

**THE CABINET
16th September, 2024**

Present:- Councillor Read (in the Chair); Councillors Alam, Allen, Baker-Rogers, Cusworth, Sheppard and Taylor.

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

38. DECLARATIONS OF INTEREST

The following declarations of interest were made:

Member	Agenda Item	Interest Type	Nature of Interest
Councillor Sheppard	New Applications For Business Rates Relief – Rotherham And District Citizens Advice Bureau, 2 Upper Millgate, Rotherham. S601PF	Non pecuniary	Council representative at Rotherham and District Citizen's Advice Bureau
Councillor Sheppard	Selective Licensing Scheme 1 (Policy)	Personal	Personal property is within Parkgate which is within a Selective Licensing designated area.

39. QUESTIONS FROM MEMBERS OF THE PUBLIC

1. Mr S. Hussain stated that he felt like he was in the film *Groundhog Day* as he kept asking the same question over and over again. There had been a response from the Council that an update would be provided on 17 October but that would be too late for some families who would be looking to bury their loved ones in the Muslim section of the Cemetery. Earthen grave space was at 1 as of 16 September 2024. Mr Hussain asked what happened if there were two deaths; where did the second one go?

The Assistant Director of Legal, Elections and Registration Services confirmed that an update had been provided on Friday 13 September which explained that the next public meeting would be held on 17 October 2024, at which further updates would be provided. The Council were actively in discussions with Dignity and were considering all possible contractual remedies that were available. The discussions were ongoing and were changing up to and including in the previous week. The Council would continue to keep people updated as and when details were confirmed.

In his supplementary question, Mr S. Hussain stated that he believed that the Council had a revised plan. He wanted to emphasise the fact that there was only one earthen grave left. If there was the need for a second burial, the community would be looking for answers and what would they be told? It would not help to say that the Council had mechanical ways of dealing with Dignity.

The Leader stated that he understood the point that had been made. He advised Mr Hussain to tell the community that the Council were doing everything they could to ensure that more graves were made available as quickly as possible. That was the best that could be provided at the current time.

Mr Hussain asked if the current plan could be shared?

The Leader explained that once there was a plan that the Council were satisfied met the needs required, it would be shared. However, it was not helpful to anyone to share draft plans.

2. Mr Azam stated that since the last meeting, he had had a Labour Councillor go up to the gates at the cemetery for pictures. He felt it had become a beauty sport for some bizarre reason where they took a picture and then sent the same rhetoric out to the community, adding more anxiety and angst. Mr Azam did not know what the benefit of that was. Mr Azam also expressed concern for the employees that were involved. He asked if they had been considered at all as they were finding out from the local paper what was going on. They did not know if they would still have a job and they did not know what was actually happen. Mr Azam had been informed that one person had gone off on sick leave due to the anxiety and stress caused by the situation. He asked what the Council's response was to that?

The Leader explained that the staff employed were employed by Dignity, not the Council. It was Dignity's responsibility to ensure that they were appropriately managed. The Council felt for the employees of Dignity as they were being caught in the middle. The Council were trying to get improvements in the service as explained in the previous answer. If the contract were to change, there would be a legal process to go through in relation to the employees but for now, it was for Dignity to look after its staff.

In his supplementary question, Mr Azam stated that there had been many plans produced by Dignity. There had been one where a tarmac path had been planned but this had turned into a gravel path. There were sections of land which were waterlogged but had now been marked for baby graves. Mr Azam questioned where the drainage was and why this was being done? Mr Azam stated that plans were being shared but he questioned if people understood what exactly was in those plans? His second point was in relation to how the media were framing this situation as a Muslim issue. Mr Azam stated that this was not the case. It was in fact a Council and Dignity issue around investment, return on investments and how business was done. It was far wider than just a Muslim issue which was why contractual negotiations were ongoing. Mr Azam asked the Council to formally put on record that this was not as a consequence of the Muslim community asking for what should be rightly offered to them as a service; it reached much further than that.

The Leader stated that he was happy to make that clarification. This was a matter of ensuring that the right services were provided to the people of Rotherham, no matter their background or heritage or religion. In that sense it was not a Muslim issue. It was about ensuring services were provided appropriately.

3. Mr Iqbal stated that, notwithstanding repeated requests made specifically to the Council's solicitor on multiple occasions, including in the Chamber, petitioners had not received the minutes of the second sub-OSMB group meeting from Tuesday 30 April 2024. Mr Iqbal asked when they would receive them?

The Assistant Director Legal, Elections and Registration Services explained that there were no minutes of the meeting as it was an informal meeting.

In his supplementary question, Mr Iqbal asked if there could be a recorded vote on the Palestine Petition item that was later on the agenda?

The Leader advised that all Cabinet Members would be voting the same way on that agenda item.

4. Mr Y. Hussain stated that petitioners had been waiting for 11 months for Rotherham Council to raise the Palestine flag. He asked when this would be done.

The Leader explained that this would be considered later on the agenda when a report on the Palestine petition was presented.

5. Dr Awadallah stated that she was a British Palestinian and she referenced the petition that over 4000 Rotherham residents had signed in February 2024. The Council had previously stated that they had followed government guidance regarding flying the Israeli flag however, Dr Awadallah stated that this was not mandatory as shown by York and Leeds Councils. As such, Dr Awadallah asked if the Council would raise the Palestinian flag, like they did for the Ukrainians?

The Leader repeated his answer given to the previous question, explaining that this would be considered later on the agenda when a report on the Palestine petition was presented.

In her supplementary question, Dr Awadallah referenced the IHRA definition of antisemitism which Rotherham Council adopted in September 2019. She explained that there had been conflates between Judaism and Zionism, assuming that all Jews were Zionists. Dr Awadallah explained that the fight against antisemitism should not be turned into a stratagem to delegitimise the fight against the oppression of the Palestinian people. Dr Awadallah gave an example of a doctor at Glasgow University who was accused of antisemitism. He had called for the replacement of the IHRA definition with the Jerusalem Declaration on antisemitism. Dr Awadallah asked the Council to reconsider the adoption of the IHRA definition.

