COUNCIL MEETING
Wednesday, 24th July, 2019

Present:- The Mayor (Councillor Jenny Andrews) (in the Chair); Councillors Alam, Albiston, Allen, Atkin, Beck, Bird, Brookes, Buckley, Carter, Cooksey, Cowles, B. Cutts, D. Cutts, Elliot, M. Elliott, R. Elliott, Ellis, Fenwick-Green, Hoddinott, Ireland, Jarvis, Jepson, Jones, Keenan, Khan, Lelliott, McNeely, Mallinder, Marles, Marriott, Napper, Price, Read, Reeder, Roche, Rushforth, Russell, Sansome, Senior, Sheppard, Short, Simpson, Steele, Taylor, John Turner, Julie Turner, Tweed, Vjestica, Walsh, Watson, Williams and Yasseen.

The webcast of the Council Meeting can be viewed at:-
https://rotherham.public-i.tv/core/portal/home

208. ANNOUNCEMENTS

The Mayor was delighted to welcome Toni Paxford who had received the Diana Award. Toni had been part of Rotherham Council's Youth Cabinet and in that time had been part of local, regional and national campaigns including community cohesion, mental health and awareness raising around invisible illnesses.

She had spoken up on behalf of those who were unable or not confident enough to share their voices and had been committed to making sure all young people were heard.

Toni had been presented with the prestigious accolade by Tessy Ojo, CEO of the Diana Award, and Zak Patel, CEO of high end jewellery franchise Pugata, and myself, the Mayor and Mayoress.

In addition, Rotherham had also won two national awards. The first was to Planning for the award for LLPG Address Data with Rotherham winning a Gold Performance Award for Address Data at the recent 2019 Geoplace Exemplar Awards. Local authorities must maintain a database of all residential, commercial, telecoms and utilities addresses within their area. The data had wide usage including the emergency services so it was vital it was accurate and up-to-date. The Mayor invited Scott Thurlby to join her to receive the award.

The second was to Highways for the Data Quality and Improvement Award for Streets. The Award was for Data Quality and Improvements in recognition of the way the Council managed its street information database. This related to the information capture on the Street Gazetteer. Data set requirements changed on a regular basis requiring constant management and inclusion of new data. Data in the Gazetteer included street geometry, ASD's (additional street data), sensitivities, engineering difficulties etc. The data was uploaded to Geo-place each month for verification where it had to pass various criterias as part of the Authorities Data Co-operation Agreement and current data entry conventions.

Utilities and others download the data direct from Geo-place which allowed them to plan and schedule their works on the highway, providing the data for the Electronic Transfer of Notices. The Street Gazetteer also provided data to the Local Land and Property Gazetteer that in turn provided data that was widely used by HMRC, National Office for Statistics, emergency responders etc. Grant Williams was invited to join the Mayor to receive the award.

The Mayor was also pleased to present her activity since the last Council meeting which was attached for information to the Mayor's letter.

209. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Allcock, Beaumont, Clark, Cusworth, Pitchley, Whysall and Wyatt.

210. COMMUNICATIONS

There were no communications received.

211. MINUTES OF THE PREVIOUS COUNCIL MEETING

Resolved:- That the minutes of the meetings of the Council held on 17th and 22nd May, 2019, be approved for signature by the Mayor.

Mover:- Councillor Read Seconder:- Councillor Watson

212. PETITIONS

The Mayor reported receipt of three petitions, which had not met the threshold for consideration by Council, and would be referred to the relevant Directorate for a response to be prepared:-

- Containing 89 signatures calling on the Council to remove the Streetpride units on Brinsworth Road, Catcliffe.

- Containing 22 signatures calling on the Council to investigate an unauthorised business use operating from domestic premises (No. 79 Dovedale Road) causing disturbance to neighbouring residents.

- Containing 26 signatures calling on the Council to give unanimous support to the establishing of an independent panel, with the direct involvement of adult survivors of childhood exploitation and residents of Rotherham, to investigate the aftermath of intervention in Rotherham since October 2014.

213. DECLARATIONS OF INTEREST

There were no Declarations of Interest to report.

214. PUBLIC QUESTIONS

(1) From Mr. L. Harron asked could the Leader of the Council give one or maybe two examples of situations where he thinks it would be appropriate for the Chief Executive of Rotherham Metropolitan Borough Council (RMBC) to apologise?

The Leader of the Council responded that in broad terms if there was an issue or failure in the administration of Council policies, he would expect responsibility to sit with the with Chief Executive. However, if there was failure arising from a policy decision taken by Members, then the Leader of the Council would ultimately be accountable.

As a supplementary question, Mr Harron asked if the Leader of the Council expected the Chief Executive to apologise for any aspect of an investigation which had taken three years to complete and explain what actions had been taken to establish how information from the investigation report had allegedly been leaked to the media. In response, the Leader of the Council restated that regret on the part of the authority at the length of the investigation, but reiterated that the issues under investigation had been complex. He did not consider that there was a need for the Chief Executive to apologise beyond the apology that had previously been issued in respect of the delay in concluding the investigation.

(2) Mr. P. Cawkwell was unable to attend the meeting so would be provided with a written response to his question.

(3) Mr. L. Wildblood was unable to attend the meeting so would be provided with a written response to his question.

(4) Mrs. C. Meleady, M.B.E. was unable to attend the meeting so would be provided with a written response to her question.

(5) Mr. J. Smith asked how many complaints had been made against services commissioned by RMBC to work with victims/survivors and families since the publication of the Jay Report in August 2014 and of those complaints how many were subject to an external independent investigation?

