

**COUNCIL MEETING**  
**28th January, 2015**

Present:- The Mayor (Councillor John Foden) (in the Chair); Councillors Ahmed, Ali, Andrews, Astbury, Atkin, Beck, Buckley, Burton, Clark, Cowles, Cutts, Dalton, Doyle, Ellis, Godfrey, Gosling, Havenhand, Hoddinott, Hunter, Hussain, Jepson, Kaye, Lakin, Lelliott, McNeely, Middleton, Parker, Pitchley, Read, Reeder, Reynolds, Roche, Roddison, Rushforth, G. A. Russell, Sangster, Sansome, Sharman, Sims, Smith, Steele, Swift, Tweed, C. Vines, M. Vines, Wallis, Watson, Whelbourn, Whysall, Wootton and Wyatt.

**A91            MINUTE'S SILENCE**

The Mayor referred to the recent death of former Councillor Audrey Gilbert, the atrocities in Paris and the links Rotherham had with St. Quentin, to which the Leader and Mayor had tendered their support to the people of St. Quentin and France, and the media coverage regarding the atrocities around the Holocaust. A minute's silence was held as a mark of respect.

**A92            COUNCIL MINUTES**

Resolved:- That the minutes of the meetings of the Council held on 10<sup>th</sup> December, 2014, be approved for signature by the Mayor.

Councillor Parker referred to Minute No. A77 (Cabinet Minutes) where he had asked a question and clarified that this related to if there were any Roma families in this community in Rotherham married to underage children.

The Leader confirmed a full response would be provided.

Mover:- Councillor Lakin

Seconder:- Councillor Hoddinott

**A93            COMMUNICATIONS**

(1) The Interim Chief Executive submitted apologies for absence from Councillors Beaumont, Finnie, Gilding, J. Hamilton, N. Hamilton and Turner.

(2) The Director of Legal and Democratic Services reported on revisions to future meetings of Council, namely the 22<sup>nd</sup> April, 2015 meeting which fell within the Purdah Period and which would be cancelled following consultation with the Leaders of the relevant political parties, and the 1<sup>st</sup> July, 2015 Council meeting clashed with other arrangements and, therefore, would move onto the 8<sup>th</sup> July, 2015.

(3) The Director of Legal and Democratic Services also referred to a letter which had previously been circulated in which she exercised her function as the Monitoring Officer to grant dispensations to Elected Members who may have a Disclosable Pecuniary Interest in Minute No. C122 (Housing Rent Increase) and Minute No. C123 (District Heating Scheme Charges) and asked that they disclose the interest at the relevant point on the agenda.

#### **A94 QUESTIONS FROM THE PUBLIC**

(1) Mrs. C. Sadler referred to plans for a travellers' site at Dog Kennel Hill, Anston and asked could the Council assure her that the Cabinet Member for Business Growth and Regeneration would vote in the interests of the people of Anston and not with the Labour Council in order to protect his job?

The Cabinet Member for Business Growth and Regeneration was clear about his personal thoughts on the proposed site for gypsy and traveller allocation and would not advocate that responsibility, but explained that all Elected Members were aware of the obligation to act reasonably when taking decisions on sites which were not always in their own areas and to only take into account relevant considerations and to disregard those which were irrelevant in order to adopt a robust Local Plan at the relevant stage.

In a supplementary question Mrs. Sadler explained that she was not aware of anyone who lived in Anston who had an idea why this particular site been considered due to its total unsuitability. There were a number of points that had been raised and asked why the site has been considered in the first instance?

The Cabinet Member for Business Growth and Regeneration confirmed that he had been part of the Local Plan process for nearly four years and indicated that by law the Council had to allocate a site for gypsy and traveller use. In the absence of any other site this was probably not the best site, but the Council would have to adopt a robust and rigorous local plan for the next twenty years or so and if that was not the case the Independent Planning Inspector would make the final decision.

(2) Mr. R. Bartle referred to headlines in The Star on 7<sup>th</sup> January, 2015 which suggested that compensation claims from victims of child sexual exploitation may have to be met by the local taxpayer, currently there were thirty-four claimants each estimated to receive £100,000. Could the Leader confirm that the taxpayer would have to foot the bill?

The Deputy Leader explained the cost of meeting any compensation claim as a result of child sexual exploitation was divided between the Council and its insurers in accordance with the terms of its insurance policies. Each claim would be carefully considered on its merits, although a decision had not yet been made. Any amount not covered by insurance

could be met from Council reserves. The £100,000 figure quoted was derived from the experiences of another Local Authority. Currently no claims have been settled and, therefore, it was not known how much the figure may be. However, it was clear the Council must meet its legal responsibility to victims where compensation was deemed to be due and the Council, as a public service, was funded by the taxpayers.

In a supplementary question Mr. Bartle referred to the Leader when asked that the insurance would cover the bill even though it was pointed out it was likely that Councillors knew this was happening, could the Leader tell us why the taxpayers should pay for the incompetence of the Councillors and why were they not required to pay the bill?

The Deputy Leader was clear that the Council would not shy away from the responsibilities and where it was proven would meet its legal responsibilities and obligations to what had happened in the past.

(3) Mr. C. Tawn asked given the verdict in Heesom v Public Services Ombudsman for Wales why was the Monitoring Officer pursuing an Anston Parish Independent Councillor? The summary related to Article 10 of the European Convention on Human Rights.

The Leader explained that in considering its approach to the issue of standards of ethical behaviour at Anston Parish Council, the Standards Committee (which oversees the approach to ensuring high standards of behaviour of all Elected Members) was well aware of the decision in the case of Heesom v The Public Services Ombudsman for Wales (2014). The case confirmed the limits that may legitimately be placed upon a Councillor's freedom of expression.

