

**THE CABINET
18th September, 2013**

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

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

An apology for absence was received from Councillor Whelbourn.

C74 QUESTIONS FROM MEMBERS OF THE PUBLIC

A member of the public referred to the media coverage regarding zero hour contracts and the lack of normal benefits to employees and asked, as the largest employer in the Borough, for the Council's view on zero contract hours.

The Chief Executive referred to the media coverage about zero contract hours and confirmed the Council did not have any. It did, however, have a number of people registered to undertake temporary employment in a particular capacity, for example exam invigilators which only took place at certain times in the year, but these were still the same kind of benefits as a full-time employee.

In a supplementary question the member of the public considered it reasonable that the Council did not have any zero contract hours, but referred to a letter he had received under a Freedom of Information request which was contrary to what had been reported.

The Chief Executive assured the member of the public that the Council did not have any zero contract hours, but did have a number of temporary contracts. An explanation was provided on the differences between the two types of contracts.

C75 DECLARATIONS OF INTEREST

Councillor Lakin declared a personal interest in Minute No. 79 (Proposals to make a 'prescribed alteration' to Thrybergh School and Sports College by a change of age range from 11-16 to 3-16 by closure of Dalton Foljambe Primary School) on the grounds that he was a Governor at both named schools and left the room whilst that item was discussed.

(THE CHAIRMAN AUTHORISED CONSIDERATION OF THE FOLLOWING URGENT ITEM IN ORDER TO CONFIRM THE APPOINTMENT WITH IMMEDIATE EFFECT)

C76 APPOINTMENT OF DEPUTY LEADER

The Leader reported that, with immediate effect, Councillor Terry Sharman was to take over the position of Deputy Leader, to replace Councillor Akhtar as an interim measure, in accordance with the Council's Constitution.

Councillor Sharman would continue act as Deputy Leader until such time as the position was required or until the appointment otherwise terminated.

Councillor Sharman would undertake the responsibilities of the Deputy Leader portfolio other than financial matters which would be undertaken by Councillor Wyatt with Councillors Doyle and Lakin overseeing all matters relating to the Health and Wellbeing Board.

Resolved:- That the appointment of Councillor Sharman to the position of Deputy Leader by the Leader of the Council and the sharing of other responsibilities to Councillors Doyle, Lakin and Wyatt be noted.

C77 COMBINED AUTHORITY CONSULTATION

Further to Minute No. 191 of the Cabinet meeting held on 10th April, 2013, the Leader introduced a report by the Strategic Director of Environment and Development Services, which outlined the key points to be covered in a joint City Region response to the Government consultation on establishing a combined authority for the Sheffield City Region. The response was being prepared as part of the agreement by the Sheffield City Region local authorities, earlier in 2013, to form a combined authority that would replace South Yorkshire Integrated Transport Authority and have strategic responsibility for transport and economic development issues affecting the City Region. The proposed response was set out in detail as part of the report, but a proposal was subsequently submitted to the Department for Communities and Local Government, which was now carrying out formal consultation with a view to establishing the new body by April, 2014.

Leaders and Chief Executives have agreed that the City Region would issue a joint consultation response, which would be largely positive whilst highlighting the following issues:-

- The Government's "rebranding" of the combined authority as "South Yorkshire Combined Authority" rather than Sheffield City Region Combined Authority (or "SCR Authority"), which was seen as unhelpful and factually inaccurate, given that the combined authority would have powers in relation to the wider City Region.
- The need for the Government to take steps to ensure that combined authorities have the necessary suite of powers, particularly in relation to economic development.

- That the delegation of responsibilities between the combined authority and the Local Enterprise Partnership should be a matter determined locally, rather than by Government.

Cabinet Members were in support of this proposal, especially in light of the rebranding concerns to those involved in the wider City Region.

Resolved:- That the joint Sheffield City Region consultation response be endorsed, rather than submitting a separate Rotherham Council response.

C78 REVIEW OF ASSISTED AREAS

Councillor Smith, Cabinet Member for Regeneration and Development, introduced a report by the Strategic Director of Environment and Development Services, which set out details of how the Government was reviewing the United Kingdom's Assisted Areas map in response to the European Commission's 2014-2020 regional aid guidelines, which were issued in June 2013. The guidelines contained the rules stating how, when, where and to whom regional aid (a form of state aid) could be granted.

It was noted that the Local Enterprise Partnership areas, including the Sheffield City Region, were asked to identify a contiguous map of priority wards covering a total population of 80% of current Assisted Areas coverage (based on 2007-13 maps). This Council was also able to make the case for retaining 100% coverage of the whole Borough; however, because population levels have increased since the 2007-13 maps were agreed, this process would still involve a loss of coverage. All Rotherham Wards were covered in the 2007-13 map (appended to the report), providing the Rotherham Borough with wider coverage than most of the other districts in the Sheffield City Region (only the Doncaster Borough also has full coverage).