Councillor Read replied that there had been at least two complaints of this nature that he was specifically aware of, relating to two different providers. One of these – which was raised by more than one individual and covered a number of areas of concern – was investigated externally by independent investigators. He further indicated that it was not unusual for investigations to be conducted independently of the Council where it was more appropriate for this to happen.

As a supplementary question, Mr Smith enquired what governance had been put in place by the Council under the Care Act 2014 to protect and support individuals in respect of the aforementioned investigation process.

In response, the Leader of the Council confirmed that he could not respond to the specific issues raised by Mr Smith in the meeting, but would be happy to correspond further in writing outside of the meeting.

(6) Elizabeth stated that The Rotherham Advertiser had recently reported that "Rotherham Borough Council spent almost £60,000 on conducting a flawed three year Investigation into a charity supporting child sex abuse victims". In addition to the almost £60,000 what were the additional indirect legal and other costs?

Councillor Read answered that indirect legal costs were not separately recorded and the final and total costs were likely to be over the £60k costs.

As a supplementary question, Elizabeth asked whether the former Strategic Director of Children and Young People's Services had received a copy of the investigation report and whether the Leader of the Council understood the cost of the investigation in terms of the impact on survivors and individuals who worked at the charity in question.

In response, the Leader of the Council indicated that he did not believe that the former Strategic Director of Children and Young People's Services was in receipt of the report. He further responded to indicated that the Council had a a responsibility to look at the issues raised by service users, as they deserved to have their questions answered and the authority ensured that this happened in that particular case.

(7) Mr. P. Smith asked, because the permit conditions stipulate that Phase Two cannot be commenced until Phase One is completed, can you confirm what action the Council will be taking to ensure this condition is met, given that Phase One is un-engineered and over tipped making it impossible to complete.

Councillor Hoddinott replied that Rotherham Metropolitan Borough Council had no regulatory powers in terms of the Environmental Permit for Grange Landfill. The Permit was issued by the Environment Agency and is enforced by them. The Council was, however, assessing all of the available options in respect of the site. The Council had written to the Environment Agency to seek clarification on a number of issues, including the practical steps they have taken to ensure the pre-commencement conditions of the permit have been met. In addition the Council, as Local Planning Authority, was reviewing the legal position in relation to the planning permission at Grange Landfill site. Until the review was completed, the Council would not be in a position to say what action might be taken.

(8) Mr. P. Elwell asked what enforcement action are the Council going to take against the Environment Agency and Grange Landfill to stop them tipping against the existing tip in Phase One, given that the Environment Agency have confirmed that this is what will happen.

Councillor Hoddinott replied that, as previously stated, the Council was assessing all of the options that were open to us in terms of the site. She had met with a representative of the Environment Agency myself, along with Sarah Champion MP, to make clear the concerns collectively shared about the tip. However, the disclosure of any information relating to legal advice or potential action could prejudice the Council's ability to take action in future. The Council was therefore not in a position to give any further information but would update residents when able to do so.

(9) Mr. D. Barlow asked why have the Council not proceeded with the legal action against the Environment Agency and Grange Landfill after seeking favourable independent legal advice suggesting they do so?

Councillor Hoddinott replied that, as previously stated, the Council was assessing all of the options in terms of the site. Any legal advice provided to the Council was under legal privilege and should not be shared publicly.

(10) Mr. M. Marshall asked what powers do the Council's Planning Department have in this matter, and what assurances can you give that these powers will prevent Grange Landfill doing as it pleases on site and when using the entrance to the site?

Councillor Lelliott reported that the Council, as Local Planning Authority, was reviewing the legal position in relation to the planning permission at Grange Landfill site. Until the review is complete, the Council was not in a position to say what action might be taken.

215. 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.

216. LEADER OF THE COUNCIL'S STATEMENT

The Leader of the Council indicated that he would forego the opportunity to provide a statement to the meeting given the warm temperature in the Council Chamber and heatwave being experienced outside of it.

217. MINUTES OF THE CABINET MEETING

Resolved:- That the reports, recommendations and minutes of the meetings of the Cabinet held on20th May and 10th June, 2019, be received.

Mover:- Councillor Read Seconder:- Councillor Watson

218. MEMBERSHIP OF POLITICAL GROUPS ON THE COUNCIL, POLITICAL BALANCE AND ENTITLEMENT TO SEATS

In accordance with the Local Government (Committees and Political Groups) Regulations 1990, the Proper Officer reported that, since the Annual Meeting on 22nd May, 2019, notification had been received of the operation of a new political group.

With effect from 16th July, 2019, there were two political groups in operation on the Council – the Brexit Party Group (12 Members) and the Labour Group (48 Members) – with three non-aligned Members who were not in a political group.

There were 149 seats available on Committees, Boards and Panels to which the Labour Group was entitled to 144 seats and the Brexit Party Group to 28. The remaining 7 seats could not be given to members of the political groups and should be allocated to the three non-aligned Councillors.

The Authority had two seats on the South Yorkshire Police and Crime Panel. The current vacancy must be filled by a member of the Brexit Party and be appointed to by the Council. Councillors Cowles and R. Elliott of the Brexit Party Group nominated Councillor Brian Cutts to serve on the Police and Crime Panel, whilst Councillors Read and Watson of the Labour Group nominated Councillor Cowles to the same role.

Councillor Cowles indicated that if the Council were minded to appoint him to the position he would refuse to accept the appointment and would be happy for the matter of which Brexit Party Group representative should serve on the South Yorkshire Police and Crime Panel to be referred to the Secretary of State for determination. Furthermore he reiterated his view that the Brexit Party Group was entitled to nominate whomever it wished to fill its entitlement to representation on the panel.

Councillor Cutts addressed the meeting to indicate that he did not understand why he had been removed from the South Police and Crime Panel.

