

**COUNCIL MEETING
30th November, 2022**

Present:- Councillor Tajamal Khan (in the Chair); Councillors Taylor, Alam, Allen, Andrews, Atkin, Aveyard, Bacon, Baker-Rogers, Ball, Barker, Beck, Bennett-Sylvester, Bird, Browne, Burnett, A Carter, C Carter, Clark, T. Collingham, Z. Collingham, Cooksey, Cowen, Cusworth, Elliott, Ellis, Fisher, Griffin, Haleem, Havard, Hoddinott, Hughes, Hunter, Jones, Keenan, McNeely, Mills, Miro, Monk, Pitchley, Read, Reynolds, Roche, Sansome, Sheppard, Tarmey, Tinsley, Whomersley, Wyatt and Yasseen.

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

83. FREEDOM OF THE BOROUGH

At the meeting of Council on 12th January, 2022, it was resolved:

That in pursuance of the provisions of Section 249(5) of the Local Government Act 1972 and in recognition of his outstanding service to sport as an Olympic Gold Medallist Paralympian and inspiration to others facing adversity through life changing events, Gavin Walker MBE, be admitted as an Honorary Freeman of this Borough.

The Mayor stated that to be granted the title of an Honorary Freeman was a mark of distinction upon the person whom the Council wished to honour and something that had been established since 1885 as the highest honour which our Council can bestow. Awards were not just for a job well done, they were awarded because an individual had 'gone the extra mile' in the contribution they had made or stand out 'head and shoulders' above others in what they have achieved. Mr. Gavin Walker MBE had done just that for his outstanding service to sport as an Olympic Gold Medallist Paralympian and inspiration to others facing adversity through life changing events.

The Mayor was delighted to be able to celebrate this award of Honorary Freeman of the Borough with Mr. Walker MBE who was present at the meeting. A civic reception had taken place prior to the meeting

The Mayor read the following citation:

Members, in exercise of the powers conferred by Section 249(5) of the Local Government Act 1972, and pursuant to a resolution passed at the Council meeting held on 12th January, 2022, the Council hereby admits:

Mr. Gavin Walker MBE as an honorary Freeman of the Borough of Rotherham.

Mr. Walker MBE was then invited to sign the Roll of Honorary Freeman along with the Mayor and Chief Executive of the Council. He was then presented with the framed illuminated address and pendant.

Mr. Walker MBE responded by saying that he hoped the Freeman of the Borough award, along with his MBE and gold medal, would encourage people with life-changing injuries to take up sport and move forward from a traumatic accident.

84. ANNOUNCEMENTS

The Mayor welcomed everyone to the meeting. A full update on Mayoral activity since the last meeting was included in Appendix A to the Mayor's Letter. The Mayor highlighted some specific events during the meeting which included attendance at the Women's Euro 2022 celebration event; attendance at the South Yorkshire District Trafalgar Day Parade; the celebration of Black History Month and a tour of the Town Hall by the 27th Rotherham Scouts.

The Mayor had also joined the Lord Lieutenant of South Yorkshire at Wentworth Woodhouse for the late Queen's Green Canopy Tree Gifting award presentation and tree planting ceremony.

November had included events to commemorate Armistice Day and Remembrance Sunday. Numerous events had been attended by the Mayor and Deputy Mayor across Yorkshire.

The Mayor passed on his most sincere sympathies to the family of retired Lieutenant Commander Allen Dixon who had died at the age of 87 and who had been awarded the Freedom of the Borough of Rotherham in 2013. Lieutenant Commander Dixon had played a key role in the Borough and in the Armed Forces community.

Towards the end of November, the Mayor had attended the Council's Big Hearts, Big Changes Employee awards, switched on the Christmas lights in All Saint's Square and Wath Upon Dearne and had attended a performance of the Rotherham Symphony Orchestra at Rotherham Minster.

85. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Barley, Baum-Dixon, Brookes, Castledine-Dack, Lelliott, Thompson and Wilson.

86. COMMUNICATIONS

There were no communications received.

87. MINUTES OF THE PREVIOUS COUNCIL MEETING

At the meeting, a correction to the Minutes was requested by Councillor Andrews regarding her attendance. Councillor Andrews should have been included in the list of Members present at the last meeting.

Councillor Bennett-Sylvester advised that he had received a response from Councillor Brookes in relation to Minute No. 67.

Resolved:-

That the Minutes of the meeting of Council held on 5th October, 2022, as corrected, be approved for signature by the Mayor.

Mover:- Councillor Read

Seconder:- Councillor Allen

88. PETITIONS

The Mayor introduced the report and confirmed the receipt of one petition since the last Council meeting:

- Containing 23 signatures, a petition was received requesting that the Council “hold a public debate about the progress the Council has made in tackling Child Sexual Abuse (CSA) since the Jay Report in 2014.”

The lead petitioner was not in attendance at the meeting.

Resolved:-

- 1) That the report be noted.
- 2) That the relevant Strategic Director be required to respond to the lead petitioner, as set out in the Petition Scheme, by Wednesday, 14th December, 2022.

89. DECLARATIONS OF INTEREST

There were no declarations of interest.

90. PUBLIC QUESTIONS

- 1) Mr. Eric Shaw – Other areas have had safety and speeding issues implemented but nothing yet in the Broom area. Could the Council address safety and speeding concerns on our roads?

Councillor Beck thanked Mr. Shaw for attending the meeting to raise this question on the important issue of road safety. When the Council review collision hotspots every year, the Broom area had not, in the last couple of years, come up. However, the Council have, very

recently, set aside some funding for local Neighbourhood Road Safety Schemes. The Broom area fell within the Boston Castle Ward which was an area for potential investment over the coming year or two. Councillor Beck asked Mr. Shaw to use this opportunity to liaise with his Ward Councillors (Councillors Alam, McNeely and Yasseen) who would have an integral role in deciding where that investment would fall. Broom could, therefore, benefit from that investment moving forward. There was a chance in the coming months and year that there would be the opportunity for some improvements to help with road safety in Broom.

- 2) Mrs. Jane Patching – Environmentally friendly options are available for a path providing a safer alternative for cyclists without causing disruption to other traffic and locals. The effect of increased traffic on residential roads, like Boswell Street, as drivers avoid delays caused by the proposed route, has been ignored. Why haven't the views of residents and alternative pathways across Herringthorpe Playing fields been considered?

Councillor Beck thanked Mrs. Patching for her question. He explained that he understood the proposed cycle route to be on Broom Road. As with most other roads in the Borough, under the Cycling Strategy and indeed the expectation of Government, cyclists had a right to safety on and enjoyment of the highway, just as much as motorists and pedestrians. That had been the centrepiece of the public consultation that was delivered towards the end of 2021 where the Council engaged with residents in that area. There was over 100 responses received and the predominant view was in favour of the Scheme.

However, Councillor Beck did take on board the thrust of the question about the use of parks and Herringthorpe Valley park specifically for use of cyclists. The main problem with that in this case was that the whole driver for the Scheme was connectivity with the Town Centre along Wellgate and then onto Broom Road for cyclists. With the use of Herringthorpe Valley playing fields and the location of the roundabout, it was felt that there would be a problem with that.

In summary, the Council has been keen over the last few years, where Government funding has come along, to create safe spaces for cyclists, particularly in and around the town centre. This Council has wanted to embrace those opportunities, and this was the case for Broom Road. The Council did understand residents' viewpoints and they have purposefully sought to take onboard the views of all residents as the work has been undertaken.

In her supplementary, Mrs. Patching stated that she understood totally what was being said about needing to provide safe spaces for cyclists. However, she disagreed that the route proposed was the safest way of getting people down Broom Road and into the Town Centre. Mrs.

Patching asked how many and who was expected to benefit from the proposed route, because in her opinion, it was not the residents?

Councillor Beck explained that he believed there were cyclists in and around Broom Road that would benefit but, as well, there were cyclists all around the Borough who potentially work in the Town Centre. There were thousands of people that work in the Town Centre, and they would benefit from cycleways. However, Councillor Beck did take on board the points raised.

- 3) Ms. Shazia Yousaf - Why are Council Officers refusing to meet with Rotherham Muslim Burial Council about the Herringthorpe Cemetery managed by Dignity on behalf of Rotherham Council?

Councillor Alam explained that where issues raised by the Rotherham Muslim Burial Council relate to operational matters, it is appropriate that Dignity meet with them to address these issues directly. It is not appropriate for the Council to be involved in the day-to-day operation of Dignity's business, but to retain an overview of the problems encountered and Dignity's responses via monthly performance meetings and quarterly contractual meetings. Dignity was challenged at these quarterly meetings.

In her supplementary, Ms. Yousaf stated that Council had a responsibility to the community and to address them directly. The Council's contract was with Dignity but the community's contract was not with Dignity. She asked Councillor Alam to clarify.

Councillor Alam explained that in the past there had been a grey area between monitoring the contract and engagement. Dignity are the service providers and as such they need to engage with the community across the Borough. The Council's role was to monitor the contract and performance which it had been doing since responsibility had transferred to the Legal Service.

- 4) Mr. Saghir Hussain - When was RMBC made aware of the issue of flooding at East Herringthorpe Cemetery - which date month and year will suffice?

Councillor Alam stated that the issue at the Cemetery with the groundwater levels was raised publicly in April 2022. They were raised at the public meeting held at the Town Hall on 13th June. Dignity and the Council engaged with the community in relation to groundwater levels. As part of focused investigations Dignity commissioned Clancy Consulting Limited to carry out a full site investigation into these matters in October 2022, with the Council being informed of progress at each stage.

