

THE CABINET
19th November, 2018

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

Also in attendance Councillor Steele (Chairman of the Overview and Scrutiny Management Board).

48. DECLARATIONS OF INTEREST

There were no Declarations of Interest to report.

49. QUESTIONS FROM MEMBERS OF THE PUBLIC

(1) A member of the public referred to the two year budget proposals for the financial year 2021 when the number of Councillors was set to reduce by four. This meant a potential saving of £42,000 which was not listed or could not be seen in the consultation proposals and he asked was this because after the next local elections it was the intention to secretly and quietly confirm an increase of 6.7% in the many Councillors' basic allowance?

The Leader, supported by the Strategic Director of Finance, confirmed that a reduction would be built into the Medium Term Financial Strategy so where costs naturally fell out these would be included. There was no secret plan for increasing Members' allowances.

In a supplementary question the member of the public referred to the difference in special responsibilities where Rotherham's were far higher than in Sheffield by around £100,000. This in itself was far more than twenty of the separate items on the list of budget proposals. He asked was this more important to maintain than say the budgets for Healthwatch, libraries or the Sight and Sound budget?

The Leader explained the allowances paid to Members were set by an Independent Remuneration Panel. This was looked at three years ago when the Panel were challenged with reducing the allowances. A substantial amount of money was taken out at that time as part of the challenge. This was about making sure Rotherham was in line with other South Yorkshire authorities. Whilst attention was drawn to Sheffield the figures were comparable with Barnsley and Doncaster and slightly lower.

Members had to receive some remuneration for the work that they did and whilst the Independent Remuneration Panel determined what Rotherham should receive, Sheffield in turn would determine their own. Whatever was decided in Rotherham paying politicians was always unpopular.

(2) A member of the public made reference to the development of York Road (Item 14 on the agenda) where he had a couple of garages. He explained about the difficulty he experienced on returning home in the early hours from work and being unable to park his vehicle. He, therefore, asked if there would be any parking provision for the two or three residents who actually used their garages each day and the restrictions created by the parking permits in that area.

Councillor Lelliott, Cabinet Member for Jobs and the Local Economy, explained consideration would be given as part of the development brief. It was noted the garage sites were currently on the short term let only due to the proposed development in that area.

In a supplementary question the member of the public asked if consideration could be given to parking bays during the building work stages.

Councillor Lelliott, Cabinet Member for Jobs and the Local Economy, confirmed this would be given consideration to see what space was available at the start of the process and what conditions could be included to put something in place.

(3) Councillor Cooksey, in her capacity as a Ward Councillor for Rotherham East, sometimes attended a Neighbourhood Watch Group which met at St. Steven's in Eastwood. Concern had been expressed about the high number of privately rented accommodation in Eastwood which, in some cases, had incidents of anti-social behaviour. This had caused problems for the well-established occupants in that area and it was requested that, as part of the development, there be a mixed tenure accommodation and it was asked what kind of guarantees were available for buyers to adhere to this aspiration.

Councillor Lelliott, Cabinet Member for Jobs and the Local Economy, confirmed that consideration would be given to the wider area and the development brief. There would be conditions attached for whichever developer came forward, but controlled wherever possible.

The Leader pointed out that the Council would have some control over the development rather than just selling the land off. However, the Council could not guarantee who would purchase the properties, but it would do everything in its power to maintain as much control as possible.

50. MINUTES OF THE PREVIOUS MEETING

Resolved:- That the minutes of the Cabinet and Commissioners' Decision Making Meeting held on 22nd October, 2018, be agreed as a true and correct record of the proceedings.

51. 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 13, 14 and 15 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.

52. CHILD AND ADOLESCENT MENTAL HEALTH SERVICES (CAMHS) SECTION 75 AGREEMENT (EXTENSION)

Further to Minute No. 52 of the meeting of the Cabinet and Commissioners held on 16th October, 2017, consideration was given to the Section 75 Agreement which had been approved between the Rotherham Clinical Commissioning Group (RCCG) and Rotherham Metropolitan Borough Council (RMBC).

The Section 75 Agreement replaced an existing Partnership Agreement for the commissioning arrangements between RMBC and the RCCG for Child and Adolescent Mental Health Services (CAMHS) in Rotherham. The Section 75 Agreement strengthened the shared commitment of the two organisations to deliver service improvement and transformation of CAMHS through a joint market approach. Rotherham Clinical Commissioning Group remained supportive of this arrangement.

The Section 75 Agreement built upon the existing partnership by adding a robust framework for managing the service; it set out performance management arrangements and formalised a pooled funding arrangement for the provision of CAMHS services over the medium term.