Councillor Read recalled the reasons why the Council in October 2018 had determined that Councillor B. Cutts had not been a suitable representative to serve on the South Yorkshire Police and Crime Panel, after a finding from the Standards and Ethics Sub-Committee that he had breached the Member Code of Conduct. Councillor Read reminded Members that the decision had been reached unanimously following the finding of the Standards and Ethics Sub-Committee. He was clear that any member of the Brexit Party Group except Councillor Cutts would have been an acceptable nomination to serve on the panel. By virtue of his failure to meet the requirements of the Member Code of Conduct,

Councillor Cutts was uniquely unqualified to represent the borough.. He further referenced a petition directed to the leader of Brexit Party Group to urge him not to nominate Councillor Brian Cutts as a representative on the Police and Crime Panel, which had received in excess of 350 signatures.

Members from all sides of the Council Chamber contributed to the debate as to the suitability of both nominees, with reference being made to the previous contribution of Councillor B. Cutts to the South Yorkshire Police and Crime Panel since 2016 and the circumstances that surrounded the complaint which led to the finding of a breach of the Member Code of Conduct.

Resolved:- (1) That the operation of two political groups on the Council and the detail of their designated Leaders be noted:-

Labour Group – Councillor Chris Read (Leader of the Council)
Brexit Party Group – Councillor Allen Cowles (Leader of the Majority Opposition Group).

(2) That the entitlement of the membership of the political groups and non-aligned Members be agreed and such entitlements be reflected in Council's appointments of Members to Committees.

(3) That approval be given to the appointment of Members of the Brexit Party Group to Committees, Boards and Panels, and the appointment of Vice-Chair of the Health Select Commission, as set out on the schedule tabled at the meeting.

(4) That Councillor Cowles, a representative from the Brexit Party Group, be appointed to serve on the South Yorkshire Police and Crime Panel.

219. RECOMMENDATION FROM CABINET - COUNCIL PLAN REFRESH 2019-20

Further to Minute No. 151 of the Cabinet held on 20th May, 2019, consideration was given to the report which detailed how the 2017-20 Council Plan with the core document that underpinned the Council's overall vision, setting out headline priorities and measures that would demonstrate its delivery.

Alongside the Council Plan was the Corporate Performance Management Framework explaining to all Council staff how robust performance monitoring and management arrangements (including supporting service business plans) were in place to ensure focus on implementation. The Performance Management Framework was refreshed in February 2019.

Services had recently reviewed their performance throughout the year in order to determine new targets for 2019-2020. Although the 2017-2020 Council Plan was intended to cover three financial years, it was good practice to carry out an annual review of the performance measures included in it. The refreshed performance measures and targets had been set by Services using reference to both in-year performance, benchmarking data and the priorities for the coming year. The overall number of measures had reduced from 72 in 2018-19 to 69 for 2019-2020.

The 2019-2020 Council Plan provided an analysis of the Council's proposed 69 measures against its 14 key outcomes.

The Leader of the Councillor and Cabinet Members provided an overview of progress against the priority areas of the plan and aspirations for the 2019-20 financial year in respect of performance and anticipated outcomes.

Resolved:- That the Council Plan 2019-2020 be adopted.

Mover:- Councillor Read Seconder:- Councillor Watson

220. RECOMMENDATION FROM CABINET - FINANCIAL OUTTURN 2018-19

Further to Minute No. 25 of the Cabinet held on 8th July, 2019, consideration was given to the report which outlined the final revenue and capital outturn position for 2018/19.

The Revenue Budget 2018/19 was approved by Council on 28th February 2018. A budget of £216.876m was set for General Fund services; this excluded schools budgets and Housing Revenue Account (HRA).

The final outturn position was a balanced budget which required £3.2m less use of corporate reserves than planned for. The original budget proposed a planned use of corporate reserves of £5.2m as part of a budget contingency of £10.0m. Additional funding received in year, use of earmarked grants and balances and flexible use of capital receipts had resulted in a reduced call on the planned reserves leaving a balance of £3.2m available to support the budget in later years.

The Council's General Fund minimum balance had been increased from £11.269 to £16.812m, as a result of the planned use and profiling of reserves balances as set out in the Council's Reserves Strategy reported in the Budget and Council Tax Report 2019/20. The reserve was held to protect the Council against unforeseen events and realisation of contingent liabilities.

The Housing Revenue Account had an underspend of £1.4m. This reduced the overall amount required from reserves to balance the budget. The final drawdown from the HRA reserve was just under £11m.

The schools outturn position which was funded by the ring-fenced Dedicated Schools Grant had an underspend of £1.968m, therefore, increasing schools balances at the end of 2018/19 for the Council's maintained schools and pupil referral units to £3.369m.

The capital outturn showed slippage and underspend of £8.1m against the estimated spend for 2018/19 included within the Capital Programme. Of this, £7.073m related to slippage on projects which had been factored into the revised Capital Programme 2019/20 – 2022/23.

Cabinet Members noted the financial outturn, but in doing so sought clarity on the High Needs Block and was advised the outturn at the end of March 2019 was an in-year overspend of £5.4m of which £5.1m was the High Needs Block with minor movements of £0.3m across the other blocks.

Resolved:- (1) That the updated financial position as set out in the report be noted.

(2) That the updated Capital Programme as set out in paragraphs 2.65 to 2.69 of the report to 8th July, 2019, Cabinet and Appendices A-D be approved.

Mover:- Councillor Alam Seconder:- Councillor Read

221. OVERVIEW AND SCRUTINY ANNUAL REPORT 2018-19

Consideration was given to the report which presented the final draft of the Overview and Scrutiny Annual Report for 2018-19 for Members' approval, having been endorsed by the Overview and Scrutiny Management Board on 3rd July, 2019.

