

**THE CABINET
21st June, 2021**

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

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

1. DECLARATIONS OF INTEREST

There were no declarations of interest.

2. QUESTIONS FROM MEMBERS OF THE PUBLIC

(1) Councillor Sylvester asked the Cabinet Member for Social Inclusion about the Civic theatre. Councillor Sylvester stated that the average price for tickets, during the autumn programme of events, was £16.88 with an average discount for children, students, Rothercard users, senior citizens and the disabled of 52p or 3.1%. There were a number of shows that did not offer any discount. Councillor Sylvester asked the Cabinet Member if he believed that a 52p discount was something that would encourage residents from deprived groups or neighbourhoods to take part in what should be a social and cultural norm of attending the theatre?

The Cabinet Member for Social Inclusion stated that the Council needed to do everything it could to ensure that all communities were engaged with all available cultural offers around the Borough, be that the theatre, museums, other events. The Cabinet Member stated that he would be doing all he could to ensure that there was that level of engagement by different means, be that admission prices or working with the community devolved budgets to ensure that all communities are supported.

In his follow up question, Councillor Sylvester asked whether the Cabinet Member could monitor the attendance for the autumn programme (September to November) to see if capacity was at 100%. He also asked whether work could be done with the theatre on postcode harvesting to ascertain what areas of the Borough ticket holders were from. This would help identify gaps between deprived and less deprived areas and allow questions to be asked about what more can be done to help.

The Cabinet Member for Social Inclusion explained that he would be happy to request the information that was held subject to data protection regulations in order to identify areas where participation levels were lower and ascertain way to improve engagement.

- (2) Councillor Sylvester asked the Cabinet Member for Jobs and the Local Economy about how COVID-19 was causing many commercial property holders to look at their portfolio's and re-evaluate their use. For example, a property on Main Street recently put in a planning application for a change of use. Councillor Sylvester asked how flexible the Town Centre Masterplan was to include changes of use from commercial to residential?

In the second part of his question, Councillor Sylvester asked about the library move and what would happen to the library space in Riverside House. He also asked whether the change from office working to homeworking could lead to the Council looking at its own commercial properties for residential development?

In the final part of his question, Councillor Sylvester asked how the Town Centre Masterplan was working with the new Forge Island Development and the good existing night time economy in Rotherham Town Centre?

The Cabinet Member for Jobs and the Local Economy explained that she was happy to sit down and talk to any Member about the Town Centre Masterplan. It was also explained that there would always have to be flexibility in the Plan so that it could adapt to any changes. Through the Local Plan process, the Council had changed some of the land allocations in the Town Centre from commercial to residential. This had caused the footprint of the Town Centre to shrink. Planning applications for change of use from commercial to residential in the Town Centre were being supported which reflected the change in the makeup of town centres across the country.

In response to the second part of the question, the Cabinet Member confirmed that a review was underway regarding all of the space at Riverside House, not just the library area. This was through the Asset Management Board who had noted the importance of town centre based workers as they were vital for the town centre economy.

In response to the final part of the question, the Cabinet Member confirmed that she did sit on a number of groups and sub-groups for the Town Centre who worked with local businesses and private developers to support the good night time economy. It was important to have everyone on board for the redevelopment of the Town Centre.

3. MINUTES OF THE PREVIOUS MEETING

Councillor Lelliott advised of a correction to Minute No. 136 of the minutes of the meeting held on 22nd March, 2021. Cabinet would formally respond to the recommendations from the Overview and Scrutiny Management Board Working Group review on building use at the July 2021 meeting, not the June 2021 meeting as stated.

Resolved: -

That the minutes, as amended, of the previous meeting of the Cabinet held on 22nd March, 2021, be approved as a true and correct record of the proceedings.

4. EXCLUSION OF THE PRESS AND PUBLIC

The Chair advised that Appendix 3 to the Town Centre Masterplan report, was exempt by virtue of Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972. However, the Appendix was not discussed during the meeting and as such, the meeting remained open to the press and public throughout.