COUNCIL MEETING - 30/11/22

In his supplementary, Mr. Hussain stated that he had evidence to contradict the claim that the Council had only been made aware of the issue this year. Councillor Alam was asked to respond.

In his response, Councillor Alam stated that [issues with ground water] in the new section had been brought to his attention on Good Friday and he had met with Mr. Hussain after Friday prayers. Since then there had been a lot of action regarding how to address the issue of ground water flooding.

- 5) Ms. Nida Khan – What are the Council's responsibilities in managing the Dignity (CMG) contract for Rotherham Cemeteries?

Councillor Alam explained that the Council, as the commissioning body, are responsible for the performance management of the contract between the Council and Dignity. Performance is monitored across 54 key performance targets at monthly performance meetings between Dignity and Council Officers.

In her supplementary, Ms. Khan stated that she had lost her mum to Covid over 8 months ago, after which she spoke at a RMBC meeting. She thanked Councillor Read for letting her speak and explain the situation. However, since then it had been a nightmare. The experience within the graveyard had been indescribable for Ms Khan, her family and her community. The family were learning to come to terms with the passing of their family member, but they could not move on because of the state of the graveyard. The Council was fully aware, and Ms. Khan stated that she had informed Councillor Read that he was being misled and being given incorrect information. Councillor Read had stated that the people with responsibility for doing those jobs would be doing those jobs. The Council was refusing to talk to the community, they were not supporting them and every time they went to Dignity with a question about the day-to-day running or about arranging funerals; they are told that they cannot respond because they need approval from the Council. Every question taken to Dignity is then brought back to the Council for the Council to make a simple decision on what time they are going to bury someone. The Council won't meet with the community, but they should meet with the people of Rotherham. The Council say it is Dignity's responsibility but Dignity hide behind the Council.

Ms. Khan stated that it was not good enough to just read off a piece of paper and say the Council was managing the contract. Unfortunately there had been no presence from Rotherham Borough Council at the graveyard. The Police had been called on the Muslim community for just standing at the graveyard and it had been an uphill struggle to bury the dead.

Ms. Khan's question was who can people talk to? Will the Council meet with the community or not?

Councillor Alam explained that he did share the concerns as a number of his family members were buried at the graveyard in question. In the past it has been admitted that the contract had not been managed properly. Dignity acknowledged this in the public meeting. However, now officers were meeting Dignity on a monthly basis and the project liaison group were meeting on a quarterly basis to ensure that Dignity delivered. The Council had the option of imposing financial penalties, and it was said in April and being repeated now that the Council would operate a zero tolerance approach to the contract. It was a very important service across the Borough and vital that residents had a first class service.

Councillor Alam agreed to speak with Ms. Khan outside of the meeting.

- 6) Mr. Arshad Mahmood – Could the Council please inform the members of the public as to how long ago they became aware of the below and above ground water issues that have severely impacted East Herringthorpe Cemetery, especially the Muslim burial section?

Councillor Alam stated that the issue at the Cemetery with the Ground water levels was first raised publicly in April 2022. This was at the public meeting held at the Town Hall on 13th June. Dignity and the Council engaged with the community in relation to groundwater levels.

In his supplementary, Mr. Mahmood stated that the work that had been done since April was the result of significant pressure from the community and no thanks to the Council or Dignity. The Council and the Muslim community in 2012 commissioned the EH group to access the water problem at East Herringthorpe. However, when Mr. Mahmood had tried to locate this, he had been told that it did not exist. The Council are now fully aware of the fact that many of those graves are completely waterlogged. There was evidence and the community had been knocking on Dignity's door and the Council's door for years, if not decades, but no action has ever been taken. It was irresponsible of the Council.

Mr. Mahmood asked the Council not to take credit for the work that had been carried out. He again asked when the Council became aware of the issue because, in his opinion, it certainly was not in 2022?

Councillor Alam explained that he had not been a Councillor in 2012 but confirmed that the Council had put a lot of pressure on Dignity. They had challenged them over the Summer of 2022 to sort the drainage system for September 2022. Officers had gone out of their way to challenge Dignity. Because of the commercially sensitive nature of the contract, Councillor Alam could not discuss certain issues publicly but he wanted to assure Mr. Mahmood that the Council was

actively managing the contract with a zero tolerance approach. Every avenue and possible sanction would be explored to continue that challenge.

- 7) Mr. Arshad Azam – Given the cemeteries across the Borough are reaching their capacity, what is the long term strategic solution that the Council has in providing adequate and suitable land to bury the deceased?

Councillor Alam explained that as part of the contract signed 2008, a long term year burial plan for 35 years has to be produced by Dignity.

In his supplementary, Mr. Azam stated that there was a planning application currently going through the process for land adjacent to the public section at East Herringthorpe cemetery. Previously, Labour Councillors had indicated that the land was solely for the use of the Muslim community. He asked if the Council could confirm whether that land would be used solely for Muslim burials or had the Muslim community been deceived again?

Councillor Alam stated that the expansion was for the whole community but there would be a section within the expansion exclusively for Muslim burials.

91. EXCLUSION OF THE PRESS AND PUBLIC

There were no items that required the exclusion of the press and public.

92. LEADER OF THE COUNCIL'S STATEMENT

The Leader stated that since the last meeting:

- The Council's Housing service had received TPAS 'exemplar' status for its engagement with tenants.
- The Council was out to consultation on the Towns and Villages Fund investment in Aughton and Swallownest, and it had completed the scheme in Maltby West and Hellaby.
- Works on Forge Island were underway.
- More than a thousand children attended the celebration of the Summer Reading challenge at Magna.
- Cabinet had approved the building of a new Day Service building for Adults with Learning Disabilities in Canklow.
- The Council had confirmed plans for the £8m revamp of the middle of Swinton.
- Clifton Park Museum had won a Visit England accolade.
- Herringthorpe Stadium had officially re-opened after its recent improvements.
- Two parts of the town centre flood defences had also opened.

- Keppel's Column was no longer on the Heritage At Risk Register.
- The Council celebrated Living Wage Week and the thousands of local people who had had a pay rise because the Council committed to it.
- The annual LEAF careers fair at Magna was held and Professor Brian Cox was welcomed back for the North Star Science Summer School, and to turn the Christmas lights on.
- The Christmas toy appeal for children who might otherwise go without this December had been launched.
- The new bin app had been launched.
- The programme of Warm Welcome venues through the winter had been developed.

In response to the statement, Councillor Bennett-Sylvester asked a question in relation to the Living Wage Accreditation and the Social Care crisis. The crisis affected all aspects of life, from housing to safeguarding etc. He asked what impact the Living Wage Accreditation was having on the retention of Social Care staff?

The Leader explained that the evidence on retention would be fairly slim at this stage. It was a mixed and developing picture in terms of implementing the Living Wage amongst Social Care and the Social Care workforce. Personal Assistants in both Children and Adult Social Care should be benefitting from the Living Wage implementation that was budgeted for this year. There were contracts within the commissioning of Adult Social Care, including contracts around homecare, where it was paid. However it had not kicked though to all elements of the provision, for example when residential care beds were spot purchased. The picture on retention would continue to develop over time.

The national evidence was that, across a range of sectors, if people were earning enough money to have a reasonable standard of living, they were much more likely to stay in that employment. That was because it gave them security around their work life and home life.

93. MINUTES OF THE CABINET MEETINGS

Councillor Bennett-Sylvester referenced Minute No. 41 on page 59 of the agenda pack and Minute No. 54 on page 74 of the pack and asked the following questions:

1. Regarding the July Financial Update, would Members be able to participate and make sure budget proposals were properly tested and would not be expected to vote on budgetary amendments from the Opposition that would be provided an hour or 2 before the meeting like in 2022?

2. Regarding day opportunities for people with High Support Needs, could the Cabinet Member comment on the consultation and what was the impact of inflation on the budget?

The Leader explained that the budget in-year, which then continued to be the challenge faced in future years, was significant at a time when it was hoped that austerity was over. The Council had started to see the beginning of green shoots again but unfortunately that could not continue. There was at least £10 million of budget pressures that were just things that had happened to the Council: the national pay award; the energy crisis and inflation. The anticipated overspend was now over £18 million and it could not stay at £18 million pounds. The Leader agreed with Councillor Bennett-Sylvester that it would have been reckless to take out £4 million from the reserves last year as proposed by the Opposition.

The Autumn statement brought a little relief in terms of Adult Social Care but provided very little else. That meant that the Council would have to take some tough decisions when it came to setting the next budget. The Leader confirmed that budget proposals would come through scrutiny in the proper way in the weeks leading up to the budget and Members would therefore have the opportunity to engage with, question and challenge those proposals and the assumptions that underlie them. The Leader, however, could not confirm that Opposition Members would not bring forward budget amendments late in the day. The Leader stated that the budget setting was a really difficult position and that meant that residents in the Borough would live, one way or another, with the consequences of the decisions made in Westminster. The Council could not afford to continue to deliver all of the services in the way in which they were currently delivered whilst maintaining the current level of Council Tax and the current level of fees and charges. That would be challenging but the Council would work to minimise the impact on residents and their pockets, but it would be a difficult few months.

