

**THE CABINET
18th March, 2019**

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

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

Apologies for absence were received from Councillors Watson.

116. MINUTE'S SILENCE

A minute's silence was observed as a mark of respect following the attack on the two mosques in New Zealand.

117. DECLARATIONS OF INTEREST

There were no declarations of interest to report.

118. QUESTIONS FROM MEMBERS OF THE PUBLIC

(1) A member of the public described his concerns about the allocation of housing, his perceived breaches of the law, influence of staff for property suitability, waiting times, tenant suitability and adaptations.

The Leader acknowledged the member of the public concerns, but pointed out allocations were all carried out appropriately. The Council's Choice Based Lettings (CBL) scheme advertised all available properties and if a tenant was eligible could express an interest in properties.

If the member of the public had any examples he wished to share then the Cabinet Member and the Housing staff would be happy to pick this up.

(2) Councillor Cooksey, Ward Member for Rotherham East, referred to the report on the agenda relating to the proposed Public Space Protection Order for Fitzwilliam Road, Rotherham. She had noticed that one of the recommendations was for Cabinet to receive a further report in June of this year before a final decision was made. Following that decision she asked how long would it then take for the implementation of the Public Space Protection Order.

Councillor Hoddinott, Cabinet Member for Waste, Roads and Community Safety, thanked the Rotherham East Ward Members for putting this proposal together. If approval for consultation was approved then a report for a final decision would be submitted to Cabinet in June, 2019.

The report was seeking approval to proceed to public consultation. If the report submitted to Cabinet then in June, 2019 was approved with Rotherham's experience in terms of introducing Public Space Protection Orders with the protocols, the guidelines for officers and all the support in terms of resource required was currently in place so implementation could happen fairly quickly especially as the summer months would be fast approaching when noise and disturbance would be more prevalent with people being outside.

119. MINUTES OF THE PREVIOUS MEETING

Resolved:- That the minutes of the Cabinet meetings held on 21st January and 18th February, 2019, be agreed as true and correct records of the proceedings.

120. 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 Item 11 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.

121. DETERMINATION OF PROPOSALS TO MAKE PRESCRIBED ALTERATIONS TO THE WILLOWS SCHOOL

Further to Minute No. 72 of the meeting of the Cabinet held on 17th December, 2018, consideration was given to the report which sought the approval of proposals to make prescribed alterations to the Willows School, following the period of statutory consultation, in line with the requirements of the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 by increasing the number of places available and changing the age range of the school.

The proposals that were consulted upon were to formally increase the registered number of places at the school from 100 to 120 to reflect the actual number of pupils now on roll at the school as a result of oversubscription and the additional 10 places being provided and, to change the upper age limit at the school from 16 to 19 by prescribed alteration, to enable continuity of education.

It was also pointed out that the Dedicated Schools Grant (High Needs Budget) was significantly overspent in this area. Indications were that there would continue to be significant increases in out of authority placements should 'in authority'

capacity not be increased, leading to further demand on high needs funding allocation as 'out of authority' placements were significantly more expensive than 'in authority' placements.

There were 20 representations received during the statutory consultation period. Responses were broadly supportive of the proposals and made reference to the benefits and opportunities that would be available to pupils attending the school and being able to continue their Post-16 education in a familiar environment.

Resolved:- (1) That, following a period of statutory consultation and consideration of representations received, approval be granted to make prescribed alterations to the Willows School by permanently changing the registered number of places at the school from 100 to 120 and changing the upper age limit at the school from 16 to 19.

(2) That the Secretary of State for Education be informed accordingly.

122. RESPONSE TO CHILDREN'S COMMISSIONERS TAKEOVER CHALLENGE SCRUTINY REVIEW: WORK EXPERIENCE

Further to Minute 37 of the meeting of Council held on 25th July, 2018 consideration was given to the report which responded to the findings and recommendations from a spotlight review undertaken by Rotherham Youth Cabinet under the auspices of the Children's Commissioner's Takeover Challenge regarding improving access to work experience opportunities for all young people in Rotherham.

The recommendations sought assurances that:-

- The Council, schools and partners would work together to develop an improved offer of work experience, interaction with employers and volunteering opportunities for all young people from 2019.
- That any specific needs of young people with mental health needs and/or special educational needs and disability who were in mainstream schools were taken into account in developing the offer, as well as those of young people in special schools.
- That from 2019 onwards Rotherham Youth Cabinet receive updates twice a year from schools regarding progress with the new offer.

Whilst all the recommendations were accepted it was acknowledged that some of what the Youth Cabinet was requesting was not current Government policy. However, the Council would support the Youth Cabinet in its influence to Government and partners to support schools to deliver high quality work experience via the Employment and Skills Plan.

