

EXECUTIVE FUNCTIONS DECISION RECORD

The following decisions were taken on Tuesday, 17th October, 2017 by Cabinet.

Date notified to all Members: Tuesday, 17th October, 2017.

The end of the call in period is 5.00 p.m. on Thursday, 26th October, 2017 and therefore, the decisions can be implemented on Friday, 27th October, 2017.

Present:

Chair - Mayor Ros Jones (Mayor of Doncaster with responsibility for Budget and Policy Framework)

Vice-Chair - Councillor Glyn Jones (Deputy Mayor, Portfolio Holder for Housing and Equalities)

Cabinet Member for:

Councillor Nigel Ball	Portfolio Holder for Public Health, Leisure and Culture
Councillor Joe Blackham	Portfolio Holder for Highways, Street Scene and Trading Services
Councillor Nuala Fennelly	Portfolio Holder for Children, Young People and Schools
Councillor Chris McGuinness	Portfolio Holder for Communities, Voluntary Sector and the Environment
Councillor Bill Mordue	Portfolio Holder for Business, Skills and Economic Development
Councillor Jane Nightingale	Portfolio Holder for Customer and Corporate Services

Apologies:-

An apology for absence was received from Councillor Rachael Blake.

PUBLIC MEETING – SCHEDULE OF DECISIONS

Public Questions and Statements

There were no public questions or statements made at the meeting.

Decision Records dated 3rd October, 2017, were noted.

DECISION 1

1. AGENDA ITEM NUMBER AND TITLE

6. Transport for the North - Incorporation as a Sub-National Transport Body
(Rule 15 Urgent Decision which for reasons of Urgency, was not included on the Council's Forward Plan).

2. DECISION TAKEN

Cabinet agreed that:-

- (1) formal consent be approved under section 102J of the Local Transport Act 2008 to establish Transport for the North (TfN) as a Sub-National Transport Body and giving TfN concurrent highway powers;
- (2) DMBC will establish in separate notification that the Combined Authority does not provide implied delegated representation at TFN in relation to matters affecting our statutory role as Highway Authority for the Metropolitan Borough of Doncaster. Any consents required in relation to Doncaster must be received from Doncaster MBC itself; and
- (3) DMBC will also notify TfN, separately to this consent that it must seek to represent all communities in its transport aspirations not just linking core cities and towns.

3. REASON FOR URGENCY

Doncaster Metropolitan Borough Council, along with all the other Local Authorities affected, received the request for the formal Council consent on 22nd September, 2017. Due to the lateness of the request and the need to seek clarity on a number of complex legal, operational and constitutional issues, there is no longer the ability to provide the 28 days' notice required for the Forward Plan. TfN have been advised by the Government that due to a lack of Parliamentary time, it is not possible to delay this matter.

4. REASON FOR DECISION

Cabinet received a report, seeking approval from the Council as Local Highway Authority, to give formal consent to the establishment of Transport for the North (TfN) as a Sub -National Transport Body under section 102J of the Local Transport Act 2008 and giving TfN concurrent highway powers.

Members were informed that to address concerns about transport connectivity across the north, Local Transport Authorities and Local Enterprise Partnerships across the north of England came together in 2014 in partnership with the Department for Transport and the national transport agencies, to form Transport for the North (TfN). Together they had developed an ambitious pan-northern transport strategy to drive economic growth in the north. The purpose of TfN was to transform the transport system of the north of England and deliver the improvements needed to truly connect the region with fast, frequent and reliable transport links, driving economic growth and creating a Northern Powerhouse.

Members noted that in October 2016, with the agreement of the Constituent Authorities, TfN submitted a proposal to the Secretary of State for Transport that TfN should be established as the first Sub-National Transport Body (STB).

It was explained that before the Secretary of State could make the Regulations, consent must be obtained from each of the 19 Constituent Authorities and also consent to the granting of concurrent highway powers from each of the Highway Authorities within TfN's area. As a consequence of this, an urgent (Rule 15)

Cabinet decision was required due to the late notification from TfN of the need to seek formal consent from each highway authority. TfN had been advised by the Government that due to a lack of parliamentary time, it was not possible to delay this matter.

