

**THE CABINET
19th October, 2020**

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

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

57. DECLARATIONS OF INTEREST

There were no declarations of interest to record at this meeting.

58. QUESTIONS FROM MEMBERS OF THE PUBLIC

(1) Mr. L. Harron referred to accountability, statements of fact and the evidence he had to back those statements up. Having appealed to the Information Commissioner on two occasions and winning both appeals to obtain information from Council, he had recently received a further decision by the Information Commissioner who had been critical of the Council in restricting information. He regarded this as a waste of public funds and resources by the Council and the Information Commissioner.

Having received the decision by the Information Commissioner about an issue he raised in a Council meeting 2.5 years ago he had sent the Leader a paper which he had also given to the Chief Executive 3.5 years ago detailing evidence of dishonesty. He, therefore, asked would the Leader be accountable and nominate an Elected Member to work with himself to look at the issues of dishonesty of officers since 2015.

The Leader acknowledged this was a prolonged period of time, but explained he would be unable to nominate an Elected Member due to the formal procedures already in place to investigate complaints where there were allegations of officer dishonestly or malpractice. The three tier process ended with a panel of Elected Members coming to a final decision and making any sanctions necessary. It would be highly irregular to have Member involvement to lead at the beginning of the process and again at the end.

Mr. Harron confirmed he had lots of evidence of the dysfunctional complaints process and how it controlled rather than looking at the issues. In fact, the Council had, on a number of occasions, used independent investigators to look at issues that could not be done internally. He had also attempted to lodge a complaint on behalf of an adult survivor, but there was no response to the email. He had also asked for this to be debated in public for the next Council meeting.

He confirmed he had referred another response from Rotherham to the

Information Commissioner very recently, bizarrely, as it was a very simple question, which was then altered into a Freedom of Information request. He, therefore, asked around the 1st September, 2016 had the Chief Executive met with an officer and a reporter from the Advertiser about the Sheffield Star's intention to publish an article about the investigation into Swinton Lock. The Chief Executive could simply answer yes or no.

The Leader confirmed he had been involved in correspondence on this matter and the answer had been there was no record and no one could remember whether such a meeting took place. It was, therefore, not possible to give a cast iron guarantee.

The Leader was happy to ask the Chief Executive to confirm, but this was four years ago and it would be if she could recollect such a meeting. This was frustrating for Mr. Harron in the absence of any written information.

Mr. Harron had assumed he would receive a simple yes or not, but this was changed to an FOI response. He had, in fact, received an email around that time from a reporter from the Star which proved some previous correspondence had existed. This had been denied by the Council which confirmed such an exchange had existed, but somehow this had been deleted from records.

(2) Mr. Felstead confirmed he had written to the Leader three weeks ago about Councillor Sue Ellis over claiming on her expenses and had yet to receive a reply. This was documented in the local press where she had received an extra £9,000 on top of the £22,000 for a year without letting anyone know.

Mr. Felstead confirmed he had raised this on a forum of around 5,000 people in Wickesley and Councillor Ellis had received little support. Bringing this into perspective Councillor Ellis was at the time a Director of a multi-billion pound company and in their annual statement they described her as a former Police Officer and Social Worker and how she had served as a Labour Councillor since 1995 along with other roles and responsibilities. It also confirmed the dates she represented the Council on the South Yorkshire Pensions Authority and eventually became Chair.

The Pensions Authority helped to maintain consistently high level performance of an £8 billion fund, but it was clear Councillor Ellis was not financially competent when she was incapable of realising she had overpaid by such a sum.

Mr. Felstead, therefore, asked, having asked his own four year old child to highlight in picture format bigger block proportions, if the Council believed Councillor Ellis to be incompetent.

The Leader thanked Mr. Felstead for his question, but pointed out that

THE CABINET - 19/10/20

Councillor Ellis did not claim any money as she was paid an allowance and the overpayment was an administrative error on behalf of the Council.

The Leader was not willing to speculate on personal circumstances of Members, but confirmed the error had been rectified and Councillor Ellis had paid the money overpaid in full.

This had been very frustrating for Councillor Ellis and as a result the Council had issued her with a formal apology because the fault of making those excess payments lay with Council staff.

There was more work to be done and procedures were now in place to ensure this did not happen again.

In a supplementary question Mr. Felstead asked if the Police had been informed. He referred to a recent article where a man received money by mistake and landed himself with a prison sentence when he spent the windfall. He compared this to the case for Councillor Ellis.