The Rotherham Employment and Skills Plan would serve to assist in the mitigation of risks that may arise from the acceptance of the recommendations from the Youth Cabinet and it was anticipated that the Overview and Scrutiny Management Board would maintain oversight of the implementation of the agreed actions and provide challenge in respect of risks that may arise.

The Chair of the Overview and Scrutiny Management Board was pleased the work of the Youth Cabinet was recognised and urged all Cabinet Members to attend the next meeting of the Children's Commissioner Takeover Challenge Day on 2nd April, 2019.

Resolved:- That the Cabinet's response to the spotlight review of work experience under taken by the Rotherham Youth Cabinet be approved.

123. COUNCIL PLAN 2018-2019 QUARTER 3 PERFORMANCE REPORT

Consideration was given to the Council Plan which was the core document that underpinned the Council's overall vision and which set out the headline priorities, outcomes and measures that would demonstrate delivery of the vision. The process for monitoring of performance against the vision was set out in the Council's Performance Management Framework which explains to all Council staff how robust performance monitoring should be carried out.

The Performance Report and Performance Scorecard included in Appendix A provides an analysis of the Council's current performance against 14 key delivery outcomes and 70 measures and was based on the currently available data including an overview of progress on key projects and activities which contributed to the delivery of the Council Plan.

At the end of the third quarter (October to December 2018) 24 measures had either met or had exceeded the target set in the Council Plan. This represented 42% of the total number of measures where data was available or where targets have been set. This was another successive slight decline in performance as 45% of measures hit their targets in quarter two and 47% in quarter one. The Priority area with the highest proportion of targets met was Priority 4 (Extending opportunity, Prosperity and planning for the future) where 67% of measures are marked as on target.

The direction of travel was positive for 36 (58%) of the measures calculated in this quarter. This was a slight improvement compared to the 57% figure for last quarter and suggested that, although there had been an increase in the number of targets marked as "off track", overall performance was improving.

Cabinet Members highlighted the headline progress made to deliver against the key delivery outcomes and any action arising:-

Councillor Alam reported on overall performance which had remained constant and the direction of travel positive in this quarter. Sickness absence had continued on an upward trend and had exceeded the annual target. Action was being taken to review current management of long term sickness.

Councillor Beck reported on the number of new homes delivered during the year via direct Council intervention. The measure allowed the Council to track the amount of homes delivered which the Council could actually influence. So far there have been 97 against a year-end target of 109. Officers were confident this target would be achieved, whilst acknowledging the Council had little influence in terms of housing growth within the private sector.

Councillor Roche confirmed that with the new service provider now in placement improvements in the successful completion of drug – non-opiate users would be seen within 6 months and be available in the final quarter of the year and would remain off target.

Where there were challenges action plans have been produced and were monitored by officers. Rotherham was just outside the top quartile range and needed just one more successful exit to compare favourably with the England average.

The proportion of people subject to a safeguarding risk who felt their outcomes had been met had improved to 99% against a target of 96%.

The measure relating to the number of people who were provided with information and advice at the first point of contact was performing well and on target. A new operating model was in the process of being developed which would produce a framework which would improve outcomes for people in the future.

Councillor Allen confirmed the number of engagements with the Council's culture and leisure facilities had already exceeded its target and the service would be pushing itself even further next year to improve performance.

The new camping and caravan park at Rother Valley Country Park was due to welcome its first customers at Easter. Performance would be monitored by the improving Place Select Commission in due course.

No complaints had been received about grounds maintenance and street cleansing in Quarter 2. In Quarter 3 there was just one on grounds maintenance, but on the other hand there were 3 compliments. The Service were not being complacent and a very positive meeting had been held last week with managers from the Streetpride Services to look

further at what measures could be introduced to better reflect a connection with Streetpride to locality based work.

Councillor Lelliott reported on a well performing area with the number of new businesses supported by the Council which was also linked to the survival rate of new businesses over a three year period.

The number of planning applications determined within the specified period was also on target.

An area for improvement was the percentage of vacant floor space in the town centre. Officers were working to address this. Problems with retail in the town centre were not just a Rotherham problem, but an issue nationally with the high street.

Councillor Hoddinott explained some of the indicators were not moving in the right direction, but discussions were taking place with services around fly tipping, missed bins and anti-social behaviour.

The direction of travel was improving for the percentage of positive outcomes for hate crime cases, which was welcomed. Work would continue with the Police about addressing hate crime and positive outcomes for victims.

