

THE CABINET
14th October, 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).

56. DECLARATIONS OF INTEREST

There were no declarations of interest.

57. QUESTIONS FROM MEMBERS OF THE PUBLIC

There were two questions from members of the public:

1. Mr Iqbal: Please could the Leader and Chief Executive extend an invitation, on behalf of the Petitioners, to all Rotherham Members of Parliament, Councillors, Council Officers and Local Dignitaries to the Petition Announcement Event at Rotherham Town Hall on 23 October at 5.30pm. The invitation was also extended to the solemn occasion of raising the Palestinian Flag event on 29 November at 5.30pm at the Town Hall. Mr Iqbal asked if his colleague, Mr Ashraf, could be emailed once the invitation had been sent?

The Leader stated that he did not know what the arrangements were for those events. However, he confirmed that they would invite people and be-in touch regarding the events.

In Mr Iqbal's supplementary question, he ask for a written response to his question from the Cabinet meeting held on 16 September 2024 which was:

"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?"

Mr Iqbal also asked how long the Ukrainian Flag would fly for on the Council's premises and who the Cabinet spokesperson was?

The Leader confirmed that a written response would be provided.

2. Mr Ashraf: Thanks to the Chair of OSMB for making the request to expedite the response from Cabinet to the petition at the last meeting. At that meeting, the Chair had advised that the particulars of the implementation of the 22-OSMB recommendations would be shared. A

month later they had not been shared. Could the letter be sent to Mr Ashraf's email address along with an explanation of why nothing had been sent for the last month?

The Leader explained that he had signed the letter off, and it would be sent shortly.

In his supplementary question, Mr Ashraf asked if, when the Palestine flag is raised on 29 November, could it remain raised until Israel abides by all international laws and UN resolutions affecting the rights of Palestinians including the refugees right of return? Until the Palestinian people are no longer under the occupation that had lasted 76 years? This was an apartheid that was more brutal and had lasted longer than the one in South Africa which Rotherham had helped to end. There was ethnic cleansing that decades ago wiped out 400 towns and villages from the face of the earth and still continues day after day. Genocides of the indigenous Palestinian people just to steal their land. Mr Ashraf stated that he had repeated, especially since the racist riots in August, that the petitioners were only asking for equality before the law and equal law for all. The Council's public sector equality duty under the Equalities Act 2010 that the Council was bound by should also make that clear. Quoting a Rotherham resident, Mr Ashraf asked if the Palestinian flag could be raised for as long as for the blonde, blue-eyed people of Ukraine whose occupation the Council did not hesitate to show compassion for and kept the flag raised?

The Leader stated that a decision had been taken at the meeting in September to raise the Palestinian flag on 29 November. The Leader would not commit to keep flying it for a prolonged period after that. The Council would join with organisations globally to fly the flag on 29 November.

58. MINUTES OF THE PREVIOUS MEETING

Resolved:

That the Minutes of the Cabinet meeting held on 16 September 2024 be approved as a true and correct record of the proceedings and signed by the Chair.

59. EXCLUSION OF THE PRESS AND PUBLIC

The Chair advised that Appendix 1 to Minute 62 (New Applications for Business Rates Hardship Relief) and Appendices 2, 3 and 4 to Minute 63 (Dinnington Compulsory Purchase Order) were exempt under Paragraph 3, Schedule 12A of the Local Government Act 1974. However, the meeting remained open to the public and press throughout.

60. FUTURE ROTHERCARE MODEL

Consideration was given to the report which detailed the options appraisal and sought approval to implement a new Rothercare model where the assistive technology elements of the service would be undertaken by an independent sector technology partner and Rothercare would continue to deliver the core service elements, engaging with the public and service users under a realigned delivery model. The recommendations in the report followed on from Minute 121, January 2024 – Digitalisation of the Rothercare Service.

The Council's assistive technology offer was delivered via its in-house Rothercare service. This was an 'end to end' service which managed referrals and triage, installation of equipment, the monitoring and responding to alerts. The service also procured all technical aspects including the hardware and software (alarm receiving centre, digital box/pendant, licences and peripheral technology).

