



CABINET AND COMMISSIONERS' DECISION MAKING MEETING

Monday, 11 July 2016

10.00 a.m.

**Council Chamber, Town Hall,
Moorgate Street, Rotherham. S60 2TH**

Cabinet Members:-

Leader of the Council – Councillor Chris Read
Deputy Leader of the Council – Councillor Gordon Watson
Councillor Saghir Alam – Corporate Services and Budgeting
Councillor Dominic Beck - Housing
Councillor Emma Hoddinott – Waste and Roads
Councillor David Roche – Adult Social Care and Health
Councillor Denise Lelliott – Jobs and the Local Economy
Councillor Taiba Yasseen – Neighbourhood Working and Cultural Services

Commissioners:-

Lead Commissioner Sir Derek Myers
Commissioner Patricia Bradwell
Commissioner Julie Kenny
Commissioner Mary Ney

CABINET AND COMMISSIONERS' DECISION MAKING MEETING

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

Date: Monday, 11th July, 2016

Time: 10.00 a.m.

A G E N D A

1. Apologies for Absence

To receive apologies of any Member or Commissioner who is unable to attend the meeting.

2. Declarations of Interest

To invite Councillors and Commissioners to declare any disclosable pecuniary interests or personal interests they may have in any matter which is to be considered at this meeting, to confirm the nature of those interests and whether they intend to leave the meeting for the consideration of the item.

3. Questions from Members of the Public

To receive questions from members of the public who wish to ask a general question.

4. Minutes of the previous meetings held on 26 May 2016 and 6 June 2016 (Pages 1 - 22)

To receive the minutes of the proceedings of the Cabinet and Commissioners' Decision Making meetings held on 26 May 2016 and 6 June 2016.

5. Exclusion of the Press and Public

If necessary, the Chair to move the following resolution:-

That under Section 100(A) 4 of the Local Government Act 1972, the public be excluded from the meeting for the following item(s) of business on the grounds that it/they involve(s) the likely disclosure of exempt information as defined in paragraph(s) of Part 1 of Schedule 12(A) of such Act indicated, as now amended by the Local Government (Access to Information) (Variation) Order 2006.

Decisions for Commissioner Myers:-

6. Recommendation to relocate the Intermediate Care provision at Netherfield Court (Pages 23 - 39)

To approve a proposal to absorb the intermediate care provision currently provided at Netherfield Court into Lord Hardy Court and Davies Court.

Report of the Interim Strategic Director of Adult Care and Housing

Cabinet Member: Councillor Roche (in advisory role)

Commissioner: Myers

7. Commissioning and Procurement of Advocacy Services 2016 - Tender Update (Pages 40 - 45)

To approve the award of statutory advocacy and generic advocacy contracts to bidders that achieve the highest marks in the tender evaluation process in terms of quality and price.

Report of the Interim Strategic Director of Adult Care and Housing

Cabinet Member: Councillor Roche (in advisory role)

Commissioner: Myers

Decisions for Commissioner Bradwell:-

8. Children & Young People's Services (CYPS) 2015/2016 Year End Performance (Pages 46 - 99)

To receive a summary of performance under key themes for Children's Social Care Services at the end of the 2015/16 reporting year.

Report of the Strategic Director of Children and Young People's Services

Cabinet Member: Councillor Watson (in advisory role)

Commissioner: Bradwell

9. Foster Carers Payment for Skills Scheme (Pages 100 - 106)

To consider a new fee scheme for Rotherham foster carers.

Report of the Strategic Director of Children and Young People's Services

Cabinet Member: Councillor Watson (in advisory role)

Commissioner: Bradwell

Decisions for Commissioner Kenny:-

10. Rationalisation of Property Assets - former Greasbrough Road Depot, North Drive, Greasbrough, Rotherham (Pages 107 - 115)

To approve the disposal of the former depot, North Drive, Greasbrough.

Report of the Strategic Director of Regeneration and Environment

Cabinet Member: Councillor Lelliott (in advisory role)

Commissioner: Kenny

11. Rotherham Town Centre Masterplan (Pages 116 - 145)

To agree to the procurement of a town centre spatial Masterplan and the costs associated with the procurement of the Masterplan.

Report of the Strategic Director of Regeneration and Environment

Cabinet Member: Councillor Lelliott (in advisory role)

Commissioner: Kenny

12. Rationalisation of Property Assets - Schedule of Property Disposals (Pages 146 - 155)

To approve the disposal of a schedule of three low value assets.

Report of the Strategic Director of Regeneration and Environment

Cabinet Member: Councillor Lelliott (in advisory role)

Commissioner: Kenny

13. Property Lease for the Aspire Pupil Referral Unit (PRU) (Pages 156 - 164)

To approve a new lease of the premises at Hutton Park Vocational Centre, Eastwood Trading Estate to enable the transfer of Aspire secondary PRU (Pupil Referral Unit) from their existing premises at Catcliffe.

Report of the Strategic Director of Regeneration and Environment

Cabinet Member: Councillor Lelliott (in advisory role)

Commissioner: Kenny

14. Transfer of Trusteeship of Swinton Recreation Ground (Pages 165 - 176)

To seek approval to transfer the trusteeship of the Swinton Miners Welfare Scheme from the Council to Swinton Sports & Health Group and to transfer the assets and liabilities of the Swinton Miners Welfare Trust from Rotherham MBC to the group

Report of the Strategic Director of Regeneration and Environment

Cabinet Member: Councillor Yasseen (in advisory role)

Commissioner: Kenny

Decisions for Cabinet

15. Implementation of the Sheffield City Region Devolution Deal and Scheme Consultation (Pages 177 - 245)

To note that the Sheffield City Region (SCR) Combined Authority is being asked to approve a Scheme to progress the implementation of the SCR Devolution Deal at a meeting on 27 June 2016; and that a statutory consultation exercise will take place, led by the SCR, in relation to the Scheme.

Report of the Assistant Chief Executive

Cabinet Member: Councillor Read

Commissioner: Kenny (in advisory role)

16. Phase Two RMBC Corporate Improvement Plan (Pages 246 - 276)

To endorse Phase Two of the Council's Improvement Plan.

Report of the Chief Executive

Cabinet Member: Councillor Read

Commissioner: Myers (in advisory role)

17. Corporate Safeguarding Policy (Pages 277 - 293)

To recommend that Council approves the adoption of a new Corporate Safeguarding Policy

Report of the Chief Executive

Cabinet Member: Councillor Read

Commissioner: Myers

18. Development of Children & Young People's Services Medium Term Financial Strategy 2016-2021 - Update (Pages 294 - 303)

To receive an update on the progress being made towards the development of a Medium Term Financial Strategy over the next five years for Rotherham's Children & Young People's Service.

Report of the Strategic Director of Children and Young People's Services

Cabinet Member: Councillor Watson

Commissioner: Bradwell (in advisory role)

19. Habershon House Residential & Field Study Centre (Pages 304 - 332)

To consider three options in relation to the future of Habershon House Residential and Field Study Centre.

Joint Report of the Strategic Director of Children and Young People's Services and the Strategic Director of Regeneration and Environment

Cabinet Member: Councillor Watson

Commissioner: Bradwell (in advisory role)

20. Proposal to increase secondary school capacity across the Borough to meet future increased demand (Pages 333 - 340)

To approve a programme of secondary school expansion projects to increase capacity to meet future rising cohort numbers.

Report of the Strategic Director of Children and Young People's Services

Cabinet Member: Councillor Watson

Commissioner: Bradwell (in advisory role)

21. Proposal to commence procedures to establish a primary school on the Waverley development site (Pages 341 - 348)

To approve the commencement of procedures to establish a primary school on the Waverley development site.

Report of the Strategic Director of Children and Young People's Services

Cabinet Member: Councillor Watson

Commissioner: Bradwell (in advisory role)

22. 2015/16 Revenue, Capital and Prudential Indicators Outturn (Pages 349 - 393)

To receive the unaudited revenue, capital and Housing Revenue Account (HRA) outturn positions for 2015/16, treasury management activity during the year and the final 2015/16 Prudential Indicators reported under the Prudential Code for Capital Finance

Report of the Strategic Director of Finance and Customer Services

Cabinet Member: Councillor Alam

Commissioner: Myers (in advisory role)

23. Medium Term Financial Strategy 2016/17 - 2019/20 (Pages 394 - 418)

To commence the process of systematically making financial decisions that identify where resources are to be used to support the vision for the Council over the next decade and to promote sustainability within the Council, its services and its finances.

Report of the Strategic Director of Finance and Customer Services

Cabinet Member: Councillor Alam

Commissioner: Myers (in advisory role)

24. New Applications for Discretionary Rate Relief (Pages 419 - 425)

To consider the applications made by two registered charitable organisations, Crisis UK and The British Red Cross Society, for the award of a discretionary business rate relief for the premises listed in the report in accordance with the Council's Discretionary Business Rates Relief Policy.

Report of the Strategic Director of Finance and Customer Services

Cabinet Member: Councillor Alam

Commissioner: Myers (in advisory role)

25. Corporate Financial Information Management System - Master Services Contract (Pages 426 - 434)

To suspend Standing Order 48 in order to renew the Master Services Contract for the Corporate Financial Information Management System.

Cabinet Member: Councillor Alam

Commissioner: Myers (in advisory role)

26. Request for Extension of Timescales for Implementation of Adults' Liquidlogic Social Care Case Management System and Capitalisation of Additional Costs (Pages 435 - 446)

To approve the extension of the proposed implementation date of the system.

Report of the Interim Strategic Director of Adult Care and Housing

Cabinet Member: Councillor Alam

Commissioner: Myers (in advisory role)

27. RMBC Corporate Equality and Diversity Policy (Pages 447 - 464)

To endorse the revised corporate Equality and Diversity Policy.

Report of the Assistant Chief Executive

Cabinet Member: Councillor Alam

Commissioner: Myers (in advisory role)

28. Introduction of the new Tenancy Agreement for Rotherham Council Tenants (Pages 465 - 498)

To give approval to the new tenancy agreement for Rotherham Council tenants.

Report of the Interim Director of Adult Care and Housing Services

Cabinet Member: Councillor Beck

Commissioner: Myers (in advisory role)

29. Little London, Maltby - Negotiated Acquisition Proposal for 9 - 55 Churchill Avenue (Pages 499 - 509)

To authorise the acquisition of 24 long-term empty properties in order to refurbish them to be let as Council homes.

Report of the Interim Strategic Director of Adult Care and Housing

Cabinet Member: Councillor Beck

Commissioner: Myers (in advisory role)

30. Approval of tender for external works to The Lanes, Herringthorpe, Rotherham (Pages 510 - 519)

To approve the award of a tender for external works at The Lanes, Herringthorpe.

Report of the Interim Strategic Director of Adult Care and Housing

Cabinet Member: Councillor Beck

Commissioner: Myers (in advisory role)

31. Adoption of Rotherham Town Centre Supplementary Planning Document (Pages 520 - 551)

To adopt the supplementary planning document for Rotherham Town Centre.

Report of the Strategic Director of Regeneration and Environment

Cabinet Member: Councillor Lelliott

Commissioner: Ney (in advisory role)

32. Neighbourhood Area Application from Dinnington St John's Town Council (Pages 552 - 562)

To approve Dinnington Town Council's proposed neighbourhood area as submitted to allow preparation of a neighbourhood plan for Dinnington St John's Civil Parish.

Report of the Strategic Director of Regeneration and Environment

Cabinet Member: Councillor Lelliott

Commissioner: Ney (in advisory role)

33. Continuation of Public Health Services (Pages 563 - 579)

To suspend Standing Orders to enable the extension of existing public health contracts for an additional twelve months until 31 March 2018.

Report of the Director of Public Health

Cabinet Member: Councillor Roche

Commissioner: Ney (in advisory role)

A handwritten signature in black ink, reading "Sharon Kemp." The signature is written in a cursive, flowing style.

SHARON KEMP,
Chief Executive.

CABINET AND COMMISSIONERS' DECISION MAKING MEETING
Thursday, 26th May, 2016

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

Commissioners:- Bradwell and Myers

Also in attendance was Councillor Steele, Chair of the Overview and Scrutiny Management Board.

Apologies for absence were received from the Deputy Leader of the Council (Councillor Watson), Councillor Hoddinott, Commissioner Kenny and Commissioner Ney.

76. DECLARATIONS OF INTEREST.

Councillor Taiba Yasseen declared an interest in item 11 (Business Rates Discretionary Rate Relief Top Up Applications) on the basis of her personal involvement with the Open Minds Theatre Company.

77. QUESTIONS FROM MEMBERS OF THE PUBLIC.

A member of the public asked a question in respect of the council's reluctance to publish details of the recipients of the grants made to charitable organisations and queried the accountability arrangements for such organisations spending public funds.

In response, the Leader of the Council explained that an informal review of grants to charities and voluntary organisations in response to such grants and agreed for a response to being provided.

Post Meeting Response from the Assistant Director of Financial Services:

The Council discloses annually within the Statement of Accounts amounts, including grants, which have been paid to organisations where the Council's relationship with the organisation meets specific disclosure requirements as set down in the Code of Practice on Local Government Accounting.

Under those requirements the Council's relationships are assessed to determine whether the Council, either through representation or funding level, has a significant influence over the activities of those organisations. For each organisation, if the influence is deemed significant, and that can vary on an on-going basis, then the name and the amount paid to the organisation are included in the disclosure note.

A copy of the Council's Statement of Accounts is published on the Council & Democracy section of the Council's website and the relevant note in the Accounts is Note 17.

A member of the public asked a question in respect of access to information and private decision making by Commissioners. A further question was put enquiring why the agenda for the Cabinet and Commissioners' Decision Making Meeting had not been published prior to the meeting.

In response, the Leader of the Council explained that the agenda for Cabinet and Commissioners' Decision Making Meeting had been published on 19 May 2016, complying the access to information rules within the Council's constitution and statute. The Leader of the Council further explained that the Council was making more information public to enable decision making to take place in public.

A further question was asked whether the Lead Commissioner received advice from the Chief Legal Officer of the Council in respect of making decisions in private.

In response, the Lead Commissioner explained the legislative remit of Government appointed Commissioners intervening in local authorities and confirmed that executive powers had been delegated to Commissioners by the Secretary of State in February 2015. In doing so, it was confirmed that Commissioners would not be subject to the Council's Constitution. This position was confirmed by Civil Servants in writing to the member of the public who had put the question. As a third of Executive decision making had been returned to Councillors, it had been agreed that decisions would be made in public. The Lead Commissioner made it clear that there was a provision for urgent decisions to be made between meetings of the Cabinet, providing that such matters satisfied the urgency provisions. He further explained that the rules governing access to information, which were applicable to every local authority, would be complied with by the Cabinet and Commissioners in Rotherham.

The member of the public repeated his question regarding advice received by the Lead Commissioner from the Council's Chief Legal Officer. The Leader of the Council thanked the member of the public for his question and recommended that the matter be pursued through further correspondence with the Lead Commissioner.

78. MINUTES OF THE PREVIOUS MEETING HELD ON 11TH APRIL, 2016

Consideration was given to the minutes of the previous meeting of the Cabinet and Commissioners' Decision Making Meeting held on 11 April 2016.

Resolved:-

That the Chair be authorised to sign the minutes of the previous meeting held on 11 April 2016 as a true and correct record of the proceedings.

79. ALL SAINTS TOILETS - REVISED OPTIONS (ASR EDS 11)

The Leader of the Council indicated that this agenda item would be deferred for consideration at a future meeting of the Cabinet as there were concerns regarding some information detailed within the report.

Resolved:-

That the report be deferred and submitted to a future Cabinet and Commissioners' Decision Making Meeting.

80. COPELAND LODGE BUILDING PROPOSAL

Consideration was given to a report submitted by the Interim Strategic Director for Adult Care and Housing which sought to decommission Copeland Lodge, a former residential home for older people.

It was reported that since it had ceased to be a residential home, Copeland Lodge had been used as a day centre for older people. Following a review which had involved users and their families, in accordance with the requirements of the Care Act, it was concluded that the centre would no longer be required as alternative provision had been identified. It was noted that the building was in a poor state of repair and was considered to be surplus to requirements.

Commissioner Myers agreed:

- (1) That Copeland Lodge no longer be used for adult social care purposes.
- (2) That Copeland Lodge be decommissioned and any equipment that can be re-used within existing services be reallocated accordingly.

(As this is a Commissioner decision, it is not subject to 'call in'.)

81. SYRIAN VULNERABLE PERSONS REFUGEE (VPR) RESETTLEMENT SCHEME

Consideration was given to a report submitted by the Strategic Director of Regeneration and Environment which provided an overview of the Syrian Vulnerable Persons' Resettlement Scheme and detailed the implications for the council and its partners of participating voluntarily in the programme along with 21 other local authorities across the Yorkshire and Humber region.

The report set out how the scheme would be managed on a regional and national basis, detailing the practical implications of its operation, how it would be funded and those areas requiring clarification from the Home Office. The paper also address the governance and strategic coordination of migration and asylum issues within the council.

In considering the recommended course of action, it was noted that authority should be delegated to the Strategic Director of Regeneration and Environment, rather than the Assistant Chief Executive, because of his involvement with the Migration Yorkshire Partnership.

As a Cabinet decision, it was

Resolved:-

- (1) That the Council's participation in the phase two of the Government's Syrian Vulnerable Persons Resettlement Scheme be agreed.
- (2) That agreement be given to the acceptance of up to ten Syrian refugees (in family units) in Rotherham for an initial three year period, subject to annual review.
- (3) That the authority be delegated to the Strategic Director of Regeneration and Environment to take all necessary actions to implement the Council's participation in phase two of the scheme, including the strategic and corporate oversight of the wider policy agenda for migration, refugees and asylum.

82. FLANDERWELL AUTISM RESOURCE

Consideration was given to a report submitted by the Strategic Director of Children and Young People's Services which sought approval to commence a period of statutory consultation in respect of proposal to discontinue the Flanderwell Autism Resource on the Flanderwell Primary School site.

It was reported that the building was not conducive to the changing needs of the cohort of pupils that it was originally designed to accommodate. Discussions with staff and specialists in autism had revealed concerns

that the building was not fit for its current purpose. Furthermore, the authority had a statutory duty to ensure a sufficiency of mainstream school places and allocate Basic Need Funding to projects. Government policy indicated that the council's place planning strategy should aim to satisfy as many parental first preferences as possible during the annual admissions round.

It was noted that there was potential for the Flanderwell Resource Unit to be used by the Flanderwell Primary Academy to accommodate the rising mainstream pupil numbers, which would prevent the need for further capital investment at the academy. In order to progress that, it was reported that a full pre-statutory and statutory consultation would need to be undertaken to establish whether to discontinue the resource on the site and transfer the building to the Academy Trust to accommodate rising cohort demand.

In considering the matter, Cabinet Members expressed regret that the council would not be able to exploit resource in any other way, but there was confidence that the proposal represented the best use of public money in the circumstance. The Leader of the Council indicated that he had asked for review of how the situation had arisen in order to learn lessons and to avoid future incidences.

As a Cabinet decision, it was

Resolved:-

That statutory consultation should commence in relation to

- (1) the discontinuation of the use of the site as a Special Educational Needs (SEN) provision, with the building to be used by Flanderwell Primary Academy to accommodate rising mainstream pupil numbers.
- (2) another site being found attached to a mainstream school to provide for primary aged children with autism, but with mainstream academic abilities, who struggle to have their needs met.
- (3) a further wider review being undertaken at a future date in respect of the provision for children and young people with autism who struggle in mainstream schools, as part of the strategic development of the Special Educational Need and Disability (SEND) provision to meet the needs of Rotherham's children.

83. DISABLED GO - ACCESSIBILITY AND EQUALITY SERVICES

Consideration was given to a report submitted by the Interim Strategic Director of Adult Care and Housing, which sought to progress the suspension of Contract Standing Orders 4.1 and 4.2 to enable the council to enter into a contract with Disabled Go to develop an Access Service in

Rotherham.

It was noted that Disabled Go was the nation's leading provider of accessibility and equality services, which sought to give people the information to make an informed choice and not to make such choices on those individuals' behalf. Disabled Go had worked with many councils to integrate their accessibility information into area specific websites, information portals and directories and, in doing so, had embedded the offer to residents and visitors rather than it being a separate resource enhancing engagement inclusion.

Members noted that Disabled Go would support the initiatives of the Adult Social Care Programme and would positively benefit the residents of Rotherham. The scheme would enable residents to be informed about their local facilities and other facilities that they might want to use. Information would be available through the council's website and there would be an annual review to ensure that the access guide was kept up to date.

Commissioner Myers agreed:

- (1) That, pursuant to Standing Order 38, the contracts referred to in the report be exempt from the provisions of Standing Order 43, which would ordinarily require that tenders for a particular contract be obtained by inviting tenders for the contract on the open market.
- (2) That, pursuant to Standing Order 38, the contract to develop an Access Service be exempt from the provisions of Standing Order 47, which requires three written quotations from the market.
- (3) That the advice of the Procurement Team, confirming that research had been conducted to find a comparable quote to provide the service, be noted.
- (4) That Disabled Go be awarded the contract for the development and provision of an Access Service in Rotherham.

(As this is a Commissioner decision, it is not subject to 'call in'.)

84. CHILDCARE SUFFICIENCY REPORT 2015/16

Consideration was given to a report submitted by the Strategic Director of Children and Young People's Services which sought the approval of the Childcare Sufficiency Report 2015/16.

It was reported that the local authority had a statutory duty under the Childcare Act 2006 to secure sufficient childcare and early education to meet the needs of parents. The duty included a requirement to report annually on how the council had met its duty to secure sufficient childcare.

The report itself was based on the capture of data from childcare providers during June and July 2016, as well as data on the take-up of early education in schools and additional information from the Families Information Service.

The key findings of the report were that there was:

- a wide range of Ofsted registered childcare provision in the borough with over 85% of all Ofsted Registered childcare at 'good or outstanding' Ofsted grade.
- some spare childcare capacity across all areas.
- adequate spare capacity for all 3/4 year olds to take up their early education entitlement.
- some spare capacity for 2 year olds to take up their early education entitlement, however in some areas there would not be sufficient capacity for all eligible children to take up a place.
- a small number of instances of unmet demand for out of school childcare, and
- the cost of childcare in Rotherham was lower than the national average.

A number of actions were identified arising from the key findings within the report, which included the continued analysis of the market in Rotherham, the need to share information with existing and potential childcare providers to enable informed decisions on the creation of additional childcare in the Borough and a review to be undertaken each academic term on the take-up of early education for 2, 3 and 4 year olds.

Commissioner Bradwell agreed:

That the Childcare Sufficiency Report 2015/2016 be published.

(As this is a Commissioner decision, it is not subject to 'call in'.)

85. BUSINESS RATES DISCRETIONARY RATE RELIEF TOP UP APPLICATIONS

Consideration was given to a report submitted by the Strategic Director of Finance and Customer Services which recommended the award of discretionary rate relief to Rotherham Rise and Open Minds Theatre Company.

It was reported that a specific policy framework had been developed to consider individual applications and both applications had met the qualifying criteria and other considerations detailed therein. It was further noted that the work undertaken by both organisations was closely aligned to the Council's own priorities in protecting the most vulnerable and promoting community togetherness.

The award of any relief to both organisations represented a continuation

of relief to Rotherham Rise and a resumption of relief to Open Minds Theatre Company, albeit at a cost of under £2,000 for the 2015/16 and 2016/17 financial years collectively.

As a Cabinet decision, it was

Resolved:

That a 20% discretionary business rate relief be awarded to Rotherham Rise and Open Minds Theatre Company for each of the respective premises that the applications were made for and the additional financial cost to Council be effectively managed within the authority's financial planning assumptions for the Statutory Collection Fund.

(Having declared an interest in this item, Councillor Yasseen did not participate in the vote on this item.)

86. IMPLEMENTATION OF A NEW SOCIAL CARE IT SYSTEM AND REQUEST FOR EXEMPTION TO STANDING ORDERS FOR THE LIQUID LOGIC PROJECT

Consideration was given to a report submitted by the Strategic Director of Children and Young People's Services which sought to extend the proposed implementation date for the new Social Care IT System and Liquid Logic Project and set out the resource and financial implications of the proposed extension.

It was reported that a contract for the implementation of a new social care IT system for Children and Young People's Services and Adult Care Services was awarded to Liquidlogic in April 2015 following the completion of competitive tendering. Following the signing of the contract in June 2015, a programme plan was developed which included a proposed implementation date of 8 February 2016 for the Children's system, and 12 April 2016 for the Adults system, which both considered very ambitious. Following receipt of reports from an IT consultant and Internal Audit which made a number of common recommendations and identified programme critical issues, including issues relating to data migration, staff training and performance reporting, it was considered necessary to revisit the implementation timetable.

It was noted that the recommendation to extend the implementation timescale set out the resourcing requirement for additional leadership capacity which was considered essential to the successful implementation of the new system. In order to proceed, it was reported that it was necessary to agree an exemption under Standing Order 38 from the provisions of Standing Order 48 (requirement to invite between three to six tenders where a contract for work, service or supply of goods or materials is valued at £50,000 or more) with regard to the appointment of consultants to support data migration as part of the Liquidlogic Project.

As a Cabinet decision it was

Resolved:-

- (1) That the revised implementation date of 31 October 2016 for the new Liquidlogic Children's social care case management and ContrOCC Children's finance systems be approved.
- (2) That the Council be recommended to agree an increase £351,610 to the already approved capital allocation for the project in 2016/17 and it be added to the Capital Programme.
- (3) That an exemption from the obligation to tender for the provision of three data migration consultants be approved and the existing contracts for such consultants already engaged be extended to provide services until implementation is completed.
- (4) That approval be given to Option 2, detailed within the report, in respect of the appointment of the three additional external consultants, which were commissioned via Dutton International, the council's contracted recruitment agency.
- (5) That a further report be submitted to a Cabinet and Commissioners' Decision Making Meeting in respect of the Liquidlogic Adults social care case management and ContrOCC Adults financial systems, upon completion of the review of the implementation timetable.

87. RECOMMENDED PROVIDERS FOR THE POST CHILD SEXUAL EXPLOITATION (CSE) SUPPORT SERVICES TENDER

Consideration was given to a report submitted by the Strategic Director of Children and Young People's Services which provided a detailed analysis of the needs that were being met by the community sector and sought approval to award contracts to provide long-term post Child Sexual Exploitation (CSE) Support Services from 1 July 2016, with appropriate transition arrangements for providers.

It was reported that significant investment in the development and commissioning of CSE support services had resulted in a very different support offer for victims and survivors to that offered following the findings in the Jay Report on CSE (1997 – 2003). In order to build on the existing offer of support to victims and survivors of CSE, it was noted that longer term post CSE support services needed to be commissioned and were originally planned to commence on 1 April 2016. In a previous report on 14 March 2016, approval was given to a recommendation that an appraisal of CSE needs being met by the community sector outside of those services commissioned was required. Consequently, the existing post CSE support contracts were extended for three months until 30 June

2016.

It was noted that the new long-term post CSE support contracts would commence on 1 July 2016 and would provide a range of services to meet the needs of victims and survivors of CSE and would also offer choice to individuals. The services would include practical, emotional support and advocacy, and evidence based therapeutic interventions. An open one stage European Union (EU) compliant competitive tendering process had taken place, with eight tenders received from four local voluntary sector organisations, with one being received as a joint tender between two organisations.

The Chair of the Overview and Scrutiny Management Board indicated that the Improving Lives Select Commission would want to monitor the performance of the providers that had been awarded the contracts and would build this into the Scrutiny Work Programme for the year ahead.

Commissioner Bradwell agreed:

- (1) That Rotherham Rise and Liberty (YWCA and GROW) be awarded a contract to provide practical, emotional support and advocacy for both young people and adults as victims and survivors of Child Sexual Exploitation and their families.
- (2) That Rotherham Rise and Rotherham Abuse Counselling Service be awarded a contract to provide therapeutic interventions for both adults and young people as victims and survivors of Child Sexual Exploitation.
- (3) That Swinton Lock be awarded a temporary contract to support victims and survivors currently using the service to support transition to new provider arrangements.

(As this is a Commissioner decision, it is not subject to 'call in'.)

88. DISPOSAL OF PITHOUSE WEST

Consideration was given to a report submitted by the Strategic Director of Regeneration and Environment which sought approval to dispose of the Pithouse West site following negotiations with Gullivers (Family Theme Parks).

It was reported that the Council was approached by Gullivers, who wished to locate a new family entertainment resort on the Pithouse West site. Consequently the site had been re-marketed to enable the council to establish interest there might be in the open market to ensure best consideration and allow the best possible leisure scheme to come forward on the site. An advertisement inviting bids attracted only one expression of interest from Gullivers.

The report set out the key features of the proposal from Gullivers, with the headline regeneration benefits being £36.66m overall economic impact from construction, total annual operating net economic impact on the local economy of £11.6m and between 160-255 full time equivalent jobs (when fully operational) with employment created at entry level positions through to skilled professionals and employment opportunities created for younger members of the local population.

A decision taken by Commissioner Kenny in September 2015 authorised the Strategic Director of Environment and Development Services to negotiate the sale of the land to Gullivers. Such negotiations had been completed and the Head of Terms were appended to the report.

The proposal was broadly welcomed by Members as a key regeneration project and noted that it represented a diversification of the local economy.

Commissioner Myers agreed:

- (1) That part (approx.. 250 acres) of the Pithouse West property be sold to Gullivers for the development of a family theme park resort.
- (2) That the Strategic Director of Regeneration and Environment be authorised to negotiate the completion of the sale on the terms detailed within the report.
- (3) That the Assistant Director of Legal Services be authorised to complete the sale agreement between the Council and the proposed purchaser of the site.
- (4) That the Assistant Director of Legal Services be authorised to complete the agreement between the Council and the Coal Authority relating to the claw back liability arising from the 2001 transfer from the Coal Authority to the Council.

(As this was a Commissioner decision, it is not subject to 'call in'.)

89. RMBC MAINS GAS SUPPLY FRAMEWORK 1ST APRIL 2017 - 31ST MARCH 2021

Consideration was given to a report submitted by the Strategic Director of Regeneration and Environment which sought approval of the RMBC Main Gas Supply Framework contract from 1 April 2017 to 31 March 2021 to Corona Energy 4 Retails.

It was reported that the existing gas supply framework contract with British Gas commenced in April 2013 and would expire in March 2017. The Yorkshire Purchasing Organisation (YPO) were responsible for tendering for the council's energy supply contracts, with the exception of biomass. A procurement exercise had been undertaken to ensure value for money

and quality in the supply of gas using the YPO framework.

It was noted that four providers had submitted tender responses and had met all of the mandatory requirements. The YPO had evaluated the tenders and had recommended that energy consortium members enter into a contract with Corona Energy Limited for the supply of gas from 1 April 2017 to 31 March 2021.

As a Cabinet decision it was

Resolved:-

That the RMBC Mains Gas Supply Framework contract for the period 1 April 2017 to 31 March 2021 be awarded to Corona Energy 4 Retail.

90. IMPLEMENTING A STRATEGIC APPROACH TO THE COMMISSIONING AND DELIVERY OF LEARNING DISABILITY SERVICES

Consideration was given to a report submitted by the Interim Strategic Director of Adult Care and Housing which sought approval to implement a strategic approach to the commissioning and delivery of services for people with a learning disability within Rotherham.

It was reported that the proposed approach sought to implement a set of strategic commissioning intentions that would strengthen independence, choice and control and would support the Directorate's development programme. The proposed programme of work outlined in the approach was based on:

- the principles set out in 'Valuing People'
- legislative requirements set out within the Care Act
- good practice in other parts of the country
- what people have told the council about their needs
- a need to modernise and deploy resources as effectively as possible

It was noted that the strategic approach outlined a number of actions that would support people to be more independent, reduce the use of residential care and provide a wider choice of services to support citizens to fulfil their potential. Furthermore, together with the market position statement, it would provide sufficient information to current and future providers to inform their business planning about the needs of the citizens of Rotherham.

Commissioner Myers agreed:

- (1) That the strategic direction outlined for people with learning disabilities and their carers be approved.

- (2) That the programme of works be approved with quarterly update report on progress to be submitted to the Health Select Commission.
- (3) That approval be given to the need to start working alongside and consulting within existing customers and their carers and those young people who may use services in the future to co-produce fit for purpose and sustainable opportunities for the citizens of Rotherham.

(As this is a Commissioner decision, it is not subject to 'call in'.)

91. RESPONSE TO PETITION OPPOSING THE LOWERING OF ADDITIONAL KERBS OUTSIDE 36 GODSTONE ROAD, ROTHERHAM

Consideration was given to a report submitted by the Strategic Director of Regeneration and Environment in response to a petition received on 29 January 2016 opposing the extension of a vehicle access crossing facility outside 36 Godstone Road, Moorgate.

It was reported that the residents of Godstone Road, Moorgate, were experiencing difficulty parking their vehicles in proximity to their homes. The petitioners' concerns was that widening the crossing facility would reduce the on-street car parking space available. It was noted that at the time the application to extend the vehicle access crossing, no record of any planning application had been made for either the change of use of the building or the provision of hard standing for vehicle parking. It was noted that approval had subsequently been given for a planning application under delegated powers on 16 May 2016.

Cabinet Members broadly supported the recommendation, but invited the Strategic Director for Regeneration and Environment to review the options available to ease parking difficulties in the locality, with particular reference to a residents' parking scheme.

As a Cabinet decision, it was

Resolved:-

- (1) That the petitions and its contents be noted.
- (2) That the vehicle access crossing facility by lowering four additional kerbs outside 36 Godstone Road be approved.
- (3) That the lead petitioner be advised of the outcome of the investigation and the action to be taken.

92. RECOMMENDATION ON THE PROPOSED FUTURE MODEL FOR THE ROTHERHAM BOROUGH COUNCIL ENABLING SERVICE

Consideration was given to a report submitted by the Interim Strategic Director of Adult Care and Housing which proposed a new model for the enabling service following a period of consultation with staff and customers.

It was reported that the model was based on evidence collated from other areas, the need to improve efficiency, ensure effective use of resources and make recurrent savings of £1million from the enabling budget. The recommended model would retain an "in-house" enabling service, but proposed a significant reshaping of the service to improve its efficiency, effectiveness and reach.

It was noted that the enabling service would provide an enhanced service that increased the amount of enabling available whilst releasing savings, but would no longer provide any long-term support into Extra Care Housing. With regard to staffing, it was further noted that there would be revised job profiles and more flexible rota patterns to reduce periods of unproductive time, which would deliver more customer facing hours whilst releasing savings.

Commissioner Myers agreed:-

That the implementation of the recommended model for the enabling service be agreed.

(As this is a Commissioner decision, it is not subject to 'call in'.)

93. EXCLUSION OF THE PRESS AND PUBLIC.

Resolved:-

That under Section 100(A) 4 of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12(A) of such Act indicated (as amended).

94. OLDER PEOPLE INDEPENDENT SECTOR CARE HOME - ANNUAL INFLATIONARY FEE UPLIFT 2016/17

Consideration was given to a report submitted by the Interim Strategic Director of Adult Care and Housing which sought approval of an increase in the level of fees to the Independent Sector Residential and Nursing Care Providers (people over 65 years) for the financial year 2016-17.

The report proposed two options for consideration against the context of the Rotherham Care Home Market. The details of the cost, associated

impact and risk and how each option was assessed was set out within the report.

Commissioner Myers agreed:

That Option 2 be approved, constituting a 4% increase be applied to the residential care fee component, a £2 per week increase on the nursing care fee component and no increase applied to the Residential Elderly Mentally Infirm and Nursing Elderly Mentally Infirm fee.

(As this is a Commissioner decision, it is not subject to 'call in'.)

95. INDEPENDENT SECTOR COMMUNITY AND HOME CARE SERVICES (DOMICILIARY CARE) - ANNUAL INFLATIONARY FEE UPLIFT 2016/17

Consideration was given to a report submitted by the Interim Strategic Director of Adult Care and Housing which sought to agreement to the level of increase in the hourly rate paid to contracted independent sector home care providers for the financial year 2016-17.

Two options were reported within the paper and the Option 2 was recommended for approval which sought to apply an increase of 5.92% on the hourly rate tendered by home care providers in 2015. The details of cost, associated impact, risk and how each option was developed were set out within the report.

Commissioner Myers agreed:-

That approval be given to Option 2, that the annual inflationary uplift of 5.92% be applied to the existing hourly rate of the Community and Home Care Services from 1 April 2016.

(As this is a Commissioner decision, it is not subject to 'call in'.)

**C. Read
Chair**

CABINET AND COMMISSIONERS' DECISION MAKING MEETING
Monday, 6th June, 2016

Present:- Councillor Read (in the Chair); Councillors Alam, Beck, Hoddinott, Lelliott, Roche, Watson and Yasseen.

Commissioners:- Bradwell, Kenny and Myers.

Also in attendance was Councillor Steele, Chair of the Overview and Scrutiny Management Board.

An apology for absence was received from Councillors Commissioner Ney.

97. DECLARATIONS OF INTEREST.

Commissioner Myers indicated that, whilst he was not a decision-maker in respect of Item 8 on the agenda (Reductions to the Public Health Grant and initial proposals for the Council achieving the savings), it should be noted that he was an Advisory Board Member of Public Health England.

98. QUESTIONS FROM MEMBERS OF THE PUBLIC.

A member of the public attended the meeting to put a question to Commissioner Myers, which followed up on his question which was put at the Cabinet and Commissioners' Decision Making Meeting held on 26 May 2016, regarding his compliance with the council's Constitution and whether advice had been obtained from the Council's Chief Legal Officer in this regard.

In response, Commissioner Myers highlighted that alternative legislation governed the powers and remit of government appointed commissioners at local authorities. The protocols which had been prepared following the appointment of Commissioners at Rotherham MBC set out how decisions would be taken in accordance with that legislation and not the Council's constitution. Commissioner Myers added that these protocols were agreed by the Council's Chief Legal Officer.

The member of the public asked a further question regarding "emergency" decisions taken by Commissioners in private following the establishment of open and transparent decision making meetings for both Cabinet and Commissioners and queried why this had happened and whether the Chairman of Overview and Scrutiny Management Board or, in his absence, the Chairman of the Council (the Mayor) had been consulted on the reason for the emergency.

Commissioner Myers indicated that there was provision for urgent decision making, rather than emergency decision making. He further added that he could not recall making any decisions, but had been consulted on two urgent decisions in respect of maintenance work at

schools which would be better undertaken during school holidays rather than during term time to avoid disruption to pupils, which he had supported.

The Leader of the Council indicated that a written response would be sent to the member of the public clarifying when the last private Commissioner decision making meetings were held and reiterated the Council's commitment for formal decision making to take place in public meetings, such as this meeting, where possible.

99. ROTHERHAM: A CHILD-CENTRED BOROUGH (REPORT HEREWITH)

Consideration was given to a report which set out the aspirations for Rotherham to become a borough which was recognisably child centred in the development of its policies, its community developments, its sports and leisure facilities and its service delivery.

It was reported that the aspiration was for Rotherham to become a place where it was clear that children and young people represented the most important investment that could be made to secure a vibrant, healthy and productive future for its people and for generations to come. The declared ambition for Rotherham sought for every child to have a positive start in life and a good childhood in order that they could grow into well adjusted, emotionally resilient individuals who would enjoy healthy and mutually respectful relationships in adulthood, become responsible citizens and be able to be good parents to their own children in time. It was noted that the first group of children who would need to benefit from the proposal were the children in the care of the Council and for whom the Council was the 'Corporate Parent'.

It was noted that the Lifestyle Survey could provide insights into the experiences of children and young people and measure the success of plans to become a Child-Centred Borough. The paper set an aspiration for a Child-Centred Borough around six principles:

- A focus on the rights and voice of the child;
- Keeping children safe and healthy;
- Ensuring children reach their potential;
- An inclusive Borough;
- Harnessing the resources of communities; and
- A sense of place

Cabinet Members broadly supported the recommendations within the report and the six principles on which the Child-Centred Borough would be based. It was noted that the reduction in funding from central government for Public Health would impact on the support that could be provided to address such issues. Following a query, it was explained that three schools had not responded to the Lifestyle Survey due to workload issues and that those responses would be followed up.