The Leader having regard to case law believed any overpayments made in error required people to repay the money in a period of time no longer than the period for which the overpayment occurred. As previously indicated Councillor Ellis had already repaid that money quickly after the issue was drawn to her attention. It was not believed there was any criminal wrongdoing and Mr. Felstead was, of course, welcome to draw these matters to the attention of the Police. If they wished to investigate information was already in the public domain.

59. MINUTES OF THE PREVIOUS MEETING

Resolved:-

That the minutes of the Cabinet meeting held on 21st September, 2020 be approved as a true and correct record of the proceedings, subject to corrections to replace the word "covert" on pages 5 and 12.

60. 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 Agenda Items 9 and 10 on the grounds that the some of the appendices 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.

61. ADULT CARE SERVICES - EARLY INTERVENTION COMMUNITY

SUPPORT SERVICES

Consideration was given to a report which outlined how the two contracts associated with the services highlighted in this report, the Rotherham Sight and Sound Service and the Carers Support Worker and Dementia Café Service, reached their initial contract term at 31st March, 2021.

There was an option to extend the contracts for a period of twelve months in the contract terms at the discretion of the Council. Both services made a positive contribution to the Council's duty under the Care Act 2014 to promote wellbeing and prevent, reduce and delay the need for care. The people who benefitted from the services were living in their own homes in the community.

The Rotherham Sight and Sound Service supported people who experienced sensory impairment (deaf, blind or deaf-blind).

The Carers Support Worker and Dementia Café Service supported unpaid carers and people who were experiencing the symptoms of dementia.

Both services were now well established in Rotherham and the report's proposals were for the Council to continue to secure the services going forward under grant agreement arrangements under Option 1 proposals.

Cabinet Members welcomed the report, but sought assurances that the BME community, who appeared from the equality analysis to not be accessing the services, were receiving the required support. In understanding this an action plan had been put in place along with a commitment to meet the needs of all Rotherham's communities to ensure any gaps were addressed in a timely fashion.

Resolved:-

That the two options contained in this report be considered and Option 1 be approved:-

Option 1

(a) Rotherham Sight and Sound Service be offered to the wider market under a grant funded Service Level Agreement in accordance with the provisions of the Rotherham Compact prior to contract termination at 31st March, 2022 to secure a provider to continue the service for a period of two years until 31st March, 2024.

(b) The Carers Support Worker and Dementia Café Service be offered to the wider market under a grant funded Service Level Agreement in accordance with the provisions of the Rotherham Compact prior to contract termination at 31st March, 2022 to secure a provider to continue the service for a period of two years until 31st March, 2024.

62. LEARNING DISABILITY/AUTISM - DEVELOPING COMMISSIONING SOLUTIONS

Consideration was given to the report that set out in detail the approach to adopting a set of strategic commissioning intentions that strengthened independence, choice and control for people with a Learning Disability and/or Autism within Rotherham and supported the Adult Care Directorate's development programme My Front Door.

This report provided an overview of the current externally commissioned offer in Rotherham, particularly the state of the local market in terms of ability to meet current demand for service and the pressures that providers were facing and further highlighted the case for change, before focusing on the key work needed to underpin a new delivery model for externally commissioned Learning Disability and Autism Services.

The report also focused on Supported Living and detailed how the current external offer in Rotherham did not always promote independence and could be reliant on a quasi-residential care model rather than an independent living approach. Individuals did not always have the option to appropriately move on to alternative accommodation or to regularly access community assets.

There were a limited number of supported living providers operating within the Borough and currently there was no established route to market for supported living. This had restricted genuine choice and had led to an inconsistency in quality and pricing which needed to be addressed. However, these issues were mainly contractual. Although people often remained in the same service with the same level of support for many years the people currently residing in Rotherham's Supported Living Services were well supported both at home and out in the community where they were able and supported to participate with daily tasks at home out in the community.

The work programme would improve services by developing and commissioning services based on co-produced service specifications that focused on person centred outcomes.

The externally provided Day Opportunity offers in Rotherham have begun to transform the opportunities which were available, but further work was needed to ensure that there was choice and a vibrant offer for people with a Learning Disability and/or Autism in Rotherham, to access meaningful opportunities around employment, education and leisure time during the day as an alternative to a day centre or remaining within their accommodation.

