

## **CABINET**

**Venue: Town Hall, Moorgate  
Street, Rotherham. S60  
2TH**

**Date: Wednesday, 17 December 2014**

**Time: 10.30 a.m.**

## **A G E N D A**

1. To consider questions from Members of the Public.
2. To determine if the following matters are to be considered under the categories suggested in accordance with the Local Government Act 1972.
3. To determine any item which the Chairman is of the opinion should be considered as a matter of urgency.
4. Declarations of Interest.
5. Minutes of the previous meeting held on 26th November, 2014 (copy supplied separately)
6. Revenue Budget Monitoring for the period ending 31st October 2014 (report herewith) (Pages 2 - 16)
  - Director of Finance to report.
7. Capital Programme Monitoring 2014/15 and Capital Programme Budget 2015/16 to 2016/17 (report herewith) (Pages 17 - 37)
  - Director of Finance to report.
8. Mid Year Treasury Management and Prudential Indicators Monitoring Report 2014/15 (report herewith) (Pages 38 - 50)
  - Director of Finance to report.
9. Education Outcomes in Rotherham Schools and Settings (report herewith) (Pages 51 - 63)
  - Acting Strategic Director of Children and Young People's Services to report.
10. Rotherham Local Safeguarding Children Board Annual Report 2013-14 (herewith) (Pages 64 - 119)
  - Chairman of the Rotherham Local Safeguarding Children Board to report.

11. RLSCB Child Sexual Exploitation Action Plan 2014/15 Second Quarter Report (herewith) (Pages 120 - 140)
  - Acting Strategic Director of Children and Young People's Services to report.
12. General Enforcement Policy (report herewith) (Pages 141 - 177)
  - Strategic Director of Neighbourhoods and Adult Services to report.
13. Private Rented Sector - Selective Licensing (report herewith) (Pages 178 - 269)
  - Strategic Director of Neighbourhoods and Adult Services to report.
14. Exclusion of the Press and Public.  
Resolved:- That, under Section 100A(4) of the Local Government Act 1972 (as amended March 2006), the press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 3 of Part I of Schedule 12A to the Local Government Act 1972 (information relating to the financial or business affairs of any particular person (including the Council)).
15. Sale of Unit at the Advanced Manufacturing Park (report herewith)\* (Pages 270 - 274)
  - Strategic Director of Environment and Development Services to report.

**In accordance with Section (7) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 the Chairman of the Overview and Scrutiny Management Board has agreed that the item marked (\*) contains a decision which needs to be acted upon as a matter of urgency and which cannot be reasonably deferred (see notice attached)**

**Cabinet Meeting – 17<sup>th</sup> December, 2014**

Take notice, in accordance with Regulation 5 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, that the following reports are to be considered in the private part of the meeting without having provided the required twenty-eight days' notice:-

- **Sale of Unit at the Advanced Manufacturing Park**

An exemption under Paragraph 3 (information in respect finance and business affairs) of Part I of Schedule 12A of the Local Government Act 1972 is requested, as this report contains commercially sensitive information.

The Chair of the Overview and Scrutiny Management Board has agreed that this item is urgent and cannot reasonably be deferred.

**Jacqueline Collins,**  
**Director of Legal and Democratic Services,**  
**30<sup>th</sup> November, 2014.**

<b>ROTHERHAM BOROUGH COUNCIL – REPORT TO CABINET</b>
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<b>1</b>	<b>Meeting:</b>	<b>CABINET</b>
<b>2</b>	<b>Date:</b>	<b>17<sup>th</sup> December 2014</b>
<b>3</b>	<b>Title:</b>	<b>Revenue Budget Monitoring for the period ending 31st October 2014</b>
<b>4</b>	<b>Directorate:</b>	<b>Resources on behalf of all Directorates</b>

## 5 Summary

This report provides details of progress on the delivery of the Revenue Budget for 2014/15 based on performance for the first 7 months of this financial year. It is currently forecast that the Council will overspend against its Budget by £2.976m (+1.4%); an improvement of £129k since the last report to Cabinet in October (August monitoring report).

The current forecast outturn excludes the costs of implementing recommendations from the Jay report and the Ofsted Inspection, and the costs which will be borne by the Council in respect of the Corporate Governance Inspection.

The main reasons for the forecast overspend are:

- The continuing service demand and cost pressures for safeguarding vulnerable children across the Borough;
- Cost pressures arising from some schools converting to academies;
- Continuing Health Care income pressures and demand pressures for Direct Payments within Older People and Physical and Sensory Disability clients.

Following Cabinet's approval to provide a window of opportunity for Voluntary Early Retirement/ Voluntary Severance (VER/VS) permission has been given for 46 employees to leave the Council. Savings arising from these staff releases are reflected in the forecast outturn position.

Members are asked to note that the moratorium on non-essential spend implemented on 2<sup>nd</sup> September will continue until the end of March. This will assist with reducing the forecast overspend.

Continued close management of spend remains essential if the Council is to deliver a balanced outturn and preserve its successful track record in managing both its in year financial performance and its overall financial resilience.

## Recommendations

- **Cabinet is asked to note the current forecast outturn and the continuing financial challenge for the Council to deliver a balanced revenue budget for 2014/15.**



## 7.1 Proposals and Details

This report presents details of spending against budget by Directorate covering the first 7 months of the 2014/15 financial year – April 2014 to October 2014 – and forecast costs and income to 31<sup>st</sup> March 2015.

## 7.2 The Overall Position

Directorate/Service	Annual Budget 2014/15 £'000	Projected Outturn 2014/15 £'000	Forecast Variance after Actions (over(+)/under(-) spend) £'000	%
Children & Young People Services	43,288	47,034	+3,746	+8.7
Academy Conversions (Deficit)	0	283	+283	+100.0
Neighbourhoods & Adult Services	74,389	74,325	-64	-0.1
Environment and Development Services	48,881	48,581	-300	-0.6
Resources	11,366	11,230	-136	-1.2
Central Services	30,961	30,408	-553	-1.8
<b>TOTAL</b>	<b>208,885</b>	<b>211,861</b>	<b>+2,976</b>	<b>+1.4</b>
Housing Revenue Account (HRA)	82,509	81,025	-1,484	-1.8

Appendix 1 to this report provides a detailed explanation of the key areas of forecast over / underspend by Directorate. The summarised position for each Directorate is described below.

### **Children & Young People's Directorate (+£4.029m forecast overspend)**

The forecast overspend for Children's Services is largely due to pressures within the Children & Families Safeguarding Service. A further pressure (+£283k) relates to schools whose finances are in deficit when they convert to be a sponsored academy leaving the Council responsible for funding their accrued deficit. (Rawmarsh School: A Sports College and Swinton Brookfield Primary School).

A review of Abbey Special School is currently taking place. This school is currently forecasting a deficit outturn for this financial year (2014/15) which may be up to £100k. Depending on the outcome of this review there may be financial implications for the Council.

The number of looked after children requiring placements at the end of October 2014 was 402, an increase of 7 since the start of the financial year.

Pressures on budgets for provision of Out of Authority Residential placements (+£2.913m) and the provision of independent Foster Care placements (+£365k) are

the main service pressures. The cost of placements has increased as children are presenting with more complex needs. The service is looking at how they can find suitable, alternative, increased value for money placements to meet the needs of these young people.

Children's Social Care services remain under pressure despite the services' proactive approach to drive down costs including:

- Continued operation and challenge by the Multi-Agency Support Panel
- Successful work undertaken by the Commissioning Team which has resulted in the commissioning and re-commissioning of service provider contracts with significant cost reductions/cost avoidance of £604k to date in 2014/15.

Children's services continue to look for ways to reduce spend.

**Environment & Development Services including Internal Audit, Asset Management, Communications & Marketing and Policy & Planning (-£300k forecast underspend)**

The Directorate is currently forecasting an underspend of -£300k comprising pressures in Streetpride (+£130k), and Communications (+£24k), with Asset Management showing an improved position (-£168k). The Business Unit is now reporting a forecast underspend position (-£73k) as is Regeneration, Planning and Culture (-£213k). All budgets are continually being reviewed to ensure spend is of an essential nature.

The forecast underspend assumes that the Winter Pressures budget is sufficient to contain costs incurred over the Winter months (2014/15). It should however be noted this budget overspent by +£139k in the mild Winter of 2013/14.

**Neighbourhoods and Adult Services including Public Health, Commissioning, Procurement, Performance & Quality and Cohesion (-£0.064m forecast underspend)**

Overall the Directorate (including ring-fenced Public Health funded services) is forecasting an underspend of -£64k. Within this, Adult Services are forecasting an overspend (+£737k) and Neighbourhood Services a forecast underspend of -£684k. Commissioning, Procurement, Performance & Quality and Cohesion services are forecasting a collective underspend of (-£117k). Key Directorate pressures include budget savings from previous years not being fully achieved in respect of additional continuing health care (CHC) funding, delays on achieving budgeted savings within Learning Disability services, plus recurrent pressures on demand for Direct Payments within Older People and Physical and Sensory Disability clients.

Public Health Services (ring-fenced funding) are currently forecasting a balanced Outturn.

The forecast position for Neighbourhoods and Adult Services is made up of a number of forecast under and overspends, detailed in Appendix 1.

**Resources Directorate including ICT (-£0.136m forecast underspend)**

Overall the Directorate is forecasting an underspend of -£136k. This is predominantly in respect of reduced costs and additional income generation with HR and Payroll services.

**Central Services (-£0.553m forecast underspend)**

There are currently two key pressures within Central Services. Rotherham's share of the pension deficit in respect of winding down Local Government Yorkshire & Humber (LGYH) (£80k) and Rotherham's share of the costs for the Economic Regeneration Team within the Sheffield City Region Combined Authority (£188k).

The 2014/15 costs directly associated with the Professor Jay investigation into Child Sexual Exploitation (CSE) amount to £102k. (Costs in 2013/14 were £37k).

Forecast savings within Central Services offset the above pressures and contribute to the wider directorate pressures:

- £480k tax saving through efficient tax management; and
- £443k representing the reduced provision required to settle the South Yorkshire Trading Standards liability.

The cost of the Corporate Governance inspection, the cost of responding to Ofsted recommendations and the costs associated with responding to recommendations following the publication of the Jay Report are being collated and will be included in a future revenue monitoring report. The Council will initially be looking to contain these costs and any other potential liabilities within the Council's overall Budget. If this proves not to be possible, then the use of the Council's Working Balance will be required. The Council has written to Government requesting an indication of the likely costs of the CGI which will have to be borne by the Council.

**7.3 Housing Revenue Account (HRA) (Forecast underspend -£1.484m)**

The Housing Revenue Account is forecasting a £1.484m reduction in the transfer from reserves compared with the agreed budget. The HRA had budgeted to use £1.440m from reserves but current forecasts a contribution to reserves of £44k.

**7.4 Agency, Consultancy and Non-Contractual Overtime Costs**

Details of spend on Agency, Consultancy and Non-Contractual overtime costs are shown below. These costs are included within each Directorate's forecast outturn position.

**Agency**

<b>Directorate</b>	<b>Outturn 2013/14</b>	<b>Cumulative to Oct. 2013</b>	<b>Cumulative to Oct. 2014</b>
	£'000	£'000	£'000
Children & Young People's Services (CYPS)	830	473	591
Neighbourhoods & Adult Services (NAS)	345	257	177
Environment & Development Services (EDS)	558	449	496
Resources	134	79	73
<b>TOTAL</b>	<b>1,867</b>	<b>1,258</b>	<b>1,337</b>

CYPS: Cover for post of Interim Director of Safeguarding post; cover for vacant and long term sick Social Work posts and employment of an interim Service Manager to oversee improvement in the LAC service.

NAS: Residential Care and Assessment & Care Management Social work Teams to maintain statutory levels of service, including cover for vacancies and sickness.

EDS: Cover for holidays and sickness absence mainly within Streetpride services.

Resources: Staff cover in Legal Services

### Consultancy

Directorate	Outturn 2013/14	Cumulative to Oct. 2013	Cumulative to Oct. 2014
	£'000	£'000	£'000
Children & Young People's Services	274	104	139
Neighbourhoods & Adult Services	71	23	0
Environment & Development Services	173	121	52
Resources	23	10	6
<b>TOTAL</b>	<b>541</b>	<b>258</b>	<b>197</b>

### Main reasons for spend:

CYPS: School Effectiveness Service which is predominantly grant funded and Special Education Needs & Disabilities (SEND) reform which is specific grant funded.

EDS: Local Development Plan, Waste PFI, Transportation and Countryside Operations.

Resources: Specialist ICT Support.

### Non-Contractual Overtime

Directorate	Outturn 2013/14	Cumulative to Oct. 2013	Cumulative to Oct. 2014
	£'000	£'000	£'000
Children & Young People's Services	121	70	52
Neighbourhoods & Adult Services	377	240	122
Environment & Development Services	501	295	251
Resources	149	64	98
<b>TOTAL</b>	<b>1,148</b>	<b>669</b>	<b>523</b>

CYPS: Provision of staff cover, mainly within residential units.

NAS: Maintaining statutory staffing levels in residential, home care, day care services and social work posts and represents cover for sickness and delays in recruiting to vacant posts.

EDS: Maintaining Streetpride services, facilities services, caretaking and cleaning.

Resources: ICT – Business Continuity (£18k), Revenues and Benefits – Income collection (£69k), Town Hall – Member services/support (£9k) and Legal Services (£2k).

## **7.5 Collection Fund**

At this stage of the financial year it is forecast that the budgeted level of Council Tax and Business Rates will both be achieved.

## **8. Finance**

The financial issues are discussed in section 7 above.

Management actions need to be identified and implemented across all Directorates to bring projected spend in line with Budget limits by the end of March 2015.

## **9 Risks and Uncertainties**

At a time of economic difficulty and tight financial constraints, managing spend in line with the Council's Budget is paramount. Careful scrutiny of expenditure and income across all services and close budget monitoring therefore remain a top priority if the Council is to deliver both its annual and medium term financial plans while sustaining its overall financial resilience.

Costs associated with implementing recommendations from the Jay Report, the recent Ofsted Inspection and the ongoing Corporate Governance Inspection are being collated and are likely to be a significant unbudgeted cost. As more detail becomes available this will be included in future budget monitoring reports to Cabinet.

The number and likely cost of CSE claims is a further, likely significant, unquantified risk at present.

Although both Council Tax and Business Rates collection levels are currently on target there remains a risk that this could change during the remaining months of the year.

The current forecast assumes that costs associated with the Winter Pressures will be contained within budget. In 2013/14 these costs exceeded budget by £139k.

Should there be any financial consequence from the review of Abbey Special School, this is currently not quantified and included within the forecast outturn position.

## **10. Policy and Performance Agenda Implications**

The delivery of the Council's Revenue Budget and Medium Term Financial Plan within the parameters agreed at the start of the current financial year is essential if the objectives of the Council's Policy agenda are to be achieved. Financial performance is a key element within the assessment of the Council's overall performance framework.

## **11. Background Papers and Consultation**

- Revenue Budget and Council Tax for 2014/15 Report to Council 5th March 2014.
- Strategic Directors and Service Directors of the Council

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## Appendix 1

**Key reasons for forecast over / underspends****Children & Young People's Services (+£4.029m forecast overspend)**

The key factors contributing to the forecast overspend are:

**Academy Conversions - Deficits (+£283k)**

The forecast over spend is due to provisions for the forecast deficit positions on the following schools when they convert to become a sponsored academy in 2014/15:

Rawmarsh School: a Sports College - £+£236k (This is in addition to the £300k provided for in the 2013/14 accounts); and

Swinton Brookfield - £47k (This is in addition to the £39k provided for in the 2013/14 accounts).

**Directorate Wide Services (-£32k)**

This forecast underspend consists of an over spend on the Central Budget due to the legal costs of academy conversions (+£35k) & supplies (+£3k) offset by a forecast underspend on the pensions budget (-£70k) due to reductions in payments.

**Schools and Lifelong Learning Service Wide (+£2k)**

The forecast overspend is due to costs for the Yorkshire and Humber Education Challenge (+£3k) slightly offset by forecast underspends on car allowances and room hire (-£1k).

**School Effectiveness (-£56k)**

This forecast underspend is mainly due 4 advisors leaving the School Effectiveness Service and there being a slight delay in recruiting replacements (-£57k). The remainder of the projection (+£1k) is due to Rockingham PDC forecasting income generation slightly below their £35k income target.

**Special Education Provision (+£42k)**

The forecast under recovery of income in the Education Welfare Team is due to a change in legislation which no longer allows them to charge Academies for such services (+£24k) and additional costs of SEN Complex Needs placements (+£93k). This is partially offset by forecast underspends on staff costs within the Children in Public Care Team (-£19k), additional income generation in the SEN Assessment/Admissions Team (-£17k) & on staffing due to vacancies in the Education Psychology Team (-£18k), Parent Partnership Team (-£11k) and Learning Support & Autism Team (-£10k).

**Early Years Services (-£70k)**

The projected underspend in this area is due to delays in recruitment & savings due to staff not being in the pension scheme within the Early Years Team (-£20k) & Children Centres (-£50k)

**Integrated Youth Support (-£80k)**

The forecast underspend is as a result of a reduction in the non-pay costs within the service (-£169k) due to the spend moratorium and reduced staff costs offset by a forecast overspend in Outdoor education due to under-recovery of income (+£89k).

**Safeguarding, Children and Families Service Wide (-£56k)**

This forecast underspend is mainly on legal fees (-£88k) due to the courts ceasing and refunding final hearing fees. This is partially reduced by costs for the previous interim Director of Safeguarding post (+£29K) and Business Support teams mainly due to 2 new posts and additional agency costs (+£3k).

**Child Protection Teams (+£80k)**

This forecast overspend is due to the withdrawal of the DSG funding by the Schools Forum (+£49k), reduced staff costs through vacancies (-£7k), additional agency staff costs + (£16k) and 2 new Independent Reviewing Officer Posts (+£23k) in the Safeguarding Unit slightly offset by a small projected underspend on the Children's Rights Team (-£1k).

**Children in Need Social Work Teams (+£536k)**

This forecast overspend is due to Agency staff costs & additional staff appointments over establishment (+£532k), partially offset by staff cost savings through vacancies (-£12k) & a forecast underspend on supplies (-£9k) within the Children in Need teams. This is to better maintain business continuity rather than having to recruit expensive agency staff to cover periods between staff leaving and new staff commencing employment in post. This area also includes a projected overspend on the Out of Hours service (+£36k), partially offset by a projected underspend on the Family Assessment Team (-£11k) due to staff not being in the pension scheme & delays to recruitment.

**Looked After Children - LAC (+£3,398k)**

The service is forecasting an overspend mainly due to out of authority residential placements (+£2,913k) and independent fostering placements (+£365k).

The Adoption Reform Grant that was first received in 2013/14 was reduced by £746k in 2014/15. This grant significantly mitigated LAC budget pressures in 2013/14 on a temporary basis.

The service overspent in 2013/14 (+£1.617m) and due to the increased number and forecast length and complexity of placements, the forecast overspend is currently expected to increase to the extent above (+£2.913m and £0.365m respectively).

To help mitigate these pressures the service, alongside the Commissioning team are conducting a review of placements.

Further details of placements are below:

Placement Type	2011/12		2012/13		2013/14		2014/15 as at 31st October		Actual Number of placements as at 31st October
	Average No. of placements	Average Cost of Placement £ per week	Average No. of placements	Average Cost of Placement £ per week	Average No. of placements	Average Cost of Placement £ per week	Average No. of placements	Average Cost of Placement £ per week	
<b>Out of Authority Residential</b>	18	3,022	21.1	3,206	25	3,245	32.4	3,318	36
<i>R1 Accommodation only</i>	U/A	U/A	U/A	U/A	U/A	U/A	11.8	2,812	14
<i>R2 Accommodation &amp; therapy</i>	U/A	U/A	U/A	U/A	U/A	U/A	9.3	2,845	9
<i>R3 Accommodation, therapy &amp; education</i>	U/A	U/A	U/A	U/A	U/A	U/A	9.0	3,801	12
<i>R4 Parent &amp; Baby</i>	U/A	U/A	U/A	U/A	U/A	U/A	-	0	0
<i>Secure</i>	U/A	U/A	U/A	U/A	U/A	U/A	1.9	3,753	1
<b>Remand</b>	U/A	U/A	U/A	U/A	1.6	3,154	0.7	815	0
<b>Independent Fostering Agencies</b>	125	887	121	874	107	879	108.8	864	109
<i>Standard</i>	U/A	U/A	74.8	745	66.1	759	60.8	756	61
<i>Complex</i>	U/A	U/A	27.2	938	24	1,105	35.8	909	35
<i>Specialist</i>	U/A	U/A	19	1,287	16.9	998	12.3	1,265	13
<b>In-house Fostering</b>	158.8	230	162	246	165.2	261	174.2	267	170
<i>Note: U/A - This detailed breakdown was unavailable in past years</i>									

**Out of Authority Residential**

- The number of children in residential out of authority placements as at end of October 2014 is 36 (an increase of 5 since 31 March 2014 & an increase of 11 since 31 March 2013).
- The average number of placements has increased from 25 in 2013/14 to 32.4 in



2014/15, so far, which is an increase of 7.4 (29.8%). At an average cost of £3,318 per week this 7.4 increase equates to a cost of £1.283m per annum.

- Due to the increasing complexity of children's needs that are going into residential out of authority placements & despite successful negotiations by the Commissioning team to minimise the cost of these placements, the average cost per week of these placements has increased from £3,022 in 2011/12 to £3,318 currently – an increase of 9.8%. The average number of placements in the same period has risen by 14.4 (80%) from 18 to 32.4.
- From 1 April 2013 children's remand placements were fully funded by the Local Authority & RMBC received a national grant of £78k in 2013/14 to cover these additional costs. The allocation for 2014/15 has been reduced to £53k. The cost of these placements in 2014/15 so far is £33k. At the end of October 2014 there were no remand placements (a reduction of 2 since 31 March 2014).

#### ***Independent Fostering Agencies***

- The number of children in Independent foster Care as at end October 2014 is 109 (an increase of 7 since the end of March 2014 & a reduction of 9 since 31<sup>st</sup> March 2013).
- The average cost of a placement has reduced by £23 or 2.6% since 2011/12.
- The average number of placements during the same period has decreased by 16.2 (13%).

#### ***In-house Fostering***

- The number of children in in-house fostering placements as at end of October 2014 is 170 (an increase of 3 since the end of March 2014).
- The cost of a placement has risen by an average of £37 or 16% since 2011/12.
- The average number of placements during the same period has increased by 15.4 (9.7%)

The number of looked after children was 402 at end of October, an increase of 2 since the end of March 2014.

Fostering Services are forecasting an overspend on Fostering allowances (+£121k) & Residence Orders (+£62k) due to having more children placed than planned during the first part of the year (see table below) & also due to some placements costing more than the budgeted average. This is partially offset by forecast staffing savings in the Fostering team (-£45k) & forecast underspends on Fostering equipment (-£20k) & Family Together packages (-£16k).

Adoption Services are forecasting an overspend on Special Guardianship Orders (+£11k). This is offset with forecast underspends on allowances (-£14k) due a reduction in the number of carers, Inter Agency costs (-£123k) due to more adoptions being done in house & small underspends on the LAAC and Adoption Teams (-£1k).

The table below shows the current placements numbers compared to the plan used when budget setting for 2014/15:

Placement Type	Actual No. of placements as at 31st October 2014	Planned No. by this stage of the year	No. of placements above plan	Average Cost per week used for budget setting £	Total Approximate Additional Cost for the next 5 months £'000	Cost Avoided for the next months - assuming an IFA placement would have been used (£854 Per week) £'000
In-House Fostering	170	174	-4	264	0	0
Adoption - with means tested allowance	85	93	-8	167	0	0
Residence Orders	142	131	11	129	37	245
Special Guardianship	85	89	-4	118	0	0
					37	245

Although these additional placements are contributing to the service overspend, the table shows that if these placements had instead resulted in Independent Fostering placements, this would have cost RMBC an additional £245k for a 5 month period.

Other forecast overspends within this service are (+£160k) in the LAC Service due to Agency staff costs (+£92k) & posts over establishment (+£40k) & a complex Care package (+£21k), secure transport (+£20k) offset by a forecast underspend on Section 17 and 23 costs (-£13k).

Also, within in-house Residential homes there is a forecast overspend (+£31k) due to Regulation 33 requiring us to use an independent reviewer of our in house provision (+£19k) & forecast overspends on agency, long term sickness cover and a termination payment (+£30k), partially offset by under spends on staffing at St Edmunds and the cover budget at Woodview (-£18k).

Furthermore there is a Leaving Care overspend (£3k) and LAC Transport is forecasting an underspend of (-£50K).

#### **Disability Services (-£18k)**

This service is forecasting an underspend due to delays in recruitment for 2 posts within the outreach team (-£26k) partially reduced by a forecast overspend due to increased use of agency staff at Cherry Tree & Liberty residential homes (+£8k).

#### **Environment & Development Services (-£300k forecast underspend)**

The above forecast overspend assumes that the Winter Pressures budget is sufficient to contain costs incurred over the Winter period – in the mild Winter last year the costs exceeded budget by +£139k.

#### **Asset Management, Audit and Insurance -£168k**

There are some small pressures across the Asset Management service which total **+£94k**: Health and Safety (+£47k) for costs incurred relating to the public demonstrations, and an under recovery of health and safety training income (less courses run). All Saints toilets has a pressure (+£15k) which is due to an overspend on pay caused by additional cover requirements due to the public demonstrations and a small under recovery of income against the budget. Riverside café and hospitality has a pressure (+£10k), also due to an overspend on pay budgets caused by a requirement to cover staff sickness, and an under recovery of income. Further pressures are being reported, Internal Audit (+£7k) pressure which is staffing related, and Commercial Properties (+£15k) due to reduced rental income.

These pressures are now being offset by forecast underspends which total **-£262k**. Facilities Management for all council buildings have reported a forecast saving of -£138k. Further savings are being reported from the Corporate Environment Team (-£34k) relating to lower than budgeted carbon reduction charges, and (-£16k) from the Capital Team, and (-£23k) Caretaking and (-£51k) due to lower than budgeted costs on pay and non-pay due to vacant posts and the impact of the spend moratorium.

### **Business Unit -£73k**

The Service has declared a forecast underspend on the training budget, and this will be further scrutinised to consider if any further saving can be offered.

### **Communications +£24k**

This pressure is due to some additional staffing costs and some additional costs on marketing events, and work is ongoing to mitigate this pressure.

### **Regeneration, Planning, Customer and Cultural Services -£213k**

A number of smaller pressures remain within the service area, RIDO is funding a replacement IT package, and has some additional staffing costs causing a pressure (+£26k). The Contact Centre (+£27k) pressure is caused by additional staffing costs to ensure delivery of service. Contact centre management is now showing a pressure of (+£49k) due to a review of salaries that were previously capitalised that has determined that these costs no longer qualify for this treatment. The cashiers pressure (+£43k) is unchanged and is mainly due to increased charges for use of paypoint and post office collection service.

Business Centres are reporting an underspend (-£56k) due to continuing increased occupancy levels exceeding budgeted levels. Cultural Services are reporting forecast underspends; Theatres (-£4k), Boston Castle and Museums (-£10k), and Libraries and Customer Services (including Riverside and Maltby) (-£233k) which is mainly due to the non-filling of vacant posts prior to the now implemented staffing restructure, and a reduction on expected spend from the materials fund, in line with the moratorium. Building Control are reporting a -£5k forecast underspend due to an increase in applications. Planning Services have identified a small underspend due to the delaying of consultancy spend in this year (-£15k). A review of the Markets budget has identified an improved position of (-£32k) due to both reduced expenditure and additional income generation. There are also several small savings amounting to (-£3k).

### **Streetpride +£130k**

At this stage in the year the Service are reporting a pressure in **Network Management Services (+£208k)**, in the main this is due to an under recovery of income from Parking Services (+£290k) which is due to a reduction in staff parking permits income, plus, based on previous years data, the income generated is forecast to be lower than the current income budget. This is being partially mitigated by some savings in other areas (-£82k), comprising Street Lighting energy savings and staff vacancies in Network Management, Public Rights of Way and Street Lighting.

**Leisure and Green Spaces** are now reporting an improved position **(-£21k)**. This figure comprises a forecast under-recovery of income from Allotments (+£23k), and (+£9k) from the golf course. Country Parks have a pressure (+£13k) comprising agency cover costs partially mitigated by increased income and a reduction in casual employees. Unbudgeted costs of (+£3k) have been incurred in respect of closed churchyards. The forecast position for Urban Parks (-£24k) has worsened due to increased business rates, higher electricity charges and a

loss of pitch income. Conversely Landscape Design and general management's position has improved (-£45k) due to additional income generation, a staff vacancy and the impact of a member of staff taking flexible retirement.

**Community Services** are reporting a pressure (**+£52k**) due to a forecast overspend on highways cleansing (+£53k), additional staffing costs (+£15k) and an (+£11k) pressure due to the need to renegotiate a new kennel contract for stray dogs as our previous provider terminated the existing contract. This is being partially offset by a forecast underspend (-£10k) on Pest Control which is due to increased income generation and an improved position on Grounds Maintenance (-£17k), due to a refund from SGM (the equipment provider) due to their late supply of plant combined with adjusted delivery team forecasts to take into account Christmas shut down.

**Waste Services** are reporting (**-£46k**) with Waste Collection forecasting an underspend (-£144k) mainly due to a WEEE rebate, effects of industrial action, increased income on bulky items and commercial waste. However, Waste Disposal has a pressure (+£130k) due to expected outlet not coming on line by the timetabled date, and needing to take more waste into Sheffield Energy Recovery Facility. There is also a small saving forecast on Waste PFI due to reduced professional advice required on the contract (-£32k).

A forecast underspend has been identified within the **Corporate Transport Unit (CTU) (-£73k)**, comprising a (-£43k) additional income generation which is substantially due to the street lighting capital investment currently taking place, (-£2k) depot savings on utilities and from the impact of the moratorium, (-£26k) forecast underspend on the CTU due to the spending moratorium and additional of driver training income. There is also a (-£2k) forecast underspend on Home to School Transport based on current pupil intake forecasts. The **Corporate Account** is now reporting a forecast underspend (**-£15k**) largely due to the moratorium on non-essential spend and a forecast over recovery of Highway Delivery income.

**Transportation** are reporting a pressure (**+£25k**) comprising (+£35k) due to maintenance costs incurred because the procurement of replacement equipment by the police has been delayed, (+£20k) due to delays on the implementation of the fibre communications invest to save proposal and (+£20k) due to more expensive terms under the Virgin Media contract. These pressures are partially mitigated by a forecast (-£38k) over-recovery of Highway Design income due to the increased volume of works being commissioned and (-£12k) savings on the Management account from a vacant post.

### **Neighbourhoods & Adult Services (-£0.064m forecast underspend)**

**Adult Services** are currently forecasting an overspend of **+£0.737m**. The key underlying budget pressures include:

#### **Adults General (-£134k)**

Higher than anticipated staff turnover within Contract and Reviewing Officers is resulting in a forecast underspend of -£47k plus impact of moratorium on training budget (-£87k).

#### **Older People (+£181k)**

Forecast increase in Direct Payments (+63 clients) over budget (+£391k) and forecast overspend on independent sector residential and nursing care (+£631k) due to recurrent pressure on meeting savings target from previous years in respect of additional continuing health care income, this is after additional income from property charges being received. These forecast pressures are being partially reduced by a number of forecast underspends including: savings on maintenance contracts and energy costs in the Rothercare service (-

£111k); higher than anticipated staff turnover within Assessment & Care Management and community support; additional non-recurrent income from Health (-£400k); an overall underspend on Enabling, home care and carers support (-£110k); and additional Winter Pressures funding from health (-£220k).

### **Learning Disabilities (+£645k)**

There is a forecast overspend on Day Care (+£164k) due to specialist provision required for 7 unfunded transitional placements from Children's Services (demographic pressure) including a recurrent budget pressure on the provision of transport. There is also now a forecast pressure due to the delay in the reconfiguration of residential care to supported living by RDASH (+£365k). Further forecast overspends due to a delay in meeting an agreed budget saving for employment and leisure services (+£200k) and additional costs due to staff cover within In-House Residential care (+£99k). These forecast overspends are partially mitigated by clients moving to alternative provision from residential care (-£72k) and an overall forecast underspend on Supported Living schemes due to receipt of additional funding from health (-£111k).

### **Mental Health (-£223k)**

There is a projected underspend on the residential care budget due to 3 clients leaving care greater than budget since April (-£109k) plus additional forecast underspends within mental health day care, community support and direct payments (-£38k) including additional public health funding (-£100k) for substance misuse. These forecast savings are reduced by a +£24k forecast overspend due to lower than expected staff turnover and extra costs for night cover.

### **Physical & Sensory Disabilities (+£314k)**

Recurrent cost pressure on Direct Payments (+£471k / 33 clients) partially reduced by forecast underspends within residential and domiciliary care (-£139k) due to reduced demand ,and forecast savings within the advocacy contracts (-£18k).

### **Safeguarding (+£26k)**

Significant increase in demand for assessments under the Deprivation of Liberty Safeguards (DoLS) is forecasting an overspend of +£200k, this is being significantly mitigated by forecast underspends due to higher than anticipated staff turnover plus additional income from health (-£174k).

### **Supporting People (-£74k)**

Efficiency savings (reduced placement activity) on subsidy contracts have already been identified against budget (-£74k).

### **Neighbourhoods General Fund (-£684k)**

The projected year end outturn position for Neighbourhoods shows a forecast under spend of (-£684k).

The main reasons for the forecast underspend is an anticipated (-£562k) saving on the Furnished Homes service. This is a result of continued increase in demand for the service (an additional 135 since April, a total of 3167 tenants at the end of September), cost effective procurement of furniture including refurbishment and disposal plus higher than anticipated staff turnover. In addition higher than expected staff turnover within Trading Standards (-£45k), Community Protection (-£40k) and Management and Administration (-£10k), and lower than anticipated occupancy levels within dispersed units (-£27k).

**Commissioning, Policy & Performance and Procurement Services (-£117k)**

Services are forecasting an overall underspend due to higher than anticipated staff turnover within Commissioning and Performance and Quality teams.

**Public Health (Forecast Balanced outturn)**

This service is funded by a ring fenced specific grant from the Department of Health. For Rotherham this is £14.176m for 2014/15. The service is currently forecasting a balanced outturn.

**Housing Revenue Account (HRA)**

The overall forecast as at end October 2014 is that the HRA will outturn with a contribution to working balance (reserves) of £44k; an overall reduction of -£1.484m from the original budget.

Currently forecasts show a slight underspend on Supervision and Management due to staff vacancies, underspend on Repairs and Maintenance plus additional income from dwelling rents due to fewer than anticipated Right to Buy sale at this stage.

**Resources Directorate (-136k forecast underspend)**

**Legal Services** – A forecast overspend of +£45k due to staff cost pressures and delays in achieving budget savings.

**Human Resources & Payroll** service is forecasting an underspend of -£171k largely in respect of additional income generation and reduced staff costs.

**Financial Services** (including Revenues & Benefits) is currently forecasting a small -£5k underspend on its staffing budget.

**Management savings** are also forecast across the service amounting to -£5k.

ROTHERHAM BOROUGH COUNCIL – REPORT TO CABINET
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1	Meeting:	Cabinet
2	Date:	17 <sup>th</sup> December 2014
3	Title:	Capital Programme Monitoring 2014/15 and Capital Programme Budget 2015/16 to 2016/17
4	Directorate:	Resources

## 5 Summary

The purpose of this report is to provide details of the current forecast outturn for the 2014/15 programme and enable the Council to review the capital programme for the financial years 2015/16 and 2016/17.

## 6 Recommendations

**CABINET IS ASKED TO:**

**NOTE THE CONTENTS OF THIS REPORT; AND**

**RECOMMEND THE APPROVAL OF THE UPDATED 2014/15 TO 2016/17 CAPITAL PROGRAMME BY FULL COUNCIL. IN PARTICULAR, NOTING THE FOLLOWING MAJOR ADDITIONS TO THE CAPITAL PROGRAMME AND SUPPLEMENTARY APPROVALS TO EXISTING SCHEMES.**

- **New Central Primary School, Eldon Road. (Additional cost of £1.050m, Minute F5 Cabinet Member for Children and Education Services, 16<sup>th</sup> September 2014)**
- **Rawmarsh St. Mary's PRU (Cost of £0.069m. Works approved by the former Strategic Director of Children and Young People's Services, Joyce Thacker, 23<sup>rd</sup> July 2014)**
- **Thrybergh Country Park Phased Improvements (Cost of £0.136m. Works approved by the Director of Internal Audit and Asset Management, Colin Earl, 5<sup>th</sup> November 2014 and reported to CSART, 27<sup>th</sup> November 2014)**
- **Aston, Aughton and Swallownest Phase 2 Drainage Works (Cost of £0.145m. Grant funding allocated by the Environment Agency.)**

- **Bailey House Renovation project (Additional cost of £0.034m approved by CSART, 23<sup>rd</sup> October 2014. Original project approval, Minute C34 Cabinet, 21<sup>st</sup> July 2010).**

**Where not funded by grant or by the service, the revenue implications from these schemes has been built into the Council's MTFS assumptions.**



## 7 Proposals and Details

### 7.1 Background - The Capital Programme 2014/15 to 2016/17

The budget process that led to the original Capital Programme for 2014/15 to 2016/17, ensured that the Council's capital investment plans were aligned with its strategic priorities and vision for Rotherham.

In order to maintain that strategic link, and make best use of the capital resources available to the Council, it is important that this programme is kept under regular review and where necessary revisions are made. This programme was last reviewed in September 2014, and has now been the subject of a further review, the results of which are reflected in the Directorate summary table presented below. A detailed analysis of the programme for each Directorate is attached at Appendices 1 to 4.

The financial implications of the Programme are reflected in the Council's Medium Term Financial Strategy (MTFS) and Treasury Management and Investment Strategy.

	<b>2014/15 Revised Estimate</b>	<b>2014/15 Variance from Last Report</b>	<b>2015/16 Estimate</b>	<b>2015/16 Variance from Last Report</b>	<b>2016/17 Estimate</b>	<b>2016/17 Variance from Last Report</b>
<b>Directorate</b>	<b>£m</b>	<b>£m</b>	<b>£m</b>	<b>£m</b>	<b>£m</b>	<b>£m</b>
Children & Young People's Service	11.896	-0.138	9.263	+1.227	2.694	0
Environment & Development Services	28.821	-0.579	16.089	+5.431	3.929	+2.729
Neighbourhoods & Adult Services	36.449	-0.651	30.606	+1.093	27.631	-0.431
Resources	2.749	-0.430	0.671	-0.331	1.283	+0.281
<b>TOTAL</b>	<b>79.915</b>	<b>-1.798</b>	<b>56.629</b>	<b>+7.420</b>	<b>35.537</b>	<b>+2.579</b>

This updated programme has been prepared in light of the capital resources known to be available to the Council over these financial years, and estimated on a prudent basis.

The Council is continuing to undertake a comprehensive review of its assets and buildings portfolio, with the aim to rationalise both its operational and non-operational asset holdings, which may contribute both a future capital receipt and a revenue saving.

## 7.2 Children and Young People's Services Capital Programme 2014/15 to 2016/17

The revised proposed spend for 2014/15 is £11.896m, with a further £11.957m of investment in the remaining two years of the current programme.

A copy of the current full programme is attached to this report at Appendix 1. Commentary on the main aspects of the programme and the nature of the spend is given below, including schemes at several schools across the Borough required to address the increase in pupil numbers, including the central Rotherham catchment areas where the problem is particularly acute.

### Primary Schools

Spend on Primary Schools is estimated to be £5.594m in 2014/15, with a further £5.249m of planned spend in 2015/16 to 2016/17. The major investments to note in this area are:

- Work was completed in April 2014 on the **Autism Resource at Flanderwell Primary School** (£0.205m in 2014/15). This resource will cater for 10 pupils who will benefit from a purpose built facility.
- Works have now been completed on the expansion of **Wath CE Primary School** (£1.085m in 2014/15). This project has seen the renovation of existing classroom and toilet areas.
- Works have now been completed at **Dalton Listerdale Junior & Infant School** (£1.266m in 2014/15). This project has seen a permanent expansion of the school, creating a further four classrooms.
- Works have now been completed at **Badsley Moor Infants School** (£0.212m in 2014/15) to construct an extension to form a new main entrance area to the school, together with the conversion of classrooms to form an IT suite and administrative areas. Works have also been carried out to the dining room of £0.023m, funded from the Universal Free School Meals grant, which is discussed in more detail below.
- Works have now commenced on site at the **New Central Primary School** to be located on Eldon Road Allotment site (£1.500m in 2014/15 and £4.889m in 2015/16). At the meeting of 16<sup>th</sup> September 2014, Cabinet Member for Children and Education Services approved a tender from Wildgoose Construction for this work. This has led to an increase in the 2015/16 budget for this project of £1.050m. This project will be the subject of a further Cabinet report, as other budgetary pressures arising from the relocation of the allotments and fit out costs, are currently being reviewed. Works are programmed to complete by September 2015.

- Work was completed at the beginning of September on an additional one classroom block at **Brampton Ellis Junior School** (£0.186m in 2014/15).
- Work was completed at the end of August on an extension to form an additional classroom facility at **Thurcroft Infants School** (£0.128m in 2014/15).
- The Council has received grant funding of £0.600m in 2014/15 in respect of works required to meet the Government's requirement to provide **Free School Meals** to infant school pupils. The monies are being spent on capital works to kitchens, including extensions and new kitchen equipment.
- Works have been undertaken at **Rawmarsh St. Mary's** to allow the facility to be used as a Pupil Referral Unit (PRU); (£0.069m in 2014/15). These works are being funded by borrowing, the costs of which are being covered by the Directorate.

## Secondary Schools

- **Maltby Academy** (£1.006m in 2014/15). The Council continues to have an interest in the buildings until finalisation of the proposed long term lease of the assets to the Academy and is providing professional and technical support for the project. Building works have now been completed and the school have taken possession of the new buildings.
- Works have now commenced on the 18 block classroom extension at **Wickersley School and Sports College** (£1.600m in 2014/15 and £1.303m in 2015/16). This work had been delayed owing to the need to obtain approval from the PFI funders. The work, which is required in order to address an increase in pupil numbers, is now due to be completed for October 2015.

## Other Projects

The other major investments to note are:

- Using Government funding minor enhancement works are carried out at schools. The spend on the **Capitalised Minor Enhancements** programme in 2014/15 is estimated to be £2.019m, these works include:
  - Refurbishment works at The Bridge, required as the facility is being brought under the control of Newman School.
  - Roofing works at Redscope Primary School.
  - An extension and refurbishment works at Rawmarsh Sandhill Primary.
  - Replacement windows at Swinton Comprehensive School.
  - Replacement windows at Kiveton Park Meadows Junior School.

- Repair works and alterations to the School Hall and School House at Wales Primary.
  - A further £3.6m is due to be spent on similar schemes in the remaining years of this programme.
- **Devolved Formula Capital Grant (DFCG)** is paid annually to schools for them to use on small capital projects. In 2014/15 £1.176m is estimated to be spent with a further £1.368m to be allocated in subsequent years.
- Investment is continuing in the **Property Adaptations** programme (£0.262m in 2014/15), which will deliver greater capacity in terms of fostering placement.
- Investment is also continuing in the **Entitlement for Early Years Provision** project (£0.079m in 2014/15 and £0.187m in 2015/16), which will allow 2 year olds to take up free early education entitlement. The spend has been re-profiled to reflect changes in the childcare market, which has led to a review of the method of allocating the capital grant. This will be the subject of a further Cabinet report.

#### **Environment and Development Services (EDS) Capital Programme 2014/15 to 2016/17**

The revised 2014/15 forecast programme is **£28.821m**, with total planned expenditure over the remaining period of the programme of **£20.018m**. A copy of the full programme is attached to this report at Appendix 2. Commentary on the main aspects of the EDS programme, that are contributing to the regeneration of the Borough and the enhancement of its infrastructure and the changes to planned spend, are shown below. The presentation of the report has changed this quarter, and is now consistent with the Directorate structure.

#### **Planning, Regeneration & Cultural Services**

**Customer & Culture Services (£0.759m in 2014/15 nothing programmed beyond)**

- **Catcliffe Glass Cone**, the emergency work on the tower is now complete (£0.027m). The project came in under budget as only work on essential maintenance was completed, the cone is now safe and secure. Further work on the ground would be required if access was to be given to the general public, this is not seen as an option at the moment.
- In view of the asbestos and re-wiring issues encountered during initial investigations at **Wath Library**, the building has been included in a full review of Wath town centre properties that are of similar construction. This review will determine whether the project should

proceed in 2014/15. £0.155m has been assumed in the 2014/15 capital programme at this stage.

- Library and Customer Services have been working with **Brinsworth** Parish Council and colleagues in Asset Management for some time to develop options to sustain and improve the **library** service within the area. Following consultation within the local community, the Parish Council are leading on and have submitted bids for external funding to support the development. In addition there is an existing Section 106 allocation of £124,800 allocated to the delivery of library services within Brinsworth. £0.499m has been assumed in the 2014/15 capital programme at this stage and progress will be closely monitored.
- Work has been carried out in a number of locations, including Dinnington and Swinton, following the co-location of libraries and customer service centres. Active prioritised projects cover sites across the Borough and are dependent upon public stakeholder consultation. **Library facilities** (£0.078m in 2014/15).

#### **Regeneration (£1.363m in 2014/15 nothing programmed beyond)**

- **Rotherham Townscape Heritage Initiative (THI)** (£1.017m in 2014/15) continues to deliver improvements to the town centre, investing in the renovation of shop frontages, structural works and roof replacements. Works being undertaken include The Three Cranes, George Wright Building and 29-29a High Street, which are expected to be completed by March 2015. Work on these projects has involved significant structural repair to the building fabric, along with the reinstatement of architectural details.
- The **High Street Public Realm** (£0.335m in 2014/15) improvements to the street itself have also taken place in 2014/15, with the final section to start once scaffolding to the last building is removed.

#### **Business Retail & Investment (£4.420m in 2014/15 nothing programmed beyond)**

- The full purchase of two new business investment units at **R-Evolution** on the Advanced Manufacturing Park, from Harworth Estates, was completed on the 26<sup>th</sup> November 2014 (£4.331m in 2014/15). The Council has accepted an offer from X-Cel Superturn (GB) Limited for Unit 3 and is currently finalising the sale. It is hoped that this will be completed before Christmas. An offer has also been received for Unit 4, and this will be the subject of a further Cabinet Report.

#### **Streetpride Services**

**Leisure & Community Services (£0.714m in 2014/15 £0.359m in 2015/16)**

- **Caged Vehicle Replacement** (£0.312m 2014/15) Purchase of 10 caged vehicles, used to support litter bin emptying and litter picking operations, and 1 HIAB vehicle used to support fly tip removal operations.
- **Firsby Reservoir Phase 2** (£0.043m 2014/15, £0.082m 2015/16) Works to discontinue Firsby Reservoir have started addressing the siltation problems at the head of the reservoir, and will then move on to address access problems. Works under the direction of the reservoir engineer are still being discussed, and are now planned for the spring, so the project will now run over two financial years.
- **Rother Valley Country Park Facilities** (£0.241m 2014/15) This project to deliver a new classroom and cycle centre in the park is almost complete.
- **Thrybergh Country Park Phased Improvements** (£0.036m 2014/15, £0.100m 2015/16) This project will provide a new indoor soft play area and ice cream parlour, an extension of the outdoor play facility, and remodelling of the car park, café front and lakeside.

**Network Management (£7.602m 2014/15, £4.854m 2015/16, £3.402m 2016/17)**

- **Street Lighting** (£2.783m 2014/15) Includes the LED Lanterns (£1.208m 2014/15) and column replacement programme (£0.550m 2014/15). Two schemes to improve the lighting infrastructure and reduce energy costs.
- Protracted negotiations over the **Drainage Works on Don Street** are on-going. There are a number of works being considered including the flood defence and the section 278 road improvements, whereby other funding or partnership contributions are being negotiated. Service estimate that the earliest start for the works will now be April 2015 (£0.627m 2015/16). Therefore the works have been slipped in the programme.
- Flood alleviation schemes are almost complete in **Wath upon Dearne** (£0.345m in 2014/15), which is replacing defective trash screens at the head of the culverted watercourses, with more appropriately designed and maintained screens.
- **Aston, Aughton and Swallownest Phase 1** scheme (£0.204m in 2014/15) which is providing individual flood protection to thirty properties and involves the replacement of defective screens at the head of the culverted water course. Works are due for completion at the end of December 2014.
- **Aston, Aughton and Swallownest Phase 2** scheme. The Environment Agency has given permission to carry out a phase 2 of

the scheme. The works will follow on from phase 1 and should commence in January 2015, to be completed by the end of March 2015 (£0.145m 2014/15).

- **Highways Delivery** (£4.092m 2014/15). The Local Transport Plan (LTP) maintenance block settlement for 2015/16 to 2020/21 has not been finalised by Government and disseminated to local authorities as yet. It is anticipated that RMBC will receive 75% of the allocation as of right, which is likely to be around the existing settlement value. The remaining 25% is likely to be a competitive bidding process, with no guarantees of success.

**Transportation & Highways (£13.049m 2014/15, £5.112m 2015/16, £0.527m 2016/17)**

Funding in 2015/16 is only indicative at the moment with the LTP allocation currently at £1.146m and STEP 2 Access to Employment, Local Sustainable Transport Fund (LSTF) at £0.500m. The STEP 2 programme aims to deliver exemplar sustainable transport. The funding will be used to deliver improved walking and cycling access into Rotherham Town Centre and highway improvements on the A630 Centenary Way around Rotherham Town Centre.

There has been no indication from the PTE as to what funding they may provide, and 2016/17 figures for all funding have yet to be released.

- **Connectivity** (£1.694m 2014/15) Significant funds have been allocated towards improving the canal towpath between Sheffield and Rotherham, improvements to High Street to make the route accessible to cyclists, which is also linked to the THI scheme, and the provision of a controlled pedestrian crossing on Fenton Road for pedestrians and cyclists, with improvements to adjacent footways and bus stops.
- **Network Management** (£0.672m 2014/15) The key project is the improvement of the approach to Rotherway roundabout, to create a third lane on the approach from Canklow, as well as on the circulatory carriageway of the roundabout. There are also funds for demand management schemes, such as residents' only parking on the Duke of Norfolk estate, adjacent to the hospital.
- **Local Safety Schemes** (£0.782m 2014/15) Funds have been allocated to delivering improvements at Nether Haugh, to address accident issues, together with works at Upper Haugh. There are also works linked to the maintenance of the highway at Ferham Road, Masbrough.
- **Bus Projects** (£2.031m 2014/15) Works are focussed around improving journey times and reliability on the A633 between Rotherham town centre and Rawmarsh. Improvements have been carried out in the Parkgate district centre, with further works

proposed at Taylors Lane roundabout, Retail World and Rotherham Road near the former 'Ruscon' site.

- **Smarter Choices** (£0.223m 2014/15) These projects involve the South Yorkshire trial of a hydrogen powered vehicle and the provision of cycle shelters in schools and places of work.
- The **A57 Improvement Scheme** (£1.300m in 2014/15) Completion of the scheme was certified on the 12<sup>th</sup> May 2014. The project has provided a dual carriageway and new roundabout, together with associated shared use footways and cycleways, including a new pedestrian, cyclist and horse signalised crossing. It is anticipated that some of the compensations for land acquisitions will not be agreed and paid until 2015/16 and landscape/planting mitigation works are to be delayed until the summer.
- Pinch Point **Pool Green roundabout** (£4.032m 2014/15). Replacement of the Main Street Roundabout with a signalised junction. The most significant elements of the scheme are the widening of the Centenary Way approaches to 3 lanes, and accommodating the right turn movements from Main Street and Centenary Way. Works are underway.
- Pinch Point **Old Flatts Bridge** (£2.175m 2014/15). Replacement of "Old Flatts Bridge" on the A630 Sheffield Parkway. Works commenced on the 29<sup>th</sup> September with a 56 week programme scheduled.

### **Audit & Asset Management**

#### **Corporate Property Unit (£0.913m 2014/15 nothing programmed beyond)**

- The **Ancillary Services Building** project (£0.195m in 2014/15) has completed, leading to the relocation of the York and Lancaster Regimental Museum and works to improve customer access and the overall visitor experience.
- Work on the **Bailey House Renovation** project (£0.289m in 2014/15) continues. Work is to be carried out to address issues which include the leaking plant room roof, the heating of offices and the replacement of fire doors. The intention is to then move services from both Station Road and Canklow Depots, allowing those facilities to be closed. The overall cost of the works has increased by £0.034m. This is as a result of unexpected additional electrical works to up-grade the emergency lighting system, the removal of asbestos and additional works to replace fire doors. These additional works are to be funded from revenue savings from closing Station Road.
- The **Demolition of Former Council Offices** (£0.115m in 2014/15) on Doncaster Gate is complete, this will help enhance the value of



the site for future disposal and mitigate ongoing maintenance and security costs.

- **Aston CSC works** to accommodate Dinnington MacAlloy Staff (£0.280m 2014/15). This involves the adaptation of the Aston Joint Service Centre to accommodate additional staffing; the works will generate revenue savings of £40,000 per year. This work is now complete.

### **Neighbourhoods and Adults Services Capital Programme 2014/15 to 2016/17**

The forecast spend for 2014/15 is £36.449m, with a further £58.237m planned in the remainder of the programme. A copy of the full revised programme is attached to this report at Appendix 3.

#### **Adult Services**

The Service is estimated to spend £1.178m in 2014/15, the main projects being:

- The **Assistive Technology** scheme continues to its completion (£0.460m in 2014/15). This will enable people requiring care support services to live independently within their own homes through the purchase of telecare equipment. This equipment includes fall detectors and monitoring alarms.
- The **REWS (Rotherham Equipment and Wheelchair Service) Equipment** programme continues to its completion (0.190m in 2014/15). This involves the purchase of equipment, after Occupational Therapist assessment, to support people within their own homes. Equipment will include a range of specialist bath and shower aids and mattresses and will be managed by Rotherham Foundation Hospital Trust.
- **Rothercare Alarms** – The replacement of 700 existing alarms, with approval having been given to upgrade the existing community alarm units (purchase 4,500 units at a cost of £0.526m) in 2014/15.

#### **Neighbourhoods Services**

For 2014/15 the Service is estimated to spend £35.271m with a further £58.237m to be invested during the remaining period of the current programme.

A copy of the existing programme is attached to this report at Appendix 3 and the most notable items are detailed below.

**Improving Council Housing & Housing Services** - The programme for 2014/15 is estimated to spend £29.680m. Notable current and planned investments in this area are:

**Refurbishment Works** (£12.986m in 2014/15). This budget is funding works for internal and external refurbishments to properties. Internal works include elements such as new kitchens and bathrooms. External elements include re-roofing, external render, fascia's, soffits & bargeboard replacements and outhouse improvements.

**Environmental Works** (£1.719m in 2014/15) – This budget will fund a variety of projects throughout the Borough, currently subject to consultation with tenants and members. Works funded through this scheme will include bin store improvements, shrub bed enhancements, off street parking and footpath re-surfacing. The increase in funding from the previous report is to cover additional schemes now to be delivered within the current financial year, namely security improvements at Wharncliffe Flats.

**Decent Homes Void Programme** (£2.700m in 2014/15). This budget is to fund major voids where the cost exceeds £4,000. This often occurs when a previous tenant has refused decency works, so properties require new kitchens and bathrooms prior to re-letting. The reduction in budget from the previous report is due to lower volumes of major voids.

The **Replacement of Central Heating** programme (£3.761m in 2014/15). There is an ongoing programme of Central Heating replacements in order to reduce the revenue burden, as a result of increasing repairs to Buderus and Alpha boilers.

The **New Integrated Housing Management IT System** (£0.274m in 2014/15 and £0.169m in 2015/16). This budget is to fund the purchase and implementation of the new integrated Housing Management System. Cabinet member for Safe and Attractive Neighbourhoods has approved additional costs of £0.241m to be funded from the HRA, at the meeting of 16 June 2014. The budget was not amended in the previous report, as it was felt that the costs could have been funded from slippage elsewhere within the HRA programme. This position has now been updated.

**Non-traditional Investment** (£1.400m in 2014/15). This budget is to complete the external refurbishment and insulated render works to non-traditional properties. This is part of an ongoing programme to extend the life of non-traditional stock by circa 25 years.

**Strategic Acquisitions** (£1.537m in 2014/15 and £1.299m in 2015/16). This funding is part of a multiyear commitment to acquire properties to add to the council's social housing stock through the 30 Year HRA Business Plan. The Council purchased 6 properties in June 2014 at Willow Tree Way, Wickersley at a cost of £0.434m. The budget in respect of the Barber's Avenue development has been reprofiled into 2015/16. HCA grant of £0.437m has been received in respect of this development.

**Fair Access To All: Disabled Adaptations** (£4.094m in 2014/15) – This will fund the ongoing provision of disabled adaptations to council and private dwellings. At the end of September 2014 spend on public sector adaptations was £0.722m with a total of 254 completions. For the same period, spend on private sector adaptations was £0.827m with 177 completions. Eligibility criteria are being reviewed, as there is likely to be pressure on this service in the future.

Investment into **Neighbourhood Regeneration & Renewal** (£1.429m in 2014/15) is continuing with the most notable projects being:

**Canklow Phase 1 & 2** (£0.351m in 2014/15, £0.370m in 2015/16). This is a multi-year programme of activity to regenerate an area within Canklow through Housing Market Renewal. The project is focused on demolition, buy back and refurbishment of public and private sector properties in the area. The re-profiling of the budget is due to delays in the acquisition and demolition of the remaining properties on the site.

**Bellows Road, Rawmarsh, Service Centre Clearance** (£0.400m in 2014/15). This is an ongoing Housing Market Renewal scheme and includes the construction of new shop units and the provision of new housing within the area. At the present time a planning application and lease agreement are pending for the re-location of a telephone mast. Asbestos surveys and removal are all outstanding on the multi-storey car park and require completion prior to demolition. As a result, £0.192m of the budget has been slipped into 2015/16.

**Garage Site Investment** (£0.250m in 2014/15) - This will fund improvement works to garage sites across the Borough. Works will include re-surfacing to the highway, re-roofing, new doors and general environmental improvements.

### **Resources Capital Programme 2014/15 to 2016/17**

The Council continues to invest in its **ICT infrastructure** as part of its ICT Strategy, with £2.194m estimated to be spent in 2014/15 and a further £0.940m estimated to be spent in the following 2 years. The figure has increased from the previous report, as it now includes some schools' IT spend, funded by school contributions. The Strategy is focussed on ensuring the Council is able to support effectively the services it delivers and promote new, innovative, ways of working that will result in greater efficiencies and effectiveness. The most notable projects are:

- **Developing Customer Access and On-line Self Service.** Making customers' data available on-line in a secure way to improve customer service and realise efficiencies by moving transactions from more expensive contact channels.
- **Upgrading Key Financial Management Systems** to support on-going improvements to the Council's financial management capability.

- The **Electronic Document Records Management** project, designed to enable staff to access the information they need to do their jobs from any location and to reduce the amount of paper document storage.
- The **Migration of the Council's Data Network** to new providers and the deployment of new networking equipment, enabling continued delivery of faster broadband services.

Other Resources expenditure includes a further £300,000 secured capital loan facility and a £190,000 capital grant for the ongoing High Street re-development in the Town Centre.

In addition, the Cabinet meeting of 9<sup>th</sup> July 2014 agreed to underwrite a total of £1.596m, along with a contingency budget of £0.124m, spread over the next three years, in respect of the Broadband Delivery UK (BDUK) Project, which will further enhance the provision of high speed broadband across South Yorkshire. At this stage it is expected that SCR Infrastructure Funding will be available for this project, but approval for the use of this funding will not be known until early in the New Year. This spend has been reprofiled to reflect the fact that contributions from DCMS will be made first. It is estimated that £0.050m will be incurred in 2014/15 on consultants fees in respect of the procurement, this represents Rotherham's 25% share.

### 7.3 Funding of the Programme

The table shown below outlines the funding strategy associated with the schemes profiled above and detailed in the Appendices 1 to 4.

<b>Funding</b>	<b>2014/15 Estimate</b>	<b>2014/15 Variance from Last Report</b>	<b>2015/16 Estimate</b>	<b>2015/16 Variance from Last Report</b>	<b>2016/17 Estimate</b>	<b>2016/17 Variance from Last Report</b>
	<b>£m</b>	<b>£m</b>	<b>£m</b>	<b>£m</b>	<b>£m</b>	<b>£m</b>
Grants & Contributions	32.269	-0.738	14.743	+5.855	6.373	+2.750
Unsupported Borrowing	11.143	-4.892	13.537	+0.461	2.533	+0.281
Usable Capital Receipts	6.187	+3.773	1.649	+1.317	1.100	+0.768
Major Repairs Allowance (HRA)	21.568	+0.002	20.561	-0.303	19.444	-1.220
Revenue Contributions	8.742	+0.051	6.139	+0.090	6.087	0
<b>Total</b>	<b>79.915</b>	<b>-1.798</b>	<b>56.629</b>	<b>+7.420</b>	<b>35.537</b>	<b>+2.579</b>

### 7.3 Amount of Capital Expenditure on a Ward Basis

The table shown below shows the expenditure associated with the schemes profiled above, and detailed in the Appendices 1 to 4, on a Ward basis.

	2014/15 Previous Report	2014/15 Revised Estimate	2014/15 Variance to Previous Report	2015/16 Previous Report	2015/16 Revised Estimate	2015/16 Variance to Previous Report	2016/17 Previous Report	2016/17 Revised Estimate	2016/17 Variance to Previous Report
ANSTON & WOODSETTS	332	372	41	0	0	0	0	0	0
BOSTON CASTLE	8,038	6,864	-1,174	925	1,942	1,017	0	0	0
BRINSWORTH & CATCLIFFE	3,129	7,099	3,970	1,744	1,744	0	0	0	0
DINNINGTON	171	170	-1	0	0	0	0	0	0
HELLABY	2,089	2,144	55	1,303	1,303	0	0	0	0
HOLDERNESS	1,021	1,103	82	100	169	69	0	0	0
HOOBER	186	1,324	1,138	0	0	0	0	0	0
KEPPEL	300	459	159	0	0	0	0	0	0
MALTBY	1,054	1,011	-43	0	0	0	0	0	0
RAWMARSH	2,135	2,172	37	1,268	1,460	192	160	160	0
ROTHER VALE	438	387	-51	0	53	53	0	0	0
ROTHERHAM EAST	1,739	1,840	101	3,839	4,889	1,050	0	0	0
ROTHERHAM WEST	2	76	74	0	0	0	0	0	0
SILVERWOOD	129	273	144	0	182	182	0	0	0
SITWELL	0	195	195	0	0	0	0	0	0
SWINTON	10	135	125	0	0	0	0	0	0
VALLEY	1,364	1,374	10	0	0	0	0	0	0
WALES	795	1,097	302	250	250	0	0	0	0
WATH	1,631	628	-1,003	0	35	35	0	0	0
WICKERSLEY	205	271	66	60	50	-10	0	0	0
WINGFIELD	47	17	-30	0	45	45	0	0	0
ALL WARDS	56,898	50,904	-5,994	39,720	44,507	4,787	32,798	35,377	2,579
TOTAL	81,713	79,915	-1,798	49,209	56,629	7,420	32,958	35,537	2,579

## 8. Financial Implications

These are contained within the body of this report. Any revenue implications from the revised programme have been fully reflected in the Council's latest 2014/15 revenue forecast and its updated Medium Term Financial Strategy.

**9. Risks & Uncertainties**

The Capital Programme is funded through a number of sources: borrowing (both supported and unsupported), capital grants and contributions, revenue contributions and capital receipts. Any uncertainty over the funding of the Programme rests on confirmation that grants/contributions and capital receipts continue to be available in coming years. Where funding sources are volatile in nature, the risks will be managed by continually keeping the programme under review.

**10. Policy and Performance Agenda Implications**

The preparation of the Medium Term Financial Strategy incorporating a profiled capital programme and the associated revenue consequences, together with regular monitoring, highlights the Council's commitment to sound financial management.

**11. Background Papers and Consultation**

- Capital Programme 2014/15 to 2016/17
- Project / Scheme monitoring reports
- Monitoring returns and budget setting details from Directorates.

