

THE CABINET
Monday, 10th June, 2019

Present:- Councillor Read (in the Chair); Councillors Alam, Allen, Beck, Hoddinott, Lelliott, Roche and Watson.

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

1. DECLARATIONS OF INTEREST

There were no Declarations of Interest to report.

2. QUESTIONS FROM MEMBERS OF THE PUBLIC

Councillor Sansome had intended raising his query via the Overview and Scrutiny Management Board regarding the Rotherham Employment and Skills Strategy, but sought reassurance that the Council would be centric to the partnership across major employers such as the Advanced Manufacturing Park, Rotherham College and construction. This area of South Yorkshire was crying out for engineering and construction skills and this was a perfect opportunity to work with others in partnership to sustain skills for the future.

Councillor Lelliott confirmed the Strategy was before the Cabinet for endorsement as it would be led by the Rotherham Together Partnership via their Business Growth Board which would underpin all of this. Within this Strategy there would be clear action plans about investment for growth, but the comments by Councillor Sansome would be taken on board and shared with the Business Growth Board.

3. MINUTES OF THE PREVIOUS MEETING

Resolved:- That the minutes of the Cabinet meeting held on 20th May, 2019, be agreed as true and correct records of the proceedings, subject to an amendment to Minute No. 149 to correct the word “deter” to “defer”.

4. EXCLUSION OF THE PRESS AND PUBLIC

There are no agenda items requiring the exclusion of the press or public from the meeting.

5. APPOINTMENT OF COUNCILLORS TO SERVE ON OUTSIDE BODIES

Consideration was given to the report which detailed how outside bodies were external organisations which have a Council appointed representative, but have their own governance structures to the Council.

Appointments to outside bodies were seen as an important mechanism for: community leadership, partnership and joint working and knowledge and information sharing.

At the Annual Meeting on 19th May, 2017, the Council approved procedure rules that detailed how councillors would be appointed to serve on outside bodies, for which Cabinet was now.

This report, therefore, presented the nominations received and recommended the appointment of the nominees to the various organisations and partnerships.

Resolved:- That Councillors be appointed to serve on Outside Bodies, as detailed on the schedule in Appendix 1.

6. LOOKED AFTER CHILDREN AND CARE LEAVERS SUFFICIENCY STRATEGY 2019-2022

Consideration was given the report which detailed how the Looked After Children and Care Leavers Sufficiency Strategy had been developed in line with the duty to provide or procure placements for Children Looked After (CLA) by the Local Authority.

The legislation and guidance included the Children Act 1989, Sufficiency Statutory Guidance 2010, Care Planning, Placement and Case Review Regulations 2011) and the duty of 'sufficiency' required Local Authorities and Children's Trust partners to ensure that there was a range of sufficient placements which met the needs of children and young people in care. There was also a responsibility to take steps to develop and shape service provision to meet the needs of all children and young people in care at a local level, as far as was reasonably possible.

The Strategy, therefore, set out how Rotherham Children and Young People's Services would fulfil its role as a Corporate Parent and meet its statutory sufficiency duty by providing good quality care, effective parenting and support to children and young people in and leaving care. It described the principles that were applied when seeking to commission the provision of secure, safe and appropriate accommodation and support to children in care and care leavers over the next three years.

The LAC Sufficiency Strategy also provided the underpinning needs analysis that would inform market management work, seeking to ensure that there was the right mix of provision available to meet the needs of children and young people and that this provision mix provided positive outcomes and value for money. There were no plans to destabilise children from settled placements, but this was about moving forward to keep more people in the borough and seeking the best placements for the children of this Borough.

There were also plans to explore opportunities for regional collaboration working arrangements and whilst this Strategy was not primarily a financial one, it was expected that the commissioning and strategic intentions set out would provide significant cost avoidance and savings opportunities and were essential to the sustainability of improved outcomes and the Local Authority budget.