Councillor Roche responded to the second question by explaining that a few months ago, he had been very confident that the funding for the project was secure. However, since the country's financial situation was now in disarray due to "trussonomics" and the Chancellor was calling for another period of austerity, it would be difficult. However, Councillor Roche was committed to doing everything he could to get the new project built to the appropriate standard for the benefit of residents by working with Cabinet to secure the funding.

In relation to the consultation, Councillor Roche stated that he was very happy with where the new site was. Some preliminary work had been done with the residents and it was understood that there was a good community spirit in that area. From this stage onwards, work would be done by co-production with the community, service users and potential future service users.

Resolved:-

That the reports, recommendations and minutes of the Cabinet meetings held on 20th September and 17th October, 2022 be received.

Mover:- Councillor Read

Seconder:- Councillor Allen

94. AMENDMENTS TO APPOINTMENT OF MEMBERS TO COMMITTEES, BOARDS AND PANELS

Consideration was given to the report which asked Council to agree the amendments to the nominations of Members to serve on the Committees, Boards and Panels as listed below:

- Health Select Commission – Councillor Elliott to be removed
- Licensing Committee – Councillor Ball to be removed
- Licensing Board – Councillor Ball to be removed
- Mayoral Combined Authority Audit and Standards Committee – Councillor Ball to be removed

Resolved:-

That Council agree the amendments to the nominations of Members to serve on the Committees, Board and Panels as listed above.

Mover:- Councillor Allen

Seconder:- Councillor Read

95. OVERVIEW AND SCRUTINY UPDATE

Consideration was given to the report which sought to update Council on the recent scrutiny work of the Improving Lives Select Commission along with a summary of its Work Programme for 2022-23. Since the start of the Municipal Year, the Commission had focussed on Child Exploitation, Children and Young People's Service performance outturn, Adult Safeguarding performance and Special Educational Needs and Disability provision. Future work would include activity on Adult and Children's Safeguarding with relevant partners being invited to give account of performance in those areas.

Members of the Commission were also invited to attend a special meeting of OSMB held on 27th May, 2022 to discuss the outcomes of the independent reports into Child Sexual Exploitation undertaken by a team commissioned by the Rotherham Safeguarding Children's Partnership and received by Council on 13th May, 2022. Members were able to question the report authors' findings in-depth to establish how they had arrived at their conclusions and what evidence had been considered. The Review Team provided assurance that there are robust partnership processes in place to address concerns when they came in. Evidence had been provided to support that conclusion.

It was expected that the next meeting of the Improving Lives Select Commission would focus on the outcomes of the OFSTED inspection and the draft action plan. An update of the progress in the implementation of the recommendations arising from the scrutiny review of Post-Abuse Support would be presented to the Commission at a meeting early in 2023.

The Improving Lives Commission had been asked to be involved in a Local Government Association learning and development progress that was part of a wider national pilot to strengthen scrutiny of Children's Services. The outcomes of the workshop were being built into the scrutiny work programme.

Speaking in support of the report, Councillor Pitchley, Chair of the Improving Lives Select Commission, highlighted the importance of pre-decision scrutiny as this had led to reviews of 2 major strategies: the draft Looked After Children and Care Leavers Sufficiency Strategy 2023-2028 and the Early Help Strategy. Councillor Pitchley also praised the joint working that had taken place with other Commissions and partners. Councillor Pitchley thanked her Vice-Chair, Councillor Cooksey, Members of the Commission, officers and partners for the work done so far.

Resolved:-

That the report be received and noted.

Mover:- Councillor Clark

Seconder:- Councillor T. Collingham

96. DRAFT CALENDAR OF MEETINGS FOR THE 2023-24 AND 2024-25 MUNICIPAL YEARS

Consideration was given to the report which presented the draft calendar of meetings for the 2023-24 and 2024-25 Municipal Years. The Council amended the Procedure Rules in the Constitution in September 2017 to require the Calendar of Meetings to be presented for approval at the Budget Council meeting. Following feedback from Members, it was agreed that a report be presented in advance of the Budget Council meeting, setting out the draft Calendars for the next 2 Municipal Years. This was to enable Members to have advanced notice of when meetings would take place.

At the Budget Council meeting in March 2023, the 2023-24 Calendar would be presented for approval. Members would also be asked to note the indicative 2024-25 Calendar. The 2024-25 Calendar was titled 'indicative', since the Bank Holidays and school holidays for this time period had yet to be confirmed and as such, changes could be required.

Members debated the need for more flexibility with meeting start times along with the advantages and disadvantages of evening meetings.

Resolved:-

1. That Council note the Draft Calendar of Meetings for the 2023-24 and 2024- 25 Municipal Years.
2. That, in accordance with the Council Procedure Rules (Part 1 – Council Meetings; Section 4 – Budget Council Meeting,) a report be brought back to Council at the Budget Council Meeting in March 2023 to formally approve the Calendar of Meetings for the 2023-24 Municipal Year and the indicative Calendar of Meetings for the 2024-25 Municipal Year.

Mover:- Councillor Allen

Seconder:- Councillor Read

97. THRIVING NEIGHBOURHOODS - UPDATES FROM WARD COUNCILLORS FOR KILNHURST AND SWINTON EAST

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 Kilnhurst and Swinton East as part of the Thriving Neighbourhood Strategy.

The Strategy signalled a new way of working for the Council both for Members and for staff and covered every Ward in the Borough delivered through Ward Plans developed with residents to address local issues and opportunities. Ward Members were supported by the Neighbourhood Team and worked with officers and residents from a range of organisations to respond to residents.

Update reports had been provided as part of the agenda. However, each Ward Member was invited to speak.

Councillors Cusworth and Sansome provided an update on activities in Kilnhurst and Swinton East ward:-

- There were 5 Ward priorities:
 - Every child making the best start in life
 - Every adult secure, responsible and empowered
 - A strong community in a clean, safe environment
 - Extending opportunity, prosperity and planning for the future
 - Support for the cost of living crisis
- A Santa's grotto was held for the most deprived communities during Christmas 2021. Children were able to receive a free gift at no cost to families. This event also helped community cohesion. This event would be repeated for 2022 and also extended to another area of the Ward with high deprivation.
- Funding had been provided for hot drinks at the library which was acting as a warm space.

COUNCIL MEETING - 30/11/22

- 75 warm packs had been purchased to be distributed to the most vulnerable residents.
- A multi-agency meeting had been set up to understand and tackle anti-social behaviour in the precinct and library area.
- Regular advice surgeries were held.
- A school crossing patrol was organised by Councillor Sansome along with Councillor Wyatt on a voluntary basis to allow the school more time to recruit a permanent crossing warden.
- Councillor Sansome had also been the local Santa, visiting all areas of the Ward during the Covid pandemic.

Councillors Cusworth and Sansome placed on record their thanks to the Neighbourhood and Housing Officers along with partners for enabling them to carry out the above mentioned activities.

Resolved:

That the report be noted.

Mover: Councillor Cusworth

Seconder: Councillor Sansome

98. THRIVING NEIGHBOURHOODS - UPDATES FROM WARD COUNCILLORS FOR SWINTON ROCKINGHAM

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 Swinton Rockingham as part of the Thriving Neighbourhood Strategy.

The Strategy signalled a new way of working for the Council both for Members and for staff and covered every Ward in the Borough delivered through Ward Plans developed with residents to address local issues and opportunities. Ward Members were supported by the Neighbourhood Team and worked with officers and residents from a range of organisations to respond to residents.

Update reports had been provided as part of the agenda. However, each Ward Member was invited to speak.

Councillors Wyatt and Monk provided an update on activities in Swinton Rockingham Ward:-

- There were 5 Ward priorities:
 - Environment improvements
 - Enhancing facilities and activities for children and young people
 - Community facility/activities including celebrating local heritage
 - Addressing crime and anti-social behaviour
 - Support for the cost of living crisis

- A number of trees had been planted to remember those lost or who suffered hardship in the Ward during the Covid-19 pandemic, for the Queen's Jubilee and in memory of Her Majesty the Queen.
- There was a regular team of litter pickers.
- A big focus was also on crime including preventing theft and speeding.
- A number of events had taken place. These included an event for the 100th anniversary of the War Memorial and celebrations for the Jubilee.
- A Christmas tree had been donated from the private sector and a number of other private companies contributed to improvements in the Ward.
- There would be a Christmas grotto in the Ward.
- Work was ongoing with the Foodbank.
- Television's had been rehomed to those in need.
- Regular community skip days were held.
- Library activities were also held along with Ward walkabouts and sporting activities.
- Improvements had been made to Thomas Street Park.
- A Teddy Bears Picnic was organised for the summer holidays.

Councillors Wyatt and Monk placed on record their thanks to the Neighbourhood and Housing Officers along with partners for enabling them to carry out the above mentioned activities.

Resolved:

That the report be noted.

Mover: Councillor Wyatt

Seconder: Councillor Monk

99. NOTICE OF MOTION - COUNCILS FOR FAIR TAX

It was moved by Councillor Read and seconded by Councillor Griffin:

That this Council notes that:-

1. The pressure on organisations to pay their fair share of tax has never been stronger.
2. Polling from the Institute for Business Ethics finds that "corporate tax avoidance" has, since 2013, been the clear number one concern of the British public when it comes to business conduct.
3. Two thirds of people (66%) believe the Government and local councils should at least consider a company's ethics and how they pay their tax, as well as value for money and quality of service provided, when awarding contracts to companies.
4. Around 17.5% of public contracts in the UK have been won by companies with links to tax havens.

