

**CABINET AND COMMISSIONERS'
DECISION MAKING MEETING
Monday, 10th July, 2017**

Present:- Councillor Read (in the Chair); Commissioners Ney and Kenny, Councillors Alam, Beck, Hoddinott, Commissioner Kenny, Commissioner Ney, Roche, Watson and Yasseen.

Also in attendance:- Councillor Steele (Chair of Overview and Scrutiny Management Board).

Apologies for absence were received from Commissioner Bradwell and Councillor Lelliott.

12. DECLARATIONS OF INTEREST.

There were no declarations of interest.

13. QUESTIONS FROM MEMBERS OF THE PUBLIC.

- (1) A member of the public referred to the proposals to amend the district heating scheme in respect of the Fitzwilliam Estate in Swinton and queried why the new scheme would be higher. In response, Councillor Beck explained that the charges that had been operated previously were on a basis of full cost recovery for the Council. Previously, the scheme had been operated solely on the basis of the Fitzwilliam Estate and the report on the agenda for the meeting proposed a pooled scheme across the district. The aim was also to ensure that no one was disadvantaged irrespective of which scheme they were in. It was also explained that the £2 standing charge would be credited to individual meters in every home and the credit would be built up that way.
- (2) A member of the public queried why the costs of the scheme appeared higher in the Borough than in neighbouring authorities. In response, Councillor Beck explained that the Council had decided several years ago to operate a model of full cost recovery and there was an expectation that costs of providing the scheme would come down in the coming years.
- (3) A member of the public queried whether the Council had recovered costs from individuals who had received heating without paying. In response, it was confirmed that some monies had been recovered, but the figures in the report did not take account of under-recovery. The focus of the report on the agenda was to achieve full cost recovery. It was confirmed that residents were not paying for the under-recovery.

- (4) A member of the public queried why water had been included in scheme. In response it was confirmed that the Council could pass on charges for costs incurred.
- (5) A member of the public queried why it had taken so long to bring forward proposals in respect of the operation of the scheme on the Fitzwilliam estate. The Leader indicated that the Council were trying to get the charging for the scheme right and paid tribute to the ward councillors and residents and apologised for the historical problems associated with the scheme. The Assistant Director of Housing and Neighbourhood Services confirmed that officers would talk to residents to confirm the position in respect of payments and how the scheme was funded. Councillor Wyatt, who was also in attendance at the meeting, suggested that RotherFed be commissioned to work with residents to inform the decision to be taken by Council in September 2017. The Leader indicated that Councillor Wyatt was right in saying that the Council needed to talk to residents over the summer.

14. MINUTES OF THE PREVIOUS MEETING HELD ON 26 JUNE 2017

It was noted that the minutes of the previous meeting held on 26 June 2017 would be submitted for consideration at the next Cabinet and Commissioners' Decision Making Meeting in September 2017.

15. THE INTRODUCTION OF A RESOURCE ALLOCATION SYSTEM (RAS) FOR CHILDREN AND YOUNG PEOPLE

Consideration was given to a report which proposed the introduction of a Resource Allocation System (RAS) for Children and Young People.

It was reported that the use of a RAS in Children and Young People's Services would create a more equitable system and also provide some bench-marking and calculation of social care costs for children with SEND in Rotherham. Furthermore, the implementation of the RAS would take a year, and pilot use of the tool had demonstrated that in the majority of instances, care packages would remain unchanged by the system. However, plans for children and young people would become more clearly understood by all parties involved in a child or young person's care and plans would be more child-centred. It was noted that where the pilot had demonstrated a lower figure for care than the family was receiving, that had been mitigated by the improved Care and Support plan which was the key feature of the proposed RAS. Families would be given sufficient time and support to find alternative packages of care, which would demonstrably meet their child or young person's identified needs.

Commissioner Ney agreed:-

1. That approval be given to the implementation of the Children's RAS, as a tool to support social care assessments, associated financial allocation and the offer of Personal Budgets to disabled children, young people and their families from August 2017.
2. That approval be given to a twelve month implementation period for the RAS tool based on the need to review children and young people's current packages of care to inform their new packages of support supported by a personal budget.
3. That approval be given to a three month notice period for packages of care assessed as lower than previously calculated, as new arrangements are being put into place.

