

THE CABINET
Monday, 23rd March, 2020

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

Apologies for absence were received from Councillors Alam, Lelliott and Steele.

124. DECLARATIONS OF INTEREST

There were no Declarations of Interest to report.

125. QUESTIONS FROM MEMBERS OF THE PUBLIC

There were no members of the public present.

126. MINUTES OF THE PREVIOUS MEETING

Resolved:-

That the minutes of the previous meeting of the Cabinet held on 17th February, 2020 be approved as a true and correct record of the proceedings.

127. EXCLUSION OF THE PRESS AND PUBLIC

Resolved:-

That under Section 100(A) of the Local Government Act 1972, the public be excluded from the meeting for the Agenda Items 11, 13 and 17 on the grounds that the appendices of the reports involve the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12(A) of such Act indicated, as now amended by the Local Government (Access to Information) (Variation) Order 2006.

128. IMPLEMENTING THE SOUTH YORKSHIRE DEVOLUTION DEAL

Consideration was given to the report which detailed how the Government in 2015 agreed the devolution deal which was later endorsed by RMBC by Council in March, 2016.

This economic deal involved the establishment of a directly Elected Mayor to chair the Mayoral Combined Authority (MCA), working alongside Local Authority Leaders, who would exercise powers and functions devolved from Government and receive an additional £30m "gainshare" annual funding allocation.

After a period of uncertainty, consensus had now been reached on how the deal would be progressed and the powers needed to implement the deal formed part of a governance review and “scheme” This had been subject to a public consultation exercise and this ended on 15th March, 2020.

The results of the consultation were to be analysed and, subject to the consultation and decision of the Mayoral Combined Authority, submitted to the Secretary of State, it as anticipated that a Powers Order would be produced by the end of May, 2020.

The report had been subject to pre-decision scrutiny by the Overview and Scrutiny Management Board on 18th March, 2020 where Members had indicated their support for the recommendations.

Resolved:-

That authority be delegated to the Chief Executive, in consultation with the Leader of the Council and the Monitoring Officer, to take forward and conclude the legal steps necessary to implement the devolution agreement. This will include consenting on behalf of the Council to the enabling Powers Order, provided that such Order corresponds to the proposals contained in the governance review and scheme.

129. RESPONDING TO THE CLIMATE EMERGENCY

Consideration was given to a report which detailed how the Council declared a Climate Emergency at its meeting on 30th October, 2019. Following the declaration work had been undertaken to produce a draft policy document “Rotherham Council Responding to the Climate Emergency”, setting out the Council’s commitment to tackle climate emergency. The draft policy document was appended to the report.

A Member Working Group had been established to consider the Council’s response to the climate emergency and to propose a target for the Council’s carbon reduction. Arising from this work it was proposed that the following targets were adopted:

- RMBC: Council’s carbon emissions to be at net zero by 2030.
- Rotherham: Borough-wide carbon emissions to be at net zero by 2040.

The purpose of these dual targets was to recognise the borough’s carbon budget (a carbon budget was the cumulative amount of carbon dioxide (CO₂) emissions permitted over a period of time to keep within a certain temperature threshold), alongside the Council’s carbon budget and acknowledge the need for the Council to lead by example in securing commitments and pledges from other organisations.

Overall, the approach set out themes for the policy together with targets for 2030 and 2040 and actions for 2020/21. It was proposed that the Member Working Group would continue to develop the policy and actions for future years to meet the target outcomes.

Cabinet Members welcomed this report and the importance of taking this forward on a contingency basis and the progress would be reported into Council in due course.

The report had been subject to pre-decision scrutiny by the Overview and Scrutiny Management Board on 18th March, 2020 where Members had indicated their support for the recommendations.

Resolved:-

- (1) That the progress to date following the declaration of the climate emergency be noted
- (2) That the continuation of the work of the Climate Emergency Member Working Group be agreed
- (3) That approval be given to set the following targets:-
 - a RMBC: Council's carbon emissions to be at net zero by 2030
 - b Rotherham: Borough-wide carbon emissions to be at net zero by 2040
- (4) That the seven policy themes of Energy; Housing; Transport; Waste; Built and natural environment; Influence; and Engagement be endorsed
- (5) That the 2020/21 plan of action be approved.

130. CRISIS SUPPORT - OUTCOME OF CO-DESIGN FOR PROVISION OF CRISIS SUPPORT 2020-2023

Further to Minute No. 63 of the meeting of the Cabinet held on 21st October, 2019, consideration was given to a report which detailed the decision to seek a lead organisation and co-design for Crisis Provision for the years 2020/21; 2021/22; and 2022/23, under the provisions of the Rotherham Compact. This report provided the detail of the process undertaken; the partners engaged and outcome of the co-design.