In a supplementary question Mr. Tawn asked why the Monitoring Officer was enquiring into an Independent Councillor for allegedly breaching the Code of Conduct when the Code of Conduct no longer applied to Councillors. The allegations were politically motivated and the Council cannot disqualify or suspend a Councillor.

The Leader confirmed the Monitoring Officer would provide a written response.

(4) Mr. D. Smith asked why does Rotherham Borough Council insist on robbing Dinnington and Anston of large swathes of its Green Belt?"

The Cabinet Member for Safe and Attractive Neighbourhoods explained the Council was obliged to prepare a Local Plan, which set out development requirements for housing and employment over a fifteen year period. The Council was obliged to allocate sufficient land to serve that need. Ideally the Council would like to have enough brownfield land in the Borough to provide for that requirement. Unfortunately, this was not the case and there were some areas of Green Belt throughout the whole Borough which were having to be allocated for employment development.

Within the Dinnington, Anston and Laughton Common area the Core Strategy identified a broad location for growth to the east of Dinnington with the overall need to provide for around 1,300 homes in these settlements and specifically for around 700 homes to the east of Dinnington, recognising that parts of the town have the highest levels of deprivation in the Borough and there was a need to encourage investment and development, which had been agreed by the Inspector.

The sites required to accommodate this approved level of growth were being proposed in the Sites and Policies Document which had just been out to public consultation.

The majority of Green Belt release would be in and around the main urban area of Rotherham. There was also Green Belt release in Dinnington, Anston and Laughton Common as one of the main settlement areas, along with some release in other smaller settlements.

For the Borough as a whole only 1.8% of the current Green Belt would be built on during the plan period.

In a supplementary question Mr. Smith referred to the Core Strategy and the reference to the area of Todwick North along the A57 which featured in the Rotherham Business Plan for 2015-2025. The information was misleading as it referred to Dinnington being home to 650 businesses employing 6,800 people. It indicated that development of the colliery site had proved very successful with Phase 1 being fully occupied and Phase 2 starting to fill up. This was incorrect. Phase 1 had twenty-two units empty, Phase 2 was two-thirds empty. There was 52 acres of site for development already with road infrastructure yet, because it was cheap and easy to develop, prefer to take a whole swath of agricultural land along the A57 because this was part of the Sheffield City Region. Reference to the employment of Dinnington people was incorrect as it was only a small number of Dinnington people that were employed in the area. Why take agricultural land along the A57 when well equipped brownfield sites were available.

The Cabinet Member for Safe and Attractive Neighbourhoods explained the reason this site had been allocated or proposed for allocation in the Local Plan was because it provided a need for high quality employment along similar ilk to that being provided on sites such as the Advanced Manufacturing Park. The assessment formed part of the Economic Growth Plan because a site such as the Advanced Manufacturing Park was nearing completion. This was considered to be an appropriate site given its location, relationship and proximity to the motorway and the improved highway infrastructure provision. This had been subject to a public consultation process and all the responses were in the process of being analysed. In addition it would also go through examination in public and be subject to scrutiny by the Independent Inspector before any site was allocated for that purpose.

(5) Ms. K. Johnson referred to 33.3% of non SLT staff at Abbey School being off work with medically diagnosed stress/depression or anxiety issues. Why have H.R. or Health and Safety not investigated the reasons behind these extraordinary high figures?

The Leader explained that there was an ongoing review taking place into matters related to Abbey School and the School was subject to pre-consultation. The sickness absence of staff was a confidential matter between employee and employer. There were robust policies and processes in place in relation to staff wellbeing, safety and welfare. Sickness absence was monitored by individual schools' policies and processes as sanctioned by the Governing Body or Interim Executive Board. The Council's Human Resource procedures for managing sickness and absence inform strategies for staff absence, support and reintegration with support back to work. It would be inappropriate for Local Authority officers to comment further.

In a supplementary question Ms. Johnson asked where the Council's duty of care was to its workforce? This was obviously an unusual situation and it was felt not being investigated adequately.

The Mayor confirmed this would be responded to in writing.

(6) Ms. A. McGuinness asked in the rush to move students from Abbey School to other placements proper transition procedures could not have been carried out. What had been put in place to reduce stress and upset to the children and their parents/carers?

The Leader explained that children have been moved to other schools where parents/carers have asked for this to happen or where parents have expressed concerns about current inadequate provision and an alternative placement had been agreed with all concerned.

In a supplementary question Ms. McGuinness explained she had spoken to some of the parents of the children from the school who had an interest in this current investigation and they had assured her that there had been no contact made with them during the process and to help with their current situation. One parent had had to resign from her employment to care for her child. At what point would it become clear and the truth told about what had happened at this school?

The Mayor confirmed this would be responded to in writing.

(7) Mr. P. McLaughlin asked why were support staff being blamed for the failures at Abbey School by Local Education Authority Officials, Jan Ormondroyd in her response to the local Member of Parliament, the Chief Executive, Management Teams and the then Director of Schools and Lifelong Learning, Dorothy Smith, when highly paid managers were not who were still in place?

The Leader explained that the Ofsted inspection report highlighted wide ranging concerns. At no point had the Local Authority blamed any individual person or group of people.

The Interim Chief Executive reaffirmed that no blame was being apportioned to staff and the outcome of the independent investigation was awaited.

In a supplementary comment Mr. McLaughlin pointed out that if support staff were spoken to they would reiterate their feeling that they were being blamed for the matters at the school. These were excellent staff and the care they showed to some vulnerable students was fantastic. Their attitude was loving and caring and for them to be treated in this was disgraceful and appalling.

The Mayor confirmed the point would be taken on board.