The Government was consulting on a number of elements that would inform the 2014-2020 Assisted Areas map, which covered the period from 1st July, 2014 to 31st December, 2020. The consultation was made up of two stages:-

- Stage 1 (deadline 30th September, 2013) - this focused on principles, indicators, local economic intelligence and priorities for coverage.
- Stage 2 (winter 2013/14) - building on Stage 1, this would be a consultation on a draft of the revised Assisted Areas map.

Local Economic Partnerships, through the Sheffield City Region executive team in Rotherham's case, have been asked to co-ordinate the response to Stage One, working with local authorities and drawing on

consultation/evidence that was informing the Sheffield City Region's emerging economic strategy/growth plan.

The submitted report included a brief rationale for identifying those Wards which Rotherham could be most prepared to lose from its current coverage, in order to contribute to any required overall reduction for the Sheffield City Region, although a strong case was to be made to retain the current coverage of the whole of the Rotherham Borough area.

Resolved:- (1) That the report and the recommended Wards to retain Assisted Area status and those wards which may lose the status be approved.

(2) That, within the overall City Region consultation response, the case be made for Rotherham and the City Region to retain maximum coverage.

C79 PROPOSALS TO MAKE A 'PRESCRIBED ALTERATION' TO THRYBERGH SCHOOL AND SPORTS COLLEGE BY A CHANGE OF AGE RANGE FROM 11-16 TO 3-16 BY CLOSURE OF DALTON FOLJAMBE PRIMARY SCHOOL

Further to Minute No. 33 of the meeting of the Cabinet held on 19th June, 2013, the Strategic Director of Children and Young People's Services, introduced the report which provided details in September 2011 Thrybergh School and Sports College had formed a collaboration (formerly referred to as a soft federation) with Dalton Foljambe Primary School.

Reference was made to the report which detailed that, since the collaboration had been established, Dalton Foljambe Primary School had been judged good by Ofsted and the school's outcomes have been above the National Floor Standards. The collaboration was now well established and both schools were requesting the opportunity to enter a more formal arrangement.

It was noted that the pre-statutory consultation had commenced on 19th June, 2013, following an initial report to Cabinet on the proposed 'Prescribed Alteration' to Thrybergh School and Sports College to change its age range from 11-16 years to 3-16 years by the closure of Dalton Foljambe Primary School and the Foljambe site becoming the Primary education phase annex of the Secondary School.

Resolved:- (1) That statutory consultation commence on the proposal to make a prescribed alteration to Thrybergh School and Sports College by a change of age-range from 11-16 to 3-16 by closure of Dalton Foljambe Primary School through the posting of a public notice for a six-week period.

(2) That a further report be brought to Cabinet detailing the outcome of the consultation.

(Councillor Lakin on the grounds that he was a Governor at both named schools and left the room whilst that item was discussed)

C80 PROPOSED EXTENSION OF PLANNED PLACES AT NEWMAN SPECIAL SCHOOL FOR CHILDREN WITH SPECIAL EDUCATIONAL NEEDS

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 describing the proposals to:-

(i) expand the numbers on roll at Newman Special School from 90 to 110, an increase of 20 planned places for children with a Statement of Special Educational Needs (SEN) naming that school in Part 4 of a Statement of SEN; and

(ii) offer two 'assessment' places (total = 22 places) for children who were not in receipt of a Statement of SEN, but where professional advice indicated that the child/young person requires an immediate placement in specialist provision whilst a statutory education assessment was underway.

Further to the Government's Green Paper "Support and Aspiration" and the Children and Families Bill 2013, legislation would be forthcoming in 2014 to promote a new approach to special educational needs and disability (SEND) 0-25 years. It is intended, amongst other aims, to:

- ensure equal life chances; raise aspirations and improve attainment;
- reform provision and significantly improve support to meet identified need;
- empower young people and their families and to increase choice where this is not incompatible with the efficient use of resources or education of other children; and
- plan and commission support across education, health and social care.

In Rotherham, the findings of the Autism Spectrum Condition Scrutiny Review resulted in a number of recommendations for planning and developing specialist provision. One key outcome was that proposals should be brought forward to build capacity locally, with the aim of keeping funding within Rotherham and reducing out-of-authority placements.

Cabinet Members noted that the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007 required a formal pre-statutory and statutory process where expansion was above 10% of an existing special school roll or there was a change of age range or type of special educational need. The proposed annexe to the

Newman Special School was above this threshold. Details of the consultation timeline were appended to the report.

Resolved:- That pre statutory consultation commence on the proposal to expand provision for children with SEN initially by 22 places from April, 2014 and to 30 places from September, 2014.

C81 NEW CENTRAL PRIMARY SCHOOL

Further to Minute No. 193 of the Cabinet meeting held on 10th April, 2013, 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 describing the good news proposal to increase the number of school places in the Authority.

