

COUNCIL MEETING
5th March, 2014

Present:- The Mayor (Councillor John Foden) (in the Chair); Councillors Ahmed, Akhtar, Ali, Andrews, Astbury, Atkin, Barron, Beaumont, Beck, Buckley, Burton, Clark, Currie, Dalton, Dodson, Donaldson, Doyle, Ellis, Falvey, Gilding, Godfrey, Gosling, Goulty, J. Hamilton, N. Hamilton, Havenhand, Hoddinott, Hussain, Jepson, Johnston, Kaye, Lakin, Mannion, McNeely, Middleton, Pickering, Read, Roche, Roddison, Rushforth, G. A. Russell, P. A. Russell, R. S. Russell, Sangster, Sharman, Sims, Steele, Stone, Swift, Vines, Wallis, Watson, Whelbourn, Whysall, Wootton and Wyatt.

A79 COUNCIL MINUTES

Resolved:- That the minutes of the meeting of the Council held on 29th January, 2014, be approved for signature by the Mayor.

Mover: Councillor Stone

Seconder: Councillor Akhtar

A80 COMMUNICATIONS

The Chief Executive submitted apologies for absence from Councillors Lelliott, Pitchley, Smith and Tweed.

A81 QUESTIONS FROM MEMBERS OF THE PUBLIC

A member of the public referred to replies to questions put forward at Council meetings being answered by letter they avoided the subject being recorded for future reference in the minutes.

With visual, recording and incomplete minutes not being implemented, was this deception or distortion?

The Leader reported that questions from the public were responded to, wherever possible, at the meeting at which they were asked.

The member of the public received a reply to his question at the previous Council meeting. However, as part of his enquiry related to licenses across the Borough, thorough research was required to provide a full and accurate response. Owing to the amount of detail that needed to be considered prior to finalising the response (an examination of the licensing conditions appertaining to all licensed premises in the Borough) giving a written reply rather than an oral response at the meeting, provided the questioner with a more comprehensive answer.

The Council was committed to encouraging participation from members of the public at meetings. The Council abided by all requirements with regard to enabling the public and press to make records of meetings and would look creatively at any new requirements that may arise from the Local Audit and Accountability Act 2014.

In a supplementary question the member of the public confirmed he had received an answer in writing, but that this did not directly answer the question he had originally asked.

The Mayor confirmed an answer to the question had been provided.

A82 CABINET MINUTES

Resolved:- That the reports and minutes of the meetings of the Cabinet (Section C) (pages 91C to 120C) be adopted with a clerical correction to the amendment to Standing Orders in relation to Minute No. C195 (Recorded Votes at Budget Meetings) – Pages 115C to 116C, to now read “Immediately after any vote on any decision relating to the making of the calculation or the issuing of the precept is taken at a budget meeting there must be recorded in the minutes the names of the persons who cast a vote for the decision or against the decision or who abstained from voting.”

Mover: Councillor Stone

Seconder: Councillor Akhtar

(The Mayor (Councillor J. Foden), Councillors Ahmed, Akhtar, Ali, Andrews, Astbury, Atkin, Barron, Beaumont, Beck, Buckley, Burton, Clark, Currie, Dalton, Dodson, Doyle, Ellis, Falvey, Godfrey, Gosling, Goult, J. Hamilton, N. Hamilton, Havenhand, Hoddinott, Hussain, Johnston, Kaye, Lakin, McNeely, Pickering, Read, Roche, Roddison, Rushforth, G. A. Russell, P. A. Russell, R. S. Russell, Sangster, Sharman, Sims, Steele, Stone, Swift, Wallis, Watson, Whelbourn, Whysall, Wootton and Wyatt recorded their vote in favour of Minute No. C191 (Proposed Revenue Budget and Council Tax for 2014/15) – Pages 109C to 112C).

Councillors Donaldson, Gilding, Jepson, Mannion, Middleton and Vines recorded their vote against Minute No. C191 (Proposed Revenue Budget and Council Tax for 2014/15) – Pages 109C to 112C).

A83 DELEGATED POWERS

Resolved:- That the reports and minutes of the meetings of Cabinet Members as listed below be adopted:-

- Children, Young People and Families Services – Pages 42D to 49D (Section D)
- Communities and Cohesion – Pages 23E to 26E (Section E)
- Culture and Tourism – Pages 23F to 27F (Section F)
- Regeneration and Development – Pages 39G to 45G (Section G)
- Adult Social Care – Pages 30H to 44H (Section H)

- Safe and Attractive Neighbourhoods – Pages 44J to 47J (Section J)
- Health and Wellbeing – Pages 21K to 24K (Section K)
- Waste and Emergency Planning– Pages 29L to 32L (Section L)
- Deputy Leader – Pages 19N to 23N (Section N)

Mover:- Councillor Stone

Secunder:- Councillor Akhtar

A84 AUDIT COMMITTEE

Resolved:- That the reports and minutes of the meeting of the Audit Committee (Section P) (pages 17P to 21P) be adopted.