Whilst this Strategy was intended to run for four years until 2021, the recent increase in number of Looked After Children, in Rotherham and across the region, had significantly altered the market conditions for placing Looked After Children in provision that would meet their needs and conform to the principles set out in the strategy.

Effective demand management and market management were key areas of focus for Children and Young People's Services. This work must be underpinned by a clear understanding of current sufficiency arrangements and there were a number of opportunities for various people to become foster carers as part of these arrangements.

Tribute was also paid to Christine Marie Lunn, one of Rotherham's dedicated foster carers, who had fostered more than 250 children, being appointed MBE in the Queen's Birthday Honours list.

Christine started fostering children in Rotherham in 1975 with her late husband and had remained in contact with many who she had helped over the years.

This report had been considered by the Overview and Scrutiny Management Board as part of the pre-scrutiny process who were in support of the recommendations, subject to an update being provided to the Improving Lives Select Commission in January, 2020 on the implementation of the Strategy.

Resolved:- That the publication of the Looked After Children's Sufficiency Strategy be approved.

7. **ROTHERHAM'S CULTURAL STRATEGY 2019 - 2026**

Further to Minute No. 149 of the meeting of the Cabinet held on 20th May, 2019 when the report was deferred for an Equalities Impact Assessment, consideration was given to the detail of Rotherham's new Cultural Strategy which had been produced in collaboration with members of the public and partners from across the cultural, leisure, green spaces and tourism sectors. This was the first Strategy produced by the local Cultural Partnership Board since it was established in 2018.

The Equalities Impact Assessment was considered by Overview and Scrutiny Management Board at its meeting last week and as a result of that meeting further advice was also taken on the correct terminology around gender and protected characteristics in line with the Equality Act

2010 and any further areas that need correcting would also be amended.

The Overview and Scrutiny Management Board also requested circulation of a structure chart, which would be forwarded onto the Overview and Scrutiny Management Board for information. This was made available to the Cabinet today.

The principles that underpinned this Cultural Strategy were around the wishes of others and the work with young people and children around imagination and reimagining Rotherham. Many wanted to see their town have an unwavering vision that took risks rather than having a reputation. There needed to be better use of the town's greatest strength - diversity.

There were also seven 'game-changers' which were the main activities by which the strategy would be delivered and in particular game-changer Number 7 was for Rotherham to become the capital of children's culture giving young people a platform and an opportunity for them to shape and become creative in their home town.

The Council was the only organisation that was able to apply for a trademark to become the children's capital for culture and was one of the activities from the Cultural Strategy where people were really passionate about partnerships and funding.

This report had been considered by the Overview and Scrutiny Management Board as part of the pre-scrutiny process who were in support of the recommendations, subject to the Equality Analysis being amended to reflect the correct protected characteristics prior to consideration by Cabinet, that a structure chart be developed to outline governance arrangements and lines of accountability and this be circulated to members of Overview and Scrutiny Management Board (circulated today) and that an update be provided in June 2020 to Overview and Scrutiny Management Board on the implementation of the Strategy.

Cabinet Members were in support of the Strategy and acknowledged the importance of cultural activities and believed culture had a role in developing self-esteem, confidence and changing the reputation of the town. Culture brought finance into the borough and supported the economic strategy. In addition, culture actively improved health characteristics and inequalities.

Lessons had been learnt from recent events in Rotherham and the Council were listening to and celebrating with children and young people and putting them at the heart of the things that were done. It was important that over the next five years the ambition and drive to work with Rotherham's young people would achieve the objectives set out in this Strategy.

Resolved:- That the new Cultural Strategy 2019 – 2026 be endorsed.

8. SELECTIVE LICENSING - CONSULTATION ON FUTURE DESIGNATIONS

Consideration was given to the report which detailed how the Council designated four areas for Selective Licensing in May, 2015, covering parts of Maltby, Dinnington, Eastwood and Masbrough, with the aim of delivering improved conditions within the private rented sector. These designations would expire on 30th April, 2020.