5. YEAR AHEAD PLAN - QUARTERLY UPDATE AND PROPOSAL TO EXTEND THE PLAN

Consideration was given to the report which provided an update on the progress made with the Year Ahead Plan activities since September 2020. The Plan was the Council's plan for operating in and recovering from the COVID-19 pandemic. It aimed to support residents, communities and business through the challenges and uncertainty of the pandemic, helping to build resilience whilst also continuing to drive ambitions plans for Rotherham. The report also included a proposal to extend the Plan to November 2021 in order to provide time to develop a longer-term Council Plan.

The Leader explained that 36% of activities outlined in the Plan had been completed and 47% were on track. Three activities were "off track." The commissioning of new services to prevent financial exploitation was off track as the intended delivery partner was unable to go-ahead until the autumn; other options were being explored. The delivery of the £250k investment in Herringthorpe Stadium was off track as the site was currently hosting COVID-19 testing. The £425k investment in the Borough's other business centres was off track as the tender prices received were over budget and as such, additional funding was being sought.

It was confirmed that the Plan would be extended for a further 6 months, up to November 2021. This would allow time to engage with Members and Cabinet following the May 2021 elections on priorities that would inform a new longer-term Council Plan from 2022. Appendix 4 to the report outlined the activities in the extended Plan which included:

- the development of social supermarkets
- help for those at risk of abuse and homelessness
- contact tracing
- delivery of the residential strategy to keep children and young people safe
- the development and submission of bids for the Community Renewal Fund and the Levelling Up Fund.

Councillor Beck advised that the lead Cabinet Member for the activity listed at 5.15 of Appendix 4, promote the seven day Out of Hours Service, increasing access for noise and anti-social behaviour complaints, should be Councillor Alam and should be Councillor Lelliott for the activity listed at 6.3 of Appendix 4, develop a Council-building decarbonisation plan.

The report had been considered by the Overview and Scrutiny Management Board as part of the pre-decision scrutiny process. The Board was fully supportive of the recommendations but requested that the Overview and Scrutiny Management Board Members be consulted and involved in the development of both the format and contents of the new medium-term Council Plan. It was also requested that Overview and Scrutiny Management Board Members receive regular updates, at a frequency and in a format to be determined, on performance against the objectives contained in the new medium-term Council Plan.

Resolved: -

- (1) That progress made with the Year Ahead activities is noted.
- (2) That the proposal to extend the Year Ahead Plan to November 2021 is agreed.
- (3) That the Year Ahead Plan extension will be replaced by a new medium-term Council Plan, to be recommended by Cabinet for adoption by the full Council in January 2022 is noted.
- (4) That Overview and Scrutiny Management Board members be consulted and involved in the development of both the format and contents of the new medium-term Council Plan.
- (5) That Overview and Scrutiny Management Board members received regular updates, at a frequency and in a format to be determined, on performance against the objectives contained in the new medium-term Council Plan.

6. APPOINTMENT OF COUNCILLORS TO SERVE ON OUTSIDE BODIES

Consideration was given to the report which detailed how outside bodies were external organisations which had a Council appointed representative but had their own governance structures.

Appointments to outside bodies were seen as an important mechanism for community leadership, partnership and joint working along with knowledge and information sharing. At the Annual Meeting on 19th May, 2017, the Council approved procedure rules that detailed how Councillors would be appointed to serve on outside bodies.

The report, therefore, presented the nominations received and recommended the appointment of the nominees to the various organisations and partnerships.

The Leader advised that since the publication of the report, Councillor Wyatt had been nominated for the vacant Don Catchment Working Group position and the vacant National Association of British Market Authorities position. Councillor Sylvester had been nominated for the vacant Rotherham and District Citizen's Advice Bureau position.