Mover:- Councillor Sangster

Secunder:- Councillor Kaye

A85 LICENSING BOARD

Resolved:- That the reports and the minutes of the meeting of the Licensing Board (Section Q) (Pages 21Q to 23Q) be adopted.

Mover:- Councillor Wootton

Secunder:- Councillor Barron

A86 HEALTH AND WELLBEING BOARD

Resolved:- That the reports and minutes of the meeting of the Health and Wellbeing Board (Section S) (Pages 41S to 54S) be adopted.

Mover:- Councillor Wyatt

Secunder:- Councillor Doyle

A87 PLANNING BOARD

Resolved:- That the reports and minutes of the meetings of the Planning Board (Section T) (pages 42T to 44T) be adopted.

Mover:- Councillor Pickering

Secunder:- Councillor Dodson

A88 STAFFING COMMITTEE

Resolved:- That the reports and minutes of the meetings of the Staffing Committee (Section V) (pages 1V to 2V) be adopted.

Mover:- Councillor Stone

Secunder:- Councillor Akhtar

A89 QUESTIONS TO CABINET MEMBERS

(1) Councillor Hoddinott indicated that in their rush to penalise tenants with the cruel bedroom tax, the Government had mistakenly charged

people who have been in their home prior to 1996. How many people in Rotherham have been affected by this and had anyone moved out of their home because of the Government's error?

Councillor Akhtar explained that in this Coalition Government's push to rush through this ill-conceived, cruel and unfair bedroom tax, it made a fundamental and sloppy error in drafting the legislation by mistakenly including people who have been in their home prior to 1996. So far it was known that 281 tenants have been affected in Rotherham by the error which resulted in an underpayment of £149,000 in Housing Benefit to them. The Council was in the process of rectifying the Government's error and ensuring each tenant received the benefit that they were entitled to. The Council was unaware of the numbers of people who may have moved home as a result of this Government error.

(2) Councillor Middleton asked would the proposed 'selective licensing scheme' for rented residential properties in certain areas of Rotherham be self-funding, how many properties would it cover and when was it proposed to put it into force?

Councillor McNeely explained that selective licensing schemes were required by Government guidance to be self-financing and a robust business case needed to demonstrate costs and benefits. The current consultation concerned a proposal for a scheme to include approximately 2,000 properties. The consultation exercise would conclude on the 24th March. In accordance with national guidelines, the results of the local consultation exercise would be considered along with the business case for selective licensing, before making a final decision about the type of scheme that would be appropriate.

If there was a clear case to proceed with some form of scheme, the Council would be required by national guidance to serve notice of its intentions, which would take several months. The earliest any scheme could be introduced would be around autumn of this year.

(3) Councillor Gilding asked if he could be supplied with income, expenditure and any surplus made from the Council's parking charges and fines.

Councillor R. S. Russell confirmed that the figures were from the Parking Services report which was presented to the Cabinet Member for Regeneration and Development Services and approved for last financial year (2012/13):-

Expenditure	£824,571
Income	
Penalty Charge Notices	£205,567
Off Street Pay & Display	£557,923
On Street Pay and Display	£283,211
Permits (staff, residents, private Wellgate permits)	£206,687
Bailiffs	£26,996
Miscellaneous	£384
Total Income	£1,280,768
Net Surplus	£456,917

It should be noted that the surplus was derived from car parking charges, not from Penalty Charge Notices; the cost of employing the team of Civil Enforcement Officers was off-set by the income from penalty charge notices.

Parking Charges in the town have not changed since April, 2010 (when off-street charges were slightly increased, but on-street charges were decreased) and prices would remain static for the financial year 2014/15.

(4) Councillor Middleton pointed out that RMBC had supported the Magna Trust financially over a number of years and asked why was the present proposed loan a secret, not only in amount, but even as to its actual existence?

The Deputy Leader confirmed that Magna was a key facility for the Borough both as a tourist attraction, education and training facility, conference, event space and local employer.

There was no secret loan. The request by Magna for a loan was included in the publically available Cabinet agenda. The matter was considered in the exempt part of the meeting as the report contained information relating to Magna's financial and business affairs. The report agreed that an £80,000 loan facility was to be made available to Magna, at a commercial rate of interest.

