

**COUNCIL MEETING  
27th June, 2018**

Present:- The Mayor of Rotherham (Councillor Alan Buckley) (in the Chair); Councillors Alam, Albiston, Allcock, Allen, Andrews, Atkin, Bird, Brookes, Carter, Clark, Cooksey, Cowles, Cusworth, D. Cutts, Elliot, R. Elliott, Ellis, Evans, Hoddinott, Ireland, Jarvis, Jones, Keenan, Khan, Lelliott, McNeely, Mallinder, Marles, Marriott, Napper, Pitchley, Price, Read, Reeder, Roche, Rushforth, Russell, Sansome, Sheppard, Short, Simpson, Steele, Taylor, John Turner, Julie Turner, Tweed, Vjestica, Walsh, Watson, Williams, Wilson, Whysall, Wyatt and Yasseen.

The webcast of the Council Meeting can be viewed at:-

<https://rotherham.public-i.tv/core/portal/home>

**1. ANNOUNCEMENTS**

The Mayor was pleased to present his activity since the last Council meeting and reported on how by the end of June he and the Mayoress would have completed the same number of engagements as they had as Deputy Mayor and Mayoress in six months.

**2. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Beck, Beaumont, B. Cutts, M. Elliott, Jepson and Senior.

**3. COMMUNICATIONS**

There were no communications received.

**4. MINUTES OF THE PREVIOUS COUNCIL MEETINGS**

**Resolved:-** That the minutes of the meeting of Council held on 18<sup>th</sup> and 23<sup>rd</sup> May, 2018, be approved for signature by the Mayor.

Mover:- Councillor Read

Seconder:- Councillor Watson

**5. PETITIONS**

The Mayor reported receipt of two petitions but they had not met the threshold for consideration by Council, and would be referred to the relevant directorate for a response to be prepared:-

- Containing 21 signatures on the Rotherham Truth Campaign (RTC), calling on the Chief Executive of Rotherham Metropolitan Borough Council (RMBC) to make public the full email sent by the former Director of Children's Services on 5th August, 2015 to the five Commissioners appointed to Rotherham and to state the position of the so-called expert.

Mr. L. Harron addressed the Council as part of the presentation of the petition calling on the Chief Executive to make public the full email sent by the former Director of Children's Services.

- Containing 31 signatures calling on the senior Rotherham Council officer:-
  - who was fully consulted about Voices of Despair Voices of Hope;
  - who ordered 1500 copies for Rotherham Council on 10 March 2015;
  - who joined the trip with victims, survivors and advocates to the Houses of Parliament and to Downing Street on 25 March 2015;
  - and who then sent a dreadful email on 15 September 2015:

to END HIS SILENCE and TELL THE TRUTH to adult survivors of Child Sexual Exploitation (CSE) in Rotherham about what he knows about why officials at Rotherham Council decided to return 1400 copies of Voices of Despair Voices of Hope (at a cost of £5600 to Rotherham Council)

Ms. Meleady addressed the Council as part of the presentation of the petition asking why officials decided to return 140 copies of the Voices of Despair Voices of Hope publication.

## **6. DECLARATIONS OF INTEREST**

Declarations of any disclosable pecuniary or personal interests in respect of items of business to be considered at this meeting were listed as follows:-

Councillors Alam, Jones, Pitchley, McNeely, Russell, Wyatt declared personal interests in Minute No. 221 (Council Motion – US Steel Tariffs) on the grounds that they were members of the Community Union.

Councillor Albiston, Ellis, Jones and Read declared personal interests in Minute No. 221 (Council Motion – US Steel Tariffs) on the grounds that a number of relatives were in receipt of a British Steel pension and that they were members of the Community Union.

Councillor Atkin, Cooksey and Napper declared a personal interest in Minute No. 221 (Council Motion – US Steel Tariffs) on the grounds that relatives were in receipt of a British Steel pension.

Councillor Bird declared a personal interest in Minute No. 221 (Council Motion – US Steel Tariffs) on the grounds that he was in receipt of a British Steel pension and that he was a member of the Community Union.

Councillor Cusworth and Keenan declared a personal interest in Minute No. 221 (Council Motion – US Steel Tariffs) on the grounds that they were members of the Community Union and their husbands and left the room whilst this item was discussed.

Councillor Hoddinott declared a personal interest in Minute No. 221 (Council Motion – US Steel Tariffs) on the grounds that she was supported by the Community Union during her election campaign.

Councillors Cooksey and Keenan declared a personal interest in Minute No. 221 (Council Motion – US Steel Tariffs) on the grounds that their husbands either were in receipt of a British Steel pension or worked for Liberty Steel and left the room whilst this item was discussed.

Councillors Sansome declared a personal interest in Minute No. 221 (Council Motion – US Steel Tariffs) on the grounds that he was in receipt of a British Steele pension and a member of the Community Union.

Councillor Walsh declared a personal interest in Minute No. 221 (Council Motion – US Steel Tariffs) on the grounds that he was in receipt of a British Steele pension.

Councillor Yasseen declared a personal interest in Minute No. 221 (Council Motion – US Steel Tariffs) on the grounds that a number of relatives were in receipt of a British Steel pension and that she was a member of the Community Union.

Councillor Wyatt declared a personal interest in Minute No. 218 (Cabinet Minutes – Minute No. 148 of 21<sup>st</sup> May, 2018) on the grounds that he was a service user.

## **7. PUBLIC QUESTIONS**

**(1)** Mr. Harron asked given the confusion about his question at the Council meeting on 23rd May would the Leader of the Council give his reasons for refusing to ask the Chief Executive for the name and position of the so-called independent expert who allegedly rubbished the publication Voices of Despair Voices of Hope.

The Leader confirmed that at the time that the Council asked the independent expert to review 'Voices of Despair Voices of Hope' it was agreed that the expert and the organisation they worked for would remain anonymous.

The name of the independent expert was only known by a few officers in the Council, on a need to know basis. This was in line with Data Protection Legislation.

The Leader confirmed he did not know the name of that person and was not sure if the Chief Executive knew the name, but could not give it to Mr. Harron due to the arrangement that was in place.

This linked into the email exchange that had taken place over the last few weeks he had had with Mr. Harron. The information could not be provided so the correct route, in accordance with the law and procedures, was to forward a Freedom of Information request. The Leader had offered to forward this on for Mr. Harron, but this had been declined.

Mr. Harron disagreed with the Leader's answer. On the first occasion the Leader claimed the information did not exist – he was wrong. On the second occasion the Leader said he did not have it. This would be pursued.

In a supplementary question Mr. Harron asked the Leader if he remembered on the 18<sup>th</sup> October Elizabeth and T, two adult survivors, presenting a petition asking for meaningful consultation about their needs. The response to that petition was dire. He asked did the Leader share his admiration and courage of Elisabeth and T, who had both been through the horrendous process of a trial leading to convictions, and would he thank them for everything they were doing to bring about a better Rotherham.

The Leader did associate himself with the comments of Mr. Harron and had been fortunate to be able to speak with one of the people concerned. However, he commended their bravery and acknowledged wholeheartedly the suffering caused to too many people for far too long in Rotherham and, therefore, in position respected the steps they were taking to improve the town and he was happy to meet with them. In answering Mr. Harron that could not step outside the boundaries of the law and rules and procedures under which this Council had to operate.