Commissioner Bradwell indicated that there were excellent ideas within the report, but it would be imperative to avoid complacency for the vision to be achieved. It was considered essential to involve vulnerable young people in progressing the ideas within the report and the Member Working Group would need to seek to involve vulnerable young people who were not in formal education.

Commissioner Bradwell agreed:

- (1) The ambition for Rotherham to become a Child-Centred Borough.
- (2) The six priority principles of a Child-Centred Borough.
- (3) The establishment of a member-led working group to develop the actions to achieve the priorities for a Child-Centred Borough, including how impact would be measured.
- (4) The publication of the Voice of the Child Lifestyle Survey report, as a benchmark for future years' monitoring of the success of the Child-Centred Borough ambitions in changing the experiences of children and young people in Rotherham.
- (5) A report on progress at regular intervals, commencing with a follow up report in October 2016.

(As this is a Commissioner decision, it is not subject to 'call in'.)

100. CONSULTATION ON THE PROPOSAL FOR A PLANNED CLOSURE OF SILVERWOOD AND CHERRY TREE HOUSE CHILDREN'S HOMES AND THE AGREEMENT TO THE RELOCATION OF NELSON STREET LEAVING CARE SERVICE TO HOLLOWGATE.

Consideration was given to a report which sought agreement to commence consultation on the proposal for a planned closure of Silverwood and Cherry Tree House children's homes and to relocate Nelson Street Leaving Care Service to Hollowgate.

It was reported that the 'Looked After Children and Care Leavers Placement Sufficiency Strategy 2015 – 2018' had identified that too many looked after children in Rotherham lived in residential care and that more children needed to be placed in a family based setting. A comprehensive review had been undertaken and completed in February 2016, which incorporated the views of children and young people, including young inspectors and the Looked After Children Council, parents and carers, feedback from councillors and a range of professionals who have worked with children who have complex needs.

It was noted that the Council had three children homes with Silverwood being the one remaining home that provided long-term care for male and female young people with emotional and behavioural difficulties. Cherry

Tree House and Liberty House provided long-term care and short breaks, respectively, for children with disabilities and their families. It was further noted that the Council had three leaving care accommodation and support services in a property adjacent to Silverwood (formerly known as the Annexe); Hollowgate and Nelson Street, which provided care to young people transitioning from residential care to semi-independent living.

Cabinet Members recognised that there had been issues with the Council's children homes and that a significant amount of work had gone into improving them. However, it was not possible to make the two homes outstanding and with unit costs being very high and social workers indicating that they had little confidence in place children in the homes, it was necessary to consult on the proposal to close the home. The Council's ambition was for children to be looked after in family settings and reference was made to the current campaign to recruit more foster carers to secure more local placement options.

Commissioner Bradwell indicated that she concurred with the comments of Cabinet Members and added that she had visited the two homes and found that the physical environments were not acceptable for modern use. Consequently, the ambition had moved towards providing care within a home environment, not a council residential home environment. The Commissioner indicated that she would like a fully costed plan which detailed the proposed timescales for the recruitment of foster carers, which is fully costed.

Commissioner Bradwell agreed:

- (1) That the consultation on the proposed closure of Silverwood Children's Home and Cherry Tree House be commenced.
- (2) That a further report on the outcome of the consultation in relation to Silverwood Children's Home and Cherry Tree House be submitted to the first Cabinet and Commissioners' Decision Making Meeting following the conclusion of the consultation.
- (3) That the Hollowgate Leaving Care Accommodation be retained.
- (4) That the Nelson Street Leaving Care Service be relocated to Hollowgate, and the building be decommissioned, remain closed and be returned to the Corporate Property Unit.
- (5) That the short breaks provision at Liberty House be continued.
- (6) That the property adjacent to Silverwood Children's Home be retained whilst the current residents' care needs are reviewed.

(As this is a Commissioner decision, it is not subject to 'call in'.)

101. UPDATE OF THE TRANSPORT POLICY STATEMENT: LEARNERS AGED 16-19 MARCH 2016 AND HOME TO SCHOOL TRANSPORT POLICY - APRIL 2016

Consideration was given to a report which sought to update the Transport Policy Statement for Learners aged 16 – 19 years and the Home to School Transport Policy to include detailed covered within the statutory guidance documents issued by the Department of Education.

It was reported that the Department of Education had introduced a more prescriptive appeals procedure to ensure that parental appeals for free transport assistance would be administered more equitably across all local authority regions. The statutory guidance had required minor procedural and administrative amendments to Rotherham's appeals procedure, which had been updated and prompted the submission of the report for Cabinet's approval.

Cabinet Members were supportive of the proposed changes and recognised that the report effectively recommended bringing the council's policies in line with statutory guidance.

Resolved:-

- (1) That the updated Transport Policy Statement for Learners aged 16 – 19 (March 2016) be published.
- (2) That the updated Home to School Transport Policy (April 2016) be published.

102. EXCLUSION OF THE PRESS AND PUBLIC

Resolved:-

That under Section 100(A)4 of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A of such Act indicated, as amended by the Local Government (Access to Information)(Variation) Order.

103. REDUCTIONS TO THE PUBLIC HEALTH GRANT AND INITIAL PROPOSALS FOR THE COUNCIL ACHIEVING THE SAVINGS

Consideration was given to a report which recommended a series of measures and proposals as to how the Council could address the further recurrent reductions in funding of the Public Health Grant for 2016/17 and 2017/18.

It was reported that a number of measures had already been introduced and further proposals had been identified to generate savings, each with

varying levels of financial, reputational and health impact risk. Proposals to meet the required savings in 2017/18 had been explored with some of the savings to be achieved via service tenders for contracts expiring towards the end of the current financial year. It was noted that final decisions for saving proposals would be taken in October 2016 following stakeholder and public consultation on the future direction of Public Health services in Rotherham.

It was further noted that additional recurrent savings would need to be identified to address the grant reduction, which meant that the in-year reductions would lead to some reductions in Public Health services. Further savings would be explored through the transformation of behaviour change services and consolidating all behaviour change services in a single wellness service, which would be incorporated within the Public Health Services Consultation Exercise.

It was recognised that the reductions to the Public Health Grant from central government would result in service reductions in public health and necessitated the establishment of a public health reserve, within corporate reserves, to deal with any major epidemics.

Resolved:

- (1) That the initial measures introduced and the further proposals for identifying the additional £1.3million budget savings required for 2016/17 be noted and endorsed, along with the current ideas for potentially identifying a further £423,000 for 2017/18 against the Public Health Grant reductions.
- (2) That the intention and timeline for stakeholder and public consultation on the future direction of Public Health Services in Rotherham be noted and endorsed.
- (3) That, following the consultation exercise, the final recommendations for meeting the required grant savings for 2017/18 be submitted as part of a paper outlining a five-year vision for Public Health in Rotherham to the Cabinet and Commissioners' Decision Making Meeting in October 2016

104. STRATEGIC ACQUISITION OF 15 AFFORDABLE HOMES ON PHASE 1D AND 1E, WAVERLEY AND AT LINDUM DRIVE/ HALL CROFT, WICKERSLEY

Consideration was given to a report which sought approval to purchase 15 affordable housing units, 12 of which were at the Waverley development and the remaining three units were at Lindum Drive/ Hall Croft, Wickersley.

It was reported that the strategic acquisitions of new properties supported the aims of the Housing Strategy and increasing the council's housing

stock would ensure that high quality social housing was available to those who needed it and would avoid the polarisation of communities, as the properties in question were located on private housing estates.

Resolved:

- (1) That the purchase of twelve homes from Barratt/ DWH for a total consideration of not more than £1,227,000 be approved.
- (2) That the purchase of three homes from Redrow Homes for total consideration of not more than £293,000 be approved.
- (3) That the cost of purchasing the properties be met from the Housing Revenue Account Strategic Acquisitions Budget.
- (4) That the homes be added to the Council House stock and let via Keychoices.

**C. Read
Chair**

Summary Sheet

Council Report

Cabinet and Commissioners' Decision Making Meeting – 11 July 2016

Title:

Recommendation to relocate the Intermediate Care provision at Netherfield Court

Is this a Key Decision and has it been included on the Forward Plan?

Yes

Director Approving Submission of the Report

Professor Graeme Betts, Interim Strategic Director of Adult Care and Housing

Report author(s):

Sarah Farragher, Senior Change Leader, Adult Social Care, Adult Care and Housing
Ext: 22610 Email: Sarah.Farragher@rotherham.gov.uk

Ward(s) Affected

All

Executive Summary

On the 14th March 2016 Advisory Cabinet agreed for consultation on the proposal to absorb the intermediate care provision currently provided at Netherfield Court into Lord Hardy Court and Davies Court. The proposal will generate an estimated £312,398 in service efficiencies as well as allowing better deployment of other intermediate care therapy and social work resources. It has further strategic value for the Council as it prevents the need for investment in Netherfield Court which is an ageing building.

The consultation process has included affected staff, partners in the Rotherham Foundation NHS Trust (TRFT) and the Rotherham Clinical Commissioning Group. Feedback from the consultation highlighted the positive service at Netherfield Court and a need to ensure that the same or enhanced quality intermediate care services could be provided from the alternative locations. Overall the consultation did not raise any issues which would change the recommendation to relocate this provision.

Recommendations

It is recommended that:

- 1.1. The Commissioner is asked to **agree** the proposal to absorb the intermediate care provision currently provided at Netherfield Court into Lord Hardy Court and Davies Court.

Following 1.1 it is recommended that:

- 1.2. The Commissioner **approves** the decommissioning of Netherfield Court in line with the agreed Council protocol.

List of Appendices Included

Appendix 1- Summary of feedback from staff consultation
Appendix 2 – Feedback from Rotherham Foundation Trust therapy team
Appendix 3 – consultation response Rotherham Clinical Commissioning Group

Background Papers

**Proposal to commence consultation on provision of intermediate care,
Advisory Cabinet 14th March 2016**

Consideration by any other Council Committee, Scrutiny or Advisory Panel

Council Approval Required

No

Exempt from the Press and Public

No

Title: Recommendation to relocate the Intermediate Care provision at Netherfield Court

1. Recommendations

It is recommended that:

- 1.1 The Commissioner is asked to **agree** the proposal to absorb the intermediate care provision currently provided at Netherfield Court into Lord Hardy Court and Davies Court.

Following 1.1 it is recommended that:

- 1.2 The Commissioner **approves** the decommissioning of Netherfield Court in line with the agreed Council protocol.

2 Background

- 2.1 On the 14th March 2016 Advisory Cabinet agreed for consultation on the proposal to absorb the intermediate care provision currently provided at Netherfield Court into Lord Hardy Court and Davies Court. Following this decision consultation took place with affected Council staff and with partners in the Rotherham Foundation NHS Trust (TRFT) and the Rotherham Clinical Commissioning Group. As Intermediate Care is a short term service there is not a set group of users who would be directly impacted by this proposal.

- 2.2 The provision of free reablement is a key requirement of the Care Act 2014. This reablement can take place within a home setting (known locally as enabling) or within a day or residential setting (known locally as intermediate care). Reablement focuses on supporting citizens to regain skills which have been lost due to a period of illness or through age. Intermediate residential care often focuses on supporting users following a period in hospital for example following an acute incident for example a fracture or a stroke.

- 2.3 In Rotherham all registered residential intermediate care is funded through the Better Care Fund and provided directly by the Council. This is across three locations, Netherfield Court in Eastwood, Davies Court in Dinnington and Lord Hardy Court in Rawmarsh. Netherfield Court is the only one of these services that exclusively provides Intermediate Care and currently provides twenty beds. Lord Hardy Court and Davies Court are sixty bedded care homes separated into four units of fifteen beds. Currently each home delivers one full unit, fifteen beds, of intermediate care with the remaining three units offering long term residential and respite provision. All the services perform well and offer a good service to the citizens of Rotherham.

- 2.4 Looking towards the future there is a need to increase the options for citizens of Rotherham to maximise their independence and reduce the reliance on residential care. Increasing the range of provision such as intermediate care and other flexible short term residential services to support citizens to remain in their own homes is crucial to promoting better long term health. This impacts

on the sustainability of the whole system and is in line with the outcomes of the Commissioner's Roadshows that took place in 2015, in which over 90% of citizens surveyed reported that they would like to remain living in their own homes.

- 2.5 The ambition is to provide a single centre of excellence for intermediate care. This is a partnership project between the Council and Rotherham Clinical Commissioning Group and involving the wider health and social care economy. This is a key priority of the Better Care Fund 2016 plan however this work is at an early stage. In the interim there are options to start to move the current in-house services towards a more sustainable model.

3 Key Issues

- 3.1 In Rotherham too many people are placed in long term residential care compared to other authorities, consequently residents are not supported to remain as independent as possible. To improve long term health outcomes there is a need for flexible options that support users during periods of illness and crisis to step up into higher levels of support from home and step down from hospital. There needs to be an overall aim of supporting people to return to their own homes in line with what the people of Rotherham report they want.
- 3.2 In addition to the intermediate care offer there is currently a pilot underway for short term assessment beds at Lord Hardy Court. The purpose of this provision is to bridge a gap for people not generally seen as requiring intermediate care but for whom a short term intensive residential option avoids a need for a longer term placement. Expansion of this provision is a key part of reducing residential care admissions and ensuring timely discharges from hospital.
- 3.3 The provision of intermediate care across three locations offers some flexibility however the reduction to two locations would improve the affordability of the models and start to move the service to one that best meets the needs of Rotherham citizens. This would also release some budget savings as there would no longer be a requirement to run Netherfield Court.
- 3.4 Netherfield Court is an ageing building. This is in reasonable condition but is dated and if it is retained as an asset is likely to need significant capital investment over the next few years in order to continue to maintain this.

4 Options considered and recommended proposal

- 4.1 The options for intermediate care are being considered as part of a wider review of the Rotherham offer with the Rotherham Clinical Commissioning Group as part of the Better Care Fund. There is an option to "do nothing" and wait for this review however this limits the options to make efficiencies and start to move the service forward.
- 4.2 The original report suggested two other possible options. The first was to consolidate all intermediate care from the three locations Netherfield Court, Lord Hardy Court and Davies Court into one unit. The second was to absorb the Netherfield Court provision into one home either at Lord Hardy Court or at

Davies Court. Both of these options involve the relocation of intermediate care away from Netherfield Court.

- 4.3 As part of the consultation there were some requests to “do nothing”. This was based in part on the interpretation that Netherfield Court was closing and the service would be decommissioned. This generated a small number of queries directly, and on behalf of, users who have previously received support at Netherfield Court. Additionally there are some Council and therapy staff who have raised practical issues with the relocation of the service in relation to their personal circumstances.
- 4.4 Following the consultation the recommended option is to absorb the service into Lord Hardy Court and Davies Court by creating an additional intermediate care unit in each building. This would generate savings and have the added advantage of potentially creating additional ten short term social care beds subject to Better Care Fund agreement and funding. This is an option that could be achieved in a relatively short space of time.

5 Consultation

- 5.1 Intermediate care is a short term provision and citizens are offered this provision based on availability of beds rather than a choice of location. Given that the proposal does not reduce the overall amount of provision and there is not a fixed user cohort formal user consultation did not form part of this proposal. There was feedback received from and behalf of former users of Netherfield Court concerned about the potential loss of this facility and reassurances were provided to these enquires.

Staff

- 5.2 An initial staff briefing was followed by a thirty day formal consultation process including individual and group consultation sessions with staff.

This feedback with staff highlighted that expertise had been built up at Netherfield Court around intermediate care provision in particular specialist support for users who had experienced a stroke. There were concerns that this specialism could be eroded if the service moved to other sites and that the practice was not consistent across the three locations. These concerns will be addressed through a number of staff workshops to identify and address any inconsistencies.

- 5.3 There are a small number of staff who would find relocation of the service difficult due to their personal circumstances and this will be looked at on an individual basis. However a scoping of alternative options against staff preferences suggested that most staff could be matched to a preference if the service was absorbed into the other units.

Partners

- 5.4 A briefing note was issued to all partners following the decision to consult. Dedicated discussion sessions were held in a number of forums, including a

session with therapy staff, and discussion slots at the Better Care Fund Operational and Executive Groups and a Health Economy Ward round.

- 5.5 A mixture of formal and informal feedback was received from partners with written feedback provided by the intermediate care therapy team (appendix one) and Rotherham Clinical Commissioning Group (appendix two). The major theme of this feedback related to the consistency and quality of the services across the three sites in particular maintaining consistency and quality and provision of specialist stroke and bariatric.
- 5.6 The intermediate care therapy team also raised practical issues including communication, management, following of rehabilitation plans, medication management, layout of the buildings, training and office provision for therapy staff. This feedback is useful and will be used by the service to improve the consistency of the service across the locations.
- 5.7 In particular the Rotherham Clinical Commissioning Group, as joint commissioners of the service, sought reassurances on several additional issues in relation to the financial implications of the proposal. The governance and decision making around joint commissioning agendas as well as highlighting in particular an issue around GP cover for intermediate care.

6 Timetable and Accountability for Implementing this Decision

- 6.1 A timetable for implementation can be seen in the table below:

Date	Milestone
Pre decision	Workshops with staff and partners to identify consistency and practice issues Identification of base for bariatric provision and consideration of any capital works required Review of savings and re-investment proposal to be ratified through Better Care Fund operational group and recommended to Executive. Start to review the eligibility criteria for the new intermediate care services to ensure fit for purpose to meet need.
July 2016	Proposal agreed at Cabinet / Commissioners Decision Making meeting 11 th July 2016.
July 2016	Start to transfer service over incrementally by increasing the bed base at Lord Hardy Court and Davies Court Formal notification of proposal to close Netherfield to be communicated to The Rotherham Foundation Trust (therapy). At risk and notices issued to affected staff, options for absorption, re-deployment and voluntary severance considered

	on an individual basis. Development of a decommissioning plan for Netherfield Court building following Council protocol and taking into account records management. Review of GP contract and development of options for continued provision.
August 2016	Undertake any building alteration works required to Lord Hardy Court to ensure Bariatric needs are met Continue to incrementally move services where possible. Sign off revised intermediate care criteria.
September 2016	No new admissions to Netherfield Court
October 2016	Closure of Netherfield Court

8. Financial and Procurement Implications

8.1. The current operating budget for Netherfield Court is £859,438 and part of this budget is required to deliver the intermediate care provision at Lord Hardy Court and Davies Court. Initial scoping estimated savings at £312,398¹ with the full financial impact to be worked up through the implementation period.

8.2. The breakdown of these estimated savings are shown in the table below.

Netherfield budget (15/16)	£859,438.00
Cost of remodelling at Lord Hardy Court and Davies Court	-£547,040
Savings	£312,398

8.3. The Netherfield Court budget of £859,438 does not include £84K premise budget as this comes under the Corporate Landlord. There may be non-recurrent costs and possible opportunities with relation to leaving Netherfield Court through the alternative use or disposal of an asset. In addition to the £312,398 savings, there could also be the further corporate savings to be realised.

8.4. The Rotherham Clinical Commissioning Group have requested visibility of the financial breakdown to be available through the Better Care Fund governance process and the impact that this re-provision will have on other elements of Better Care Fund investment. A full financial assessment will be presented to Better Care Fund Executive as part of this process.

8.5. Assuming timely implementation savings will be achievable in part in 2016/2017 and in full from 2017/18.

¹ Scoping completed as part of original cabinet paper.

9. Legal Implications

- 9.1. The legal implications are dealt with in the body of this report in particular at section 11.

10. Human Resources Implications

- 10.1. This proposal impacts on all of the staff at Netherfield Court, Davies Court and Lord Hardy Court. There are currently:

- 20.41 FTE staff on the Netherfield Court establishment
- 60.19 FTE staff on the Lord Hardy Court establishment
- 63.18 FTE staff on the Davies Court establishment

- 10.2. There are however a number of vacant posts at each establishment and most of the staff have part time contracts. As part of the consultation a scoping exercise was undertaken to identify the exact number of staff impacted through this proposal and identify where additional staff may be able to be absorbed by releasing staff who have previously requested severance through the corporate scheme.

- 10.3. It is inevitable that there will be an overall reduction in staff posts as a result of this proposal. However, given the need to increase staffing at Lord Hardy Court and Davies Court to accommodate intermediate care, the number of vacancies and temporary posts in the system and the small cohort of staff who have requested voluntary severance there are unlikely to be any compulsory redundancies as a result of this proposal.

- 10.4. Provision of focused reablement support is a different skill set to general residential care and there may be some additional training and development needed for care staff moving from a residential environment to intermediate care.

- 10.5. There is a difference in some of the grading of staff at Netherfield Court and this will need to be looked at as part of the implementation.

11. Implications for Children and Young People and Vulnerable Adults

- 11.1 This proposal impacts on vulnerable adults however there are no expected impacts for Children and young people.

12. Equalities and Human Rights Implications

- 12.1. The Council has to ensure it complies with its duties under the Equality Act 2010. Under section 1 of that Act, the Council must, when making decisions of a strategic nature about how to exercise its functions, have due regard to the desirability of exercising them in a way that is designed to reduce the inequalities of outcome which result from socio-economic disadvantage. In addition under s149 of the Act, the Council must comply with the public sector equality duty which requires it to have 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; and
- (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; and
- (iii) encourage persons who share a relevant characteristic to participate in public life or any other activities where their participation is disproportionately low.

12.2. Protected characteristics include disability, age, race, sex, religion or belief, gender reassignment, marriage and civil partnership, pregnancy/maternity and sexual orientation.

12.3. An Equality Impact Assessment has been undertaken as part of this process. There has been some suggestion through the feedback process that the service at Netherfield Court provides a better level of consistency than the other intermediate care units, due to this being the primary business of this unit. This should not be the case and an action plan will be put in place to address any inconsistencies in service provision that are identified.

12.4. Currently there are some inequalities in the level of therapy support across the three intermediate care units due to the way that staff are deployed. This proposal presents the opportunity to reduce these inequalities by consolidating the staff into two units rather than three units.

12.5. The delivery of intermediate care in various locations across the Borough has advantages in terms of potentially offering options that are convenient for relatives. It is not always possible for users to have this choice as it is dependent on availability of beds. As intermediate care is a short term provision this impact is considered proportional.

12.6. Currently there is bariatric provision at Netherfield Court. The possibility of developing this provision at either Lord Hardy Court or Davies Court will need to be considered as part of this proposal. If this is not possible, this will have an impact on availability of intermediate care for users with bariatric needs.

12.7. The team at Netherfield Court have developed expertise around support to users recovering from a stroke. This expertise needs to be embedded within

the wider intermediate care provision to ensure that users with these needs can receive the appropriate level of input.

- 12.8. There is a need to review the eligibility criteria for intermediate care to ensure that this remains fit for purpose to meet the needs of the citizens of Rotherham. This piece of work will be picked up as part of the implementation of this proposal.

13. Implications for Partners and Other Directorates

- 13.1. This proposal needs to be developed in conjunction with partners in the Clinical Commissioning Group through the Better Care Fund governance process and with the Rotherham Foundation Trust. There needs to be transparency around the financial risks and savings through the Better Care Fund agreement and decision making needs to take place in parallel.
- 13.2. There are implications for Rotherham Council property services as Netherfield Court will no longer be required as a building for adult social care. Additionally there may need to be some alterations to either Lord Hardy Court or Davies Court to create bariatric provision.

14. Risks and Mitigation

- 14.1. There is a risk that there will be insufficient vacancies created within Lord Hardy Court and Davies Court within the implementation timescales. This can be mitigated through holding vacancies and utilising respite beds. The intermediate service currently runs with some capacity and if necessary there is an option to manage a temporary reduction in capacity through the summer period. This is considered a manageable risk.
- 14.2. There is a risk that there will be loss of jobs for Council staff. This will be mitigated as far as possible through holding vacancies, releasing staff who have already requested voluntary severance and redeployment into other areas where possible. This is considered a low risk.
- 14.3. There is a risk that the loss of residential beds within Lord Hardy Court and Davies Court will cause a pressure on residential provision. This is a low risk as there is currently sufficient capacity in the market to absorb this reduction.
- 14.4. There is risk of a cost pressure associated with reducing in-house bed capacity as this may result in additional purchasing in the independent sector. As the direction of travel for adult social care is away from long term residential provision this is considered a low risk.
- 14.5. There is a risk that the Care Quality Commission will not support the proposals however this is extremely low as both Lord Hardy Court and Davies Court are already providing intermediate care services.
- 14.6. There are financial and reputational risks to Council if the building is not decommissioned in a timely manner; this includes liability for utilities and potential risk of vandalism.

15. Accountable Officer(s)

Professor Graeme Betts, Interim Strategic Director of Adult Care and Housing

Approvals Obtained from:

Strategic Director of Finance and Corporate Services: Mark Scarrott

This report is published on the Council's website or can be found at:-

<http://moderngov.rotherham.gov.uk/ieDocHome.aspx?Categories=>

Appendix 1 – Feedback from Rotherham Foundation Trust therapy team

Concerns and comments regarding the consultation on the potential closure of Netherfield Court

Following the proposed closure of Netherfield Court as an intermediate care therapy team we met to reflect on current good practice within the intermediate care beds at this present time. The potential closure of Netherfield Court and moving intermediate care services across to Lord Hardy Court and Davies Court highlighted some concerns. The table below provides a comparison of the intermediate care beds therapy staff current experiences of working within the three units over the last few years.

Areas of concern/comments	Netherfield Court	Davies Court	Lord Hardy Court
Communication	Close working links with therapists-enablers will feed back to therapists and concerns with clients. Therapists communication with seniors regarding health concerns – always actioned by senior. Enablers work day and night shifts which helps with carry-over of rehab and 24 hour experience.	Close working links with therapists-enablers will feed back to therapists and concerns with clients. Therapists communication with seniors regarding health concerns – always actioned by senior. Difficulty contacting seniors to discuss transfer of clients/issues predominantly on weekend.	Further integration between staff is required.
Management	Manager attends meetings at RDGH- close links with hospital.	Manager unable to attend these meetings due to commitment to higher number of beds.	Manager unable to attend these meetings due to commitment to higher number of beds.
Paperwork	Working to second version of rehab plans. Enablers always follow rehab plans	Working to new rehab plans which were amended and approved by management 18 months ago. Enablers always follow rehab plans	Working to original rehab plans despite feedback given to change this years ago. Enablers do not follow rehab plans

Staffing	Tend to be more flexible with amount of double handlers they can take if staffing levels appropriate. Access to a 7-2 daily therapy specific enabler who completes rehab plans set. Dedicated staff/seniors working specifically on this unit only to enable clients. Dedicated night staff specific to ICAB clients ? are all staff on same job descriptions. Because of uncertainty staff are looking for other posts. Cook fully aware of all dietary needs and swallowing problems.	Impacts on double handling capacity- typically only take 4/5 at a time. Access to a 7-3 daily therapy specific enabler who completes rehab plans set. Dedicated staff/seniors working specifically on this unit only to enable clients. Night staff cover both ICAB and Residential sides. ? are all staff on same job descriptions. Flexible and accommodating GP Cook not aware as cooks for whole building.	Tend to take more double handlers due to fast response beds. No specific daily enabler available for therapy only. It appears that there is no dedicated team of enablers/seniors covering the ICAB/Fast Response beds only. Night staff cover both ICAB and Residential sides. ? are all staff on same job descriptions. Flexible and accommodating GP Cook not aware as cooks for whole building.
Fast Response Beds		Until client is accepted for IMC bed (pre admission assessment completed) bed can be allocated to a fast response client.	Needs to be clarified in writing who is priority fast response or IMC for the beds as currently larger amounts of IMC beds on the unit. How will the fast response beds be split given the changes? will some go to Davies Ct.
Medication	Promote and facilitate self-medication when appropriate Enablers dispense medication Medication kept in clients room	Promote and facilitate self-medication when appropriate. Enablers dispense medication Medication kept in client's room.	Do not promote or facilitate any self-medication. Medication kept in main trolley separate to bedrooms Seniors dispense medication

Location/accessibility	Central location, therefore this could pose potential difficulties for visitors. When surge plan was instigated due to central location made going to the hospital to support easier and effective.	South of borough can pose difficulties for clients who are more central having visitors.	North of borough can pose difficulties for clients who are more central having visitors.
Therapy room/ new layout of ICAB	Dedicated therapy room and computers for clients for speech and language therapy programmes. More sociable layout for clients when visitors come, various lounges and small kitchens available to make environment more homely.	Advised by manager that positive changes will be made to increase space for therapists and therapy. i.e. relocation of desks etc. Reassurances given that the new beds will be allocated on the residential unit, therefore this is linked to the current unit which will make rehab better and also be more appropriate than using EMI beds. Concerns however how appropriate it is to have rehab and residential clients mixed.	No assurances given, needs to follow in Davies Ct lead.
Training	Well trained in handling stroke clients All enablers had rehab training with therapists and do carry out and follow all rehab plans i.e. for kitchen practices and exercises. Some staff are trained in Otago exercises and complete these with clients without	No stroke handling training. All enablers had rehab training with therapists and do carry out and follow all rehab plans i.e. for kitchen practices and exercises. Some staff are trained in Otago exercises.	No Stroke handling training. All enablers had rehab training with therapists; however do not carry out any rehab with clients.

	needing therapist direction.		
Stroke clients	Specialist unit with all members of MDT dedicated to stroke care and rehab in central location which makes easier for families to visit. Dedicated unit for strokes needs to remain, cannot be separated due to risk of this impacting on clients care and therapy outcomes. Concerns if staff leave will be loss of skills which will affect clients.	No experience of complex stroke clients. Lack of training in this.	No experience of complex stroke clients Lack of training in this.
Social Work Cover	Dedicated social services staff	Loss of dedicated social worker this is impacting on delaying discharge for clients.	Dedicated Social Services staff
Health and Safety Issues			Incidence in past regarding not following moving and handling procedures as documented by therapist.
Rehab ethos and philosophy.	Purely dedicated to rehab therefore all staff are in this mind-set	Enablers ring fenced purely for IMC beds therefore all dedicated to rehab and are in this mind-set.	Dual registered home therefore mind-set in conflicting and divided.

Our key concern is the effect this will have on the delivery of therapy for stroke survivors and their families. Netherfield Court is a dedicated unit with specialist therapy input which runs alongside enablers and seniors that have developed specialist skills in this area. Addressing this concern is key in achieving quality outcomes for the stroke survivors. The skills and expertise currently exists, but presently only at Netherfield Court. The transition of

skills and knowledge in this area requires significant attention to ensure the quality of care is not compromised for clients.

An area to explore further is the unit managers role/relationship with RDGH as this is fundamental in preventing barriers to discharge and developing flexible working relationships moving forward.

Thank you for taking the time to read and consider our feedback. Please could you provide a response as to how our concerns and comments will be addressed? If you wish to meet with us to discuss these concerns any further then please contact us to arrange this.

Kind Regards

The Intermediate Care Beds Therapy Team

Appendix 2 – Consultation response Rotherham Clinical Commissioning Group

Please see attached document

Summary Sheet

Council Report:

Cabinet and Commissioners' Decision Making Meeting – 11 July 2016

Title: Commissioning and Procurement of Advocacy Services 2016 –
Tender Update

Is this a Key Decision and has it been included on the Forward Plan?

Yes

Strategic Director Approving Submission of the Report

Graeme Betts – Interim Strategic Director of Adult Care and Housing

Report Author(s)

Jacqueline Clark – Operational Commissioning Manager – Adult Care and Housing

Ward(s) Affected

ALL

Summary

This is the third of a series of reports to Commissioners Decision Making Meeting that concerns the commissioning and procurement of statutory and generic advocacy services. The second report sought approval to commence a tender process in line with option 2 outlined in the report and with the objective of mobilising new services in September 2016. Permission was granted on the 14th March 2016.

This third report seeks approval from the Commissioners to award the statutory and generic advocacy contracts to bidders achieving the most marks in terms of quality and price. The outcome of the tender is yet to be determined and will be clear on the 4th of July 2016.

This report was prepared in advance to align with the forward plan report timetable therefore the outcome of the tender process is (at the time of reporting) is unknown.

Recommendations

1. Commissioner Myers is asked to receive the information contained in this report.
2. Commissioner Myers is asked to approve the award of statutory advocacy and generic advocacy contracts to bidders that achieve the highest marks in the tender evaluation process in terms of quality and price.

List of Appendices Included

Exempt - Appendix 1 – Title: Tender Evaluation Outcome

Background Papers

Exempt - Commissioning and Procurement of Advocacy Services 2016 - Cabinet/Commissioner Decision Making Meeting 14th March 2016 - Minute 51

Exempt - Commissioning of Advocacy Services Beyond 2016 - Commissioner Manzie's Decision Meeting 14th December 2015 - Minute 153

Consideration by any other Council Committee, Scrutiny or Advisory Panel

N/A

Council Approval Required

Yes

Exempt from the Press and Public

The main body of the report is not exempt.

Appendix 1 is Exempt

Appendix 1 contains information relating to the financial or business affairs of named contracted service provider and therefore should be considered exempt under Council Standing Orders from the normal publicity requirements.

Title: Commissioning and Procurement of Advocacy Services 2016 Tender Update

1. Recommendations:

- 1.1 Commissioner Myers is asked to receive the information contained in this report.
- 1.2 Commissioner Myers is asked to approve the award of statutory advocacy and generic advocacy contracts to bidders that achieve the highest marks in the tender evaluation process in terms of quality and price.

2. Background:

- 2.1 Arrangements to secure both statutory and general advocacy services for adults in Rotherham are complex. Reviews of advocacy services in 2015 resulted in a revised service delivery model. The new service delivery model will increase capacity and capability and achieve a more streamlined service.
- 2.2 The new arrangements will secure statutory advocacy inclusive of independent Care Act Advocacy, Independent Mental Capacity Advocacy Independent Mental Health Advocacy with all statutory advocacy types under one contract. General or generic advocacy will be secured in separate contract arrangements.

3. Key Issues

- 3.1 Approval from Commissioner Myers to award the statutory and generic advocacy contracts to successful bidders is required to ensure that new advocacy services are mobilised in a timely manner. The transition point at where incumbent providers cease service and the new services commence will occur at 31 August/1 September 2016.
- 3.2 The tender timetable was set prior to the confirmation of the Cabinet/Pre Scrutiny timetable. The next available Cabinet meeting takes place on the 11 September 2016 this occurs after the scheduled contract mobilisation date.

4. Options considered and recommended proposal

- 4.1 Approval to award the statutory and generic advocacy contracts to successful bidders following conclusion of the tender process.

5. Consultation

- 5.1 Commissioner Decision Meeting reports submitted previously and received by elected members/commissioners contain the relevant detail and information in respect of commissioning intentions in respect of statutory and generic advocacy services.

6. Timetable and Accountability for Implementing this Decision

- 6.1 The new contracts will commence service on the 1st September 2016. A one stage tender process is underway and the final tender timetable is set out below:

Milestone	Commence
Issue ITT	11 April 2016
Submissions by	29 May 2016
Evaluation	30 May 2016
Clarification	27 – 30 June 2016
Select Provider	04 July 2016
Commissioner Approval	11 July 2016
Standstill period ends	21 July 2016
Issue Contract	August 2016
Transition	August 2016
Planned Contract Start date	01 September 2016

- 6.2 The Invitation to Tender was divided into two lots:

Lot 1 – Statutory Advocacy

Lot 2 – Generic (or general advocacy)

Tenders have been submitted by 4 organisations. Another 4 organisations expressed interest and chose to opt out of the process.

Contrary to expectation there were no bids submitted from the Voluntary and Community Sector to operate within a consortium framework, though the bidders for both Lots are all Voluntary and Community Sector organisations bidding in a single organisational capacity.

- 6.3 The submitted bids from the 4 organisations are detailed below

Lot	Bidding organisation (see Appendix 1)
Lot 1 – Statutory Advocacy	• Provider A • Provider B
Lot 2 - Generic	• Provider A • Provider C • Provider D

- 6.4 At the time of reporting the tender is at the evaluation stage. The evaluation team is made up of technically capable and experienced staff who are knowledgeable of the requirements in terms of advocacy.

7. Financial and Procurement Implications

- 7.1 The maximum budgetary cost of combined Statutory Advocacy and General Advocacy budgets was agreed at Commissioner Manzie's Decision Meeting 14th December 2015 - Commissioning of Advocacy Services Beyond 2016- Minute 153 and is set out below:

	Budget required
Year 1	£322,785
Year 2	£457,500
Year 3	£532,500
Year 4	£532,500

The actual budget required is set out in Appendix 1. (Exempt)

Appendix 1 will be submitted prior to the 11th July when the outcome of the tender is known. The prices submitted by the bidders remains unknown at the time of submitting this, the main body of the report. The maximum budget available has been disclosed at the invitation to tender stage. It is expected that bidders submit prices under the budget envelope available but this will not be clear until the 4th of July 2016.

Additional cost may be incurred if there is an interruption in securing contracted services. Any interim replacement service may need to be secured with the incumbent providers at a premium cost currently not negotiated.

- 7.2 The value of the contract requires a fair and transparent tender process which is time specific as required in line with EU Public Contracts Directives and Rotherham MBC's, Standing Order 43.

8. Legal Implications

- 8.1 Having an advocacy service independent of the Local Authority is an area of strategic importance. It is essential that Rotherham MBC meets the increased demand for independent advocacy to ensure compliance with the new duties under the Care Act 2014, Mental Capacity Act 2005, Mental Health Act 2007 and achieve the same outcomes for people requiring advocacy services as for the wider population as required under the Equality Act 2010. A delay in tender award may risk the continuity of service and impact negatively on our statutory obligations.

9. Human Resources Implications

- 9.1 Nil

10. Implications for Children and Young People and Vulnerable Adults

- 10.1 Nil

11 Equalities and Human Rights Implications

- 11.1 The service makes a positive contribution to promoting equality of access services for disadvantaged groups including people with a disability.

12. Implications for Partners and Other Directorates

- 12.1 Nil

13. Risks and Mitigation

- 13.1 Care Act Advocacy has been secured in February 2016 to mitigate the possibility of legal challenge. A short term contract is in place until 31 August 2016 to bridge the service gap and it is essential that the new service commences 1st of September in order to remain compliant with duties under the Care Act.

14. Accountable Officer(s)

Approvals Obtained from:-

Strategic Director of Finance and Corporate Services:- Mark Scarrott
Director of Legal Services:- Ian Gledhill/Demot Pearson
Head of Procurement (if appropriate):- Helen Chambers

This report is published on the Council's website or can be found at:-

<http://moderngov.rotherham.gov.uk/ieDocHome.aspx?Categories=>

Council Report

Cabinet and Commissioner Decision Making Meeting - 11 July 2016

Title

Children & Young People's Services (CYPS) 2015/2016 Year End Performance

Is this a Key Decision and has it been included on the Forward Plan? No

Strategic Director Approving Submission of the Report

Ian Thomas, Children and Young People's Services

Report Author(s)

Deborah Johnson (Performance Assurance Manager – Social Care)

Anne Hawke (Performance Assurance Manager – Early Help)

Ward(s) Affected

All

Summary

- 1.1 This report provides a summary of performance under key themes for Children's Social Care Services at the end of the 2015/16 reporting year and will be presented to Cabinet on an annual basis. It should be read in conjunction with the accompanying performance data report at Appendix A which provides trend data, graphical analysis and benchmarking data against national and statistical neighbour averages.

Recommendations

- 2.1 The Commissioner is asked to receive the report and accompanying dataset (Appendix A) and consider issues arising.

List of Appendices Included

Appendix A – Children's Social Care Annual Performance Report (March 2016)

Appendix B – Letter from Ofsted "Outcome of improvement work undertaken in Rotherham, August 2015-April 2016" dated 13 June 2016

Background Papers

Ofsted Improvement Letter

Consideration by any other Council Committee, Scrutiny or Advisory Panel

Improving Lives Select Committee 15th June 2016 (to be confirmed)

Council Approval Required No

Exempt from the Press and Public No

Title: Children & Young People's Services 2015/2016 Year End Performance

1. Recommendations

- 1.1 The Commissioner is asked to receive the report and accompanying dataset (Appendix A) and consider issues arising.