(8) Mr. I. Cammock asked would the Local Authority officials and management team stop using the term historic failure or problems when referring to Abbey School? They seem to think that the term historic referred to a brief period of eighteen months that the Winterhill Management Team were in charge before the Ofsted report. Historically Abbey School was an extremely successful, happy, family educational institution well respected by all.

The Leader confirmed the comments had been duly noted.

In a supplementary question Mr. Cammock asked why in a Cabinet meeting held on the 26th November, 2014 where it was stated "The Director for Schools and Lifelong Learning pointed out that the Local Authority had put in arrangements to support Abbey School. The school had given the Local Authority concern for the past eighteen months, long before the Ofsted inspection." when for the eighteen months before Ofsted Mr. Burman, Executive Head Teacher from Winterhill had been in charge and his Executive Deputy Head had been Deputy Head Teacher in charge she also said "Significant support was provided to the Executive Head Teacher and the Head Teacher of the school to secure the improvements that the Local Authority deemed necessary. The recent Ofsted inspection deemed the school to be "Inadequate". So Mr. Burman and Mrs. Holford were given significant support yet they failed, why have they not been replaced?

The Mayor confirmed this would be responded to in writing.

(9) Ms. D. Savage recognised that the Local Authority was facing severe budget cuts as a result of the Government's austerity programme and asked was the closure of the Abbey and other places just a cost cutting exercise in response to this?

The Leader pointed out that the Cabinet Member report seeking approval to commence consultation on the proposed closure of Abbey School clearly stated that budget issues have no bearing on the decision by officers to recommend consultation on closure.

In a supplementary question Ms. Savage asked if the school were to remain open how would the Council justify keeping the school open now all the children or the majority of children had been moved out?

The Mayor confirmed this would be responded to in writing.

(10) Ms. J. Tang asked would there be provision for the children that were left in Abbey School if, tragically, it closed after the consultation period and would they be guaranteed a place at another special school?

The Leader confirmed that all children were statutorily entitled to an education. Should Elected Members approve closure following statutory consultation then the SEN Service would work with parents and professional colleagues to secure an appropriate educational placement for every child.

In a supplementary point Ms. Tang explained the Ofsted report indicated that the school would close, not that it was proposed for closure. All this time she felt left in the dark, not had any support and every question asked remained unanswered and she still did not know what was happening. It was worrying for the children and was affecting everyone in the school.

The Leader was concerned that Ms. Tang felt unsupported and asked that the Interim Strategic Director of Children and Young People's Services make contact immediately following this meeting to advise on what was happening at the school and that the help and support for Ms. Tang's child was provided.

(11) Mr. F. Sprague referred to Vanessa Vaughn being on the I.E.B. for Abbey School. She was the Head of Dinnington Primary School that was joining Winterhill Academy chain in March and asked if there was a conflict of interest might potential exist in the I.E.B. and the executive headship?

The Leader explained that Secretary of State for Education determined the appropriateness of membership of the I.E.B. taking due consideration of skills and experience of prospective I.E.B. members ensuring that they could effectively contribute to the governance of the school. The Secretary of State for Education approved the I.E.B. and its membership in November, 2014.

The Local Authority did not have any concerns about the ability of Ms. Vaughn to act only in the best interests of the children who attend Abbey School.

In a supplementary question Mr. Sprague asked what input the Local Authority had in the selection of the members of the I.E.B. at Abbey School?

The Mayor confirmed this would be responded to in writing.

(12) Ms. C. Carroll was unable to attend the meeting to ask her question - could children who have been moved to other schools be kept on the Abbey's roll until after the consultation period to protect its viability?

A response in writing would be provided.

(13) Ms. M. Browne was unable to attend the meeting to ask her question - Karen Halford, the Associate Head, was still in place. Why was she not fighting to keep Abbey open? Had she been offered a position elsewhere if the school closed?

A response in writing would be provided.

(14) From Mr. S. Johnson asked why was Abbey School closing when Clifton and other Rotherham schools in special measures were being kept open and given support?

The Leader confirmed the Local Authority was currently consulting on the proposal to close Abbey School and no decision as yet had been made.

In a supplementary question Mr. Johnson confirmed the consultation process was taking place, but Clifton School was apparently £1 million in the red and given support to stay open and asked how much had been spent on Abbey School since the Ofsted report had been announced?

The Mayor confirmed this would be responded to in writing.

(15) Ms. S. Turner was unable to attend the meeting to ask her question - do you agree that closing the Abbey School would cause trauma and upset to some very vulnerable students and their families?

A response in writing would be provided.

(16) Ms. T. Wright was unable to attend the meeting to ask her question - it was evident from the previous questions that the Winterhill Management Team and the Management Team at the Abbey were not fit for purpose. Why have they not been removed?

A response in writing would be provided.



(17) Mr. Cutts referred to the “stage managed” Professor Jay’s Report at the recent Scrutiny enquiry where he was unable to ask Professor Jay a question due to her absence and asked why the Cabinet Member for “Cohesion”, Councillor Mahroof Hussain, was not asked or volunteer to provide a statement and assist on the child sexual abuse situation?

The Chairman of the Overview and Scrutiny Management Board explained he would be answering the question as Councillor Hussain was not involved in the scrutiny review process. Cabinet referred its response to the Overview and Scrutiny Management Board for its consideration who agreed that a more in-depth review was required to scrutinise Rotherham’s plans to address child sexual exploitation. This would examine how effectively agencies across Rotherham were working together to make sure that children and young people were kept safe and victims provided with appropriate support.

As part of its review, the Board looked at the Safeguarding Board’s detailed action plan which incorporated Professor Jay’s recommendations and the other improvements identified in previous reviews and inspections. The review also received expert testimony and challenge from a range of witnesses. The draft minutes of the meeting were available on-line and were a full reflection of the level of discussion and questioning.

