, but until this was resolved the precise cost of compensation to be paid to individuals was unknown, and the legal costs relating to the proceedings as mentioned above.

In a supplementary question Councillor Carter asked did South Yorkshire Fire Authority consider appealing the Close Proximity Crewing judgement if possibly to delay having to pay these costs.

Councillor Atkin confirmed the Fire Authority had considered appealing the judgement, but following legal advice and because of the wording of the Judge resolved it would not be in the best interests to go to appeal.

(5) Councillor Carter asked given the Judge's ruling about the duty to provide adequate fire cover across the county not being a reasonable excuse to implement an unlawful system that breaches Regulation 6 of the Working Time Directive, did this leave those Councillors who took that decision open to further legal challenge?

Councillor Atkin confirmed the Judge who heard the case ruled that firefighters' rights under Regulation 10 of the Working Time Directive were being breached. Whilst not quashing Close Proximity Crewing, this did mean that the Fire Brigade Union could use the judgement to make an application through the courts for an injunction prohibiting the use of Close Proximity Crewing in South Yorkshire. It was likely that similar crewing systems would continue to be used around the rest of the country, despite this ruling.

Since the judgement, Members had resolved that the process to develop a new Integrated Risk Management Plan and consequent operational proposals should commence immediately. The Service had begun this work, which would involve appropriate consultation with staff, public and partners.

The Monitoring Officer had commented there were no additional or personal implications for members of the FRA. The obligation to comply with the requirements of the Working Time Directive fell on the Authority as a corporate body and not on its individual members. The Authority was dealing with the implications of the Judgement by undertaking a review of its Integrated Risk Management Plan which would be the subject of appropriate consultation before any final decision was taken in respect of any changes to existing operational arrangements to address the financial implications of the discontinuation of close proximity crewing.

In a supplementary question Councillor Carter asked as Vice-Chair, prior to signing off on close proximity crewing, what legal advice had he had that this would be legal.

Councillor Atkin confirmed that when the Authority looked at close proximity crewing and the advice provided it was confirmed that if close proximity crewing was voluntary and not compulsory the Service was not in breach of the Working Time Directive. The Judge, however, disagreed.

98. MEMBERS' QUESTIONS TO CABINET MEMBERS AND CHAIRMEN

(1) Councillor Hague asked what was the financial cost of recruiting a Strategic Director?

The Leader confirmed the cost of recruitment would vary depending upon the methods of recruitment that was used. On average the cost for recruiting a Strategic Director was around £20k and the cost of the recruitment would be met through the savings identified by the substantive post being vacant for at least four months.

In a supplementary question Councillor Hague, given that Regeneration and Environment had now lost its Strategic Director and were faced with the process of recruiting another, asked for assurance that the exciting projects for that Directorate would have no detrimental impact through delays or cost implications for those projects.

The Leader was not aware of any additional costs or delays being brought to his attention. Paul Woodcock, Assistant Director, was acting up in that senior role and was receiving the Council's support in doing so.

(2) Councillor Carter would receive an answer to his question in writing.

(3) Councillor Hague asked was it common practice for Cabinet Members to make formal complaints against Council Officers?

The Leader of the Council replied no it was not common, but it did happen from time to time because one of the key roles of Cabinet Members was to act on behalf of the public to hold officers to account for the delivery of policies and priorities.

If there were instances where any Member of this Council felt an officer had not performed their function in the right way, in line with the policies of the Council or misled a Member or in any way believed they had acted detrimentally to the public, then they would have support to follow due process set out in the Member/Officer Protocol.

In a supplementary question Councillor Hague confirmed he was aware of complaints being made against officers and it had been made clear to him that certain departments were living in fear and anxiety of the consequences of some of the actions they had to take. He asked how did the Leader intend to deal with these officer concerns.

The Leader was not aware of these concerns, but if there were staff members who were concerned or anxious they should escalate these concerns to management in due course and in turn raise those concerns with the Chief Executive. The Council had a Whistleblowing Policy in place and he was assured that where there were concerns for staff and where there were complaints, proper robust procedures were in place to ensure they were fully investigated and appropriate action taken.

Certainly with reference to recent changes in senior management the Leader was assured that appropriate procedures were followed and appropriate action taken in the way it was hoped they would be.

(4) Councillor Carter asked what action had been taken by RMBC since the Council passed an anti-fracking motion to disassociate RMBC from fracking?