The current scheme and its designations have delivered significant improvements to the condition of private rented housing stock, and to the health and well-being of tenants. Additionally, the scheme had contributed to tackling anti-social behaviour, high turnover of tenancies and empty properties, through driving better landlord management practices and housing quality.

This report, therefore, demonstrated the successes of the current designations and identified areas within those designations that would benefit from a continuation of the Selective Licensing scheme to assist in tackling the deprivation within these communities. In addition, a further area within Maltby (Little London) had since been identified where a designation would assist in tackling significant housing condition problems.

Cabinet Members welcomed the consultation and urged residents to come forward and raise any issues that they believed should be included as part of the consultation process.

Resolved:- (1) That public consultation on the proposed designation areas for Selective Licensing of private rented housing be approved.

(2) That a further report be submitted to Cabinet in January, 2020 on the outcome of the public consultation to consider designating Selective Licensing areas.

9. DESIGNATION OF SELECTIVE LICENSING AREAS - PARKGATE AND THURCROFT

Further to Minute No. 22 of the Cabinet and Commissioners' Decision Making Meeting held on 6th August 2018, which approved a period of public consultation regarding the potential benefits of designating areas of Thurcroft and Parkgate for Selective Licensing of private rented housing.

This report, therefore, now provided detail of the feedback from the consultation with the majority of respondents expressing support for a mandatory selective licensing scheme, based on the evidence of deprivation, anti-social behaviour and environmental issues in these areas and the responses, comments and representations received.

Overall, 61% of respondents (221 responses) supported the idea of introducing Selective Licensing in these areas, with 18% (68 responses) disagreeing with the introduction. Of those supporting the introduction 68% of residents and businesses were in favour of introducing Selective Licensing in Thurcroft and Parkgate; 65% of landlords were against the proposals.

Local Elected Members in Rawmarsh and Rother Vale Wards have been fully involved and were consulted at all stages of the process.

The Supreme Court judgement, *Brown v Hyndburn Borough Council*, 2018, did impact directly on the conditions that could be applied to licences issued under a Selective Licensing designation. Critically the findings of the Court prohibited the imposition of discretionary conditions on Selective Licences relating to the safety of property, as these matters could be effectively dealt with under primary legislation.

As a result the Supreme Court findings have been taken into account and the existing Selective Licensing conditions have been reviewed and updated of which Appendix 3 provided an overview of the review of the original forty-nine, followed by the listing of the updated thirty-five conditions that would be applied to new licences under the new designations.

Cabinet Members welcomed the impact that Selective Licensing had had in some areas and deemed it appropriate for this to be considered in other areas where it could make a difference to people's lives and living conditions.

Resolved:- (1) That the strong evidence and public support for the Selective Licensing of Private Rented properties in Thurcroft and Parkgate be noted.

(2) That the two areas in Thurcroft and Parkgate detailed in this report be designated as Selective Licensing Areas under Part 3 of the Housing Act 2004 through the designation orders in Appendix 5, subject to confirmation by the Secretary of State for Housing, Communities and Local Government.

(3) That the Selective Licensing Conditions contained in Appendix 3 in the new designation orders be adopted for all new licences granted across Rotherham.

(4) That, further to the adoption of the Selective Licensing conditions contained as at Appendix 3, approval be given to the proposed licence fee structure for the Thurcroft and Parkgate areas as set out in paragraph 6.1 of the report, and the application of this fee structure to all new Selective licences granted in Selective Licensing areas across Rotherham.

(5) That the Assistant Director, Community Safety and Street Scene, be required to apply to the Secretary of State for Housing, Communities and Local Government to confirm the designations.

10. ROTHERHAM EMPLOYMENT AND SKILLS STRATEGY

Consideration was given to the report which provided detail of the Rotherham Employment and Skills Strategy and sought Cabinet endorsement of its adoption by Council.