Cabinet were asked to approve the outcome of the co-design and to award a service level agreement and grants to Voluntary Action Rotherham; LASER Credit Union; and FareShare Yorkshire for Crisis Provision for three years commencing on 1st April, 2020.

Resolved:-

That the outcome of the bidding process and co-design under the provisions of the Rotherham Compact, following the Cabinet decision of 21st October, 2019, be received and approved.

131. COUNCIL PLAN MONITORING QUARTER 3 (OCTOBER TO DECEMBER 2019)

Consideration was given to the latest Council Plan updated underpinning the Council's overall vision and set out the headline priorities, outcomes and measures that would demonstrate its delivery.

The Council Plan for the period 2017-2020 was approved by Elected Members at the Council meeting on 12th July, 2017. Refreshed performance measures covering the 2019-2020 financial year were approved by Cabinet on 20th May, 2019 and Council on 24th July, 2019.

Formal quarterly performance reports were presented in public at Cabinet meetings, with an opportunity for Scrutiny consideration if required. This report was the third report in the 2019-2020 reporting cycle covering Quarter 3 (1st October 2019 to 31st December 2019).

The Quarter 3 Performance Report provided an analysis of the Council's current performance against 13 key delivery outcomes and 69 measures.

At the end of Quarter 3, 28 measures (49%) had either met or had exceeded the target set in the Council Plan. This is the same number of measures hitting target as Quarter 2, although the percentage of measures on target was a slight reduction in performance when compared to Quarter 2 (52%). This was due to more measures having data included in this quarter than in Quarter 2. However, performance was still significantly higher than at this time last year, when only 42% of measures had hit their targets.

The direction of travel was positive for 37 (66%) of the indicators measured in this quarter. This is a significant improvement when compared to the 56% figure for the last quarter and the overall direction of travel of Council Plan measures was now very positive, even though the number of measures hitting their target had not yet accelerated.

Resolved:-

(1) That the overall position and direction of travel in relation to the Council Plan performance be noted.

(2) That measures which are not achieving their targets and the actions required to improve performance, including future performance clinics, be discussed.

(3) That the performance reporting timetable for 2019-2020 be noted.

132. JANUARY 2020 FINANCIAL MONITORING REPORT

Consideration was given to the report which set out the financial position as at the end of January, 2020 and was based on actual costs and income for the first ten months of 2019/20 and forecast for the remainder of the financial year. Financial performance was a key element within the assessment of the Council's overall performance framework and essential to achievement of the objectives within the Council's Policy Agenda. To that end, this is the fifth in a series of monitoring reports for the current financial year which will continue to be brought forward to Cabinet on a regular basis.

As at January 2020, the Council has a forecast year-end overspend of £3.1m on the General Fund.

The issues and reasons behind that overspend were unchanged from previous reports and all services have been continuing to improve that position with an improved position in Adult Care and work was continuing to bring the overspend within the value of the reserve.

There were also a number of changes to the capital programme with actual delivery on schemes and timing, some of which may slip into a longer time frame.

It hoped that by year-end without significant impact in the current year's position the Council would need to focus on the year ahead.

Given the current situation, additional Government funding would also be available in the next financial year, which needed to be worked through. Any additional costs were being logged and work was ongoing to analyse the latest guidance and how these hardship grants would be applied.

Resolved:-

(1) That the current General Fund Revenue Budget forecast of £3.1m overspend be noted.

(2) That actions continuing to be taken to mitigate the forecast overspend be noted.

(3) That the Capital Programme update be noted.

133. NEW APPLICATION FOR BUSINESS RATES HARDSHIP RELIEF

Consideration was given to an application for business rates hardship relief in accordance with the Council's Discretionary Business Rates Relief Policy (approved by Cabinet on 12th December, 2016).

Resolved:-

That the application for hardship relief be refused.

134. NEW APPLICATION FOR BUSINESS RATES DISCRETIONARY RELIEF FOR ROTHERHAM UNITED COMMUNITY SPORTS TRUST

Consideration was given to an application for the award of a business rate discretionary relief for Rotherham United Community Sports Trust. This was in accordance with the Council's Discretionary Business Rates Relief Policy (approved by Cabinet on 12th December 2016).

Resolved:-

That 20% top up discretionary relief be awarded to Rotherham United Community Sports Trust for the period 10th September, 2019 to 31st March, 2021.

135. ROTHERHAM TOWN CENTRE MASTERPLAN IMPLEMENTATION - ACQUISITION OF THE FORMER HIGHER EDUCATION HUB (CHARTER ARMS), EASTWOOD LANE

Consideration was given to the report which sought approval to acquire the leasehold interest of the former Higher Education Hub, Eastwood Lane.

