

THE CABINET
20th June, 2022

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

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

An apology for absence was received from Councillor Cusworth.

1. DECLARATIONS OF INTEREST

There were no declarations of interest.

2. QUESTIONS FROM MEMBERS OF THE PUBLIC

(1) Rachel Graham, Clerk to Waverley Community Council, asked the following question in relation to Waverley Junior Academy: Could the Council provide portacabins for the young students come September 2022 to commence their education in their village, which they can walk to, as there are an additional 21 students without placements at the moment.

The Assistant Director of Education and Inclusion, Nathan Heath, responded by explaining that it was right to recognise that there was a clear challenge for those children and young people that had not been accepted into Waverley Junior Academy. RMBC had been doing a significant piece of work with the DfE and having dialogue with them around the forward planning for Waverley. The DfE's position was very clear and they had made it consistently clear that within the planning area of Waverley, there were available school spaces for children and young people that were within the catchment area. In direct response to the question, Mr. Heath confirmed that the Council would not be providing portacabins at Waverley Junior Academy this year.

In her supplementary question, the Clerk to Waverley Community Council confirmed that in previous correspondence with the Council, it had been confirmed that it was RMBC Policy to encourage sustainable travel to school which includes walking over car usage. How does this marry up?

Mr. Heath stated that that was a very valid question but explained that the schools that were in and around the Waverley village and catchment were within the criteria set by the DfE. It was recognised that a number of children who had not been admitted to Waverley for September may be at wider parameters of the catchment area. However, from the specific and detailed work that had been done around that, all children should be able to access a local catchment school.

3. MINUTES OF THE PREVIOUS MEETING

Resolved:-

That the minutes of the previous meeting of the Cabinet held on 16th May, 2022, be approved as a true and correct record of the proceedings.

4. EXCLUSION OF THE PRESS AND PUBLIC

The Chair advised that Appendix 1 to Item 11 on the agenda contained exempt information, however, the meeting remained open to the public and press throughout.

5. CABINET RESPONSE TO THE OUTCOMES FROM THE SCRUTINY SPOTLIGHT REVIEW ON YOUNG CARERS

Consideration was given to the report which outlined the response of Cabinet to the outcomes from the Scrutiny Spotlight review on Young Carers. The findings of the Scrutiny Review had been presented to Cabinet on 28th March, 2022, and were as follows:

a) That action plans and performance matrix be supplied as part of the next update in 6 months' time.

b) That a plan be developed to address the current data gap in respect of young carers who mature into adult carers, with a view to providing the best preparation possible and making this transition as seamless as possible for young carers who may continue to have caring responsibilities into adulthood.

c) That consideration be given to how best to provide additional support to young carers seeking to access employment skills, education and training.

Cabinet accepted all of the recommendations and Appendix 1 to the report outlined further detail on how the recommendations had been or would be actioned. A report would be taken back to the Improving Lives Select Commission in July 2022 to update on the progress made.

Resolved:-

1. That Cabinet approve the response to the recommendations, as detailed in Appendix 1, and note the report.

6. EQUALITY, DIVERSITY AND INCLUSION STRATEGY (2022/2025), ACTION PLAN (2022/2023) AND ANNUAL REPORT (2021/2022)

Consideration was given to the report which explained that the Council Plan 2022/2025 had set out that the Council's ambition was to create an inclusive Borough for people to live, work and enjoy; a Borough where

nobody was left behind and where all were welcome and treated fairly. The Equality, Diversity and Inclusion (EDI) Strategy set out the commitments that the Council was making to support those outcomes. It would ensure that equality objectives truly underpinned the themes of the Council Plan to ensure that achieving equality outcomes was embedded in everything that the Council did. It would also commit to achieving the highest national standards as set out in the Equalities Framework for Local Government.

The Strategy was built on 4 key equality objectives: understanding, listening to and working with Rotherham's communities; delivering accessible and responsive services that meet diverse needs; provide leadership and organisational commitment to actively promote equalities; and ensuring a diverse and engaged workforce.

The Council had set out its commitment to achieving and demonstrating the highest standards in equality, diversity and inclusion through aspiring to reach "Excellent" in the Equalities Framework for Local Government (EFLG), which was the national standard. The New EDI Strategy and objectives supported the achievement and then the maintenance of the "Excellent" standard. Appendix 2 set out the action plan to support this.

The Equalities Annual report provided an overview of equalities activity and achievement over the last year and commitments going forward in relation to the priorities of the new EDI strategy. Each year, the looking ahead section of the Annual report would form a cycle of review and forward planning over the lifetime of the EDI Strategy ensuring that actions were always informed and current.