The scrutiny session took place in public over two full days on Friday, 12<sup>th</sup> and Thursday 18<sup>th</sup> December, 2014. As with all scrutiny meetings, there was a dedicated slot at the beginning of the agenda for members of the press and public to ask questions. Mr Cutts declined to ask his question even though the offer to send the question to Professor Jay was provided.

No previous portfolio holders were invited to give evidence as the focus of the review was to challenge the current plans to tackle child sexual exploitation. The issue of community engagement featured a number of times over the two days and there is a specific recommendation for the Local Safeguarding Children’s Board in respect of this. In addition, the Deputy Leader and Cabinet Member for Education and Children’s Services were invited to attend. There were recommendations to strengthen victim support and the Cabinet’s oversight of the action plan. The review had made a number of recommendations which would be fed into the Cabinet and Improvement Boards in due course.

The draft plan went to the Overview and Scrutiny Management Board on Friday, 23<sup>rd</sup> January, 2015 and only one further recommendation was indicated from the Opposition, which the Board agreed to look into.

In a supplementary question Mr. Cutts asked why was Professor Jay not in attendance at the meeting?

The Chairman of the Overview and Scrutiny Management Board explained Professor Jay was unable to make the time suggested and only required a slot of one hour. It was, therefore, believed that the questions that could be asked within the hour could easily have been asked via email and this was agreed.

#### **A95 STANDARDS COMMITTEE**

Resolved:- That the reports and minutes of the meetings of the Standards Committee (Section B) (pages 10B to 13B) be adopted.

Mover:- Councillor Gosling

Seconder:- Councillor Tweed

#### **A96 CABINET MINUTES**

A number of questions were raised in relation to the minutes of the meetings of Cabinet as follows:-

Minute C103(1) (Question from Elected Members) – Councillor Cowles confirmed he had not yet received the response in writing as indicated by the Director of Housing and Neighbourhood Services at the meeting and asked that the costs be clearly indicated as to whether the costs included post and officer time or whether they had been excluded.

The Mayor confirmed this matter would be followed up.

Minute No. C110 (RLSCB Child Sexual Exploitation Action Plan) – Councillor Parker asked if it could be explained what the concerns were about in relation to the appointment of a person to oversee the work of the multi-agency safeguarding hub to ensure the right sort of person to deliver on this was appointed, given that this was a very important role and the people of Rotherham had a right to know.

The Leader confirmed that the concerns were about getting the right person to oversee this very important work. A person had now been appointed and a response in writing as to who this person was would be provided.

Minute No. C112 (Private Rented Sector – Selective Licensing) – Councillor Parker referred to this scheme and asked if the proposed charge of £687 related to individual properties or was it a total amount for the properties owned by a landlord as it was not stated.

The Cabinet Member for Safe and Attractive Neighbourhoods confirmed the suggested fee of £687 had since been reduced to £625, but this was being looked into to see if this could be reduced further. A final fee figure would be submitted to Cabinet for approval before the scheme became operational. That fee was per property and reflected the cost of administering the scheme, but consideration was being given as to how this could be further reduced and a £100 discount would be applied for

landlords who were part of a recognised accreditation scheme. Paying by instalments and reductions for landlords with multiple properties were also being considered.

In a supplementary question Councillor Parker believed if this fee was payable for every individual property landlords would simply pass the cost on to the tenant and the rent would increase accordingly hitting the tenants the hardest. He did not object to it being used against the properties of landlords that required some maintenance, but he did object to the fee being payable for each property as ultimately this would end up being paid by the tenant not the landlord.

The Cabinet Member for Safe and Attractive Neighbourhoods clarified the Minute did refer to the original suggested fee as being £687, but this had since been reduced to £625. It was recognised that this was a cost and there may be landlords that would pass on the sums via their tenants. This was a one-off fee for a five year period and so had to be looked at in this context. The benefits had to be weighed up against the production of a selective licensing scheme in certain areas where a great deal of work had already been carried out. This scheme primarily attempted to deal with issues of poor quality housing following the measures already carried out over a number of years which have proved to be unsuccessful. Compared to the fees charged nationally the fee payable in Rotherham was within the middle range and reflected the administration and inspection regime for the properties within the scheme. Every effort was being made to keep this cost to a minimum.

Minute No. C114 (Sale of Unit at the Advanced Manufacturing Park) – Councillor Parker referred to the information shared previously where it was indicated the Council would receive a net profit of £40,000 and asked had the unit actually been sold, what was the actual profit made and what was the alternative option referred to?

The Cabinet Member for Business Growth and Regeneration confirmed this was the second of the two units that the Council financed. The first unit was sold and the Council received in the region of £40,000. This second slightly smaller unit netted the Council approximately £20,000 profit after fees. The exact details would be provided in writing.

This use of capital expenditure by the Council was not to make a profit, but purely to stimulate business growth and employment on the Advanced Manufacturing Park. With the cuts to Government funding the Council was becoming ever more reliant on business rates.

The alternative options in the report related to a possible short term lease arrangement to a fairly new established company, which increased the security risk for the Council.

The Advanced Manufacturing Park was successful and the Cabinet Member was very proud that business wished to operate from Rotherham.

In a supplementary question Councillor Parker referred to the profits of the first unit being in the region of £40,000 and the second unit being in the region of £20,000 and asked if there was a further unit was the Council just going to give it away and make no profit?

The Cabinet Member for Business Growth and Regeneration confirmed there were no further units for sale. He emphasised the Council had taken these decisions not based on profit margins, but simply by supporting the business community in Rotherham and was in a position to support business growth and employment. It was the Council's responsibility to support regeneration and the Growth Plan was currently out for consultation.