There was an unprecedented increase in the numbers of pupils needing to access schools places within the Rotherham Borough area, with particular pressure in the central catchment areas of Rotherham (i.e: Eastwood and St. Ann's).

In response to this pressure, the Council submitted a bid to the Department for Education, through their Targeted Basic Need Programme, to fund a 1.5 form new central primary school (pupil ages 3 to 11 years) to be located within the central catchment area of the Authority. This bid has been successful and a grant of £3,216,065 been secured, plus £150,000 for project support funding. The estimated cost of the new school was approximately £5.2 million, with the additional £2 million having to be funded by the Council.

An area of land off Eldon Road, Eastwood (including the site of the former Donfield Tavern public house) had been identified as a suitable location for a new primary school. The time-scale for development was a programme of design and construction, lasting two years, with an anticipated opening of the new primary school in September, 2015, at the start of the 2015/2016 school year.

Cabinet Members welcomed this good news proposal and were informed that this new school would have academy status.

Resolved:- (1) That the report be received and the additional £2 million utilising Prudential Borrowing over a payback period of 60 years be approved.

(2) That the pressure this additional borrowing would create in the Council's capital financing budget be approved.

(3) That the Eldon Road allotment site for the proposed location of the new Central Primary School be approved.

- (4) That negotiations for the purchase of the Donfield Tavern and associated land be approved.

C82 CHILD SEXUAL EXPLOITATION UPDATE

Further to Minute Nos. 35 and 45 of meetings of the Cabinet held on 19th June and 3rd July, 2013, Councillor Lakin, Cabinet Member for Children, Young People and Families Services, introduced a report which provided an update on the reviews, inquiries, current live operations, actions being taken, involvement of multi-agency groups and enhancement of the Child Sexual Exploitation Team.

A further report detailing the terms of reference for the independent inquiry would be considered later on the agenda.

Resolved:- (1) That the information about the reviews and inquiries which would be taking place over coming months, and the terms of reference for the RMBC inquiry announced by the Leader on 4th September, 2013 be noted.

(2) That the work that had been carried out on awareness raising, recognition of the signs of CSE and referrals to children's social care and the CSE team since April, 2013 be noted.

(3) That the current live operations that were taking place and the potential publicity related to these be noted.

C83 TERMS OF REFERENCE FOR THE INQUIRY REPORT

Further to Minute No. 69 of the meeting of the Cabinet held on 4th September, 2013, the Chief Executive introduced a report which set out in detail information about the commissioning of an Independent Inquiry into historic child sexual exploitation cases in Rotherham, the Terms of Reference for the Inquiry and process for appointing a person of appropriate calibre to undertake the Inquiry as set out in the report.

On the 29th August the Police and Crime Commissioner announced three inquiries into matters relating to child sexual exploitation. The Terms of Reference of these inquiries were not yet available.

There had been substantial media coverage during the last twelve months regarding young people from within Rotherham who have been sexually exploited in the past. It was, therefore, proposed that the Council commission an Independent Inquiry into past cases of child sexual exploitation within Rotherham covering the period 1997 to 2013.

The Council had approached the Local Government Association (LGA) to advise on the availability and suitability of individuals of the right calibre, standing and experience to undertake the Inquiry. The Local Government Association had agreed to commission the services of the relevant

individual on behalf of the Council, subject to the Council agreeing the budget and underwriting it. This would further demonstrate the independence of the inquiry process.

The Inquiry had as its main focus finding out what went wrong and ensuring that the right things were put in place. It was not intended to be a disciplinary investigation. The Council would need to consider the findings of the report and its response to it. If there was the need for follow-up action by the Council of any type, it would be addressed in the response to the Inquiry report.

The challenges attached to undertaking this Inquiry should not be underestimated. It was examining matters across a considerable time-span and whilst the Council's paper based records were good, as was inevitably the case with large organisations, many people at all levels of the organisation who had involvement or influence in some of these events would have moved on.

The Council had improved its services for safeguarding young people following Government Intervention in December 2009 and was able to demonstrate this. An Improvement Board operated in Rotherham throughout the whole of 2010 and the early part of 2011. It designed and oversaw the implementation of an improvement plan, the Council was taken out of intervention in 2011 and there have been subsequent Ofsted inspections in 2010, 2012 and 2013 and a Peer Review in January 2011 demonstrating sustained improvement.

However, no single agency acting alone could protect young people from harm. Prior to the most recent series of media articles in August of this year and decision for an Independent Inquiry at the Cabinet meeting on 4th September, the Council already had plans in place for Barnardo's to undertake a multi-agency review of child sexual exploitation and Missing from Home Services within Rotherham. This work was imminent. The work would continue and it was noted that the newly appointed Chair of the LCSB, who worked on Operation Yewtree and, therefore, had a strong background on child sexual exploitation, would play a pivotal role.