(2) Mr. Sylvester asked what would the inspection and regulation regime be of the Shared Lives service to ensure safeguarding standards were at least the same as those for day centres under proposed closure?

Councillor Roche confirmed RMBC's Shared Lives scheme was registered with the Care Quality Commission and was rated as 'Good'. Shared Lives schemes were regulated in respect of the regulated activity of 'personal care' as defined in the Health and Social Care Act 2008 (Regulated Activities) Regulations 2012.

The service was a member of Shared Lives Plus which was the national membership body for Shared Lives carers and schemes offering support to members to ensure the quality of service, with everyday issues around guidance, good practice, and regulation.

Shared Lives Carers recruited to the service would have undergone a rigorous recruitment process which was carried out over a period of time. Satisfactory references and Disclosure and Barring Service (DBS) checks was a requirement. There were additional health and safety checks to assess the suitability of the carers home which include assessment of access; security; fire safety; household insurance; public liability insurance. Once completed this information was presented to the Shared Lives Panel who then reviewed evidence of capability, values and safety that were taken into account when they were making decisions to approve carers.

Approved Shared Lives carers have to complete a programme of mandatory training which included safeguarding; moving and handling; first aid. They received regular updates and refresher training. They were also supported by the Shared Lives team to understand their roles and responsibilities, which were clearly defined in the carer's handbook. Shared Lives Carers were required to sign up to a carer's agreement.

Before anyone was placed with a Shared Lives carer there was a structured matching process carried out gradually over a period of time; this allowed assessing for compatibility between the Shared Lives carer and the service user. These introductory visits were supervised by one of the shared lives team.

Once a person was placed with an approved Shared Lives carer regular supervisory visits took place; this was a minimum of four per year once the placement was settled and established.

As a source of support for Shared Lives carers and service users the Shared Lives team held regular networking meetings and events. Some of these meetings were used to share information and can include guest speakers who focus on specialist topics.

Should there be safeguarding concerns raised there were clear procedures in place to investigate such matters in line with the requirements defined in the Care Act 2014. This could lead to the suspension and deregistration of a Shared Lives carer.

The Care Quality Commission (CQC) consistently rated Shared Lives as one of the safest and most effective forms of care and support and this continued to remain the case under their new inspection regime. In the State of Adult Social Care Services 2014 – 2017, CQC found that Shared Lives services outperformed all other forms of regulated care in inspections.

In a supplementary question Mr. Sylvester referred to the problem where men and women who used the day centres and their carers were not convinced that offering a service for people in their own homes. This required a hasty recruitment process in a market where it was difficult to recruit carers and was not as good a safeguarding regime. From bitter

experience when it came to safeguarding concerns the service users were believed and not the Council. With this if a full and frank consultation process had taken place and people properly informed why had the Council failed to convince the service users and their carers that the safeguarding regime was as good and the failure for doing this.

Councillor Roche recognised there were some concerns about Shared Lives by carers, but this was not the view shared by all carers. It was important to remember Shared Lives was only one of the ways forward and not the only way. Once the assessments were complete for users all the issues would be discussed. It was not possible to pre-judge those assessments which had not yet taken place and those concerns could be raised and gone through with the carer and service users at the time.

**(3)** Elizabeth was unable to attend the Council Meeting so would receive a written response.

**(4)** Mr. R. Symonds referred to the comment by the Cabinet Member that some service users would still require a building based service. He asked how many of the current cohort of day centre users would require a building based service, how many buildings were available in the independent sector and what was their total capacity?

Councillor Roche explained it was not possible to directly answer the question about the number of existing users who would require a building based service in the future until individual assessments have been completed for the whole cohort.

In terms of the question regarding the volume of alternative provision, individual choice would determine the chosen offer and, therefore, it was not possible to state what the exact building base capacity would be. The existing customers who were currently accessing the day services and other in house provision would all be re-assessed as part of the Learning Disability transformation activity.

The assessment process would review this with the key people in the customer's life and consider aspects such as friendship groups and a customer's individual eligible unmet needs and the best way to meet this. This may mean for some that this would be a different offer and not rely on a building base, however, for other people a safe building base may be the best option. There were a range of services available in a mixture of different buildings depending on the requirements of the individual as previously stated.

Meanwhile there would be adequate places and the Cabinet Member did understand that for many service users and their families this was a very worrying time even though few people who had learning disabilities chose to go into day care these days and the feedback from those people who had moved away from it, over the past year, had been very positive. The Cabinet Member knew this was a big change, but from what he had seen

was confident that the lives of those involved could be improved and that it was intended to do. He had discussed at the Carers' Forum the number of service users accessing day centre services and those who did not. He was happy to share that information again at the next Carers' Forum.

In a supplementary question Mr. Symonds asked, despite the best efforts of a diminishing adult social care workforce, Rotherham Council did not have a good record of carrying out care assessments. His sister, Jenny, a service user, was supposed to have an annual reassessment, but had not had one for five years. He asked what confidence could he have that there would be adequate provision and capacity that the 750+ service users would have an assessment in a timely manner.

Councillor Roche confirmed Mr. Symonds was right to raise this issue and had discussed this with the Strategic Director and raised this previously. He had asked that all the assessments must be completed this year and that additional resources must be provided to ensure they would take place. He was confident they would be undertaken on time.

(5) Miss Reed confirmed she liked going to the Oaks Centre, had been going there for ten years, had met her boyfriend there and went to see all her friends. She asked why she would not be able to go to the Oaks and see all her friends?

Councillor Roche could understand how upsetting this was for all. This was a big change and Council staff would be talking to users about being with friends and that when Oaks Day Centre closed people would still be able to do what they wanted. A meeting had been arranged with various people, including Miss Reed's mother, to discuss individual situations. Over the last few years there had been less people wanting to attend the Oaks Day Centre and the building needed more money spent on it to keep it safe. A decision was needed on whether to keep it open or do something different with assistance being provided for people with learning difficulties to do more and to give them control over their lives. Sadly this would mean Oaks Day Centre would close and the Cabinet Member was happy to discuss this further once changes had been proposed.

(6) Mrs. Reed described how her daughter had loved attending the Oaks Centre for ten years and how her friends and boyfriend were there. The decision for closure had made her daughter depressed and she had been prescribed anti-depressants. She asked what assurances could the Cabinet Member give that she could remain with her friendship group and where could they be accommodated.

Councillor Roche was sorry to learn that Mrs. Reed's daughter's health had been affected and he hoped he could help her through this period of change. He had arranged a meeting during July to look at the position.

As part of the re-assessment process all service users would be seen. As part of this process the social worker would look at what was important to each person and this would include the friendship circles that have been formed within services over the years.

As part of the consultation work that has taken place within services over the last two years the friendship circles have been mapped out. If there were any gaps this could be looked at again as part of the assessment process. The relationships were appreciated and it would be ensured that this was supported through the process to enable people to keep links with the people who were important to them.

The reassessment process would look at how to meet eligible unmet needs – this could be through a number of options and this would be discussed with the customer and the family members. There was a directory of the different types of community support options and activities that could be accessed within Rotherham. This could be found through the connect2support website.

In terms of the buildings it was hoped to open up new opportunities and groups and not lock them in day centres. He understood that people may be anxious and upset around the proposed changes and de-commissioning of the buildings. However, he gave his assurance that the Council would work with individuals and their families to offer support which would also include looking at any health needs.