Minute No. C124 (Education Lifestyle Survey) – Councillor Parker referred to the survey of young people and safety in the town centre and confirmed that he had spoken to a number of middle aged or older people about their concerns. It appears that 60% of young people within the Rotherham Borough did not visit Rotherham because of concerns about their safety and asked what was the Council doing about this?

The Cabinet Member for Adult Social Care and Health confirmed 60% of young people did not come into the town centre, but there were a raft of reasons why this was the case. Some young people lived on the outer fringes of the Borough and, therefore, did not identify as much with the town centre. However, where those concerns particularly related to the Interchange these concerns have been raised with the Passenger Transport Executive for action to be taken to ensure young people and even older people feel safe.

In a supplementary question Councillor Parker referred to the Minute as written and the words "unsafe" which the Opposition Members had been telling the Council about for some time and brought the subject up previously. People regardless of age did not feel safe coming into Rotherham town centre for shopping etc. and it was not just the Interchange, but Rotherham in general. What were the Council doing, in co-ordination with other agencies, to make people feel safe?

The Cabinet Member for Adult Social Care and Health explained this was about partnership working and no single agency could tackle this issue alone. It was also about perception and actuality and there was a need for a co-ordinated approach to ensure these perceptions were changed.

Councillor Burton confirmed this issue was an area for some discussion at the Improving Lives Select Commission that morning following the publication of the Lifestyle Survey and when the issues around safety were looked into further it was about the perception and not evidenced by the results. There was a need for ongoing work with partners and schools to look at perception to see how this could be improved.

Councillor Reynolds confirmed he too was at the Improving Lives Select Commission meeting and referred to the results of the survey where many young people felt worse about themselves than they did last year. Surely it was the duty of this Council to give young people hope and encourage ambition and asked what action was being taken given that the results that 60% of young people did not come into the town centre?

The Cabinet Member for Business Growth and Regeneration pointed out the need to breed ambition in young people, but there were mechanisms currently in place like the Town Centre Partnership which had been in existence for a number of years. The Partnership was made up of relevant partners and a piece of work could be undertaken to look at these issues and was willing to take this forward.

The Mayor commented on the discussion that had taken place and that in his Civic capacity had attended many functions and initiatives in the town centre. He acknowledged the survey results, especially around perception, and as a Rotherham citizen often travelled on public transport and visited the town centre. He offered any Elected Member the opportunity to accompany him into the town centre to show him the fear that existed within the public of Rotherham. There was a great deal of good work taking place in the town centre and this should not be ignored.

Minute No. C109 (Rotherham Local Safeguarding Children's Board Annual Report) – Councillor Middleton referred to the section in the Minute which referred to the early help dashboard and further on about front door referrals and asked that this could be more explicitly explained.

The Mayor confirmed an explanation on this was to be provided in writing.

Councillor Whelbourn referred to the former Plain English Report Writing Guide, which had been designed for report writing and which should be available on the intranet. This Guide was designed to assist report authors on their formation of their reports.

The Leader acknowledged the need for professional officers to ensure that reports submitted for consideration were in plain English and in a format that was easy to understand.

Councillor Middleton also referred to the same Minute and the later reference to the first meeting between the Chairmen of the Health and Wellbeing Board and the Local Safeguarding Children's Board having taken place and asked why the respective Chairmen were not meeting anyway as a matter of course?

The Cabinet Member for Adult Social Care and Health advised that arrangements were being made for the three Chairmen of Health and Wellbeing Board, Adult Safeguarding Board and the Local Safeguarding Children's Board to meet on a more formal basis.

Councillor Wyatt, the former Chairman of the Health and Wellbeing Board, also referred to the local protocol that had been established which sought to develop constructive and productive working relationships with other bodies.

Minute No. C122 (Housing Rent Increase 2015/16) – Councillor Reynolds asked about the proposed housing rent increase for the coming year and asked what the level of non-payment rent arrears was in total?

The Cabinet Member for Neighbourhoods and Adult Services confirmed the answer for this would be provided in writing.

However, it was pointed out that 2.2% rent increase was much lower than it had been in previous years and hopefully would not generate any significant increase in rent arrears.

In a supplementary comment Councillor Reynolds referred to those families who were already in arrears and the impact of any kind of increase.

Resolved:- That the reports and minutes of the meetings of the Cabinet (Section C) (pages 115C to 144C) be adopted.

Mover:- Councillor Lakin

Seconder:- Councillor Hoddinott

(Councillors Andrews, Astbury, Dalton, Dodson, Ellis, Lakin, Whelbourn and Wyatt declared disclosable pecuniary interests in Minute No. C122 (Housing Rent Increase) and Minute No. C123 (District Heating Scheme Charges))

## **A97**

### **DELEGATED POWERS**

A number of questions were raised in relation to the minutes of the meetings of Cabinet Members as follows:-

Minute No. D31 (Individual Electoral Registration) – Councillor Middleton considered this a very good idea and referred to the Minute text indicating verification of a person's identity was undertaken with records held by the Department for Work and Pensions. The Minute also indicated that those

people who could not provide this information may prove their identity using an alternative form of evidence and asked what other forms could be used?

The Deputy Leader confirmed identity information was required in the form of a date of birth and national insurance number. Specific details on what was required in terms of alternative forms of evidence would be supplied in writing. A briefing note was to be circulated to all Elected Members on Individual Electoral Registration to coincide with National Registration Day.

In a supplementary question Councillor Middleton referred to the telephone registration service which had been in operation since the 1<sup>st</sup> July, 2014 and asked how many people had taken advantage of this service?