The Leader noted the request and explained that the IHRA definition was the one that most public bodies used in the UK. The Council would of course continue to consider other definitions if there were further arguments that developed. However, there were no plans to change that currently. The Leader reiterated what he had said in previous meetings of Cabinet and Council which was that, as somebody who was pro-Palestinian, he felt that there was a danger that discussions around the IHRA and definitions became a distraction and became damaging in the wider narrative. The argument supporting the Palestinian people should not be seen to be an argument about discrimination against Jewish people. In the end, people needed to be able to live side by side.

Dr Awadallah stated that not every agency had adopted the IHRA definition, and it was voluntary to do so. In 2016, the House of Commons Select Committee on Home Affairs published a report entitled "Antisemitism in the UK" which stated that the adoption of the IHRA was subject to two caveats. By adopting the IHRA, the two main exclusions were ignored. These were that it was not antisemitic to criticise the government of Israel without additional evidence to suggest antisemitic intent and secondly, it was not antisemitic to hold the Israeli government to the same standards as other liberal democracies or to take a particular interest in the Israeli governments policies without additional evidence to suggest antisemitic intent. Dr

Awadallah explained that there were ways to adopt different definition that would serve the same purpose.

The Leader noted the point and stated that there had been plenty of criticism levelled against the current Israeli government from members of the Council with the adoption of the IHRA.

6. Mr Ashraf thanked the Leader for the emails sent on 8th and 9th August. Mr Ashraf reiterated that the petition collected the largest number of signatures ever in Rotherham Council's history. Point 8 of the petition, signed by over 4,000 residents, was for the Council to recognise that criticism of the Israeli government did not equate to criticism of Judaism as noted by the IHRA definition of antisemitism. Mr Ashraf asked the Chair to distinguish that Rotherham residents that saw war crimes, occupation, apartheid, ethnic cleansing and multiple genocides committed by Israel as a State was something able to be criticized and residents had no interest in criticizing Jewish people or the Jewish faith.

The Leader stated that he was happy to make that clarification. The Council had been robust in the way it had expressed its fear and upset about the violence being perpetrated against ordinary Palestinians by the current Israeli government. The Leader wanted to be clear however that Jewish residents in Rotherham needed to be able to live safely and freely and practice their religion the same as any other religion. It was noted that many Jewish people felt under attack and prejudiced against and felt that they had been forced to take responsibility for the actions of a government that was not their government. The terrible attacks in October 2023 against Israeli Jews were also noted.

In his supplementary question, Mr Ashraf stated that, in his opinion, the Council's solicitors personal opinion sometimes conflated with his legal opinion, and no one seemed to be able to challenge that by asking for the legal basis or for outside independent advice. Mr Ashraf gave the example of local council's being able to successfully challenge the official interpretation of section 17 of the Local Government Act 1988 in the courts. The Leicester City Council, Waltham Forest Council and Islington Council court judgements also fragrantly contradicted the legal opinion of the Council's solicitor according to Mr Ashraf. Mr Ashraf also explained that the Procurement Act 2023 had the sub-heading "disapplication of duty in section 17 of the Local Government Act 1988. Mr Ashraf asked how, if someone like him could drive the proverbial horse and cart through the blind defence of section 17 of the Local Government Act 1988 without even trying, why couldn't those who were legally educated, trained and employed do so as well? Mr Ashraf stated that there were multiple legal avenues to meet the petitioners demands in full. It was clearly not impossible but was a matter of political will and competent legal advice. Mr Ashraf asked the Leader to seek independent legal advice following the

aforementioned court judgments and legal discovery in order to fulfil the petition in full.

The Leader stated that that was the third time Mr Ashraf had asked a variation of that question. The advice set out by the Monitoring Officer was always professional advice because he always acted as the Council's Monitoring Officer. The Council was legally obliged to follow that advice. Mr Ashraf had previously been asked to make his submission in writing if there were things that he thought the Council should look into and the Leader again reiterated that request. As Leader of the Council, he had to act within the legal guidance provided by the Monitoring Officer and not provided by members of the public.

40. MINUTES OF THE PREVIOUS MEETING

Resolved:-

That the Minutes of the Cabinet meeting held on 29 July 2024 be approved as a true and correct record of the proceedings and signed by the Chair.

41. EXCLUSION OF THE PRESS AND PUBLIC

The Chair advised that Appendix 1 to Minute 48 (Commercial Waste Update) and Appendix 2 to Minute 53 were exempt under Paragraph 3, Schedule 12A of the Local Government Act 1974. However, the meeting remained open to the public and press throughout.

42. RE-COMMISSIONING OF POST CSE (CHILD SEXUAL EXPLOITATION) SERVICES

Consideration was given to the report which set out the recommendations for the future of the Post Child Sexual Exploitation (CSE) Support Services at the end of the current contracts in December 2025. Post CSE Support Services were non-statutory services that were set up to support victims and survivors of CSE to help overcome the impact of the trauma experienced.

The Council first commissioned support services for young people and adults who had experienced CSE in 2016. Following an open tender process which was in line with Public Contract Regulations 2015, contracts were awarded to three local, voluntary sector organisations. The successful providers were Rotherham Rise, GROW and Rotherham Abuse Counselling Service (Rothacs). All developed specialist support for survivors within Rotherham.

The Post CSE support services were recommissioned via a competitive procurement process in 2020 by Children and Young People's Services (CYPS), following a Cabinet report on 15 June 2020. The services were

tendered as three separate lots, with all three incumbent providers being successful and awarded a contract. The contracts commenced on the 1 January 2021 for a three-year term, with a two-year extension option which was utilised.