The Strategy was a Rotherham Together Partnership (RTP) document linking to the existing Rotherham Economic Growth Plan to provide a framework for delivery of employment and skills activity over the next five years. This was essential to provide a suitably enterprising and skilled local workforce to drive forward the sustainable long-term growth of the Rotherham economy and allow it to compete in an increasingly global economy.

Following endorsement work would continue with the Business Growth Board to make sure that actions underneath the Strategy were put into place and an action plan drawn up with meaningful milestones and targets.

The Strategy had a role for schools to work with businesses and Enterprise Co-ordinators and one good example was the event held at Magna recently. This was also linked to the advanced manufacturing employment sector with gains in terms of companies such as McLaren, Boeing and Rolls Royce, not just in Rotherham, but across the whole innovation district.

This report had been considered by the Overview and Scrutiny Management Board as part of the pre-scrutiny process who were in support of the recommendations, subject to the design of the document being accessible, consideration of what steps could be taken to address barriers to employment or training such as lack of photographic identification or access to bank accounts, how meaningful work experience opportunities could be given to young people, that the Equality Analysis be reviewed to ensure that it reflects sex/gender inequality in the employment and skills market and that a detailed action plan be provided with clear, targets, milestones and measures in three months' time to Improving Places Select Commission.

Resolved:- (1) That the Rotherham Employment and Skills Strategy be endorsed.

(2) That responsibility for delivering and monitoring of the Strategy sits with the Business Growth Board of the Rotherham Together Partnership (RTP) be noted.

(3) That monitoring of the Strategy on a six-monthly basis, with the results reported through the Business Growth Board of RTP, be noted.

11. PROPOSAL FOR A PUBLIC SPACE PROTECTION ORDER IN THE FITZWILLIAM ROAD AREA

Further to Minute No. 129 of the Cabinet held on 18th March, 2019, consideration was given to the report which launched targeted consultation in relation to a proposed Public Space Protection Order for the Fitzwilliam Road area. The draft order published proposed a range of conditions.

Ward Members were supportive of an Order following an increase in anti-social behaviour and as a result more than twenty events were held as part of the consultation process given the diverse community in that area. Time was taken with Ward Members to speak to people with strong support. 74% of people believed a Public Space Protection Order would help with some of the issues along the Fitzwilliam Road area with two-thirds of people there experiencing at least one of the types of anti-social behaviour. This was clearly affecting people's lives and just another tool to tackle the concerns.

Having listened to feedback changes were made to the Order around vehicle nuisance, which involved speeding and parking (which were a Police issue) and not something that could be included. These issues would be picked up elsewhere.

Concern had also been expressed about drug use and drug dealing and whilst this was not directly for the Public Space Protection Order to deal with, a multi-agency plan would be developed to deal specifically with this issue.

Issues relating to noise, drinking, abusive language and tidiness of business premises could be included as a tool to improve the area alongside Fixed Penalty Notices. Tidy gardens were an issue in this area and also across the borough and there was a specific recommendation for officers to draw up a wider proposal around a Tidy Gardens Scheme.

This report had been considered by the Overview and Scrutiny Management Board as part of the pre-scrutiny process who were in support of the recommendations, subject to there being an update provided to Improving Places Select Commission in six months' time on the implementation of the Public Space Protection Order

Cabinet Members noted that from the consultation one of the concerns that was raised was about the use of language that caused or was likely to cause harassment, which was determined as an existing offence under the Public Order Act 1986 and needed to be mirrored by officers in applying the same kind of principles as part of the Order.

One issue that did need to be considered was around a person's ability to pay a fine. Whilst this Order was about changing behaviour in the area, it was not necessarily about financial matters. Whilst a fine was a big driver in a penalty, if people could genuinely not pay other mechanisms would need to be used to enable behavioural change, such as community payback.

It was important people were treated fairly and the rules applied equally, but the easiest way to avoid a fine was not to carry out the inappropriate behaviour in the first place.