The Deputy Leader would provide a response to this question in writing, but drew Members' attention to Resolution No. 2 and the briefing note with all the details which was to be circulated shortly.

Councillor Parker also pointed out the implications to Individual Electoral Registration and the 20,000 people who may have dropped from the Electoral Register. There was evidence of electoral fraud in some areas and hopefully Rotherham would not be one of them.

The Deputy Leader confirmed there were concerns that some people may disappear from the Electoral Register. However, Individual Electoral Registration provided the necessary safeguards, but required people to register themselves, including young people whose parents could no longer register on their behalf.

Minute No. D23 (Webcasting) – Councillor Parker welcomed webcasting in the Council Chamber for members of the public, but expressed his concern about the apparent “editing” when the webcast was posted to the webcast library and asked how was the Council going to ensure independence of the system?

The Deputy Leader confirmed webcasts were not edited in any way. However, there had been occasions where the sound had been quieter on occasions and this had been traced to the microphones. It was suggested that Elected Members receive some training moving forward to ensure clarity to the webcasts in the future.

Councillor Parker believed editing did take place. Members of the public had voiced concerns at editing differences and would be watching the permanently installed system closely.

Minute No. D28 (Revenue Budget Monitoring) – Councillor Parker referred to the pressures relating to printing in Legal and Democratic Services and the high income target set against the budget which had not materialised and asked why this target had not been met?

The Deputy Leader did not have the actual figures to hand and would supply the detail in writing, but this did relate to the Central Print Unit and utilising more the provision available and making better use of the resources.

In a supplementary question Councillor Parker asked who met the cost for the purchase of the equipment as it may be more cost effective to have the printing provision outsourced.

The Deputy Leader did not have these figures to hand, but confirmed the detail of the question asked would be provided in writing.

Minute No. F29 (Questions from Members of the Public) – Councillor Parker referred to the Council's website believing it to be unfit for purpose and the statement in the minutes on Page 25F in the second paragraph where matters were included on the website, but members of the public were unable to access or use it. He suggested that certain details be provided on the website for members of the public to be able to access relevant information and referred specifically to licensed taxi matters.

The Deputy Leader reported on the accessibility of the website, particularly to pay bills. Any feedback received about the website would be taken on board and listened to.

In a supplementary question Councillor Parker pointed out that basic questionnaires requiring online completion always met with problems and it would appear obstacles were deliberately put in the way.

The Deputy Leader agreed that the points raised would be taken on board.

Minute No. I23 (Petition – Badger Culling) – Councillor Parker referred to the Council's opposition to cull badgers on Council-owned land and asked if the Council would be liable if a farmer claimed his farming stock had contracted tuberculosis from a badger if it could be proven they were previously on Council-owned land.

The Cabinet Member for Business Growth and Regeneration referred to the petition which sought support for the prohibition of badger culling on Council-owned land, to which he and the Council were in support of. As a Local Authority it had no control over land which it did not own.



In a supplementary question Councillor Parker asked if the Council were opposed to badger culling on their land and a badger known to have been living on Council-owned land was responsible for infecting livestock was the Council culpable and had the matter been looked into further from a legal perspective?

The Cabinet Member for Business Growth and Regeneration pointed out there had been no cases of bovine tuberculosis above the West Country reported. A report had been submitted which supported this Minute and a map could be shared which illustrated this. Legally it was not believed that the Council would be responsible as these were wild animals who were free to roam. The Cabinet Member shared the petition's view about the duty to protect badgers and reaffirmed there would be no badger culling on Council-owned land.

Councillor Watson in his professional capacity reported that there was no proof that an outbreak of bovine tuberculosis was from a badger in general and it was believed this would ever come up in a court of law.

Minute No. 136 (Rotherham Town Centre – Expansion of Street Market) – Councillor Middleton asked how the benefit was calculated and if there had been any research undertaken on the influence for surrounding retailers if the street market was expanded? Was this expansion taking trade away from the current retailers or was it improving trade?

The Cabinet Member for Business Growth and Regeneration confirmed consultation had taken place with retailers, independent and national shops and the plan was for the current sixty-two street market stalls to increase in number to ninety. All the stalls would be replaced as they were in a state of disrepair and would cost in the region of £46,000. This increase would provide additional income and greater revenue which would be reinvested. This expansion was timely and result in increased footfall and trade in that area of the town centre following the relocation of Tesco.

In a supplementary question Councillor Parker asked if an impact assessment had been undertaken on the general market area and what effect this could have?

The Cabinet Member for Business Growth and Regeneration explained all the existing stallholders in the general market had been consulted. The two markets were not exclusive and shoppers may choose to visit all areas of the town centre. It was not felt there would be a negative impact with this expansion as the street stalls needed to be replaced and the relocation of Tesco could lead to greater footfall into the market area given its proximity. There were plans to include the indoor market area for investment, which would improve the whole area and make it more inviting to shoppers.

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

- Deputy Leader – Pages 14D to 26D (Section D)
- Children and Education Services – Pages 21F to 39F (Section F)
- Environment – Pages 24G to 30G (Section G)
- Adult Social Care and Health – Pages 32H to 40H (Section H)
- Business Growth and Regeneration – Pages 13I to 25I (Section I)
- Safe and Attractive Neighbourhoods – Pages 41J to 59J (Section J)

Mover:- Councillor Lakin

Seconded:- Councillor Hoddinott

#### **A98 LICENSING BOARD SUB-COMMITTEE**

Resolved:- That the reports and minutes of the meeting of the Licensing Board Sub-Committee (Section Q) (Pages 16Q to 22Q) be adopted.

