

OVERVIEW AND SCRUTINY MANAGEMENT BOARD
Wednesday, 18th March, 2020

Present:- Councillor Steele (in the Chair); Councillors R. Elliott, Jarvis, Keenan, Napper, Walsh and Wyatt.

Apologies for absence:- Apologies were received from Councillors Cusworth, Jepson, Mallinder, Taylor and Tweed.

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

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

160. MINUTES OF THE PREVIOUS MEETING HELD ON 12 FEBRUARY 2020

Resolved: -

That the minutes of the meeting of the Overview and Scrutiny Management Board held on 12 February 2020 be approved as a true and correct record of the proceedings.

As a consequence of the decision taken in the light of the Coronavirus situation to cancel the meeting of Council scheduled for 25 March, and the subsequent addition of the report on the Implementation of the South Yorkshire Devolution Deal to the Cabinet agenda, the Chair advised that he had agreed that the report "Implementing the South Yorkshire Devolution Deal" should be considered by the Board as an urgent item of business.

161. DECLARATIONS OF INTEREST

Councillor Steele declared a non-pecuniary interest in the urgent item on the Implementation of the South Yorkshire Devolution Deal as he was a member of the Sheffield City Region Combined Authority Overview and Scrutiny Committee.

Councillor Wyatt declared a non-pecuniary interest in the urgent item on the Implementation of the South Yorkshire Devolution Deal as he was a member of the Sheffield City Region Combined Authority Audit and Standards Committee.

162. QUESTIONS FROM MEMBERS OF THE PUBLIC AND THE PRESS

Resolved: -

That the minutes of the meeting of the Overview and Scrutiny Management Board held on 15 January 2020 be approved as a true and correct record of the proceedings.

163. EXCLUSION OF THE PRESS AND PUBLIC**Resolved: -**

That the minutes of the meeting of the Overview and Scrutiny Management Board held on 15 January 2020 be approved as a true and correct record of the proceedings.

164. LICENSING ACT 2003 - STATEMENT OF LICENSING POLICY

Consideration was given to a report that was submitted for pre-decision scrutiny ahead of the Cabinet meeting scheduled for 23 March 2020 in respect of the Licensing Act 2003: Statement of Licensing Policy.

The Strategic Director of Regeneration and Environment and the Licensing Manager attended the meeting to present the report.

The report noted that Section 5 of the Licensing Act 2003 required a licensing authority to prepare and publish a statement of its licensing policy at least every three years, however the last review that had been scheduled for 2016 had not taken place due the Council's focus at that time on taxi and private hire licensing.

It was noted that Cabinet at its meeting on 23 December 2019 (Cabinet Minute No.97) had approved that a consultation process on the drafted policy take place to inform the final version of the revised Statement of Licensing Policy. A summary of the consultation process was included in the officer's report and a summary of responses was attached as an appendix.

The report also provided information on a proposed Cumulative Impact Zone (CIZ) for Wickersley that would be included in the revised Statement of Licensing Policy. It was noted that where appropriate the Council could identify areas within the Borough where the granting of further licences, or variations to licences would likely impact on the Council's obligations to the licensing objectives, and as a consequence the Council should produce a Cumulative Impact Assessment (CIA) for such areas in order to establish whether a CIZ should be implemented.

It was noted that following the Cabinet decision that a CIA for Wickersley should be completed, that a CIA that had been drafted had been consulted on widely with Ward councillors, licensees, residents and other responsible authorities. In response to the information received from the responsible authorities and supported by the response to the consultation the CIA showed that there was sufficient evidence to proceed with the implementation a CIZ for Wickersley due to the saturation of licensed premises, and the density of these premises having a negative impact on crime and anti-social behaviour and also of them negatively impacting health through an increase in ambulance call-outs directly related to

alcohol consumption. The proposed CIZ for Wickersley was attached as an appendix to the officer's report

The full revised Statement of Licensing Policy was attached as an appendix to the officer's report.