An extensive consultation process has been undertaken seeking views on 3 initial, draft objectives along with key actions and the approach to taking forward the EDI Strategy. The consultation responses helped to shape the final 4 objectives and this was described in section 4 of the report and Appendix 3.

This report was considered by the Overview and Scrutiny Management Board as part of the pre-decision scrutiny process. The Board fully supported the recommendations and asked that consideration be given as to how equalities were presented in Council reports going forward.

Resolved:-

1. That the Equality, Diversity and Inclusion Strategy 2022/2025 be approved.
2. That the Equalities Annual Report 2021/2022 be received.
3. That the Equalities 2022/2023 action plan and Equality, Diversity and Inclusion consultation findings report be noted.

7. FINANCE UPDATE

Consideration was given to the report which provided an update on a number of financial matters, including those related to Covid-19. It also provided an interim update following the approval of the Budget and Council Tax 2022/23 report at Council on 2nd March, 2022. This was in advance of the Financial Outturn 2021/22 and Financial Monitoring 2022/23 reports which would be submitted to Cabinet in July 2022. There was also an update on the Council's administration of the Local Council Tax Support Top Up payment for 2022/23, Council Tax (Energy) Rebate and Covid Additional Relief Fund (CARF.)

The final outturn position for 2021/22 reflected a positive movement of £4.1m in the Directorate outturn positions since December's Financial Monitoring position, reported to Cabinet on the 14th February, 2022. The main reasons for the movements per Directorate were set out in the report, however, a more detailed narrative would be provided in the Financial Outturn report to Cabinet in July 2022. The positive improvement removed the need for the Council to use £1.7m of the Budget and Financial Strategy Reserve to support the 2021/22 outturn position. That improvement generated a £2.4m underspend as the Council remained able to use the full £14.0m of Covid grant to support the outturn position. This had, therefore, allowed the Council to transfer £2.4m into the Council's Budget and Financial Strategy Reserve, as per the recommendation within the Council's Budget and Council Tax report 2022/23.

The strong outturn position placed the Council in a more robust position heading into the financial year 2022/23. It was, therefore, more able to mitigate against cost pressures and the financial challenges that were not evident at the time of setting the 2022/23 Budget, such as the war in Ukraine and the significant rise in energy prices and inflation. The Council was more able to manage the impact rather than needing to consider making cuts in services.

The financial challenges were being considered as part of the Council's ongoing Medium Term Financial Planning. The energy price rises, and inflation would impact the Council's costs in the provision of services. However, some of those cost impacts would be mitigated in future years by increased core funding as business rates income was indexed to the rate of inflation. It was currently expected that the period of high inflation would last for 2 years before returning to a more normal level. As such, the Council would face short term financial pressures that would need to be managed and mitigated through the Medium Term Financial Strategy and the Council's reserves. As such the Council's ability to build further capacity into those reserves as part of the 2021/22 outturn position was a benefit. The Council was currently reviewing the reserves balances as at the 2021/22 outturn to assess the capacity to provide this budget risk mitigation and would report further on reserves within the Financial Outturn report to Cabinet in July.

In relation to the Local Council Tax Support Top Up Scheme 2022/23, it was reported that a total of £1.387m had been awarded across 14,567 accounts with 10,403 of those accounts being reduced to nil.

In relation to the Council Tax (Energy) Rebate scheme, it was reported that to date, 74,143 payments had been made to Band A-D households and 6,413 discretionary payments to Band E-H households.

The Covid Additional Relief Fund had been set up to sort businesses affected by the pandemic but who had been ineligible for existing support linked to business rates. Following the closure of the applications process, the Council has received and approved a total of 120 businesses, with a total relief value of £528k based on the Cabinet approved awards. Therefore, the Council had needed to agree an approach to topping up the businesses that did apply for the award to further utilise the funding and potentially providing a smaller award to those businesses that could benefit from the scheme but had not come forward for support. An officer decision was taken to allow the Council to increase the award for businesses that have been approved via the Council's application process to 100% businesses rates relief, up to a maximum of £30k. This would cost £1.9m. The remaining funding would then be used to provide a smaller payment to businesses that were eligible but had not applied; a payment of up to £2,900 per business would be made at an estimated cost of £2.9m. Businesses provided with an award would receive a revised 2021/22 business rates bill.

As at March 2022, the Council had fully spent its £2.489m allocation from the Household Support Fund 2021/22 by delivering on a range of themes as set out in paragraph 2.5.1 of the report. This included food vouchers, reduction in Council Tax liability, support to the Voluntary and Community Sector etc.