16. EARLY HELP STRATEGY: PHASE TWO, WHOLE SERVICE REVIEW

Consideration was given to a report which sought approval of the vision, objectives and guiding principles of the Early Help Whole Service Review and set out the timeline for full consultation and implementation on 1st April 2018.

It was noted that the Early Help Service was an essential component of Rotherham's Improvement Plan. It was designed to meet the needs of children, young people and families quickly, when they first emerge and to prevent the escalation of issues and the requirement for statutory intervention. Working Together (2015) set out the statutory requirement for Early Help services whilst Ofsted findings suggest that effective, high-performing children's social care was always accompanied by a high quality Early Help offer.

It was reported that, in January 2016, a new Early Help Service was launched with locality teams made up of practitioners with a blend of complementary skills and the launch of a single point of access to the service, through the Early Help Request for Support and a single Early Help Assessment. The council's stated aim was to continue to develop an Early Help Service that would meet the needs of children, young people and families as soon as such needs were identified. This should be delivered in a way that feels relevant to Rotherham's families and should be flexible enough to respond to needs as they emerge.

The re-design of the Early Help Service was also anticipated to achieve £421k of savings in 2017/18, together with further savings in 2018/19, which would contribute to the Council's overall savings target. It was reported that the Early Help Whole Service Review would be undertaken in line with the vision and objectives set out in the Early Help Strategy.

Commissioner Ney agreed:-

1. That the guiding principles for the Early Help Whole Service Review be approved.
2. That the associated timeline for the whole service review in order to achieve implementation by 1 April 2018 be approved.

17. CORPORATE PERFORMANCE REPORT FOR QUARTER 4 2016-17

Consideration was given to a report detailing performance against the targets and priorities within the Corporate Plan 2016-17 for the final quarter of the year from January to March 2017.

The Performance Report and Performance Scorecard, set out in Appendices A and B to the report, provided an analysis of the Council's current performance against 14 key delivery outcomes and 103 measures. The report was based on the current position of available data, along with an overview of progress on key projects and activities which also contributed towards the delivery of the Corporate Plan.

It was noted that, at the end of the final quarter (January – March 2017), 33 measures had either met or had exceeded the target set in the Corporate Plan. Although this represented only 31.4% of the total number of measures in the Plan, it equated to 49.3% of the total number of indicators where data was available or where targets had been set. A total of 27 (40.3% of those measured in the quarter) performance measures had not hit their target for the year (25.7% overall).

Consideration was also given to the Asset Management Plan Improvement Report (AMIP) and associated scorecard which set out the progress on delivering the AMIP.

Commissioner Ney agreed:-

1. That the overall position and direction of travel in relation to performance be noted.
2. That consideration be given to measures which have not progressed in accordance with the target set and the actions required to improve performance, including future performance clinics.
3. That the future performance reporting timetable for 2017/18 be noted.
4. That the progress made on delivering the Asset Management Improvement Plan (AMIP) in the period be noted.

18. 2016/17 BUDGET OUTTURN REPORT

Consideration was given to a report which outlined the pre-audit revenue, capital and Housing Revenue Account (HRA) outturn positions for 2016/17.

It was reported that the outturn position showed an underspend of £765k against the revenue budget, inclusive of traded services balances, which were carried forward in accordance with Council policy. The outturn position took account of the carry-forward of unspent balances in respect of specific projects/programmes (Rotherham Partnership, Emergency Planning Shared Service with Sheffield City Council and the Members' Community Leadership Fund). Those amounted in total to £0.160m.

It was noted that the Council's General Fund Working Balance remained at £11.269m and the use of reserves to support the additional budget allocation agreed in December 2016 was £5.723m. This was £2.733m less use of reserves than that anticipated when the revised budget was approved. It was reported that the outturn position should be seen in the context of the significant increasing cost and demand for Children's Social Care services, the increase in demand for Adult Care Services and the delays in implementing some aspects of the Adult Care Development Programme.

It was reported that the delivery of the overall position had necessitated the implementation of a moratorium on all but essential spend through stringent procurement controls and recruitment controls (via the newly established Workforce Management Board) and the concerted efforts of both elected Members and senior officers in managing the reducing levels of funding at a time of increasing service need, and also the generally good and responsible financial management on the part of budget managers and budget holders.