Councillor Lelliott confirmed that at the Council Meeting on the 18th October, 2017 the following was agreed as part of the motion on fracking:-

- The Council committed to not allow any fracking activities, including survey work, on Council owned or controlled land and property
- It further pledged to not sell Council land or property to companies involved in fracking.

Since this motion was passed, no applications to access land have been received by the Asset Management Team.

No land has been sold to any parties involved in fracking.

All staff within the team had been informed of the Council's agreed motion from the 18th October, 2017 meeting.

In a supplementary question Councillor Carter asked given the Council's Pension Authority had 3% of its business in companies involved in fracking, did the Cabinet Member not think the Council should attempt to move the investments.

Councillor Lelliott was not aware of this position, but would investigate further with Councillor Carter after the meeting.

(5) Councillor Hague asked how many complaints have been made by Cabinet Members against Officers in the last three years?

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The Leader of the Council confirmed there had been five complaints made in the last three years.

In a supplementary question Councillor Hague confirmed there were five formal complaints all made by the Cabinet Member for Waste, Roads and Community Safety, four of which were made against the Strategic Director for Regeneration and Environment. The Leader was asked to explain why so many of these complaints were made against the Strategic Director and asked had he conducted an exit interview with the Strategic Director.

The Leader confirmed these were made against Regeneration and Environment as that was where the problems were that needed to be addressed. He referred to his comments earlier that where any Member had complaints they should follow the Member/Officer Protocol in place. Where issues could not be resolved informally, then they would be resolved formally and this was the process that he and all the Cabinet Members would follow.

The Leader did not want the public to view the webcast and think an individual Cabinet Member was making complaints against officers. There were a number of issues that needed to be addressed over a period of three years; one of which was a serious health and safety issue. If Cabinet Members were not taking these issues up and not holding officers to account and things went wrong the Leader would have serious concerns. He was reassured that proper procedures were being followed.

In terms of an exit interview for the Strategic Director this was not for Members to be involved with. An exit interview had been offered to the member of staff, but it was a matter for management if this was taken up or conducted.

(6) Councillor M. Elliott asked if, since he last asked about the derelict, fire ravaged buildings on Corporation Street, had there been any progress in establishing contact with the property owners?

Councillor Lelliott explained that progress had been made and the necessary steps were underway to identify property rights and ownership details ahead of a possible Compulsory Purchase Order.

It was expected that this work would be completed by mid-November following which negotiations would resume with the owners and other interested parties which was the next step in the process.

In a supplementary question Councillor Elliott had originally asked about Corporation Street nineteen months ago and little had happened since. Corporation Street was a main access to the town centre and he understood Forge Island was the centre of attention at the moment, but the fire ravaged buildings gave a poor impression of the town centre. He, therefore, asked the Cabinet Member if she would contact the owners to seek Compulsory Purchase very soon.

Councillor Lelliott agreed with Councillor Elliott about the condition of the buildings, but the Council had to follow due legal process to prove there was no viable use of the building. Attempts had been made to contact the owner of the buildings. An agent had come forward with a plan for housing, but this was not deemed a viable option. Compulsory Purchase could not be obtained until all avenues had been explored to deem the building non-viable.

It was acknowledged that the fire ravaged buildings on Corporation Street were an eyesore to the town centre and the owners of those properties should be admonished for them remaining in the condition they were. Officers had made numerous attempts to rectify the problem and enter into discussions and engage with the owners.

(7) Councillor Hague asked could the Leader confirm if any Cabinet Members had entered into mediation with any Council Officers in the last three years.

The Leader did not believe mediation was altogether correct, but confirmed that there had been instances where coaching sessions and other support had been used between Cabinet and the Strategic Leadership Team in order to ensure the best outcome.

(8) Councillor Carter asked how was the Community Infrastructure Levy and its predecessor currently allocated to Parished areas?

Councillor Lelliott confirmed the Council's Community Infrastructure Levy (introduced in July 2017) brought in a new way of collecting funding from development to invest in infrastructure (e.g. road improvements, school places, green spaces).

15% of the Community Infrastructure Levy income collected from any development was passed on to the Parish (if the Parish had adopted a Neighbourhood Plan this increased to 25%).

The Council would make these payments every six months.

In a supplementary question Councillor Carter asked how actively was the Council supporting and promoting to Parish Councils in bringing forward local plans so that more money could then be used in the areas most affected by the developments.