The Overview and Scrutiny Annual Report provided a retrospective summary of the work completed and outcomes achieved by the Overview and Scrutiny Management Board and the three Select Commissions last year. It also offered a look ahead for 2019-2020 in terms of future priorities through a headline work programme.

In proposing and seconding the annual report, the Chair and Vice-Chair of Overview and Scrutiny Management Board, Councillors Steele and Cowles, paid tribute to the work of those councillors who had participated in the scrutiny process during the course of the 2018-19 municipal year. Reference was made to some of the notable outcomes from scrutiny activity during the year and Members were content to approve the report.

Resolved:- That the Overview and Scrutiny Annual Report 2018-19 be approved.

Mover:- Councillor Steele Seconder:- Councillor Cowles

222. CABINET RESPONSE TO SCRUTINY RECOMMENDATIONS - MODERN METHODS OF CONSTRUCTION

Consideration was given to a report for information which detailed the response of the Cabinet to recommendations arising from the review of Modern Methods of Construction (MMC) undertaken by the Improving Places Select Commission.

Councillor Beck, as Cabinet Member for Housing, welcomed the report which set out the actions to be taken by the Housing Service to progress a number of recommendations arising from the review. Members who had participated in the review also contributed to the debate to indicate that they were pleased to see the Cabinet endorsing and looking to implement the recommendations. Furthermore, Members were keen to understand the extent to which this area of work would complement the Employment and Skills Strategy which had recently been adopted by the Rotherham Together Partnership.

Resolved:-

That the Cabinet's response to the Scrutiny Review of Modern Methods of Construction be noted.

Mover:- Councillor Beck Seconder:- Councillor Steele

223. THRIVING NEIGHBOURHOODS - UPDATES FROM WARD COUNCILLORS

Further to Minute No. 55 of the meeting of the Cabinet held on 19th November, 2018, consideration was given to the annual Ward Updates for Maltby, Rawmarsh and Rother Vale as part of the Thriving Neighbourhoods Strategy.

Councillors Price, on behalf of the Maltby Ward, gave an update on the Ward priorities. In rising to provide an update, he welcomed the opportunity that the Thriving Neighbourhoods had given to backbench councillors to champion and advocate for their communities in the Council Chamber. He was proud to represent the people and town of Maltby and listed a number of initiatives that had taken place in the Maltby ward, including:-

- Community litter picks and skip days
- Working with Tenants and Residents Associations
- Greater collaboration from the Council, South Yorkshire Housing Association, South Yorkshire Fire and Rescue Service, South

Yorkshire Police, Maltby Town Council, Coalfields Regeneration Trust, local schools and faith groups.

Councillors Bird, Marriott and Sheppard, on behalf of the Rawmarsh Ward, gave an update on their Ward priorities. Councillor Bird explained that he would focus on projects in the ward that had been funded externally and referenced the establishment as a charity of the Friends of Rawmarsh and Parkgate Green Spaces, which had received £8.000 of funding from a local business, which had been used to purchase equipment for the community to use on local green spaces. He further referred to a 'Dragons Den' approach to providing money to local causes and reported that in excess of £35,000 had been given to 25 local groups in the ward. Councillor Shepherd explained that he had been keen to support, with other ward councillors, various community clean up initiatives and had worked well with the Friends of Rawmarsh and Parkgate Green Spaces to collect approximately 4,000 bags of rubbish across the ward. Councillor Marriott indicated that she had not been contacted by her ward councillor colleagues to prepare for this agenda item.

Councillors Brookes and Walsh, on behalf of the Rother Vale Ward, gave an update on their Ward priorities. Councillor Walsh provided detail on the vast nature and diversity of the Rother Vale ward in respect of its geographical spread and gave examples of the kinds of initiatives that ward councillors had been involved in supporting in Thurcroft, Treeton and Waverley, which included supporting the creation of a new Waverley Parish Council, arts projects in Thurcroft and engaging with children and young people across thw ward. Councillor Brookes reflected on what a neighbourhood was and the key questions that needed to be answered by local and national policymakers to address the issues faced by communities in her ward.

Responding to the point raised by Councillor Marriott, the Deputy Leader of the Council, Councillor Watson, reminded Members that the agenda for the meeting had been publicly available for five working days prior to 24 July 2019 and that should have been ample time to prepare an update in respect of delivering against ward priorities. In addition to that, a draft of the Ward Update would have been forwarded to Councillor Marriott for review and approval long before the agenda papers for the Council meeting were published.

Resolved:-

That ward updates in respect of Maltby, Rawmarsh and Rother Valley be noted.

Mover:- Councillor Watson Seconder:- Councillor Read

224. NOTICE OF MOTION - ONE HUNDRED YEARS OF COUNCIL HOUSING

Proposed by Councillor Beck and seconded by Councillor Watson:-

This Council notes:-

- This year marks the centenary of The Housing Act of 1919, which made housing a national responsibility and enabled local authorities to build their own properties for the first time. These homes were given to families with a diverse variety of needs including veterans of the First World War.

- The then County Borough of Rotherham was one of the first Local Authorities in the country to use the powers granted in the Housing Act, building over 700 homes between 1919-1923. These homes were built to progressive design standards set out in the Tudor Walters report of 1918 and championed by Raymond Unwin; the Chief Architect of the Local Government Board who was born in Rotherham.

- The first major development completed by the then County Borough was East Dene, with the ground cut in 1919 and the first tenant of Rotherham occupying 1, First Avenue in April 1920.

- Rotherham Metropolitan Borough Council is embarking on the biggest Council housing delivery programme for more than a generation with 253 homes for Council rent or share ownership in the current programme (of which 36 are already built) and at least 160 planned for the next three years.

