

**THE CABINET
22nd May, 2013**

Present:- Councillor Stone (in the Chair); Councillors Akhtar, Doyle, Hussain, Lakin, McNeely, Rushforth, R. S. Russell and Wyatt.

Also in attendance Councillor Steele (Vice-Chairman of the Overview and Scrutiny Management Board)

Apologies for absence were received from Councillors Smith and Whelbourn.

C1 QUESTIONS FROM MEMBERS OF THE PUBLIC

(1) A member of the public referred to the previous reports submitted to Cabinet in October, 2011 and subsequent correspondence with the Chief Executive which resulted in his assurance that any comments received would be included in the proposal being submitted to the Cabinet and asked why such comments were not presented as evidence for consideration by Cabinet Members today?

The Leader explained that all evidence was considered by the Cabinet and this was submitted in a variety of formats but all information was considered.

In a supplementary question the member of the public asked that as she had been given an assurance this should have been included.

The Leader assured the member of the public that Cabinet Members were fully aware of concerns and confirmed that complaints and comments were shared by Ward Members on a regular basis.

The Chief Executive also reiterated that various sources of information contributed to the written report that was presented today and it was a false assumption that all evidence would be included in the report, which provided a summary of any issues raised.

(2) A member of the public referred to the absence of the parking and traffic management plan which had been recommended as part of the details of the lease, which should mitigate some of the problems in the area and asked if this would include views of the public and local residents in the formulation of such a parking strategy?

The Leader confirmed that a condition of signing the lease would be that a parking and a traffic management plan is agreed and it was suggested that the views of residents be taken into account.

(3) A member of the public referred to the petitions and the canvassed support against the Rugby Club leasing part of Herringthorpe Playing Fields and asked why there had not been a full consultation process

which included other sporting organisations, appropriate bodies and members of the public and asked if this could now be undertaken and also asked if those Cabinet Members who had a vested interest in the Rugby Club would not be exercising their vote today?

The Leader explained that Cabinet Members did not have a vested interest in the Rugby Club and confirmed that a decision would be taken on the sporting elements of the proposal.

C2 DECLARATIONS OF INTEREST

Councillor Hussain declared a personal interest in Minute No. 220 (Herringthorpe Playing Fields) on the basis that he was not in favour of the proposal and was a signatory to the petition.

Councillors Hussain, Lakin, McNeely, Rushforth, Sims, Stone and Wyatt declared a personal interest in Minute No. 224 (Local Government Pension Scheme Changes) being members or potential members of the Scheme.

Councillors Hussain, Lakin, R. S. Russell and Wyatt declared personal interests in Minute No. 227 (Discretionary Rate Relief Top Up Review) being involved with one/two of the beneficiaries of the discretionary relief top-up.

Councillors McNeely and Wyatt declared personal interests in Minute No. 228 (New Discretionary Rate Relief Top Up Applications) being involved with one of the beneficiaries of the discretionary relief top up.

C3 GROUNDWORKS TRUSTS PANEL

Councillor Akhtar, Deputy Leader, introduced the minutes of the Groundworks Trusts Panel held on 10th April, 2013 and noted that further events have unfolded which have resulted in Groundwork Dearne Valley going in to administration.

Resolved:- (1) That the progress to date and the emerging issues be noted.

(2) That the minutes of the Groundworks Trusts Panel held on 10th April, 2013 be received.

C4 ROTHERHAM LOCAL PLAN STEERING GROUP

Councillor R. S. Russell, Cabinet Member for Waste and Emergency Planning, introduced the minutes of the Rotherham Local Plan Steering Group held on 19th April, 2013.

It was noted that consultation commenced on the 20th May, 2013 on the Draft Sites and Policies Document, which would capture local views in specific areas.

A revised Memorandum of Understanding between Rotherham and Sheffield City Councils, which now addressed some of Rotherham's cross boundary concerns, would be submitted to the Cabinet Member for Regeneration and Development, for approval.

Resolved:- (1) That the progress to date and the emerging issues be noted.