The Chair was confident Quarter 4 would see an improving picture and ensure targets would be delivered upon.

Resolved:- (1) That the overall position and direction of travel in relation to performance be noted.

(2) That consideration be given to measures which have not progressed in accordance with the target set and the actions required to improve performance, including future performance clinics.

(3) That the performance reporting timetable for 2018-2019 be noted.

124. NEW APPLICATION FOR BUSINESS RATES DISCRETIONARY RELIEF FOR THE REALLY NEET PROJECT

Consideration was given to the report which detailed an application for the award of a business rate discretionary relief for The Really Neet Project Ltd. This was in accordance with the Council's Discretionary Business Rates Relief Policy (approved by Cabinet on 12th December, 2016).

Resolved:- That 100% discretionary relief be awarded to The Really Neet Project Ltd, 1 Chemist Lane, Rotherham S60 1NA for the period 1st April, 2018 to 31st March, 2020.

125. ROTHERHAM'S HOUSING STRATEGY 2019-22

Consideration was given to the report which detailed the new Housing Strategy 2019-22. The strategy had been developed in consultation with tenants and residents, officers and key stakeholders and set out the updated strategic priorities for housing over the next 3 years.

Following extensive consultation with partners and stakeholders, 4 strategic priorities have emerged and would form the key areas of focus in the Housing Strategy:-

- Providing new homes to meet Rotherham's housing need.
- Investing in Rotherham's existing housing and communities.
- Improving people's health, wellbeing and independence through housing.
- Working in partnership to deliver the housing vision and to increase opportunities for all.

The Council was in the middle of its Housing Growth Programme where £57 million had been committed to deliver 576 new homes in an attempt to provide housing for people in need.

A key theme that would continue to be taken forward over the period of this new Strategy was to create communities and thriving neighbourhoods through the building of homes for people as there was a direct link between inequality and deprivation and the presence of poor housing.

Standards were rising through the provision of good quality housing and the Selective Licensing Scheme, which was already in operation in several areas of the Borough. This was now moving forward to include additional areas.

Stakeholders and Elected Members, through the Scrutiny process, had fed into the consultation and the service was now doing what it could to push forward with the Strategy over the next 3 years.

The Housing Strategy would be monitored by the Strategic Housing Forum with a clear set of actions which the progress would be monitored against.

Thanks and appreciation was given to staff for the work over the last 6 to 9 months in bringing this together into the format now for consideration.

Resolved:- That the Housing Strategy 2019-22 be approved.

126. SITE CLUSTER PROGRAMME AMENDMENTS

Further to Minute No. 24 of the meeting of the Cabinet and Commissioners held on 16th July, 2017, consideration was given to the report which detailed how the Site Clusters innovative development model was increasing and accelerating the amount of new housing and providing a range of additional benefits to Rotherham, including specialist accommodation and extensive employment and training opportunities.

The programme was progressing very well and all 7 sites were now under construction and delivering to the agreed construction programme.

At the point of reporting to Cabinet in 2017, the total scheme cost could only be estimated. The sites were extremely challenging and extensive ground remediation work had been necessary to make them developable. Other unforeseeable costs have arisen from utilities diversions and an industry-wide increase in the cost of materials and labour.

The Council must now decide whether to reduce the programme to ensure the original budget was not exceeded, or to increase the budget to enable all 217 homes to be built, and to receive the full range of benefits afforded by this innovative partnership.

It was suggested the contract be renegotiated to a fixed, guaranteed maximum price, which would ensure no further risk of cost increase for the Council.

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, subject to the Section 151 Officer being requested to share the learning from this project in respect of the tender and contract agreement process and to ensure that larger scale projects undertaken across the authority were well managed and controlled.

Resolved:- (1) That the proposed revised funding profile for the Site Clusters Programme as set out in Appendix 2, which includes an overall increase to the project budget and a net additional impact on HRA reserves of £4.99m, be approved and Council be asked to approve the revision to the Capital Programme accordingly.

(2) That officers be authorised to renegotiate the contract with Wates to a fixed maximum price contract, subject to the cost being containable within a revised funding envelope as set out in Appendix 1.

127. AREA HOUSING PANEL REVIEW

Consideration was given to the report which set out the basis for a review of the current Area Housing Panel arrangements, in the context of the new neighbourhood working approach. It proposed that the current geographical arrangements for Area Housing Panels were reviewed and recommendations brought forward for Cabinet consideration later in the year.

Reference was made to the current arrangements for the allocation and governance of the annual Area Housing Panel budget and the options considered for the structuring of the budget from 2019/20, including revised governance processes.