This Council resolves:-

- To reaffirm our commitment to Council Housing and the benefits it still holds to thousands of people across Rotherham.

- To deliver our current £57 million housing development programme whilst developing future plans to meet demand.

- To increase the number of new homes in the Town Centre.

- To examine the opportunities to provide further homes in the borough presented by the government's decision to lift the borrowing cap on the Housing Revenue Account.

- To increase the number of care and support ready housing options available for Council rent.
- To work with local housing providers and seek partnerships in the private sector to help address key issues such as homelessness and specific care and support needs.

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

225. HEALTH AND WELLBEING BOARD

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

Mover:- Councillor Roche Seconder:- Councillor Mallinder

226. PLANNING BOARD

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

Mover:- Councillor Sheppard Seconder:- Councillor Walsh

227. MEMBERS' QUESTIONS TO DESIGNATED SPOKESPERSONS

There were none.

228. MEMBERS' QUESTIONS TO CABINET MEMBERS AND CHAIRMEN

(1) Councillor Carter asked did the Cabinet Member agree with him that the restrictions on volume of waste that residents could take to household recycling centres, and their opening times contributed to increasing fly-tipping within the borough?

Councillor Hoddinott stated that there was no excuse for people breaking the law. The Council had comprehensive, seven day a week Household Waste Recycling Centre provision, allowing residents to use these facilities whenever they needed them. Opening times were clearly displayed at the sites and advertised on the Council's web site. Household Waste Recycling Centres were provided for residents to dispose of their Household Waste.

In a supplementary question Councillor Carter asked given the changes to the brown bin and the payment service that happened in advance of October last year did the Cabinet Member not think this was a double whammy to residents who wanted to get rid of their garden waste in a safe and effective manner.

Councillor Hoddinott explained that the Council had not seen an increase in flytipping through garden waste. People were taking their waste to household recycling centres or purchasing a bin. As already heard in Rawmarsh there was some excellent work taking place around environmental stuff because was always better to compost rather than move waste around the Borough.

These charges for garden waste were necessary due to the cuts on Councils having to save millions. These were tough choices and it was hoped that the Council had not had to charge for garden waste, but it was a non-statutory service and it was something the Council had had to do.

(2) Councillor R. Elliott asked what was the cost for RMBC to clear away fly tipping from across the whole of the Borough?

Councillor Allen reported that in 2018/19 the Council had spent £160,292 on clearing away fly-tipping across the Borough.

In a supplementary question Councillor Elliott had asked for this information so it could be shared amongst residents and constituents as to where money was being wasted. Some people did just not respect the rules and as Councillor Williams would know in the Wingfield ward there had been an inordinate amount of fly tipping. These incidents though have been very well dealt with in an efficient and professional manner by Streetpride for which Councillor Elliott was thankful. However, he asked if consideration could be given to extending to residents the use of trailers and pick-ups to visit recycling sites to dispose of waste and possibly request, like neighbouring authorities, proof of residential status. Perhaps pilot this for twelve months to see if there is any impact on flytipping.

Councillor Allen shared Councillor Elliott's frustrations and would certainly pass onto Streetpride the suggestion. As Cabinet Member she would endeavor to try and get a greater understanding of the situation and would share that with Councillor Elliott in writing.

(3) Councillor Cowles referred to the Advertiser of 31/05 where Sarah Champion, M.P., claimed sexual harassment in schools was commonplace – "We have not moved on". RMBC response was "No Comment" and asked did the Deputy Leader seriously believe this to be an acceptable response and would he provide a comment on this serious issue now?

Councillor Watson confirmed an email had been received from the Rotherham Advertiser claiming to have been speaking to Sarah Champion, M.P., for an article relating to International Women's Day. During the discussion the M.P. referred to concerns raised by female students she had received and heard that when she visited schools and colleges female students were regularly subjected to sexual harassment by male students. The Council's response at the time was that each school had its own safeguarding policies. The Advertiser had not asked for a comment from the Council, which was different from giving no comment.

Sexual harassment was another form of bullying and completely unacceptable in schools. The Deputy Leader from experience believed it could not always be removed completely, but like bullying when it was evidenced this was dealt with. This behavior was wrong and it had to be dealt with appropriately and those involved educated to prevent the behavior continuing.

In a supplementary question Councillor Cowles was concerned about what had occurred in the past when people turned a blind eye and if what referred to in the article was true he certainly did not recognise this type of behaviour from his own school days. There had been previous talk about abusive teachers so he urged the Deputy Leader to take strong action if this was happening. Doing nothing about this situation was not an option and he asked the Deputy Leader if he agreed.

The Deputy Leader referred back to his previous answer. He reiterated that schools have their own policies, but any incidents were reported to the Council has the Council had a safeguarding duty. In 2018 there were seven incidents reported. This number was not acceptable. In 2017 there were six incidents report and the year before that five and whilst these were only small numbers there was an increasing trend.

Schools were aware of the situations and dealing with them. As with any sexual crime, including sexual harassment, these were under reported.

Schools were implemented policies and were fully supported. However, they needed to continue to the vigilant and those involved educated about their behavior. As everyone would be aware personal social health education was compulsory in schools and the importance of this was more prevalent. Anyone who believed they were being harassed or bullied in any sort of way should report it to the relevant authority. Only through reported could it be dealt with.

(4) Councillor Napper asked what was R.M.B.C.'s position with regards to enforcement of bus lane rules within the borough.

Councillor Lelliott reported that South Yorkshire Police had the statutory responsibility to undertake enforcement against these types of contraventions.