The Council would draw on its experience from the Town Centre Public Spaces Protection Order on how to deal with specific issues.

Resolved:- (1) That the implementation of a Public Space Protection Order on the boundaries as shown as draft in Appendix 1, for the maximum three year period be approved.

(2) That the specific conditions recommended in Section 7 and captured within the draft Order at Appendix 1 be approved and adopted.

(3) That the action to pilot a 'Tidy Garden Scheme' in relation to waste in gardens be noted.

12. **MODERN SLAVERY UPDATE AND TRANSPARENCY STATEMENT 2019-20**

Consideration was given to the report which provided an update in relation to the activity of the Council and its partners, in seeking to both address and prevent modern slavery. The report focussed specifically on actions following the resolution passed by Council to adopt the Co-operative Party Charter against Modern Slavery on the 25th July, 2018.

It highlighted key achievements, such as work alongside suppliers to increase compliance with the Modern Slavery Act 2015, which had seen an increase in verified compliance.

The Council initially identified seventeen suppliers that were required to comply with the Modern Slavery Act, but where compliance, in particular publication of a transparency statement, could not be verified. The Council identified eight of those were current suppliers. Contact was made with all eight suppliers to inform them of their obligations and to ask for an update in relation to compliance. This led to all eight companies becoming compliant.

There were also issues around support for victims and the referral mechanism only gave a victim forty-five days of support. The Council were fully supportive of a national campaign to make this a year long level of support to overcome the trauma of what they had been through and give them time to stabilise their lives through housing and employment.

Cabinet Members paid tribute to the Cabinet Member and officers involved in this Statement and expressed the need for more work with community and the voluntary sector to raise awareness and progress. The local Modern Slavery Partnership had also been launched and Councillor Short was thanked for his support, input and his challenge.

The report also introduced a refreshed transparency statement for the period 2019 to 2020 for approval.

Resolved:- (1) That the progress against commitments made be noted.

(2) That the refreshed Transparency Statement be approved for publication.

13. ADOPTION OF A SEX ESTABLISHMENT LICENSING POLICY

Consideration was given to the report which confirmed, following public consultation, the passing of a resolution by Council on 22nd May, 2019 to adopt powers to regulate sex establishments across Rotherham from 1st July 2019. The adoption by Council of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, now allowed the Council to set a clear Policy.

The proposed Policy would cover all sexual entertainment venues, sex cinemas and sex shops. If adopted, the Policy would allow the Local Authority to better regulate Sex Establishments, taking account of the views of residents, including the appropriate number and localities for such establishments and the establishment of welfare conditions for those working within such establishments.

Based on the feedback from public consultation this report proposed the adoption of a Sex Establishments Policy, to be effective from 1st July, 2019.

Whilst the Council would still be required to consider applications when they arose, the Policy proposed that the appropriate number of Sex Entertainment Venues and Sex Cinemas in each Ward of the Borough was nil.

The feedback received was reflected upon and there was clear evidence from residents that sex establishments should be regulated and there was no suitable location for lap-dancing clubs anywhere in Rotherham, although applications for such could still be made.

Residents did not feel that establishments such as this were in-keeping with what was trying to be done in Rotherham and gender inequality was an issue, which was picked up as part of the Equality Impact Assessment.

Examples of living conditions near sex establishments, details of humiliating and lewd comments and inequalities and exploitation within the venues were provided. Tighter regulations around workers' rights were included to give more protection.

There was some assumption that the rules that applied to sexual entertainment venues were not applied to sex shops. Rotherham currently had one sex shop.

The main focus for the feedback had been around sexual entertainment venues, but different feedback had been made from residents around sex shops where they found them to be more appropriate in an industrial location away from areas with children and young people.

As a result new guidance would be issued and reflected in the role of the Licensing Committee.

Whilst it was proposed the new Policy be implemented from the 1st July, 2019, there would be a transition period for existing establishments of twelve months to come in line with the new Policy, when they would need to reapply.

