

THE CABINET
20th September, 2021

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

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

41. DECLARATIONS OF INTEREST

There were no declarations of interest.

42. QUESTIONS FROM MEMBERS OF THE PUBLIC

There were no members of the public present at the meeting and no questions submitted in writing.

43. MINUTES OF THE PREVIOUS MEETING

Resolved:-

That the minutes of the Cabinet meeting held on 16th August, 2021, be approved as a true and correct record of the proceedings.

44. EXCLUSION OF THE PRESS AND PUBLIC

The Chair advised that there was one exempt appendix in relation to Minute Nos. 46 and 48 by virtue of paragraphs 1 and 3 respectively of Part 1 of Schedule 12A of the Local Government Act 1972. However, the appendices were not discussed during the meeting and as such, the meeting remained open to the press and public throughout.

45. YEAR AHEAD PLAN PROGRESS REPORT

Consideration was given to the report which provided an update on the progress made with the Year Ahead Plan activities since September 2020. The Plan was the Council's plan for operating in and recovering from the COVID-19 pandemic. It aimed to support residents, communities and businesses through the challenges and uncertainty of the pandemic, helping to build resilience whilst also continuing to drive ambitions plans for Rotherham. An extension to the Plan was agreed on 21st June, 2021, and this was the first quarterly update report since the extension but the fourth update overall.

As of 11th August 2021, 13% of the activities outlined had been completed; 63% were on track; 14% were behind schedule; 2% were off track and 9% had been closed. The Leader advised that the 2 that were off track related to the commissioning of new services to prevent financial exploitation and the Carers Strategy. The Strategy was off track due to staff being redeployed and difficulties with consulting carers, both due to the COVID-19 pandemic. However, the Cabinet Member for Health and Social Care advised that the Strategy would be completed shortly. The commission of new services to prevent financial exploitation action was off track due to delivery partners being delayed until autumn 2021.

Appendix 1 to the report was the milestone tracker for the Plan whilst Appendix 2 set out case studies related to the Plan. The timeline for the Plan was attached at Appendix 3.

The report had been considered by the Overview and Scrutiny Management Board as part of the pre-decision scrutiny process. The Board was fully supportive of the recommendations.

Resolved:

That the progress made with the Year Ahead activities be noted.

46. OPERATIONAL DELIVERY OF LAC SUFFICIENCY STRATEGY - UPDATE REGARDING CHILDREN'S HOME PROVISION

Consideration was given to the report which provided an update on the progress of the Looked After Children Sufficiency Strategy – New Residential Provision. The Strategy had been agreed by Cabinet in February 2020 and updated in June 2020. The overall development responded directly to the strategic intention of Rotherham Children and Young People's Services (CYPS) to reduce the number of external residential placements and ensure more Rotherham LAC and young people were placed within the Borough. This would help the LAC and young people remain close to their families, support networks and educational settings. It would also allow for greater flexibility and control of provision along with reduced costs for placements which would lead to the delivery of directorate savings.

The report also included a summary of the progress achieved through phases 1 and 2 of implementation. Four new children's home had been purchased/acquired and fitted out to meet the required specification and Ofsted requirements; 4 managers and 44 members of staff had been recruited; 60 days of induction training had been held; 2 children's homes had been opened with Ofsted registrations and ratings of Good on first inspection; 5 young people had lived in the homes and 2 of those 5 young people had been supported to "step down" from residential care into foster care.

It was reported that CYPS would submit a bid in October 2021 to the recently announced Department for Education Children's Home Capital Programme. The application related to phase 3 proposals and the fund could help establish new children's homes via expansion, refurbishment, or new building work. The results of the application process were expected on 22nd November, 2021.

Resolved:

1. That Cabinet note the progress made.
2. That Cabinet note the learning achieved to date and agree for this to be used to inform existing operations and specifically phase three of the development.
3. That a further report be presented to Cabinet in 12 months or on the submission of the Ofsted registration for the homes in phase three (whichever is sooner).
4. That approval is given to progress Phase Three of the implementation plan (final phase), which incorporates the acquisition of an additional two properties within the capital budget of £2 million and the recruitment of the associated staff to register and operationalise the homes.

47. JULY 2021/22 FINANCIAL MONITORING

Consideration was given to the report which set out the financial position as at the end of July 2021 and was based on the actual costs and income for the first 4 months of 2021/22 and forecast for the remainder of the financial year.