The Day Opportunity Complex Needs Services that was commissioned with external organisations provided both building-based and community outreach elements. The building-based services provided a base for people to return to for personal care needs and therapeutic sessions. The

community outreach provided support to access the community and complete daily living tasks such as shopping, banking alongside support to access community groups. Community Catalysts have been instrumental in the development of a vibrant and varied Day Opportunities offer for working age people in Rotherham, working closely with the many Community Enterprise organisations to ensure that the services they offered were of good quality, provided value for money and evolved to meet the changing needs of the people who access these services. The Community Catalysts work had had a positive impact on the economy in Rotherham by supporting small businesses to develop locally, which in turn contributed to social value in local communities in line with the Council's Social Value Policy.

There was a need to develop the Employment Support Opportunities within Rotherham. Limited opportunities were available through some of the Community Enterprises, but this area needed to be developed further and would be addressed as part of any future tender opportunity.

The intention would be to use a blended approach to deliver the transformation of the commissioned services. This would be carried out in three stages in order to ensure current service delivery was maintained: Stage One - Service Continuity, Stage Two - Assessment, Planning and Procuring and Stage Three - Delivery and Implementation

The report also sought approval for the commencement of a project to develop a Flexible Purchasing System (FPS), including the approach adopted and also asked that associated risks and mitigations be noted.

Cabinet Members welcomed how this solution would create more opportunities for people with Learning Disabilities and Autism giving them greater control of their lives with a better offer. They supported the report, setting out the detail on the methodology and approach to making this happen.

Resolved:-

(1) That the Stage 1 (Continuity), including the use of grants for Speak Up and Community Catalysts, and Stage 2 (Assessment, Planning and Procuring) phases be approved. These were to support the design, delivery and planning of new services, and are expected to be completed by June 2021

(2) That the retendering of services outlined in section 3.2 of the report submitted be approved. This is expected to be completed by June 2021.

(3) That the process and timings associated with the Stage 3 (Delivery and Implementation) be noted. This to include the procurement (FPS approach or otherwise) of new Supported Living arrangements and Day Opportunities services.

(4) That Cabinet receive a report in eight months' time with recommendations at the conclusion of Stages 1 and 2 in order that Stage 3 can progress. This was to include benefits of the proposal and projected financial implications.

(5) That the overall project timings be approved and the approach, tasks, and associated risks be noted.

63. LIBRARY STRATEGY

Consideration was given to the report which set out in detail the vision and framework contained in the Library Strategy 2021–2026 and how the Strategy and new service offer would enable the Council to fulfil its statutory duty under the Public Library Act and meet the needs of the community through the delivery of the Libraries and Neighbourhood Hubs Service.

The Strategy and service offer had been finalised following feedback from the last phase of consultation, along with the Equalities Impact Analysis. All future delivery changes would be, therefore, underpinned by the Strategy.

Particular attention was drawn to the exciting proposals to relocate the Thurcroft Library to Gordon Bennett, the increased community partnership work with the new Brinsworth Library collaboration with the Parish Council working on some new models of management and access and the need for libraries to diversify.

The Equalities Impact Assessment at Appendix 3 provided some in-depth detail which would be embedded into service planning and delivery and key facts about the service and usage and some of these were highlighted.

Cabinet Members expressed their support for the Strategy and the significant investment that this also brought locally. An assurance was made that, despite the pandemic, staff were active and currently providing a click, call and collect service, staggered staged opening of libraries and a number of initiatives online.

In addition, calls had been made to several hundred vulnerable library members knowing how isolation was particularly damaging to people's health and the importance to be connected.

The Strategy itself was built on the Equalities Impact Analysis and research to address barriers to people engaging. The investment had allowed eleven libraries to re-open and a number were undergoing refurbishment.

The needs of young readers, disabled and BME were highlighted with

examples of activities online, along with the use of social media platforms to showcase, recognise and celebrate authors and activity programmes for different groups and communities.

Training was ongoing with existing staff so they could better understand and address the needs of certain people and community groups. Staff were excited and welcomed the opportunity.

Attention needed also to be given on how best to use photography imagery for the libraries and how this could be presented.

This report had been considered by the Overview and Scrutiny Management Board as part of the pre-scrutiny process who were in support of the recommendations.

Resolved:-

(1) That the final version of the Library Strategy 2021-2026 and associated service offer be endorsed and be recommended to Council for adoption.

(2) That the consultation and engagement undertaken and the findings of the Equalities Impact Analysis be noted.

(3) That the Action Plan for Rotherham Libraries and Neighbourhood Hubs be approved.

(4) That the progress made on the development of a new Library for Rotherham Town Centre be noted.