An update was also provided on the Test and Trace Self-Isolation Support Payments at paragraph 2.6 of the report.

This report was considered by the Overview and Scrutiny Management Board as part of the pre-decision scrutiny process. The Board fully supported the recommendations and asked that, in future, the Council ensures options for Council Tax (energy) Rebate payments are more widely published in an easy-to-read format. The Leader explained that, at the OSMB meeting, Members had requested that the Council ensure that the information was easily accessible and that there was as much information as possible that was easy to read which would also be taken under consideration.

Resolved:-

1. That the update on the revenue budget financial outturn 2021/22 be noted.

2. That the Council's progress on the delivery of the Local Council Tax Support Top Up payment be noted.
3. That the Council's progress on the delivery of the Council Tax (Energy) Rebate be noted.
4. That the Council's progress on the delivery of the Covid Additional Relief Fund be noted.
5. That the Council's delivery of the Household Support Fund 2021/22 be noted.
6. That the Council's delivery of the Test and Trace Support Payments be noted.

8. FITZWILLIAM ROAD PUBLIC SPACES PROTECTION ORDER, JUNE 2022

Consideration was given to the report which explained that since 2019, a Public Space Protection Order (PSPO) had been in force in the Fitzwilliam Road area of Rotherham. This was due to expire in June 2022 as the maximum duration of PSPO's was 3 years. The report detailed a review of the existing PSPO, the outcomes of the targeted public consultation on renewing the Order along with the recommendations to review the Order. It was also recommended that a new condition relating to bins on the street be included in the renewed Order.

From 25th April to 15th May, 2022 a public and stakeholder consultation process had been carried out. This included:

- Key partners and stakeholder letters issued to South Yorkshire Police, South Yorkshire Fire and Rescue, Local Voluntary and Third Sector Groups and Ward Councillors
- A public consultation on the website with social media sign posting and links
- Engagement with local residents who have English as a second language at Clifton Learning Partnership with translation support

The effectiveness of the current Order was explained in paragraph 2.1 of the report. Since 1st January, 2018, there had been 1,020 Anti-Social Behaviour (ASB) incidents in the Fitzwilliam-Eastwood PSPO area, showing an average of 20 incidents per month. The impact of Covid-19 was taken into account when assessing this data. Since 1st January, 2018, the Council's Community Protection Unit received 645 reported complaints regarding wheelie bins. Of these complaints, which related to various issues of contamination, abandonment or bins being left on the street, 165 (26%) had been received in the Fitzwilliam Road Area. The street scene in the area, anecdotally from residents, Councillors, partners and officers, was suffering as a consequence. The failure to responsibly

manage waste and waste receptacles was a known contributor to pests, alongside contributing to waste accumulation and fly-tipping issues.

The Order was jointly enforced by authorised officers from the Council's Regulation and Enforcement Service and South Yorkshire Police staff. Since June 2019, 64 Fixed Penalty Notices (FPNs) had been issued in the locality to individuals breaching the Order. 65% of FPNs had been issued in relation to the consumption of alcohol. In addition, informal enforcement had been applied at officers' discretion on occasion which did not generate a penalty, however, did resolve the immediate issue or breach. Throughout the 3 years in which the PSPO had been in place, there had been around 600 reported incidents of anti-social behaviour and just over 60 Fixed Penalty Notices issued, showing a rate of around 10%.

Appendix 2 to the report was the draft new Order. Section 6 of the Order related to bins and stated that a bin must not be situated outside the boundary of the property other than between 6.00 p.m. on the day before collection was due and 9.00 p.m. on the day of collection unless the bin was in an identifiable bin storage area of yard for the bins on that property.

It was also confirmed that the missing sentence on page 181 of the agenda pack should read: "The condition for taking bins off the street is only relevant after the actual collection of waste, where the waste is presented correctly. Enforcement will be planned in such a way as to educate and work with residents prior to formal enforcement action being taken."

Resolved:-

1. That Cabinet approve the designation of the new Public Space Protection Order, set out at Appendix 2, in the Fitzwilliam Road area.

9. NEW APPLICATIONS FOR BUSINESS RATES DISCRETIONARY RELIEF - ROTHERHAM AND DISTRICT CITIZENS ADVICE BUREAU

The Council had received an application for the award of Discretionary Business Rate Relief for Rotherham and District Citizens Advice Bureau. In line with the Council's Business Rates Discretionary Relief Policy, having regard to the financial cost of the proposed relief, the charitable use of the premises and the contribution that the organisation makes to the local community, it was recommended that an award for discretionary relief be granted to Rotherham and District Citizens Advice Bureau.