The work could be used to inform the Independent Inquiry, but it would not duplicate it as the main focus was the effectiveness and quality of inter-agency working. The work would provide a further strand to enable the Council to continue to drive service improvement.

Cabinet Members were also informed that the Chair of the Local Safeguarding Children's Board was to undertake a diagnostic assessment on the 17th and 18th October involving some people outside of Rotherham, which would only assist with the Inquiry.

Resolved:- (1) That the Terms of Reference for the Independent Inquiry and the process for appointing a person of appropriate calibre to undertake the Inquiry be approved. Should the person appointed suggest

amendments to the Terms of Reference, the Chief Executive be given the delegated authority to agree any such amendments (with any changes being reported to Cabinet).

(2) That the Chief Executive be authorised to make appropriate budget provision for the Independent Inquiry.

(3) That a further report be submitted confirming the appointment of the Independent Person and Inquiry costs when known.

(4) That the Inquiry report be received once finalised, together with recommendations on action the Council proposes to take in response to the findings of the Inquiry.

(5) That both the Inquiry report and the Council's response be made public in a timely way following its completion.

C84 DCLG TECHNICAL CONSULTATION ON THE LOCAL GOVERNMENT FINANCE SETTLEMENT FOR 2014/15 AND 2015/16 CONSULTATION RESPONSE

Further to Minute No. 67 of the meeting of the Cabinet held on 4th September, 2013, Councillor Wyatt, Cabinet Member for Health and Wellbeing, introduced a report by the Director of Finance which provided details of the Council's proposed response to the DCLG Technical Consultation on the Local Government Finance Settlement for 2014/15 and 2015/16.

Although the Consultation paper itself only requested authorities' views on six technical questions around the process of determining control totals and feeding in cuts in funding, it was proposed that the Council's response highlighted its concerns both around the impact of the proposals on the Council and the process itself.

This approach was also being favoured by both SIGOMA and the LGA in their responses and the Council had fed back its concerns around the implications of the proposals to these bodies for inclusion in their responses.

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

(2) That the Council's Consultation response and submission (attached as Appendix 1) be approved.

(3) That the Council's Consultation response also be considered by the Overview and Scrutiny Management Board at its meeting on the 20th September, 2013.

(4) That the Director of Finance, in consultation with the Leader, finalise the submission of the Consultation response reflecting any OSMB comments.

(5) That both SIGOMA and the LGA be informed of the Council's views for inclusion in their respective submissions to the DCLG.

C85 EXCLUSION OF THE PRESS AND 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).

C86 LAND ADJACENT TO 66 BRAMPTON ROAD, WEST MELTON

Councillor Smith, Cabinet Member for Regeneration and Development Services, introduced a report by the Strategic Director of Environment and Development Services, which sought approval for the disposal of the above-mentioned asset which has been declared surplus to the requirements of the Economic and Development Services Directorate (Streetpride).

The report stated that this asset comprised an open strip of grassland adjacent to No. 66 Brampton Road, West Melton. Planning permission had been granted to develop the adjacent former Brampton Centre site for residential development and planning approval was subject to the developer widening the existing highway to adoptable standards.

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

Resolved:- (1) That the Director of Audit and Asset Management be given approval to negotiate the granting of a permanent right of way on the basis recommended in Option 2 in the report.

(2) That the Director of Legal and Democratic Services completes the necessary documentation.

C87 LAND TO THE REAR OF 14 OAKWOOD ROAD WEST, BROOM VALLEY

Councillor Smith, Cabinet Member for Regeneration and Development Services, introduced a report by the Strategic Director of Environment and Development Services, which sought approval for the disposal of the above-mentioned asset which had been declared surplus to the requirements of the Housing and Neighbourhoods Services Directorate.

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

Resolved:- (1) That the Director of Audit and Asset Management be given approval to dispose of the assets on the basis recommended in Option 2 in the report.

(2) That the Director of Audit and Asset Management negotiates the terms of disposal of the asset as described in the report.

(3) That the Director of Legal and Democratic Services completes the necessary documentation.

C88 FORMER CAR PARKS (A & B) OFF FITZWILLIAM ROAD AND COTTINGHAM STREET, EASTWOOD

Councillor Smith, Cabinet Member for Regeneration and Development Services, introduced a report by the Strategic Director of Environment and Development Services, which sought approval for the disposal of the above-mentioned assets which have been declared surplus to the requirements of the Economic and Development Services Directorate.

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

Resolved:- (1) That the Director of Audit and Asset Management be given approval to dispose of the assets on the basis recommended in Option 2 in the report.

(2) That the Director of Audit and Asset Management negotiates the terms of disposal of the asset as described in the report.

(3) That the Director of Legal and Democratic Services completes the necessary documentation.