In a supplementary question Mrs. Reed understood that direct payments would be made to pay for carers and asked what sort of care would be available for £7.80 per hour.

Councillor Roche confirmed direct care was an option, but until the assessments were complete it was not possible to predict what was suitable. Direct care was not the only option. He would discuss this further with Mrs. Reed at the meeting that was already arranged.

(7) Mrs. Healey confirmed her friend, Jenny, attended the Oaks centre. When Jenny was out in the wider community she got upset when unkind people stared and sniggered. She asked would the Council accept that trying to integrate her into the community this would cause her further distress.

Councillor Roche agreed that upset was totally unacceptable and went further as to say it was appalling and any kind of hate crime should be punished. He did not think it was good enough to accept that people with learning difficulties should be segregated from the community.



The voluntary sector organisation Speak Up have undertaken work as part of their offer to ensure that there was peer support within communities around hate crime and how this should be reported. This has also been presented to different groups included the Learning Disability Partnership Board.

The hate crime training aligned with peer led travel training empowered and enabled people with learning disabilities to access services in the community.

Any concerns regarding hate crime should be reported through to the Council or to South Yorkshire Police (Tel. 101).

In a supplementary comment Mrs. Healey had not regarded the comments to be labelled hate crime and it was more about young people laughing at others. Jenny was upset and would be upset more if she did not go to the day centre and wanted to know what the Council was going to do about it.

(8) Ms. M. Hudson asked what had the Council done to ensure that people with a learning disability, who would be affected by the closure of services, fully understood the proposals of the report and were able to ask questions and raise concerns to key RMBC officers?

Councillor Roche explained that from the point the Cabinet report was agreed on the 21st May, 2018, there have been letters sent out to services and service users to advise on the decision to agree the proposals.

There had also been an easy read version of the report circulated to all services and customers.

Key workers within service have also been supporting customers to understand the reports proposals and officers have been presented within services to answer questions that customers may have.

Further discussions have taken place with the voluntary organisation Speak Up which would undertake further work with services and customers in small groups to discuss the report proposals.

Throughout the two separate pieces of consultation around the Learning Disabilities offer that there have been many opportunities for customers, carers and families to have their say. In addition to completion of questionnaires which were available online and through hard copies there have been in excess of forty engagement events with an additional offer to meet people individually where this was requested. There had also been specific engagement with customers and families to build communication profiles and the use of flash cards and other supported communication tools.

In a supplementary question Ms. Hudson asked if she could be advised of the dates/times of when these events took place and the officers involved. Her own daughter would be affected by the day service closures and she had observed that some people would be devastated about what was happening. Some service users did not have a clue about the proposed changes and no one had attempted to explain this to them.

Councillor Roche confirmed he would ensure that list was forwarded on in writing. If those meetings had not taken place he expressed his concern.

(9) Mr. Simons asked how could Councillors, with little or no experience of caring for people with learning disabilities or autism 24/7, make a fair and realistic decision on their behalf?

Councillor Roche explained it was a Councillor's responsibility to represent all people living in communities including those with health and social care support needs. To discharge this duty Councillors worked closely with officers and customers who accessed services to inform the decisions to be made. Councillors did this by talking to people who used services and provide services. Councillors listened to people's concerns and responded appropriately and made sure where possible people who used services were involved in the decision making. There was active user representation and participation at the Autism and Learning Disability Partnership Boards and had commissioned the voluntary sector organisation Speak Up (user lead organisation) to help with the changes in services for people with learning disabilities.

The Council had developed a number of strategies which were co-produced and had a quality assurance process which ensured the customer voice was at the heart of the assessment processes. The Council did recognise that co-production could be improved and would not be complacent.

In a supplementary question Mr. Simons asked did the service providers exist that could accommodate the displaced adults with the same standards of the existing staff of the intended closing facilities and still offer the same choices to their customers and what evidence did the Council have that they did exist.

Councillor Roche was fully aware of one event and there were others planned to explain about the services available. A list would be made available to service users and was currently being worked on.

(10) Mr. Taylor asked in answering a freedom of information request in March this year about building on green belt land he was informed that 1.3% would be removed from the green belt and asked was this figure still correct?

Councillor Lelliott confirmed the response given was in relation to 2015 figures. Since then the Local Plan Sites and Policies document had been approved by the Council for submission to Government. At that time the estimate of land to be removed from Green Belt for housing was 1.3%.

The Sites and Policies document had since been examined by a Government Inspector and some changes made. Some sites have been deleted, some new sites added and some land included within the Green Belt.

The land to be removed from the Green Belt for housing was now around 1.1% of the Green Belt so less than the information received previously.

In a supplementary question Mr. Taylor confirmed it was preferable to protect green belt land wherever possible and build on brownfield sites. As part of the same FOI he received a response that said it did not hold a percentage figure of the whole of the brownfield land available in the borough that was proposed that may be built on as part of the Local Plan. This suggested to him that the Council did not actually know where the brownfield sites were located so how could the Council put forward an effective Local Plan when it did not know where the brownfield sites were.

Councillor Lelliott believed the Council did know exactly where the brownfield sites were and would chase this with officers. However, she reiterated the Local Plan had been through robust scrutiny by an Independent Inspector and had negotiated the figure for housing demand to have this reduced from 17,000 to 14,000. The Local Plan with the brownfield and greenfield sites was there to meet the future housing and employment growth, which meant some green belt land was required to be built on as there was an insufficient supply of brownfield sites to meet this demand.

## **8. EXCLUSION OF THE PRESS AND PUBLIC**

**Resolved:-** That under Section 100(A) of the Local Government Act 1972, that should the Mayor deem if necessary the public be excluded from the meeting on the grounds that any items involve the likely disclosure of exempt information as defined in the paragraphs of Part 1 of schedule 12(A) of such Act indicated, as now amended by the Local Government (Access to information) (Variation) Order 2006.

## **9. LEADER OF THE COUNCIL'S STATEMENT**

The Leader wished to provide a brief statement and confirmed:-

- The joy and news that Rotherham United Football Club had secured promotion.
- The Impendent Health Check commissioned by Commissioners to supplement information to Government. This information recognised

all the progress made which was now in the public domain.

- Rotherham Together Partnership one year on from launching the Partnership Plan celebrated together the progress made and the challenges ahead. From there it was confirmed that McLaren had now taken ownership in the AMP and the owner of Gulliver's Theme Park spoke passionately about the forthcoming project at Rother Valley Country Park.
- The Council had also formally appointed a new Director of Children's Services, John Stonehouse, who would join the Council at the end of the summer from York.

The Mayor invited other Members to ask questions of the Leader's Statement.

Councillor Reeder referred to the health check outcome for Commissioners and further the decision of the learning disability closures and the sale of some homes that were designated for people with learning difficulties that were now for sale in Eastwood. She asked was it not premature that they were for sale when they may well now be needed.

The Leader believed the two areas were entirely different. The Commissioners had to report on the governance of the Council of which there had been good progress and this was validated from people outside the authority.

This was distinct from the difficult decisions that had to be made. The Council had heard today from people in relation to learning disabilities and understood why they felt strongly about the changes being made. The decision was to be implemented over two years and whilst this had been reflected upon and the decision hard, this had been discussed with the Commissioners but the decision sat with the Council.