Mover:- Councillor Dalton

Seconded:- The Mayor  
(Councillor John Foden)

#### **A99 HEALTH AND WELLBEING BOARD**

Resolved:- That the reports and minutes of the meeting of the Health and Wellbeing Board (Section S) (Pages 48S to 63S) be adopted.

Mover:- Councillor Doyle

Seconded:- Councillor Hoddinott

#### **A100 PLANNING BOARD**

Resolved:- That the reports and minutes of the meetings of the Planning Board (Section T) (Pages 33T to 39T) be adopted.

Mover:- Councillor Atkin

Seconded:- Councillor Tweed

#### **A101 REVISED MEMBERSHIP ARRANGEMENTS 2014/15**

The Director of Legal and Administrative Services submitted details of the revised membership arrangements for the current municipal year to include Councillor Wyatt on the membership of the Licensing Board to fill the vacancy left by Councillor Doyle.

Resolved:- That the inclusion of Councillor Wyatt on the Licensing Board be approved.

**A102 QUESTIONS TO CABINET MEMBERS AND CHAIRMEN**

(1) Councillor C. Vines asked why was the Rotherham Advertiser informed of the new director and manager appointments before Elected Members?

The Leader confirmed as a matter of general principle, officers worked on the basis that any information to be shared more widely with a range of stakeholders would be shared beforehand or simultaneously with Elected Members.

On the assumption that Councillor Vines' question related to the proposed restructure within Children and Young People's Services, and a number of interim appointments pending consultation, it was confirmed that information was sent to Elected Members in an email from Ian Thomas, Strategic Director of Children and Young People's Services, on 12th January, 2015.

Gareth Dennison, a reporter from the Rotherham Advertiser, interviewed Ian Thomas on Thursday, 8th January, 2015 when initial information about the new appointments was shared, on the basis that this would not be appearing in the newspaper until Friday, 16th January, 2015 (given that the interview was too late to appear in the Advertiser's edition of Friday, 9th January, 2015) – after information had been shared with Elected Members and staff.

In a supplementary comment Councillor C. Vines pointed out the information had been shared with Elected Members late on the Thursday afternoon, following which the information appeared in the press.

The Leader agreed with Councillor C. Vines and it should not have happened in this way. The information was shared at the interview on the basis that it would not appear until the following week's edition, but unfortunately it appeared in the edition of the same week.

(2) Councillor Cowles asked according to the press RMBC refused to name care homes found to be failing vulnerable adults by putting them at the risk of harm. The reason given in the article was that by doing so would harm their future business prospects, was this correct?

The Cabinet for Adult Social Care and Health found the question useful. To be helpful he explained that when the Care Quality Commission undertook an inspection of a care home that information was placed on the website and was available for public view. On occasions this was picked up by the local press. Following a Council inspection which resulted in an action plan with a care homes as a result of a problem that occurred, this was passed to the Cabinet Member who would disseminate to the Ward Members. This could possibly be more transparent and officers were being asked to look at ways to see how that information could be disseminated wider to the full Cabinet.

In relation to the question this related to a report from the Adult Safeguarding Board relating to the previous year where care homes referred to had issues that have now been resolved. Once the issues had been resolved the care home had 12-18 months to continue successful trading without any concerns. If a former care home that had had concerns previously had to be named in that report it would engender concern amongst residents and families which was unnecessary as the home was operating well.

The Council had to take account of influence to a business that had had a previous problem as this could put people off. The Council had received a challenge some years ago, but this was withdrawn before the case went to Court.

The Cabinet Member supported a more open and transparent process, but pointed out that former problems could do harm to a business that may now be performing well.

In a supplementary question Councillor Cowles pointed out if these businesses were producing a product or a service then it was right that they were highlighted. In this case the businesses were providing care and, therefore, the public had a right to know. It had been highlighted that the Council had been found in the past not to be good at looking after children, other people's money and now vulnerable old age people. Perception was everything and the way the article read it appeared the R.M.B.C. was putting profits before people and this was a concern and these people should be named.

The Cabinet Member for Adult Social Care and Health pointed out when there was an issue with a particular care home all the residents and their families were informed. The concerns may not necessarily be about care, it could be about the fabric of the building. This was about people's homes where they lived and it was the Council's responsibility to work with these care homes, if they had an issue or a problem, to work together to resolve the concerns to ensure they were continuing to provide excellent care.

The Council had a number of different ways to do this. The Council's Home from Home Inspection Scheme was now similar to the recently adopted Care Quality Commission's system of operation where homes were encouraged to raise their standards by obtaining a rating from the Local Authority, which would assist with raising standards. This positive proactive way of working and the stick approach were measures that could be put in place to try influence those changes. The Local Authority, however, did not have the power to close any of these homes, but could take action to remove residents who were paid for by the Local Authority or raise concerns about problems if they were related to a particular home.

(3) Councillor Jepson asked did the Cabinet Member for Business Growth and Regeneration believe his Cabinet role and Chamber of Commerce employment adhered to the Public Life Principle that stated holders of public office should not place themselves under any financial or other obligation to outside organisations that might seek to influence them in their performance of their official duties?

The Cabinet Member for Business Growth and Regeneration was very aware of his obligations and that placed upon all Members to ensure that he and they have no real or perceived conflict of interest when undertaking Council duties. To this end the Cabinet Member regularly took advice from the Monitoring Officer with regard to any potential conflict of interest and would ensure that he did not participate in any decision-making where this could be an issue.

(4) Councillor Cowles referred to late last year RMBC signing off £1.6 million in order to extend the broadband network to cover 97% of homes and businesses. This sum was to be covered by a grant from SCRIF and to be confirmed by December. Have the Council received confirmation that this funding would be received?