2. Background

- 2.1 This report evidences the council's commitment to improvement and provides performance information to enable scrutiny of the improvements and the impact on the outcomes for children and young people. It provides a summary of performance under key themes for Children's Social Care Services at the end of the 2015/16 reporting year. It should be read in conjunction with the accompanying performance data report, which provides trend data, graphical analysis, and benchmarking data against national and statistical neighbour averages.
- 2.2 Targets, including associated 'RAG' (red, amber, green rating) tolerances, were introduced in September 2015 against appropriate measures. These have been set in consideration of available national and statistical neighbour benchmarking data, recent performance levels and, importantly, Rotherham's improvement journey.
- 2.3 As the end of the 2015/16 reporting year has now been reached it is important that there is a review of the measures in the report, their targets and any associated tolerances and that appropriate adjustments or additions are made for 2016/17. This will ensure continued retention of the right focus on the effectiveness of services and achieving good outcomes for children and young people in relation to local priority areas for improvement. For example, one of the priorities is to reduce the number of children in care being placed in residential care, so in future there will be a performance measure to help with the monitoring of progress in this regard.

3. Key Issues

- 3.1 Table one and two below highlights some of this year's achievements and areas for further improvement.

Table 1: Examples of good and improved performance in the last 12 months

- | |
|---|
| <ul style="list-style-type: none"> • Multi-Agency Safeguarding Hub (MASH) response rates are high: 96.5% at contact and 92.8% for referrals received in the full year. Recent data shows performance is regularly above 98%. • The assessment backlog of 313 has been eradicated. At year end there were no open assessments over 45 days. • Assessments completed in 45 working days improved from 70.1% in 2014/15 to 92.8% in 2015/16, with in-month performance reaching 98.4%. Audit work is also reporting improvements in the quality of assessments. |
|---|

- Children in Need (CIN) with up-to-date plans improved from 65.1% in 2014/15 to 98.6% in 2015/16.
- In month data for up-to-date Child Protection Plans (CPPs) is regularly above 98% and at year end was 100%.
- Percentage of Initial Child Protection Conferences within 15 working days has improved from 65% in 2014/15 to 88.3% for 2015/16. March performance is 94.1%.
- A review of all long term CPPs has reduced the percentage open for 2 years from 4.2% in 2014/15 to 0.8% in 2015/16.
- A reconfiguration of services has increased management oversight and ensured that caseloads are now consistently at manageable levels for workers across the service.
- The performance of Looked After Children (LAC) visits over the year against national minimum standards is good at 96.5%. However against the very aspirational local 28 day target of 90% performance at 80.2% needs to improve.
- The new national measure relating to days between 'becoming LAC and adoption placement (A1) is performing significantly better than the government benchmark with a reduction from an average of 661 days in 2013/14 to 338.5 in 2015/16 (national data published end of Quarter 3 was 532 days national average).
- The number of Care Leavers with an up to date Pathway Plan has increased by nearly 20% to 97.5%
- Although further improvement work is needed on Health and Dental assessments, performance compared to last year has improved considerably. Health is now at 92.8% compared to last year's 81.4% and Dental is at 94.5% compared to 58.8%
- There has been good improvement within the year with 97.8% of LAC now having a Personal Education Plan (PEP) in place compared to 68.7% at the end of March 2015. 95% have a plan which is less than six months old compared to 76% at March 2015.
- The work of The Evolve Team (CSE) is consistently of a high quality with outcome of audits good or better and with 100% visits carried out, 100% Child Protection Plans in place and up to date during March 2016

Table 2 – Key areas for further improvement

- The number of Section 47 (S47) investigations is high and is currently the subject of an intensive review.
- The re-referral rate to social care, although declining in recent months, at 27.9% for March and 30.9% for the entire year, is still high compared to statistical neighbour and national benchmarking data.
- Timeliness of LAC reviews for the year was 83.3% a drop on the previous year's position of 94.9%. This was due to performance issues earlier in the year and equates to 15 children having at least one of their reviews go over time.
- The number of LAC who have had three or more placement moves in the year is far too high. Although the percentages are in line with national averages, the numbers are inconsistent with the aspirations for all children in care to benefit from a stable placement.
- Although there has been a significant increase in the number of PEPs during the year

the educational progress of LAC needs to improve significantly.

- Quality of practice still not consistently good and supported by results of recent audit activity, which shows 25% of case work meeting high standard set by the authority.

3.2 Early Help

- 3.2.1 In the last six months there has been a significant redesign of Early Help services and the local Early Help offer. In October 2015 the new integrated Early Help locality service was created, bringing together staff from a range of previously separate services and professional disciplines. These include: Education Welfare, Youth Offending, Children Centres, Integrated Youth Support, Family Support and 'Troubled Families' (Families for Change). This was swiftly followed by the establishment of the Early Help Triage Team to work alongside the social care Multi-Agency Safeguarding Hub (MASH).
- 3.2.2 The improved arrangements had an immediate impact, with the previous backlog of Early Help Assessments cleared within two weeks, with a month on month increase in contacts and referrals transferring from the MASH.
- 3.2.3 In February 2016 the weekly Step-Down Panel was introduced. Co-chaired by senior managers in Early Help and Safeguarding, the panel ensures that there is a consistent and robust process in place to manage, monitor and clearly record outcomes for all cases stepping down from Duty and Assessment teams and/or those whose CIN plan has ceased. Since the panel began in February, 90 families have stepped down (232 children) to Early Help Locality Teams, along with making recommendations for nine families and 18 children to be worked with by partners.
- 3.2.4 Performance management arrangements have been developed for the new service and monthly monitoring is in place for the new reporting year (from April 2016). There is a mixture of statutory, national and local indicators which will evidence the effectiveness of service delivery and improvements over a period of time. In addition, success will be measured through wider impact measures including: reduction in children in need; increase in school attendance; increase in families engaging with Children's Centres and reduction in the proportion of young people not in education, employment or training (NEET).

3.3 Contact and Referral

- 3.3.1 The Rotherham MASH went live in April 2015. Processes and performance were reviewed during May 2015 and some key remedial actions were taken in response. A recent independent review of the MASH reported to the Children's Improvement Board

in March 2016 that whilst there was still further work to do, 'enormous progress' had been made in a very short space of time.

- 3.3.2 Overall there has been a 16% increase in contacts with 12,165 in 2015/16 compared to 10,517 in 2014/15. The numbers of contacts into the system rose in the early months of the year and then has remained relatively stable with approximately 1,000 being received every month. The independent review of the MASH stated that there will be a number of factors that impact on the general volume of contacts. One is that as confidence in the competence and responsiveness of the service increases there would be an expectation that contacts from some sources would rise. Then as key safeguarding partners increase their understanding about thresholds for social care it might result in contacts from some sources seeing a reduction. Finally, as the Early Help pathway (launched on 18th January) is further embedded and better understood, families who might previously have been referred to social care will be re-directed at source into a more appropriate Early Help service.
- 3.3.3 When the past 12 months' data is reviewed it appears that contacts made by education, which includes schools, have risen over the past few months. On the basis of feedback from schools it is understood that this is indicative of an increased confidence in the quality and helpfulness of the service at the "front door". There has been some reduction in the number of contacts from health services which may be an indication of better understanding of thresholds for social care. This has been an area of awareness raising that has been worked on in recent months. The majority of contacts from the Police relate to domestic abuse notifications. There has been a strengthened daily triage system put in place to deal with these. The Independent Domestic Abuse Advisor works with a MASH Social Worker to assess cases. This guarantees immediate actions are in place to ensure the safety of the individual and any children involved. The improved Early Help pathway will assist over time in effectively diverting some contacts directly into Early Help services via the Early Help Triage team and through step-down of cases via the Early Help Panel.
- 3.3.4 The MASH response rate is good. A total of 96.5% contacts and 99.0% referrals had decisions made within timescales. The quality of these decisions has been validated by Ofsted during three separate improvement visits and by the independent review reported to the Improvement Board in March 2016.
- 3.3.5 Similar to contacts, month on month social care referral numbers are consistent at approximately 400 per month (around 40% of contacts). In total there have been 4,915 referrals in 2015/16, a 9% increase on the 4,513 in 2014/15. There has been a month on month downward trajectory in the proportion of these which are re-referrals; following a mid-year high of 35.3% in August 2015 this has now reduced to 27.9% in March 2016. Improvements in the

quality of first time assessments and the developing early help offer are both understood to have supported better performance in this area.

- 3.3.6 In addition, as the MASH has developed, more work is undertaken at referral stage in terms of information sharing and effective triage before progression to assessment teams. This is resulting in fewer referrals converting to assessment, with 77.6% in March 2016 compared to 87.1% in April 2015. This in turn allows for social care resources being better targeted to need and families receiving a more appropriate response. The independent review of the MASH (2016) found that “social work analysis and articulation of need, harm and risk within the MASH is good”, far better than in many other local authority settings visited. This is apparent in social work analysis and the recommendations being made by decision makers.

3.4 Assessments

- 3.4.1 Although the numbers of contacts and referrals have both increased over the last 12 months, the reduction in the conversion of referral to assessment means that fewer assessments are now being started. Feedback from workers and auditors, however, suggests an increase in the complexity of the cases coming through. This may be indicative of improved practice in the duty teams resulting in more accurate recognition and analysis of both risk and need. There will be further observation and analysis of this over coming months.
- 3.4.2 The overall trend of the proportion of assessments resulting in 'No Further Action' is downwards, which is a positive reflection of the improvement in quality of decision making and application of thresholds. The downward trend of repeat referrals supports this view. Whilst it has been positive to see an increase in step down decisions as opposed to closure of cases it is better for families to be directed straight into early help wherever possible rather than be routed through social care in the first instance. As early help pathways and triage systems become more familiar to referring partner agencies, the numbers of contacts, referrals and then assessments in social care should start to decrease. The early help data is starting to show an increase of work redirected at both contact and referral stage, which may also account in part for the reduction in the numbers of assessments as well as a reduction of step down at the conclusion of social care assessment.
- 3.4.3 Early in 2015 additional short-term resources were put in place to address significant backlogs of work within the assessment service. Over the summer, when these resources were removed, there was a period of time when the number of open assessments over timescales increased, which then in turn impacted on performance in the autumn. A combination of the reduction in volume of work, changes to the way duty teams are organised and increased management grip has seen a significant improvement in the

timeliness of assessment completion again in March, with 98.4% of assessments completed within 45 working days compared to a low of 83.9% in November. In total 92.8% of all assessments completed in 2015/16 were completed in time compared to 88.8% in 2014/15.

- 3.4.4 Although the above performance information is important, an emphasis on quality in Children and Young People's Services remains a priority and this will continue to be monitored and tested to ensure that the drive to improve timeliness is not at the cost of achieving best practice. Feedback from the March 2016 Ofsted improvement visit stated, "No widespread or serious concerns. Clear improvement in practice and management oversight since the last visit in October 2015". (Appendix B) Whilst the inspector identified a number of examples of 'good' assessments during her visit there remains further work to do to ensure consistently good quality assessments are produced right across the service.

3.5 Plans

- 3.5.1 The introduction and then embedding of weekly exception reports and team level performance management meetings in 2015 has resulted in significant and sustained improvement in the proportion of children, across all case types with an up-to-date plan.
- 3.5.2 At the end of 2014/15 only 65.1% of eligible CIN had an up-to-date plan. As of the end of 2015/16 this has now improved to 98.6%. Any missing Child Protection Plans (CPPs) had, on the whole, already been addressed by the end of the 2014/15 reporting year with performance at 97.6%, however, month on month data demonstrates that current CPPs are now well embedded with performance rarely dropping below 99.5% (showing 100% at year-end).
- 3.5.3 Similarly to CPPs, the rate of LAC with plans is consistently good over the year at over 98%. The 2015/16 year end position of 98.4% shows that there has actually been a negligible drop of 0.4% since the 2014/15 figure of 98.8%. Pathway plans for care leavers have seen a significant improvement of nearly 20% to 97.5% when compared to last year.
- 3.5.4 It is well understood that the quality of plans is crucial in terms of securing good outcomes for children and this will continue to be the focus of the 'Beyond Auditing' work that is underway across the localities. The new LAC management team in the Children in Care service is renewing the focus on both the completion of plans and their quality. All exceptions are reviewed at least on a fortnightly basis by senior managers and more frequently by operational managers to understand, at an individual child level, the reasons for any absence of a plan to enable appropriate action. Work is underway to make the children in care plans more young person friendly and this work will be undertaken in consultation with children and young people.

3.6 Visits

- 3.6.1 Improvements in visiting rates also clearly demonstrate the effectiveness of the weekly performance management processes.
- 3.6.2 At the end of March 2016, 99% of children subject to a CPP had been seen within timescale, compared to 92% at the end of March 2015.
- 3.6.3 In relation to children in care, performance in LAC visits within the national minimum standards has improved in recent months to 98.1%, broadly in line with the previous year's outturn. Over the year there has been a steady rate of improvement achieved against the local standard which is highly ambitious and aspirational, which exceeds the national minimum, from 73% to 80.2%. This improvement needs to continue as this is still not considered good enough for Rotherham, so it will remain an area of focus with sustained management attention. It is worth noting that there are some children in care who, due to their individual needs, are visited more frequently than the Rotherham local standard.
- 3.6.4 Each week, any child who does not have an up-to-date visit, is examined on an individual basis to ensure that they have been visited and to ensure the reason for the lateness is understood and remedial action taken where necessary.

3.7 Section 47

- 3.7.1 As reported throughout the year, Section 47 (S47 - a duty to make enquiries if there is reasonable cause to suspect that a child is suffering, or is likely to suffer, significant harm) investigation numbers are very high and are currently the subject of intensive review. In March there were 164 Section 47s started, the highest month of the year, (average per month 123). The rate per 10,000 population of 262.1 is significantly higher than the statistical neighbour average of 141.3.
- 3.7.2 The Head of Safeguarding and Quality Assurance led a review and a report was submitted to the CYPS Performance Board at the end of May 2016. The outcome indicates that the high numbers of S47s reflect an ongoing lack of confidence in addressing the presenting risk for the child in any way other than by S47 and child protection investigation. This risk averse practice is not uncommon in authorities in intervention. Although this is not indicative of practice that has children being left at risk of significant harm, (in child protection terms), it must still be addressed as it is an over interventionist style of social work practice. This is often not effective in engaging families for the longer term.

- 3.7.3 Outcomes of completed S47s point to a high proportion of cases where, while concerns were substantiated, children have no continuing risk of significant harm and therefore do not need to be progressed to child protection conference (52.9% in March). This suggests that a normal level of assessment, (Section 17 – duty to safeguard and promote the welfare of children who are in need) rather than a S47 investigation may have been a more appropriate response. The review also identified multiple other practice issues requiring attention on a single and multi-agency basis. An action plan has been prepared and work to address these issues are underway.
- 3.7.4 Significant data validation issues identified earlier in the year relating to Initial Child Protection Conferences (ICPCs) have now been addressed and the performance data report amended to show in-month data rather than 'rolling year'. This has allowed for clearer understanding of current performance trends.
- 3.7.5 In 2015/16, 88.3% of the total ICPCs were carried out within 15 days which is better than the latest statistical neighbour and national averages. Monthly data demonstrates that current performance is now higher than 90% with an average of only one conference missing timescales each month. The reasons for not meeting timescales are reported to senior managers and recorded on each case. These will continue to be monitored and it is expected that there will be better consistency month-on-month and further improvement overall. In March performance was at 94.1%, the one initial conference which went over the 15 days was a result of late booking on the part of one of the locality teams. This matter has been addressed by the manager concerned.

3.8 Children in Need

- 3.8.1 There is no good or bad performance in relation to numbers of CIN although it is important to monitor against statistical neighbour and national averages as numbers considerably higher or lower than average can be an indicator of other performance issues. At the end of March there were 1430 CIN, when combined with the those subject to CPP this equates to a rate of 320.0 per 10k population; a reduction on the previous month and broadly in line with the national average of 337.3.
- 3.8.2 One of the measures of success of the early help offer will be, over time, a reduction in the numbers of CIN as families are offered support at an earlier point before concerns escalate. This is in addition to ongoing support from Tier 2 (targeted services) as they are stepped down and out of statutory intervention. It is far too early in the development of the early help provision to conclude that the last three months' reduction in numbers is the beginning of a trend. It is more likely that it represents a recent review of all open CIN cases during the reconfiguration of the locality teams, which has led to closure and stepping down of some cases where appropriate. It

is predicted that for a period of time numbers of CIN may rise as those with a child protection plan reduce.

3.9 Children on Child Protection Plans

- 3.9.1 At the end of March 2016 there were 369 children subject to a CPP, which is a significant reduction on March 2015 when there were 433. However, the rate per 10,000 population of 65.4 demonstrates that this is still high when compared to statistical neighbours and the national average of 46.1 and 42.9 respectively.
- 3.9.2 It is expected that the numbers will continue to fall as practice improves, CPPs are worked more effectively and managers become more confident in their decision making. Children's Social Care is already more robust in ensuring that only children, where likely or actual significant harm has occurred, are taken to conference and in ensuring that the threshold for a plan is met. The overall downward trend in CPPs adds further weight to the need to address the high numbers of child protection investigations which are still being undertaken.
- 3.9.3 Of the children subject to a CPP plan at the end of the year, 94.2% of their reviews over the entire year were completed in time which is a decline on the previous year which was 96.5%. In month, performance for March was 98.9% with only one child whose review could not take place in timescales, due to a parent arriving at the conference intoxicated and a decision was rightly taken to postpone the review. This was reconvened and completed the following week. The reasons for any late reviews are scrutinised and when necessary, management action is taken. There have been a number of occasions when family issues have been the reasons for conferences being postponed and these have outnumbered the occasions that there has been fault on the part of the service.

3.10 Looked After Children (LAC) (also known as children in care)

- 3.10.1 At the end of March there were 432 children in care which equates to 76.6 per 10,000 population. Although this still places Rotherham broadly in line with statistical neighbours it is far higher than the national average and there is an upward trajectory as admissions to care have increased as predicted.
- 3.10.2 'Edge of care' arrangements need to be strengthened over time to prevent the need for children to come into care and developing this service forms a key strand of the Children In Care Sufficiency Strategy. This is particularly the case in respect of adolescents entering the care system for the first time. Outcomes are rarely improved for young people coming into care in adolescence and work will commence over the next few months to develop a service specifically to work with this group. During the last period there was a particularly large sibling group of younger children admitted which has impacted on the admissions figures. The use of "Family Group

Conferences" is being explored to ensure that any opportunities for children to remain within their families are utilised.

3.10.3 It is not unusual for numbers of children in care in an authority in intervention to rise as action is taken to address cases which have been drifting previously. The rise in the numbers of care proceedings in Rotherham is testimony to this happening locally. There is no feedback from the courts to suggest that any children are being brought before them unnecessarily. Over the next 12 months it would be expected for the position to plateau and then start to reduce gradually, as edge of care services are developed and family alternatives to care are properly explored before the initiation of care proceedings.

3.10.4 Of the eligible children in care 83.3% of their reviews over the entire year were completed in time which is a decline on the previous year which was 94.9%. This equates to 15 children having at least one review over timescales and relates to performance issues earlier in the year. Of the reviews held in March, 99% were within timescales with only one child whose review could not take place in time. The reasons for any late reviews are fed back to managers and action taken to address any practice issues.

3.11 Looked After Children - Placement Stability

3.11.1 At the end of March, 72.7% of long term LAC has been in the same placement for at least two years. This placement stability is better than the national average of 67%; however, it is important to be confident that what appears to be stability is not and in fact masking a drift in planning for children. The sufficiency strategy identifies that there are too many children placed in residential care. Work which commenced in January 2016 to address this has resulted in a number of young people being identified who will be moving to more local provision over the next few weeks and months. This may impact on the long term stability indicator but will result in better outcomes for those individual young people identified.

3.11.2 A total of 11.9% of LAC have been in three or more placements in the last 12 months, this is broadly in line with national average of 11.0%.

3.11.3 Although placement stability measures compare well against statistical neighbours and national averages, performance in relation to children who have had three or more placement moves in a year is still of concern and in particular in relation to the numbers of children in care who have had missing episodes which count against this indicator. All children who have been missing or who are identified as being in 'unstable' placements are now subject to particular focus by way of regular 'Team Around the Placement' meetings. In the future they will also be considered as 'exceptions' in the fortnightly performance meetings. There remains much to do

in order to strengthen the quality of practice in the children in care service across the board.

3.12 Looked After Children – Health & Dental

3.12.1 Performance in relation to health and dental assessments was very poor in previous years and has been the focus of concerted joint effort resulting in improvement in the last 12 months from 81.4% (March 2015) to 92.8% (March 2016) for Health Assessments and from 58.8% (March 2015) to 95.0% (March 2016) for Dental Assessments.

3.12.2 However, in-month performance has been higher during the year and partners are working towards better consistency and outcomes for all Rotherham's LAC. Close monitoring through the weekly performance process means that any dips in performance are understood.

3.12.3 Quality Assurance processes of assessments within health, following completion, can create time lags between the assessment occurring and showing on the system as complete work is underway with health colleagues to reduce this.

3.12.4 From child level reviews of exceptions it is known that, in the main, those not having health or dental checks are the older young people who are recorded as 'refusers'. This is now being actively explored with health colleagues, regarding how the reviews can be promoted as something useful and young person friendly. Creative thinking is being used to ensure young people more actively engage. Encouragement will be focused with young people on the things that interest most young people such as weight, hair and skin as well as other aspects of health. Performance will continue to be very closely monitored.

3.13 Looked After Children – Personal Education Plans

3.13.1 Previously, education of Looked After Children was supported by the 'Get Real Team'. This team ceased to exist from the 1st of April 2015 and was replaced by a new Virtual School. The completion of the Personal Education Plan (PEP) moved to an E-PEP system in September 2015 (start of Autumn term). A revised PEP process is now in place with termly PEPs attended by a minimum of school, social worker and virtual school as well as LAC, carers, and other professionals. Extensive training has been provided to professionals on SMART (specific, measurable, achievable, realistic and timely) targets for PEP's to improve effectiveness in driving outcomes. A rigorous quality assurance process is in place with evidence of quality of PEP's improving. There is also an increase in the number of PEP's reflecting Pupil Voice. Prior to September 2015 PEP's were in place for compulsory school-age children only. PEP's are now in place for LAC aged 2 to 18th birthday.

3.13.2 There has been good improvement within the year with 97.8% of children now having a PEP in place compared to 68.7% at the end of March 2015. A total of 95% have a plan which is less than six months old compared to 76% at March 2015, although there is more to do to ensure that every child and young person has a plan in place and to ensure that none of these are older than a 'term'. Although this is positive, based on available data in 2015 educational outcomes for looked after children needs to improve significantly

3.14 Care Leavers

3.14.1 The number of care leavers is relatively stable throughout the year at between 190 and 200 young people. At the end of March this was 197.

3.14.2 A total of 96.5% of young people are in suitable accommodation, a slight drop on the previous year of 97.8%, but still above the national average of 77.8%. This equates to five young people not in suitable accommodation, of these four are in custody, and one (aged over 18) has made himself intentionally homeless. It is understood that more needs to be done to enhance the quality of the accommodation available as well as increasing the range of choices for young people. The service is taking steps to ensure that the best provision is available for Rotherham young people and increased planning will take place via a 16 + accommodation panel

3.14.3 A total of 68% of young people are in education employment or training, well above the national average (45%) but a drop on the previous year of 71% and disappointing in terms of the aspirations for Rotherham young people. This equates to 60 care leavers not being in education, employment or training (NEET). Work is underway to strengthen the offer to care leavers generally and tackling the need to support young people to be engaged in further education, training or employment will be given priority.

3.15 Adoptions

3.15.1 Performance each month can vary significantly given the size of the cohort which is always very small. There have been four adoptions in March taking the total for the reporting year to 43.

3.15.2 Given the small numbers it is most useful to look at a rolling twelve months than a month snapshot. Performance against the old national indicator relating to timeliness of adoption since the decision that the child 'Should Be Placed for Adoption' (SHOPBA) is low when compared to previous years at 53.5%. However, the new national measures relating to days between 'becoming LAC and adoption placement (A1)' and 'days between placement order and match with the adoptive family (A2)' demonstrate an improving trend over the last 3 years. In respect of A1 Rotherham is performing significantly better than the government benchmark with

a reduction from an average of 661 days in 2013/14 to 338.5 in 2015/16. (national published data at the end of Quarter 3 532 days national average). Similarly for measure A2 it has reduced from an average of 315 days in 2013/14 to 137.9 in 2015/16; however the government benchmark has not been met. This A2 target was not achieved due to six children with high level additional needs taking longer than usual to place. However, all six children did achieve permanency through adoption thus providing them with an excellent outcome of becoming part of a new family and no longer in the care system.

3.15.3 The number of RMBC adopters decreased in 2015/16 compared to previous years. This is partly attributable to increase robustness at screening stage to improve quality of pool combined with regional picture that is one of significant decrease in overall number of adopters being approved across local authorities. This is in line with the national trend.

3.15.4 In March only two out of the four children adopted had the order made within twelve months of the SHOPBA decision. These children had been placed with their adoptive parents for well over a year before the order was made because of some complexities in the therapeutic support that was required.

3.16 Child Sexual Exploitation (CSE)

3.16.1 It will be noted that there is no data specific to CSE in this report. The performance of the CSE service is retained within all core activity areas. For example; within the assessment timescales; within plans in place; both child protection and children in care and written visits to children with child protection plans and to children in care. In this regard, the headline performance of the CSE Team "Evolve" is as closely scrutinised in the fortnightly performance meeting as every other part of the service. The low caseloads in the CSE service results in the exceptions being very few and far between.

3.16.2 The nature and intensity of work being undertaken in the Evolve CSE Service results from the extreme vulnerability of individual young people and the complexity of their needs. While the caseloads of individual workers are subject to the same random sampling audit process as other teams across the service, the Head of Service routinely carries out audits of all cases open in the team as well as supporting other managers by auditing CSE work allocated within the locality and children in care services. Any remedial action resulting from audits within the CSE team are taken with immediate effect. Ofsted have randomly selected cases from the Evolve Service on three separate occasions.

3.16.3 All cases selected have been judged as 'good' by Ofsted. Furthermore Ofsted has identified areas of work related to the management of complex investigations with police, which were felt

to be worthy of noting as examples of best practice, described as 'proactive, sensitive and robust'. The inspector also described months of proactive and tenacious work resulting in victims developing trusting relationships with social workers and police. The impact is, in many cases, young people making disclosures and identifying other victims.

3.16.4 All elements of work relating to CSE is also routinely scrutinised by the Rotherham Safeguarding Children's Board (RSCB) under the auspices of the CSE Strategic Sub Group.

3.17 Caseloads

3.17.1 Weekly performance meetings continue to examine caseloads for every social worker in detail. All those over 22 are examined and the reasons explained. For example, some senior social workers have students allocated to them and the student caseload shows under the supervisor's name. In the locality teams it is not unusual to have social workers holding families with large sibling groups (over five) which will impact on the overall number of cases (children). Caseloads in Children's Disability Service have now reduced significantly following a specific piece of work to ensure that cases were in the correct teams. The very low caseloads in the Child Sexual Exploitation (CSE) team reflect the complexity and intensity of the work undertaken and the numbers of cases that are co-worked and supported. Ensuring that social workers have manageable caseloads was a key priority for Rotherham and the current performance is testimony to what has been achieved in this regard.

3.17.2 Significant action has been taken over the year, including a full service reconfiguration, to ensure each team has sufficient capacity in terms of numbers of workers, but just as importantly, action has also been taken to ensure effective throughput of work in respect of timely transfers and closures as appropriate.

3.18. Ofsted Feedback – Improvement Visits

3.18.1 Ofsted wrote to the council on the 13th June with a summary of the findings of the improvement monitoring visits undertaken in Rotherham Children's Services between August 2015 and April 2016 (Appendix B). Her Majesty's Inspectors (HMI) undertook five visits over an eight month period. Each visit has involved two HMI on-site for two days.

3.18.2 Inspectors reviewed the progress of the Improvement Plan in the following areas:

- Contact and referral (MASH) August 2015
- Duty and assessment and area child protection teams October 2015 and March 2016

- Leadership and management March 2016
- Early help April 2016

3.18.3 During the visits inspectors considered a range of evidence including: electronic case records; supervision files and notes, observation of social work practice, performance information, policies and strategic planning documents and meetings with key partner agencies. Inspectors also spoke to a range of staff including managers, social workers, other practitioners, agency partners and administrative staff.

3.18.4 Ofsted provided feedback in relation to their findings and identified improvements that they found and also any areas for further improvement (Appendix B). The existing Children's Improvement Plan which is monitored robustly on a monthly basis by the Children & Young People's Improvement Board reflects the areas for improvement that OFSTED also identified.

4. Options considered and recommended proposal

- 4.1 The full service performance report attached at Appendix A represents a summary of performance across a range of key national and local indicators with detailed commentary provided by the service. The Commissioner is therefore recommended to consider and review this information.

5. Consultation

- 5.1 Not applicable

6. Timetable and Accountability for Implementing this Decision

- 6.1 Not applicable

7. Financial and Procurement Implications

- 7.1 There are no direct financial implications to this report. The relevant Service Director and Budget Holder will identify any implications arising from associated improvement actions and Members and Commissioners will be consulted where appropriate.

8. Legal Implications

- 8.1 There are no direct legal implications to this report.

9. Human Resources Implications

- 9.1 There are no direct human resource implications to this report. The relevant Service Director and Managers will identify any implications arising from associated improvement actions and Members and Commissioners will be consulted where appropriate.

10. Implications for Children and Young People and Vulnerable Adults

- 10.1 The performance report relates to safeguarding services for children and young people.

11. Equalities and Human Rights Implications

- 11.1 There are no direct implications within this report.

12. Implications for Partners and Other Directorates

- 12.1 Partners and other directorates are engaged in improving the performance and quality of services to children, young people and their families via the Rotherham Local Children's Safeguarding Board (RLSCB). The RLSCB Performance and Quality Assurance Sub Group receive this performance report on a regular basis.

13. Risks and Mitigation

- 13.1 Inability and lack of engagement in performance management arrangements by managers and staff could lead to poor and deteriorating services for children and young people. Strong management oversight by Directorship Leadership Team and the ongoing weekly performance meetings mitigate this risk by holding managers and workers to account for any dips in performance both at a team and at an individual child level.

14. Accountable Officer(s)

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Approvals Obtained from:-

Strategic Director of Finance and Corporate Services:- Named Officer - Joy Hobson

Director of Legal Services:- Named officer

Head of Procurement (if appropriate):- N/A

Name and Job Title.

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Children & Young People Services



Safeguarding Children & Families Annual Performance Report

As at : 31st March 2016

Please note: Data reports are not dynamic. Although care is taken to ensure data is as accurate as possible, delays in data input can result in changes in figures when reports are re-run retrospectively.

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Performance Summary

As at : 31st March 2016

**DOT* - Direction of travel represents the direction of 'performance' since the previous month with reference to the polarity of 'good' performance for that measure. Colours have been added to help distinguish better and worse performance. Key Below:-

↑	- increase in numbers (no good/bad performance)	↑	- improvement in performance	→	- no movement but within limits of target
→	- stable with last month (no good/bad performance)	↓	- decline in performance but still within limits of target	→	- no movement, not on target
↓	- decrease in numbers (no good/bad performance)	↓	- decline in performance, not on target		

	NO.	INDICATOR	GOOD PERF IS	DATA NOTE (Monthly)	LAST THREE MONTHS			Year to Date 15/16		DOT (Month on Month)	RAG (in month)	RAG (Year End)	Target and Tolerances			YR ON YR TREND		LATEST BENCHMARKING - 2014/15			
					Jan-16	Feb 16	Mar 16	YTD	DATA NOTE				Red	Amber	Target Green	2013/14	2014/15	STAT NEIGH AVE	BEST STAT NEIGH	NAT AVE	NAT TOP QTILE THRESHOLD
CONTACT & REFERRAL (MASH)		EARLY HELP PERFORMANCE INFORMATION - SEE SECTION DETAILS PAGE																			
	2.1	Number of contacts	Info	Count	1100	1030	1092	12165	Financial Year	⬆️					n/a		10517				
	2.2	% Contacts with decision within 1 working day	High	Percentage	98.4%	98.7%	96.5%	96.5%	Financial Year	⬇️			<92%	92%>	95%						
	2.3	Number of contacts going onto referral (including MASH referrals)	Info	Count	394	393	402	4915	Financial Year	⬆️					n/a		4513				
	2.4	% of contacts going onto referral (including MASH referrals)	High	Percentage	35.8%	38.2%	36.8%	40.4%	Financial Year	⬇️			range to be set				42.9%				
	2.5	Rate of referrals per 10,000 population aged under 18 - rolling 12 month performance	Info	Rate per 10,000	1027.5	988.9	940.5	780.5	Financial Year	⬇️					n/a	689.8	800.2	655.4	333.9	548.3	
	2.6	% of referrals going onto assessment	High	Percentage	71.1%	70.0%	77.6%	77.6%	Financial Year	⬆️			<83%	83%>	86%	77.8%	69.6%	85.9%	99.7%	87.1%	
	2.7	% Referral decision was made within 48 hours	High	Percentage	96.4%	97.7%	99.0%	96.5%	Financial Year	⬆️			<92%	92%>	95%	56.3%	71.2%				
	2.8	% re-referral rate in the current month	Low	Percentage	29.4%	28.6%	27.9%	30.9%	Financial Year	⬆️			26%+	26%<	23%	n/a	n/a				
ASSESSMENTS	3.1	Number of assessments started	Info	Count	292	249	293	3996	Financial Year	⬆️					n/a	n/a	3780				
	3.2	% of assessments for children's social care carried out in 45 working days of referral	High	Percentage	92.7%	96.6%	98.4%	92.8%	Financial Year	⬆️			<83%	83%>	86%	n/a	70.1%	86.6%	100.0%	82.2%	
	3.3	Open assessments already past 45 working days	Low	Count	6	1	0		As at mth end	⬆️					n/a	n/a	8				
	3.4	% of completed assessments ending in - Ongoing Involvement	Info	Percentage	41.9%	42.9%	51.8%	43.6%	Financial Year	⬆️			<40%	40%<	45%	n/a	n/a				
	3.5	% of completed assessments ending in - No further action	Info	Percentage	33.5%	33.7%	32.1%	40.0%	Financial Year	⬇️					n/a	n/a	n/a				
	3.6	% of completed assessments ending in - Step down to Early Help / Other Agency	Info	Percentage	24.0%	22.4%	15.1%	15.3%	Financial Year	⬇️					n/a	n/a	n/a				
	3.7	% of completed assessments ending in - Out of area	Info	Percentage	0.6%	0.5%	0.3%	1.0%	Financial Year	⬇️					n/a	n/a	n/a				
	3.8	% of completed assessments ending in - Other/Not Recorded	Info	Percentage	0.0%	0.5%	0.7%	0.2%	Financial Year	⬇️					n/a	n/a	n/a				
S47's	4.1	Number of S47 Investigations	Info	Count	93	132	164	1478	Financial Year	⬆️					n/a	752	909				
	4.2	Number of S47 Investigations - rolling 12 month performance	Info	Count	1380	1404	1478			⬆️					n/a	n/a	n/a				
	4.3	Number of S47's per 10,000 population aged 0-17 - rolling 12 month performance	Info	Rate per 10,000	244.7	248.9	262.1			⬆️			more than +/-15	+/-15	+/-5 of 158.8	141.3	156.1	149.2	75	138.2	
	4.4	Number of S47 Investigations - Completed	Info	Count	99	119	136	1390	Financial Year	⬆️					n/a	n/a	n/a				
	4.5	% of S47's with an outcome - Concerns are substantiated and child is judged to be at continuing risk of significant harm	High	Percentage	52.5%	58.8%	41.9%	58.3%	Financial Year	⬇️					n/a	n/a	56.3%				
	4.6	% of S47's with an outcome - Concerns are substantiated, but the child is not judged to be at continuing risk of significant harm	Info	Percentage	36.4%	24.4%	52.9%	30.2%	Financial Year	⬆️					n/a	n/a	19.8%				
	4.7	% of S47's with an outcome - Concerns not substantiated	Low	Percentage	11.1%	16.8%	4.4%	11.2%	Financial Year	⬆️					n/a	n/a	-90.5%				
	4.8	% of S47's with an outcome - Not Recorded	Info	Percentage	0.0%	0.0%	0.7%	0.3%	Financial Year	⬆️					n/a	n/a	9.5%				

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"DOT" - Direction of travel represents the direction of 'performance' since the previous month with reference to the polarity of 'good' performance for that measure. Colours have been added to help distinguish better and worse performance. Key Below:-

↑	- increase in numbers (no good/bad performance)	↑	- improvement in performance	→	- no movement but within limits of target
→	- stable with last month (no good/bad performance)	↓	- decline in performance but still within limits of target	→	- no movement, not on target
↓	- decrease in numbers (no good/bad performance)	↓	- decline in performance, not on target		

	NO.	INDICATOR	GOOD PERF IS	DATA NOTE (Monthly)	LAST THREE MONTHS			Year to Date 15/16		DOT (Month on Month)	RAG (in month)	RAG (Year End)	Target and Tolerances			YR ON YR TREND		LATEST BENCHMARKING - 2014/15			
					Jan-16	Feb 16	Mar 16	YTD	DATA NOTE				Red	Amber	Target Green	2013/14	2014/15	STAT NEIGH AVE	BEST STAT NEIGH	NAT AVE	NAT TOP QTILE THRESHOLD
CIN	5.1	Number of open CIN cases	Info	Count	1598	1437	1430			↓					n/a	1324	1526				
	5.2	Number of CIN (inc. CPP as per DfE definition)	Info	Count	1966	1835	1805			↓					n/a	n/a	1947				
	5.3	Number of CIN per 10,000 population aged 0-17 (inc. CPP as per DfE definition)	Info	Rate per 10,000	348.6	325.4	320.0			↓			more than +/15	+/-15	+/-5 of 346.4	n/a	347.1	372.4	285.1	337.3	280.98
	5.4	% of CIN (open at least 45 days) with a plan	High	Percentage	95.8%	97.6%	98.9%			↑			<90%	90%<	95%	n/a	91.4%				
	5.5	% of CIN (open at least 45 days) with an up to date plan	High	Percentage	93.3%	94.6%	98.6%			↑			<85%	85%<	90%	43.8%	65.1%				
CHILD PROTECTION	6.1	Number of open CPP cases	Info	Count	368	398	369			↓					n/a	n/a	423				
	6.2a	Initial CP conferences (No. children) - rolling 12 month performance	Info	Count	647	631	592		Rolling Year	↓					n/a	428	556				
	6.2b	Initial CP conferences per 10,000 population - rolling 12 month performance	Info	Rate per 10,000	114.7	111.9	105.0		Rolling Year	↓			<79	79<	74.1	75.9	98.6	69.2	40	61.6	-
	6.3	Number of Initial CP Conferences (children) - in month	Info	Count	53	49	17		Financial Year	↓			range to be set								
	6.4	% of initial child protection conference (ICPCs) completed within 15 days of S47 (based on number of children)	High	Percentage	98.1%	98.0%	94.1%	88.3%	Financial Year	↓			<85%	85%<	90.0%	81.5%	65.0%	73.5%	100.0%	69.3%	87.7%
	6.5	Number of children with a CP plan per 10,000 population under 18	Low	Rate per 10,000	65.3	70.6	65.4			↑			more than +/10	+/-10	+/-5 of 52.3	69.2	74.7	46.1	26.4	42.9	-
	6.6	Number of children becoming subject to a CP plan per 10,000 population	Info	Rate per 10,000	9.2	8.5	2.8	93.8	Financial Year	↓					n/a	72.37	93.05				
	6.7	Number of discontinuations of a CP plan per 10,000 population	High	Rate per 10,000	8.0	3.7	6.7	105	Financial Year	↑			<55	55>	59.9	62.74	85.38	67.8	39.0	52.1	-
	6.8	% of children becoming the subject of a CP plan for a second or subsequent time within 2 years - rolling 12 months	Low	Percentage	4.2%	4.4%	4.7%			↓			<6%	6%>	4%	4.4%	4.0%				
	6.9	% of children becoming the subject of a CP plan for a second or subsequent time - ever - rolling 12 months	Low	Percentage	13.2%	13.8%	12.7%			↑			<16%	16%>	14%	11.1%	10.8%	16.1%	7.7%	16.6%	13.3%
	6.10	% of open CP plans lasting 2 years or more	Low	Percentage	0.0%	0.0%	0.8%			↓			<3.6%	3.6%>	2.6%	4.9%	4.2%	1.6%	0.0%	2.3%	0.0%
	6.11	% of CP plans lasting 2 years or more - ceased within period	Low	Percentage	2.2%	0.0%	2.6%	4.8%	Financial Year	↓			<6.5%	6.5%>	4.5%	6.8%	20/478 4.18%	3.4%	0.0%	3.7%	2.4%
	6.12	% of CP cases which were reviewed within timescales	High	Percentage	96.4%	86.0%	98.9%	94.2%		↑			<95%	95%>	98%	95.3%	96.4%	97.6%	100.0%	94.0%	100.0%
	6.13	% CPP with an up to date plan	High	Percentage	98.9%	98.5%	100.0%			↑			<93%	93%>	95%		97.6%				
	6.14	% of CPP with visits in the last 2 weeks	High	Percentage	96.0%	95.7%	99.0%			↑			<90%	90%>	95%		84.1%				
LOOKED AFTER CHILDREN	7.1	Number of Looked After Children	Info	Count	430	422	432			↑					n/a		407				
	7.2	Rate of Looked After Children per 10,000 population aged under 18	Info	Rate per 10,000	76.2	74.8	76.6			↑			more than +/5	+/-5	up to +/2 of 73.5	70	70	73.4	49.0	60.0	-
	7.3	Admissions of Looked After Children	Info	Count	10	19	20	208	Financial Year	↑					n/a	147	175				
	7.4	Number of children who have ceased to be Looked After Children	High	Count	15	9	13	192	Financial Year	↑					n/a	136	160				
	7.5	Percentage of LAC who have ceased to be looked after due to permanence (Special Guardianship Order, Residence Order, Adoption)	High	Percentage	53.3%	66.7%	46.2%	40.1%	Financial Year	↓			<33%	33%>	35%	55 40.44%	60 37.50%				
	7.6	LAC cases reviewed within timescales	High	Percentage	89.2%	98.3%	99.0%	83.3%	Financial Year	↑			<90%	90%<	95%	98.6%	352/371 94.9%				
	7.7	Percentage of children adopted	High	Percentage	13.3%	22.2%	30.8%	22.9%	Financial Year	↑			<20%	20%<	22.7%	26.5%	26.3%	25.1%	35.0%	17.0%	37.0%