A90 QUESTIONS TO SPOKESPERSONS

(1) From Councillor Gilding asked what was the current amount in the South Yorkshire Police cash reserves?

The Deputy Leader explained that the Police and Crime Panel was a scrutiny body, designed to support the effective exercise of the functions of the Police and Crime Commissioner. It had particular defined functions, including:-

- Contributing to the development of the Police and Crime Plan.
- Reviewing the Police and Crime Commissioner's proposed precept.
- Reviewing senior appointments of the Police and Crime Commissioner.
- Commenting upon the Police and Crime Commissioner's annual report.
- Investigating complaints about the Police and Crime Commissioner.

The Panel was different in nature to the former Police Authority as it performed an overarching, review role rather than functioning as an authority in its own right.

The Panel considered issues relating to the Police and Crime Commissioner's proposed budget at its meeting on 31st January, 2014. At that meeting the report of the Police and Crime Commissioner was considered and there was a lengthy questioning of the Commissioner.

However, the exact details of the current level of cash reserves was not information which the Panel had. The Commissioner had services of a Treasurer and that would be the most appropriate route for the query to be considered.

(2) Councillor Gilding asked was this Council reimbursed with the cost of Rotherham Council officers servicing the Police and Crime Panel?

The Deputy Leader confirmed that Rotherham Borough Council, as the host authority for South Yorkshire Police and Crime Panel, received a Home Office grant of £53,000 per annum, to fund the necessary work. If any further activities were required above this level of funding, the Panel would need to consider alternative ways of resourcing that work.

A91 SETTING THE COUNCIL TAX FOR 2014/15

The Director of Finance submitted a report on the amount of Council Tax for Rotherham both for parished areas and unparished areas for the financial year 2014/15 and included both the Police and Crime Commissioner and Fire and Rescue Authority precepts.

Resolved:- (1) That a net Revenue Budget for the Council in 2014/15 of £208.885m, which after receipt of Central Government Grants and use of the Collection Fund leaves £80.438m to be funded be approved.

(2) That, in accordance with Section 34 of the Local Government Finance Act 1992 (as amended by the Localism Act 2011), £1,253.34 be calculated as its basic amount of Council Tax for the year (using the formula in section 34 of the Act) for an unparished area.

(3) That the following amounts be calculated for the year 2014/15 in accordance with Sections 31B to 36 of the Act as set out in Section 3 of Appendix A for the year 2014/15:-

- (a) £210,997,623 being the net aggregate of the amounts which the Council estimates for the items set out in Section 31A (2) and 31A (3) of the Act taking into account all precepts issued to it by Parish Councils (Gross Council Expenditure (less income and Specific Grants other than the Business Rates Retention Scheme and other Settlement Funding Assessment grants (£208,885,000) plus Parish Precepts (£2,112,623)).
- (b) £126,942,842 being the aggregate of the amounts which the Council estimates will be payable for the year into its General Fund in respect of the Business Rates Retention Scheme and other Settlement Funding Assessment grants.
- (c) £1,504,038 being the amount which the Council estimates will be payable in the year from its Collection Fund to its General Fund in accordance with section 97(3) of the Local Government Finance Act 1988 (Council Tax Balance).
- (d) £82,550,743 being the amount by which the aggregate at 3a above exceeds the aggregate of 3b and 3c above , calculated by the Council in accordance with section 31A(4) of the Act as its Council Tax requirement for the year (Item R in the formula in section 31B of the Act).
- (e) £1,286.2577 being the amount at 3d above (Item R divided by Item T 1a above) calculated by the Council in accordance with section 31B of the Act as the relevant basic amount of its Council Tax for the year (including Parish Precepts).
- (f) £2,112,623 being the aggregate amount of all special items (Parish Precepts) referred to in Section 34(1) of the Act as per section 1b above.
- (g) £1,253.3400 being the amount at 3e above less the result given by dividing the amount at 3f above by 1a above (item T in the formula in Section 31B (1) of the Act calculated by the Council in accordance with Section 34(2) of the Act, as the relevant basic amount of its Council Tax for the year for dwellings in those parts of its area to which no parish precept relates. (Band D Council Tax for Rotherham MBC services).
- (h) The following amounts be calculated by the Council as the relevant basic amounts of Council Tax for the year for dwellings in those parts of its area to which one or more special items relate, being the amounts given by adding the amount at 3g above to the amount of the special items in Appendix B Section 1, in accordance with Section 34(3) of the Act:-