It had to be recognised that all Councils made the difficult decisions about needs and about services. This would continue as policies were implemented and it was hoped that at the end of the process the services would be improved so that those affected now would come back in the future and speak about the changes and how this could be improved in the future.

Councillor Cowles also commented on the learning disability closures and the arguments presented at the Overview and Scrutiny Management Board. The advice of officers was taken on board, but a number of recommendations were made relating to the need to relationships between users must be maintained, transition into the community must not be rushed, provision for long term residents must be available and that most importantly visits to Councils where there had been successful implementation of this policy and this was available to carers and users. If the issue was so important the visits should have taken place. He

expressed his concern about this. He also referred to an extract he had received from a service user which raised his concern further.

He asked why the Council had not ensured visits took place prior to the decision being made and why it was decided to take the route through Cabinet and not through Improving Lives.

The Leader confirmed there were visits made to other parts of the country well before the decision was made. There was a long lead in lead by Councillor Roche. No Member had taken this decision lightly and it was why there was a need to phase this in gradually. The view from the Overview and Scrutiny Management Board and been around providing further assurance and an opportunity for others to see first-hand about where the implementation had worked. A trip had been arranged during the summer.

In terms of decision making process there had been some discussions in scrutiny, but in governance terms the decision was an executive decision and the responsibility of Cabinet, which meant the report could then be considered through pre-scrutiny. There would be ongoing discussions through Scrutiny as part of the implementation.

In a point of information Councillor Steele confirmed the recommended visits to other Councils was to ensure that service users and their relatives could view first hand why the decision had been made.

**10. MINUTES OF THE CABINET AND COMMISSIONERS' DECISION MAKING MEETING**

**Resolved:-** That the reports, recommendations and minutes of the meetings of the Cabinet/Commissioners' Decision Making Meeting held on 16<sup>th</sup> April, 21<sup>st</sup> May and 11<sup>th</sup> June, 2018, be received.

Mover:- Councillor Read

Seconder:- Councillor Watson

**11. RECOMMENDATION FROM CABINET - ROTHERHAM LOCAL PLAN: ADOPTION OF THE SITES AND POLICIES DOCUMENT**

Further to Minute No. 159 of the Cabinet held on 11<sup>th</sup> June, 2018, Council were recommended to approve the adoption of the Sites and Policies Document, as modified by the Inspector's Main Modifications. The Sites and Policies Document allocated development sites to meet the targets for new homes and jobs in the Core Strategy. Having passed examination by a Planning Inspector, the Council could now progress to adopt and implement the Sites and Policies Document.

Adoption of the Plan would enable the release of the development sites chosen by the Council as the most appropriate to promote the sustainable growth of Rotherham. This would significantly boost the supply of new homes and jobs that Rotherham needed and support the delivery of the

Council's Economic Growth Plan and Housing Strategy. Crucially, it would also help ensure a five year supply of housing land to protect the Council against speculative development on other non-preferred sites.

Adoption of the Plan would also bring into force the development management policies designed to protect and enhance the environment. This policy protection was required to complement the Plan's growth ambitions and ensure new development was delivered in a sensitive manner.

A number of Councillors expressed their concerns and were unable to support the recommendations.

Councillor Cowles believed the process to be flawed and a number of issues remained unsatisfactory answered and some information misleading.

Councillor Carter was also unable to support the recommendation on the grounds that the number of brownfield sites was not known, there was a need to rejuvenate the town centre and this Plan did not go far enough.

Councillor Reeder too was unable to support this on the grounds that there was little chance of younger people getting on the housing ladder.

Councillor Napper too expressed his concern about key sites being left derelict in his own ward, but believed there needed to be a good excuse as to why developers were building on green field land instead of brown.

Councillor John Turner was worried about congestion around some key sites identified in the Plan.

Councillor Steele confirmed the Overview and Scrutiny Management Board had taken a key interest in the document as part of the pre-scrutiny process and sought clarification on issues from the Cabinet Member and relevant officers.

Councillor Cusworth, Mallinder and Watson wished to express their support and took pride in the fact that 70% of the borough remained green. Only 1.1% of the borough's green belt was to be included in the Plan for development.

Councillor Lelliott, Cabinet Member for Jobs and the Local Economy, took on board all the comments, confirmed only 1.1% of the borough's green belt was to be developed and pointed out the negotiations that led to a reduction in the housing target from 17,000 to 14,000 over the next five years.

**Resolved:-** (1) That the Inspector's final report and the recommended Main Modifications be noted.

(2) That the Sites and Policies Document, as modified, be adopted as part of the Development Plan for Rotherham.

Mover:- Councillor Lelliott

Seconder:- Councillor Read

**12. COMMUNITY GOVERNANCE REVIEW - ORGREAVE PARISH COUNCIL - IMPLEMENTATION OF FINAL RECOMMENDATIONS**

Further to Minute No. 192 of the meeting of Council held on 23<sup>rd</sup> May, 2018, consideration was given to the report which sought approval for the making of the Reorganisation of Community Governance Order required to bring the Final Recommendations into effect.

Following the receipt of a proposed amendment to the final recommendations and for these to be properly considered it was suggested that this report be deferred to allow for consultation with the Waverley Residents Association to take place.

Resolved:- (1) That consideration of the implementation of the Community Governance Review be deferred until the next meeting of Council on the 25<sup>th</sup> July, 2018.

(2) That the Assistant Director of Legal Services consult the Waverley Residents Association on the budget requirement for the proposed Waverley Community Council and provide a further report to the meeting of Council on 25<sup>th</sup> July, 2018.

**13. NOTICE OF MOTION - US STEEL TARIFFS**

Proposed by Councillor Sansome and seconded by Councillor Wyatt:-

That this Council notes:-

1. With alarm the decision of the US President Donald Trump, to impose a 25% tariff on imports of steel from the European Union, including the UK, to the USA, and a 10% tariff on aluminium.
2. That the UK sells approximately £360 million of steel to the USA annually.
3. That when the USA last imposed tariffs on EU steel imports under President George W. Bush in 2002, they cost the US economy an estimated 200,000 jobs – more than the entire US steel production workforce at that time.
4. The continued importance of steel production to the Rotherham economy, with 12% of revenue to Liberty Speciality Steels in Rotherham reportedly coming from exports to the USA.

This Council believes:-

1. That the imposition of US tariffs will be harmful both to the US and global economies.

This Council resolves:-

1. That the protectionist policies of the current US administration be condemned.
2. That the government be urged to make the strongest possible representations on behalf of the UK steel industry.
3. That the Community Union's "Stop Trump Tariffs" campaign be supported.

On being put to the vote, the motion was carried.

**14. MEMBERSHIP OF COMMITTEES, PANELS AND BOARDS**

Further to Minute No. 190 of the meeting of Council held on 23<sup>rd</sup> May, 2018, consideration was given to the request for Councillor Short to fill the UKIP vacancy on the Standards and Ethics Committee.

**Resolved:-** That the request for Councillor Short be appointed to the Standards and Ethics Committee be approved.

**15. HEALTH AND WELLBEING BOARD**

**Resolved:-** That the reports, recommendation and minutes of the meeting of the Health and Wellbeing Board be adopted.

Mover:- Councillor Roche

Second:- Councillor Mallinder

**16. PLANNING BOARD**

**Resolved:-** That the reports, recommendation and minutes of the meetings of the Planning Board be adopted.

Mover:- Councillor Sheppard

Second:- Councillor Williams

**17. LICENSING**

**Resolved:-** That the reports, recommendation and minutes of the meetings of the Licensing Board Sub-Committee be adopted.