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Appendix 1

CHILDREN AND YOUNG PEOPLE'S CAPITAL PROGRAMME 2014/15 - 2016/17  
FINANCIAL SUMMARY STATEMENT

CAPITAL INVESTMENT BY PROJECT	2014/15	2014/15	2014/15	2015/16	2015/16	2015/16	2016/17	2016/17	2016/17
	Estimate	Revised	Variance to Previous Report	Estimate	Revised	Variance to Previous Report	Estimate	Revised	Variance to Previous Report
	£'000s	£'000s	£'000s	£'000s	£'000s	£'000s	£'000s	£'000s	£'000s
<b>PRIMARY</b>									
WEST MELTON PRIMARY MODULAR	0	2	2						
MALTBY LILLY HALL	54	54	0						
KILNHURST ST THOMAS EXTRA CLASSROOM	10	10	0						
HERRINGTHORPE INFANT & JUNIOR SCHOOLS EXPANSION	98	98	0						
ASTON HALL INFANT & JUNIOR SCHOOL EXPANSION	98	50	-48						
FLANDERWELL PRIMARY AUTISM RESOURCE	205	205	0						
BROOM VALLEY COMMUNITY PRIMARY SCHOOL EXPANSION	29	6	-23						
BRINSWORTH HOWARTH PRIMARY SCHOOL - MODULAR CLASSROOMS	3	3	0						
BRAMLEY SUNNYSIDE INFANT SCHOOL RENOVATION	0	10	10	60	50	-10			
WATH C OF E PRIMARY SCHOOL EXPANSION	1,070	1,085	15						
DALTON LISTERDALE JUNIOR AND INFANT SCHOOL EXPANSION	1,266	1,266	0						
KIVETON PARK MEADOWS JUNIOR SCHOOL EXPANSION	52	35	-17						
WALES PRIMARY EXPANSION - MODULAR (Ph 1)	5	10	5	0	0	0			
WALES PRIMARY EXPANSION - SCHOOL HOUSE/FOUNDATION STAGE UNIT (Ph 2)	88	88	0						
WALES PRIMARY EXPANSION - ADDITIONAL BULGE CLASSROOM (Ph 3)	0	0	0	150	150	0			
BADSLEY MOOR INFANTS RECEPTION ALTERATIONS	212	212	0						
AUTHORITY NEW SCHOOL (ELDON ROAD)	1,500	1,500	0	3,839	4,889	1,050			
RAWMARSH MONKWOOD PRIMARY SCHOOL EXPANSION - MORE LIKELY THOROGATE	0	0	0				160	160	0
THURCROFT INFANTS	128	128	0						
BRAMPTON ELLIS JUNIOR	186	186	0						
UNIVERSAL FREE SCHOOL MEALS	577	577	0						
ST MARYS PRU (New)	0	69	69						
<b>SECONDARY</b>									
SUPPORT TO SCHOOLS	100	100	0	100	100	0	50	50	0
MALTBY ACADEMY	1,006	1,006	0						
CLIFTON SCHOOL CARETAKERS CONVERSION	27	27	0						
WICKERSLEY SSC NEW BLOCK	1,600	1,600	0	1,303	1,303	0			
WATH PFI	0	22	22						
<b>SPECIALS</b>									
<b>CITY LEARNING CENTRES</b>									
CLC RAWMARSH	6	6	0						
<b>CAPITALISED MINOR ENHANCEMENTS</b>	2,003	2,019	16	1,800	1,800	0	1,800	1,800	0
<b>OTHER SCHEMES</b>									
DFCG	1,177	1,176	-1	734	734	0	634	634	0
KIMBERWORTH CO-LOCATION	1	1	0						
PROPERTY ADAPTATIONS	262	262	0	50	50	0	50	50	0
ENTITLEMENT FOR EARLY YEARS PROVISION (TWO YEAR OLDS)	266	79	-187	0	187	187			
ORCHARD CENTRE - CONSERVATORY	1	0	-1						
KILNHURST PRIMARY SCULLERY	4	4	0						
<b>CYPS CAPITAL PROGRAMME</b>	<b>12,034</b>	<b>11,896</b>	<b>-138</b>	<b>8,036</b>	<b>9,263</b>	<b>1,227</b>	<b>2,694</b>	<b>2,694</b>	<b>0</b>

SOURCES OF FUNDING	2014/15	2014/15	2014/15	2015/16	2015/16	2015/16	2016/17	2016/17	2016/17
	Estimate	Revised	Variance to Previous Report	Estimate	Revised	Variance to Previous Report	Estimate	Revised	Variance to Previous Report
	£'000s	£'000s	£'000s	£'000s	£'000s	£'000s	£'000s	£'000s	£'000s
SUPPORTED CAPITAL EXPENDITURE (REVENUE)		6	6						
GRANTS AND CONTRIBUTIONS	11,762	11,539	-223	5,976	6,963	987	2,644	2,644	0
REVENUE CONTRIBUTION	10	20	10	10	0	-10			0
USABLE CAPITAL RECEIPTS			0			0			0
PRUDENTIAL BORROWING	262	331	69	2,050	2,300	250	50	50	0
EARMARKED RESERVES			0			0			0
MAJOR REPAIRS ALLOWANCE			0			0			0
<b>CYPS CAPITAL PROGRAMME</b>	<b>12,034</b>	<b>11,896</b>	<b>-138</b>	<b>8,036</b>	<b>9,263</b>	<b>1,227</b>	<b>2,694</b>	<b>2,694</b>	<b>0</b>

CYPS CAPITAL INVESTMENT BY WARD 2014/15 - 2016/17

CYPS CAPITAL INVESTMENT BY WARD	2014/15	2014/15	2014/15	2015/16	2015/16	2015/16	2016/17	2016/17	2016/17
	Estimate	Revised	Variance to Previous Report	Estimate	Revised	Variance to Previous Report	Estimate	Revised	Variance to Previous Report
	£'000s	£'000s	£'000s	£'000s	£'000s	£'000s	£'000s	£'000s	£'000s
ANSTON & WOODSETTS	0	41	41	0	0	0	0	0	0
BOSTON CASTLE	29	19	-10	0	0	0	0	0	0
BRINSWORTH & CATCLIFFE	3	67	64	0	0	0	0	0	0
DINNINGTON	0	45	45	0	0	0	0	0	0
HELLABY	1,654	1,676	22	1,303	1,303	0	0	0	0
HOLDERNESS	98	104	6	0	0	0	0	0	0
HOOBER	186	1,324	1,138	0	0	0	0	0	0
KEPPEL	0	159	159	0	0	0	0	0	0
MALTBY	1,006	1,011	5	0	0	0	0	0	0
RAWMARSH	6	235	229	0	0	0	160	160	0
ROTHER VALE	128	130	2	0	0	0	0	0	0
ROTHERHAM EAST	1,739	1,840	101	3,839	4,889	1,050	0	0	0
ROTHERHAM WEST	2	76	74	0	0	0	0	0	0
SILVERWOOD	4	194	190	0	0	0	0	0	0
SITWELL	0	195	195	0	0	0	0	0	0
SWINTON	10	135	125	0	0	0	0	0	0
VALLEY	1,364	1,374	10	0	0	0	0	0	0
WALES	145	447	302	150	150	0	0	0	0
WICKERSLEY	205	271	66	60	50	-10	0	0	0
WINGFIELD	0	15	15	0	0	0	0	0	0
ALL WARDS	4,385	2,477	-1,908	2,684	2,871	187	2,534	2,534	0
<b>CYPS CAPITAL PROGRAMME</b>	<b>10,964</b>	<b>11,834</b>	<b>870</b>	<b>8,036</b>	<b>9,263</b>	<b>1,227</b>	<b>2,694</b>	<b>2,694</b>	<b>0</b>

**APPENDIX 2****EDS PLANNING, REGENERATION & CULTURAL SERVICES CAPITAL PROGRAMME 2014/15 - 2016/17**  
**FINANCIAL SUMMARY STATEMENT**

CAPITAL INVESTMENT BY PROJECT	2014/15 Previous Report £'000s	2014/15 Estimate £'000s	2014/15 Variance to Previous Report £'000s	2015/16 Previous Report £'000s	2015/16 Estimate £'000s	2015/16 Variance to Previous Report £'000s	2016/17 Previous Report £'000s	2016/17 Estimate £'000s	2016/17 Variance to Previous Report £'000s
<b>CUSTOMER &amp; CULTURAL SERVICES</b>									
BRINSWORTH LIBRARY	499	499	0	0	0	0	0	0	0
STRATEGIC REVIEW OF LIBRARIES	78	78	0	0	0	0	0	0	0
WATH LIBRARY REFURBISHMENT	155	155	0	0	0	0	0	0	0
CATCLIFFE GLASS CONE	45	27	-18	0	0	0	0	0	0
MALTBY LIFT	48	0	-48	0	0	0	0	0	0
<b>REGENERATION</b>									
ROTHERHAM TOWNSCAPE HERITAGE INITIATIVES	1,017	1,017	0	0	0	0	0	0	0
HIGH STREET PUBLIC REALM	335	335	0	0	0	0	0	0	0
TOWN CENTRE POPPED ART PROJECT	11	11	0	0	0	0	0	0	0
<b>BUSINESS RETAIL &amp; INVESTMENT</b>									
R-REVOLUTION	4,000	2,407	-1,593	0	0	0	0	0	0
R-REVOLUTION UNIT 4	0	1,924	1,924	0	0	0	0	0	0
TOWN CENTRE BUSINESS VITALITY SCHEME-PRIVATE PROPERTIES	74	74	0	0	0	0	0	0	0
TOWN CENTRE BUSINESS VITALITY SCHEME-RMBC PROPERTIES	15	15	0	0	0	0	0	0	0
<b>PLANNING REGEN &amp; CULTURAL SERVICES CAPITAL PROGRAMME</b>	<b>6,277</b>	<b>6,542</b>	<b>265</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>SOURCES OF FUNDING</b>									
SUPPORTED CAPITAL EXPENDITURE (REVENUE)	0	0	0	0	0	0	0	0	0
GRANTS AND CONTRIBUTIONS	590	569	-21	0	0	0	0	0	0
REVENUE CONTRIBUTION	28	0	-28	0	0	0	0	0	0
USABLE CAPITAL RECEIPTS	141	4,453	4,312	0	0	0	0	0	0
PRUDENTIAL BORROWING	5,518	1,520	-3,998	0	0	0	0	0	0
EARMARKED RESERVES	0	0	0	0	0	0	0	0	0
MAJOR REPAIRS ALLOWANCE	0	0	0	0	0	0	0	0	0
<b>PLANNING REGEN &amp; CULTURAL SERVICES CAPITAL PROGRAMME</b>	<b>6,277</b>	<b>6,542</b>	<b>265</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

**EDS STREETPRIDE SERVICES PROGRAMME 2014/15 to 2016/17**  
**FINANCIAL SUMMARY STATEMENT**

CAPITAL INVESTMENT	2014/15 Previous Report £'000s	2014/15 Estimate £'000s	2014/15 Variance to Previous Report £'000s	2015/16 Previous Report £'000s	2015/16 Estimate £'000s	2015/16 Variance to Previous Report £'000s	2016/17 Previous Report £'000s	2016/17 Estimate £'000s	2016/17 Variance to Previous Report £'000s
<b>LEISURE &amp; COMMUNITY SERVICES</b>									
CAGED VEHICLE HIAB REPLACEMENT	312	312	0	0	0	0	0	0	0
ALEXANDRA PARK	69	0	-69	0	69	69	0	0	0
GORDON BENNETT PLAY	69	16	-53	0	53	53	0	0	0
SANCTUARY FIELDS	52	52	0	0	0	0	0	0	0
MEMORIAL IN CLIFTON PARK (New)	0	10	10	0	20	20	0	0	0
WATH PARK CHILDRENS PLAY (New)	0	5	5	0	35	35	0	0	0
FIRSBY RESERVOIR PHASE 2	125	43	-82	0	82	82	0	0	0
ROTHER VALLEY COUNTRY PARK FACILITIES	241	241	0	0	0	0	0	0	0
THRYBERGH COUNTRY PARK PHASED IMPROVEMENTS (New)	0	36	36	0	100	100	0	0	0
<b>NETWORK MANAGEMENT</b>									
STREET LIGHTING	2,783	2,783	0	2,025	2,333	308	1,200	1,508	308
<b>DRAINAGE</b>									
GREEN ING CULVERT (New)	0	33	33	0	0	0	0	0	0
WATH UPON DEARNE FLOOD ALLEVIATION SCHEME	345	345	0	0	0	0	0	0	0
ASTON, AUGHTON & SWALLOWNEST PHASE 1	204	204	0	0	0	0	0	0	0
ASTON, AUGHTON & SWALLOWNEST PHASE 2	0	145	145	0	0	0	0	0	0
DRAINAGE WORKS DON STREET	627	0	-627	0	627	627	0	0	0
HIGHWAYS DELIVERY (MAINTENANCE)	4,092	4,092	0	0	1,894	1,894	0	1,894	1,894
<b>TRANSPORTATION &amp; HIGHWAYS</b>									
BRIDGES	351	140	-211	0	527	527	0	527	527
CONNECTIVITY	1,694	1,694	0	0	346	346	0	0	0
NETWORK MANAGEMENT	672	672	0	0	400	400	0	0	0
LOCAL SAFETY SCHEMES	878	782	-96	0	370	370	0	0	0
BUS PROJECTS	2,031	2,031	0	0	0	0	0	0	0
SMARTER CHOICES	223	223	0	0	100	100	0	0	0
STEP 2 ACCESS TO EMPLOYMENT	0	0	0	0	500	500	0	0	0
<b>MAJOR SCHEMES</b>									
A57 IMPROVEMENTS	1,300	1,300	0	200	200	0	0	0	0
POOL GREEN ROUNDABOUT	4,032	4,032	0	925	925	0	0	0	0
OLD FLATTS BRIDGE	2,175	2,175	0	1,744	1,744	0	0	0	0
<b>WASTE MANAGEMENT</b>									
PFI RESIDUAL WASTE FACILITY	0	0	0	5,764	5,764	0	0	0	0
<b>EDS STREETPRIDE SERVICES CAPITAL PROGRAMME</b>	<b>22,277</b>	<b>21,366</b>	<b>-911</b>	<b>10,658</b>	<b>16,089</b>	<b>5,431</b>	<b>1,200</b>	<b>3,929</b>	<b>2,729</b>



SOURCES OF FUNDING	2014/15 Previous Report £'000s	2014/15 Estimate £'000s	2014/15 Variance to Previous Report £'000s	2015/16 Previous Report £'000s	2015/16 Estimate £'000s	2015/16 Variance to Previous Report £'000s	2016/17 Previous Report £'000s	2016/17 Estimate £'000s	2016/17 Variance to Previous Report £'000s
SUPPORTED CAPITAL EXPENDITURE (REVENUE)	0	0	0	0	0	0	0	0	0
GRANTS AND CONTRIBUTIONS	16,988	16,489	-499	1,496	6,330	4,834	0	2,729	2,729
REVENUE CONTRIBUTION	40	76	36	0	100	100	0	0	0
USABLE CAPITAL RECEIPTS	57	0	-57	0	0	0	0	0	0
PRUDENTIAL BORROWING	5,192	4,801	-391	9,162	9,659	497	1,200	1,200	0
EARMARKED RESERVES	0	0	0	0	0	0	0	0	0
MAJOR REPAIRS ALLOWANCE	0	0	0	0	0	0	0	0	0
<b>EDS STREETPRIDE SERVICES CAPITAL PROGRAMME</b>	<b>22,277</b>	<b>21,366</b>	<b>-911</b>	<b>10,658</b>	<b>16,089</b>	<b>5,431</b>	<b>1,200</b>	<b>3,929</b>	<b>2,729</b>

#### EDS AUDIT & ASSET MANAGEMENT CAPITAL PROGRAMME 2014/15 - 2016/17

#### FINANCIAL SUMMARY STATEMENT

CAPITAL INVESTMENT	2014/15 Previous Report £'000s	2014/15 Estimate £'000s	2014/15 Variance to Previous Report £'000s	2015/16 Previous Report £'000s	2015/16 Estimate £'000s	2015/16 Variance to Previous Report £'000s	2016/17 Previous Report £'000s	2016/17 Estimate £'000s	2016/17 Variance to Previous Report £'000s
<b>CORP PROPERTY UNIT</b>									
ANCILLARY SERVICES BUILDING	195	195	0	0	0	0	0	0	0
BAILEY HOUSE RENOVATION	255	289	34	0	0	0	0	0	0
DEMOLITION OF FORMER COUNCIL OFFICES	115	115	0	0	0	0	0	0	0
DEMOLITION OF INTERNATIONAL CENTRE	1	1	0	0	0	0	0	0	0
McALLOY - ASTON CSC	280	280	0	0	0	0	0	0	0
CCTV HELLABY DEPOT (NEW)	0	33	33	0	0	0	0	0	0
<b>EDS AUDIT &amp; ASSET MANAGEMENT CAPITAL PROGRAMME</b>	<b>846</b>	<b>913</b>	<b>67</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

SOURCES OF FUNDING	2014/15 Previous Report £'000s	2014/15 Estimate £'000s	2014/15 Variance to Previous Report £'000s	2015/16 Previous Report £'000s	2015/16 Estimate £'000s	2015/16 Variance to Previous Report £'000s	2016/17 Previous Report £'000s	2016/17 Estimate £'000s	2016/17 Variance to Previous Report £'000s
SUPPORTED CAPITAL EXPENDITURE (REVENUE)	0	0	0	0	0	0	0	0	0
GRANTS AND CONTRIBUTIONS	0	0	0	0	0	0	0	0	0
REVENUE CONTRIBUTION	0	33	33	0	0	0	0	0	0
USABLE CAPITAL RECEIPTS	0	0	0	0	0	0	0	0	0
PRUDENTIAL BORROWING	846	880	34	0	0	0	0	0	0
EARMARKED RESERVES	0	0	0	0	0	0	0	0	0
MAJOR REPAIRS ALLOWANCE	0	0	0	0	0	0	0	0	0
<b>EDS AUDIT &amp; ASSET MANAGEMENT CAPITAL PROGRAMME</b>	<b>846</b>	<b>913</b>	<b>67</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

#### SUMMARY EDS CAPITAL PROGRAMME 2014/15 - 2016/17

	2014/15 Previous Report £'000s	2014/15 Estimate £'000s	2014/15 Variance to Previous Report £'000s	2015/16 Previous Report £'000s	2015/16 Estimate £'000s	2015/16 Variance to Previous Report £'000s	2016/17 Previous Report £'000s	2016/17 Estimate £'000s	2016/17 Variance to Previous Report £'000s
TOTAL EDS INVESTMENT	29,400	28,821	-579	10,658	16,089	5,431	1,200	3,929	2,729

SOURCES OF FUNDING	2014/15 Previous Report £'000s	2014/15 Estimate £'000s	2014/15 Variance to Previous Report £'000s	2015/16 Previous Report £'000s	2015/16 Estimate £'000s	2015/16 Variance to Previous Report £'000s	2016/17 Previous Report £'000s	2016/17 Estimate £'000s	2016/17 Variance to Previous Report £'000s
SUPPORTED CAPITAL EXPENDITURE (REVENUE)	0	0	0	0	0	0	0	0	0
GRANTS AND CONTRIBUTIONS	17,578	17,058	-520	1,496	6,330	4,834	0	2,729	2,729
REVENUE CONTRIBUTION	68	109	41	0	100	100	0	0	0
USABLE CAPITAL RECEIPTS	198	4,453	4,255	0	0	0	0	0	0
PRUDENTIAL BORROWING	11,556	7,201	-4,355	9,162	9,659	497	1,200	1,200	0
EARMARKED RESERVES	0	0	0	0	0	0	0	0	0
MAJOR REPAIRS ALLOWANCE	0	0	0	0	0	0	0	0	0
<b>EDS CAPITAL PROGRAMME</b>	<b>29,400</b>	<b>28,821</b>	<b>-579</b>	<b>10,658</b>	<b>16,089</b>	<b>5,431</b>	<b>1,200</b>	<b>3,929</b>	<b>2,729</b>

#### EDS CAPITAL INVESTMENT BY WARD 2014/15 - 2016/17

EDS CAPITAL INVESTMENT BY WARD	2014/15 Previous Report £'000s	2014/15 Estimate £'000s	2014/15 Variance to Previous Report £'000s	2015/16 Previous Report £'000s	2015/16 Estimate £'000s	2015/16 Variance to Previous Report £'000s	2016/17 Previous Report £'000s	2016/17 Estimate £'000s	2016/17 Variance to Previous Report £'000s
ANSTON & WOODSETTS	332	332	0	0	0	0	0	0	0
BOSTON CASTLE	6,888	6,094	-794	925	1,572	647	0	0	0
BRINSWORTH & CATCLIFFE	3,126	7,032	3,906	1,744	1,744	0	0	0	0
DINNINGTON	0	0	0	0	0	0	0	0	0
HELLABY	0	33	33	0	0	0	0	0	0
HOLDERNESS	923	999	76	100	169	69	0	0	0
HOOBER	0	0	0	0	0	0	0	0	0
KEPPEL	0	0	0	0	0	0	0	0	0
MALTBY	48	0	-48	0	0	0	0	0	0
RAWMARSH	0	0	0	0	0	0	0	0	0
ROTHER VALE	310	257	-53	0	53	53	0	0	0
ROTHERHAM EAST	0	0	0	0	0	0	0	0	0
ROTHERHAM WEST	0	0	0	0	0	0	0	0	0
SILVERWOOD	125	78	-47	0	182	182	0	0	0
SITWELL	0	0	0	0	0	0	0	0	0
SWINTON	0	0	0	0	0	0	0	0	0
VALLEY	0	0	0	0	0	0	0	0	0
WALLES	650	650	0	100	100	0	0	0	0
WATH	500	505	5	0	35	35	0	0	0
WICKERSLEY	0	0	0	0	0	0	0	0	0
WINGFIELD	0	0	0	0	0	0	0	0	0
ALL WARDS	16,498	12,840	-3,658	7,789	12,234	4,445	1,200	3,929	2,729
<b>EDS CAPITAL PROGRAMME</b>	<b>29,400</b>	<b>28,821</b>	<b>-579</b>	<b>10,658</b>	<b>16,089</b>	<b>5,431</b>	<b>1,200</b>	<b>3,929</b>	<b>2,729</b>

## Appendix 3

**NEIGHBOURHOODS & ADULT SERVICES CAPITAL PROGRAMME 2014/15 - 2016/17**  
**FINANCIAL SUMMARY STATEMENT**

CAPITAL INVESTMENT BY PROJECT	2014/15 Sept affirmed budget	2014/15 revised	2014/15 Variance to Previous Report	2015/16 Sept14 affirmed budget	2015/16 revised	2015/16 Variance to Previous Report	2016/17 Sept14 affirmed budget	2016/17 revised	2016/17 Variance to Previous Report
	£'000s	£'000s	£'000s	£'000s	£'000s	£'000s	£'000s	£'000s	£'000s
<b>ADULT SERVICES</b>									
ASSISTIVE TECHNOLOGY	460	460	0						
REWS EQUIPMENT	190	190	0						
ROTHERCARE ALARMS	526	526	0						
TREEFIELDS LEARNING CENTRE - FENCING	2	2	0						
<b>IMPROVING COUNCIL HOUSING &amp; HOUSING SERVICES</b>									
REFURBISHMENT	12,986	12,986	0	12,112	12,100	-12	12,148	11,900	-248
REPLACEMENT WINDOWS	211	211	0	0	0	0	0	0	0
ENVIRONMENTAL WORKS	1,612	1,719	107	1,500	1,100	-400	1,500	1,400	-100
DECENT HOMES VOID PROGRAMME	2,900	2,700	-200	2,950	2,600	-350	3,000	2,600	-400
REPLACEMENT OF CENTRAL HEATING	3,761	3,761	0	3,261	3,261	0	3,261	3,261	0
ELECTRICAL BOARD & BOND	150	120	-30	205	150	-55	210	150	-60
REPLACEMENT OF COMMUNAL DOORS (HIGH SECURITY)	891	891	0	500	500	0	500	0	-500
ASBESTOS TESTING	380	290	-90	400	370	-30	410	370	-40
FLAT DOOR REPLACEMENT	76	76	0	0	0	0	0	0	0
DISTRICT HEATING CONVERSIONS	1,800	1,800	0	1,000	1,200	200	1,000	1,000	0
BOUNDARY WALL TREATMENTS	100	140	40	625	0	-625	625	0	-625
GENERAL STRUCTURES	650	650	0	650	650	0	650	650	0
EXTERNAL INSULATION	50	25	-25	50	100	50	50	50	0
NEW IT SYSTEMS	274	274	0	0	169	169	0	0	0
NON-TRADITIONAL INVESTMENT	1,400	1,400	0	1,400	1,500	100	1,400	1,100	-300
STARTEGIC ACQUISITIONS	1,537	1,537	0	1,299	1,299	0	0	0	0
NEW BUILD DPU BUNGALOWS	300	300	0	200	200	0	0	0	0
ENABLING WORKS HRA LAND	100	0	-100	100	0	-100	100	0	-100
LADY OAK FLATS ENVIRONMENTS	400	500	100	0	0	0	0	0	0
SHELTERED HOUSING COMMUNAL AREA	100	300	200	0	500	500	0	500	500
<b>FAIR ACCESS TO ALL</b>									
DISABLED FACILITIES GRANT (PRIVATE SECTOR)	2,016	2,016	0	1,311	2,100	789	1,311	2,100	789
DISABLED ADAPTATIONS (PUBLIC SECTOR)	2,078	2,078	0	1,950	2,100	150	1,897	2,300	403
<b>NEIGHBOURHOOD REGENERATION &amp; RENEWAL</b>									
GALLERY TOWN - DINNINGTON IMPROVEMENTS	1	1	0	0	0	0			0
CANKLOW PHASE 1 & 2	721	351	-370	0	370	370			0
BELLOWS ROAD SERVICE CENTRE CLEARANCE	592	400	-192	0	192	192			0
GARAGE SITE INVESTMENT	250	250	0	0	100	100	0	250	250
MONKSBRIDGE DEMOLITION DINNINGTON	80	80	0	0	0	0			0
DOE QUARRY LANE STREET SCENE	90	44	-46	0	0	0			0
FUEL POVERTY - VULNERABLE PEOPLE	303	303	0	0	0	0			0
<b>NEIGHBOURHOODS IMPROVEMENTS NON-HIP PROGRAMME</b>									
AIR QUALITY GRANT	7	7	0			0			0
LANDFILL SITES	106	61	-45	0	45	45			0
<b>NEIGHBOURHOODS &amp; ADULT SERVICES CAPITAL PROGRAMME</b>	<b>37,100</b>	<b>36,449</b>	<b>-651</b>	<b>29,513</b>	<b>30,606</b>	<b>1,093</b>	<b>28,062</b>	<b>27,631</b>	<b>-431</b>

SOURCES OF FUNDING	2014/15 Sept affirmed budget	2014/15 revised	2014/15 Variance to Previous Report	2015/16 Sept14 affirmed budget	2015/16 revised	2015/16 Variance to Previous Report	2016/17 Sept14 affirmed budget	2016/17 revised	2016/17 Variance to Previous Report
	£'000s	£'000s	£'000s	£'000s	£'000s	£'000s	£'000s	£'000s	£'000s
SUPPORTED CAPITAL EXPENDITURE (REVENUE)									
GRANTS AND CONTRIBUTIONS	3,162	3,115	-47	1,416	1,450	34	979	1,000	21
REVENUE CONTRIBUTION	8,513	8,513	0	6,039	6,039	0	6,087	6,087	0
USABLE CAPITAL RECEIPTS	2,216	1,734	-482	332	1,649	1,317	332	1,100	768
PRUDENTIAL BORROWING	1,643	1,519	-124	862	907	45	0	0	0
earmarked reserves			0	0	0	0	0	0	0
MAJOR REPAIRS ALLOWANCE	21,566	21,568	2	20,864	20,561	-303	20,664	19,444	-1,220
<b>NEIGHBOURHOODS &amp; ADULT SERVICES CAPITAL PROGRAMME</b>	<b>37,100</b>	<b>36,449</b>	<b>-651</b>	<b>29,513</b>	<b>30,606</b>	<b>1,093</b>	<b>28,062</b>	<b>27,631</b>	<b>-431</b>

**NEIGHBOURHOODS & ADULT SERVICES**  
**CAPITAL INVESTMENT BY WARD 2013/14 -**  
**2015/16**

NEIGHBOURHOODS & ADULT SERVICES CAPITAL INVESTMENT BY WARD	2014/15 Sept affirmed budget	2014/15 revised	2014/15 Variance to Previous Report	2015/16 Sept14 affirmed budget	2015/16 revised	2015/16 Variance to Previous Report	2016/17 Sept14 affirmed budget	2016/17 revised	2016/17 Variance to Previous Report
	£'000s	£'000s	£'000s	£'000s	£'000s	£'000s	£'000s	£'000s	£'000s
ANSTON & WOODSETTS			0	0	0	0	0	0	0
BOSTON CASTLE	1,121	751	-370	0	370	370	0	0	0
BRINSWORTH & CATCLIFFE			0	0	0	0	0	0	0
DINNINGTON	171	125	-46	0	0	0	0	0	0
HELLABY	435	435	0	0	0	0	0	0	0
HOLDERNESS			0	0	0	0	0	0	0
HOOPER			0	0	0	0	0	0	0
KEPPEL	300	300	0	0	0	0	0	0	0
MALTBY			0	0	0	0	0	0	0
RAWMARSH	2,129	1,937	-192	1,268	1,460	192	0	0	0
ROTHER VALE			0	0	0	0	0	0	0
ROTHERHAM EAST			0	0	0	0	0	0	0
ROTHERHAM WEST			0	0	0	0	0	0	0
SILVERWOOD			0	0	0	0	0	0	0
SITWELL			0	0	0	0	0	0	0
VALLEY			0	0	0	0	0	0	0
WALES			0	0	0	0	0	0	0
WATH	61	61	0	0	0	0	0	0	0
WICKERSLEY			0	0	0	0	0	0	0
WINGFIELD	47	2	-45	0	45	45	0	0	0
ALL WARDS	32,836	32,838	2	28,245	28,731	486	28,062	27,631	-431
<b>NEIGHBOURHOODS &amp; ADULT SERVICES CAPITAL PROGRAMME</b>	<b>37,100</b>	<b>36,449</b>	<b>-651</b>	<b>29,513</b>	<b>30,606</b>	<b>1,093</b>	<b>28,062</b>	<b>27,631</b>	<b>-431</b>

**RESOURCES CAPITAL PROGRAMME 2014/15 - 2016/17**  
**FINANCIAL SUMMARY STATEMENT**

CAPITAL INVESTMENT BY PROJECT	SPEND AND FUNDING STATEMENT								
	2014/15 Previous Report £'000s	2014/15 Estimate £'000s	2014/15 Variance to Previous Report £'000s	2015/16 Previous Report £'000s	2015/16 Estimate £'000s	2015/16 Variance to Previous Report £'000s	2016/17 Previous Report £'000s	2016/17 Estimate £'000s	2016/17 Variance to Previous Report £'000s
<b>ICT</b>									
ICT STRATEGY	151	203	52						
ICT STRATEGY (2)	1,526	1,526	0						
ICT REFRESH	465	465	0	470	470	0	470	470	0
<b>RESOURCES</b>									
ELECTORAL HARDWARE	15	15	0						
HIGH STREET DEVELOPMENT LOAN	300	300	0						
HIGH STREET DEVELOPMENT LOAN	190	190	0						
BD UK	532	50	-482	532	201	-331	532	813	281
<b>RESOURCES CAPITAL PROGRAMME</b>	<b>3,179</b>	<b>2,749</b>	<b>-430</b>	<b>1,002</b>	<b>671</b>	<b>-331</b>	<b>1,002</b>	<b>1,283</b>	<b>281</b>

SOURCES OF FUNDING	2014/15 Previous Report £'000s	2014/15 Estimate £'000s	2014/15 Variance to Previous Report £'000s	2015/16 Previous Report £'000s	2015/16 Estimate £'000s	2015/16 Variance to Previous Report £'000s	2016/17 Previous Report £'000s	2016/17 Estimate £'000s	2016/17 Variance to Previous Report £'000s
SUPPORTED CAPITAL EXPENDITURE (REVENUE)									
GRANTS AND CONTRIBUTIONS	505	557	52						
REVENUE CONTRIBUTION	100	100	0						
USABLE CAPITAL RECEIPTS									
PRUDENTIAL BORROWING	2,574	2,092	-482	1,002	671	-331	1,002	1,283	281
MAJOR REPAIRS ALLOWANCE									
<b>RESOURCES CAPITAL PROGRAMME</b>	<b>3,179</b>	<b>2,749</b>	<b>-430</b>	<b>1,002</b>	<b>671</b>	<b>-331</b>	<b>1,002</b>	<b>1,283</b>	<b>281</b>

**RESOURCES CAPITAL INVESTMENT BY WARD 2014/15 - 2016/17**

RESOURCES CAPITAL INVESTMENT BY WARD	2014/15 Previous Report £'000s	2014/15 Estimate £'000s	2014/15 Variance to Previous Report £'000s	2015/16 Previous Report £'000s	2015/16 Estimate £'000s	2015/16 Variance to Previous Report £'000s	2016/17 Previous Report £'000s	2016/17 Estimate £'000s	2016/17 Variance to Previous Report £'000s
ANSTON & WOODSETTS	0	0	0	0	0	0	0	0	0
BOSTON CASTLE	0	0	0	0	0	0	0	0	0
BRINSWORTH & CATCLIFFE	0	0	0	0	0	0	0	0	0
DINNINGTON	0	0	0	0	0	0	0	0	0
HELLABY	0	0	0	0	0	0	0	0	0
HOLDERNESS	0	0	0	0	0	0	0	0	0
HOOPER	0	0	0	0	0	0	0	0	0
KEPPEL	0	0	0	0	0	0	0	0	0
MALTBY	0	0	0	0	0	0	0	0	0
RAWMARSH	0	0	0	0	0	0	0	0	0
ROTHER VALE	0	0	0	0	0	0	0	0	0
ROTHERHAM EAST	0	0	0	0	0	0	0	0	0
ROTHERHAM WEST	0	0	0	0	0	0	0	0	0
SILVERWOOD	0	0	0	0	0	0	0	0	0
SITWELL	0	0	0	0	0	0	0	0	0
SWINTON	0	0	0	0	0	0	0	0	0
VALLEY	0	0	0	0	0	0	0	0	0
WALES	0	0	0	0	0	0	0	0	0
WATH	0	0	0	0	0	0	0	0	0
WICKERSLEY	0	0	0	0	0	0	0	0	0
WINGFIELD	0	0	0	0	0	0	0	0	0
ALL WARDS	3,179	2,749	-430	1,002	671	-331	1,002	1,283	281
<b>RESOURCES CAPITAL PROGRAMME</b>	<b>3,179</b>	<b>2,749</b>	<b>-430</b>	<b>1,002</b>	<b>671</b>	<b>-331</b>	<b>1,002</b>	<b>1,283</b>	<b>281</b>

ROTHERHAM BOROUGH COUNCIL – REPORT TO CABINET
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1.	Meeting:	Cabinet
2.	Date:	17 December 2014
3.	Title:	Mid Year Treasury Management and Prudential Indicators Monitoring Report 2014/15
4.	Directorate:	Resources

### 5. Summary

The regulatory framework of treasury management requires that the Council receive a mid year treasury review, in addition to the forward looking annual treasury strategy and backward looking annual treasury report required previously.

This report meets that requirement. It also incorporates the needs of the Prudential Code to ensure adequate monitoring of the capital expenditure plans and the Council's prudential indicators (PIs).

The report is structured to highlight the key changes to the Council's capital activity (the PIs) and the actual and proposed treasury management activity (borrowing and investment).

A technical and complex report the key messages for Members are:

- a. Investments - the primary governing principle remains **security** over return and the criteria for selecting counterparties reflects this.
- b. Borrowing - overall this will remain fairly constant over the period covered by this report and the Council will remain under-borrowed against the borrowing requirement due to the cost of carrying debt. New borrowing will generally only be taken up as debt matures.
- c. Governance - strategies and monitoring are undertaken by Audit Committee which considered this report on 19 November 2014

### 6. Recommendations

**Cabinet is asked to:**

1. **Note the report and the treasury activity; and**
2. **Recommend Council approve the changes to the 2014/15 prudential indicators.**

## **7. Proposals and Details**

The Director of Financial Services has delegated authority to carry out treasury management activities on behalf of the Council and this report is produced in order to comply with the CIPFA Code of Practice in respect of Treasury Management in Local Authorities and the “Prudential Code”.

## **8. Finance**

Treasury Management forms an integral part of the Council's overall financial arrangements.

The assumptions supporting the capital financing budget for 2014/15 and for future years covered by the Council's MTFS were reviewed in light of economic and financial conditions and the future years' capital programme.

The Treasury Management and Investment Strategy is not forecast to have any further revenue consequences other than those identified and planned for in both the Council's 2014/15 Revenue Budget and approved MTFS.

## **9. Risks and Uncertainties**

Regular monitoring will ensure that risks and uncertainties are addressed at an early stage and hence kept to a minimum.

## **10. Policy and Performance Agenda Implications**

Effective treasury management will assist in delivering the Council's policy and performance agenda.

## **11. Background Papers and Consultation**

Audit Committee – 19 November 2014  
CIPFA Code of Practice for Treasury Management in Local Authorities  
Local Government Act 2003  
CIPFA “Prudential Code”

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**Mid Year Prudential Indicators and Treasury Management Monitoring Report****1. Introduction and Background to the Report**

- 1.1 Revisions to the regulatory framework of treasury management during 2009 introduced a requirement that the Council receive a mid year treasury review, in addition to the forward looking annual treasury strategy and backward looking annual treasury report required previously.
- 1.2 This report meets that revised requirement. It also incorporates the needs of the Prudential Code to ensure adequate monitoring of the capital expenditure plans and the Council's prudential indicators (PIs). The Treasury Strategy and PIs were previously reported to Audit Committee and Cabinet in February 2014 and approved by Council on 5 March 2014.
- 1.3 The Council's revised capital expenditure plans (Section 2.2 of this report) and the impact of these revised plans on its financing are set out in Section 2.3. The Council's capital spend plans provide a framework for the subsequent treasury management activity. Section 3 onwards sets out the impact of the revised plans on the Council's treasury management indicators.
- 1.4 The underlying purpose of the report supports the objective in the revised CIPFA Code of Practice on Treasury Management and the CLG Investment Guidance. These state that Members receive and adequately scrutinise the treasury management service.
- 1.5 The underlying economic and financial environment remains difficult for the Council, foremost being the improving, but still challenging, concerns over investment counterparty risk. This background encourages the Council to continue maintaining investments short term and with high quality counterparties. The downside of such a policy is that investment returns remain low.
- 1.6 The Director of Financial Services can report that the basis of the treasury management strategy, the investment strategy and the PIs are not materially changed from that set out in the approved Treasury Management Strategy (March 2014).

**2. Key Prudential Indicators**

- 2.1. This part of the report is structured to update:
  - The Council's capital expenditure plans;
  - How these plans are being financed;
  - The impact of the changes in the capital expenditure plans on the PIs and the underlying need to borrow; and
  - Compliance with the limits in place for borrowing activity.

## 2.2 Capital Expenditure (PI)

- 2.2.1 This table shows the revised estimates for capital expenditure and the changes since the capital programme was agreed at the Budget. The revised estimate reflects the latest position in the 2014/15 capital monitoring report presented to Cabinet on 24 September 2014

<b>Capital Expenditure by Service</b>	<b>2014/15 Original Estimate £m</b>	<b>2014/15 Revised Estimate £m</b>
Children & Young People's Services	10.948	12.034
Environmental & Development Services	14.239	29.400
Neighbourhoods & Adult Services – Non-HRA	3.156	5.094
Resources	0.957	3.179
<b>Total Non-HRA</b>	<b>29.300</b>	<b>49.707</b>
Neighbourhoods & Adult Services – HRA	30.048	32.006
<b>Total HRA</b>	<b>30.048</b>	<b>32.006</b>
<b>Total</b>	<b>59.348</b>	<b>81.713</b>

## 2.3 Impact of Capital Expenditure Plans

### 2.3.1 **Changes to the Financing of the Capital Programme**

The table below draws together the main strategy elements of the capital expenditure plans (above), highlighting the expected financing arrangements of this capital expenditure.

<b>Capital Expenditure</b>	<b>2014/15 Original Estimate £m</b>	<b>2014/15 Revised Estimate £m</b>
Total spend	59.348	81.713
<b>Financed by:</b>		
Capital receipts	0.782	2.414
Capital grants, capital contributions & other sources of capital funding	50.967	63.264
Borrowing Need	7.599	16.035
<b>Total Financing</b>	<b>59.348</b>	<b>81.713</b>
Supported Borrowing	0.000	0.000
Unsupported Borrowing	7.599	16.035
<b>Borrowing Need</b>	<b>7.599</b>	<b>16.035</b>

The borrowing element of the table increases the underlying indebtedness of the Council by way of the Capital Financing Requirement (CFR), although this will be reduced in part by revenue charges for the repayment of debt (the Minimum Revenue Provision (MRP)). This direct borrowing need may also be supplemented by maturing debt and other treasury requirements.

- 2.3.2 It was reported to Audit Committee in September 2014 that actual capital expenditure financed by borrowing in 2013/14 was less than had been anticipated (£3.899m). The increase in borrowing need for 2014/15 therefore reflects the re-profiling of this project expenditure & financing from 2013/14 and new approvals since the original estimate was approved (£4.932m). The main areas of slippage in 2013/14 were Investment in ICT and Highways Projects. Since the original estimate for borrowing need was approved, further capital projects have been approved which are to be financed in part or wholly by borrowing and these include the purchase of business units at the Advanced Manufacturing Park and support to the BD UK broadband project.

**2.3.3 Changes to the Capital Financing Requirement (PI), External Debt and the Operational Boundary (PI)**

The table below shows the CFR, which is the underlying external need to borrow for a capital purpose. It also shows the expected debt position over the period. This is termed the Operational Boundary which was set at the beginning of the financial year at £614.912m.

**2.3.4 Prudential Indicators – Capital Financing Requirement & External Debt / the Operational Boundary**

In addition to showing the underlying need to borrow, the Council's CFR has since 2009/10, also included other long term liabilities which have been brought on balance sheet, for example, PFI schemes and finance lease assets. No borrowing is actually required against these schemes as a borrowing facility is already included in the contract. The estimate for 2014/15 does not require any revision as there is no change in the borrowing need from such arrangements.

- 2.3.5 The revised CFR estimate for 2014/15 is £755.262m and this figure represents an increase of £5.812m when compared to the 2013/14 year-end position of £749.450m. The increase is principally due to the value of the new approvals (£4.932m) within the increased borrowing need for 2014/15 (see 2.3.2 above). A reduction in the MRP charge for 2013/14 and the marginally higher outturn borrowing amount contained within PFI and similar schemes at 31<sup>st</sup> March 2014 also contribute due to the effect these had on the 2013/14 year-end CFR.



<b>RMBC</b>	<b>2014/15 Original Estimate £m</b>	<b>Current Position £m</b>	<b>2014/15 Revised Estimate £m</b>
<b>Prudential Indicator – Capital Financing Requirement</b>			
CFR – Non Housing	316.593		320.734
CFR – Housing	307.646		306.961
Total CFR excluding PFI, finance leases and similar arrangements	624.239		627.695
Net movement in CFR	-2.803		5.812
Cumulative adjustment for PFI, finance leases and similar arrangements	125.617		127.567
Net movement in CFR	-1.788		0.000
Total CFR including PFI, finance leases and similar arrangements	749.856		755.262
Net movement in overall CFR	-4.591		5.812
<b>Prudential Indicator – External Debt / the Operational Boundary</b>			
Borrowing	487.507	479.024	479.695
Other long term liabilities*	127.405	127.567	127.567
Total Debt 31 March	614.912	606.591	607.262

\* - Includes on balance sheet PFI schemes, finance leases and similar arrangements, etc.

<b>Former SYCC</b>	<b>2014/15 Original Estimate £m</b>	<b>Current Position £m</b>	<b>2014/15 Revised Estimate £m</b>
<b>Prudential Indicator – External Debt / the Operational Boundary</b>			
Borrowing	96.121	96.121	96.121
Other long term liabilities	0	0	0
Total Debt 31 March	96.121	96.121	96.121

### 3. Limits to Borrowing Activity

- 3.1 The first key controls over the treasury activity is a PI to ensure that over the medium term, gross and net borrowing will only be for a capital purpose. Gross and net external borrowing should not, except in the short term, exceed the total of CFR in the preceding year plus the estimates of any additional CFR for 2014/15 and next two financial years. This allows some flexibility for limited early borrowing for future years. The Council has approved a policy for borrowing in advance of need which will be adhered to if this proves prudent to do so.

<b>RMBC</b>	<b>2014/15 Original Estimate £m</b>	<b>Current Position £m</b>	<b>2014/15 Revised Estimate £m</b>
Gross Borrowing	487.507	479.024	479.695
Plus Other Long Term liabilities*	127.405	127.567	127.567
Total Gross Borrowing	614.912	606.591	607.262
CFR*	749.856	752.356	755.262
Total Gross Borrowing	614.912	606.591	607.262
Less Investments	10.000	32.540	25.000
Net Borrowing	604.912	574.051	582.262
CFR*	749.856	752.356	755.262

\* - Includes on balance sheet PFI schemes, finance leases and similar arrangements, etc.

- 3.2 The Director of Financial Services reports that no difficulties are envisaged for the current or future years in complying with this PI.
- 3.3 A further PI controls the overall level of borrowing. This is the Authorised Limit which represents the limit beyond which borrowing is prohibited, and needs to be set and revised by Members. It reflects the level of borrowing which, while not desired, could be afforded in the short term, but is not sustainable in the longer term. It is the expected maximum borrowing need with some headroom for unexpected movements. This is the statutory limit determined under section 3 (1) of the Local Government Act 2003.

Authorised limit for external debt (RMBC)	2014/15 Original Indicator £m	Current Position £m	2014/15 Revised Indicator £m
Borrowing	637.971	479.024	643.023
Other long term liabilities*	127.405	127.567	127.567
Total	765.376	606.591	770.590

\* - Includes on balance sheet PFI schemes, finance leases and similar arrangements, etc.

Authorised limit for external debt (Former SYCC)	2014/15 Original Indicator £m	Current Position £m	2014/15 Revised Indicator £m
Borrowing	96.121	96.121	96.121
Other long term liabilities	0.000	0.000	0.000
Total	96.121	96.121	96.121

#### 4. Treasury Strategy 2014/15 – 2016/17

##### 4.1 Debt Activity during 2014/15

4.1.1 The expected borrowing need is set out below:

RMBC	2014/15 Original Estimate £m	Current Position £m	2014/15 Revised Estimate £m
CFR	749.856	752.356	755.262
Less Other Long Term Liabilities*	125.617	127.567	127.567
Net Adjusted CFR (y/e position)	624.239	624.789	627.695
Borrowed at 30/09/14	494.368	479.024	479.024
Under borrowing at 30/09/14	129.871	145.765	148.671
Borrowed at 30/09/14	494.368		479.024
Estimated to 31/03/15	-9.944		0.671
Total Borrowing	484.424		479.695
Under borrowing at 31/03/15	139.815		148.000

\* - Includes on balance sheet PFI schemes, finance leases and similar arrangements, etc.

- 4.1.2 The Council is currently under-borrowed. The delay in borrowing reduces the cost of carrying the borrowed monies when yields on investments are low relative to borrowing rates. There is also an interest rate risk, as longer term borrowing rates may rise, but this position is being closely monitored and the overall position carefully managed.
- 4.1.3 In late 2013/14 arrangements were made through a forward deal to borrow £20m in 2014/15 from the pension fund of BAE Systems. This was on the anticipation of maturities in the year principally £25m to be repaid in December 2014. During the six months to 30 September 2014 the Council was in receipt of £4m of that sum with the remaining £16m due to be received in December. The rate of interest on this debt is 4.05% and loan period is 44 years.
- 4.1.4 During the six months to 30 September 2014, the Council has repaid the following amounts:

Lender	Principal	Type	Interest Rate
PWLB	£1,000,000	Fixed rate (EIP)	3.46%
PWLB	£65,000	Fixed rate (EIP)	3.79%
PWLB	£74,074	Fixed rate (Annuity)	Various

One EIP loan for £20m is being repaid in equal half yearly instalments of £1m over its 10 year term. A second EIP loan for £1.3m is being repaid in equal half yearly instalments of £65,000 over its 10 year term. There are 5 Annuity loans on which variable amounts of principal are repaid each six months.

- 4.1.5 There has been no restructuring or early repayment of existing debt in the first six months of 2014/15.

## **5. Investment Strategy 2014/15 – 2016/17**

### **5.1 Key Objectives**

The primary objective of the Council's investment strategy is the safeguarding the repayment of the principal and interest of its investments on time – the investment return being a secondary objective. The current difficult economic and financial climate has heightened the Council's overriding risk consideration with regard to "Counterparty Risk". As a result of these underlying market concerns officers continue to implement an operational investment strategy which further tightens the controls already in place in the approved investment strategy.

## 5.2 **Current Investment Position**

The Council held £32.540m of investments at 30 September 2014 (excluding Icelandic Banks), and the constituent parts of the investment position are:

<b>Sector</b>	<b>Country</b>	<b>Up to 1 year £m</b>	<b>1 - 2 years £m</b>	<b>2 – 3 years £m</b>
Banks	UK	0	0	0
DMO	UK	17.040	0	0
Local Authorities	UK	15.500	0	0
<b>Total</b>		<b>32.540</b>	<b>0</b>	<b>0</b>

Officers are currently arranging for the opening of a 'call' account with the top rated bank Handelsbanken. This bank meets the Council's highest investment criteria and any deposits will in the short-term be limited to a maximum period of 1 month and a maximum amount of £1m.

This approach will enable the Council to minimise the risk of having to leave unexpected receipts with the Council's current and future bankers, it will allow immediate access to a small amount of funds to cover or part cover any short-term borrowing requirements and based on current rates there would be a small benefit of currently approx. 0.2% over the rate achievable from the Debt Management Office.

## 5.3 **Risk Benchmarking**

A regulatory development is the consideration and approval of security and liquidity benchmarks. Yield benchmarks are currently widely used to assess investment performance. Discrete security and liquidity benchmarks are new requirements to the Member reporting.

The following reports the current position against the benchmarks.

**5.3.1 Security** – The Council monitors its investments against historic levels of default by continually assessing these against the minimum criteria used in the investment strategy. The Council's approach to risk, the choice of counterparty criteria and length of investment ensures any risk of default is minimal when viewed against these historic default levels.

**5.3.2 Liquidity** – In respect of this area the Council set liquidity facilities/benchmarks to maintain:

- A Bank overdraft facility of £10m
- Liquid short-term deposits of at least £3m available within a week's notice.

The Director of Financial Services can report that liquidity arrangements were adequate during the year to date.

- 5.3.3 **Yield** – a local measure for investment yield benchmark is internal returns above the 7 day LIBID rate

The Director of Financial Services can report that the return to date averages 0.25%, against a 7 day LIBID to end September 2014 of 0.35%. This is reflective of the Council's current approach to risk whereby security has been maximised by using the Debt Management Office and other Local Authorities as the principal investment counterparties.

## 6. **Revisions to the Investment Strategy**

- 6.1 The counterparty criteria are continually under regular review but in the light of the current market conditions no recommendations are being put to Members to revise the Investment Strategy.

## 7. **Treasury Management Prudential Indicators**

- 7.1 **Actual and estimates of the ratio of financing costs to net revenue stream**

This indicator identifies the trend in the cost of capital (financing costs net of interest and investment income) against the net revenue stream.

	2014/15 Original Indicator %	2014/15 Revised Indicator %
Non-HRA	9.14	8.68
HRA	17.52	17.29

- 7.2 The revised indicators reflect the impact of borrowing being at rates less than originally anticipated for 2014/15.

## 7.3 **Prudential indicator limits based on debt net of investments**

- **Upper Limits On Fixed Rate Exposure** – This indicator covers a maximum limit on fixed interest rates.
- **Upper Limits On Variable Rate Exposure** – Similar to the previous indicator this identifies a maximum limit for variable interest rates based upon the debt position net of investments.

RMBC	2014/15 Original Indicator	Current Position	2014/15 Revised Indicator
<b>Prudential indicator limits based on debt net of investments</b>			
Limits on fixed interest rates based on net debt	100%	76.26%	100%
Limits on variable interest rates based on net debt	30%	22.13%	30%

#### 7.4 **Maturity Structures Of Borrowing**

These gross limits are set to reduce the Council's exposure to large fixed rate loans (those instruments which carry a fixed interest rate for the duration of the instrument) falling due for refinancing.

The current position shown below reflects the next call dates on those Council's LOBO loans (£106m) that are not callable in the next 12 months and thus regarded as fixed rate rather than their actual maturity date which for most of these loans is beyond 50 years (£82m). This approach gives a better indication of risk and whilst there is a possibility that a loan is called with an increase in interest payable the likelihood of any LOBO loans being called in the current climate is assessed as zero for the next three years.

RMBC	2014/15 Original Indicator		Current Position		2014/15 Revised Indicator	
	Lower	Upper	%	£m	Lower	Upper
<b>Maturity Structure of fixed borrowing</b>						
Under 12 months	0%	35%	5.67%	21.141	0%	35%
12 months to 2 years	0%	35%	11.34%	42.286	0%	35%
2 years to 5 years	0%	40%	23.30%	86.896	0%	40%
5 years to 10 years	0%	40%	21.51%	80.246	0%	40%
10 years to 20 years	0%	45%	5.81%	21.690	0%	45%
20 years to 30 years	0%	50%	9.23%	34.430	0%	50%
30 years to 40 years	0%	50%	8.18%	30.521	0%	50%
40 years to 50 years	0%	55%	14.96%	55.815	0%	55%
50 years and above	0%	60%	0%	0.000	0%	60%

The former SYCC account is due to be wound up by the end of 2020/21 and the maturity structure is now largely fixed as the need and indeed opportunities to re-finance within the remaining 7 years will be limited. As a result future limits are currently set in line with the on-going maturity profile.

Former SYCC	2014/15 Original Indicator		Current Position		2014/15 Revised Indicator	
	Lower	Upper	%	£m	Lower	Upper
<b>Maturity Structure of fixed borrowing</b>						
Under 12 months	0%	50%	0.00%	0.000	0%	50%
12 months to 2 years	0%	70%	9.79%	9.412	0%	70%
2 years to 5 years	0%	100%	52.56%	50.520	0%	100%
5 years to 10 years	0%	100%	37.65%	36.189	0%	100%

#### 7.5 **Total Principal Funds Invested**

These limits are set to reduce the need for the early sale of an investment, and show limits to be placed on investments with final maturities beyond each year-end.

The Council currently has no sums invested for periods exceeding 364 days due to market conditions. To allow for any changes in those conditions the indicator has been left unchanged. The above also excludes any Icelandic investments that are due to be recovered after more than 364 days.

RMBC	2014/15 Original Indicator £m	Current Position £m	2014/15 Revised Indicator £m
<b>Maximum principal sums invested &gt; 364 days</b>	10	0	10
Comprising			
Cash deposits	10	0	10



**ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS**

	<b>Meeting:</b>	<b>CABINET</b>
	<b>Date:</b>	<b>17<sup>th</sup> December, 2014</b>
	<b>Title:</b>	<b>Education Outcomes in Rotherham Schools and Settings</b>
	<b>Directorate:</b>	<b>CYPS</b>

**5. Summary**

The purpose of this report is to inform SLT of the education outcomes in Rotherham for 2014, how they compare to previous years and to the national average.

***Results included in this report for Key Stage 2 and Key Stage 4 in 2014 are provisional, final published data is released by the Department for Education in January 2015.***

**6. Recommendations**

The contents of this report are noted.

## **7. Proposals and Details**

The National Curriculum is divided into Key Stages that children are taken through during their school life.

### **Early Years Foundation Stage Profile (EYFS)**

The EYFS Profile is assessed when children reach the end of Foundation Stage (age 5) through ongoing and summative teacher assessment. Rotherham's Early Years performance in many areas relating to children's outcomes has been on an upward trajectory since 2009. The framework was revised in 2012 and due to the changes in the way children are assessed at the end of the Foundation Stage it is not possible to make comparisons between 2013 assessments and historical data. The expected level to achieve at the end of EYFS is a 'good level of development'.

- Rotherham's performance for a good level of development has increased by 6.5% to 62.2% in 2014. This is 2% above the national average at 60.3% and the second year that the Rotherham average has exceeded the national average.
- Average Total Points (ATP) has increased by 1.3 to 34.3 and 0.5 above the national average at 33.8.
- The percentage inequality gap was reduced by 3.2% to 32.5%; this is 1.4% below the national average in 2014.

### **Key Stage 1**

Key Stage 1 is taught during Years 1 and 2 of primary school when pupils are aged between 5 and 7. This includes the phonics screening check which is administered to all children in Year 1. It also includes tasks and tests which can be performed at any time during Year 2, so children may not know that they are being formally assessed. These tasks and tests are designed to be administered informally as part of normal classroom activity. The results inform teachers' overall assessments in English, mathematics and science, which are reported to parents and the DfE.

### **Phonics Screening Check**

This is a short assessment that was introduced in 2012 and designed to confirm whether pupils have learned phonic decoding to an appropriate standard by the age of 6. All year 1 pupils in maintained schools, academies and free schools must complete the check.

The phonics check will help teachers identify any children who need extra help so they can receive the support they need to improve their reading skills. These children will then be able to retake the check in year 2.

The standard mark was 32 or more out of 40 in 2012, 2013 and 2014.

- 68.7% of pupils in year 1 achieved the standard mark in the national phonics screening check in 2014; this is an increase of 6.2%. This compares to the

national figure of 74%, an increase of 5%. The gap to the national average is reduced slightly to 5.3%.

### **End of Key Stage 1 Teacher Assessments**

The statutory Key Stage 1 tasks and tests in reading, writing and mathematics are designed to test children's knowledge and understanding of the associated programmes of study. They provide a snapshot of a child's attainment and help inform the final teacher assessment judgement reported for each child at the end of Key Stage 1 (Year 2, aged 7).

Pupils are expected to achieve Level 2b+ or more in reading, writing and mathematics.

- The improvement in results in Rotherham in 2014 was in all subjects and levels. The gap to the national average has reduced in all subjects at L3+.
- Rotherham trends in attainment show that girls continue to outperform boys in reading, writing and maths at all levels.

### **Key Stage 2**

Key Stage 2 is taught during Years 3, 4, 5 and 6 of primary school when pupils are aged between 7 and 11. Programmes of study set out what teachers should cover in every subject during the Key Stage. The Key Stage 2 national curriculum tests are designed to test children's knowledge and understanding of specific elements of the Key Stage 2 programmes of study. They provide a snapshot of a child's attainment at the end of the Key Stage.

Pupils are expected to achieve L4+ in reading, writing and mathematics and make two national curriculum levels of progress from the end of Key Stage 1 to the end of Key Stage 2.

The Department for Education floor standard measure in 2014 has increased to at least 65% of pupils achieving Level 4 and above in reading, writing and mathematics combined and above the national median progress measures between KS1 and KS2 in reading, writing and mathematics.

### **End of Key Stage 2 Outcomes**

The KS2 results in 2014 show an increase in all subjects at all levels. The rise is between 2.4% and 5.4% at L4+, between 5.9% and 7% at L4b+ and between 4.0% and 8.4% at L5+. Progress measures have increased by 5% in reading, 2% in writing and 2% in mathematics. The gap to national averages has narrowed in all subjects at all levels and above the national average in mathematics for the first time. The significant improvement at L4b+ in all subjects has shown an increase of 7.0% in the Government's 'good level 4' outcome.

### **Key Stage 4**

Key Stage 4 is taught during Years 10 and 11 of secondary school when pupils are aged between 15 and 16. At the end of this stage, pupils in Year 11 (usually aged

16) are normally entered for a range of external examinations. Most frequently, these are GCSE (General Certificate of Secondary Education) exams and a range of other qualifications, including National Vocational Qualifications.

The outcomes for Rotherham pupils improved year on year up to 2013. In 2013 Rotherham exceeded national averages in all the attainment thresholds except English Baccalaureate.

Two major reforms have been implemented which effect the calculation of key stage 4 (KS4) performance measures data:

- **Professor Alison Wolf's Review of Vocational Education recommendations** which;
  - restrict the qualifications counted
  - prevent any qualification from counting as larger than one GCSE
  - cap the number of non-GCSEs included in performance measures at two per pupil
- **An early entry policy** to only count a pupil's first attempt at a qualification.

A brief summary of the changes are:

- 5 A\*-C figure can include a maximum of 2 GCSE equivalent qualifications (BTEC, etc.)
- Multiple grades in the same subject will only count once (e.g., double award Health & Social Care = 1 GCSE)
- GCSE English discounts GCSE English literature
- Subjects with a similar content discount each other (e.g. Drama, Performing Arts & Dance; Art, Photography and Graphics)
- Only the first entry in year 11 will count (so if a student sat GCSE Maths in November of Y11 and got a grade D, then re-sat in June and got a C, the D grade would count in the Performance Tables).

The impact of these changes means that 2014 Key Stage 4 results can't be compared with previous years. The Local Authority average in 2014 is above or in line with the national average for the majority of indicators.

#### Provisional results in 2014

	<b>Rotherham</b>	<b>National Av (SF)*</b>	<b>National Average*</b>
5+A*-C in E&M	56.8%	56.1%	52.6%
5+A*-C	64.4%	65.3%	63.2%
5+A*-G inc E&M	90.6%	91.0%	84.8%
5+A*-G	92.7%	93.4%	89.4%
Any passes	98.8%	98.2%	97.6%
English Progress	76.1%	71.0%	70.9%
Maths Progress	64.0%	65.4%	65.3%

\*National Average (SF) – State-funded schools only

\*National Average – State-funded and Independent schools

- 5+A\*-C including English and mathematics was 56.8%, against the national average of 52.6% (all schools) and 56.1% (state-funded schools). Rotherham LA average is 4.2% above the national average (all schools) and 0.7% above the national average (state-funded schools).
- The 5+A\*-C indicator was 64.4%, against the national average of 63.2% (all schools) and 65.3% (state-funded schools). Rotherham LA average is 1.2% above the national average (all schools) and 0.9% below the national average (state-funded schools).
- KS2-KS4 progress by 3 levels in English increased by 0.6% to 76.1%. National averages increased by 0.5% to 70.9%. Rotherham exceeds the national average by 5.2%.
- KS2-KS4 progress by 3 levels in mathematics decreased by 6.4% to 64.0%. National averages decreased by 5.4% to 65.3%. The gap to the national average is 1.3%.

## Key Stage 5

In 2010 the Government set out its education policy aims in the White Paper, The Importance of Teaching. One of these was to reform A level qualifications and, in particular, course structures so that examinations are taken at the end of the course, as opposed to a modular approach. As an interim measure, from September 2013 students in England were no longer able to sit A level exams in January, this may have had an impact on the grades they achieved.

### Provisional results in 2014 - All Level 3 Qualifications Average Points Score (Statefunded Schools)

	Rotherham	National Av (SF)*	National Average**
Per Student	780.0	771.9	698.5
Per Entry	208.2	214.4	213.4

*\*National Average (SF) covers all state-funded mainstream schools, academies, free schools and maintained special schools. Excludes FE sector colleges, pupil referral units (PRUs), non-maintained special schools.*

*\*\* National Average figures include all schools and FE colleges.*

### Provisional results in 2014 – All Level 3 Qualifications Average Points Score (Statefunded Schools and FE Colleges)

	Rotherham	National Av (SF & Colleges)*	National Average**
Per Student	656.7	680.2	698.5
Per Entry	207.4	210.4	213.4

*\*National Average (SF & Colleges) - Covers all state-funded mainstream schools, academies, free schools, maintained special schools and FE sector colleges.*

*\*\* National Average figures include all schools and FE colleges.*

## 8. Finance

N/A

## 9. Risks and Uncertainties

The level of achievement of Rotherham pupils on leaving statutory education will have a major impact on the re-generation of the area. Schools, working with the LA, are setting challenging targets and are striving to drive up the standards of attainment for all pupils.

**10. Policy and Performance Agenda Implications**

N/A

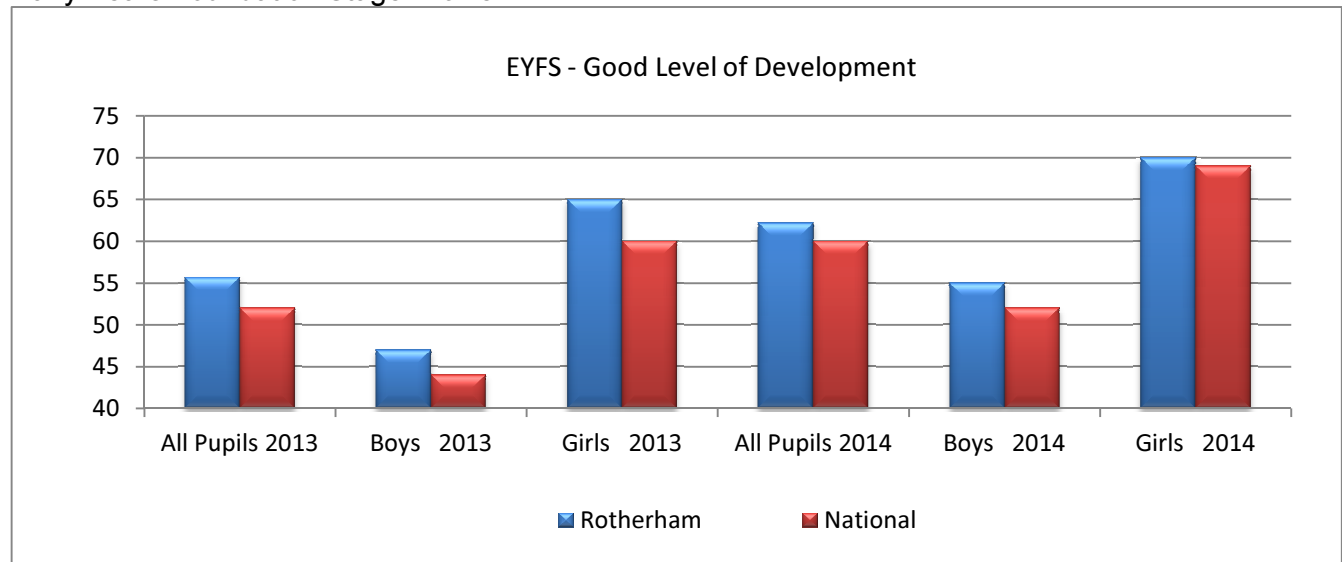
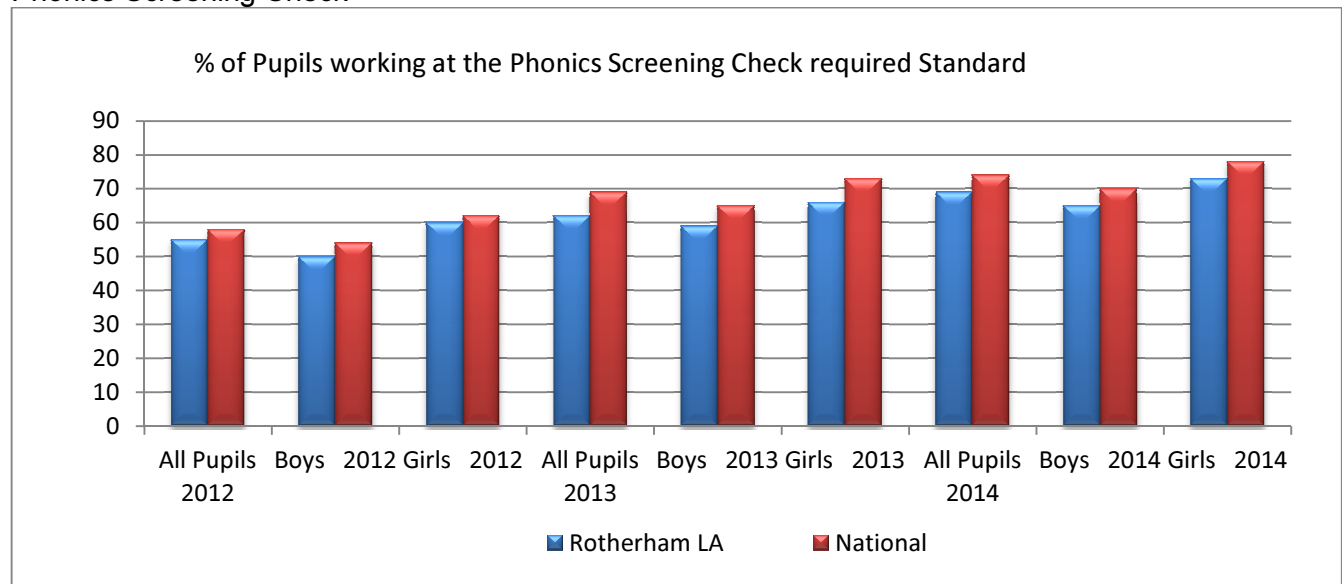
**11. Background Papers and Consultation**

Appendix 1 – Education Outcomes presented in a graphical format.

