

**THE CABINET
20th December, 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).

75. DECLARATIONS OF INTEREST

There were no declarations of interest.

76. QUESTIONS FROM MEMBERS OF THE PUBLIC

- (1) Councillor Simon Ball asked the following question to the Cabinet Member for Housing, Councillor Brookes:

Having visited a constituent in a flat, the boiler was found to be completely inadequate, like it was something from the 80's. I have asked for a review of all the boilers in that place [that block of flats] and it found that several need replacing. Can we have a look at the whole stock of boilers because the amount of money that the resident must be wasting is phenomenal? Is that something we can look at?

In response, the Cabinet Member explained that there had been correspondence regarding the block of flats and confirmed that the Council were investigating all of the boilers in that block. The Cabinet Member confirmed that she would speak with officers regarding a review of the whole stock to see if others were at risk.

- (2) Councillor Simon Ball asked the following question which was responded to by the Leader, Cabinet Member for Transport and Environment, Councillor Dominic Beck, and the Strategic Director of Regeneration and Environment:

Cumwell Lane – unfortunately there was a death this week. I reported that road on Sunday; Councillor Singleton has reported that road for speed and mud. I want to know why it has taken all of that and then a death to happen on that road for action to be taken?

In response, the Leader offered his condolences to the family and friends of those impacted. It was explained that roads operated within a legal framework and the Council would be looking at ways to ensure an accident like that mentioned never happened again.

The Cabinet Member for Transport and Environment also offered his condolences to the friends and family of the deceased and invited the Strategic Director of Regeneration and Environment to give an update on the current situation. Mr Woodcock explained that the Council was working with South Yorkshire Police and other partners on the investigation. There had been previous reports of speeding and road traffic concerns on that road as it was a long stretch of country road and that information would feed into the analysis on road safety measures and other potential mitigations should that be forthcoming. It was explained that this would not be a quick process but officers had been working over the weekend in relation to the particular incident mentioned.

The Leader invited Councillor Ball to ask a supplementary question and Councillor Ball explained that he believed the problems stemmed from the planning permission as Hellaby residents were not consulted despite them being majorly impacted by the development. Why were Hellaby residents not informed of the tip opening? Councillor Ball also expressed concerns about a large warehouse opening at the end of the lane which would create 1,500 jobs. The concern was that Cumwell Lane could not accommodate that number of vehicles and following the recent incident on the road, it needed looking at.

The Leader explained that Councillor Beck and officers would provide a written response regarding the concerns raised.

77. MINUTES OF THE PREVIOUS MEETING

Resolved:

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

78. EXCLUSION OF THE PRESS AND PUBLIC

The Chair advised that Appendices 3 and 4 to Minute No. 80 and Appendix 2 to Minute No. 84 were exempt by virtue of Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972. However, none of the appendices were discussed during the meeting and as such, the meeting remained open to the press and public throughout.

79. PROPOSALS FOR THE REACH SERVICE

Consideration was given to the report which sought approval to commence a 90 day consultation exercise to establish the views and needs of users of the REACH day service, their families, and carers and younger people preparing for adulthood, regarding the new service offer.

As part of the Learning Disability Transformation Programme that had been agreed by Cabinet in May 2018, the Council had agreed to continue to provide a Complex Needs Day Service offer and this was currently delivered by the REACH service at the Elliott Centre in Rotherham Town Centre and Maple Avenue at Maltby.

The proposal being consulted on was to replace the two existing premises that the REACH day service used with modern, accessible and fit for purpose facilities. The facility at the Elliott Centre was leased from NHS Property Services and the wider site in which it was situated was being redeveloped. This meant the daily operation of the Service was a challenge, particularly in relation to maintaining a safe environment. The facility at Maple Avenue was an old children's home that did not meet modern accessibility standards.

Appendix 1 to the report provided more detail on the current arrangements and the risks associated with those arrangements.

Capital funding of £2.1m had already been secured and as such, the recommendation only related to the consultation. The people directly affected by the potential changes were to be engaged with throughout the consultation process and a final report would be brought back to Cabinet in September 2022 setting out the proposals.

Resolved:

1. That Cabinet approve a 90 day consultation exercise to establish the views and needs of users of the REACH day service, their families, and carers and younger people preparing for adulthood, regarding the new Service offer; and
2. That a further report detailing an options appraisal, with recommendations for Cabinet approval on the location, building design; capital spend; delivery plan and service offer be brought back to the Cabinet meeting in September 2022.

80. THE LOCATION OF PARKHILL LODGE RESIDENTIAL SERVICE - OUTCOME OF CONSULTATION AND SUBSEQUENT RECOMMENDATIONS

In August 2021 Cabinet agreed for a formal consultation to be carried out concerning the temporary location of the Parkhill Lodge Residential Care Service. Parkhill Lodge was a 22-bed residential care home for adults with learning disabilities located in Maltby. It was originally built as a hostel in the 1970's to provide temporary accommodation. There were currently 16 residents.