5. It has been conservatively estimated that losses from multi-national profit-shifting (just one form of tax avoidance) could be costing the UK some £17bn per annum in lost corporation tax revenues.
6. The Fair Tax Mark offers a means for business to demonstrate good tax conduct, and has been secured by a wide range of businesses across the UK, including FTSE-listed PLCs, co-operatives, social enterprises and large private businesses.

That this Council believes that:

1. Paying tax is often presented as a burden, but it shouldn't be.
2. Tax enables us to provide services from education, health and social care, to flood defence, roads, policing and defence. It also helps to counter financial inequalities and rebalance distorted economies.
3. As recipients of significant public funding, local authorities should take the lead in the promotion of exemplary tax conduct; be that by ensuring contractors are paying their proper share of tax, or by refusing to go along with offshore tax dodging when buying land and property.
4. Where councils hold substantive stakes in private enterprises, influence should be wielded to ensure that such businesses are exemplars of tax transparency and tax avoidance is shunned.
5. More action is needed, however, as current and proposed new UK procurement law significantly restricts councils' ability to either penalise poor tax conduct (as exclusion grounds are rarely triggered) or reward good tax conduct, when buying goods or services.
6. UK cities, counties and towns can and should stand up for responsible tax conduct - doing what they can within existing frameworks and pledging to do more given the opportunity, as active supporters of international tax justice.

This Council therefore resolves to:

1. Approve the Councils for Fair Tax Declaration.
2. Lead by example and demonstrate good practice in our tax conduct, right across our activities.
3. Ensure IR35 is implemented robustly and contract workers pay a fair share of employment taxes.
4. Not use offshore vehicles for the purchase of land and property, especially where this leads to reduced payments of stamp duty.

5. As far as possible, to undertake due diligence to ensure that not-for-profit structures are not being used inappropriately by suppliers as an artificial device to reduce the payment of tax and business rates.
6. As far as possible, to demand clarity on the ultimate beneficial ownership of suppliers UK and overseas and their consolidated profit & loss position, given lack of clarity could be strong indicators of poor financial probity and weak financial standing.
7. Promote Fair Tax Mark certification especially for any business in which we have a significant stake and where corporation tax is due.
8. Support Fair Tax Week events in the area and celebrate the tax contribution made by responsible businesses are proud to promote responsible tax conduct and pay their fair share of corporation tax.
9. Support calls for urgent reform of UK procurement law to enable local authorities to better penalise poor tax conduct and reward good tax conduct through their procurement policies.

It was noted during the meeting that an administrative error had led to points 6,7,8 and 9 from the resolution being omitted at publication. Members had been made aware of this error prior to the meeting and given additional time in which to raise amendments. However, no amendments had been received.

Resolved:-

On being put to the vote, the motion was declared as carried.

Mover:- Councillor Read

Seconder:- Councillor Griffin

100. NOTICE OF MOTION - BAN FRACKING NOW

It was moved by Councillor A. Carter and seconded by Councillor Miro:

This Council notes that:

1. Exploration for fossil fuel reserves that can only be exploited by hydraulic fracturing, or other unconventional methods, undermines action on climate change and diverts resources away from investment in a safe, secure and sustainable low carbon energy future.
2. There are possible significant adverse impacts from both exploratory drilling and industrial scale production of fossil fuels by hydraulic fracturing, including:

COUNCIL MEETING - 30/11/22

- a. immediate impacts on communities living near deposits.
 - b. serious long-term impacts, over a very wide area, including water shortage, water pollution and air pollution from the extraction process, in addition to the CO produced when the fuel extracted is used - as highlighted by the European Commission and the UN.
3. That Council motions prior to the last elections to the Borough Council have expressed this Council's opposition to fracking.
 4. In recent months the moratorium that stopped fracking throughout the country – including planned fracking within the Borough at Harthill and Woodsetts – has been under threat as a result of changes proposed by the Conservatives.
 5. When Ed Davey MP was Secretary of State for Energy and Climate Change, generation from renewable energy sources almost quadrupled. As Martin Pibworth, managing director at energy firm SSE said, "it is thanks to historic investments in renewable energy the United Kingdom has a more secure energy supply compared with our European neighbours."
 6. That Rother Valley MP, Alexander Stafford was quoted in the Yorkshire Post in July 2022 as saying that calls to resume fracking were "siren songs devoid of reality and practical knowledge" but has since worrying stated that he will now "consider all options when it comes to fracking" (Rotherham Advertiser, October 2022)

This Council believes that:

1. The Government should have legislated a permanent ban on fracking throughout the country.
2. Fracking should not happen in the Borough, including but not limited to the sites in Harthill and Woodsetts.

This Council resolves:

1. To reaffirm its belief that fracking is wrong.
2. That Council Group Leaders write to the Secretary of State, the Prime Minister, and the Members of Parliament that represent the Borough of Rotherham asking them to bring forward legislation for a permanent ban on fracking.
3. That Council group leaders write to the MP for Rother Valley, asking him to clarify his views on Fracking within the Borough.

It was then moved by Councillor Z. Collingham and seconded by Councillor T. Collingham that the motion be amended as follows:

This Council notes that:

1. **DELETE: Exploration for fossil fuel reserves that can only be exploited by hydraulic fracturing, or other unconventional methods, undermines action on climate change and diverts resources away from investment in a safe, secure and sustainable low carbon energy future.**
2. There are possible significant adverse impacts from both exploratory drilling and industrial scale production of fossil fuels by hydraulic fracturing, including:
 - a) immediate impacts on communities living near deposits.
 - b) serious long-term impacts, over a very wide area, including water shortage, water pollution and air pollution from the extraction process, in addition to the CO produced when the fuel extracted is used - as highlighted by the European Commission and the UN.
3. That Council motions prior to the last elections to the Borough Council have expressed this Council's opposition to fracking.
4. **DELETE: In recent months the moratorium that stopped fracking throughout the country – including planned fracking within the Borough at Harthill and Woodsetts – has been under threat as a result of changes proposed by the Conservatives.**
5. **DELETE: When Ed Davey MP was Secretary of State for Energy and Climate Change, generation from renewable energy sources almost quadrupled. As Martin Pibworth, managing director at energy firm SSE said, “it is thanks to historic investments in renewable energy the United Kingdom has a more secure energy supply compared with our European neighbours.”**
6. **DELETE: That Rother Valley MP, Alexander Stafford was quoted in the Yorkshire Post in July 2022 as saying that calls to resume fracking were “siren songs devoid of reality and practical knowledge” but has since worrying stated that he will now “consider all options when it comes to fracking” (Rotherham Advertiser, October 2022).**

INSERT:

3. The Government maintains a moratorium on fracking.
4. Rother Valley MP, Alexander Stafford, has consistently campaigned against fracking and voted against it in Parliament.

5. the Secretary of State for Levelling Up, Housing and Communities, Michael Gove, refused permission to test fracking in Woodsetts in June 2022, in a decision that the Campaign to Protect Rural England said 'now firmly shuts the door' on fracking (CPRE, 8 June 2022).

DELETE: This Council believes that:

1. The Government should have legislated a permanent ban on fracking throughout the country.
2. Fracking should not happen in the Borough, including but not limited to the sites in Harthill and Woodsetts.

This Council resolves:

1. **DELETE:** To reaffirm its belief that fracking is wrong.
2. **DELETE:** That Council Group Leaders write to the Secretary of State, the Prime Minister, and the Members of Parliament that represent the Borough of Rotherham asking them to bring forward legislation for a permanent ban on fracking.
3. **DELETE:** That Council group leaders write to the MP for Rother Valley, asking him to clarify his views on Fracking within the Borough.

INSERT:

1. To reaffirm its opposition to fracking in the Borough.
2. To reiterate its support for the Government moratorium on fracking and refusal of permission for fracking in Woodsetts.
3. That the Group Leaders write to Alexander Stafford MP, asking him to continue his opposition to fracking in Rother Valley.

On being put to the vote, the amendment to the motion was declared as lost.

The substantive motion (as moved by Councillor A. Carter and seconded by Councillor Miro) was then debated.

Resolved:-

On being put to the vote, the original motion was declared as carried.

Mover:- Councillor A. Carter

Seconder:- Councillor Miro

101. NOTICE OF MOTION - COST OF LIVING AND ENERGY CRISIS

It was moved by Councillor Tarmey and seconded by Councillor C. Carter:

That this Council:-

1. Recognises we are in the middle of the worst cost of living crisis in 50 years, with record breaking inflation (forecast to hit of 22.4 per cent next year) and spiralling energy costs leaving many people in Rotherham struggling to pay their household bills.
2. Recognises that high inflation, increased energy prices, and the cost-of-living crisis disproportionately affect residents with lower household incomes, as they spend a higher proportion of their disposable income on household bills and essentials like groceries.
3. Notes the decision taken in June 2022, by the then Chancellor, to impose a Windfall Tax on the profits of giant oil and gas companies for the purpose of providing limited financial support for energy bills.
4. Regrets that the Government recently decided to fund additional support for consumers in recent months through additional borrowing rather than from the record-breaking annual profits made by energy companies.
5. Notes that on 1st April 2022 and 1st October 2022, Ofgem increased the energy price cap by 54 per cent and 27 per cent respectively. This increased the average energy bill for a 'typical household' well beyond the support provided by Government (by £693 in April and £529 in October).
6. Notes that increases in the cost of energy for the residents and business of Rotherham are likely to occur in 2023 which will further compound the already disastrous impact of the cost-of-living crisis on our area; pushing thousands of local people deeper into poverty.