The three Council commissioned providers work in partnership with the Rotherham Doncaster and South Humber NHS Foundation Trust (RDaSH) Trauma and Resilience Service (TRS). There were bi-monthly partnership hubs and clinically led consultations. This helped to build bespoke, holistic packages of care for victims and survivors. The TRS also supported across organisations with trauma stabilisation and advice, providing education and awareness of trauma, increasing the availability of professional services where survivors could safely share their stories.

The Post CSE support services were compassionate and accommodating to victim and survivor trauma recovery. The needs analysis showed that victims and survivors could access support from multiple providers, e.g., receive trauma stabilisation from GROW, and then at a later date could receive counselling from Rothacs. The flexible approach of the pathway offered choice for victims and survivors of CSE.

The contract values had remained relatively static over the term of the contracts. It was therefore proposed that an additional 10% was applied to reflect the continued demand on services and the financial challenges which continued to be experienced around cost of living and operating costs. This would represent an overall contract value of £171,600 per annum, an increase of £15,600 on the current contracts. This funding had been identified by the Adult Care, Housing and Public Health directorate. The contracts would be let as three separate lots, as per the current contractual arrangements, following the competitive procurement process.

During the meeting Cabinet Members and officers were keen to stress the importance of listening to the survivors and victims. The Leader stated that the Council had a moral responsibility to keep providing these services and to tailor the services as much as possible.

Resolved:

That Cabinet:

1. Approve the recommissioning of Post CSE Support Services, through a competitive procurement process, for a three-year term from 1 January 2026 to 31 December 2028.
2. Agree to delegate authority to the Strategic Director of Adult Care, Housing and Public Health to award the contracts following the competitive procurement process.

43. ADULT SOCIAL CARE LOCAL ACCOUNT 2023-2024

Consideration was given to the report which summarised the 'How Did We Do?' Local Account for Adult Social Care 2023/24. The Local Account, attached to the report at Appendix 1, summarised the achievements for the last 12 months and set out the priorities for the coming year. These priorities were aligned to the Council Year Ahead Delivery Plan (YADP) and the Adult Social Care Strategy (2024 – 2027). The Local Account also celebrated the hard work and dedication of the workforce and provided case studies to reflect the real impact of adult social care for residents.

The Local Account was co-designed with the newly formed Co-production Board; Rotherham Adult Social Care Always Listening (RASCAL) Board. This included the development of an easy read version (Appendix 2).

Paragraph 2.1 of the report highlighted some of the key achievements within Adult Social Care for the preceding 12 months. This included the launch of the new Adult Social Care Strategy for Rotherham; finalising the design of the new day opportunities centre (Castle View) and reducing the wait times for care act assessments and community occupational therapy assessments.

Paragraph 2.2. of the report outlined some of the priorities for the year ahead, including redesigning the adult social care web pages; launching the new Learning Disabilities Strategy and ensuring the voice of the person is central to safeguarding adults.

With formal regulation of Council Adult Social Care departments by the Care Quality Commission (CQC) underway, the Association of Directors of Adult Social Services (ADASS) had recommended that Local Accounts of adult social care performance were formally published every 12 months by Local Authorities. By publishing the Local Account, Rotherham Council would adhere to this recommendation and remain aligned with other Council's both within South Yorkshire and nationally. It also enabled a transparent, open and accountable view of Adult Social Care performance.

Resolved:

That Cabinet approve the publication of the 'How Did We Do?' Local Account for Adult Social Care for 2023 – 2024.

44. SPECIAL EDUCATIONAL NEEDS AND DISABILITIES (SEND) HUB UPDATE

Consideration was given to the report which provided an update on the development of the Special Educational Needs and Disabilities (SEND) activity Hub in the Eric Manns building in Rotherham Town Centre, in partnership with The Rotherham Parent Carer Forum (RPCF.)

This was a positive opportunity to provide a SEND Activity Hub in the Town Centre that would allow the Council to improve its offer of recreational activities for children and young people with SEND.

Young people up to the age of 25 would benefit from improved support in their transition to adulthood. This would include, but not be limited to, supporting digital inclusion, claiming disability related benefits, wellbeing, social skills and signposting and advice on housing. Rotherham Council Children and Young People's Service (CYPS) would continue to be able to use the building as a touch down facility in the Town Centre and would be able to use rooms to carry out direct work with children and young people as needed, developing the offer and partnership alongside the Rotherham Parent Carer Forum.

On 28 February 2024, Council approved the proposed £165,000 capital investment for the development of a SEND Hub at the Eric Manns building as part of budget setting. The current occupants of the building were relocating across the borough and the building was due to be vacant by 19 October 2024. Paragraph 1.3 of the report set out how the capital investment would be spent.

No revenue expenditure or income was associated with the capital investment proposal. The ongoing running costs of the building would be met by RPCF e.g. utilities bills and equipment repair and maintenance. The building would remain the property of RMBC. In order to ensure the building retained its value as a RMBC asset, repair and maintenance of the building would be met by RMBC.

It was recommended that the grant of the lease to RPCF be at less than best consideration (peppercorn rent) based on the delivery of local social economic and environmental wellbeing powers as introduced by the Local Government. This would support both the Council and the RPCF to deliver their objectives by providing a safe disability friendly space in the Town Centre.

The Council would work with the RPCF to develop a Management Agreement that would set out the outputs and requirements expected from all parties. The Agreement would be monitored to ensure delivery and compliance throughout the term of the Partnership and Lease agreement.

Cabinet Members expressed their support for the recommendations. Following a question regarding the SEND Hub potentially linking up with Grimm & Co who occupied the premises next door to the Eric Manns building, it was confirmed that whilst there were no formal arrangements in place, there was already joined up working between the two organisations, especially around Social, Emotion and Mental Health Needs. It was anticipated that this relationship would strengthen with the opening of the SEND Hub.