Rothercare was a chargeable service funded through a mix of weekly charges to customers and a subsidy from the Housing Revenue Account (HRA) and therefore the pricing policy had been considered alongside the operating model.

The Council's intention was to use assistive technology to enable residents of Rotherham to remain independent within their own home for as long as possible. To achieve the vision there needed to be a significant increase in the use of assistive technology. Assistive technology could reduce dependence on formal care by helping to avoid early admission to care homes, reduce the amount of home care required and help to galvanise strength-based approaches to care. As such, this type of technology contributed to efficient use of resources across health and social care services and improved the quality of life for many users.

A number of options were set out in Section 3 of the report. Option 1, at paragraph 3.1, was the preferred option. This would allow Rothercare to continue to deliver the referral, triage, monitoring and response service whilst the assistive technology elements (identification of assistive technology solutions, installation, recycling, disposal and maintenance and procurement of assistive technology equipment) would be delivered by a technology partner from the independent sector. The following options were not recommended with the reasons detailed in the report: Rothercare continued to deliver all elements of the service in-house; an arm's length management organisation was used; and a commissioned technology partner delivered all elements.

Subject to approval, a formal procurement process would commence in Autumn 2024. A mobilisation period would ensue following the tender award which would be aligned to the revised Rothercare operating model from April 2025.

The weekly charge for the Rothercare service (2024-25) was £3.50 per week. The service costs and associated charge to customers had not been revised for an extensive period. The weekly service charge needed to achieve full cost recovery (2025/26) had been calculated at £6.88 per week. It was proposed that the weekly charge should increase from the current £3.50 to £4.50 (2025/26) for a 12-month period. This would cover the costs associated with the fact that the UK's telecom infrastructure analogue to digital upgrade programme was now underway on a national scale. As a result of the Analogue to Digital (A2D) programme the Council was compelled to replace the Rothercare's analogue units with digital units. These were installed in customers' homes and had an integrated Subscriber Identification Module (SIM) which were a component of digital boxes.

A transitional increase in the weekly charge (in addition to inflation increase) would be applied in subsequent years which would be an important step to sustain the critical service and balance income and expenditure without a need for further subsidy.

During the meeting it was reiterated that customers who were receiving a subsidised service would continue to do so until they left the service. Residents who paid the Rothercare charge as part of a tenancy agreement but did not wish to do so, would be offered an opportunity to have their needs for assistive technology identified prior to opting out of the charge.

The report was considered by the Overview and Scrutiny Management Board (OSMB), who advised that the recommendations be supported. They had requested that a progress report be brought back to OSMB 12 months after the implementation of the new model (April 2026).

Resolved:

That Cabinet:

1. Approve option 1 to implement a new technology enabled care delivery model under a collaborative approach between Rothercare and an independent sector technology partner.
2. Approve a competitive procurement process and award of contract on the basis of a 5-year initial term. The contract will include potential extensions for up to 3 years (to be taken in any combination). The new arrangements will commence April 2025.
3. Agree the new charging policy and rates for Rothercare from 2025/26 for existing customers and the policy of applying a new rate to new customers from 2025/26 onwards.
4. Note the request from OSMB that a report is taken back to the Board in 12 months following the implementation of the new

technology enabled care delivery model (April 2026.)

61. SCRUTINY REVIEW - PREPARATION FOR ADULTHOOD FOR CHILDREN AND YOUNG PEOPLE WITH SPECIAL EDUCATIONAL NEEDS AND DISABILITIES (SEND)

Consideration was given to the report which outlined the outcomes from the Improving Lives Select Commission's spotlight review on preparation for adulthood, in relation to children and young people with Special Educational Needs and Disabilities (SEND).

Preparation for adulthood (also known as transition) was the process by which young people who needed support or care, moved from services provided exclusively for children, to services provided for those over the age of 18, aiming to ensure a seamless transition. The Local Government Association described successful preparation for adulthood as "A successful transition from children's and young people's services to adult care services and support, needs the young person, their families, and professionals to work together with the young person at the centre of discussions." Legislation gave local authorities a legal responsibility to co-operate, and to ensure that all the correct people worked together to get the transition right for a young person.