(2) That the minutes of the Local Plan Steering Group held on 19th April, 2013 be received.

C5 MEMBERS' TRAINING AND DEVELOPMENT PANEL

Councillor Akhtar, Deputy Leader, introduced the minutes of the Members' Training and Development Panel held on 15th April, 2013.

Particular reference was made to Minute No. 19 (Report Writing and Plain English) where views were being sought on specific issues and these could potentially be addressed to ensure all reports were more easily understood and easier to read.

Resolved:- (1) That the progress to date and the emerging issues be noted.

(2) That the minutes of the Members' Training and Development Panel held on 15th April, 2013 be received.

C6 HERRINGTHORPE PLAYING FIELDS - PROPOSED LEASE TO ROTHERHAM RUGBY CLUB LTD.

Councillor Rushforth, Cabinet Member for Culture and Tourism introduced a report by the Strategic Director of Environment and Development Services regarding the responses to the legal notice advertising the proposal to lease an area of Herringthorpe Playing fields to Rotherham Rugby Club Ltd.

The report set out the level of opposition to the proposal and the numbers also in support for the training and playing opportunities for a range of ages and abilities for young people.

The lease would be granted at a nominal rate in line with the Asset Transfer Policy. The Club was responsible for securing the funding for the development. An offer of funding by the Rugby Football Union was likely through a combination of grant and an interest free loan, to be guaranteed by the Club's members. The funding would be subject to satisfactory

planning approvals and lease agreements being in place. There were no financial consequences to the Council for the development.

Some correspondence had been received from a local interest group and it was proposed that the issues raised could be accommodated. These included:-

- Parking and Traffic Management Plan – to be agreed prior to the lease being signed in consultation with the Residents' Liaison Committee. The Parking and Traffic Management Plan had not progressed awaiting further decision.
- Inappropriate Parking – there was the potential for a Residents' Parking Scheme in the locality which could potentially address some of the inappropriate parking activities currently taking place. This was subject to public consultation and whether there was consensus to taking this forward.
- Increased levels of noise and disturbance and the level of intense use from 4.30 p.m. to 9.00 p.m. – it was noted that there was the possibility of the playing fields being used at these times currently, so this was not considered a valid concern.
- Level of Consultation – members of the public were of the view that there should have been a full consultation strategy undertaken by the Council given the number of objections and whether the report actually covered the concerns raised.
- Activities on this site – it was confirmed that this facility was to be used by Rotherham Rugby Club Limited and not Rotherham Titans and the Heads of Terms of the Lease would set out clearly that this site should be made available for use by other clubs. The Council was keen for this facility to be used and would make sure that this was factored in and the views of local residents would continue to be supported.
- Formation of the Residents' Liaison Committee, which should include representatives from the Council, Rotherham Rugby Club Limited and also Ward Members.

Cabinet Members/Ward Members Hussain and McNeely, along with other Ward Members, were not in support of this proposal to lease an area of Herringthorpe Playing Fields and expressed their concerns about the location of the facility, inadequate consultation undertaken by Rotherham Rugby Club Limited, car parking and how this could be addressed, particularly for coaches on match days, how to ensure that floodlights were actually switched off at 9.00 p.m., unsuitability of a cycle plan, dog fouling and use of the other pitches for other sporting activities and whether these matters should all be addressed before there was an agreement to proceed.

Cabinet Members took account of all the issues raised as part of the consultation process and the views made at the meeting and were in agreement that the lease would not be signed until there had been some discussion, particularly about the parking concerns and potential location

of the portaloo, with the Residents Liaison Committee, which should be Elected Member led, and those concerned residents that had attended today.

Resolved:- (1) That the proposed lease of Herringthorpe Playing Field to Rotherham Rugby Club Ltd. be approved.

(2) That Rotherham Rugby Club Ltd. be required, as part of the lease, to set up a Residents' Liaison Committee to help improve community relationships and be a forum to raise issues such as parking and community use and for this to be chaired by a representative from the Council.