(5) That the transfer of Brinsworth Library to Brinsworth Community Trust, supported by Brinsworth Parish Council and Rotherham Metropolitan Borough Council be approved.

(6) That the relocation of Thurcroft Library from Thurcroft Junior Academy to the Gordon Bennett Memorial Hall site utilising the approved libraries capital allocated be approved.

(7) That the implementation of self-service technology in order for customers to access library sites independently be approved.

64. TOWNS FUND – TOWN INVESTMENT PLAN

Consideration was given to the report which set out in detail how the Town Deal was a £3.6bn programme seeking to “unleash the economic potential” of one hundred places across the country.

Rotherham had been given an opportunity to bid for up to £25m through

this Fund or up to £50m if it was considered that “exceptional circumstances” applied. Bidding would take the form of a Town Investment Plan.

This report, therefore, provided an update on the development of the Town Investment Plan and sought approval for the Strategic Director of Regeneration and Environment, in consultation with the Cabinet Member for Jobs and the Local Economy and the Section 151 Officer to submit the Town Investment Plan and any necessary supporting documentation.

A requirement of the Town Deal programme was that the Council set up an overarching Town Deal Board. This was established in January, 2020. The robust Town Deal Board served an advisory function and a vehicle through which the vision and strategy for the town was defined and the Town Investment Plan produced.

The Town Investment Plan would cover a geography prescribed by MHCLG and was detailed in Appendix 2. Potential interventions focused on the Eastwood, Templeborough and Town Centre areas were suggested and examined to reflect the Town Deal geography. A number of investment opportunities were identified and a summary was provided.

Funding for the Town Deal Accelerator was entirely dependent upon the scheme being delivered by 31st March, 2021. In addition to the preferred scheme, further options for the Town Deal Accelerator were being explored should it not be possible to secure the necessary agreements and approvals to allow the preferred scheme to progress to be delivered in time and since the report was submitted the Government had opened invitations from December, 2020.

Work was ongoing with the Town Deal Board to agree the detail and confirm the various projects for the bid. The next meeting of the Board was scheduled for Tuesday, 20th October, 2020.

This report had been considered by the Overview and Scrutiny Management Board as part of the pre-scrutiny process who were in support of the recommendations.

Resolved:-

(1) That the Town Investment Plan Emerging Project Summary (Appendix 5) be endorsed.

(2) That delegated authority be given to the Strategic Director of Regeneration and Environment, in consultation with the Cabinet Member for Jobs and the Local Economy and the Section 151 Officer, to agree the final content and submit the Town Investment Plan and subsequently to agree the Town Deal Heads of Terms.

(3) That the acquisition of the freehold interest necessary to enable a

Town Deal Accelerator scheme as detailed in Appendix 6 be approved, and the Head of Legal Services be instructed to complete the necessary legal documentation once terms for the acquisition have been agreed.

(4) That delegated authority be given to the Strategic Director of Regeneration and Environment, in consultation with the Cabinet Member for Jobs and the Local Economy and the Section 151 Officer, to agree the final Town Deal Accelerator scheme as detailed in Appendix 6, if the preferred scheme is not progressed.

65. THE PROPOSED DISPOSAL OF THE COUNCIL'S FREEHOLD INTEREST IN THE FORMER OAKS DAY CENTRE, OAKS ROAD, WATH UPON DEARNE

Consideration was given to the report which sought approval to dispose of the Council's freehold interest in the former Oaks Day Centre, Oaks Road, Wath upon Dearne.

Since becoming vacant there have been attempts to break into the former learning disability building which was no longer fit for purpose, required significant investment and was subsequently deemed not to be economically viable. The proposal was to clear the site and offer this as a development opportunity on the open market.

Local Ward Members have been consulted on the proposal to dispose of this property and no objections or representations have been received.

Resolved:-

(1) That the disposal of the Council's freehold interest in the former Oaks Day Centre, Oaks Road, Wath upon Dearne, S63 7BB be approved.

(2) That the Assistant Director (Planning, Regeneration and Transport) be given delegated authority to the disposal of the assets by implementing the most appropriate method of disposal to help expedite the process, whilst ensuring that best consideration is achieved under Section 123 – Local Government Act 1972.

(3) That the Assistant Director of Legal Services be delegated authority to negotiate and complete the necessary legal documentation once terms for the disposal have been agreed.

66. 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.

67. DATE AND TIME OF NEXT MEETING

THE CABINET - 19/10/20

Resolved:-

That the next meeting of the Cabinet be held on Monday, 23rd November, 2020, commencing at 10.00 a.m.