During October 2020 there was a significant COVID-19 outbreak at the Lodge rendering the Service unsafe. The decision was taken to move the residents to an empty pavilion at Lord Hardy Court in order to prevent the

spread of infection. The Service continued to be supported by the same staff. The initial stay was due to end in December 2020, however, the continuing pandemic meant that a decision was taken to extend the stay.

The decision was then taken to review the decision for residents of Parkhill Lodge to temporarily reside at Lord Hardy Court with the option of a permanent move being proposed. The positives and negatives for each site were set out in the report to Cabinet in August, 2021.

The consultation ran from August, 2021 to October, 2021 and the Council commissioned the services of Cloverleaf, an advocacy organisation, to ensure that residents had a voice that was independent from the Local Authority.

A summary of the outcomes of the consultation was provided in paragraphs 2.5 and 2.6 of the report. Paragraph 2.9 of the report explained the difficulties that COVID-19 had caused at Parkhill Lodge and why it was not deemed suitable. The Cabinet Member explained that if the decision was taken to return to Parkhill Lodge, that decision would not be able to be actioned for a further 12 months to allow for the completion of all necessary upgrades that were required to get the facility up to the required standard. Further, the spread of the Omicron variant of the Coronavirus meant it was not possible to return to Parkhill Lodge in the foreseeable future.

It was acknowledged that this was a difficult situation for some residents and a huge change for those that had lived at Parkhill Lodge for a number of years. However, the Council could not move residents back to a building that was not safe.

The exempt appendices provided Cabinet with information on infection prevention and control at Parkhill Lodge along with details of a health and safety inspection.

It was noted at the meeting that the report had originally been published with the fourth recommendation stating that a consultation would commence in May 2021; this had since been corrected to May 2022.

Resolved:

1. That Cabinet note the views of residents and their families expressed in the consultation and the responses provided by officers to ensure residents' care and support needs are met in Lord Hardy Court;
2. That Cabinet approve the Parkhill Lodge residential service being provided from Lord Hardy Court on an interim basis;
3. That Cabinet approve the proposal to close the Parkhill Lodge building;

4. That Cabinet agree to a consultation from May 2022 on options for new Council accommodation with support from people with Autism and learning disabilities and that the investment proposals return to Cabinet in November 2022 following the conclusion on the consultation.

81. MEDIUM TERM FINANCIAL STRATEGY

Consideration was given to the report which, following the release of the Government's Spending Review 2021, set out in detail the review and update of the Council's Medium Term Financial Strategy to 2025/26. The MTFs would be revised further in advance of the Council Budget setting meeting in March 2022 to take account of the Local Government Finance Settlement for 2022/23 when issued, along with budget policy proposals on levels of Council Tax and fees and charges and any budget investment.

The MTFs review, alongside the latest Financial Monitoring 2021/22 report which was presented to Cabinet in November 2021, envisaged a balanced financial outturn position being achieved for 2021/22. It also made recommendations on reserving funds and savings from 2021/22 in order to support the budget over the medium term.

The MTFs forecasts identified that a balanced budget for 2022/23 could be set with a small funding gap for the following two years. That position would be subject to review when the Finance Settlement for 2022/23 was received.

It was noted at the meeting that the provisional settlement announcement that had been made in the week prior to the Cabinet meeting did not significantly alter the financial position of the Council. More funding than expected had been announced in relation to the New Homes Bonus but this would be offset by the higher than expected rise in inflation. The announcement in relation to the Public Health Settlement was still pending. It was confirmed that everything would be reviewed as part of the budget setting process.

It was also reported that the Council's collection rates for Council Tax and business rates were ranked fifth and second out of all Metropolitan Councils in 2021/22.

It was recommended that Cabinet agree to carry forward any remaining budget for 2021/22 revenue budget investment into 2022/23 to allow for the completion of those investments with the full twelve months of funding.

Rotherham MBC had been invited to work with the Department for Education as part of the Safety Valve Intervention Programme which provided support to local authorities with large DSG deficits. The aim of the work was to achieve a mutually agreeable solution to eliminating the

Council's DSG deficit and to secure a more sustainable DSG position going forward. A proposal had to be submitted to the DfE by 7th December, 2022, however, an agreement with the DfE would need to be signed in early 2022 so that any additional grant payments could be made by Government in March 2022. The authority to complete the agreement would be delegated to the Strategic Director of Children and Young People's Services in consultation with the Cabinet Member, Chief Executive and Strategic Director of Finance and Customer Services.

The Leader noted the difficulty in financial forecasting due to the uncertainty caused by the COVID-19 pandemic.

