

THE CABINET
Monday 10 July 2023

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

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

Apologies for absence were received from Councillor Sheppard.

176. DECLARATIONS OF INTEREST

There were no declarations of interest.

177. QUESTIONS FROM MEMBERS OF THE PUBLIC

Mr A Mahmood enquired that as the proposed new burial site at East Herringthorpe had been declared unfit for purpose by the Environment Agency, could the public be informed as to what the Council's plans were going forward?

Councillor Alam explained his understanding was that concerns had been raised by the Environment Agency but there were mitigating factors. He felt they always put in objections to these expansions to look at water retention and he felt it was a work in progress.

The Leader clarified that this was regarding the proposed expansion of existing facilities at East Herringthorpe.

In his supplementary Mr Mahmood felt that the Environment Agency were doing their job and were informing people of what the situation was. He noted that Dignity's 35-year plan was due in March but had not yet been produced. He asked what was happening with the plan and when it would be available?

Councillor Alam indicated that Dignity had been asked to produce the 35-year plan as part of the contract agreement. Officers had been working with Dignity and this had not yet been provided therefore there would be financial sanctions put in place to encourage them to provide the 35-year plan.

The Monitoring Officer noted that the 35-year plan was something that the Council would continue to push for and continue to use all of its contractual powers in order to ensure that Dignity delivered against the contract.

Mr Arshad Azam noted that when he had attended Cabinet previously, he spoke about transparency, integrity, toxic environment amongst other things. He expressed gratitude to the Monitoring Officer for responding to

his question. He asked the Leader how everyone could meet to have civilised conversations to drive some of this forward without the need to attend lots of meetings to ask simple straightforward questions.

The Leader responded to say that where those kinds of issues existed his recommendation was that they contact the officers directly. He noted that where conversations had taken place as a larger group about these emotive subjects that these had not gone as planned. He had a responsibility for the safety of staff and councillors and did not want to put people into difficult situations. If there were particular issues or questions that needed to be raised, then the first point of contact was with the officers and where it was needed a few people could meet or speak on the phone to discuss the issue.

In his supplementary question Mr Azam suggested that was conducted with a small number of individuals. He then referred to Mr Omar regarding the proposed independent review. He felt the agenda and recommendations of the review were not independent and had been set by the Council. He queried how things could move forward with a collaborative approach. He would welcome having a small number of people, avoiding confrontation, getting together to discuss the issue.

Councillor Alam explained that Mr Omar wanted to lead on the whole process, which the Council was happy for this to happen. Mr Omar asked officers to arrange meetings with various stakeholders and he pulled out at the last minute explaining that he was being hounded by some members of the community. Mr Omar had been leading the process as the Council had wanted it to be independent and he could meet anyone he wanted.

He then explained that the Council was planning some consultation around October with key stakeholders. That consultation should not be used for operational issues. The Council had responsibility for the contract and Dignity had responsibility for service delivery. The Council wanted Dignity to be responsible for operational issues to ensure they were delivering the best service to the community.

The Leader explained the Council had committed to conducting an independent review and where others had views about what should be considered these would be considered but would also include areas the Council wanted considered as well.

178. MINUTES OF THE PREVIOUS MEETING

Resolved:

That the minutes of the previous meeting held on 19 June 2023 be approved as a true and correct of the proceedings with the inclusion of the additional information requested in Minute number 168. Scrutiny Review Recommendations - Modern Slavery.

179. EXCLUSION OF THE PRESS AND PUBLIC

The Chair advised that appendices to Minute No. 181 contained exempt information, however, the meeting remained open to the public and press throughout.

180. DISTRICT HEATING CHARGES 2023-2024

Consideration was given to the report which recommended a revision to the District Heating charges for 2023-24. In March 2023 Council agreed as part of the annual budget setting process to increase charges in line with what was then the Governments energy price guarantee. There had now been a change in policy therefore the proposal was to reduce bills by a quarter meaning the unit price would come down to 15.49p per Kwh. The change would mean lower bills for customers and lower operating costs for the Council. The report also included a recommendation to provide delegated authority to enable the Council to respond to any changes in price without delay.

