

**THE CABINET**  
**Monday 25 April 2022**

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

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

Apologies for absence were received from Councillors Lelliott.

**132.       DECLARATIONS OF INTEREST**

There were no declarations of interest.

**133.       QUESTIONS FROM MEMBERS OF THE PUBLIC**

(1) Mr David Smith asked why the Cabinet Member for Social Inclusion tried to make out in the Rotherham Star that the reason for not building a leisure centre in Dinnington was based on financial constraints and also why he made it clear that the Council had no intention of making it part of the proposals for the Levelling Up Fund bid for Dinnington which he should have nothing to do with?

The Leader explained that the Council's decisions were made collectively by the Cabinet and, in responding to the question, Councillor Shepperd was responding on behalf of the administration of the Council. Any Member of Cabinet would be able to comment on the issue.

Councillor Shepperd explained that there had been a question at the last full Council meeting about the provision of potential new leisure facilities in Dinnington which had been looked at. Unfortunately, the finances did not fit with the possibilities that were available at that time and were a huge ask at the moment. If there were any proposals that the Council were able to finance or find external funding for, the Council would look at them. However the Council also had to consider the implications on the existing contract for leisure facilities within the borough. This did not mean that the Council was not going to help the people of Dinnington and the Council would always be looking to provide as much sporting and recreational facilities as they could across the borough.

In his supplementary question, Mr Smith asked why it was not made clear that the real reason for not allowing Dinnington to have a much needed leisure centre, because of its major health problems that are worse than any other area in Rotherham, was because of the PFI contract that was agreed with the then DC leisure, which operated Aston, Wath and Maltby? The contract is still in place with the

company (now called Places for People leisure) and has a non-competition clause which is the real reason why Dinnington could not have the leisure centre. It was possible as it could form part of the Levelling Up Fund Bid as it met the Government criteria? It could have done it last time but it can also do it this time.

Councillor Shepperd stated that there were many considerations to take into account when looking at potential funding and there was not one thing that cancelled anything out. Over the last 20-30 years, lots of facilities had moved to more centralised leisure facilities which provided a much broader and wider range of activities as opposed to the smaller, more localised ones. The Council would always strive to deliver as many recreational opportunities across the borough in order to improve health and keep residents active.

- (2) Councillor Castledine-Dack asked for an update on the reworking of the Levelling Up Fund bid for Dinnington High Street including what iterations of the plan currently looked like with the deadline fast approaching in July?

Paul Woodcock, Strategic Director of Regeneration and Environment, explained that officers had been working alongside elected Members and members of the local community, including the Town Council to develop the bid prior to submission before the deadline. Verbal feedback on the Round 1 bid had been received from Government and the proposal was to have a bid in for Wath and Dinnington. The bids were being developed and the bid for Dinnington was focused on the High Street, diversification, the markets, the public realm and leisure opportunities for children and young people based on the feedback from the local community.

In her supplementary question, Councillor Castledine-Dack asked for confirmation whether or not the reworking of the bid would be based broadly on the first bid that was put forward? The first bid fell down on two parts, firstly the match funding element and secondly, on the application of the theory of change model. She asked whether the Cabinet Member could confirm that the reworking of the bid was based on the first plan put forward and was not an attempt to redraw the wheel three months before the deadline?

Paul Woodcock confirmed that there had been much positive feedback on the bid and the first bid would be worked on based on the consultation with the local community and within the remit of what was allowed within the capital criteria from Government and within ongoing revenue costs as plans progressed into the future.

- (3) Mr Ian Sanderson stated that the people living and working in Dinnington did not feel that they had been consulted on in relation to the Levelling Up Fund bid and on other regeneration projects in the town. He asked who in the local community had been worked with and

when did this take place? He noted that with the first bid, the community did feel engaged and involved but the second bid felt like it was happening behind closed doors. He asked when the consultation would happen to find out what the local community wanted rather than ideas being imposed by the Council?

Paul Woodcock explained that officers had mainly been working with elected Members as representatives of their community and with the Town Council as elected representatives.

In his supplementary, Mr Sanderson explained that that was disappointing as the town Councillors and borough Councillors felt that plans were being presented to them at a late stage and without chance to get community involvement. Mr Sanderson gave the example of involving hockey in the bid and questioned who in Dinnington played hockey? He asked when officers would actually ask the community what they would want to see?