It was noted that the outturn meant that the required call on the reserves to fund the additional £8.456m budget approved by Council in December would be less by £2.733m. The use of reserves had been actioned in accordance with Council's approval in December but instead of drawing down the whole of the available Transformation Reserve (£4.936m), only £2.203m had been used leaving a balance on that reserve of £2.733m.

It was further noted that the Housing Revenue Account (HRA) underspent by £7.224m in 2016/17. Schools out-turned (including Declared Savings) with a combined balance of £1.304m which would be carried forward into 2017/18 in accordance with Department for Education (DfE) regulations. The Capital Programme outturn showed an underspend of £9.850m (14.8%) against the estimated spend in 2016/17.

Resolved:-

1. That the Revenue outturn position of £765k underspend, (Directorate details are set out in Appendix 1) and the capitalisation of £1.968m of qualifying revenue expenditure be noted.
2. That the final revenue budget saving of £2.733m be a reduction to the planned transfer from the Transformation Reserve.
3. That the Housing Revenue Account (HRA) outturn of £7.224m underspend and its transfer to the HRA Reserve be approved.
4. That the carry-forward to 2017/18 of the combined schools' balance of £2.834m in accordance with DfE regulations be noted.
5. That the reserves position as set out in section 3.20 be noted.

19. ANNUAL TREASURY MANAGEMENT REPORT AND ACTUAL PRUDENTIAL INDICATORS 2016/17

Consideration was given to the Annual Treasury Management Report, which was submitted to review the treasury activity for 2016/17 against the strategy agreed at the start of the year.

The report covered the actual Prudential Indicators for 2016/17 in accordance with the requirements of the Prudential Code. The report met the requirements of both the CIPFA Code of Practice on Treasury Management and the CIPFA Prudential Code for Capital Finance in Local Authorities. It was noted that the Council was required to comply with both Codes through Regulations issued under the Local Government Act 2003.

Resolved:-

1. That the Treasury Management Prudential Indicators out-turn position as set out in section 3 and Appendices A and B of the Annual Treasury Management Report for 2016/17 be noted.
2. That the report be forwarded to Audit Committee for information

20. MAY 2017/18 FINANCIAL MONITORING REPORT

Consideration was given to a report which set out the financial position for the Revenue Budget at the end of May 2017 and was based on actual costs and income for the first two months of 2017/18 and forecast for the remainder of the financial year.

It was reported that, as at May 2017, the Council had a forecast overspend on General Fund of £6.9m. The majority of the £24m budget savings approved within the 2017/18 were being achieved. £11.9m of those savings were Directorate budget savings. However, in addition to those budget savings, Directorates were also required to achieve £5.4m of budget savings in 2017/18, which were agreed in previous budgets. Total Directorate savings for 2017/18 therefore were £17.3m. It was noted that the current position was that around £5.3m of those total savings were at risk of not being achieved in the current financial year (and were reflected in the current overspend projection).

It was further reported that the overall budget position would continue to be monitored closely with regular updates on progress in maintaining a balanced budget position reported regularly through Financial Monitoring reports to Cabinet. The projected outturn position also assumed that the savings of £1.1m for 2017/18 set against staff terms and conditions of employment are met from Directorate staffing budgets. The process for identifying and capturing those savings against workforce budgets was being agreed.

It was noted that the forecast overspend should be set against a backdrop of the Council having successfully addressed cost pressures of £138m over the last six financial years and having to save a further £24m in the current year and to deliver an additional £42m in efficiencies and savings in the following two financial years in order to balance the Council's General Fund Revenue Budget by 2019/20.

It was further noted that a significant in-year pressure of £4.880m on the Dedicated Schools Grant (DSG) High Needs Block would continue to an issue. It was anticipated that a recovery strategy set in place last year would resolve £3m of the deficit and mitigate the in-year pressure through a series of measures including: a revised Special School funding model; a review of high cost out of authority education provision with a view to reducing cost and moving children back into Rotherham provision where possible; and a review of inclusion services provided by the Council. Whilst the pressure did not directly affect the Council's financial position at that time it was considered imperative that the recovery strategy should be implemented in order to address the position and avoid any risk to the Council in the future.