Members welcomed the report and the revised Statement of Licensing Policy but expressed concern about the proposed Cumulative Impact Zone for Wickersley, in relation to both its size and that it was the only such proposed area in the Borough when other areas had similar densities of licenced premises. Members asked for further information on the processes that had been followed that had led to the proposed determination of Wickersley as a CIZ and asked if the operation of the CIZ already operating in nearby Bawtry had been looked at to inform the decision making process.

The Strategic Director of Regeneration and Environment provided information on the data that had been used to determine the proposed designation of Wickersley as a CIZ, and advised that other town centres in the Borough had been considered for designation but that analysis of the data had shown that only Wickersley, due to its high density of licensed premises met the criteria for a CIZ.

The Licensing Manager advised that the proposed designation of Wickersley as a CIZ was fully evidence based, and as the first proposed CIZ in the Borough officers in their research had looked at how CIZ's operated in other areas, including Bawtry, where it was noted that the CIZ was scheduled for review.

Members noted that the designated CIZ in Bawtry was limited to specific streets, all in the town centre, whereas the proposed area in Wickersley was very large and included many predominantly residential areas and asked why the proposed area for the CIZ was so large in comparison. The Licensing Manager advised that the CIZ had to be large enough to cover all potential areas where a new licence could be requested, and as such needed to be a broad area, but advised that the designated area could be reviewed in at a point in the future. The Licensing Manager assured members that the introduction of a CIZ did not affect existing licences or prevent applications for amendments to existing licences, or for new licences to be made.

Members asked about the crime figures that had been included in the report that had been used to inform the CIA, noting that some of the crimes listed did not appear to be clearly linked to, and caused by the number of licenced premises in the area. The Strategic Director advised that work had been carried out to identify how crimes could be linked to the number of licensed premises, noting that the figures showed and increase in crimes later in the day when the premises were in operation. Members acknowledged the work that had been done regarding crime figures in Wickersley, however they were not fully assured that the link

between crime figures and the number of licenced premises had been adequately demonstrated in the CIA.

Members asked about the geographical designation of the proposed CIZ, noting that that the proposed area of the CIZ should be smaller and concentrated in the northern area of Wickersley where most of the licenced premises were. The Licensing Manager advised that a smaller CIZ could potentially cause a problem with displacement of new licensed premises into the area not included in the CIZ, and that the proposed wider area of the CIZ avoided the potential of the problems related to an excess of licensed premises being displaced to elsewhere in Wickersley.

Members asked for further information on the type of complaints that had been received related to licensed premises in Wickersley. The Licensing Manager provided information on complaints that had been received that included issues regarding music and noise related to customers leaving licenced premises.

The Chair asked about the impact that CIZ's had had in other areas. The Licensing Manager advised that there was not a great deal of information available on their success but advised that from the work that had been done it had been shown that the CIZ's that had been implemented following thorough research and consultation had shown evidence of success in reducing the problems associated with a large concentration of licensed premises in one area.

Resolved: -

- 1) That Cabinet be advised that the revised Statement of Licensing Policy be supported.
- 2) That Cabinet be advised 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.

165. GAMBLING ACT 2005 – STATEMENT OF LICENSING POLICY

Consideration was given to a report that was submitted for pre-decision scrutiny ahead of the Cabinet meeting scheduled for 23 March 2020 in respect of the Gambling Act 2005 Statement of Licensing Policy 2020-2023.

The Strategic Director of Regeneration and Environment and the Licensing Manager attended the meeting to present the report.

The report noted that Section 349 of the Gambling Act 2005 required a licensing authority to prepare and publish a statement of its licensing policy at least every three years, however the last review that had been scheduled for 2014 had not taken place due the Council's focus at that

time on taxi and private hire licensing. It was noted that Cabinet at its meeting on 10 June 2019 (Cabinet Minute No.16) had approved a two-stage consultation process that would inform a revised Statement of Licensing Policy

The revised policy included a number of proposed changes to the existing policy, and it was noted that the consultation process had shown that these changes were broadly supported. A summary of the consultation process was included in the officer's report with a summary of responses attached as an appendix

The proposed changes to the Statement of Licensing Policy included:

- The addition of the section identifying the links between different priorities and strategies of the Council, such as the role of Health and Wellbeing Strategy, Safer Rotherham Partnership, Planning, and Culture and Tourism had in the role of protecting the public from the harms of gambling.
- The inclusion of a section to provide more detailed information to emphasise the individual licensing objectives and to detail how these could be promoted by applicants.