Resolved:

1. That Cabinet note the report and update regarding the development of the SEND Hub.
2. That Cabinet authorise a lease, on a peppercorn rent, therefore on a less than best consideration as defined within the Local Government Act 2000 and the General Disposal Consent (England) 2003 with Rotherham Parent Carer Forum.
3. That Cabinet authorise the Assistant Director of Property and Facilities Services, in consultation with the Assistant Director of Commissioning & Performance and the Cabinet Member for Children and Young People's Services to develop a Management Agreement with the Rotherham Parent Carer Forum, in relation to the service provision, management of the asset and associated output and outcomes.

45. ROTHERHAM CARE LEAVERS LOCAL OFFER

Consideration was given to the report which presented the updated Rotherham Care Leavers Local Offer to Cabinet. The local authority were required to consult on and produce a Local Offer for its Care Leavers, under Section 2 of the Children and Social Work Act 2017. The Local Offer provided information about services and support available to Care Leavers from the local authority, including information about both their statutory entitlements as well as any discretionary support that a local authority chose to provide.

It was requested that an increase in the financial offer to Rotherham Care Leavers be approved for 2024, due to the increase in the cost of living and to ensure that The Rotherham Offer was appropriate and in line with comparable neighbouring authorities. This would ensure that Rotherham Care Leavers were offered robust support and services, which would support them to achieve successful independence.

The table at paragraph 2.6 of the report set out the previous financial offer and the proposed changes. The cost per year of amending the offer would be £27,000. This included an increase in clothing allowance, the addition funds for cultural and religious items, and the addition of funds for prom and graduation.

The Local Offer would sit alongside the Leaving Care Strategy and would be presented back to Cabinet when the Strategy was reviewed.

Cabinet Members were very proud of the Offer. It helped the Council achieve the seven corporate parenting principles which all local authorities had to have regard to when discharging their functions in relation to children in care and Care Leavers. These principles were set out in paragraph 1.3 of the report.

Resolved:

That Cabinet:

1. Approve the Rotherham Care Leavers Local Offer and increase in financial support for Care Leavers, effective from October 2024.
2. Delegate authority to the Strategic Director of Children and Young Peoples Services in consultation with the Cabinet Member for Children and Young People Services and the Section 151 officer to approve annual uplifts to the financial offer, associated with inflation.

46. JULY 2024-25 FINANCIAL MONITORING REPORT

Consideration was given to the report which set out the financial position as at the end of July 2024 and forecast for the remainder of the financial year, based on actual costs and income for the first four months of 2024/25. Financial performance was a key element within the assessment of the Council's overall performance framework and was essential to the achievement of the objectives within the Council's policy agenda. To that end, this was the second financial monitoring report of a series of reports for the current financial year which would continue to be brought forward to Cabinet on a regular basis.

As at July 2024, the Council estimated an overspend of £6.1m for the financial year 2024/25. This was largely due to demand led pressures on children's residential placements, adults social care packages, home to school transport and the expected impact of the Local Government Pay Award. In addition, the Council was still impacted by the inflationary pressures in the economy. Even though inflation had fallen to 2.2%, the Council's base costs had significantly increased across the recent high inflation period. Increased costs across this period were also being felt by the social care market in particular, leading to market prices increasing at above inflation levels and placing further pressures on the Council's Budget.

Whilst the Directorate overspend, which stood at £17.0m was concerning, elements of the overspend were forecast and two key Budget contingencies were created as part of setting the Council's Budget and MTFs for 2024/25. The Council set a Social Care Contingency of £3.4m and a Corporate Budget Provision of £3.5m to support anticipated pressures across Social Care and Home to School Transport, whilst detailed review work of these services was undertaken, and operational improvements were delivered to reduce cost pressures and create cost avoidance.

The Council's Treasury Management Strategy continued to perform well with the Council's approach to borrowing adapted to minimise the level of borrowing and borrow short term to ultimately minimise interest costs. This position had improved due to re-profiling of capital programme delivery, pushing back the need to borrow. It was estimated that this should see the Council generate savings of at least £4m for 2024/25, though again market conditions were out of the Council's control.

As a result of those corporate provisions and savings, an underspend of £10.9m was forecast within Central Services bringing the Council's net overspend down to £6.1m. Though the £17m Directorate overspend was significantly mitigated, the residual pressure would need to be addressed in year by the Council to prevent further use of reserves. As such Directorates had been required to develop in year budget recovery plans to identify actions and opportunities to reduce the current overspend position. This work was underway but not yet at a stage where it could be factored into the current position.

There remained funding uncertainty for the local government sector beyond 2024/25. The Local Government financial settlement was only a one-year allocation and the future impact following the change in central Government at the national elections was not yet known.

The report was considered by the Overview and Scrutiny Management Board (OSMB), who advised that the recommendations be supported. Councillor Steele explained that concerns had been raised at the meeting regarding the home to school transport costs, the child placement overspend, and the temporary accommodation overspend. However, explanations had been provided by the Cabinet Member and Strategic Director and as such, no additional recommendations were required.

Resolved:

That Cabinet:

1. Note the current General Fund Revenue Budget forecast overspend of £6.1m.
2. Note that actions will continue to be taken to reduce the overspend position but that it is possible that the Council will need to draw on its reserves to balance the 2024/25 financial position.
3. Note the updated position of the Capital Programme, including proposed capital programme variations to expenditure profiles and funding.

47. NEW APPLICATIONS FOR BUSINESS RATES RELIEF - ROTHERHAM AND DISTRICT CITIZENS ADVICE BUREAU, 2 UPPER MILLGATE, ROTHERHAM, S60 1PF

Consideration was given to the report which set out the application for the award of Discretionary Business Rate Relief for Rotherham and District Citizens Advice Bureau. This was in accordance with the Council's Discretionary Business Rates Relief Policy (approved by Cabinet on 12 December 2016).

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 improvements for all. RMBC had recently commissioned the organisation to provide their services for a three-year period from 2024/25 to 2026/27. They were contracted to provide advice on a range of issues pertinent to the community of Rotherham, including debt, benefits, immigration, energy, consumer rights, and housing. They were a highly respected organisation, providing an accessible borough wide service, and had good working relations with the Council and partners.