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Councillor Lelliott confirmed Parish Councils were being supported and the Council had a statutory duty to do so. The Planning Department were also extremely proactive. A payment for Community Infrastructure Levy was just in the process of being made and work was underway with both Bramley and Dinnington to get their local plans passed.

(9) Councillor M. Elliott stated that a television programme last week highlighted Rotherham as having one of the highest percentages of residents with obesity in the U.K. Was there (excuse the pun) an appetite for the Council to consider what can be done to curtail the opening of even more fast food/takeaways in the future?

Councillor Roche explained that obesity in Rotherham was a real concern with a number of background causes and factors. This was something the Council took seriously and had a number of programmes in place around early intervention and prevention for children and families. The Healthy Programme tackled obesity and work would continue on reducing obesity partly because of the high impact and cost on health and the NHS.

Prior to adopting the Local Plan, the Council had very little control over the opening of new takeaways in fact applications that were refused e.g. the KFC at Canklow were appealed and then granted by Central Government.

The Local Plan, which was adopted in June this year, included policies that helped to control the number of new takeaways in town and local centres. The Policy stated that takeaways would not be supported on primary shopping streets and in future, through the implementation of the Policy, applications for new takeaways would not be granted if this would result in takeaways making up more than 10% of the units within a town centre.

The Council also tried to take forward a policy that restricted new takeaways from opening close to schools but this was removed by the Local Plan Inspector who stated that "he did not consider that there was local evidence of a clear link between hot food takeaways close to schools and levels of childhood obesity". This was supported by the Council, but was removed by the Planning Inspector. He did not consider there was local evidence or that there was a clear link to hot food takeaways near to schools and childhood obesity.

Officers needed to work together across the Council to address the problem and Councillor Roche was happy to take any ideas that Councillor Elliott or others may wish to put forward in relation to tackling this important issue. It was not just a planning issue about takeaways, but a need to work together across the whole system to try and tackle the obesity problem.

(10) Councillor McNeely asked, with the cold weather fast approaching, could the Cabinet Member tell her if the Snow Warden Scheme is still running and if so how can residents sign up for it ?

Councillor Hoddinott confirmed that the Snow Warden Scheme was still running and had been around for a while. There were only a few volunteers so this had been revamped to accommodate this, learning from the Love Where You Live Campaign where there were hundreds of litter pickers. Apply some of the principles to snow wardens.

The application process had been significantly improved this year to make it easier than ever to join the scheme. Residents could complete a simple online form via the Council website under the 'Gritting, Help to clear Snow and Ice' section. Residents would then receive guidance on how to safely clear ice and snow, as well as equipment including high-viz vests, gloves and shovels, along with a supply of salt.

Additionally, this year's Highways Winter Seminar for Members was on the 27th November, 2018 and any comments on how the Snow Warden Scheme could be promoted in Wards were welcomed.

(11) Councillor Carter stated £500,000 was allocated in the 2017/18 budget for a new library in Brinsworth and asked how had that money been spent?

Councillor Allen confirmed that the original notional figure of up to £500k was included in the Capital Programme in April, 2007 for a project for a new library in Brinsworth.

It was the Parish Council themselves that was bringing forward the project for the new library which was an extension of their facilities at the new community hub. The Cabinet Member urged anyone to go anyone to look at these facilities.

The Council were contributing £210,000 towards the project. A planning application had been submitted on 26th September, 2018 with consultation closed on 31st October, 2018.

This wider project had had the support of funding by the Big Lottery Fund and on that basis it was possible to deliver the library project, which would greatly improve on the current facilities, at a reduced cost.

In a supplementary question Councillor Carter asked when could residents in Brinsworth hope to see library open.

Councillor Allen reconfirmed the planning application was submitted on the 26th September, 2018 and the Council were due to meet with the Parish Council to look at the development and progress on the plans. The Cabinet Member would share any information in due course.

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(12) Councillor Vjestica asked had the Council been affected by the national crisis with clinical waste?

Councillor Hoddinott explained Rotherham Council did have a contract with Healthcare Environmental to take clinical waste to their site in Normanton, near Wakefield.

Rotherham was not adversely affected by this position. The Waste Service, through their hard work, within a week of being informed of the issue and no longer able to use Healthcare Environmental, successfully awarded a new contract with a Rotherham-based disposal contractor in Wales, Rotherham.

The site was fully compliant, located within our operational area and disposal costs were comparable to the previous contract.

It was worth noting that the Council operated clinical waste collections on behalf of the NHS, on a commissioned basis. The Council was, therefore, not legally responsible for clinical waste collections from households.