Council recognises the numerous ways in which both National and Local Government can provide support to local people to ease the burden of rising prices and fuel poverty. Therefore, this Council resolves to:

1. Call on the South Yorkshire Mayoral Combined Authority to hold a Cost of Living Emergency Summit with stakeholders including Citizens Advice, Food Banks, Local Trade Unions, Chambers of Commerce, local councils, and local MPs to explore how more local help can be provided for those struggling with the cost of living – including extending the use of discretionary payments.

COUNCIL MEETING - 30/11/22

2. Ensure that free-to-access warm spaces are available within local communities over the winter months for vulnerable residents. Working with Parish Councils and the voluntary sector where required to encourage facilities such as 'village halls' to be open for this purpose.
3. Investigate the feasibility bringing forward some planned improvements in the energy efficiency of Council owned housing stock and all other buildings operated by the Council.
4. Require an assessment of all building management systems and user-controlled heating systems to be set to heat spaces to the minimum comfortable temperature commensurate with the use of the space (with necessary exceptions where required due to health of individuals or the nature of the service being provided).
5. Reduce the use of energy for lighting Council-owned buildings at times when spaces are unoccupied and implement dimming of street lighting where safe and considered appropriate by Elected Members in each Ward.
6. Ask Group Leaders to write to the Secretary of State for Work and Pensions, expressing the Council's desire for the Government to:
 - a) Immediately reduce the standard rate of VAT from 20 per cent to 17.5 per cent for one year, saving the average household in Rotherham a further £600 this year
 - b) Immediately restore the Universal Credit supplement of £20, which was cancelled by the Government in September 2021.
 - c) Extend Fuel Duty Relief to cover Rotherham and double it to save local people 10p per litre on petrol.

It was then moved by Councillor Sheppard and seconded by Councillor Cusworth that the motion be amended as follows:

That this Council: -

1. Recognises we are in the middle of the worst cost-of-living crisis in 50 years, with record breaking inflation (forecast to hit of 22.4 per cent next year) and spiralling energy costs leaving many people in Rotherham struggling to pay their household bills.
2. Recognises that high inflation, increased energy prices, and the cost of living crisis disproportionately affect residents with lower household incomes, as they spend a higher proportion of their disposable income on household bills and essentials like groceries.
3. Notes the decision taken in June 2022, by the then Chancellor, to impose a Windfall Tax on the profits of giant oil and gas companies for the purpose of providing limited financial support for energy bills.

4. Regrets that the Government recently decided to fund additional support for consumers in recent months through additional borrowing rather than from the record-breaking annual profits made by energy companies.
5. Notes that on 1st April 2022 and 1st October 2022, Ofgem increased the energy price cap by 54 per cent and 27 per cent respectively. This increased the average energy bill for a 'typical household' well beyond the support provided by Government (by £693 in April and £529 in October).
6. Notes that increases in the cost of energy for the residents and business of Rotherham are likely to occur in 2023 which will further compound the already disastrous impact of the cost-of-living crisis on our area; pushing thousands of local people deeper into poverty.

INSERT:

7. **Notes that more than 1,000 households in Rotherham have already benefited from the Council's Energy Crisis payments, and 12,000 Rotherham children regularly now receive free school meal vouchers during the holidays, and that the Overview and Scrutiny Management Board have already outlined plans to further consider the cost of living crisis and the Council's response.**

Council recognises the numerous ways in which both National and Local Government can provide support to local people to ease the burden of rising prices and fuel poverty. Therefore, this Council resolves to:

1. **DELETE: Call on the South Yorkshire Mayoral Combined Authority to hold a Cost-of-Living Emergency Summit with DELETE: stakeholders including Citizens Advice, Food Banks, Local Trade Unions, Chambers of Commerce, local councils, and local MPs – INSERT: relevant local partners and stakeholders, including the Food Crisis Partnership to explore how more local help can be provided for those struggling with the cost of living – including extending the use of discretionary payments.**
2. Ensure that free-to-access warm spaces are available within local communities over the winter months for vulnerable residents. Working with Parish Councils and the voluntary sector where required to encourage facilities such as 'village halls' to be open for this purpose.
3. Investigate the feasibility bringing forward some planned improvements in the energy efficiency of Council-owned housing stock and all other buildings operated by the Council.

4. Require an assessment of all building management systems and user-controlled heating systems to be set to heat spaces to the minimum comfortable temperature commensurate with the use of the space (with necessary exceptions where required due to health of individuals or the nature of the service being provided).
5. Reduce the use of energy for lighting Council-owned buildings at times when spaces are unoccupied **DELETE: and implement dimming of street lighting where safe and considered appropriate by Elected Members in each Ward.**
6. Ask Group Leaders to write to the Secretary of State for Work and Pensions, expressing the Council's desire for the Government to:
 - a) Immediately reduce the standard rate of VAT from 20 per cent to 17.5 per cent for one year, saving the average household in Rotherham a further £600 this year
 - b) Immediately restore the Universal Credit supplement of £20, which was cancelled by the Government in September 2021.
 - c) **DELETE: Extend Fuel Duty Relief to cover Rotherham and double it to save local people 10p per litre on petrol. INSERT: Provide the funding for buses and public transport that our community, and particularly people on low incomes, really needs.**

The amendment was accepted by Councillor Tarmey without a debate or vote on the matter and, as such, the amended motion then became the substantive motion.

In accordance with Rule of Procedure 19 (2) Councillor Tarmey requested that a recorded vote should be taken on the proposed motion. In accordance with the Rule of Procedure 5 Members stood to show their support for a recorded vote to be taken on the motion.

Resolved:-

On being put to the vote, the motion as amended was declared as carried.

Mover:- Councillor Tarmey

Seconder:- Councillor C. Carter

In accordance with Rule of Procedure 19 (1) a recorded vote was taken on the motion as follows:

FOR: Councillors Alam, Allen, Andrews, Atkin, Aveyard, Baker-Rogers, Beck, Bennett-Sylvester, Bird, Browne, A. Carter, C. Carter, Clark, Cooksey, Cowen, Cusworth, Elliott, Ellis, Griffin, Haleem, Havard, Hughes, Jones, Khan, McNeely, Miro, Monk, Pitchley, Read, Roche, Sansome, Sheppard, Tarmey, Taylor, Wyatt and Yasseen.

AGAINST: Councillors Bacon, Ball, Burnett, T. Collingham, Z. Collingham, Fisher, Hunter, Mills, Reynolds, Tinsley and Whormsley.

ABSTENTIONS: Councillor Barker.

102. NOTICE OF MOTION - ROTHERHAM COUNCIL BYELAWS

It was moved by Councillor Tinsley and seconded by Councillor Z. Collingham:

Byelaws are local laws that govern what can and cannot be done in a public area, with a fine for contravening the byelaw. Byelaws can be displayed on notices and enforced by an officer of the local authority or by the Police, through Magistrates' Court.

Byelaws do not create additional work for Council Enforcement Officers and Police, but instead give these another tool to use when they encounter problems or anti-social behaviour in our communities. It is expected that they would use their discretion when a byelaw is broken.

Rotherham Council has enacted byelaws covering Ulley Country Park, Thrybergh Country Park, Rother Valley Country Park and the Good Rule and Government of the Borough, but these byelaws are old and have limited scope (see example in Appendix A).

The Ministry of Housing, Communities and Local Government (MHCLG) publishes a series of 'model byelaws' which local authorities can use to address issues not sanctioned by other legislation. It is intended that local authorities delete/add to the model byelaws to ensure they are locally relevant. Examples of model byelaws and some of the issues they can address are:

- **Pleasure grounds, public walks and open spaces:** This can be enacted in parks and other public spaces to protect plants and wildlife from harm; prohibit the damage or misuse of life saving equipment; prohibit fires; regulate horse riding, cycling, and vehicles; determine acceptable use of play equipment; and/or prohibit swimming.
- **Pleasure fairs:** This can be enacted to regulate the opening hours, cleanliness, provision of toilets, etc of fairgrounds.
- **Good rule and government:** This can be enacted across the Borough to prohibit the damage or misuse of life saving equipment; prohibit dangerous games near roads; prohibit driving or parking on road margins/verges; and/or prohibit urination in public (Appendix B)
- **Markets:** This can be enacted to regulate markets, including market days and hours, prohibiting vehicle obstruction, and/or enforcing cleanliness.

Therefore, this council resolves to:

1. Review existing byelaws with a view to revoking and replacing them as appropriate.
2. Bring forward a draft byelaw or byelaws to prohibit removing, displacing, damaging or otherwise interfering with lifesaving equipment across the Borough.
3. Consider enacting new byelaws to prohibit other specific undesirable behaviour in public spaces.
4. Consult with Police, Councillors, Parish and Town Councils, and other partners to identify behaviours and public spaces where byelaws could be useful, and complete this consultation process within 4 months.
5. Implement a regular system of review for local byelaws, to ensure byelaws are revoked and/or replaced when they are no longer useful.
6. Where it is thought that a Public Space Protection Order (PSPO) would be a more effective tool than a byelaw, proceed with a PSPO.

It was then moved by Councillor Beck and seconded by Councillor Clark that the motion be amended as follows:

Byelaws are local laws that govern what can and cannot be done in a public area, with a fine for contravening the byelaw. Byelaws can be displayed on notices and enforced by an officer of the local authority or by the Police, through Magistrates' Court.