The report also recommended that Cabinet instruct the Assistant Chief Executive to discontinue membership of Crestra Ltd (formerly Groundwork Creswell Ashfield and Mansfield.) The geographical footprint of the organisation did not correspond with that of the Council and there had been no recent dealings with Crestra Ltd or under its former name of Groundwork Creswell, Ashfield and Mansfield.

Resolved: -

- (1) That Cabinet agrees that Councillors be appointed to serve on Outside bodies, as detailed on the schedule in Appendix 1.
- (2) That Cabinet instruct the Assistant Chief Executive to discontinue membership of Crestra Ltd (formerly Groundwork Creswell Ashfield and Mansfield.)

7. PRESCRIBED ALTERATIONS TO THE WILLOWS SPECIAL SCHOOL

Consideration was given to the report which sought approval for the commencement of a period of pre-statutory consultation in relation to proposals to make prescribed alterations to the Willows Special School. Following the implementation of the Special Education Needs and Disability (SEND) phase 1 capital projects programme approved by Cabinet in February 2018, additional capacity was added at the Willows Special School by the building of additional teaching and learning spaces as an extension to the existing school building.

In March 2019, Cabinet approved the increase in registered places at the school from 100 to 120 and a change to the age range from 7-16 years to 7-19 years. However, demand for places had continued to increase and the School funded a capital project to convert the disused caretaker's bungalow on site and other School space to create additional teaching and learning space. The number of pupils who would be attending the school in September 2021 was 175. Due to COVID-19 restrictions, this has impacted on post-16 transitional arrangements for pupils which added to the numbers and plans in place to secure longer term transitional arrangements as part of 6th form opportunities, reducing number of pupils on site.

Because of the increased cohort, it had become necessary to increase the number of registered places at the School. The proposals fell within the requirements of the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 because the number of pupils in a special school on a permanent basis had increased by 10% or 20 pupils (whichever was the lowest) which was expected to be in place for more than 2 years. A capacity assessment at the School completed in April 2021 determined the capacity of the School to be sufficient for 150 pupils following the expansion project and adaptations.

The report sought approval to commence a period of pre-statutory consultation on the proposals to increase the number of planned places at the School from 120 to 150 by making the prescribed alterations.

Councillor Cusworth, the Cabinet Member for Children and Young People's Services, explained that the increase was necessary. If Cabinet decided to reject the proposal it would mean some students would have to be removed from the School which would be negative for the students, their families and the Council. It was confirmed that a report would be brought back to Cabinet following the consultation.

Resolved: -

- (1) That approval be granted to the commencement of a period of pre-statutory consultation in relation to proposals to make prescribed alterations to the Willows Special School.
- (2) That a further report be submitted outlining the outcome of pre-statutory consultation and seeking approval to proceed to a period of statutory consultation.

8. EDUCATIONAL VISITS POLICY

Consideration was given to the report which explained that the current Educational Visits Policy was due for revision to reflect current best practice and the change in the education landscape. The Policy had been reviewed and rewritten in line with the Outdoor Education Advisors Panel National Guidance for the management of outdoor learning, off-site visits

and learning outside the classroom. The revised Policy was to be titled “Learning Outside the Classroom (LOtC) and Educational Visits Policy and Guidance 2021” and would replace the Rotherham LEA Circular 146 Educational Visits Policy and Guidance 2009.

The appendices to the Policy were rationalised and updated as part of the rewrite. The Policy was for schools where RMBC was the employer and was applicable to other areas and activities of RMBC when working with children/young people and offsite visits were planned. The Policy also applied to non-maintained schools and other educational settings who had purchased Educational Visits Advice and Guidance from RMBC via a Service Level Agreement.