Mover:- Councillor Ellis

Second:- Councillor McNeely

**18. MEMBERS' QUESTIONS TO DESIGNATED SPOKESPERSONS**

**(1) Councillor Carter** asked how did the spokesperson for the Police and Crime Panel propose to hold the commission to account for the discharge of their statutory functions now that these functions have been restricted to only those on the meeting agenda?



Councillor Sansome explained the Chair and Vice-Chair of the Police and Crime Panel have been provided with detailed legal advice by the Monitoring Officer/Solicitor to the Panel. The Panel would consider questions that fell within its statutory functions, but it may also consider other questions that were necessary for the Panel to carry out its functions. It was important that questions should not relate to operational issues for which the Police and Crime Commissioner was responsible in holding the Chief Constable to account.

Some Panel Members were frustrated with the weakening of power to the Panel, but it was important to note that it was not the Panel's role to hold the Chief Constable to account only the Police and Crime Commissioner.

In a supplementary question Councillor Carter asked about representatives on the Panel being able to ask about these issues as and when they arose, when contacted by residents, and asked if the representative agreed.

Councillor Sansome explained there may be opportunities when situations arose, but the Panel had to work within confines of its work plan, holding the Police and Crime Commissioner to account the same as any other scrutiny panel. The Panel was unable to look beyond its remit and had to act in accordance with the rules and procedures agreed at the start of every municipal year.

Unfortunately, there were some people who preferred to raise issues and challenge the Commissioner on social media when Councillor Sansome would prefer them to come to a meeting and raise the issue about what action was being taken to address child sexual exploitation, hate crime and domestic abuse.

(2) Councillor Cowles referred to a recent press article where Councillor Sansome made some disparaging comments about the 101 service. He was the first Labour Councillor he had heard express concern. Yet the public were still being asked to use this unfit service. He asked would the Spokesperson tell the Council what he proposed to do about it.

Councillor Sansome confirmed Councillor Cowles was right he had made comments about the long running saga it had taken to get the 101 system up and running. He was surprised that he was felt to be the first Councillor to raise concerns as at a recent meeting with the Chief Constable other Councillors were also present and stated their feelings regarding the 101 service.

If he was understanding the thoughts and comments raised by colleagues in that meeting Councillor Sansome felt it only right that he arrange through the Cabinet Member a meeting, involving Councillor Cowles, in order to sit with the Commissioner to look at the failings in the 101 service and how these could be rectified and when.

Councillor Cowles thanked Councillor Sansome for his response and would certainly take up the offer of the meeting.

In a supplementary question Councillor Cowles referred to other Police and Crime Commissioners having more than one role, whereas the South Yorkshire had a separate Police and Crime Commissioner. However, he pointed out the 101 service was not considered fit for purpose one year ago and a year later it was still not fit for purpose. He asked how had the Police and Crime Commissioner got the audacity when he found it easy to increase the precept by 6% raising taxes. Better things were expected. He asked if Councillor Sansome would, as well as calling a meeting, write a strongly worded letter to the Police and Crime Commissioner asking him to be effective or go.

Councillor Sansome confirmed he would put a letter together and ask within it advice from the Police and Crime Commissioner and the Cabinet Member.

**(3) Councillor R. Elliott** referred to the high court hearing with the FBU concerning CPC and according to public record the Fire Authority spent £800K legal fees of public money and lost. A sum which could cover the cost of a second appliance in Rotherham for four years. He asked how could this be a justifiable use of public money?

Councillor Atkin confirmed it was anticipated the legal costs would be in the region of £75,000 not £800,000 as reported. He made no apologies for this court case as the Close Proximity Crewing was saving the Authority £1.6 million per year so this was well justified.

In a supplementary question Councillor Elliott having read the judgement believed the Fire Authority was not comfortable with the Close Proximity Crewing and it was in danger of acting in a critical manner. The judgement said the system was unlawful, although the service had protested this at every stage. Councillor Elliott and his opposition colleagues were alarmed that a public body was knowingly acting unlawful by fulfilling one statutory duty by not fulfilling another.

As Vice-Chair of the public body it was not acceptable that Councillor Atkin was overseeing this position. He asked could Councillors view all the related documents that have been issued as he was led to believe the Fire Authority agenda items would be discussed in the absence of the public and press.

Councillor Atkin explained there had been no discussion in the absence of the press and public about the Close Proximity Crewing. There had been a meeting on Monday and again no exempt items to do with this issue.

Councillor Elliott was saying the actions were unlawful, but the comments by the Judge with regards to the unlawfulness related to the working arrangements not being in accordance with the EU Working Directives, not that they were unsafe.

**(4) Councillor Carter** asked what were the total legal costs incurred by the South Yorkshire Fire Authority from the point the Close Proximity Crewing issue was first taken to court?

Councillor Atkin explained there were two elements to the costs – the costs of the Judicial Review which was given in response to Question 3 as in the region of £75,000, and the additional costs associated with the employment tribunal. Whilst final figures were still awaited, it was anticipated the total costs would be just in excess of £100,000.

In a supplementary question Councillor Carter asked, given the services being cut throughout South Yorkshire and the removal of the second appliance in Rotherham did the Spokesperson think £100,000 was a good use of taxpayers' money?

Councillor Atkin confirmed he did. When Close Proximity Crewing was introduced due to the budget shortfall it saved £1.6 million so it was appropriate to use £100,000 to defend £1.6 million.

**(5) Councillor Carter** asked what were the anticipated legal costs incurred by the SYFR Authority of enacting the High Court Close Proximity Crewing judgement?

Councillor Atkin confirmed strictly speaking there were no legal costs in terms of enacting a Judgement. Legal costs have already been provided and there would be operational costs. These were still being calculated and would be subject to a further report to the Fire and Rescue Authority.

In a supplementary question Councillor Carter asked, given that crews had been using Close Proximity Crewing system for the some time, what were the back payments projected to be?

Councillor Atkin confirmed there was no costs at the moment until the industrial tribunal had met. At this stage it was not known what detrimental payments would be.

**(6) Councillor Carter's** question had been included as part of his supplementary question above.

**(7) Councillor Carter** asked what were the anticipated costs of detriment payments to firefighters affected by Close Proximity Crewing judgment.

Councillor Atkin explained the Authority was not in a position to make an estimate until a further hearing has taken place in the autumn. Negotiations had been attempted with the FBU, but these remained unresolved until the hearings had taken place.

**(8) Councillor Carter** asked could he be assured that there would not be cuts to front line fire services in South Yorkshire as a consequence of the High Court Close Proximity Crewing judgment.

Councillor Atkin explained at a time of significant and ongoing funding cuts, this voluntary staffing system saved the fire service money whilst protecting the immediate 999 response to the public. Following the judgement, the Authority would consider how else to save the £1.6 million this system afforded annually. Inevitably, and unfortunately, this was likely to mean changes which represented a reduction in current 999 provision across South Yorkshire. Any changes would be considered, and consulted on, as part of the service's integrated risk management planning process.

In a supplementary question Councillor Carter asked what were the implications of Regulation 6 on staffing and Close Proximity Crewing.