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↑	- increase in numbers (no good/bad performance)	↑	- improvement in performance	→	- no movement but within limits of target
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	NO.	INDICATOR	GOOD PERF IS	DATA NOTE (Monthly)	LAST THREE MONTHS			Year to Date 15/16		DOT (Month on Month)	RAG (in month)	RAG (Year End)	Target and Tolerances			YR ON YR TREND		LATEST BENCHMARKING - 2014/15			
					Jan-16	Feb 16	Mar 16	YTD	DATA NOTE				Red	Amber	Target Green	2013/14	2014/15	STAT NEIGH AVE	BEST STAT NEIGH	NAT AVE	NAT TOP QTILE THRESHOLD
L	7.8	Health of Looked After Children - up to date Health Assessments	High	Percentage	93.8%	93.1%	92.8 %			↓			<90%	90%<	95%	82.7%	81.4%				
	7.9	Health of Looked After Children - up to date Dental Assessments	High	Percentage	93.2%	95.8%	94.5 %			↓			<90%	90%<	95%	42.5%	58.8%				
	7.10	% of LAC with a PEP	High	Percentage	97.0%	95.3%	97.8%			↑			<90%	90%<	95%	65.7%	68.7%				
	7.11	% of LAC with up to date PEPs	High	Percentage	90.7%	90.6%	95.0%			↑			<90%	90%<	95%	72.9%	71.4%				
	7.12	% of eligible LAC with an up to date plan	High	Percentage	98.6%	97.7%	98.4%			↑			<93%	93%<	95%	67.0%	98.8%				
	7.13	% of completed LAC visits which were completed within timescale - National Minimum standard	High	Percentage	96.8%	95.3%	98.1%			↑			<95%	95%<	98%		94.9%				
	7.14	% of completed LAC visits which were completed within timescale - Rotherham standard	High	Percentage	80.2%	77.8%	80.2%			↑			<85%	85%<	90%		64.0%				
CARE LEAVERS	8.1	Number of care leavers	Info	Count	198	196	197			↑					n/a		183				
	8.2	% of eligible LAC with an up to date pathway plan	High	Percentage	93.9%	95.9%	97.5%			↑			<93%	93%<	95%		69.8%				
	8.3	% of care leavers in suitable accommodation	High	Percentage	98.5%	96.4%	96.5%			↑			<95%	95%<	98%	96.3%	97.8%	74.2%	100.0%	77.8%	90.0%
	8.4	% of care leavers in employment, education or training	High	Percentage	63.1%	65.8%	68.0%			↑			<70%	70%<	72%	52.3%	71.0%	40.8%	65.0%	45.0%	55.8%
PLACEMENTS	9.1	% of long term LAC in placements which have been stable for at least 2 years	High	Percentage	74.5%	72.5%	72.7%			↑			<68%	68%<	70%	68.8%	110/153 71.9%	67.6%	79.0%	67.0%	71.1%
	9.2	% of LAC who have had 3 or more placements - rolling 12 months	Low	Percentage	11.3%	12.1%	11.9%			↑			>12%	12%>	10%	11.2%	49/409 12.0%	9.6%	7.0%	11.0%	9.0%
ADOPTIONS	10.1	% of adoptions completed within 12 months of SHOBPA	High	Percentage	100.0%	100.0%	80.0%	53.5%	Financial Year	↓			<83%	83%<	85%	55.6%	84.6%				
	10.2	Average number of days between a child becoming Looked After and having a adoption placement (A1) (Rolling 12 months)	Low	Rolling year - ave count	368.0	348.4	338.4	338.5	Rolling Year	↑			>511	511>	487	661	417.5	507.3	328.0	525.0	468.0
	10.3	Average number of days between a placement order and being matched with an adoptive family (A2) (Rolling 12 months)	Low	Rolling year - ave count	159.5	141.7	137.9	137.9	Rolling Year	↑			>127	127>	121	315	177.3	217.1	45.0	217.0	163.0
CASELOAD	11.1	Maximum caseload of social workers in key safeguarding teams (excluding children's disability team)	Low	Average count	29	30	23			↑			25+	24>	22						
	11.2	Maximum caseload of social workers in LAC	Low	Average count	18	18	18			→			21+	20>	18						
	11.3	Average number of cases per qualified social worker in LAC	Within Limits	Average count	11.7	12.8	12.6			↓			over 1% above range	1% above range	14-20						
	11.4	Average number of cases per qualified social worker in Duty Teams	Within Limits	Average count	17.2	11.3	13.7			↑			over 1% above range	1% above range	16-22		11.2				
	11.5	Average number of cases per qualified social worker in CIN North Teams	Within Limits	Average count	14.7	17.1	16.6			↓			over 1% above range	1% above range	16-22		18.2				
	11.6	Average number of cases per qualified social worker in CIN Central Teams	Within Limits	Average count	19.2	16.6	17.9			↑			over 1% above range	1% above range	16-22						
	11.7	Average number of cases per qualified social worker in CIN South Teams	Within Limits	Average count	15.7	17.8	17.3			↓			over 1% above range	1% above range	16-22		17.4				
	11.8	Average number of cases per qualified social worker in Children's Disability Team	Within Limits	Average count	14.9	13.5	14.9			↑			over 1% above range	1% above range	16-22		22.7				
	11.9	Average number of cases per qualified social worker in Child Sexual Exploitation team	Within Limits	Average count	4.9	4.4	5.4			↑			over 1% above range	1% above range	16-22		18				

EARLY HELP

DEFINITION

Early Help is where an LA works in partnership to address problems at the earliest opportunity before they are able to escalate and by helping to break the longer term intergenerational cycle of poor outcomes.

PERFORMANCE ANALYSIS

The new Early Help Pathway was launched on the 18th January 2016. From April 2016, performance reporting will be broken down into the three (North, South Central) Locality Teams as well as incorporating the 3 new performance measures for the Early Help Triage Team. A draft scorecard is now available and the finalised version produced Monthly from April 2016. There are currently 25 performance indicators and 7 new Human Resource indicators. 17 measures will be reported monthly, 8 measures will be reported Quarterly. The indicators include a mixture of statutory, national and local and will help us to evidence our improvements over a period of time. We will measure our success by monitoring a series of measures including; reduction in CIN, increase in school attendance, increase in Children's Centres reach, reduction of NEET, an increase in EET and a reduction of Persistent Absence

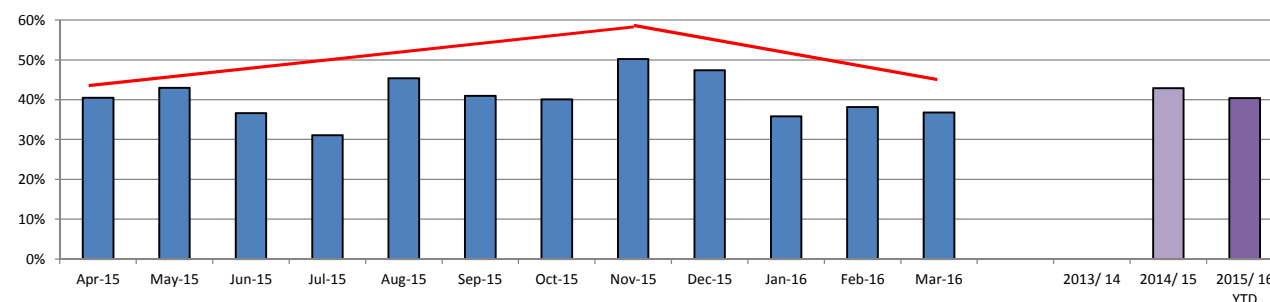
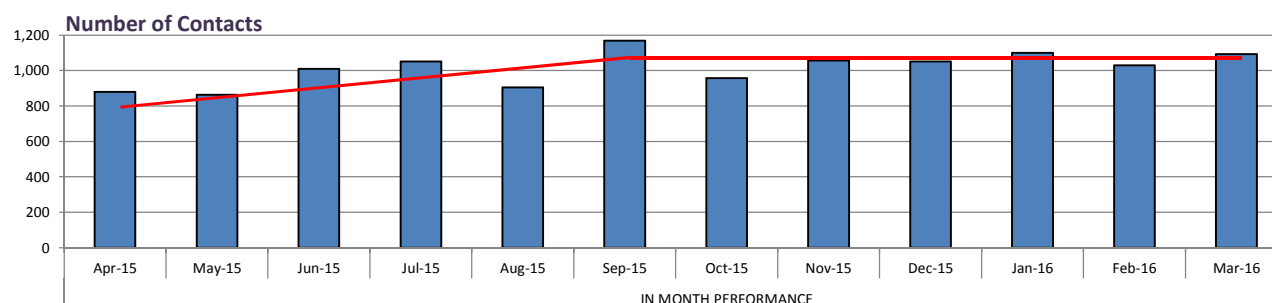
CONTACTS

DEFINITION An initial contact is where a LA receives a contact about a child, and where there is a request for general advice, information or a social care service. Contacts received are screened against an agreed multi-agency threshold criteria for social care, where a manager agrees these thresholds have been met the contact progresses to a 'Referral' for consideration of an assessment and/or the services which may be required for a child.

PERFORMANCE ANALYSIS

The Rotherham MASH went live in April 2015. Processes and performance were reviewed during May 2015 and some key remedial actions were taken in response. A recent independent review of the MASH reported to the Improvement Board in March 2016 that while there was still further work to do 'enormous' progress had been made in a very short space of time. The numbers of contacts into the system rose in the early months and then have remained relatively stable. There has been some rebalancing of numbers in terms of their sources. This will be commented upon further in the next section. There will be a number of factors that impact on the general volume of contacts. Initially as confidence in the competence and responsiveness of the service increases there would be an expectation that contacts from some sources would rise. The independent review of the MASH predicted this might happen. Then as some key safeguarding partners increase their understanding about social care thresholds contacts from these sources will reduce. Finally as the Early Help pathway is developed and better understood, families who might previously have been referred to social care will be rerouted at source into Early Help services. The volume of contacts will continue to be monitored in order to track any trends or patterns that may emerge.

		2.1	2.2	2.4
		No. Contacts	% Contacts with decision within 1 working day	% Contacts progressing to referral
IN MONTH PERFORMANCE	Apr-15	879	94.2%	40.5%
	May-15	864	80.2%	42.9%
	Jun-15	1010	97.2%	36.6%
	Jul-15	1051	95.5%	31.1%
	Aug-15	904	98.0%	45.4%
	Sep-15	1169	98.6%	41.0%
	Oct-15	958	99.4%	40.1%
	Nov-15	1056	99.1%	50.2%
	Dec-15	1052	98.8%	47.4%
	Jan-16	1100	98.4%	35.8%
	Feb-16	1030	98.7%	38.2%
	Mar-16	1092	96.5%	36.8%
ANNUAL TREND	2013/ 14			
	2014/ 15	10517		42.9%
	2015/ 16 YTD	12165	96.5%	40.4%



— trendline

CONTACTS BY SOURCE

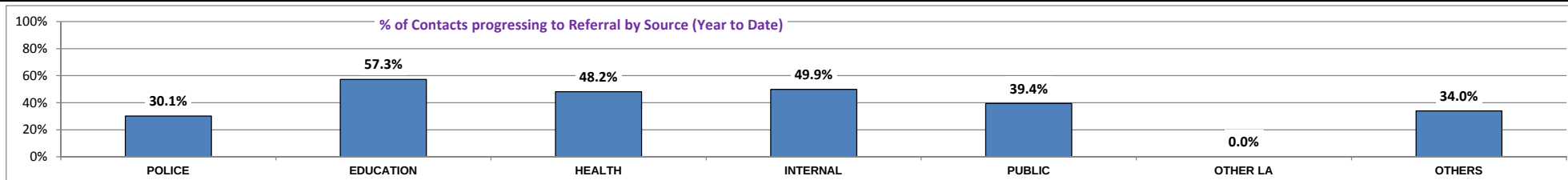
DEFINITION

An initial contact is where a LA receives a contact about a child, and where there is a request for general advice, information or a social care service. Contacts received are screened against an agreed multi-agency threshold criteria for social care, where a manager agrees these thresholds have been met the contact progresses to a 'Referral' for consideration of an assessment and/or the services which may be required for a child. The analysis below provides a breakdown of numbers and progression rates to referral by the source of contact.

PERFORMANCE ANALYSIS

The development of the MASH scorecard is helping us to identify more clearly the source of the contact. When the past 12 months data was reviewed it appears that contacts made by education which includes schools has risen over the past few months. On the basis of feedback from schools it is understood that this is indicative of increased confidence in the quality and helpfulness of the service at the front door. There has been some reduction in the number of contacts from Health services which may be an indication of better understanding of thresholds for social care. This is an area of awareness raising that has been worked on in recent months. The majority of contacts from the Police relate to domestic abuse notifications. There has been a strengthened daily triage system in place deal with these. The Independent Domestic Abuse Advisor works with a MASH Social Worker to assess cases. This guarantees immediate actions are in place to ensure the safety of the individual and any children involved. The improved Early Help pathway will assist overtime in effectively diverting some contacts directly into EH Triage Team.

		(1) POLICE			(2) Education services (inc Schools)			(3) Health services			(4) Internal council services			(5) Members of public (inc. self / parent)			(6) OTHER LOCAL AUTHORITIES			(7) Others (inc Children centres, Legal services, cafcass)		
		Total Contacts	No. prog to referral	% prog. to referral	Total Contacts	No. prog to referral	% prog. to referral	Total Contacts	No. prog to referral	% prog. to referral	Total Contacts	No. prog to referral	% prog. to referral	Total Contacts	No. prog to referral	% prog. to referral	Total Contacts	No. prog to referral	% prog. to referral	Total Contacts	No. prog to referral	% prog. to referral
IN MONTH PERFORMANCE	Apr-15	361	137	38.0%	129	71	55.0%	95	38	40.0%	126	58	46.0%	53	19	28.9%	2	0	0.0%	113	33	29.2%
	May-15	305	97	31.8%	122	62	50.8%	130	71	54.6%	120	71	59.2%	65	27	22.8%	0	0	-	122	43	35.2%
	Jun-15	319	86	27.0%	138	67	48.6%	145	57	39.3%	152	72	47.4%	99	38	38.4%	0	0	-	157	50	31.8%
	Jul-15	374	81	21.7%	119	53	44.5%	164	77	47.0%	159	61	38.4%	110	26	23.6%	0	0	-	125	29	23.2%
	Aug-15	404	146	36.1%	0	0	-	163	89	54.6%	129	78	60.5%	109	60	55.0%	0	0	-	99	37	37.4%
	Sep-15	373	114	30.6%	151	87	57.6%	135	60	44.4%	184	98	53.3%	154	59	38.3%	0	0	-	172	61	35.5%
	Oct-15	318	74	23.3%	147	81	55.1%	144	68	47.2%	150	78	52.0%	91	40	44.0%	0	0	-	108	43	39.8%
	Nov-15	358	147	41.1%	183	126	68.9%	146	82	56.2%	121	58	47.9%	113	58	51.3%	0	0	-	135	59	43.7%
	Dec-15	399	135	33.8%	155	97	62.6%	145	86	59.3%	124	77	62.1%	104	53	51.0%	0	0	-	125	51	40.8%
	Jan-16	408	86	21.1%	168	105	62.5%	121	52	43.0%	142	68	47.9%	142	53	37.3%	0	0	-	119	30	25.2%
	Feb-16	404	121	30.0%	133	79	59.4%	119	56	47.1%	167	81	48.5%	99	24	24.2%	0	0	-	108	32	29.6%
	Mar-16	360	97	26.9%	141	81	57.4%	129	53	41.1%	161	66	41.0%	164	56	34.1%	0	0	-	137	49	35.8%
ANNUAL TREND	2013/ 14																					
	2014/ 15																					
	2015/ 16 YTD	4383	1321	30.1%	1586	909	57.3%	1636	789	48.2%	1735	866	49.9%	1303	513	39.4%	2	0	0.0%	1520	517	34.0%



REFERRALS

DEFINITION

An Initial Contact will be progressed to a 'referral' where the social worker or manager considers an assessment and/or services may be required for a child or further information is required to make an informed decision.

PERFORMANCE ANALYSIS

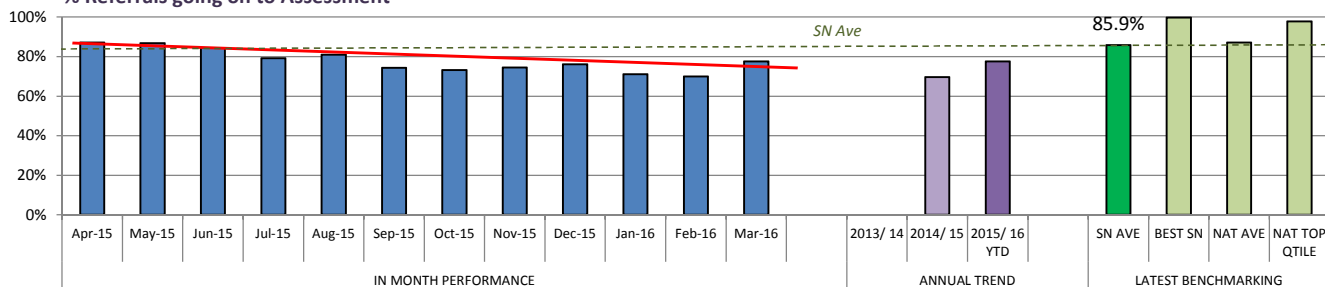
Both contacts and referrals are being dealt with in a timely way, this has been evidenced by the data and validated by Ofsted during 3 separate improvement visits and by the independent review of MASH reported to the Improvement Board in March 2016. There is now a downward trajectory for re-referrals although the higher numbers earlier in the year continue to impact negatively on the rolling 12 month figure. Improvements in the quality of assessments first time around and the developing early help offer are both understood to have supported better performance in this area. As the MASH has developed, more work is undertaken at referral stage in terms of information sharing and effective triage. This is resulting on fewer referrals converting to assessment which suggests in turn that resources are being better targeted to need and families are getting a more appropriate response. The independent review found that Social work analysis and articulation of need, harm and risk within the MASH is viewed as good, far better than in many other local authority settings visited. This is apparent in social work analysis and the recommendations being made by decision makers.

		2.3	2.7	2.6	2.8
		No. of Referrals	% Referral decision was made within 48 hours	% Referrals going on to Assessment	% Re-referrals in last month
IN MONTH PERFORMANCE	Apr-15	356	94.4%	87.1%	32.4%
	May-15	371	91.1%	86.8%	30.0%
	Jun-15	370	96.2%	84.3%	34.6%
	Jul-15	327	96.3%	79.2%	30.0%
	Aug-15	410	93.7%	81.0%	35.3%
	Sep-15	479	97.9%	74.3%	27.6%
	Oct-15	384	97.9%	73.2%	30.5%
	Nov-15	530	97.0%	74.5%	31.4%
	Dec-15	499	98.6%	76.2%	30.9%
	Jan-16	394	96.4%	71.1%	29.4%
	Feb-16	393	97.7%	70.0%	28.6%
	Mar-16	402	99.0%	77.6%	27.9%

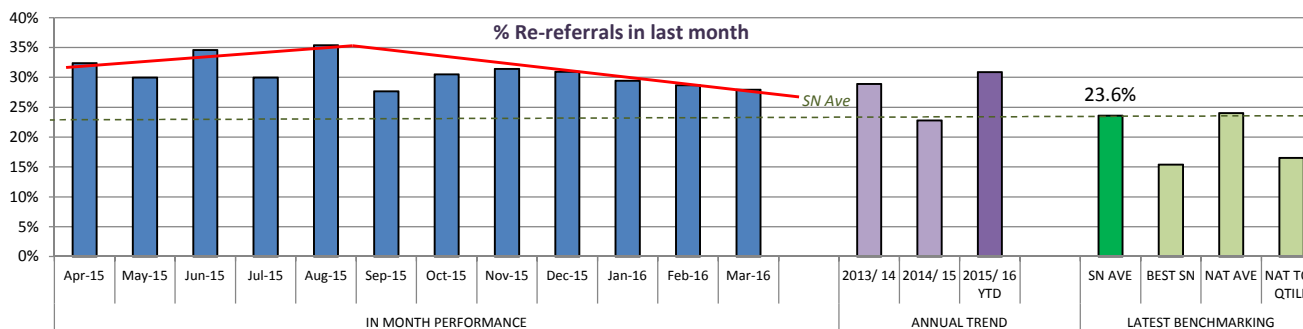
ANNUAL TREND	2013/ 14				28.9%
	2014/ 15	4513		69.6%	22.8%
	2015/ 16 YTD	4915	96.5	77.6%	30.9%

LATEST BENCHMARKING	SN AVE			85.9%	23.6%
	BEST SN			99.7%	15.4%
	NAT AVE			87.1%	24.0%
	NAT TOP QTILE			97.8%	16.5%

% Referrals going on to Assessment



% Re-referrals in last month



— trendline

ASSESSMENTS - STARTED

DEFINITION

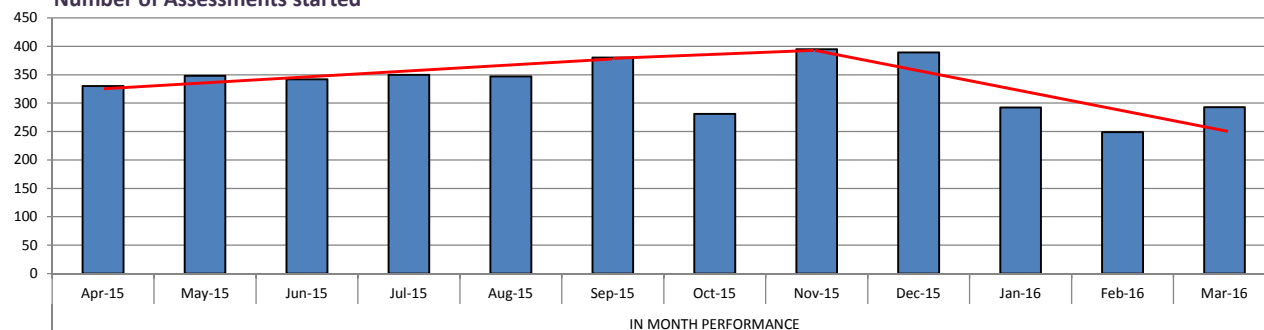
If a child meets the Children's Act definition of 'Child in Need' or is likely to be at risk of significant harm, authorisation will be given for an assessment of needs to be started to determine which services to provide and what action to take.

PERFORMANCE ANALYSIS

There is a current pattern of reducing number of assessments but an increase in their complexity. This might be indicative of the fact that the service is better able to judge risk and respond proportionately - this a trend which will be further observed and analysed over coming weeks and months.

3.1 Number of Assessments started		
IN MONTH PERFORMANCE	Apr-15	330
	May-15	348
	Jun-15	342
	Jul-15	350
	Aug-15	347
	Sep-15	380
	Oct-15	281
	Nov-15	395
	Dec-15	389
	Jan-16	292
	Feb-16	249
	Mar-16	293
ANNUAL TREND	2013/ 14	
	2014/ 15	3929
	2015/ 16 YTD	3996
LATEST BENCHMARKING	SN AVE	
	BEST SN	
	NAT AVE	
	NAT TOP QTILE	

Number of Assessments started



— trendline

ASSESSMENTS - COMPLETED

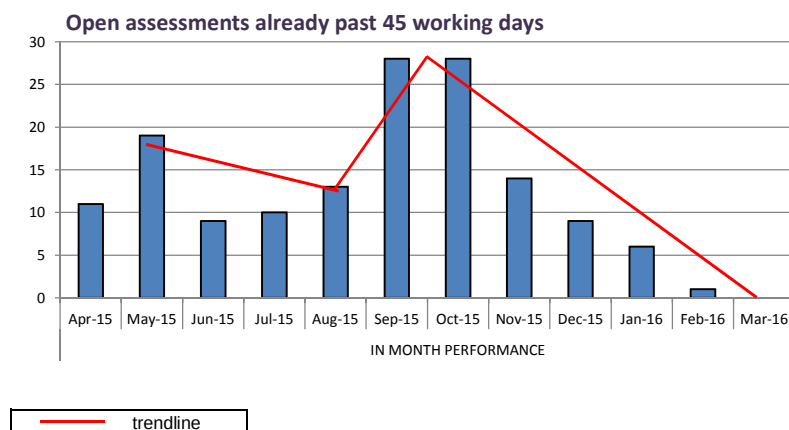
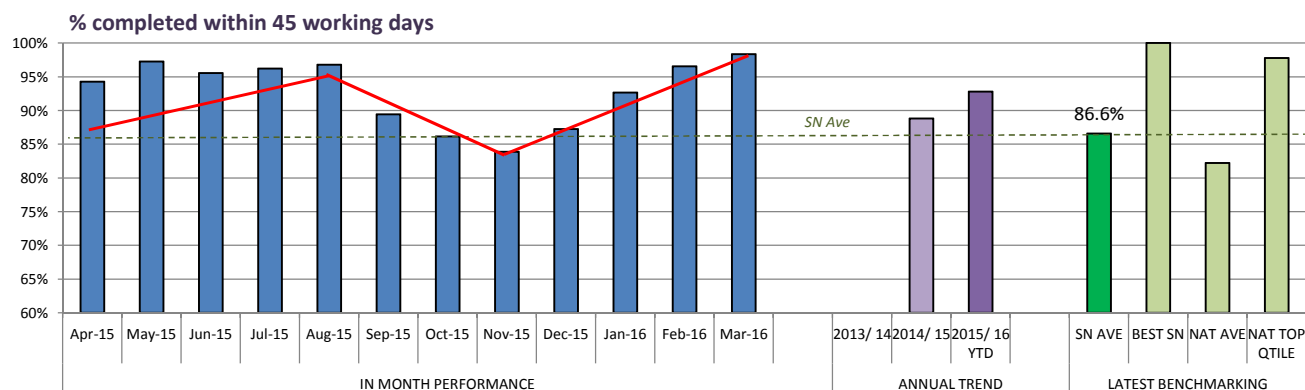
DEFINITION

National Working Together guidelines state that the maximum timeframe for the assessment to be completed is 45 working days from the point of referral. If, in discussion with a child and their family and other professionals, an assessment exceeds 45 working days the social worker should record the reasons for exceeding the time limit.

PERFORMANCE ANALYSIS

A combination of the reduction in the volume of work, changes to the way duty teams are organised and increased management grip has seen a significant improvement in the timeliness of assessments completed again this month. The emphasis on quality remains and this will continue to be monitored to ensure that the drive to improve timeliness is not at the cost of achieving best practice. Feedback from the Ofsted Improvement visit found 'No widespread or serious concerns. Clear improvement in practice and management oversight since the last visit in October 2015'. While the inspector identified a number of examples of 'good' assessments during her visit there remains further work to do to ensure consistently good quality assessments are produced right across the service.

		3.2	3.3
		% completed within 45 working days	Open assessments already past 45 working days
IN MONTH PERFORMANCE	Apr-15	94.3%	11
	May-15	97.2%	19
	Jun-15	95.6%	9
	Jul-15	96.2%	10
	Aug-15	96.8%	13
	Sep-15	89.5%	28
	Oct-15	86.2%	28
	Nov-15	83.9%	14
	Dec-15	87.3%	9
	Jan-16	92.7%	6
	Feb-16	96.6%	1
	Mar-16	98.4%	0
ANNUAL TREND	2013/ 14		
	2014/ 15	88.8%	
	2015/ 16 YTD	92.8%	
LATEST BENCHMARKING	SN AVE	86.6%	
	BEST SN	100.0%	
	NAT AVE	82.2%	
	NAT TOP Q TILE	97.8%	



ASSESSMENTS - OUTCOMES

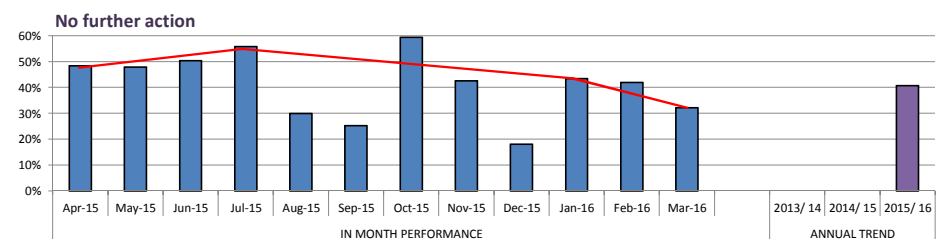
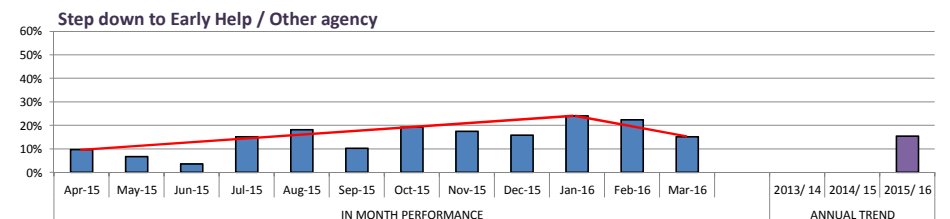
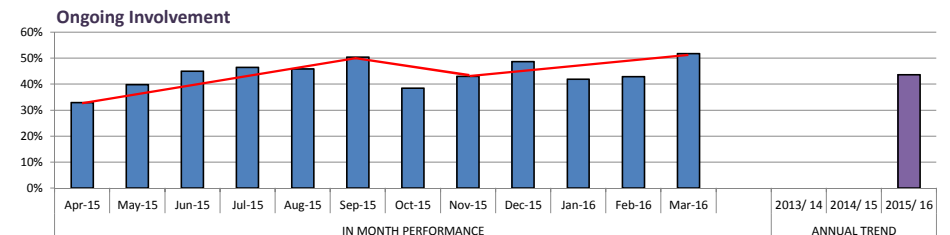
DEFINITION Every assessment should be focused on outcomes, deciding which services and support to provide to deliver improved welfare for the child and reflect the child's best interests. Local monitoring processes were reviewed and new outcome options established June 2015 therefore care should be taken when comparing trend data from before that time.

PERFORMANCE ANALYSIS

The number of assessments that are resulting in 'No Further Action' is downward overall which is a positive reflection on the improvement of the quality of decision making and application of thresholds. The downward trend of repeat referrals support the conjecture. While it has been positive to see an increase in step down decisions as opposed to closure of cases it is better for families to be directed straight into early help wherever possible rather than be routed through social care in first instance. As early help pathways become more familiar to referring agencies the numbers of contacts, referrals and then assessments in social care should start to decrease.

		3.4		3.5		3.6		3.7		3.8	
		Ongoing Involvement		No further action		Step down to Early Help		Out of area		Not Recorded/Other	
IN MONTH PERFORMANCE	Apr-15	92 of 280	32.9%	158 of 280	48.3%	27 of 280	9.6%	2 of 280	0.7%	1 of 280	0.4%
	May-15	130 of 327	39.8%	173 of 327	47.8%	22 of 327	6.7%	2 of 327	0.6%	0 of 327	0.0%
	Jun-15	163 of 362	45.0%	186 of 362	50.3%	13 of 362	3.6%	0 of 362	0.0%	0 of 362	0.0%
	Jul-15	172 of 370	46.5%	139 of 370	55.8%	56 of 370	15.1%	3 of 370	0.8%	0 of 370	0.0%
	Aug-15	114 of 249	45.8%	88 of 249	29.9%	45 of 249	18.1%	2 of 249	0.8%	0 of 249	0.0%
	Sep-15	148 of 294	50.3%	113 of 294	25.2%	30 of 294	10.2%	2 of 294	0.7%	1 of 294	0.3%
	Oct-15	172 of 448	38.4%	177 of 448	59.4%	86 of 448	19.2%	13 of 448	2.9%	0 of 448	0.0%
	Nov-15	128 of 298	43.0%	110 of 298	42.5%	52 of 298	17.4%	7 of 298	2.3%	1 of 298	0.3%
	Dec-15	126 of 259	48.6%	89 of 259	18.1%	41 of 259	15.8%	3 of 259	1.2%	0 of 259	0.0%
	Jan-16	206 of 492	41.9%	165 of 492	43.4%	118 of 492	24.0%	3 of 492	0.6%	0 of 492	0.0%
	Feb-16	163 of 380	42.9%	128 of 380	42.0%	85 of 380	22.4%	2 of 380	0.5%	2 of 380	0.5%
	Mar-16	158 of 305	51.8%	98 of 305	32.1%	46 of 305	15.1%	1 of 305	0.3%	2 of 305	0.7%
ANNUAL TREND	2013/ 14										
	2014/ 15										
	2015/ 16	1772 of 4064	43.6%	1624 of 4064	40.7%	621 of 4064	15.4%	40 of 4064	1.0%	7 of 4064	0.2%

— trendline



PLANS - IN DATE

DEFINITION

A child's plan is to be developed for an individual child if they have a "wellbeing need" that requires a targeted intervention. Each type of plan has a completion target.

When a Looked After Child reaches 16 years and 3 months they become eligible for a 'Pathway Plan' - this plan focuses on preparing a young person for adulthood and their future (For example; future accommodation, post 16 Education/Training and Employment)

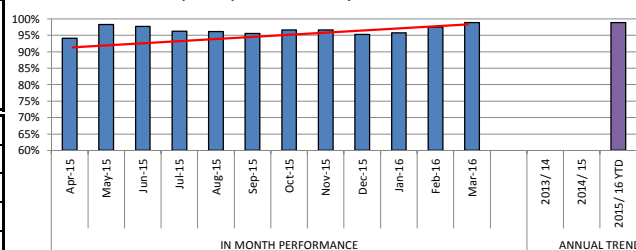
PERFORMANCE ANALYSIS

For all plan types the exceptions are reviewed at the weekly performance meetings so that the reasons for an absence of an up to date plan is clearly understood by senior managers. Performance in relation to plans remains high and has further improved for CIN. It is well understood that the quality of plans is crucial in terms of securing good outcomes for children and this will continue to be the focus of the 'Beyond Auditing' work that is underway across the localities.

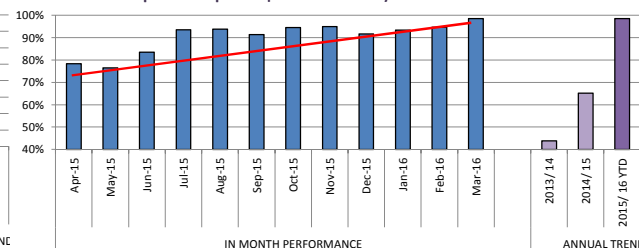
The new management team in the Children in Care (LAC) service is renewing the focus on both the completion of plans and their quality. All exceptions are reviewed on at least a fortnightly basis by senior managers and more frequently by operational managers. Work is under way to make the children in care plans more young person friendly and this work will be undertaken in consultation with children and young people.

		5.4	5.5	6.13	7.12	8.2
		CIN with a recorded plan (open at least 45 days)	CIN with an up-to-date plan (open at least 45 days)	CPP with an up to date plan	LAC with an up to date plan	Eligible LAC with an up to date pathway plan
IN MONTH PERFORMANCE	Apr-15	94.1%	78.3%	97.0%	94.1%	77.6%
	May-15	98.3%	76.5%	100.0%	94.3%	85.2%
	Jun-15	97.7%	83.5%	100.0%	95.5%	92.8%
	Jul-15	96.3%	93.6%	99.2%	98.8%	94.2%
	Aug-15	96.2%	93.8%	100.0%	98.1%	98.5%
	Sep-15	95.6%	91.4%	99.8%	98.8%	94.9%
	Oct-15	96.6%	94.6%	99.5%	98.8%	94.9%
	Nov-15	96.6%	95.0%	99.7%	98.3%	94.9%
	Dec-15	95.3%	91.7%	99.4%	98.1%	93.1%
	Jan-16	95.8%	93.3%	98.9%	98.6%	93.9%
	Feb-16	97.6%	94.6%	98.5%	97.7%	95.9%
	Mar-16	98.9%	98.6%	100.0%	98.4%	97.5%
ANNUAL TREND	2013/ 14		43.8%	82.8%	67.0%	
	2014/ 15		65.1%	97.6%	98.8%	69.8%
	2015/ 16 YTD	98.9%	98.6%	100.0%	98.4%	97.5%
LATEST BENCHMARKING	SN AVE					
	BEST SN					
	NAT AVE					
	NAT TOP QTILE					

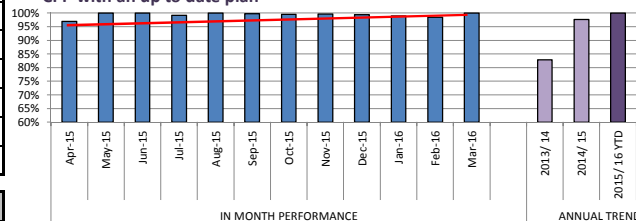
CIN with a recorded plan - open at least 45 days



CIN with an up-to-date plan - open at least 45 days

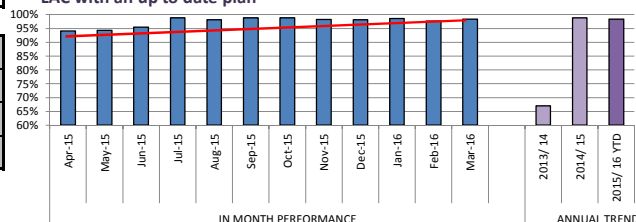


CPP with an up to date plan

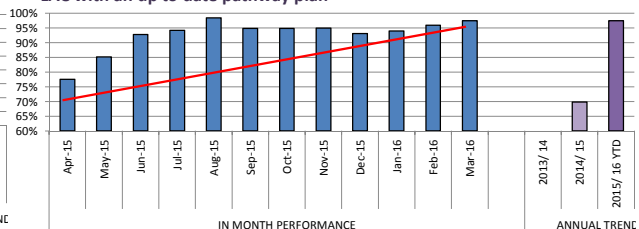


— trendline

LAC with an up to date plan



LAC with an up to date pathway plan



SECTION 47 INVESTIGATIONS - STARTED

DEFINITION

If there is reasonable cause to suspect a child is suffering or likely to be suffering significant harm a Strategy Discussion will be convened between child protection staff and other relevant bodies. The Strategy Discussion may then decide to launch a Section 47 enquiry. This means the local authority must investigate the case further.