The report therefore requested that the Council as the Local Highway Authority, gives formal consent to the establishment of Transport for the North (TfN) as a Sub-National Transport Body under section 102J of the Local Transport Act 2008. In carrying out these functions, TfN would act as a Statutory Partner with the Secretary of State and would take devolved responsibilities from the Secretary of State. It would exercise a co-ordinating role in relation to specified transport functions. The proposal submitted by the Constituent Authorities requested a range of powers and functions which were outlined in the report.

Members noted that there was no intention that TfN would itself become a Highway Authority and the Regulations made it clear that before these powers may be exercised, TfN would need to obtain the express consent of the relevant Highway Authority to the manner in which the powers would be exercised. These powers would therefore only be exercised in circumstances where all the local Highway Authorities considered that there would be a benefit in TfN carrying out the work.

It was intended that before TfN exercised any transport powers or functions it holds concurrently with any of the Constituent Authorities or Highways Authorities within the TfN area, TfN will enter into a written Protocol with the Constituent Authorities or the local Highway Authorities covering the way in which the functions would be exercised.

DMBC would establish in a separate notification that the Sheffield City Region Combined Authority (or its representatives) does not provide implied delegated representation at TfN, in relation to matters affecting the Council's statutory role as the Highway Authority for the Metropolitan Borough of Doncaster. Any consents required in relation to Doncaster, must be received from Doncaster MBC itself.

DMBC would also notify TfN, separately to this consent that it must seek to represent all communities in its transport aspirations not just linking core cities and towns.

In relation to the key provisions of the Submission Proposal submitted by the Constituent Authorities, as detailed within Paragraph 17(a) of the report, the Mayor proposed that Councillor Joe Blackham be appointed as DMBC's representative to Transport for the North.

5. ALTERNATIVES CONSIDERED AND REJECTED

Do Nothing

Not providing consent to the establishment of Transport for the North as a Sub-National Transport Body under section 102J of the Local Transport Act 2008 and giving TfN concurrent highway powers, could critically delay the establishment of the body and risk delivery of the key investment on transport across the north.

6. DECLARATIONS OF INTEREST AND DISPENSATIONS

There were no declarations made at the meeting.

7. IF EXEMPT, REASON FOR EXEMPTION

Not Exempt

8. DIRECTOR RESPONSIBLE FOR IMPLEMENTATION

Peter Dale, Director of Regeneration and Environment.

DECISION 2

1. AGENDA ITEM NUMBER AND TITLE

7. South Yorkshire Municipal Waste Strategy Adoption.

2. DECISION TAKEN

Cabinet approved:-

- (1) the South Yorkshire Municipal Waste Strategy (SYMWS) Vision:-
“To reduce, re-use, recycle and recover energy from 95% of South Yorkshire’s waste”;
- (2) the adoption of the South Yorkshire Municipal Waste Strategy;
- (3) the Key Strategic Priorities, Strategic Outcomes, Outputs and that Officers be authorised to implement the SYMWS; and
- (4) the Director of Regeneration and Environment, in consultation with the Portfolio Holder, be delegated to make any changes to the strategy required following consideration by the other SY local authorities.

3. REASON FOR DECISION

Cabinet received a report, which sought approval for the adoption of the South Yorkshire Municipal Waste Strategy (SYMWS).

Barnsley, Doncaster, Rotherham MBC’s and Sheffield City Council were all Unitary Councils in South Yorkshire and had a statutory obligation to collect and dispose of municipal waste arising across South Yorkshire, and could choose how best to deliver waste services as long as they complied with legislation.

Currently, each Authority had its own waste strategy that had shaped its services up to now. However, it was reported that all of these strategies would benefit from being reviewed and refreshed, as it was important to review waste strategies regularly to reflect on achievements and progress towards any aims and objectives. The strategy would provide a clear direction for the services between 2017 and 2021.