The organisation moved to new premises on 17 June 2024 to enable them to reintroduce the delivery of face-to-face advice. The temporary premises they had were not large enough to facilitate this and staff were having to work from home. The new premises were now open two days per week for appointments and this would be increased to five days per week together with two drop-in days. This would enable the organisation to see more vulnerable people whom they were not seeing through outreach and remote services.

Rotherham and District Citizens Advice benefited from an award of discretionary relief at their former premises, and at their temporary premises, which was awarded continuously from 2017 to the date of their relocation to the new premises. The proposed relief would maintain this position.

Resolved:

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 2024/25 financial year.

48. COMMERCIAL WASTE UPDATE

Consideration was given to the report which provided an update on the Business Waste Service. This included an update on legislative changes, which would require the Council to consider the implementation of food

waste collection options for Business Customers, alongside a range of options as to how the Council could achieve this. The report also detailed the current and future scheme of delegation for setting the prices for the service.

For the Business Waste Service in Rotherham to compete with the private sector, the service had to provide their customers with advice on waste minimisation and offer a collection of paper, card, plastics, metals, glass and food waste (for companies with more than 10 employees) by 31 March 2025. The introduction of recycling to a service required engagement and communication to ensure that the material is of good quality to maximise the income generated.

It was recommended that a contractor be procured to deliver this service. The current Council business waste service had conducted analysis with all its current customers and only 18% of the customers would have to contract a food business waste service, since the legislation was specific to businesses that had 10 or more employees. If the Council had to collect its own food waste from just 18% of its customers, a disproportionate amount of investment in both revenue and capital would be required. This was set out in option 4 as detailed in the report. This would include a specialist vehicle, which would only be utilised for food waste collections and, with the limited demand that was expected, would have significant periods of time where it was not in use. Similarly, a driver and loader would also be required in addition to the existing workforce which again would not be fully utilised solely via the collection of food waste for businesses, along with purchasing new receptacles to collect the food waste. A new procurement exercise would also have to be performed for food waste disposal which would add cost and logistical issues as there were no recycling centres for food waste treatment in the borough.

With this taken into consideration, the pricing model would have had to be changed across the other business waste streams to balance out the cost of a food waste collection service, due to so few anticipated customers, and factoring in the required revenue and capital investments. If the costs were distributed for food waste collection and disposal across the other business waste streams, there was a significant concern that the Council could lose customers due to price increases and would no longer be competitive within the marketplace.

Given the time frame for implementation, and the uncertainty of tonnages that would be collected, it was recommended to procure a provider for a short-term contract of 3 years, plus a potential 2-year extension, to allow gathering of data to better inform the scoping of the business food waste collection service. This would then allow the service to produce a report for Cabinet to consider next steps and potentially alternative delivery models.

A key area of decision-making in the Business Waste Service was the setting of fees and charges, making variations to fees and charges, allowing discount offers to be introduced and negotiating individual contracts (within a certain percentage of set fees). This allowed the service to remain competitive within its long-term goal of financial stability. The proposed fees and charges were set out in Exempt Appendix 1. The report sought delegated authority to the Assistant Director of Community Safety and Street Scene in conjunction with the relevant Cabinet member and with the S151 Finance Officer to set fees, charges and vary prices. Any variation to the prices offered to customers had to be in line with the price ranges formally agreed and deviation from the norm would require approval by the Head of Environmental Services.

Resolved:

That Cabinet:

1. Approve the procurement of a contractor for the provision of containers, collection, and disposal of food waste, with consideration given to working in partnership with neighbouring authorities.
2. Delegate authority to the Assistant Director of Community Safety and Street Scene in conjunction with the relevant Cabinet member and with the S151 Finance Officer to set fees, charges and vary prices.

49. BOROUGHWIDE AND TOWN CENTRE/CLIFTON PARK PUBLIC SPACE PROTECTION ORDERS

Consideration was given to the report which proposed that a consultation be undertaken with regard to the Town Centre and Clifton Park Public Space Protection Order (PSPO) and the Boroughwide Dog Fouling PSPO. The current PSPO's were renewed in January 2024 for a period of 12 months. This period of designation was intentionally shorter than the three-year maximum term that was prescribed in the applicable statute in order to allow the service to review enforcement capacity associated with any new PSPO's.

The proposed consultation would seek to establish stakeholder views in relation to the PSPO's and to gauge support for future designations. Views would be sought concurrently about the conditions that might be included within such Orders. It was proposed that the formal consultation would commence on 18 September 2024 and run until 30 October 2024.

Consultees would include amongst others, South Yorkshire Police, South Yorkshire Mayoral Combined Authority, Ward Members, key stakeholders, voluntary, community organisations, businesses and the public.

The options available to the Council at the end of the consultation would be to extend the Orders, vary their requirements or to discharge them. Whilst each of these outcomes were possible, the consultation responses would ultimately steer future direction.

Appendix 4 to the report set out the data from South Yorkshire Police on Anti-Social Behaviour in the Town Centre between 2022-2024. Appendix 5 set out data from Environmental Health relating to dog fouling and dog starting complaints from 2018-2024.

The report was considered by the Overview and Scrutiny Management Board (OSMB), who advised that the recommendations be supported. Councillor Steele advised that Members were happy that they and Parish Councils would be consulted. Concerns were raised around dog fouling, but OSMB did not suggest any additional recommendations.

Resolved:

1. That Cabinet approve the proposals to carry out a consultation in relation to the future Town Centre and Clifton Park Public Spaces Protection Order.
2. That Cabinet approve the proposals to carry out a consultation in relation to the future Borough wide Public Spaces Protection Order specifically dealing with dog fouling and control.