The Agreement, which was established following approval by Cabinet and Commissioners, had been hosted by the RCCG who has acted as the lead commissioner for the pooled fund in partnership with RMBC. It was established to last until 31st October, 2018 unless both parties agreed to an extension of one or two years. The period since 1st November had been covered through a suspension in financial regulations, agreed by the Deputy Section 151 Officer, to ensure that there was no gap in service provision for vulnerable children and young people.

It was noted that the CAMHS Service in Rotherham provided by RDaSH was enhanced and complimented by the Looked After and Adopted Children's Therapeutic Team (LAACTT) which was an in-house service provided by the Council. The Therapeutic Team provided a therapeutic service to looked after adopted children in accordance with the Adoption Support Services (Local Authorities) Regulations 2005 and the adoption national minimum standards 2011.

The aim of the Therapeutic Team was to provide a dedicated specialist therapeutic service to Looked After and Adopted Children, certain children who have been in care, including those in special guardianship order placements, and care leavers.

Resolved:- (1) That the renewal of the existing Section 75 Agreement for joint commissioning and a pooled fund for the provision of Child and Adolescent Mental Health Service (CAMHS) for a further two years (to 31st October, 2020) as provided for in the Agreement be approved.

(2) That the authority be delegated to the Strategic Director for Children and Young People's Services to sign a written agreement to extend the Section 75 Agreement on behalf of the Council.

(3) That the Council's financial contribution into the pooled fund from the 2018/19 and 2019/20 budgets be approved.

53. EDUCATIONAL ATTAINMENT

Consideration was given to the report which presented an overview of the provisional un-validated educational outcomes of children and young people in primary, special, secondary schools and academies in Rotherham for the academic year ending in the summer of 2018. National averages in the primary phase were sourced from the National Consortium of Examination Results (NCER) software. The Department for Education (DfE) would publish provisional national averages for all phases later in the Autumn Term 2018. Final validated data for all phases would not be available until February, 2019.

Performance in the Early Years Foundation Stage Profile (EYFSP) for a 'Good Level of Development' (GLD) had continued to rise and was, again, above the national average (by 1.4% in 2018).

In Key Stage 1, 65% of pupils met the expected standard in reading, writing and mathematics combined in 2018, compared to 64% in 2017. Rotherham had improved by 1% and was in line with the national average at 65.4%. In the greater depth standard for reading, writing and mathematics combined at KS1, Rotherham had improved by 0.5% to 12.7%; this was 1% above the national average at 11.7%.

In **Key Stage 2**, 61.5% of pupils met the expected standard in reading, writing and mathematics combined in 2018, compared to 60.8% in 2017. Rotherham had improved by 0.7% and was 2.5% below the national average. In the higher standard for reading, writing and mathematics combined at KS2, Rotherham improved by 1.1% to 8.2%; this is 1.7% below the national average at 9.9%.

In 2018, the average **KS1- KS2** progress score for Rotherham LA in reading is -0.6 (sig-), in writing was +0.7 (sig+) and in maths is + 0.0. The progress measure in reading was identified as significantly below the national average; the progress in writing was identified as significantly above the national average.

At **Key Stage 4**, the average Attainment 8 score per pupil had decreased by 1.7 points to 43.3 in 2018. The national average increased by 0.1 points to 46.5 (state-funded i.e. LA maintained schools, academies and free schools) and decreased by 0.3 points to 44.3 (all schools including the independent sector). The LA average is 3.2 points below the national average (state-funded schools) and 1.0 point below the national average (all schools).

At **KS4**, the percentage of pupils achieving grade 5 or above in English and maths was 37%; 6.2% below the national average (state-funded schools) and 2.9% below the national average (all schools).

At **Key Stage 5**, Rotherham LA overall A* to E pass rate had increased by 0.2% to 99.1% in 2018. Provisional national averages published on the BBC news website showed that the overall A* to E pass rate had marginally fallen to 97.6%. Rotherham LA average was 1.5% above the national average.

Moving forward with schools and academies it was planned to build a more cohesive approach to school improvement through the establishment of the Rotherham Education Strategic Partnership (RESP) with the primary aim of establishing this board to help lead educational strategy across the Council.

In response to queries about the progress between boys and girls it was noted that there continued to be a gap in achievement between girls and boys, but this reflected the national picture. The gap in Rotherham had increased slightly from 13.0% in 2017 to 13.4% in 2018. This was just below the 2018 national gender gap of 13.5%.

Resolved:- That the report be received and the latest provisional un-validated education outcomes in Rotherham in 2018 noted.