Rotherham and District Citizens Advice Bureau was a registered charity which provided free information and advice to the community in Rotherham ensuring that the Borough's citizens did not suffer through lack of knowledge of their rights and responsibilities. The charity actively worked to raise issues of social injustice to enable improvement in social

justice for all. The organisation moved premises on 1st December, 2021, because of the current town centre renovations and a requirement from RMBC to temporarily relocate pending the construction of new premises as part of the Town Centre Plan. The organisation benefited from an award of discretionary relief at their former premises which was awarded continuously from 2017 to the date of their relocation. The proposed relief would maintain this position.

Resolved:-

1. That Cabinet approve the application for Discretionary Business Rate Relief for Rotherham and District Citizens Advice Bureau in accordance with the details set out in Section 6 to this report for the 2021/22 and 2022/23 financial years.

10. HOUSING STRATEGIC ACQUISITIONS

Consideration was given to the report which sought approval for the Council to purchase 66 new homes, of which 48 would be for Council rent and 18 for Council shared ownership. The acquisitions would be funded by the Housing Revenue Account and had been modelled within the HRA Business Plan to confirm affordability.

As set out in previous annual housing development reports, strategic acquisitions typically offered an expedient and value for money route to adding new homes to the Council's housing stock. They also helped to ensure local affordable housing needs could be met in areas where the Council had limited existing stock, and or limited land opportunities to directly build new homes.

Exempt Appendix 1 provided the details of the proposed acquisitions, including when the homes were expected to be added to the Council's stock. Some acquisitions would be handed over in multiple phases with the final homes from this list due in 2027/28.

The overall housing development programme would be described in the next annual housing development report. The current report was being presented earlier to ensure time-limited acquisition opportunities were not missed. It was not possible to guarantee that all the homes identified would be purchased, but Cabinet approval was sought to allow officers to undertake the necessary work towards achieving this aim.

If all of the identified acquisitions were secured, the Council would obtain the following Council homes for rent: 14 houses with 2 bedrooms; 12 houses with 3 bedrooms; 6 houses with 4 bedrooms; 15 bungalows with 2 bedrooms and 1 bungalow with 3 bedrooms, totalling 48 homes. The Council will also obtain 18 homes to offer as council shared ownership: 10 houses with 2 bedrooms and 8 houses with 3 bedrooms totalling 18 homes.

Resolved:-

1. That Cabinet agrees to purchase the homes identified in Exempt Appendix 1, subject to the budget parameters as set out in the Council's approved Capital Programme.
2. That authority to negotiate and complete the legal documentation to give effect to the Cabinet's decision be delegated to the Council's Legal Services.

11. BT PROPOSAL TO PERMANENTLY REMOVE THE PUBLIC PHONE BOX AT THE JUNCTION OF WENSLEYDALE AND TEESDALE ROAD, ROTHERHAM

Consideration was given to a report submitted for information which detailed the decision taken by officers under delegated powers in respect of the proposal from BT to remove the public phone box at the junction of Wensleydale and Teesdale Road, Rotherham.

It was reported that, following a period of public consultation and in line with Ofcom guidance, a delegated decision was made by the Assistant Director (Planning Regeneration and Transport) on the proposal. Consultations were carried out through the Council's website and press notices published. In the first consultation period, no comments were received regarding the payphone closure. In the second consultation a response was received that the Ward Councillors, Local Policing Team and Housing Officers for the area considered that the phone box could be removed. However, having regard to the consultation comments received and Ofcom's proposal for stronger protection of public phone boxes, it was recommended that the Council object to the removal of the telephony service as it met the criteria for retention. This was due to the amount of usage the phone box received in the past 52 weeks being above the threshold for retention in the Council's local criteria.

The decision of the Assistant Director was to object to BT's proposals and apply the local veto to the phone box, whereby BT were required to keep the pay phone in use. The schedule showing the decision was included at Appendix 1 to the report. BT and the Secretary of State were informed of the Council's decision within the extended deadline of 28th February, 2022.

Resolved:-

1. That Cabinet notes the decision to retain the BT public phone box at the junction of Wensleydale and Teesdale Road, Rotherham under the local veto.

12. CABINET'S RESPONSE TO SCRUTINY REVIEW - EXTERNAL FUNDING

Consideration was given to the report which outlined the response of Cabinet to the outcomes from the Scrutiny Review on External Funding. The findings of the Scrutiny Review had been presented to Cabinet on 28th March, 2022, and were as follows:

- a) *That the ambition of the service in submitting bids be commended.*
- b) *That the feedback from the government regarding the Dinnington and Wath bids for Levelling Up Funds be circulated when available.*
- c) *That the Governance Advisor liaise with the Regeneration Strategy team to coordinate upcoming scrutiny work on markets with a view to feeding into future bids involving markets.*
- d) *That efforts to ensure Rotherham receives its fair portion of gainshare or "single pot" funds from the Mayoral Combined Authority be noted.*

Cabinet accepted all of the recommendations and Appendix 1 to the report outlined further detail on how the recommendations had been or would be actioned. The Cabinet Member wished to place on record her thanks to the Officers who had worked hard to draw down significant investment for the people of Rotherham.