The Leader noted that he could not remember a time when District Heating charges had needed to be changed in year however that reflected the uncertainty within the energy market that everyone was feeling in their bills. When the charges were set in March, following the usual process, the Council was nearing the end of its gas procurement contract in order to fuel the District Heating schemes and the prices were exceptionally high at that moment in time. The Council took a view not to pass the full costs of that increase on to District Heating users, but that it would cap the amount they had to pay at the same rate the Government was capping energy bills for everyone else. That required around £2m of subsidy at that time. Since purchase of the gas, the price had lowered enabling the Council to bring bills for District Heating users' in line with that. The proposal was that this would be backdated to the start of the year to enable users to get the full effect of those changes. This was subject to ratification by Council so the recommendations would be passed to Council for its consideration in July.

The purpose of the delegation was clarified noting it was important for Council to retain responsibility for setting fees and charges year to year, however in this instance, given the volatility described, a time limited delegation was proposed. This would enable officers, in the event that Ofgem significantly reduced the price cap again in year to pass those benefits on to customers as quickly as possible on behalf of the Council.

The proposal would make a huge difference to families given the current pressures on cost of living.

Resolved: That the Cabinet noted the content of the report and recommended that Council:

1. Notes the decision Council took in March 2023 to increase the District Heating unit charge to 20.68 per Kwh for 2023-24 so that an average bill was equivalent to the heating element of the then Government's Energy Price Guarantee, leading to a proposed District heating budget deficit of £2.592m.
2. Notes that the actual cost to the Council of purchasing energy to supply District Heating schemes is lower than the cost assumed in March 2023; and that the agreed unit charge now exceeds the Energy Price Guarantee and the Office of Gas and Electricity Markets (Ofgem) price cap for July 2023 onwards.
3. Agrees that in light of these changes, the District Heating unit charge per Kwh for 2023-24 is reduced to 15.94 pence per kwh and weekly prepayment charges are reduced by 59% to 67% depending on property size (Option 4 in this report), bringing prices into line with the Ofgem price cap for July 2023 onwards and well within the Energy Price Guarantee.
4. Agrees that this charge should be backdated to 3rd April 2023.
5. Agrees that the decision to reduce the price further during 2023-24 be delegated to the Assistant Director of Housing in conjunction with the Assistant Director of Financial Services following consultation with the Cabinet Member for Housing. The delegation would only be used to respond to a change in Government policy or a significant change in the Ofgem price cap that has the effect of necessitating a lower unit price, and the approved budget deficit of £2.592m cannot be exceeded through a delegated decision.

181. HOUSING DEVELOPMENT PROGRAMME REPORT 2023-24

Consideration was given to the report which provided an update on the Housing Delivery Programme, summarising progress since the previous programme report was approved by Cabinet in January 2023. Several changes were required to the programme and renewed approvals were sought accordingly. An updated list of sites proposed for development was included and Cabinet were informed of the updated list of potential strategic acquisition opportunities as part of a confidential appendix to the report.

This was the mid-year report which indicated the main achievements were around the town centre Trilogy collection, which had been a major development that had delivered 171 homes. Other notable updates were completions at Dinnington and Swallownest. The Council had employed a developer's agent to add to the existing service provision.

At the time of the meeting the Council had 609 homes completed and the projection for the end of the project in March 2026 was to complete 1125 homes.

The report included a delegation to enable the council to be nimble and reactive regarding purchases where needed to ensure no opportunities are missed.

It was clarified that the Council recognised the need for bungalows within communities and a list of the proportion of acquisitions that were bungalows would be provided to the Deputy Leader. The provision of bungalows would continue to be an important part of the acquisitions programme with the recognition for all house types across the borough.

Cabinet was provided with an extensive list of proposed acquisitions, this enabled due diligence to be carried out on the proposals and just because certain properties were not being considered at the current time, it did not preclude them from being considered in the future.

Resolved: That Cabinet:

1. Approved the additional Council-owned sites listed in Appendix 1 being brought forward to deliver new Council homes.
2. Approved the purchase of homes from the additional schemes identified in Exempt Appendix 2.
3. Delegated authority to the Council's Property Officer (Assistant Director for Planning, Regeneration and Transport) to purchase additional homes from private developers or the open market to add to the Council's housing stock, with the agreement of the Assistant Director for Housing, Cabinet Member for Housing and Section 151 Officer.
4. Noted the other updates contained within this report and agreed to receive a further update in six months' time.