Members noted that financial performance was a key element within the assessment of the Council's overall performance framework and was essential to achievement of the objectives within the Council's Policy Agenda. The report was the second in a series of monitoring reports for the 2021/22 financial year which would continue to be brought forward to Cabinet on a regular basis.

As at July 2021, the Council expected to deliver the overall outturn within budget for the financial year 2021/22. However, it was noted that the Directorates had a forecast year-end overspend of £7.2m on the General Fund. This was mitigated by the Government's provision of the COVID-19 Emergency Support Grant and Sales, Fees and Charges Income Compensation. The Cabinet Member confirmed that the longer term impacts of COVID-19, Public Health measures and the pace at which services would return to normal was unknown.

The Council had established the Local Self-Isolation Support Scheme which provided financial support to those needing to self-isolate but could not access the Government Test and Trace Self Isolation Support Schemes. It was confirmed that the Council's scheme would end when the Government's scheme ended, and this was expected to be the end of September 2021.

The report had been considered by the Overview and Scrutiny Management Board as part of the pre-decision scrutiny process. The Board was fully supportive of the recommendations. OSMB also requested that a report be circulated to them to provide further information on previously agreed budgetary savings.

Resolved:

1. That the current General Fund Revenue Budget forecast of a balanced budget be noted.
2. That it be noted that actions will continue to be taken to ensure a balanced financial outturn is delivered.
3. That the Capital Programme update be noted.
4. That the current position of the Council's Local Scheme for Self-Isolation Support Payments be noted as per section 2.48 of the report.
5. That a report be circulated to members of the Overview and Scrutiny Management Board in order to provide Members with information and assurance on the specific activities that are being carried out with, and by Directorates in order to ensure the timely delivery of previously agreed budgetary savings.

48. NEW APPLICATION FOR BUSINESS RATES HARDSHIP RELIEF

The Council had received an application for Business Rates Hardship Relief that did not meet the Council's qualifying criteria. Granting the relief would give the business an unfair trading advantage over its competitors.

The details of the organisation were exempt under Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972 as to disclose the applicant's business financial information could jeopardise the reputation of the business and place competitors at an unfair advantage. The details were available to Cabinet Members in exempt Appendix 1 to the report.

Resolved:

That the application for Hardship Relief be refused.

49. RESPONSE TO RECOMMENDATIONS FROM THE SCRUTINY REVIEW ON BUILDING USE

At its meeting on 16th September 2020, the Overview and Scrutiny Management Board resolved to establish a sub-group of the Improving Places Select Commission in order to feed into the planned review relating to the return to and use of Council buildings. The review took place during the national lockdowns and local tiering arrangements introduced as a result of the COVID-19 pandemic.

The findings from the sub-group were considered by Council at its meeting on 3rd March, 2021, and the responses to each recommendation from Cabinet are below:

- a) That the principle be agreed that the future usage of buildings be determined in accordance with the needs of services located therein.**

Future building use will be determined with the best possible service for residents in mind. Services will assess how best to meet that need which will then determine how and when buildings are used in future.

- b) That, prior to buildings being brought back into use by staff or the public, consultation take place with Trade Unions and staff following the completion of risk assessments in respect of the building or location concerned.**

Risk assessments have been undertaken throughout the pandemic by Assessment Management and Facilities Services in order to comply with Government COVID-19 guidance. The assessments have continued to be updated and amended where appropriate and have been reviewed with staff and Trade Unions prior to any return.

- c) That any decision to return employees to Council buildings beyond the minimal number that have been required to be present throughout the pandemic be made having regard to advice from the Corporate Health and Safety Team and Human Resources, as well as being subject to Government guidance around the safe use of Council buildings.**

Relevant government guidance has been applied to those attending Council buildings throughout the pandemic. Appropriate signage, hand sanitizer and the encouragement of face masks have been in place since buildings have begun to reopen. Decisions on requests to return to the office have been made by Recovery Gold against the business case submitted.

- d) That Members be notified when main operational buildings are to be brought back into use, specifically the Town Hall as the civic hub of the Borough.**

Members will continue to be notified when main operational buildings, including the Town Hall, are brought back into use.