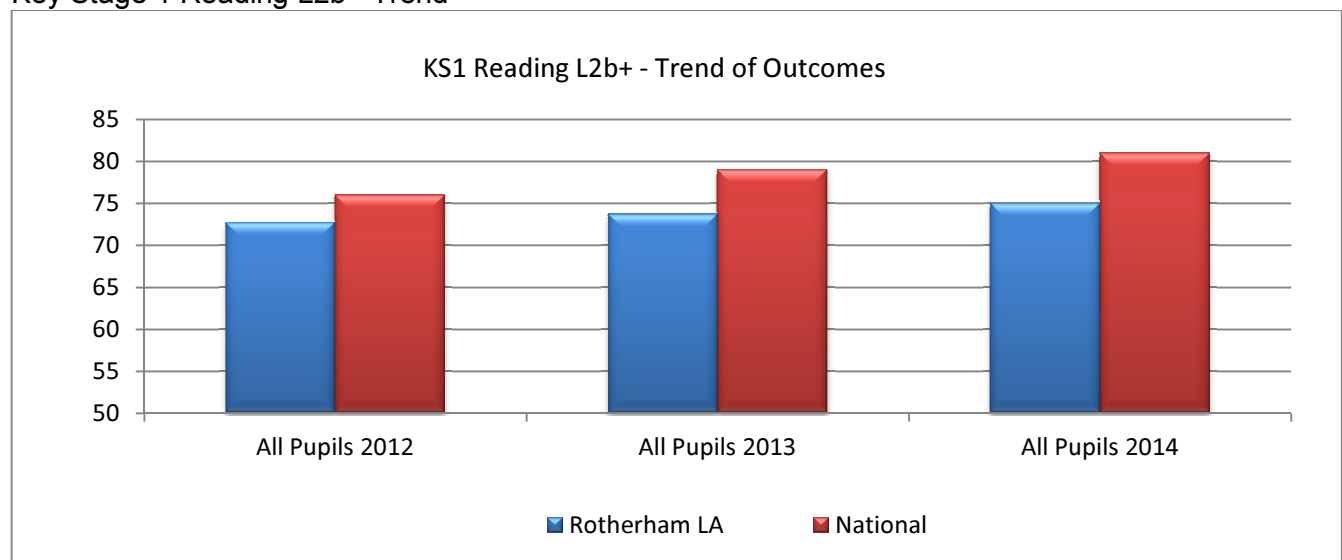
**Contact Name :** Karen Borthwick,  
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## Appendix 1

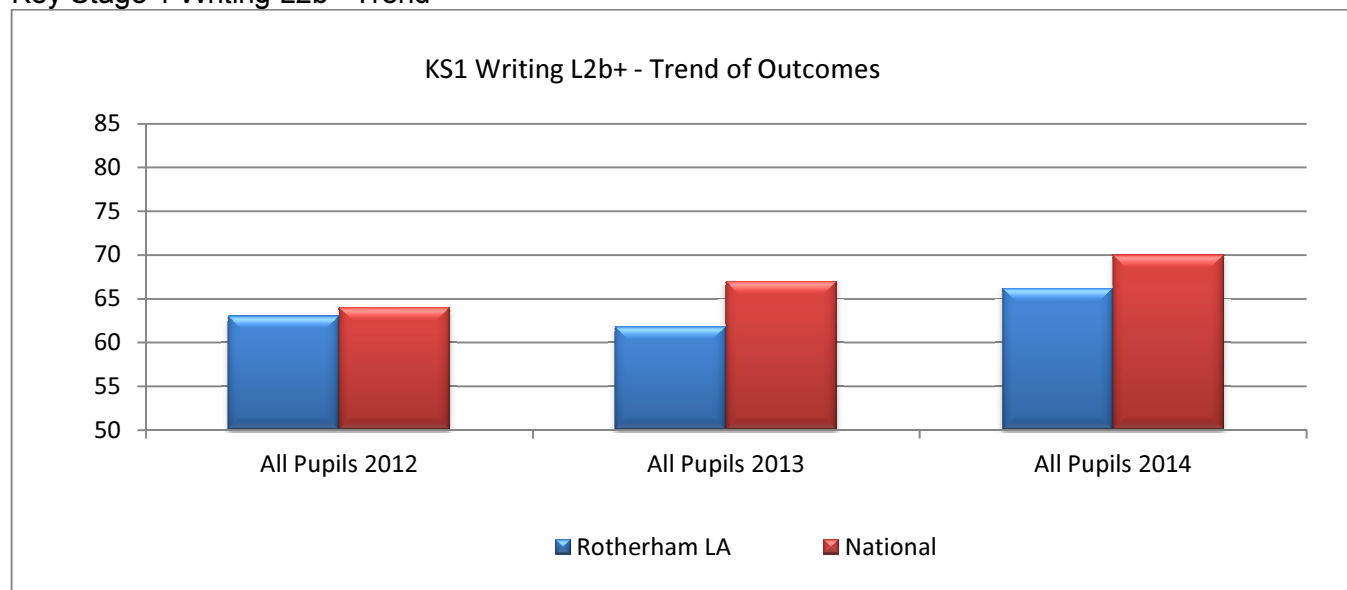
## Early Years Foundation Stage Profile

Key Stage 1  
Phonics Screening Check

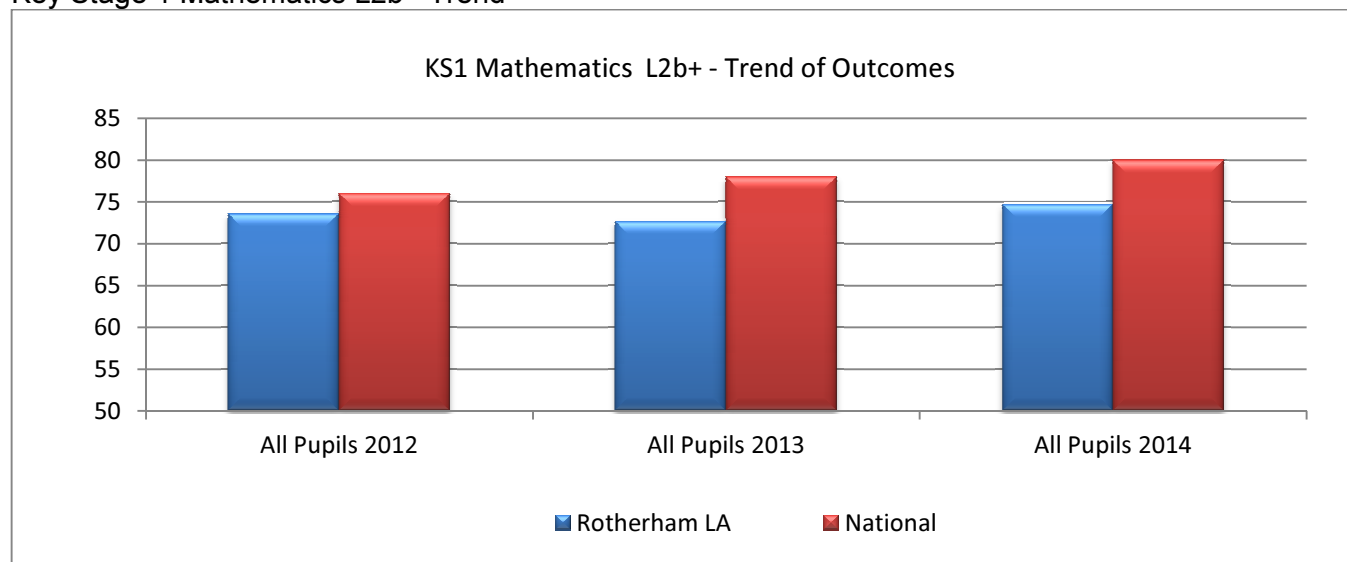
## Key Stage 1 Reading L2b+ Trend



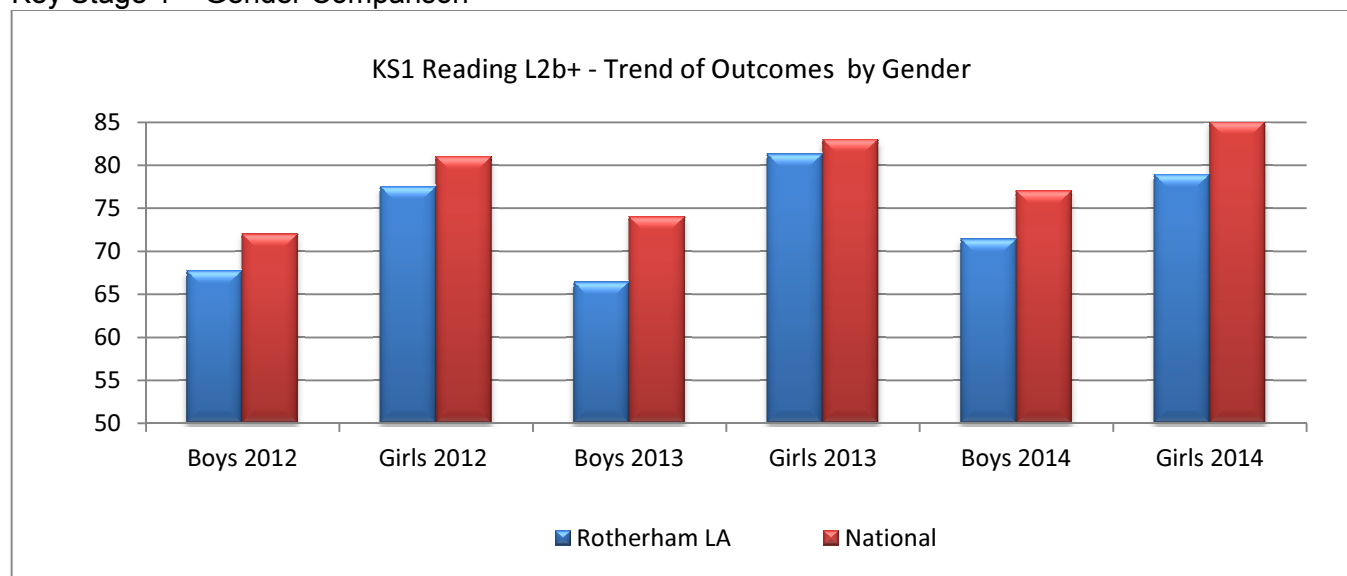
### Key Stage 1 Writing L2b+ Trend



### Key Stage 1 Mathematics L2b+ Trend

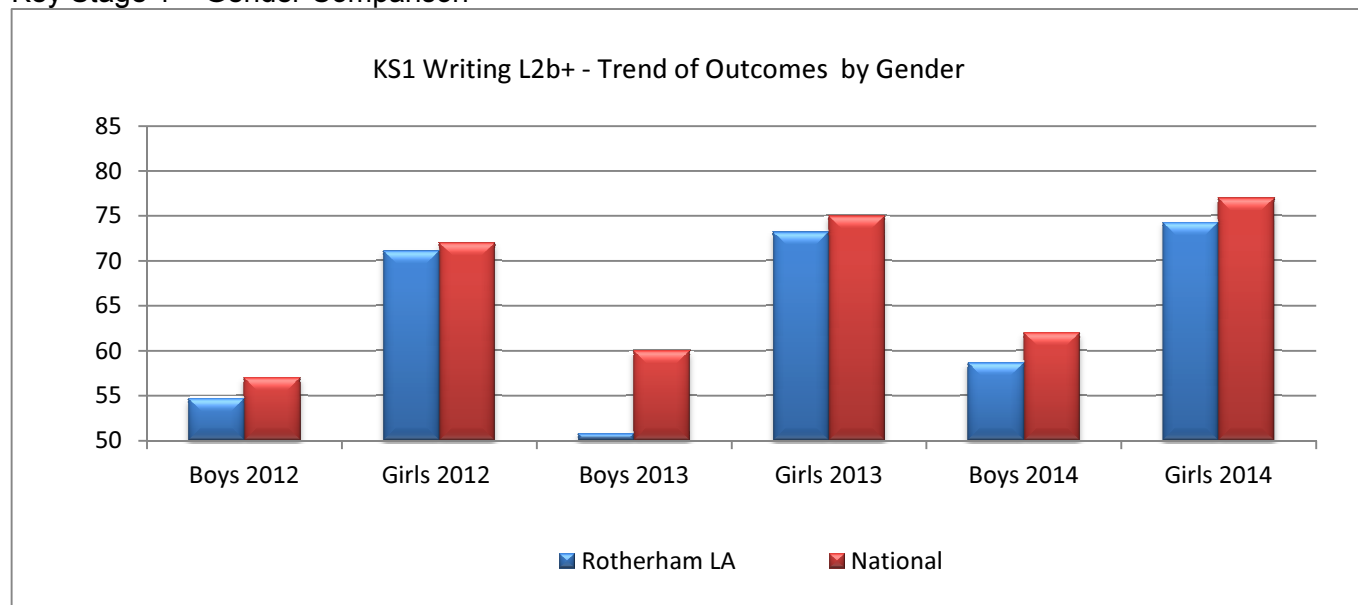


### Key Stage 1 – Gender Comparison

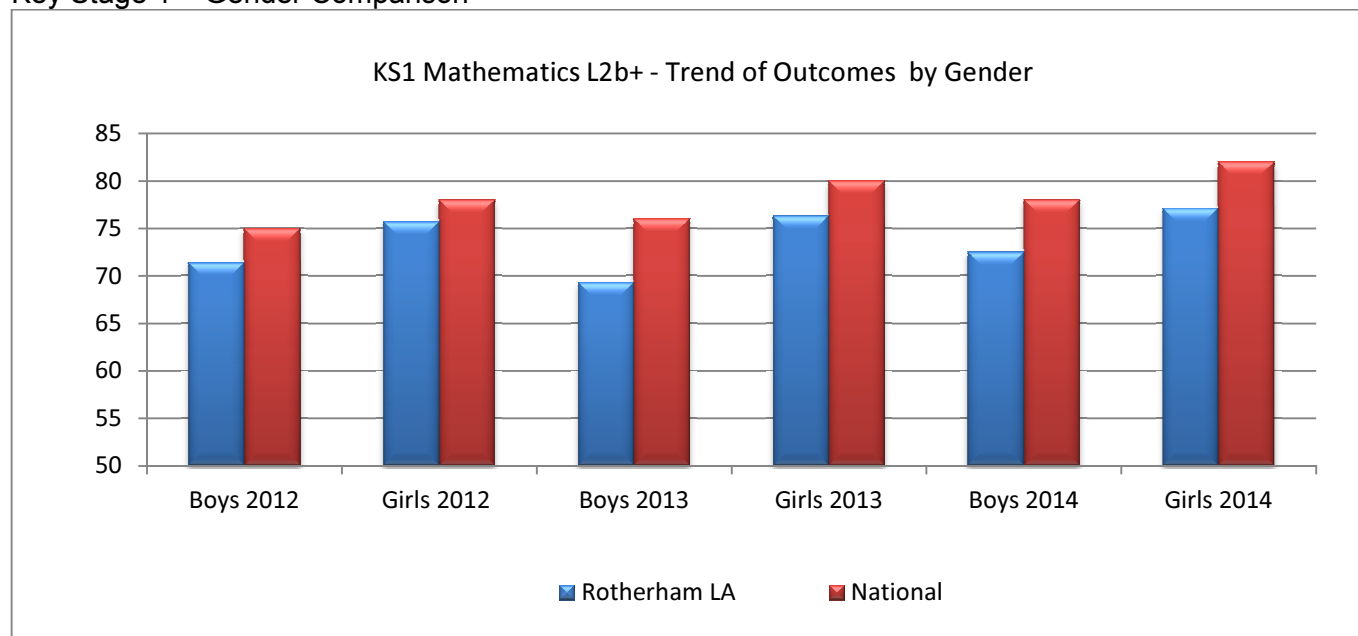




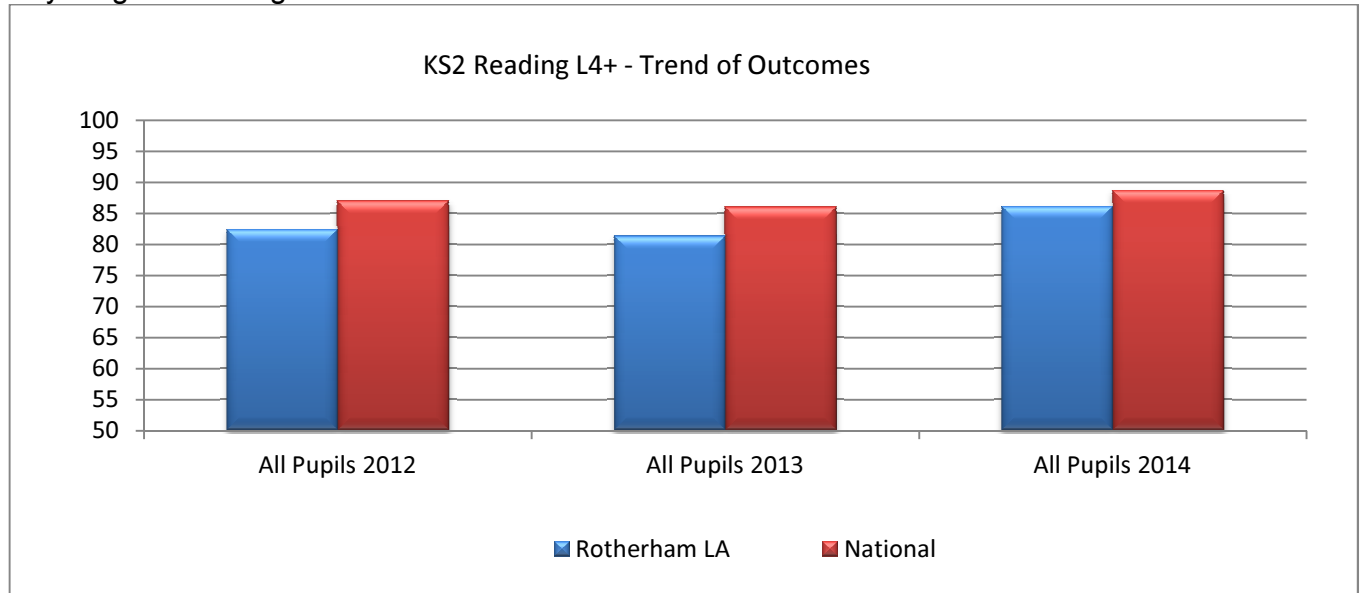
Key Stage 1 – Gender Comparison



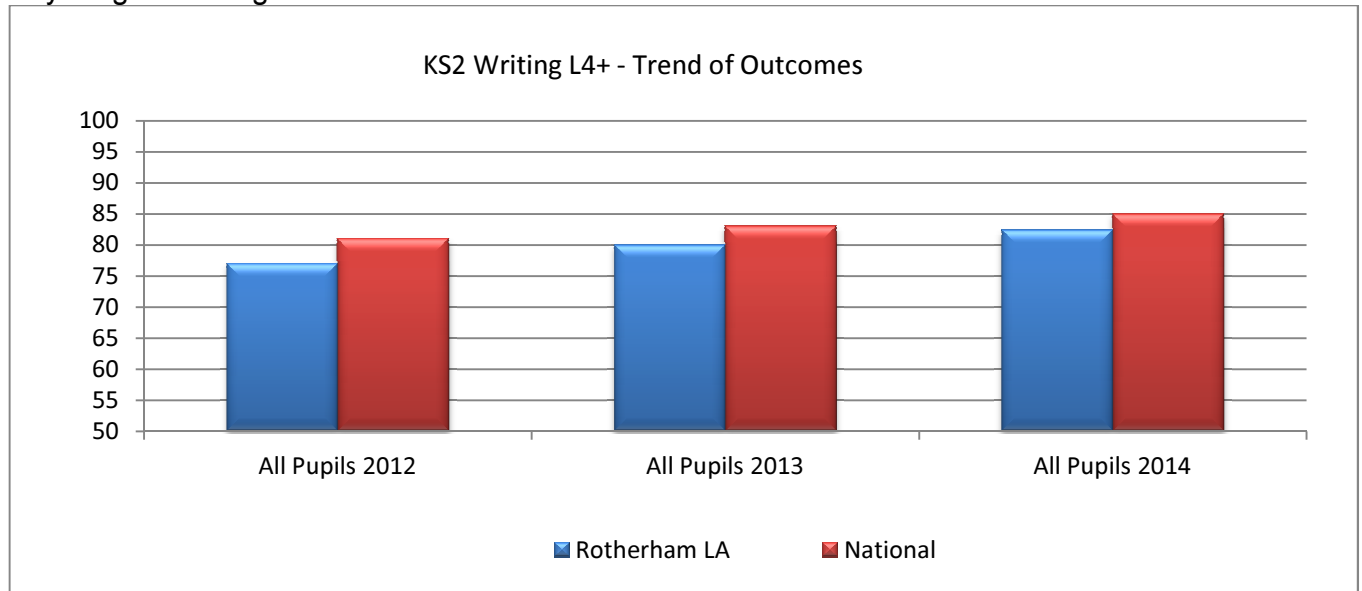
Key Stage 1 – Gender Comparison



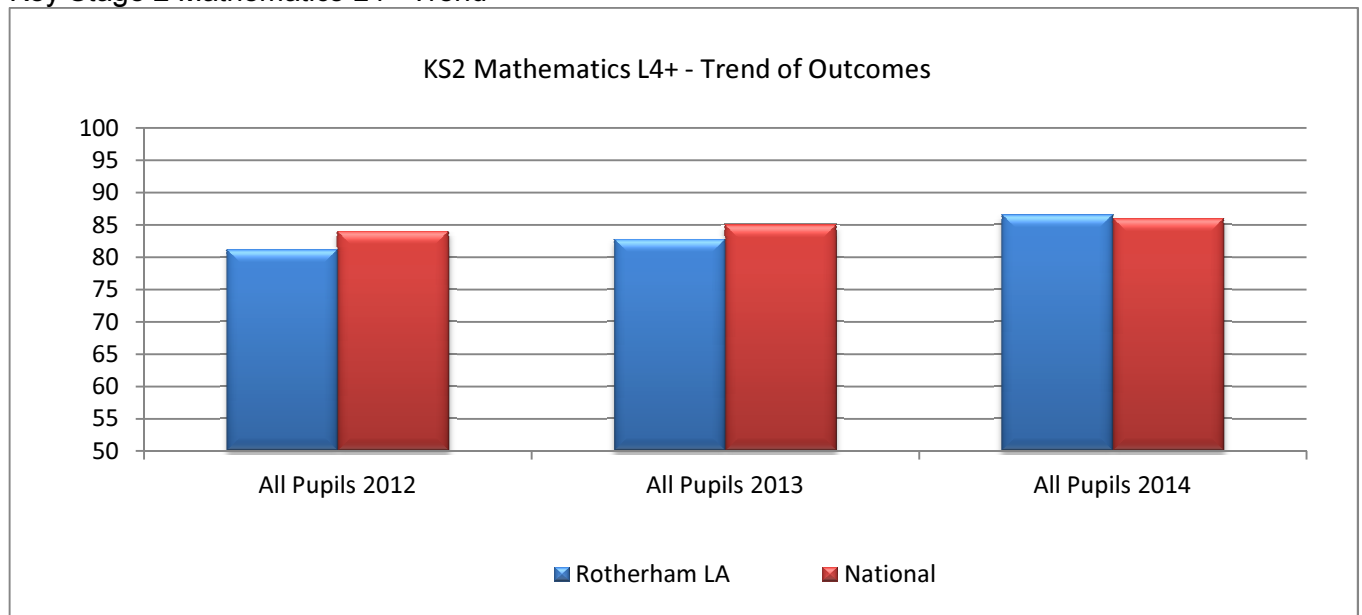
### Key Stage 2 Reading L4+ Trend



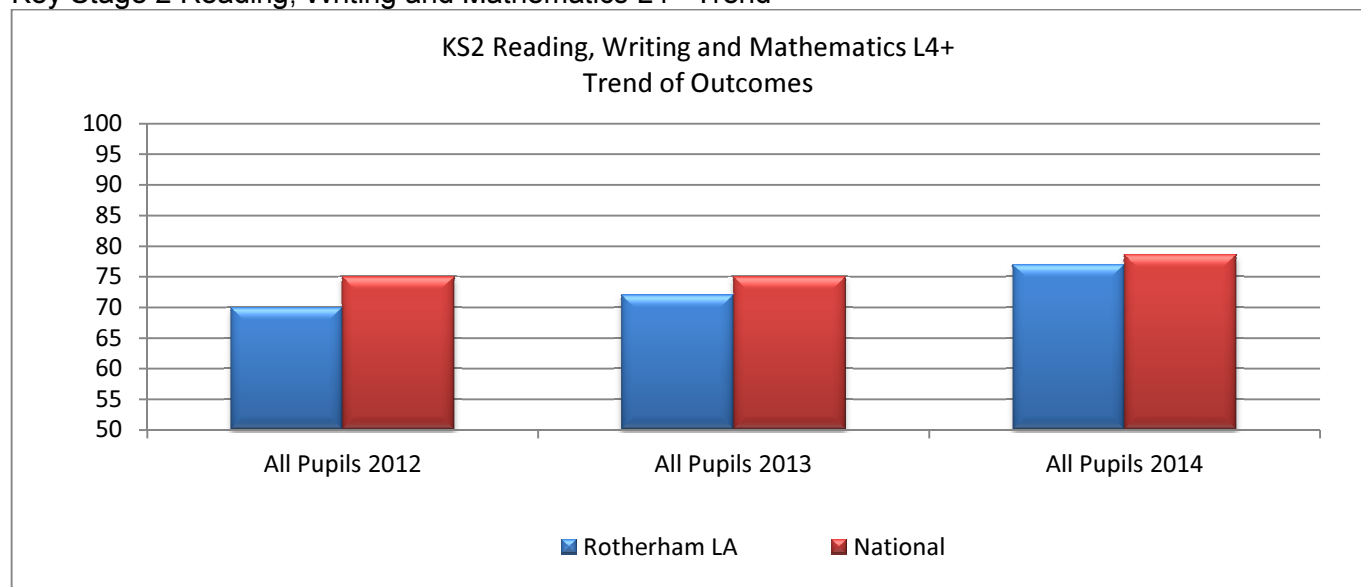
### Key Stage 2 Writing L4+ Trend



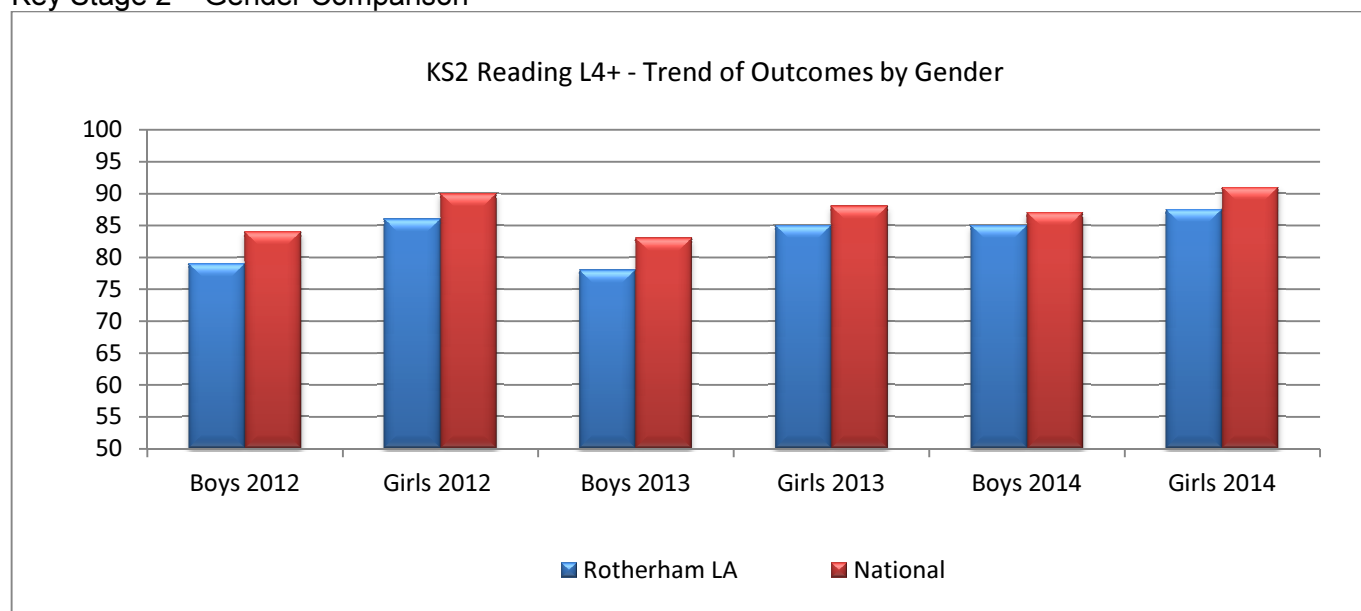
### Key Stage 2 Mathematics L4+ Trend



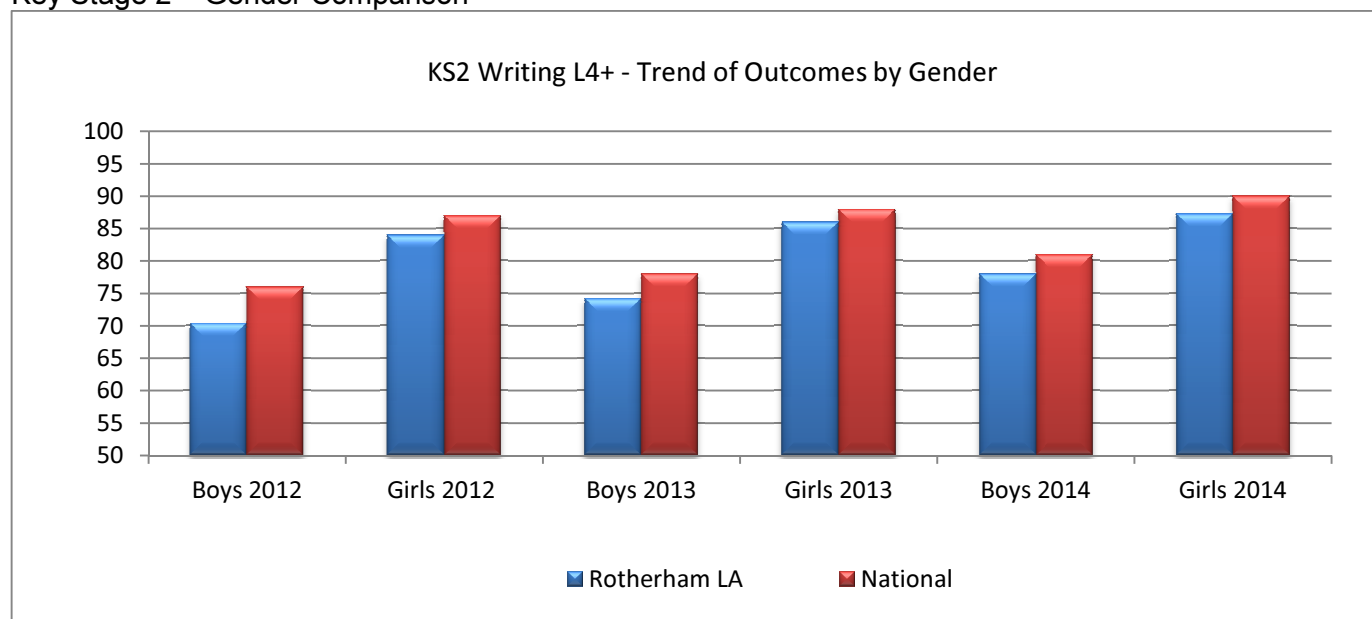
Key Stage 2 Reading, Writing and Mathematics L4+ Trend



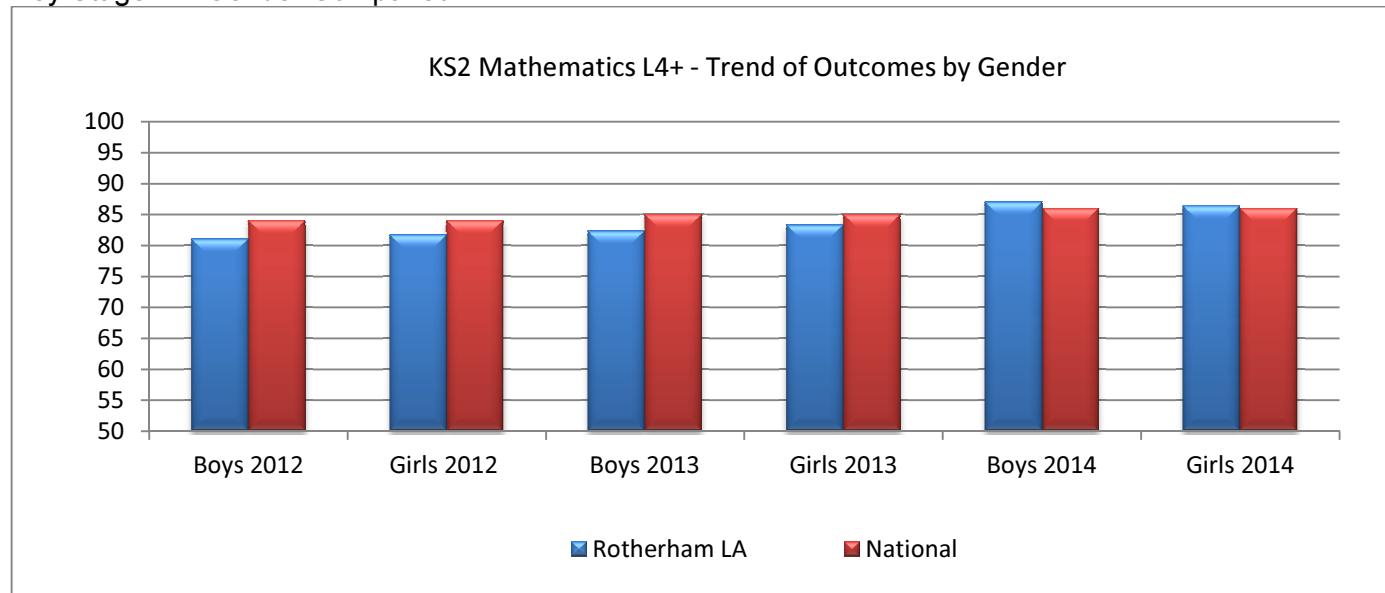
Key Stage 2 – Gender Comparison



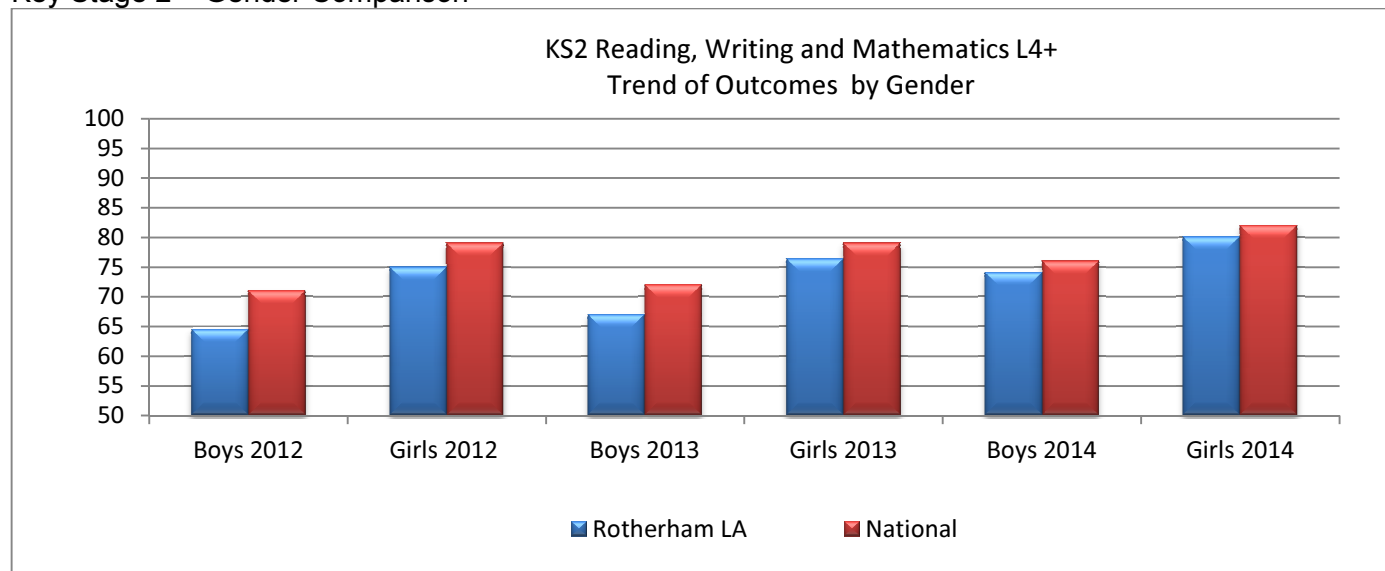
Key Stage 2 – Gender Comparison



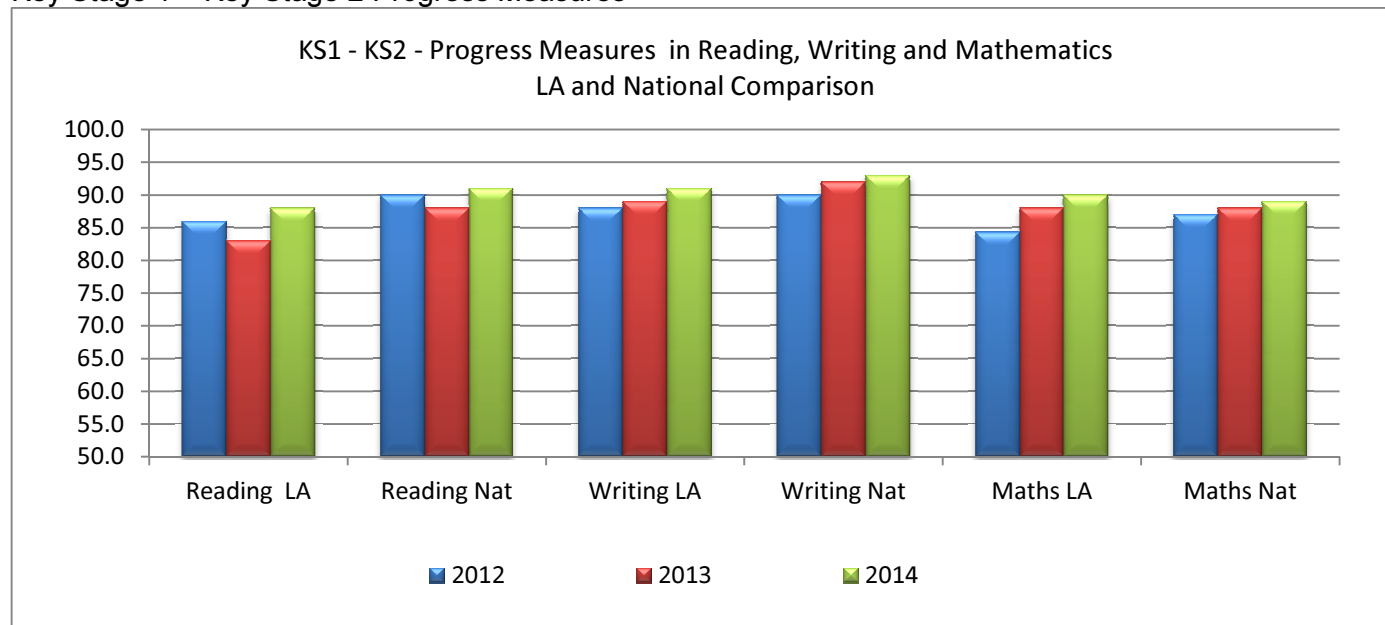
Key Stage 2 – Gender Comparison



Key Stage 2 – Gender Comparison

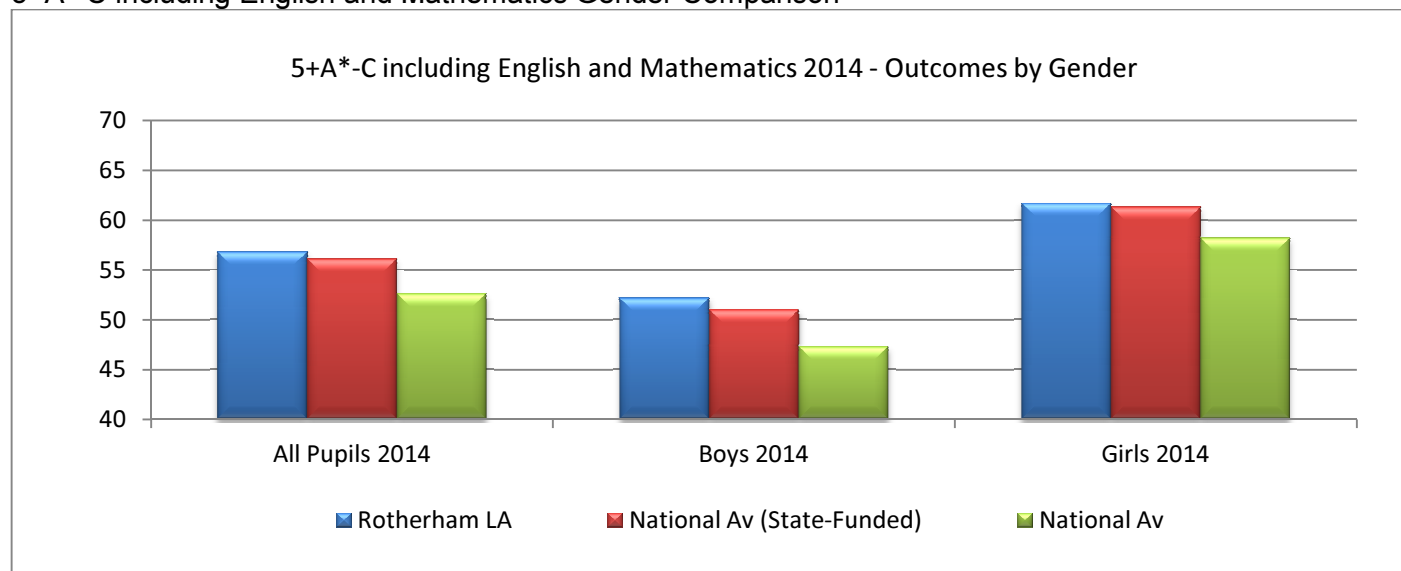


Key Stage 1 – Key Stage 2 Progress Measures

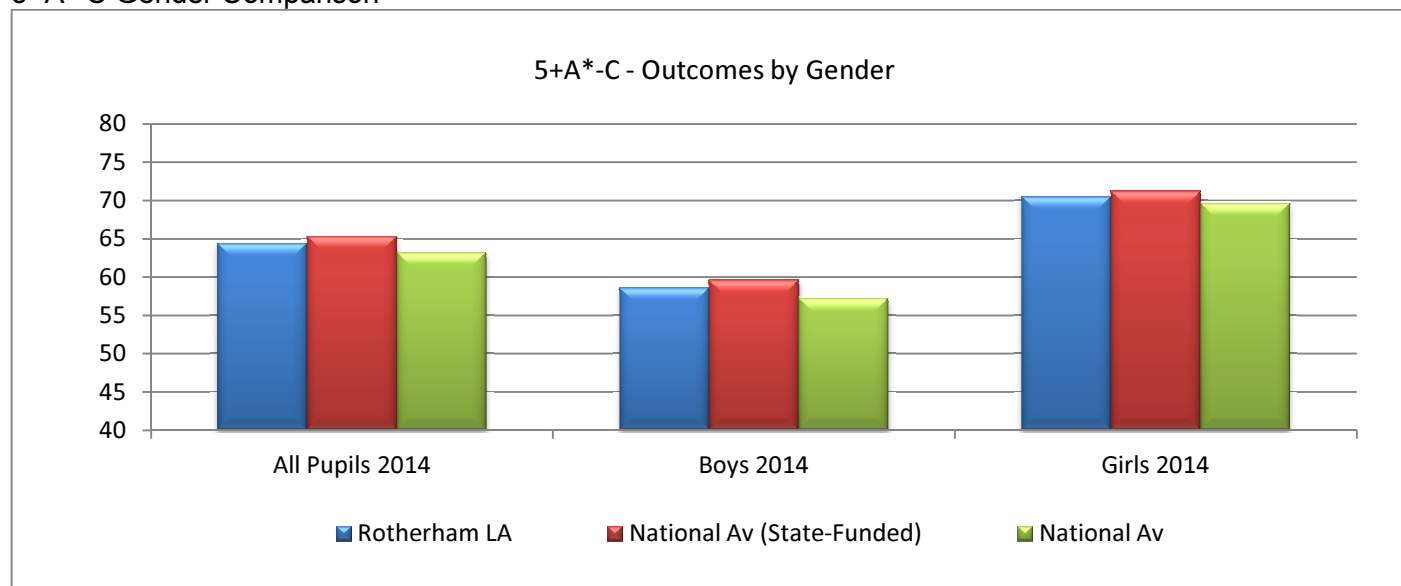


Key Stage 4 Outcomes in 2014

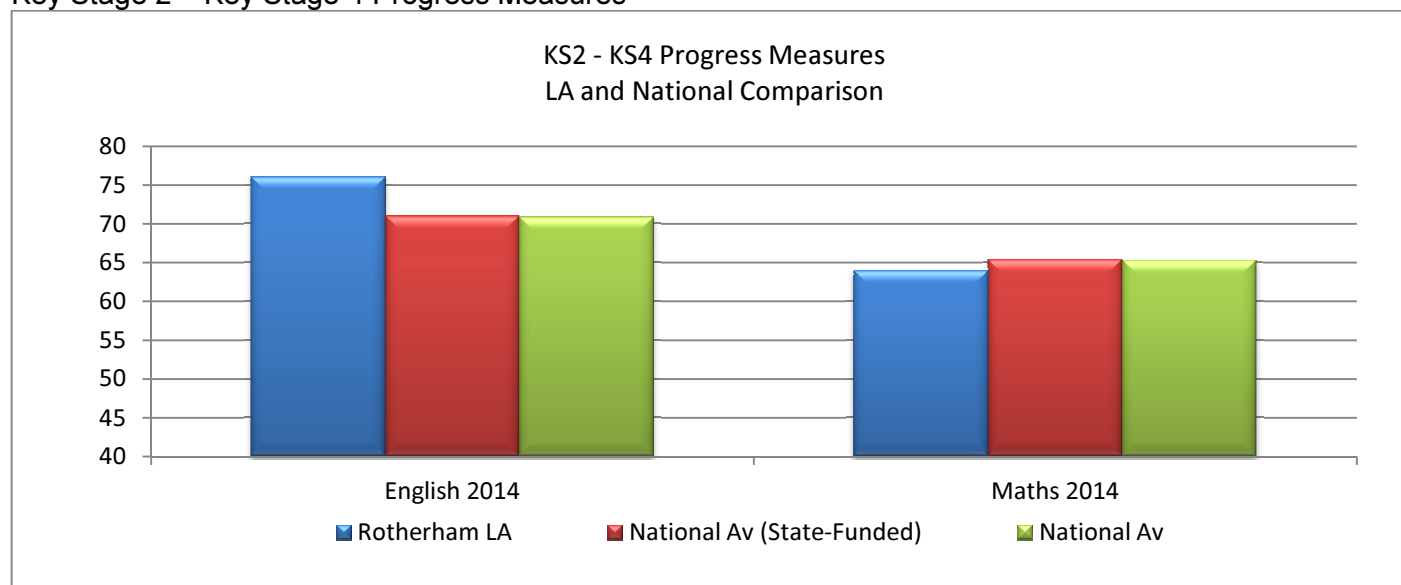
5+A\*-C including English and Mathematics Gender Comparison



5+A\*-C Gender Comparison



Key Stage 2 – Key Stage 4 Progress Measures



**REPORT TO MEMBERS**

<b>1. Meeting:</b>	<b>Cabinet</b>
<b>2. Date:</b>	<b>17<sup>th</sup> December, 2014</b>
<b>3. Title:</b>	<b>Rotherham Local Safeguarding Children Board Annual Report 2013-14</b>
<b>4. Directorate:</b>	<b>Rotherham Local Safeguarding Children Board</b>

**5. Summary**

Since April 2010, Local Safeguarding Children Boards (LSCBs) have been required to publish an annual report on the effectiveness of safeguarding children in the local area. This report introduces the 2013-14 Rotherham LSCB Annual Report and offers background information to it.

**6. Recommendations**

The Cabinet is requested to receive this report as an introduction to the 2013-14 Rotherham LSCB Annual Report, updating on the requirements and work of Rotherham's Local Safeguarding Children Board to safeguard children and young people in the borough.

## 7. Proposals and Details

The requirement for LSCBs to produce and publish an annual report on the effectiveness of safeguarding children in the local area is mandated in the Children Act 2004 (S14a) as amended by the Apprenticeships, Skills, Children and Learning Act 2009.

Under the recently revised statutory guidance, *Working Together to Safeguard Children: A guide to inter-agency working to safeguard and promote the welfare of children* (HM Government March 2013), the annual report should:

1. provide a rigorous and transparent assessment of the performance and effectiveness of local services. It should identify areas of weakness, the causes of those weaknesses and the action being taken to address them as well as other proposals for action. The report should include lessons from reviews undertaken within the reporting period
2. be published in relation to the preceding financial year and should fit with local agencies' planning, commissioning and budget cycles. The report should be submitted to the Chief Executive, Leader of the Council, the local police and crime commissioner and the Chair of the Health and Wellbeing Board.
3. list the contributions made to the LSCB by partner agencies and details of what the LSCB has spent, including on Child Death Reviews, Serious Case Reviews and other specific expenditure such as learning events or training. All LSCB member organisations have an obligation to provide LSCBs with reliable resources (including finance) that enable the LSCB to be strong and effective. Members should share the financial responsibility for the LSCB in such a way that a disproportionate burden does not fall on a small number of partner agencies.

### **Key priorities for Rotherham LSCB within its Business Plan and highlighted in the 2013-14 Annual Report.**

#### **Child Sexual Exploitation**

Child Sexual Exploitation has a devastating impact on its victims. Awareness about it at a professional and a community level has increased significantly, highlighting a level of need in the borough requiring a robust commitment and response from all organisations which was, historically, not as good as it should have been.

The LSCB has provided some excellent training and awareness sessions for professionals working with families and the community. It has audited the risk assessments used on child sexual exploitation cases and identified some improvements which have been implemented. The priority for support for victims is currently being progressed with the Health and Well Being Board and commissioning groups within the borough.

#### **Child Neglect**

The neglect of a child's physical and emotional welfare has a corrosive effect on the wellbeing if not tackled at an early stage. Children suffering neglect is the biggest category of those who are suffering significant harm in the borough and require a

In 2013 the LSCB undertook a review of cases where children had been seriously neglected. The review, the key findings of which were briefly outlined in last year's RLSCB annual report, highlighted the importance of identifying neglect early, utilising assessment tools designed to assist in identifying neglect and in assertive interventions with the aim of addressing the factors underpinning the neglectful parenting.

The challenge to all agencies working with children and families is to ensure the review's lessons are implemented. To this end, the RLSCB disseminated the review's key lessons through presentations at a range of high level strategic inter-agency meetings, including the Improvement Panel.

### **Domestic Abuse**

The impact on children of living in a household with Domestic Abuse affects all aspects of their wellbeing. There is a high correlation between the children who are subject to a Child Protection Plan and the presence of Domestic Abuse in the family. Often this is in combination with mental health and substance misuse issues.

In 2013 the Council's Improving Lives Select Commission Scrutiny Review of Domestic Abuse was completed. The focus of the review recommendations was to develop more integrated domestic abuse service provision that had clear protocols and pathways for all risk levels that were understood by every partner agency. It was also recommended that domestic abuse should be more integrated at a strategic level so that other work streams were addressing the impact it has on victims.

By responding to the review recommendations, Rotherham will be able to;

- Evidence its local compliance with the national Violence Against Women and Girls' agenda
- Evidence that the Domestic Abuse Priority Group (DAPG), on behalf of the Safer Rotherham Partnership (SRP), are proactive in reducing the risk of domestic homicide in line with emerging national best practice that is focused and coordinated
- Enable the actions of agencies to withstand scrutiny in a Serious Case Review or Domestic Homicide Review
- Respond to victims and their families effectively

As part of the service developments the local authority, police and other partners are implementing a Multi-Agency Safeguarding Hub (MASH). As part of the MASH a domestic abuse hub is being developed that will see police officers, social workers, independent domestic violence advocates and other professionals working together to provide an effective and timely response possible to domestic abuse. This will include the use of a Domestic Abuse Risk Assessment Matrix to enable professionals to identify risks, protective factors and the most effective response for individual children and their families.

In March 2013 the definition of domestic abuse was changed to include young people aged 16-18. In 2013-14 there were 13 young people aged 16-17 referred to MARAC in Rotherham. To respond to the change in definition and that this was a previously under recognised and under resourced area of need, the DfE provide funding for a Young Persons Domestic Violence Advocate (YPVA). The model for



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this in Rotherham is for the YPVA Key responsibility for the high risk cases that are referred to MARAC and to provide specialist advice to professionals on cases of under 16's. In 2013-14 there 328 (of 455) case referred to MARAC which encompassed a total of 518 children.

A priority area identified for improvement within the borough is the multi-agency response for children and their parents where there is domestic abuse and the victim has no recourse to public funds. This issue has been shared and awareness raising undertaken with partner agencies through the use of case studies.

### **Early Help**

The number of children and young people in the borough who are at risk of significant harm, are taken into care or have concerns about them referred more than once is high / increasing. Providing the right help at the right time for children and their families can and does prevent problems from escalating.

In the past 12 months, the Local Authority has developed an early help dashboard to provide the LSCB members and advisors with an overview of activity in the borough. This includes caseload information relating to child/young person/family support provided by, amongst others:

- Children's Centres
- Targeted Family Support Team
- Integrated Youth Support Service
- Learning Support Service

The dashboard also includes information on Family CAF numbers, as well as drawing on regionally agreed indicators for measuring the effectiveness of early help. Rotherham is benchmarking positively in some aspects of Early Help impact measurement (specifically in relation to CIN numbers and statutory assessment volume), whilst in others there is the potential to infer we are being less successful. However, whilst we have a high rate of children on a child protection plan per 10,000 (with an out-turn figure of 70 in 2014, compared to 59.3 in 13), our rate of children per 10,000 who are subject to S.47 investigations is lower than the latest national and stat neighbour average, and whilst this is a significant increase locally on the previous year (up from 89.5 in 2013 to 110 in 2014), it is potentially a positive indicator, reflecting that more children at risk of significant harm are being identified and are receiving a statutory assessment of their wellbeing more quickly and effectively. Similarly, whilst our LAC numbers have increased in 2014 when compared to our 2013 out-turn; we are still below the latest stat neighbour average. This increase could equally evidence that our capacity to move children into care sooner is as a direct consequence of identifying the need t be cared for outside of the family sooner. The LSCB Performance Sub Group have requested more detailed information in future stimulate more in depth analysis of early help effectiveness. The Quality Assurance subgroup receives quarterly reports on the Family CAF QA activity in the borough, and the recently established LSCB multi-agency review group will also oversee the audit of early help cases in the next business year.

### **Voice of the Child**

Listening to what children and young people say is key to understanding their needs, planning to keep them safe and providing effective services.

The LSCB has listened to what children and young people say through:

- The results of the Lifestyle Survey.
- The work of the Looked After Children Council on experiences of children in the care of the local authority..
- The work of the Youth Cabinet on self harm issues.
- The advocacy support work for children on a child protection plan.

**8. Finance**

The LSCB has its own budget financed by member agencies, the key agencies for such financing being Children's Social Care Services, Children's Health Services, and the Police. A budget statement is included in the RLSCB Annual Report.

**9. Risks and uncertainties**

The publication of the Jay report and the recent Ofsted inspection of children's services and the LSCB will require the LSCB to review its priority areas of focus, the operation of its sub groups and strengthen its relationships with other partnership boards. This will be driven via an Improvement Plan and reported to the Improvement Board.

**10. Policy and performance information**

The LSCB will continue to provide a rigorous evaluation and challenge to agencies and services to support families and keep children safe.

**11. Background Papers and Consultation**

The Children's Safeguarding Performance Information Framework 2012  
Apprenticeships, Skills, Children and Learning Act 2009  
Working Together to Safeguard Children - A guide to inter-agency working to safeguard and promote the welfare of children: HM Government 2013  
Rotherham LSCB Annual Report 2013 - 14  
Rotherham LSCB Business Plan 2014-15  
Inspection of services for children in need of help and protection, children looked after and care leavers: Ofsted 2013

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## **Rotherham Local Safeguarding Children Board**

**Annual Report 2013-14**

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## 1. Independent Chairs Introduction

### **Introduction from the Independent Chair of Rotherham Local Safeguarding Children Board: Stephen Ashley**

Since we completed this year's annual report Professor Alexis Jay OBE has completed and published her report into child exploitation in Rotherham between 1997 and 2013. There is no one who will not be touched by the tragic story of the victims who have been subject to horrific sexual exploitation over that period. There will be no one who isn't angry that this was allowed to happen in Rotherham, despite the warnings that should have been evident to officials and professionals working here. It is shameful that we have let these children down so badly.



Whilst we know we have made progress in Rotherham there is more work to be done. The first and biggest concern is for the victims. It is essential that, where we have not already done so, we identify victims and provide them with the help and support they will need for many years to come. The second priority is to investigate and prosecute those offenders who perpetrate this horrific abuse. We must also reach out to our young people and provide the facilities to educate and protect them from sexual exploitation. We must develop links across all of our communities, so that young people know where to turn when they need help. By our actions we must show that our communities can once again have confidence and trust in our public services. We must, as a Board, take a close look at the report and ensure that the recommendations are taken forward; swiftly and in their entirety.

This report highlights the work that has been carried out this year by the agencies that form the Rotherham LSCB. There is a lot of good work and some areas where we still need to see improvement. The fact is that Professor Jay's report overshadows that work.

Neglect of our children and the effects that domestic abuse, substance misuse and mental health problems have on them also remains a huge concern. Whilst we must concentrate efforts on the issues in Professor Jay's report, we must also ensure that we have resources in place to deal with these issues of neglect that can destroy the lives and futures of children and young people.

Members of the Board have agreed that we will continue to focus on four key areas; child sexual exploitation, domestic abuse, child neglect and early help. We believe that concentrating our efforts in these areas will provide the most positive outcomes for the children of Rotherham.

I hope you find the report informative and welcome any comments you may have. These can be made to Steve Ashley at:

[CYPSSafeguardingBoard@rotherham.gcsx.gov.uk](mailto:CYPSSafeguardingBoard@rotherham.gcsx.gov.uk) or

Rotherham LSCB, Wing C Floor 1, Riverside House, Main Street, Rotherham S60 1AE

## 2. Rotherham LSCB

### 2.1 Governance and Partnerships

Working Together (2013) sets out that the LSCB should work with the Local Family Justice Board (in relation to children in care proceedings) and the local Health and Well-Being Board, the latter established in Rotherham in September 2011. The Health and Well-Being Board develops the Joint Strategic Needs Assessment, from which key commissioning activity should be derived, and the LSCB within its remit should both inform and draw from this in relation to vulnerable children. In order to provide some clarity in terms of these relationships, a protocol has been developed between the Health and Well-Being Board, the Children, Young People and Families Strategic Partnership and the LSCB. Similarly, in terms of some of the other joint priority areas, protocols have been developed between the Safer Rotherham Partnership (Community Safety Partnership) and the Corporate Parenting Panel (for Looked After Children)

### 2.2 Key Roles within Rotherham Local Safeguarding Children Board

There are some key roles within the RLSCB, some of which are set out and described in the *Working Together (2013)* guidance. These are:

#### 2.2.1 Independent Chair

It is expected that all LSCBs appoint an Independent Chair who can bring expertise and focus to ensure that the LSCB fulfils its roles effectively. Crucially, the Independent Chair provides the separation and independence required from all the agencies which provides a balance in influence and decision making. The Chair is subject to an annual appraisal, to ensure the role is undertaken competently and that the post holder retains the confidence of the RLSCB members. The Independent Chair should work closely with all LSCB partners and particularly the Director of Children's Services.

#### 2.2.2 Director of Children's Services

The Director of Children's Services (known in Rotherham as the Strategic Director of Children and Young People's Services) has the responsibility within the local authority, under section 18 of the Children Act 2004, for improving outcomes for children, local authority children's social care functions and local cooperation arrangements for children's services.

#### 2.2.3 Local Authority Chief Executive Officer

Though not a member of the Board, ultimate responsibility for the effectiveness of the RLSCB rests with the Chief Executive of Rotherham Metropolitan Borough Council who also has the responsibility to appoint or remove the LSCB Chair with the

agreement of a panel including LSCB partners and Lay Members. The Director of Children's Services reports to the Chief Executive of the Council.

#### **2.2.4 Lead Member**

The elected councillor who has lead responsibility for safeguarding children and young people in the borough (known as the Lead Safeguarding Children Member) sits on RLSCB as a 'participating observer'. This means that the Lead Member is able to observe all that happens and can contribute to discussion, but cannot participate in any voting. This allows the Lead Member to scrutinise RLSCB and challenge it where necessary from a political perspective, as a representative of elected members and Rotherham citizens.

#### **2.2.5 Lay Members**

Lay members are full members of the Board, participating on the Board itself and relevant Sub Groups. Lay Members should help to make links between the LSCB and community groups, support stronger public engagement in local child safety issues and facilitate an improved public understanding of the LSCB's child protection work through minuted questioning and challenge of officers. Lay members are not elected officials, and therefore are accountable to the public for their contribution to the LSCB. They do, however, provide a lay perspective and transparency for the work of the Board, in the addition to the involvement of elected members.

#### **2.2.6 All Board Members**

Members of an LSCB should be people with a strategic role in relation to safeguarding and promoting the welfare of children in their organisation and should be able to speak for their organisation with authority; commit their organisation on policy and practice matters; and hold their own organisation to account and hold others to account.

### **2.3 Financial Statement**

#### **Budget - 2013/14 Outturn**

Income:	£217,755
Expenditure:	£217,755

Overall expenditure for the year 2013/14 achieved a balanced budget.

There was no surplus or deficit to carry forward to the 2014/15 budget.

Invoices were raised for all agency contributions for 2013/14. The contributions were set in accordance with the RLSCB funding formula and the national arrangements for CAF/CASS.



The accounts reflect full income recovery for all contributions. For further detail, see Appendix 7.2.

Child Death Review administration costs of £15,084 are included in these accounts. The Board has an agreement in place for two thirds of the cost of any Serious Case Review Overview Report to be funded by RMBC and one third to be funded by Rotherham CCG. In 2013/14 no such expenditure was incurred.

### 3. Rotherham Children and Young People in Context

#### 3.1 Population

The most recent population estimate (2013) shows that there are approximately 62,100 children and young people, aged 0-19, living in Rotherham, representing 24% of the borough's total population. The gender split for children and young people in Rotherham has remained constant at 51% male, and 49% female (2013).

Live births in Rotherham increased from 2,527 in 2000/01 to 3,381 in 2006/07 before reducing and levelling off at around 3,100 in 2009, the most recent figure being 3,144 in 2012/13.

#### 3.2 Ethnicity

In the 2011 Census, 12.4% of children and young people aged 0-19 in Rotherham were from Black and Minority Ethnic (BME) groups. 64% of Rotherham's BME population was concentrated in four central wards: Boston Castle, Rotherham East, Rotherham West and Sitwell – a pattern which has changed little since 2001. In Rotherham South Area Assembly (Boston Castle, Rotherham East and Sitwell), there is a large and growing BME population which more than doubled between 2001 and 2011. The link between larger family size and BME communities is also shown in 2011 Census data, where Rotherham East and Boston Castle wards have the highest percentages of both families with three or more children and BME children.

#### 3.3 Areas of Deprivation

Deprivation in Rotherham has been increasing according to the Indices of Deprivation 2010 produced by *Communities for Local Government*. Rotherham was ranked as the 68th (out of 354) most deprived district in England in the 2007 Index of Multiple Deprivation (IMD) but in the 2010 IMD, Rotherham was ranked 48th (out of 326) most deprived. Rotherham remains amongst the 20% most deprived districts in England. 21% of Rotherham children aged 0-15 live in areas which are within the 10% most deprived in England, and 43% of Rotherham children who live in low income households live in the 10% most deprived neighbourhoods nationally (based on the *Income Deprivation Affecting Children Index (IDACI)* 2010). One in five Rotherham neighbourhoods have more than a third of children living in poverty (2011).

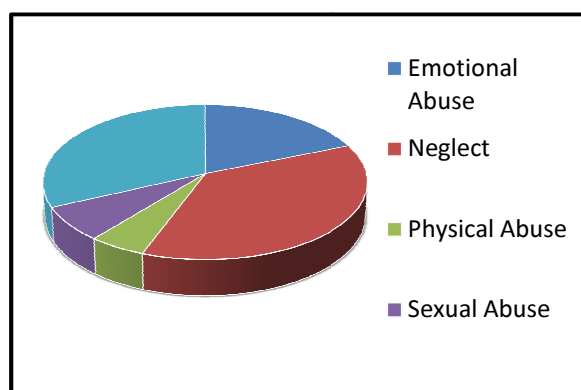
The most deprived areas in Rotherham are located in the central part of the borough with some pockets in outlying areas. The most deprived wards are Rotherham East, Valley, Rotherham West, Maltby and Boston Castle.

### 3.4 Children on a Child Protection Plan

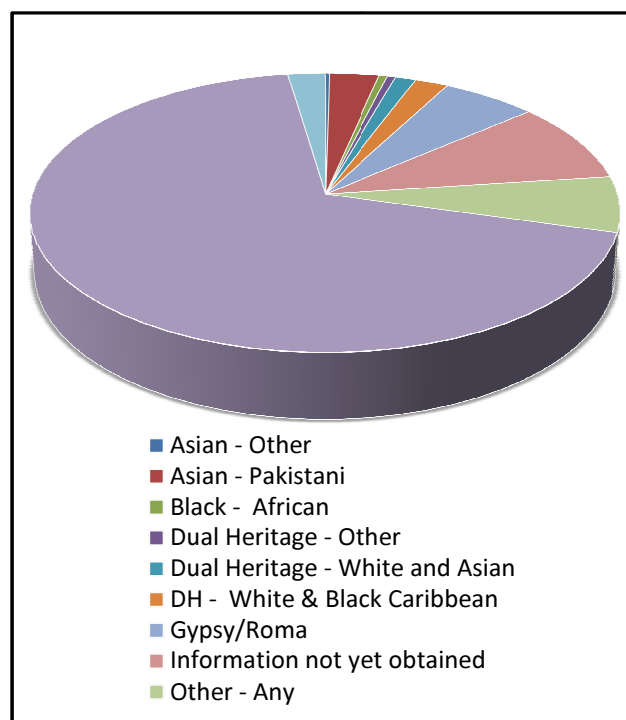
#### Number of Children on a Child Protection Plan - 388 as at 31<sup>st</sup> March 2014

(A Child Protection Plan is a multi-agency plan to protect children from suffering significant harm)

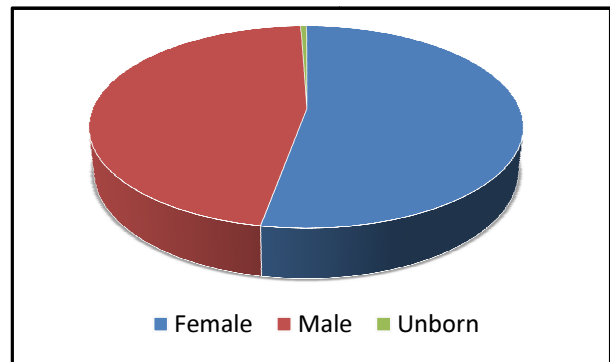
Child Protection Category	Number	Percentage
Emotional Abuse	73	19%
Neglect	143	37%
Physical Abuse	20	5%
Sexual Abuse	28	7%
Multiple Categories	124	32%



Ethnicity	Number	Percentage
Asian - Other	1	0%
Asian - Pakistani	12	3%
Black - African	2	1%
Dual Heritage - Other	2	1%
Dual Heritage - White and Asian	5	1%
DH - White & Black Caribbean	8	2%
Gypsy/Roma	23	6%
Information not yet obtained	36	9%
Other - Any	25	6%
White - British	265	68%
White - Other	9	2%



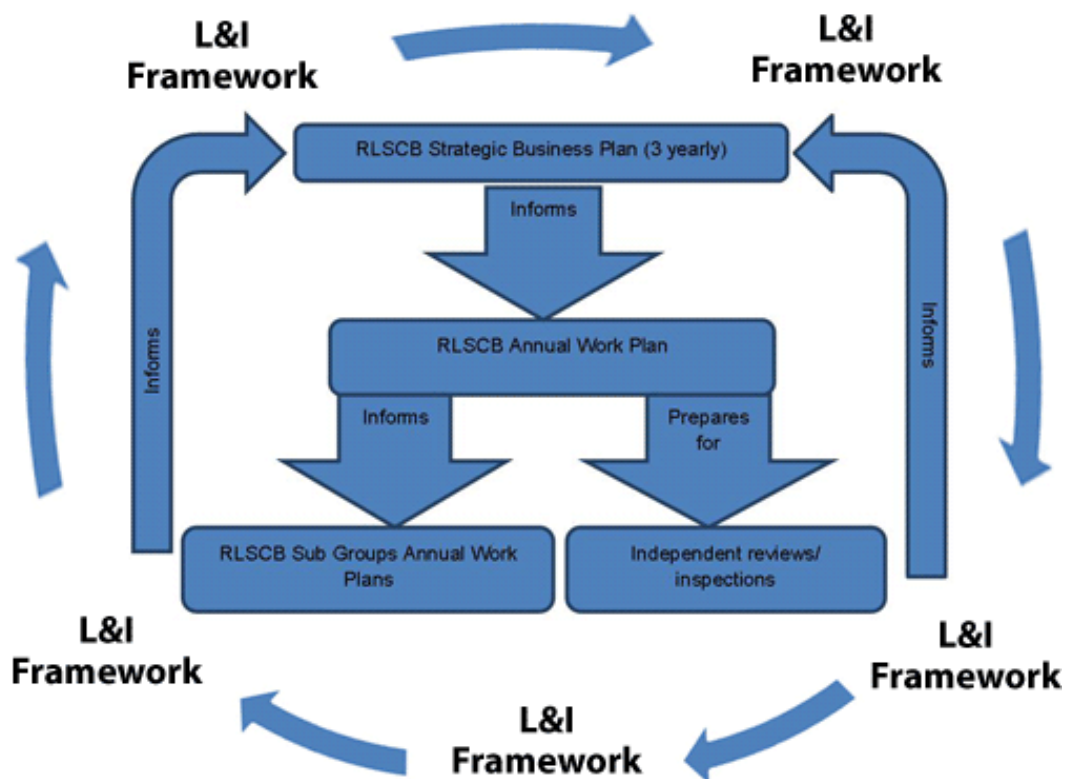
Gender	Number	Percentage
Female	205	53%
Male	181	47%
Unborn	2	1%



#### 4. Learning and Improvement

Rotherham LSCB, as an enabling partnership, ensures that there is a culture of continuous improvement and that every opportunity for learning is translated into better outcomes for children and young people. The Board's Learning and Improvement Framework and its Business Plan provide the framework for the Sub Groups to identify and disseminate learning; and to test out what difference is being made.

##### Strategic approach to Learning and Improvement



#### 4.1 Child Death Overview Panel

The role of Rotherham's Child Death Overview Panel (CDOP) is to review the deaths of any Rotherham child in order to establish any patterns, identify modifiable factors, and promote messages to prevent future death. The panel has a multi-agency membership, including Public Health, Children's Social care Services, South Yorkshire Police, NHS and a Lay Member.