182. AIDS AND ADAPTATIONS POLICY

Consideration was given to the report which introduced the Council's proposed approach to the review of the Aids and Adaptations Assistance Policy, which was first introduced in 2015. It also clarified the interim measures for financial approval of all major adaptations costing above the mandatory £30,000 limit.

There had been recent feedback on Aids and Adaptations from a recent Tenant Scrutiny Panel along with new Government Guidance that had been proposed.

The scheme was run in partnership with Housing, Adult Social Care and the NHS to support residents to stay independent in their homes. It was split in two with the Minor Adaptations which could involve stair lifts and level access with Major Adaptations consisting of home extensions,

therefore there was a range of finance to consider.

The operational procedures would be considered as part of the review with an update brought back to Cabinet in December 2023.

Resolved: That Cabinet:

1. Noted the proposed approach to undertaking a review of the Aids and Adaptations Assistance Policy and the intention to return to Cabinet with an updated policy in December 2023.
2. Delegated authority for all aids and adaptations costing over £30,000 to the Assistant Director for Housing in line with the national threshold for 'discretionary' funding and until the new policy is adopted.
3. Delegated authority for approvals of aids and adaptations costing over £50,000 to the Assistant Director for Housing in consultation with the Cabinet Member for Housing in line with the current agreed policy and until the new policy was adopted.

183. FINANCIAL OUTTURN 2022-23

Consideration was given to the report which outlined the final revenue and capital outturn position for 2022/23. The Council set a balanced budget position for 2022/23 as part of the Budget and Council Tax Report 2022/23 approved at Council 2 March 2022.

Following approval of the budget the Council had faced some significant financial challenges that were not evident at the time of setting the budget. These include significant rise in energy prices, inflation and the Local Government pay awards. These impacts had seen the Council's base costs rise significantly during the year along with the prices of goods and services the Council procured.

The Council had identified short term in year savings to mitigate some of the forecast pressures and as a result the financial outturn was significantly improved down to £7.3m. The Council would continue to closely monitor the financial position.

It was clarified that the HRA underspend ringfenced and would remain within the HRA.

The report was considered by the Overview and Scrutiny Management Board who supported the recommendations.

Resolved: That Cabinet:

6. Noted the revenue outturn position.

7. Noted the budgeted transfer to HRA reserves increased by £2.1m following the revenue and capital outturn positions.
8. Noted the carry forward of the combined schools balance of £2.992m in accordance with the Department for Education regulations.
9. Noted the reduced DSG deficit following receipt of Safety Valve funding, as set out in paragraph 2.14.
10. Noted the reserves position set out in paragraphs 2.51 to 2.62.
11. Noted the capital outturn and funding position as set out in paragraphs 2.63 to 2.92.
12. Noted the revised Capital Programme following year end 2022/23 as set out in paragraphs 2.93 to 2.97 and appendices 1 to 4 of this report.

184. TREASURY MANAGEMENT OUTTURN 2022-23

Consideration was given to the report which was the final treasury report for 2022/23. It reviewed the treasury activity for 2022/23 against the strategy and covered the actual Prudential Indicators for 2022/23 in accordance with the requirements of the Prudential Code.

It explained that the Council received an annual treasury strategy report in advance of the 2022/23 financial year at its meeting on 2 March 2022 and Audit Committee received a mid-year report at its meeting on 29 November 2022, representing a mid-year review of treasury activity during 2022/23.

It was clarified that report met the requirements of both the CIPFA Code of Practice on Treasury Management and the CIPFA Prudential Code for Capital Finance in Local Authorities as the Council was required to comply with both Codes through regulations issued under the Local Government Act 2003.

The Council's Treasury Management functions had been operating within unprecedented circumstances with the impact of the conflict in Ukraine being an additional drive of uncertainty in the financial markets along with rising inflation, energy prices and the turmoil in the bond market. Those impact led to a significant rise in interest rates during the year.

The Council had been able to manage the cash flow for the majority of the financial year without significant difficulties.