It was noted that it had initially been proposed that further work should be carried out to create a 'Local Area Risk Profile', that 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 report stated that while a Local Area Risk Profile did not form part of the Licensing policy, but provided further information to potential applicants about the areas in where licences were already being considered, it was recommended that further work to develop this profile, in consultation with the Licensing Committee, Health and Wellbeing Board and colleagues in Public Health, continue. However in the absence of sufficient data to enable the production of a Local Area Risk Profile, additional information regarding the completion of risk assessments, including advice to applicants about how they should undertake a risk assessment of their local area and what types of evidence should be included in their application had been included in the revised policy.

The full revised Statement of Licensing Policy was attached as an appendix to the officer's report.

The Chair asked for further information on the procedures that were in place, and assurance as to their robustness regarding the inspection of premises where fixed odds betting terminals were located. The Licensing Manager advised that an inspection of such premises was carried out annually in advance of an annual return being completed for the Gambling Commission. The Licensing Manager provided assurance as to the robustness of the procedures that supported this process.

Members asked if there was any information held regarding the impact of gambling on health and whether there was any evidence of suicides linked to problem gambling.

The Strategic Director of Regeneration and Environment stated that the data currently held on the links between gambling and the health and wellbeing was limited, but advised that it was envisaged that work would be carried out in the future to look how gambling impacted on the health and wellbeing of individuals and would be used to inform the development of future policies.

Resolved: -

- 1) That Cabinet be advised that the recommendations be supported.
- 2) That the Health Select Commission look into data from Public Health in respect of the impact of gambling on the wellbeing of individuals in the borough as part of its work programme for the 2020-21 municipal year.

166. HACKNEY CARRIAGE AND PRIVATE HIRE POLICY

Consideration was given to a report that was submitted for pre-decision scrutiny ahead of the Cabinet meeting scheduled for 23 March 2020 in respect of the revised Hackney Carriage and Private Hire Policy.

The Strategic Director of Regeneration and Environment and the Licensing Manager attended the meeting to present the report.

The report stated that the revised Hackney Carriage and Private Hire Licensing Policy that had been introduced in July 2015 was now due for review, and as such the Council had consulted on a number of proposed changes to the policy. It was noted that the review would ensure that the policy continued to deliver the highest standard of licensed drivers, vehicles and operators in Rotherham, and also enable it to continue to be viewed as an example of best practice licensing practice nationally.

The Strategic Director of Regeneration and Environment and the Licensing Manager attended the meeting to present the report.

The revised policy included a number of proposed changes to the existing policy. A summary of the consultation process was included in the officer's report with a summary of responses attached as an appendix

The proposed changes to the Hackney Carriage and Private Hire Policy included:

- Including a clause in the 'Fitness and Propriety' requirements for both drivers and operators obliging them to meet the requirements of the Public Sector Equality Duty.

- Allowing, in exceptional circumstances, and with caveats, that a driver's medical assessment to be carried out by a GP other than their own.
- Ancillary staff, such as call operators being required to have a basic Disclosure and Barring Service check.
- Drivers having to complete safeguarding refresher training every three years.

Members asked whether it would be beneficial for the protection of both drivers and customers if both the security cameras and audio recording were switched on in vehicles at all times. The Strategic Director of Regeneration and Environment advised that revised signage was being developed that would highlight the audio recording facility that had been recommended after the consultation had shown that most passengers had not been aware that audio recording was available. The Licensing Manager noted that it had originally been proposed that both security camera and audio recording were enabled at all times, however guidance received from the Information Commissioner had been that such a practice could not be implemented due to the unjustifiable invasion on drivers and passengers privacy that such a policy would make. The Licensing Manager advised that the proposed policy where recording would always used in certain prescribed circumstances, accompanied by the ability for both drivers and passengers to switch audio recording on struck an effective balance between the need to provide effective safeguarding and the need to preserve the privacy of both drivers and passengers.