#### Child Death Information from April 2013 - March 2014

Category of Death	Number of deaths
Deliberately inflicted injury, abuse or neglect (category 1)	
Suicide or deliberate self-inflicted harm (category 2)	1
Trauma and other external factors (category 3)	0
Malignancy (category 4)	1
Acute medical or surgical condition (category 5)	0
Chronic medical condition (category 6)	1
Chromosomal, genetic and congenital anomalies (category 7)	8
Perinatal/neonatal event (category 8)	6
Infection (category 9)	1
Sudden unexpected, unexplained death (category 10)	1
TOTAL	19

Gender	Number of Deaths
Male	11
Female	8
TOTAL	19

Ethnicity	Number of Deaths
White: English/Welsh/Scottish/Northern Irish/British	13
Asian or Asian British: Pakistani	5
Unknown/not stated	1
TOTAL	19

In 2013-14 the introduction of neonatal child death overview panel meetings with specialist input from both the Clinical Director of Obstetrics at Rotherham Hospital

and the Chief Midwife enables direct engagement by the panel with those overseeing the care of pregnant women and new born infants in hospital.

#### 4.1.1 Sudden Infant death

During 2013-14 there was only one review of a sudden unexpected infant death. This child exhibited multiple risk factors including maternal and paternal smoking, poverty, drug use, poor sleeping position and previous domestic violence. There was clear evidence that the safe sleeping message had been given by professionals involved.

#### Update at time of report production

In the second quarter of 2014 however, preliminary information indicates 3 further sudden infant deaths where co-sleeping may have been a possible risk factor. This continues to support the urgent need for all professionals involved in babies under the age of one to ensure they have a safe sleeping environment and that the parents are supported in accessing stop smoking or substance misuse support services. In addition, the safe sleeping documentation has been refreshed and renewed.

#### 4.1.2 Congenital abnormality

8 of the 19 deaths reviewed were from congenital abnormalities. Three of the 8 were from the South Asian community of which 2 of the children who died were born to parents in consanguineous first cousin marriages. Consanguinity and the consequent increased risk of congenital abnormality are of continuing concern.

#### 4.1.3 Suicide deaths

Following the notification of 2 suicides deaths in 2013-14, significant work has been undertaken by Children and Young People's Services, Rotherham Schools, Public Health and the Child Death Overview Panel along with the Suicide Prevention Group to develop a community plan to reduce the impact of further suicide deaths and enhance the response to suicide, violent deaths and self-harm in local communities. There is significant evidence that such events as suicide or violent deaths have a negative impact on children and young people who may witness these or be affected by them and this increases their risk of self-harm or further risk taking behaviour.

#### 4.1.4 Child Death Overview Panel - review of function

Archives of Disease in Childhood (part of the BMJ family of medical journals) published a review article in 2014 setting out key actions to make CDOP Panels more effective. Using the article as an assessment tool, Rotherham CDOP was able to establish, that it already has in place a number of actions to make the panel more effective, including:

- Effective links with the coroner, achieved through regular meetings with the coroner to discuss the operation of CDOP.
- Use of morbidity and mortality information
- Perinatal Reviews – Rotherham CDOP has a dedicated review process that feeds into the Rotherham panel.
- Establish a mortality review committee. Rotherham Foundation Trust has a mortality review committee.
- Electronic sharing of data with non CDOP agencies. Achieved through the introduction of the North Trent Neonatal Network across South Yorkshire and Bassetlaw, where there is an electronic exchange of data.

#### **4.1.5 Future Considerations**

- Extending the scope of CDOP to include 'near misses'. The Archives of Disease in Childhood article recommends CDOP's review 'near misses'. This would significantly extend the scope and work of the panel.
- Refresh and update safe-sleeping advice, and ensuring the issue remains a priority for both the LSCB and Children, Young People and Families Partnership Boards.
- Re-establish regular regional CDOP meetings to network, pool data and share learning.

### **4.2 Serious Case Reviews**

The purpose of undertaking a Serious Case Review is to learn lessons and improve services for children and young people. The LSCB has a responsibility to undertake a Serious Case Review if a child has died or been seriously harmed, as a result of abuse and/or neglect, and if there are concerns about the way agencies have worked together to safeguard the child. The Serious Case Review (SCR) Sub Group meets to consider any cases that have been referred to it against the criteria for a Serious Case Review (Working Together 2013), to make recommendations on any other appropriate Lessons Learned Reviews and to monitor action plans arising from case reviews.

In 2014 a Serious Case Review was initiated but this has not yet concluded and will be published in full in due course once any criminal proceedings have concluded. The LSCB is using a new methodology which involves the professionals involved with the family being part of the learning process. The family have also been able to participate in the process and were keen to have their voices heard about the services they received.

### **4.3 Quality Assurance**

The importance of regular auditing of practice, on a single and multi-agency basis, as a measure of the effectiveness of services and outcomes for children cannot be overstated. A priority for RLSCB is to use regular auditing of practice as a way of

ensuring the effectiveness of that practice, measuring outcomes for children and learning what works well in addition to what needs to be improved. The RLSCB audit activity is driven by the key priority areas contained within its business plan but also responds to areas of practice or themes that can arise from incidents or reviews, whether Serious Case Reviews, other Lessons Learned Reviews or Inspections.

Over the year action has been taken to evaluate the effectiveness of local arrangements in terms of adherence to procedures and practice standards and to check out if lessons are being learned from case reviews and audit. Evidence has been gathered from a number of performance monitoring activity and thematic audits including from partners of the RLSCB.

- The quality of referrals and decision making.

An audit of cases deemed to need 'No Further Action' following referral to the Contact and Referral Team (CART). Evidence from this audit led to more robust recording of decision making within CART, completing more thorough screening assessments as well as revision of the outcome letters that are sent to the referring agency/person where appropriate.

- Agency reports provided to Rotherham Safeguarding Children Unit for Child Protection Conferences in March, April and May 2013

Family contribution at child protection conference is crucial to successful care planning. However, it is also known that parents and children often feel overwhelmed; therefore it is important that they are properly prepared, engaged and supported in the process. Amongst other things, this means providing them a copy of the report, in a form they can understand, in good time for them to consider it. Evidence from this audit resulted in the conference minute template to be amended to reflect the submission and sharing of written reports for Child Protection Conferences with families and clarified that the independent conference chair should establish within conference when reports have been shared with the child and family.

The multi-agency training regarding professional responsibilities and attendance at Child Protection conferences was updated and incorporated the findings from this audit and clarified best practice.

- Care Planning (Child Protection and Looked After Children).

Audit work had identified that the previous care planning template was not as effective as was needed in developing working care plans that addressed risk or identified future planned outcomes. As a result, a new multi-agency care plan template has been developed, trialled and rolled out across agencies that has addressed these issues and has resulted in care plans that are clearer about the risks, more specific about what changes need to happen, are set within realistic timescales and identify who is responsible.

- A Customer Insight audit has been completed across all CYPs services.

This established that all services have, at various levels, some 'voice of the child' and customer feedback activity in place however there is an on-going need to improve how evidence from these are utilised to improve services and outcomes for children and families.

As a result of this audit a system is now embedded with Child Protection Conference Chairs recording the child's and/or parents views gained during their 1:1 meeting prior to attending the conference. A monthly report is now being sent to the Operational Safeguarding Manager with any emerging themes reported into the LSCB Quality Assurance Subgroup

Within Fostering and Adoption Services a panel information sheet has been developed that provides customer feedback directly to panel members. As a result recent surveys have highlighted that there has been a positive change in customers experience at the Panel.

Feedback has also facilitated changes to the information included within the fostering and adoption training and it now places greater emphasis about the type of life changing decisions prospective foster carers and adoptive parents may need to make during the assessment journey

- Re-audit of Rotherham GP attendance and contribution to Initial Child Protection Conferences

Overall this report provided clear evidence that there have been improvements in GP contribution / participation to this aspect of multi-agency child protection process. A positive outcome that directly impacts up on the children and families is that we have seen an increase in the submission of reports from GP's raise from 30.8% to 64.4%, though there is still room for improvement.

- Re-audit CART "No Further Action decision" July 2013

This audit identified that there had been an improvement in the quality of contacts from agencies to CART; however, it also highlighted the need for a continued consideration being given to how CART responds when the quality of the contact/referral information is poor or lacking in detail. The audit recommended that a formal process be developed so that any shortcomings in the quality of referral will be picked up and then reported back to the referring practitioner / agencies.

- Multi-agency Review of Serious Child Neglect Cases. This was a review of 59 cases of serious neglect where children's social care services have been involved for a significant period of time. The question that was posed was fundamentally asking for assurance that there were no cases where there was evidence of children being maintained in an environment that was causing or placing them at risk of significant harm. In simple terms "Do we know when enough is enough?"



As a result of this review a new model of risk assessment has been developed including the roll out of a specific neglect assessment tool – Graded Care Profile - which is now used for all cases where neglect is a significant issue.

The multi-agency training relating to professional responsibilities, attendance at Child Protection Conferences and core groups has also been updated and incorporates the findings from this review.

The CYPS Safeguarding Unit responded to the review and as a result Independent Child Protection Conference Chairs are now allocated to specific children and families for the duration of their period of planning.

- Development of Multi-Agency Audit Review Group. During the year the existing LSCB Quality Assurance Framework was reviewed and updated to incorporate a multi-agency audit protocol. The importance that the RLSCB had a formalised mechanism that ensures all work relating to safeguarding children in a multi-agency context is both robust and effective was recognised. The framework is comprehensive and involves the undertaking of a rolling programme of multi-agency audits that provide an opportunity to evaluate the involvement of different agencies, the services they have delivered, and identify the quality of practice and outcomes for children.

A stronger emphasis was placed on case audits with a number of themed audits undertaken as described above. A number of other audits are planned to include receiving evidence from the experience of parents, carers and practitioners to seek their views as to how well arrangements are working to safeguard children in Rotherham.

There is strong evidence to show that the actions of the LSCB have had an impact on safeguarding children in Rotherham. Examples of this include the much improved engagement of GPs in child protection conferences and the involvement of young people in their Child Protection Conferences. Significant work has also been completed to update and expand information for young people and their families who become subject to child protection processes.

#### 4.4 Learning & Development

Rotherham LSCB recognises that the skills and knowledge of the workforce delivering support to children and their families is key to good quality services and outcomes for children. To promote and enable this, the LSCB provides a wide range of learning opportunities for professionals, volunteers and carers. Some of the learning opportunities within the Safeguarding Children and Early Help Learning Prospectuses include:

- Child Sexual Exploitation
- Safe Sleeping for infants
- Domestic Abuse – Risk Identification Matrix
- Conference on best practice supporting the local Roma community
- Learning from Serious Case Reviews

- Private Fostering
- Self-Harm and Suicide
- Financial inclusion and welfare Reform
- Family CAF
- Attachment

Between April (2013) and January (2014) 1,612 delegates from a wide range of organisations attended one of 77 safeguarding children workshops and 655 delegates attended one of 53 workshops available via the Early Help Prospectus, which included 208 undertaking Family CAF training.

In terms of impact on learning and development, each participant completes a post workshop feedback questionnaire and 10% receive a 3 month follow-up evaluation of the impact of the learning on their work with children and families. 100% of attendees polled in the 3 month follow-up evaluation either strongly agreed or agreed with the statement that their practice had improved by attending the learning event. Additionally, 100% of the attendees polled confirmed they had shared their learning experience with colleagues in their agency.

Feedback from participants:

*"The training has given me a great deal of opportunity to widen my knowledge and help me progress on to become an advocate"*

**Attachment Training – Feb 2014**

*"The course fitted my experience as a child-minder very well"*

*"This workshop will make me much more aware of the risk factors of patients I see"*

**(Safeguarding Young People at Risk of Sexual Exploitation – October 2013)**

*"Has made me more confident in speaking about any concerns I might have and where to go to do so"*

**Group 3 Safeguarding Core Workshop – Feb 2014**

*"Excellent session – logical and easy to follow format in terms of understanding Sexual Exploitation and how it is managed."*

*"Really, really good training, kept me engaged and I feel I have taken a lot away from it"*

**Working with Resistant Families – Nov 2014**

*"This is one of the most informative and thought provoking I have been on. Undoubtedly, this will help with my professional assessments of children."*

**Hidden Harm – 2014**

#### **4.5 Safeguarding Arrangements of Organisations – Section 11 Children Act 2004**

Under Section 11 of the Children Act 2004 and Working Together 2013, organisations have a responsibility to make arrangements to ensure their functions are carried out with regard to safeguarding and promoting the welfare of children. Rotherham LSCB audits the self-assessment of organisations against these safeguarding standards on a biennial basis. In 2013 the statutory organisations had their S11 Assessments audited and in 2014 the Voluntary and Community Sector (consortium) comprising approximately 30 organisations utilised the section 11 Audit Tool with support from the LSCB. The results identified some good practice in relation to supporting and safeguarding children and young people and also areas for further development.

Examples of feedback from some of the Voluntary Organisations:

"We have developed a robust safeguarding action plan to respond to the actions we identified within, through the audit. Safeguarding is now highlighted as an agenda item across the whole organisation and raising its profile has delivered real outcomes and increased the number of welfare concerns reported about children whom we work with."

"There is more integration of safeguarding into the business planning, and improvements to reviewing and auditing process."

"We have quarterly safeguarding meetings and we review any actions, which are fed through to the Board of Trustees."

#### 4.6 Performance Framework

The use of performance information is one of the ways that the LSCB can understand how services are performing in key areas of safeguarding children. This performance report relates to performance data as at the end of the 2013/14 reporting year. It includes performance against National Indicators, now no longer in use, and a selection of key local indicators aligned to the LSCB priorities of Child Sexual Exploitation, Domestic Abuse and Neglect.

**Safeguarding Children Performance Indicator (Outturn) 2013-14 – Figure 1.**

Ref	Definition	Good is	LATEST BENCHMARKING DATA (2012/13)		LOCAL TARGET	2012/13 Performance	2013/14 Performance (unvalidated)	Direction of Travel	RAG STATUS	
			Stat Neighbours	National Average					AGAINST TARGET	AGAINST NATIONAL
NI 59	Percentage of initial assessments for children's social care carried out within 10 working days of referral	HIGH	71.2%	75.5%	86.0%	77.2%	<b>56.1%</b> (875/1560)	↓	Red	Red
NI 60	Percentage of core assessments for children's social care that were carried out within 35 working days of their commencement	HIGH	76.8%	76.7%	75.1%	71.1%	<b>61.0%</b> (1468/2405)	↓	Red	Red
NI 61	Timeliness of placements of looked after children for adoption following an agency decision that the child should be placed for adoption	HIGH	75.13% (2011)	73.95% (2011)	74.0%	67.6%	<b>67.6%</b> (20/34)	→	Red	Red
NI 62	Stability of placements of looked after children: number of placements (3 or more)	LOW	8.49% (2012)	11% (2012)	9.5%	11%	<b>11.1%</b> (44/397)	→	Amber	Amber
NI 63	Stability of placements of looked after children: Length of placement	HIGH	68% (2012)	68% (2012)	68.6%	64%	<b>67.9%</b> (108/159)	↑	Green	Green
NI 64	% of Child protection plans, at the time of ceasing, which lasted 2	LOW	3.3%	3.2%	4.0%	3.8%	<b>6.8%</b> (24/351)	↓	Red	Red

	years or more									
NI 65	Percentage of children becoming the subject of a Child Protection Plan for a second or subsequent time	LOW	16.2%	14.9%	13.3%	16.1%	11% (46/406)	↑	Green	Green
NI 66	Looked After Children cases which were reviewed within required timescales	HIGH	91.98% (2010)	90.45% (2010)	97.5%	97.6%	98.6% (728/738)	↓	Green	Green
NI 67	Percentage of child protection cases which were reviewed within required timescales	HIGH	95.1%	96.2%	90.5%	88.7% new definition	99.6% (276/277)	↑	Green	Green

The table provides the end of year (2013-14) performance data against the national safeguarding children indicators and, where available, the latest benchmarking data. This is the last year that these national indicators are being used and each area will be able to develop local indicators to measure key performance.

Each indicator has had a Red/Amber/Green (RAG) status has been applied as follows;

- Green** - on/above local target and on/above national average
- Amber** - below local target but on/above national average
- Red** - below local target and below national average

The commentary below provides an update on those indicators that are rated as red (underperforming or below target) and includes a summary of improvements actions taken. As this is an exception based report, below are the details of the indicators with a RAG status classified as 'Red' with a summary of improvement actions taken.

**Measure (No.28 / NI 59):** Percentage of initial assessments for children's social care carried out within 10 working days of referral

There were 1560 initial assessments completed in 2013/14, 56.1% (845) of these were completed within the 10 day timescale. It is worth noting that although this year end position is still significantly below target, it is an improvement on the year end performance projected at 3<sup>rd</sup> quarter which was 53%

As previously reported this indicator has been performing poorly for a number of months and a number of actions, system reviews and service developments have been undertaken to improve timeliness. This includes the recruitment of permanent staff within the Contact and Referral Team (CART). These staff will screen new contacts into the service and will now not also be responsible for holding a caseload.

In addition Duty Social Workers now have scheduled protected time to complete assessment write-ups and daily allocation meetings between team managers and social workers ensure that current caseload is fully considered before allocation of new work.

This measure will not be in place for 2014/15 as the service introduces a new local assessment framework. This will result in a single type of child's multi-agency assessment and will increase the flexibility in completion timescales, according to the needs of individual children.

**Measure (No.29 / NI 60):** Percentage of core assessments for children's social care that were carried out within 35 working days of their commencement

There were 2405 Core Assessments completed in 2013/14, 61% (1468) of these were completed within the 35 day timescale. This measure is linked to the above measure on Initial Assessments and the same improvement work. Core Assessments are also being replaced in 2014/15 with the new single multi-agency assessment.

**Measure (No.30 / NI 61):** Timeliness of placements of looked after children for adoption following an agency decision that the child should be placed for adoption

This year 34 children were adopted, 23 of these were within timescales resulting in performance of 67.6% which is below benchmarking data but is in line with the previous year. Other performance statistics, introduced recently nationally, show that performance in adoptions overall is improving. The average time between a child entering care and moving in with its adoptive family, has reduced from 659 days (2010-2013 3 year average) to 492 days (in the last six months of 2013/14). The average time between a Placement Order being granted and the decision for a match for a child reduced by 25 days from 309 days in 2012/13 to 284 days in 2013/14.

While past performance has been lower than national benchmark this measure has significantly improved in 2013-14 and in a recent meeting with the DFE they made it clear that they were satisfied with Rotherham's progress.

**Measure (No.33 / NI 64):** Child protection plans lasting 2 years or more

Of the 351 child protection plans which ended in 2013/14, 24 (6.8%) had lasted 2 years or more. There are a further 19 children currently on plans over 2 years. It is worth noting that any decisions regarding the continuation of a child protection plan will be in the best interests of the child regardless of performance targets. A study based on audit findings demonstrates that purposeful effective plans are in place for these children.

#### **4.7 The Voice of Children & Young People**

Children, young people and their parents tell us that trust can only be established when services communicate well, truly listen to their views and enable them to participate in decisions and activities as equal partners. Promoting their voice helps parents and children feel more confident and empowered, and evidence tells us that this promotes wellbeing and better outcomes. As one of its priorities Rotherham LSCB is committed to ensuring that services actively listen to children and young people about their circumstances and use this to shape their service provision.

##### **4.7.1 Rotherham Lifestyle Survey**

The Lifestyle Survey is an annual survey carried out with pupils in Year 7 and Year 10 at all secondary schools in Rotherham.

Questions in the survey capture young people's views in relation to:

- Food and drink
- Health, activities and fitness
- Being in school
- Out of school
- Young carers
- Bullying and safety
- Smoking, drinking and alcohol
- Sexual health and their local neighbourhood.

The Lifestyle survey captures the views and perceptions from young people covering the priorities identified at the Health & Well Being Board prioritised - Starting Well, Developing Well and Living and Working Well.

In 2013 all 16 secondary schools participated in the survey and a 55% participation rate was achieved with 3,474 pupils completing the survey.

The positive results in the survey in particular in relation to healthy lifestyle;

- Fruit is the most popular break time snack
- An increase in % of pupils feeling they are a healthy weight
- More pupils are taking part in regular exercise

Contributing to these results has been the work carried out by the Obesity Strategy Group. In the past 4 years 1,721 children have accessed tiered weight management services provided by MoreLife Clubs (DC Leisure), RIO (Rotherham

Institute for Obesity and Residential Camps which on average have had an 87% success rate.

- More pupils responded that they are from a smoke free home
- More pupils responded that they had never tried smoking

Contributing to these results has been the work carried out by the Healthy Schools Team, promoting the benefits of non-smoking and confidence building with young people in schools to help them not to resist peer pressure.

Areas that were not so positive and require partnership considerations were:

- Rotherham Town Centre and public transport were where pupils said they felt least safe
- More young people identified themselves as young carers
- Bullying rates remained same as in 2012, however the number of pupils reporting bullying has reduced
- Local shops were identified as the places where pupils purchase their cigarettes and alcohol
- Parents supplying their children with cigarettes and alcohol
- The numbers of pupils feeling good about themselves has reduced

Changes and improvements that have been made during the past 12 months to support these areas have included:

- Young people are now attending a Rotherham Transport user group and putting forward their ideas to make safety improvements. Planned for 27<sup>th</sup> February 2014 Youth Cabinet will be holding their Children's Commissioner Day and will review South Yorkshire Passenger Transport Executive.
- Rotherham Town Centre Voice and Influence Group has been established and their first meeting was held January 2014.
- There has been a Young Carers card developed, which will allow a register of young carers to be developed, which will allow schools to identify which young carers need support; this has been developed with support from commissioning, youth cabinet and health.
- Schools are appointing anti-bullying ambassadors. All schools have signed up to implement a national anti-bullying charter.
- Trading standards are working locally to strengthen the policy around under age purchasing of cigarettes and alcohol.
- Smoke-free policy has been implemented at all schools and support is offered from members of tobacco control and strategy group to establish the policy and ensure that staff, pupils, parents and carers are aware of the policy.
- E-learning package around the issues of alcohol and in particular under-age drinking has been developed and is being promoted by Health and Well-Being Board.



## 4.7.2 Rotherham Youth Cabinet

The charity YoungMinds report that an estimated one in twelve young people may self-harm at some point in their lives (YoungMinds, 2014). The incidence of self-harm has continued to rise in the UK over the past 20 years and, for young people, is said to be among the highest in Europe (Royal College of Physicians, 2010). ChildLine has seen a 167% increase in counselling sessions about self-harm in the last two years alone (NSPCC, 2014).

Aware that this is a problem facing young people in Rotherham, the Youth Cabinet agreed as part of its Youth Cabinet Manifesto (2013-14):

“to help develop information for young people around self-harm and (contribute to) a strategy to disseminate this. Also to work with services to improve access for young people seeking help and support around self-harm.”

**Rotherham Youth Cabinet, 2013**

This piece of work was undertaken as part of the Children's Commissioner's Day. The idea behind the day was to give:

“... children and young people the chance to be involved in decision making. Children and young people benefit from the opportunity to.. make their voices heard, while adults and organisations gain fresh perspective on what they do.”

**Children's Commissioner for England, 2013**

It was important for the Youth Cabinet to reflect the views of Rotherham young people who had self-harmed and their uncertainties, fears and experiences about services. They talked to over twelve young people who had self-harmed and their comments are summarised below:

- Many said that they were unsure of where to get help and support around self-harm and or the available services. Whilst there are posters in schools and Youth Centres around drugs, alcohol, sexual health etc. there is little about self-harm.
- One girl said that she should be able to contact her doctor directly for an appointment rather than going through her parents. She felt that this had prevented her seeking help.
- Most of the case studies didn't know who their school nurse was or where and when they can be contacted. There was a view that the school nurse only comes in to see certain students and isn't accessible for everyone.

- School stress is a big factor with some young people who self-harm. A young person said that in one school assembly before Christmas, they were told not to worry about school, exams etc. over Christmas and to have a relaxing time. They felt they had been given 'permission' to de-stress over Christmas.
- A young person said that a teacher was told about her self-harming and they told her parents, which made the situation worse. This would stop some young people approaching schools for support
- Some young people said that they got in a very bad way before they get any help or support. Some said they want help earlier to stop them feeling like they do which leads to them self-harming.
- One young person said that adults are the problem as they 'freak out' when the issue is raised – this makes the problem worse.
- Young people suggested having young people/young adults as peer support is helpful as they may be more approachable and fully understand. Young people have said that peer support groups (i.e. Safe Havens) work well for anti-bullying, drug and alcohol support etc.
- Several young people highlighted inconsistent responses from their GPs. A young person went to the doctor's when she was self-harming. She has said that they were not helpful as their reaction made self-harming seem 'normal' rather than a significant issue.
- One young person said that she had tried to get support from different services but nothing helped. Then she emailed the Samaritans and that was helpful. Sometimes young people don't want to talk face to face with people as their preferred method of communication is texting and social networking.
- Some young people say that services available are too clinical which make it hard to approach them for help.
- Young people have said that they don't know what to do when they notice a friend is self-harming or a friend confides in them about self-harming. They don't know what to do with the information.
- Parents/Carers need advice and support around how to react and how to support young people who self-harm.
- Young people have said that lack of self-esteem and feeling worthless led them to self-harming

#### **4.7.3 Discussions with Service Providers and Other Support Services**

On the basis of the case studies, the Youth Cabinet identified some core lines of enquiry. They invited representatives of provider agencies, schools/colleges and council services to a 'round table discussion' to discuss current provision and identify ways in which services to young people can be improved.

Through this piece of work, the Youth Cabinet were able to challenge local authorities and public service providers.

In a further demonstration of their commitment, Youth Cabinet members are presented their case studies and findings to a borough-wide conference on Suicide Prevention on April 3, 2014. The conference involved key stakeholders including secondary head teachers, health and social care professionals and commissioners of services.

The Youth Cabinet made 10 recommendations, all of which were accepted, and included the commissioning, provision and access to services. These were presented to the Council's Overview and Scrutiny Management Board who endorsed them at its Children's Commissioner's Day meeting of February 27, 2014 and also to the LSCB.

A delivery plan has now been developed in response to the recommendations.

#### **4.7.4 Children within the Child Protection system**

The child protection system and processes are complex and are intended to safeguard children from harm and promote their welfare. However, it is also known that parents and children often feel overwhelmed by the process and therefore it is important that they are properly prepared, engaged and supported, and able to have their views heard and taken into account.

In September 2013 an advocacy project was established as a pilot programme, developed and managed by the local authority's Rights2Rights service, to provide children and young people with a voice in the child protection process and specifically at their multi-agency Child Protection Conference.

The key objectives were to:

- Ensure that children had the opportunity for an advocate to improve their outcomes by meaningful engagement and participation which is focused on the individual child or young person and which significantly involves them in the important decision making processes.
- To raise awareness of the service amongst children, young people, parents and professionals.
- To establish and maintain a child centred, independent perspective and remain focused on issues from the child or young person's viewpoint.

- To support the involvement of children and young people in Child Protection Conferences and meetings by accompanying them or representing their views, wishes and feelings about issues which matter to them.

Over the period of the pilot project 106 children, aged between 0yrs and 16yrs, received an advocacy service in 50% of all Child Protection Conferences held. One of the key challenges was gaining consent from parents for their children to be provided with the advocate service and some parents did decline consent and this was respected.. However, the direct but sensitive approach of the advocate workers did result in a significant number of children of all ages receiving the service, even where there was some reluctance initially from parents.

A wide range of creative methods were used to engage with the children and young people and the advocacy workers felt that it was helpful to them by not having specific information about what the safeguarding concerns were. It was noted that once their trust had been gained how quickly they began to believe that what they had to say was important and that they wanted this to be shared with their parents and professionals.

The voice of some children as a result of the advocacy service:

*"I need to be at the conference; I want to tell my mum how it feels"*

**Girl - 16 yrs.**

*"I get upset when dad shouts at my brother. He gets upset when dad does this and that makes me upset, then I get angry with him as well"*

**Girl - 9 yrs.**

*"Mum told us she would always choose us over him". We don't like him when he drinks"*

**Boy - 12yrs**

The Child Protection Conference Chairs Conference also regularly provided feedback on the impact the advocacy service was making:

*"Your attendance at conference altered the whole focus of the meeting and ensured that we remained child centred."*

**(CPC Chairperson)**

*"The child's contribution was really helpful and gave a much clearer insight into their experiences."*

**(CPC Chairperson)**

The importance and benefits of the advocacy service for Rotherham children has been fully acknowledged and the provision of it has now been commissioned by the local authority on a sustainable basis.

#### 4.7.5 Looked After Children

In early 2014 the Looked After Children's Council, supported by the Youth Service, Voice and Influence Team, have been consulting with children in care and those leaving care to find out what matters to them. This was named "Have Your Say" and was designed to find out from children in care and care leavers:

1. *What has been 'good' about being in care or leaving care?*
2. *What has been 'bad' about being in care or leaving care?*
3. *If you could change things about being in care, what would you change?*
4. *Is there anything else you would like to say?*

All children in care and care leavers were given the opportunity to respond to the consultation and included children in foster care, residential care and those moving to independent living, or living independently. In total, 62 feedback forms were received from children and young people aged 11-21 yrs.

Feedback that was positive included comments in relation to good opportunities, a supportive service and good relationships with key workers; some of the comments were:

*"The good thing about being in care is the chance I get to get a good education"*

**18 yr old female, Supported Lodgings**

*"Something good about being in care is all the support I have had from the service and from my foster family,"*

**17 yr old female, Foster Care**

*"just thank you to all foster carers who look after children."*

**16 yr old female, Foster Care**

*"I have a good social worker.... I like her"*

**16 yr old male, Foster Care**

Feedback that was negative included comments in relation to poor support from services, issues in relation to placements and the negative impact on family attachments (relationships); some of the comments were:

*"Been pushed into independence too fast."*

**18 yr old male,  
Independent Living**

*"Having lots of different social workers this is unsettling for young people.... I feel I have been let down by Social Services."*

**16 yr old female, Foster Care**

*"Its having to move around so much..... I have been in care since I was 9 and have had 4 different homes."*

**17 yr old female, Foster Care**

*"When I don't get to see my brother as much as I want to."*

**16 yr old female,  
Residential Children's  
Home**

All the feedback was analysed by the Looked After Children's Council and any recommendations are being presented and to the relevant senior managers and services by the LAC Council, in order to recognise good practice but also where improvements could be made to services.

## 5. Board Priority Areas

### 5.1 Local Authority Designated Officer (LADO)

The Local Authority Designated Officer (LADO) has the lead role and responsibility for oversight and coordination of all allegations that may place children at risk of harm from Professionals, Volunteers or Foster Carers. The LADO has responsibility for convening and chairing strategy meetings where necessary and liaising with partner agencies to discuss and agree the most appropriate way forward on specific cases. Planning includes appropriate action in relation to both the adult against whom an allegation has been made and the safeguarding plans for any children involved.

The work requires effective collaboration with all partner agencies, including the voluntary and private sector, human resource departments, the police and professional regulatory organisations.

**In 2013/14 there were 63 incidents resulting in investigation under LADO Procedures.**

Person by Employment Type	Number
Social Care(inc foster carers)	17
Residential Care worker	5
Health	2
Education	19
Education/Early years	2
Child minders	8
Police	1
Voluntary youth organisations	6
Faith groups	2
Work experience providers	1
<b>Total</b>	<b>63</b>

In total there were 20 different sources of referrals from the statutory, private voluntary and national organisations which evidences that there is a good awareness and use of the LADO procedures.

Outcomes of the LADO process are defined as:

- Substantiated –** on balance of probabilities it is more likely that the incident happened, rather than did not happen.
- Unsubstantiated –** insufficient evidence to prove or disprove
- Unfounded –** evidence to disprove
- Malicious –** evidence to disprove and of deliberate intent to deceive
- Other –** e.g. misunderstanding, not relevant to safeguarding, suspect deceased before investigation completed

Of the 63 incidents subject to LADO investigation, 7 have not yet concluded. 20 incidents were found to be “substantiated”, involving 24 staff members. Of those 20 cases that were substantiated, 6 people were dismissed from post (3 of these had been involved in 1 incident); 4 resigned, 2 foster carers were deregistered and 3 other staff received written warnings following internal disciplinary processes. In the voluntary sector, the services of 2 people were ceased. In a further 6 cases, staff were required to undertake further training around safeguarding issues. One case in which the allegation was substantiated is still subject to internal disciplinary process.

35 cases were found to be “unsubstantiated” and resulted in no further action being taken after initial consideration of these cases. A further 3 allegations were found to

be “unfounded”. Finally, one case was listed as “other” because the allegation that had been raised was deemed not to fall into LADO procedures but a meeting had taken place to consider previous concerns that had arisen as a result of the initial investigation.

Resulting from a number of enquiries relating to the employment of people working primarily with vulnerable adults, positive links have been developed with the Safeguarding Adult Service in this area of work. Partnerships are also developed with local initiatives to keep children safe in extra- curricular sporting activities. A Regional Safe in Sport group has been set up, which has been attended by the Rotherham LADO. This group invites representatives from across South Yorkshire and covers a wide variety of sporting organisations. Further links are also being made with faith organisations in the area. A number of local organisations have shown interest in proposed safeguarding training and have welcomed suggestions of a joint approach to reviewing safeguarding procedures and protocols.

Links with LADOs in other Local Authorities have also been developed allowing for an improved standardisation of response to referrals. A regional meeting of LADOs has now been instigated on a quarterly basis. Of equal significance was the recent “National LADO day” which took place in Manchester and was the first event of its kind. This was a well subscribed event which for the first time brought together LADOs from all parts of the UK. In addition to opportunities for networking and sharing information, presentations were given by Ofsted, DBS and the NSPCC in relation to their Safe in Sport initiative. Most significantly the event focused attention on the great diversity of practice across different authorities and the need to standardise practice across the country. Proposals are now being discussed to establish a national LADO network, and to renew requests for clearer government guidance and protocol, for example, along similar lines to the statutory guidance in respect of the role of Independent Reviewing Officers.

The LSCB receives an annual LADO report and is assured that the local authority and its partners have a robust response on this important area of safeguarding children.

## **5.2 Child Sexual Exploitation**

Rotherham LSCB has published a separate annual report on the issue of Child Sexual Exploitation (CSE) and the following represents a summary of the key progress and issues. CSE is recognised nationally as one of the most important challenges facing agencies today. It has a serious and lasting impact on every aspect of a child or young person’s life, including their health, physical and emotional wellbeing, educational attainment, personal safety, relationships, and future life opportunities. To tackle this abhorrent form of child abuse, effective multi-agency partnership working is essential, where partners work to the principle that safeguarding is everyone’s responsibility, and that each are clear on their respective roles and responsibilities. In April 2013 the Rotherham Local Safeguarding Children’s Board (LSCB) published its three-year single multi-agency strategy and accompanying action plan, outlining how the Council and its partners continue to take real action to tackle the issues relating to CSE. The CSE Strategy and Action Plan contain 4 priorities:



### 5.2.1 Priority 1 - Leadership and Governance

Clear governance is at the heart of our multi-agency approach, and over the course of this last year we have made significant progress to strengthen how we work together.

Rotherham has continued its commitment to putting in place strong governance arrangements and the necessary structures to involve and engage key agencies, partners and lay members. The Rotherham LSCB devolved its strategic responsibilities to a specific CSE sub-group with further support from a multi-agency operational managers group (known as Silver Group), who can determine how best to put the plans into action.



*This strength and commitment shown by organisations across Rotherham to tackling CSE has been recognised by Rotherham LSCB receiving the NWG award in 2014 for the "Longest Journey Under Challenging Conditions". NWG is a charitable organisation formed as a UK network of over 2500 practitioners who disseminate information to professionals working on issues of CSE and trafficking in the UK.*

Performance and quality management arrangements were put in place with regular updates to the LSCB and regular reports to the Council's Cabinet as well as briefings to all elected members. Accurate and meaningful data is critical to determining the impact of services, and the recruitment of a dedicated police data analyst based in the CSE team has been an important development. This has enabled the delivery of a confidential monthly tactical briefing document which is used and shared at both the CSE sub-group and operational managers group.

Within the document, data is presented alongside narrative on current police operations, details of children deemed high risk to determine any actions required, and case studies highlighting successful interventions or prosecutions. The CSE action plan sets out how partners will deliver the priorities of the local CSE strategy and improve services for children, young people and their families. It continues to evolve and develop, informed by publication of related national reports (e.g. Office of the Children's Commissioner's Inquiry into Child Sexual Exploitation in Gangs and Groups) and a number of independent reviews of local CSE services undertaken by Her Majesty's Inspectorate of Constabulary (HMIC), Barnardo's and the Independent Chair of the Rotherham Local Safeguarding Children Board.

### 5.2.2 Priority 2 -PREVENT

Preventing CSE happening to children and young people.

The exploitation of children is a devastating feature of communities up and down the country – but together we are making it more difficult for offenders to be able to abuse young people in this way. We are building a Borough-wide ‘eyes and ears’ approach – educating our communities, and our staff, to recognise the signs of CSE, and how to report it. We have doubled the number of people taking part in CSE training and awareness-raising – including professionals, councillors, Neighbourhood Watch co-ordinators and members of the public. Extensive work has also been carried out directly with our young people, to empower them to recognise the signs and risks of CSE.

A CSE competency framework has been developed by the Council and agreed by the LSCB to enhance the effectiveness of the training and awareness programme that has been delivered to staff and young people over a number of years.

Over the course of the last year almost 3,500 staff, councillors, young people, Neighbourhood Watch co-ordinators and members of the public have attended a CSE training or awareness event. This is an increase on the previous year of almost 1500 people. Work is now underway to ensure that this awareness is available to all staff, with more specialised training available for those working directly with children and young people.

*“Excellent session – logical and easy to follow format in terms of understanding CSE and how it is managed.”*

– Health Practitioner (GU Medicine)

Rotherham schools are more actively involved than ever before in protecting children against CSE through more effective training and awareness raising. In 2012/13 the CSE team worked with 13 of our 16 secondary schools, reaching 911 pupils through awareness workshops. This year that total has increased to 1,955 and all secondary schools in Rotherham are now engaged through their Year 8 curriculum for 2014/2015, with support from Rotherham's Healthy Schools consultant and the education project officer within the CSE team. In addition to this, preventative work continues with Rotherham's pupil referral units (PRUs), including the Rowan Centre (education provision for young mothers) and with special schools and colleges. This work will ensure that all Year 8 students in Rotherham education settings have a basic awareness of CSE.

*Good practice and resources are being shared with frontline staff to raise awareness of what is available to young people e.g. Zipit App to better respond if they receive inappropriate requests for indecent images.*

Further support is provided through the Integrated Youth Support Service (IYSS), which offers young people the opportunity to access one-to-one support, group

work and a wide range of developmental learning opportunities and positive activities. Over the past year they have undertaken informal curriculum sessions on CSE and related issues with 2,326 young people.

### **GOOD PRACTICE: RAISING AWARENESS AMONGST YOUNG WOMEN**

Raising awareness of CSE amongst our communities – including vulnerable groups of people who may fall victim to this crime – has been a key strand of our work over the past year. An example of this targeted work includes a residential course which was held at RMBC's Habershon House.

Held over six weeks, more than 30 young women took part in the awareness-raising course. The sessions brought together a number of young women's groups to share experiences of what it is to be a young woman in today's world – including the challenges and potential abuse which they may face, and the many forms that this can take. The group also took part on a self-defence session and talked about personal safety on the street.

Together they were encouraged to discuss the nature of CSE, the forms it could take and to understand the potential devastation this kind of abuse has on people's lives. Feedback from the young women showed they felt that they had benefitted from the programme, and these kinds of sessions will be repeated in the future.

#### **5.2.3 Priority 3 -PROTECT**

Protecting those children and young people who are at risk of CSE.

We have streamlined processes across agencies to allow us to better identify and safeguard children who are at risk of CSE. This includes common tools for staff to assess their concerns about a young person and understand what course of action they must take and the implementation of a South Yorkshire-wide risk assessment tool. Some of the case studies that follow demonstrate the impact that these system improvements are having on frontline child protection in Rotherham and the difference they are making to people's lives.

In 2013-14 the Multi-Agency CSE Team was increased to include representatives of the voluntary and community sectors and also health services. GROW – a Rotherham organisation supporting women to make informed choices – are commissioned to deliver a project called "INVOLVE", a support package to families and young women up to the age of 25 who are victims of CSE. A Public Health-funded nurse specialist supports young people to identify any health needs whilst developing appropriate pathways within the health community. The team also includes a worker funded by Barnardo's to provide a specific focus on encouraging

access to support for those who are reluctant to engage with statutory services and/or those who do not perceive themselves to be at risk.

During the year the social care 'front door' process, and support specifically for CSE, has been strengthened. Any child who is referred to, or already involved with, children's social care services and is at potential risk of CSE undergoes a screening process using the CSE multi-agency threshold descriptors. Where issues are identified the specialised CSE team will then lead on the assessment of new cases or, if the child already has social care involvement and is allocated to another key team, they will advise, and if needed work with, their current social worker to ensure the child receives appropriate support.

National research has shown that due to their personal circumstance certain groups of young people are at more risk of CSE than their peers. This includes young offenders; looked after children; those living where there is substance misuse in their household and those from black and minority ethnic communities. These groups are receiving a range of targeted preventative support incorporated within existing support packages or events - for example, LAC reviews, the youth service support pathway and the new arrival family induction day.

#### **5.2.4 Children running away or going missing from home**

Over the year there were 416 reported incidents of children and young people running away or going missing from home, involving a total of 131 children. This is an increase on 2012/13, when there were 338 reported incidents involving 121 children or young people. The charity SAFE@LAST are commissioned to deliver return to home interviews with young people to try to identify and address the reason for the run-away incident and to help the young person to understand the potential risks they face. They also provide an emergency bed facility for homeless young people, and an awareness raising service for primary school children through their Crucial Crew project.

### **CASE STUDY: GEMMA**

Gemma is 13 years old and has been a regular missing person for the last year and was working with a large number of professionals. She has been a victim of sexual exploitation, three sexual assaults, self-harms, has significant behaviour issues and regularly truant from school.

She has accessed the SAFE@LAST refuge in the past, but then she was taken into care in order to protect her. A project worker did a return interview with Gemma in January after another referral from the police and she said that she would like some 1:1 support.

Gemma accessed the refuge again and used the night's stay to collect her thoughts and feelings and then she returned to her grandparents' care. The project worker has provided Gemma with some craft activities and she has been using these to try and occupy her mind when she is stressed, instead of self-harming. Gemma has been using the online diary on the SAFE@LAST website to record her thoughts and feelings.

Support is still ongoing for Gemma and she still has a SAFE@LAST project worker, as she still has periods where she goes missing, as this seems to be the coping mechanism that she has developed to cope with stressful times in her life. She is on a Child Protection plan, so support will continue for as long as she is at risk and is going missing.

Over the year there were 378 referrals to SAFE@LAST for a total of 137 children and young people. Of these, 74 young people engaged in a return interview. In addition a further 105 children and young people have had some involvement with SAFE@LAST project workers; 29 children and young people from Rotherham are known to have contacted the SAFE@LAST helpline/text or web chat.

#### **5.2.5 Priority 4 - PURSUE**

Pursuing those adults who perpetrate CSE.

South Yorkshire Police in partnership with all professionals and the public is committed to proactively pursue offenders of CSE through the identification, disruption and evidence gathering for prosecution of them.

Significant developments in practice by the police and other agencies which has led to improvements in how services to tackle CSE are delivered. For example, to support the local CSE sub-group meetings, a monthly tactical assessment is now produced which informs all relevant agencies in relation to risk, intelligence and current operations. This in turn enables these agencies to better respond to current issues from their own perspective.

Robust investigation in relation to the disclosure of CSE offences, current or historic, has resulted in the successful prosecution of offenders. During 2013-14 police investigations into CSE-related offences have led to 41 interviews under caution, 23 arrests, and five successful prosecutions. All convicted offenders in custody and in the community who are under the supervision of the Probation Services have a robust risk management plan.

South Yorkshire Police have a robust risk assessment process in place, which enables a rapid multi-agency response to any high-risk CSE missing person cases. This has been used to good effect on numerous occasions, resulting in the safe recovery of the child and the implementation of preventative action. This year has also seen an increase in staffing within the CSE team, including the recruitment of two police analysts for South Yorkshire – one of which is based in the Rotherham team. This has enabled improved analysis of intelligence to help partners further understand the problem profile and support the identification of needs, impact and outcomes for young people in relation to CSE. This will then feed into the local Joint Strategic Needs Analysis (JSNA) and the police led Joint Strategic Intelligence Assessment (JSIA).

Police intelligence systems have been reviewed and a new improved framework put in place which is linked to the police briefing systems. These improvements and on-going developments in information and intelligence gathering are enabling the police and the CSE Team to respond quickly and appropriately to individual cases and emerging trends.

### GOOD PRACTICE: MULTI-AGENCY RESPONSE

Child A - a 15-year-old Slovakian female - was persistently going missing from home with Slovakian males much older than her. Following one such episode, her risk level was escalated to High and she became a priority for the police and local authority.

Following a week of intense investigation, she was located and the male she was with was arrested for various sexual offences involving a child.

#### 5.2.6 Key developments and next steps planned for 2014/15

- At the time of publication of this report we have just received the outcome of the independent inquiry into historic CSE cases, commissioned by Rotherham Borough Council's Chief Executive. Together with other local, regional and national reviews, this will further inform the development of our multi-agency approach.
- Central to these developments is the creation of a Multi-Agency Safeguarding Hub (known as a MASH). Due to be launched in August 2014, the co-located service will bring together key officers to not only tackle CSE, but also domestic abuse, anti-social behaviour and the wider safeguarding children agenda.
- In addition, we will build stronger links with local communities, including EU migrants. We will review our procedures to make sure Looked After Children placed outside our area are protected in line with our local plans.
- We will also ensure that our young people are listened to and are developing a participation strategy to ensure their voice helps shape their own support and informs our future improvements.
- We will carry out research to better understand the motivations of offenders, and we will continue to raise awareness as part of the South Yorkshire-wide 'Say Something If You See Something' campaign, while developing ways of communicating that specifically benefit our communities here in Rotherham.
- Plans are in place to utilise the National College e-academy CSE e-learning package across the partnership to ensure quality and consistency across organisations. This follows an early demonstration and consultation exercise at the CSE Sub-Group by NWG representatives at the end of 2013.
- Following the recent publication of the multi-agency threshold descriptors referenced earlier, work has begun to clarify pathways and transfer



procedures between agencies. These are already in place but need to be formalised and documented in a format which is clear and understood by staff outside the specialist CSE team.

- The impact of CSE can be far-reaching and long-term, affecting the entire lives of those affected, and resulting in a disproportionate number being involved with statutory services later on in life. In 2014-15 the Rotherham CSE sub-group are working with partners in health to commission the development and delivery of a pathway of long-term recovery and therapeutic support for victims post abuse and in transition to adulthood.
- A new missing person's protocol for children and young people has now been developed and will be promoted and embedded during 2014/15.
- The Police Young People's Partnership Officers (PYPPOs) are embedded within the IYSS locality teams and work closely with them and schools around crime and disorder. Through this work they build up positive relationships with young people – particularly valuable when young people require support around reporting or making statements. The police and IYSS are currently reviewing the role of the PYPPO to further strengthen joint working arrangements.
- We will continue to review and improve CSE intelligence gathering processes as this is critical for any successful disruption or prosecution activity.
- A CSE needs analysis, which will include both victim and perpetrator profiles, is being completed to further inform the work of the partnership and ensure we are effectively targeting resources.
- Research opportunities are being explored and commissioned to better understand the motivation and behaviour of perpetrators and to identify the common indicators of those considered likely to commit CSE.

### 5.3 Private Fostering

Private fostering is when a child under the age of 16 (under 18 if disabled) is cared for by someone who is not their parent or a 'close relative'. This is a private arrangement made between a parent and a carer, for 28 days or more. Close relatives are defined as step-parents, grandparents, brothers, sisters, uncles or aunts.

When it is made aware of a private fostering arrangement, the Local Authority is required to assess and support the circumstances of a child living with someone who is not a family member.

In 2013/14, the Local Authority's received six notifications of children who were potentially being Privately Fostered. Four of these progressed to an assessment and as at 31<sup>st</sup> March 2014 there were three ongoing private fostering arrangements; four privately fostered cases came to an end in the same year.

One of the key challenges in this area of safeguarding children is that of being aware which children are being privately fostered because the arrangements are made between families without professionals necessarily being aware or involved. As part of efforts to continually raise awareness of Private Fostering, the following activity has been undertaken in 2013-14 to try and improve professionals' understanding:

- Education Welfare Officers and Managers have received bespoke training on Private Fostering, and have been tasked with reviewing their caseloads to identify instances and make referrals as appropriate. There is a designated Education Welfare Service team leader holding responsibility for Private Fostering.
- Designated Safeguarding leads from all Rotherham Schools received a presentation on Private Fostering and were asked to undertake an audit of their children to identify cases of private fostering utilising a simple checklist developed by the LSCB. School Governors have received training on Private Fostering arrangements and responsibilities.
- A recurring message has been included on Rotherham's Public Health TV channel, which is displayed in universal health settings.

In the previous business year, all GP practices and school settings were sent information leaflets on Private Fostering with a request for these to be displayed in waiting/reception areas, and Private Fostering is embedded in the LSCB's training workshops to ensure a wide range of professionals are aware of the issue and their responsibilities. Further development work is required in this area to ensure better links are established with the Schools Admissions Team, to ensure that clarification of the numbers of children not living with parents is part of the admissions process.

#### **5.4 Children Missing in Education**

The term Children Missing in Education (CME) refers to all children of compulsory school age who are not on a school roll, and who are not receiving a suitable education otherwise than being at school, for example, at home (Elective Home Education EHE), privately, or in alternative provision.

Section 436A of the Education Act requires all local authorities to make arrangements to enable them to establish (so far as it is possible to do so) the identities of children residing in their area who are not receiving a suitable education.

The CME duty does not apply in relation to children who are registered at a school who are not attending regularly although the CME duty complements and reinforces duties that already exist for schools and the Education Welfare Service to monitor poor attendance. Schools have a duty to monitor absence through the daily attendance register. Maintained and academy schools are required to make regular absence returns to the Education Welfare Service where the attendance of individual pupils gives cause for concern.



The Children Missing Education (CME) function moved into the CYPS Education Welfare Service (EWS) in August 2012. And a number of improvements have been introduced to make this important area of safeguarding children more effective. These include:

- Strengthening the links with frontline education welfare Officers, schools, academies and safeguarding managers. Raising awareness in relation to shared CME responsibilities and reporting duties.
- Reviewed the CME referral protocols and thresholds.
- Introduction of a de-registration letter to notify schools of a completed CME investigation.
- In conjunction with the school admission team, contributed to the development of two Fair Access Admission Panels (primary and secondary phases)
- Strengthened links with Children's Social Care Services, the local authority Runaway Lead, Integrated Youth Support Services (IYSS) and introduced Education Welfare Service representatives for Child Sexual Exploitation and Looked After Children.
- EWS Team leaders also became the Education representative for MARAC on a rota basis.
- Reviewed the pathways and information sharing with other agencies
- Development of the database that enables monitoring and tracking of cases.

#### **Updated on progress**

During the summer of 2014 we organised 14 additional CME initiative days which saw Education Welfare Officers deployed during the school summer holidays conducting home visits across the borough. By the end of August 2014 around five hundred and sixty five referrals had been followed up.

Increased staffing capacity along with an improved tracking and recording system provides us with a clearer, more accurate, picture of the number of children known to be missing education within the borough.

We are more simply able to identify vulnerable groups /specific groups.

#### **Data Analysis**

Academic Year 2012/13

- Opened 973 new investigations
- Closed 726 \*\*

Academic Year 2013/14

- Opened 1211 new investigations
- Closed 1413 \*\*

\*\*Closed case numbers will included CME cases opened in previous academic years /recording periods

Whilst we do recognise the levels of CME numbers appear high in Rotherham we would agree with the recent National Children's Bureau report 'Not present, what future? Children Missing education in England report' (June 2014) that suggests high levels of recorded CME does not necessarily indicate that a local authority is performing poorly in comparison with lower CME rates. We feel our figures whilst high do recognise we are establishing robust recording and tracking systems.

Summer Term 2014 analysis (March to July 2014)

- Opened 736 new referrals
- Closed 882

*Closed Analysis (882)*

- 470 were tracked out of Authority - confirmed on roll of another school and start date confirmed.
- 88 were found elsewhere - passed to other regional CME teams (other LAs) allowing us to safely close.
- 56 believed to have left the UK.
- 59 were Y11 – no longer of compulsory school age.
- 36 – had submitted admission applications but became missing without taking up the school place offered to the child.
- 7 were found to be duplicates on the electronic data base.
- 150 were closed following successful school transfers within Rotherham
- 27 that became missing were DV/Sensitive - 12 of these were referred in by the Refuge.
- 2 were referred in as CSE – CME.
- Ethnicity breakdown 432 (of the 882) had no ethnicity recorded on the referral, 166 Roma, 46 Pakistani.

*Opened Analysis (736)*

Of the opened new cases approximately 500 were previously known to be in Rotherham but are now no longer at their last registered address in the borough. As of 12th September 2014 there are 468 current open active CME referrals.

The temporary position EU Migrant Community Education Engagement Officer was recruited to in July 2013. Additional support was provided to the CME Officer and Admissions team to assist

- non English speaking new arrivals
- help for parents and staff to complete and process application forms
- translation support to the Admissions Appeal process.

ESF Funding for this post ceased on 31st July 2014.

Since that time alternative arrangements have been put in place. This has entailed the use of 2 EAL Education Welfare Officers to take on additional CME responsibilities predominantly for the investigation of EU children thought to be missing education. In addition a number of generic EWOs have been deployed in order to support the prompt investigation of CME referrals.

A future development plan centres on developing closer workflow links across the Admission and CME staff including the functions of recording and processing. In addition to increasing the business support capacity across the Education Welfare Service and the Admissions team approval has been given to recruit to a CME Monitoring Officer position plus financial support towards further shared administrative resources.

## 5.5 Licensing

The LSCB and its members are committed to safeguarding children and promoting their welfare in any all circumstances and this includes the area of alcohol consumption and the use of taxis.

The Licensing Act 2003 deals with the licensing of premises for various activities, which include the following:

- To sell alcohol by retail
- To supply alcohol to a club member, or to sell alcohol to a guest of a club member in the case of qualifying clubs
- To provide regulated entertainment
- To sell hot food or drink (late night refreshment) between 11.00pm and 5.00am for consumption on or off the premises

The Licensing Act 2003 sets out four licensing objectives:

- Prevention of crime and disorder
- Public safety
- Prevention of public nuisance
- Protection of children from harm

Examples of activities which are a potential cause of harm to children and young people are:

- Selling alcohol to children under age
- Selling alcohol (by proxy) to children under age
- Selling alcohol to parents who are intoxicated and are supervising their children
- Allowing children into premises where there is gambling or adult entertainment

Where there has been evidence of a risk to children and young people the RLSCB has, along with other local Responsible Authorities, made representations to the Licensing Committee, and licences have been revoked and premises closed as a result.

Although the Licensing Act 2003 does not cover licences for vehicles for public hire (taxis), partner agencies share information and discuss issues where there is a taxi company or driver whose conduct is a cause for concern, and instigates appropriate courses of action. Where there are sufficient concerns and evidence, the matter is referred to children's social care services, the police, and the licence for a driver or vehicle can be suspended or revoked by the Council Licensing Board. A proposal for the training of taxi drivers in relation to safeguarding children and vulnerable adults, as part of their condition for obtaining a licence, are being developed and implemented.

## 5.6 Early Help

In the past 12 months, the Local Authority has developed an early help dashboard to provide the LSCB members and advisors with an overview of activity in the borough. This includes caseload information relating to child/young person/family support provided by, amongst others:

- Children's Centres
- Targeted Family Support Team
- Integrated Youth Support Service
- Learning Support Service

The dashboard also includes information on Family CAF numbers, as well as drawing on regionally agreed indicators for measuring the effectiveness of early help. Rotherham is benchmarking positively in some aspects of Early Help impact measurement (specifically in relation to CIN numbers and statutory assessment volume), whilst in others there is the potential to infer we are being less successful. However, whilst we have a high rate of children on a child protection plan per 10,000 (with an out-turn figure of 70 in 2014, compared to 59.3 in 13), our rate of children per 10,000 who are subject to S.47 investigations is lower than the latest national and stat neighbour average, and whilst this is a significant increase locally on the previous year (up from 89.5 in 2013 to 110 in 2014), it is potentially a positive indicator, reflecting that more children at risk of significant harm are being identified and are receiving a statutory assessment of their wellbeing more quickly and effectively. Similarly, whilst our LAC numbers have increased in 2014 when compared to our 2013 out-turn; we are still below the latest stat neighbour average. This increase could equally evidence that our capacity to move children into care sooner is as a direct consequence of swift early identifying of need. The LSCB Performance Sub Group have requested more detailed information in future stimulate more in depth analysis of early help effectiveness.

The Quality Assurance subgroup receives quarterly reports on the Family CAF QA activity in the borough, and the recently established LSCB multi-agency review group will also oversee the audit of early help cases in the next business year.

Rotherham's response to the Trouble Families initiative has received positive feedback from the national Troubled Families Unit, with Rotherham meeting the benchmark for inclusion as an early adopter of phase 2 of this initiative.

## 5.7 Domestic Violence

The impact on children of domestic abuse cannot be under estimated. Its co-existence with parental substance misuse and mental health issues has a corrosive impact on children's development and wellbeing. The Safer Rotherham Partnership and the LSCB are ensuring that tackling domestic abuse and its impact on adults, children and young people is a high priority.

In 2013 the Council's Improving Lives Select Commission Scrutiny Review of Domestic Abuse was completed. The focus of the review recommendations was to develop more integrated domestic abuse service provision that had clear protocols and

pathways for all risk levels that were understood by every partner agency. It was also recommended that domestic abuse should be more integrated at a strategic level so that other work streams were addressing the impact it has on victims.

By responding to the review recommendations, Rotherham will be able to;

- Evidence its local compliance with the national Violence Against Women and Girls' agenda
- Evidence that the Domestic Abuse Priority Group (DAPG), on behalf of the Safer Rotherham Partnership (SRP), are proactive in reducing the risk of domestic homicide in line with emerging national best practice that is focused and coordinated
- Enable the actions of agencies to withstand scrutiny in a Serious Case Review or Domestic Homicide Review
- Respond to victims and their families effectively

As part of the service developments the local authority, police and other partners are implementing a Multi-Agency Safeguarding Hub (MASH). As part of the MASH a domestic abuse hub is being implemented from September 2014 that will see police officers, social workers, independent domestic violence advocates and other professionals working together to provide an effective and timely response possible to domestic abuse. This will include the use of a Domestic Abuse Risk Assessment Matrix to enable professionals to identify risks, protective factors and the most effective response for individual children and their families.

In March 2013 the definition of domestic abuse was changed to include young people aged 16-18. In 2013-14 there were 13 young people aged 16-17 referred to MARAC in Rotherham. To respond to the change in definition and that this was a previously under recognised and under resourced area of need, the DfE provide funding for a Young Persons Domestic Violence Advocate (YPVA). The model for this in Rotherham is for the YPVA to have key responsibility for the high risk cases that are referred to MARAC and to provide specialist advice to professionals on cases of under 16's. In 2013-14 there 328 (of 455) case referred to MARAC which encompassed a total of 518 children.

A priority area identified for improvement within the borough is the multi-agency response for children and their parents where there is domestic abuse and the victim has no recourse to public funds. This issue has been shared and awareness raising undertaken with partner agencies through the use of case studies. Pathways to be adopted by the domestic abuse hub are under development.

## 5.8 Neglect

In 2013 the LSCB undertook a review of cases where children had been seriously neglected. The review, the key findings of which were briefly outlined in last year's RLSCB annual report, highlighted the importance of identifying neglect early , utilising assessment tools designed to assist in identifying neglect and in assertive interventions with the aim of addressing the factors underpinning the neglectful parenting.

The challenge to all agencies working with children and families is to ensure the review's lessons are implemented. To this end, the RLSCB disseminated the review's key lessons through presentations at a range of high level strategic inter-agency meetings, including the Improvement Panel.

It is clearly important that the whole children's workforce, and those who also come into contact with families through their work, are able to identify these children as early as possible so that we can provide the right kind of help and the right time. The longer children are exposed to neglectful situations without appropriate support, the more corrosive the harm they suffer. As a result the LSCB has incorporated Neglect as a key priority into its 2014/15 Business Plan, requiring the need for borough wide Neglect Strategy. The strategy will be informed from the findings of the review as well as other local research into the Rotherham picture of neglect and will be underpinned by the following key principles;

- That it ensures a shared understanding of neglect and the safety, wellbeing and development of children is the over-riding priority
- That early assessment and intervention will be promoted, supported, and resourced.
- That early support should be of a kind and duration that improves and sustains children's safety into the future. It should also build on strengths and resilience within children and their families rather than promoting dependency.
- That it will recognise that assessing need, the risk of harm or likelihood of suffering harm requires robust information sharing, professional judgement, and consideration of specific indicators and outcomes.
- That to effectively safeguard children requires professionals to be curious and inquisitive about family circumstances and events but also requires professionals to be challenging of each other about changes and improvements made by families and realistic about their sustainability.
- That all work with children and young people will be measured by its impact on outcomes

RLSCB will act to co-ordinate the development of the Rotherham neglect strategy and monitor the effectiveness of interventions and outcomes for children. A key element of the monitoring will be via the Multi-agency Audit Review Group through case file audits to assess the implementation and of the neglect strategy.

## **6. Service Developments**

Working together effectively for the benefit of children, young people and their families requires closer partnership and collaboration than ever before. Here are some of the new developments aimed to improve outcomes for children and young people in Rotherham.

## 6.1 Multi-Agency Safeguarding Hub (MASH)

Working effectively together as organisations and professionals within a MASH model has demonstrable benefits for children and their families in terms of outcomes:

- Sharing information leading to better risk assessment and decision making
- Identifying vulnerabilities earlier and identifying what early help can be provided
- Improved access to services for families

### How will it work?

Key professionals from a range of organisations including Children's Social Care, Health Services and the Police will be located together and work in an integrated, joined up way when considering referrals about children about whom there are welfare concerns. This will enable relevant information to be shared in a timely and holistic manner, considering the whole needs of the family. A coordinated response can then be provided at the earliest opportunity to prevent problem escalating. The MASH will also have a specific remit and dedicated professional expertise to focus on the issue of Domestic Abuse.

### What are the timescales?

Professionals from the key organisations will be located together from 4<sup>th</sup> August 2014 and be in a position to start working more closely together from that date. The next period will enable specific developments to be put in place in order to achieve the most efficient and effective service possible.

## 6.2 Children's Multi Agency Assessment Protocol

The good quality assessment of the needs of children is a fundamental principal to providing the right kind of help at the right time.

Professor Eileen Munro in her review of the child protection system in 2011, highlighted that having set timescales for assessments of all children was not the right approach and that the timing should be individual to the child's circumstances. This was subsequently made a requirement in the publication of the Working Together statutory guidance in 2013.

Rotherham has developed its local assessment protocol based on best practice and evidence. Whilst it is led by the local authority, who is publically accountable, other agencies are aware of their responsibilities to contribute appropriately.

### What are the benefits?

The Assessment Protocol was implemented in June 2014 and enables:

- Assessments that are proportionate to the needs of the children.
- Children to have their views clearly sought and taken into account.
- Timescales that are appropriate for the child and their family, avoiding unnecessary delay.

- Multi-agency decision making throughout the assessment process
- The right help and support to be offered or provided at the right time.

### **6.3 Multi-Systemic Therapy**

Multi-Systemic Therapy is an evidence-based model that achieves successful outcomes with young people aged 11-17 whose behaviour has put them at risk of becoming looked after or young offenders going into custody.

Rotherham has entered into a partnership with Barnsley Metropolitan Borough Council to pilot delivering Multi-Systemic Therapy (MST) as a shared service and is being funded through the Troubled Families initiative. MST was developed in the USA, and is supported by a significant international body of research evidence; it is shown to reduce offending behaviour, family conflict and the need for out-of-home placements. MST is therefore highly cost effective and reduces the negative outcomes and social exclusion associated with out-of-home placements and experience of custody by improving family functioning.



## 7. Appendices

### 7.1 RLSCB Membership

Agency	Job Title	Name
	Independent Chair of Rotherham Local Safeguarding Board	Steve Ashley
CAFCASS	Service Manager	Anne Riley
Children Young Peoples and Families Voluntary Sector Consortium	Representative	Sue Wynne
Hilltop and Kelford Schools	Headteacher	Nick Whittaker
Lay Member	Lay Member	Debra Wadsworth
Lay Member	Lay Member	Richard Burton
National Probation Service	Acting Chief Officer	Sarah Mainwaring
NHS England (South Yorkshire & Bassetlaw)	Patient Experience Manager	Tracey Slater
NHS, Rotherham Clinical Commissioning Group	Executive Lead for Safeguarding	Sue Cassin
RDASH	Deputy Nurse Director	Deborah Wildgoose
Rotherham Metropolitan Borough Council, Children & Young Peoples Services	Director of Safeguarding Children and Families, Children and Young People's Services	Jane Parfremment
Rotherham Metropolitan Borough Council, Children & Young Peoples Services	Senior Director – Schools & Lifelong Learning	Dorothy Smith
Rotherham Metropolitan Borough Council, Children & Young Peoples Services	Strategic Director, Children and Young People's Services	Joyce Thacker
Rotherham Metropolitan Borough Council, Neighbourhoods and Adult Services	Director of Public Health	John Radford

Rotherham Metropolitan Borough Council, Neighbourhoods and Adult Services	Director of Health and Wellbeing	Shona Macfarlane
Rotherham Metropolitan Borough Council, Youth Offending Services	Youth Offending Services Manager	Paul Grimwood
Rotherham NHS Foundation Trust	Chief Nurse	Tracey McErlain-Burns
South Yorkshire Community Rehabilitation Company	Assistant Chief Officer	Maryke Turvey
South Yorkshire Fire and Rescue	Safeguarding Officer	Dawn Peet
South Yorkshire Police	Chief Superintendent District Commander	Jason Harwin
South Yorkshire Police, Public Protection Unit	Public Protection Unit Manager	Pete Horner

**7.2 RLSCB Budget Statement 2013/14 Outturn**

<b>Budget Statement 2013/14 Outturn</b>	<b>Funding Formula</b>	<b>Budget 2013/14</b>	<b>Outturn 2013/14</b>
	<b>%</b>	<b>£</b>	<b>£</b>
<b>Income 2013/14</b>			
<b>Annual Contributions</b>			
Rotherham Borough Council	55.80%	105,370	105,370
NHS Rotherham	25.90%	48,370	48,370
South Yorkshire Police	15.30%	28,560	28,560
South Yorkshire Probation	2.70%	5,040	5,040
CAFCASS	0.30%	550	550
<b>Other Contributions</b>			
Surplus from previous year		6,940	6,940
NHS Rotherham - L&D Contribution		22,000	22,000
Income generation - training		0	925
<b>Total Income</b>		<b>216,830</b>	<b>217,755</b>
<b>Expenditure 2013/14</b>			
LSCB Salaries *		160,200	160,363
Public Liability Insurance		800	750
IT & Communications		2,600	580
Printing		1,200	2,808
Stationery and Equipment		50	54
Learning & Development (RLSCB and Multi-agency)		28,480	28,342

Independent Chair		20,000	21,358
Software licences & maintenance contracts		3,500	3,500
<b>Total Expenditure</b>		<b>216,830</b>	<b>217,755</b>
<b>Surplus</b>		<b>0</b>	<b>0</b>

\* Child Death Overview Panel administration costs of £15,084 are included in these accounts

## 8. Glossary of Terms

<b>CAADA</b>	-	Coordinated action Against Domestic Abuse
<b>CAF</b>	-	Common Assessment Framework
<b>CAFCASS</b>	-	Children and Family Court Advisory and Support Service
<b>CART</b>	-	Contact and Referral Team
<b>CDOP</b>	-	Child Death Overview Panel
<b>CYPS</b>	-	Children & Young Peoples Services
<b>DBS</b>	-	Disclosure & Barring Service
<b>LAC</b>	-	Looked After Children
<b>LSCB</b>	-	Local Safeguarding Children Board
<b>MARAC</b>	-	Multi Agency risk Assessment Conference
<b>NSPCC</b>	-	National Society for the Prevention of Cruelty to Children
<b>OFSTED</b>	-	The Office for Standards in Education, Children's Services & Skills
<b>RDASH</b>	-	Rotherham, Doncaster & South Humber Foundation Trust
<b>RLSCB</b>	-	Rotherham Local Safeguarding Children Board
<b>SCR</b>	-	Serious Case Review

**ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS**

<b>1.</b>	<b>Meeting:</b>	<b>Cabinet</b>
<b>2.</b>	<b>Date:</b>	<b>17<sup>th</sup> December 2014</b>
<b>3.</b>	<b>Title:</b>	<b>RLSCB Child Sexual Exploitation Action Plan 2014/15 2nd Quarter report</b>  <i>(All Wards)</i>
<b>4.</b>	<b>Directorate:</b>	<b>Children and Young People's Services</b>

**5. Summary**

This report highlights the progress made in the delivery of the Rotherham CSE Strategy and Action plan in the second quarter of 2014/15 and the next steps across the three key priorities of Prevent, Protect and Pursue.