Resolved:-

1. That the current forecast overspend for 2017/18 of £6.9m be noted.
2. That management actions continue to be developed to address areas of overspend and to identify alternative and additional savings to mitigate shortfalls in achieving planned savings in 2017/18.

3. That it be noted that a detailed Dedicated Schools Grant (DSG) Recovery Strategy which will transfer £3m in 2017/108 to reduce the forecast High Needs Block deficit and mitigate the in-year pressure through a series of measures has been set in place.
4. That the Capital Programme position and Treasury Management key indicators for the first quarter of 2017/18 be reported as part of the July monitoring cycle.

21. INTERIM REVIEW OF POLLING PLACES 2017

Consideration was given to a report which sought a recommendation from Cabinet to Council for approval of the commencement of an interim review of polling places in 2017 and the grant of delegation to the Chief Executive to designate polling places where a decision to do so is required at short notice.

It was reported that the Representation of the People Act (Section 18C(3)) allowed a local authority to conduct an interim review of polling places within its area, outside the timescales for a compulsory review. As the next planned elections (City Region Mayoral elections) were not scheduled until May 2018, it was considered appropriate to carry out an interim review to address issues which have arisen with the current provision of polling places.

It was noted that since the last review, issues have arisen with four of the council's designated polling places in Anston & Woodsetts, Brinsworth & Catcliffe, Maltby and Rother Vale wards. The report indicated that, although the process for an interim review is not stated in legislation, the Electoral Commission guidance suggested that a failure to follow a full review process would leave an authority open to potential challenge. The interim review should therefore comply with the provisions of Schedule 1A to the Representation of the People Act 1983, and reflect the Electoral Commission guidance on the review of polling districts and polling places.

Resolved:-

1. That Cabinet recommend to Council that:
 - a) approval is granted to undertake an interim review of polling places in 2017 following the process described in this report.
 - b) the scope of the review and the proposals for changes be noted.
 - c) the outline timetable for the review, as set out in Appendix 1, be agreed.

- d) power to designate polling places in accordance with section 18B of the Representation of the People Act 1983 be delegated to the Chief Executive, such power to be exercised only in circumstances where a decision is required at short notice and it is not possible to await a decision of Council.

2. That following the outcome of the consultation on the review, the Assistant Director of Legal Services report to Cabinet with final interim review proposals for determination in order for Cabinet to make final recommendations to Council.

22. BUSINESS RATES DISCRETIONARY RELIEF APPLICATIONS

Consideration was given to a report which sought consideration of four new applications for the award of a discretionary business rate relief for four organisations in the borough in accordance with the Council's Discretionary Business Rates Relief Policy, which was approved on 12 December 2016.

Resolved:-

1. That applications for Discretionary Rate Relief for New 2 You, Shiloh Rotherham and Open Minds Theatre Company be approved.
2. That consideration of the application by Chesterwood Trading Ltd. be deferred to the next meeting pending the receipt of further information.

23. STRATEGIC ACQUISITION OF HOUSING WAVERLEY HC5

Consideration was given to a report which sought approval to purchase six two bedroom apartments and four three bedroom houses at Waverley (parcel HC5) from Avant Homes.

It was reported that the properties were Section 106 planning gain units and would be purchased by the Council at approximately 62% of the open market value (including additional specification items and fees). The forecasted completion dates were March 2018 for two of the houses and December 2018 for the remaining two houses and six apartments.

It was noted that there was evidenced demand for both two and three bedroom properties in this location and resources were available in the Strategic Acquisitions budget. This was part of an ongoing programme of acquisition of new Council homes to replace properties sold under "Right to Buy" and maintain stock levels.

Resolved:-

That the purchase of ten homes at Waverly parcel HC5 from Avant Homes, using the Housing Revenue Account Strategic Acquisition Budget, be approved.

24. SITE CLUSTER II

Consideration was given to a report which summarised the extensive works that have been completed as part of the pre-development phase and sought approval for the development agreement, development programme, and the proposed financial arrangements.

It was reported that approval of the recommendations would allow the Council to proceed with the construction stage, which would deliver new homes across the seven sites in Maltby, Canklow, East Herringthorpe and Dinnington. It was noted that work would start on site in autumn 2017 with completion of the first phase in summer 2018.