It was clarified that the Council had met all the requirements of the code which were about ensuring safe practice and not taking undue risks. It was also noted that in the previous year the Council had been able to

utilise long-term borrowing at incredibly low rates.

Resolved: That Cabinet:

1. Noted the Treasury Management Prudential Indicators outturn position as set out in Section 3 and Appendix 1.
2. Agreed that the report was forwarded to Audit Committee for information.

185. MAY 2023-24 FINANCIAL MONITORING REPORT

Consideration was given to the report which set out the financial position as at the end of May 2023 and forecast for the remainder of the financial year. As at May 2023, the Council currently estimated an overspend of £2.0m for the financial year 2023/24. This was due to demand led pressures on Children's residential placements and home to school transport as well as the impact of inflationary pressures in the economy, particularly on food prices, and the legacy impact of lockdown restrictions on some of the directorate's services.

The current economic climate remained turbulent, with challenges in projecting where inflation will move and the pace at which it moves. At present inflation is not reducing at the pace at which Government and the Office for Budget Responsibility predicted. It was estimated that inflation would last for a further eighteen months. This meant the council would face short term pressures that would need to be managed through the Council financial planning strategy.

The forecast position would be closely monitored by officers with any mitigating factors being implemented.

Resolved: That Cabinet:

13. Noted the current General Fund Revenue Budget forecast overspend of £2.0m.
14. Noted that actions will be taken as necessary to reduce the overspend position during the course of the year but that it is possible that the Council will need to draw on its reserves to balance the 2023/24 financial position.

186. EQUALITIES ANNUAL REPORT

Consideration was given to the report which highlighted the progress made over the past year towards the equalities, diversity and inclusion agenda, as well as outlining next steps. The report covered key achievements and case studies from across the Council.

The report covered four themes that were developed inline with the equality framework. It demonstrated the significant progress made towards the journey of achieving excellence under the government framework. An informal assessment was undertaken in the spring by a neighbouring authority which showed the Council was best placed to achieve its goal. It showed the leadership had a clear commitment to equality and diversity inclusion. The assessment also found that the Council had a strong self-awareness of work needed to realise its ambition. The progress made over the last twelve months had further propelled the Council on its journey.

The main purpose was to ensure it was embedded across the whole organisation, with equality being embedded within all services to mitigate the impact on protected groups.

One of the recommendations proposed during the review was already underway and through the workforce plan the organisation was looking at how to have a more representative workforce and remove barriers for people coming to the council to become an employer of choice.

The Overview and Scrutiny Management Board considered this report and felt the inclusion of case studies had strengthened the report. One additional recommendation had been proposed regarding the need to ensure that case studies in future annual reports should reference explicitly how they contribute to the equality, diversity and inclusion agendas.

Resolved:

15. That Cabinet:

- a) Note the progress made over the past 12 months towards the equalities agenda.
- b) Note the next steps outlined within the Equalities Annual Report and action plan for 2023/24.
- c) That case studies in future annual reports should reference explicitly how they contribute to the equality, diversity and inclusion agendas.

187. LOCAL PLAN: ADOPTION OF SUPPLEMENTARY PLANNING DOCUMENTS

Consideration was given to the report which sought approval to adopt the following Supplementary Planning Documents (SPD):

- Developer Contributions
- Biodiversity Net Gain
- Trees
- Preparing a Soils Strategy
- Development in the Green Belt (Revised)

Rotherham's Local Plan provided the framework for determining planning applications. Supplementary Planning Documents provided additional

detail and guidance to support policies in the Local Plan. Once adopted, they were a material consideration to be taken into account when determining planning applications.

Supplementary Planning Documents help improve planning applications, which in turn could speed up the planning process and produce better outcomes for the community.

It was clarified that the final Government guidance on the Biodiversity Net Gain was still to be published, therefore that particular SPD may need some minor amendments to ensure conformity with Government regulations, which was why the delegation has been sought within the recommendations.

Resolved:

16. That Cabinet approved the adoption of the Supplementary Planning Documents at Appendices 1 to 5.

17. That Cabinet approved delegation to the Strategic Director for Regeneration and Environment, in consultation with the Cabinet Member for Jobs and the Local Economy, to amend and republish the Biodiversity Net Gain SPD if so required, to ensure conformity with the anticipated publication of Government regulations and guidance (paragraph 5.2 refers).