PERFORMANCE ANALYSIS

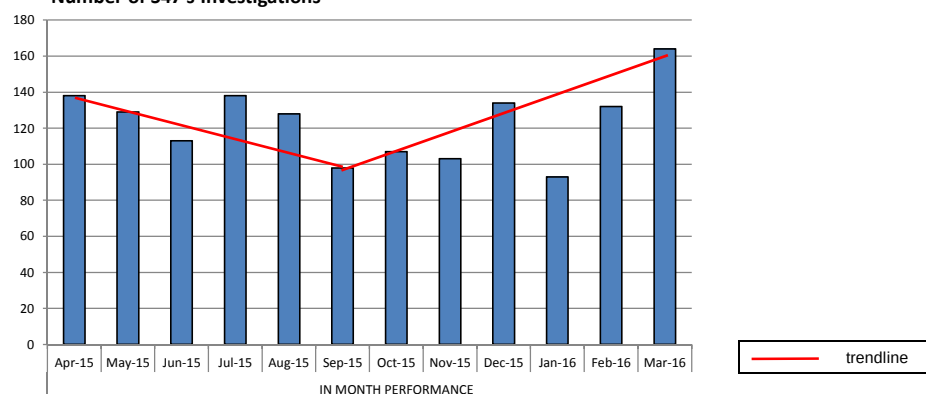
The numbers of S47 investigations remain high and this is currently the subject of intensive review. The Head of Safeguarding and Quality Assurance has commenced the work and a report will be available by the end of May 2016. Early Indications are that the numbers are thought to reflect an ongoing lack of confidence about addressing presenting risk in any way other than by S47/child protection investigation. This is risk averse practice not uncommon in authorities in intervention. However, although it is not indicative of practice that has children being left at risk of significant harm, (in child protection terms), it must be addressed as it represents an over interventionist style of social work practice. This which is often not effective in engaging families for the longer term. The high number in one of the weeks in March was the subject of scrutiny in a weekly performance meeting. This 'spot check', did support the feedback about the level of risk and complexity of cases being worked. This is often not effective in engaging families for the longer term. The high number in one of the weeks in March was the subject of scrutiny in a weekly performance meeting. This 'spot check', did support the feedback about the level of risk and complexity of cases being worked.

		4.1 Number of S47's Investigations - Started	4.2 Number of S47's Investigations 12 month rolling	4.3 Rate of S47's per 10K pop. -12 month rolling
IN MONTH PERFORMANCE	Apr-15	138	1044	185.1
	May-15	129	1097	194.5
	Jun-15	113	1138	201.8
	Jul-15	138	1042	184.8
	Aug-15	128	1268	224.8
	Sep-15	98	1273	225.7
	Oct-15	107	1323	234.6
	Nov-15	103	1333	236.4
	Dec-15	134	1379	244.5
	Jan-16	93	1380	244.7
	Feb-16	132	1404	248.9
	Mar-16	164	1478	262.1

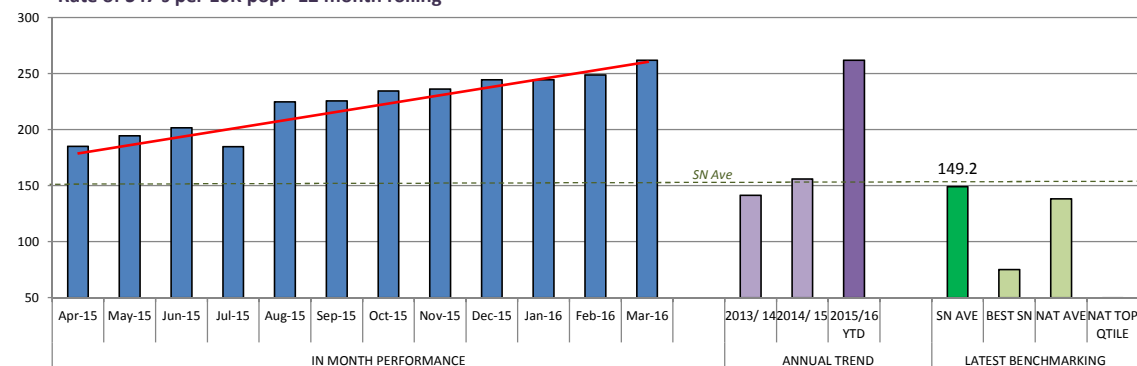
ANNUAL TREND	2013/ 14		141.3
	2014/ 15	752	156.1
	2015/16 YTD	1477	262.1

LATEST BENCHMARKING	SN AVE		149.2
	BEST SN		75.0
	NAT AVE		138.2
	NAT TOP QTILE		-

Number of S47's Investigations



Rate of S47's per 10K pop. -12 month rolling



SECTION 47 INVESTIGATIONS - COMPLETED

DEFINITION

Section 47 enquiries are conducted through a Child's Assessment. Depending on the outcome of a Section 47 enquiry, it may range from 'no further action necessary' through 'further monitoring needed' to the convening of a Child Protection Conference.

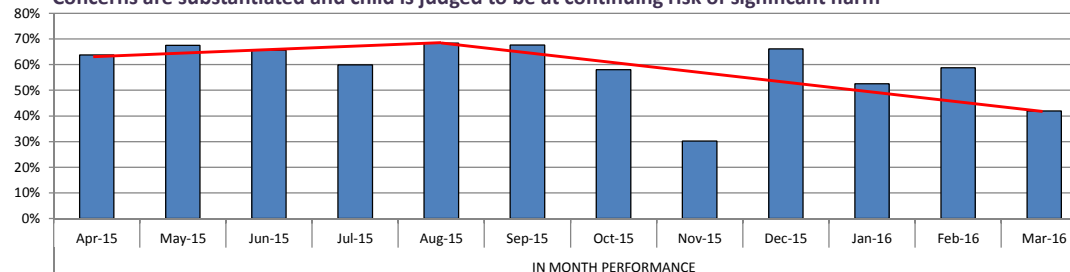
PERFORMANCE ANALYSIS

As referenced previously a deep dive examination of the decision making and application of thresholds will be undertaken in Duty and Assessment and will be led by the Improvement Consultant and Head of Safeguarding. The findings will be fed back in May 2016. The numbers reported where there is no continuing risk of significant harm strongly suggests that a standard assessment under S17 rather than S47 investigation may have been a more appropriate response and the reason why the service is not opting for this option earlier in the process has to be fully understood before remedial action can be taken.

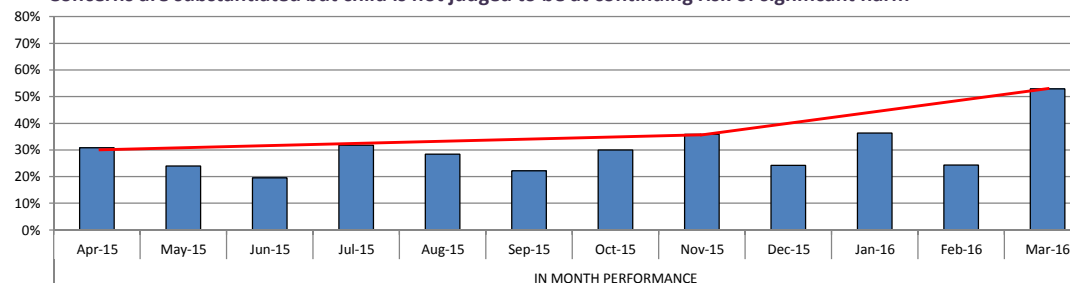
		4.4		4.5		4.6		4.7		4.8	
				Completed S47's by outcome -							
		Number of S47's Investigations - Completed	Concerns are substantiated - continuing risk of significant harm	Concerns are substantiated - no continuing risk of significant harm	Concerns not substantiated		Not recorded				
IN MONTH PERFORMANCE	Apr-15	91	58	63.7%	28	30.8%	4	4.4%	1	1.1%	
	May-15	117	79	67.5%	28	23.9%	10	8.5%	0	0.0%	
	Jun-15	128	84	65.6%	25	19.5%	18	14.1%	1	0.8%	
	Jul-15	167	100	59.9%	53	31.7%	14	8.4%	0	0.0%	
	Aug-15	95	65	68.4%	27	28.4%	3	3.2%	0	0.0%	
	Sep-15	108	73	67.6%	24	22.2%	11	10.2%	0	0.0%	
	Oct-15	100	58	58.0%	30	30.0%	11	11.0%	1	1.0%	
	Nov-15	106	32	30.2%	38	35.8%	36	34.0%	0	0.0%	
	Dec-15	124	82	66.1%	30	24.2%	12	9.7%	0	0.0%	
	Jan-16	99	52	52.5%	36	36.4%	11	11.1%	0	0.0%	
	Feb-16	119	70	58.8%	29	24.4%	20	16.8%	0	0.0%	
	Mar-16	136	57	41.9%	72	52.9%	6	4.4%	1	0.7%	
ANNUAL TREND	2013/ 14										
	2014/ 15	876									
	2015/ 16 YTD	1390	810	58.3%	420	30.2%	156	11.2%	4	0.3%	
LATEST BENCHMARKING	SN AVE										
	BEST SN										
	NAT AVE										
	NAT TOP OTI E										

— trendline

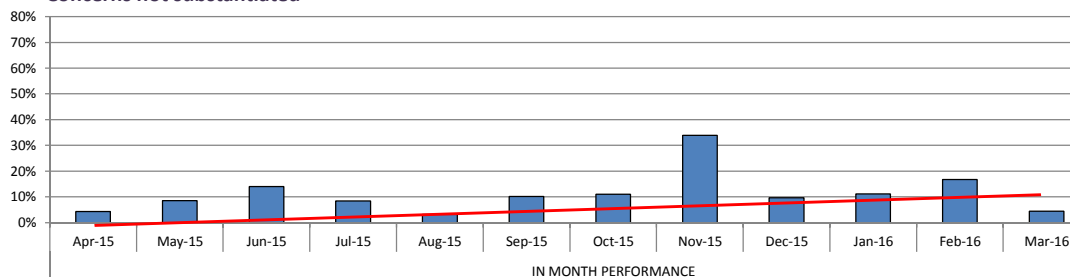
Concerns are substantiated and child is judged to be at continuing risk of significant harm



Concerns are substantiated but child is not judged to be at continuing risk of significant harm



Concerns not substantiated



CHILDREN IN NEED (CIN)

DEFINITION

If the child is found to be disabled or the assessment finds that their health and development is likely to suffer without local authority intervention, the child will be classed as 'in need', as defined by Section 17 of the Children Act 1989. This means that the local authority is now legally obliged to provide the necessary services and support.

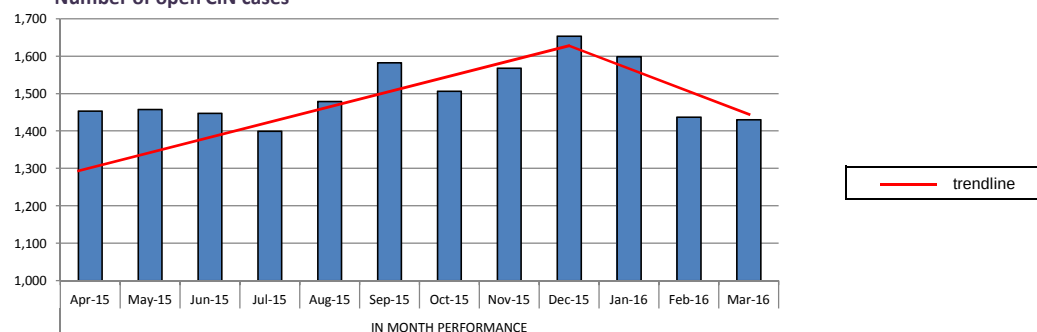
PERFORMANCE ANALYSIS

There is no good or bad performance in relation to numbers of CIN although it is important to monitor against statistical neighbour and national averages as numbers considerably higher or lower than average can be an indicator of other performance issues.

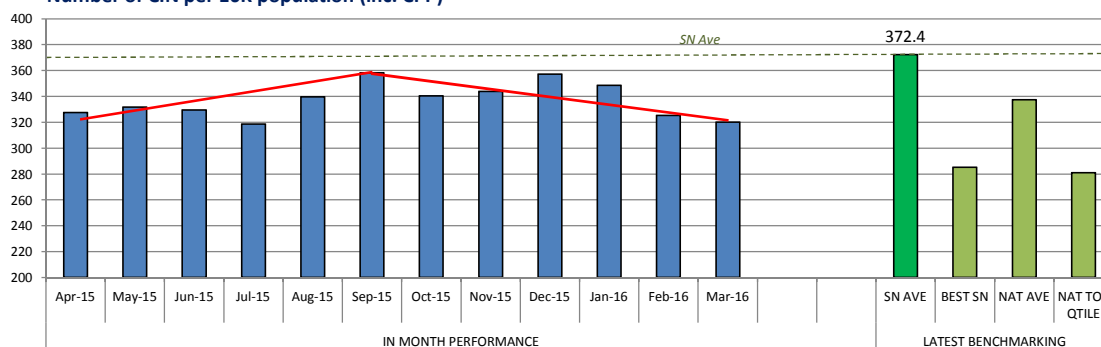
One of the measures of success of our Early Help offer will be, over time, a reduction in the numbers of CIN as families are offered support at an earlier point before concerns escalate. This is in addition to ongoing support from Tier 2 services as they are stepped down and out of statutory intervention. It is far too early in the development of the Early Help provision to conclude that the last three months reduction in numbers are the beginning of a trend. It is more likely that it represents a review that has been undertaken of all open CIN cases during the reconfiguration of the locality teams which has led to closure and stepping down of some cases where appropriate. We still predict that for a period of time numbers of CIN may rise as those with a child protection plan reduce.

		5.1	5.2	5.3
		Number of open CIN cases	Number of CIN (inc. CPP as per DfE definition)	Number of CIN per 10K pop. (inc. CPP as per DfE definition)
IN MONTH PERFORMANCE	Apr-15	1453	1847	327.5
	May-15	1457	1871	331.7
	Jun-15	1447	1858	329.4
	Jul-15	1399	1796	318.5
	Aug-15	1479	1916	339.7
	Sep-15	1582	2022	358.3
	Oct-15	1506	1920	340.4
	Nov-15	1568	1939	343.8
	Dec-15	1653	2015	357.3
	Jan-16	1598	1966	348.6
	Feb-16	1437	1835	325.4
	Mar-16	1430	1805	320.0
ANNUAL TREND	2013/ 14			
	2014/ 15			
	2015/ 16 YTD			
LATEST BENCHMARKING	SN AVE			372.4
	BEST SN			285.1
	NAT AVE			337.3
	NAT TOP QTILE			281.0

Number of open CIN cases



Number of CIN per 10K population (inc. CPP)



CHILD PROTECTION

DEFINITION

Following a S47 investigation a child protection conference may be convened to consider all the information obtained under the Section 47 enquiry and to determine the best course of action. One of the things the child protection conference considers is whether the child should become subject to a Child Protection Plan. The aim of a child protection plan is to ensure the child is safe from harm and remains that way. As long as it is in the best interests of the child, this will involve offering support and services to the family.

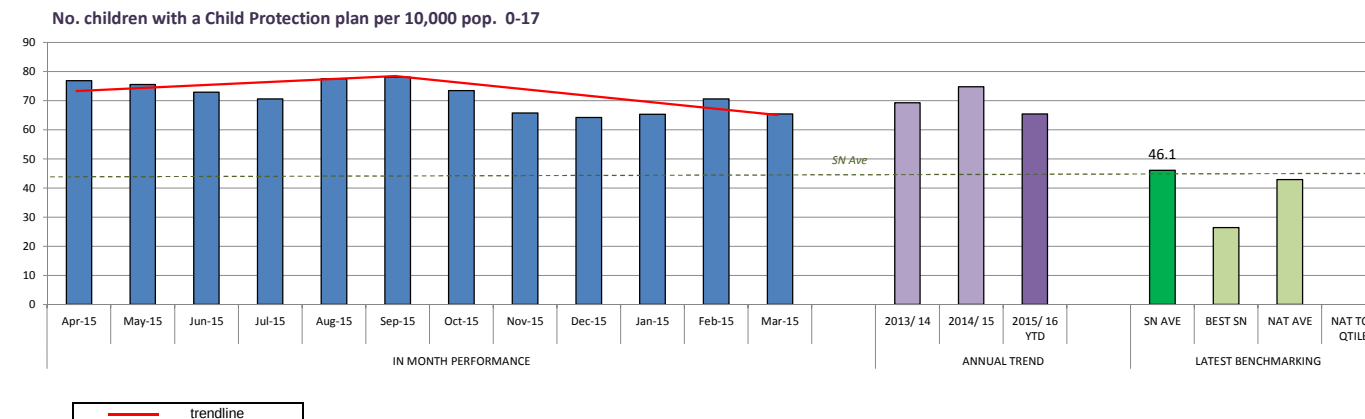
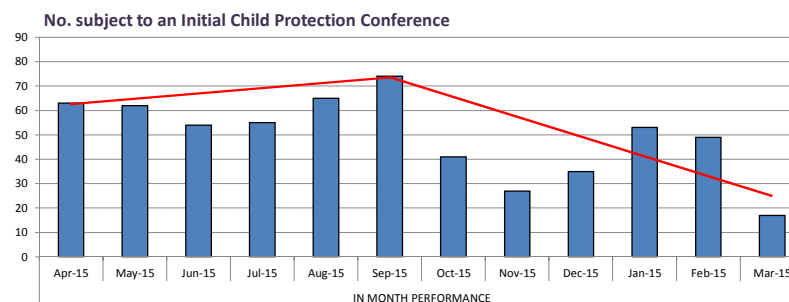
PERFORMANCE ANALYSIS

The number of children with a child protection plan (CPP) has been much higher than that of our statistical neighbours and the national average. We would expect the numbers to fall as practice improves, CP plans are worked more effectively and managers become more confident in their decision making. Children's Social Care is already more robust in ensuring that only children where it is likely or actual significant harm has occurred are taken to conference and in ensuring that the threshold for a plan is met. The overall trend is still downward which adds further weight to the need to address the high numbers of child protection investigations (S47) which are still being undertaken.

		6.3	6.1	6.5
		No of children subject to an initial CP Conferences (in month)	No. of open CPP cases	No. of open CPP cases per 10K pop under 18
IN MONTH PERFORMANCE	Apr-15	63	433	76.8
	May-15	62	426	75.5
	Jun-15	54	411	72.9
	Jul-15	55	398	70.6
	Aug-15	65	437	77.5
	Sep-15	74	440	78.0
	Oct-15	41	414	73.4
	Nov-15	27	371	65.8
	Dec-15	35	362	64.2
	Jan-15	53	368	65.3
	Feb-15	49	398	70.6
	Mar-15	17	369	65.4

ANNUAL TREND	2013/ 14	427		69.2
	2014/ 15	556	423	74.7
	2015/ 16 YTD	595		65.4

LATEST BENCHMARKING	SN AVE			46.1
	BEST SN			26.4
	NAT AVE			42.9
	NAT TOP QTILE			-



INITIAL CHILD PROTECTION CONFERENCES

DEFINITION	Following a S47 investigation a child protection conference may be convened to consider all the information obtained under the Section 47 enquiry and to determine the best course of action. One of the things the child protection conference considers is whether the child should become subject to a Child Protection Plan. The aim of a child protection plan is to ensure the child is safe from harm and remains that way. As long as it is in the best interests of the child, this will involve offering support and services to the family.

PERFORMANCE ANALYSIS	Significant data validation issues identified earlier in the year relating to timeliness of Initial Child Protection Conferences (ICPCs) have now been addressed within systems and the performance data report amended to show in-month data rather than 'rolling year'. This has allowed for clearer understanding of current performance trends. The year to date figure is better than statistical neighbours and national averages and we are monitoring performance closely so expect to see better consistency month-on-month and further improvement overall. In March one initial conference went over the 15 days as a result of late booking on the part of one of the locality teams. This matter has been addressed by with the manager concerned.

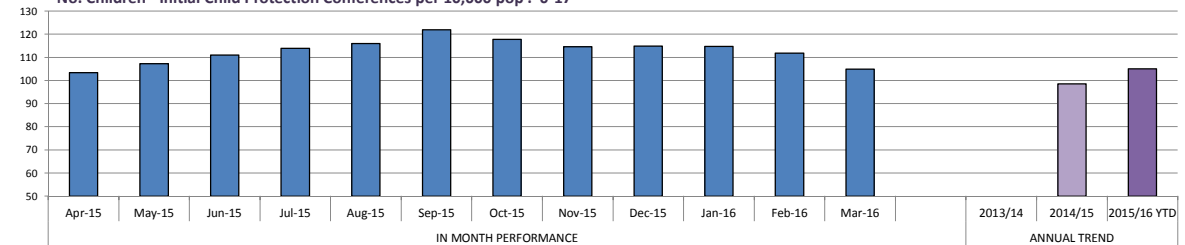
		6.2a	6.2b	6.3	6.4	
		No of children with initial CP Conference (rolling 12mth)	No. of children with Initial CP Confs per 10K pop (rolling 12mth)	No of children with initial CP Conference (in month)	No. of initial CP confs in 15 days (in month)	% of initial CP confs in 15 days (in month)
IN MONTH PERFORMANCE	Apr-15	583	103.4	63	46	73.0%
	May-15	605	107.3	62	52	83.9%
	Jun-15	626	111.0	54	43	79.6%
	Jul-15	642	113.8	55	46	83.6%
	Aug-15	654	116.0	65	60	92.3%
	Sep-15	688	122.0	74	65	87.8%
	Oct-15	664	117.7	41	37	90.2%
	Nov-15	646	114.5	27	26	96.3%
	Dec-15	648	114.9	36	35	97.2%
	Jan-16	647	114.7	54	53	98.1%
	Feb-16	631	111.9	49	48	98.0%
	Mar-16	592	105.0	17	16	94.1%

ANNUAL TREND	2013/14					
	2014/15		98.6			
	2015/16 YTD	592	105.0	597	527	88.3%

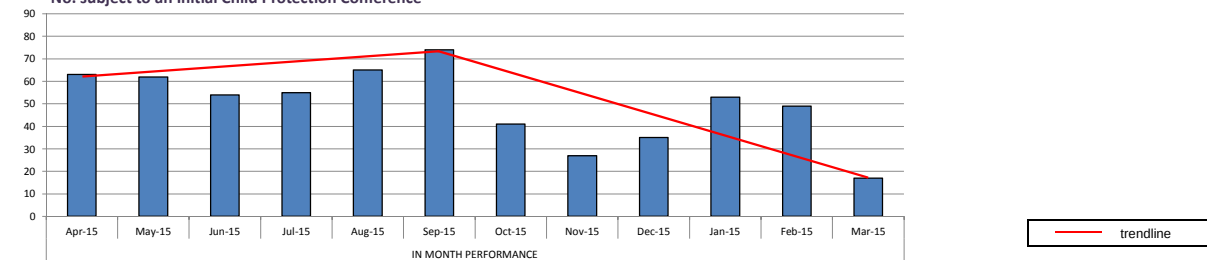
YTD figure relates to financial year not rolling

LATEST BENCHMARKING	SN AVE					73.5%
	BEST SN					100.0%
	NAT AVE					69.3%
	NAT TOP QTILE					87.7%

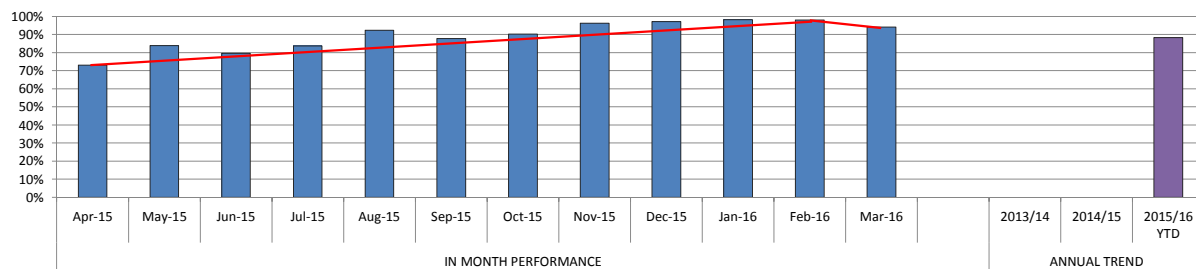
No. Children - Initial Child Protection Conferences per 10,000 pop . 0-17



No. subject to an Initial Child Protection Conference



% of S47 investigations proceeding to initial child protection conference within 15 days (based on number of children) - per month performance



CHILD PROTECTION - TIME PERIODS

DEFINITION

Child protection plans remain in force until the child is no longer considered at risk, moves out of the local authority area (in which case the receiving authority should convene its own child protection conference) or reaches the age of 18.

PERFORMANCE ANALYSIS

This month we have 3 children who have had a CP plan over two years duration. One of these children is now subject to care proceedings and two had their plans ceased in early April. In the last 12 months there has been a very significant improvement in performance in relation to duration of plans. This is indicative of increased grip and management oversight of these cases. The data has been checked for those children becoming subject to plans for a second or subsequent time it has been established that none of the children in the cohort have been subject to a previous plan in the last two years.

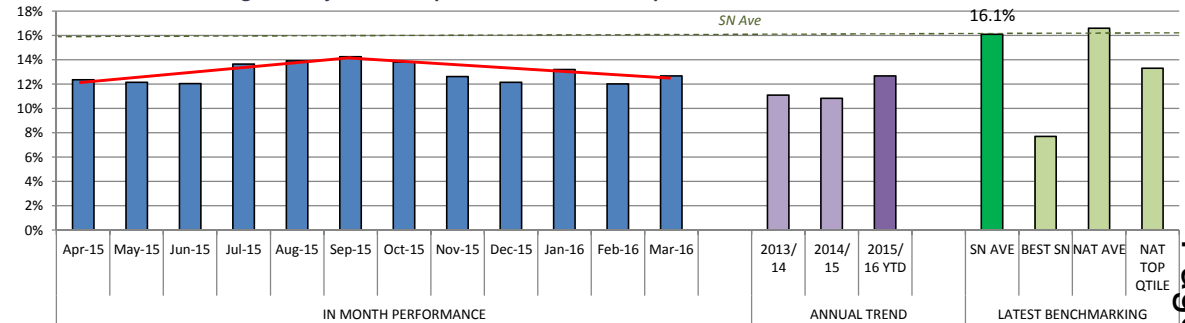
6.9		6.10		6.11	
No. of children becoming the subject of a CP plan for a 2nd or subsequent time - Ever	% children becoming the subject of a CP plan for a 2nd or subsequent time - Ever	No. of open CP plans lasting 2 years or more	% of open CP plans lasting 2 years or more	No. of CP plans lasting 2 years or more - ceased in period	% of CP plans lasting 2 years or more - ceased in period

IN MONTH PERFORMANCE	Apr-15	67 of 542	12.4%	18 of 433	4.2%	8 of 48	16.7%
	May-15	67 of 551	12.2%	6 of 427	1.4%	11 of 51	21.6%
	Jun-15	67 of 556	12.1%	6 of 412	1.5%	0 of 62	0.0%
	Jul-15	76 of 557	13.6%	6 of 399	1.5%	0 of 58	0.0%
	Aug-15	79 of 568	13.9%	9 of 438	2.1%	2 of 18	11.1%
	Sep-15	84 of 589	14.3%	2 of 441	0.5%	3 of 63	4.8%
	Oct-15	79 of 572	13.8%	2 of 415	0.5%	1 of 62	1.6%
	Nov-15	71 of 562	12.6%	1 of 371	0.3%	1 of 71	1.4%
	Dec-15	69 of 568	12.1%	1 of 362	0.3%	0 of 44	0.0%
	Jan-16	76 of 576	13.2%	0 of 369	0.0%	1 of 46	2.2%
	Feb-16	69 of 574	12.0%	0 of 398	0.0%	0 of 27	0.0%
	Mar-16	67 of 528	12.7%	3 of 369	0.8%	1 of 38	2.6%

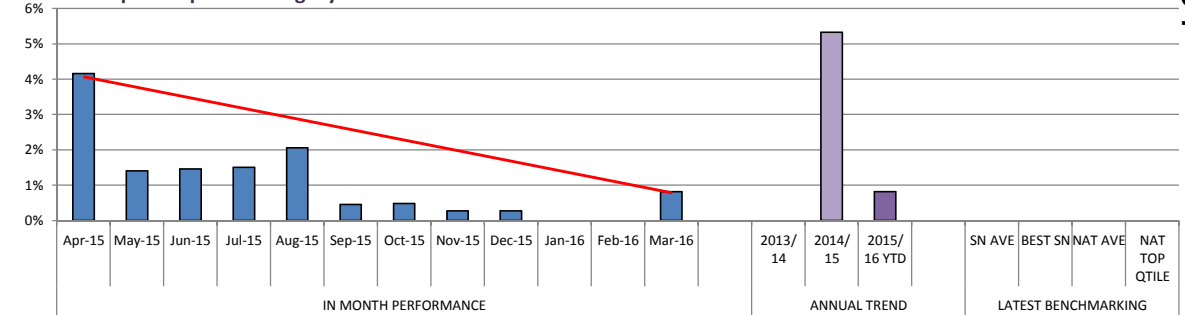
ANNUAL TREND	2013/ 14	45 of 406	11.1%				
	2014/ 15	54 of 499	10.8%	23 of 432	5.3%	20 of 478	4.2%
	2015/ 16 YTD	67 of 528	12.7%	3 of 369	0.8%	28 of 588	4.8%

LATEST BENCHMARKING	SN AVE		16.1%				3.4%
	BEST SN		7.7%				0.0%
	NAT AVE		16.6%				3.7%
	NAT TOP QTILE		13.3%				2.4%

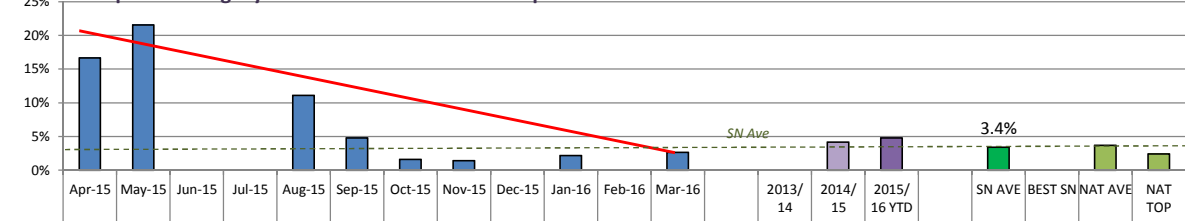
% children becoming the subject of a CP plan for a 2nd or subsequent time - Ever



% of open CP plans lasting 2 years or more



% CP plans lasting 2 years or more - ceased within period



CHILD PROTECTION - REVIEWS & VISITS

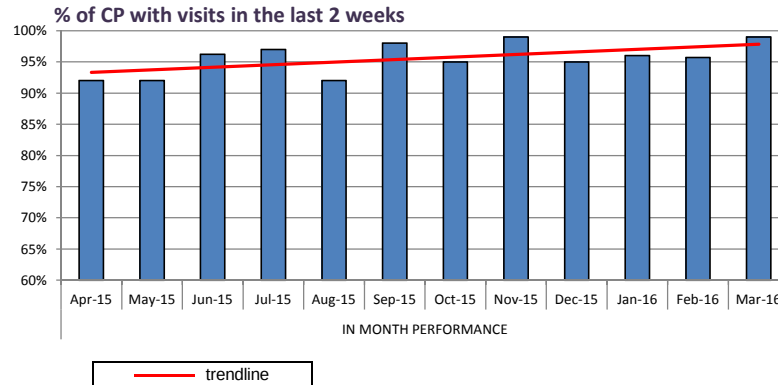
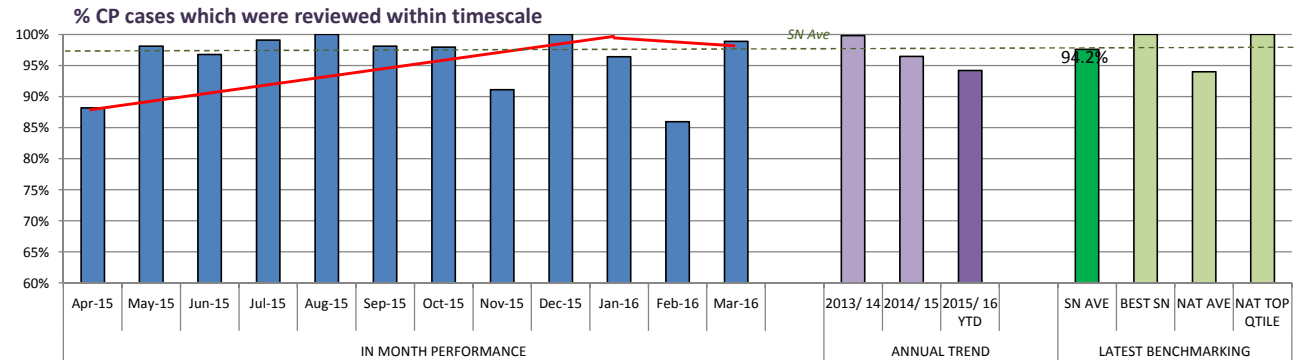
DEFINITION

A child protection plan is reviewed after three months and at intervals of no more than six months thereafter.
Local standards state that any child subject to a child protection plan should be visited at least every two weeks (this excludes children registered on a CPP for less than a week).

PERFORMANCE ANALYSIS

CP visits are monitored at the weekly performance meetings. Over the last 12 months performance has improved and has been maintained. Each week those that are out of timescale are examined on a child by child basis to ensure they have been visited and to ensure the reason for lateness is understood and appropriate action is taken. We will always strive for 100% performance, however on occasion there are valid reasons why visits cannot go ahead or it is inappropriate to do so, for example a family holiday, the child has recently become LAC, or the case is in transfer to another local authority. We have had a number of examples where families have returned to their country of origin. When this occurs we do not close the cases until a safe and well visit can be arranged by the home authority. There was one child whose review could not take place in timescales in March. This was because the parent of the child arrived at the conference intoxicated and a decision was rightly taken to postpone the review. It was reconvened and completed the following week.

		6.12		6.14
		No. of CP cases reviewed within timescale	% CP cases which were reviewed within timescale	% of CP with visits in the last 2 weeks (new definition Apr '15)
IN MONTH PERFORMANCE	Apr-15	90 of 102	88.2%	92.0%
	May-15	104 of 106	98.1%	92.0%
	Jun-15	120 of 124	96.8%	96.2%
	Jul-15	109 of 110	99.1%	97.0%
	Aug-15	60 of 60	100.0%	92.0%
	Sep-15	102 of 104	98.1%	98.0%
	Oct-15	95 of 97	97.9%	95.0%
	Nov-15	133 of 146	91.1%	99.0%
	Dec-15	111 of 111	100.0%	95.0%
	Jan-16	81 of 84	96.4%	96.0%
	Feb-16	49 of 57	86.0%	95.7%
	Mar-16	90 of 91	98.9%	99.0%
ANNUAL TREND	2013/ 14		99.8%	
	2014/ 15		96.5%	
	2015/ 16 YTD		94.2%	99.0%
LATEST BENCHMARKING	SN AVE		97.6%	
	BEST SN		100.0%	
	NAT AVE		94.0%	
	NAT TOP QTILE		100.0%	



LOOKED AFTER CHILDREN

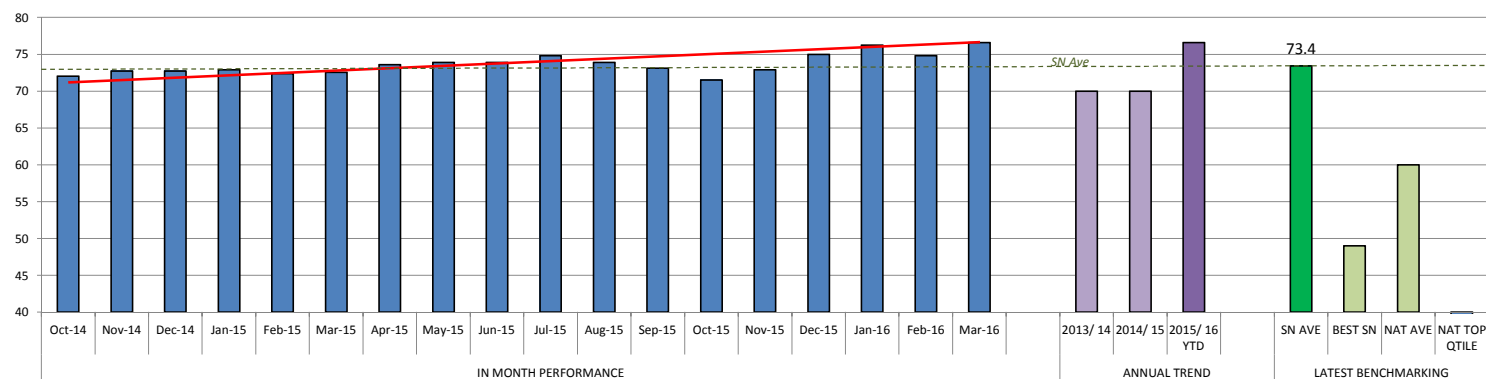
DEFINITION Children in care or 'looked after children' are children who have become the responsibility of the local authority. This can happen voluntarily by parents struggling to cope or through an intervention by children's services because a child is at risk of significant harm.

PERFORMANCE ANALYSIS

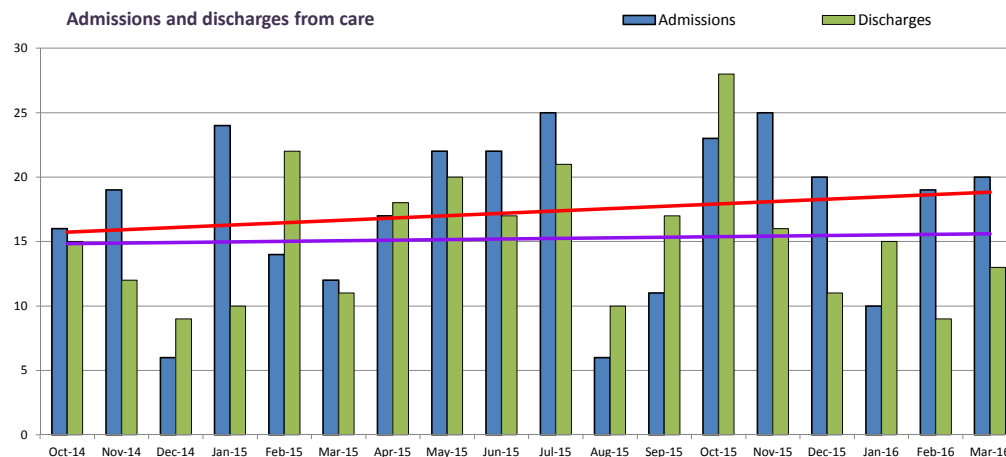
Although the numbers of LAC are broadly in line with our statistical neighbours they are higher than the national average and best performing LA's and admissions have been rising recently. 'Edge of care' arrangements need to be strengthened over time to prevent the need for children to come into care and developing this service forms a key strand of the Children in Care Sufficiency Strategy. This is particularly the case in respect of adolescents entering the care system for the first time. Outcomes are rarely improved for young people coming into care in adolescence and work will commence over the next few months to develop a service specifically to work with this group. During the last period there was a particularly large sibling group of younger children admitted which has impacted on the admissions figures. It is not unusual for numbers of LAC in an authority in intervention to rise as action is taken to address cases which have been drifting previously. The rise in the numbers of care proceedings in Rotherham is testimony to this happening locally. There is nothing coming back from the courts to suggest that any children are being brought before them unnecessarily. Over the next 12 months it would be expected for the position to plateau and then start to reduce gradually.