Resolved:-

1. That the Assistant Director for Housing and Neighbourhoods, in consultation with the Council's Section 151 Officer, be authorised to approve the implementation of the development programme and phasing plan.
2. That the Assistant Director for Legal Services be authorised to enter into a development agreement and construction contracts.
3. That all development costs associated with the Construction Stage be funded from the Housing Revenue Account (HRA).
4. That the Assistant Director for Housing and Neighbourhoods in consultation with the Council's Section 151 Officer be authorised to determine the appropriate tenure for 21 of the units that have been identified as shared ownership or rent to buy homes under the government's Shared Ownership and Affordable Housing Programme (SOAHP).

25. DISTRICT HEATING SCHEME CHARGES REVIEW

Consideration was given to a report which detailed the outcome of a review of district heating and sought approval of a standing charge.

It was reported that the review of district heating had been undertaken following capital investment made to infrastructure that had improved the efficiency and concerns raised by tenants on the Swinton Fitzwilliam about high running costs. The review focused on reviewing anticipated costs for 2017-18 based on full year operating costs for 2016-17 now being available and the known cost reductions from significant investment in district heating infrastructure over the last 3 years now coming to fruition.

The report recommended the introduction of a standing charge so tenants at Swinton Fitzwilliam do not have a significant payment spike over the winter period and a reduction in the kwh charge across all district heating schemes. Those cost reductions would mean that charges for district heating in Rotherham were comparable with other local authorities in the sub-region whilst ensuring full cost recovery.

Having received representations from local Ward Members and residents from the Fitzwilliam estate in Swinton, an amendment was proposed to apply the charges from 2 October 2017 on all schemes across the borough, rather than retrospectively from 1 April 2017.

Resolved:-

1. That the revised district heating cost model be approved.
2. That the unit Kwh charge across all district heating schemes be reduced to 5.65p per kwh (incl. VAT) and apply retrospectively from 1 April 2017.
3. That a standing charge of £2 per week (incl. VAT) be introduced on all schemes across the Borough and apply from 2 October 2017.
4. That weekly pre-payment charges be reduced on all pooled schemes as detailed at 3.10 of the report.

26. OUTCOME OF THE CONSULTATION AND RECOMMENDATIONS ON THE LEARNING DISABILITY OFFER AND THE FUTURE OF IN HOUSE SERVICES FOR ADULTS WITH A LEARNING DISABILITY AND OR AUTISM

Consideration was given a report which further built on the outlined direction of travel provided within “Consultation on the Modernisation of the Learning Disability Offer and the future of In-House Services for Adults with a Learning Disability and/or Autism’ that was reported to Cabinet in November 2016 and set out the subsequent next steps and recommendations for consideration

It was reported that the review of the Learning Disability Offer and future of In-House Services for Adults with a Learning Disability and/or Autism was integral to the Council's overall vision for transforming adult social care. This entailed developing a service that would enable people with a learning disability to:

- have the opportunity to get a job and contribute to their community
- have the opportunity to choose where they live and • Have access to a good quality health service
- be kept safe and protected from all forms of exploitation
- access services of the highest quality which make a difference in assisting people to be as independent as possible
- offer services that are affordable, are personalised and are what people would want to choose

It was noted that the steps that had been taken over the previous two years had built on the principles of the Care Act 2014 and the need to enhance the Council's offer to move away from an offer of traditional based support to a model which promoted independence for young people and adults. However, it had been recognised that some customers with significant and complex needs would require support in a safe and secure environment but optimising their independence wherever possible.

In order to achieve this, the Council would need to work more closely with users, family carers, and key partners from the Rotherham Clinical Commissioning Group (RCCG), Rotherham, Doncaster and South Humberside Trust (RDaSH) and Health Stakeholders. There would need to be a focus on timely advice and information, technology and the delivery of improved outcomes for people in more cost effective ways, with an emphasis on what people can do rather than what they are unable to do. In real terms, this meant that people would have access to enablement services to ensure people's independence would be optimised as much as possible and this would be to ensure their best outcomes. This would include employment opportunities, leisure opportunities and a real choice as to where and how they live. The current building based offer of day care, respite and residential care could restrict the independence, choice and control of current customers and was not cost effective, although it was still considered that such care remained appropriate in the short to medium term for a small cohort of people with complex needs. In addition, it was recognised that the service spent £21.5 million (2016/17) on Learning Disability Services for approximately 725 people. The proposed new service 'offer' had to be supported by proactive and innovative commissioning.