54. MEMBERSHIP OF THE FOSTERING PANEL

Consideration was given to the report which sought approval to appoint a new Member to serve on the Fostering Panel to fill the vacancy created after Councillor Cusworth stepped down from serving on that body.

Resolved:- (1) That Councillor Bob Bird be appointed to serve on the Fostering Panel for the remainder of the municipal year.

(2) That the Cabinet's thanks and appreciation for the hard work undertaken be forwarded onto Councillor Cusworth.

55. THRIVING NEIGHBOURHOODS - THE ROTHERHAM NEIGHBOURHOOD STRATEGY 2018-2025

Consideration was given to the report which presented for approval the new Thriving Neighbourhoods Strategy 2018-2025, which set out a fresh approach to working with residents and partners across the Borough.

The Council's vision was for every neighbourhood to be a thriving neighbourhood where people have a good quality of life. Central to this was the role of Elected Members providing a leadership and engagement role in each Ward.

The Strategy was framed around three key outcomes which described what the Council would like to see in each Ward across Rotherham:-

- Neighbourhoods were safe and welcoming with good community spirit.
- Residents were happy and healthy and love where they lived.
- Residents used their skills and assets to contribute to the outcomes that mattered to them.

The Strategy signalled a new way of working for the Council both for Members and for staff. The Strategy covered every Ward in the Borough and would be delivered through ward plans developed with residents to address local issues and opportunities. Ward Members would be supported by the neighbourhood team and would work with officers and residents from a range of organisations.

Members would be asked to report to Council on an annual basis with an update on progress in each Ward in a logical format for the public.

Resolved:- (1) That the Thriving Neighbourhoods Strategy 2018-2025 be approved.

(2) That Members in each Ward provide a report to Council on an annual basis covering developments in their Ward.

56. SEPTEMBER 2018/19 FINANCIAL MONITORING REPORT

Consideration was given to the latest report which set out the financial position as at the end of September, 2018 and was based on actual costs and income for the first half of the financial year with forecasts for the remaining six months of 2018/19. Financial performance was a key element within the assessment of the Council's overall performance framework, and essential for the achievement of the objectives within the Council's Policy Agenda.

As at September 2018, the Council needed to identify a further £3.1m of cost reduction actions by financial year-end in order to achieve a balanced financial outturn, after taking account of the £10m budget contingency approved within the 2018/19 budget.

The overspending against budget in Children's and Young People's Services Directorate 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 655 at the time of writing this report. The forecast overspend on Children's Services had now increased to £15.7m

Mitigating savings and actions identified to date were set out in Table 1 and described within the report.

The Chair of the Overview and Scrutiny Management Board confirmed this report had been considered at the meeting of the Board on 14th November, 2018 who were fully supportive of the recommendations. Further work would continue to monitor progress of the overspends in Children and Young People's Services.

Cabinet Members noted the current position and the budget pressures facing the Council and the work taking place to meet the continuing demand.

Resolved:- (1) That the forecast General Fund outturn position be noted.

(2) That further actions identified to reduce the forecast level of expenditure be reported back to Cabinet.

(3) That the updated position of the Capital Programme be noted.

57. BUSINESS RATES DISCRETIONARY RELIEF APPLICATIONS FOR NOVACITY LTD. AND HARTHILL WITH WOODALL COMMUNITY ASSOCIATION

Consideration was given to the report detailing the two applications made by the following companies for the award of a business rate discretionary relief in accordance with the Council's Discretionary Business Rates Relief Policy (approved 12th December 2016):-

- Novacity Ltd.
- Harthill with Woodall Community Association.

Resolved:- (1) That 100% discretionary relief be awarded to Novacity Ltd, Summit 1, Mangham Road, Greasbrough, Rotherham, S61 4RJ for the period 1st April, 2018 to 31st March, 2019.

(2) That 20% top up relief be awarded to Harthill with Woodall Community Association, Sports Centre, Woodall Lane, Harthill, Sheffield, S26 7YQ for the period 1st April, 2018 to 31st March, 2019.

58. TUC GREAT JOBS AGENDA

Further to Minute No. 85 of the Council Meeting held on 31st October, 2018, consideration was given to the report which detailed the approved Council Motion on the Trade Union Congress (TUC)'s Great Jobs Agenda.

This report provided more information about the Great Jobs Agenda and the actions that the TUC would like employers and Government to take to ensure that every worker had a great job with fair pay, regular hours and the opportunity to progress.

Resolved:- (1) That the TUC's Great Jobs Agenda be noted and consideration be given to how the principles set out in the Great Jobs Agenda applied to the Council's workforce.

(2) That consultation take place with Trade Unions to seek agreement on notice for allocating/changing shifts.

(3) That more detailed information on agency workers be published in annual reports.