The Leader confirmed that a written response would be provided and any further conversations facilitated if required.

- (4) Mr Osman Suleman stated that, as a Muslim resident of Rotherham, he had significant concerns to raise about the Muslim burial section at East Herringthorpe Cemetery. A recently dug test grave had been flooded with what appeared to be contaminated water and had been poorly protected which was a further health and safety risk. The area around the Muslim burial section had been littered with soil, bricks and fencing which made the area look untidy and was disrespectful to those buried there and their families. Mr Suleman asked what actions RMBC and Dignity were taking to rectify the concerns?

Councillor Alam explained that the concerns had been raised on Good Friday after the test grave, which had been covered, had been uncovered by unknown persons. At no time was it planned to use the test grave for an actual burial. The Council had taken action over the drainage issue and was working with Dignity. Council engineers had visited the cemetery on Tuesday 19 April 2022 to identify the source of the leak and look at potential solutions, such as a new drainage system. Councillor Alam agreed that the cemetery did need tidying up but it was a live site where graves were dug. As such, work was underway to look at how live graves could be dug in batches of 20 or 30, to stop repeat visits by workers and accompanying vehicles. This would have to be done sensitively to meet the cultural needs.

In his supplementary question, Mr Suleman asked whether an underground water risk assessment would take place and what steps could be taken to improve communication with the local community?

Councillor Alam explained that both Council engineers and Dignity engineers would be assessing the site to look at the issues. In relation

to the communications, he confirmed that there was a Muslim Liaison Group but that had not met for the last year and a half due to COVID-19. There were other groups, that included local Imam's, that looked at the ethical needs for Muslim graves and gave independent advice to Dignity.

- (5) Ms Nida Khan explained that her family had recently lost their Mum to COVID-19 and had been spending a lot of time at East Herringthorpe Cemetery during what was a very difficult time for them. On the Thursday prior to Good Friday, the family had been at the Cemetery from the time it opened to the time it closed. They had watched the test grave being dug and then watched the water be pumped out for most of the day. The grave was dry when they left but the workers never supported the grave next to it. Later that day the family noticed that parts of the existing grave, including items left on the grave, were falling into the newly dug test grave. They then tried to get in touch with anyone that could help, phoning all numbers that were available but they could not get through. The family then decided that the best way to show respect to the person that was resting there was to try and support the grave with a piece of metal fencing that had been left. Ms Khan stated that the newly dug test grave had more resembled a well, given that it was half full of dirty water and this was extremely concerning to families, such as her own, that had recently buried relatives in that same ground. She felt that she had to speak up for those buried there as they could no longer speak for themselves. Further concerns were raised as even more new graves were being dug in the same location. There had been no rainfall so it was not known where all of the water was coming from. Ms Khan stated that she had tried to contact groups, Councillors, Dignity and the Council but had no response. As such, the family asked to community to meet and raise any concerns. Over 200 people attended. Ms Khan explained that no one in her family had seen any testing being done at the Cemetery, despite someone being there for the duration of the opening hours.

Ms Khan asked what a test grave was and what action was being immediately taken?

The Leader expressed his condolences to Ms Khan's family and offered his sincerest apologies for the difficulties faced at what was already an extremely challenging time. In addition to the response for Councillor Alam below, the Leader confirmed that Ms Khan would be updated on what action was being taken outside of the meeting.

Councillor Alam explained that he felt a personal obligation to this matter as Ms Khan's mother was one of his aunties. He explained that as he was in a position of public leadership, he felt he had a responsibility to make sure that those buried in the cemetery were in a safe and dry environment. Councillor Alam explained that the test grave was filled in and covered and not used for any burials. The

Leader explained that a test grave was simply a hole dug to see if water was present in that location and if so, what actions were necessary. Councillor Alam explained that the Council was ready to fund their own works on the drainage system and he assured Ms Khan that this was being taken very seriously. He explained that the issue was in identifying where the leak was as the drainage system was quite old, having been installed about 60 years ago.