**6. Recommendations**

- **For cabinet to note progress and endorse the further development areas**
-

## **7. Proposals and Details**

Rotherham's Child Sexual Exploitation (CSE) Strategy is a three year plan published in April 2013 accompanied by a multi-agency delivery action plan. Child Sexual Exploitation (CSE) is recognised nationally as one of the most important challenges facing agencies today. It has a serious long term and lasting impact on every aspect of a child or young person's life including their health, physical and emotional wellbeing, educational attainment, personal safety, relationships, and future life opportunities.

Since its publication Cabinet have received regular quarterly reports on the delivery of the multi-agency delivery action plan.

Cabinet considered the Jay Report on 3<sup>rd</sup> September, 2014. 15 recommendations were identified by Professor Jay and Cabinet requested a further 4. All of these have been incorporated into the CSE Action Plan and will be reported on in future progress reports to the LSCB and Cabinet.

During September the council underwent an inspection of children's services and were also one of eight authorities subject to a Thematic Inspection of CSE by Ofsted.

Although this report focuses on progress achieved between June – September 2014, additional content and information on key development activity since the report publication has also been included.

The findings from the eight Thematic inspections were published in a single report on the 19<sup>th</sup> November. The report discusses good and poor practice across the eight authorities chosen but not identify any detail to a specific authority. The report has highlighted 20 recommendations for all Local Authorities, their partners and Local Safeguarding Boards to take forward. These recommendations are currently being considered and any newly identified issues will be incorporated into the existing action plan

## LEADERSHIP

Cross Cutting across Prevent, Protect and Pursue

**Strategic Action 1: The RLSCB will improve the clarity of governance and strengthen leadership arrangements to ensure an effective multi-agency response to CSE**

### Achievements

Implementation of a central Multi-Agency Safeguarding Hub (known as a MASH) for children and young people has commenced . With activity during September to co-locate the CSE Team, other Public Protection Unit officers, voluntary and community service colleagues, health representatives, integrated youth service support workers and social services Contact and Referral Team at Riverside House. This will allow improved joint working not only for CSE but also for Domestic Abuse, anti-social behaviour and the wider safeguarding children agenda. Following co-location the second phase of implementation will be to bring together separate multiple agency processes into a single MASH process to improve efficiencies, achieve consistency and ensure all partners are responding together effectively to safeguard children. Lessons learnt and recommendations from the recent inspection of children's social care is informing the development of these multi-agency processes.

Multi-agency Performance Data and Information continues to be developed, collated and published within a monthly tactical team briefing document and shared at both the CSE Operational Managers group and the Safeguarding Board CSE Sub-Group.

The data is alongside narrative on current police operations, good news stories and details of children deemed the highest risk. From this the groups can discuss, challenge and jointly address any issues arising either in the service or on individual cases. The narrative around the children, young people and perpetrators also gives the team opportunity to describe 'impact' where the activity data alone does not provide a qualified picture.

Following the Jay report it was recognised that additional capacity would be needed to deliver post abuse support to victims of CSE. The Leader of the Council announced September, 2014 that £120,000 had been made available for the period until March 2015 and would be utilised to provide an immediate response. This is short term funding until 31st March, 2015 whilst a future service model was being developed to commission post abuse service for the longer term from 1st April, 2015.

The NHS Rotherham Clinical Commissioning Group (Rotherham CCG) have committed an additional £250K and the Safer Rotherham Partnership £80K for additional Independent Domestic Violence Adviser capacity.



It has been agreed that from January 2015 the Independent Chair of the Rotherham LSCB will also take on the responsibility of chairing the CSE Sub-Group, this will increase the independence, challenge and scrutiny of partners involvement.

### **Next Steps**

Work has started on the completion of a CSE Needs Analysis. Led by a Public Health consultant, the multi-agency document aims are;

- To understand the scale and nature of child sexual exploitation in Rotherham
- To understand the needs of victims (child and adult, current and historic)
- To understand the triggers, motivations and needs of perpetrators
- To make evidence based recommendations to inform the development, provision and commissioning of services and programmes to prevent CSE, protect victims and pursue perpetrators

Following recent independent reviews and inspections the remit and responsibilities of the CSE Team are currently being reviewed and a new statement of purpose is being drafted. This will be a key document which will inform both future resourcing decisions and help to clarify how we as a partnership work together to safeguard children and young people from the risks of CSE.

We are awaiting the outcomes and findings of a College of Policing peer review which will need to be considered within the RLSCB improvement plan which is being finalised and will incorporate CSE related actions.

## PREVENT

Making it more difficult to exploit children

**Strategic Action 2: The RLSCB will deliver an effective co-ordinated training, community and schools awareness programme through a multi-agency "Learning, Development and Awareness Strategy"**

### Achievements

CSE is clearly incorporated within the RLSCB training and development framework both in specialist targeted courses and through additional content within existing safeguarding awareness workshops. Staff are encouraged to attend the appropriate level of training for their role based on their responsibilities and amount of direct interaction with children, young people and families. A team briefing was issued in September explaining to all RMBC staff how they could access training via the RLSCB.

This includes a CSE e-learning package which became live in September. The e-learning materials are aimed at parents, carers and "Group 1" of the workforce, which the LSCB defines as "staff/volunteers in infrequent contact with children, young people and/or parents/carers who may become aware of possible abuse or neglect." This will apply to staff across all partner agencies. Individuals are required to self-register for this package, and will be able to print a certificate of completion which can then be kept on personal files and/or shared with their agency training department. The e-learning can be accessed via the LSCB website where details of other training opportunities are also published.

The e-learning package can only currently analyse on where the user lives, so may not necessarily include the Rotherham workforce. However Rotherham has the highest number of self registrants in the City Region so far. 1136 users live in the Rotherham which represents 74% of the total registrants for the City Region total of 1541. (*The City Region includes; Sheffield, Barnsley, Doncaster & Bassetlaw, Rotherham and Chesterfield*).

Between April and September over 218 staff attended multi-agency training including 29 foster carers. This is an increase on the number training within the same period in 2013/14 which was 115.

557 Young People have been involved in CSE education programmes led by the CSE teams in schools. An additional 695 young people working with our Integrated Youth Support Service (IYSS) on informal curriculum sessions related to CSE.

### Next Steps

Following ongoing successful engagement with secondary and primary schools, the Healthy Schools Co-ordinator and CSE Team project worker are working with Special Schools and Pupil referral units to develop CSE awareness and education materials appropriate for their individual cohorts of children.

All Rotherham Police supervisors are undergoing LSCB CSE training to refresh their knowledge.

**Strategic Action 3: The RLSCB will deliver targeted communications to ensure consistent and accurate messages are shared with all, in support of public awareness and improved confidence in delivery**

### **Achievements**

The RMBC media and communication team continues to work with partners to co-ordinate responses to the high volume of queries and requests from the media following the Jay report.

The Voluntary Sector Consortium has been commissioned to build awareness in the community including hard-to-reach groups and parents. A conference was held for over 100 delegates from the VCS sector to build understanding across the sector and to identify what they can do as individual organisations and collectively to support the CSE agenda in Rotherham. In addition their CSE Community awareness programme workshop design is complete and staff are fully trained for delivery over the next few months. Full evaluation of programme is expected by in March 2015.

Although not within this reporting period there are two significant media and communication campaigns which were launched during the week commencing 24<sup>th</sup> November;

“Rotherham Standing Together Against Child Sexual Exploitation” was launched at the New York Stadium on 24th November. Businesses, voluntary groups and public bodies in Rotherham are joining forces and lending their support to a borough-wide campaign to keep children safe. The first organisations to pledge their support have already committed to raise awareness and understanding amongst their staff and volunteers, and to make a public pledge to stand against CSE. The campaign is closely tied to an associated website, [www.rotherhamstandingtogether.org.uk](http://www.rotherhamstandingtogether.org.uk), where organisations and individuals can sign up at the click of a mouse and will be able to access a range of resources being developed. They can also submit enquiries about how to access training, find out how to spot the signs and report concerns. Further details are then sent about how the organisation can become involved.

By signing the pledge, organisations and individuals effectively commit to:-

- Take a stand against child sexual exploitation in Rotherham
- Show your public support for the pledge by displaying the pledge sticker, including details of how anyone can report concerns
- Making sure your staff or volunteers understand how child sexual exploitation can happen - and know how to report it

The second campaign is “Spot The Signs”, backed by the Police and Crime Commissioner and organisations across South Yorkshire, this is the second phase of the “Say Something If You See Something” campaign which was launched in Rotherham earlier this year. The campaign focuses on the signs of child sexual exploitation and raises awareness of the reporting/support options available to those who feel they, or someone they know, may be a victim of the crime or are in a vulnerable position. Messaging is around encouraging the audience to look out for the signs, and the reporting/support mechanisms available. A suite of artwork portrays each of the 14 signs of child sexual exploitation:

- |  |  |
|--|--|
| 1. Physical injuries                     | 8. Drug or alcohol misuse                          |
| 2. Involvement in offending              | 9. Evidence of sexual bullying                     |
| 3. Thoughts of or attempts at suicide    | 10. Recruiting others into exploitative situations |
| 4. Receipt of gifts from unknown sources | 11. Online abuse                                   |
| 5. Withdrawn from family                 | 12. Self-harm                                      |
| 6. Absence from school                   | 13. Missing from home or care                      |
| 7. Poor mental health                    | 14. Repeat pregnancy terminations                  |

### Next Steps

The Community Engagement Strategy specific for CSE will be finalised. This focuses on the Jay report recommendation to improve direct and frequent engagement with women and men from the minority ethnic communities.

Data Summary - PREVENT					
MEASURE	2012/13	2013/14	2014/15		Direction of Travel (Qtr to Qtr)
			1 <sup>st</sup> Qtr (end of June)	2 <sup>nd</sup> Qtr (end of Sept)	
Numbers attending training and/or awareness raising Events					
Police Supervising Officers trained in CSE	110	0	0	0	➔
Ward Members trained in CSE	45	15	0	0	➔
Senior Managers trained in CSE	19	0	0	0	➔
Staff undertaken multi-agency training on CSE	171	48	0	0	➔
Multi-agency staff trained on the lessons learned from the Child 'S' Serious Case Review	175	37	0	0	➔
Ward Members attended 'one off' Local Government Yorkshire and the Humber conference	36	n/a	n/a	n/a	n/a
Neighbourhood Watch Co-ordinators trained	-	24	0	0	➔
Parish Councillors trained	-	11	0	14	⬆
RMBC - CYPS Staff	-	48	9	18	⬆

Data Summary - PREVENT					
MEASURE	2012/13	2013/14	2014/15		Direction of Travel (Qtr to Qtr)
			1 <sup>st</sup> Qtr (end of June)	2 <sup>nd</sup> Qtr (end of Sept)	
RDASH	-	-	7	20	↑
NHS Rotherham / TRFT (Hospital)	-	40	16	39	↑
Schools Staff and Governors	-	71	3	11	↑
Voluntary or independent organisations	-	29	11	12	↑
Health Other	-	4	0	10	↑
RMBC Other	-	2	1	21	↑
Local Business representatives	-	58	6	0	↓
Early Years (children's centres, childminders etc)	-	0	1	6	↑
South Yorkshire Fire and Rescue	-	0	1	0	↑
	-	-	0	29	↑
<b>TOTAL</b>	<b>556</b>	<b>411</b>	<b>48</b>	<b>170</b>	<b>↑</b>
<b>Number attending 'Train the Trainer' courses</b>	<b>0</b>	<b>8</b>	<b>0</b>	<b>0</b>	<b>→</b>
<b>CSE Team – Training and awareness of Children and Young People</b>					
Number of pupils involved in CSE education work	911	1320	456	101	↓ (school hols)
Number of awareness and promotional events	Not collected	Not collected	3	0	↓
Number of young people engaged in awareness and promotional events	Not collected	Not collected	250	0	No events
<b>IYSS Awareness Raising via Informal Curriculum sessions</b>					
Number of sessions with young people on 'Relationships'	Not collected	2207	221*	177	↓
Number of sessions with young people on 'Sexual Health'	Not collected	750	149*	54	↓
Number of sessions with young people on 'CSE'	Not collected	252	40*	54	↑
<b>Youth Start attendances for;</b>					
Sexual Health	Not collected	1181	0	152	↑
Sex and Relationship Education	Not collected	1239	0	206	↑

The contents of the data and performances will continue to be developed and therefore measures may change/expand in the future.

\*data amended since previous report

Please note awareness raising in schools and with young people is likely to be affected by seasonal trends ie School Holiday periods

## PROTECT

Identifying and safeguarding children who are at risk

**Strategic Action 4: The RLSCB will continue to review the effectiveness of single and multi-agency processes and procedures to ensure they are effective, efficient and fit for purpose to support the protection of children and young people from the risks and impact of CSE**

### Achievements

The local 'CSE Framework for Professionals' was published in September. This brings together a range of existing information and tools into a single reference document for partnership staff. However as part of the post inspection and Jay report improvement work the contents will be revisited in the New Year to reflect the new CSE Team Statement of Purpose (currently being drafted) and any other new service developments.

The CSE Risk assessment tool was further developed by the Rotherham CSE Team and rolled out sub-regionally in September. The tool now enables better tracking of progress for individual children and enables professional judgment to be recorded and override the risk scoring system on cases where the multi-agency meeting has deemed appropriate.

In the second quarter there was an increase in the workload of the CSE Team which, in part, may be due to the increased awareness following the publication of the Jay Report.

The number of CSE contacts into children's social care increased from 67 in the first quarter of the year to 82 in the second quarter (an 18% increase). These 82 contacts related to concerns relating to 79 individual young people. 36(44%) of these contacts led to a referral for assessment, which is an increase on the first quarter of 27%. And 17 assessments were completed within this time frame, almost double the number in the first three months (the remaining assessments are ongoing).

The number of social care cases being led by the CSE team has increased from 47 at the end of June to 58 at the end of September, this has increased further to 73 at the end of October (55% increase since June). In addition, at the end of October, a further 18 cases were being led by a worker in another social care team but supported by the CSE team due to identified risks.

Unfortunately without a national dataset we are unable to benchmark these performance statistics with other local authorities.

The revised missing person protocol has been completed and published in September. Reported incidents of runaways or those going missing from home has reduced since quarter 1 from 315 to 240 incidences in quarter 2. However the number of children going missing has increased from 114 to 134. This is because

there has been an increase in the number of children and young people going missing for a single instance.

In the first six months of this year Safe@Last have received 378 referrals relating to 228 children. 28 of the young people engaged in a return to home interview with the service.

The appointment of a new safeguarding officer post within the CYPS Safeguarding Unit to focus on vulnerable group children has been agreed and is currently being recruited to. This post will primarily focus on children at risk of CSE and those who are at risk of missing from care.

In response to the increase in demand an extra police sergeant and plus five officers have been made available to the CSE Team. Demand is being monitored and further additional police officers will be made available if required.

### **Next Steps**

As the CSE team is reviewing its Statement of Purpose the previously reported developments relating to information for young people and their families receive at first point of contact is on hold until the New Year.

Colleagues in the Health community are working together to review their own potential CSE pathways and how these can be improved (including pharmacists, school nurses, substance misuse services and Genitourinary medicine). This work is being progressed alongside the CSE analysis of need by the Public Health consultant.

The Rotherham LSCB is currently reviewing their Quality Assurance resourcing and capacity. It is proposed that the current 0.5 Full Time Equivalent post is increased to a full time member of staff. (This post will support across the whole Children's Safeguarding agenda not just CSE).

### **Strategic Action 5: We will ensure there is effective protection, support and guidance for victims and potential victims of Child Sexual Exploitation**

#### **Achievements**

As outlined in the 'Leadership' section of this report. In September the Leader of the Council identified £120,000 as an immediate response for post abuse support for victims of CSE until March 2015. This was to increase the capacity across the voluntary and community sector for counselling and support to survivors in a family context. The organisations awarded the funding are:-

- GROW - £20,000.
- Rotherham Women's Counselling Service (RWCS)/Pit Stop for Men - £20,000.
- South Yorkshire Community Foundation (SYCF) - £20,000.

Following a 'request to quote' which provided an opportunity for the wider voluntary and community sector to apply for funding to build capacity, Rotherham Women's Counselling Service have been awarded a further £21k.

The request to quote is still live providing an opportunity for the voluntary and community sector organisations to apply for funding up to £27,346.

## Next Steps

Phase 1 of the CSE analysis of need will focus on establishing the short and longer term support needs of victims to inform commissioning processes to ensure appropriate services are in place post March 2015.

The interim self-referral pathway (until end of March 2015) is to establish a coordinator role, employed within IYSS, and based with YouthStart, to develop a 'service neutral front door'. This is to help mitigate the risk and impact of the public's current loss in confidence in the 'authorities'. This post is currently being recruited to.

As part of the ongoing work to ensure that victims of Child Sexual Exploitation have access to the right support, a free help line number and email address is being established. It will be branded: "Rotherham's CSE post abuse support helpline provided by NSPCC" and will have a dedicated email and telephone Freephone number (rotherhamcse-support@NSPCC.org.uk and 0800 7319256)

Data Summary - PROTECT					
MEASURE	2012/13	2013/14	2014/15		Direction of Travel (Qtr to Qtr)
			1 <sup>st</sup> Qtr (end of June)	2 <sup>nd</sup> Qtr (end of Sept)	
CSE Team Workload					
Cases currently open to social care CSE Team <i>(as at end of reporting period)</i>	69	51	47	58	↑
Number of the above who are boys <i>(as at end of reporting period)</i>	-	6	5	3	↓
Cases open to CSE Team parenting officer <i>(as at end of reporting period)</i>	<i>Was included in open cases</i>	5	5	2	↓
Number of other open cases the CSE Team also co-work or support <i>(as at end of reporting period)</i>	<i>Not measured</i>	51	44	26	↓
Number of contacts made to social services regarding CSE	437	161	65	82	↑
Number of children the above contacts relate to	212	146	64	79	↑
Number of contacts leading to a referral	129	146	18	36	↑
Number of children the above referrals relate to	119	84	18	36	↑
Number of Social Care Assessments completed by the CSE Team	17	89	16*	17	↑



Data Summary - PROTECT					
MEASURE	2012/13	2013/14	2014/15		Direction of Travel (Qtr to Qtr)
			1 <sup>st</sup> Qtr (end of June)	2 <sup>nd</sup> Qtr (end of Sept)	
Barnardos (started Dec 13)					
Number of cases currently open to Barnardo's outreach work (Rotherham only) <i>(as at end of reporting period)</i>	n/a	10	10	-	↓
New Referrals (Barnardo's)	n/a	15	4	4	→
Closed cases (Barnardo's)	n/a	4	3	1	↓
Runaways/Missing					
Number of reported incidences of children running away from home or care	338	279	315	240	↓
Number of children the above runaway incidences relate to	121	125	114	134	↑
Safe@Last					
NEW – Number of individuals who contacted Safe@Last frontline services <i>(inc. helpline calls, text, web chats)</i>	-	-	73	232	↑
Referrals to Safe@Last	-	230	229	158	
Number of children in the above referrals to Safe@Last	-	87	111	117	↑
NEW - Number of referrals who engaged with Safe@last	-	-	15	13	↓
Return interviews following 'runaway'	-	36	31	28	↓
Safe@last follow up visits	-	166*	73	71	↓
NEW - Number of children involved in with Safe@Last	-	-	111	127	↑
NEW – Number of households in contact with Safe@Last support worker	-	-	21	30	↑
NEW – Number of parents/carers in contact with Safe@Last support worker	-	-	22	30	↑
GROW INVOLVE					
Young People referred to the project	Project s were not running in 2012/13	5	8	3	↓
Young people engaged in the project		5	8	3	↓
Young People currently receiving support <i>(as at end of reporting period)</i>		23	22	18	↓
Families referred to the project		0	0	0	→
Families engaged in the project		0	0	0	→
Families currently receiving support <i>(as at end of reporting period)</i>		5	0	0	→

The contents of the data and performances will continue to be developed and therefore measures may change/expand in the future.

\*data amended since previous report

## PURSUE

Identifying offenders, disrupting and stopping their activity

### Strategic Action 6: The RLSCB will work together to proactively identify and disrupt places of CSE activity

#### Achievements

The monthly tactical team briefing document continues to allow members of the Operational Manager's group to share and review any new information and intelligence enabling Police, the CSE Team and partners to respond appropriately.

Intelligence colleagues within the Police have locally developed and introduced a specific CSE suspect risk assessment and Disruption Plans. 167 individuals have been assessed with 32 scoring as high risk.

The details of these high risk individuals are shared across the force via their iBrief system along with the relevant intelligence requirements. The Offender Management Unit has ownership of these suspects and will oversee further direction and disruption plans for them. Partners are contributing to these disruption plans via the multi-agency operational managers group (Silver). Using their single agency statutory powers partners will feed into the above plans to work together to jointly disrupt CSE activity for the high risk. For example; Premises Licensing, Fire and Safety checks, Taxi licensing checks.

As previously reported to members in addition to case level work Rotherham Police are also involved in a number of on-going live operations, some of which are being led by neighbouring authorities.

A summary of ongoing operations as at the end of October is shared below, however further details of live investigations are confidential:

- Operation Crucible – A local intelligence operation on a suspected venue of criminal activity, some of which linked to CSE. The building owners were not aware of the problems surrounding the building and following a meeting with the police took immediate action to remove the tenants and close the building down. Monitoring is in place to identify movement to other buildings.
- Operation Makesafe – this is an ongoing national operation in relation to hotels and gives training to hotel staff to help them identify incidents of CSE. It has led to a number of charges following an incident at a local hotel.
- Operation Clover – This operation is being run by the Major Investigation Team (MIT) and is investigation historical CSE from the early 2000s. This involves a number of potential perpetrators and a significant potential number of victims. 3 people have been arrested and are on police bail.

- Operation Marshall – Commenced at the end of August 2014 to collate all complaints that arise from the release of the Alexis Jay report. This is a force wide operation and not just related to Rotherham.
- Operation Mark – Historical investigation, where the suspects at the time were based in Rotherham. At this time there is no intelligence to show that any of the suspects are currently engaged in CSE.
- Operation Meadow – Force wide investigation by the CSE historical team into activities of any person who has been reported missing on more than one occasion to see if there were any missed opportunities for prosecuting CSE.

### Next Steps

The Operational Managers Group are working together to ensure the intelligence collection for new CSE disruption plan process is further developed and embedded. All high risk suspects will be subject to the process, with attention first given to the ten highest risk individuals.

### Strategic Action 7: We will ensure perpetrators are brought to justice

#### Achievements

The CSE Police Analyst completed a full analysis of the Police response to CSE in the last 12 months. The following is a summary of the key facts from the analysis.

For the 12 month period, 1st November 2013 to 31st October 2014, 12% (173) of the 1462 Child Protection Referrals to Rotherham police were CSE related. A breakdown of these by police classifications is provided below

- 55 referrals that have been classified as “Child Abuse – Sexual Exploitation” (average of 1.1 per week)
- 117 referrals that have been classified as “Child Concern – Sexual Exploitation” (average of 2.2 per week)
- 1 referral that has been classified as “Alleged against Professional – Sexual Exploitation” (numbers are too small to create a meaningful average per week)

The following is a breakdown of CSE Offenders (including Suspects) in Rotherham, based on Gender and Ethnicity and have been taken from recorded crimes, which were recorded as CSE crimes in Rotherham, during the period 1st November 2013 to 31st October 2014.

Ethnicity	Female	Male	Total	% of total by Ethnicity
ASIAN		15	15	23.8%
MIDDLE EASTERN		3	3	4.8%

<b>Ethnicity</b>	<b>Female</b>	<b>Male</b>	<b>Total</b>	<b>% of total by Ethnicity</b>
UNKNOWN		3	3	4.8%
WHITE - NORTH EUROPEAN	2	36	38	62.2%
WHITE - SOUTH EUROPEAN		4	4	6.3%
<b>Total</b>	<b>2</b> <i>(3% of total)</i>	<b>61</b> <i>(97% of total)</i>	<b>63</b>	

In the 12 week period, since the date Professor Alex Jay's report was published, (26<sup>th</sup> August 2014), up to 18<sup>th</sup> November 2014, the average per week for "Child Abuse – Sexual Exploitation" referrals has dropped to 0.9 per week. However the average per week for those classified as "Child Concern – Sexual Exploitation" as increased to 4.1 per week. There were been:

- 11 new referrals that have been classified as "Child Abuse – Sexual Exploitation", an average of 0.9 a week. (There are still 7 open as investigations).
- 49 new referrals that have been classified as "Child Concern – Sexual Exploitation", an average of 4.1 a week. (There are still 27 open as an investigation).

There have been 26 Investigations that have resulted in a Prosecution. Of these; There are 21 investigations that have resulted in a successful conviction, 3 are Charged awaiting trial and 1 has been found Not Guilty at court and 1 resulted in a Caution.

The 26 investigations relate to 24 offenders. Of these; There are 20 offenders that have been successfully convicted, 3 are Charged and currently awaiting trial, and 1 has been found Not Guilty. Of the 20 convicted 2 are awaiting sentencing.

There are 8 offenders that have been found guilty and sentenced to Imprisonment ranging from 8 months to 15 years. One offender was originally sentenced to 6 years imprisonment, and on appeal because of leniency, was recently increased to 12 years. One offender was issued with a Risk of Sexual Harm Order, which is a civil order, not criminal.

Most of the Offenders were Male and there were 2 Female Offenders, one was given 8 years imprisonment and the other was given a Risk of Sexual Harm Order.

Offenders which were prosecuted in the last 12 months committed their offences in various locations across and Rotherham and surrounding areas. Dinnington, Maltby and Kimberworth were where more than one offence was committed.

Data from prosecutions, during the 12 month period 1st October to 30th September 2014, shows that 80% of offenders lived in Rotherham, but that they also lived in other locations including Sheffield, York, Bradford and Middlesbrough.

There are many challenges when prosecuting CSE offences. Commonly these are; lack of forensic evidence, lack of engagement in the investigation by the victim and time delay in the complaint. Based on the date of the initial referral received on CATS, the average time from referral to prosecution was 20 months. This is not ideal, but this is due to the complexities of CSE cases, and some of these identified challenges.

### **Next Steps**

The CSE Subgroup has been actively seeking engagement of the Crime Prosecution Service within the Rotherham LSCB strategy and action plan. Unfortunately representatives have not been able to attend scheduled meetings therefore an extraordinary meeting of the Sub-Group is to be held to focus on developments and partnership working with the Crime Prosecution Service.

Data Summary - PURSUE				
Please note that following the appointment of a police analyst the 'Pursue' data set was reviewed, quality assured and completely revised at the end of 2013/14. Robust collection systems specifically for CSE data were not in place prior to this review therefore retrospective data is not available for comparison				
MEASURE	2013/14	2014/15		Direction of Travel (Qtr to Qtr)
		1 <sup>st</sup> Qtr (end of June)	2 <sup>nd</sup> Qtr (end of Sept)	
CSE Team				
Current High Risk Children / Young People (as at end of reporting period)	6*	6	8	↑
Current Open Referrals on Case Administration and Tracking System (CATS) (as at end of reporting period)	44	54	49	↓
New Referrals on CATS	34	30	44	↑
GAAP Meetings held (to review progress of cases)	3	1	5	↑
Referrals completed/finalised	105	79	68	↓
Arrests	23	12	14	↑
Interviews under caution	41	15	23	↑
Victim / Witness interviews	35	5	5	➡
Forensic submissions	13 (last qtr only)	13	28	↑
Currently on police bail (as at end of reporting period)	3	18	7	↓
Currently on remand (as at end of reporting period)	1	1	1	➡
Charged with on offence	5	4	0	↓
Prosecutions	5	2	3	↑
Abduction notices served	17	11	24	↑
Joint visits	32	16	29	↑
Risk Assessments	37	27	38	↑
Joint Investigations	13 (last qtr only)	7	0	↓
MISPER Incidents at Risk of CSE (missing young people)	66 (last qtr only)	82	45	↓
High Risk CSE Misper Incidents (missing young people)	2 (last qtr only)	0	0	➡
New - Intelligence Reports Input	-	56	98	↑
Police				
Recorded Crimes	15 (last qtr only)	10*	38	↑
Total Positive Outcomes	5 (last qtr only)	10*	38	↑

<b>Data Summary - PURSUE</b>				
Please note that following the appointment of a police analyst the 'Pursue' data set was reviewed, quality assured and completely revised at the end of 2013/14. Robust collection systems specifically for CSE data were not in place prior to this review therefore retrospective data is not available for comparison				
<b>MEASURE</b>	<b>2013/14</b>	<b>2014/15</b>		<b>Direction of Travel (Qtr to Qtr)</b>
		<b>1<sup>st</sup> Qtr (end of June)</b>	<b>2<sup>nd</sup> Qtr (end of Sept)</b>	
Total Charge summons	5 (last qtr only)	4*	Not currently available	Not currently available
Total Other outcomes	0 (last qtr only)	1		
Outcome Rate	33%	40%*		

*The contents of the data and performances will continue to be developed and therefore measures may change/expand in the future.*

*\*data amended since previous report*

## 8. Finance

Below is a summary as at the end of June. CSE Budgets and funding are currently under review following the publication of the Alexis Jay Report and Ofsted Thematic Inspection.

### Summary of Direct Costs of Partner Financial Contributions in support of CSE Services in Rotherham

Services with identifiable direct costs	ACTUAL 2013/14	PROPOSED 2014/15
Rotherham MBC - Child Sexual Exploitation Team	274	276
Rotherham MBC - Integrated Youth Support Service*	810	759
South Yorkshire Police*	1,190	1,305
Rotherham Foundation Trust	2	-
Rotherham, Doncaster and South Humber (RDASH) NHS Foundation Trust*	-	12
<b>TOTAL</b>	<b>2,276</b>	<b>2,352</b>

*\*These costs are a best estimate of the direct cost and proposed costs of services directly supporting Rotherham CSE*

### Other Indirect Contributions in support of CSE Service

for which it is not possible to determine exact costs as they are part of a wider team and service

Rotherham Hospital Foundation Trust	<p>Assessing all elements of potential risks posed to children/young people who access SARC or Children's Independent Sexual Violence Advocate (ISVA) services and putting preventative actions in place as a result. There is representation and commitment from the Trust at both the CSE Sub Group and Multi Agency Operational Managers Group.</p> <p>SARC Operational staff work closely with the CSE Team and the Children's Independent Sexual Violence Advisor is a member of the Group Assessment and Progress meetings where discussions are held on high risk cases and any cases where there are concerns that the level of risk is increasing.</p>
NHS England	<p>NHS England does not offer direct financial support to Local Safeguarding Boards, but does offer other forms of support. NHS England is well represented and involved within the CSE and children's safeguarding agenda both locally and regionally. The Director of Nursing &amp; Quality is the health representative on the SY CSE Group, the Assistant Director of Nursing represents NHS England on the CSE Sub Group and the Patient Experience Manager represents NHS England on RSCB.</p> <p>In addition the South Yorkshire &amp; Bassetlaw Safeguarding Forum which brings together Designated Nurses/ Dr's and CSE is a standing agenda item for this meeting.</p> <p>The above involvement ensures an increased awareness in relation to CSE issues and enables the messages to get out to frontline staff. It is also a vehicle for carrying out pieces of work across the SY footprint and sharing good practice.</p>
NHS Rotherham Clinical Commissioning Group (CCG)	<p>NHS Rotherham Clinical Commissioning Group (CCG) is committed to supporting the Child Sexual Exploitation (CSE) agenda from the perspective of a commissioner of health services. Rotherham CCG includes CSE within its contracts with providers, embedded within the training requirements of the safeguarding standards, which are monitored via the contract review process. Senior CCG staff have attended multi-agency CSE awareness sessions and a SYP event. The CCG Chief Nurse attends the CSE sub group and the CCG Head of Safeguarding attends the CSE Silver Group. The CCG Chief Nurse, Head of Safeguarding and Named GPs attend the Rotherham Safeguarding Boards</p>



	<p>(RLSCB &amp; RSAB).</p> <p>The CCG together with other safeguarding professional across South Yorkshire and Bassetlaw have developed a GP Safeguarding Vulnerable People Policy which has been circulated to GP practices, this includes the Child Sexual Exploitation Warning Signs Vulnerabilities Check List.</p> <p>During May 2014 Rotherham CCG organised and facilitated an away day for all Rotherham senior safeguarding professionals, the CSE action plan was updated as part of this event and a short term, task and finish group set up to identify health service gaps in relation to CSE. In November 2014 a Protected Learning Time event for GP practice staff is dedicated to safeguarding and includes CSE as one of the topics to be covered. Rotherham CCG, together with NHS England and other safeguarding professional across South Yorkshire and Bassetlaw, are facilitating a National CSE event in September 2014.</p>
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## 9. Risks and Uncertainties

The Independent Inquiry report and Ofsted inspection reports have been published and have attracted extensive national and international interest. The authority is still undergoing intense scrutiny from external regulatory agencies and media.

A new strategic leadership team is in place to take forward the improvement work. Additional issues and recommendations may arise through the Corporate Governance Inspection and related police inspections.

## 10. Policy and Performance Agenda Implications

Keeping children and young people safe and therefore the eradication of CSE is one of the highest priorities in the key strategies of the Council, the Rotherham Local Safeguarding Children's Board (RLSCB), the Safer Rotherham Partnership and the Police and Crime Commissioner.

There remains no national performance framework for CSE. In its absence the local multi-agency Performance Framework which accompanies the CSE Strategy and Action Plan will continue to develop to ensure that accurate, timely and meaningful information about key aspects of CSE and safeguarding children and young people is collated and used to inform practice.

If new government guidance on the collection of data relating to CSE is developed it will be incorporated in the performance data; which will be presented to members as part of the regular updates on performance.

## 11. Background Papers and Consultation

- Independent inquiry to review the previous ways of working and outcomes of CSE cases which were open between 1997 to January 2013 – Professor Alexis Jay (August 2014)

- RLSCB Chair Review of Rotherham's response to CSE (December 2013)
- OCC Inquiry into Child Sexual Exploitation in Gangs and Groups Final Report (November 2013)
- Barnardo's Rotherham Practice Review (November 2013)
- HMIC Review of South Yorkshire Police Response to CSE 2013
- RLSCB Child Sexual Exploitation Action Plan 6 Month Progress Report (presented to members 6th November)
- Reports to Cabinet on 28th June, 3rd July, 18th September, 5<sup>th</sup> February and 9<sup>th</sup> July 2013
- LGA publication, June 2013 'How councils are raising awareness of child sexual exploitation'
- RLSCB CSE Strategy 2013-2016
- Independent Inquiry into Child Sexual Exploitation in Rotherham 1997-2013 Alexis Jay OBE
- Report to Cabinet on 3<sup>rd</sup> September - Response to the Independent Report prepared by Alexis Jay

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<b>ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS</b>
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<b>1.</b>	<b>Meeting:</b>	<b>The Cabinet</b>
<b>2.</b>	<b>Date:</b>	<b>17th December 2014</b>
<b>3.</b>	<b>Title:</b>	<b>General Enforcement Policy</b>
<b>4.</b>	<b>Directorate:</b>	<b>Neighbourhoods and Adult Services &amp; Economic and Development Services</b>

## **5. Summary**

This report details the review and update of the Council's General Enforcement Policy following the publication of the new Regulators' Code (Better Regulation Delivery Office [BRDO]) in April 2014. The Regulator's Code is a statutory document detailing how regulators should carry out their functions.

The Council has a wide enforcement remit covering many and diverse statutory functions. The General Enforcement Policy outlines Rotherham Council's approach to securing fair, practical, and consistent enforcement, conducted in a transparent manner. Legislation can at times appear complicated, but this policy aims to make the Council's practices clear, straightforward and accessible.

This policy also details the enforcement methods we deploy and is intended to provide general guidance as to these methods and our approach for individuals and businesses who live, trade or visit the Borough.

## **6. Recommendations**

**It is recommended that Cabinet:**

- 6.1 Notes the proposed wording of a new General Enforcement Policy**
- 6.2 Recommends that the Council approve the commencement of consultation on the revision of the new draft General Enforcement Policy**

## 7. Proposals and Details

### Background

The Council has always abided to the use of the principal's of good regulation and over the the last ten years or so this has been advised by national codes of guidance issued by Governments. This has included the Enforcement Concordat and Regulator's Compliance Code. To implement these codes into the enforcement and regulation functions the Council has embedded the principles into a General Enforcement Policy (GEP). The most recently adopted policy was agreed by Cabinet in 2008, and amended in 2011 with reference to the introduction of a charging regime for Housing Act notices.

A new national code; the Regulators' Code, issued uner the Legislative and Regulatory Reform Act 2006 ("the Act"), became, on the 6<sup>th</sup> April 2014, a statutory code by which the Council, and other regulatory bodies (if their regulatory statute is scheduled by the enacting order) must have regard to when developing policies and operational procedures.

This new code provides a clear, flexible and principles-based framework for how regulators should engage with those they regulate. The Code is underpinned by the statutory principles of good regulation, which provide that regulatory activities should be carried out in a way which is transparent, accountable, proportionate and consistent and should be targeted only at cases in which action is needed.

The Government's expectation is that, as regulators, the Council integrate the Code's standards into regulatory culture and processes. Consequently regulators will be able to use their resources in a way that gets the most value out of the effort that they make. This report introduces a new General Enforcement Policy for the Council to work to these principles. The drafting of the policy has utilised national guidance contained in the Regulators' Code Section 6: Local Authority Toolkit.

The Code stresses the need for regulators to adopt a positive and proactive approach towards ensuring compliance by helping and encouraging regulated entities to understand and meet regulatory requirements more easily, and responding proportionately to regulatory breaches.

It is apparent that, with the Council's regulatory services working to previous good practice advised by national guidance, there are established working procedures that already comply with the new Code. This is demonstrated, for example, Parking Services who have a clear / transparent Parking Enforcement Policy which is available via the Council's web site and who also publish an Annual Report which sets out the requisite financial and statistical information.

The Council carries out a wide range of enforcement activities, including a number of risk based interventions, but balanced with guidance on legal obligations for businesses, consumers, residents, visitors. Our services interact with everyone, young or old, who come into Rotherham and even people from much further afield who buy or use goods and services originating from the Borough.

The main purpose of our enforcement activities is to protect the public and the environment. To achieve this aim we endeavour to regulate businesses and others in a fair, practical and consistent manner helping to promote the local and national economy and make Rotherham a better, safer place in which to live, work and visit.

To introduce the Policy consultation is required with those who may be impacted by the Council's regulatory and enforcement services.

## The Policy

The General Enforcement Policy (detailed at Appendix A), is based on the principles of good enforcement detailed in the Enforcement Concordat and the Regulators' Code (Better Regulation Delivery Office [BRDO] April 2014). The Council aims to enforce in a transparent manner and in all our choices of enforcement actions we follow the principles of the Regulators' Code and in particular we will use interventions that:

- Minimise any unnecessary burden on business
- Aim to change the behaviour of the offender;
- Aim to eliminate any financial gain or benefit from non-compliance;
- Will be proportionate to the nature of the offence and the harm caused;
- Aim to restore the harm caused by regulatory non-compliance where appropriate;
- Aim to deter future non-compliance of the offenders and others.

No two cases are the same and each will be considered on its own merits. In deciding on the method of dealing with a case, consideration will be given to matters which aggravate or mitigate the seriousness of the case so that the most appropriate and proportionate method of disposal is chosen.

We will exercise our regulatory activities in a way which is:

- **Proportionate** – our activities will reflect the level of risk to the public and enforcement action taken will relate to the seriousness of the offence,
- **Accountable** – our activities will be open to public scrutiny, with clear and accessible policies, and fair and efficient complaints procedures,
- **Consistent** – our advice to those we regulate will be robust and reliable and we will respect advice provided by others. Where circumstances are similar, we will endeavour to act in similar ways to other local authorities,
- **Transparent** – we will ensure that those we regulate are able to understand what is expected of them and what they can anticipate in return, and
- **Targeted** – we will focus our resources on higher risk enterprises and activities, reflecting local need and national priorities.

The General Enforcement Policy applies to the regulatory functions discharged by Neighbourhood and Adult Services' Safer Neighbourhoods and Business Regulation

Services; and Environment and Development Services' Parking and Highways Services.

The Policy does not cover the regulatory and enforcement functions delivered by Planning and Building Control Services; this is because their regulatory statutory powers are not scheduled with Part 3 of the 2007 order. The extant list of regulations covered by the Regulators' Code is found within the schedule to the Legislative and Regulatory Reform (Regulatory Functions) Order 2007.

## **8. Finance**

Contained within existing revenue budgets.

## **9. Risks and Uncertainties**

The Regulator's Code is a statutory guidance document, and failure to comply with its requirements presents the risk of the Council being in contravention of its statutory obligations.

Further, the General Enforcement Policy gives confidence to business and individuals of the transparency and fairness of the Council's approach to enforcement, without which the Council's reputation might be at risk.

## **10. Policy and Performance Agenda Implications**

The regulatory and enforcement services of the Council, and accordingly the working procedures and practices utilising the General Enforcement Policy have a direct contribution to the delivery of the Corporate Plan 2013-16. Such work directly relates to the Corporate Plan's priorities of ensuring all areas of Rotherham are safe, clean and well maintained, Protecting the most vulnerable, Improving the health & well being and, by ensuring that standards are complied with, provides for a consistent and transparent level playing field, to help stimulate the local economy.

This contribution is reflected in the "golden thread" recognised in the Neighbourhood and Adult Services' Service Plan for 2014/15.

## **11. Background Papers and Consultation**

- Legislative and Regulatory Reform Act 2006 and associated statutory orders
- Enforcement Concordat
- Regulators' Code (Better Regulation Delivery Office [BRDO] April 2014)
- Regulators' Code Section 6: Local Authority Toolkit
- RMBC General Enforcement Policy (2008, as amended 2011)
- Consultees; RMBC Legal & Democratic Services and Economic & Development Services (Planning, Regeneration & Cultural and Streetpride Services)

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# **Rotherham Metropolitan Borough Council's Enforcement Policy**

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- Appendix A      [Legislation, guidance and codes that influenced the preparation of the policy](#)
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## **1. Introduction**

### **1.1 *Rotherham Metropolitan Borough Council's approach to dealing with non-compliance***

This document is the Enforcement Policy for Rotherham Metropolitan Borough Council (the 'Council'). It is based on the principles of transparency, consistency and proportionality and sets out the key principles under which officers will seek to achieve compliance with the legislation we enforce. The policy conforms to the Regulators' Code (Better Regulation Delivery Office [BRDO]) April 2014, and should be read in conjunction with any applicable service specific policies and procedures.

Our purpose is the delivery of efficient, targeted and proportionate regulatory services focused by risk assessment to provide a positive approach to those regulated and compliance.

The Council's Corporate Priorities are supported by providing protection from harm for individuals and the environment, enabling businesses to flourish without unnecessary

burdens of inspection and regulation, and improving the health and wellbeing of those within the Borough.

We will ensure that we protect and, at least maintain, good standards and conditions that impact on the living, neighbourhood and work environments of all who live, work and visit Rotherham.

The Council is committed to good enforcement practice and adherence to the current legislation, guidance, and codes of practice, that influence the policy, (see [Appendix A](#)).

We will exercise our regulatory activities in a way which is:

- **Proportionate** – our activities will reflect the level of risk to the public and enforcement action taken will relate to the seriousness of the offence.
- **Accountable** – our activities will be open to public scrutiny, with clear and accessible policies, and fair and efficient complaints procedures.
- **Consistent** – our advice to those we regulate will be robust and reliable and we will respect advice provided by others. Where circumstances are similar, we will endeavour to act in similar ways to other local authorities.
- **Transparent** – we will ensure that those we regulate are able to understand what is expected of them and what they can anticipate in return.
- **Targeted** – we will focus our resources on higher risk enterprises and activities, reflecting local need and national priorities.

The Council will avoid imposing unnecessary regulatory burdens, and policies, procedures and practices will consider supporting or enabling economic growth by considering economic impacts and costs of compliance with a view to improving confidence in compliance of those regulated and encouraging compliance.<sup>1</sup>

The Council will ensure that regulatory officers have the necessary knowledge and skills to:

- Support those that they regulate
- Understand those they regulate
- Understand the statutory principles of good regulation and how activities are delivered in accordance with the Code.

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<sup>1</sup> Section 1.1, [Regulators' Code](#)



This Enforcement Policy has been developed following review of the previous General Enforcement Policy in light of the new Regulators Code. Consultation with stakeholders will take place in 2015, with a target of completion by April 2015.<sup>2</sup>

Following consultation, approval of the Enforcement Policy will be sought from Cabinet. Once the Enforcement Policy has gained approval the Policy will be published, and together with service standards and function specific Enforcement Policies drawn up by each individual service area, will be available in electronic or paper format upon request.

## **2. Purpose of the Policy**

### **2.1 *The Enforcement Policy details Rotherham Council's policy in respect of its approach to dealing with non-compliance to:***

- a) Public and businesses those affected by regulatory activities; and
- b) Officers of the Council

All officers will have regard to this document when making enforcement decisions. Any departure from this policy must be exceptional, capable of justification and be fully considered by the Director of service before a final decision is taken. This provision shall not apply where a risk of injury or to health is likely to occur due to a delay in any decision being made. In cases of emergency or where any exceptional conditions prevail, the Chief Executive may suspend any part of this policy where necessary to achieve effective running of the service and/or where there is a risk of injury or to health of employees or any members of the public.<sup>3</sup>

## **3. Application of the Policy**

### **3.1 *Scope of the policy, and service areas referred to***

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<sup>2</sup> Section 2.1, [Regulators' Code](#) requires regulators, before changing policies, practices or service standards, to consider the impact on business and to engage with business representatives.

<sup>3</sup> Section 6.4, [Regulators' Code](#) requires regulators to have mechanisms in place to ensure that their officers act in accordance with their published service standards, including their enforcement policy.

This document sets out what business and others being regulated can expect from the Council's regulation, enforcement, and officers.

The Enforcement Policy relates to those enforcement and regulatory functions discharged by the Council's Neighbourhood and Adult Services' Safer Neighbourhoods and Business Regulation Services; and Environment and Development Services' Streetpride and Waste Management Services.

The Policy does not cover the regulatory and enforcement functions delivered by Planning and Building Control Services; this is because their regulatory statutory powers are not scheduled within Part 3 of the 2007 order. The extant list of regulations covered by the Regulators' Code is found within the schedule to the Legislative and Regulatory Reform (Regulatory Functions) Order 2007.

It commits regulation and enforcement to good enforcement practice with effective procedures and clear policies.

Regulation and enforcement's primary function is to achieve regulatory compliance in order to protect the public, legitimate business, the environment and groups such as consumers and workers. However, we reserve the right to take enforcement action in some cases after compliance has been achieved if it is in the public interest to do so.

This Enforcement Policy is the overarching Enforcement Policy for the Council and each regulatory service covered will have function specific Enforcement Policies in place.

## **4. Our approach to dealing with non-compliance**

### **4.1 *Rotherham Council's approach to dealing with non-compliance***

We recognise that most businesses and individuals strive to comply with the law, however, firm action will be taken against those who flout the law or act irresponsibly.

We will carry out all of our enforcement duties, including taking formal enforcement action, in a fair, equitable and consistent manner. Whilst officers exercise judgement in individual cases, we will have arrangements in place to promote consistency including liaison with other agencies and authorities.

Formal enforcement action will generally only be considered and taken in the first instance in cases where individuals have sought to obtain an unfair commercial advantage, intentional exploitation, unacceptable risk to the public, environment or animal health, safety or welfare, or other such situations that are considered to be so serious as to warrant formal action.

Where there is non-compliance the Council will clearly explain the non-compliance and provide opportunity for discussion, to ensure consistency and proportionality, unless there is a need for immediate enforcement action.<sup>4, 5</sup>.

The Council will ensure that mechanisms are in place to allow those regulated, and the public, to express views, provide feedback and contribute to the development of regulatory policies and service standards.

The Council will consider the impact on business, and engage with businesses, before changing policies and service standards.

We recognise that prevention is better than cure and will actively work with business and residents to provide advice on and assistance with compliance with the law. In doing this we will ensure that:

- Legal requirements are made available and communicated promptly upon request.
- The information we provide will be in clear, concise and accessible language and will be confirmed in writing where necessary.

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<sup>4</sup> Section 2.2, [Regulators' Code](#)

<sup>5</sup> Section 2.2, [Regulators' Code](#). The requirement to provide an opportunity for dialogue does not apply where the regulator can demonstrate that immediate enforcement action is required to prevent or respond to a serious breach, or where providing an opportunity for dialogue would be likely to defeat the purpose of the proposed enforcement action.

- We will clearly distinguish between legal requirements and good practice/guidance aimed at improvements above minimum standards
- Provide advice to support compliance that can be relied upon
- Work collaboratively with other regulators where those regulated by more than one regulator are affected, and where there is disagreement over advice given, regulators will reach agreement.

The Council's Scheme of Delegation, which includes details of who is responsible for managing investigations and making decisions on enforcement action, can be provided in electronic or paper format upon request.

We will be accountable for the efficiency and effectiveness of our activities, while remaining independent in the decisions we take.

We shall provide businesses and individuals with effective consultation and opportunities for feedback on our service.

Officers will be courteous, fair and efficient at all times, and will identify themselves by name.

We will give consideration to fairness, individual's human rights and natural justice, in all aspects of our enforcement work.

We believe in openness and equality in the way we provide services to members of Rotherham's community and that every individual is entitled to dignity and respect.

When making enforcement decisions we aim to ensure that there will be no discrimination against any individual regardless of culture, ethnic or national origins, gender, disability, age, sexual orientation, political or religious beliefs, socio-economic status, or previous criminal conviction or caution which is not relevant to the current issue.

We understand that some members of the community may have specific requirements, which may need extra advice and assistance. Careful explanation will be given and if necessary the services of an interpreter may be used. Appropriate translated material will be arranged or practical help provided for people with impaired hearing, vision or other impairment.

Where the responsible person has failed to respond once a breach of legislation has been brought to their attention or the breach is so severe as to present an imminent risk, it is very likely that formal action will be initiated. Where legislation allows, and the Council has adopted powers, the responsible person will be charged a fee which reflects the officer time and ancillary costs involved with the preparation of a formal notice.

We will advise the responsible person of the potential of being charged for formal enforcement notices before any charge is incurred, unless the situation is an emergency. In emergency situations officers will make reasonable efforts to contact the responsible person. If the responsible person cannot be contacted or cannot respond quickly enough, formal action will be initiated and a charge made.

In assessing what enforcement action is necessary and proportionate, consideration will be given to, amongst other things:

- (a) The seriousness of the compliance failure.
- (b) The past and current performance of any business and/or individual concerned.
- (c) Any obstruction on the part of the offender.
- (d) The risks being controlled.
- (e) Statutory guidance.
- (f) Codes of Practice.
- (g) Any legal advice.
- (h) Policies and priorities of Government and the Council.
- (i) A person's age in relation to young people aged under 18.
- (j) The existence of a Primary Authority agreement.

Where the Council has enforcement and regulatory responsibility in relation to its own premises, the Council will enforce and legislate in accordance with legislation, procedures, and guidance. This will be consistent across all premises regardless of ownership. Where individuals are investigated who are also Council employees, or where they have known connections to the Council in any capacity, the investigation will be conducted in accordance with procedures developed to ensure that conflict of interest is minimised, and that the investigation is conducted in an open, honest and accountable manner. All individuals and business will be dealt with consistently, regardless of whether or not they have an interest in the Council.

Where the Council is successful in prosecution and a conviction of an individual or business is achieved, the Council, upon legal advice, will publish details of the offence, perpetrators and convictions in both electronic and paper publications. This would be done to have a deterrent effect and to make the public aware that the Council is taking effective enforcement action where it is necessary.

**4.2    *The action that the Council chooses to take depends upon the particular circumstances and the approach of the business or regulated person to deal with the breach.***

Those that deliberately or persistently fail to comply will be dealt with firmly by the Council.

Those regulated by the Council are able to request advice on non-compliance without directly triggering enforcement action, where they show a willingness to resolve the non-compliance, unless the matter is so serious that enforcement action is deemed necessary.<sup>6</sup>

**4.3    *The factors that influence the Council's response to breaches of the rules:***

The Council will choose proportionate approaches based on relevant factors.<sup>7</sup>

Where a Primary Authority exists, the Council will consult on responses to breaches.

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<sup>6</sup> Section 5.4, [Regulators' Code](#)

<sup>7</sup> Section 1.1, [Regulators' Code](#)

The Council will carry out check visits or re-visit to assess compliance where prior advice or guidance has been given, before considering further action.

Where the Council is aware of likely non-compliance where the enforcement powers are shared or with another agency, the Council will liaise with the relevant agency.

#### **4.4 *Approach to complaints of non-compliance***

The Council will investigate all complaints of non-compliance.

### **5. Conduct of investigations**

#### **5.1 *Processes for investigating alleged breaches***

All investigations relating to breaches of legislation that are within the powers of authorised officers within the Council will adhere to the legislative controls of how evidence is gathered and used, (see [Appendix B](#)).

The powers used by authorised officers are determined and restricted to those set out in the appropriate statute and/or Council's Delegation of Powers scheme which is available in electronic or paper format upon request.

When we have come to the decision to take enforcement action against you and:

- You are a business operating in more than one Local Authority area and you have chosen to have a registered Primary Authority Partnership under The Regulator Enforcement Sanctions Act 2008 (The RES Act); and
- The enforcement action we propose to take is covered by the definition of enforcement action for the purposes of Part 2 of The RES Act.

We will, where required to do so by that Act, comply with the agreement provisions for enforcement and notify your Primary Authority of the action we propose to take.

Your Primary Authority has the right to object to our proposed action in which circumstances either they or we may refer the matter to BRDO.

Where any officer conducting regulatory or enforcement functions is obstructed in the course of their investigations, and legislation allows, formal action will be considered for obstruction offences.

Where legislation allows the seizure of equipment, articles, or items, the Council will adhere to legislation, guidance and specific policies in relation to those seizures.

Certain offences which are indictable, carrying a penalty of 12 months imprisonment or more, also carry provision for arrest in accordance with the Serious Organised Crime and Police Act 2005. Where necessary, we may request South Yorkshire Police exercise their powers of arrest.

Where it is believed that an offence has been committed, the Council will endeavour to interview where appropriate alleged perpetrators in accordance with the Police and Criminal Evidence Act 1984 and related guidance.

Legislation utilised by regulatory and enforcement officers, is often subject to statutory time limits for investigations from the point of discovery or commission of the offence. In all circumstances the Council will abide by these limitations when conducting investigations and when considering any subsequent enforcement actions.

Levels of authorisation are detailed within the Council's Scheme of Delegation, which is available upon request. Within the Scheme of Delegation there is provision for levels of authorisations for certain enforcement actions such as prohibitions, seizures and works in default, which will require case review prior to authorisation.

All prosecution work, including those which result in appearances at Licensing Board, are subject to case review through the line management arrangements prior to authorisation at section head level. These arrangements are laid out in function specific procedures.

## ***5.2 We will keep alleged offenders and witnesses informed of the progress of investigations***



## **6. Decisions on enforcement action**

### **6.1 *There are a range of actions that are available to the Council which are set out in legislation.***

For the purposes of this policy, formal enforcement action, includes, (see [Appendix C](#)).

- a) Compliance Advice, Guidance and Support;
- b) Voluntary Undertakings;
- c) Statutory (Legal) Notices;
- d) Financial penalties;
- e) Injunctive Actions / Enforcement Orders etc;
- f) Simple Caution;
- g) Prosecution; and
- h) Refusal / Suspension / Revocation of Licences

Where appropriate we will also take into consideration additional guidance and codes of practice, including service specific policies and procedures.

### **6.2 *How decisions are made on enforcement action***

We recognise that most businesses and individuals strive to comply with the law, however, firm action will be taken against those who flout the law or act irresponsibly.

We will carry out all of our enforcement duties, including taking formal enforcement action, in a fair, equitable and consistent manner. Whilst officers exercise judgement in individual cases, we will have arrangements in place to promote consistency including liaison with other agencies and authorities.

Formal enforcement action will generally only be considered and taken in the first instance in cases where individuals have sought to obtain an unfair commercial advantage, intentional exploitation, unacceptable risk to public, environment or

animal health, safety or welfare, or other such situations that are considered to be so serious as to warrant formal action.

Formal enforcement action will also be considered and may be taken where advice has been ignored.

Where formal enforcement action is necessary, we will consider the most appropriate course of action (from the range of sanctions and penalties available) with the intention of:-

- Aiming to secure public safety
- Aiming to change the behaviour of the offender
- Aiming to eliminate any financial gain or benefit from non-compliance
- Being responsive and considering what is appropriate for the particular offender and issue involved, including punishment and the public stigma that may be associated with a criminal conviction.
- Being proportionate to the nature of the offence and harm caused
- Aiming to restore the harm caused by non-compliance
- Aiming to deter future non-compliance.

Before formal enforcement action is taken:

- Where appropriate there will be an opportunity to discuss the circumstances of the case, unless immediate action is required e.g. to prevent the destruction of evidence or there is an imminent risk to the environment or health and safety. This discussion will usually follow an interview under caution if a prosecution is being considered.
- Where immediate formal enforcement action is taken, which will usually be the service of a written notice, reasons for such action will be given at the time (if possible) and confirmed in writing within 10 working days.
- Where there are rights of appeal against formal enforcement action, notification of the appeal mechanism will be clearly set out in writing at the time the action is taken.

- Clear reasons will be given for any formal enforcement action taken, and confirmed in writing.
- Risk presented from the non-compliance.<sup>8</sup>

Where the responsible person has failed to respond once a breach of legislation has been brought to their attention or the breach is so severe as to present an imminent risk, it is very likely that formal action will be initiated. Where legislation allows, and the Council has adopted powers, the responsible person will be charged a fee which reflects the officer time and ancillary costs involved with the preparation of a formal notice.

We will advise the responsible person of the potential of being charged for formal enforcement notices before any charge is incurred, unless the situation is an emergency. In emergency situations officers will make reasonable efforts to contact the responsible person. If the responsible person cannot be contacted or cannot respond quickly enough, formal action will be initiated and a charge made.

The decision to instigate legal proceedings will be determined by a number of factors, including:

- The seriousness of the alleged offence
- The history of the party concerned
- The willingness of the business or the individual to prevent a recurrence of the problem and to co-operate with officers
- Whether it is in the public interest to prosecute
- Whether there is a realistic prospect of conviction
- Whether any other action (including other means of formal enforcement action) would be more appropriate or effective
- The views of any complainant and other persons with an interest in prosecution.

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<sup>8</sup> Section 3.2, [Regulators' Code](#)

These factors are NOT listed in order of significance. The rating of the various factors will vary with each situation under consideration.

We will, where appropriate, cooperate and coordinate with any relevant regulatory body and/or enforcement agency to maximise the effectiveness of any enforcement.

Where an enforcement matter affects a wide geographical area beyond the Borough boundaries, or involves enforcement by one or more other local authorities or organisations; where appropriate all relevant authorities and organisations will be informed of the matter as soon as possible and all enforcement activity coordinated with them.

Where the law allows regulation and enforcement will share intelligence relating to wider regulatory matters with other regulatory bodies and enforcement agencies, including:

- (a) Government Agencies.
- (b) Police Forces.
- (c) Fire Authorities.
- (d) Statutory undertakers.
- (e) Other Local Authorities.

All regulatory and enforcement actions are subject to review and monitor at varying line management level dependent upon the action being considered. The degree of scrutiny will depend upon the action being taken and will vary accordingly between established Performance Management Frameworks, through to scrutiny by the Head of Function.

### **6.3    *How decisions are communicated to those affected***

Decisions on enforcement actions will be provided in a timely explanation in writing, which will include any rights to representation or rights to appeal, and practical information on the process involved.

## **7. Review of this policy**

### **7.1 *When and how the policy will be reviewed***

Before the Council changes policies that effect regulatory and enforcement functions, the Council will consider as part of its process any potential impacts on businesses. Where there is a perceived significant change of impact then business will be consulted in relation to the changes of policy.<sup>9</sup>

Policies will be reviewed where feedback indicates that improvements or changes may be necessary, or where legislative changes require consideration of policy change, including those policies which are statutorily required.

## **8. Comments and Complaints**

### **8.1 *Details of processes for complaints and appeals***

The Council will provide a clearly explained complaints procedure allowing those that are regulated to easily make complaints about the conduct of the regulator, including appeal against a regulatory decision or failure to act in accordance with the Regulators' Code. All complaints about the services offered by the Council will be dealt with in accordance with the Council's formal complaints procedure. An information leaflet, which explains the process, is available at all Council offices, and is available in electronic or paper format upon request.<sup>10</sup>

Methods of appeal against regulatory decisions or failure to abide by the Regulators' Code, will be clear, impartial, timely, written, and publicised with those regulated against. Officers who took the decision or action against which an appeal is made will not be involved in considering the appeal.

### **8.2 *Contact details for comments or complaints about the policy, or the conduct of local authority staff can be made as follows:***

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<sup>9</sup> Section 2.1, [Regulators' Code](#) requires regulators, before changing policies, practices or service standards, to consider the impact on business and to engage with business representatives.

<sup>10</sup> Section 2.3, [Regulators' Code](#)

**Telephone:** 01709 382121  
**Email:** [customerservices@rotherham.gov.uk](mailto:customerservices@rotherham.gov.uk)  
**Web:** <https://www.rotherham.gov.uk>  
**By post or in person:** Rotherham Metropolitan Borough Council,  
Customer Services, Riverside House, Main Street,  
Rotherham, South Yorkshire, S60 1AE

**Opening Times:** Monday to Friday, 8.30am to 5.30pm

## **Appendix A: Legislation, Guidance and Codes that Influenced the Preparation of the Enforcement Policy**

### **A. Principles of Good Regulation**

The Legislative and Regulatory Reform Act 2006, Part 2, requires the Council to have regard to the Principles of Good Regulation when exercising a specified regulatory function.<sup>11</sup> For local authorities, the specified functions include those carried out by our environmental health, trading standards and licensing services.

We will exercise our regulatory activities in a way which is:

- (i) Proportionate – our activities will reflect the level of risk to the public and enforcement action taken will relate to the seriousness of the offence.
- (ii) Accountable – our activities will be open to public scrutiny, with clear and accessible policies, and fair and efficient complaints procedures.
- (iii) Consistent – our advice to those we regulate will be robust and reliable and we will respect advice provided by others. Where circumstances are similar, we will endeavour to act in similar ways to other local authorities.
- (iv) Transparent – we will ensure that those we regulate are able to understand what is expected of them and what they can anticipate in return.
- (v) Targeted – we will focus our resources on higher risk enterprises and activities, reflecting local need and national priorities.
- (vi)

### **B. Regulators' Code**

The Council has had regard to the [Regulators' Code](#) in the preparation of this policy. In certain instances we may conclude that a provision in the Code is either not relevant or is outweighed by another provision. We will ensure that any decision to depart from the Code will be properly reasoned, based on material evidence and documented.

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<sup>11</sup> Specified by the Legislative and Regulatory Reform (Regulatory Functions) Order 2007, available at [www.legislation.gov.uk](http://www.legislation.gov.uk)

### **C. Human Rights Act 1998**

The Council is a public authority for the purposes of the Human Rights Act 1998. We therefore apply the principles of the European Convention for the Protection of Human Rights and Fundamental Freedoms. This Policy and all associated enforcement decisions take account of the provisions of the Human Rights Act 1998. In particular, due regard is had to the right to a fair trial and the right to respect for private and family life, home and correspondence.

### **D. Data Protection Act 1998**

Where there is a need for the Council to share enforcement information with other agencies, we will follow the provisions of the Data Protection Act 1998.

### **E. The Code for Crown Prosecutors**

When deciding whether to prosecute, the Council has regard to the provisions of [The Code for Crown Prosecutors](#) as issued by the Director of Public Prosecutions.

The Code for Crown Prosecutors is a public document that sets out the general principles to follow when decisions are made in respect of prosecuting cases. The Code sets out two tests that must be satisfied, commonly referred to as the 'Evidential Test' and the 'Public Interest Test':

- a. Evidential Test - is there enough evidence against the defendant?

When deciding whether there is enough evidence to prosecute, the Council will consider what evidence can be used in court and is reliable. We must be satisfied there is enough evidence to provide a 'realistic prospect of conviction' against each alleged offender.

- b. Public Interest Test - is it in the public interest for the case to be brought to court?

The Council will balance factors for and against prosecution carefully and fairly, considering each case on its merits. The public interest factors that we will take into account are detailed under the enforcement options available to us in [Appendix C](#).



**F. Regulatory Enforcement and Sanctions Act 2008** ('the RES Act')

The Regulatory Enforcement and Sanctions Act 2008, as amended, established the Primary Authority scheme. We will comply with the requirements of the Act when we are considering taking enforcement action against any business or organisation that has a primary authority, and will have regard to guidance issued by the Secretary of State in relation to Primary Authority.

### **Appendix B: Conduct of Investigations**

All investigations will be carried out under the following legislation and in accordance with any associated guidance or codes of practice, in so far as they relate to the Council:

- the Police and Criminal Evidence Act 1984
- the Criminal Procedure and Investigations Act 1996
- the Regulation of Investigatory Powers Act 2000
- the Criminal Justice and Police Act 2001
- the Human Rights Act 1998

These Acts and associated guidance control how evidence is collected and used and give a range of protections to citizens and potential defendants.

Our authorised officers will also comply with the requirements of the particular legislation under which they are acting, and with any associated guidance or codes of practice.

## **Appendix C: Enforcement Actions available to the Council in Respect of Criminal and Civil breaches**

### **A. Compliance Advice, Guidance and Support**

The Council uses compliance advice, guidance and support as a first response in the case of many breaches of legislation that are identified. Advice is provided, sometimes in the form of a warning letter, to assist individuals and businesses in rectifying breaches as quickly and efficiently as possible, avoiding the need for further enforcement action. A warning letter will set out what should be done to rectify the breach and to prevent re-occurrence. If a similar breach is identified in the future, this letter will be persuasive in considering the most appropriate enforcement action to take on that occasion. Such a letter cannot be cited in court as a previous conviction but it may be presented in evidence.

The Council recognises that where a business has entered into a partnership with a primary authority, the primary authority will provide compliance advice and support, and the Council will take such advice into account when considering the most appropriate enforcement action for it to take. It may discuss any need for compliance advice and support with the primary authority.

Where more formal enforcement action, such as a simple caution or prosecution, is taken, the Council recognises that there is likely to be an ongoing need for compliance advice and support, to prevent further breaches.

### **B. Voluntary Undertakings**

The Council may accept voluntary undertakings that breaches will be rectified and/or recurrences prevented. The Council will take any failure to honour voluntary undertakings very seriously and enforcement action is likely to result.

### **C. Statutory (Legal) Notices**

In respect of many breaches the Council has powers to issue statutory notices. These include: 'Abatement Notices', 'Prohibition Notices', 'Emergency Prohibition Notices', and 'Improvement Notices'. Such notices are legally binding. Failure to

comply with a statutory notice can be a criminal offence and may lead to prosecution and/ or, where appropriate, the carrying out of work in default.

A statutory notice will clearly set out actions which must be taken and the timescale within which they must be taken. It is likely to require that any breach is rectified and/or prevented from recurring. It may also prohibit specified activities until the breach has been rectified and/or safeguards have been put in place to prevent future breaches. Where a statutory notice is issued, an explanation of the appeals process will be provided to the recipient.

Some notices issued in respect of premises may be affixed to the premises and/or registered as local land charges.

#### **D. Financial penalties**

The Council has powers to issue fixed penalty notices in respect of some breaches. A fixed penalty notice is not a criminal fine, and does not appear on an individual's criminal record. If a fixed penalty is not paid, the Council may commence criminal proceedings or take other enforcement action in respect of the breach.

If a fixed penalty is paid in respect of a breach the Council will not take any further enforcement action in respect of that breach. Payment of a fixed penalty does not provide immunity from prosecution in respect of similar or recurrent breaches.

The Council is only able to issue fixed penalty notices where it has specific powers to do so. If fixed penalty notices are available, their issue is at the Council's discretion. In some circumstances, in particular where breaches are serious or recurrent, it may be that prosecution is more appropriate than the issue of a fixed penalty notice.

#### **E. Injunctive Actions, Enforcement Orders etc.**

In some circumstances the Council may seek a direction from the court (in the form of an order or an injunction) that a breach is rectified and/or prevented from recurring. The court may also direct that specified activities be suspended until the

breach has been rectified and/or safeguards have been put in place to prevent future breaches.