Councillor Atkin explained from the judgement it was his recollection that it was Directive 10 and not Directive 6 that the Fire Authority lost on and this was to do with staff not spending eleven hours away from work before coming back on shift.

## **19. MEMBERS' QUESTIONS TO CABINET MEMBERS AND CHAIRMEN**

**(1) Councillor B. Cutts** was unable to attend the meeting so his question would be answered in writing.

**(2) Councillor B. Cutts** was unable to attend the meeting so his question would be answered in writing.

**(3) Councillor Carter** asked when would he be able to see the expected improvements to road safety on Bawtry Road?

Councillor Hoddinott explained the consultation started in February and no objectives were received. The Cabinet Member was pleased to report that the works would now be progressed and this would take place during the summer holidays.

**(4) Councillor Carter** asked following earlier commitments, which two new pedestrian crossings did the Authority plan to erect during this financial year?

Councillor Hoddinott confirmed the following crossings would be delivered through the 2018/19 Highway Capital Programme:-

- Fenton Road, Wingfield
- Morthen Road, Wickersley

Both schemes were at the design stage and would be delivered within this financial year. The Fenton Road crossing was at a more advanced stage in the design process and was likely to be delivered first.

Councillor Hoddinott thanked Councillor Carter for raising this issue, but pointed out that it was part of the budget proposals to increase the number of pedestrian crossings each year which Councillor Carter had actually voted against.

In a supplementary question Councillor Carter asked given the crossings were based on order of priority where was Bawtry Road on the list.

Councillor Hoddinott confirmed the Bawtry Road pedestrian crossing was number three on the list so residents would see works commence at the start of the next financial year. However, as works were already due to take place on Bawtry Road it was feasible to start some of the works on the crossing in preparation this summer with an anticipated completion date early in the next financial year.

**(5) Councillor Napper** asked how many planning applications a year did R.M.B.C.'s Planning Department receive?

Councillor Lelliott confirmed in 2017 there had been 1,862 applications received. This represented an average of 1,729 applications over the period.

**(6) Councillor Napper** asked how many people worked in the Planning and Building Control Department from Strategic Director down?

Councillor Lelliott confirmed there were 48 officers which was 43.21 full time equivalents.

In a supplementary question Councillor Napper referred to complaints he had received about the time it was taking to process applications and where there appeared to be discrepancies in what was allowed to be built in certain places.

Councillor Lelliott confirmed she was happy to meet Councillor Napper outside the meeting to discuss.

**(7) Councillor John Turner** asked what was the present cost to run the waste disposal wagons per year and what was the cost of hire when vehicles broke down (how much per year)?

Councillor Hoddinott confirmed the total cost of running the Council's refuse and recycling collection fleet was £1.73 million per year and of that cost, £1.03 million (60%) was associated with the hire of vehicles.

Within these costs there were a number of 'spare' vehicles which covered breakdowns, and scheduled MOTs, servicing and vehicle inspections.

At the last Council meeting the decision was taken to allow the service to go out to tender to buy a number of replacement refuse and recycling collection vehicles. This approach was expected to save the Council around £470,000 per year.

In a supplementary question Councillor Turner referred to the process of emptying refuse vehicles, the speed of the refuse vehicles travelling he had observed in his own area and the damage caused to vehicles through speed reduction measures. He asked if this had an impact on the hiring of vehicles, if the decision was taken to purchase Council owned vehicles and if an incentive could be adopted for operatives in keeping costs to vehicles to a minimum.

Councillor Hoddinott would happily pass on the suggestion. Any concerns about refuse vehicles speeding on residential roads should be reported and to alleviate costs the first thing management had introduced in refuse vehicles was fuel efficiency in-cab technology which could be viewed on site at the depot for any Members wishing to visit. The purchase of refuse vehicles was also another measure to reduce costs.

**(8) Councillor John Turner** asked was there a particular area of the refuse vehicle that was vulnerable to breakdown e.g. suspension?

Councillor Hoddinott had been advised by the service that it was the compaction body of the vehicles where defects tended to occur most often.

**(9) Councillor John Turner** withdrew Question 9.

**(10) Councillor Carter** would be provided with a written response to his question from the relevant Cabinet Member.

**(11) Councillor Carter** thought about the consultation on learning disability services held late last year and asked how well were those using the services able to engage in the consultation?

Councillor Roche explained consultation over Rotherham's offer to people with learning disabilities took place in two stages. In November 2016, Cabinet and Commissioners agreed the first stage, a broad consultation about the Council's services and the expectations of service users, their families and other stakeholders.

This ran between 5<sup>th</sup> December, 2016 and 2<sup>nd</sup> February, 2017, and engaged 627 people, including 23 engagement opportunities (one to one conversations, group discussions and focus groups).

That consultation informed a further report to Cabinet and Commissioners in July 2017, which proposed further consultation, including specific proposals for the building-based day services at Oaks Day Centre, Addison Road, and Treefields and Quarryhill respite centres.

That consultation period ran from 3rd October to 22nd December, 2017.

In the pre-consultation period, the Council engaged with customers with a learning disability and their carers about the content, process and method of consultation to ensure equity of access across the stakeholder groups. Following this engagement an online questionnaire was finalised; a set of flashcards developed for people with complex needs and an easy read paper based questionnaire was developed with the support of a doctor and researcher specialising in learning disabilities and autism.

Engagement sessions were set up and facilitated by the Council and Speakup Advocacy service. A 'train the trainer' programme was run to support and prepare twelve consultation champions: a one hour session every two weeks for the duration of the consultation period repeated in each of the three day centres. The sessions encouraged feedback from those present at the sessions. The consultation champions then fed back to the Council in week twelve of the consultation period.

Flyers were produced and distributed to customers and their carers. In order to promote maximum awareness of the consultation to the wider community, a total of six press releases were distributed to launch the consultation and remind people to take part and as a result the story featured in local news publications including the Rotherham Advertiser. The consultation was advertised on RMBC's website with a bespoke consultation page and a news story linking to the online consultation. Information about the consultation was shared with our communication partners including the Rotherham Together Partnership (consisting of 19 different organisations) and local colleges.

Hard copies of the easy read consultation questionnaire were also available on request.

473 responses were received which formed the basis of the report to Cabinet and Commissioners in May this year and the Cabinet Member and other officers had spoken to the Carers' Forum several times.

The view was that the core principles that must be followed in any lawful public consultation process have been complied with: the Council had been open and transparent; there have been various opportunities to encourage engagement and include people in a variety of ways to elicit informed responses that were taken into account when a decision made about the future of the in-house respite and adult day services.

In a supplementary question Councillor Carter asked about the 473 responses to the consultation, what proportion of these were service users and of these the proportion who had severe needs.

Councillor Roche confirmed 177 were from people with a learning disability, 112 carers, 99 staff and 85 members of the public.

**(12) Councillor Carter** asked could the Cabinet Member assure residents that the changes to learning disabilities services would safeguard against those with learning disabilities becoming socially isolated?

Councillor Roche explained that he would very much hope that the changes would help those with learning disabilities to have more opportunities for social interaction, not fewer. If he did not believe that the changes being brought in for the better he would not support them.

No changes would be made to anybody's service without a full reassessment if the outcome of that reassessment was that people need support to maintain their friendships and not doing so would have a significant impact on their wellbeing as the Council were duty bound to facilitate and support these relationships. This could be done in a variety of ways and settings outside of the building-based model.