Ms Khan explained that the "hole" very much resembled a grave as it had the breezeblocks in it. Ms Khan also explained that the new graves were being dug level with the test grave and that families members were not informed of the issues prior to burials. She questioned why burials were still being allowed? Ms Khan also raised the issue of health and safety as the test grave was not fenced off and anyone could have fallen into it.

Ms Khan explained that Councillor Yasseen had attended the gathering but Councillor Alam, along with other Councillors who had been invited, did not.

In response to further comments, the Leader explained that Councillor Alam was not responsible for the day to day running of the cemetery and was not in charge of operational matters such as who gets buried where. The Leader confirmed that the issues raised would be looked into.

- (6) Ms Farzana Khan stated that she has a disabled niece who has Downs Syndrome but cannot visit the grave because there is no disabled access or even footpaths in that area of the cemetery. Ms Khan asked what the Council was going to rectify this matter?

Councillor Alam explained that the Council had been chasing Dignity for the last six months and a temporary footpath had been installed. It was hoped that this would be tarmacked and Dignity had committed to making the layout disability friendly.

In her supplementary question, Ms Khan stated that the path referenced by Councillor Alam was not close to her mothers grave and therefore tarmacking would not help matters.

Councillor Alam explained that Dignity had been asked to do a Disability Access Audit to make sure it was accessible. He explained that he had been raising this for a significant period of time and he understood the concerns. He confirmed that it was being raised with Dignity.

**134. MINUTES OF THE PREVIOUS MEETING****Resolved:-**

That the minutes of the previous meeting of the Cabinet held on 25 March, 2022, be approved as a true and correct record of the proceedings.

**135. EXCLUSION OF THE PRESS AND PUBLIC**

There was no exempt information on the agenda.

**136. DEDICATED SCHOOLS GRANT HIGH NEEDS BLOCK SAFETY VALVE PROGRAMME**

Consideration was given to report which explained that, as part of the Department of Education (DfE) work to address long term challenges in the High Needs funding within the Dedicated Schools Grant, a small number of identified local authorities including Rotherham had been invited to have a financial agreement known as a 'Safety Valve.' The key emphasis for the Rotherham involvement in the programme was ensuring that more children with special needs could be supported to stay in mainstream education in the borough. Rotherham involvement also allowed appropriate SEND provision mapping in the borough to meet the Council's needs to continue to be developed and improve SEND outcomes.

Following the December budget report, progress had been made in negotiations with the DfE. The budget report also included a delegation for officers to progress the Safety Valve Agreement with DfE and this report back to Cabinet provided the final agreement reached. The final agreement was attached to the report at Appendix 2. The finalised agreement set out an investment of £20.528m to be received from the DfE across the lifespan of the agreement (2021/22 to 2025/26), and this would remove the DSG deficit based on the Council's revenue assumptions as detailed in paragraph 1.4 of the report.

In agreeing to the financial investment from the DfE, Rotherham was agreeing to implement the following strategies as set out in the Council's DSG management plan. This included actions to:

- (1) Reduce the use of independent specialist provision outside of the Local Authority by creating appropriate capacity within Rotherham's high needs system, with a focus on ensuring provision is high quality and value for money.
- (2) Improve Rotherham's Early Intervention Strategy, including through investment in outreach work.
- (3) Ensure appropriate use of provision and avoid escalation of children and young people's needs by, among other things, improving the governance around placement decisions.

- (4) Review support services in Rotherham to ensure value for money is achieved.
- (5) Increase the outreach offer for Social Emotional and Mental Health needs at primary and secondary.
- (6) Increase the outreach offer for specialist SEND.
- (7) Develop local sufficiency arrangements, including for Rotherham's Looked After Children.
- (8) Drive mainstream schools to adopt inclusive practice to enable more children and young people to remain in mainstream settings where appropriate.
- (9) Maintain engagement with stakeholders through strong and collaborative governance arrangements, such as ISOS partnership work, Schools Forum High Needs subgroup, primary and secondary head teachers.

Ongoing monitoring would be in place across the lifespan of the plan, and this would involve regular meetings between the DfE and RMBC on a quarterly basis to both support delivery and hold accountability of the agreement.

As part of the process, the Council had also been invited to submit a capital investment plan to support the Strategy. This was submitted to DfE on the 18 March 2022. The capital schemes were factored in to the DfE application for capital investment as part of the Safety Valve Agreement.