C7 IMPROVING STANDARDS IN THE PRIVATE RENTED SECTOR BY ADOPTING NEW STRATEGIC INTERVENTIONS

Councillor McNeely, Cabinet Member for Safe and Attractive Neighbourhoods, introduced a report by the Strategic Director of Neighbourhoods and Adult Services, containing proposals for new strategic interventions designed to improve private rented sector accommodation standards, address low housing demand, high levels of anti-social behaviour and the crosscutting issues within the Authority's most deprived neighbourhoods by ensuring landlords either met minimum management standards or were not allowed to let their property.

The interventions proposed included:-

- Selective Licensing
To help address low demand and high levels of anti-social behaviour by ensuring landlords either met minimum management standards or were not allowed to let their property. A licence fee paid by landlords would enable the Council to increase the resources employed and dedicated to meet the aims of the local scheme.
- Enforced Sales Procedure
This gave the Council an additional tool to tackle long term empty properties where the owner could not be traced or the owner was not working with the Council to bring the property back into use. This tool was considered the last resort and only used when a range of measures had been undertaken and failed to address the issue.
- Empty Dwelling Management Orders
A tool to tackle long term empty properties that were problematic whilst ensuring the Council had some control over the future of the properties for a prescribed period.
- Interim Management Orders
An IMO transferred the management of a residential property to the Council for a period of up to 12 months. It allowed:-

- Possession of the house against the immediate landlord and subject to existing rights to occupy.
 - To do anything in relation to the house which could have been done by the landlord including repairs, collecting rents etc.
 - To spend monies received through rents and other charges for carrying out its responsibility of management including the administration of the house.
 - To create new tenants (with the consent of the landlord).
- Compulsory Purchase Orders
This tool was used as a last resort where a range of measures needed to have been taken to address the issues first. It could be used to acquire a single property or more usually multiple properties. However, the process was lengthy, resource intensive and not always successful.

The interventions did not replace existing enforcement resources but added further capacity to enable a much more intensive approach to be adopted in areas where the Authority had struggled to improve private sector housing conditions.

Both Revenue and Capital funding would be required to support the introduction and operation of the above tools.

If the above measures were not taken, the gap in the Authority's most deprived neighbourhoods would continue to widen. The current level of resources deployed reactively to resolve private rented sector issues was not sustainable and empty properties blighted neighbourhoods negatively affecting the local housing market. The redeployment of staff required to work up the business case for Select Licensing could have Service implications by temporarily reducing Service performance in those teams which were operating with reduced staff resources, however, this would be mitigated by effective management to assist with prioritising work and sharing responsibility for work.

Cabinet Members noted that some of the interventions proposed to improve private rented sector accommodation standards had previously been raised as part of a Scrutiny Review and subsequent recommendations, the majority of which had been accepted by the Cabinet.

Resolved:- (1) That the range of new interventions, identified as Enforced Sales, Empty Dwelling Management Orders, Interim Management Orders and low level enforcement options, to help improve standards in the Private rented sector be approved.

(2) That the use of powers relating to Enforced Sales, as detailed in Appendix 3 of the report submitted, be approved.

- (3) That a report be submitted to a future meeting to consider the business case for setting up a Selective Licensing Scheme.
- (4) That non-fee generating work be undertaken by the Resources Directorate to assist with legal, consultation and other enabling work to develop the new strategic interventions identified in the report.
- (5) That a Capital budget of £80,000 be identified to enable property improvements to be carried out as part of the use of approved tools.
- (6) That Scrutiny be thanked for the work that had been undertaken as part of the Scrutiny Review and the subsequent recommendations, the majority of which had been accepted as part of these interventions.

C8 ROTHERHAM ENVIRONMENT AND CLIMATE CHANGE STRATEGY AND ACTION PLAN REVIEW 2013

Councillor Wyatt, Cabinet Member for Health and Wellbeing, introduced a report by the Strategic Director of Environment and Development Services, highlighting changes to the Council's Environment and Climate Change and proposing the signing up to the 'Climate Local' commitment to reducing CO² emissions and improving the environment.