This report had been selected for pre-decision scrutiny by the Overview and Scrutiny Management Board held on 15 December 2021. All of the recommendations were fully supported.

Resolved:

1. That the MTFFS update is noted;
2. That the proposals to reserve funding and savings from 2021/22 to support the budget across the medium term are supported;
3. That finalisation of the Budget for 2022/23 and the MTFFS to 2025/26 maintains the approved Budget Strategy;
4. That it is agreed that any remaining budget for 2021/22 revenue budget investments into 2022/23 to allow for those investment to be completed is carried forward;
5. That the delegated officer decision on the use off CCG funds as set out in paragraphs 2.37 and 2.39 on the report are noted; and
6. That the authority to complete an agreement with the DfE within the DSG Safety Valve Intervention Programme is delegated to the Strategic Director – Children & Young People's Services, in consultation with the Cabinet Member, the Chief Executive and the Strategic Director – Finance and Customer Services.

82. HRA BUSINESS PLAN 2022-23

Consideration was given to the report which provided a detailed overview of the current position of the Housing Revenue Account (HRA) and the reason for any changes to the Business Plan. The HRA recorded all expenditure and income relating to the provision of Council housing and related services, and the Council was required to produce a HRA Business Plan setting out its investment priorities over a 30 year period.

It was reported that by the end of March 2022, 194 new Council homes would have been built since the start of the Housing Growth Programme.

A further £92.3m would be invested to deliver the Council's ambition to create 1,000 homes between 2018 and 2025-26. It was also reported that over the short to medium term forecast, the Business Plan was operating at or around the minimum balance. However, over the longer term, there was a significant squeeze on resources due to inflationary pressures even before the costs of achieving net zero carbon were factored in.

Paragraph 2.2 of the report outlined the focus on the HRA Business Plan which included objectives such as supporting new affordable housing, supporting tenants to maximise income, tackling fuel poverty and achieving and maintain the decent homes standards.

Since the last update of the HRA Business Plan there had been significant policy changes, specifically relating to the Council's commitment to become net zero carbon by 2030. This created a significant financial challenge for the Plan. The overall position remained challenging, particularly given the inflationary pressures evident in costs for delivery of the Housing Growth Programme and more generally the cost base of the HRA. As a consequence, it was deemed necessary to increase rents by 4.1%, in line with the Government's Rent Standard. It was noted that the increase would not impact the most financially vulnerable tenants.

The preferred option for the HRA Business Plan Base Case was outlined in the report as Option 1 and would result in the HRA having an operational surplus of £34m and provide support to the housing growth agenda and the Council's General Fund position.

This report had been selected for pre-decision scrutiny by the Overview and Scrutiny Management Board held on 15th December, 2021. All of the recommendations were fully supported.

Resolved:

That Cabinet recommend to Council that:

1. The proposed 2022-23 Base Case Option 1 for the HRA Business Plan be approved; and
2. The Plan be reviewed annually to provide an updated financial position.

83. HOUSING REVENUE ACCOUNT RENTS AND SERVICE CHARGES 2022-23

Consideration was given to the report which sought approval for the proposed values of the housing rents, non-dwelling rents, District Heating and service charges and the draft Housing Revenue Account Budget for 2022/23. The proposed charges were attached to the report at Appendix 1 and the proposed budget at Appendix 2.

The average rent in 2021/22 was £75.45 when aggregated over 52 weeks. The 2022/23 average weekly rent based on the Government policy of CPI (3.1% as at September 2021) plus 1% would be £78.54 totalling in an average increase of £3.09 per week. Rent increases in respect of shared ownership properties were subject to a different formula of RPI (4.9% as at September 2021) plus 0.5%. 51 shared ownership properties would be affected with rents increasing by £2.29 per week on average, from £42.41 to £44.70.

It was also proposed that there be a 2% increase in charges for garages and parking spaces, communal facilities, cooking gas and use of laundry facilities. This was in line with the Council's policy on fees and charges.

Due to the current energy crisis and subsequent rise in gas prices, it was proposed that the charging model for District Heating, which had been agreed by Full Council in December 2017, be revised to allow for a planned deficit should energy price increases exceed scheme income. This would allow the Council to shield the most financially vulnerable residents from significant increases.

The Cabinet Member for Housing explained how the increase in rents and charges was necessary to fund the Council's ongoing Housing Growth Programme and maintain properties to the Decent Homes Standard.

This report had been selected for pre-decision scrutiny by the Overview and Scrutiny Management Board held on 15th December, 2021. All of the recommendations were fully supported.