As Austerity measures and budget cuts would undoubtedly continue to impact on Local Authority funding, a collaborative initiative such as the SYMWS would allow for economies of scale, cost savings and improved efficiency across the four

Authorities, minimising the impacts on Council services. The existing waste strategies had served as guides to the development of current waste management policies and practices in the districts which now required updating to reflect progress in waste management including, changes in legislation, Government targets, local objectives, advances in technology, budget pressures, increased pressures on the service, public awareness and perceptions, increased housing numbers and associated impacts on waste arising's. These factors needed to be considered and actions taken to manage waste over the longer term. Working together towards an overarching strategy would allow for efficiencies, sharing of best practice and co-ordinated developments in infrastructure.

Members noted that waste services across the country and in particular South Yorkshire were a cross boundary strategic planning matter which influenced the economic growth of the region but also provided opportunities for them to work together.

It was reported that once adopted, there would be a common overarching strategy with associated common actions for all authorities to work towards. Each District would then develop their own action plan to suit the slight variances of service within their own organisation with the aim of future harmonisation within South Yorkshire. By joint working, would provide the opportunity for generating efficiencies and savings.

To deliver this vision, five Strategic Priorities had been developed from the corporate plans across the region:-

Priority 1 - Encourage and inspire children and adults across Barnsley, Doncaster, Rotherham and Sheffield to make less waste by reducing, re-using and recycling more.

Priority 2 - Work hard to deliver and maintain a dependable and reliable service to all our customers.

Priority 3 - The four Councils would work together more closely to deliver value for money services.

Priority 4 - Continue to explore how technology could be used to improve recycling and waste services.

Priority 5 - Be pro-active to influence decision-making on waste at European, national and local level, to drive investment into infrastructure across the region.

4. ALTERNATIVES CONSIDERED AND REJECTED

Option 1 - Do nothing and do not adopt a SYMWS

As there was no statutory requirement for Unitary Authorities to have a Waste Management Strategy, it would be possible not to review the waste management strategy for Doncaster or any of the other Partner Authorities.

As legislation had changed and austerity measures had been implemented driving

a need for efficiencies since all four Strategies were produced, failing to review the Waste Management Strategies was not recommended.

Option 2 - Review the Waste Management Strategies individually

The individual Councils could review and update their Waste Management Strategies on an individual basis.

There was a risk that by doing this independently there may be an unforeseen negative impact on the nearest neighbours and there were opportunities for collaborative working which may be missed. This option was therefore, not recommended.

5. DECLARATIONS OF INTEREST AND DISPENSATIONS

There were no declarations made at the meeting.

6. IF EXEMPT, REASON FOR EXEMPTION

Not Exempt

7. DIRECTOR RESPONSIBLE FOR IMPLEMENTATION

Peter Dale, Director of Regeneration and Environment.

DECISION 3

1. AGENDA ITEM NUMBER AND TITLE

8. Doncaster Growing Together - Supporting people with Complex Lives: Proposed Doncaster Town Centre Public Spaces Protection Order.

2. DECISION TAKEN

Cabinet:-

- (1) noted the outcomes of a consultation on a proposed Public Spaces Protection Order for Doncaster Town Centre, and suggested amendments to the PSPO prohibitions and boundary which were a response to the consultation process; and
- (2) approved the introduction of the Public Spaces Protection Order for Doncaster Town Centre, as set out in Appendix 4 of the report.

3. REASON FOR DECISION

Cabinet considered a report, which sought approval for the introduction of a Public Spaces Protection Order for Doncaster Town Centre, which was one part of a comprehensive plan of activity to support people with complex lives and also to improve its Town Centres, which were both major priorities in the Council's new Borough Strategy, 'Doncaster Growing Together'. This includes preventing and tackling homelessness and rough sleeping, drug and alcohol misuse, mental ill-health, offending and anti-social behaviour, begging.

Following the outcome of the consultation process undertaken on this issue, of the 1216 responses received, had shown a very strong level of public and business support for all of the proposed prohibitions the Council had consulted on. The Council can therefore be confident that issues such as begging, drug and alcohol misuse, anti-social behaviour, are having a detrimental impact on quality of life in the Town Centre and that this is likely to continue without action to manage it. This is the basic legal test the Council must be able to satisfy in approving a PSPO.

It was reported that the responses to the consultation had been considered carefully and as a result, some adjustments had been proposed in the drafting of the order that were being considered.

The report sets out proposed adjustments to prohibitions and the boundary to be covered which respond to issues raised in the consultation process and enable an effective response. The management of the PSPO will be a multi-agency effort, involving Police, teams across the Council, St Leger Homes, drug and alcohol and mental health services and others and would strongly focus on supporting people to access accommodation and support services, and seek to break the cycle they can be locked into.

The plan would also look to alert to the potential of displacement of these issues to other areas in the Borough and the management of plans would closely monitor this and deal with it proactively. This would include close watch on areas around the Town Centre that some people would have liked to include within the PSPO boundary.

Councillor McGuinness Cabinet Member for Communities, Voluntary Sector and the Environment, stated that across the UK there has been significant increases in homelessness and rough sleeping and the issues that can surround it, such as aggressive begging, drug and alcohol misuse and anti-social behaviour. This is caused in part by national changes to funding policy and economic conditions. Councillor McGuinness highlighted that he wanted to be absolutely clear that the Council was fully committed to supporting people who find themselves in this unfortunate position. The Council, together with its partners, has introduced a comprehensive plan of activity to support people by connecting them to accommodation and support services.

Councillor McGuinness reported that over the past year, there had been a significant increase in complaints and concerns to the Council with regard to aggressive begging, drug/alcohol abuse and anti-social behaviour. These complaints, from both businesses and residents, show the detrimental impact on the quality of life in the town centre and this was likely to continue without action to address these issues, whilst providing support to those who need it, although we are also clear some who cause these issues, are not, in fact homeless or without means, but are preying on people's good will, damaging the prospects of the Town Centre and people's enjoyment of it.

Councillor McGuinness advised that the proposed Public Space Protection Order for Doncaster Town Centre was one part of this wider activity plan. Following consultation on the proposed PSPO, had showed a strong level of support from

both the public and the business community for all the prohibitions consulted on. He explained that what was proposed was part of a wider plan of support for those who need it, whilst helping to address the issues of concern being raised by those who work in and visit the Town Centre.

Councillor Glyn Jones highlighted the potential displacement of people outside of the Town Centre, which was a concern to Members, acknowledging that the displacement of people could potentially cause issues for people in outlying communities. He spoke of the need for the Council to put in place positive interventions for the people that needed it.

From an historic perspective, Councillor Nigel Ball, highlighted that from 2010 there had been an increase of 64% of homelessness across Britain and now a third of children were living in poverty. Food Bank usage had increased by 400%, which was due to austerity and cuts across Britain. Councillor Ball welcomed the holistic approach being introduced in the Town Centre, which he felt would go a long way to addressing some of the problems being seen. The services being put in place would move people forward in a positive way and would also lead them on to a positive journey.

The Mayor, Ros Jones commented that it was clear from the consultation undertaken, that there was a strong level of support from the public, businesses and key stakeholders in favour for the proposed prohibitions, which would ensure that there was a balance on improving the day to day experience and economic vibrancy of the town and also in working to support people with complex lives and the dispersal of people.

4. ALTERNATIVES CONSIDERED AND REJECTED

The option to pursue a Public Space Protection Order for Doncaster Town Centre had been carefully considered against other potential ways to approach the issues and concerns. The broad options considered have been:-

- Tackle the issues facing people with complex lives without specific action to manage the disincentive of begging and breaking the cycle of behaviours that can be associated with it. This was not recommended.
- Pursue a PSPO as an isolated measure with an enforcement focus. This was not recommended.

5. DECLARATIONS OF INTEREST AND DISPENSATIONS

There were no declarations made.

6. IF EXEMPT, REASON FOR EXEMPTION

Not Exempt.

7. DIRECTOR RESPONSIBLE FOR IMPLEMENTATION

Damian Allen, Director of People

Signed.....Chair/Decision Maker