Rotherham Council approved the Environment and Climate Change Strategy and Action Plan in August, 2011. A number of significant changes including new legislation, Council restructure and economic situation had resulted in the requirement to review and update the Strategy and Action Plan.

'Climate Local' was a Local Government Association initiative that commits local authorities signing up to the initiative to reduce carbon emissions and adapt to the effects of the changing climate.

Resolved:- (1) That the revised Environment and Climate Change Strategy and Action Plan be endorsed.

(2) That the Council commit and sign up to the Local Government Association Climate Local Scheme.

C9 YORKSHIRE AND HUMBER GRID FOR LEARNING - TRADING ARM DEVELOPMENT

Councillor Lakin, Cabinet Member for Children, Young People and Families Services, presented a report by the Strategic Director of Children and Young People's Services, on the Yorkshire and Humber Grid for Learning (YHGfL).

Rotherham had been a member of YHGfL, the broadband consortium across the region, since 2002. YHGfL was currently consulting with member authorities to look at the possibility of establishing a trading arm

which would allow it to sell services direct to schools within each local authority and to external organisations including schools from outside of Yorkshire and Humber.

Changes to School funding regimes and the impact of budget cuts in councils had put additional pressure and a large degree of uncertainty on YHGfL and put its future in doubt. If it was allowed to offer services direct to schools rather than via the local authorities, it would safeguard the investments made by all authorities and provide competition to those private companies who currently aggressively sold their services to schools.

An Extra Ordinary General meeting was to take place on 7th June, 2013 at which members were to be asked on whether or not to approve the establishment of a trading arm.

A significant investment had been made over the past 11 years from members authorities. It was hoped that by generating external income it would reduce the costs to existing member authorities in the long term and help to safeguard the member authorities' investments.

If the trading arm was to fail, the maximum cost to the Foundation would be the value of shares issued and any cashflow funding which the Foundation was providing. If the Foundation was to fail, the maximum cost to member authorities would be £1.

Resolved:- That the proposed changes to the constitution of the Foundation to enable external trading be approved.

C10 LOCAL GOVERNMENT PENSION SCHEME CHANGES

Councillor Akhtar, Deputy Leader, presented a report by the Director of Human Resources, which highlighted the recently published proposals to change the Local Government Pension Scheme from April, 2014.

As a result of changing demographics, the Government now required the Pension Scheme to deliver £900M of savings from the current and future costs of the Scheme.

In order to try achieve the required savings and meet the future challenge of providing a reasonable pension for retirement, a new Scheme would apply as from 1st April, 2014. It would be a Career Average Scheme and apply to all 7,814 members employed by the Council. Various changes would apply to the new Scheme rules covering accrual rates and contributions whilst certain specific protections were to be provided for employees within 10 years of their normal retirement date as at April, 2012.

The report set out in detail the main changes and also referred to the deferment of the requirement to automatically enrol employees in the Pension Scheme until October, 2017 rather than 1st March, 2013.

It also referred to pensions for Elected Members which could change with the following options now being consulted on:-

- No future access to the scheme (Government's preferred position).
- Two-tier membership for 'Front-Bench' councillors i.e. Leader, or others with Special Responsibility Allowances.
- No change (Continued access to scheme based on current arrangements).

Consultation had been received on the draft LGPS Regulations (3rd May), Transitional Provisions and Savings (24th May), Miscellaneous Amendments (24th May) and Proposals in respect of Taxpayer funded Pensions for Councillors (5th July). The South Yorkshire Pensions Authority had analysed the technical details on behalf of all Scheme employers with regard to the first consultation. Other considerations were being compiled.

Concern had been expressed that proposed changes to the Scheme may result in greater numbers opting out of the Pension Scheme. Other payroll providers commissioned by schools would need to be able to cope with the new arrangements and be satisfied that their provider would be able to cope with the complexity of the new arrangement.

Cabinet Members considered the elements relating to Elected Members and were in agreement that there should be no change to current arrangements.

Resolved:- (1) That the details and estimated future cost pressures regarding the implementation of the new Local Government Pension Scheme from April, 2014, be noted.