This report was considered by the Overview and Scrutiny Management Board as part of the pre-decision scrutiny process. The Board were fully supportive of the recommendations and requested that the Audit Committee be provided with further updates on the implementation of the programme. The Leader confirmed that Cabinet could not recommend what the Audit Committee looked at as they set their own work programme but confirmed they were more than welcome to review the Safety Valve Programme if they wished.

**Resolved:-**

That Cabinet:

1. Note the delegated decision taken by the Strategic Director as agreed by Cabinet in December 2021 to enter into the 'Safety Valve' Intervention Programme Agreement.
2. Agree as part of the involvement in 'Safety Valve' intervention programme to submit a capital request to the DfE to develop SEND provision in the borough to aid delivery of the programme.
3. Agree that all associated information incorporated in the report and appendices be noted including key risks and areas subject to review within the DfE finalised document.

4. Agree that an annual progress report is presented to Cabinet.
5. Note that the Audit Committee will receive, if they so wish, updates on the implementation of the Safety Valve Intervention Programme via their regular reports on the Risk Register.

**137. BANNING ORDER POLICY (PRIVATE SECTOR HOUSING)**

Consideration was given to the report which sought approval of the new Banning Order Policy in relation to private sector housing. The Housing and Planning Act 2016 introduced a number of tools and powers related to private sector housing enforcement, including the use of Banning Orders. Banning Orders became law at the end of 2018 and were to be used as a sanction for those who rented out private residential properties and were convicted of certain offences. A Banning Order would result in the individual being banned from managing rented properties anywhere in England for a defined period and a breach would constitute an offence which could result in imprisonment or a fine. A Banning Order also had the effect of determining an individual to be not 'fit and proper' to hold a licence under Parts 2 and 3 of the Housing Act 2004: Houses in Multiple Occupation Licences and Selective Licensing Licences respectively.

Due to the significance of the sanctions, the Policy, attached to the report at Appendix 1, had been produced to outline the Council's approach to Banning Orders and under what circumstances the Council would consider using such powers. In particular, work through selective licensing and recent targeted operations had created the need to consider further sanctions available to address persistent or serious offences.

Banning Orders provided a potentially useful tool for excluding landlords, agents and property management agencies from the private rented sector where relevant convictions exist. This power added to the tools that were available to the Council to use in relation to those individuals who routinely offered poor housing conditions, often to the poorest and most vulnerable people in society.

**Resolved:-**

That Cabinet approve the new Banning Order Policy.

**138. INTRODUCTION OF FIRST HOMES AND APPROVAL OF LOCAL ELIGIBILITY CRITERIA**

Consideration was given to the report which explained that First Homes became a mandatory Central Government requirement from 28 December 2021. They were a new affordable home ownership product to be delivered via Section 106 planning obligations on residential development sites. One quarter (25%) of all affordable homes secured by Section 106 planning obligation would be First Homes. The Planning Policy Guidance required First Homes:



- be discounted by at least 30% against the market value;
- be sold to a person or persons who met the First Homes eligibility criteria, including locally determined criteria;
- to be at a price of no higher than £250,000 (or £420,00 in Greater London) after the discount had been applied for the first sale; and
- on their first sale First Homes would apply a restriction on the title of the property at HM Land Registry to ensure the discount (as a percentage
- of market value) and certain other restrictions were passed on at each subsequent sale of the property.

Central Government had established mandatory national criteria relating to the delivery of First Homes. In addition to this requirement, local authorities could choose to apply local eligibility criteria, including local residency and employment criteria, income, and price caps. It was proposed that the Interim Policy Statement with Local Eligibility Criteria require that:

- Applicants shall currently live or have lived in Rotherham within the last three years for a continuous period of not less than one year. Proof of address and residency will be required; or,
- Applicants who leave Rotherham to pursue higher or further education opportunities will be eligible to apply for a First Home for up to three years after their exit/graduation from a higher/further education course provided they can prove they were resident in Rotherham borough, prior to leaving for higher/further education opportunities; or,
- Applicants shall currently be permanently employed in Rotherham Borough or be able to demonstrate a contract with a local employer. Proof of employer/employment status will be required; or,
- Applicants are a serving member of the Armed Forces, spouses, or civil partners of current members of the Armed Forces, spouses, or civil partners of a deceased member of the armed forces (if their death was wholly or partly caused by their service) and veterans within five years of leaving the armed forces. (Other local connection criteria are disappplied for those meeting the armed forces criteria); and,
- The property must be the applicants only and main home and cannot be rented out for any reason, without the specific consent of the Council and only in exceptional circumstances.