50. SELECTIVE LICENSING SCHEME 1 (POLICY)

Consideration was given to the report which asked Cabinet to consider opening a public consultation on further selective licensing schemes. There had been two periods of Selective Licensing in Rotherham between 2015-2020 and 2020-2025. The report detailed some of the outcomes of the current Scheme along with the criteria and conditions under which Selective Licensing designations could be made, together with the proposed process to deliver a robust area-based consultation.

Rotherham's two Selective Licensing schemes, 2015 to 2020 and 2020 to 2025 were declared on the criteria of 'low demand' and 'deprivation' respectively. Areas of Eastwood, Ferham, Maltby and Dinnington had been subject to both schemes and had been under licence for 10 years. Before considering if further declarations were desirable or justified, it was necessary to consider the outcomes of both local schemes, the national research and updated government guidance as well as the recommendations made following a scrutiny review by the Improving Places Select Commission.

The Selective Licensing regime itself, provided very limited additional powers above what was available in existing legislation. However, it did provide some useful tools upon which the Council could better regulate the private rented sector. In particular, mandatory licensing of properties

forced owners to identify themselves with their rented properties being subject to a suite of additional conditions which supplemented the powers available in the Housing Act 2004. Moreover, each licensed property was subject to inspections to check compliance with minimum legal standards, with powers available to revoke the licence where there was poor management, or the licence holder was found not to be a 'fit and proper person'. There were however a number of limitations to these powers, which had to be appreciated before a declaration was progressed, including revocation, empty properties, Anti-social behaviour (ASB) and criminality, tenant references and the 'fit and proper person' test. Further information on the limitations and advantages was provided at Appendix 1.

The previous Selective Licensing schemes had focussed strongly on the inspection of properties and enforcement. The aim had been to improve the legal standards of repair and management in the private rented sector in order to protect the health of tenants. In this regard both schemes had been a great success. The first scheme identified and rectified levels of disrepair, finding Category 1 or high Category 2 hazards present on 90% of initial inspections. The current scheme had found levels of actionable disrepair or poor management in over 68% of initial inspections of properties. Working with local landlords and through significant levels of enforcement, these deficiencies had been resolved. These improvements had undoubtedly improved the health and lives of tenants.

It was proposed that any new declarations should be informed by the consultation feedback from residents, partners and stakeholders, in addition to the data and evidence relating to the place's challenges and opportunities, which would form part of the wider place-based working approach. The criteria for the proposed Selective Licensing declaration would highlight relevant aspects of the identified problems which could be addressed through any wider partnership approach, which should also satisfy the requirement set by the Improving Places Scrutiny Commission as referred to in paragraph 1.8.

Resolved:

1. That Cabinet note the content of the report and the outcomes to date of the existing schemes.
2. That Cabinet agrees to progress Option 3 and commence consultation within the existing areas with a view to developing further designations which would commence after the current scheme has ended, and the development of the place based plans and consultation is complete.

51. SCRUTINY REVIEW RECOMMENDATIONS - REFERRAL FROM COUNCIL TO OVERVIEW AND SCRUTINY MANAGEMENT BOARD (OSMB) - PETITION "ROTHERHAM'S COMMITMENT TO A PERMANENT CEASEFIRE AND TO PROMOTE PEACE IN PALESTINE AND IN THE REGION"

Consideration was given to the report which set out the recommendations from the Overview and Scrutiny Management Board (OSMB) in relation to the "Rotherham's Commitment To A Permanent Ceasefire And To Promote Peace In Palestine And The Wider Region" petition (attached at Appendix 1) that had been submitted to Council on 28 February 2024. The report also set out Cabinet's response to those recommendations.

It was usual for Cabinet to receive such reports for consideration before providing a response at a later date. However, following a specific request from OSMB and in light of additional, unavoidable delays owing to the pre-election periods, Cabinet had agreed to expedite the response.

The petition contained 4031 valid signatures calling on the Council to commit to a permanent ceasefire and promote peace in Palestine and in the region. The petition was debated by full Council in February 2024 and they resolved to refer the petition to OSMB.

The petitioners sought the following resolution:

We the undersigned petition the Council to:

1. Publicly condemn the Israeli Government's human rights violations.
2. Demand the UK Government call for a permanent ceasefire in Gaza.
3. Withdraw any associations with the Israeli Government.
4. Prioritise human rights and equality in Rotherham's international relations, especially for the Palestinian people.
5. Engage in dialogue with residents to develop a strategy for ethical local policies, specifically not to support countries with illegal occupations or companies benefitting from such activities.
6. Consider flag displays that better align with Rotherham communities' values, promote inclusivity and display the Palestinian flag.
7. Honour its commitment to being an Anti-Racist Town.
8. Recognise that criticism of the Israeli Government does not equate to criticism of Judaism as noted by the IHRA definition of anti-Semitism.

A sub-group was set-up to discuss the points raised with representatives of the petitioners. It met with representatives on 4 April 2024, with a follow-up meeting organised on 30 April 2024 to feedback its recommendations.

The following attended the sub-group meeting: Councillor Maggi Clark (Chair); Councillor Joanna Baker-Rogers; Councillor Wendy Cooksey; and Councillor Taiba Yasseen. There were four petitioners present. The officers that attended were Phil Horsfield (Borough Solicitor); Emma Hill (Head of Democratic Services) and Caroline Webb (Senior Governance Advisor.)

Prior to her term of office concluding, (former) Councillor Clark wrote to the Leader of the Council with the sub-group's recommendations. The letter was attached as Appendix 2. Councillor Steele, as the current Chair of OSMB presented the report and recommendations from OSMB which were as follows:

- 1) That Cabinet consider the following recommendations from OSMB, against the petition items below:

- 1. Publicly condemn the Israeli Government's human rights violations.**
- 2. Demand the UK Government call for a permanent ceasefire in Gaza.**

Recommendation 1):

- i. That the Council is invited to issue a press release explaining the resolution agreed in the debate held on 28 February 2024: "That this Council publicly condemns the Israeli Government's human rights violations and demands that the UK Government call for a permanent ceasefire in Gaza".