Social isolation and loneliness covered all sectors and all ages and not just those with learning disabilities which was why an action plan was being put together to tackle this aspect in Rotherham. Councillor Roche was happy to sit down with Councillor Carter and answer any questions about this process.

In a supplementary question Councillor Carter asked about the move away from building based learning, which had been reported in Southampton, which showed this move to person based provision did increase the level of mental ill health and social isolation. Given this fact why was the Council moving away from the building based provision?

Councillor Roche explained he was aware of the reports, but he was more than happy to discuss this in more detail. However, moving to a personalised based service did not increase social isolation and as reported already today the Council, as part of the assessments, would take seriously into account friendship groups.

**(13) Councillor Carter** asked with the escalating costs and restrictive opening times, could the Cabinet Member confirm that two letters to Dignity was the total correspondence they have had since May 2017 and what had the response been from Dignity?

Councillor Hoddinott confirmed this was not the total. In addition to the letters referred to, officers were in regular dialogue with Dignity in respect of a wide range of issues including reviewing service provision and



monitoring the performance of the contract. As reported previously a new performance management regime was being implemented with regular monthly meetings.

The Chair of the Improving Places Select Commission had invited Councillor Carter to the meetings as they had been involved with the performance framework and the reporting lines. The meeting later this month would also be looking into this further.

As reported previously Dignity had not yet increased prices in 2018, the next price increase would be considered in October 2018, following completion of the refurbishment works but no fees have been set.

The most recent letter was sent to Dignity on 29th May, to which they had not yet responded.

In a supplementary question Councillor Carter asked would the Cabinet Member be chasing up this latest correspondence and what response was the Cabinet Member hoping to receive from Dignity.

Councillor Hoddinott confirmed she would chase up the correspondence, but the Council also had the opportunity at scrutiny to put this to Dignity.

The Cabinet Member would continue to press on the concerns raised by residents about the costs, comparisons to other authorities, opening hours, how it was dealing with religious requirements, costs of memorials etc. There had been a bit of movement on the freeze of costs, but the Cabinet Member would continue to press Dignity on these issues to get the best from the contract for residents.

(14) Councillor Carter asked about a senior coroner for Inner North London who was found to be discriminatory by not taking into account religious beliefs and customs when managing workload. Given Dignity's restrictive opening hours did the Cabinet Member share his concern that a similar case could happen here?

Councillor Hoddinott confirmed she was aware of this key case in terms of discrimination. Both the Cabinet Member and Councillor Alam had looked in terms of equalities and sought assurances that the Coroner in Rotherham had always and continued to take into account religious and non-religious requests. The Coroner had not been operating in the way that had been criticised in North London.

In a supplementary question Councillor Carter asked how the restricted opening times of the Dignity contract could be deemed discriminatory and whether as a Council this was something we had considered.

Councillor Hoddinott explained the case in North London was more about the Coroner not making any changes in terms of religious beliefs and simply dealt with things in date order.

Dignity did offer a short notice burial service for religious or non-religious reasons and would endeavour to meet requests for short notice burials so did not feel they were in breach of this duty, but would continue to look at this further.

This was a key legal case, but it was more for what was wanted for residents which was beyond that to provide a good service in Rotherham.

(15) Councillor Carter asked when people with learning disabilities were re-assessed, would they get the same level of support which they have currently, and could the administration guarantee that this would be at no extra cost to both them and their families?

Councillor Roche confirmed the assessment process would determine the best way to meet each person's unmet eligible needs and this would be discussed with the family and people who were part of the customer's life.

As part of our Care Act 2014 duties the Council were required to review individuals who receive funded care at least annually and/or when individual circumstances changed. The assessment process was holistic and person centred. The outcome could not be determined by the amount of funding available.

If a need was identified, which was impacting upon an individual's wellbeing, the Council was duty bound to meet that need.

A detailed co-produced support plan would be agreed with the customer and/or advocate. It, therefore, could not be agreed that the same level of support would be provided following the assessment as this would not take into account individual needs and support requirements.

Some customer may receive less funded care as suitable no cost or low cost alternatives were available to fully meet their needs. However, some customers may require more support following a review, as their circumstances have changed.

It must be stressed that the Council could not change the services customers receive without conducting a full assessment of their needs.

In a supplementary question Councillor Carter asked about direct payments and how these families would be taken into account as part of the assessment process. Would they be able to access the same support through the direct payments scheme and use this for similar sort of services determined by the assessments.

Councillor Roche pointed out that the day care services would not be there. Until all the assessments were complete it was not possible to say what provision would be available.

The Cabinet Member was more than happy to discuss this further with officers with Councillor Carter about direct payments, but this was only one way forward not the only way.

**(16) Councillor Carter** asked how could the Council guarantee that there would be enough suitably trained care workers to meet the needs of residents with learning disabilities?

Councillor Roche confirmed that as part of the learning disabilities transformation work there had been engagement and discussion with 51 new and existing providers to continue to shape and expand the current offer for people with learning disabilities and or Autism.

Some of these organisations were run by former day care centre staff and the Cabinet Member had heard presentations from them. He was pleased to see what a good job they were going to do. Existing learning disability providers did have skilled and experienced staff.

In a supplementary question Councillor Carter was aware that 30% of carers moved between jobs and asked did the Cabinet Member think this process would increase or decrease this level for service users.

Councillor Roche was unable to say one service could be substituted for another. However, in some cases some provision would be similar as there were organisations out there to meet the need. This was about personalised services and it may be that a group of friends during the assessment could decide themselves with support that they would go to an existing provision. Until all the assessments were completed it was not possible to predict whether levels would increase or decrease with the moving away from building based provision.

**(17) Councillor Carter** asked could the new learning disability strategy also guarantee a bed for emergencies or in sickness like the Council could presently offer?

Councillor Roche explained that in respect to emergency beds or emergency placements this would be looked at on an individual basis and there was capacity within the external market to provide respite beds for customers if it was deemed that this was needed. There were currently 10 externally commissioned beds and this capacity was due to increase in the future as part of the Council's Learning Disability Strategy.

In addition to the respite beds, there was also emergency support for carers available through the Carers' Emergency Service in their own home. This was when the carer could not provide their usual substantial level of care to a relative or friend due to an unforeseen situation such as ill health, accident or admission to hospital. The care under this scheme could be provided on the day of the request, within two hours if necessary, and may be for short periods of time to undertake specific tasks or for up to 24 hour care in the home.

In a supplementary question Councillor Carter asked if any of these current beds were closing as a result of these current changes.

Councillor Roche pointed out that respite care was provided at all times for all users.

**(18) Councillor B. Cutts** was unable to attend the meeting so his question would be answered in writing.

**(19) Councillor Carter** asked how could the Council justify sacrificing vital green spaces to developers when they were unable to deliver housebuilding projects on vacant brownfield sites in the borough?

Councillor Lelliott confirmed there was simply not enough suitable brownfield land within Rotherham for the new homes and jobs needed. Because of this, the Council had had to identify some greenfield sites along with Green Belt land that could be released for new homes and employment.

The Council had negotiated a lower new homes target, which the Inspector agreed with for around 14,000 houses. This met the Borough's needs for new homes and jobs whilst limiting the amount of greenfield and Green Belt for development.