Local eligibility criteria only applied for three months from the date the First Home properties were advertised for sale. If First Homes were not sold within this timeframe the local eligibility criteria were removed and the only restrictions imposed on purchasers would be in compliance with national eligibility criteria. In the future, and only if there was sufficient robust evidence, the Council could introduce additional local eligibility

criteria. For example, the reduction of the national income cap and/or increasing the level of discount that could be applied to the sale of First Homes.

It was the developer's responsibility to sell First Homes to eligible applicants. However, the Council would be directly involved in the sales process for First Homes, both at the initial sale stage and any subsequent resales. As the Council would be involved in the administration of First Homes, a fee was to be charged to the developer for the first sale and to cover costs of administration on subsequent re-sales. Details of the fee charging system were set out in Appendix 1.

**Resolved:-**

That Cabinet:

1. Note the introduction of First Homes as a mandatory requirement by Central Government.
2. Approve the proposed local eligibility criteria as additional requirements over and above the First Homes mandatory national criteria. The local eligibility criteria would be published in an Interim Policy Statement on the Council's website.
3. Approve the introduction of a fee charging system to cover reasonable costs associated with the administration of First Homes in perpetuity.
4. Approve delegation to the Strategic Director for Regeneration and Environment, in consultation with the Cabinet Member for Jobs and the Local Economy, to amend the First Homes local eligibility criteria and fee charging system as required by monitoring and review.

**139. HACKNEY CARRIAGE TARIFFS**

Consideration was given to the report which sought approval for the amendments to the Hackney Carriage tariffs and soiling charge along with a 14-day consultation period.

A request had been received at the end of October 2021 on behalf of members of the Rotherham Hackney Carriage Association requesting a rise in the metered fares currently being charges in hackney carriage vehicles. A period of discussion had taken place and the proposed tariffs were finalised in February 2022. The tariffs were then submitted to local taximeter suppliers to verify that the proposals were compatible with their equipment, and slight amendments were made to the tariffs following this. The final proposal had been agreed with Rotherham Hackney Carriage Association and was attached to the report at Appendix 1.

The current tariffs had been set in 2017. Since this time, the cost of fuel, insurance and vehicle servicing has increased significantly. Fuel had

increased by around 38% since 2017 (as detailed in the Department for Business, Energy and Industrial Strategy Weekly Fuel Prices). Licence holders were therefore requesting the increase to cover running costs and allow them to see sufficient return for their business.

Under tariff 1 (Standard Tariff), the current charge for the first mile was £4.00, with each additional mile costing the passenger £1.40. This would increase to £4.50 for the first mile (an increase of 12.5%), and £1.50 for each additional mile thereafter (an increase of 7%). In addition to the increase, the recommended tariffs would see the charge for the first half mile increased from £3.30 to £4.00. This had been introduced due to the trade seeing an increase in the numbers of very short journeys that take place during the daytime.

Under tariff 2 (Night time, Sunday and Bank Holiday Tariff, except Christmas and New Year), the current charge for first mile was £4.30, with each additional mile costing the passenger £1.60. This would increase to £4.70 for the first mile (an increase of 9.3%), and £1.70 for each additional mile thereafter (an increase of 6.25%). It had also been proposed that the times during which tariff 2 was applicable should be amended. Currently, tariff 2 was applied all day on Sundays and Bank Holidays and was activated at 10pm on other days (except those days covered by tariff 3). It was proposed that the starting time on days other than Sundays or Bank Holidays be changed to 9pm (the finishing time would remain at 6am). In addition, it was proposed that the charge for waiting was increased from 20p per minute (or part thereof) to 30p per minute (or part thereof). This represented an increase of 50%.