Byelaws do not create additional work for Council Enforcement Officers and Police, but instead give these another tool to use when they encounter problems or anti-social behaviour in our communities. It is expected that they would use their discretion when a byelaw is broken.

Rotherham Council has enacted byelaws covering Ulley Country Park, Thrybergh Country Park, Rother Valley Country Park and the Good Rule and Government of the Borough, but these byelaws are old and have limited scope (see example in Appendix A).

The Ministry of Housing, Communities and Local Government (MHCLG) publishes a series of 'model byelaws' which local authorities can use to address issues not sanctioned by other legislation. It is intended that local authorities delete/add to the model byelaws to ensure they are locally relevant. Examples of model byelaws and some of the issues they can address are:

- **Pleasure grounds, public walks and open spaces:** This can be enacted in parks and other public spaces to protect plants and wildlife from harm; prohibit the damage or misuse of life saving equipment;

prohibit fires; regulate horse riding, cycling, and vehicles; determine acceptable use of play equipment; and/or prohibit swimming.

- **Pleasure fairs:** This can be enacted to regulate the opening hours, cleanliness, provision of toilets, etc of fairgrounds.
- **Good rule and government:** This can be enacted across the Borough to prohibit the damage or misuse of life saving equipment; prohibit dangerous games near roads; prohibit driving or parking on road margins/verges; and/or prohibit urination in public (Appendix B)
- **Markets:** This can be enacted to regulate markets, including market days and hours, prohibiting vehicle obstruction, and/or enforcing cleanliness.

Therefore, this Council resolves to:

INSERT: Ask the Overview and Scrutiny Management Board to consider within its work programme the following potential actions, making any recommendations they deem necessary, and require the proposer of this motion to be part of this Scrutiny activity:

1. Review existing byelaws with a view to revoking and replacing them as appropriate.
2. Bring forward a draft byelaw or byelaws to prohibit removing, displacing, damaging or otherwise interfering with lifesaving equipment across the Borough.
3. Consider enacting new byelaws to prohibit other specific undesirable behaviour in public spaces.
4. Consult with Police, Councillors, Parish and Town Councils, and other partners to identify behaviours and public spaces where byelaws could be useful and complete this consultation process within 4 months.
5. Implement a regular system of review for local byelaws, to ensure byelaws are revoked and/or replaced when they are no longer useful.
6. Where it is thought that a Public Space Protection Order (PSPO) would be a more effective tool than a byelaw, proceed with a PSPO.

The amendment was accepted by Councillor Tinsley without a debate or vote on the matter and, as such, the amendment motion then became the substantive motion.

COUNCIL MEETING - 30/11/22

Resolved:-

On being put to the vote, the motion as amended was declared as carried.

Mover:- Councillor Tinsley Second:- Councillor Z. Collingham

103. AUDIT COMMITTEE

Resolved:-

That the reports, recommendations and minutes of the meetings of the Audit Committee be adopted.

Mover: Councillor Baker-Rogers Second: Councillor Cowen

104. HEALTH AND WELLBEING BOARD

Resolved:-

That the reports, recommendations and minutes of the meetings of the Health and Wellbeing Board be adopted.

Mover: Councillor Roche Second: Councillor Cusworth

105. LICENSING BOARD SUB-COMMITTEE AND LICENSING COMMITTEE

Resolved:-

That the reports, recommendations and minutes of the meetings of the Licensing Board Sub-Committee and Licensing Committee be adopted.

Mover: Councillor Hughes Second: Councillor McNeely

106. PLANNING BOARD

Resolved:-

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

Mover: Councillor Atkin Second: Councillor Bird

107. MEMBERS' QUESTIONS TO DESIGNATED SPOKESPERSONS

There were no questions to designated spokespersons.

108. MEMBERS' QUESTIONS TO CABINET MEMBERS AND CHAIRPERSONS

- 1) Councillor Tarmey asked: Does the administration plan to undertake work to ensure that all Council-owned homes are carbon neutral by 2030 as part of its commitment to achieving "net-zero"; where it is not possible to make individual buildings carbon neutral due to their construction, what measures will be implemented to ensure that neighbourhoods achieve carbon neutral status?

As Councillor Brookes was not present at the meeting, a written response would be provided to Councillor Tinsley.

- 2) Councillor Jones asked: Can you please confirm if under the Environmental Protection Act Part 2A, the Council has complied with its legal duty to list and designate all contaminated land within its boundaries?

Councillor Beck explained that where the Council is aware of, and has the necessary information to, it does undertake the listing and designation of contaminated land.

In his supplementary, Councillor Jones stated that the Council has a duty under Part 2A of the Environmental Protection Act 1990 to inspect its area for land which in the past may have been used in a way that has led to contamination and address any potential issues that may arise from this. It also says that if remediation works have been enforced at any point, the area of land affected by the contaminants identified will be placed on the Local Authorities public register. In 1990, the Council's Environmental Health Unit undertook such tests and found that the Droppingwell Landfill Site had what are now classed as fatal levels of heavy metals on the surface. In 1993, the Planning Inspectorate also enforced the remediation of Phase 1 of the site. It is the Council's legal responsibility to do this, not the Environment Agency. Why was it not added to the Council's register at that point and when does the Council plan to become legally compliant with the act by reclassifying the land?

Councillor Beck explained that the Council was aware of this situation and were aware that the statutory guidance in relation to contaminated land states that land should be registered under Part 2A where no suitable alternative exists. In the case of Droppingwell, the land is subject to an Environmental Permit and regulated by the Environment Agency.

- 3) Councillor Jones asked: At the OSMB meeting in January the former Assistant Director said that permission had been given for Grange Landfill Limited to re-drill BH5; it was not a requirement of the permit but was desirable to protect public health. Is this statement correct and have they supplied a date for the works?

Councillor Beck explained that that is correct. The Council is not currently aware of any planned start date.

In his supplementary question, Councillor Jones stated that under the Environmental Protection Act Part 2a, it states that contaminated land is classified as land that appears to the Local Authority in whose area it is situated to be in such a condition by reasons such as substances in, on or under the land that can cause significant harm or pollution of controlled water has been or is likely to be caused. In the operator's compliance assessment reports on progress at the site over the last 12 months, the Environment Agency has continuously reminded the operator of the requirement to reinstate Borehole Number 5 prior to the licence being varied.

This led to 2 conflicting questions: firstly, did the former Director mislead the Council in an attempt to gain an agreement and if it was believed that this piece of land was not required to be added to the register because the Environment Agency are regulating it, which is not the legal requirement, why is permission being given for a totally pointless borehole to be drilled on public land?

Councillor Beck stated that these concerns had been raised with the Environment Agency previously and the Council would continue to raise these issues. Many of the points raised in the question needed to be raised with the Environment Agency. The Council had raised concerns about Borehole 5 previously. The Council would continue to direct those questions to the Environment Agency.

- 4) Councillor C. Carter asked: The children's play area at Rother Valley Country Park is extremely muddy, especially at the entrances and underneath play equipment, such as swings. This has been the case, even during periods of drier weather. What action is the Council taking to resolve this?

Councillor Sheppard explained that the Council did recognise it can get muddy as with all outdoor play areas. The Council will review and consider any further actions that could be taken. Maintenance work is mainly done out of season so children can access the facilities in the summer when the weather is generally better. The Council can, however, make sure the path at the entrance is fit for purpose and look at the amount of bark around the individual items.

In her supplementary, Councillor C. Carter stated that she had been to the play area recently and there were no rubber mats in place; there was no tarmac on the entrances and it was basically just a mud pit. This could be quite dangerous for children. When could action be taken to review that as a matter of urgency?

Councillor Sheppard stated that he would take that away and get back to Councillor Carter. The Council obviously wanted to make sure areas were safe for children to play in so the matter would be looked into.

- 5) Councillor Miro asked: Can the people of Waverley please have an explanation as to what is delaying the adoption of Highfield Lane by the Council? I drive down the road regularly and it looks to be of a good standard to me, I would like to know what is holding the process up, and how I can facilitate its progression if possible or needed.

Councillor Beck explained that the process was that the developer had to ask the Council to adopt the road and as yet, the developer had not asked the Council to adopt this road. Once the Council receives the request, it will be actioned.

- 6) Councillor Miro asked: Councillors will be aware of Rotherham's Muslim community frustrations with our burial site, including complaints about landscaping and orientation of the graves. With the new Muslim area being prepared, will the Council reassure me that the community's concerns regarding future capacity, and a clearly marked Muslim area (as in Sheffield for example) will be considered?

Councillor Alam explained that the Council are aware of some issues raised by the Muslim community and the works currently being undertaken by Dignity to address those issues. This includes works to install a significant number of pre-cast tombstones, tarmacking pathways, drainage works, and landscaping. The request to have a clearly defined Muslim area will be put to Dignity to make sure they are abided by.

In his supplementary, Councillor Miro explained that one thing that had also been requested was a parking space close to the grave sites because of the needs of elderly and disabled people. Could this be thought about as well?

Councillor Alam agreed to raise the matter with Dignity.

- 7) Councillor Jones asked: At the last Council meeting, the Deputy Leader stated in reply to a question from Councillor Hoddinott, "that one Councillor had still not supplied a valid DBS check" and was subsequently allowed to name that Councillor in public. Can you confirm if that statement was factually correct?