The Council recognised that the enforcement of bus lanes was fundamental in supporting and improving the bus offer for the residents of Rotherham and encouraging bus use was an important aspect of the Council's policy for promoting more sustainable forms of transport. The enforcement of bus lanes ensured that bus priority measures were effective and continued to contribute towards improving bus reliability and journey times on key routes.

In a supplementary question Councillor Napper asked if the Council would be willing to get in touch with the Police and ask for enforcement cameras for short periods of time on certain sections to prevent a serious accident such as Wellgate, Broom Road and areas in Wickersley. Some car drivers were not following the proper rules and Councillor Napper would like to see some enforcement and South Yorkshire Police did not appear to be bothered.

Councillor Lelliott was willing to follow this up and asked Councillor Napper to forward in an email the roads in question.

(5) Councillor Carter asked did the Leader of the Council and his Council Group back a no-deal Brexit like two of the borough's M.P.s did, even if this meant the closure of Liberty Steel?

The Leader was not aware that two of Rotherham's M.P.s had said that they favoured a no-deal Brexit. At least one of them has voted repeatedly for a deal and people would have their own views.

The Labour Party's view was that a no deal outcome was the worst possible outcome. Those interested in what a no-deal outcome would mean for the steel industry were recommended to read the article that Nick Dakin M.P. for Scunthorpe posted on his website which went through in some detail with a clear view.

(6) Councillor Cowles confirmed that a few weeks ago he attended, as a Panel Member, a dismissal appeal. The employee concerned had been suspended from work on full pay for the past three years and asked how many more employees were there on suspension?

Councillor Alam reported that there were currently six employees of the Council suspended from work, of which five suspensions started this calendar year.

Whilst he was unable to discuss individual employee issues Councillor Cowles would be aware that the case we both heard was very complex and this level of suspension was very rare. However, as a result of this case the Council had reviewed our approach in managing employee suspensions with a view to ensuring that they were brought to a conclusion more quickly.

In a supplementary question Councillor Cowles accepted there were some complexities in the case, however, he did not accept that three years was a reasonable timescale. This was sloppy management and estimated that the rough cost to the Council over this period was approximately £150,000. This was taxpayers' money and it was being wasted, yet there was no money for requests for school bus passes from Whiston to Brinsworth when children were expected to walk past one of the largest establishments in Europe twice a day. He, therefore, asked how the workload of this individual was being covered. If the service

could manage for three years could it be confirmed that there would be no recruitment to the post in the future.

Councillor Alam explained cases were often complex. However, some of these investigations into these cases were done by external agencies and it was the Council's decision to make sure they were all fair and correct.

(7) Councillor Carter asked would the Cabinet Member join him and Brinsworth residents in lobbying for the return of a direct bus from Brinsworth to Meadowhall Interchange.

Councillor Lelliott confirmed this issue had also been raised by Councillor Buckley.

Residents wishing to use public transport between Brinsworth (Whitehill Lane, Whitehill Road, Brinsworth Lane and Bonet Lane) and Meadowhall could currently do so by using the 208 bus service. This was operated on an hourly basis and was provided by FirstBus, connecting Brinsworth with Meadowhall South – although not Meadowhall Interchange.

Brinsworth to Meadowhall was previously served by the 31/31A however this was operated on a commercial basis and had recently been removed. Where no subsidy was received for the provision of a bus service, the introduction or amendments to these services were based on the commercial decisions of the bus operators. Bus operators would decide on routing, frequency and duration of service based on the commercial value of providing that service.

Councillor Lelliott, however, was happy to raise the issue on behalf of residents.

(8) Councillor Cowles stated that within the unaudited accounts the general fund reserve balance was now £26.38 m and asked was this sum now excluding earmarked reserves and how close was the General Reserve to the minimum acceptable balance level?

Councillor Alam replied that the figure of £26.38m shown in the Movement in Reserves statement within the accounts included the ring-fenced reserve balances of individual schools and the Dedicated Schools Grant.

Note 37 of the Draft Statement of Accounts for 2018/19 set out reserves in more detail and showed that the total of General Fund reserves as at 31st March, 2019 was £38.1m (excluding schools and DSG). This comprised a General Fund Minimum Balance of £16.8m and Earmarked Reserves of £21.3m.

There was no standard definition of a minimum acceptable balance of reserves that could be applied.

The adequacy of the level of reserves proposed within a Council's budget was an integral part of the overall budget and financial strategy and was a matter for the Section 151 Officer to report on within the annual budget setting report.

The favourable Financial Outturn for 2018/19 means that the General Fund reserves are £3.2m higher at 31st March 2019 than envisaged when the Budget Report was approved.

In a supplementary question Councillor Cowles asked if he could be provided with the figures that showed what the general reserve figure was at the commencement of this Council three years ago, the current position and where the bulk of the money had gone.

Councillor Alam would provide this in writing.

(9) Councillor Napper pointed out that there was now funding from the Government for high streets and asked had R.M.B.C. applied for any of this funding?

Councillor Lelliott stated that the Council had applied for the funding and was pleased to report that the Council's application was one of 51 proposals, from over 300 submissions, selected to progress to the second stage of the High Street Fund.

In a supplementary question Councillor Napper asked what would the money, if the Council was successful, be used for in the high street, given that most of the retail outlets were closed.

Councillor Lelliott referred to the Town Centre Master Plan which would be built on and the Council was moving forward in attracting developers and bringing developments forward on Forge Island. Interim work had already commenced, bids would be worked up and the work tied together.

However, Members would be updated on progress which had a firm timeline, the full details of which would be provided in writing.

(10) Councillor Carter asked, given the latest revelations regarding anti-Semitism in the Labour Party, would the Council Leader now commit to introducing the IHRA definition of anti-Semitism in full for RMBC?