Parished Areas	£
Anston	1,344.75
Aston-cum-Aughton	1,311.92
Bramley	1,301.21
Brampton Bierlow	1,301.53
Brinsworth	1,344.89
Catcliffe	1,354.61
Dalton	1,303.46
Dinnington St. John's	1,310.29
Firbeck	1,307.83
Gildingwells	1,253.34
Harthill with Woodall	1,320.83
Hellaby	1,288.92
Hooton Levitt	1,253.34
Hooton Roberts	1,253.34
Laughton-en-le-Morthen	1,301.13
Letwell	1,276.27
Maltby	1,295.38
Ogreave	1,289.69
Ravenfield	1,288.00
Thorpe Salvin	1,293.44
Thrybergh	1,314.14
Thurcroft	1,324.34
Todwick	1,319.51
Treeton	1,314.07
Ulley	1,349.76
Wales	1,328.04
Wentworth	1,268.34
Whiston	1,296.90
Wickersley	1,308.98
Woodsetts	1,350.17

(4) Notes that the major precepting Authorities (the South Yorkshire Police and Crime Commissioner and the Fire and Rescue Authority) have stated the following amounts respectively in Precepts issued to the Council, in accordance with Section 40 of the Act – South Yorkshire Police and Crime Commissioner a Band D Tax of £145.33 and South Yorkshire Fire and Rescue Authority a Band D Tax of £65.04:-

Tax Band	A	B	C	D	E	F	G	H
	£	£	£	£	£	£	£	£
South Yorkshire Police & Crime Commissioner	96.89	113.03	129.18	145.33	177.63	209.92	242.22	290.66
South Yorkshire Fire & Rescue Authority	43.36	50.59	57.81	65.04	79.49	93.95	108.40	130.08

(5) That the Town and Parish Council Precepts for 2014/15 as detailed in

Section 1b of Appendix A total £2,112,623. The increase (+5.5%) in the Average Band D Council Tax for Town and Parish Councils results in an average Band D Council Tax figure of £1,286.26:-

Parished Areas	Tax Base	Total Precept (£)
Anston	2,743.50	250,794
Aston-cum-Aughton	4,067.41	238,267
Bramley	2,193.60	105,000
Brampton Bierlow	1,145.01	55,174
Brinsworth	2,210.39	202,356
Catcliffe	542.26	54,916
Dalton	2,316.11	116,078
Dinnington St. John's	2,187.10	124,564
Firbeck	131.80	7,182
Gildingwells	41.03	0
Harthill with Woodall	608.53	41,070
Hellaby	236.48	8,414
Hooton Levitt	53.40	0
Hooton Roberts	81.75	0
Laughton-en-le-Morthen	427.87	20,448
Letwell	65.68	1,506
Maltby	3,841.20	161,488
Orgreave	233.89	8,502
Ravenfield	996.58	34,538
Thorpe Salvin	196.02	7,860
Thrybergh	764.85	46,505
Thurcroft	1,744.37	123,850
Todwick	637.54	42,188
Treeton	815.10	49,500
Ulley	61.79	5,958
Wales	1,895.73	141,611
Wentworth	528.46	7,926
Whiston	1,428.58	62,230
Wickersley	2,491.45	138,626
Woodsetts	579.08	56,072
	35,266.56	2,112,623

(6) That the amounts set as presented in Section 3 of Appendix B for both unparished and parished areas as its Aggregate Council Tax Requirement (including South Yorkshire Police and Crime Commissioner and Fire and Rescue Authority Precepts) for the year 2014/15; and