Resolved: -

- (1) That RMBC recognise and accept the Outdoor Education Advisors Panel National Guidance for the management of outdoor learning, off-site visits and learning outside the classroom, as the basis for its educational visits policy and guidance.
- (2) That the revised educational visits policy titled “Learning Outside the Classroom (LOtC) and Educational Visits Policy and Guidance 2021” is accepted as a replacement for Rotherham LEA Circular 146 Educational Visits Policy and Guidance 2009.
- (3) That approval for revisions to the appendices (working documents) of the Learning Outside the Classroom (LOtC) and Educational Visits Policy and Guidance is delegated to the Strategic Director of Children and Young People’s Services, enabling updates to be made in a timely manner as and when required.

9. EQUALITIES ANNUAL REPORT - 2020/21

Consideration was given to the report which was part of the Council’s Public Sector Equality Duty. The report highlighted the progress made over the past 12 months towards the equalities agenda as well as outlining the next steps.

The COVID-19 pandemic had exacerbated existing inequalities, with the most disadvantaged communities being hit the hardest. It had also uncovered latent vulnerabilities within Rotherham communities. Equalities had remained an important priority for the Council throughout the pandemic and would continue to be a priority as the Borough moves into recovery.

The report was structured around 4 themes: understanding and working with communities; leadership and organisational commitment; responsive services and customer care; and diverse and engaged workforce. As part of the Equality for All Strategy, the Council had made a commitment to reach “Excellent” within the LGA’s Equality Framework by 2022.

Councillor Alam outlined some of the positives in the Equalities Annual Report which included the peer review recommendation being implemented; the imbedding of equalities rather than adding equalities at the end of a process and the building of equalities into the Town Centre Masterplan.

Priorities moving forward were to work more closely and more consistently with communities; develop the Rotherham Heroes volunteer programme; refresh the equalities objectives through working with Scrutiny Members; develop customer care and develop the social value work to build equalities into procurement processes. Training was also being developed and reviewed.

The report had been considered by the Overview and Scrutiny Management Board as part of the pre-decision scrutiny process. The Board was fully supportive of the recommendations and thanked officers for the presentation at the meeting. It was requested that Overview and Scrutiny Management Board Members be provided with the training and information to enable them to provide effective scrutiny and oversight of the equalities agenda at the Council in order to ensure the best equalities outcomes are obtained for both residents and Council employees.

Resolved: -

- (1) That Cabinet note the progress made over the past 12 months towards the equalities agenda.
- (2) That Cabinet note the next steps outlined in the Equalities Annual Report.
- (3) That Members of the Overview and Scrutiny Management Board be provided with the training and information to enable them to provide effective scrutiny and oversight of the equalities agenda at the Council in order to ensure the best equalities outcomes are obtained for both residents and Council employees.

10. FINANCE UPDATE AND BUDGET MONITORING REPORT

Consideration was given to the report which provided an update on a number of financial matters including those related to COVID-19. The Financial Outturn 2020/21 and Financial Monitoring 2021/22 report was due to be submitted to Cabinet in July 2021.

There were 2 main factors contributing to an underspend which was higher than anticipated within the financial monitoring to Cabinet in February 2021. The first was that the Council had continued to maintain dialogue with Government on the costs to the Council arising from Operation Stovewood, costs which the Council managed within its overall budget. The Government confirmed in March 2021 that a grant of £2m would be paid in 2020/21 towards the Council's Stovewood costs. There was no commitment from the Government as yet for any further or ongoing support for the costs.

The second factor related to the funding from the Government's Contain Outbreak Management Fund (COMF). In December, 2020, the Council had received funding of £5.1m from a number of grants linked to COMF, including Test and Trace support funding, payments per head of population linked to national lockdown and payments per head of population linked to tiered restrictions. The total cost of the measures that the Council had in place to address outbreak management during 2020/21 was in excess of the £5.1m grant received and also required a significant amount of funding to be reserved to allow measures to continue across 2021/22.

It was reported that a total of £83.7 million of Business Support Grants had been delivered by the Council to over 5,000 businesses. Appendix 1 to the report set out a detailed breakdown of each of the business support schemes.