The Council owned the Freehold interest in the Higher Education Hub (formally known as the Charter Arms Public House) located on Eastwood Lane, overlooking the Markets Complex.

The Council granted a long lease (99 years) in 1976 to the Mansfield Brewery Company, which was assigned by the Brewery to Rotherham North Notts Group Further Education College (RNN) in 2014. The lease had been varied from its initial use as a Public House to its current use as the Higher Education Hub. RNN have carried out substantial improvements to the property.

RNN held the remaining 55 years of the lease paying an annual rent to the Council.

RNN no longer have a use for the building having completed the University Centre Rotherham (UCR) Campus, and the Higher Education Hub was now surplus to requirements. RNN, through agents, were now actively marketing the property for disposal on the open market and the Council were looking to acquire the long leasehold interest.

Completing this acquisition was viewed as an important step in progressing with the delivery of the Markets redevelopment as part of the implementation of the Town Centre Masterplan, building on the significant progress over recent years on a range of projects.

Resolved:-

(1) That the acquisition of the leasehold interest of the former Higher Education Hub, Eastwood Lane up to the value of the worst case scenario in appendix 3 be approved.

(2) That the Assistant Director (Planning, Regeneration and Transport), in consultation with the Strategic Director of Finance and Customer Services, negotiate the acquisition of the leasehold interest.

(3) That the Assistant Director of Legal Services be instructed to complete the necessary legal documentation once terms for the acquisition have been agreed.

(4) That the cost of the acquisition and demolition of the asset be funded from the approved Town Centre Capital Investment Fund.

136. GAMBLING ACT 2005 – STATEMENT OF LICENSING POLICY 2020 - 2023

Consideration was given to a report which 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's Gambling Act Statement of Licensing Policy was last due for review and republication in 2014. However, this review did not take place due to the Council's focus on taxi and private hire licensing.

In June 2019, Cabinet took the decision to undertake a two-stage consultation process. This process had now concluded, and the outcome of the consultation had informed a finalised Statement of Licensing Policy for approval.

The revised policy contained a number of changes and the consultation had broadly supported these changes including identifying clear links between different priorities and strategies of the Council, detailing information to emphasise each individual licensing objective and how these could be promoted by applicants and further work on the creation a 'Local Area Risk Profile', which would set out the Council's position, based on available data, as to which areas of the borough may have a higher sensitivity to problem gambling.

The draft policy already included substantially more information than previously and gave advice to applicants about how they should undertake a risk assessment of their local area and what types of evidence should be included in this.

Cabinet noted that in terms of that local risk there was still a requirement in the new policy for licensed premises to undertake their own risk assessment. Licensing officers and Licensing Committee would then consider the risk to be considered prior to issuing licenses.

The report had been subject to pre-decision scrutiny by the Overview and Scrutiny Management Board on 18th March, 2020 where Members had indicated their support for the recommendations.

Resolved:-

(1) That Council be recommended to agree that the proposed Gambling Act 2005 Statement of Licensing Policy 2020-2023 be adopted.

(2) That officers work with colleagues in Public Health, alongside Licensing Committee and Health and Wellbeing Board, to produce a Local Area Risk Profile for the Borough.

137. LICENSING ACT 2003 - STATEMENT OF LICENSING POLICY

Consideration was given to the report which detailed how Section 5 of the Licensing Act 2003 required a licensing authority to prepare and publish a statement of its licensing policy at least every five years.

The Council's Statement of Licensing Policy was last published in 2011.

In December 2019, Cabinet approved the second, formal stage of consultation on a drafted policy. This consultation had now concluded, and the outcome of the consultation has informed a finalised Statement of Licensing Policy, which is presented to Cabinet for consideration and recommended for approval.

Alongside the Licensing Policy, a Cumulative Impact Policy had been drafted and consulted upon which included a Cumulative Impact Assessment for a part of Wickersley to identify whether there was sufficient evidence to implement a Cumulative Impact Zone.

In the second stage of consultation, the Council have consulted at length with Ward councillors, licensees, residents and other responsible authorities, and have concluded that there was more than enough evidence, as required by the statutory guidance, to proceed with implementing a Cumulative Impact Zone in Wickersley.

Data from the Police, the NHS and Public Health suggested that Wickersley had a high saturation of licensed premises, and that the density of these premises had a negative impact on crime and anti-social behaviour, as well as putting health at risk through an increase in ambulance call-outs directly related to alcohol consumption.

It was important that the whole area be considered in order not to displace the problems or accentuate further crime. As part of the consultation there had been a number of questions and the reasons for why the decision was made to include not just part of the Wickersley area was confirmed. The tools were, therefore, given to the Licensing Board so that they could consider the wider area rather than just a narrow view.