The purpose of the review was to assess what measures were in place at that point in time, to support successful preparation to adulthood for young people in Rotherham with SEND and where required, to identify any potential gaps in provision or areas requiring further focus.

The review group consisted of the following members: Councillor Lyndsay Pitchley (Chair;) Councillor Wendy Cooksey (Vice-Chair;) Councillor Tony Griffin; Councillor Maggi Clark; and Councillor Taiba Yasseen. The review itself took place over a single afternoon, with many partners present to provide a range of perspectives and information.

The key lines of enquiry (KLOEs) were set out in paragraphs 2.16 to 2.19 and were: Partnership Working; School Effectiveness and Education Pathways; Inclusion and Communities; and Communication. Details of the discussion points were included in paragraph 2.20 of the report.

Councillor Cusworth, Cabinet Member for Children and Young People, welcomed the Scrutiny review. She confirmed that she met regularly with the Rotherham Parent Carer Forum and the Black Asian Minority Ethnic Young People's Group and she would discuss the recommendations with them.

Cabinet were asked to consider the outcomes of the review and provide a response to the recommendations by December 2024.

Resolved:

1. That Cabinet receives the report and considers the following recommendations:

i. **School Effectiveness:**

- a. That the support pathways available for preparation for adulthood for children and young people with SEND in mainstream education, in both the early years and post sixteen settings is reviewed to identify any areas that may require further focus and developments.
- b. That education pathways relating to preparation for adulthood for children with SEND are reviewed, ensuring clear communication of the pathways to parents and carers.

ii. **Inclusion and Communities:**

- a. That information relating to the support available to parents and carers within communities is developed, enabling a seamless service that supports and empowers parent carers.
- b. That the feedback from the Autism Strategy Consultation is reflected in the support offer available, to ensure children and young people feel safe within their communities, at school and online.
- c. That there is a further focus on enhancing equality, diversity, and inclusion (EDI) in relation to this area of activity, with a particular focus on improving engagement levels with children and young people with SEND in communities, such as the Black Asian Minority Ethnic (BAME) and Roma-Slovak Communities.

iii. **Communication:**

- a. That established networks and partnerships, such as the Rotherham Parent Carers' Forum, are further embedded, to increase awareness raising and increase the number of SEND families that are engaged and reached in the Borough.
- b. That the process relating to Education, Health and Care Plans is reviewed to ensure the young person's voice is present throughout the process.

2. That Cabinet agree to respond to the recommendations by December 2024 in accordance with the Overview and Scrutiny Procedure Rules.

62. NEW APPLICATIONS FOR BUSINESS RATES HARDSHIP RELIEF

Consideration was given to the report which asked Cabinet to consider applications for Business Rates Hardship Relief in accordance with the Council's Discretionary Business Rates Relief Policy (approved by Cabinet on 12 December 2016.)

Application 1 for the award of hardship relief did not meet the Council's qualifying criteria as set out in the Policy, as an award would be considered to be giving the applicant an unfair trading advantage. The business undertook logistical activities, such as freight forwarding (particularly international freight), customs agent and order fulfilment. Their current financial difficulties were attributed to three main factors:-

- Liquidation of a major client, which resulted in a circa £15,000 debt write-off.
- The business was a victim of a large-scale fraud.
- During late 2022 business started to slow down, and this continued into 2023 and 2024 as the UK economy was in decline. Utilities and business expenses have continued to increase.

The company had limited liquidity due to the difficult trading conditions and the resulting rates bill represented a major challenge to the company's financial position. The ratepayer was applying for Hardship Relief with regards to their 2023/24 and 2024/25 rates liability. The financial implications of awarding the relief were set out in section 6 of the report.

Application 2 did not meet the Council's qualifying criteria as set out in the Policy, as an award would be considered to be giving the applicant an unfair trading advantage. The applicant had requested that relief be awarded on three empty properties for which the company was actively seeking tenants. These properties were proving difficult to let in the current climate.