3. Withdraw any associations with the Israeli Government.

Recommendation 2):

- i. In the interests of transparency, the Council publishes details of whether the Council has formal associations with the Israeli government.
- ii. Requests that the Council reviews its contractual relations to establish if it has links with any of the companies named in the UN Human Rights Council's list as part of the Council's visible supply chain.
- iii. Notes the restrictions placed on local authorities in respect of the factors which they may take into account when procuring goods or services under Section 17 of the 1988 Local Government Act.

4. Prioritise human rights and equality in Rotherham's international relations, especially for the Palestinian people.

Recommendation 3):

- i. The Council cannot implement this recommendation as it is stated in the petition as international relations fall to central rather than local government.
- ii. Notes that the Council no longer has active twinning arrangements, and it is not recommended that these recommence.
- iii. The Council notes that the strength of Rotherham's local communities in supporting communities in need around the world. This includes promoting values such as human rights and equality which the Council supports.

5. Engage in dialogue with residents to develop a strategy for ethical local policies, specifically not to support countries with illegal occupations or companies benefitting from such activities.

Recommendation 4):

- i. That the Cabinet reiterates its commitment to its Ethical Procurement Policy and notes that the Council will always procure services in line with this Policy.
- ii. That the Council publishes an overview of its investments on its website.
- iii. That the Council requests that SY Pension Authority publishes its investments on its website.
- iv. Notes that the discretion of the Council to make ethical procurement decisions in respect of not supporting countries with illegal occupations or companies benefitting from such activities was removed under s.17 of the Local Government Act, 1988.
- v. To enable councils to reflect on the concerns of communities that they are elected to represent, that the Leader writes to the relevant Minister to a) request the repeal of those sections of the Local Government Act 1988 which prohibit councils from taking 'non-commercial considerations' into account when awarding contracts and b) in opposition to the Economic Activity of Public Bodies (Overseas Matters) Bill currently before Parliament.

6. Consider flag displays that better align with Rotherham communities' values, promote inclusivity and display the Palestinian flag.

Recommendation 5):

- i. That the Council is requested to give approval to the display of the Palestinian flag as a gesture of solidarity to those in Gaza and the wider region who are affected by the conflict

and support peace. This should coincide with the United Nation's International Day of Solidarity with the Palestinian People (29 November 2024).

- ii. That the community considers organising a visible gesture of solidarity to those in Gaza and the wider region who are affected by the conflict and support peace. For example, this could include inter-faith, sporting or cultural events.
- iii. That elected members are reminded that under the existing Flag Protocol, a motion to support a cause or campaign, which by implication will include the flying of a flag, can be submitted to Council for decision.

7. Honour its commitment to being an Anti-Racist Town.

Recommendation 6):

- i. That the Overview and Scrutiny Management Board scrutinises how future Council Equalities Action Plans align with any relevant resolution outlined in the Anti-Racist Town motion, making recommendations for improvement as necessary.

8. Recognise that criticism of the Israeli Government does not equate to criticism of Judaism as noted by the IHRA definition of anti-Semitism.

Recommendation 7):

- i. That no further action is taken in respect of adopting an alternative definition of anti-Semitism.
 - ii. That the Council notes that it is able to consider motions that provide equivalent definitions which seek to ensure clarity in respect of the other faiths should it resolve to do so.
- 2) That the Leader writes to local MPs informing them of the agreed recommendations and any proposed actions resulting from these.
 - 3) That the decision of Cabinet is reported back to OSMB within two months of its submission.
 - 4) That the Cabinet Spokesperson continues to hold dialogue with Petitioners to continue to seek peace in Palestine and the Region.
 - 5) That Cabinet consider expediting the governance processes and provide updates to OSMB on progress against the recommendations.

The Leader noted the unusual step of receiving and responding to the recommendations in the one meeting. This reflected the strength of feeling in relation to the petition. A number of actions had been agreed. This included flying the Palestinian flag in November 2024. The Leader confirmed that he would write to the lead petitioner setting out a full response to the petition requests. Councillor Alam placed on record his thanks to OSMB for their work and reiterated the demand for a permanent ceasefire.

Resolved:

- 1) That having considered the recommendations from OSMB in relation to the petition, Cabinet approve the following response, as set out in paragraph 3.2 of the report:

- a) *Publicly condemn the Israeli Government's human rights violations*

Cabinet notes that the resolution of the Council on 28th February in response to the Petition included "...publicly condemning the human rights violations being conducted". This includes human rights violations by the Israeli Government. As a consequence Cabinet is clear that the Council condemns human rights violations.

- b) *Demand the UK Government call for a permanent ceasefire in Gaza.*

Cabinet also notes that on the 28th February the Council called on the UK Government for a permanent ceasefire to be adopted. This remains the position of the Council and Cabinet is again clear that the position of the UK Government should be (as it presently is) that there should be a permanent ceasefire in Gaza.

- c) *That the Council issue a press release explaining the resolution agreed in the debate held on 28 February 2024.*

A press release will be published explaining both the resolution agreed by Council on the 28th February and additionally the outcome of the considerations of OSMB following this meeting.

- d) *In the interests of transparency, that the Council publishes details of whether the Council has formal associations with the Israeli government.*

Officers will consider this and write to the lead petitioner with the outcome of this work.

- e) *That the Council reviews its contractual relationships to establish if it has links with any of the companies named in the UN Human Rights Council's list as part of the Council's visible supply chain.*

Officers will consider this and write to the lead petitioner with the outcome of that work.

- f) Notes the restrictions placed on local authorities in respect of the factors which they may take into account when procuring goods or services under Section 17 of the 1988 Local Government Act.

Cabinet notes that the provisions of the Section above and this this curtails the factors that the Council is lawfully entitled to consider when making decisions on the procurement of goods and services.