Under tariff 3 (Christmas and New Year Tariff), the current charge for first mile was £6.60, with each additional mile costing the passenger £1.70. This would increase to £7.00 for the first mile (an increase of 6.1%), and £1.90 for each additional mile thereafter (an increase of 11.8%). Currently, tariff 3 was activated at 5pm on Christmas Eve and New Year's Eve. It was proposed that this be amended so that tariff 3 be activated at 3pm (the times and days that tariff 3 would end would remain the same). The charge for waiting would be the same as under tariff 2.

It was also proposed that the Soiling Charge for all tariffs be increased to £50 (an increase of 11%). The Large Group Surcharge would be unchanged.

Any change in the proposed tariffs had to be advertised in the local press (through the publication of a public notice), and this would take place following agreement of the proposed tariffs by Cabinet. Should any objections be received, a further report would be presented to Cabinet for their consideration. This would propose that the fares are either introduced as advertised or amended prior to their introduction. If no objections were received (or objections made but subsequently withdrawn) the revised tariffs would come into effect on a date to be agreed with the Hackney Carriage Trade (allowing sufficient time for

practical arrangements to be completed).

Councillor Alam requested that the tariffs be reviewed on an annual basis. It was confirmed this would be taken back to officers for consideration.

**Resolved:-**

1. That the amendments to the Hackney Carriage tariffs and soiling charge detailed in this report and Appendix 1 be approved along with a 14-day consultation period.
2. That following the period of consultation, if no objections are received or any objections received are subsequently withdrawn, then the amended tariffs and soiling charge are to take effect immediately.
3. Should any objections be received following the period of consultation then a further report will be presented to Cabinet to determine whether the fares should be agreed and introduced, or amended prior to their introduction.

**140. CLIMATE EMERGENCY ANNUAL REPORT**

Consideration was given to the report which provided an update on progress against actions outlined in the 2021/22 Climate Emergency Action Plan. At its meeting on 30 October 2019, the Council declared a climate emergency and produced a policy and action plan "Responding to the Climate Emergency". This set out key policy themes of Energy; Housing; Transport; Waste; Built and Natural Environment; Influence and Engagement. On 23 March 2020, Cabinet had resolved to establish the targets of the Council's carbon emissions be at net zero by 2030 and the borough's carbon emissions be at net zero by 2040.

Climate Emergency UK had produced a set of scorecards for local authorities' Climate Action Plans, in partnership with Friends of the Earth, Centre for Alternative Technology, Ashden and APSE Energy. While these scorecards evaluate planned actions, rather than actions completed, it was positive that the Council's Climate Emergency Action Plan scored 51%. This was above the national average (50%) and was the highest score achieved by a local authority in South Yorkshire.

Particular attention was paid in the report to the development of a carbon emissions baseline, which represented an important evidence base for strategic development of the Council's climate change agenda. The report outlined the next steps, particularly the ongoing development of a refreshed Climate Emergency Action Plan, which would be developed once the new Climate Emergency Delivery Team has been established.

Appendix 1 to the report was a Progress Summary Table with appendices 2 and 3 containing case studies.

At the meeting, Cabinet Members and officers highlighted key parts of the report that related to their portfolios, such as decarbonising the fleet, improving health inequalities and tree planting. Councillor Allen confirmed that the report would be presented to the Parish Councils.

This report was considered by the Overview and Scrutiny Management Board as part of the pre-decision scrutiny process. The Board were fully supportive of the recommendations and requested that developments related to the Environment Bill, as referenced at paragraph 2.53 of the report, and the subsequent impact on the waste and recycling strategies be submitted to the Improving Places Select Commission in due course.

**Resolved:-**

That Cabinet:

1. Note the progress to date towards the NZ30 and NZ40 targets.
2. Note the progress against the actions from the 2021/22 Climate Emergency Action Plan.
3. Agree the approach laid out for continued development of the Council's response to the Climate Emergency, including an updated Action Plan in 2022.
4. Submit the Climate Emergency Annual Report to the next Council meeting for information.
5. Agree that developments related to the Environment Bill and the subsequent impact on the waste and recycling strategies be submitted to the Improving Places Select Commission in due course.

**141. 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.

**142. DATE AND TIME OF NEXT MEETING**

**Resolved:-**

That the next meeting of the Cabinet be held on Monday 16 May 2022 commencing at 10.00 a.m. in Rotherham Town Hall.