This report had been considered by the Overview and Scrutiny Management Board as part of the pre-scrutiny process who were fully in support of the recommendations and welcomed the detail set out in the Equality Impact Assessment.

The Cabinet Member thanked all those involved in the formulation of this Policy and the engagement throughout the consultation process, especially the women who came forward and shared their experiences. In particular Councillor Clark was praised for being actively involved in some of the face to face consultation and in her support in hearing first-hand about some of the issues.

Resolved:- (1) That the attached reports including the Equality Analysis and the consultation document appended to this report be duly regarded and noted.

(2) That the proposed Sex Establishment Licensing Policy be adopted (see Appendix 2), including: proposed limits on the numbers of Sex Establishments in localities of the Borough and the types of areas where Sex Establishments would/would not be deemed appropriate; to be effective from 1st July 2019.

(3) That the charging arrangements for the licensing of Sex Establishments, to be effective from 1st July, 2019, be approved.

14. LICENSING ACT 2003 - STATEMENT OF LICENSING POLICY

Consideration was given to a report which detailed under Section 5 of the Act, how a Licensing Authority must prepare a Licensing Act 2003 Statement of Licensing Policy (a 'Statement of Licensing Policy') which effectively set out the principles it proposed to apply in exercising functions under the Act.

The Council was now seeking to develop a revised Licensing Act 2003 Statement of Licensing Policy, which balanced the need to encourage a vibrant and dynamic entertainment industry as part of the regeneration of the Borough, and the need to ensure that concerns relating to health and public disorder were effectively addressed. To support this, the Council proposed and sought approval to undertake consultation to seek the views of key stakeholders and residents of Rotherham, to inform the development of a draft Policy.

In addition the Council proposed to undertake a 'Cumulative Impact Assessment', to identify any potential parts of the Borough where further granting of licences or variations to licences could impact on the Council's obligations in respect of the Licensing Objectives. This would be used to support determinations under the Policy.

Resolved:- (1) That public consultation be approved to commence, in line with Option 3 (Section 3), to inform the development of the Council's Licensing Act 2003 Statement of Licensing Policy.

(2) That Officers undertake a Cumulative Impact Assessment in respect of licensable activities, to support the development of a Licensing Act 2003 Statement of Licensing Policy.

15. GAMBLING ACT 2005 - STATEMENT OF LICENSING POLICY

Consideration was given to the report that detailed how under Section 349 of the Gambling Act 2005 a Licensing Authority was required to prepare and publish a statement of its licensing policy at least every three years.

The Council was now seeking to develop a revised Gambling Act 2005 Statement of Licensing Policy that, whilst acknowledging that gambling was a legitimate leisure activity that many people enjoyed and one that generated income, sought to protect residents from the potential harm that could be caused by problem gambling.

To support this, the Council proposed and sought approval to undertake consultation to seek the views of key stakeholders and residents of Rotherham, to inform the development of a draft Policy.

In addition the Council also proposed to develop 'Area Risk Profiles', to identify any potential parts of the Borough where further granting of licences or variations to licences could impact on the Council's obligations

in respect of the Licensing Objectives. This would be used to support determinations under the Policy.

Resolved:- (1) That approval be given to commence public consultation, in line with Option 3 (Section 3), to inform the development of the Council's Gambling Act 2005 Statement of Licensing Policy.

(2) That commencement of a study be approved into the individual and cumulative impact of gambling across the Borough to develop a Local Area Risk Profile, to support the Gambling Act 2005 Statement of Licensing Policy.

16. RECOMMENDATIONS FROM OVERVIEW AND SCRUTINY MANAGEMENT BOARD

Consideration was given to the circulated report, the contents of which were included as part of the relevant item and the details included accordingly.

17. DATE AND TIME OF NEXT MEETING

Resolved:- That the next meeting of the Cabinet take place on Monday, 8th July, 2019 at 10.00 a.m.