The Leader explained that it had been an exceptional year but that the Council was in a sustainable financial position due to the hard work of officers and Elected Members. It was explained that the grant funding allocation was very complex and labour intensive and as such had increased the workload for the Finance Team. The Leader also confirmed that the Local Self-Isolation Support Scheme would be brought to a close at the same time as the Government's Test and Trace Support Scheme.

Cabinet were also informed that an officer executive decision was taken by the Strategic Director of Adult Care, Housing and Public Health on 12th April, 2021, regarding hospital discharge when NHS funding ceases and local funding arrangements resume. The recommendations of the officer executive decision were:

- Anyone eligible for the interim NHS Hospital Discharge Funding Scheme that commenced in March 2020 would not be expected to make client care contribution costs until 12th April, 2021.
- Anyone who had already been assessed and who had moved off the interim NHS funding, and had been making a financial contribution towards their care costs, would be reimbursed their full client care contribution costs from the date they became eligible for the NHS funding until 11th April, 2021, inclusive.

- No back dated client contribution charges would be applied for anyone whose care services were incorrectly recorded as interim NHS funding codes but who were not eligible for the scheme.
- Anyone eligible to make a client contribution, and who was still on the NHS funding scheme would become liable for their client care contribution cost from 12th April, 2021.

These recommendations were approved as the Council's charging policy was designed for "business as usual" circumstances and did not account for the impact of the pandemic.

The report had been considered by the Overview and Scrutiny Management Board as part of the pre-decision scrutiny process. The Board was fully supportive of the recommendations and requested that a further report be brought to the October 2021 meeting of the Overview and Scrutiny Management Board regarding the allocation of COVID-19 related Support Grants.

Resolved: -

- (1) That the update on the revenue budget financial outturn 2020/21 be noted.
- (2) That the Council's position on the delivery of Business Support Grants and Test and Trace support payments be noted.
- (3) That the Council's approach to the delivery of the Hardship Fund, in providing greater levels of Local Council Tax Support be noted.
- (4) That the Government's main COVID-19 Grant Support Schemes, as detailed in section 2.5 of the report submitted, be noted along with the continued approach for payment to suppliers as detailed in section 2.7
- (5) That the approach taken with regards to Adult Social Care Contributions as detailed in section 2.6 of the report submitted be noted.
- (6) That the Local Self-Isolation Support scheme is brought to a close at the same time as the Government's Test and Trace Support Scheme.
- (7) That a report be submitted to the October 2021 meeting of the Overview and Scrutiny Management Board regarding the allocation of COVID-19 related Support Grants.

11. TOWN CENTRE MASTERPLAN IMPLEMENTATION

Consideration was given to the report which provided an update on the delivery of the Town Centre Masterplan and in particular sought approval for the funding and implementation of phases 2, 3 and 4 of the public realm improvements contained in the Town Centre Masterplan.

Significant progress had been made with several key projects included in the Town Centre Masterplan. A cinema operator had been secured for the Forge Island site and the first phase of flood works had been carried out. Further work was due to commence in Summer 2021. The redevelopment of Rotherham Markets, including the relocation of the Central Library had had concept designs prepared and funding had been secured via the Future High Street Fund with works programmed to commence in 2022. Good progress had been made on the key aim of reintroducing a resident population to the town centre. Work was also underway on a package of public realm improvements, particularly between Forge Island and the wider Town Centre. Phase 1 of the scheme had been approved in December 2019 which included the redevelopment of Bridgegate, Frederick Street and College Street which were currently either complete or were in progress.

The map at paragraph 2.1 of the report submitted highlighted the location proposed for improvement as part of the Public Realm Phase 2 scheme, as detailed in Appendix 2.

The report had been considered by the Overview and Scrutiny Management Board as part of the pre-decision scrutiny process. The Board was fully supportive of the recommendations and requested that all Members of the Overview and Scrutiny Management Board be consulted on the number, location and design of the public seating areas contained in the Town Centre Masterplan and that consideration be given to increasing the overall number of trees in the Town Centre.