The approach was outlined in the Cabinet Report of 26 May 2016, which would shape future services, ensuring there was a choice for people to access their support in a different way, such as being based in supported living or using shared lives rather than defaulting to residential care. The agreed commissioning approach would ensure that the market responds to the needs of individuals now and in the future. This would continue to be co-produced with people with a learning disability to facilitate the shaping of the market and in so doing inform the quality of support and the management of risk.

In order to support that process, the Council had commissioned Community Catalysts to develop small local and community based options that would offer individuals a range of activities to meet their support needs. This would also increase the preventative offer so those people who need short term assistance could build confidence or make contacts with relevant support groups. There would also be a focus upon providing an enablement service which was not currently provided when the Council reviewed the enablement offer, and there was evidence and good practice which showed the positive impact on people's outcomes when enablement was used effectively.

Resolved:-

1. That approval be given to the key principles for the adult social care pathway as outlined in section 5 which clearly defines the aspirations and the overall offer to the residents of Rotherham and underpins the Adult Social Care Vision and Strategy (March 2016).
2. That approval be given to a Prevention and Technology Strategy to be developed in line with the Care Act 2014 by August 2017 for all user groups.
3. That approval be given to a 12 week period of consultation with customers, staff and stakeholders on the options for Oaks Day Centre (Wath), and following the completion and analysis of the consultation agree to receive a further report outlining future recommendations.
4. That approval be given to a 12 week period of consultation with customers, staff and stakeholders on the options for Addison (Maltby) and following the completion of the consultation and analysis agree to receive a further report outlining future recommendations.
5. That approval be given to a 12 week period of consultation with customers, staff and stakeholders on the options regarding the re-provision of respite care to enable a closure of Treefields and Quarryhill respite and following the completion and analysis of the consultation agree receive a further report outlining future recommendations.

6. That approval be given to the retention of the REACH Day service with the option of reviewing the current accommodation.
7. That it be noted that all current customers will be individually re-assessed to ensure they receive the appropriate package of care.
8. That final proposals be received following analysis of the consultation responses.

27. PROPOSAL FOR NEW COUNCIL BUNGALOWS ON CATHERINE AVENUE, SWALLOWNEST AND ST MARYS DRIVE, TREETON

Consideration was given to a report which set out an immediate opportunity for the Council to build six bungalows on two Housing Revenue Account (HRA) owned sites on Catherine Avenue, Swallownest and St. Marys Drive, Treeton.

It was reported that grant funding was available, but approximately £323,500 would also be required from the Housing Revenue Account (HRA). The report sought approval to allocate HRA resources to allow the project to progress, thus increasing the amount of homes suitable for older people in the Council's housing stock.

Resolved:-

1. That the use of £323,500 from Housing Revenue Account (HRA) capital resources to fund the development of four bungalows at Catherine Avenue, Swallownest and two bungalows at St Mary's Drive, Catcliffe be approved.
2. That the use of £230K of Affordable Housing commuted sums monies to part fund the scheme be approved.
3. That the use of £180K of grant funding from the Homes and Communities Agency's Shared Ownership and Affordable Homes Programme to part fund the scheme be approved.
4. That the Assistant Director of Housing and Neighbourhood Services be authorised to accept a Tender for the construction works and enter into a development contract with the successful construction company.

28. RECOMMENDATIONS FROM OVERVIEW AND SCRUTINY MANAGEMENT BOARD

Consideration was given to the report which detailed the outcome of the meeting of the Overview and Scrutiny Management Board held on 5 July, 2017 to scrutinise the following reports on the agenda for consideration:-

- 2016/17 Budget Outturn Report
- May 2017/18 Financial Monitoring Report
- Site Cluster II
- Outcome of the consultation and recommendations on the Learning Disability Offer and the future of in house services for Adults with a Learning Disability and/or Autism

Having reviewed the papers and the recommendations, the Board made its own recommendations, which would be considered, taken account of and incorporated as part of the decision making on each report on this agenda.

Resolved:-

That the recommendations of Overview and Scrutiny Management Board be received and accepted.