The Deputy Leader confirmed the broadband bid for SCRIF funding to meet the local authority contributions towards extending the superfast broadband network in South Yorkshire was still going through the approval process. It had successfully got through the Outline Business Case stage last year. Further work was being undertaken for the second stage for the approval process and a decision on this was due in April, 2015.

In a supplementary question Councillor Cowles confirmed the funding had not yet been received, but asked where the extensions to broadband was going to take place as this appeared to be unknown?

The Deputy Leader explained the surveys were being carried out currently and there was now a Programme Manager in place working out of Barnsley Council leading on the project for the four South Yorkshire Authorities. The Project Manager was happy to come and brief Members on the progress of the project and the relevant phases and milestones over the next few years.

(5) Councillor Jepson confirmed it was announced last week that that £65 million was to be invested to create Sheffield's own version of China Town. Did the Cabinet Member for Business Growth and Regeneration think that this would have a negative effect on the Council's own Visions of China Project and could he give an update on its current position?

The Cabinet Member for Business Growth and Regeneration explained that the proposal was not seen as negative, but potentially complimentary. Consideration was being given how to develop this area across the other Local Authority boundaries and a piece of work was looked at last week

on the Advanced Manufacturing Park by an academic how Rotherham and Sheffield could work together to promote employment and jobs. The Sheffield development was different to that proposed by the Visions of China Project in that it included more offices, restaurants and also residential accommodation.

The Visions of China Project was private sector led and not a Council project as such. The current position on Visions of China was that the developer was exploring a number of funding options. An update report was to be submitted to the Cabinet in within the next two months.

In a supplementary question Councillor Jepson asked if the Visions of China Project failed to materialise what did the Cabinet Member think the impact would be on the Rotherham Growth Plan in terms of the loss of employment and inward investment?

The Cabinet Member for Business Growth and Regeneration confirmed this would have to be considered as the Rotherham Growth Plan included six key themes around housing, town centre and how to give people the skills to seek employment and be aspirational. The Council had a 10,000 job target to achieve in Rotherham which was not easy. There were still huge obstacles and constraints to overcome, but every effort would be made to achieve this target which was ambitious. The Visions of China Project or any project on this large development site would deliver significant benefits for the wider region, including employment.

The Council had a responsibility to ensure the Growth Plan was a success and this was supported.

Councillor Parker sought clarification on the future of the Visions of China Project and its viability as he had asked a question at a previous Council Meeting and been told it had no future. He had also asked about this development site and the potential for this to be allocated for residential purposes rather than the Green Belt area in Greasbrough arising from its brownfield status.

The Cabinet Member for Business Growth and Regeneration explained this was a private sector led development and until such time that the Visions of China Project and its developers presented a fully costed out business proposal and business plan to deliver a leisure project on this site, the Council could not confirm its viability and were open to other suggested offers from other developers. This site was recognised in the Growth Plan as a key development site opportunity.

Councillor C. Vines commented on the use of false statements in the Council Chamber. The Cabinet Member for Business Growth and Regeneration had clearly stated previously that the Visions of China Project was dead and now it was being reported that the Council were unable to confirm the viability. It was suggested that false statements and lies should not be given in the Council Chamber.

Councillor Reynolds sought clarification on the ownership of the development site and on receipt of confirmation that the Council did own this site, asked a supplementary question relating to the brownfield status and that residential accommodation could be built upon it?

The Cabinet Member for Business Growth and Regeneration confirmed the plan for this site was to deliver a leisure/commercial project to deliver employment and its historical mining history made this a suitable place to develop such a project. This site had never been part of the Local Plan considerations to deliver residential development in that area.

Councillor Middleton asked about the legal status of this Council-owned land and whether a lease arrangement existed setting out a clear timetable of expectation with a break clause if the scheme was not delivered. Simply to say the Council was unclear as to what was happening on this site was inappropriate as the Council would be the landlord to any lease arrangement that existed and would know exactly what was happening.

The Cabinet Member for Business Growth and Regeneration reiterated his point that this was not the Council's project, although the land was owned by the Council. A previous report to Cabinet last year formerly ended the agreement with the Visions of China developers as the funding proposals were never submitted and at that stage no information had been provided. An update report to be submitted to the Cabinet in two months would provide more information on the status of any projects for that area. The Council did know what was happening in that the agreement with the Visions of China Project had ended until such time as firm proposals were submitted.

In a supplementary question Councillor Middleton asked if the agreement with the Visions of China Project had ended, why were the matters being discussed when the land was now available for other uses?

The Cabinet Member for Business Growth and Regeneration confirmed this to be correct and that an update report was to be submitted in due course as this action was agreed at Cabinet in August, 2014.

Councillor Reynolds expressed his concern that this information should have been provided initially, but asked why houses could not be built on this brownfield site as this created jobs and houses were required.

Councillor Parker had observed a number of commercial units and office blocks stood empty in Rotherham and believed no more were required for many years. He asked why the Green Belt area at Greasbrough was to be built over when there were brownfield sites such as this that could be developed for residential purposes, which also already had excellent infrastructure links to the surrounding area. This was a perfect site for residential development and the dogmatic approach to using this area for

commercial development should be ignored and the voices listened to. This site was ideal for those properties.

The Cabinet Member for Business Growth and Regeneration for clarity confirmed the site was in fact designated Green Belt land and not brownfield.

Councillor Parker pointed out that this site was former brownfield land and had been redesignated as Green Belt land.

Councillor Reeder expressed her concerns about being misled about the Visions of China Project and referred to the numerous questions that had been asked why this site was not being allocated for residential development. It was appalling how the residents of Rotherham were being treated and the Council needed to listen to the people of Rotherham and where they wanted their houses building.

#### **A103      QUESTIONS TO SPOKESPERSONS**

There were none.