Councillor Read explained that, although Rotherham's Jewish population was very small he made it clear that the Council would not tolerate discrimination against people of the Jewish faith, or indeed of other faiths.

The Council had a very clear Equalities Policy as defined by the Equalities Act 2010 and underpinned by the Public Sector Equalities Duty. It specifically covered nine protected characteristics of which religion and belief was one – the Policy was far reaching.

The Labour Party had adopted the IHRA definition of antisemitism, and earlier this year the Council also formally adopted it as a Combined Authority on behalf of the Sheffield City Region. That vote was carried by all four South Yorkshire Council Leaders and the City Region Mayor, so no one should be in any doubt about the views of Members on this side of the Chamber.

The Leader was not aware of any concerns being raised about antisemitism within the Council – and long may that continue to be the case. However, in order to support the decision already taken by the Combined Authority, and in order to support the Jewish population wider than just this area, there should be a move to adopt the IHRA definition and would endeavour to bring forward a proposal to do so after the summer.

(11) Councillor Carter asked what plans, if any did the Council have to reduce the total number of shopping units in the town centre.

Councillor Lelliott replied the Council recognised the challenging environment for retail in town centres, which was why the Town Centre Masterplan was adopted which looked at introducing other offers such as leisure and residential in areas other than the Primary Shopping Frontages.

One of the major Masterplan initiatives was Forge Island which did propose to reduce the number of retail units in this area.

However, because the Council only directly owned a small number of shop units in the town centre, the ability to directly impact on the number of units was limited.

In a supplementary question Councillor Carter appreciated the thoughts on privately owned shop units in the town centre, but asked would the Council consider bringing those back within the Council's ownership going forward in trying to reuse them or re-designating them for a more vibrant town centre.

Councillor Lelliott confirmed all options would be considered in making the centre work. The Town Centre Sub-Group included business and consideration was given how best to utilise the units and what could be done within the planning process.

Every effort was made to contact actual shop owners for those that were empty and all options explored including placing vinyls on shopfronts, but many continued to be met with no response as very often they were based in other areas of the country and were not interested on how an empty unit impacted on areas.

(12) Councillor Cowles referred each of the past three years where it was said the Council had a robust recovery plan in place to address the deficit. He asked if the plans were so robust why had the deficit balance increased annually by £5m for the past three years?

Councillor Watson replied that it was correct that the Dedicated Schools Grant (DSG) deficit had had an in-year overspend of circa £5m for the last three financial years, which had meant the overall deficit had now increased to £15.1m.

This had been reported in the regular financial monitoring reports to Cabinet and had also been specifically discussed in the Overview and Scrutiny Management Board.

The main reasons for the overspend were the financial pressures in the High Needs Block due to growth in number of Education Health Care (EHC) plans and the number of pupils in high cost independent sector and external residential placements.

To address these pressures a Social Emotional and Mental Health (SEMH) Strategy was approved by Cabinet in February, 2019 to develop more local, value for money provision linked to mainstream schools and academies and special schools, all special schools of which were rated "Good".

The previous plan increased the number of places in special schools and there was a clear need for more provision in mainstream schools so that plan was now moving forward. Consultation had also taken place via the Schools' Forum a successful disapplication request to transfer £2.8m (1.5%) of funding from the Schools Block to the High Needs Block providing an additional £1.9m of funding compared to previous years. Also £0.9m (0.5%) was transferred in 2018/19 which did not require a disapplication request.

In a supplementary question Councillor Cowles asked would there become a point in time when the DSG deficit would have to be written off against the general reserve.

Councillor Watson would need to check with the Section 151 Officer, but did not believe this could be done and would, therefore, not be legal, so confirmed this would not be the case. Rotherham was not the only authority dealing with the increase in the number of children in education health care plans which had massively increased the demand on the high needs block. Councillor Watson would not apologise for spending money on children with special educational needs and disabilities when it was needed.

With demand the Council had a legal obligation to meet the needs of vulnerable children with education and health care plans and spend money. There was no way around this so perhaps the Prime Minister, when he talked about putting more money into education, needed to make this as one of his priorities.

(13) Councillor Carter asked did the Cabinet Member agree that the Local Plan was not fit for purpose if it meant that long-term empty retail units in the town centre were denied change of use to open a commercial business such as an orthodontist, which would provide much needed business rates?

Councillor Lelliott did not agree.

In a supplementary question Councillor Carter asked would the Cabinet Member, therefore, prefer to have empty units either in the town centre in preference to units of perhaps a different type of business than one originally wished for.

Councillor Lelliott disagreed. The Local Plan provided details of the areas where retail development should be concentrated (on Primary Shopping Frontages) and areas where more flexibility it could be applied, to encourage other uses which would be complimentary to shops and shopping, to contribute to the attractiveness of a town centre. The Local Plan shrank the space considered to be the main town centre to allow other uses to develop.

However, determining any individual application was a matter for the Planning Board and any questions on individual applications or decisions would have to be referred to the Chair.

(14) Councillor Napper stated that on several occasions he had raised the issue of illegal parking on Wellgate mainly from Mansfield Road towards Broom Road and asked what was R.M.B.C. doing to stop this?

Councillor Lelliott confirmed that over the last six months, 215 Penalty Charge Notices (PCN's) had been issued on Wellgate which showed how robust the enforcement team were working. The team could continue issuing penalties, but it was limited as to what it could enforce. There were people who were resisting and breaking the law. A policy was now in place that if up to three penalty charge notices were not paid the Council could confiscate a vehicle. However, the enforcement team would continue to work hard and promote the message that Rotherham would not tolerate persistent offenders and any concerns about areas not covered would be followed through.