The Chair asked with regard to proposals highlighted in the report as requiring further consultation, how that consultation would take place in view of the current situation regarding the Coronavirus pandemic. The Licensing Manager advised that the full consultation process had yet to be determined but advised that in the most recent consultation 1,900 responses had been received online and as such noted that even if face to face consultation was scaled back an effective on broad consultation could still take place.

Resolved: -

That Cabinet be advised that the recommendations be supported.

167. RESPONDING TO THE CLIMATE EMERGENCY

Consideration was given to a report that was submitted for pre-decision scrutiny ahead of the Cabinet meeting scheduled for 23 March 2020 in respect to Responding to the Climate Change Emergency.

The Cabinet Member for Cleaner, Greener Communities, the Strategic

Director of Regeneration and Environment and the Head of Policy, Performance and Intelligence attended the meeting to present the report and to answer members questions.

The Cabinet Member noted that following the Council declaration of a Climate Emergency at its meeting on 30 October 2019 (Council Minute No.271), work had been undertaken to produce a draft policy document "Rotherham Council Responding to the Climate Emergency", that set out the Council's commitment to tackle climate emergency. The draft policy document was attached as an appendix to the officer's report.

The Cabinet Member advised that 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. As a result of this work it was proposed that the Council's carbon emissions should be at net zero by 2030 and Borough-wide carbon emissions should be at net zero by 2040. The Cabinet Member noted that the draft policy document, due to the constant improvement and development of technology in this area was a living document, and as such would be subject to amendment over time.

The Cabinet Member advised that work to deliver on the proposed targets would be approached by themes of activity supported by a set of actions for 2020/21 and that it was proposed that the Member Working Group would continue to develop the policy and actions for future years to meet the target outcomes. A full action plan of activity was attached as an appendix to the officer's report. Actions for 2020/21 included:

- Producing carbon impact assessments for all significant Cabinet decisions
- Addressing gaps in data collection regarding CO2 emissions
- Exploring the feasibility of renewable energy self-generation
- Committing to requiring efficiency standards for private housing developers that were in line with net zero targets
- Carrying out assessments of the Council's operational buildings to determine feasible energy efficiency upgrades
- Developing a timeline for Electric vehicle fleet conversion
- Developing awareness training for the Council's work force around energy use behaviours
- Promoting sustainable transport across the workforce
- Strengthening South Yorkshire partnership commitments to reduce emissions associated with waste
- Completing energy efficiency improvements to street lighting

The Cabinet Member advised that to deliver on the proposed targets engagement with staff, residents and partners would be essential and that the working group would be looking for both staff and members to become Climate Change Champions. The Cabinet Member noted that the Council would look to work with both the Government and the

Sheffield City Region combined authority in order to secure the extra funding that would be required to deliver on the proposed targets for carbon reduction.

Members welcomed the actions that had been taken since the Climate Emergency had been declared, and noted their support for the proposed targets, themes of activity and the specific actions detailed for completion during 2020/21. Members in particular welcomed the proposals for some members to become Climate Change Champions and that a tree planting policy be developed for the borough during 2020/21.

Members asked for assurance that there was communication across council departments on the actions proposed to respond to the Climate Emergency as the rerouting of heavy vehicles to improve air quality and reduce emissions in some areas could lead to increased traffic flow and road safety problems elsewhere. The Strategic Director of Regeneration and Environment advised that there would be communication across departments and that mitigating actions, such as extra pedestrian crossings on roads where traffic flow increased would be looked at.

The Chair welcomed the development of a borough wide tree planting policy and asked for further information on where the trees would be planted noting that if trees were planted near to roads that seasonal leaf fall could impact on the council's ability to keep roads clear of leaves. The Cabinet Member advised that trees would be planted near to, but not directly next to roads and that mitigating actions regarding increased leaf fall would be taken if required. The Cabinet Member noted that while there was no current masterplan on where trees should be planted across the borough advised that any proposed new developments that were submitted to the Council for approval would be assessed to see how they could accommodate a tree planting scheme.