- e) That, having regard to the positive implications associated with virtual meetings in respect of the Council's carbon footprint, the Leader of the Council lobby the Secretary of State for Housing, Communities and Local Government to legislate for the ongoing provision of virtual meetings beyond 7th May, 2021.**

The Leader wrote to the Secretary of State for Housing, Communities and Local Government in February 2021 to request an extension to the regulations that allowed virtual meetings. The Government subsequently announced that an extension would not be provided.

- f) That Asset Management and Digital Services work together to identify the necessary changes or solutions required in Riverside House and Rotherham Town Hall, as well as any changes required to equipment or software for Members and officers, to enable continued use of remote working whilst permitting physical presence in a Council building.**

A number of IT solutions for supporting hybrid working in meeting rooms across the estate were being tested. Following testing during August 2021, a decision on further rollout of the meeting room IT equipment was to be made in September, with any further installation likely to be completed by the end of 2021.

- g) That the Head of Democratic Services prepare guidance and training on the procedures and operation of hybrid meetings.**

Guidance and training would be shared with Members and Officers prior to the introduction of hybrid working and will be produced jointly between IT, Asset Management, HR and Democratic Services. Public-I would provide guidance for the use of the Council Chamber which would be circulated to Members and Officers prior to implementation.

Resolved:

That the responses provided by Cabinet to the recommendation of the Scrutiny Review on Building Use be approved.

50. COMMUNITY INFRASTRUCTURE LEVY SPENDING PROTOCOL

Consideration was given to the report which sought approval for a protocol to allocate Community Infrastructure Levy (CIL) income to priority infrastructure schemes at a strategic level across the Borough. Approval was also sought for a Ward-based approach to the spend of Local CIL arising from development in non-parished areas.

The CIL came into force in Rotherham on 3rd July, 2017, and was applied to new developments to raise funds for local infrastructure. 80% of the CIL income from a development was for infrastructure set out in the Infrastructure Funding Statement; 15% was for parishes to spend on local infrastructure priorities and the remaining 5% was to cover administrative costs. The 15% for Parish Councils could be increased to 25% for parishes with an adopted Neighbourhood Plan. It was proposed that the 15% of Local CIL income the Council had collected from developments in non-parished areas, around £120,000, be devolved to the Ward in which the development took place and administered by the Neighbourhoods Team following consideration by the Ward Councillors.

The report had been considered by the Overview and Scrutiny Management Board as part of the pre-decision scrutiny process. The Board was fully supportive of the recommendations but asked that further consideration be given to how all Elected Members could be consulted and engaged with regarding the allocation and prioritisation of Strategic Community Infrastructure Levy funds in their Ward. OSMB also requested that a Member Seminar be held on the CIL and Section 106 agreements.

The Cabinet Member confirmed that she was happy to accept those recommendations.

Resolved:

1. That the protocol for prioritising and approving the spend of Strategic CIL funds be approved.
2. That the Ward-based approach to the spend of Local CIL arising from developments in non-parished areas be approved.
3. That further consideration be given to how all Elected Members can be consulted and engaged with regarding the allocation and prioritisation of Strategic Community Infrastructure Levy funds in their Wards.
4. That an all-Member seminar be delivered in order to provide Members with information on the Community Infrastructure Levy, Section 106 agreements and on the new processes and protocols for the spending of both Strategic and Local Community Infrastructure Levy funds.

51. BT PROPOSAL TO PERMANENTLY REMOVE 18 PHONE BOXES ACROSS THE BOROUGH

Consideration was given to the report which outlined the proposal by BT to close 18 pay phones across the Borough. Following public consultation in line with Ofcom requirements, a final decision was taken to consent to the closure of the telephony service and removal of 9 phone boxes. The local veto was applied to 9 phone boxes, meaning BT were required to keep those pay phones in use.

The final decision was taken by the Assistant Director – Planning, Regeneration and Transport, under the Council's Scheme of Delegation. The schedule showing the decision on each of the 18 phone boxes proposed for removal by BT was included at Appendix 4 to the report.

Resolved:

That Cabinet note the decision consenting to the closure and removal of 9 BT phone boxes but to retain 9 BT phone boxes under the local veto.

52. 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.

53. DATE AND TIME OF NEXT MEETING

Resolved:-

That the next meeting of the Cabinet will be held on Monday, 18th October, 2021, commencing at 10.00 a.m. in Rotherham Town Hall.