		7.2	7.1	7.3	7.4
		Rate of children looked after per 10K pop	Number of LAC	Admissions of children looked after	No. of children who have ceased to be LAC
IN MONTH PERFORMANCE	Oct-14	72.0	404	16	15
	Nov-14	72.7	408	19	12
	Dec-14	72.7	408	6	9
	Jan-15	72.9	409	24	10
	Feb-15	72.4	406	14	22
	Mar-15	72.5	407	12	11
	Apr-15	73.6	415	17	18
	May-15	73.9	417	22	20
	Jun-15	73.9	417	22	17
	Jul-15	74.8	422	25	21
	Aug-15	73.9	417	6	10
	Sep-15	73.1	412	11	17
	Oct-15	71.5	403	23	28
	Nov-15	72.9	413	25	16
	Dec-15	75.0	423	20	11
	Jan-16	76.2	430	10	15
	Feb-16	74.8	422	19	9
	Mar-16	76.6	432	20	13
ANNUAL TREND	2013/ 14	70.0		147	136
	2014/ 15	70.0		175	160
	2015/ 16 YTD	76.6	432	208	192
LATEST BENCHMARKING	SN AVE	73.4			
	BEST SN	49.0			
	NAT AVE	60.0			
	NAT TOP QTILE	-			

Rate of children looked after per 10,000 pop . 0-17



Admissions and discharges from care



LOOKED AFTER CHILDREN - PLACEMENTS

DEFINITION

A LAC placement is where a child has become the responsibility of the local authority (LAC) and is placed with foster carers, in residential homes or with parents or other relatives.

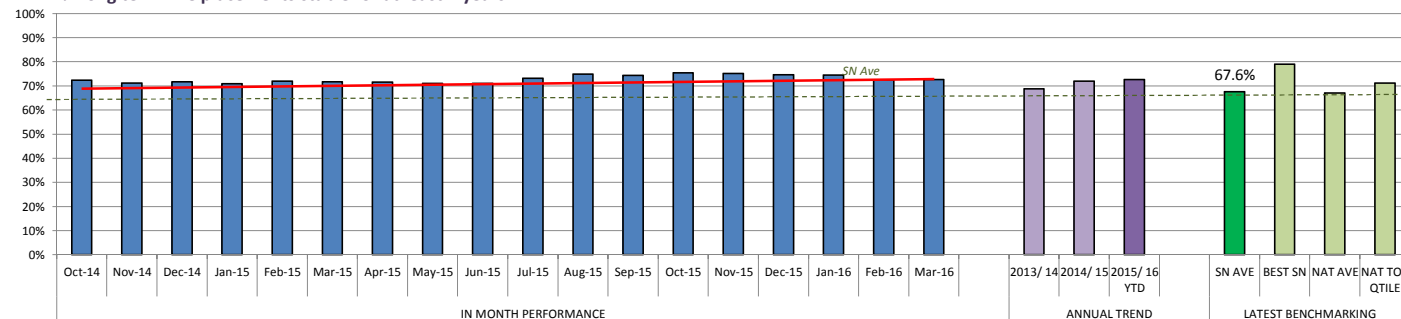
PERFORMANCE ANALYSIS

The performance in relation to children who have had 3 or more placement moves in a year is of concern particularly in relation to the numbers of children in care who have missing episodes which count against this indicator. All children who have been missing or who are identified as being in 'unstable' placements are now subject to particular focus by way of regular 'Team Around the Placement' meetings. In future they will also be considered as 'exceptions' in the fortnightly performance meetings. There remains much to do in order to strengthen the quality of practice in the children in care service across the board.

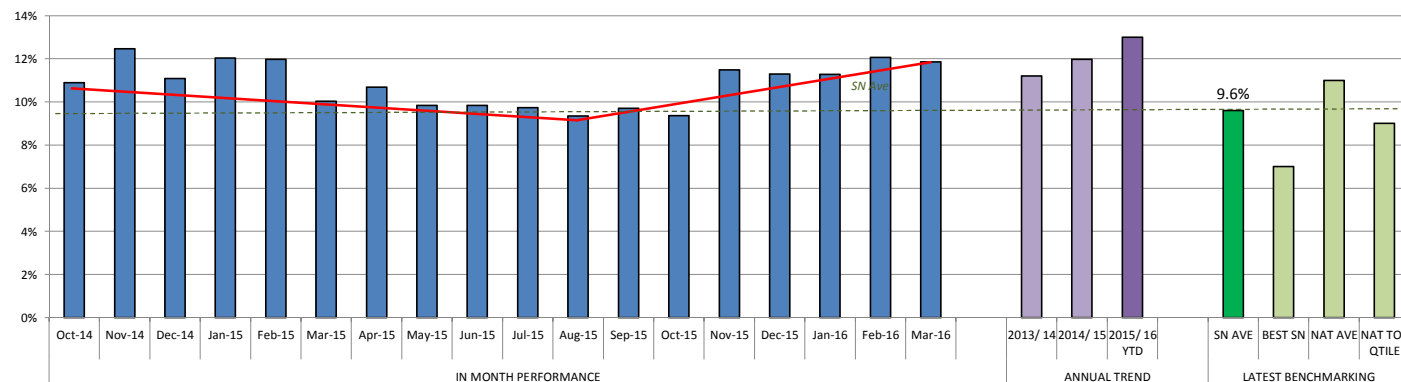
Our sufficiency strategy identifies that we have too many children placed in residential care. Work which commenced in January 2016 to address this has resulted in a number of young people being identified who will be moving to more local provision over the next few weeks and months. This may impact on the long term stability indicator but will result in better outcomes for those individual young people identified.

		9.1		9.2	
		No. of long term LAC placements stable for at least 2 years	% long term LAC placements stable for at least 2 years	No. of LAC who have had 3 or more placements - rolling 12 months	% LAC who have had 3 or more placements - rolling 12 months
IN MONTH PERFORMANCE	Oct-14	115 of 159	72.3%	44 of 404	10.9%
	Nov-14	111 of 156	71.2%	50 of 401	12.5%
	Dec-14	109 of 152	71.7%	46 of 415	11.1%
	Jan-15	105 of 148	70.9%	49 of 407	12.0%
	Feb-15	110 of 153	71.9%	49 of 409	12.0%
	Mar-15	109 of 152	71.7%	41 of 409	10.0%
	Apr-15	106 of 148	71.6%	44 of 412	10.7%
	May-15	108 of 152	71.1%	41 of 417	9.8%
	Jun-15	108 of 152	71.1%	41 of 417	9.8%
	Jul-15	109 of 149	73.2%	41 of 421	9.7%
	Aug-15	110 of 147	74.8%	39 of 417	9.4%
	Sep-15	110 of 148	74.3%	40 of 412	9.7%
	Oct-15	110 of 146	75.3%	38 of 406	9.4%
	Nov-15	109 of 145	75.2%	48 of 418	11.5%
	Dec-15	109 of 146	74.7%	48 of 425	11.3%
	Jan-16	108 of 145	74.5%	47 of 417	11.3%
	Feb-16	108 of 149	72.5%	51 of 423	12.1%
	Mar-16	109 of 150	72.7%	51 of 430	11.9%
ANNUAL TREND	2013/ 14	108 of 157	68.8%	44 of 393	11.2%
	2014/ 15	110 of 153	71.9%	49 of 409	12.0%
	2015/ 16 YTD	109 of 150	72.7%	56 of 431	13.0%
LATEST BENCHMARKING	SN AVE		67.6%		9.6%
	BEST SN		79.0%		7.0%
	NAT AVE		67.0%		11.0%
	NAT TOP QTILE		71.1%		9.0%

% long term LAC placements stable for at least 2 years



% LAC who have had 3 or more placements - rolling 12 months



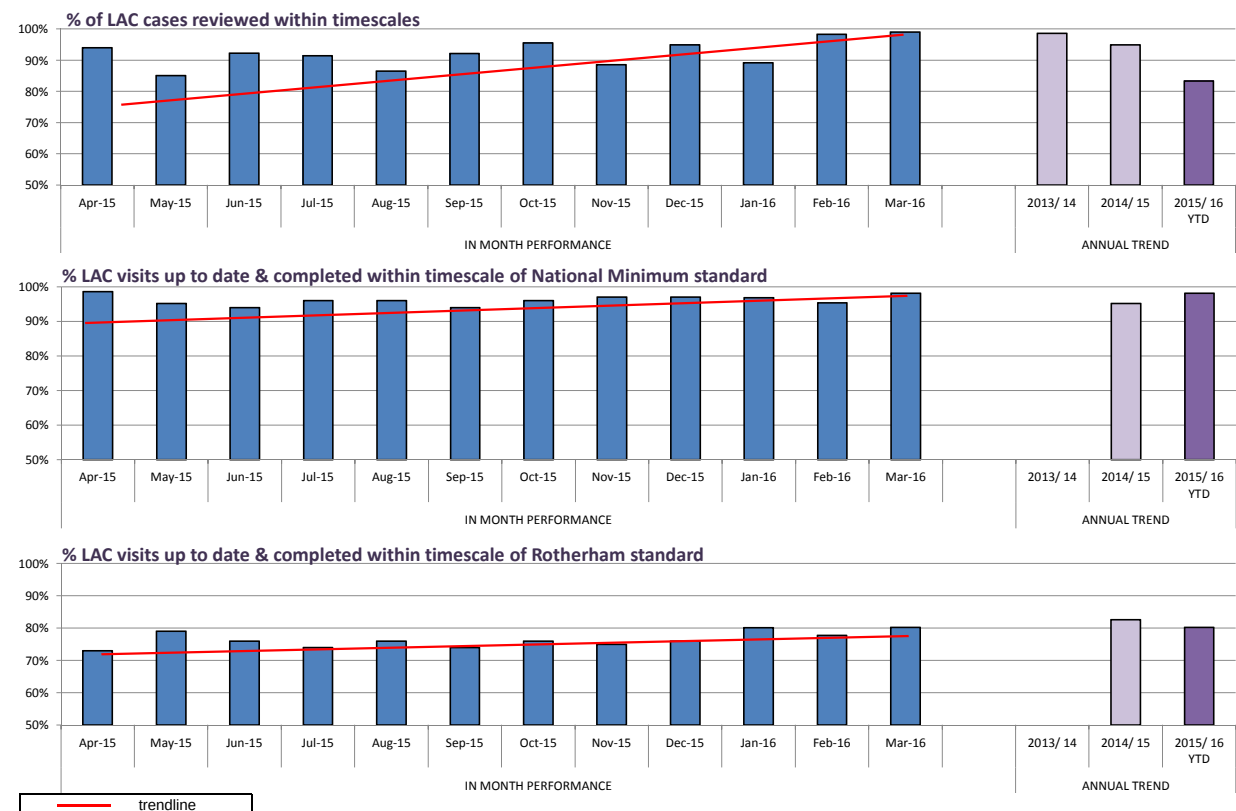
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LOOKED AFTER CHILDREN - REVIEWS & VISITS

DEFINITION	The purpose of LAC review meeting is to consider the plan for the welfare of the looked after child and achieve Permanence for them within a timescale that meets their needs. The review is chaired by an Independent Reviewing Officer (IRO)
	The LA is also responsible for appointing a representative to visit the child wherever he or she is living to ensure that his/her welfare continues to be safeguarded and promoted. The minimum national timescales for visits is within one week of placement, then 6 weekly until the child has been in placement for a year and the 12 weekly thereafter. Rotherham have set a higher standard of within first week then 4 weekly thereafter until the child has been permanently matched to the placement.

PERFORMANCE ANALYSIS	LAC Visits are monitored at the weekly performance meeting. Performance in relation to visits within the National Minimum Standards remains well above 90% any visit exceeding statutory minimum timescales is examined on a child by child basis to ensure they have been subsequently visited and to ensure the reason for lateness is understood. In addition to statutory minimum standards Rotherham has set a local standard that exceeds the National one, performance in relation to local standard is still not good enough and will continue to be the focus of sustained management attention. There are some children in care however who are visited more often than the Rotherham standard according to their need at any particular time.

		7.6		7.13		7.14
		No. LAC cases reviewed within timescales	% of LAC cases reviewed within timescales	% LAC visits up to date & completed within timescale of National Minimum standard	% LAC visits up to date & completed within timescale of Rotherham standard	
IN MONTH PERFORMANCE	Apr-15	79 of 84	94.0%	98.6%	73%	
	May-15	63 of 74	85.1%	95.2%	79%	
	Jun-15	95 of 103	92.2%	94.0%	76.0%	
	Jul-15	106 of 116	91.4%	96.0%	74.0%	
	Aug-15	32 of 37	86.5%	96.0%	76.0%	
	Sep-15	117 of 127	92.1%	94.0%	74.0%	
	Oct-15	84 of 88	95.5%	96.0%	76.0%	
	Nov-15	93 of 105	88.6%	97.0%	75.0%	
	Dec-15	94 of 99	94.9%	97.0%	76.0%	
	Jan-16	74 of 83	89.2%	96.8%	80.2%	
	Feb-16	114 of 116	98.3%	95.3%	77.8%	
	Mar-16	104 of 105	99.0%	98.1%	80.2%	
ANNUAL TREND	2013/ 14		98.6%			
	2014/ 15	19 of 371	94.9%	95.2%	82.6%	
	2015/ 16 YTD	334 of 401	83.3%	98.1%	80.2%	
LATEST BENCHMARKING	SN AVE					
	BEST SN					
	NAT AVE					
	NAT TOP Q TILE					



LOOKED AFTER CHILDREN - HEALTH

DEFINITION

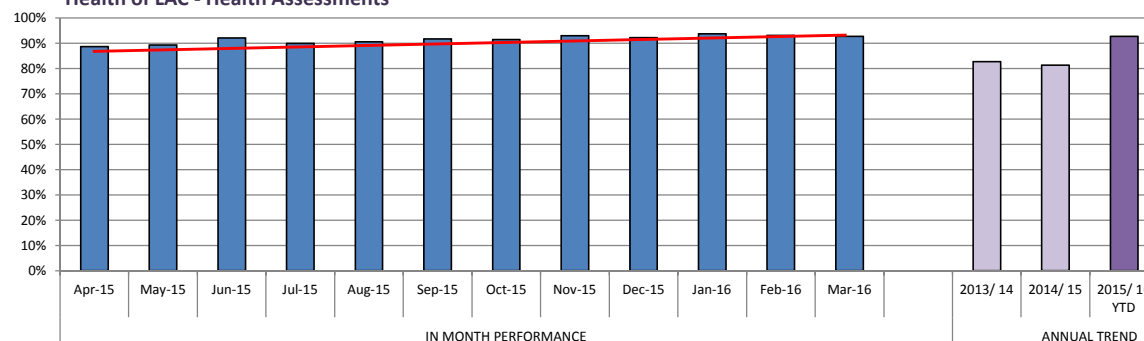
Local authorities have a duty to safeguard and to promote the welfare of the children they look after, therefore the local authority should make arrangements to ensure that every child who is looked after has his/her health needs fully assessed and a health plan clearly set out.

PERFORMANCE ANALYSIS

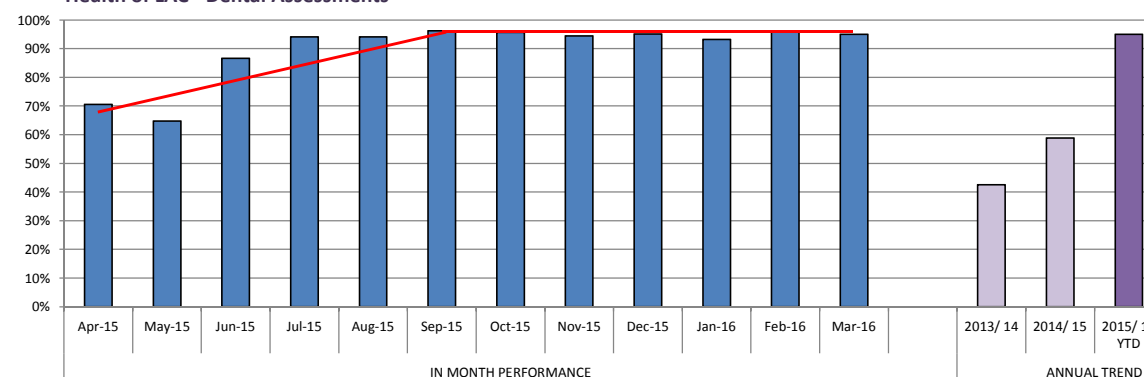
Performance in relation to health and dental assessments was poor and has been the focus of concerted joint effort and has shown previous improvement. Close monitoring means that any dips in performance are understood. Due to the process for health QA checks of assessments following completion there is a time lag between the assessment occurring and showing on the system as completed. From our reviews we know that in the main those not having health or dental checks are the older young people who are recorded as 'refusers'. We are no longer going to accept this on face value and will be actively exploring with health colleagues how we can promote the reviews as something useful and young person friendly. This will focus on the things that interest most young people such as weight, hair and skin as well as other aspects of health. We will also make sure that we are creative in thinking about how we can actively engage young people and 'reach out' to them rather than expecting them to attend a standard clinic appointment. Performance will continue to be very closely monitored.

		7.8	7.9
		Health of LAC - Health Assessments	Health of LAC - Dental Assessments
IN MONTH PERFORMANCE	Apr-15	88.7%	70.5%
	May-15	89.3%	64.7%
	Jun-15	92.1%	86.6%
	Jul-15	89.9%	94.1%
	Aug-15	90.6%	94.1%
	Sep-15	91.7%	96.2%
	Oct-15	91.5%	95.7%
	Nov-15	93.0%	94.4%
	Dec-15	92.3%	95.1%
	Jan-16	93.8%	93.2%
	Feb-16	93.1%	95.8%
	Mar-16	92.8%	95.0%
ANNUAL TREND	2013/ 14	82.7%	42.5%
	2014/ 15	81.4%	58.8%
	2015/ 16 YTD	92.8%	95.0%
LATEST BENCHMARKING	SN AVE		
	BEST SN		
	NAT AVE		
	NAT TOP OTILE		

Health of LAC - Health Assessments



Health of LAC - Dental Assessments



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LOOKED AFTER CHILDREN - PERSONAL EDUCATION PLANS

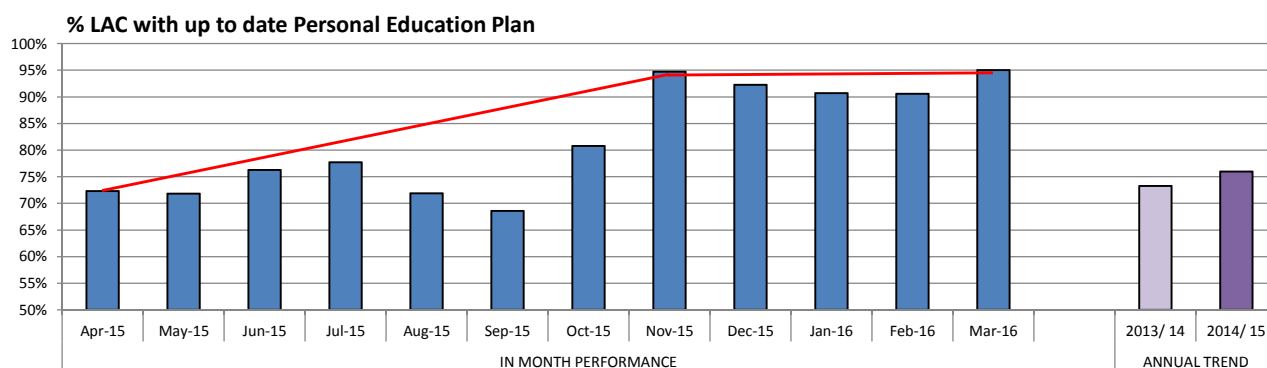
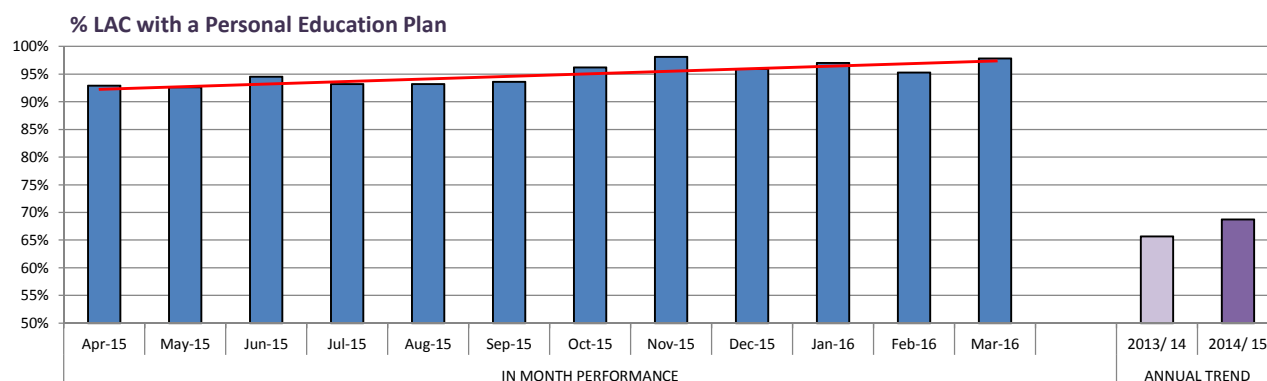
DEFINITION

A personal education plan (PEP) is a school based meeting to plan for the education of a child in care. The government have made PEPs a statutory requirement for children in care to help track and promote their achievements.

PERFORMANCE ANALYSIS

Previously, education of Looked After Children was supported by The Get Real team. This team ceased to exist from the 1st April 2015 and was replaced by a new Virtual School. The completion of the PEP moved to an E-PEP system in September 2015 (start of Autumn term). A revised PEP process is now in place with termly PEPs attended by a minimum of school, social worker and virtual school as well as LAC, carers, and other professionals. Extensive training has been provided to professionals on SMART targets for PEPs to improve effectiveness in driving outcomes. A rigorous QA process is in place with evidence of quality of PEPs improving. There is also an increase in the number of PEPs reflecting Pupil Voice. Prior to September 2015 PEPs were in place for compulsory school-age children only. PEPs are now in place for LAC aged 2 to their 18th birthday. There has been good improvement within the year for children and young people having an up to date plan but there is more to do to ensure that every child and young person has a plan in place.

		7.10	7.11
		% LAC with a Personal Education Plan	% LAC with up to date Personal Education Plan
IN MONTH PERFORMANCE	Apr-15	92.9%	72.3%
	May-15	92.6%	71.8%
	Jun-15	94.5%	76.3%
	Jul-15	93.2%	77.7%
	Aug-15	93.2%	71.9%
	Sep-15	93.6%	68.6%
	Oct-15	96.2%	80.8%
	Nov-15	98.1%	94.7%
	Dec-15	95.9%	92.3%
	Jan-16	97.0%	90.7%
	Feb-16	95.3%	90.6%
	Mar-16	97.8%	95.0%
ANNUAL TREND	2013/ 14	65.7%	73.3%
	2014/ 15	68.7%	76.0%
	2015/ 16 YTD	97.8%	95.0%
LATEST BENCHMARKING	SN AVE		
	BEST SN		
	NAT AVE		
	NAT TOP Q TILE		



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CARE LEAVERS

DEFINITION

A care leaver is defined as a person aged 25 or under, who has been looked after away from home by a local authority for at least 13 weeks since the age of 14; and who was looked after away from home by the local authority at school-leaving age or after that date. Suitable accommodation is defined as any that is not prison or bed and breakfast.

PERFORMANCE ANALYSIS

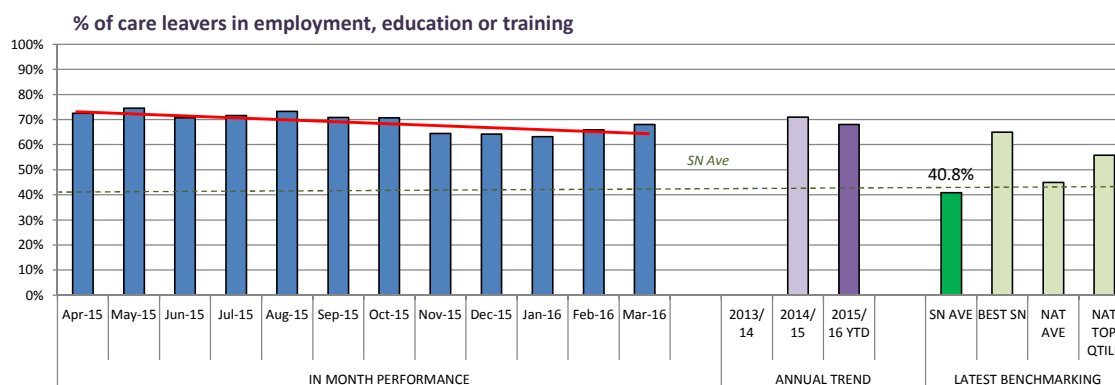
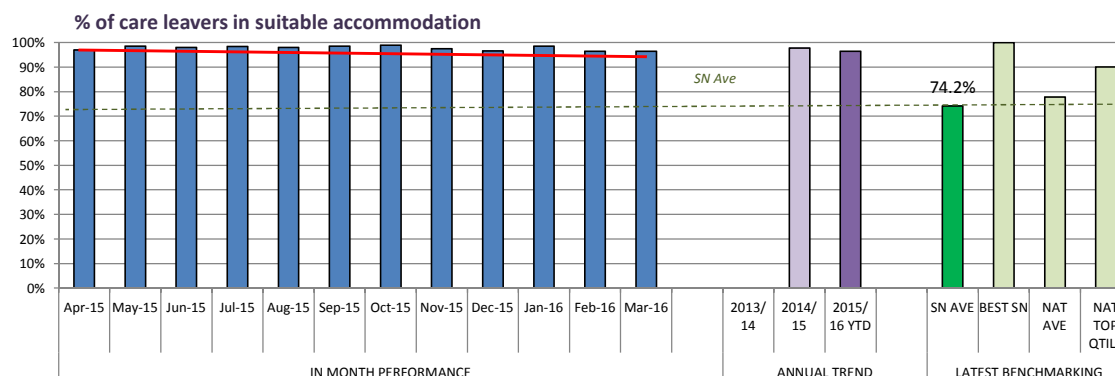
96.5% of young people are in suitable accommodation, above the national average (77.8%). 5 young people are shown as not in suitable accommodation, of these four are in custody, and one (aged over 18) has made himself intentionally homeless in order to live with his girlfriend. It is understood that more needs to be done to enhance the quality of the accommodation available as well as increasing the range of choices for young people. The service managers and Head of Service are working with commissioning colleagues to ensure that action is taken to ensure the best provision is available to Rotherham young people and increased planning will take place via a 16+ accommodation panel.

68% of young people are in education employment or training, above the national average (45%) but still very disappointing in terms of the aspirations for Rotherham young people. 60 young people identified as not being in education, employment or training (NEET). Work is underway to strengthen the offer to care leavers generally and tackling the need to support young people to be engaged in further education, training or employment will be given priority.

		8.1	8.3	8.4
		Number of care leavers	% of care leavers in suitable accommodation	% of care leavers in employment, education or training
IN MONTH PERFORMANCE	Apr-15	189	97.0%	72.5%
	May-15	200	98.5%	74.5%
	Jun-15	198	98.0%	70.8%
	Jul-15	190	98.4%	71.6%
	Aug-15	198	98.0%	73.2%
	Sep-15	199	98.5%	70.9%
	Oct-15	195	99.0%	70.8%
	Nov-15	197	97.5%	64.5%
	Dec-15	204	96.6%	64.2%
	Jan-16	198	98.5%	63.1%
	Feb-16	196	96.4%	65.8%
	Mar-16	197	96.5%	68.0%

ANNUAL TREND	2013/ 14			
	2014/ 15	183	97.8%	71.0%
	2015/ 16 YTD	197	96.5%	68.0%

LATEST BENCHMARKING	SN AVE		74.2%	40.8%
	BEST SN		100.0%	65.0%
	NAT AVE		77.8%	45.0%
	NAT TOP QTILE		90.0%	55.8%



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ADOPTIONS

DEFINITION

Following a child becoming a LAC, it may be deemed suitable for a child to become adopted which is a legal process of becoming a non-biological parent. The date it is agreed that it is in the best interests of the child that they should be placed for adoption is known as their 'SHOBPA'. Following this a family finding process is undertaken to find a suitable match for the child based on the child's needs, they will then be matched with an adopter(s) followed by placement with their adopter(s). This adoption placement is monitored for a minimum of 10 weeks and assessed as stable and secure before the final adoption order is granted by court decision and the adoption order is made.

Targets for measures A1 and A2 are set centrally by government office.

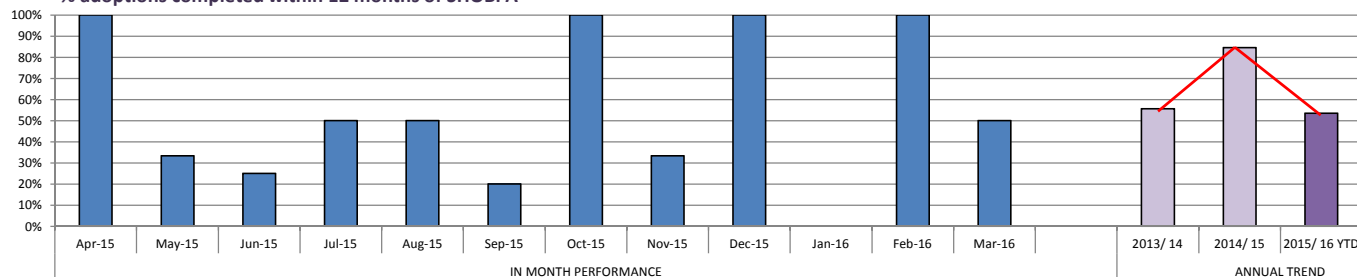
PERFORMANCE ANALYSIS

Performance each month can vary significantly given the size of the cohort which is always very small. There have been 4 adoptions in March taking the total for the reporting year to 42. Given the small numbers it is most useful to look at a rolling 12 months than a month snapshot and overall performance in this area over the last 3 years has shown an improving trend.

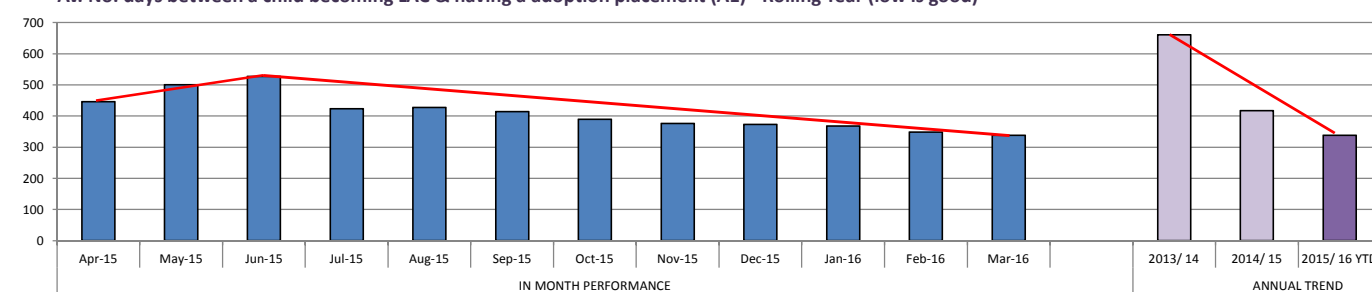
In March only 2 out of the 4 children adopted had the order made within 12 months of the 'should be adopted placed for adoption decision'. These children had been placed with their adoptive parents for well over a year before the order was made because of some complexities in the therapeutic support that was required. The available number of in house adopters is lower than we need and this is likely to result in the need to purchase placements from other adoption providers. The adoption recruitment campaign is being redesigned and shared arrangements with other South Yorkshire authorities are being progressed. This A2 target was not achieved due to 6 children with high level additional needs taking longer than usual to place. However all 6 children did achieve permanency through adoption thus providing them with an excellent outcome of becoming part of a new family and no longer in the care system.

		Number of adoptions	Number of adoptions completed within 12 months of SHOBPA	10.1	10.2	10.3
				% adoptions completed within 12 months of SHOBPA	Av. No. days between a child becoming LAC & having a adoption placement (A1) (rolling yr.)	Av. No. days between placement order & being matched with adoptive family (A2) (rolling yr.)
IN MONTH PERFORMANCE	Apr-15	2	2	100%	446.5	74.0
	May-15	3	1	33%	500.6	175.6
	Jun-15	4	1	25%	527.0	248.7
	Jul-15	6	3	50%	423.0	175.8
	Aug-15	2	1	50%	427.8	179.9
	Sep-15	5	1	20%	414.2	188.9
	Oct-15	3	3	100%	389.9	180.3
	Nov-15	3	1	33%	376.0	166.8
	Dec-15	1	1	100%	372.9	164.2
	Jan-16	3	0	0%	368.0	159.5
	Feb-16	7	7	100%	348.4	141.7
	Mar-16	4	2	50%	338.4	137.9
ANNUAL TREND	2013/ 14			55.6%	661.0	315.0
	2014/ 15			84.6%	417.5	177.3
	2015/ 16 YTD	43	23	53.5%	338.5	137.9
LATEST BENCHMARKING	SN AVE					
	BEST SN					
	NAT AVE					
	NAT TOP Q TILE					

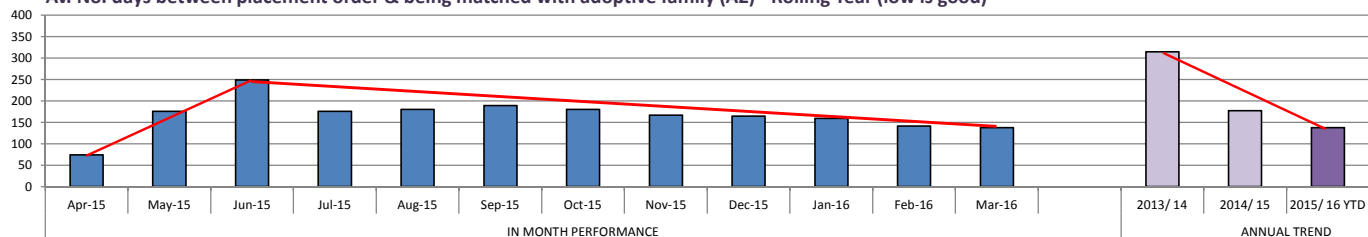
% adoptions completed within 12 months of SHOBPA



Av. No. days between a child becoming LAC & having a adoption placement (A1) - Rolling Year (low is good)



Av. No. days between placement order & being matched with adoptive family (A2) - Rolling Year (low is good)



*Annual Trend relates to current reporting year April to Mar not rolling year

— trendline

CASELOADS

DEFINITION

Caseload figures relate to the number of children the social worker is currently the lead key worker. Fieldwork teams relate to frontline social care services including the four Duty Teams, none Long Term CIN Teams, two LAC teams and the CSE Team. All averages are calculated on a full time equivalency basis, based on the number of hours the worker is contracted to work.

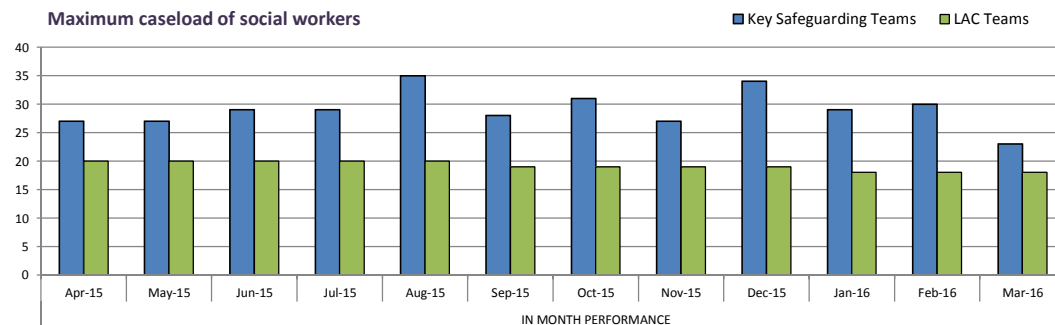
PERFORMANCE ANALYSIS

Weekly performance meetings continue to examine caseloads in detail. All those over 22 are examined and the reasons explained. For example some senior social workers have students allocated to them and the student caseload shows under the supervisor's name. In the locality teams it is not unusual to have social workers holding families with large sibling groups (over 5) which will impact on the number of cases (children). Caseloads in Children's Disability Service have now reduced significantly following a specific piece of work to ensure that cases were in the correct teams. The seemingly low caseloads in the CSE team belies the complexity and intensity of the work undertaken and the numbers of cases that are co worked and supported. Ensuring that social workers have manageable caseloads was a key priority for Rotherham and the current performance is testimony to what has been achieved in this regard. Action has been taken to ensure each team has sufficient capacity in terms of numbers of workers but, importantly, action has also been taken to ensure effective throughput of work in respect of timely transfers and closures when appropriate.

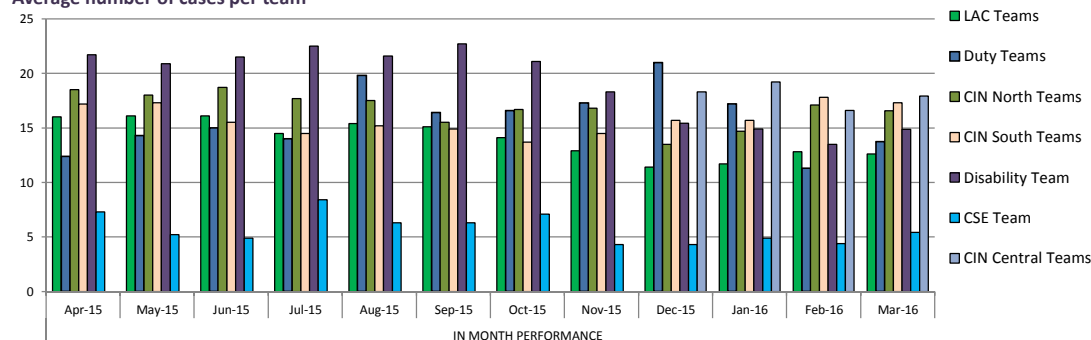
		11.1	11.2	11.3	11.4	11.5	11.6	11.7	11.8	11.9
		Maximum caseload of social workers in key Safeguarding Teams	Maximum caseload of social workers in LAC Teams	Av. no. cases in LAC Teams	Av. no. cases in Duty Teams	Av. no. cases in CIN North Teams	Av. no. cases in CIN Central Teams	Av. no. cases in CIN South Teams	Av. no. cases in Children's Disability Team	Av. no. cases in Children Sexual Exploitation Team
IN MONTH PERFORMANCE	Apr-15	27	20	16.0	12.4	18.5		17.2	21.7	7.3
	May-15	27	20	16.1	14.3	18.0		17.3	20.9	5.2
	Jun-15	29	20	16.1	15.0	18.7		15.5	21.5	4.9
	Jul-15	29	20	14.5	14.0	17.7		14.5	22.5	8.4
	Aug-15	35	20	15.4	19.8	17.5		15.2	21.6	6.3
	Sep-15	28	19	15.1	16.4	15.5		14.9	22.7	6.3
	Oct-15	31	19	14.1	16.6	16.7		13.7	21.1	7.1
	Nov-15	27	19	12.9	17.3	16.8		14.5	18.3	4.3
	Dec-15	34	19	11.4	21.0	13.5	18.3	15.7	15.4	4.3
	Jan-16	29	18	11.7	17.2	14.7	19.2	15.7	14.9	4.9
	Feb-16	30	18	12.8	11.3	17.1	16.6	17.8	13.5	4.4
	Mar-16	23	18	12.6	13.7	16.6	17.9	17.3	14.9	5.43
ANNUAL TREND	2013/ 14									
	2014/ 15									
	2015/ 16									
	YTD									

Please note CIN locality services were re-configured in December 2015. Care must be taken when comparing trend data before this time to current positions for all CIN teams.