Members asked for information on how the Council could work with schools to enable them to recycle more, noting that most schools did not have access to a recycling scheme and asked whether schools would be able to access support from the Council in order to enable them to access recycling facilities. The Cabinet Member and the Strategic Director of Regeneration and Environment advised that they would look into this matter further.

Members expressed their approval for the list of actions scheduled for completion during 2020/21 noting that it was a set of specific and realistic actions that would lead to the development of rational, flexible and achievable policies.

Resolved: -

That Cabinet be advised that the recommendations be supported.

168. IMPLEMENTING THE SOUTH YORKSHIRE DEVOLUTION DEAL

As a consequence of the decision taken in the light of the coronavirus situation to cancel the meeting of Council scheduled for 25 March, and the subsequent addition of the report on the Implementation of the South Yorkshire Devolution Deal to the Cabinet agenda, the Chair advised that he had agreed that the report "Implementing the South Yorkshire Devolution Deal" should be considered by the Board as an urgent item of business.

The Leader advised that it had been planned that the report would be considered at full Council so that all members could be included in the discussion on the proposed South Yorkshire Devolution Deal, however due to the meeting of Council scheduled for 25 March being cancelled the report would instead be considered by Cabinet on 23 March. The Leader advised that as the proposed Devolution Agreement and the next steps required to move the process forward had already be endorsed by the other South Yorkshire Councils it was important that Rotherham did so as well in order to prevent further delays to the processes of implementing the agreement.

It was noted in the report of the Chief Executive that the proposed devolution deal had been agreed with Government in 2015 and had been endorsed at the meeting of Council held on 2 March 2016 (Minute No.150 2015/16). The economic deal that had been endorsed would involve the establishment of a directly elected mayor to chair the Mayoral Combined Authority who, working alongside local authority leaders would exercise powers and functions devolved from central government, enabling decisions on how £30 million a year of funding was spent to be decided locally.

The powers required to implement the deal had been set out in a governance review and scheme, and this had been subject to a public consultation that had concluded on 15 March 2020. It was noted that subject to the consultation results and the decision of the Mayoral Combined Authority, that the proposed scheme would be submitted to the Secretary of State for approval in anticipation that a powers order to would be produced by the end of May 2020.

The Leader emphasised that even though the devolution deal had been agreed over four years ago the areas included in the deal were still very relevant. It was noted that the proposed deal was one of the largest individual settlements for any combined authority area and covered a range of themes, including skills and employment; housing, planning and public assets, innovation, advanced manufacturing and business growth, and transport. The Leader advised that the proposed deal would, when implemented show very clearly that South Yorkshire was open for business, and that due to the UK leaving the EU this was even more important than it had been when the devolution deal had originally been proposed. The Leader advised that the responses to the consultation had

been overwhelmingly positive with all questions in the consultation receiving as a minimum two thirds positive approval.

The Leader noted that the decision being sought from Cabinet was for authority to 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.

Members noted that with regard to the powers included in the proposed devolution deal regarding public transport that the establishment publicly owned bus company would be desirable. The Leader advised that this could be difficult due to existing laws regarding the operation of public transport, but noted that the devolved powers that would be granted regarding public transport would enable the Mayoral Combined Authority to define public transport franchises and consequently influence how public transport operated.

Members welcomed the report and noted that while ideally it would have been better being discussed at Council, that due to the current situation with coronavirus it was important that the steps taken to move the proposed deal closer to implementation were taken.

The Chair asked whether the current situation regarding the coronavirus pandemic would impact on the timescales for the implementation of the devolution deal. The Leader advised that there could be delays in receiving the final approval from the Secretary of State, but noted that by ensuring that Cabinet was able to delegate authority to the Chief Executive to take forward and conclude the legal steps necessary to implement the devolution agreement, the Council would have done as much as it could to prevent further delays to the implementation of the devolution deal.

Resolved: -

That Cabinet be advised that the recommendations be supported.

169. DATE AND TIME OF NEXT MEETING

Resolved: -

That the next meeting of the Overview and Scrutiny Management Board be held on Wednesday 10 June 2020 commencing at 11.00 a.m. in Rotherham Town Hall.