59. STRATEGIC ACQUISITION OF SIX BUNGALOWS AT PENNY PIECE LANE, NORTH ANSTON

Consideration was given to the report which sought approval to purchase six, two bedroom bungalows at Penny Piece Lane, North Anston, from Duchy Homes. These bungalows were Section 106 planning gain units and would be purchased by the Council at approximately 60% of the open market value. The forecast completion date of these units was December, 2019.

There was evidenced demand for bungalows in this location and resources were available in the strategic acquisitions budget to purchase them as part of an ongoing programme of acquisitions of new Council homes to replace properties sold under the Right to Buy and to maintain stock levels.

Resolved:- That the purchase of six bungalows at Penny Piece Lane from Duchy Homes using the Housing Revenue Account Strategic Acquisitions budget be approved.

60. YORK ROAD REDEVELOPMENT - DEVELOPMENT BRIEF, APPOINTMENT OF DEVELOPER AND DISPOSAL

Consideration was given to a report which provided an update on progress following the market testing of a redevelopment opportunity for a site on York Road and requested approval and delegated authority required to progress this project in order to bring the site forward for development.

Ward Members have been consulted on the submissions received and further consultation would be undertaken in respect of the submitted detailed proposals for them to report back to MKembers of their local communities. Every effort would be taken to mitigate any local concerns where possible.

Resolved:- (1) That the aims and objectives for the redevelopment of York Road as set out at paragraph 2.6 of this report be approved.

(2) That an open tender procurement process be conducted in accordance with Rotherham Council's Contract Procedural Rules and Domestic and European Procurement Law.

(3) That the disposal of the York Road site as part of the successful Development Brief be approved.

(4) That authority be delegated for the appointment of the successful development partner and the final terms of the disposal and/or development agreement (in respect of the Development Brief) to the Assistant Director of Planning Regeneration and Transport in consultation with the Strategic Director of Finance and Customer Services and the Cabinet Member for Jobs and the Local Economy.

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

61. DISPOSAL OF THE FORMER ST ANN'S BUILDING, ST LEONARD'S ROAD, ROTHERHAM

Consideration was given to report which sought approval to dispose of the former St Ann's Building on St Leonard's Road, Rotherham.

The property was advertised through traditional marketing channels for all disposal options to establish the best future use of the property, with a total of three proposals received. These proposals were considered by the Asset Management Board who recommended that the property be disposed as set out by way of private treaty as detailed in the report.

Cabinet Members noted the poor state and dilapidated state of the building and considered disposal to be the best option.

Resolved:- (1) That the disposal of the former St Ann's Building, as shown edged in red at Appendix 1 by private treaty to the recommended purchaser as detailed at paragraph 2.7 3 of the exempt Finance Addendum Appendix 2, be approved.

(2) That, in the event of the disposal not being completed (e.g. if the purchaser withdraws or time elapses), the site be disposed of on the open market, as set out in Option 2.

(3) That the Acting 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.

62. CONSULTATION ON THE ADOPTION OF SCHEDULE 3 OF THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 AND A ROTHERHAM SEX ESTABLISHMENT LICENSING POLICY.

Consideration was given to the report which outlined a proposal to consult on the adoption of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 that, following amendment through the Policing and Crime Act 2009, classified the following establishments as sex entertainment venues:-

- Lap, pole and table dancing;
- Strip shows;
- Peep shows and live sex shows.

This report, therefore, sought a recommendation to Council to approve the commencement of public consultation on the adoption of the Schedule, which would give local communities a greater say about the presence of sex establishments, including sex entertainment venues, sex shops and sex cinemas. This would allow the local authority to more effectively regulate such premises through a formal Sex Establishment Licensing Policy.

The report, therefore, also sought Cabinet approval to begin public consultation on a proposed Sex Establishments Licensing Policy to run parallel to consultation on the adoption of Schedule 3.

This report had been considered by the Overview and Scrutiny Management Board as part of the pre-scrutiny process who were in support of the recommendations, but confirmed they were supportive of a wide ranging consultation and that engagement with industry workers take place on a safe and anonymous basis during the consultation period.

Cabinet Members welcomed the recommendations from the Overview and Scrutiny Management Board and the proposals to have in place a Sex Establishment Licensing Policy on conclusion of public consultation on the proposed adoption.

Resolved:- (1) That the proposal to adopt Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 (as amended) be considered, and that Council be recommended to approve the commencement of public consultation in relation to the proposed adoption.

(2) That public consultation be approved, in line with Option 2(b) (Section 4), on a proposed Sex Establishment Licensing Policy, to run parallel to consultation on the adoption of Schedule 3 above.

63. 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.