In a supplementary question Councillor Napper referred to the long stretch of Wellgate where most of the tickets issued were nearer the town centre and not in the Brecks/Wickersley direction. The enforcement officers tended to turn left back to the town centre and he asked if they could be encouraged to turn right to enforce higher up Wellgate.

Councillor Lelliott confirmed she would take this forward and follow up.

(15) Councillor Cowles referred to earlier in the year he asked about charitable rate relief, which was on an upward trend nationally, and which the Cabinet Member stated was some £15 m approximately in Rotherham. The Cabinet Member also indicated that the Council could not or did not investigate charities premises and asked was this the case?

Councillor Alam replied that the £15m, as previously stated, was the total amount of business rates relief, awarded under a number of relief schemes. Of this £15m, only £870k was discretionary awards made by the Council. The rest of the relief was mandatory award as determined by the Government.

All discretionary awards made by the Council were formally approved by Cabinet to enable full transparency.

Decisions on application for relief were made on the information and evidence available at the time of the application. This would not routinely involve an inspection of the property and the Council did not have powers to insist on inspecting a property to check on charitable relief.

If, however, the Council were not satisfied that the charitable organisation had met the qualifying requirements, it may be appropriate to request an internal inspection of the property. If access was refused there may be grounds to refuse to grant the relief if the Council were not satisfied that the criteria had been met.

In a supplementary question Councillor Cowles' understanding having looked at the word was that each award was reviewed annually, although it did not state if this included a physical review. He had visited the premises and looked at a long list of charities provided and there were a number where he had concerns that both parties, the taxpayer and the charity, may benefit from such a review. In view of this would the Cabinet Member look into these premises more fully to ensure the best use of both public money and charitable funds was being achieved.

Councillor Alam explained if there were any particular cases he was more than happy to look into those. The main charities made a positive contribution to the people of Rotherham.

(16) Councillor Carter asked how was RMBC engaging with retail businesses to improve the appearance of town centre streets.

Councillor Lelliott reported that, in addition to the day-to-day contact of Members and officers with business, the Council engaged with businesses on matters relating to the town centre through the Town Centre Sub-group of the Rotherham Together Partnerships Business Growth Board and through meetings such as Rotherham Voice. This enabled Ward Members and local businesses to attend along with market traders to proactively promote the town centre. Businesses were written to and they were encouraged to engage as it was their voice that mattered in producing a vibrant Town Centre.

In a supplementary question Councillor Carter had not heard anything about schemes trying to promote the town centre and asked if consideration had been given to introducing and encouraging prizes for say the best-kept street retail units in the town centre.

Councillor Lelliott explained that over last few years a number of initiatives had been used to promote the town centre such as the pop-up shops, wrap around vinyls, street cafes as well as the poppy cascade and commemorative events. Retailers would continue to be supported with new initiatives.

(17) Councillor Carter referred to the fly-tipping on Grange Lane in Brinsworth which had been reported by residents multiple time over the past few months and asked what was the Council's policy regarding fly-tipping that was obviously an eyesore, but that just resided outside of Council adopted highway?

Councillor Allen explained the Council investigated all cases of fly tipping and where there was evidence, or where other enquiries allowed the Council to identify an offender, legal action would follow. Fly tipping on any land, regardless of ownership, was investigated and the Council would take legal action where possible against the people responsible.

In relation to Grange Lane, this year there have been four cases of fly tipping investigated by the Regulation and Enforcement Service and all have been household waste or building materials, where unfortunately there has not been any evidence in the waste to identify the source.

As Councillor Carter would recall this issue was raised at the recent Community Action Partnership meeting and at the last Partnership Tasking Meeting it was agreed to relocate a lamp post mounted CCTV unit to this location.

In a supplementary question Councillor Carter confirmed that Ward Councillors asked for this lamp post to be moved as it was something that Ward Budgets paid. It was his understanding from officers that the fly tipping would not be removed as it was not on the Council adopted highway, but asked was this something the Council consider removing because it was so big and an eyesore, which was still in situ.

Councillor Allen pointed out if the flytipping was on private owned land the process officers would go through was to contact the landowner to remove, but work would take place with the landowner on how to remove if they were unclear and offer advice on securing the site to prevent any further instances. Usually landowners were compliant, but quite often the problem was with absent landlords or owners where the action did not occur as quickly. However, the Council would consider removing by default, but would recharge where possible.

(18) Councillor Carter asked what support did RMBC give to children who were at risk of holiday hunger in the Borough.

Councillor Allen reported that the Early Help and Family Engagement Service offered support to families via dedicated family support, outreach and engagement work. Although the service did not have a specific programme of support for holiday hunger, if issues relating to the lack of food become apparent during the course of work with a family the service was a designated distribution centre for food banks and families were supported this way, to ensure that there was adequate food in the home.

In addition, the Council delivered a summer programme of targeted activities and snacks/refreshments and occasionally meals were available at these sessions. There were also strong partnership working with Liberty Church who, when a family was in need of food, would deliver fresh food parcels on a weekly basis until the families issues with finances subsided.

Appropriate families were also signposted to Shiloh (voluntary sector organisation) who offered hot meals to those unable to provide food to the family.

At the moment there were collection boxes within Riverside House for Council staff and Members to make voluntary donations to support a local food bank and, of course, this in turn would directly help families in desperate need.

The necessity of all of which was a tragedy in Britain in 2019 and the Cabinet Member hoped that Councillor Carter would reflect that it since the coalition Government the number of people using food banks in Rotherham had trebled. The number of food parcels handed out by the Trussell Trust locally had increased seven-fold and this was a choice that your party made and enabled.

229. URGENT ITEMS

The Mayor advised that there were no urgent items of business requiring consideration by the Council.