- g) *With respect to the request within the petition to prioritise human rights and equality in Rotherham's international relations, especially for the Palestinian people, the OSMB response noted that the Council cannot implement this recommendation as it is stated in the petition, as international relations fall to central rather than local government.*

Cabinet notes the OSMB response to this request.

- h) Notes that the Council no longer has active twinning arrangements, and it is not recommended that these recommence.

Cabinet notes the recommendation.

- i) *Notes the strength of Rotherham's local communities in supporting communities in need around the world. This includes promoting values such as human rights and equality which the Council supports.*

Cabinet notes the recommendation.

- j) *Reiterates its commitment to its Ethical Procurement Policy and notes that the Council will always procure services in line with this Policy.*

Cabinet is pleased that the commitment to Ethical Procurement through its Policy is noted and that it guides our Services in procuring Services.

k) Publishes an overview of its investments on its website.

Cabinet supports this recommendations and Officers will be asked to provide this information on the Council's website.

l) Requests that South Yorkshire Pension Authority publishes its investments on its website.

Cabinet will ask South Yorkshire Pension Authority to publish details of its investments on its websites.

m) Notes that the discretion of the Council to make ethical procurement decisions in respect of not supporting countries with illegal occupations or companies benefitting from such activities was removed under s.17 of the Local Government Act, 1988.

Cabinet notes the recommendation.

n) To enable councils to reflect on the concerns of communities that they are elected to represent, that the Leader writes to the relevant Minister to a) request the repeal of those sections of the Local Government Act 1988 which prohibit councils from taking 'non-commercial considerations' into account when awarding contracts and b) in opposition to the Economic Activity of Public Bodies (Overseas Matters) Bill currently before Parliament.

Cabinet agrees to this recommendation and the Leader will write to the relevant Minister to make this point.

o) Approve to the display of the Palestinian flag as a gesture of solidarity to those in Gaza and the wider region who are affected by the conflict and support peace on the United Nation's International Day of Solidarity with the Palestinian People (29 November 2024).

Cabinet agrees to this recommendation and approves the flying of the Palestinian Flag on 29th November.

p) Notes the efforts of the community in organising visible gestures of solidarity to those in Gaza and the wider region who are affected by the conflict and support peace.

Cabinet notes the recommendation.

- q) That elected members are reminded that under the existing Flag Protocol, a motion to support a cause or campaign, which can include the flying of a flag, can be submitted to Council for decision.

Cabinet notes this recommendation and will ask that this information is included in the next bulletin that is produced for all Councillors.

- 2) That the Leader writes to local MPs informing them of the agreed recommendations and any proposed actions resulting from these.
- 3) That the decision of Cabinet is reported back to OSMB within two months of its submission.
- 4) That the Cabinet Spokesperson continues to hold dialogue with Petitioners to continue to seek peace in Palestine and the Region.
- 5) That Cabinet write to OSMB following the meeting with an update on the actions listed above.
- 6) That the Leader write to the lead petitioner, explaining the outcome of the petition process.

52. CABINETS RESPONSE TO THE IMPROVING PLACES SCRUTINY REVIEW RECOMMENDATIONS - NATURE RECOVERY

Consideration was given to the report which set out the proposed response from Cabinet to the findings and recommendations of the Improving Places Select Commission review on Nature Recovery in Rotherham.

At its meeting of 25 May 2022, the Council resolved to declare a Nature Crisis in Rotherham, noting that almost half of UK wildlife was in long-term decline. This 'Nature Crisis Motion' committed the Council to a range of activities, including a review by the Overview and Scrutiny Management Board (OSMB) of opportunities to support nature's recovery in Rotherham. At its meeting on 14 September 2022, OSMB agreed that the review should be undertaken by the Improving Places Select Commission (IPSC), in its 2023 work programme.

The IPSC review of Nature Recovery in Rotherham began in March 2023, involving Council officers and external stakeholders over several months. A summary of the review's findings and recommendations was presented to Cabinet, at its meeting of 10 June 2024.

The recommendations review was set out in Appendix 1 to the report.

Resolved:

That the Cabinet response to the Scrutiny review recommendations in respect of Nature Recovery, as set out in Appendix 1 of the report, be approved.

53. LAND OFF FARFIELD LANE, WATH UPON DEARNE

Consideration was given to the report which sought approval for the disposal of land off Far Field Lane, Wath Upon Dearne to Barratt David Wilson Homes and acquisition of land from the Fitzwilliam Wentworth Estates (FWE) to replace statutory allotments.

The Council and the Fitzwilliam Wentworth Estate (FWE) both owned land off Far Field Lane, Wath Upon Dearne, which was allocated for residential development, referenced H97 in the Local Plan. FWE were the majority landholder of this allocation. The Disposal and Acquisition plan was attached at Appendix 1 to the report.

The Council ownership (marked red on Appendix 1) was a smaller section of the total developable area and was currently restricting access to any development of the site. Non-binding discussions had taken place between FWE, the Council and Barratt David Wilson Homes to consolidate the land and for FWE and the Council to directly sell to Barratt David Wilson Homes.

The Council's land was currently categorised as a statutory allotment site which had been vacant for more than 30 years. There was no demand for the provision of allotments on this site and as such the site was surplus to the Council's requirements. The Allotment Alliance and Allotment Society had both been consulted, and whilst they did not have any objection to this proposal (and did not wish to retain this unused site), they wished to see the future of another allotment site known as Sandymount allotments, have a statutory status, securing further future provision in the area.

Resolved:

That Cabinet authorise the Assistant Director of Property and Facilities Services to negotiate and agree the terms and conditions of the proposed disposal and acquisition shown on the plan at Appendix 1 in consultation with the Cabinet Member for Transport, Jobs, and the Local Economy.

54. 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.

55. DATE AND TIME OF NEXT MEETING

The next meeting of the Cabinet would be held on Monday 14 October 2024 commencing at 10.00am in Rotherham Town Hall.