The report had been subject to pre-decision scrutiny by the Overview and Scrutiny Management Board on 18th March, 2020 where Members had indicated their support for the revised Statement of Licensing Policy be supported.

Furthermore, Overview and Scrutiny Management Board had indicated that further consideration be made to the geographical designation of the proposed Cumulative Impact Zone for Wickersley with the view that the designation be restricted to the area north of the A631 Bawtry Road.

Having considered this recommendation, Cabinet were not supportive of the proposal from the Overview and Scrutiny Management Board.

Resolved:-

(1) That Council be recommended to agree that the proposed Licensing Act 2003: Statement of Licensing Policy 2020-2025 be adopted.

(2) That the Cumulative Impact Policy which details a Cumulative Impact Assessment for a specific area in Wickersley be approved.

138. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY REVIEW

Consideration was given to the report which detailed how in July 2015, the Council introduced a revised Hackney Carriage and Private Hire Licensing Policy. This policy was now widely seen to be setting the standard for other Local Authorities to benchmark against in relation to Taxi and Private Hire licensing.

As this policy was due for review the Council have widely consulted on a number of proposed changes to ensure the standard of licensed drivers, vehicles and operators in Rotherham continued to be of the highest quality.

This report outlined the final changes that have been included in a proposed revised policy based on consultation and sought approval for adoption.

The changes related to helping taxi drivers with their driver medical assessments and responding to some of the concerns, DBS checks for operator staff, refresher training and making sure that drivers were aware of the latest issues with regards to safeguarding.

In addition, there were recommended changes to signage and driver ID, camera storage and around vehicle plates requiring a further discussion of how this could be implemented in 2021.

The Chair of the Licensing Board welcomed the changes, especially given the initial reluctance to install CCTV in licensed vehicles and with the Cabinet Member the Council would continue to lobby for a national scheme.

The report had been subject to pre-decision scrutiny by the Overview and Scrutiny Management Board on 18th March, 2020 where Members had indicated their support for the recommendations.

Resolved:-

(1) That the revised Hackney Carriage and Private Hire Licensing Policy 2020/2023 be adopted.

(2) That a further public consultation regarding changes to the issuing of vehicle plates, as described in Section 2.11 be approved.

139. REVIEW OF FLEET MAINTENANCE

The report relates to the options available for maintaining the Council's in-house vehicles and grounds maintenance machinery.

The Council currently contracts this service to a national supplier. This contract is due to end in September 2020. This presents an opportunity for the Council to consider its options for the future provision of fleet maintenance.

The report therefore assesses the historic and current position in terms of the service and outlines a number of challenges in terms of the current externalised model of delivery.

The report concludes that the preferred option for the future provision of fleet maintenance for the Council is to insource the fleet maintenance service in order to undertake a further review and to report back to Cabinet with the findings, and recommendations for the future delivery of the service, at a future date.

Resolved:-

(1) That the proposal to insource Fleet Maintenance from 7th September 2020 at the latest be approved.

(2) That the findings of the ongoing review, and recommendations for the future of the service, be brought back to Cabinet for a decision at an appropriate future date.

140. RESPONSE TO RECOMMENDATIONS FROM OVERVIEW AND SCRUTINY MANAGEMENT BOARD - PETITION IN RESPECT OF DROPPINGWELL LANDFILL

Consideration was given to the report which detailed how on 30th October, 2019, the Council received a petition from the Droppingwell Action Group calling on the Authority to take enforcement action in respect of the Grange Landfill Site.

As the petition met the threshold for consideration by the Overview and Scrutiny Management Board, a meeting was held on 28th January, 2020 to receive representations from the lead petitioner and also heard from the Cabinet Member for Waste, Roads and Community Safety, officers and representatives of the Environment Agency in respect of the site.

The Council was still opposed to the opening of this tip and would continue to try to look at every avenue possible. The Cabinet response had looked at the recommendations and some of the actions have already been completed, including information being sent through to the Environment Agency.

It was concerning how this tip could operate under a 1958 planning permission without some of the safeguards in place for a site of this nature. The Council was not ruling out any potential legal action in the future, but would continually review information being received and take action if this was viable.

The Overview and Scrutiny Management Board made eleven recommendations within this report for consideration by Cabinet.

Resolved:-

(1) That the response to the recommendations as detailed in Appendix 2 be approved.

(2) That an update report be brought back to Improving Places Select Commission in six months time.

141. 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 items and the details included accordingly.

142. DATE AND TIME OF NEXT MEETING

Resolved:-

That the next meeting of the Cabinet be held on Monday 15 June 2020 commencing at 10.00 a.m. in Rotherham Town Hall.