The company stated that their financial forecasts indicated that, without tenants and with continued payment of business rates, their financial stability would decline further and, potentially, leading to insolvency by April 2025. They had already taken measures to minimise expenses, including the director foregoing a salary. The ratepayer was applying for Hardship Relief with regards to their 2024/25 rates liability. The financial implications of awarding the relief was set out in section 6 of the report.

Additional details regarding both applications were set out in exempt Appendix 1.

Resolved:

That Cabinet refuse the applications for Hardship Relief.

63. DINNINGTON COMPULSORY PURCHASE ORDER

Consideration was given to the report which sought Cabinet authority to make and then seek confirmation of a Compulsory Purchase Order (“CPO”) for the acquisition of land and property interests identified on the plan and in the schedule in Appendix 1 and 2 of the report (the Order Land). This was intended to assist in facilitating the redevelopment of the Laughton Road shopping area as per previous Cabinet decisions in August 2023 and July 2024.

Since the Cabinet meeting in August 2023, considerable progress had been made in assembling the land and property required to deliver the scheme. However, the Council had yet to reach agreement on the acquisition of 9 remaining plots of land needed for the Scheme. Details of these acquisitions and negotiations relating to the remaining plots were set out in exempt Appendix 2 and 6. In light of the timescales involved in the CPO process, and in accordance with Government guidance, it was now prudent to commence the CPO process in parallel with those negotiations.

The draft Statement of Reasons attached to the report at exempt Appendix 4 set out the full reasons supporting the Council’s use of its CPO powers. In particular, paragraph 6 specifically set out the reasons and paragraph 10, the specific justification for the use of the powers. A full land registry search had been completed and a Land Referencing Schedule compiled at exempt Appendix 3. Negotiations with landowners and other interested parties were on-going and the position with respect to those negotiations was set out in exempt Appendix 2.

Resolved:

That Cabinet:

1. Authorise the Council in the making of a CPO for the land shown coloured pink and edged red (“the Order Land”) on the plan contained at Appendix 1 under section 226(1)(a) of the Town and Country Planning Act 1990 because it thinks that:
 - a. The acquisition will facilitate the carrying out of the development, redevelopment, or improvement (including regeneration) on or in relation to the Order Land; and
 - b. The development, redevelopment or improvement is likely to contribute to the achievement of the economic, social or environmental well-being of the Council’s area.

2. Authorise the Council in acquiring new rights under section 13 Local Government (Miscellaneous Provisions) Act 1976 in respect of the land shown shaded in blue on the plan contained at Appendix 1 to facilitate the development, redevelopment, or improvement on or in relation to the Site.
3. Authorise in principle and subject to the confirmation of the CPO the appropriation of the land within the scheme to a planning purpose (to the extent that it is not so held already) to allow the redevelopment of the Order Land, pursuant to section 122 Local Government Act 1972;
4. Authorise the Council's Property Officer (Delegated to Assistant Director, Properties & Facilities), in consultation with the Cabinet Member for Jobs and the Local Economy and the Assistant Director of Legal Services, to:
 - a. Approve terms for the acquisition of legal interests (including new rights) to the extent not already acquired by agreement including for the purposes of resolving any objections to the CPO;
 - b. Take all necessary steps to secure the making, confirmation and implementation of the CPO, including, making further amendments by way of finalising the draft Statement of Reason (exempt Appendix 4) the publication and service of all relevant notices and the presentation of the Council's case at any future local public inquiry;
 - c. Consider the outcome of the Equalities Impact Assessment and ensure appropriate steps are taken to meet the Council's Public sector Equalities Duty.
 - d. Take all necessary steps to resolve any compulsory purchase compensation claims, including, if necessary, by way of making (or responding to) a reference to the Upper Tribunal (Lands Chamber);
 - e. Subject to 3 above authorise, the Council's Property Officer and Facilities (following the confirmation of the CPO) to appropriate the land referred to a planning purpose.

64. 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.

65. DATE AND TIME OF NEXT MEETING

Resolved:-

That the next meeting of the Cabinet be held on 18 November 2024, commencing at 10.00am.