Resolved: -

- (1) That Cabinet approve the implementation work of Town Centre public realm improvements on Effingham Street and Howard Street (Phase 2) and Upper Millgate and Forge Island Riverside Gardens (Phase 3), utilising secured grant funding as part of the Council's Future High Streets Fund bid.
- (2) That Cabinet approve the design works for Market Square, Upper Howard Street, Drummond Street and Eastwood Lane (Phase 4) utilising secured grant funding as part of the Council Future High Street Fund bid as part of the Overall Market Redevelopment Project.

- (3) That all Members of the Overview and Scrutiny Management Board be consulted on the number, location and design of the public seating areas contained in the Town Centre Masterplan.
- (4) That in addition to protecting established trees and replacing any unhealthy or dying trees, that consideration be given to increasing the overall numbers of trees in the Town Centre.

12. LOCAL PLAN: ADOPTION OF SUPPLEMENTARY PLANNING DOCUMENTS

Consideration was given to the report which sought approval for the adoption of the Affordable Housing, Development Viability, Natural Environment, Transport Assessment, Travel Plans & Parking Standards and Community Facilities Supplementary Planning Documents (SPD's.) The SPD's would provide additional detail and guidance to support policies in the Local Plan. Once adopted, they would be material considerations when determining planning applications. SPD's helped improve planning applications which in turn could speed up the planning process and produce better outcomes for the community.

Consultation on the draft SPD's had taken place in line with the Town and Country Planning (Local Planning) (England) Regulations 2012 and the Council's adopted Statement of Community Involvement. 28 representations had been received and a summary was provided in Appendix 8 to the report.

Resolved: -

That Cabinet approve the adoption of the Supplementary Planning Documents attached to the report at Appendices 3 to 7.

13. MARKET FEES AND CHARGES 2020/21 AND 2021/22

Consideration was given to the report which gave details on the proposals for a concession on the payment of market rents during the period of COVID-19 restrictions from 23rd March, 2020, to 17th May, 2021. It was reported that business for traders in Rotherham Market had been heavily impacted by the COVID-19 pandemic with trading largely ceased between March to July 2020 as part of lockdown restrictions.

Market traders in Rotherham had been supported by business rates relief, statutory Business Support Grants, local discretionary support grants and protection from eviction under rent provisions for established leaseholders. Demands for the payment of rent due from market traders had been put on hold over the past year and, in recognition of the challenges faced by market traders, a concession comprising a reduction of 50% of the rent due to be applied for the period 4th July 2020 to 23rd October 2020. For all other periods in the financial year 2020/21 it was

recommended that no rent be charged but that billing and charges be reinstated in full with effect from 1st June 2021.

Resolved: -

- (1) That in recognition of the challenges faced by markets traders a concession comprising a reduction of 50% of the rent due be applied for the period 4th July 2020 to 23rd October 2020.
- (2) That for all other days between 23rd March, 2020, and 31st May, 2021, no rent be charged.

14. BT REQUEST TO PERMANENTLY REMOVE THE PUBLIC PHONE BOX ON CANKLOW ROAD, ROTHERHAM

Consideration was given to the report which provided an update on the proposal by BT to close the telephony service and remove the telephone kiosk on Canklow Road following 2 recent arson attacks.

In line with Ofcom guidance, the Council had consulted on the proposals by BT. The final decision was taken by the Assistant Director, Planning, Regeneration and Transport, under the Council's Scheme of Delegation, consenting to BT's proposal.

Resolved: -

That Cabinet note the decision to consent to BT's proposal to close the telephony service and remove the kiosk on Canklow Road, Rotherham.

15. RECOMMENDATIONS FROM OVERVIEW AND SCRUTINY MANAGEMENT BOARD

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

16. DATE AND TIME OF NEXT MEETING

Resolved:-

That the next meeting of the Cabinet be held on 19th July, 2021, commencing at 10.00 a.m.