Resolved:

That Cabinet note the report and recommend to Council that:

1. Dwelling rents are increased by 4.1% in 2022/23 (Option 1) in line with the Government policy on rents for social housing which allows rents to increase by Consumer Price Index (CPI) (3.1% as at September 2021) plus 1%;
2. Shared ownership rents are increased by 5.4% in 2022/23 (Option 1) in line with the Government policy on rents for social housing which allows rents to increase by Retail Price Index (RPI) (4.9% as at September 2021) plus 0.5%;
3. There is a 2% increase in charges for garages and parking spaces, communal facilities, cooking gas and use of laundry facilities, in line with the Council's policy on fees and charges;

4. The charging model for District Heating (as agreed by Full Council in December 2017) is revised to allow for a planned deficit should energy price increases exceed scheme income;
5. The unit charge per KWH and weekly prepayment charges for District Heating Schemes be increased by 15% in 2022/23 (Option 1) to limit the impact of anticipated market increases in the prices of energy and fuel costs; and
6. That the draft Housing Revenue Account Budget 2022/23, attached at Appendix 2, be agreed.

84. WESTGATE CHAMBERS REDEVELOPMENT - REMOVAL OF THE DEVELOPER OVERAGE PROVISIONS

Consideration was given to the report which sought approval for the removal of the developer overage provisions on the Westgate Chambers redevelopment. Westgate Chambers was a key redevelopment site in the Town Centre and was previously under the ownership of the Council. It was sold to the current developer in 2016 for a reduced value as there were serious viability issues in delivering any scheme on site and the Council wanted to support wider regeneration in the area.

Included in the sale was a number of overage provisions to provide extra security to the Council in the event that there was a significant upturn in the market and scheme viability was no longer an issue. However, the developer was having difficulties securing further funding against the part-completed scheme as no lending institutions were prepared to release any funds against schemes where overage provisions were in place.

The developer had approached the Council and asked if they would consider the removal of the overage provisions to allow for funding to be secured and the full redevelopment of the site to be completed.

All relevant financial information had been made available to the Cabinet in Appendix 2 and a site plan was attached at Appendix 1.

Resolved:

1. That Cabinet approve the removal of the developer overage provisions that were included in the original site transfer of the Westgate Chambers redevelopment site.
2. That the Strategic Director (Regeneration and Environment) be authorised to instruct Legal Services to formally remove the restrictions from the title documentation and the transfer for sale.

85. COUNCIL PLAN 2022-2025 AND YEAR AHEAD DELIVERY PLAN

Consideration was given to the report which explained that a new Council Plan had been developed for 2022-25. The Plan was attached at Appendix 1, and the Year Ahead Delivery Plan 2022 was attached at Appendix 2 to the report.

The Council had adopted the Year Ahead Plan in September 2020 as the Council Plan for operating within the COVID-19 pandemic. The plan had been extended in March 2021 and finished at the end of November 2021.

The Council Plan 2022-25 had been developed following a public consultation and was a key document outlining the Council's vision for the Borough and the priorities for serving residents and communities. The consultation had included online and postal surveys, focus groups and engagement at the Rotherham Show. Appendix 3 detailed the key findings of the consultation. Engagement also took place with key stakeholders, Cabinet Members and the Overview and Scrutiny Management Board. There was also an engagement session available for all Elected Members.

This engagement led to the Plan being framed around five themes:

- Every neighbourhood thriving
- People are safe, healthy and live well
- Every child able to fulfil their potential
- Expanding economic opportunity
- A cleaner, greener local environment

There were 26 outcomes and 47 commitments include in the Plan. In order to work towards the Council Plan outcomes and achieve the commitments, a Year Ahead Delivery Plan had been developed which set out the key activities to be delivered from January 2022 to March 2023. This included 91 priority actions/milestones.

It was proposed that the first Council Plan progress report, covering the period January 2022 to March 2022, be reported to Cabinet in June 2022.

This report had been selected for pre-decision scrutiny by the Overview and Scrutiny Management Board held on 15th December, 2021. All of the recommendations were fully supported. Further, OSMB requested that they continue to monitor performance against the objectives contained in the new Council Plan by receiving the quarterly performance reports produced for Cabinet as part of their pre-decision scrutiny role.

Resolved:

That Cabinet:

1. Recommend to Council that the Council Plan 2022-2025 be approved.
2. Recommend to Council that the Year Ahead Delivery Plan be approved.
3. Recommend that the first quarterly progress update is provided by the Cabinet in June 2022.
4. Agree that that the Overview and Scrutiny Management Board should continue to monitor performance against the objectives contained in the new Council Plan by receiving the quarterly performance reports produced for Cabinet as part of its pre-decision scrutiny role.

86. 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.

87. DATE AND TIME OF NEXT MEETING

Resolved:-

The next meeting of the Cabinet would be held on Monday, 24th January, 2022, commencing at 10.00 a.m. in Rotherham Town Hall.