Resolved:-

1. That the Cabinet response to the Scrutiny Review Recommendations –External Funding be approved.

13. FIRST COUNCIL PLAN 2022-2025 AND YEAR AHEAD DELIVERY PLAN PROGRESS REPORT

Consideration was given to the report which provided an update on the first 3 months of the Council Plan 2022-2025 and Year Ahead Delivery Plan. The Council Plan had been adopted in January 2022 and had been informed by public consultation. It set out the Council's vision for the Borough and priorities for serving residents and communities. The Delivery Plan had been developed to set out the key activities to be delivered over the next year (January 2022 – March 2023.)

As of 31st May, 2022, the activities within the Year Ahead Delivery Plan were rated as follows:

- 16% (15) complete
- 67% (62) were on track to be delivered by original target date
- 12% (11) were delayed by less than 3 months
- 1% (1) would not be met within 3 months of original target date
- 3% (3) were not yet due to start.

The Quarterly Progress Report, attached to the report at Appendix 1, included a high-level overview and then presented by Council Plan theme, with each thematic section including achievements and challenges; Year Ahead Delivery Plan trackers and performance scorecards. The report also included wider information, key facts and intelligence, specific case studies and a timeline of key achievements/activities to demonstrate activity during the quarter.

It was proposed in paragraph 2.14 that the second quarterly progress report be presented to Cabinet on 19th September, 2022.

During the meeting, Cabinet Members highlighted particular areas from their portfolios that were included in the Council Plan. They also referenced areas that were delayed in relation to the Year Ahead Delivery Plan.

Resolved:-

That Cabinet:

1. Note the overall position in relation to the Year Ahead Delivery Plan activities.
2. Discuss the activities which have been delayed and any resulting actions required.
3. Note the year-end data for 2021-22 for the Council Plan performance measures.
4. Note the performance reporting timetable for 2022-2023.

14. 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.

Paragraph 2.4 of the report detailed a number of organisations that had either been removed from or added to the outside bodies list. The appointments to the South Yorkshire Mayoral Combined Authority were now dealt with at the Annual Council meeting and as such had been removed from the outside bodies list.

At the meeting it was reported that the Rotherham Dementia Action Group and Thomas Rotherham College Board would be removed from the outside bodies list. It was also reported that Councillor Atkin would be appointed as the Rotherham representative on the Yorkshire Purchasing Organisation with Councillor Wyatt being the substitute when their new governance arrangements came into effect in July 2022.

Resolved:-

1. That Cabinet agrees that Councillors be appointed to serve on outside bodies, as detailed on the schedule in Appendix 1.
2. That the amendments to the outside bodies list for 2022/23 be noted.
3. That the amendments made to the outside bodies listed during the meeting, relating to Rotherham Dementia Action Group, Thomas Rotherham College Board and Yorkshire Purchasing Organisation, be agreed and implemented.

15. CABINET RESPONSE TO THE OUTCOMES FROM THE REVIEW GROUP OF THE HEALTH SELECT COMMISSION ON THE ROTHERHAM COMMUNITY HUB

Consideration was given to the report which outlined the response of Cabinet to the outcomes from the Health Select Commission Review on the Rotherham Community Hub. The findings of the Review had been presented to Cabinet on 28th March, 2022, and were as follows:

- a) That the excellent work of Rotherham Community Hub be commended, especially in respect of the befriending service which helped relieve loneliness and isolation throughout the pandemic.
- b) That Members be encouraged to add the Community Hub to their Ward priorities and e-bulletins to better support vulnerable residents and families.

- c) Whereas the current Community Hub model was due to end in March 2022, should there be a further evolution of the Community Hub model, that an update be brought in 12 months' time.

All the recommendations had been accepted and Appendix 1 set out further detail on how the recommendations have been actioned.

Resolved:-

1. That Cabinet approve the response to the recommendations, as detailed in Appendix 1, and note the report.

16. 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.

17. DATE AND TIME OF NEXT MEETING

Resolved:-

That the next meeting of the Cabinet be held on Monday, 11th July, 2022, commencing at 10.00 a.m. in Rotherham Town Hall.