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, subject to the proposed second report in respect of arrangements for 2020/21 and beyond being brought for scrutiny prior to consideration by Cabinet and that the governance arrangements and clarity in respect of delegated decision making be addressed in the future report to be considered by Cabinet.

Cabinet Members welcomed the ongoing neighbourhood working process which would ensure Councillors were in a position to take action on the concerns of their residents on a local basis. Change would be varied, but Councillors would need to be fully engaged with the people who lived in their communities to deliver on their expectations and this was just the latest tool that would assist.

Resolved:- (1) That the annual Area Housing Panel budget for 2019/20 be allocated at Ward level.

(2) That a base budget of £8k be set per Ward, with the remaining annual budget provision then to be allocated to Wards, based upon the percentage of Council homes within each Ward.

(3) That a further report setting out recommendations for the new organisational and budget arrangements for Area Housing Panels from 2020/21, be presented to Cabinet.

128. ADOPTION OF SCHEDULE 3 OF THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 RELATING TO 'SEXUAL ENTERTAINMENT VENUES'

Further to Minute No. 10 of the meeting of Council held on 5th December, 2018, consideration was given to the report which outlined a proposal to adopt the amended Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 that classified lap dancing clubs and similar establishments, as 'sexual entertainment venues'.

Extra time was allowed for the consultation to cover the Christmas period for responses to be provided and covered a broad spectrum of considerations that a public view was desired upon. The consultation was publicised through a range of channels including social media, press releases, online promotion and written correspondence.

From the responses it was clear that there was a public desire to adopt powers to improve the licencing and regulation of 'sex establishments' including 'sexual entertainment venues'.

Approval was, therefore, sought to consider the findings of the public consultation on the adoption of the powers and to recommend that Council adopted the powers, to support more effective licensing of such venues and reflect the views of local communities.

It was anticipated that if the powers were adopted, then Cabinet would be able to consider the adoption of a specific Policy relating to 'sex establishments' including 'sexual entertainment venues' to ensure proper regulation and control.

Resolved:- (1) That Council be recommended to pass a resolution to adopt powers contained within Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended).

(2) That Council be recommended that the appointed day for the provisions coming into effect is one month and one day from that resolution being made.

(3) That Council be recommended to delegate responsibility for the discharge of the adopted functions in relation to individual licences of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 to the Licensing Board.

129. PROPOSED PUBLIC SPACE PROTECTION ORDER - FITZWILLIAM ROAD, ROTHERHAM EAST

Consideration was given to the report which introduced a potential Public Space Protection Order for the area surrounding Fitzwilliam Road, within Rotherham East, as a part of the Eastwood Deal with evidence available to support potential implementation, alongside a proposed process to meet the legal requirement in relation to due process, including statutory consultation.

This would be the second Public Space Protection Order; the first of which being in the town centre and whose area bordered onto Fitzwilliam Road. There were similar issues affecting both areas so it was important that there was not displacement from one area to another.

Ward Councillors were thanked for their neighbourhood working and engagement with residents and how best the common complaints could be tackled through statutory process enforcement.

There were a number of proposals for consideration within the Public Space Protection Order for the Fitzwilliam Road area, as a result of reports, anecdotal information, public and officer feedback in the area:-

- Restrictions on alcohol
- Restriction on use of foul and abusive language.
- Vehicle nuisance.
- Requirements around maintaining gardens in a condition that does not impact on the quality of life of those in the locality.
- Restricted access to open spaces/groups of people at certain times (Eldon Rd fields, Pocket Park).
- On-street noise that is likely to cause a disturbance. Excessive Noise emanating from properties
- Requirement for business to maintain a tidy curtilage.

The process of consultation would require discussion with key stakeholders, such as the Police and the Police and Crime Commissioner, alongside interested groups, the public and residents in the area to see how they felt about these measures and the issues in the area.

The consultation would cover a range of methods including traditional surveys, weekly drop-ins at various locations, face to face contact with community organisations that operate in the area, press releases and would involve discussing further with Ward Members about what it should cover and how this would fit in with neighbourhood working to fully engage with residents

In terms of that consultation this was a very diverse population so translation and language barriers would need to be factored in to ensure everyone in the area engaged in the consultation

A further report would then be brought back to Cabinet in June, 2019 for a decision with implementation as soon as possible thereafter.

Resolved:- (1) That consultation proposing a Public Space Protection Order based on the conditions contained in this report and specifically Section 3 be approved.

(2) That a further report be submitted in June 2019, to consider the outcomes and conclusions drawn from the consultation alongside the evidence referenced in this report and completed equality impact assessment, for a final decision to be made.

**130. 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.