(2) That an update be submitted on the technical Schedule Regulation changes.

(3) That there be no change to the proposals in respect of the new employee scheme and Elected Member pensions (Option 3).

C11 EXCLUSION OF THE PRESS AND THE PUBLIC

Resolved:- That, under Section 100A(4) of the Local Government Act, 1972, the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 3 of Part I of Schedule 12A to the Local Government Act (as amended March, 2006) (information relating to financial and business affairs of any particular person).

C12 NEW DISCRETIONARY RATE RELIEF APPLICATIONS

Councillor Akhtar, Deputy Leader, introduced a report by the Director of Finance, detailing applications from two organisations for Section 47 Discretionary Rate Relief.

The financial information and risks and uncertainties associated with the relief were set out in detail as part of the report.

Resolved:- (1) That application No. DRR/13/036 for grant relief be refused.

(2) That application No. DRR/13/036 be approved for 100% grant review up to 2nd April, 2013 and a 20% discretionary top-up thereafter.

C13 DISCRETIONARY RATE RELIEF TOP UP REVIEW

Councillor Akhtar, Deputy Leader, introduced a report by the Director of Finance, detailing applications from seventy-seven organisations currently in receipt of Section 43 Mandatory Relief which had previously been granted 20% Discretionary Relief top up.

The financial information and risks and uncertainties associated with the relief were set out in detail as part of the report.

Resolved:- That £129,835.28 Discretionary Relief top up be approved for the period 1st April, 2013 to 31st March, 2014, for 1 year only in line with the Policy approved on 24th April, 2013 (Minute No. C200 refers).

C14 NEW DISCRETIONARY RATE RELIEF TOP UP APPLICATIONS

Councillor Akhtar, Deputy Leader, introduced a report by the Director of Finance, detailing applications from organisations currently in receipt of Section 43 Mandatory Relief which had previously been granted 20% Discretionary Relief top up.

The financial information and risks and uncertainties associated with the relief were set out in detail as part of the report.

Resolved:- (1) That application DRRTU/13/84 be granted relief in line with previous decisions.

(2) That application DRRTU/13/79 be granted relief with effect from 3rd April, 2013 in line with Minute No. 226 of this meeting.

(3) That all other applications for the granting of relief be refused.

C15 COMMUNITY AMATEUR SPORTS CLUBS REVIEW

Councillor Akhtar, Deputy Leader, introduced a report by the Director of Finance, which detailed how, from 1st April, 2004, the Government had introduced mandatory rate relief of 80% for Community Amateur Sports Club (CASC) who registered with the Inland Revenue.

The financial information and risks and uncertainties associated with the relief were set out in detail as part of the report.

Resolved:- That 20% relief be granted to all Community Amateur Sports Clubs which obtain registration with the Inland Revenue.

C16 DISCRETIONARY RATE RELIEF REVIEWS

Councillor Akhtar, Deputy Leader, introduced a report by the Director of Finance, detailing applications from thirty-five organisations currently in receipt of Section 47 Mandatory Relief.

The financial information and risks and uncertainties associated with the relief were set out in detail as part of the report.

Resolved:- That £542,700.09 Discretionary Relief be approved for the period 1st April, 2013 to 31st March, 2014, for one year only in line with the Policy approved on 24th April, 2013 (Minute No. C200 refers).

C17 APPROVAL OF TENDER FOR THE MALTBY LILLY HALL PRIMARY SCHOOL REFURBISHMENT

Councillor Lakin, Cabinet Member for Children, Young People and Families Services, introduced a report by the Strategic Director of Children and Young People's Services seeking authority to accept a tender for the refurbishment work to the existing Junior School to include for the removal of asbestos and installation of a new heating system, rewire and redecoration.

The financial information and risks and uncertainties associated with the tender were set out in detail as part of the report.

Resolved:- (1) That the report be received and its contents noted.

(2) That the tender submitted by George Hurst Construction, dated 15th April, 2013, in the sum of £698,350.70, be accepted.