Failure to comply with a court order constitutes contempt of court, a serious offence which may lead to imprisonment.

The Council is required to seek enforcement orders after issuing some enforcement notices, providing the court with an opportunity to confirm the restrictions imposed by the notice. Otherwise, the Council will usually only seek a court order if it has serious concerns about compliance with voluntary undertakings or a notice.

## **F. Simple Caution**

The Council has the power to issue simple cautions (previously known as 'formal cautions') as an alternative to prosecution for some less serious criminal offences, where a person admits an offence and consents to the simple caution. Where a simple caution is offered and declined, the Council will consider prosecution.

A simple caution for a criminal offence will appear on the offender's criminal record. It is likely to influence how the Council and others deal with any similar breaches in the future, and may be cited in court if the offender is subsequently prosecuted for a similar offence. If a simple caution is issued to an individual (rather than a corporation) it may have consequences if that individual seeks certain types of employment.

Simple cautions will be used in accordance with Home Office Circular 016/2008 and other relevant guidance.

## **G. Prosecution**

The Council may prosecute in respect of serious or recurrent breaches, or where other enforcement actions, such as voluntary undertakings or statutory notices have failed to secure compliance. When deciding whether to prosecute, the Council has regard to the provisions of [The Code for Crown Prosecutors](#) as issued by the Director of Public Prosecutions.

Prosecution will only be considered where the Council is satisfied that it has sufficient evidence to provide a realistic prospect of conviction against the defendant(s).

Before deciding that prosecution is appropriate, the Council will consider all relevant circumstances carefully and will have regard to the following public interest criteria:

- a) Seriousness of the offence committed
- b) The level of culpability of the suspect
- c) The circumstances of, and the harm caused to the victim?
- d) Was the suspect under the age of 18 at the time of the offence?
- e) What is the impact on the community?
- f) Is prosecution a proportionate response?
- g) Do sources of information require protecting?

A successful prosecution will result in a criminal record. The court may impose a fine and in respect of particularly serious breaches a prison sentence. The court may order the forfeiture and disposal of non-compliant goods and/or the confiscation of any profits which have resulted from the breach. Prosecution may also lead, in some circumstances, to the disqualification of individuals from acting as company directors.

## **H. Refusal/Suspension/Revocation of Licences**

The Council issues a number of licences and permits. The Council also has a role to play in ensuring that appropriate standards are met in relation to licences issued by other agencies. Most licences include conditions which require the licence holder to take steps to ensure that, for example, a business is properly run. Breach of these conditions may lead to a review of the licence which may result in its revocation or amendment.

When considering future licence applications, the Council may take previous breaches and enforcement action into account.

## **What you can expect from Rotherham Metropolitan Borough Council's Enforcement and Regulatory Services (Service Standards)**

### **Contents:**

1. [Areas we regulate](#)
2. [How we deliver our services](#)
3. [Working with you](#)
  - [Helping you to get it right](#)
  - [Inspections and other compliance visits](#)
  - [Responding to non-compliance](#)
4. [Requests for our service](#)
5. [How to contact us](#)
6. [Our Team](#)
7. [Working with others](#)
8. [Having your say](#)

This document explains what you can expect of regulatory and enforcement services in Rotherham. Whether you are run a business, are an employee or a member of the public, we are committed to providing you with an efficient, courteous and helpful service and this document tells you how we aim to do that and what standards we will meet.

### **1. Areas we regulate**

We deliver services in a number of areas:

<b>Environmental Protection</b>	<b>Trading Standards</b>	<b>Food Safety</b>
<b>Public Health</b>	<b>Licensing</b>	<b>Private Sector Housing</b>
<b>Health and safety</b>	<b>Parking</b>	<b>Highways</b>
<b>Animal Health</b>	<b>Dog Control</b>	<b>Green Spaces</b>
<b>Waste Management</b>	<b>Enviro-Crime</b>	<b>Street Cleansing</b>

## 2. How we deliver our services

We make a fundamental contribution to the maintenance and improvement of public health, quality of life and wellbeing. Our aims are to:

- Protect the public, businesses and the environment from harm
- Support the local economy to grow and prosper

We determine our activities by assessing the needs of local people and our business community, and considering the risks that require addressing. We do this through customer satisfaction surveys, feedback from customers, interaction with business and public and through using data and other information available to us and our partners. In this way we ensure our resources are targeted appropriately, in the light of these local needs and of national priorities.

Details of our current work programme are available on request either electronically or in paper copy.

We are committed to being transparent in our activities. We measure what is important and we publish a range of information about our performance data so that you can see how we are doing. This is available on request either electronically or in paper copy.

We carry out all our activities in a way that supports those we regulate to comply and grow:

- We ensure that information, guidance and advice is available to help you to meet legal requirements, (see [Helping you to get it right](#)).
- We carry out inspections and other activities to check compliance with legal requirements, and we target these checks where we believe they are most needed, (see [Inspections and other compliance visits](#)).
- We deal proportionately with breaches of the law as set out in our Enforcement Policy, including taking firm enforcement action when necessary, (see [Responding to non-compliance](#)).



- We provide a range of services to businesses, including Environmental Permitting, Food Premises Registration, Alcohol and Entertainment Licensing, Houses in Multiple Occupation Licensing, and Parking Services, (see [Requests for our service](#)).

Our services will be delivered in accordance with the requirements of the [Regulators' Code](#).

### **3. Working with you**

In all your dealings with us you can expect, and will receive, an efficient and professional service. Our officers will:

- Be courteous and polite
- Always identify themselves by name in dealings with you, and provide you with contact details. The exception to this are Civil Enforcement Officers undertaking parking enforcement, who under provisions in the Traffic Management Act Guidance for Local Authorities, should only be identified by their individual officer number.
- Seek to gain an understanding of how your business operates
- Provide details of how to discuss any concerns you may have
- Agree timescales, expectations and preferred methods of communication with you
- Ensure that you are kept informed of progress on any outstanding issues.

We recognise that your business will receive advice and inspections from other organisations, and we will do our best to work with them to ensure that you receive the best service.

#### ***Helping you to get it right***

We want to work with you to help your business to be compliant and successful and it is important to us that you feel able to come to us for advice when you need it. We won't take enforcement action just because you tell us that you have a problem.

We make information and guidance on meeting legal requirements available on request either electronically or in paper copy.

Where you need advice that is tailored to your particular needs and circumstances we will:

- Discuss with you what is required to achieve compliance
- Provide advice that supports compliance and that can be relied on
- Provide clear advice that can be easily understood and implemented
- Distinguish legal requirements from suggested good practice
- Ensure that any verbal advice you receive is confirmed in writing if requested
- Acknowledge good practice and compliance
- For some services there are charges made; these charges are agreed annually by the Council and publicised

### ***Inspections and other compliance visits***

We monitor and support compliance in a number of different ways including through inspections, sampling visits, test purchases, advisory visits and complaint investigations. These visits will always be based on an assessment of risk – we won't visit without a reason.

We will give you notice that we intend to visit unless we have specific reason to believe that an unannounced visit is more appropriate.

When we visit you our officers will:

- Explain the reason and purpose of the visit
- Carry their identification card at all times, and present it on request when visiting your premises
- Exercise discretion in front of your customers and staff
- Have regard to your approach to compliance, and use this information to inform future interactions with you
- Provide information, guidance and advice to support you in meeting your statutory obligations, if required
- Provide a written record of the visit.

The Council will allocate resources to where they will be most effective by assessing the priority risks:

- Risk will be considered at every stage when making a decision, including the most appropriate intervention, the way of working, checks on compliance, and when taking enforcement action.
- Assessment of risk will recognise previous compliance history and all available relevant data including relevant external verification.
- Where risk assessment frameworks are designed or reviewed consultation will be carried out with those affected. This approach will cover a range of regulatory activity.
- The effectiveness of regulatory activities and outcomes will be reviewed regularly and adjusted accordingly.

### ***Responding to non-compliance***

Where we identify any failure to meet legal obligations, we will respond proportionately, taking account of the circumstances, in line with our Enforcement Policy.

We deal proportionately with breaches of the law as set out in our Enforcement Policy, which is available on request either electronically or in paper copy, including taking firm enforcement action when necessary

Where we require you to take action to remedy any failings we will:

- Explain the nature of the non-compliance
- Discuss what is required to achieve compliance, taking into account your circumstances
- Clearly explain any advice, actions required or decisions that we have taken
- Agree timescales that are acceptable to both you and us, in relation to any actions required
- Provide in writing details of how to appeal against any advice provided, actions required or decisions taken, including any statutory rights to appeal
- Explain what will happen next
- Keep in touch with you, where required, until the matter is resolved

#### 4. Requests for our services

We clearly explain the services that we offer, including details of any fees and charges that apply which are available on request either electronically or in paper copy.

In responding to requests for our services, including requests for advice and complaints about breaches of the law, we will:

- Respond to your request within a maximum of 10 working days (this varies within services and compliance activity)
- Tell you when you can expect a substantive response
- Seek to fully understand the nature of your request
- Explain what we may or may not be able to do, so that you know what to expect
- Keep you informed of progress throughout our involvement
- Inform you of the outcome as appropriate

A detailed breakdown of our response times and expected resolution times is available on request either electronically or in paper copy. However, please be aware that our officers will exercise their judgment to determine whether a more prompt response is required.

#### How to contact us

You can contact us by:

<b>Telephone:</b>	01709 382121
<b>Email:</b>	customerservices@rotherham.gov.uk
<b>Web:</b>	<a href="https://www.rotherham.gov.uk">https://www.rotherham.gov.uk</a>
<b>By post or in person:</b>	Rotherham Metropolitan Borough Council, Customer Services, Riverside House, Main Street, Rotherham, South Yorkshire, S60 1AE

## **6. Opening Times:**

Normal working hours are Monday to Friday 8.30 to 5.30pm, however, in response to the working hours of businesses and from information relating to activity and any indicated concerns, we will also have officers to work at times outside the above core hours to aid compliance and enforcement of standards.

We will seek to work with you in the most appropriate way to meet your individual needs. We can make information available in different formats, and have access to translation and interpretation services.

If you contact us we will ask you for your name and contact details to enable us to keep in touch with you as the matter progresses. We treat all contact with the service in confidence unless you have given us permission to share your details with others as part of the matter we are dealing with on your behalf or there is an operational or legal reason why we need to do so. We will respond to anonymous complaints and enquiries where we judge it appropriate to do so.

Personal data will be managed in accordance with the Council's Data Protection Policy (available on request either electronically or in paper copy).

## **7. Our Teams**

We have a dedicated team of officers who have the appropriate qualifications, skills and experience to deliver the services provided. We have arrangements in place to ensure the ongoing professional competency of all officers.

Where specialist knowledge is required in an area outside of our expertise we have arrangements in place, with both neighbouring authorities and other regulatory organisations, to call on additional resources as necessary.

## **8. Working with others**

We work closely with other council services such as Planning and Economic Development and our aim is to provide a streamlined service to you.

We are part of a much wider regulatory system within the Borough of Rotherham. We have good working relationships with other regulators such as South Yorkshire Police, South Yorkshire Fire Service, Health and Safety Executive, and the

Environment Agency, and this enables us to deliver a more joined up and consistent service. This includes sharing information and data on compliance and risk, where the law allows, targeting regulatory resources.

Our officers are familiar with the work of our partners and can signpost you to the advice and guidance you need. We are members of the Safer Rotherham Partnership, Yorkshire and Humberside Pollution Advisory Council (YAHPAC), Health and Safety Executive and if you have any comments or concerns regarding the way in which the local regulatory system is operating you can contact the partnership by contact the Council as above.

## **9. Having your say**

### ***Complaints and appeals***

Where we take enforcement action, there is often a statutory right to appeal. We will always tell you about this at the appropriate time.

We are always willing to discuss with you the reasons why we have acted in a particular way, or asked you to act in a particular way. You can contact the named officer that is dealing with your case, or ask to speak to the officer's line manager.

We manage complaints about our service, or about the conduct of our officers, through the Council's Corporate Complaints Policy. Details can be found at [http://www.rotherham.gov.uk/info/200025/complaints/516/complain\\_about\\_council\\_s](http://www.rotherham.gov.uk/info/200025/complaints/516/complain_about_council_services) [ervices](http://www.rotherham.gov.uk/info/200025/complaints/516/complain_about_council_services) or by telephone 01709 382121

### ***Feedback***

We value input from you to help us ensure our service is meeting your needs. We would like to hear from you whether your experience of us has been good or in need of improvement. This helps us to ensure we keep doing the right things and make changes where we need to. We use customer satisfaction surveys from time to time but we would welcome your feedback at any time. You can provide feedback in the following ways:

**Telephone:** 01709 382121

**Email:** [customerservices@rotherham.gov.uk](mailto:customerservices@rotherham.gov.uk)

**Web:** <https://www.rotherham.gov.uk>

**By post or in person:** Rotherham Metropolitan Borough Council, Customer Services, Riverside House, Main Street, Rotherham, South Yorkshire, S60 1AE

**Opening Times:** Monday to Friday, 8.30am to 5.30pm

Any feedback that we receive will be acknowledged, considered and responded to.

### ***Developing our services with you***

We have a number of groups that we consult with to ensure that we are delivering our services to meet your needs. We are always happy to welcome new members to these groups.

ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS
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1.	<b>Meeting:</b>	<b>Cabinet</b>
2.	<b>Date:</b>	<b>17<sup>th</sup> December 2014</b>
3.	<b>Title:</b>	<b>Private Rented Housing - Selective Licensing</b>
4.	<b>Directorate:</b>	<b>Neighbourhoods and Adult Services</b>

## 5. Summary

Reports concerning the process involved in the possible introducing the Selective Licensing of Private Rented Sector properties in parts of the Borough have been presented to Cabinet on two previous occasions.

Following the update report to Cabinet on the 19<sup>th</sup> March 2014, the public consultation on proposals closed on 24<sup>th</sup> March 2014 and this report provides detail of the feedback from the consultation (in which over 2/3rds of residents expressed support for a mandatory Selective Licensing scheme), and makes recommendations based on the responses, comments and representations made.

## 6. Recommendations

### **It is recommended that Cabinet;**

- 6.1 Accepts that there is evidence and considerable public support for the Selective Licensing of Private Rented properties in identified neighbourhoods of the Borough.
- 6.2 Resolves to designate the four areas detailed in this report as Housing Act 2004 Part 3 Selective Licensing areas as per the designations and maps in Appendix 5, together with the standard Licence Conditions in Appendix 9.
- 6.3 Requests a further report to the Cabinet on the 18<sup>th</sup> March 2015, to agree the licence fees.
- 6.4 Notes that, following decision to introduce a Selective Licensing scheme, a public notification period of 3 months is statutorily required ahead of implementation in order to communicate the decision to consultation respondents and the public.
- 6.5 Seeks the agreement of the Mayor to exempt this from the provisions of the call in procedure on the grounds that it is urgent in that it is legally required to start publicity within 7 days of the decision to designate.



## 7.0 Proposals and Details

### 7.1 Background

There are a number of areas within the Borough that have been assessed as having housing and neighbourhood standards where past and current approaches where sustained improvement have not been successful. The Council asked that other broader enforcement/regulation be considered. Consequently, the use of Housing Act 2004 Selective Licensing powers has been considered and a Business Case to demonstrate that the implementation of such a scheme may have merit.

The Business Case presented to Cabinet in November 2013 showed that:

- Selective Licensing has been used in other parts of the country. The general objectives of Selective Licensing schemes being to:
  - Ensure private rented properties meet minimum condition standards
  - Help to reduce tenancy turnover which will in turn help to achieve more stable and better cared for communities.
  - Reduce the rates of empty properties through the promotion of the areas for both the buying and letting of residential property.
  - Help to reduce crime and Anti-Social Behaviour (ASB) by promoting community stability and tenancy management.
- Assessment had shown that Selective Licensing designations under the Housing Act 2004 could be introduced in three areas. These being:
  - **Rotherham Central**, including the Town Centre, Canklow, South Central & Boston Castle, Eastwood and Masbrough
  - **Dinnington**
  - **Maltby South East**
- In these areas all privately rented properties within the identified boundary (subject to statutory exemptions) would be licenced for up to 5 years from the date the designation takes effect.
- the anticipated maximum cost of a licence in Rotherham was £687 for the 5 year period (equivalent to £137.40 per year), with some proposed reductions for accredited landlords and for single payments. This would cover the costs to process and support 2,029 applications and pre-licensing inspections but would exclude associated enforcement work.

Cabinet resolved that consideration of Selective Licensing in the areas identified be approved and that the required public consultation be commenced:

Since that time the consultation has been carried out and a further interim report presented to Cabinet on the 19<sup>th</sup> March 2014. In addition, a presentation covering the Private Rented Sector (PRS) was made to the Improving Places Select Commission (IPSC) on the 26<sup>th</sup> March and again on the 23<sup>rd</sup> July to present the options contained in this report.

This report presents the findings of the consultation and presents an options appraisal in relation to the proposals in the business case.

### 7.2 Consultation process

The consultation process represented an intention on behalf of the Council to canvass broad opinion on the proposals, and to listen and react to what was said as a result.

The consultation process was described in the report of the 19<sup>th</sup> March 2014 and included the following:

- A dedicated consultation website
- An on-line questionnaire.
- A consultation questionnaire and a summary of the proposals was sent to every postal address in the proposed designation areas as well as streets immediately adjacent to the areas, covering 15,597 addresses.
- Emails and letters to local landlords and national associations, and a number of constructive meetings have consequently been held.
- Drop-in sessions were arranged in each area to enable local people and landlords to find out more about the proposals based on the summary they had been sent in the post. The programme of the drop-ins was curtailed however each proposed licencing area did have a drop in session held locally.
- Meetings of tenant and resident associations in the proposed areas, other groups and the parish council liaison meeting were attended to present the proposals.
- The Rotherham and District Residential Landlord Association hosted a meeting for the proposals to be presented to their members and for landlords to find out more.
- Promotion of the consultation through social media and press releases.

### 7.3 Consultation Response

7.3.1 There were 1,755 consultation questionnaires completed. Approximately 1,500 of those were paper questionnaire returns with a further 10% being done on line. There were more than 450 individual comments in those questionnaires and in other correspondence. There have also been a number of representations made by national organisations including the National Landlords Association and the Residential Landlords Association. **Appendix 1** presents, detail from the consultation returns.

7.3.2 A snapshot of the results showed **63% of the total respondents were in favour of the proposals**, with the vast majority of those in support being residents.

Of the respondents to the questionnaires, **1,536 were residents, 148 were landlords and 44 were local businesses**. Where a respondent indicated that their background agreed with more than one category their responses were counted for each category. Therefore, if a landlord had said they were an owner occupier, landlord and a local business owner, they would have had all their responses counted three times. It is therefore reasonable to suggest that the following results over reports the views of landlords. The position, therefore, in summary is:

	Yes	No	No response	Yes	No	No response
Business	21	22	1	48%	50%	2%
Landlord	18	124	6	12%	84%	4%
Resident	1072	437	54	69%	28%	3%

Table 1 – Answers to question 7 on the questionnaire:

Do you agree with the Council's proposal to introduce Selective Licensing in this area?

This data has been broken down in this way to demonstrate the opinions of the cross section of respondents due to the overwhelmingly large response from residents and

a smaller response from landlords. A similar pattern was found for each of the geographic areas covered by the proposed scheme.

Residents and local businesses tended to agree with the following questions, while landlords had the converse view in relation to the same questions:

- Question 1 - The value of residential properties in these areas are lower than other similar areas of Rotherham
- Question 3 - There is a high turnover of tenants in the area
- Question 5 - Anti-social behaviour is a problem within the area
- Question 6 - The Council should intervene in areas suffering from low housing demand

Residents and landlords had similar views on the rental values of property (Question 2), with only 48% of residents and 30% of landlords agreeing that it was cheaper to rent property in the proposed Selective Licensing areas than in other areas of Rotherham.

While 66% of residents and 73% of local businesses thought that long term empty properties were contributing to a decline of the area (Question 4), only 48% of landlords agreed.

**7.3.3** In addition a formal response to the consultation from the National Landlords Association (NLA), was received which contained a number of specific questions and comments. The issues raised, together with responses, are shown in **Appendix 2**.

**7.3.4** The overall consultation response raised a number of qualitative issues that were consistent across the groups. These include, with assessment commentary, the following:

- **Responsibility**; it was expressed that landlords need to take more responsibility for the management of their property and the local neighbourhood.
- **Cost**; there is a concern predominantly from landlords, that the licensing fee per property is too much. Also that, expecting payment upfront, would severely affect landlords businesses.

**Comment:**

*In response to this concern, only the costs of administering the licensing process can and will be paid for from licensing fees, and have been revised based on a change in how the processing of applications will take place. It is planned that the licence fee will be no more than £625. Effectively this will be achieved through electronic receipt and processing only, lower numbers of staff and a more streamlined process. There has also been a review of costs for multiple property applications and this has been streamlined in the costs calculations too. If possible the figure will be reduced further prior to any implementation through the use of automated application processes which are currently being explored, for implementation prior to any scheme going live. The cost of the HHSRS inspection is also likely to be lower than £100 per property assumed to date, however this cannot be confirmed until a formal procurement process has been concluded.*

- **Geography**; two opinions were expressed. Firstly, it was viewed by some to be unfair not to include all privately rented housing in the Borough. Whilst, in some of the mapped areas, it was expressed that not all the streets should be included (see 7.3.3. below).  
***Comment:** It is not feasible to include all rented property in the borough because there has to be a justification to include an area. The originally defined areas have been adjusted to take account of some of the concerns raised (this is discussed in more detail in paragraph 7.3.3 below).*
- **Council & partner activity**; a view was expressed that all powers available to the enforcing agencies have not been used. Some people suggest landlords are being unfairly criticised as they cannot always influence the behaviour of their tenants.  
***Comment:** The Council has used all the available tools and powers to tackle the issues around low demand and these are detailed in the business case. However those tools have not been successful, hence the consideration of introducing further controls through Selective Licensing.*
- **Mandatory requirement**; arising predominantly from the landlord's questionnaires there is a disagreement that all landlords should be treated the same. It is suggested any scheme should recognise good management practices and focus on those landlords that do not adhere to such practices. Voluntary agreements are suggested as an alternative to Selective Licensing. One Landlord led voluntary scheme has been developed to significant detail.  
***Comment:** The Selective Licensing Scheme does recognise where there is good practice in the industry. If landlords are members of an accredited scheme then their licence fee will be lower as they will not have to pay for the HHSRS inspection prior to obtaining a licence. An overview of the more developed voluntary scheme is discussed below as Option 2.*
- **Housing market**; a number of people expressed the fear that a Selective Licensing scheme would have adverse consequences. These could include increasing insurance costs, driving down house prices and could negatively influence decisions by some financial institutions to provide "buy to let" mortgages. This negative impact is influenced by the perception of the scheme being based on high ASB levels.  
***Comment:** There has been some evidence presented to the Council of an impact on the buy to let mortgage market with some lenders, in that they see lending on buy to let properties as a higher risk but each would be decided upon on a case by cases basis. The council is not able to identify evidence showing a link between increased costs or reduced house values and Selective Licensing areas. However, if an area is designated for Selective Licensing it is, of course, anticipated that there will be a beneficial effect on demand for housing in that area throughout the period of the designation and beyond.*
- **Compliance**; A concern that there is inadequate capacity within the Council to enforce the scheme was identified. Consequently a scheme where landlords played a stronger role would be more deliverable.  
***Comment:** The capacity to enforce the scheme has been factored into the business case and further prioritisation of services and existing proactive work will be the source of the additional capacity to take the required enforcement actions. This resource is from within existing resources of the Community*

*Protection service. Annual reviews of the scheme will also detail the additional enforcement carried out in relation to the scheme.*

**7.3.5 Boundary Adjustments for Selective Licensing Areas:** The consultation brought forward a number of opinions relating to which properties and streets should be included (or not) in the areas. These comments included three petitions received relating to streets which should be excluded.

Following these representations a review was carried out to identify the low demand factors in these areas at a postcode level which may provide a reason to assess inclusion or exclusion of areas. This assessment included the consideration of comments received for the following:

- **White City Estate in Maltby:** was suggested for exclusion due to good management standards by the landlords who owned larger numbers of properties in that area, low rates of empty properties and their knowledge of low rates of turnover in the properties which they own.
- **Blyth Road area in Maltby, Moorgate and Broom Valley Road areas in the central Rotherham (Petition), Fenton Fields area in Bradgate and the New Road and Swinston Hill Road areas of Dinnington:** have been suggested for exclusion due to the nature and value of the property and there is little risk of displacement of problems into these areas.
- **Ferham Road area in Masbrough:** A petition was received requesting that these streets are excluded from any designations.

As part of assessing whether boundary changes are needed the data for empty property levels (both short and long term) and occupier turnover has been examined on a postcode basis. This has allowed assessment of the feasibility of the requests for property exclusions and is presented in map form in **Appendix 3**.

The maps need to be considered carefully. Although some postcode areas on these maps show no turnover or empty properties this does not mean they should be excluded from the proposals. The similar nature of the properties, their relative value and proximity to moderate to high turnover and empty property streets presents a risk of a migration of the low demand issues to those streets.

The intention is that Selective Licensing will maintain and then improve standards for the whole area that is designated, not to cherry pick individual streets which would present a risk to the wider community. However it is also recognised that some areas and parts of areas are distinctly different in the nature or the property that it makes it unnecessary to introduce Selective Licensing at this stage. The reasons for the proposed boundary changes are below.

#### **a. Masbrough**

Although the Jordan and Bradgate Super Output Areas demonstrate low housing demand, when compared with the Masbrough East and West SOA's there are valid reasons for excluding both areas. These are:

- These areas have a distinct geographical separation from the others and the housing is of a different type.

- The area of the Bradgate SOA which has the highest level of turnover is an area of new build housing, which has distorted the figures.
- In the Jordan area, although there is one area with a high level of turnover this is one small street in the middle of an area with a medium level of turnover.
- When we look at the short term empty properties in the Jordan area we also see a much smaller area with moderate to high levels of empty properties.

Therefore these two areas should be excluded from the proposed Licensing area. Based on the additional mapping there is no justification to exclude the Ferham Road area as there are high levels of both short term empty property and occupier turnover.

**b. Town Centre**

The Moorgate area should be excluded due to the different relative value of the property and the low risk of movement of problem tenants to the area and low value property.

The Westgate and St Anne's Road areas mostly have similar property profiles and high turnover, and this area should therefore be included in a Selective Licensing scheme. It will be most appropriate to link this area to the Eastwood Selective Licensing area. This would reduce the number of areas to four areas while challenging the major issues of low housing demand.

**c. Canklow**

A significant change in the boundary of the proposed Selective Licensing scheme in Canklow is recommended. This addresses local housing profiles where a large concentration of empty properties in the southern part of the area (caused by the existence of new build properties) and a number of streets with significant levels of vacant properties which are subject to a regeneration programme. These circumstances are caused by new build property that was vacant prior to letting by the Council and a housing association. The remaining area has moderate levels of empty property and turnover and does not meet the primary indicators of low housing demand.

**d. Eastwood**

Doncaster Road on the boundary with East Dene and Clifton should be excluded as the boundary was originally drawn in the middle of the road and the property on the opposite side was excluded from the original area. The size of the property on this road presents a low risk of any movement of problems to this street from the main Eastwood Area. Also, in the original proposals only the northern side of the road was included and a boundary line behind the properties on Doncaster Road would be more appropriate.

**e. Dinnington**

From reviewing the empty property data and the turnover data by postcode which demonstrates low levels of both on these streets, the boundary should be adjusted to remove the New Street areas and some surrounding Streets as well as the Shelly Drive and Swinton Hill Road areas.

**f. Maltby**

The Blyth Road, White City and the Ryton Close/Charnall Avenue areas suffer from relatively low levels of occupier turnover and empty properties and are on the

periphery of the original area and should be excluded from the proposed licensing area.

**7.3.6 Licence Fee adjustments:** The fee structure and staffing needs have been reviewed in order to reduce the maximum licence fee. Although there have been further efficiencies on the expected handling the reduction in the number of affected properties means that the reduction so far is modest. This is covered in the options appraisal and the finance section. If an automated processing system can be introduced this could be reduced further but until this matter is decided by the council this cannot be confirmed due to the need to engage third party ICT providers. A further report on the final licence fee will be presented to Cabinet prior to the implementation date of any licensing scheme.

## 7.4 Option Appraisal

In considering, the use of Selective Licensing powers the assessment provides a range of considerations which need to be balanced in determining the way forward. There have been three options appraised; (i) to designate areas for Selective Licensing, (ii) support for a landlord led voluntary scheme or (iii) to do nothing. These options are discussed below and reflect the current position arising from the initial Business Case, consultation and the consequential changes highlighted in 7.3 above. The appraisal presents evidence for and against each option.

### 7.4.1 Option 1 – Cabinet agree to designate areas for Selective Licensing.

With all regulatory activity, the emphasis is on a proportionate and measured approach to enforcement.

The comparative benefits of the Selective Licensing and voluntary schemes are detailed in **Appendix 4**.

A formal designation is the only way that a high degree of certainty can be achieved that all landlords will be involved in the scheme, as it involves legal penalties for failing to obtain a licence or complying with the conditions of a licence.

The results of the consultation demonstrate considerable support from residents for the introduction of a Selective Licensing Scheme and the business case supports the introduction on the basis that in these areas there is a need for the scheme arising out of the low housing demand criteria.

The opportunity to fully consider matters arising from the consultation, particularly in the re-assessment of the initial Selective Licensing boundaries, has resulted in the proposal now narrowing down the areas that should be included in the designated areas. These recently assessed changes are detailed in section 7.3.3 of this report. The consultation and further consideration by officers also identified a number of adjustments based on their enforceability.

The exclusion of these areas reduces the number of licensable privately rented houses covered by the scheme to approximately 1,394 from the previous total of 2,029.

It is critical that all landlords with properties in the rationalised areas actively engage in improving the areas. The only way to guarantee this co-operation is via a mandatory scheme. This assessment is substantiated with the statutory criteria required to prove the need for Selective Licensing as shown in section 9.4 being met. On balance, therefore, a mandatory Selective Licensing scheme in the areas defined in **Appendix 5** is recommended.

If Cabinet decide to designate areas for Selective Licensing there will then be a statutory 3 month implementation period where the outcome of the consultation and decision is to be communicated. This will enable a sufficient period of time to put in place staffing, processes and ICT arrangements in place and to be able to present the final fee setting report to the Cabinet on 18<sup>th</sup> March 2015 which will confirm the maximum fee for a licence taking into account a further desktop study of the resources required for the smaller areas.

It is also recommended that the implementation date for the designations be the 1<sup>st</sup> May 2015 to give a full 3 months and a clear start date for the scheme.

In determining whether a mandatory selective scheme is the way forward in the areas identified, it should be noted that such an approach would not exclude the Council supporting a voluntary scheme in other parts of the Borough to compliment any Selective Licensing scheme implemented, in addressing the problem of low demand. In fact, such a proactive approach, now recognised by the PRS industry as being relevant for the Borough, would be welcomed so that the benefits could impact in other areas not assessed currently as a priority for a regulatory scheme.

#### 7.4.2 **Option 2** – Landlord led Voluntary Quality Landlord Scheme

Considerable work has been put into an alternative proposal to mandatory licensing, by a group of landlords with assistance from the National landlords Association. This has produced a comprehensive and credible proposal.

The introduction of a landlord led voluntary scheme has been seen previously to be one to merit support and achieve some of the benefits sought from a mandatory scheme (see Appendix 4 for comparison ).

Guidance relating to Selective Licensing makes clear that realistic alternatives should be sought to a mandatory scheme in the first instance and this was taken into account within the report presented to the IPSC on 23<sup>rd</sup> July 2014 where it was recommended that a voluntary scheme should be tested prior to introducing a mandatory scheme (should it have proved necessary).

Since the IPSC, however, further work has taken place to consider the outcome of the consultation. This has resulted in a significant reduction, as detailed in 7.4.1, in the geographical areas under consideration. Consequently, it is apparent that these newly defined smaller geographical areas will have a greater concentration of issues which will require more intensive intervention, than those areas previously considered. To achieve this it will be imperative that all landlords with properties in the rationalised areas actively engage in improving the areas. The only way to guarantee this cooperation is via a mandatory scheme. This factor sways the earlier views expressed to the IPSC and suggests that the emphasis placed on support for a voluntary scheme is now inappropriate.



Contrary to the focused and more targeted approach, the industry's proposals would involve a borough wide scheme, with specific marketing in the 5 areas the Council had identified in the business case for Selective Licensing. This would involve landlords voluntarily signing up to a code of conduct, obtaining independent housing standards assessments and payment of a fee to the independent company which would be set up to administer the scheme. The Council would have access to those landlord details on demand. It would also involve lighter touch regulation of those registered properties by the Council to enable more landlords to become involved.

A previous attempt to introduce a voluntary accreditation scheme was made several years ago. This did not achieve widespread support. However it could be argued that more landlords are now sympathetic to the need for a scheme and there is greater support. Equally it can be argued that a voluntary registration scheme by its very nature will not attract those landlords who cause the most concern, and from whom the most significant change would be expected.

The voluntary scheme's NLA representative has stated that they can expect a take-up in the identified priority areas that would match, within the first year of operation, the Council's Selective Licensing scheme targets i.e. 50% of the licensable properties. However, to ensure that the scheme is on target to meet this expected take-up, a target of 25% take-up within 6 months of operation has been included. The scheme would also attract interest from landlords with private rented properties outside of these areas. However such compliance cannot be guaranteed, and will only be demonstrated or not with the passing of time.

Whilst it is believed that with the co-operation of the landlords, the benefits of the mandatory scheme can be achieved to some degree via the voluntary route, it would not present a situation where landlords who wished to avoid the scheme would be compelled to join if they wanted to let properties.

To introduce such a scheme would delay formal interventions by a further 18 months and would require a fresh consultation. A formal performance framework would also be required if such a voluntary scheme was introduced in order to ensure delivery of critical success factors. Such a performance framework is shown at **Appendix 6**.

#### 7.4.3 **Option 3 – No further action**

The option of "no further action" has also been considered. However, due to the evidence related to low demand within the target areas, the significant level of concern showed by the public on this matter and the overwhelmingly positive response to the proposals it is an option that is not recommended. The Cabinet has previously agreed that there is a business case to support Selective Licensing of privately rented property and the consultation has agreed with that viewpoint.

### 7.5 **Improving Places Select Commission**

Presentation of the options were presented to the IPSC on 23rd July 2014 and after considerable debate and questioning the Select Commission concluded that, in the areas identified, there was a need for action with regard to PRS properties, and, if legal advice was that the Council had to pursue a voluntary scheme, it should be the first course of action. The IPSC, however, made the caveat that, if a voluntary scheme failed, they would wish to see the Council move to a mandatory scheme as quickly as possible. The associated minute of the Select Commission meeting is attached at **Appendix 7**.

## 8 Finance

The originally suggested fee of £687 has been reviewed as a result of the expected reduction in the number of licensable properties and a review of the processing methods for applications, with the aim of reducing the burden on applicants. Comments in the consultation about allowing multiple applications on one form have been considered as appropriate and models from other authorities have been reviewed.

A reduced number of full time equivalent staff required for processing and enquiry handling, along with a reduction in the random annual sample inspections to 10% will deliver a licence fee of no more than £625, with similar cost reductions as detailed in the business case (£100 reduction for Accredited licence holders and £10 reduction for payment in advance), despite a reduction in the number of licensable properties. An updated finance model is contained in **Appendix 8**.

## 9 Risks and Uncertainties

### 9.1 Option 1 – Regulatory Selective Licensing Option

Legally it is required that Councils, before they implement any Selective Licensing scheme, must have considered any other course of action that might provide an effective method of achieving the objectives that such a scheme would bring.

This may include voluntary measures such as accreditation and give the opportunity for local landlords to prove that they are committed to ensuring the quality of the private housing rental sector. Such a voluntary scheme does bring a set of standards relating to the management or physical condition of privately rented accommodation and, in that, it does recognise and reward landlords who manage their properties to a good standard. It does not bring, however, a mandatory test of a landlord being a fit and proper person to be the license holder or a mandatory requirement to comply with licence conditions

A number of landlords have indicated that they are more receptive to a voluntary scheme than the mandatory scheme.

The Selective Licensing scheme does not include the enforcement function and as such the necessary compliance inspections and associated legal action would impact on the existing enforcement team in the Community Protection Unit (estimated to be 2FTE of current resourcing) and consequential legal support from Legal Services. Therefore, the introduction of Selective Licensing could have service implications that reduce service performance in those teams, and further work is ongoing to consider additional resource to boost this enforcement function.

In implementing Option 1 and the introduction of Housing Act 2004 Part 3 Selective Licensing areas the designations and maps in **Appendix 5**, together with the standard Licence Conditions in **Appendix 9** shall be adopted. These appendices reflect the variations brought by the consultative process.

A statutory notification period of 3 months via public announcement is required.

On balance this is the preferred option.

## 9.2 Option 2 – Landlord Led Voluntary Quality Landlord Scheme

The option does not reflect the positive consultative response from 2/3rds of private households who were in favour of a mandatory Selective Licensing scheme. Although some benefits of the mandatory scheme can be achieved by a voluntary scheme see Appendix 3), a voluntary scheme will not provide any compulsion to register or penalty for failing to register.

Previous attempts at voluntary accreditation schemes have not received sufficient take-up and have therefore been unsuccessful. Voluntary schemes do not oblige the landlords, who need to improve their tenancy and property management, to join and they are able to avoid any further obligations unless they are detected through routine enforcement methods.

There is a risk that this option once in operation may fail to meet the success factors required and a mandatory Selective Licensing scheme would be required. This would require intensive resource to re-examine and present a business case ahead of a further consultative process. This would cause significant delay.

## 9.3 Option 3 – No Further Action

The risks of doing nothing are:

- The gap in our most deprived neighbourhoods continues to widen
- We are unable to sustain current levels of resources that are deployed in a reactive way to resolve private rented sector issues
- Empty properties blight neighbourhoods negatively affecting the local housing market

These risks can be mitigated by introducing the interventions described in either Option 1 or 2.

## 9.4 Legal Risks

When determining whether to introduce a Selective Licensing Scheme, a voluntary scheme, or no scheme at all Cabinet must weigh in the balance all relevant considerations and disregard any irrelevant considerations.

Should Cabinet wish to proceed to implement Selective Licensing without the need for implementing a non-mandatory option first it must be satisfied that there is evidence to support moving straight to the mandatory option. Cabinet will also have to:

- be satisfied that the use of Selective Licensing is consistent with the Council's overall housing strategy;
- be satisfied that the Council is seeking to adopt a co-ordinated approach in connection with dealing with homelessness, empty properties and anti-social behaviour, both as regards combining Selective Licensing with other courses of action available to the Council and measures taken by others;
- consider whether there are any other courses of action available to the Council (of whatever nature) that might provide an effective method of achieving the objectives of the Selective Licensing scheme; and

- consider that making the designation will significantly assist the Council to achieve the objectives (whether or not any other courses of action are taken as well).

Cabinet must also, in accordance with s 149 of the Equality Act 2010, pay due regard to the need to:-

- (a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act
- (b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- (c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

In dealing with this duty, the Council must have due regard in particular, to the need to:

- (i) Remove or minimise disadvantages suffered by persons who share a relevant characteristic that are connected to that characteristic
- (ii) Take steps to meet the needs of people who share a relevant protected characteristic that are different to the needs of persons who do not share it
- (iii) Encourage persons who share a relevant characteristic to participate in public life or any other activities where their participation is disproportionately low

Protected characteristics include disability, age, race, sex, religion or belief, gender reassignment, marriage and civil partnership, pregnancy/maternity and sexual orientation.

The equality analysis is attached to the report at **Appendix 10**. All members should read and take account of the potential impacts of imposing a Selective Licensing Scheme and the steps that can be taken to mitigate any impact.

As the consultation demonstrated that there is support for both Options 1 and 2 the possibility of a legal challenge, should either option be chosen, exists.

## 10. Policy and Performance Agenda Implications

Improving the Private Rented Sector housing in Rotherham has a positive impact on helping to narrow the gap in our most deprived neighbourhoods and is a commitment in Rotherham's Housing Strategy, namely.;

- Commitment 2: We will increase and improve the supply of affordable rented housing
- Commitment 6: We will help people to access the support they need
- Commitment 7: We will help people in Rotherham's most disadvantaged communities

An Equalities Assessment has been conducted and is presented in Appendix 10.

The objectives of the proposals are consistent with aims of the Council's Housing Strategy and Homelessness Strategy.

Driving up standards in the private rented sector will also contribute to tackling Anti-Social Behaviour which is a key priority and set out in the RMBC Corporate Plan

- *helping to create safe and healthy communities, and*
- *ensuring people feel safe where they live, particularly that Anti-Social behaviour and crime is reduced and people from different backgrounds get on well together.*

In particular improving housing standards in this sector will contribute in ensuring that;

- People feel safe where they live
- ASB and crime is reduced
- Our streets are cleaner

Through the effective use of Council resources, in this case the Community Protection Unit and Legal & Democratic Services and, in conjunction with other regenerative initiatives, the Council is delivering required improvements in the private rented sector and offering a viable alternative to social affordable housing which is in great demand and so demonstrating value for money.

Ensuring access to housing is as fair as possible will contribute to two of the priorities of Rotherham Partnerships Community Strategy;

- Ensure the best start in life for children and families, and
- Support those that are vulnerable within our communities

## **11. Background Papers and Consultation**

Cabinet, Minute No.131, Business Case to consider the Selective Licensing of Private Rented Accommodation in Rotherham; 27<sup>th</sup> November, 2013

Business Case:

[http://www.rotherham.gov.uk/downloads/file/357/selective\\_licensing\\_business\\_case](http://www.rotherham.gov.uk/downloads/file/357/selective_licensing_business_case)

[http://www.rotherham.gov.uk/downloads/file/358/selective\\_licensing\\_business\\_case\\_appendices](http://www.rotherham.gov.uk/downloads/file/358/selective_licensing_business_case_appendices)

RMBC. Legal and Democratic Services

Cabinet, Minute No.216, Interim Report in respect of Selective Licensing Consultation; 19<sup>th</sup> March 2014

Improving Places Select Commission, 23<sup>rd</sup> July 2014

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## Consultation Outcomes – Questionnaire Responses Summary

The detailed analysis by area and the responses to all the survey questions is available on the Council's website at [www.rotherham.gov.uk/landlordlicensing](http://www.rotherham.gov.uk/landlordlicensing)

### Overall Responses

There were 1,755 responses received from businesses, landlords (including letting agents) and residents. The overall analysis looked at the 7 key questions that were asked in the survey.

Seven key questions examined in the overall analysis are provided below, together with a summary of the returns :

#### 1. The value of residential properties in this area is lower than the other similar areas of Rotherham.

Total number who responded to this question was 1755, overall 1050 agreed and 585 disagreed and there were 120 who did not respond. The respondents breakdown is as follows :

	Agree	Disagree	No response	Agree	Disagree	No response
Business	28	14	2	64%	32%	5%
Landlord	52	88	8	35%	59%	5%
Resident	970	483	110	62%	31%	7%

Half the business respondents agreed that the value of properties in the selected areas was lower than that of similar properties in other areas. Close to 2/3<sup>rds</sup> of landlords disagreed & 2/3<sup>rds</sup> of residents agreed.

#### 2. It is cheaper to rent properties in this area, compared to other similar areas of Rotherham

Total number who responded to this question was 1755, overall 829 agreed and 714 disagreed and there were 212 who did not respond. The respondents breakdown is as follows:

	Agree	Disagree	No response	Agree	Disagree	No response
Business	26	16	2	59%	36%	5%
Landlord	45	93	10	30%	63%	7%
Resident	758	605	200	48%	39%	13%

Nearly two thirds of business respondents agreed. This contrasted with landlords response which showed two thirds disagreed. Just over half the residents surveyed agreed.

#### 3. There is a high turnover of tenants in this area.

Total number who responded to this question was 1755, overall 993 agreed and 590 disagreed and there were 172 who did not respond. The respondents breakdown is as follows :

	Agree	Disagree	No response	Agree	Disagree	No response
Business	26	15	3	59%	34%	7%
Landlord	36	96	16	24%	65%	11%
Resident	931	479	153	60%	31%	10%

Nearly two thirds of residents and businesses agreed that there is a high turnover of tenants in their area. This contrasted with the landlord response which shows two thirds disagree.

#### 4. Long-term empty properties are contributing to the decline of the area

Total number who responded to this question was 1755, overall 1134 agreed and 517 disagreed and there were 104 who did not respond. The respondents breakdown is as follows :

	Agree	Disagree	No response	Agree	Disagree	No response
Business	32	10	2	73%	23%	5%
Landlord	71	67	10	48%	45%	7%
Resident	1031	440	92	66%	28%	6%

Two thirds of residents and businesses agreed that long term empty properties are a contributory factor to the decline of the area. The landlord response was more or less equal with 48% agreeing and 45% disagreeing.

#### 5. Anti-social behaviour is a problem within the area.

Total number of respondents was 1755. Overall 1064 agreed and 575 disagreed, 116 did not respond. The breakdown is as follows:

	Agree	Disagree	No response	Agree	Disagree	No response
Business	32	8	4	73%	18%	9%
Landlord	52	82	14	35%	55%	9%
Resident	980	485	98	63%	31%	6%

Two thirds of businesses and residents agreed that anti-social behaviour was a problem in their area with just over half of the landlords disagreeing.

#### 6. The Council should intervene in areas suffering from low housing demand.

Total number of respondents was 1755. Overall 1188 agreed and 396 disagreed, 171 did not respond. The breakdown is as follows:

	Agree	Disagree	No response	Agree	Disagree	No response
Business	27	12	5	61%	27%	11%
Landlord	60	74	14	41%	50%	9%
Resident	1101	310	152	70%	20%	10%

Nearly two thirds of businesses and 70% of residents agreed that the Council should intervene in areas suffering from low housing demand. Most of the landlords disagreed, however a significant number (41%) did actually agree.

#### 6. Do you agree with the Council's proposal to introduce selective licensing in this area?

Total number of respondents was 1755. Overall 1111 agreed, 583 disagreed and 61 no responses. The breakdown is as follows :

	Yes	No	No response	Yes	No	No response
Business	21	22	1	48%	50%	2%
Landlord	18	124	6	12%	84%	4%
Resident	1072	437	54	69%	28%	3%

The business response is split down the middle with more or less a equal number for and against the proposal to introduce a selective licensing scheme. Just over two thirds of residents agree. The landlord response is clear with 84% who responded to this question not in favour of the scheme.

### **Summary of overall analysis to the 7 key questions.**

It is important to note that there was an average of 136 landlords, 41 businesses and 1440 residents responding to this consultation. In most cases the landlord response was to generally disagree, however question 4 and 6 returned a pretty even response. The most overwhelming negative response from landlords was to disagree to the council's proposal to introduce a selective licensing scheme which returned a response of 84% against. It is also interesting to note the landlord response to questions 4 and 6. Whilst 40% of landlords think the council should take action in areas of low housing demand only 12% agree with bringing in selective licensing, however resident responses to these questions are similar.

In contrast the businesses and residents both had a lot of consensus in their response. Both returned a majority vote to generally agree with 6 of the key questions. The majority of residents are in favour of the introduction of the selective licensing scheme whereas the businesses returned a response of 21 and 22 for and against.

### **Equality monitoring summary of overall analysis**

#### **Do you consider yourself to be disabled ?**

A total number of 1596 respondents answered this question and 20% declared they had a disability with 71% who did not. There were 159 people who did not respond.

	Number	Percentage
Yes	346	20%
No	1250	71%
No response	159	9%
<b>Grand Total</b>	<b>1755</b>	

#### **What is your age ?**

A total number of 1600 respondents answered this question with the majority of people falling into the 45 – 65 or older category. There were 155 people who did not respond.

	Number	Percentage
Under 25	35	2%
25 to 34	180	10%
35 to 44	237	14%
45 to 54	344	20%
55 to 64	350	20%
65 or older	454	26%
No response	155	9%
<b>Grand Total</b>	<b>1755</b>	

#### **How would you describe your ethnic origin ?**

A total number of 1459 respondents answered this question. The majority of respondents declared themselves as White British (1315, 74.9%). The second largest group was Asian or Asian British Pakistani (5.1%) followed by Other White Background in third with 3%. It is worth noting that 2% of respondents declared themselves as Asian or Asian British Kashmiri. Many within this group sometimes refer to themselves as Pakistani or Kashmiri. There were 148 respondents who did not respond.

	Number	Percentage
Asian or Asian British Bangladeshi	2	0.1%
Asian or Asian British Indian	15	0.9%
Asian or Asian British Kashmiri	35	2.0%
Asian or Asian British Pakistani	89	5.1%
Black or British Black African	11	0.6%



Chinese	4	0.2%
Decline to answer	46	2.6%
Dual Heritage Asian and White	1	0.1%
Dual Heritage Black Caribbean and White	2	0.1%
Gypsy/Roma	3	0.2%
Irish Traveller	1	0.1%
Other Asian background	12	0.7%
Other Black Background	2	0.1%
Other Dual Heritage	1	0.1%
Other Ethnic Background	3	0.2%
Other Gypsy or Traveller Background	2	0.1%
Other White Background	53	3.0%
White British	1315	74.9%
White Irish	7	0.4%
Yemeni	3	0.2%
No response	148	8.4%
<b>Grand Total</b>	<b>1607</b>	

**Please indicate if you are from the following EU accession Countries:**

A total number of 41 people responded to this question with 18 people (1%) coming from Slovakia followed by 0.6% (11) coming from Poland. In total 2.3% of all respondents came from an EU accession state.

	Number	Percentage
Bulgaria	1	0.1%
Czech Republic	4	0.2%
Hungary	1	0.1%
Lithuania	5	0.3%
Poland	11	0.6%
Romania	1	0.1%
Slovakia	18	1.0%
No response	1714	97.7%
<b>Grand Total</b>	<b>1755</b>	

**Appendix 2 – National Landlords Association Response to the Selective Licensing Consultation and answers to questions contained in that response**



**National Landlords Association:**

*Response to Rotherham Metropolitan Borough Council proposal for Selective Licensing*

*March 2014*

1. The National Landlords Association (NLA) exists to protect and promote the interests of private residential landlords.
2. With more than 22,000 individual landlords from around the United Kingdom and over 100 Local Authority associates, we provide a comprehensive range of benefits and services to our members and strive to raise standards within the private rented sector.
3. The NLA seeks a fair legislative and regulatory environment for the private rented sector while aiming to ensure that landlords are aware of their statutory rights and responsibilities.

#### Overview

4. The National Landlords Association (NLA) would like to thank Rotherham Metropolitan Borough Council for providing the opportunity to comment on licensing.
5. The ability to introduce Licensing is a powerful tool. If used correctly by Rotherham Borough Council it can resolve specific issues. The NLA has supported many Local Authorities when the introduction of a licensing scheme has been introduced, as it will benefit landlords. The consultation has not answered these questions and has raised more questions.
6. The legislation in relation to Selective Licensing clearly states that the introduction of licensing has to be evidence based. This is either through anti-social behaviour or low housing demand. The evidence that is presented does not support the argument made, this will be developed in later sections.
7. The judgment from the judicial review of Thanet Councils introduction of Selective Licensing supports the opinion that the introduction of selective licensing must be on anti-social behaviour or low housing demand. This raises questions,
  - a) What additional resources will the council be committing to tackle anti-social behaviour as licensing alone will not resolve the issues – Thanet Council incurred a cost of £500,000.00
8. In the Government procedural document - 'Approval steps for Additional and Selective Licensing Designation in England', it states that in order to apply for Selective Licensing a local housing authority "will have to show how such a designation will be part of the overall strategic borough wide approach, and how it fits with existing policies on Homelessness, Empty homes, Regeneration and Anti-social behaviour." **Could you provide the NLA with a copy of this strategy? How will it benefit landlords and what specific resources will the council allocate in the specific areas? What additional resources will be allocated?**
9. This condition is also highlighted in the 'Explanatory note to Housing Act 2004, paras 26-28', which states: "In order for a scheme to be approved, such a selective licensing scheme must be shown to be co-ordinated with an authority's wider strategies to deal with anti-social behaviour and regeneration." **Could you provide the NLA with a copy of these strategies?**

7, The Council's Business Case identified that the proposal for Selective Licensing is based primarily on the grounds of Low Housing Demand. ASB is a contributory factor to the low housing demand criteria. The Council is committed to reducing anti-social behaviour and will prioritise its budgets appropriately and ensure a continuing partnership approach with South Yorkshire Police and other agencies/ voluntary sectors in the continuing reduction of ASB.

8, Selective Licensing will work with the existing Housing strategies by ensuring that there is high quality, safe accommodation across the rented sector in areas where there is low housing demand. How landlords will benefit has been detailed in the Business Case. The need for additional resources will be assessed as the policies, strategies and work develops.

[http://www.rotherham.gov.uk/info/200593/social\\_care\\_and\\_support/147/get\\_help\\_with\\_homelessness/3](http://www.rotherham.gov.uk/info/200593/social_care_and_support/147/get_help_with_homelessness/3)

9, These strategies are available on the Council's website  
Regeneration strategies

[http://www.rotherham.gov.uk/downloads/200074/planning\\_and\\_regeneration](http://www.rotherham.gov.uk/downloads/200074/planning_and_regeneration)

Community Strategy

[http://www.rotherham.gov.uk/corestrategyexamination/download/downloads/id/394/leb06\\_rotherham\\_community\\_strategy\\_2012-2015](http://www.rotherham.gov.uk/corestrategyexamination/download/downloads/id/394/leb06_rotherham_community_strategy_2012-2015)

Crime and Anti-social behaviour

[http://www.rotherham.gov.uk/jsna/info/25/staying\\_safe/20/crime\\_and\\_anti-social\\_behaviour](http://www.rotherham.gov.uk/jsna/info/25/staying_safe/20/crime_and_anti-social_behaviour)

Housing Strategy

[http://www.rotherham.gov.uk/downloads/file/205/rotherham\\_housing\\_strategy\\_2013-2043](http://www.rotherham.gov.uk/downloads/file/205/rotherham_housing_strategy_2013-2043)

The Empty Property strategy is currently in development.

10. One of the dangers of the proposed Selective Licensing scheme could be the costs are passed through to tenants, thus increasing cost for those who rent in an area, along with the cost of the council. Thus increasing costs to Rotherham residents especially the most vulnerable. This could be seen as increasing the cost of living for residents of Rotherham.
11. What actions have the council taken in light of Hemming v Westminster Council case into account, and the European Union Licensing directive on which the case was based in relation to costs?
12. Areas that have seen the introduction of selective licensing have seen mortgages withdrawn, (Nat West and RBS). The banking industry does not wish the extra burdens that councils propose.
13. In addition to young professionals and students, migrants make up an important part of the shared housing market the UK. For obvious economic reasons and for flexibility, shared housing is an important source of housing for these groups. However, demand is not static. Recent research suggests that emigration out of the UK by economic migrants is increasing<sup>1</sup>. Thus the impact of these policies will have an impact on the lower economic groups within Rotherham. What measures are the council taking to mitigate the issues.
14. The use of Selective Licensing which is landlord/property based, will not resolve many of the issues which are caused by tenants – they are tenant based issues. Landlords have limited powers in addressing these as any direct action by the landlord to address issues such as ASB can be stated as being harassment by the tenant.
15. The introduction of Selective Licensing is not a solution in itself; resources need to be allocated by Rotherham Borough Council as well. Other councils who have introduced licensing schemes that have not allocated the adequate resources to resolve the problems still have the problems. We have reservations with the proposals as none have been identified.
16. One of the aims of the council is to increase tenancies length; the policy being proposed by the council will have the direct opposite and decrease the length of tenancies.
17. Can the council provide a copy of the equalities diversity impact assessment for Selective Licensing?
18. The NLA believes that any regulation of the private rented sector needs to be balanced. Additional regulatory burdens must focus on increasing the professionalism of landlords, the quality of private rented stock and driving out the criminal landlords – who blight the sector. It should be the shared objectives of all parties involved to facilitate the best possible outcomes for landlords and tenants and as such good practice should be recognised and encouraged in addition to the required focus on enforcement activity. In light of the current economic climate. The last thing good landlords need is regulations or licensing schemes; particularly where there appears to be limited direct and immediate benefit to landlords or tenants.

<sup>1</sup> Finch et al, 'Shall We Stay or Shall We Go? Re-migration trends among Britain's immigrants', IPPR, 2009

10, This issue was raised in, and responded to during the Improving Places Select Commission on the 23/7/14 – copy of the minutes are attached to the Cabinet Report as Appendix 3

11, The proposed licensing scheme fees will only pay for the costs of administering the licensing function, and not any additional enforcement or consequential costs.

13, An Equalities Assessment is contained in the report to Cabinet (17/12/114) as Appendix 10.

14, Landlords do have powers in relation to the management of their premises and often these are not utilised in a robust way to influence their tenant's behaviour or proactively to improve property standards.

16, The aim from the proposed Selective Licensing scheme is to create more stable communities, in the long run this means that either tenants may wish to stay in the area, or there is a change in the housing makeup of the area.

17, Attached as Appendix 10 for the final proposals before Cabinet.

## Resources

19. A key concern over the creation of licensing schemes is the question of Rotherham Borough Council's resources. It is well known that in this time of austerity, Local Authorities are being asked to do more by central government with fewer resources. The administration of a Licensing scheme is costly in terms of both officer time and a financial commitment. This is especially true around the additional resources that the council will have to deploy around issues such as anti-social behaviour. The passing of Selective Licensing by Local Authorities too often does not have the support that is required to resolve the issues. With the decisions in Thanet's Judicial Review and Hemming v Westminster Council the NLA would like to know what additional resources have been committed and how they will be paid for.
20. The increase in the activity will increase the demand on the council what provision has the council made and how much additional resources has the council allocated i.e. staff answering phones, enquires etc.?
21. At a time when Rotherham Borough Council is reducing department budgets, we believe that the remaining resources should be allocated to targeted enforcement against the worst, criminal landlords. An example, in 2009 Swansea City and Borough Council spent approximately £272,000 on its mandatory and discretionary licensing schemes (of which approximately £243,000 came from landlords paying the application fee)<sup>2</sup>. This caused a shortfall of £29,000 for the Local Authority and we would argue this money could have been better spent employing additional Environmental Health Officers to target sub-standard and poorly-managed properties. How many additional staff will Rotherham be employing and how much additional resources has the council budgeted for per year over the next five years?
22. Leeds City Council through the process of introducing Selective Licensing incurred a cost of around £100k to the tax payers of Leeds<sup>3</sup>. We have already mentioned Thanet Council incurred a cost of £500,000.00. Newham has allocated money from the general fund for enforcement and received money from central government, how much money has the council envisaged will be required for these new services?
23. The introduction of Licensing will require resources to be allocated to the area it to work i.e. tenant information officers, landlord liaison officers, anti-social behaviour staff, community workers and enforcement staff. This will create added cost to Rotherham Borough Council which cannot be met through licensing fees. The NLA would be willing to work with the council with the provision of Tenant Information Packs, Assured Short Hold Tenancies, support services for landlords and Green Deal packages to improve the efficiency of the homes in the area. But this would need to be complemented by resources by the council to tackle the issues the council has highlighted.
24. How has the council budgeted for a national register, (if introduced after the next election) and a refund to landlords is required, how much money is the council setting aside for this?

<sup>2</sup> Response from Swansea City and Borough Council on 31 March 2010 to an NLA request under the Freedom of Information Act

<sup>3</sup> <http://www.publications.parliament.uk/pa/cm201314/cmselect/cmcomloc/50/5006.htm#a13>

19, This has been covered in the Business Case and in Question 7 above.

20, Additional costs will be met from existing resources, however some of the issues described here would be classed as administration of the scheme and hence can be correctly funded from the licence fees.

21, There is no plan to employ additional numbers of staff other than those paid for by the licensing scheme, however additional pressures will be absorbed through appropriate budgeting and process re-engineering to ensure demands can be met.

22, This is covered in the Business Case. It is estimated that the enforcement cost will be absorbed within current budget provision.

23, This would be welcomed.

24, This is a national political issue that has not got any current status. This cannot be planned for and any changes to national legislation would take time to enact and implement, leaving a gap in activity on this issue until such legislation becomes active.

25. Many other councils who have introduced licensing fail to inspect properties and seek out those that have not registered. In Newham and other Councils who have cited similar cases, they have taken on additional staff how many additional staff is the council proposing to take on?
26. The changes to welfare allowances and the reduction in housing couples with a rising rents, how much resources has the council allocated to help vulnerable residents with increased costs due to these policies?
27. Clarification on the council's policy, in relation to helping landlords when a section 21 notice is served is required, with the proposed Selective Licensing scheme? It would be useful if the council could put in place a guidance document which would outline the council's position in helping landlords remove tenants who are causing anti-social behaviour.
28. The NLA would like further explanation on how the council will work with landlords to mitigate the tenants that leave a property early but where they still have a tenancy, thus the tenant is liable for council tax but the property is empty? If a landlord has challenges with a tenant, how will the council help the landlord?

#### **Powers/enforcement**

29. Licensing can have a role, but Licensing in itself will not resolve the issue; the use of enforcement where the law is being broken is required. This requires an allocation of resources; can the council provide a breakdown of resources they will be allocating for the five year period of the license?
30. Rotherham Borough Council has many existing powers. Section 57 (4) of the Housing Act 2004 states that a local authority "must not make a particular designation ... unless (a) they have considered whether there are any other courses of action available to them ... that might provide an effective method of dealing with the problem or problems in question". The use of these powers as listed below give a Rotherham Borough Council the ability to tackle many of the issues that they wish to overcome in all the parts of the city:
  - a) Use of Criminal Behaviour Orders;
  - b) Crime Prevention Injunctions;
  - c) Interim Management Orders;
  - d) Empty Dwelling Management Orders;
  - e) Issuing improvement notices to homes that don't meet the decent homes standard
  - f) Directions regarding the disposal of waste (for example under section 46 of the Environmental Protection Act 1990);
  - g) Litter abatement notices under section 92 of the Environmental Protection Act 1990;
  - h) Powers under the Noise Act 1996 to serve fixed penalty notices or confiscate equipment (sections 8 and 10);
  - i) The power to require rubbish to be removed from land under section 2 – 4 of the Prevention of Damage by Pests Act 1949.

25, This is covered in the Business Case. It is estimated that the enforcement cost will be absorbed within current budget provision.

26, The Council provides advisory services within existing resources

27, The Council will work with the NLA for the provision of such guidance.

28, There is currently a Private Sector Housing Officer providing support and advice linkages with the Landlord community.

29, This has been covered in the Business Case. It is estimated that the resource allocation for enforcement will be the equivalent of 2 fte officers

30, This has been covered in the Business Case with demonstration of how other powers when applicable have been used.

31. The current proposals by the government in Parliament include reducing the threshold from which complaints can be generated that can be classified as anti-social behaviour. This would allow for the nuisance of one person to be classified as antisocial behaviour, this includes someone reading the bible out in the street. As this will increase the ability of neighbours to complain how much additional resource has the council allocated to tackle these issues?
32. With references required for tenancies and the threshold being reduced this could lead to delays for prospective tenants, along with people having difficulty getting a tenancy. Could you provide the equalities and diversity assessment that the council has undertaken into referencing? What communication has the council had with RSL's being able to provide referencing along with social housing providers that neighbour Rotherham?
33. This change proposed by the council will reduce secure tenancies and increase the cost for tenants; it could also increase homelessness with people being unable to secure a tenancy due to references.

#### Processing the license

34. The paperwork of a License can be reduced; the rationalisation of processing of licensing forms needs a review. The requirement to complete a form for each property needs to be reviewed. The process can be simplified along with costs that are incurred by Rotherham Borough Council and to the landlord. We would be willing to work with the Council on how this can be done.
35. Why does it cost Rotherham Borough Council, more to process an application than other councils such as Newham?
36. A failure of Rotherham Borough Council to have joined up standards between departments is also a problem for landlords. The Planning Control Departments often has different standards to that of the Environmental Health Departments, which would issue the Licence. This causes problems for landlords and creates a bizarre situation where landlords will not be complying with one of the Councils departments to comply with another. How will the council be rectifying this?

#### Waste

37. One of the many reasons raised by Rotherham Borough Council has proposed for the introduction of Licensing is due to litter and fly-tipping. Landlords will outline to tenants at the start of the tenancy their obligations in relation to waste and what they have to do to comply with in relation to waste disposal. This in many cases this is the waste services provided by Rotherham Borough Council, if the tenant does not comply with the waste collection then the tenant is responsible and the Council can take action against the tenant – Licensing is not the appropriate regulation to address this issue.
38. In many situations fly-tipping or excessive litter is due to the tenant not understanding the waste service. The non-collection of waste/recycling by the Council can increase fly-tipping and litter in an area. The non-collection of recycling due contamination within the recycling bin will result in the tenant having to dispose of the recycling/waste; this can lead to fly-tipping or overflowing bins/litter.

31, This is not something that can be quantified in advance of any changes or their impact. Additional training has been provided and any increased complaints will be managed through existing resources and prioritisation of services.

32, An EA is provided in appendix 10. No Discussions have taken place with other organisations on the issue of referencing. Referencing requirements have been adjusted following the consultation, as can be seen in Appendix 9. Also, the reference or guarantee does not need to be from a previous housing provider, as this may be impractical.

34, Efficiencies on paperwork and handling are a priority for the final scheme development in order to bring better value for landlords and tenants and reduce waste.

35, The Rotherham proposals are in between many other Councils' fees and have been developed based on the cost of processing a paper licence application. Efficiencies in this may be realised before implementation and therefore a reduction will be passed on to landlords.

36, We would welcome further information on how the standards you describe are different, between what our Development Control and Community Protection services require. We are not aware of any existing conflicts and joint working and consultation is a routine occurrence.

38, Much novel work has already been done in areas where there are significant problems and we continue to invest in activity which has a short term impact but does not cost additional resources. Selective Licensing will be part of the overall solution, not the only factor. Existing resources will be priorities to deal with any enforcement required.

Neither of these can be resolved through Licensing. What additional resources will the council allocate to resolve this issue as the current resources do not seem adequate?

39. Often when tenants near the end of the contract/tenancy and they are moving out they will dispose of excess waste in a variety of methods, this does include putting it out on the street for the Council to collect. A waste strategy for the collection of waste at the end of term needs to be considered by local authorities which have further education establishments. This is made worse when Council will not allow landlords to access the municipal waste collection points. The council does not have a strategy in place to tackle the problem of waste from housing that is rented out and appropriate waste collection bins provided for the accommodation. The NLA would be willing to work with the council in developing this strategy.

#### Legislation

40. There are currently over 100 pieces of legislation that a landlord has to comply with. An understanding of the laws that the private rented sector has to comply with can be misunderstood. A landlord is expected to give the tenant a “quiet enjoyment”, failure to do so could result in harassment case brought against the landlord. Thus the law that landlords have to operate within is not fully compatible with the aims that the council wish. A landlord keeping a record of a tenant can be interpreted as harassment.
41. The ability for a landlord to enforce the law against the tenant that is causing anti-social behaviour is through the civil court where the burden of evidence is different to that of a criminal court. Although this is lower, the length of this process will often exceed the period of the tenancy. Why will a landlord continue to prosecute a person who is no longer a tenant? A landlord also risks the tenant causing damage to their property if they start legal proceedings against the tenant. Equally if a landlord has started a process, this will not appear on any council document, thus how will the council expect to measure this?
42. The introduction of licensing is to tackle specific issues, many of these are tenant related and not to do with the property/landlord. Thus the challenge is for local authorities to work with all the people involved not to just blame one group – landlords. The NLA is willing to work in partnership with Local Authorities and can help with tenant information packs, assured short hold tenancies, Green Deal and accreditation of landlords, along with targeting the worst properties in an area.
43. The NLA would also argue that a problem encompassing a few poorly managed and/or maintained properties would not be appropriately tackled by a licensing scheme which is not proportional. In many situations the council should consider Enforcement Notices and Management Orders. The use of such orders will deliver results immediately – why does the council wish to do this over five years. A targeted approach on a street by street approach, targeting the specific issues and joined up between agencies, the council, community groups, tenants and landlords will have a greater impact.
44. The NLA agrees that some landlords, most often due to ignorance rather than criminal intent, do not use their powers to manage their properties effectively. A more appropriate response would be to identify issues and assist landlords to develop the required knowledge and skills to improve the

39, This would be welcomed to complement our existing enforcement and collection practices.

40, The Council's requirements (regular checks on the property and knowing who the tenants are) under a Licensing Scheme could not be considered as harassment. Reasonable tenancy management is not harassment and the steps taken by the landlord should be proportionate to the risk.