Maximum caseload of social workers



Average number of cases per team



13 June 2016

Mr Ian Thomas
Strategic Director of Children's Services
Rotherham Metropolitan Borough Council
Floor 4, Riverside House
Main Street
Rotherham
South Yorkshire
S60 1AE

Dear Mr Thomas

Outcome of improvement work undertaken in Rotherham, August 2015-April 2016.

This letter contains the findings of the recent improvement monitoring visits undertaken in Rotherham Children's Services between August 2015 and April 2016. Her Majesty's Inspectors (HMI) have undertaken five visits over an eight month period. Each visit has involved two HMI on-site for two days. I am grateful to you and your staff for your help and the time given during the visits.

Inspectors have reviewed the progress of the improvement action plan in five areas:

- Contact and referral (MASH) August 2015
- Duty and assessment and area child protection teams October 2015 and March 2016
- Leadership and management March 2016
- Early help April 2016.

During each visit inspectors sampled practice in relation to child sexual exploitation and reviewed performance management and quality assurance arrangements. At your request inspectors did not review arrangements for children looked after or care leavers. You have been open and honest with inspectors sharing your self-assessment that these services have not developed as rapidly as other areas since your last SIF inspection. You have however shared your action plans to improve both services and have given an undertaking to seek external peer review of these services in October 2016. While we accept this undertaking it is our intention under Ofsted's new monitoring arrangements to prioritise a review of these services beginning September 2016.

During visits inspectors have considered a range of evidence, including: electronic case records; supervision files and notes, observation of social work practice, performance information, policies and strategic planning documents and meetings with key partner agencies. Inspectors also spoke to a range of staff including managers, social workers, other practitioners, agency partners and administrative staff.

You have been transparent and honest with regard to your improvement progress and where your challenges remain. The October 2015 visit identified priority action needed to be taken in respect of your duty and assessment team. You accepted these findings and took immediate action to review practice and management arrangements in these teams and invited HMI to revisit the teams in March 2016. From the evidence gathered, the improvement visits have identified where progress has been made and where areas for development continue, which are detailed below.

Key Findings

MASH August 2015

Inspectors found contact and referral arrangements were satisfactory. Management oversight and quality assurance arrangements were much improved. Rationale for decision making was clear leading to improved action planning. Child protection enquiries in cases seen were timely and formally recorded. The out of hour's arrangements had improved with effective links with day time services. The multi-agency team EVOLVE had been established in July 2015 to work specifically with Child Sexual Exploitation (CSE) cases. Recruiting to permanent posts was however a challenge for you. A Strategic head of CSE was appointed leading to greater oversight and grip of cases held in locality teams and was beginning to strengthen links between strategic and operational practice and partner agencies. Weekly risk management meetings were in evidence to review those children and young people at risk of or suffering harm through CSE. There was evidence of CSE tools being used to screen referrals and identify risk. Specific training for staff had been rolled out about the impact of CSE and risk management and staff valued this training.

Inspectors found workloads had reduced to manageable levels and staff were much clearer about their respective roles and responsibility. There was improving evidence of multi-agency partnership working in assessments and planning but this was not consistently embedded. Managers were benefiting from weekly performance information and monthly auditing by all senior managers and this was beginning to promote a collaborative learning culture.

Areas for development

The accommodation of the MASH was not fit for purpose and did not promote integrated working. You knew this and were in the process of making changes. Education partners were not represented in the MASH and Health had been slow to

get on board. High numbers of agency staff meant the workforce was not permanent or stable. The electronic recording system did not support the effective analysis and sharing of information in the MASH and indeed other parts of the service. Again you were aware of this and work was in progress to develop a new electronic case management system. High numbers of domestic abuse notifications were being sent to social care without screening or being risk assessed by police and this was adversely impacting on capacity at the front door. Thresholds for access to children's social care were not sufficiently understood, owned or implemented across the service and partnership. We found better identification of children in need of early intervention was needed.

Despite strategy meetings being recorded and chaired by a manager overall inspectors found a lack of evidence of actions, contingency planning and required timescales which was a key finding in the SIF. This had not improved sufficiently in the intervening period. Similarly, outcomes of Section 47 enquiries/investigations overall were poorly recorded and it was difficult to see how children were any safer after the strategy has been held. While there had been an improved focus on CSE assessment at the front door, there needed to be a strengthened and more focused response to children looked after. Tracking systems to monitor children and young people missing and at risk of CSE had been developed but were not embedded. Inspectors found improvements in partnership working between Children's Social Care (CSC) and South Yorkshire Police. However, there needed to be a continued effort to further strengthen partnership working, make more effective use of intelligence to identify links, patterns, locations (hot spots) and emerging threats (within and across borders/boundaries).

Duty and Assessment Improvement visit October 2015

Inspectors raised concern with regard to the quality of assessment, planning, management oversight and decision making when cases were transferred from MASH to duty and assessment teams. The evidence gathered found practice improved when cases transferred from duty and assessment teams to Area Child Protection Teams (ACPS). Across the duty and assessment teams there was a lack of understanding of thresholds both for step down to early help and for escalation to Initial Child Protection Conference (ICPC).

In the vast majority of cases seen the quality of assessment was poor. Risk was not sufficiently explored or understood and there was a lack of use of chronologies and assessment tools to assist social workers understand the child's history and the impact of their experiences. Assessments were narrowly focused and did not consider the needs of all children within the household. There was a lack of evidence of multi-agency partner's contribution to assessments and plans or social workers triangulating parental self-report with other professionals. Direct work with children was mostly absent and the child's voice was not sufficiently considered in assessments and plans which concerned them. Children's plans were unfocused and it was difficult to see what was expected of parents and professionals in order to

improve the child's circumstances. There was a lack of management oversight and a lack of clear rationale for decision making. There was a lack of interim safety planning between transition points for children. The case loads of Child Protection chairs were too high, reducing their capacity to monitor in between reviews.

In stark contrast when cases transferred into Area Child Protection Teams (ACPS) practice was significantly improved. Teams were more stable and caseloads had significantly reduced enabling social workers to undertake direct work and more qualitative assessments. Supervision was regular, management rationale was in evidence on most records and social workers were receiving support and challenge from managers. Social workers told inspectors they felt safe. Newly qualified social workers social workers were well supported. Team managers were using performance information to positive effect and this was evidenced in improving team performance and the overall experience for children, young people and their families. Improvements could be seen in responses to children at risk of and suffering CSE. Assessments seen were robust, risk was well understood, and there was evidence risks were reducing for some children. Multi-agency partnerships were strong, strategies were robust and well-coordinated actions followed with wrap around services for children and young people. Staff were clear about their roles and responsibilities.

Duty and Assessment March 2016

Inspectors returned in March 2016 to re-visit the duty and assessment teams. There continued to be appropriate and robust screening of contacts and referrals in the MASH. Newly introduced early help panels were beginning to support step down. You had begun work with the Local Safeguarding Children Board (LSCB) to explore the issue of the understanding of and the application of thresholds across the partnership.

All cases looked at by inspectors had an assessment with evidence the child had been seen. This was a significant improvement. Assessments had been completed in a timely way for the child. Improvement could be seen in assessment quality in some but not all cases looked at by inspectors. Analysis of risks had slightly improved and there was evidence that strengths and the family's history were being considered. In some cases the child's experience was being captured well and the impact on the child could be understood. Almost all cases seen had a plan with evidence of review. Recording of strategy meetings had improved slightly and strategy meetings were compliant with statutory guidance which was a significant improvement.

Areas for development

While there was increased evidence children were being seen there was limited indication of the purpose or outcome of the visit. Recording was descriptive, did not link to concern or risk, and there was limited evidence of how visits linked to the child's plan. There was limited evidence of actions to be undertaken for next the visit

or what was required of parents. Where a father was involved, even if estranged or living in the same household they were not being consulted. The individual needs of siblings within assessments were also not being considered. While you were beginning to develop chronologies these were not being used to identify significant events in children's lives and inform analysis of risk and research was not being used to assist the analysis of risk. There was no evidence of contingency planning. When cases stepped down to early help or closed, assessments were not robust enough. There was very little evidence in any files seen of consultation with adult services. Management grip was only evident at the allocation of cases.

Leadership and Management March 2016

Considerably strengthened and robust relationships were fully established between the DCS, lead member and Chief Executive with the promise of this being added to by the new independent chair of the Rotherham Safeguarding Children Board (RSCB). It was particularly positive that the governance arrangements through Commissioners have not inhibited the functionality of these relationships. Careful consideration has been given to provide support for the current shadow executive arrangements. At the time of the visit there remained some key appointments that had either only just been made or were very recent. However, the thread of high level of motivation, clear direction of travel and determined challenge was evident. Specific operational and tactical arrangements between the council and South Yorkshire police have shown evidence of improved cooperation and collaboration. This is noted in the examination and investigation of possible individual and organised exploitation of children. The specialist joint arrangements for this are fully functional, with recent evidence of impact. The effectiveness of the Evolve team however is yet to be evaluated in detail.

The impact of many of the strategic developments is yet to be seen with the strategic and governance arrangements at the early stages of being reviewed. Efforts are clear to achieve a more 'open-architecture' of governance where challenge is seen as support. The stabilisation and functional effectiveness of the workforce has begun to be established. Turnover continues but not at a damaging level and almost all of those spoken with express positive morale and confidence in the direction of travel of children's social care services. While it is recognised there is much yet to be achieved it is clear that many of the foundations toward a stable, able workforce are in place, albeit recently achieved.

First line management casework oversight and direction was much improved. Managers recorded clear and risk-focused direction. Management rationale for decision making was clearly recorded in cases seen. It was clear that there is managerial ownership and efforts to drive improved performance in social care. There was evidence of shared ownership and responsibility amongst managers seen. Managers welcome the current "no hiding place" style of management with support being as robust as challenge. Independent Reviewing Offices (IRO) arrangements however have not been well supported by the four changes in manager of the

service in a short space of time. They remain clear that they are still seeing too much delay in implementing plans, with limited progress in the focus, of plans, quality of assessments and appropriate preparation of children in care. They feel they are beginning to be listened to but are yet to confidently find their professional 'voice' on behalf of children in care.

Areas for development

The voice of the child was not consistently evidenced on an individual casework basis or sufficiently influential at all levels in children's services. You are working hard to secure a competent and stable workforce and demonstrate active and purposeful planning. This is yet to impact sufficiently on the 'front of house' practitioner base with just three permanent SW appointments in the last round of recruitment. You continue to have difficulty meeting your sufficiency duty and it is clear that it is likely to take a further 12-18 months before substantial improvement is achieved. You are at the early stages of developing and delivering effective early help and edge of care services. This is not yet having a clear impact on reducing crises and demand for statutory interventions.

Sound quality assurance and performance management frameworks are now in place and there is clear capacity and commitment from both children's services and partners to drive these forward. You are now ready to move from the compliance phase of your improvement plan to focus on the quality of practice. The current suite of audit tools and framework are an emerging strength, with further links being pursued with the RSCB quality functions. This is however yet to evidence practice improvement. Your electronic case record system has had some interim updates, is unlikely to support this work until the implementation of liquid logic from **31 October 2016**. Lines of internal communication across the local authority and within children's services have improved considerably, but are yet to ensure a full 360 degree communication, including the valued practitioner forum, to ensure effective engagement with, and of, staff at all levels.

There has been an understandable and considerable focus on child sexual exploitation safeguarding practice. It was evident at the time of the visit that the separate specialist teams were exhibiting significant tensions and pressures. There were specific issues regarding staff relationships within the Evolve team that required your further consideration.

Early help April 2016

The pace of improvement in relation to development of the early help programme over the past six months has been positive and rapid. This is integral to the successful development of the children and young people's transformation programme 2015-2021. The vision and priorities of the council are clearly set out in the new early help and engagement service plan. These are appropriately aligned with wider strategic planning to increase preventative and early help services

through a variety of established, recent and planned services. The early help strategy is currently in draft form with a planned implementation in July 2016.

Refreshed governance arrangements are in evidence. There is a clear commitment from senior managers and elected members to improve the quality of services and to improve outcomes for children and young people through a robust focus on early intervention and prevention. The commissioner made early help a top service priority. A member led early help review board and early help sub group of the children and young people's strategic partnership is in place to oversee the development. The council and its partners we have seen share an ambition regarding the increased offer of early help to prevent the escalation of family difficulties through integrated and locality working. There is strategic buy in from all major stakeholders and this has the potential to provide valuable services and resources which are aligned to the views and needs of local communities.

Partnerships with the Police and Youth Engagement Service are particularly strong and well aligned with the troubled families' programme which you call "Families for Change". Significant work has been undertaken to improve operational buy in from partners and this has improved significantly with schools and learning communities. There is still some way to go to secure full engagement and some operational challenges remain to engage health visiting, school nurses and CAMHS. More work needs to be done to increase and improve education and health partners confidence not only in the early help offer but in their capacity to deliver early help assessments and support.

Threshold descriptors are clear and align with early help pathways to services which outline a virtual pathway to and signpost professionals, practitioners and families to early help services. However, thresholds for access to children's social care are still not sufficiently understood by partners and cases referred to early help are not always being coordinated effectively. The interface between early help and the front door needs to be clearer. There are additional issues around the analysis of risk and decision making. The newly established early help triage team is starting to impact on the timely coordination of services through to nine early help multi-disciplinary locality teams integrating disciplines. Positively the early help triage team ends the previous 30 different routes to early help through one front door. It is too early to see the impact on whether this is effective in diverting some children and young people with a lower threshold of need from statutory services, however the early indications are encouraging.

There is evidence of robust management oversight of the team and decisions, appropriate and educative advice and challenge back to referrers, including the MASH and locality teams. New and quality assurance and performance monitoring arrangements in place for early help live from 1 April 2016. Routine Department for Education performance reporting systems are in place enhanced with bespoke success measures which intend to capture for example; contact timeliness, track step up and step down timeliness and allocation, assessment timeliness and outcomes,

deep dive audits and more. These new arrangements bring all of these systems into one electronic data base.

Areas for development

The integration of the early help workforce into locality teams is a positive and necessary change. Not all staff are however sufficiently trained, confident or competent to undertake early help assessment (EHA). There needs to be an impetus to develop staff training, skills, knowledge and confidence. Some staff have articulated to inspectors that they feel overwhelmed, under skilled and not being clear about what they are doing and why. Some Manager's lack of knowledge and skill in this area of work is impacting on their ability to understand the complexity and challenges and quality assure the work to a satisfactory level. Managers are not giving clear direction at the allocation of cases, not setting timescales for completion, they are not evidencing review and challenge of decisions and they are not evidencing that remedial actions from previous supervisions are actioned.

The current early help assessment form is not fit for purpose. It does not have a section for the worker to analyse their findings, to record the child's wishes and feelings or the views of parents or carers. It does not have a section for management oversight and next steps or to record the completion date. Early help assessment quality overall was poor in the cases seen. Children are not always seen as part of an early help assessment and it is difficult to see what direct work if any is undertaken as workers do not always record these interventions. As a result plans are insufficiently focused on areas of risk and need. The intended outcomes are not always clear and few have realistic or even set timescales of when change/ progress is required. Team around the child meetings are taking place but in those seen are not all robustly monitoring or driving children's plans.

Child sexual exploitation April 2016

Inspectors have found continued improvement in practice. There is evidence of significant learning arising from the review of high profile cases in Rotherham. What started as reactive approaches to children suffering CSE has developed into proactive, sensitive and robust investigative practice between police and social care.

Considerable efforts are made to identify children and young people at risk of CSE and when identified receive bespoke wrap around multi-agency risk assessment and responses. Assessments seen in the Evolve team during the visit in March 2016 were thorough and timely. Risk and need were clearly identified. Care plans were robust, addressed risk and were regularly monitored, reviewed and updated by managers. Where young people were perpetrators, a unique approach by police in particular, influenced by CSC, seeks where appropriate and proportionate to risk not to criminalise but educate, support and monitor through whole family and multi-agency systems approaches. Where charges are brought and where convictions occur, young people are supported, reassessed and monitored up to sentencing and beyond

which is good practice and child centred. Where victims are suspected or identified, in some cases months and months of proactive and tenacious work is resulting in victims developing trusting relationships with police and social workers. The impact is in many cases young people making disclosures and identifying other victims.

Future arrangements

As you will be aware, as set out in the letter from Eleanor Schooling, National Director, Social Care, dated 26 May, we are introducing new monitoring arrangements for inadequate local authorities. The letter sets out the activities and general timescales.

As we have already been engaged with Rotherham, with your agreement, we will move to a monitoring arrangement. I and the regional Senior HMI, Bob Morton, would be happy to meet with you to discuss. I am currently on another inspection but will contact you shortly to take forward.

Yours sincerely

Tracey Metcalfe

Her Majesty's Inspector

Summary Sheet

Council Report:

Cabinet and Commissioners' Decision Making Meeting - 11 July 2016

Title:

Foster Carer Payment Scheme

Is this a Key Decision and has it been included on the Forward Plan:

Yes

Strategic Director Approving Submission of the Report:

Ian Thomas, Strategic Director of Children and Young People's Services

Report Author(s)

Gary Pickles – Head of Service: Children in Care

Ward(s) Affected

All

Summary

- 1.1 This report seeks to improve the care experience for children in Rotherham by ensuring that wherever possible they are looked after in Rotherham in a foster family environment.
- 1.2 The report seeks approval to work with our existing carers to consult and produce a new payment scheme for Rotherham foster carers.
- 1.3 Rotherham has a shortage of all foster care placements, but particularly foster care placements for adolescents. It also places too many young people in residential care. This was commented upon in the Ofsted inspection in 2014 when CYPS at Rotherham Metropolitan Borough Council was judged to be 'inadequate' and the following recommendation was made: "Improve the sufficiency of placements within the borough to meet current needs and strengthen the strategy so that good planning ensures enough places for the future."
- 1.4 Increasing the number of in-house foster carers is critical to ensure that Rotherham:
 - Has a range of suitable placements available to meet current and future placement needs

- Is able to reduce overall placement costs and avoid more expensive Independent Fostering Agency (IFA) and out of borough residential placements
- Is able to meet the needs of individual children and young people in our care by creating stable, secure and high quality family placements
- Supports children and young people in our care to maintain contact with birth families, essential services and their local community

1.5 A new payment scheme, co-produced with foster carers, is an important aspect of the Sufficiency Strategy and will - alongside other initiatives - help to modernise and transform the fostering service so that is fit for purpose and able to attract and maintain sufficient foster carers to meet the needs of local children and young people in our care.

Recommendations

2.1 It is recommended that Commissioner Bradwell agree:

- That officers undertake a formal consultation for a period of 6 weeks with foster carers regarding the rationale and options for a revised scheme, with a view to that scheme being implemented in October 2016.
- That a further report be submitted regarding the outcome of the consultation and that a decision be made on the proposed new scheme in September 2016.

List of Appendices Included

None

Background Papers

- Sufficiency Strategy 2015-2018
- Child Centred Borough Strategy

Consideration by any other Council Committee, Scrutiny or Advisory Panel

Corporate Parenting Panel

Council Approval Required:

No

Exempt from the Press and Public

No

Title: Foster Carer Payment Scheme

1. Recommendations

- 1.1 It is recommended that Commissioner Bradwell agree:
- That Officers undertake a formal consultation for a period of 6 weeks with foster carers regarding the rationale and options for a revised scheme with a view to that scheme being implemented in October 2016.
 - That a further report be submitted regarding the outcome of the consultation and that a decision be made on the proposed new scheme in September 2016.

2. Background

- 2.1 Section 22G of the Children Act (1989) requires local authorities to take strategic action in respect of those children they look after and for whom it would be consistent with their welfare for them to be provided with accommodation within their local authority area. In those circumstances section 22G requires local authorities, so far as is reasonably practicable, to ensure that there is sufficient accommodation for those children that meets their needs and is within their local authority area. This is called the Sufficiency Duty.
- 2.2 Underpinning Rotherham's Sufficiency Strategy 2015-2018 is a review of Rotherham's fostering provision, including a review of the payments to foster carers. The strategy explains the vision for the local authority as it moves towards a position where every child will have access to the right placement, in the right place, at the right time. There are other separate but related strands of work that contribute to this vision; including the Strategic Commissioning Review of in-house Residential Care, the development of an Edge of Care service, the Taking Care partnership with the NSPCC to support the reunification of children with their parents and the proposed expansion of the Rotherham Therapeutic Service to offer placement support.
- 2.3 Having a range of options and identifying the right placement for each child is key to achieving placement stability and permanence. However, foster care is still the most common placement choice for children; 85% of children live with unrelated foster carers (DfE, 2013). Therefore, developing a proportionately high number of fostering placements is seen as key to developing a strong sufficiency position.
- 2.4 To date the lack of sufficient foster placements has meant that Rotherham has had to rely on the use of independent fostering agencies or independently run children's homes, all of which are more costly. At the 31st March 2016 Rotherham had 185 children and young people placed externally in independent provision. This has led to a position where there is significant pressure on the external placement budget. The current budget is £12,030,888, and the predicted spend in

2016/17 is £13,220,000. This paper aims to make an impact on Rotherham's spend on external placements by using Rotherham foster placements instead.

- 2.5 Rotherham has a shortage of all foster placements but particularly of placements for adolescents. Work has been done to improve the commissioning of foster placements from independent fostering agencies but there is still a shortfall in the availability of family placements. There is a recognised need to expand and develop Rotherham's own fostering community.
- 2.6 The shortage of adolescent carers reflects a national picture. However, some local authorities have reversed this trend and expanded their stock of placements for adolescents. With the right support and payment scheme in place there is no reason why Rotherham cannot do the same.

3. Key Issues

- 3.1 Foster carers receive three different payments.
 - 3.1.1 Firstly, they receive an allowance which is to cover the expense involved in caring for a child. The allowance is regulated by the government and they annually publish a National Minimum Rate (NMR) for allowances. Many agencies pay the NMR, whilst others pay in excess of the NMR. As Rotherham already pays above average NMR it is proposed that this is excluded from the scope of the consultation.
 - 3.1.2 The second payment that foster carers receive is to cover expenses and miscellaneous payments. These cover such things as mileage allowances, equipment grants and birthday, festival and holiday payments. As this covers all reasonable expenses it is proposed that this too is excluded from the scope of the consultation.
 - 3.1.3 The final payment that foster carers receive is the fee. This comprises of the 'salary' paid to the foster carer for caring for a child on behalf of the Council. Benchmarking indicates that the fee that Rotherham pays is lower than many other areas. Consequentially, this paper recommends consultation on the fee and reward package for foster carers.

4. Options Considered and Recommended

- 4.1 Option One: *Take no action*. This is likely to result in a continuation of the current position where an unacceptable number of children and young people are placed with costly independent providers and/or away from the borough and 'at a distance' from their family, schools

and support networks. Taking no action will also challenge Rotherham's ability to meet its sufficiency duty.

- 4.2 Option Two: Resolve that Officers undertake a formal consultation for a period of 6 weeks with foster carers regarding the rationale and options for a revised payment scheme, with a view to that scheme being implemented in October 2016. Any new co-produced scheme would have a positive impact on placement availability so that children could be placed within in-house foster care provision rather than more expensive independent fostering or residential homes and offer a significant saving. **This is the recommended option.**
- 4.3 In reviewing the payments made to foster carers in Rotherham three criteria would be considered:
- Financial sustainability of the proposed payments
 - Ensuring the fostering service remains financially competitive, whilst supporting the recruitment and retention of foster carers
 - Supporting the intent set out in the Sufficiency Strategy to recruit more locally based foster carers for target groups.

The fostering team will engage with existing carers and other stakeholders to explore what type of payment model would best suit the Rotherham context.

- 4.4 This proposal offers a real opportunity to create secure, stable and high quality permanent homes for Rotherham children in care and will be the cornerstone of a raft of measures designed to modernise and transform the fostering service. This will include a restructuring of the fostering service to ensure support and training for carers is enhanced and that there is an increased focus on identifying permanent homes for children, thereby reducing drift and delay in their lives. Finally, a series of targeted events are planned to generate an interest amongst current Rotherham foster carers to consider caring for adolescents.

5. Consultation

- 5.1 It is proposed that this co-production and consultation will last for a period of six weeks. The purpose of the approach will be to garner the views and preferences of our existing carers and to avoid any unintended consequences of the proposal. Foster carers will be able to participate in a variety of ways including by letter, at a shared forum open to all foster carers and through an invitation to meet with key officers in private. It is proposed that the outcome of the consultation is reported to the Commissioner for Social Care in September 2016 for a final decision to be made on the proposal.

6. Timetable and Accountability for Implementing this Decision

- 6.1 Formal agreement to consult with foster carers will determine a timeline through to implementation of a revised payment scheme.

7. Financial and Procurement Implications

- 7.1 Any proposed investment (subject to consultation, and a further report to Commissioners) in a new payment scheme for Rotherham Metropolitan Borough Council (in-house) foster carers is expected to augment the likelihood of attracting additional carers to foster children in a local family based setting whilst retaining existing carers.
- 7.2 The proposal states that any potential additional costs of implementing a new scheme would be more than offset by the reduction in the cost of looking after children as a result of them no longer being placed with either an independent foster carer or in an out of authority residential setting. In bringing forward a further report to the Commissioner for Social Care in the near future, the service will need to clearly set out the financial business case for the investment proposal; including the expected cashable savings (cost reductions) to be generated and profiled over the period 2016/17 to 2019/20. Equally, such an investment business case would need to be considered as part of the Council's overall budget process and governance framework to ensure it is appropriately considered alongside other competing resource priorities.

8. Legal Implications

- 8.1 The legal implications are covered within the main body of this report.

9. Human Resource Implications

- 9.1. Not applicable

10. Implications for Children and Young People and Vulnerable Adults

- 10.1 Anticipated increase in the number of foster carers in Rotherham as a result of a proposed increase in value of payments paid.

11. Equalities and Human Rights Implications

- 11.1 An Equality Analysis will be carried out on plans to implement any amendments to the scheme in September, subject to commissioner approval.

12. Implications for Partners and Other Directorates

- 12.1 None predicted.

13. Risks and Mitigation

13.1 Should the final proposal result in an increase in payment that fails to recruit a significant number of adolescent foster carers and offset the cost of external placements the Council will incur the associated financial penalty. To mitigate this risk, the Directorate has undertaken research and will have gained a degree of certainty to support the claim that any increased payment will offer an inducement to potential foster carers to offer their services to Rotherham Metropolitan Borough Council. RMBC will also refresh its marketing strategy to specifically attract foster carers with the capacity to care for adolescents and children with more complex needs. The Children's Improvement Board will be kept apprised of progress on the recruitment and retention of carers.

14. Accountable Officer(s):

Gary Pickles: Head of Service – Children in Care

Approvals Obtained from:

Finance and Corporate Services: Paul Jackson/ Joanne Robertson

Legal Services: Neil Concannon

HR Services: Luke Ricketts

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of the Local Government Act 1972.

Document is Restricted

Council Report

Cabinet and Commissioners' Decision Making Meeting – 11 July 2016

Title

Rotherham Town Centre Masterplan

Is this a Key Decision and has it been included on the Forward Plan?

This report is a Key Decision and is included in the Forward Plan.

Director Approving Submission of the Report

Damien Wilson Strategic Director, Regeneration & Environment Services

Report author(s):

Mike Shires, Development Manager
Regeneration and Environment Services
Ext 23882 Mike.shires@rotherham.gov.uk

Ward(s) Affected

Boston Castle

Executive Summary

This report seeks approval to tender and procure a spatial masterplan for Rotherham town centre.

Recommendations

The Commissioner is asked to agree that officers seek the services of appropriately qualified professionals to prepare the Masterplan document.

List of Appendices Included

Appendix 1 – Draft Masterplan brief

Background Papers

Rotherham Economic Growth Plan 2015-25
Housing Growth Strategy 2015-2020
Town Centre Supplementary Planning Document (Draft)

Consideration by any other Council Committee, Scrutiny or Advisory Panel

Overview and Scrutiny Management Board (OSMB) pre-Scrutiny – 1st July 2016

Council Approval Required

None.

Exempt from the Press and Public
Not exempt.

Title (Main report)

Rotherham Town Centre Masterplan

1. Recommendations

- 1.1 The Commissioner is asked to agree that officers seek the services of appropriately qualified professionals to prepare a town centre masterplan for Rotherham.

2. Background

- 2.1 In September 2015, RMBC commissioned Ove Arup to prepare a Supplementary Planning Document (SPD) for the town centre. This piece of work will set the planning and spatial framework for the town centre and has been prepared in line with The Town and Country Planning (Local Planning)(England) Regulations 2012 and also forms part of this Cabinet agenda.
- 2.2 The masterplan proposal seeks to build upon the SPD but will have a broader brief. The area covered will be a larger area than that covered in the SPD and will identify the key development sites in the town centre core and adjoining areas. It will focus far more on the delivery options for each of the key sites and identify funding and likely delivery options.
- 2.3 The brief also focuses on transport issues in more detail, including the preparation of a car parking strategy for the town. It will contribute and inform the works currently being undertaken by the South Yorkshire Passenger Transport Executive (SYPTEx) in the light of the recent fire damage to the Interchange and ongoing structural problems with the car park above it.
- 2.4 Given the range and number of regeneration opportunities currently being considered it is important that these are dealt with in a comprehensive way that ensures the benefits of each development opportunity is maximized and delivered in the most appropriate way in the short, medium and long term.
- 2.5 This comprehensive approach will be achieved through a masterplanning process that will allow all the regeneration opportunities to be looked at in a holistic manner, to allow the clear articulation of what can be delivered, when it can be delivered and how it can be funded. It is this implementation aspect that is vital to delivering the town regeneration potential.

3. Key Issues

- 3.1 Ten years into the original Rotherham Renaissance Plan the economic climate is very different and it is time to reinvigorate the economic development of the town centre with a new Masterplan.
- 3.2 An updated Masterplan will be a forward looking document. It will underpin the Council's future vision for the wider town centre, identifying new threats and opportunities, strengths and weaknesses. The Masterplan will be an important tool in marketing the wider town centre to potential investors and encouraging

further regeneration and improvement and will build on Arup's work on the SPD which has been developed as part of the Local Plan.

- 3.3 The document will highlight potential development opportunities in Rotherham town centre and strategic edge of centre sites, over the next 5-10 years. These should include those priority projects identified in the Rotherham Economic Growth Plan 2015-2025 and provide a spatial plan linking the Borough's priority projects, as set out in the Economic Growth Plan, Housing Strategy and the SPD with available and appropriate sites.
- 3.4 There are a range of benefits in considering an area in this way, helping to redefine places that are familiar, opening up its potential and offering new insights into the type of place it could be. This approach offers opportunities for the local community to become engaged in focused consultation on the regeneration process. This in turn helps to build consensus on the future of sites and identifies the priorities for action which will build commitment and certainty creating a positive impact on land values and the viability of proposals.
- 3.5 The areas covered by the Masterplan are in multiple ownership (including the Council as a major land owner) and the comprehensive Masterplan approach will give clarity to the roles and responsibilities of the various interested parties and build consensus amongst land owners and other asset owning organisations. It will inform the public, investors and funding partners about the potential of the town centre and the long-term strategy the Council has to deliver this regeneration.
- 3.6 It will also encourage high quality design standards for future town centre development and public realm works and inform co-ordinated decision making on development in Rotherham town centre.

4. Options considered and recommended proposal

- 4.1 The master-planning process is a positive and proactive approach to the development of a defined area that will take forward the broad spatial principles from the SPD and will look towards the next steps of delivery and implementation. This will be justified through the demonstration of an evidence based approach and analysis of baseline data. It also allows the creation of a vision for an area and a clear statement of aims and objectives. Broadly the key components are:
 - The development of a Strategic Framework (including aims and objectives and analysis of baseline data);
 - the Spatial Masterplan – building on the SPD this includes the development of the broad vision consisting of plans, visuals and written documentation; and
 - An implementation plan to turn the vision and plans into reality and also test the viability and deliverability of the Masterplan proposals including potential funding sources to pump prime delivery.

4.2 The Masterplan will identify the key issues and challenges that are likely to affect the town centre, e.g.

- National retail and leisure trends.
- Future role and purpose of Rotherham in an increasingly competitive market.
- Car parking provision.
- The impact of the Westgate Demonstrator residential development and the Council's ambition to further grow town centre living, with a target of 2,000 new units set out in the Economic Growth Plan.
- The impact of the new Tesco superstore and the possible re-alignment of the Town's retail offer.
- The vacant former Tesco building and the future development of the Forge Island site.
- Cultural and leisure activities (e.g. the introduction of a central library, art gallery, town centre cinema, hotel and new theatre).
- The 'night-time' economy.
- Accessibility, traffic, transport and connectivity issues (public transport, walking and cycling, taxis and car parking).

4.3 There is an option that a new town centre Masterplan is not produced and the SPD is used for to drive the development in the town centre. The SPD is a purely spatial document and the more in depth and wider ranging Masterplan is proposed to ensure that the town centre regeneration moves into delivery and implementation.

4.4 There is the option to produce the town centre Masterplan in-house, however RMBC officers would not have the full knowledge and expertise to carry out the task. In addition the timescales are demanding to produce the Masterplan and bringing in additional capacity will ensure the timetable is met.

4.5 The recommended proposal is to authorise officers to seek the services of appropriately qualified professionals to prepare the Masterplan document.

5. Consultation

5.1 The draft brief has been circulated to members of the Business Growth Board for comment in advance of the brief being presented to the Commissioner/Cabinet for decision in July along with the Commissioner for Regeneration and Environment and the Cabinet lead for Jobs and the Local Economy.

6. Timetable and Accountability for Implementing this Decision

6.1 Subject to approval in July, the tender brief will be advertised nationally and circulated to potential masterplanning practices, with a six week turn around, followed by a one week shortlisting. The shortlisted bids will be invited for interview/presentation of proposed methodology. It is anticipated that the tender be awarded by late September 2016.

7. Financial and Procurement Implications

7.1 To secure the services of professionals to deliver this work the brief will be tendered in line with the Public Contracts Regulations 2016 and the Council's Standing Orders and Financial Regulations.

- 7.2 Tenders will be evaluated and scored using a quality and price and time matrix assessment.
- 7.3 The decision to award the tender will be delegated to the Strategic Director for Regeneration and Environment in consultation with the Commissioner and the Cabinet Member for Jobs and Local Economy
- 7.4 The continued regeneration of the Town Centre offer, to build upon the successes of projects like the award winning High Street redevelopment, has been identified as a key priority by the Council. Funding for the work has been identified within the £17m allocated to the town centre within the approved 2016-21 Capital Strategy. The master plan will inform the capital projects that will be brought forward within this approved funding allocation.

8. Legal Implications

- 8.1 Procurement will comply with the Public Contracts Regulations 2016 and the Council's Standing Orders and Financial Regulations.

9. Human Resources Implications

- 9.1 None.

10. Implications for Children and Young People and Vulnerable Adults

- 10.1 The provision of a new Masterplan will have a catalytic effect on redevelopment of the town centre in terms of public realm, community safety, new housing and employment opportunities which will benefit all citizens of Rotherham.

11. Equalities and Human Rights Implications

- 11.1 None.

12. Implications for Partners and Other Directorates

- 12.1 All interested partners and stakeholders will be fully involved in the masterplanning process.

13. Risks and Mitigation

- 13.1 Officers will mitigate any risks normally associated with tender procurement through consultation with other officers and ensuring the tender process complies with the Council's Standing Orders.

14 Accountable Officer(s)

- 14.1 Paul Woodcock – Assistant Director Planning, Regeneration and Culture.
Mike Shires, Development Manager, Regeneration and Environment Services

Approvals obtained from:-

Strategic Director of Finance and Corporate Services

Jonathon Baggaley – Finance Manager

Director of Legal services

Ian Gledhill – Solicitor and Commercial Team Manager

Head of Procurement

Helen Chambers – Interim Corporate Procurement Manager

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Rotherham Borough Council May 2016

1. Purpose of the Brief

- 1.1 Rotherham Borough Council is aspirational and ambitious to maximise the town's potential and requires a long-term vision for future development and regeneration of the wider town centre and river area.
- 1.2 The purpose of this brief is to outline the key requirements of a Masterplan which needs to set out a site specific vision for the delivery of a connected and prosperous wider town centre and river frontage. The Masterplan should ensure that a transformational approach to development is achieved creating the jobs for the future and enabling a new chapter in the economic growth of the Borough.
- 1.3 The Masterplan should increase Rotherham's profile as a major leisure and visitor destination. Bold and deliverable solutions for leisure, retail, recreation and town centre living is required to redefine the town and open up its potential.
- 1.4 A step change in the retail offer of the town is required to revive the sector and ensure that it meets modern needs and requirements.
- 1.5 The proposed Masterplan represents an important opportunity for Rotherham. It will allow the Council and other key land owners to explore possibilities to enhance and support growth in this key area of the town and to set out its expectations for the content and timing of development proposals.
- 1.6 The production of a Masterplan has the potential to kick-start the wider regeneration of the town. It is envisaged that underutilised sites which face connectivity issues will be transformed and contribute to a new and vibrant town centre.
- 1.7 The Masterplan will support the delivery of schemes within the Rotherham town centre by providing greater certainty to existing businesses and potential investors, allowing development to take place in a co-ordinated fashion. It will provide detail on the options for delivery and implementation for key parts of the town centre. This will include soft market testing, viability assessments, cost estimates and implementation plans and funding options.
- 1.8 The Masterplan should consider the opportunities presented by the River Don and the Sheffield and South Yorkshire Navigation Canal which run through and adjacent to the town centre. The public realm needs to be fully considered and integrated into the Masterplan and consideration should be given to the connectivity of retail, leisure, tourism and town centre living aspirations for the town.

2. Background

- 2.1 One of four Metropolitan areas within South Yorkshire. Rotherham is bounded by Sheffield to the west, Barnsley to the north, Doncaster to the east and North East Derbyshire and Bassetlaw in the south. More than half of the borough is rural, characterised by attractive villages and rolling countryside.

- 2.2 The M1 motorway runs along much of the borough's western edge and the M18 bisect the borough to the south of Rotherham. There are five airports within a 50 mile radius, including Robin Hood Airport near Doncaster.
- 2.3 Rotherham developed from a small market town into a major industrial centre based around coal and steel. Most of the traditional industries no longer exist and many old industrial areas have seen large scale regeneration such as at Manvers in the Dearne Valley.
- 2.4 Rotherham's population remained fairly static during the 1980's and early 1990's, but then declined from a peak of almost 254,000 to just over 247,000 by 2000. This followed large scale job losses in Rotherham's traditional industries. The population began to grow again in 2001 and a steady increase over recent years has brought the current population to 258,700, with a further increase of 13,300 projected by 2028. This increase will be concentrated in the older (mainly retired) age groups with small reductions expected in the younger (working age) age groups.
- 2.5 Rotherham has high rates of both inward and outward commuting due to its central location in South Yorkshire and proximity to Sheffield, 38.3% commute outside the borough for work - 19.6% to Sheffield, 4.9% to Doncaster, 2.9% to Barnsley and 10.9% elsewhere. 37.4% commute into the borough for work -- 11.8% from Sheffield, 8.3% from Doncaster, 9.1% from Barnsley and 8.2% from elsewhere.
- 2.6 Rotherham has a sprawling town centre retail offer. It has suffered from a lack of private sector retail investment and high vacancy rates over the past couple of decades, primarily as a result of strong competition from Meadowhall and the Parkgate Centre, compounded by the economic downturn. Both Meadowhall and the Parkgate Centre are located in close proximity and provide the critical mass and large floor plates commensurate with modern retailer's requirements, alongside free car parking and ease of access.
- 2.7 Conversely, a number of new independent retailers have secured accommodation in the town centre. This ensures the town centre provides a point of difference and alternative experience to that available at out of town centres. The market is a key part of this alternative experience.
- 2.8 The town centre experienced footfall rises in 2011 & 2012, however, footfall has fallen over the last two years with a 6% fall in 2014 and a further 6% fall in 2015 meaning that footfall trends since 2011 are not dissimilar to the national and regional picture. Developments in the town centre have clearly impacted upon footfall patterns, with some specific locations experiencing significant declines and others clearly benefiting.
- 2.9 Meadowhall (approximately 3.8 miles west of the town centre) is one the UK's largest and most successful shopping centres providing 139,360 sq m (1,500,000 sq ft) of retail and leisure floorspace with a VUE Cinema and department stores including House of Fraser and Debenhams. There is a current proposal to improve and widen this offer even further especially as a leisure destination.
- 2.10 A key part of the town centre retail offer is the Centenary Markets. In 2014 a detailed and objective review was undertaken on the indoor, covered and street markets operating in the town centre. The study confirmed that the markets appeal to a wide and diverse shopper base and provide customers with a good mix of

products although the offer lacked breadth and depth of choice across most categories.