188. WATH PROJECTS (LEVELLING UP FUND)

Consideration was given to the report which sought approval to develop a programme of works delivering the investment in Wath. This was following the allocation by the Government at Spring Budget 2023, at which Rotherham Council was allocated £19,990,111 in respect of the 'Principal Areas of Growth' Levelling Up bid.

It was important that there was an inclusive Rotherham, and this was another step to achieving that aim, with sites across the borough receiving significant investment over the next few years.

A consultation meeting with traders had already taken place.

The report was welcomed but it was queried if lessons had been learned in terms of traffic measures, diversions from recent developments to lessen any potential impacts during further development. It was clarified that every effort would be taken to reduce the amount of disruption it could not be mitigated against completely.

It was confirmed that the Memorandum of Understanding had now been signed.

Resolved:

18. That Cabinet accepted the Principal Areas of Growth allocation of £19,990,111 into the Capital Programme through the Grant Process.
19. That Cabinet allocated £8,940,564 to the Wath Project.
20. That Cabinet delegated the Commissioning of the design of the project based on the parameters in paragraph 2.3.1 to the Strategic Director for Regeneration and the Environment in Consultation with the Cabinet Member for Jobs and the Economy and the Section 151 Officer.
21. That Cabinet agreed to the development of 'Principal Areas of Growth' projects in Wath with further detail provided to Cabinet in February 2024.

189. ANNUAL REPORT ON COUNCIL PLAN AND YEAR AHEAD DELIVERY PLAN PROGRESS FOR 2022-2023.

Consideration was given to the report which presented the final quarterly report and updated on progress made on the activities in the Year Ahead Delivery Plan and Council Plan performance measure data for Quarter 4 of the 2022-23 financial year.

It was clarified that 80% of the committed activities had been completed with a further 7% on track for delivery. Three of the actions were delayed by less than three months and nine would not be met within the three-month target date.

The Cabinet Members commented on the report as summarised below:

- The action plans from the Employee Opinion Survey continued to be implemented with workforce planning remaining ongoing.
- The Workforce Plan would help the Council attract a diverse workforce becoming the employer of choice.
- The number of formal enforcements on aspects such as fly-tipping had increased.
- The canal barrier at Forge Island had been completed and won an award.
- The number of electric vehicle charging points was increasing across the borough.
- Sixty-four new electric vehicles would be introduced to the Council fleet over the new year or two.
- All of the Neighbourhood Ward plans for the previous year had been published on time and were well on track for all being published on time in 2023.
- Five phase 1 projects had been completed as part of the Towns and Villages programme.

- Business Education Alliance programme had delivered twelve career events with further activities planned.
- Forge Island was progressing.
- It was a balance between supporting housing growth and acquiring new properties along with supporting those at risk of or had recently become homelessness.
- Temporary accommodation continued to be a pressure on the service.
- Successful year for Adults and Public Health.
- Publication of the Health and Equalities Strategy.
- An award was won for 'A Walk with Me' which was a suicide/bereavement support pack.
- Work on new Learning Disabilities Centre was on track.
- Element Academy opened in September 2022 and had received lots of positive feedback.
- Ninety percent of children were offered one of their preferred choices secondary school places.
- Ninety-nine percent of children were offered one of their preferred choices for primary school places.
- Ninety percent of two-year-olds took up the offer of an early learning place.

This report was considered by the Overview and Scrutiny Management Board who felt it provided a clear picture of the Council's achievements and challenges.

Resolved: That Cabinet noted:

1. The overall position in relation to the Year Ahead Delivery Plan activities.
2. The Quarter 4 2022-23 data for the Council Plan performance measures.
3. The performance reporting timetable for the remainder of the 2022-2023 year.

190. RECOMMENDATIONS FROM OVERVIEW AND SCRUTINY MANAGEMENT BOARD

Consideration was given to the circulated report, the contents of which were included as part of the relevant items and the details included accordingly.

191. DATE AND TIME OF NEXT MEETING**Resolved:-**

That the next meeting of the Cabinet be held on Monday 7 August 2023, commencing at 10am.