41, Landlords will be expected to demonstrate they have taken appropriate and reasonable actions.

43, This is covered in the Business Case and in response to question 30 above



sector through schemes such as the NLA Accredited Landlord Scheme. This can allow Rotherham Borough Council to target the criminal Landlords – a joint approach is required.

45. The NLA would also like to see Rotherham Borough Council to develop a strategy that can also include action against any tenants that are persistent offenders. These measures represent a targeted approach to specific issues, rather than a blanket licensing scheme that would adversely affect the professional landlords whilst still leaving the criminal able to operate under the radar.
46. You propose that landlords will need to get references, there are many legal conditions that have to be complied in filling in a reference, and equally you cannot be negative in a reference. Thus many people will not be able to be housed which will increase the costs on the council. Equally will the council be able to provide references for those that were in social housing?

#### **Anti-social behaviour**

47. The NLA would also like to see Rotherham Borough Council to develop a strategy that can also include action against any tenants that are persistent offenders. These measures represent a targeted approach to specific issues, rather than a blanket licensing scheme that would adversely affect the professional landlords whilst still leaving the criminal able to operate under the radar.
48. The council admits that it is impossible to directly link all anti-social behaviour to the private rented sector, could the council provide mapping similar to that in the consultation document for social housing and owner occupied to compare and contrast?
49. The data that has been presented does not distinguish between owner occupied, social or private rented. They are based on perception – not evidence? In the same document you claim not to know where all the private rented sector is, thus how can you claim problems emanate from one sector of housing over the other?
50. Could the council provide a breakdown of data relating to anti-social behaviour based on tenure?
51. Could the council provide a breakdown of the ASB? Could this also be sub divided into anti-social behaviour that is housing related?
52. The length of time that a landlord will take to prosecute a tenant and cost if prohibitive to landlords. A course of action that landlords have taken in other areas where Licensing has been introduced which requires referencing is the landlord only granting a short tenancy i.e. 6 months and when a landlord is informed of anti-social behaviour, terminating the tenancy. Thus making tenancies less sustainable.
53. A person who's tenancy has been shortened or expired due to anti-social behaviour but no prosecution has been made would still have a perfect reference. Why would a landlord continue a prosecution of a tenant who has moved on?

45, This will be done as this and anti-social behaviour and public health interventions are joined up in the same enforcement team along with the licensing and private sector housing enforcement activity. Such an approach is embedded within Safer Neighbourhood partnership working.

46, Yes.

47, This question is the same as question 45 above – see response.

48. We have not tried to link any ASB to any sector, and ASB is not the criteria we are invoking for Selective Licensing (we are basing our proposal on Low Housing Demand). There is no such mapping in our consultation. This must be referring to a different local authority.

49, We do not allocate ASB from any particular sector, however we can show that there are greater proportions of private rented property in these areas than in other areas. This is covered in the Business Case.

50, No, the data to show ASB per Housing Sector and has not not been recorded in that way. As such there is no evidence to use ASB as the reason for Selective Licensing, as discussed in the Business Case (proposal based on Low Demand). It is a contributory factor to low housing demand only.

53, A landlord would not prosecute. A landlord would give a reference on the tenants conduct, regardless of the outcome of any eviction process or termination of tenancy.

54. How will a landlord be able to get a reference from someone who is being housed by a third party i.e. the Home Office (refugee)?

**Conclusion**

55. The NLA would like to see Rotherham Borough Council present a “Matrix” on the what will be achieved by the introduction of Licensing along with a clear outline of the services that will and will not be introduced along with a timeline.
56. We would like clarity on the anti-social behaviour, costs and resources being allocated by Rotherham Borough Council. Recent court cases show that the council will have to commit resources and that these need to be targeted to resolve the issues that the council highlight.
57. The aims of the Council has i.e. removing nuisance, waste etc. can be achieved through existing legislation that Licencing will not and cannot achieve. The risk of introducing Licencing is likely to increase the costs for those, along with not resolving the problems that the Council wishes to resolve. Thus a more erudite approach to dealing with nuisance and a separate policy to tackle the criminal landlords would be more applicable in resolving the issues.
58. Again, the NLA would like to thank Rotherham Borough Council for the opportunity to respond to this consultation and hope you find our comments useful.

54, In such circumstances it would be understood that a reference is not feasible and our enforcement would be moderated by that fact.

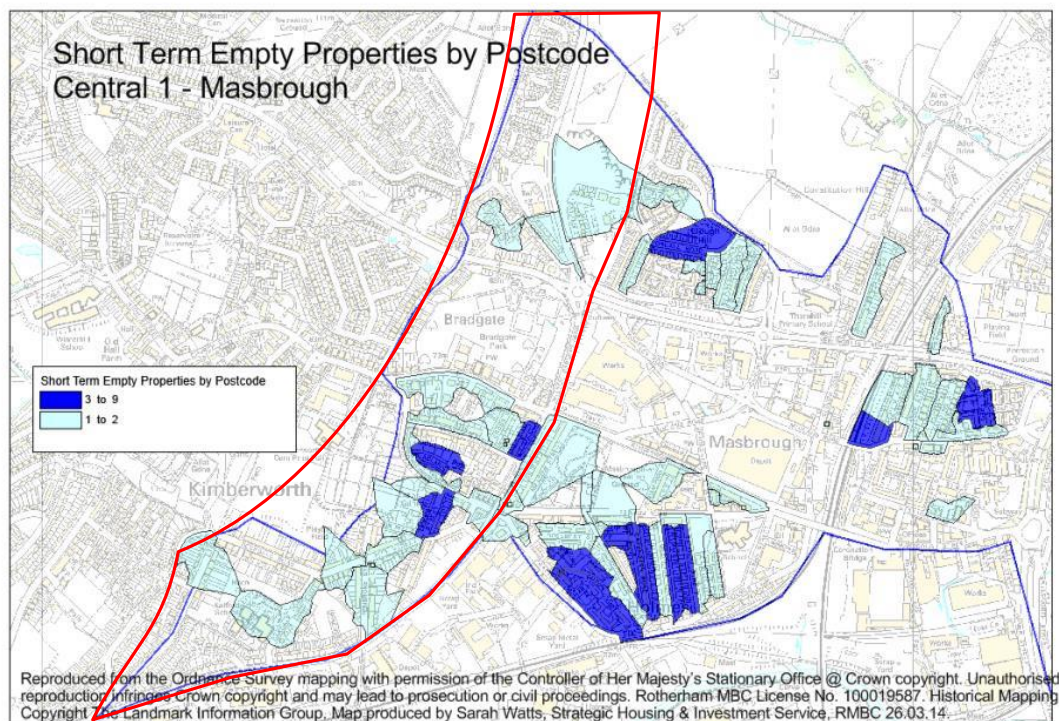
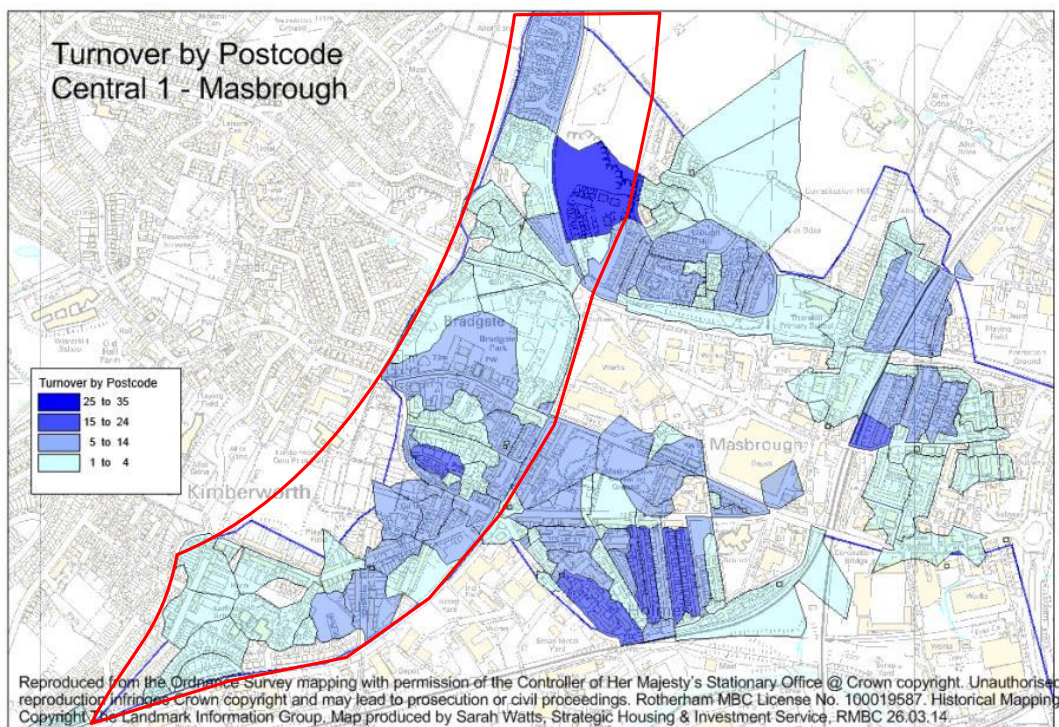
55, The aims have been clearly set out in the Business Case along with additional resource needs.

56, This has been discussed earlier in this response.

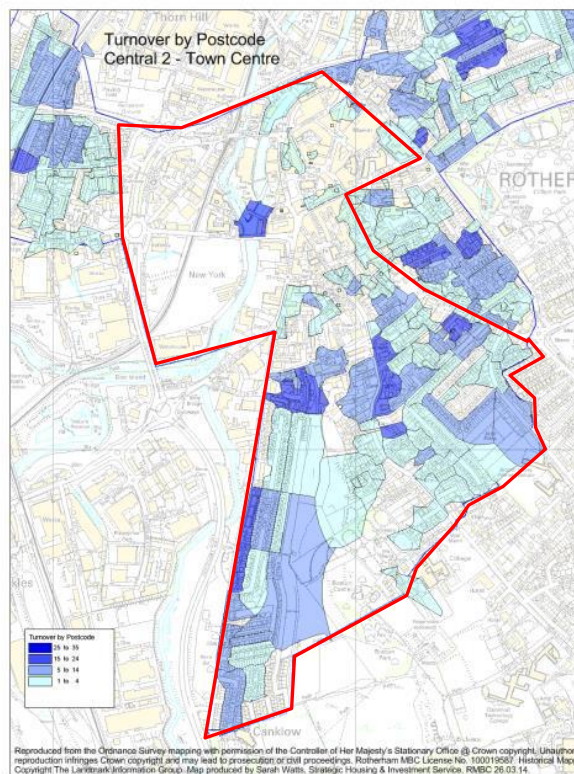
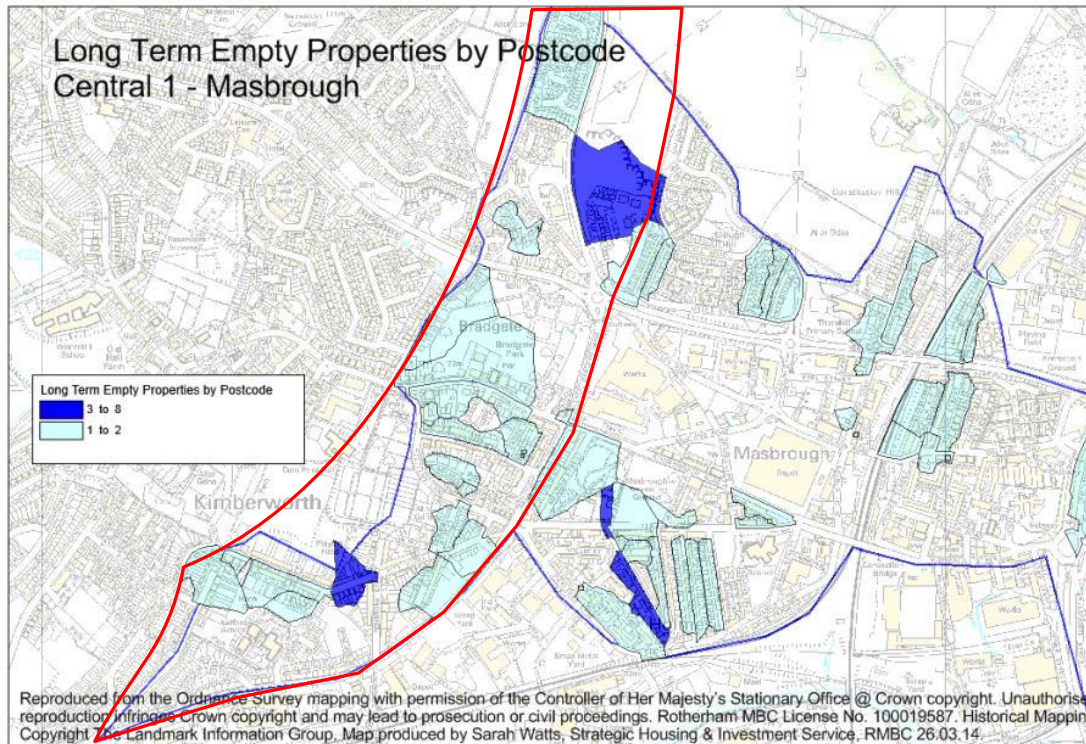
57, This has been discussed in the Business Case. The proposal is about increasing housing demand. The aim of the Council is not as stated and the use of existing statutory nuisance powers etc. have been tried.

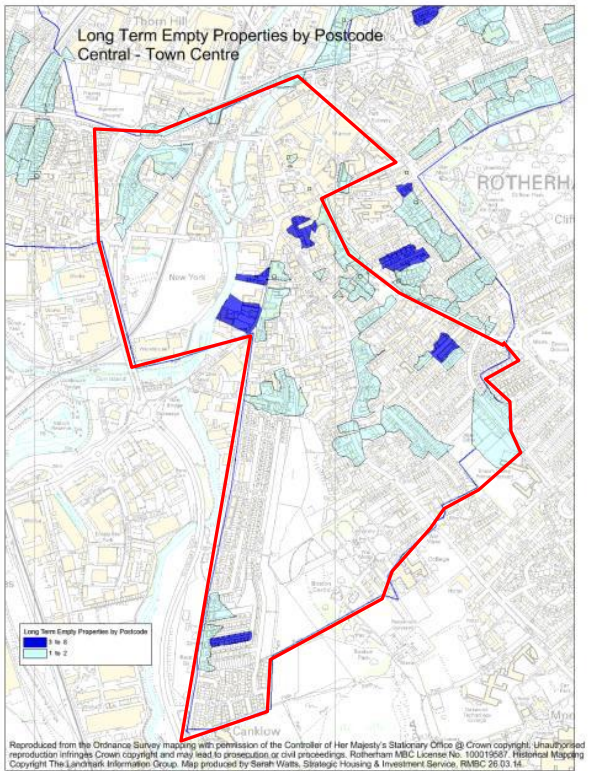
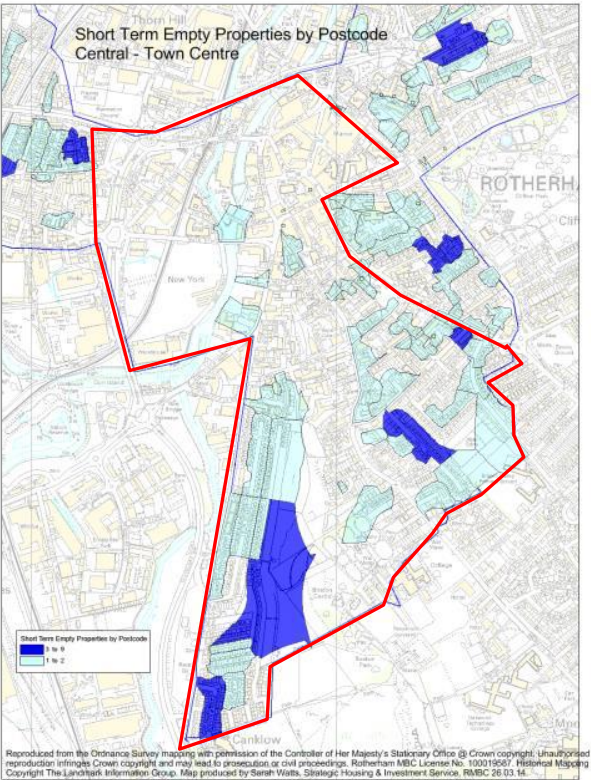
**APPENDIX 3 – Exclusion Analysis heat maps – 2012/13 data**

The zones outlined in Red are those which are to be excluded following analysis detailed in this report.

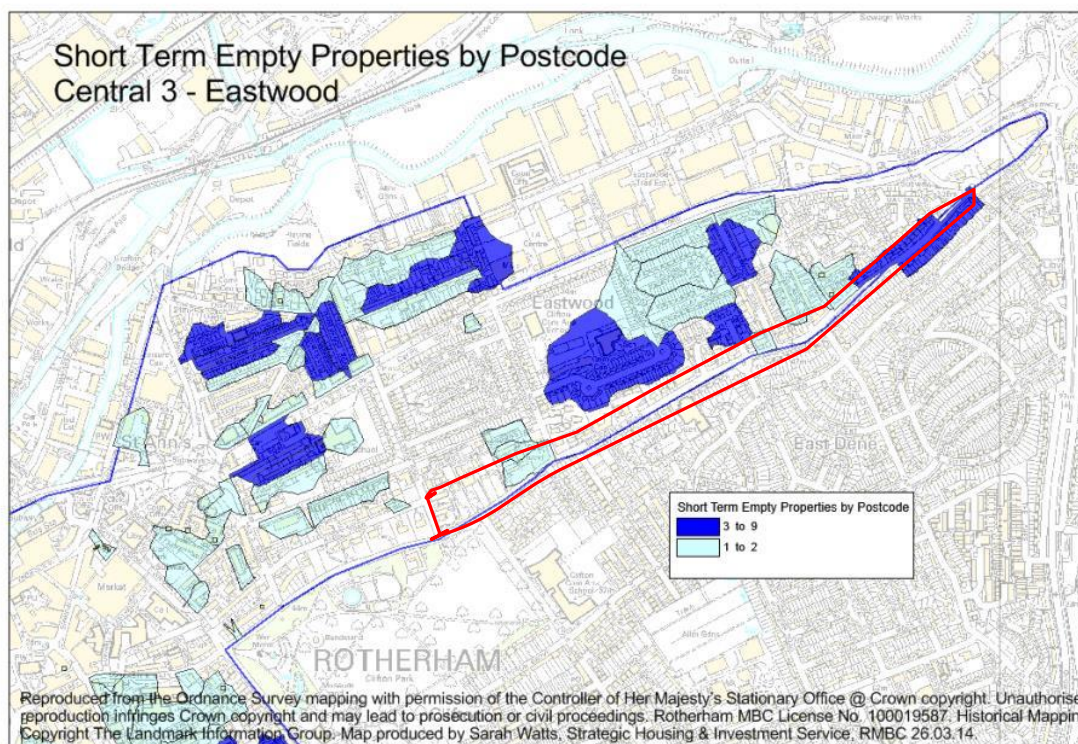
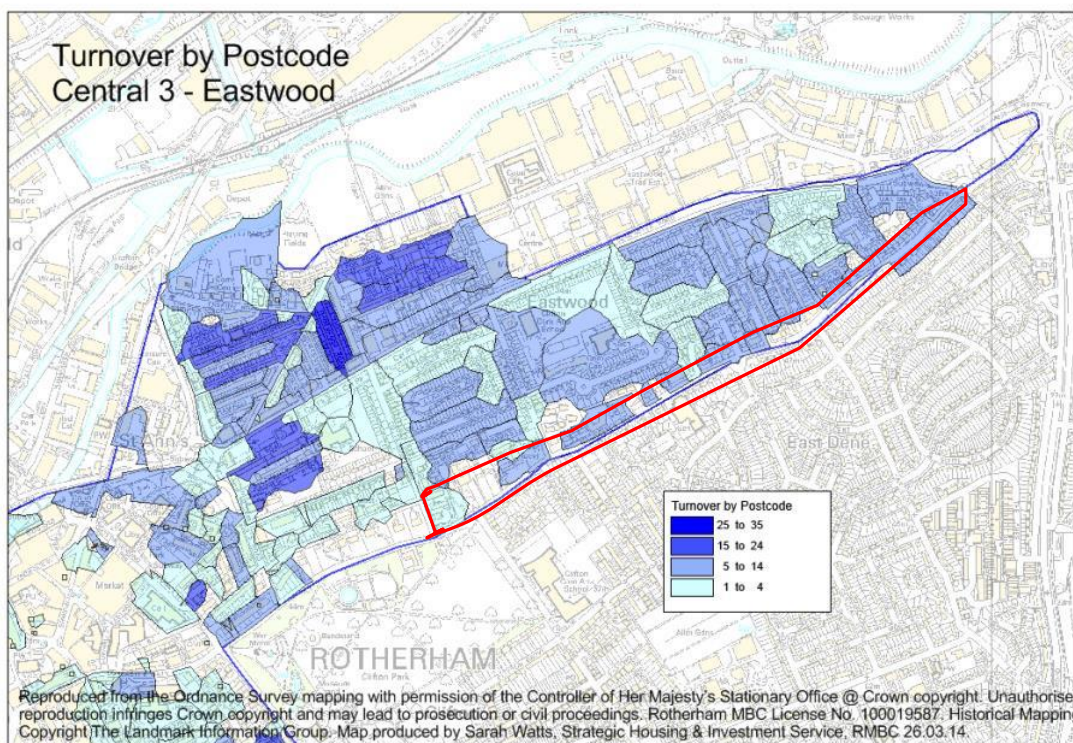




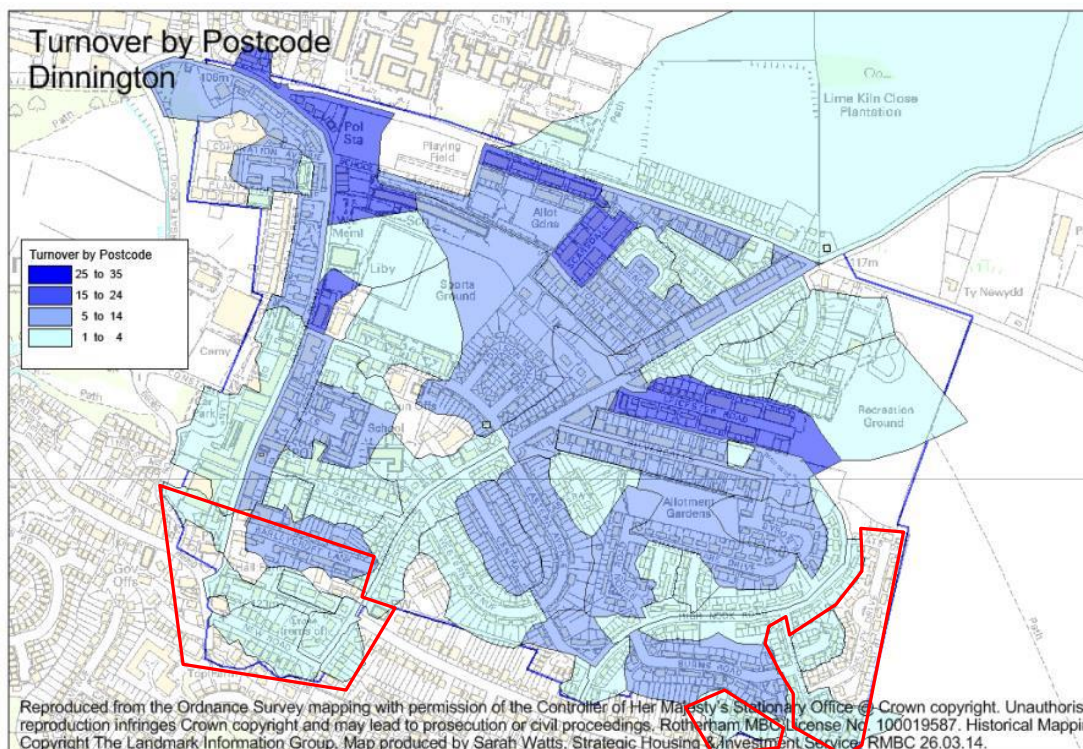
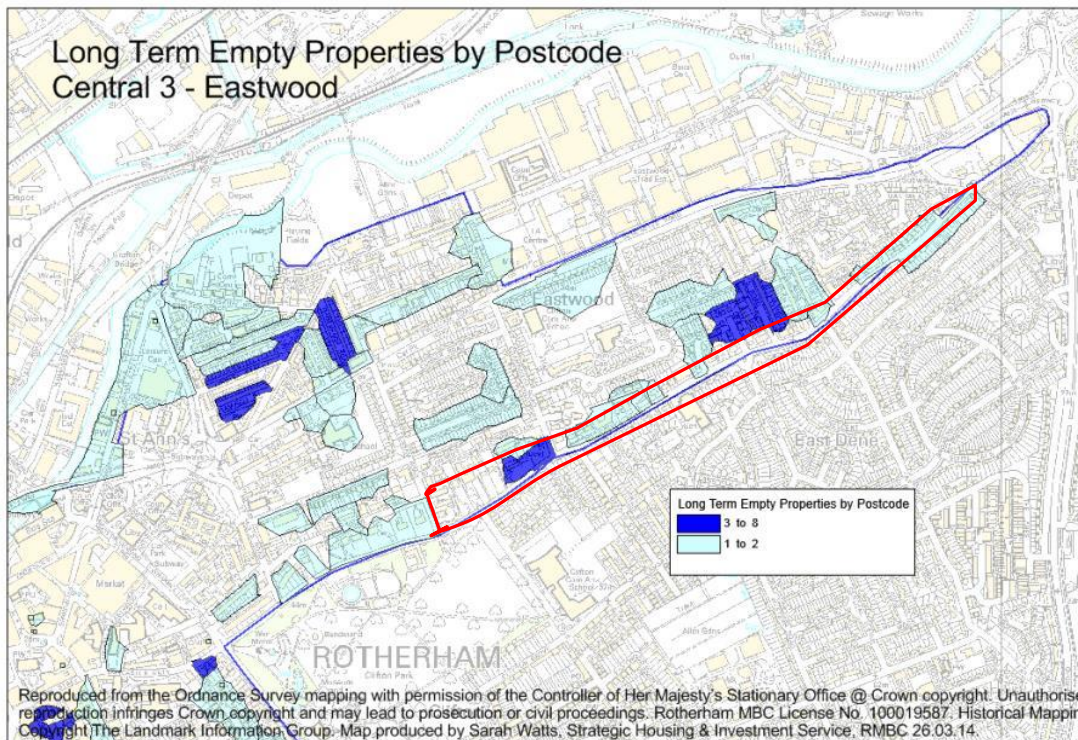




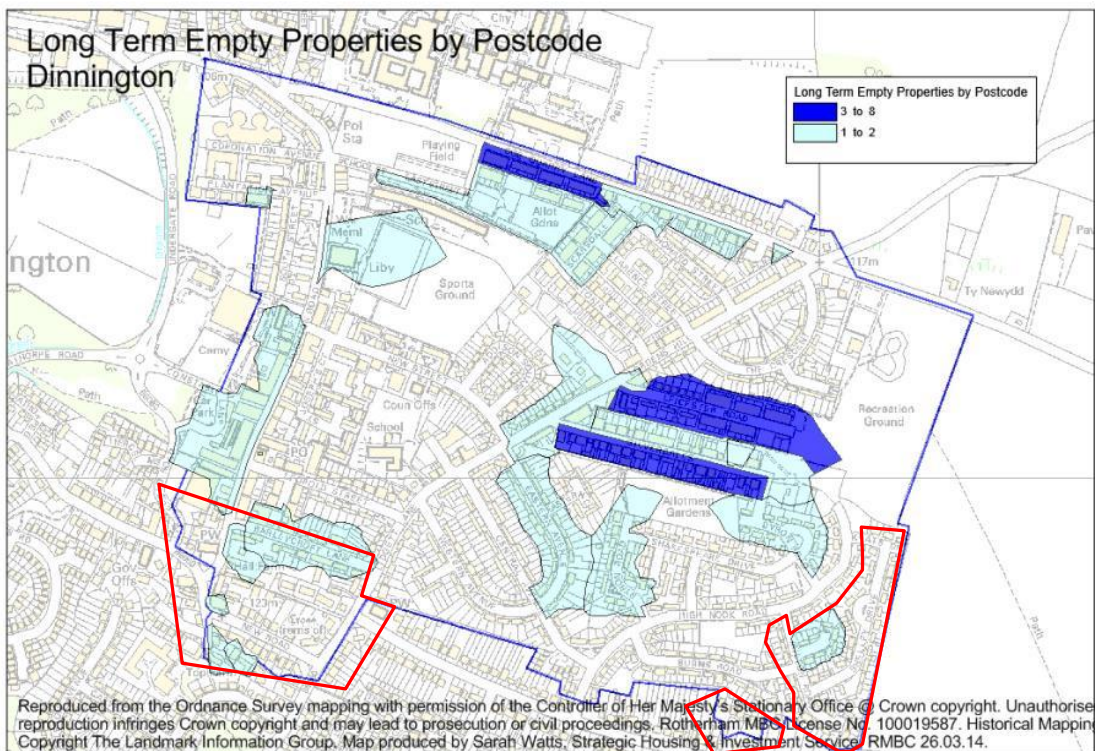
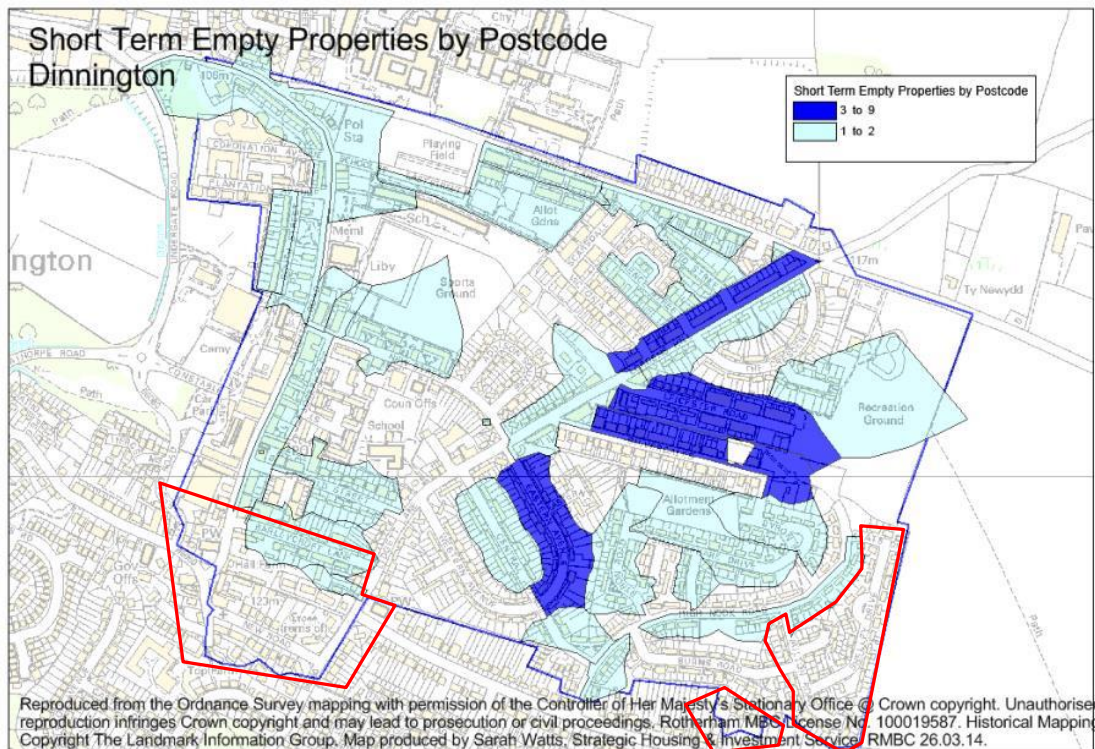




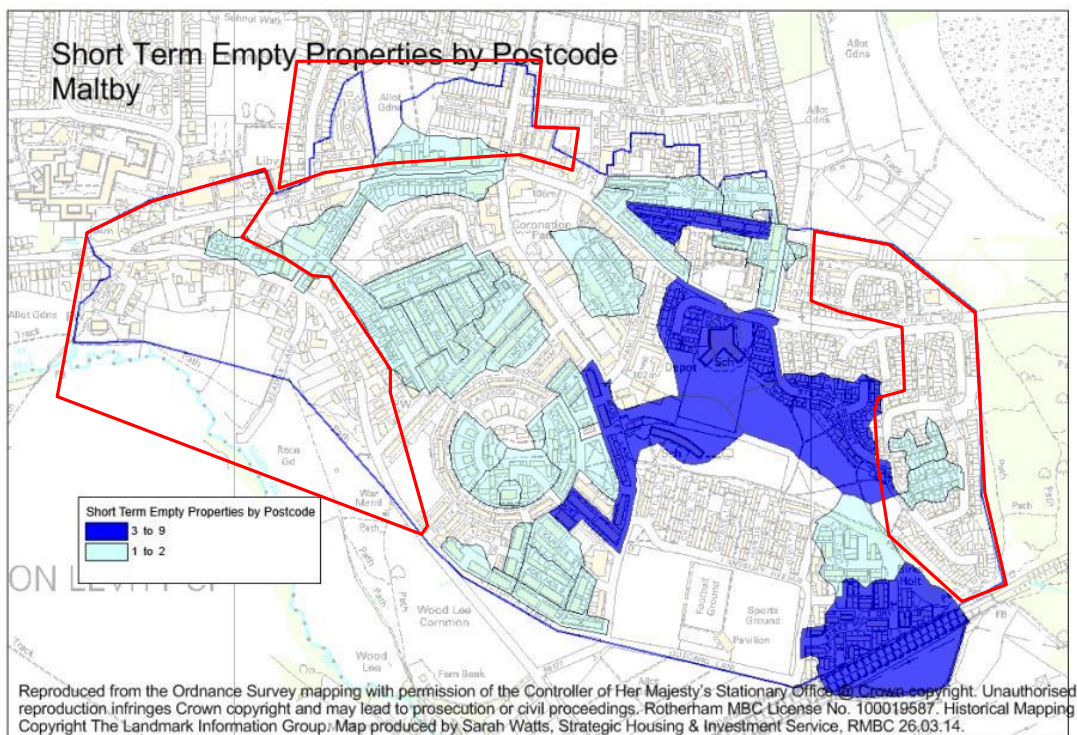
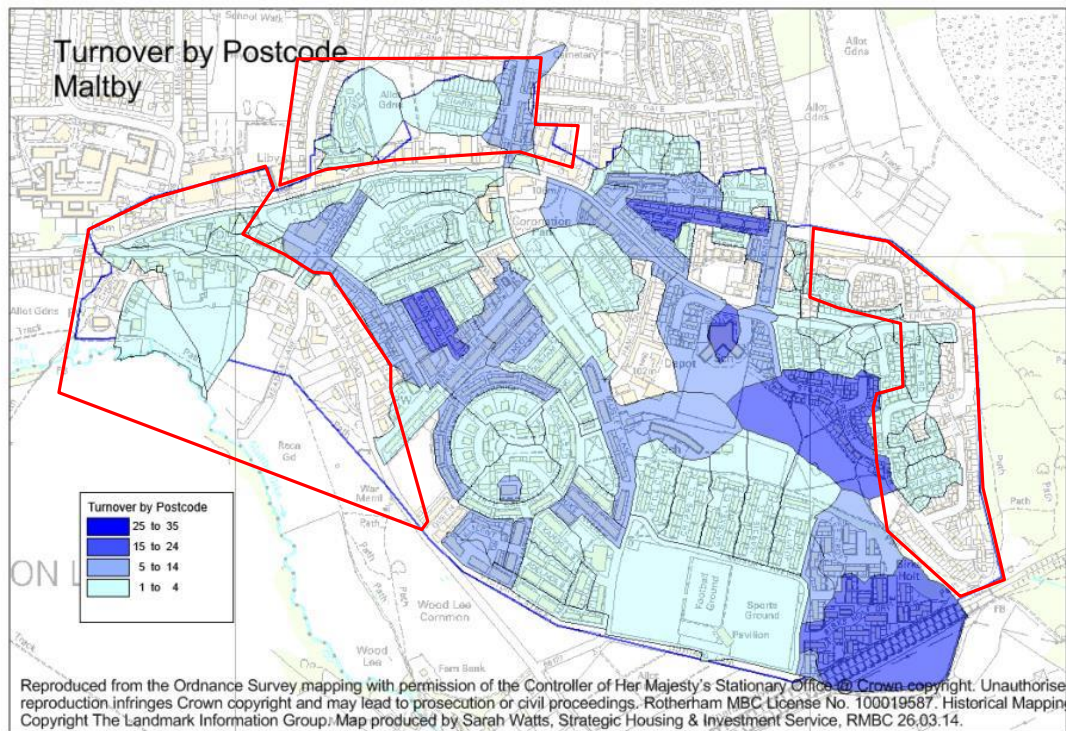


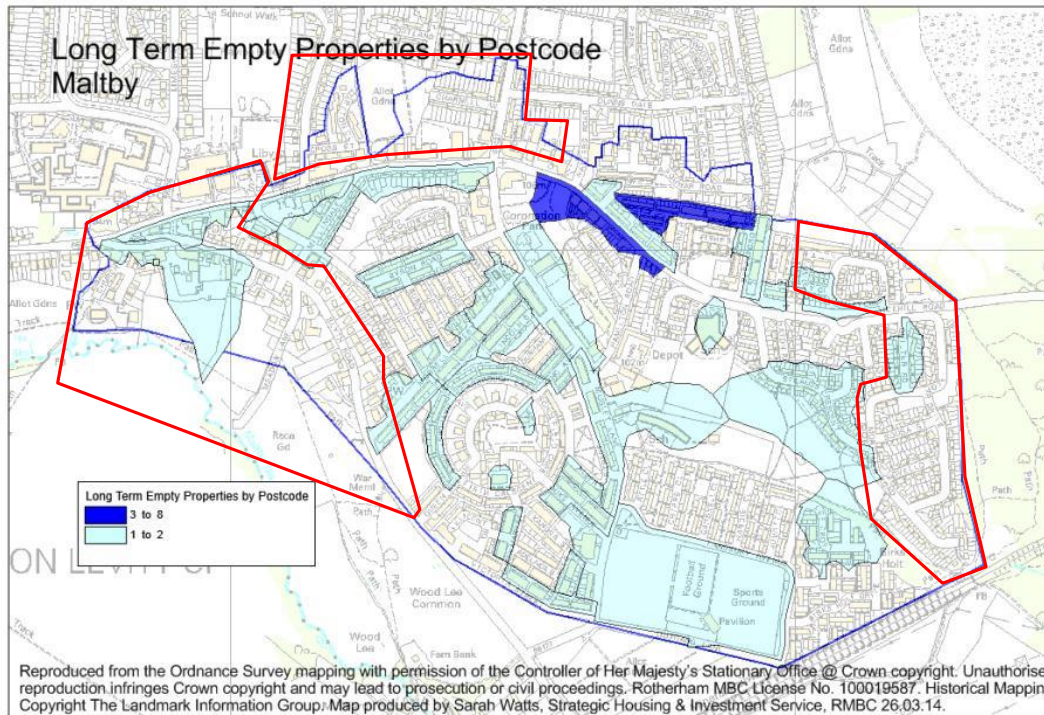












## Appendix 4 - Appraisal of the benefits and differences of Selective Licensing scheme and a voluntary scheme

Some Benefits proposed by Schemes	Provided for by Selective Licensing Proposals	Suggested to be available under a Voluntary Scheme	Mitigation of Risk
Legal requirement to register, with criminal penalties for failure.	✓	✗	<ul style="list-style-type: none"> <li>Effective promotion of the scheme, highlighting the benefits offered, will be undertaken on a regular basis.</li> <li>Landlords who are not members of the voluntary scheme will be informed as to how to apply to the scheme.</li> <li>Landlords found to be acting irresponsibly, in addition to appropriate enforcement action, will be advised to become a member of the scheme.</li> <li>Landlords who do not wish to apply to the scheme will have their standard of management and property scrutinised.</li> </ul>
Enforced maintenance of membership.	✓	✗	
Enables all licensable property to be identified and checked.	✓	✗	
Interim management orders for failure to Licence/register.	✓	✗	
Borough-wide Scheme	✗	✓	
Requirement to have written Tenancy Agreements	✓	✓	
Legal requirement on landlord to take action over ASB.	✓	✗	An ASB Charter, produced jointly by the Council and the Scheme Administrator, will effectively manage issues of an ASB nature. New ASB powers strengthen responsibility
Fit and Proper person declarations for licence holders/members.	✓	✗	As a requirement of the voluntary scheme, landlords will verify that they have no criminal convictions.
Licensing/Registration pre-inspection by HHSRS qualified person.	✓	✓	
Legal requirement to remedy defects found in pre-inspection.	✓	✗	The scheme will advise landlords on how to remedy defects found following inspection
Gas, electricity and equipment safety checks.	✓	✓	
Set conditions and standards for properties.	✓	✓	
Management standard conditions to licence/membership.	✓	✓	
Landlord Liaison function provided by the scheme administrator.	✓	✓	
Lighter touch regulation and lower costs in response to Accredited members.	✓	✓	
Database of membership held by the Council.	✓	✗	Access offered to the Council, as and when required, through an agreed data sharing protocol.
Scheme membership details available for Council enforcement staff to enable faster contact with landlords.	✓	✓	





## The Rotherham Metropolitan Borough Council Designation of an Area for Selective Licensing (**Eastwood**) 2014.

The Rotherham Metropolitan Borough Council in exercise of their powers under section 80 of the Housing Act 2004 (“the Act”) hereby designates for selective licensing the area described in paragraph 4.

### CITATION, COMMENCEMENT AND DURATION

1. This designation may be cited as the Rotherham Metropolitan Borough Council Designation for an Area for Selective Licensing (**Eastwood**) 2014.
2. This designation is made on [xxxxxx date ] and shall come into force on [***This date will not be earlier than three months after the decision by the Council***]
3. This designation shall cease to have effect on [***Date to be normally five years from the date the designation came into force, unless the authority has agreed for a scheme of a shorter duration***] or earlier if the Council revokes the scheme under section 84 of the Act.

### AREA TO WHICH THE DESIGNATION APPLIES

4. This designation shall apply to the area as delineated and edged red on the map at Annex A.

### APPLICATION OF THE DESIGNATION

5. This designation applies to any house<sup>1</sup> which is let or occupied under a tenancy or licence within the area described in paragraph 4 unless –
  - (a) the house is a house in multiple occupation and is required to be licensed under Part 2 of the Act<sup>2</sup>;
  - (b) the tenancy or licence of the house has been granted by a non-profit registered provider of social housing, a profit making registered provider of social housing in respect of social housing (within the meaning of Part 2 of the Housing and Regeneration Act 2008), or by a body which is registered as a social landlord under Part 1 of the Housing Act 1996;
  - (c) the house is subject to an Interim or Final Management Order under Part 4 of the Act;
  - (d) the house is subject to a temporary exemption under section 86 of the Act; or
  - (e) the house is occupied under a tenancy or licence which is exempt under the Act<sup>4</sup> or the occupation is of a building or part of a building so exempt as defined in annex b;

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<sup>1</sup> For the definition of “house” see sections 79 and 99 of the Act

<sup>2</sup> Section 55 of the Act defines which Houses in Multiple Occupation are required to be licensed under the Act. See also The Licensing of Houses in Multiple Occupation (Prescribed Descriptions) (England) Order 2005 (SI 2006/371)

<sup>3</sup> Section 79 (3) of the Act.

## EFFECT OF THE DESIGNATION

6. Subject to sub paragraphs 5(a) to (e) every house in the area specified in paragraph 4 that is occupied under a tenancy or licence shall be required to be licensed under section 85 of the Act.<sup>5</sup>
7. The Rotherham Metropolitan Borough Council will comply with the notification requirements contained in section 83 of the Act and shall maintain a register of all houses registered under this designation, as required under section 232 of the Act.<sup>6</sup>

Date and authentication by the Council. [***The date is the date the Council resolved to make the scheme***]

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<sup>4</sup> Section 79 (4) of the Act and SI 370/2006

<sup>5</sup> Section 86 of the Act provides for certain temporary exemption. As to suitability see section 89. Note, if the house is not suitable to be licensed the Council must make an Interim Management Order-see section 102.

<sup>6</sup> Section 232 of the Act and paragraph 11 of SI 373/2006







Annex b – Paragraph 5(d): Exempted Tenancies or licences<sup>1</sup>**Prohibition of occupation by law**

1. A tenancy or licence of a house<sup>2</sup> or a dwelling<sup>3</sup> within a house where the house or the dwelling is subject to a prohibition order made under section 20 of the Act the operation of which has not been suspended under section 23.

**Certain tenancies which cannot be assured tenancies**

2. A tenancy which cannot be an assured tenancy by virtue of section 1 (2) of the Housing Act 1988 comprised in Part of Schedule 1 of the Act and which is:
  - (a) a business tenancy under Part II of the Landlord and Tenant Act 1954
  - (b) a tenancy under which the dwelling-house consists of or comprises premises, which, by virtue of a premises licence under the Licensing Act 2003, may be used for the supply of alcohol (within the meaning of Section 14 of that Act) for consumption on the premises<sup>4</sup>
  - (c) a tenancy under which agricultural land, exceeding two acres, is let together with the house<sup>5</sup>
  - (d) a tenancy under which the house is comprised in an agricultural holding or the holding is comprised under a farm business tenancy if it is occupied (whether as tenant or as a servant or agent of the tenant), in the case of an agricultural holding, by the person responsible for the control of the farming of the holding, and in the case of a farm business tenancy, by the person responsible for the control of the management of the holding<sup>6</sup>.

**Tenancies and licences granted etc by public bodies**

3. A tenancy or licence of a house or dwelling within a house that is managed or controlled<sup>7</sup> by:
  - (a) a local housing authority
  - (b) a police authority established under section 3 of the Police Act 1996 or the Metropolitan Police Authority established under section 5B of that Act

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<sup>1</sup> See The Selective Licensing of Houses (Specified Exemptions) (England) Order 2006 SI 370/2006

<sup>2</sup> Sections 79 (2) and 99 of the Act

<sup>3</sup> For the definition of a dwelling – see section 99 of the Act

<sup>4</sup> See paragraph 5 of Schedule 1 of the 1988 Act as amended by section 198 (1) and paragraph 108 of schedule 6 of the Licensing Act 2003

<sup>5</sup> For the meaning of “agricultural land” section 26 (3) (a) of the General Rate Act 1967

<sup>6</sup> See paragraph 7 of Schedule 1 of 1988 Act as amended by section 40 and paragraph 34 of the Schedule to the Agricultural Tenancies Act 1995

<sup>7</sup> For the definition of “person managing” and “person having control” see section 263 of the Act



- (c) a fire and rescue authority under the Fire and Rescue Services Act 2004;
- (d) a health service body within the meaning of section 9 of the National Health Service Act 2006.

### **Tenancies, licences etc regulated by other enactments**

4. A tenancy, licence or occupation of a house which is regulated under the following enactments:
  - (a) sections 87 to 87D of the Children Act 1989
  - (b) section 43 (4) of the Prison Act 1952
  - (c) section 34 of the Nationality, Immigration and Asylum Act 2002
  - (d) The Secure Training Centre Rules 1998<sup>8</sup>
  - (e) The Prison Rules 1998<sup>9</sup>
  - (f) The Young Offender Institute Rules 2000<sup>10</sup>
  - (g) The Detention Centre Rules 2001<sup>11</sup>
  - (h) The Criminal Justice and Court Service Act 2000 (Approved Premises) Regulations 2001<sup>12</sup>
  - (i) The Care Homes Regulations 2001<sup>13</sup>
  - (j) The Children's Homes Regulations 2001<sup>14</sup>;
  - (k) The Residential Family Centres Regulations 2002<sup>15</sup>.

### **Certain student lettings etc**

5. A tenancy or licence of a house or a dwelling within a house –
  - (i) which is managed or controlled by a specified educational establishment or is of a specified description of such establishments and

<sup>8</sup> SI 472/1998 as amended by SI 3005/2003

<sup>9</sup> SI 728/1999 as amended by SI 1794/2000, SI 1149/2001, SI 2116/2002, SI 3135/2002. SI 3301/2003 and SI 869/2005

<sup>10</sup> SI 3371/2000 as amended by SI 2117/2002, SI 3135/2002 and SI 897/2005

<sup>11</sup> SI 238/2001. Section 66 (4) of the Nationality, Immigration and Asylum Act 2002 provides that the reference to a detention centre is to be construed as a reference to a removal centre as defined in Part VIII of the Immigration and Asylum Act 1999

<sup>12</sup> SI 850/2001

<sup>13</sup> SI 3965/2001 as amended by SI 865/2001. SI 534/2003, SI 1590/2003, SI 1703/2003, SI 1845/2003, SI 664/2004, SI 696/2004, SI 1770/2004, SI 2071/2004 SI and SI 3168/2004

<sup>14</sup> SI 3967/2001 as amended by SI 865/2002, SI 2469/2002, SI 664/2004 and SI 3168/2004

<sup>15</sup> SI 3213/2002 as amended by SI 664/2004, SI 865/2004 and SI 3168/2004

- (ii) the occupiers of the house or dwelling are undertaking a full time course of further or higher education at the specified establishment which is a member of a specified Code of Standards or Practice<sup>16</sup>

### **Long leaseholders**

- 6. A tenancy of a house or a dwelling within a house provided that –
  - (i) the full term of the tenancy is for more than 21 years and
  - (ii) the tenancy does not contain a provision enabling the landlord (or his successor his in title) to determine it other than by forfeiture, earlier than at the end of the term and
  - (iii) the house or dwelling is occupied by a person to whom the tenancy was granted or his successor in title or by any members of either of those person's family.

### **Certain family arrangements**

- 7. A tenancy or licence of a house or a dwelling within a house where –
  - (i) the person who has granted the tenancy or licence to occupy is a member of the family of the person who has been granted the tenancy or licence and
  - (ii) the person who has granted the tenancy or licence to occupy is the freeholder or long leaseholder of the house or dwelling and
  - (iii) the person occupies the house or dwelling as his only or main residence (and if there are two or more persons at least one of them so occupies).

### **Holiday lets**

- 8. A tenancy or licence of a house or a dwelling within a house that has been granted to the person for the purpose of a holiday.

### **Certain lettings etc by Resident Landlord etc**

- 9. A tenancy or licence of a house or a dwelling within a house under the terms of which the person granted the tenancy or licence shares the use of any amenity with the person granting that tenancy or licence or members of that person's family. An "amenity" includes a toilet, personal washing facilities, a kitchen or a living room but excludes any area used for storage, a staircase, corridor or other means of access.

### **Buildings Controlled or Managed by a Co-operative Society**

- 10. A tenancy or licence (other than an assured, secure or protected tenancy) of a building and the person managing or having control of the building is a co-operative society, whose rules are such as to secure all the conditions set out in paragraph 2B(2) of Schedule 14 to the Housing Act 2004, are met

<sup>16</sup> See the schedule to The Houses in Multiple Occupation (Specified Educational Establishments) (England) Regulations 2012 for the list of specified bodies and code of standards or practice

## Interpretation

11. In this annex:

- (a) a “person” includes” persons”, where the context is appropriate
- (b) a “tenancy” or “licence” includes “a joint tenancy” or “joint licence”, where the context is appropriate
- (c) “long leaseholder” in paragraph 7 (ii) has the meaning conferred in paragraphs 6 (i) and (ii) and in those paragraphs the reference to “tenancy” means a “long lease”
- (d) a person is a member of the family of another person if –
  - (i) he lives with that person as a couple
  - (ii) one of them is the relative of the other; or
  - (iii) one of them is, or is a relative of, one member of a couple and the other is a relative the other member of the coupleand
  - (iv) For the purpose of this paragraph –
    - (1) “couple” means two persons who are married to each other or live together as husband and wife or in an equivalent arrangement in the case of persons of the same sex
    - (2) “relative” means a parent, grandparent, child, grandchild, brother, sister, uncle, aunt, nephew, niece or cousin
    - (3) a relationship of the half-blood is to be treated as a relationship of the whole blood and
    - (4) a stepchild of a person is to be treated as his child

## The Rotherham Metropolitan Borough Council Designation of an Area for Selective Licensing (**Masbrough**) 2014.

The Rotherham Metropolitan Borough Council in exercise of their powers under section 80 of the Housing Act 2004 (“the Act”) hereby designates for selective licensing the area described in paragraph 4.

### CITATION, COMMENCEMENT AND DURATION

1. This designation may be cited as the Rotherham Metropolitan Borough Council Designation for an Area for Selective Licensing (**Masbrough**) 2014.
2. This designation is made on [xxxxx date ] and shall come into force on [***This date will not be earlier than three months after the decision by the Council***]
3. This designation shall cease to have effect on [***Date to be normally five years from the date the designation came into force, unless the authority has agreed for a scheme of a shorter duration***] or earlier if the Council revokes the scheme under section 84 of the Act.

### AREA TO WHICH THE DESIGNATION APPLIES

4. This designation shall apply to the area as delineated and edged red on the map at annex a.

### APPLICATION OF THE DESIGNATION

5. This designation applies to any house<sup>1</sup> which is let or occupied under a tenancy or licence within the area described in paragraph 4 unless –
  - (a) the house is a house in multiple occupation and is required to be licensed under Part 2 of the Act<sup>2</sup>;
  - (b) the tenancy or licence of the house has been granted by a non-profit registered provider of social housing, a profit making registered provider of social housing in respect of social housing (within the meaning of Part 2 of the Housing and Regeneration Act 2008), or by a body which is registered as a social landlord under Part 1 of the Housing Act 1996;
  - (c) the house is subject to an Interim or Final Management Order under Part 4 of the Act;
  - (d) the house is subject to a temporary exemption under section 86 of the Act; or
  - (e) the house is occupied under a tenancy or licence which is exempt under the Act<sup>4</sup> or the occupation is of a building or part of a building so exempt as defined in annex b;

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<sup>1</sup> For the definition of “house” see sections 79 and 99 of the Act

<sup>2</sup> Section 55 of the Act defines which Houses in Multiple Occupation are required to be licensed under the Act. See also The Licensing of Houses in Multiple Occupation (Prescribed Descriptions) (England) Order 2005 (SI 2006/371)

<sup>3</sup> Section 79 (3) of the Act.

## EFFECT OF THE DESIGNATION

6. Subject to sub paragraphs 5(a) to (e) every house in the area specified in paragraph 4 that is occupied under a tenancy or licence shall be required to be licensed under section 85 of the Act.<sup>5</sup>
7. The Rotherham Metropolitan Borough Council will comply with the notification requirements contained in section 83 of the Act and shall maintain a register of all houses registered under this designation, as required under section 232 of the Act.<sup>6</sup>

Date and authentication by the Council. [***The date is the date the Council resolved to make the scheme***]

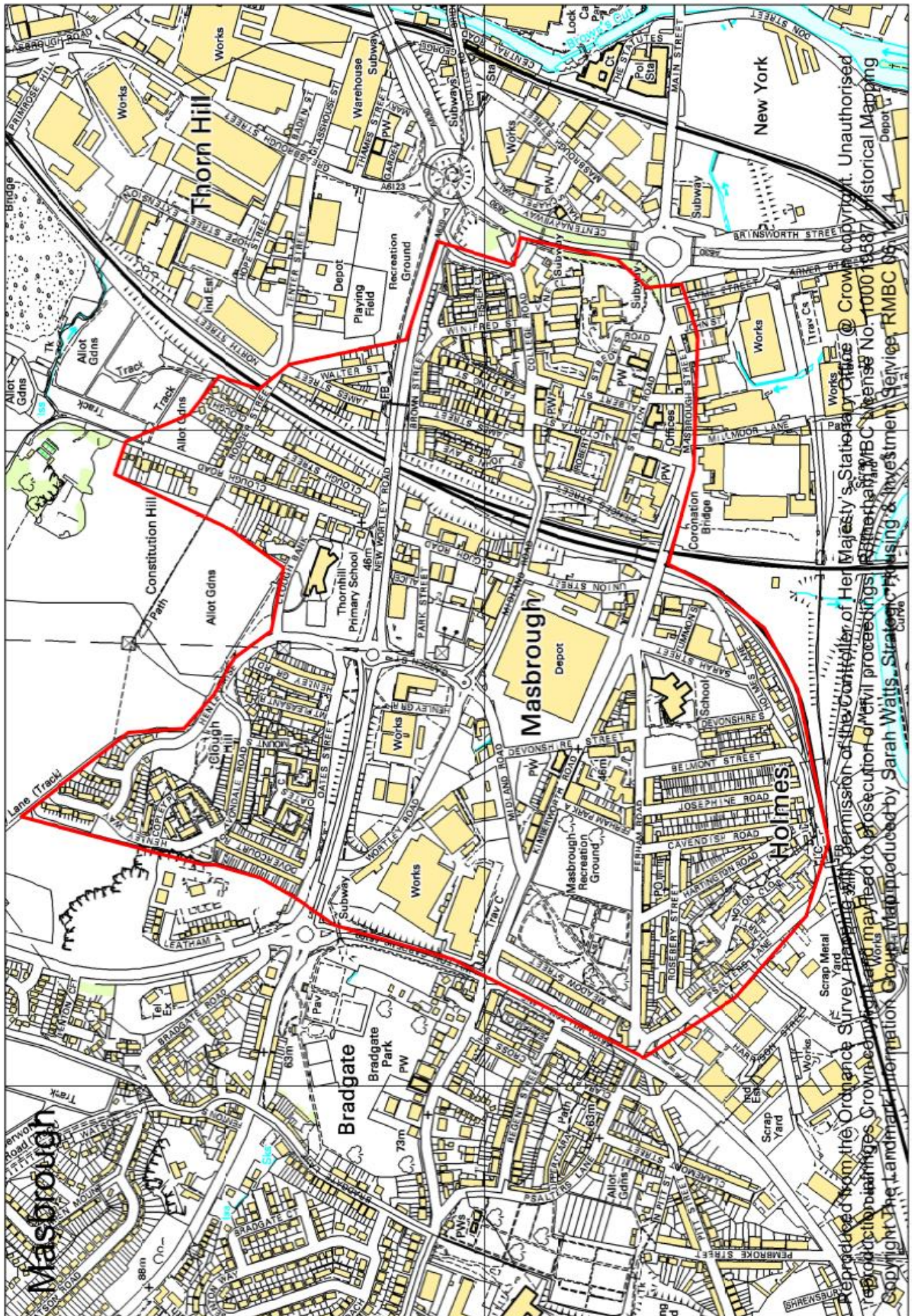
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<sup>4</sup> Section 79 (4) of the Act and SI 370/2006

<sup>5</sup> Section 86 of the Act provides for certain temporary exemption. As to suitability see section 89. Note, if the house is not suitable to be licensed the Council must make an Interim Management Order-see section 102.

<sup>6</sup> Section 232 of the Act and paragraph 11 of SI 373/2006







Annex b – Paragraph 5(d): Exempted Tenancies or licences<sup>1</sup>**Prohibition of occupation by law**

1. A tenancy or licence of a house<sup>2</sup> or a dwelling<sup>3</sup> within a house where the house or the dwelling is subject to a prohibition order made under section 20 of the Act the operation of which has not been suspended under section 23.

**Certain tenancies which cannot be assured tenancies**

2. A tenancy which cannot be an assured tenancy by virtue of section 1 (2) of the Housing Act 1988 comprised in Part of Schedule 1 of the Act and which is:
  - (a) a business tenancy under Part II of the Landlord and Tenant Act 1954
  - (b) a tenancy under which the dwelling-house consists of or comprises premises, which, by virtue of a premises licence under the Licensing Act 2003, may be used for the supply of alcohol (within the meaning of Section 14 of that Act) for consumption on the premises<sup>4</sup>
  - (c) a tenancy under which agricultural land, exceeding two acres, is let together with the house<sup>5</sup>
  - (d) a tenancy under which the house is comprised in an agricultural holding or the holding is comprised under a farm business tenancy if it is occupied (whether as tenant or as a servant or agent of the tenant), in the case of an agricultural holding, by the person responsible for the control of the farming of the holding, and in the case of a farm business tenancy, by the person responsible for the control of the management of the holding<sup>6</sup>.

**Tenancies and licences granted etc by public bodies**

3. A tenancy or licence of a house or dwelling within a house that is managed or controlled<sup>7</sup> by:
  - (a) a local housing authority
  - (b) a police authority established under section 3 of the Police Act 1996 or the Metropolitan Police Authority established under section 5B of that Act

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<sup>1</sup> See The Selective Licensing of Houses (Specified Exemptions) (England) Order 2006 SI 370/2006

<sup>2</sup> Sections 79 (2) and 99 of the Act

<sup>3</sup> For the definition of a dwelling – see section 99 of the Act

<sup>4</sup> See paragraph 5 of Schedule 1 of the 1988 Act as amended by section 198 (1) and paragraph 108 of schedule 6 of the Licensing Act 2003

<sup>5</sup> For the meaning of “agricultural land” section 26 (3) (a) of the General Rate Act 1967

<sup>6</sup> See paragraph 7 of Schedule 1 of 1988 Act as amended by section 40 and paragraph 34 of the Schedule to the Agricultural Tenancies Act 1995

<sup>7</sup> For the definition of “person managing” and “person having control” see section 263 of the Act

- (c) a fire and rescue authority under the Fire and Rescue Services Act 2004;
- (d) a health service body within the meaning of section 9 of the National Health Service Act 2006.

### **Tenancies, licences etc regulated by other enactments**

4. A tenancy, licence or occupation of a house which is regulated under the following enactments:
  - (a) sections 87 to 87D of the Children Act 1989
  - (b) section 43 (4) of the Prison Act 1952
  - (c) section 34 of the Nationality, Immigration and Asylum Act 2002
  - (d) The Secure Training Centre Rules 1998<sup>8</sup>
  - (e) The Prison Rules 1998<sup>9</sup>
  - (f) The Young Offender Institute Rules 2000<sup>10</sup>
  - (g) The Detention Centre Rules 2001<sup>11</sup>
  - (h) The Criminal Justice and Court Service Act 2000 (Approved Premises) Regulations 2001<sup>12</sup>
  - (i) The Care Homes Regulations 2001<sup>13</sup>
  - (j) The Children's Homes Regulations 2001<sup>14</sup>;
  - (k) The Residential Family Centres Regulations 2002<sup>15</sup>.

### **Certain student lettings etc**

5. A tenancy or licence of a house or a dwelling within a house –
  - (i) which is managed or controlled by a specified educational establishment or is of a specified description of such establishments and

<sup>8</sup> SI 472/1998 as amended by SI 3005/2003

<sup>9</sup> SI 728/1999 as amended by SI 1794/2000, SI 1149/2001, SI 2116/2002, SI 3135/2002. SI 3301/2003 and SI 869/2005

<sup>10</sup> SI 3371/2000 as amended by SI 2117/2002, SI 3135/2002 and SI 897/2005

<sup>11</sup> SI 238/2001. Section 66 (4) of the Nationality, Immigration and Asylum Act 2002 provides that the reference to a detention centre is to be construed as a reference to a removal centre as defined in Part VIII of the Immigration and Asylum Act 1999

<sup>12</sup> SI 850/2001

<sup>13</sup> SI 3965/2001 as amended by SI 865/2001. SI 534/2003, SI 1590/2003, SI 1703/2003, SI 1845/2003, SI 664/2004, SI 696/2004, SI 1770/2004, SI 2071/2004 SI and SI 3168/2004

<sup>14</sup> SI 3967/2001 as amended by SI 865/2002, SI 2469/2002, SI 664/2004 and SI 3168/2004

<sup>15</sup> SI 3213/2002 as amended by SI 664/2004, SI 865/2004 and SI 3168/2004



- (ii) the occupiers of the house or dwelling are undertaking a full time course of further or higher education at the specified establishment which is a member of a specified Code of Standards or Practice<sup>16</sup>

### **Long leaseholders**

- 6. A tenancy of a house or a dwelling within a house provided that –
  - (i) the full term of the tenancy is for more than 21 years and
  - (ii) the tenancy does not contain a provision enabling the landlord (or his successor his in title) to determine it other than by forfeiture, earlier than at the end of the term and
  - (iii) the house or dwelling is occupied by a person to whom the tenancy was granted or his successor in title or by any members of either of those person's family.

### **Certain family arrangements**

- 7. A tenancy or licence of a house or a dwelling within a house where –
  - (i) the person who has granted the tenancy or licence to occupy is a member of the family of the person who has been granted the tenancy or licence and
  - (ii) the person who has granted the tenancy or licence to occupy is the freeholder or long leaseholder of the house or dwelling and
  - (iii) the person occupies the house or dwelling as his only or main residence (and if there are two or more persons at least one of them so occupies).

### **Holiday lets**

- 8. A tenancy or licence of a house or a dwelling within a house that has been granted to the person for the purpose of a holiday.

### **Certain lettings etc by Resident Landlord etc**

- 9. A tenancy or licence of a house or a dwelling within a house under the terms of which the person granted the tenancy or licence shares the use of any amenity with the person granting that tenancy or licence or members of that person's family. An "amenity" includes a toilet, personal washing facilities, a kitchen or a living room but excludes any area used for storage, a staircase, corridor or other means of access.

### **Buildings Controlled or Managed by a Co-operative Society**

- 10. A tenancy or licence (other than an assured, secure or protected tenancy) of a building and the person managing or having control of the building is a co-operative society, whose rules are such as to secure all the conditions set out in paragraph 2B(2) of Schedule 14 to the Housing Act 2004, are met

<sup>16</sup> See the schedule to The Houses in Multiple Occupation (Specified Educational Establishments) (England) Regulations 2012 for the list of specified bodies and code of standards or practice

## Interpretation

11. In this annex:

- (a) a “person” includes “persons”, where the context is appropriate
- (b) a “tenancy” or “licence” includes “a joint tenancy” or “joint licence”, where the context is appropriate
- (c) “long leaseholder” in paragraph 7 (ii) has the meaning conferred in paragraphs 6 (i) and (ii) and in those paragraphs the reference to “tenancy” means a “long lease”
- (d) a person is a member of the family of another person if –
  - (i) he lives with that person as a couple
  - (ii) one of them is the relative of the other; or
  - (iii) one of them is, or is a relative of, one member of a couple and the other is a relative the other member of the coupleand
  - (iv) For the purpose of this paragraph –
    - (1) “couple” means two persons who are married to each other or live together as husband and wife or in an equivalent arrangement in the case of persons of the same sex
    - (2) “relative” means a parent, grandparent, child, grandchild, brother, sister, uncle, aunt, nephew, niece or cousin
    - (3) a relationship of the half-blood is to be treated as a relationship of the whole blood and
    - (4) a stepchild of a person is to be treated as his child

## The Rotherham Metropolitan Borough Council Designation of an Area for Selective Licensing (**Maltby South East**) 2014.

The Rotherham Metropolitan Borough Council in exercise of their powers under section 80 of the Housing Act 2004 (“the Act”) hereby designates for selective licensing the area described in paragraph 4.

### CITATION, COMMENCEMENT AND DURATION

1. This designation may be cited as the Rotherham Metropolitan Borough Council Designation for an Area for Selective Licensing (**Maltby South East**) 2014.
2. This designation is made on [xxxxx date ] and shall come into force on [***This date will not be earlier than three months after the decision by the Council***]
3. This designation shall cease to have effect on [***Date to be normally five years from the date the designation came into force, unless the authority has agreed for a scheme of a shorter duration***] or earlier if the Council revokes the scheme under section 84 of the Act.

### AREA TO WHICH THE DESIGNATION APPLIES

4. This designation shall apply to the area as delineated and edged red on the map at annex a.

### APPLICATION OF THE DESIGNATION

5. This designation applies to any house<sup>1</sup> which is let or occupied under a tenancy or licence within the area described in paragraph 4 unless –
  - (a) the house is a house in multiple occupation and is required to be licensed under Part 2 of the Act<sup>2</sup>;
  - (b) the tenancy or licence of the house has been granted by a non-profit registered provider of social housing, a profit making registered provider of social housing in respect of social housing (within the meaning of Part 2 of the Housing and Regeneration Act 2008), or by a body which is registered as a social landlord under Part 1 of the Housing Act 1996;
  - (c) the house is subject to an Interim or Final Management Order under Part 4 of the Act;
  - (d) the house is subject to a temporary exemption under section 86 of the Act; or
  - (e) the house is occupied under a tenancy or licence which is exempt under the Act<sup>4</sup> or the occupation is of a building or part of a building so exempt as defined in annex b;

<sup>1</sup> For the definition of “house” see sections 79 and 99 of the Act

<sup>2</sup> Section 55 of the Act defines which Houses in Multiple Occupation are required to be licensed under the Act. See also The Licensing of Houses in Multiple Occupation (Prescribed Descriptions) (England) Order 2005 (SI 2006/371)

<sup>3</sup> Section 79 (3) of the Act.