The Deputy Leader explained that on Page 30 of the agenda pack for the meeting recorded her reply to Councillor Hoddinott's question from the last meeting. The Member in question has not and did not complete the Council's DBS checking process and given that the Member is no longer a Councillor, the issue has been closed.

In his supplementary, Councillor Jones stated that during his time as a Ward Councillor he had had 2 enhanced DBS checks and 3 standard checks. The last one was the hardest to comply with because some people, for different reasons, either do not want or do not have a digital footprint. This led ex-Councillor Hague to have difficulties so before the last meeting, which incidentally was only 2 meetings after one of the Labour Group, he was unjustly named in a public arena. It was unjust because Councillor Jones had witnessed not a standard DBS but a notarized DBS that is better than the one asked for by the Council, and signed in the presence of a solicitor, being handed to the Monitoring Officer prior to the meeting. He asked the Deputy Leader to explain why the Monitoring Officer did not stop her from making a liableness statement and did she now believe that she owed ex-Councillor Hague and the public of Rotherham an apology for misleading them?

The Deputy Leader stated that it was to his credit that Councillor Jones was defending his former colleague and friend. She confirmed that Councillor Hague did provide a copy of a DBS check immediately prior to the last Council meeting but that check had not gone through Council processes. Due guidance was taken on whether the Member could be named and that is what the Deputy Leader did.

- 8) Councillor Jones asked: At the last Council meeting we agreed to support the re-finance option for Forge Island. Can you give the exact reason the preferred partner gave for not financing the project themselves?

The Leader provided some context to the question. The preferred partner referenced was normally Muse, the development partner and there had never been a suggestion that Muse would be providing the funding for the Scheme themselves. Part of the original contract was that Muse went out to the market to secure a financier and the deal around the finance would depend on market conditions at the time. This financier invests in a range of long term investment over a long period of time. It was, therefore, incorrect to interpret what had happened as a reflection on the Forge Island scheme or its profitability.

What happened was that the investor, looking at the whole range of investments in front of them, specifically around Government gilt yields, which was the safest place to put long term investments, shifted. The terms on those were shifting day by day at that point. Their view, therefore, was that they were not able to put as much money in because they could get better returns across their portfolio from other investments.

The Council considered whether taking the money that was available for that financier could be done by taking additional money from the public sector but for a number of reasons that was not possible. In the

end, the Council have chosen the best value option by putting up the loan upfront. This would save the taxpayer over the period of time of the Forge Island Scheme, tens of millions of pounds.

In his supplementary, Councillor Jones asked, if the finance arrangement did not stack up for private finance, it led him to believe that at some point in the future the costs would not stack up for the public purse. He stated that he did support most but not all of the project. However, he asked the Leader to confirm that, after the debacle of the Riverside Buildings and Dignity contracts, that suitable penalties around delays and substandard construction have been added and that the usual tactic of people bidding low and then coming back for more money to finish the project is covered off in the contract?

The Leader explained that the risk around the building contract sat with Muse. Their risk was around building the Scheme on time and building it within the agreed budget.

The Leader restated that the change in the financing was nothing to do with the profitability or the amount of money sitting behind the Forge Island Scheme. It was a reflection on the fact that an institutional investor who could chose to invest in any number of products across the market, at that moment in time, wanted places they could get a better return on their money. That is what led to the change of plan and the Leader believed this had been good for the Council and for the taxpayer.

- 9) Councillor Jones asked: In the last month we have seen yet more businesses leave the town centre because of the lack of footfall causing financial difficulties for traders. Can you please explain what support the Council is supplying to town centre traders to offset these difficulties?

As Councillor Lelliott was not present at the meeting, a written response would be provided to Councillor Jones.

- 10) Councillor A. Carter asked: Councillor C. Carter and I have consistently raised the issue of the 'Black Path' in Brinsworth in both CAP meetings and in full Council meetings, at least over the past year. Why did it take until someone's property was set on fire before additional funding was released to help take proactive measures to tackle the issue?

Councillor Alam explained the matter had been discussed previously and Council staff have been working to address the issues related to the 'Black Path' since November 2021. They have taken a range of actions since then including working with anyone identified as committing anti-social behaviour alongside CCTV, options to close the path, improved lighting and regular patrols.

The additional funding referred to is funding from the South Yorkshire Violence Reduction Unit and managed by the Safer Rotherham Partnership but is limited and so has to be targeted. The first location for these additional resources to be deployed was the Maltby area to tackle anti-social behaviour and when available have been deployed to the Brinsworth area.

In his supplementary, Councillor A. Carter asked how he could get access to the Violence Reduction Unit funding because he had raised it at every CAP meeting for at least a year and it had been raised in the Council meeting as stated. It seemed the wrong way round to wait to take action until after someone's property had been set on fire. He asked the Cabinet Member what his suggestion would be in getting funding in advance for other issues as residents were quite rightly concerned about properties being set on fire and other anti-social behaviour? This was despite the efforts of Ward Councillors in funding things like the youth shelters, security and securing CCTV cameras.

Councillor Alam stated that the funding was limited and targeted. There were severe issues in Maltby that had to be addressed first and then the funding had gone to Brinsworth. There was only a finite amount of resources available and they had to be targeted where a measured impact could be made.

- 11) Councillor A. Carter asked: Has the Council received any allegations of standing water within graves at Dignity maintained burial sites in the Borough, and if so what measures has the Council taken to address this?

Councillor Alam explained that the Council was made aware of some water in a test grave at East Herringthorpe cemetery during the Easter Bank Holiday (Good Friday.) This was raised with Dignity straight away and as a result of significant engagement from Council Officers they have since invested in considerable improvements to the cemetery including works to install a significant number of pre-cast tombstones, tarmacking pathways, drainage works, and landscaping to ensure that the issue is fully addressed. There was still some work in progress.

In his supplementary, Councillor A. Carter stated that in an answer to the public questions, Councillor Alam had stated that there were proactive measures being taken to monitor the contract and the possibility of fines. It had been said that there was a zero tolerance policy on Dignity's management at these burial sites and there was shared disappointment in how Dignity had managed these sites. Why therefore were Dignity not fined as per the contract and could reassurances be given regarding the dealing of the standing water?

Councillor Alam explained that a performance management system was in place and monthly meetings with Dignity took place. There was also a contractual meeting every quarter. Councillor Alam assured Councillor A. Carter that if Dignity did not deliver, they would face financial penalties. In relation to the standing water, it was confirmed that there may still be some on site, but the new drainage works should limit the risk.

- 12) Councillor Bennett-Sylvester asked: A dark side of the British Empire was the plunder of cultural items from colonised territories. What audits have been carried out to see if our artistic and cultural collections contain items initially acquired by any form of colonial violence or oppression?

Councillor Sheppard explained that of the 76,000 objects that were part of the Rotherham Collection, the World Cultures Collection accounts for just 294. Whilst no formal audits have been undertaken, a recent project to better understand the World Cultures collections revealed that the origin of many of these items was unknown with some suspected to be as a result of missionary and charitable work in other territories. This project, which was funded by Esmee Fairbairn Foundation, has instigated continued partnerships with communities of South-Asia, African, Roma and Chinese heritage locally to explore how their heritage can be better represented within the collection.

The Council also acts as the sole trustee for the York and Lancaster Regimental Collection and Archive. This collection holds 3,800 objects and 11,000 photographs and archives. As with any military collection the provenance of some items was uncertain and the Council in this instance was the trustee on behalf of others.

In his supplementary, Councillor Bennett-Sylvester stated that, as a declared Anti-Racism Council, it was important to declare those stories and where they are coming from. Could a review be done so if there are any suspicions over certain items, the story of those items could be made known and become part of the Rotherham story in order to recognise that part of history?

Councillor Sheppard agreed that the Council needed to be accountable for what it held and the reasons as to why it was holding it. If a claim came forward for an item held by Rotherham MBC, the Council should be responding in a right and moral way.

- 13) Councillor A. Carter asked: There has been an application made to enforce moving traffic offences on Wood Lane in Brinsworth by the Council. What will the cost of enforcement on this road be, and will the Council commit to looking into opening this road up for resident-only local traffic destined for Brinsworth and Catcliffe?

COUNCIL MEETING - 30/11/22

Councillor Beck encouraged Councillor A. Carter to submit details of the residents only access request into the consultation which was now open and would close on 23rd December, 2022. In relation to costs, it was explained that ,based on examples from other authorities, one-off installation costs of between £15,000 and £25,000 are expected, with running costs of up to £700 per month to operate and maintain. Some sites and types of restriction in need of more than one camera for effective enforcement which will increase the cost of a site further.

In his supplementary, Councillor A. Carter stated that significant installation costs and £700 per month per scheme maintenance had been mentioned and he was of the opinion that this was an extra expense to the Council at a time when there was significant budget pressures, overspends, and potentially a huge hike in Council Tax. He asked the Cabinet Member if this was the wrong priority for this time?

Councillor Beck did not agree because the 6 areas that had been identified as part of the Moving Traffic Offences Enforcement Scheme were all hotspots identified over many years by residents across the Borough and the affected areas. It was not just a cost matter because, for enforcement activity that could be undertaken, there would be fines that would come back to the Council which would help pay for the service.

- 14) Councillor Fisher asked: Can RMBC clarify where the fines against Dignity are reinvested after its failings regarding the flooding, very poor ground conditions and service delivery, that it has been charging the community, when not fit for purpose, at the East Herringthorpe Cemetery?