Tax Band	A	B	C	D	E	F	G	H
	£	£	£	£	£	£	£	£
Aggregate Council Tax Requirement (Unparished Parts of the Council) (Appendix A5)	975.81	1,138.44	1,301.07	1,463.71	1,788.98	2,114.25	2,439.52	2,927.42
Anston	1,036.75	1,209.54	1,382.32	1,555.12	1,900.70	2,246.29	2,591.87	3,110.24
Aston-cum-Aughton	1,014.86	1,184.00	1,353.14	1,522.29	1,860.58	2,198.87	2,537.15	3,044.58
Bramley	1,007.72	1,175.67	1,343.62	1,511.58	1,847.49	2,183.40	2,519.30	3,023.16
Brampton Bierlow	1,007.94	1,175.92	1,343.91	1,511.90	1,847.88	2,183.86	2,519.84	3,023.80
Brinsworth	1,036.84	1,209.65	1,382.45	1,555.26	1,900.87	2,246.49	2,592.10	3,110.52
Catcliffe	1,043.32	1,217.21	1,391.09	1,564.98	1,912.75	2,260.53	2,608.30	3,129.96
Dalton	1,009.22	1,177.42	1,345.62	1,513.83	1,850.24	2,186.65	2,523.05	3,027.66
Dinnington St. John's	1,013.78	1,182.73	1,351.69	1,520.66	1,858.59	2,196.51	2,534.44	3,041.32
Firbeck	1,012.14	1,180.82	1,349.51	1,518.20	1,855.58	2,192.96	2,530.34	3,036.40
Gildingwells	975.81	1,138.44	1,301.07	1,463.71	1,788.98	2,114.25	2,439.52	2,927.42
Harthill with Woodall	1,020.80	1,190.93	1,361.06	1,531.20	1,871.47	2,211.74	2,552.00	3,062.40
Hellaby	999.53	1,166.11	1,332.70	1,499.29	1,832.47	2,165.64	2,498.82	2,998.58
Hooton Levitt	975.81	1,138.44	1,301.07	1,463.71	1,788.98	2,114.25	2,439.52	2,927.42
Hooton Roberts	975.81	1,138.44	1,301.07	1,463.71	1,788.98	2,114.25	2,439.52	2,927.42
Laughton-en-le-Morthen	1,007.67	1,175.61	1,343.55	1,511.50	1,847.39	2,183.28	2,519.17	3,023.00
Letwell	991.10	1,156.27	1,321.45	1,486.64	1,817.01	2,147.37	2,477.74	2,973.28
Maltby	1,003.84	1,171.14	1,338.44	1,505.75	1,840.36	2,174.97	2,509.59	3,011.50
Orgreave	1,000.04	1,166.71	1,333.38	1,500.06	1,833.41	2,166.76	2,500.10	3,000.12
Ravenfield	998.92	1,165.40	1,331.88	1,498.37	1,831.34	2,164.31	2,497.29	2,996.74
Thorpe Salvin	1,002.54	1,169.63	1,336.71	1,503.81	1,837.99	2,172.17	2,506.35	3,007.62
Thrybergh	1,016.34	1,185.73	1,355.11	1,524.51	1,863.29	2,202.07	2,540.85	3,049.02
Thurcroft	1,023.14	1,193.66	1,364.18	1,534.71	1,875.76	2,216.81	2,557.85	3,069.42
Todwick	1,019.92	1,189.91	1,359.89	1,529.88	1,869.85	2,209.83	2,549.80	3,059.76
Treeton	1,016.30	1,185.67	1,355.05	1,524.44	1,863.21	2,201.97	2,540.74	3,048.88
Ulley	1,040.09	1,213.43	1,386.78	1,560.13	1,906.83	2,253.52	2,600.22	3,120.26
Wales	1,025.61	1,196.54	1,367.47	1,538.41	1,880.28	2,222.15	2,564.02	3,076.82
Wentworth	985.81	1,150.11	1,314.40	1,478.71	1,807.31	2,135.92	2,464.52	2,957.42
Whiston	1,004.85	1,172.32	1,339.79	1,507.27	1,842.22	2,177.17	2,512.12	3,014.54
Wickersley	1,012.90	1,181.72	1,350.53	1,519.35	1,856.98	2,194.62	2,532.25	3,038.70
Woodsetts	1,040.36	1,213.75	1,387.14	1,560.54	1,907.33	2,254.12	2,600.90	3,121.08

(7) That, in accordance with the principles determined by the Secretary of State and set out in the Referendums Relating to Council Tax Increases (Principles) (England) Report 2014/15, that Rotherham Metropolitan Borough Council's relevant basic amount of Council Tax for the year 2014/15 (as defined by Section 52ZX of the 1992 Local Government Act as amended by Section 41 of the Local Audit and Accountability Act 2014) is not excessive.

Mover: Councillor Stone

Secunder: Councillor Akhtar

(The Mayor (Councillor J. Foden), Councillors Ahmed, Akhtar, Ali, Andrews, Astbury, Atkin, Barron, Beaumont, Beck, Buckley, Burton, Clark, Currie, Dalton, Dodson, Doyle, Ellis, Falvey, Godfrey, Gosling, Goulty, J. Hamilton, N. Hamilton, Havenhand, Hoddinott, Husain, Johnston, Kaye, Lakin, McNeely, Pickering, Read, Roche, Roddison, Rushforth, G. A. Russell, P. A. Russell, R. S. Russell, Sangster, Sharman, Sims, Steele, Stone, Swift, Wallis, Watson, Whelbourn, Whysall, Wootton and Wyatt recorded their vote in favour of the proposal).

(Councillors Donaldson, Gilding, Jepson, Mannion, Middleton and Vines recorded their vote against the proposal).