However, the Council was aware of the vulnerable nature of customers of this

Service and no Rotherham clinical waste collections were affected by the recent crisis in clinical waste disposal.

(13) Councillor Carter asked since the last meeting what progress had been made in resolving the burial issues affecting those religious communities who required urgent burial?

Councillor Hoddinott pointed out that since Councillor Carter previously raised this a really good discussion session with Dignity had taken place at the Improving Places Select Commission in July. Councillor Carter was invited to attend.

Discussions were taking place and confirmed progress had been made through working with Dignity Funeral Services Ltd. and Rotherham was testing the feasibility of trialling an extension of the time of the latest burial to 18:30 between 1st April and 30th September at Herringthorpe Cemetery.

Councillor Carter was urged to become involved as there was now another opportunity for Members to visit the new crematorium and talk to Dignity direct on Monday, 19th November, 2018.

In a supplementary question Councillor Carter asked had the Cabinet Member brought local religious leaders to these meetings to help resolve some of the issues.

Councillor Hoddinott confirmed yes. There had been a number of meetings involving at times herself, Councillor Mallinder, Councillor Alam and the Assistant Chief Executive, Shokat Lal. There was a pledge to keep these meetings going and create a forum going forward.

(14) Councillor Napper asked how many parking enforcement notices have been issued in the last month for violations in Wellgate between Mansfield Road and Albany Street.

Councillor Lelliott confirmed that, in the period between 26th September and 26th October 26th 2018, the Council issued 44 Penalty Charge Notices on Wellgate, with 15 of these being issued on the stretch of Wellgate heading out of town beyond its junction with Mansfield Road.

In a supplementary question Councillor Napper referred to the number of cars parked underneath the traffic lights at the bottom of Hollowgate pointing up Wellgate half way on the pavement and also at the bottom of Mansfield Road 3 cars parked the opposite way to the flow of traffic on double yellow lines. He asked if parking enforcement could concentrate their efforts on this area of Wellgate a little more than around the Town Hall.

Councillor Lelliott gave her assurance that Wellgate was heavily patrolled due to persistent parking problems. The shared service with Doncaster was starting shortly and this would help with the issues.

The Cabinet Member noted the concerns and confirmed that work did take place jointly with the Police within very limited resources.

(15) Councillor Carter asked how Rotherham compared to Sheffield, Bradford and Leicester in facilitating urgent burials, in particular what were their latest burial times for each of these Council areas.

Councillor Hoddinott advised she had received burial times which were:-

Bradford	Daylight Hours
Sheffield	Dusk
Leicester	Monday to Thursday until 2.30 p.m. and on Fridays until 2.00 p.m.

Rotherham currently offered burials until 3.00 p.m. between April and September and until 2.30 p.m. between October and March.

There had been some benchmarking work undertaken and the Cabinet Member, Councillor Alam and the Strategic Director had visited other areas to look at burial times and also practices in catering for different faiths.

In a supplementary question Councillor Carter, not being from a religion required an urgent burial being facilitated, asked had the Cabinet Member heard any evidence from members of those communities where residents were having to make a decision about burying a loved one where the family lived locally or getting an urgent burial in a place more open and able to facilitate the urgent burial service during a distressing time in people's lives.

Councillor Hoddinott confirmed she had heard from families who had felt they had had to go to other places when they had not got what they wanted in Rotherham. If Councillor Carter or any other Member had examples she welcomed these being forwarded on in order for them to form conversations with Dignity if it was felt the service had fallen short during which was a very sensitive time for families.

(16) Councillor Napper would receive a written response to his question.

(17) Councillor Carter asked did the Cabinet Member still think the service provision by Dignity was not discriminatory.

Councillor Hoddinott confirmed that whilst the policies in place were not being discriminatory the implementation of those policies would be subject to review and trialling of new arrangements in order to try to address the concerns that had been raised.

In a supplementary question Councillor Carter asked if the legal advice provided could be shared with members of the public and be released.

Councillor Hoddinott was happy to ask the question and seek legal advice. The Service had to be legal and provide assurances of compliance. What had been asked was about the Service for residents and all religious communities, which was why negotiations had taken place with Dignity to make changes in Rotherham and bring about changes people would like to see. This was about giving residents a very good service.

(18) Councillor Carter would receive an answer in writing to his question.

(19) Councillor Carter would receive an answer in writing to his question.

99. URGENT ITEMS

There were none.