The sites identified by the Council have been through many stages of public consultation and then examined by a Government Inspector. The Inspector had made some limited changes to the plan, but had accepted the vast majority of sites. He said that they were the most appropriate choices and should be supported.

The plan included strong policies to protect land that was now allocated as Green Space.

**(20) Councillor Cowles** referred at a Neighbourhood Watch Meeting Inspector Paul Ferguson saying, "Eastwood is affected by many problems and, there does not seem to be any effective counter measures. We continue to repeat previous efforts. In particular those of Steve Parry, now regarded as ineffective." and asked why was the Cabinet Member not listening and learning?

Councillor Hoddinott was aware of the meeting and had been in contact with the Chair and spoken to Inspector Paul Ferguson directly. It would appear Councillor Cowles had not. Inspector Ferguson had not said what Councillor Cowles claimed he had. So rather than accusing the Cabinet Member of not listening, perhaps Councillor Cowles should take the time to stop misrepresenting people and get his facts straight instead.

In a supplementary question Councillor Cowles referred to the last Council Meeting when Ward Councillor Fenwick-Green asked about what improvements had been made with the Eastwood Deal and asked for confirmation. For those not familiar with the state of Eastwood there was a plan which needed major revision. He suggested that an action be included that the Cabinet Member send for the pied piper or learn to play the pipes as it was the only way to get rid of the rats in Eastwood.

Councillor Hoddinott asked the Mayor to ask Councillor Cowles to apologise for his last comment as it sounded as though he was referring to the people of Eastwood as rats. She hoped this was not the case and his comments were clarified.

The Mayor believed the comments to be totally inappropriate and invited Councillor Cowles to make any apology.

Councillor Cowles did not wish to offer any apology.

**(21) Councillor Carter** asked would the Cabinet Member agree with him that the departure of yet another store from Rotherham High Street in Greenwoods was another example of a lack of confidence in the Council's Town Centre Masterplan and also its failure to implement a radical solution?

Councillor Lelliott disagreed with Councillor Carter.

**(22)** Councillor Cowles understood that following the earlier successful trial of litter enforcement it was proposed to re-engage Kingdom. Previously the Council contracted directly with the company and he asked would the Council continue to contract directly with this company, or would an alternative arrangement be put in place and, if so, why and with whom?

Councillor Hoddinott confirmed the trial did show enhanced enforcement was successful and was keen to pursue this further and discussions were now ongoing about the provision of additional enforcement resources on an ongoing basis through a partnership arrangement with Doncaster Metropolitan Borough Council to continue this approach. The decision was taken in January and a full report was taken to Cabinet. The Cabinet Member was happy to share the detail.

In a supplementary question Councillor Cowles referred to previous arrangements i.e. Dignity and the contract which was less than ideal which the Cabinet Member had not negotiated. With this new arrangement contracted through a third party would the Cabinet Member confirm if this resulted in a positive position on the Council's finances or a negative one. If it was negative, by how much and why was this option selected.

Councillor Hoddinott confirmed the primary reason for this contact was to bring about enhanced enforcement. As a result of the number of fines issued some income came back into the Council after legal costs and processing which went back into the service. It was important to get the contract right and a long session took place at Improving Places where Members had the opportunity to look in detail at the trial and decide what they wanted from the service going forward. This would then ensure that the recommendations put forward were in place in the contract and feedback from Members at the forefront. There would be a positive impact as it would provide income to the Council.

**(23) Councillor Napper** referred to R.M.B.C.'s Local Plan and the areas where building was planned and asked were there any covenants on any of this land apart from Boston Park.

Councillor Lelliott explained when the Council prepared the Local Plan, any constraints such as covenants on land were taken into account, where known. The Council did, however, rely on information provided by the land owners and developers who put forward sites for the plan.

The examination of the plan by an independent Government Inspector allowed for scrutiny of each site. Therefore, anyone with an interest in a site could identify and make known, any covenants or other issues which may have affected the development of the site. Following the examination process, the Council was not aware of any covenants directly affecting the development sites in the plan.

In a supplementary question Councillor Napper asked if Legal Services had looked at all the land to ensure there were no covenants and had the Inspector been given all the information required. This would prevent old landowners objecting to development on land that they gave over.

Councillor Lelliott explained the role of the Local Plan was to establish that a site was suitable in principle for development. The Plan did not assess in detail every eventuality for sites, as these were matters that were explored in specific planning applications.

Granting planning permission did not override the restrictions that might be contained within a covenant. It would be for the developer to ensure they had unrestricted rights to implement any planning permission or seek to overcome those issues.

**(24) Councillor Carter** referred last year to the Council expecting incidents of fly tipping to increase. Given this, what additional resources have the administration planned to introduce to combat this issue?

Councillor Allen explained in terms of resources to combat fly tipping the service had installed ten CCTV units in selective licensing areas, purchased a number of covert cameras to be used in rural locations and were in the process of recruiting an additional enforcement officer to work

on this, as well additional CCTV to tackle all sorts of anti-social behaviour cross the borough.

Councillor Allen was pleased the Council had made this commitment in the budget and was sure residents in Councillor Carter's ward would be interested to know that he voted against the commitment.

In the way the Council investigated fly tipping, to make the most of the intelligence, this has led to real improvements in the level of enforcement action being undertaken. There has been a 68% increase in enforcement action for fly-tipping, with 14 fixed penalty notices issued and 28 prosecution cases developed for fly tipping and other waste offences. This year the Council used these powers for the first time to seize 18 vehicles which had been used in the commission of fly tipping and other waste offences, which was an overall robust approach to enforcement.

In a supplementary question Councillor Carter referred to a number of fly tipping hotspots in his own ward and asked could the Cabinet Member ensure the service was shown areas such as Grange Lane in Brinsworth and if this would be a priority for some covert cameras in the future.

Councillor Allen confirmed if Councillor Carter wanted to share the details of the hotspot areas this would be checked against the information and she would feed back to Councillor Carter in due course.

**(25) Councillor Cowles** referred to the Howard family have written to the Chief Executive requesting an explanation of why RMBC plan to allow Yorkshire Water to build a reservoir on park land burdened by a restrictive covenant. It suggests the Planning Board were not given the full facts and asked were they misleading?

Councillor Lelliott confirmed that when a decision is made on a planning application, only certain issues were taken into account; these were often referred to as 'material planning considerations'. These were issues that may be relevant to the decision. The weight attached to material considerations in reaching a decision was a matter of judgement for the decision-taker, however, the decision-taker was required to demonstrate that in reaching that decision that they have considered all relevant matters. Generally greater weight was attached to the relevant issues raised which were supported by evidence rather than solely by assertion.

Private issues between neighbours, such as restrictive covenants were non-material planning considerations and thus not relevant to the decision by the Planning Board. The planning officer's report, which was part of the agenda supplied to Members (and which was available to view on the Council's website) clearly stated on page 42 that restrictive legal covenants were not something that could be taken into account when considering a planning application. Any refusal of planning permission based on the status of a restrictive covenant could expose the Council to risk of legal challenge.

In a supplementary question Councillor Cowles understood the netting of trees in the park to avoid nesting and being disturbed by construction work had now been removed. Normally a minimum of early March to early July would be recommended for the procedure and asked what the significance of this was.

Councillor Lelliott confirmed a response to this would be provided in writing.

**20. URGENT ITEMS**

There were none.