## EFFECT OF THE DESIGNATION

6. Subject to sub paragraphs 5(a) to (e) every house in the area specified in paragraph 4 that is occupied under a tenancy or licence shall be required to be licensed under section 85 of the Act.<sup>5</sup>
7. The Rotherham Metropolitan Borough Council will comply with the notification requirements contained in section 83 of the Act and shall maintain a register of all houses registered under this designation, as required under section 232 of the Act.<sup>6</sup>

Date and authentication by the Council. [***The date is the date the Council resolved to make the scheme***]

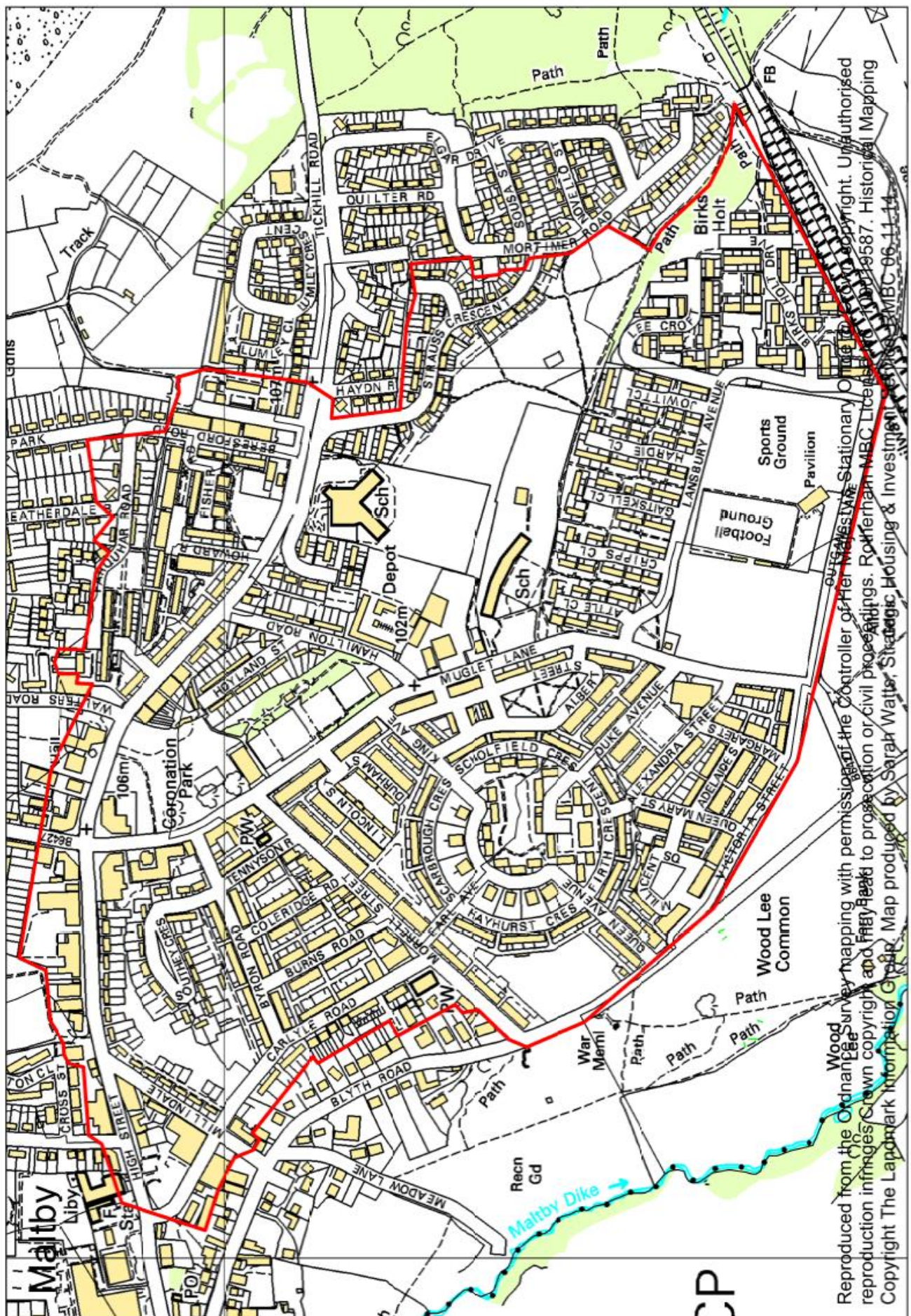
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<sup>4</sup> Section 79 (4) of the Act and SI 370/2006

<sup>5</sup> Section 86 of the Act provides for certain temporary exemption. As to suitability see section 89. Note, if the house is not suitable to be licensed the Council must make an Interim Management Order-see section 102.

<sup>6</sup> Section 232 of the Act and paragraph 11 of SI 373/2006







Annex b – Paragraph 5(d): Exempted Tenancies or licences<sup>1</sup>**Prohibition of occupation by law**

1. A tenancy or licence of a house<sup>2</sup> or a dwelling<sup>3</sup> within a house where the house or the dwelling is subject to a prohibition order made under section 20 of the Act the operation of which has not been suspended under section 23.

**Certain tenancies which cannot be assured tenancies**

2. A tenancy which cannot be an assured tenancy by virtue of section 1 (2) of the Housing Act 1988 comprised in Part of Schedule 1 of the Act and which is:
  - (a) a business tenancy under Part II of the Landlord and Tenant Act 1954
  - (b) a tenancy under which the dwelling-house consists of or comprises premises, which, by virtue of a premises licence under the Licensing Act 2003, may be used for the supply of alcohol (within the meaning of Section 14 of that Act) for consumption on the premises<sup>4</sup>
  - (c) a tenancy under which agricultural land, exceeding two acres, is let together with the house<sup>5</sup>
  - (d) a tenancy under which the house is comprised in an agricultural holding or the holding is comprised under a farm business tenancy if it is occupied (whether as tenant or as a servant or agent of the tenant), in the case of an agricultural holding, by the person responsible for the control of the farming of the holding, and in the case of a farm business tenancy, by the person responsible for the control of the management of the holding<sup>6</sup>.

**Tenancies and licences granted etc by public bodies**

3. A tenancy or licence of a house or dwelling within a house that is managed or controlled<sup>7</sup> by:
  - (a) a local housing authority
  - (b) a police authority established under section 3 of the Police Act 1996 or the Metropolitan Police Authority established under section 5B of that Act

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<sup>1</sup> See The Selective Licensing of Houses (Specified Exemptions) (England) Order 2006 SI 370/2006

<sup>2</sup> Sections 79 (2) and 99 of the Act

<sup>3</sup> For the definition of a dwelling – see section 99 of the Act

<sup>4</sup> See paragraph 5 of Schedule 1 of the 1988 Act as amended by section 198 (1) and paragraph 108 of schedule 6 of the Licensing Act 2003

<sup>5</sup> For the meaning of “agricultural land” section 26 (3) (a) of the General Rate Act 1967

<sup>6</sup> See paragraph 7 of Schedule 1 of 1988 Act as amended by section 40 and paragraph 34 of the Schedule to the Agricultural Tenancies Act 1995

<sup>7</sup> For the definition of “person managing” and “person having control” see section 263 of the Act

- (c) a fire and rescue authority under the Fire and Rescue Services Act 2004;
- (d) a health service body within the meaning of section 9 of the National Health Service Act 2006.

### **Tenancies, licences etc regulated by other enactments**

4. A tenancy, licence or occupation of a house which is regulated under the following enactments:
  - (a) sections 87 to 87D of the Children Act 1989
  - (b) section 43 (4) of the Prison Act 1952
  - (c) section 34 of the Nationality, Immigration and Asylum Act 2002
  - (d) The Secure Training Centre Rules 1998<sup>8</sup>
  - (e) The Prison Rules 1998<sup>9</sup>
  - (f) The Young Offender Institute Rules 2000<sup>10</sup>
  - (g) The Detention Centre Rules 2001<sup>11</sup>
  - (h) The Criminal Justice and Court Service Act 2000 (Approved Premises) Regulations 2001<sup>12</sup>
  - (i) The Care Homes Regulations 2001<sup>13</sup>
  - (j) The Children's Homes Regulations 2001<sup>14</sup>;
  - (k) The Residential Family Centres Regulations 2002<sup>15</sup>.

### **Certain student lettings etc**

5. A tenancy or licence of a house or a dwelling within a house –
  - (i) which is managed or controlled by a specified educational establishment or is of a specified description of such establishments and

<sup>8</sup> SI 472/1998 as amended by SI 3005/2003

<sup>9</sup> SI 728/1999 as amended by SI 1794/2000, SI 1149/2001, SI 2116/2002, SI 3135/2002. SI 3301/2003 and SI 869/2005

<sup>10</sup> SI 3371/2000 as amended by SI 2117/2002, SI 3135/2002 and SI 897/2005

<sup>11</sup> SI 238/2001. Section 66 (4) of the Nationality, Immigration and Asylum Act 2002 provides that the reference to a detention centre is to be construed as a reference to a removal centre as defined in Part VIII of the Immigration and Asylum Act 1999

<sup>12</sup> SI 850/2001

<sup>13</sup> SI 3965/2001 as amended by SI 865/2001. SI 534/2003, SI 1590/2003, SI 1703/2003, SI 1845/2003, SI 664/2004, SI 696/2004, SI 1770/2004, SI 2071/2004 SI and SI 3168/2004

<sup>14</sup> SI 3967/2001 as amended by SI 865/2002, SI 2469/2002, SI 664/2004 and SI 3168/2004

<sup>15</sup> SI 3213/2002 as amended by SI 664/2004, SI 865/2004 and SI 3168/2004

- (ii) the occupiers of the house or dwelling are undertaking a full time course of further or higher education at the specified establishment which is a member of a specified Code of Standards or Practice<sup>16</sup>

### **Long leaseholders**

- 6. A tenancy of a house or a dwelling within a house provided that –
  - (i) the full term of the tenancy is for more than 21 years and
  - (ii) the tenancy does not contain a provision enabling the landlord (or his successor his in title) to determine it other than by forfeiture, earlier than at the end of the term and
  - (iii) the house or dwelling is occupied by a person to whom the tenancy was granted or his successor in title or by any members of either of those person's family.

### **Certain family arrangements**

- 7. A tenancy or licence of a house or a dwelling within a house where –
  - (i) the person who has granted the tenancy or licence to occupy is a member of the family of the person who has been granted the tenancy or licence and
  - (ii) the person who has granted the tenancy or licence to occupy is the freeholder or long leaseholder of the house or dwelling and
  - (iii) the person occupies the house or dwelling as his only or main residence (and if there are two or more persons at least one of them so occupies).

### **Holiday lets**

- 8. A tenancy or licence of a house or a dwelling within a house that has been granted to the person for the purpose of a holiday.

### **Certain lettings etc by Resident Landlord etc**

- 9. A tenancy or licence of a house or a dwelling within a house under the terms of which the person granted the tenancy or licence shares the use of any amenity with the person granting that tenancy or licence or members of that person's family. An "amenity" includes a toilet, personal washing facilities, a kitchen or a living room but excludes any area used for storage, a staircase, corridor or other means of access.

### **Buildings Controlled or Managed by a Co-operative Society**

- 10. A tenancy or licence (other than an assured, secure or protected tenancy) of a building and the person managing or having control of the building is a co-operative society, whose rules are such as to secure all the conditions set out in paragraph 2B(2) of Schedule 14 to the Housing Act 2004, are met

<sup>16</sup> See the schedule to The Houses in Multiple Occupation (Specified Educational Establishments) (England) Regulations 2012 for the list of specified bodies and code of standards or practice



**Interpretation**

11. In this annex:

- (a) a “person” includes” persons”, where the context is appropriate
- (b) a “tenancy” or “licence” includes “a joint tenancy” or “joint licence”, where the context is appropriate
- (c) “long leaseholder” in paragraph 7 (ii) has the meaning conferred in paragraphs 6 (i) and (ii) and in those paragraphs the reference to “tenancy” means a “long lease”
- (d) a person is a member of the family of another person if
  - (i) he lives with that person as a couple
  - (ii) one of them is the relative of the other; or
  - (iii) one of them is, or is a relative of, one member of a couple and the other is a relative the other member of the couple
  - and
  - (iv) For the purpose of this paragraph –
    - (1) “couple” means two persons who are married to each other or live together as husband and wife or in an equivalent arrangement in the case of persons of the same sex
    - (2) “relative” means a parent, grandparent, child, grandchild, brother, sister, uncle, aunt, nephew, niece or cousin
    - (3) a relationship of the half-blood is to be treated as a relationship of the whole blood and
    - (4) a stepchild of a person is to be treated as his child

## The Rotherham Metropolitan Borough Council Designation of an Area for Selective Licensing (**Dinnington**) 2014.

The Rotherham Metropolitan Borough Council in exercise of their powers under section 80 of the Housing Act 2004 ("the Act") hereby designates for selective licensing the area described in paragraph 4.

### CITATION, COMMENCEMENT AND DURATION

1. This designation may be cited as the Rotherham Metropolitan Borough Council Designation for an Area for Selective Licensing (**Dinnington**) 2014.
2. This designation is made on [xxxxx date ] and shall come into force on [***This date will not be earlier than three months after the decision by the Council***]
3. This designation shall cease to have effect on [***Date to be normally five years from the date the designation came into force, unless the authority has agreed for a scheme of a shorter duration***] or earlier if the Council revokes the scheme under section 84 of the Act.

### AREA TO WHICH THE DESIGNATION APPLIES

4. This designation shall apply to the area as delineated and edged red on the map at annex a.

### APPLICATION OF THE DESIGNATION

5. This designation applies to any house<sup>1</sup> which is let or occupied under a tenancy or licence within the area described in paragraph 4 unless –
  - (a) the house is a house in multiple occupation and is required to be licensed under Part 2 of the Act<sup>2</sup>;
  - (b) the tenancy or licence of the house has been granted by a non-profit registered provider of social housing, a profit making registered provider of social housing in respect of social housing (within the meaning of Part 2 of the Housing and Regeneration Act 2008), or by a body which is registered as a social landlord under Part 1 of the Housing Act 1996;
  - (c) the house is subject to an Interim or Final Management Order under Part 4 of the Act;
  - (d) the house is subject to a temporary exemption under section 86 of the Act; or
  - (e) the house is occupied under a tenancy or licence which is exempt under the Act<sup>4</sup> or the occupation is of a building or part of a building so exempt as defined in annex b;

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<sup>1</sup> For the definition of "house" see sections 79 and 99 of the Act

<sup>2</sup> Section 55 of the Act defines which Houses in Multiple Occupation are required to be licensed under the Act. See also The Licensing of Houses in Multiple Occupation (Prescribed Descriptions) (England) Order 2005 (SI 2006/371)

<sup>3</sup> Section 79 (3) of the Act.

## EFFECT OF THE DESIGNATION

6. Subject to sub paragraphs 5(a) to (e) every house in the area specified in paragraph 4 that is occupied under a tenancy or licence shall be required to be licensed under section 85 of the Act.<sup>5</sup>
7. The Rotherham Metropolitan Borough Council will comply with the notification requirements contained in section 83 of the Act and shall maintain a register of all houses registered under this designation, as required under section 232 of the Act.<sup>6</sup>

Date and authentication by the Council. [***The date is the date the Council resolved to make the scheme***]

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<sup>4</sup> Section 79 (4) of the Act and SI 370/2006

<sup>5</sup> Section 86 of the Act provides for certain temporary exemption. As to suitability see section 89. Note, if the house is not suitable to be licensed the Council must make an Interim Management Order-see section 102.

<sup>6</sup> Section 232 of the Act and paragraph 11 of SI 373/2006







Annex b – Paragraph 5(d): Exempted Tenancies or licences<sup>1</sup>**Prohibition of occupation by law**

1. A tenancy or licence of a house<sup>2</sup> or a dwelling<sup>3</sup> within a house where the house or the dwelling is subject to a prohibition order made under section 20 of the Act the operation of which has not been suspended under section 23.

**Certain tenancies which cannot be assured tenancies**

2. A tenancy which cannot be an assured tenancy by virtue of section 1 (2) of the Housing Act 1988 comprised in Part of Schedule 1 of the Act and which is:
  - (a) a business tenancy under Part II of the Landlord and Tenant Act 1954
  - (b) a tenancy under which the dwelling-house consists of or comprises premises, which, by virtue of a premises licence under the Licensing Act 2003, may be used for the supply of alcohol (within the meaning of Section 14 of that Act) for consumption on the premises<sup>4</sup>
  - (c) a tenancy under which agricultural land, exceeding two acres, is let together with the house<sup>5</sup>
  - (d) a tenancy under which the house is comprised in an agricultural holding or the holding is comprised under a farm business tenancy if it is occupied (whether as tenant or as a servant or agent of the tenant), in the case of an agricultural holding, by the person responsible for the control of the farming of the holding, and in the case of a farm business tenancy, by the person responsible for the control of the management of the holding<sup>6</sup>.

**Tenancies and licences granted etc by public bodies**

3. A tenancy or licence of a house or dwelling within a house that is managed or controlled<sup>7</sup> by:
  - (a) a local housing authority
  - (b) a police authority established under section 3 of the Police Act 1996 or the Metropolitan Police Authority established under section 5B of that Act

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<sup>1</sup> See The Selective Licensing of Houses (Specified Exemptions) (England) Order 2006 SI 370/2006

<sup>2</sup> Sections 79 (2) and 99 of the Act

<sup>3</sup> For the definition of a dwelling – see section 99 of the Act

<sup>4</sup> See paragraph 5 of Schedule 1 of the 1988 Act as amended by section 198 (1) and paragraph 108 of schedule 6 of the Licensing Act 2003

<sup>5</sup> For the meaning of “agricultural land” section 26 (3) (a) of the General Rate Act 1967

<sup>6</sup> See paragraph 7 of Schedule 1 of 1988 Act as amended by section 40 and paragraph 34 of the Schedule to the Agricultural Tenancies Act 1995

<sup>7</sup> For the definition of “person managing” and “person having control” see section 263 of the Act

- (c) a fire and rescue authority under the Fire and Rescue Services Act 2004;
- (d) a health service body within the meaning of section 9 of the National Health Service Act 2006.

### **Tenancies, licences etc regulated by other enactments**

4. A tenancy, licence or occupation of a house which is regulated under the following enactments:
  - (a) sections 87 to 87D of the Children Act 1989
  - (b) section 43 (4) of the Prison Act 1952
  - (c) section 34 of the Nationality, Immigration and Asylum Act 2002
  - (d) The Secure Training Centre Rules 1998<sup>8</sup>
  - (e) The Prison Rules 1998<sup>9</sup>
  - (f) The Young Offender Institute Rules 2000<sup>10</sup>
  - (g) The Detention Centre Rules 2001<sup>11</sup>
  - (h) The Criminal Justice and Court Service Act 2000 (Approved Premises) Regulations 2001<sup>12</sup>
  - (i) The Care Homes Regulations 2001<sup>13</sup>
  - (j) The Children's Homes Regulations 2001<sup>14</sup>;
  - (k) The Residential Family Centres Regulations 2002<sup>15</sup>.

### **Certain student lettings etc**

5. A tenancy or licence of a house or a dwelling within a house –
  - (i) which is managed or controlled by a specified educational establishment or is of a specified description of such establishments and

<sup>8</sup> SI 472/1998 as amended by SI 3005/2003

<sup>9</sup> SI 728/1999 as amended by SI 1794/2000, SI 1149/2001, SI 2116/2002, SI 3135/2002. SI 3301/2003 and SI 869/2005

<sup>10</sup> SI 3371/2000 as amended by SI 2117/2002, SI 3135/2002 and SI 897/2005

<sup>11</sup> SI 238/2001. Section 66 (4) of the Nationality, Immigration and Asylum Act 2002 provides that the reference to a detention centre is to be construed as a reference to a removal centre as defined in Part VIII of the Immigration and Asylum Act 1999

<sup>12</sup> SI 850/2001

<sup>13</sup> SI 3965/2001 as amended by SI 865/2001. SI 534/2003, SI 1590/2003, SI 1703/2003, SI 1845/2003, SI 664/2004, SI 696/2004, SI 1770/2004, SI 2071/2004 SI and SI 3168/2004

<sup>14</sup> SI 3967/2001 as amended by SI 865/2002, SI 2469/2002, SI 664/2004 and SI 3168/2004

<sup>15</sup> SI 3213/2002 as amended by SI 664/2004, SI 865/2004 and SI 3168/2004

- (ii) the occupiers of the house or dwelling are undertaking a full time course of further or higher education at the specified establishment which is a member of a specified Code of Standards or Practice<sup>16</sup>

### **Long leaseholders**

6. A tenancy of a house or a dwelling within a house provided that –

- (i) the full term of the tenancy is for more than 21 years and
- (ii) the tenancy does not contain a provision enabling the landlord (or his successor his in title) to determine it other than by forfeiture, earlier than at the end of the term and
- (iii) the house or dwelling is occupied by a person to whom the tenancy was granted or his successor in title or by any members of either of those person's family.

### **Certain family arrangements**

7. A tenancy or licence of a house or a dwelling within a house where –

- (i) the person who has granted the tenancy or licence to occupy is a member of the family of the person who has been granted the tenancy or licence and
- (ii) the person who has granted the tenancy or licence to occupy is the freeholder or long leaseholder of the house or dwelling and
- (iii) the person occupies the house or dwelling as his only or main residence (and if there are two or more persons at least one of them so occupies).

### **Holiday lets**

8. A tenancy or licence of a house or a dwelling within a house that has been granted to the person for the purpose of a holiday.

### **Certain lettings etc by Resident Landlord etc**

9. A tenancy or licence of a house or a dwelling within a house under the terms of which the person granted the tenancy or licence shares the use of any amenity with the person granting that tenancy or licence or members of that person's family. An "amenity" includes a toilet, personal washing facilities, a kitchen or a living room but excludes any area used for storage, a staircase, corridor or other means of access.

### **Buildings Controlled or Managed by a Co-operative Society**

10. A tenancy or licence (other than an assured, secure or protected tenancy) of a building and the person managing or having control of the building is a co-operative society, whose rules are such as to secure all the conditions set out in paragraph 2B(2) of Schedule 14 to the Housing Act 2004, are met

<sup>16</sup> See the schedule to The Houses in Multiple Occupation (Specified Educational Establishments) (England) Regulations 2012 for the list of specified bodies and code of standards or practice

## Interpretation

11. In this annex:

- (a) a “person” includes” persons”, where the context is appropriate
- (b) a “tenancy” or “licence” includes “a joint tenancy” or “joint licence”, where the context is appropriate
- (c) “long leaseholder” in paragraph 7 (ii) has the meaning conferred in paragraphs 6 (i) and (ii) and in those paragraphs the reference to “tenancy” means a “long lease”
- (d) a person is a member of the family of another  
person if – (i) he lives with that person as a  
couple  
(ii) one of them is the relative of the other; or  
(iii) one of them is, or is a relative of, one member of a couple and the  
other is a relative the other member of the couple  
and  
(iv) For the purpose of this paragraph –
  - (1) “couple” means two persons who are married to each other or live together as husband and wife or in an equivalent arrangement in the case of persons of the same sex
  - (2) “relative” means a parent, grandparent, child, grandchild, brother, sister, uncle, aunt, nephew, niece or cousin
  - (3) a relationship of the half-blood is to be treated as a relationship of the whole blood and
  - (4) a stepchild of a person is to be treated as his child



**APPENDIX 6 - Voluntary PRS Scheme; Success Measures**

<b>Scheme Element</b>	<b>Anticipated target</b>	<b>By when</b>
Introduction of scheme	100%	17/12/14
Take-up of properties in Selective Licensing priority areas (and elsewhere in the Borough)	100% of table below	Scheduled in table below
HHSRS inspections carried out and retained for all properties on the scheme	100%	Ongoing
Random sample (10%) of inspected properties	100%	Quarterly
Respond to service requests raised by RMBC	100%	Ongoing
Record and advise on resolving Category 1 & 2 hazards	100%	Ongoing
Collation of safety certificates	100%	Ongoing
Introduction of charters/guidance documents e.g. ASB, overcrowding, eviction	100%	30/06/15
Follow-up of landlords failing entry onto the scheme	100%	Ongoing
Review of 1 <sup>st</sup> years activity	100%	17/12/15

**Take Up Rates for Voluntary Scheme**

<b>From start of scheme</b>	<b>Take up in prioritised SL areas</b>	<b>Take-up outside of SL areas</b>	<b>Projected Borough wide inclusion</b>
<b>6 months</b>	25% (c. 500 properties)	0	4% (c. 500 properties)
<b>Year 1</b>	50% (c. 1,000 properties)	25% (c. 3,000 properties)	29% ( c. 4,000 properties)
<b>Year 2</b>	70% (c. 1,400 properties)	30% (c. 3,600 properties)	36% (c. 5,000 properties)
<b>Year 3</b>	80% (c. 1,600 properties)	35% (c. 4,200 properties)	41% (c. 5,800 properties)
<b>Year 4</b>	90% (c. 1,800 properties)	40% (c. 4,800 properties)	47% (c. 6,600 properties)
<b>Year 5</b>	95% (c. 1,900 properties )	50% (c. 6,000 properties)	56% (c. 7,900 properties)

**The following indicators are to be monitored on a monthly/annual basis****1. Number of landlords on the scheme**

- With rented properties within the 5 targeted areas
- With rented properties outside of the 5 targeted areas

**2. Number of properties being administered through the scheme**

- within the 5 targeted areas
- outside of the 5 targeted areas

3. **Recording of retained and refused membership after 6 months, 1 year, 2 years, 3 years, etc. Fall out rates and expulsions**
4. **Provision of landlord details to the Council for follow-up**

## **APPENDIX 6 - continued**

5. **Anticipated drop-out from scheme;** 5-10% acceptable inside/outside of targeted areas. Report any expulsions.
6. **Performance of scheme**
  - Number of properties inspected to HHSRS. Random verification sample of 10% by the Council to be carried out. Acknowledge that landlords with hazards in a property will ensure that other properties don't have the same CAT1
    - Properties found to be free from hazards
    - Properties found to have hazards (Cat 1 &/or Cat 2)
      - Hazards removed following inspection
      - Enforcement notice issued following inspection
7. **Number of incidents (tenant requests/complaints) received through the scheme**
  - Those incidents dealt with without LA intervention
  - Incidents dealt with needing LA intervention
8. **Number of investigations by Council of sub-standard housing conditions brought by tenant service requests made direct to Council**
  - Number of service requests
  - Number of inspections
  - Number of Housing Act interventions ("warning letter" and notices)
9. **Assured Shorthold Tenancies (AST) offered to tenants - Random sample of tenancy management element**
  - Number of tenants renting the property for over 6 months, 1 year, 2 years, etc. since the introduction of the scheme
  - Number of tenants leaving the property and for what reason (tenant satisfaction survey)
10. **Homelessness**
  - Number of tenants, offered a tenancy whilst the property is on the scheme, who would have been statutorily homeless if no accommodation was offered
  - Properties available for offering up to homelessness clients - properties to be inspected prior to occupation
11. **Empty properties**
  - Show a reduction of empty properties, on a super output area level, in those areas where there is an average/above average amount of prs accommodation
  - Landlords/tenants will report empty properties - number of empty properties reported
12. **Anti-social behaviour (ASB)**

- Show a reduction in the level of ASB in those areas where there is an average/above average amount of prs accommodation
- Landlords/tenants - creating ASB - expulsion from scheme and action taken

**13. Marketing**

- Positive marketing, whether direct or otherwise, undertaken throughout the year  
- KPI's to be determined and marketing plan agreed
- Referrals made to the scheme via;
  - Existing members
  - LA
  - Other partners/third sector agencies

**APPENDIX 7**

**EXTRACT OF MINUTE IMPROVING PLACES SELECT COMMISSION**  
**Wednesday, 23rd July, 2014**

Present:- Councillor Read (in the Chair); Councillors Andrews, Atkin, Cowles, Gilding, Gosling, N. Hamilton, Sims and Wallis; together with co-opted members Mr. P. Cahill, Mrs L. Shears and Mr. B. Walker.

Apologies for absence were received from The Mayor (Councillor Foden); Councillors Finnie and Roche and from co-opted member Miss P. Copnell.

**13. PRIVATE RENTED HOUSING - SELECTIVE LICENSING**

Further to Minute No. 53(2) of the meeting of the Improving Places Select Commission held on 26h March, 2014 and Minute No. 236 of the meeting of the Cabinet held on 9th April, 2014, consideration was given to a report presented by the Strategic Director of Neighbourhood and Adult Services, which provided details of the consultation feedback about the proposed selective licensing scheme for landlords of private rented housing and included recommendations based on the responses, comments and representations made. The report stated that approximately two-thirds of residents' responses had expressed their support for a mandatory selective licensing scheme, although local landlords expressed opinions against such regulation.

The scheme was under consideration because of the Council's wish to secure an effective and efficient way of dealing with the issues which occur with private rented sector housing. The proposals consulted upon were that Selective Licensing designations under the Housing Act 2004 should be introduced in three areas of the Borough:-

- Rotherham Central (including the Town Centre, Canklow, South Central and Boston Castle, Eastwood and Masbrough)
- Dinnington
- Maltby South East

The report, which included options for the introduction of either a mandatory selective licensing scheme or a voluntary local scheme, is intended to be submitted for further consideration at the meeting of the Cabinet to be held on Wednesday, 24th September, 2014. Consideration was continuing as to which approach would be the preferred way forward to ensure the objectives of the proposal would be achieved.

The Select Commission's discussion of this issue included the following salient matters:-

- the scrutiny review of housing in the private rented sector (2012);
- the range of legislative powers available, which enable the Council to fulfil its responsibility to take action against irresponsible housing landlords (eg: HHSRS enforcement; management orders; compulsory purchase of property);
- the Council's previous attempt to introduce a voluntary licensing scheme had not succeeded because of a low level of take-up by landlords and an over-reliance on the Borough Council to resource the scheme;
- the key elements of a mandatory scheme (eg: areas of low housing demand and high turn-over of tenants and where there is a high incidence of anti-social behaviour linked to rented housing);
- the various consultation meetings held, responses received and online

- communications received, about the proposed licensing scheme;
- the consultation responses received from residents showed that a large majority of residents were in favour of a selective licensing scheme; by contrast, the responses showed that the vast majority of landlords were not in favour of such a scheme;
- the Council's dialogue and engagement with residents, with landlords and with landlords' associations;
- the Council's dialogue and engagement with managing/lettings agents (who act on behalf of landlords) and the responsibility of such agents for maintaining acceptable housing standards;
- the legal requirement, embedded in central Government guidance, for the Council to consider any other course of action that might provide an effective method of achieving the objectives;
- details of the landlord-led voluntary quality landlord scheme (as described in the report); it was noted that this scheme was initiated by landlords' organisations and, if implemented, would be administered on a commercial basis by a third party and not by this Council;
- the number of responses received as part of the consultation process and the validity of the conclusions drawn from those responses;
- consideration of the proposed fee to be payable by licensed landlords; the business case for the scheme contains an estimated cost of £687 for a landlord, for a licence lasting five years; the fee would be for administrative purposes and not profit-making;
- the Council's enforcement resources for a mandatory scheme are likely to be two full-time equivalent enforcement officer posts (and there may be other costs incurred); on this basis, a recurring annual cost of £70,000 was being estimated; this cost should be compared against the current cost to the Council (and to other public sector services) of dealing with residents' complaints about the standards of private rented sector housing and with the consequences of the problems posed by irresponsible landlords;
- the analysis of the ethnic background of people who had responded to the consultation;
- the relative merits of introducing a licensing scheme in a selective, local area and of introducing a scheme which covers the whole Borough area;
- the possibility of the Council's eventual decision, to introduce either a mandatory or a voluntary licensing scheme, being the subject of a legal challenge;
- alternative means of ensuring that landlords will register with the licensing scheme to be introduced and will remain registered in the future;
- if a Borough-wide voluntary scheme was introduced by the landlords' organisations, the Council would require its performance to be monitored utilising a set of key measures including take-up in both the prioritised areas and throughout the Borough area; variance from those success indicators would result in further consideration of the possible introduction of a mandatory scheme;
- the licensing scheme will include education and training for landlords, as well as inspections of properties; such a scheme may prevent the spread of housing blight and also provide assistance in reducing the level of homelessness in the Borough, for example, by means of earlier identification of empty properties available for occupation;
- whether the information in the register of licensed landlords will be made available for tenants and prospective tenants;
- questioning the impact of the licensing scheme upon housing rents (the possibility of a consequent increase in rents was acknowledged); questioning whether the licensing scheme would be necessary if landlords were required to utilise authorised lettings/management agents; the possibility of the scheme including discounted fees for landlords who utilise managing agents was discussed; currently, there was no registration scheme for lettings/management agents.

In conclusion, the Improving Places Select Commission acknowledged that the Council has a duty to try and resolve the issues affecting private rented sector housing in the areas highlighted in the report. Accordingly, the Select Commission both recognises the benefits of a mandatory licensing scheme and understands that currently there are reasons to consider the introduction of a voluntary local scheme.

Resolved:- (1) That the report be received and its contents noted.

(2) That, insofar as the Improving Places Select Commission is concerned, the introduction of a landlord-led voluntary quality landlord scheme is the preferred option. \*\*\* *see footnote below*

(Councillor Wallis declared a personal interest in the above item, as the owner-occupier of residential premises in one of the areas which was the subject of public consultation in respect of the proposed licensing scheme)

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In summary Councillor Cowles' views were that, whilst the living conditions of tenants must be improved, he held concerns that any increase in cost would provide an additional burden for landlords and ultimately be passed on to tenants. He also expressed that the scheme was indiscriminate, potentially affecting all landlords, and a concern that enforcing improvement via a voluntary scheme would be difficult to achieve.

\*\*\* footnote

At the subsequent meeting of the Improving Places Select Commission, held on 16th September 2014, the following amendments were made to the above minute, by the deletion of resolution (2) above and the insertion of the following two resolutions:-

(2) That the Select Commission agrees that there was a need for action with regard to private sector rented properties in the areas identified by officers.

(3) That where there was legal advice that the Local Authority had to pursue a voluntary scheme that be the first course of action, however, should that fail the Select Commission would wish to see the Council move to a mandatory scheme as quickly as possible.

## Appendix 8 – Finance Model – Expenditure Projection

Items	Initial set up	Yr 1	Yr2	Yr 3	Yr 4	Yr 5	Yr 6 (1/2 yr)	Total
<b>STAFFING</b>								
licensing admin officer		24,217	24,459	24,704	24,951	25,200		£123,530
Team Leader Band		44,395	44,838	45,287	45,740	46,197	23,330	£249,786
Housing Licensing Officer	0	35,626	35,982	36,342	36,705	18,536		£163,191
<b>SUPPLIES &amp; SERVICES</b>								
Mobile - Rental & Calls @ 500 pp		1,000	1,000	1,000	1,000	1,000	250	£5,250
Mileage 1500 per person		2,000	2,000	2,000	2,000	1,500	0	£9,500
VOIP & Email/Internet		320	320	320	320	320	0	£1,600
LONE WORKER Badges		240	240	240	240	240	240	£1,440
PC's		0	0	0	0	0	0	£0
Desk Space per FTE		0	0	0	0	0	0	£0
Training including Flare and Housing training		2,500	2,500	2,500	2,500	2,500	0	£12,500
Area Forums and events		1,600	1,600	1,600	1,600	1,600	1,600	£9,600
Stationary and postage for licensing		17,000					0	£17,000
General Stationery		5,000	3,000	2,000	2,000	1,000	1,000	£14,000
Support costs eg Accy services		0	0	0	0	0	0	£0
Insurance costs		150	150	150	150	150	150	£900
Staff Recruitment	4,500	2,095						£6,595
<b>ICT INFRASTRUCTURE (estimated)</b>								
Exisisting Housing Licensing package adjustments and training	2,000							£2,000
Exisiting Performance Reporting Enhancements	5,000	0	0	0	0	0	0	£5,000
<b>Total Expenditure</b>	<b>11,500</b>	<b>136,142</b>	<b>116,089</b>	<b>116,142</b>	<b>117,206</b>	<b>98,243</b>	<b>26,570</b>	<b>£621,892</b>
<b>Fee Structure</b>								
<b>Basic Fee</b>								<b>£446</b>
Inspection fee for applications from Un-Acreded landlords - figure based on verbal estimate								<b>£100</b>
additional fee for direct debit/invoice arrangement rather than up-front payment								<b>£10</b>
				<b>Maximum fee per licensable property</b>				<b>£625</b>

## Appendix 9 – Selective Licence Conditions

The text marked in **red** shows added or changed wording following the Consultation in order to clarify and make the conditions fairer to both landlords and tenants.

*In these conditions, “house” is meant to refer to the building or part of a building, which is licensed under Part 3 of the Housing Act 2004.*

### Housing Act 2004 Prescribed Conditions

1. The licence holder must obtain a valid gas safety certificate on an annual basis, if gas is supplied to the house. This must be provided to the Council as part of the application process and on an annual basis thereafter. A copy must also be provided to the tenant.
2. The licence holder must:
  - a. keep electrical appliances and furniture made available by him in the house in a safe condition and
  - b. supply the authority, on demand, with a declaration by him as to the safety of such appliances and furniture.
3. The licence holder must:
  - a. Ensure that smoke alarms are installed in the house and are kept in proper working order
  - b. Supply the Authority, on demand, with a declaration by him as to the condition and positioning of such alarms.
4. The licence holder must provide each occupier of the house with a written statement of the conditions of the terms on which they occupy the house (tenancy agreement). The licence holder shall provide a copy of the said terms to the authority on demand. The licence holder must abide by the conditions and responsibilities contained in the tenancy agreement and carry out all landlord functions as laid down.

### Conditions relating to the property

5. The Licence holder should submit an annual declaration as to the condition in relation to the hazards present in the property and the safety of the property on a copy of the form in Appendix 2 to these conditions, at the same time as the Gas Safety Certificate. The form will also be available on the Council's website.
- ~~6. The License Holder shall ensure that the house is kept free of Category 1 and 2 Hazards under the Housing Health and Safety Rating System.~~
- ~~7. The Licence Holder shall ensure that all Category 1 and 2 hazards under the Housing Health and Safety Rating System which have been identified by an inspection by the local authority, are rectified within the timescales given in the inspection report.~~  
*Conditions 6 and 7 will be removed from the final condition set as powers to deal with the existence of Category 1 and 2 Hazards are contained within existing*



*provisions and as detailed by section 90(5) of the Housing Act 2004 should not form part of the conditions.*

8. The licence holder must provide prospective tenants with a copy of the Energy Performance Certificate (EPC) prior to the commencement of the tenancy.
9. The licence holder must:
  - a. ensure that throughout the period of the licence, that the premises are covered by a valid periodic electrical survey inspection report. Such a report should be provided by a suitably trained, experienced and competent person i.e. a NICEIC or ECA member;
  - b. ensure any Category 1 remedial works be recommended on the periodic electrical survey report, the licence holder must ensure that such works are completed within the timescales **given by the electrical** engineer and must inform the selective licensing team upon completion of such works; and
  - c. supply the authority, on demand, with a copy of the periodic inspection report.
10. The licence holder must ensure that all furniture supplied complies with the Furniture and Furnishings (Fire) (Safety) Regulations 1988. A declaration to this effect must be supplied to the Council upon request.
11. Where any qualifying works are to be carried out to the house, the licence holder must ensure the appropriate consent is obtained from the Council's Building Control service prior to works commencing.
12. The licence holder will ensure that any remedial works to rectify disrepair issues identified during the 'sign up' stage are undertaken within period of time agreed with the tenant and no later than 28 days from the beginning of the tenancy.
13. The licence holder must ensure that any disrepair identified by the tenant or through periodic inspection by the licence holder, other managing agent or landlord are undertaken within **the** period of time agreed with the tenant, and no later than 28 days of it being identified.
14. The licence holder must ensure that all repairs to the house or any installations, facilities or equipment within it are to be carried out by competent and reputable persons and that they are completed to a reasonable standard.
15. The licence holder must ensure that the water supply and drainage system serving the house is maintained in good, clean and working order.
16. The licence holder must not unreasonably cause any service supplied to the property under the terms of the tenancy agreement to be interrupted.
17. The licence holder must provide the tenant and their household with suitable alternative accommodation where necessary if substantial remedial works are undertaken.
18. The licence holder must ensure that they carry out regular inspections of the property to ensure **that at least the minimum requirements for the condition of private rented accommodation are maintained and that the property and that the tenancy is not causing nuisance or annoyance to neighbouring properties.**

19. The licence holder shall ensure that the tenant is provided with wheeled bins of suitable capacity and type as specified by the Council at the property and that the Council's arrangements for refuse collection including recycling are issued to the tenant at the outset of the tenancy.
20. The licence holder must take steps to remove graffiti on the property within five working days of it being reported to them.

### **Management of the licensed property**

21. The licence holder shall ensure that the occupancy level at the property is in accordance with the criteria as determined by the Rent Officer (Housing Benefit Functions) Order 1997 Schedule 2, Size Criteria.
22. The licence holder must obtain references **or guarantees** in respect of the person(s) who wish to occupy the property in order to make an informed decision regarding the occupancy of the property. Copies of these references must be made available to the council upon request.
23. The licence holder must provide the occupiers of the house, with details of the following:
  - a. Name of the licence holder
  - b. A contact address, daytime telephone number
  - c. An emergency contact number and details of the arrangements in place to deal with repairs and emergencies should they arise.
24. The licence holder must provide all tenants with a copy of the licence and the licence conditions.
25. This information must be supplied within 28 days of receipt of the licence document and should be clearly displayed in a prominent position within the house. An emergency contact telephone number for the licence and/or management agency shall also be available and notified to the authority.
26. The licence holder must ensure that all monies in respect of the licence fee are paid to the authority by the terms imposed by the invoice.
27. The licence holder will make every attempt to provide each occupant of the house with copies of user manuals for any installations or equipment provided as part of the agreement for the occupation of the house.
28. The licence holder will arrange to undertake a detailed inventory to be agreed with each occupant upon commencement of their occupation of the house and kept on file by the licence holder at their business address.
29. The licence holder must provide the tenant with a written receipt for all cash rental payments received. (This does not affect the legal requirement to provide a rent book for rent paid on a weekly basis).
30. Where the rent is paid monthly, the licence holder must provide the tenant with a clear rent statement, on a six monthly basis. This must also be provided at any other time when requested by the tenant.

31. The licence holder must ensure that all new tenancy deposits are protected in a government authorised scheme within 14 days of receiving it from the tenant. The licence holder must also ensure that the tenant is given;
  - a. The details of any utilities or other charges included in the rent
  - b. **Information and instructions on** the responsibility for payment of council tax
  - c. **Information and instructions on** the responsibility for payment of utilities and arranging provision of such
32. The licence holder will not discriminate against prospective occupiers of the house on the grounds of race, disability, gender, religion or sexual orientation.
33. The licence holder must inform the Council of any change of circumstances which may affect their suitability to continue to remain the licensee. This must be done within five working days of the changes taking effect. (See Appendix)
34. The licence holder must ensure that any person(s) who assist in the management of the property not detailed in the original licence application must be a 'fit and proper' person to do so **as per the definition in the Housing Act 2004 and Appendix 1 of these conditions**, and must notify the Council of these changes. Where necessary the Council will require a declaration to be signed by the person assisting in the management of the property stating that they meet the '**fit and proper**' person criteria.
35. The licence holder must inform the Council, within 5 working days, if there is a change of managing agent and provide the Council with proof that they are a 'fit and proper person' to do so **under the definition under the Housing Act 2004 and Appendix 1 of these conditions**.
36. **Notifications of changes in accordance with the previous two conditions should be made in writing by the Licence Holder and addressed to (email address to be confirmed).**
37. The licence holder must adhere to legal requirements when seeking possession of the property from the tenant.
38. The licence holder must inform the council of any steps being taken to sell the **licensed** property including the details of any successful purchaser(s).
39. The licence holder must be a permanent resident in the United Kingdom.

## Security

40. The licence holder will ensure that keys are provided to the tenant where window locks are provided.
41. Where previous occupants have not surrendered keys, the licence holder and will arrange for a lock change to be undertaken, prior to new occupants moving in.
42. **The licence holder** will ensure front and rear doors are secure and fitted with good quality locking systems.
43. The licence holder must ensure that all reasonable measures are taken to ensure that the property is made secure from unauthorised entry during periods of occupancy.

### Environmental Management / Amenity of the Neighbourhood

44. The licence holder shall ensure that the exterior of the house is maintained in a reasonable decorative order and in reasonable repair.
45. The licence holder must ensure that all outbuildings, yards, forecourts and gardens surrounding the house are maintained, in reasonable repair and ensure that the tenant is aware of their responsibility to keep them in a clean, tidy and safe condition and free from infestations.
46. The licence holder must take all reasonable and all practicable steps in keeping external areas and the curtilage of the property free from rubbish and fly tipping deposits at all times. If employing a third party to carry out any such clearances, care must be taken to ensure that they are a registered waste carrier.

### Preventing and Reducing Anti-Social Behaviour

47. The licence holder must take all reasonable and all practicable steps for preventing and dealing with anti-social behaviour and undertake a thorough process of incremental steps to deal with any complaints, which have been made either directly to them, or via the Local Authority or any Police service, regarding their occupiers. For the purposes of these conditions, anti-social behaviour is taken to comprise behaviour by the occupants of the house and/or their visitors, which causes a nuisance or annoyance to other occupants of the house, to lawful visitors to the house or to persons residing in or lawfully visiting the locality of the house.
48. The licence holder is required to provide an authorised officer of the Local Authority, a Police Officer or Police Community Support Officer, upon request, information regarding the full names and dates of birth of each occupant.
49. The licence holder will ensure that the occupants of the house are aware of the assistance available to them to deal with anti-social behaviour and how they can report nuisance and anti-social behaviour to the authority. The Council will make such information available to tenants and property owners via its website.
50. The licence holder will respond to reference requests within a reasonable timescale and provide an honest and accurate reference relating to existing or past tenants.
51. The licence holder must take steps to terminate the tenancy following advice and recommendation from the Council, should it be found that the property is being used for illegal or immoral use or where there is evidence of persistent and ongoing anti-social behaviour.

date

**Annex 1****Suitability of Licence Holder**

- 1) Details of any unspent<sup>1</sup> convictions not previously disclosed to the Local Authority, that may be relevant to the licence holder and/or the property manager and their fit and proper person status and In particular any such conviction in respect of any offence involving fraud or dishonesty, or violence or drugs or any offence listed in Schedule 3 to the Sexual Offences Act 2003.
- 2) Details of any finding by a court or tribunal against the licence holder and /or the manager that he/she has practiced unlawful discrimination on grounds of sex, colour, race, ethnic or national origin or disability in, or in connection with, the carrying on of any business
- 3) Details of any contravention on the part of the licence holder or manager of any provision of any enactment relating to housing, public health, environmental health or landlord and tenant law which led to civil or criminal proceedings resulting in a judgment or finding being made against him/her
- 4) Information about any property the licence holder or manager owns or manages or has owned or managed which has been the subject of:
  - i. A control order under section 379 of the Housing Act 1985 in the five years preceding the date of the application; or
  - ii. Any appropriate enforcement action described in section 5(2) of the Act
- 5) Information about any property the proposed licence holder or manager owns or manages or has owned or managed for which a local housing authority has refused to grant a licence under Part 2 or 3 of the Act, or has revoked a licence in consequence of the licence holder breaching the conditions of his/her licence
- 6) Information about any property the proposed licence holder or manager owns or manages or has owned or managed that has been the subject of an interim or final management order under the Housing Act 2004;
- 7) Advertising of the property for sale;
- 8) Change in managing agent or the instruction of a managing agent;
- 9) The undertaking of any substantial works to the property including conversions and modernisations;

<sup>1</sup> The Rehabilitation of Offenders Act 1974 enables some criminal convictions to become 'spent', or ignored, after a 'rehabilitation period'. A rehabilitation period is a set length of time from the date of conviction. After this period, with certain exceptions, an ex-offender is not normally obliged to mention the conviction when applying for a job or obtaining insurance, or when involved in criminal or civil proceedings.

**Annex 2 - Annual Declaration in respect of a Selectively Licenced Property****The Licence Holder should complete this form**

Name of Licence Holder: \_\_\_\_\_

Licenced property Address: \_\_\_\_\_

\_\_\_\_\_ Reference number of licence: \_\_\_\_\_

☐ I also enclose a copy of the current Gas Safety Certificate for the house.

And

☐ The house is free from defects which may constitute a Category 1 or Category 2 Hazard under the Housing Health and Safety Rating System.

Or:

☐ The is not free from category 1 or 2 hazards. The issue and the time it will take to resolve are listed below (continue on a separate sheet if necessary:

Issue	Cause	Date when the work will be completed

I accept that in connection with the checking of the accuracy of this declaration that the local authority may carry out an inspection of the property. Should an inspection of the property or the information identify defects which were present at the time of the declaration, and the issues were not identified in this declaration, this document may be used as evidence in any prosecution case.

Name:

Signed:

Date:

If signed for a company please tick box to confirm you are able to sign on behalf of the company ☐**Guidance for agents or those confirming declarations provided by others.**

Please ensure that all persons working for your business who are involved in the management of licensed properties have signed up to date declarations.

Copies of all other declarations will need to be held for the duration of the relevant licence if granted.

Please note the Council has powers to require the provision of documents including any declarations. Checks will be made from time to time to make sure that agents are meeting their obligations. Failure to comply with formal requests to provide information can lead to legal action including prosecution.

Address to return form and contact details :

## Appendix 10 – Equalities Assessment

<p><b>Under the Equality Act 2010 Protected characteristics</b> are age, disability, gender, gender identity, race, religion or belief, sexuality, civil partnerships and marriage, pregnancy and maternity. Page 6 of guidance. Other areas to note see guidance appendix 1</p>	
<p><b>Name of policy, service or function. If a policy, list any associated policies:</b></p>	<p>Selective Licensing of Private Rented Accommodation in Rotherham</p>
<p><b>Name of service and Directorate</b></p>	<p>Safer Neighbourhoods, Housing and Neighbourhood Services; Neighbourhoods &amp; Adult Services</p>
<p><b>Lead manager</b></p>	<p>Mark Ford, Safer Neighbourhoods Manager</p>
<p><b>Date of Equality Analysis (EA)</b></p>	<p>26<sup>th</sup> November 2014 (Revision)</p>
<p><b>Names of those involved in the EA (Should include at least two other people)</b></p>	<p>Zahid Qureshie, Performance Officer Zafar Saleem, Community Engagement Manager Elena Hodgson, Research Officer Asim Munir, Community Engagement Officer</p>
<p><b>Aim/Scope</b> (who the Policy /Service affects and intended outcomes if known) See page 7 of guidance step 1</p> <p>The overall aim of this policy is to introduce selective licensing into specific areas of the borough to address low housing demand.</p> <p>To determine which areas of the borough selective licensing should be applied to the following criteria as set out in the Housing Act 2004 have been considered: (1) low values of residential premises in the area when compared with similar areas, (2) high proportion of empty properties, and (3) and high turnover of occupiers of residential property.</p> <p>Following an analysis of the above criteria to the Rotherham private rented sector it has been</p>	

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concluded that there are consistent indicators of low housing demand in some areas of the borough.

The main areas identified as suffering from low housing demand and thus are to be prioritised for consideration for selective licensing are:

- **Eastwood** including parts of Rotherham Town Centre
- **Masbrough** east and west Super Output Areas
- **Dinnington** Central and East Super Output Areas.
- **Maltby South East** made up of the Town Centre, Muglet Lane and Maltby Main Super Output Areas.

[NOTE: The UK is divided into geographical areas called Local Super Output Areas (SOA) for statistical purposes by the Government, whose areas are determined by the number of households and the populations. In each area there are on average 1500 people and 500 households.]

**What equality information is available? Include any engagement undertaken and identify any information gaps you are aware of. What monitoring arrangements have you made to monitor the impact of the policy or service on communities/groups according to their protected characteristics? See page 7 of guidance step 2**

The demographic data available shows:

The areas vary greatly in ethnic composition. Eastwood and Masbrough having 61% and 54% of their population from BME communities respectively. In Dinnington and Maltby SE, the BME proportion is only 4%. The largest minority ethnic group in Eastwood and Masbrough is Pakistani with 28% of residents, followed by Other White (European) at 11%. Across all four areas, 70% of residents are White British. Christians form the largest religious group in all four areas, varying from 64% in Dinnington and Maltby to 40% in Eastwood and Masbrough. The only other religion with significant representation is Islam, with 35% of residents in Eastwood and Masbrough being Muslims, but less than 1% in the other areas. In Dinnington and Maltby 30% of residents have no religion. The prevalence of disability (long term limiting illness) across the four areas varies from 18.7% in Eastwood to 25% in Dinnington.

There are approximately 1,800 privately rented properties (excluding registered providers of social housing) in



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the proposed areas with 1,395 properties likely to be licensable. A breakdown is given in the business case and appendices

As described in the original Business Case of 2013, which is available on the Council's website in all parts of these areas there is clear evidence of:

- High rates of empty properties
- high rates of occupier turnover
- high proportions of rented and privately rented property
- lower than average rates of owner occupied property
- high rates of ASB which contributes to the Low Housing Demand

Most areas suffer from lower than average house values. Where property values have been found to be more towards the average or above the average, those areas are adjacent to another Super Output Areas which is suffering those problems.

Disrepair complaints in all the areas were higher than the average for the Borough with concentrations of overcrowding complaints in the Eastwood, Masbrough and Town Centre/Canklow Super Output Areas. Criminal activity in half the Super Output Areas was also found to be increasing, with sharp increases in the Masbrough West and Bradgate areas.

In the consultation, the majority of respondents declared themselves as White British (1315, 74.9%). The second largest group was Asian or Asian British Pakistani (5.1%) followed by Other White Background in third with 3%. It is worth noting that 2% of respondents declared themselves as Asian or Asian British Kashmiri. Many within this group sometimes refer to themselves as Pakistani or Kashmiri. There were 148 respondents who did not respond.

A total number of 41 people responded to this question with 18 people (1%) coming from Slovakia followed by 0.6% (11) coming from Poland. In total 2.3% of all respondents came from an EU accession state.

A total number of 1596 respondents answered this question and 20% declared they had a disability with 71% who did not. There were 159 people who did not respond.

Monitoring information from applications and inspections along with demographic data will be used to advise the annual equalities assessment

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<p><b>Engagement undertaken with customers. (date and group(s) consulted and key findings)</b> See page 7 of guidance step 3</p>	<p>A statutory 10 week consultation process was adopted to include the following activity, beginning on 13<sup>th</sup> January 2014 and ending on 23<sup>rd</sup> March 2014 :</p> <ul style="list-style-type: none"> <li>• A consultation report with the draft designations was prepared and posted on the website.</li> <li>• A Selective Licensing consultation web page with an online questionnaire and information about the scheme was produced.</li> <li>• Press releases and local interest resulted in coverage in local newspapers.</li> <li>• A series of press releases were issued promoting the consultation events and process throughout the 10 weeks.</li> <li>• A questionnaire was posted to all addresses within the proposed areas (residential and businesses).</li> <li>• Landlords were contacted via letter or email directly or via agents using the Yell.com data.</li> <li>• Consultation meetings were held in each locality with drop in sessions throughout the consultation period.</li> <li>• locality landlord meeting was held in Rotherham to introduce the proposals.</li> <li>• Direct contact with Landlord associations and representatives took place.</li> </ul>		
	<p>The consultation drop in sessions were held on</p>		
	<p>Friday 24 January 2014</p>	<p>2pm to 7pm</p>	<p>Town Hall, The Crofts, Moorgate Road, Rotherham, S60 2TH</p>
	<p>Tuesday 28 January 2014</p>	<p>10am to 2pm</p>	<p>Unity Centre, St Leonards Road, Rotherham, S65 1PD</p>
	<p>Tuesday 4 February 2014</p>	<p>2pm to 7pm</p>	<p>Ferham Childrens Centre,</p>

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			131 Laughton Road, Rotherham, S61 1AP
Friday 7 February 2014	2pm to 7pm		Dinnington Resource Centre, 131 Laughton Road, Dinnington, Rotherham, S25 2PP
Friday 7 February 2014	2pm to 7pm		Maltby Joint Service Centre, Braithwell Road, Maltby, Rotherham, S66 8JE

There were 1,755 consultation questionnaires completed. Approximately 1,500 of those were paper questionnaires returns with a further 10% being done on line. There were more than 450 individual comments in those questionnaires and in other correspondence. There have also been a number of representations made by national organisations including the National Landlords Association and the Residential Landlords Association. **Appendix 1** presents, from the questionnaires, detail from the consultation returns.

A snapshot of the results showed **63% of the respondents were in favour of the proposals**, with the vast majority of those in support being residents.

Of the respondents to the questionnaires, **1,536 were residents, 148 were landlords and 44 were local businesses**. Where a respondent indicated that their background agreed with more than one category their responses were counted for each category. Therefore, if a landlord had said they were an owner occupier, landlord and a local business owner, they would have had all their responses counted three times. The position, therefore, in summary is:

	Yes	No	No response	Yes	No	No response
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	<table border="1"> <tr> <td>Business</td><td>21</td><td>22</td><td>1</td><td>48%</td><td>50%</td><td>2%</td></tr> <tr> <td>Landlord</td><td>18</td><td>124</td><td>6</td><td>12%</td><td>84%</td><td>4%</td></tr> <tr> <td>Resident</td><td>1072</td><td>437</td><td>54</td><td>69%</td><td>28%</td><td>3%</td></tr> </table> <p>Table 1 – Answers to question 7 on the questionnaire: Do you agree with the Council's proposal to introduce selective licensing in this area?</p>	Business	21	22	1	48%	50%	2%	Landlord	18	124	6	12%	84%	4%	Resident	1072	437	54	69%	28%	3%
Business	21	22	1	48%	50%	2%																
Landlord	18	124	6	12%	84%	4%																
Resident	1072	437	54	69%	28%	3%																
<p><b>Engagement undertaken with staff about the implications on service users (date and group(s) consulted and key findings)</b> See page 7 of guidance step 3</p>	<p>Officers from across the council have been involved in the development of the policy and have been consulted as part of its development. This has included the relevant Senior Management Teams, Directorate Management Teams, and Strategic Leadership Team.</p> <p>Reports have been submitted to Cabinet and the relevant Cabinet Member Portfolio meetings for information and approval.</p>																					
<b>The Analysis</b>																						
<p><b>How do you think the Policy/Service meets the needs of different communities and groups?</b> Protected characteristics of age, disability, gender, gender identity, race, religion or belief, sexuality, Civil Partnerships and Marriage, Pregnancy and Maternity. Rotherham also includes Carers as a specific group. Other areas to note are Financial Inclusion, Fuel Poverty, and other social economic factors. This list is not exhaustive - see guidance appendix 1 <b>and</b> page 8 of guidance step 4.</p> <p>The objectives of a designation in should be based on the evidence on which the designations are made and these should be:</p> <ul style="list-style-type: none"> <li>Reduction in the turnover of occupiers in areas which will in turn provide a more stable community and</li> </ul>																						

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<p>greater pride by residents in their area,</p> <ul style="list-style-type: none"> <li>• Reduction in rates of empty properties through the promotion of the areas for both buying and letting residential properties,</li> <li>• Ensure minimum standards are met by landlords for the safety of properties</li> <li>• Reductions in crime and ASB brought by more stable communities.</li> </ul>
<p><b>Analysis of the actual or likely effect of the Policy or Service:</b> See page 8 of guidance step 4 and 5</p> <p>The proposal for the introduction of a Selective Licensing scheme takes into consideration that these areas exist despite the Council using its enforcement powers and providing guidance to landlords to improve standards over many years. In addition previous significant investment from such schemes as the Housing Market Pathfinder initiative in these areas has not brought sustained community and infrastructure improvement.</p> <p>Low demand is indicated by factors which demonstrate that areas are not as desirable as others, such as high rates of empty property, high rates of occupier turnover, low property values and other social factors.</p> <p>To effectively tackle the problems associated with low housing demand it is necessary to ensure that all stakeholders take their share of responsibility in the areas in which they live, work and invest. Historically, intervention with problem tenants and properties has been focussed on criminal enforcement methods, which tackle the problem at the time, rather than the area as a whole. By ensuring landlords have an investment in their communities as well as the properties they own, we will enable an improvement in the areas and provide more stable and desirable communities to live in</p> <p>The private rented sector is growing in response to the demand for lower cost housing outside of the social rented sector, and the Council is committed to supporting and promoting private landlords to provide quality and affordable housing. However, there are concerns that standards within the private rented sector are falling below the minimum expected under the Housing Act 2004.</p> <p>In some areas the significant increases in the private rented sector, high rates of empty properties (10% in some areas) and short term tenancies are having a negative impact on those communities.</p>

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In some Local Super Output Areas the private rented sector accounts for up to 41% of the housing market with an increase of up to 14% in some areas since 2001 and is becoming a significant part of the overall housing market.

Because of the concerns about low demand and limited impact of existing interventions in some of our neighbourhoods, the use of Selective Licensing under the Housing Act 2004 is being considered as a means of ensuring private sector landlords manage their properties better and to ensure tenants fulfil their responsibilities to the communities they live and work within.

**Does your Policy/Service present any problems or barriers to communities or Group?** Identify by protected characteristics. **Does the Service/Policy provide any improvements/remove barriers?** Identify by protected characteristics. Please list any **actions and targets** by Protected Characteristics.

The council can recover the costs incurred in administering the scheme from a fee for each licence. The proposed standard fee is £625 for a Licence which lasts for up to 5 years. Although Landlords are NOT a protected characteristic consideration has been given to alleviating the financial impact on Landlords.

It is proposed that the following discounting should be part of the fee structure:

- Reduction of £100 for applications where the applicant or proposed Licence Holder is an accredited landlord at the time of the application. This reflects that accreditation would reduce:
  - the inspection of each house prior to or shortly after a Licence is issued
  - revisits to check on compliance with any advice/requirements of that initial inspection
  - the generation of an inspection report and,
  - administration time to process inspections.
- Reduction of £10 for application payments made via direct debit or invoicing. Payments by credit/debit card are not subject to additional internal processing charges.

The ability to pay by instalments over a 12 months period would provide flexibility and make it easier for landlords to pay. These proposed fees could change if there are changes due to considerations in a later consultation or increased/reduced costs for infrastructure and administration.

Consideration can also be given to assisting Landlords with larger portfolios (10 or more properties) with the

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ability to pay for a single year licence in the first year and then to pay for the remaining four years just before year 2. This would be expected to benefit and encourage to these landlords who could face a significant bill in the first year of the scheme. If they were to fail to renew the licence before the end of the first year and pay the remaining 4 years fee then the licence lapses and they are then required to pay for a full licence fee for each property with no further reductions.

It is proposed that the licence fee be set and reviewed annually in the fees and charges review process to ensure value for money new landlords (those that have acquired a house to let in the preceding 3 months).

The costs of licensing while not insignificant are not higher than those found in other areas. Where there are properties which don't currently meet the minimum standards expected there will be increased costs to bring them up to the required standard. Once completed though these improved standards can be maintained with a marginal increase in operating costs likely for the owner, as long as that maintenance continues. With the increase in regulation the standards in the sector will improve and provide a more level playing field for reputable and responsible landlords leading to a fairer market.

With regards to the cost of such a policy being ultimately borne by the tenants, this is a possibility if landlords choose to pass on that charge, however such a charge would be the equivalent of £2.40 per week and local housing allowance is adjusted where there are changes in the private rent levels in the borough. It should be noted that all four areas have high levels of deprivation, amongst the 10% most deprived in England, with Masbrough being within the 3% most deprived. Incomes are clearly low and the proportion of all households receiving housing benefit ranges from 35% in Maltby SE to 47% in Masbrough.

Although there is the potential for a negative impact on lower economic groups through landlords forcing up rents in the short term there will be expected benefits in the longer term with improved areas, better quality housing and more stable communities.

There is also the risk of evictions and higher rates of homelessness as some landlords choose to leave the market, thus placing additional pressures on existing services within the council. However existing structures and communications with council housing, key choices property management, private landlords, police and other social landlords will be used and developed to mitigate the risks and help to ensure landlords and tenants are aware of their rights and prevent offences under the Protection from Eviction Act 1977, and support tenants

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who find themselves homeless. There are already services and partnerships with reputable private landlords in the borough to support this process.

In the main Super Output Areas of the final proposals for Selective Licensing, 1,249 private tenants are on Housing Benefit to support their rental. Based on the 2011 Census this accounts for 75% of private rented households (1,669). Therefore any increase in costs passed on by landlords is likely to have an impact upon the majority of the private renting tenants in those areas. This impact can be monitored through the life of the scheme through regular involvement with tenants and support adjusted by the Council. However, where there are increases in rent, the Local Housing Allowance can take account of some rent rises. Although tenants may see an increase in rent initially, in the longer term this will deliver better quality housing and more stable and desirable areas to live.

**What affect will the Policy/Service have on community relations?** Identify by protected characteristics

The introduction of Selective Licensing should have a positive effect on community relations as there are a number of expected benefits for landlords, residents, tenants, businesses, and the wider community.

The expected benefits for landlords of a Licensing scheme will be

- more informed and responsible tenants,
- cheaper maintenance bills for properties because of more responsible and informed tenants,
- reduced crime and vandalism,
- reduced levels of fly tipping and waste issues,
- more involved landlords sharing good practice,
- and more desirable communities attracting higher sale values for properties.

The expected benefits to the tenants, the general public, Rotherham Council and partners are:

- More responsible landlords
- More information and support from landlords for tenants
- Assurance for tenants that their home is safe.
- lower levels of deprivation in these communities,
- lower turnover of occupiers with more stable communities,
- Potential savings in reactive enforcement work and a more professional landlord community.



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- reductions in ASB and Crime,

Characteristics that need to be taken as a consequence of this assessment and ensure that they are added into your service plan.

**Website Key Findings Summary:** To meet legislative requirements a summary of the Equality Analysis needs to be completed and published.

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**Equality Analysis Action Plan** - See page 9 of guidance step 6 and 7

**Time Period ...2014/2015 to 2019/2020**

Manager: Mark Ford..... Service Area: Safer Neighbourhoods..... Tel:. 01709 823118.....

**Title of Equality Analysis: Selective Licensing**

If the analysis is done at the right time, i.e. early before decisions are made, changes should be built in before the policy or change is signed off. This will remove the need for remedial actions. Where this is achieved, the only action required will be to monitor the impact of the policy/service/change on communities or groups according to their protected characteristic.

List all the Actions and Equality Targets identified

Action/Target		State Protected Characteristics (A,D,RE,RoB,G,GI O, SO, PM,CPM, C or All)*	Target date (MM/YY)
Pre-launch review		ALL	April 2015
Annual Review through the life of the scheme		ALL	May 2016
Endeavour during the life of the scheme to compile an accurate as possible profile (including socio-economic characteristics)of tenants, landlords, licence holders and agents to advise the annual Equality Assessment review.		ALL	Ongoing and reported in annual review
Name Of Director who approved Plan	Dave Richmond	Date	25/11/14

\*A = Age, C= Carers D= Disability, G = Gender, GI Gender Identity, O= other groups, RE= Race/ Ethnicity, RoB= Religion or Belief, SO= Sexual Orientation, PM= Pregnancy/Maternity, CPM = Civil Partnership or Marriage.

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**Website Summary – Please complete for publishing on our website and append to any reports to Elected Members, SLT or Directorate Management Teams**

Completed equality analysis	Key findings	Future actions
<p>Directorate: <b>Neighbourhoods &amp; Adult Services</b></p> <p>Function, policy or proposal name:</p> <p><b>Selective Licensing</b></p> <p>Function or policy status: <b>New</b> (new, changing or existing)</p> <p>Name of lead officer completing the assessment: <b>Zafar Saleem</b></p> <p>Date of assessment: 25<sup>th</sup> November 2014 (Revision)</p>	<p>The overall aim of this policy is to introduce selective licensing into specific areas of the borough to address low housing demand.</p> <p>To determine which areas of the borough selective licensing should be applied to the following criteria as set out in the Housing Act 2004 have been considered: (1) low values of residential premises in the area when compared with similar areas, (2) high proportion of empty properties, and (3) and high turnover of occupiers of residential property.</p>	<ul style="list-style-type: none"> <li>• Pre-launch review</li> <li>• Annual review</li> <li>• Ongoing profile compilation of protected characterises and socioeconomic factors to feed into the annual review.</li> </ul>

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted