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Lead Commissioner, Sir Derek Myers

11th January 2016

The Rt. Honourable Greg Clark MP
Secretary of State for Communities
and Local Government
Department for Communities and Local Government
Fry Building
2 Marsham Street
London
SW1P 4DF

Dear Secretary of State,

Government Intervention in Rotherham MBC

I am writing to follow up my letter of the 27th November and I thank you for the helpful discussions when we met.

As agreed, the Commissioner Team posted public notices in a range of local newspapers, arranged publicity through Radio Sheffield and the Rotherham Advertiser and put a range of material on the Council's website to make sure that the public had proper notice of the Commissioner proposals to restore some powers to Councillors.

I personally briefed Councillor Caven Vines, Leader of the UKIP Group and Councillor Martyn Parker who represents the informal group of Independent Councillors and asked them to give me any formal comments by the 8th January.

Councillor Vines has sent me a formal note in which he makes plain that UKIP Group do not support the restoration of powers to Councillors on the basis that in general terms he thinks that the 'Labour Group' has not changed. Though it is not my role to argue with Councillor Vines, I have thought it appropriate to respond to a number of his points and I attach both his statement and my reply as appendices to this letter.

Councillor Parker sought a face to face meeting with me on the 8th January at which he made plain his personal view that he could not support the restoration of powers. His general view is close to that of Councillor Vines and indeed he was critical of the Commissioner Team recommendations because he thinks that this allows the Labour Group of Councillors to claim a public relations advantage in preparations for the May 2016 all-out Elections.

As a result of the public notices and publicity, there has only been one communication from a member of the public supporting the proposals and indeed arguing that all powers should be handed back.

A meeting was held and proposals shared with independent Members of the Council's Standards Committee and two "independent persons" appointed for the purpose of overseeing any standards investigations. One individual has not replied but all the others have written to support the proposals.

Whilst I respect the views of the UKIP Group of Councillors in Rotherham (who represent 12 out of 63 local Councillors) and the view of Councillor Parker, I do not believe that they have raised specific and evidenced objections such that I want to change the recommendations I have made on behalf of the Commissioner Team as set out in my earlier letter.

My team and your officials have discussed a range of auxiliary material that we will provide which will provide further assurances about risk mitigation arising from these proposals. I am pleased to say that we have had a successful meeting with a Mr Hudson who is the regional representative of Ofsted who I am told is now assured that we are, as a Council, sufficiently committed to seeing further improvements in the quality of educational attainment within some Rotherham primary schools where Ofsted have had some concerns. My understanding is that as these efforts will continue to be based around the officer interventions in primary schools, that he is not likely to raise a formal objection to the restoration of formal decision-making arising from the Council's education powers, made at Cabinet level.

I am also pleased to be able to report that the Council has made good progress since the Grant announcements on putting together budget proposals for 2016/17.

The Council will await the formal confirmation of figures and I will then write again to your colleague Minister following up earlier correspondence about the Council's financial position.

As before, my intention is that this letter should eventually be put into the public domain but I do not expect this to happen before you have had a chance to consider the matter further and reply.

Subject to your view, my colleagues and your officials are working on the administrative arrangements which support any change to which you feel able to agree.

The next three months progress report is due at the end of February 2016 and I will write to you again at that point.

Yours sincerely

A handwritten signature in black ink, appearing to read 'D. Myers', written in a cursive style.

Sir Derek Myers
Lead Commissioner
Encs

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11th January 2016

Cllr Caven Vines
Leader of UKIP Group
Rawmarsh Ward
Rotherham MBC
Town Hall
Rotherham
S60 2TH

Dear Cllr Vines,

Thank you very much for your letter of the 6th January 2016, responding to my invitation for the UKIP Group to comment on the proposals for some powers to be restored to the Council's Advisory Cabinet.

I respect the views of your Group but it may help the Commissioner team more if you want to set out the criteria that you think should apply to any decisions about the restoration of powers. I think we all understand that permanent decision-making by unelected Commissioners is not an option.

I understand your Group may hold to a view that no Labour administration can ever be trusted with decision-making but I doubt that is a practical position.

On the specific points you make:

1. 'Councillors who are part of the failure' holding senior positions.

My understanding that this is not a criticism of the eight existing Members of the Advisory Cabinet. My further understanding is that when this observation is made it is aimed at Cllr Wyatt now Chair of Audit and Cllr Ellis, currently Chair of the Licensing Advisory Committee.

As you will know, the duties of the Audit Committee have not been affected by the Government Directions. No 'powers' were taken away; therefore there are none to restore. It is arguable as to whether the Audit Committee has any actual powers; rather it has a range of duties. As you will be aware the Committee makes decisions by majority. The Chairman has no individual powers.

The decision-making for Licensing is not part of the current proposals for restoring powers.

2. Opportunities to work across parties have been rebuffed

As you know the Commissioner team are very supportive of Councillors working together where there are opportunities to do so and indeed all Councillors have now agreed a Local Code which requires them to 'agree where they can and disagree where they must'. It seems to me to be obvious that before any decision can be made by party Groups as to whether they must disagree, they need to fully understand what each party's position is. The Commissioner Team will continue to promote this way of working but the obligation to make it work falls equally on all parties.

You will know from your own experience that co-operation between different political parties is a matter of choice and convention within individual Councils and is not covered by the law. Although I have made plain my personal commitment to a greater willingness for Councillors to listen to each other and accommodate good ideas wherever they come from, I also understand that Local Government is about debate both based on political principles and individual opinions. There is no requirement in law for there to be cross-party collaboration and therefore I cannot hold it to be a material consideration as to whether or not the powers of decision-making should rest with Commissioners or elected Councillors.

3. Problems with the party ratio

You and I have talked about your ambition to return to a Committee system but I do not think you have been able to accommodate that even within a Committee system, the law requires that representation on such Committees is allocated according to the balance of numbers between the parties following each election. The principle that a party holding a majority can expect to win votes in Committees is therefore enshrined in law and I think that any party Leader holding a majority would expect this to be the case.

4. A lack of openness about the frailties in Children's Homes

I accept your criticism in so far as it applies to senior staff of the Council and perhaps Commissioners. Nevertheless there is a context. I believe there was confidence that the criticisms made by Ofsted in their first visit were such that remedies could be put in place and Ofsted could be satisfied. It has proved not to be the case and a decision as to what to do next had to be taken quickly. I believe that in a Council that is confident and working well there would still be time to consult with minority parties and make sure that they were not hearing about this after the event.

However this is again largely a convention and such conventions vary across Councils. You know that I have encouraged your ambitions to have a 'Shadow Advisory Cabinet' and I believe we have yet to see the full flowering of these arrangements and I accept that there is much to do in encouraging mature, confident behaviour by chief officers in briefing both portfolio holders from the majority party and portfolio holders from any other minority parties.

The presence of Commissioners has undoubtedly complicated this terrain as senior staff naturally look to where they believe power resides. I would argue that these mature arrangements are actually more in prospect once we re-establish more normal working in the Council.

5. The Governance Review

As I have not seen the output of the Governance Review yet, I think it is too early for me to comment. I believe there is willingness to come up with fresh arrangements and I believe that the status quo is recognised as non-viable.

I thank you once again for the care that you have taken in expressing your view and you will know that we continue to meet regularly and I look forward to our next discussion.

I have decided that I should include your written comments and my note in response as an appendix to my update letter to the Secretary of State.

My normal convention is that after a period of time I make my letter to the Secretary of State a public document and I would be grateful if you would advise me whether or not you have any anxieties about your note going into the public domain. Of course, if you do not want that to happen then I will remove it from the public version before it is put on the website. I anticipate that I will not add it to the website before the end of January so perhaps you would let me know in good time. If I do not hear from you I will assume you have no objection.

Yours sincerely

A handwritten signature in black ink, appearing to read 'D. Myers', with a stylized flourish at the end.

Sir Derek Myers
Lead Commissioner

Cllr Caven Vines
Leader of UKIP Group
Rawmarsh Ward
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6th January 2016

Rotherham Government intervention

Dear Sir Derek

Thank you for your inversion for our group to offer our thoughts and comments on your proposals to return powers back to the Councillors.

I will keep this very short as from recent events and public press releases issued by the leader of the labour group this according to them is already a done deal.

They are running round telling all and sundry that this is a vote of confidence in them and how they have changed Etc. Etc.

From our position we can say that they have not changed they are unwilling to change and from recent events and comments from the leader they are very much still in denial.

We have had two very damning reports the last one by a senior government team led by Louise Casey less than 12 months ago condemned the labour run administration as being totally UNFIT FOR PURPOS and the secretary of state brought in yourselves to oversee and put the council back into a fit for purpose organisation.

Yes we can agree that some things have improved and many senior posts have been reorganised and fresh blood have been brought in but that is at officer level not within the Political makeup of the council.

The very people who were part of that failure are still there and in some cases the ones who contributed to and was part of the failure are not only still their but have been promoted into senior positions by the Leader Cllr Reed this is not only totally unacceptable it puts in doubt his ability to be a suitable leader by using such poor judgment or maybe it is he has not got the mandate to lead only be a figure head controlled by others either way we find this totally unacceptable and shows clearly that they have not learned any lessons or are yet FIT FOR PURPOSE to run any council services.

On a further point we in opposition on at least three occasions have tried and offered to work cross party with the majority group only to have this rebuffed and twisted by them to try and make political gain.

Decisions are still being made without proper consultation we are being given lip service and at times patronised (Magna fiasco is a prime example)

Press releases and information being released and given to the press before we in opposition are made aware or have even been given a chance to debate it.

We are asked to attend meetings to find there is always around 4 to 1 ratio so that we are just there to make the number up and then they use this as a cross party participation to political point score.

The deputy Leader who is the lead Member for Children's services knew of failures in the children's homes for around 6 months and kept this quiet only having to tell us the opposition the same time as the press released it this being only 12 months from the Jay report which clearly identified children's homes was a major concern with CSE and he still kept a lid on it and did nothing I called for a round table discussion with all responsible for this service to ensure things were in place to prevent this happening (I am still waiting)

So by their own actions they have not learned lessons still not done their job and still trying to keep things covered up.

So we cannot support your recommendation to bring powers back to the Labour Controlled cabinet members as nothing has changed they are still control freaks and still control everything including any scrutiny.

If you read the notes on the governance review issued by the Leader Cllr Read you will see that in reality they want nothing to change just a little trimming around the edges they still want to keep hold of total control and all decision making and any cross party is always in the majority which by its nature makes it ineffective.

This is the governance system that got the council in its present position and it failed dramatically so much so Commissioner were brought in to sort it out

So Sir Derek in our eyes nothing has changed sufficiently to warrant putting any trust into their hands Respect and Trust is something you earn not just given and we have seen no evidence to date of this by the Leader's actions and his stated support of them who did wrong and covered up CSE then promotes them will never be acceptable to our group.

I and some of my councillors have owned and successfully run businesses for many years and never have I known failure be rewarded by promoting them that has failed then say I have every confidence in their ability??

So in summery we as the official opposition for the reasons stated above cannot support your recommendations to the secretary of state but if you would like to discuss this further I would be pleased to meet with you at your convenience and discuss further in more depth our concerns.

Cllr Caven Vines

Leader of the UKIP Opposition Group