Councillor Alam explained that there had been significant investment of more than £400,000 by Dignity in the Borough's cemeteries this year to improve the ground conditions and service delivery this has included significant additional works to drainage, footpaths, and the installation of a significant number of pre-cast tombs in advance of winter to protect the overall condition of the cemetery. Fines will be reported through the appropriate meetings in due course and full details will be provided in those reports.

Councillor Alam wished to thank officers for working very hard to get issues with Dignity sorted.

In his supplementary, Councillor Fisher asked, of the 54 Key Performance Indicator's mentioned earlier in the meeting, how many had been missed in the last 12 months by Dignity?

Councillor Alam explained that the annual report that contained that information was currently being drafted and would then be presented to Scrutiny. It was expected that this would be presented at the next Scrutiny Committee meeting.

- 15) Councillor Baum-Dixon submitted the following question: Are the Council undertaking additional street cleaning and drain clearing as a preventive measure as we enter flood season?

As Councillor Baum-Dixon was not present at the meeting, a written response would be provided.

- 16) Councillor Baum-Dixon submitted the following question: Wards are provided with mobile CCTV cameras that can be moved quickly at the request of Ward Members and the Police to crime hotspots, to detect and deter criminal behaviour and give confidence to our communities. Is this current system working?

As Councillor Baum-Dixon was not present at the meeting, a written response would be provided.

- 17) Councillor Baum-Dixon submitted the following question: The fire at Kiveton Industrial Estate has been burning since 7th September. Are the Council working effectively with all partners to ensure the fire is put out quickly in the short-term and that action is taken to ensure this does not happen again in future?

As Councillor Baum-Dixon was not present at the meeting, a written response would be provided.

- 18) Councillor Baum-Dixon submitted the following question: What action has the Council taken to protect the health of residents, in areas such as West Thorpe, South Anston, Kiveton, Harthill and Todwick who have been affected by smoke from the fire at Kiveton Industrial Estate?

As Councillor Baum-Dixon was not present at the meeting, a written response would be provided.

- 19) Councillor Bennett-Sylvester asked: Victims of capitalist oppression who have arrived from overseas are housed in hotels and other properties in Rotherham. What can we as Councillors do to ensure their human rights and needs are protected?

The Leader explained that the Council could only do a limited amount. The Council had opposed the use of hotel accommodation in the Borough. It has a proud history of supporting people who are fleeing persecution by housing them in permanent accommodation across the borough. The Council did not want people living in hotels for any length of time.

Where there were concerns and reports of specific instances, there were channels to the Home Office available. However, the maintenance of those hotels and the oversight of the accommodation

was closely guarded by Central Government. It was not something the Council was directly involved in. The Council could absolutely make representations to the Home Office if there were concerns but it was not something that was within the gift of the Council.

In his supplementary, Councillor Bennett-Sylvester stated there had been videos of thugs videoing the hotels and there had been anecdotal reports of harassment from those. As community leaders, he stated that there were 2 things they could do which were to: state strongly that anyone doing the legal act of seeking asylum was not an illegal immigrant; and due to the reasons why many had had to leave their homes and come to this country, which were the same reasons why people in this country struggled for work, for housing and to eat, it was important to state that the people of Rotherham had far more in common with those people than the people the Conservative opposition represented. Did the Leader agree?

The Leader did agree and highlighted previous conversations that had taken place in the Chamber regarding the manipulation of people in local communities by the Far-Right into narratives of hate and targeting people who were fleeing persecution. It was important to maintain a level of discourse about this and the way in which it was talked about. It was important to remember that these are human beings and they have much more in common with Rotherham residents than they do not.

- 20) Councillor Baum-Dixon submitted the following question: Does the Council [accept] that communication about the Kiveton Fire and public engagement with residents has been poor to date and what action is being taken to remedy this situation?

As Councillor Baum-Dixon was not present at the meeting, a written response would be provided.

- 21) Councillor Bennett-Sylvester asked: What will we be doing to monitor the impact of voter suppression legislation on the 2023 local elections in order to minimise the level of disenfranchisement when we next hold elections?

The Leader explained that the Council's electoral team would be:

- working with neighbouring local authorities to get first-hand experience of voter ID at the May 2023 polls.
- Working with the Electoral Commission and the Association of Electoral Administrators to learn from examples of best practice.
- Engaging with the Electoral Commission's national promotional campaign.

Using this knowledge and understanding would ensure Rotherham has robust plans in place to ensure maximum voter participation for the elections in May 2024.

In his supplementary, Councillor Bennett-Sylvester explained that he would not be able to vote at the next election because of the level of ID he currently held. He was now motivated to get the required ID so he could vote. However, one in 20 people in the country do not have a bank account or basic ID. The big question was if voting does not change anything, why are the Government scared of certain people voting? Did the Leader agree that this needed to be pushed on the political spectrum?

The Leader explained that right information needed to be provided to people at the right time. Lessons needed to be learnt from elections in May 2023 and information needed to be provided to households in enough time. Access to qualifying ID needed to be made easy and readily available. More could be done around postal votes and closer to election time. Candidates also needed to make people aware of the right things to do in order to be able to vote and not intimidated into thinking it was too difficult and bureaucratic, so they did not vote. All this had to be done to ensure the impacts of the draconian legislation were as small as possible.

- 22) Councillor Tinsley asked: A donation of £2,000 was made to the Rother Valley Labour Party by a large landowner in Maltby back in 2017. In 2018, the Local Sites and Polices document was implemented which set out additional land that was suitable for housing. Did Councillors make the relevant Declarations of Interests when this Policy was voted on?

The Leader explained that he had no reason to believe they did not.

In his supplementary, Councillor Tinsley asked whether the Leader agreed that eyebrows could be raised locally on the integrity of Councillors over this allocation of housing land in Maltby? There was now a planning application by the same donor which again would raise eyebrows.

The Leader reiterated that he had no reason to believe that anyone did anything wrong in the first instance. Further, given the route of the money, the Leader believed that it would have gone nowhere near any Councillors. So no, the Leader did not think that was the case and people did not need to be concerned.

- 23) Councillors Mills asked: How many cases of fly tipping has there been within the last 2 years?

Councillor Beck stated that there had been 11,114 cases of fly tipping in the past 2 years.

In his supplementary question, Councillor Mills asked what percentage of the perpetrators were actually fined?

Councillor Beck explained that a written response would be provided. However, he could confirm that there was plenty of activities going on, both overt and covert, to try and tackle persistent perpetrators of fly tipping. The Council was doing a lot better in recent years compared to previous years.

- 24) Councillors Mills asked: How much does it cost the Taxpayer to clean-up fly tipping?

Councillor Beck explained that the total cost of removing fly tipping in the last full calendar year, which was 2021, was £200,569.49.

In his supplementary, Councillor Mills asked, to help combat this issue, would it be best practice to rethink the rules on who could actually use Household Waste Recycling Centres? For example, vans could be allowed to use them.

Councillor Beck explained that a wide range of waste was already accepted at HWRC. The Council was currently reviewing how HWRC's were operated moving forward. However, the reality was that the fly tipping was predominantly done by people who, even if every bit of waste was accepted from them, would still fly tip because it came from nefarious means where people often do not have the correct waste permits. These people therefore do not want to be found.

- 25) Councillor Tinsley asked: With Remembrance Parades going ahead across the Borough. Is there going to be any consideration towards implementing an initiative of Community Road Traffic Management Training?

Councillor Sheppard explained that in 2021 the Council made an interim provision to support road closures for Remembrance Parades to take place locally following the national withdrawal of Police support for road closures relating to events. This arrangement has been further reviewed and adopted as a permanent measure. As such there are no further plans to provide Community Road Traffic Management Training as the current scheme was far better.

In his supplementary, Councillor Tinsley asked for information to be made available in writing to enable those who planned Remembrance Parades to fully understand the process.

Councillor Sheppard confirmed that the information was on the website but he would get the information sent to Councillor Tinsley.

- 26) Councillor Tinsley asked: Maltby foodbank was subject to flooding last week. A request for sandbags to help protect the building and the risk to food supplies. The building was classed as commercial and limited help was given. Do you agree that the Council should be doing as much as reasonably possible to assist organisations such as this?

Councillor Beck explained that he was very sorry to hear about the flooding, especially at a foodbank given the service that was being provided. However, he did not agree with the insinuation that the Council had not been there and had not been helpful. There was a very small drainage team that had to go out there, often out of hours, to do their best in floods. The Council did provide 12 sandbags on the night of the event and in the days after the event the food bank contacted the Council and the Council provided 50 empty sandbags for them to fill with sand that they already had on site. The Council had acted in good faith and provided help. The small drainage team were incredibly stretched in times of high demand, and they could only do so much. On this occasion they did their best.

In his supplementary, Councillor Tinsley explained that, instead of being delivered to the Foodbank, 6 sandbags were actually delivered to his house and the 50 other sandbags were a little late.

Councillor Beck restated that the Council wanted to help where possible, even though there was no duty on the Council to do so. The provision was limited and could only go so far. Councillor Beck was pleased to be able to help the foodbank.

- 27) Councillor Tinsley asked: Did the Council apply for a part of the 1.4 billion pounds of funding available from the Public Sector Decarbonisation Fund. If so how much was applied for and what was it spent on?

As Councillor Lelliott was not present at the meeting, a written response would be provided to Councillor Tinsley.

109. URGENT ITEMS

There were no items which the Mayor determined as urgent.