- 2.11 The markets are a clear asset to the town and an important part of the offer. Despite the many areas for improvement identified in the 2014 study, the markets are popular and successful at attracting customers

3. Rotherham Renaissance Plan

- 3.1 In 2005 Rotherham signed up as one of Yorkshire Forwards Renaissance towns as part of the Urban Renaissance programme. The first stage in the programme was the establishment of the Town Team and the development of the Renaissance Charter. The Charter set out a series of goals against which future development proposals would be tested.
- 3.2 The aims and goals of the Charter were articulated in the Rotherham Strategic Development Framework. The Framework set out a comprehensive 25 year vision for the town and a series of development projects and initiatives that would individually and collectively lead to transformational change to Rotherham's urban centre.
- 3.3 A team led by LDA Urban Design were appointed in 2005 to prepare the Masterplan for Rotherham town centre. The objective was to make Rotherham an individual and unique place but linked to and working with its neighbours. A vibrant, repopulated and reborn town centre was at the heart of this vision.
- 3.4 Since the start of the Renaissance Programme considerable progress has been made and some significant developments have been successfully delivered. The High Street has been dramatically improved as part of the Townscape Heritage Initiative, as well as a new football stadium, leisure centre, Council offices, new train station, residential apartments and town centre Tesco superstore.
- 3.5 However, there is still much work to do to build upon the progress made to continue to improve the landscape of the town centre and create new businesses, jobs and town living.



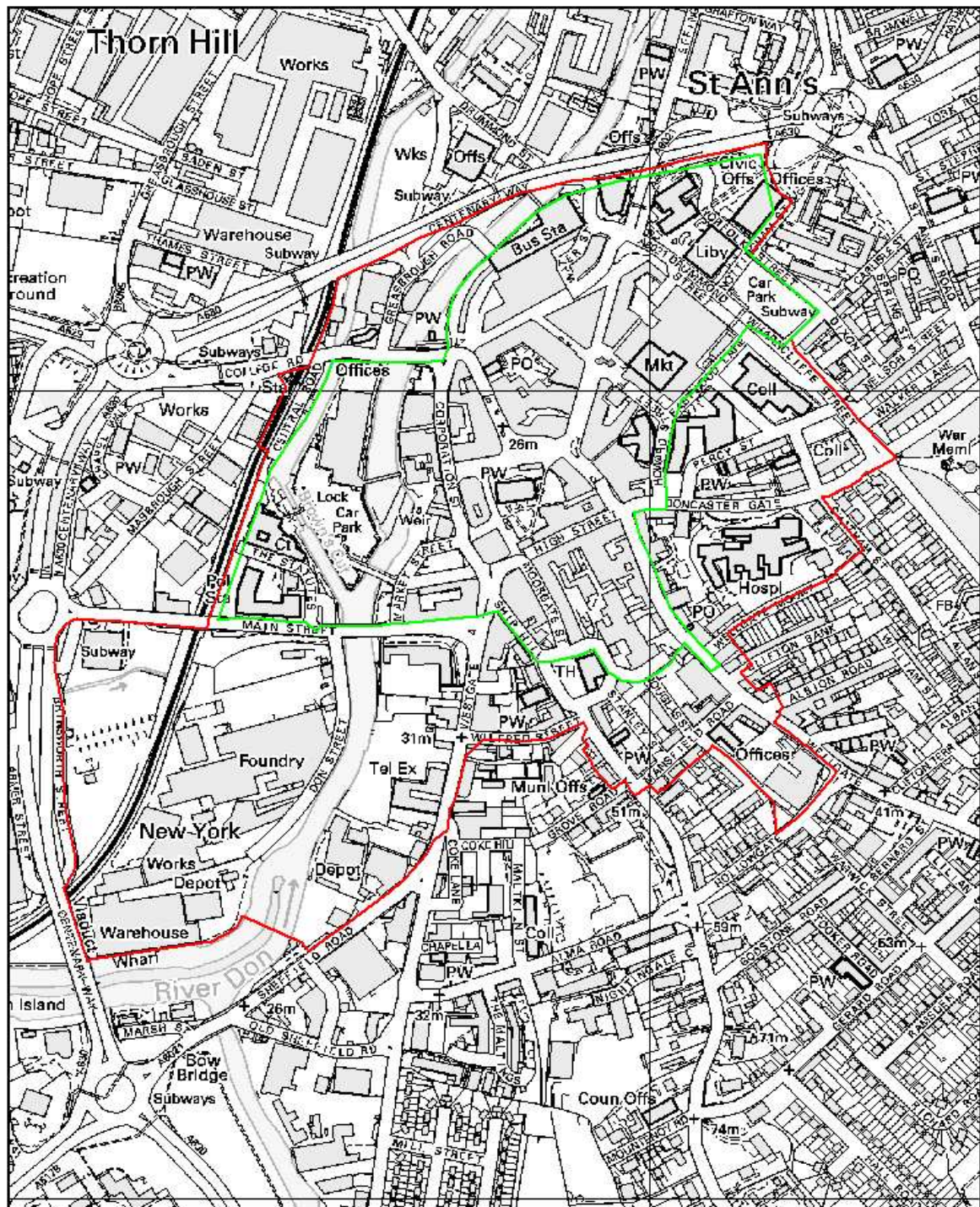
4. Opportunities

4.1 The area has a number of strengths and opportunities to complement and support new development, opportunities including:

- To the west of the town centre is the River Don which is a great asset to the town and an untapped resource
- Forge Island is a key development site bounded by the Canal and River Don in close proximity to the Bus Interchange and Rail station. Its location gives the site considerable potential
- Strong transport links
- Opportunities for increased retail performance
- Linkages to established leisure/tourism facilities such as the Magna Centre, the UK's first Science Adventure Centre, Clifton Park & Museum, Rotherham leisure centre and Rotherham United's football stadium
- Development proposals for a Higher Level Skills Centre in partnership with Rotherham College, which builds on the centrally located FE college
- The Department for Transport is running a trial tram/train project, linking the centre of Sheffield, Meadowhall, Rotherham town centre and Parkgate to the tram system. The trial is due to start in 2017, and will be served by 4 trams per hour in each direction.
- Rotherham is home to the UK's premier Advanced Manufacturing Park where companies such as Rolls Royce, Boeing, Airbus, BAe, and the University of Sheffield amongst many others are located. Waverley is only 5 miles from the centre of Rotherham.
- RNN Group is the newly merged colleges of Rotherham College of Arts & Technology (RCAT) and North Nottinghamshire College. There are two main campus sites in Rotherham borough.



Plan 1 Masterplan area

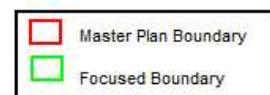


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Rotherham Town Centre

Scale 1:6000



5. Requirements

- 5.1 This brief outlines the requirements for a Masterplan which is to be undertaken on behalf of Rotherham Metropolitan Borough Council for the wider town centre as defined in Plan 1 and Appendix 1.
- 5.2 The boundary has been divided into a focussed primary area (edged red) and a broader secondary area (edged green). The primary area contains the majority of development opportunities. This approach will allow work to be focussed in these areas but still ensure that proposals suggested in this area relate to the wider town centre.

5.3 The work is to comprise the following components:

Stage 1: The development of a Strategic Framework, (including aims and objectives and a review and analysis of baseline data).

Stage 2: Stakeholder and community engagement to scope aspirations and potential issues that may influence the Masterplan.

Stage 3: Draft Masterplan and site options, including an implementation plan to turn the vision and plans in to reality and also test the viability and deliverability of the proposals, plus soft market testing and funding options (includes plans, visuals and written documentation). Review of requirements for retail in Rotherham.

Stage 4: Revisions and finalise Masterplan.

Stage 5: Publication and dissemination.

6. Key Opportunities

- 6.1 To build upon the original Rotherham Renaissance programme to create a vibrant, repopulated and reborn town centre.

Culture and Leisure

- 6.2 Rotherham Metropolitan Borough Council wishes to explore the opportunity to create new cultural offer and has a long standing requirement for a cinema and a branded hotel which is currently lacking and has an aspiration to provide a new modern theatre centre. There may also be the opportunity to move the central library, customer service centre and art gallery from Riverside House to a more Central location.

Retail

- 6.3 The Masterplan must set out a comprehensive strategy and action plan for improving town centre and gaps in retail opportunities in the town. The strategy should identify the main issues with the retail market and identify how these can be addressed.

Town Centre Living

- 6.4 The introduction of economically active people living in the town centre will help to maintain the long term health of the town and create a lively and vibrant town centre

outside of normal working hours, in the evenings and at weekends. It is important to recognise the need for an attractive and affordable residential offer in the town centre.

7. Key Geographical Areas

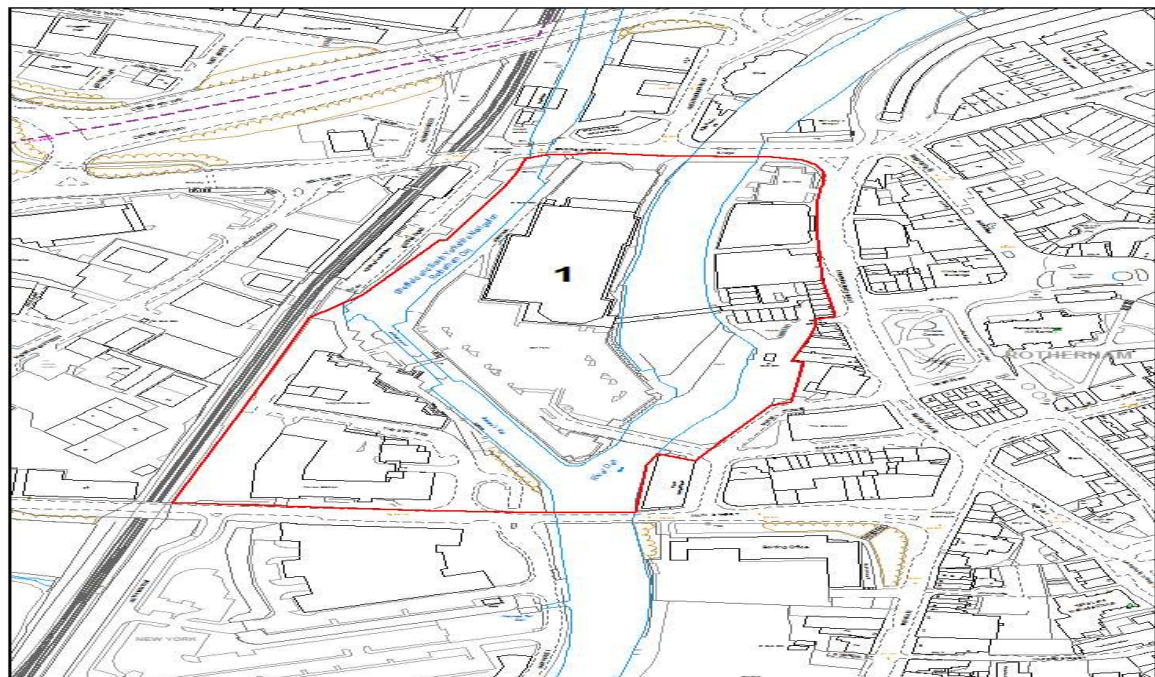
1. Forge Island and Environs

Forge Island is the key development site in the heart of Rotherham. Redevelopment of the site forms a cornerstone of the Council's draft Supplementary Planning Document (SPD) for Rotherham town centre. The site was formerly occupied by the current owners, Tesco, who relocated their store in November 2014.

Forge Island has been identified as a suitable site for development of a town centre leisure hub as detailed in the SPD. Market analysis has suggested that there is an appetite amongst cinema operators to locate within Rotherham as part of a wider leisure scheme, including family pub/restaurant, gym and hotel.

The site comprises 1.57Ha and is bounded by the River Don, South Yorkshire Navigation Canal and College Road, a main arterial route into the town centre and the key pedestrian route from the rail to the bus station and as such forms a key gateway into Rotherham.

In addition to Forge Island, the Council own the land and property over the river, this is shaded blue on the plan below. The adjacent Magistrates Courts are due to close in late 2016 and the Council is in dialogue with the Ministry of Justice and Government (through the One Public Estate Programme) regarding the future of this site as a key redevelopment opportunity.



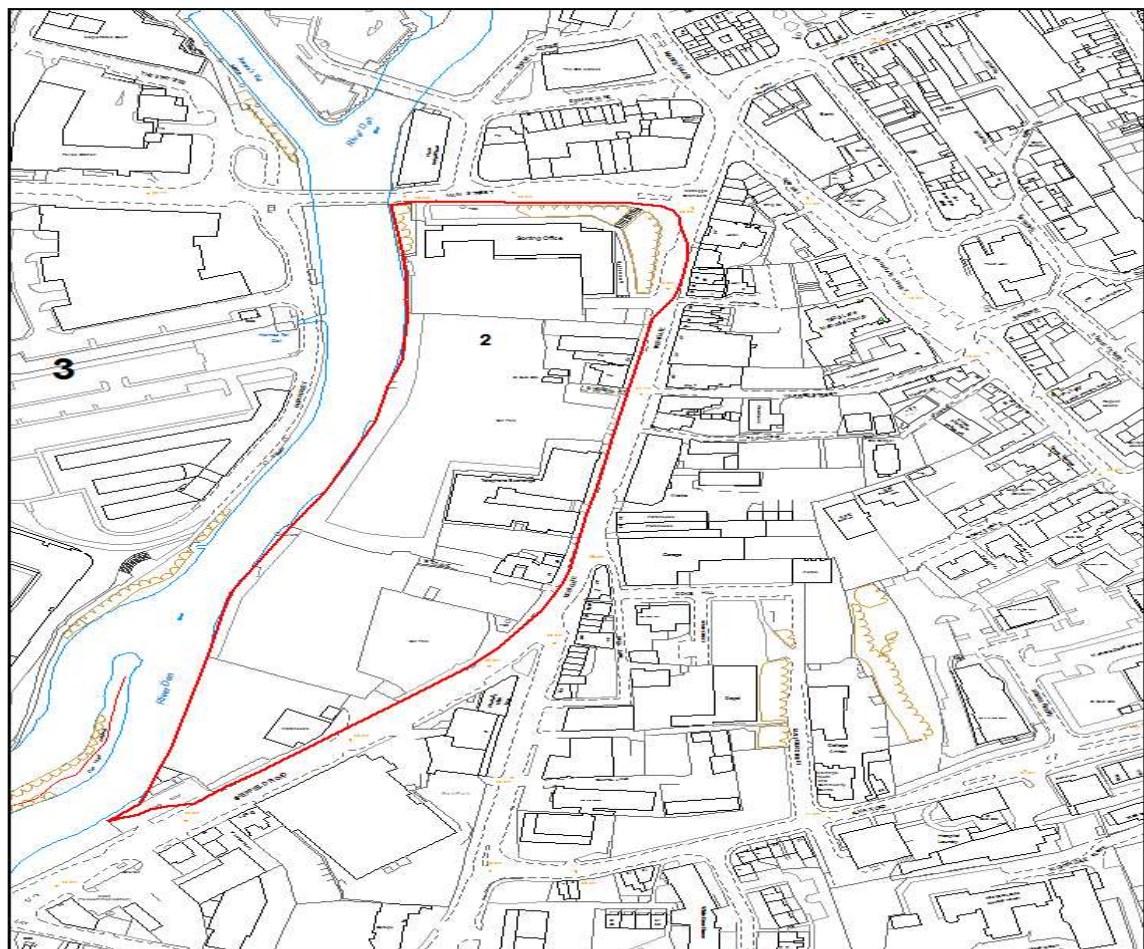
2. Sheffield Road

This strategically important area to the west of the town centre is bounded by the River Don, Main Street and Sheffield Road. The sites along the river are in various ownerships including royal Mail Sorting Office, BT Telephone Exchange and the Council who own the “former baths site” comprising 3.55 acres (1.43Ha).

The whole of this site offers an opportunity to introduce new development of a significant scale which taps into Rotherham’s ambitions to introduce town centre/waterfront living and new businesses and employment opportunities.

The town centre shops are within a two minute walk. The area is served with bars and eating establishments. The site is within walking distance to the Railway Station and is well served by bus routes along Westgate and Main Street.

The site provides good access to road, bus and rail services and also possesses the potential views over the river. The A630 Centenary Way provides excellent access to Junction 33 and Junction 34 of the M1 Motorway is also nearby and readily accessible.



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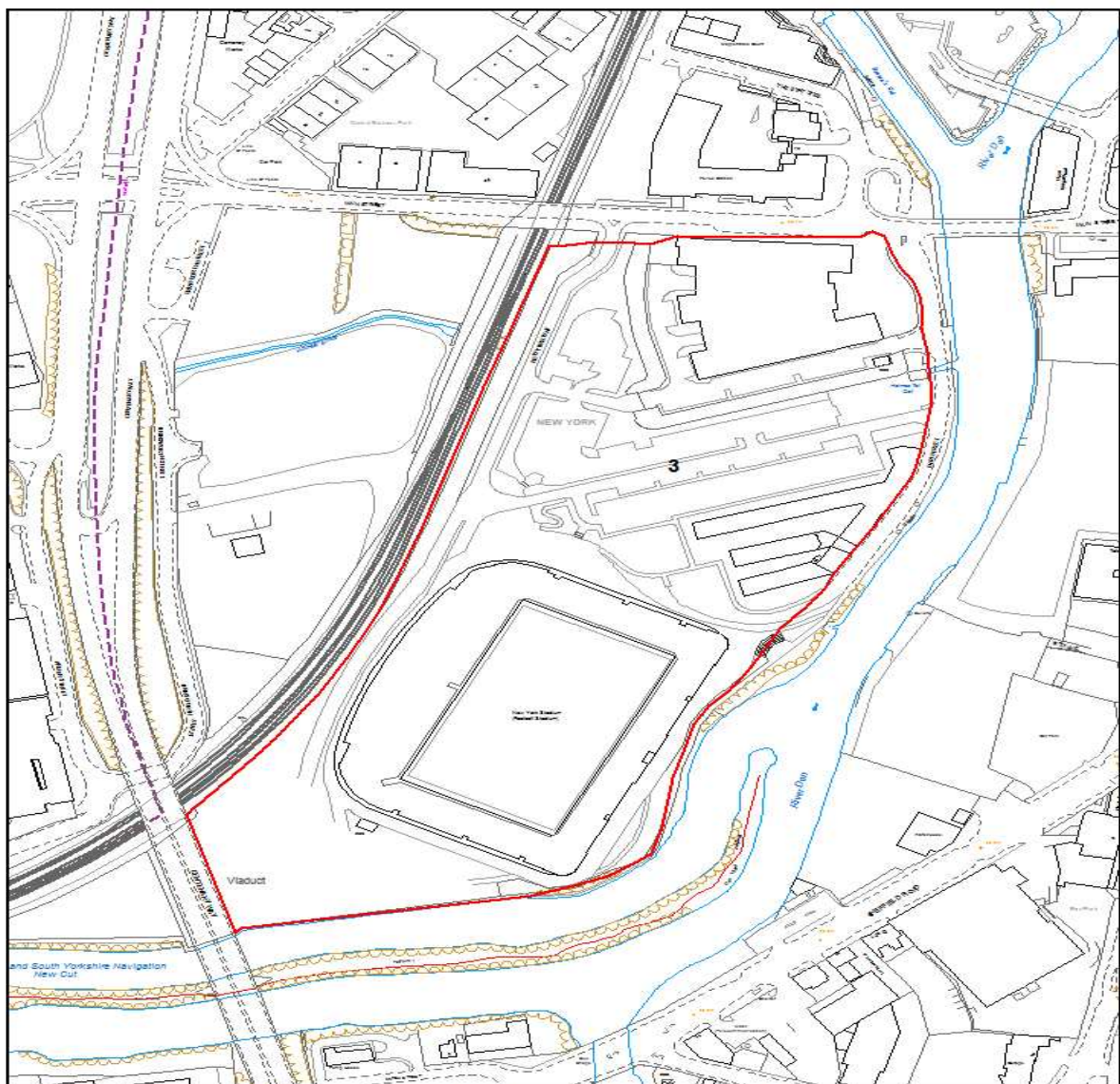
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Sheffield Road

3. Guest and Chrimes

The former Guest & Chrimes Foundry site is located on the edge of Rotherham town centre. It has been the subject of two major redevelopment schemes, Rotherham United's football stadium and Riverside House, the Council's new offices (along with main library and customer service centre) which have both contributed significantly to the regeneration of this site. However the site is not fully built out and has the potential for further developments. Other opportunities exist on adjacent sites (see Main Street below) and the whole area has considerable potential.

The area is in easy reach of the M1 Motorway, less than 10 minutes walk from Rotherham Central railway and bus stations.



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Scale 1:2500

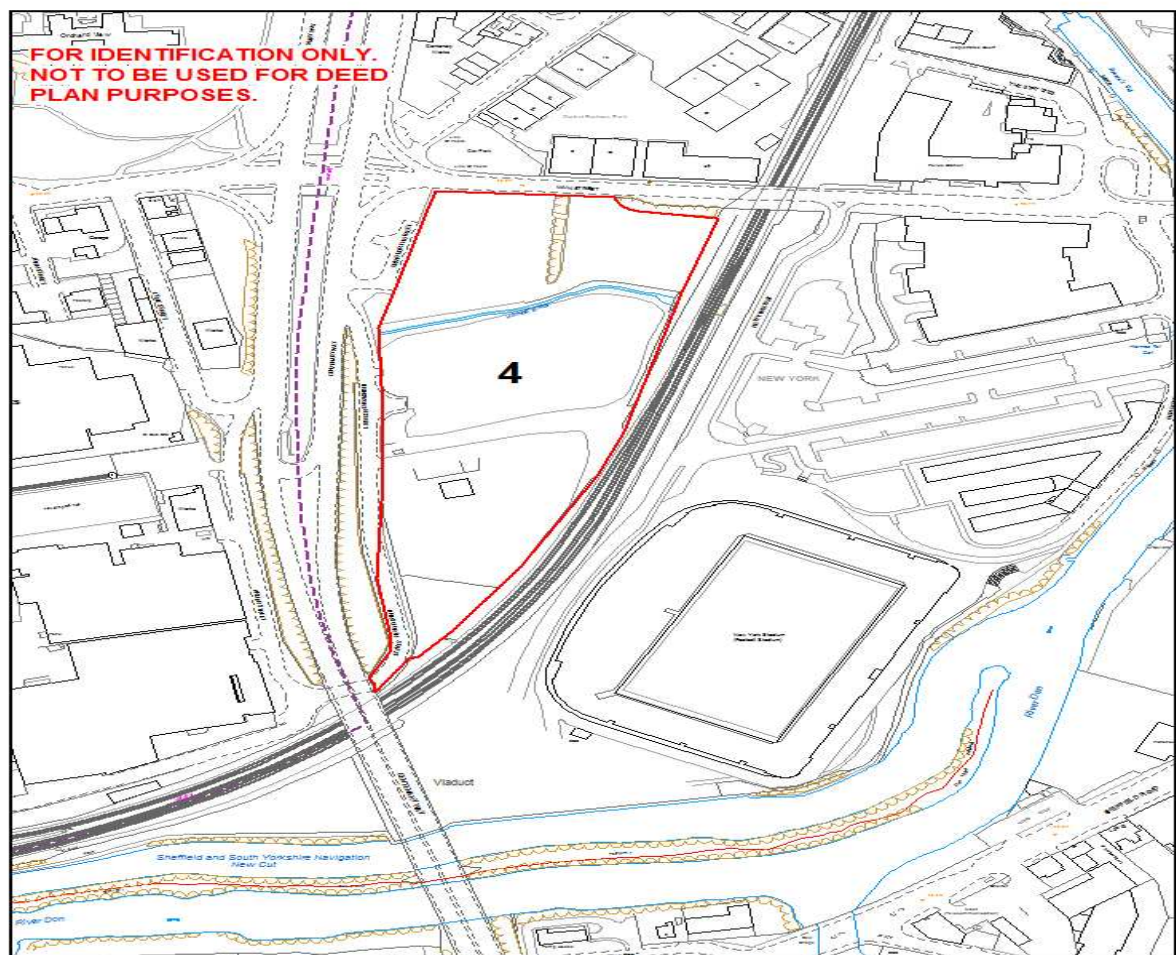
Riverside House
Guest and Chrimes
Rotherham United Football Club

4. Main Street

The site is located at the junction of Main Street and Brinsworth Street, offering a highly visible, prominent position fronting on to Centenary Way, the main ring road through Rotherham.

Adjacent to the site is the new Riverside House complex, occupied by Rotherham Metropolitan Borough Council, a 172,000 sq ft five storey office block accommodating over 2,000 council staff and the New York 12,000 seat football stadium for Rotherham United football club is also situated towards the rear.

Accessed from Main Street, the site extends to 1.965 acres and provides a regular shaped site with an excellent profile on to Centenary Way.



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Liquid & Diva Nightclub

Scale 1:2500

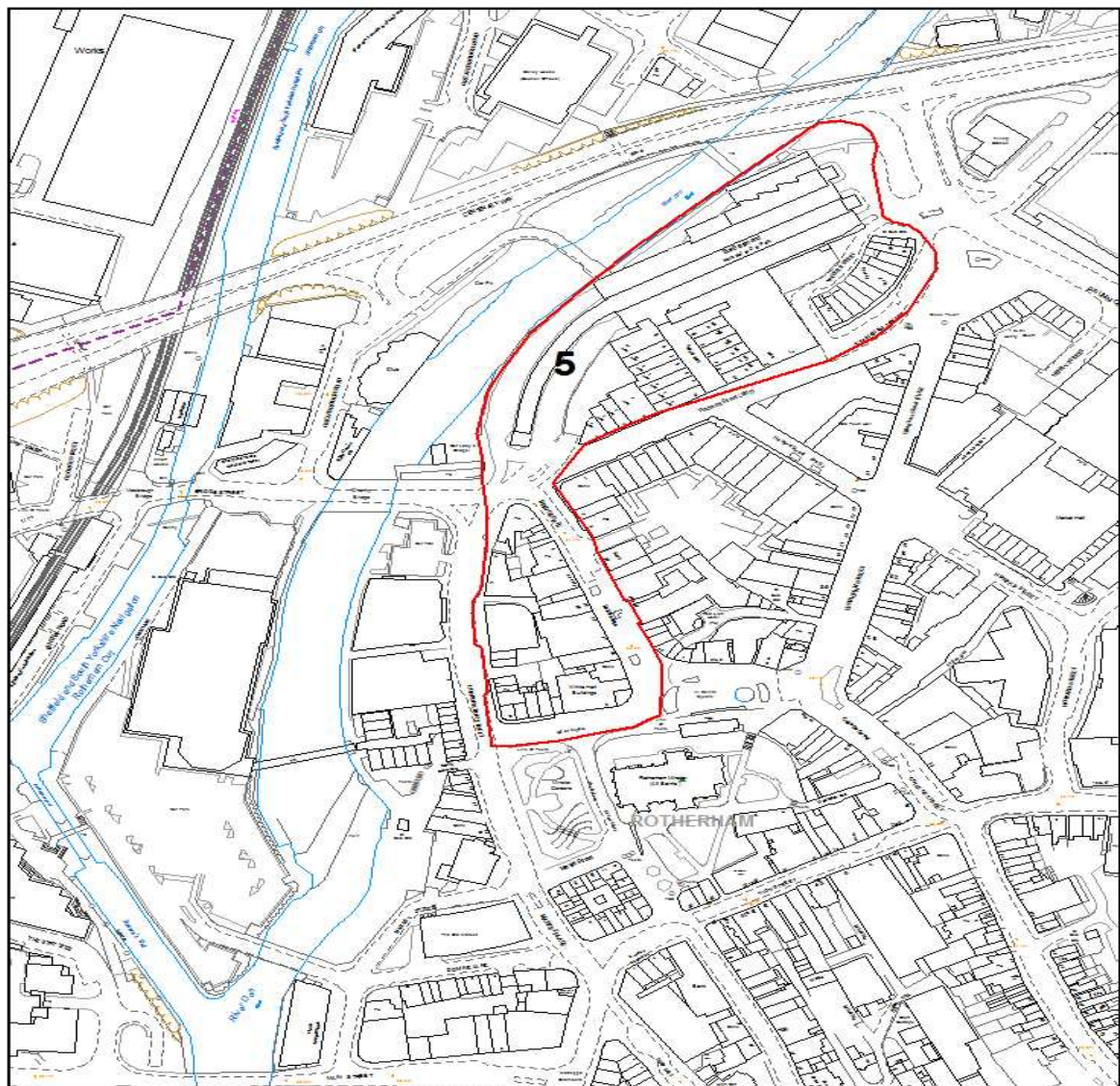
Rotherham MBC
Land Terrier, Estates
Riverside House, Main Street
ROTHERHAM S60 1AE



5. Interchange and Corporation Street

The current Interchange has acute maintenance issues and is both a constrained operational site and one which suffers from a perception that it is unsafe and unwelcoming despite being a very well used bus station. The South Yorkshire Passenger Transport Executive (SYPTe) are currently assessing their options for the future of the site and will shortly decide on whether they wish to redevelop the site as an Interchange or continue a programme of repairs. The development option will create additional development opportunities.

Closely associated with the Interchange is the adjacent Corporation Street which has been in gradual decline as a retail destination. This has been exacerbated by the recent Tesco's move from Forge Island to Drummond Street on the other side of town.



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Rotherham Interchange
Corporation Street

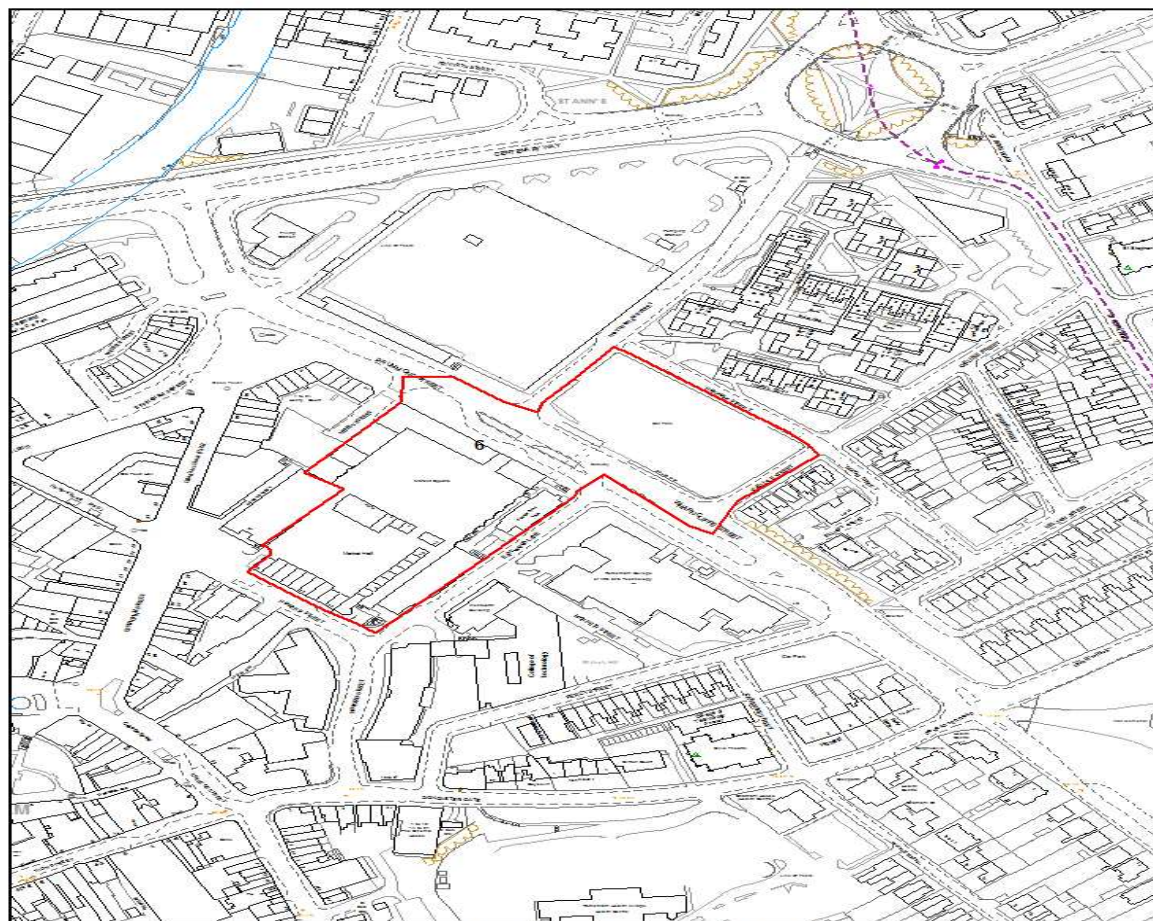
Scale 1:2500

6. Drummond Street and Markets

The Centenary Markets are an asset for the town and an important part of the retail offer. However the outdoor markets area is underutilised and has significant issues in terms of its access and permeability into the indoor markets area.

The markets currently have the benefit of adjacent car parking on the Drummond Street car park. Shoppers can also access the Tesco's car park although the gradient between Tesco's and the Outdoor market discourages pedestrian movement between the two areas.

The Drummond Street car park and the outdoor markets area together could offer a development opportunity but will have to be sensitive to the ongoing operations around the existing indoor markets area and any new development would need to address the car parking requirements in the adjacent and surrounding area.

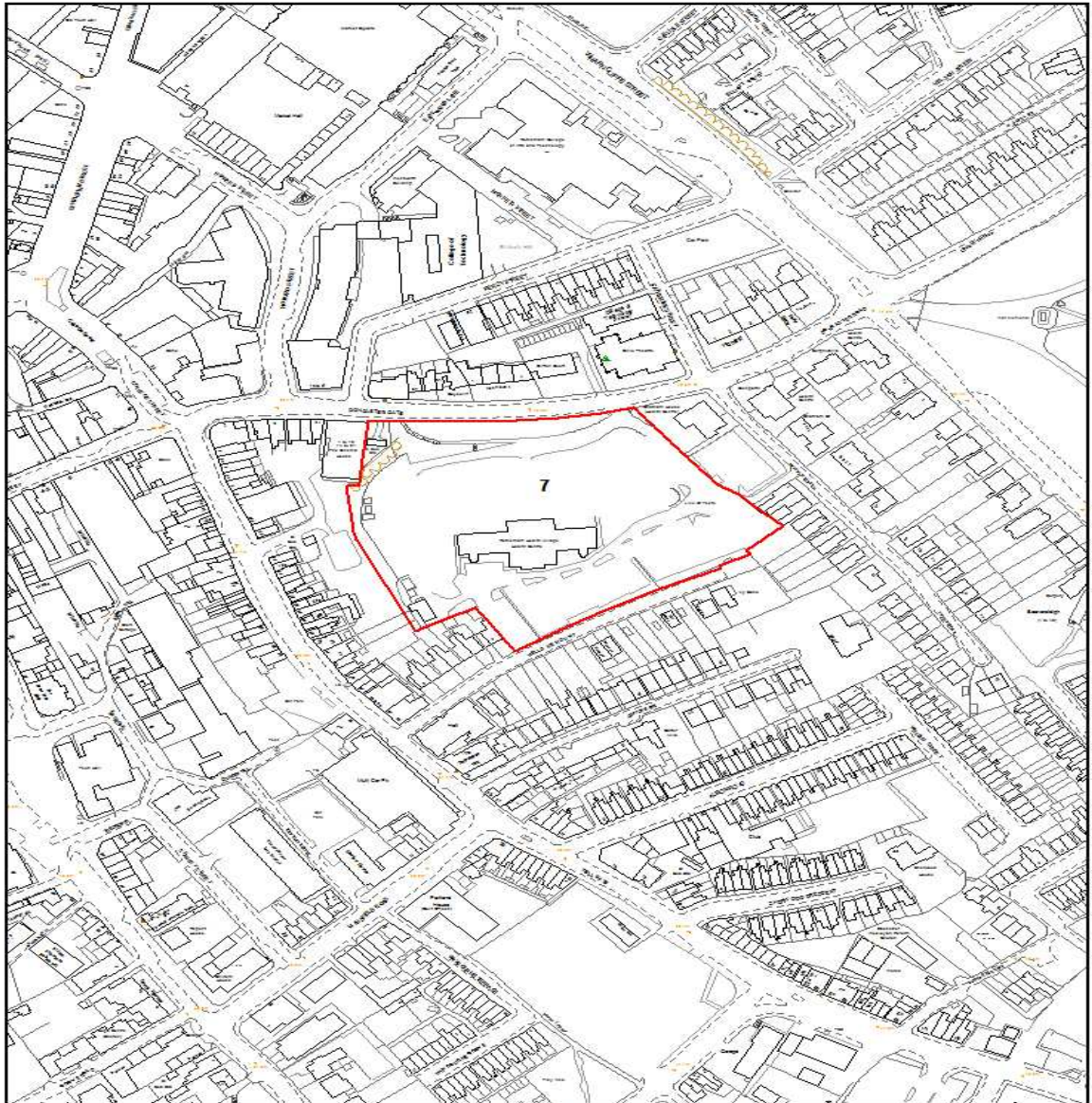


Scale 1:2500

Rotherham Markets
Drummond Street Car Park

7. Doncaster Gate

The new Higher Level Skills Centre is planned to be located on Doncaster Gate, however there is significant land still available to locate other complementary developments. The available spaces should be brought forward in a holistic fashion and each part of the site contributes to an overall development which is greater than its individual parts.



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Scale 1:2500

Doncaster Gate
(HE Campus)

8. Policy

8.1 The area identified for the Masterplan as defined by plan 1 includes a number of listed buildings and a conservation area. The planning framework for Rotherham comprises the National Planning Policy Framework (NPPF; 2012), the Local Plan Core Strategy (adopted 2014) the Barnsley, Doncaster and Rotherham Joint Waste plan (2012) and relevant saved policies compliant with the NPPF in the adopted Rotherham Unitary Development plan (UDP;1999). The Council's Local Plan Sites and Policies document is currently undergoing independent examination and once adopted will supercede the saved UDP policies. A matrix of relevant policies is available and located at Appendix 3

8.2 It is important to ensure that the future development of the sites helps to deliver the overall aspirations for the town centre set out in the Local Plan and Economic Growth Plan.

8.3 The professional team will review national, regional and local policy changes and new programmes which are likely to affect the town centre. Some suggested documents are:

- Town centre Supplementary Planning Document 2016
- Rotherham Renaissance - Strategic Development Framework 2005
- Rotherham Economic Growth Plan 2015-25
- Sheffield City Region Strategic Economic Plan <http://sheffieldcityregion.org.uk/wp-content/uploads/2014/03/SCR-Growth-Plan-March-2014.pdf>
- Housing Growth Strategy 2015 -2020
- Adopted Local Plan Core Strategy:
http://www.rotherham.gov.uk/downloads/file/1571/adopted_rotherham_core_strategy
- Local Plan Publication Sites and Policies document
<http://rotherham.limehouse.co.uk/portal/planning/sp/publicationsandp>
- Rotherham Town Centre Retail and Leisure Study 2010:
http://www.rotherham.gov.uk/corestrategyexamination/downloads/file/422/leb19arotherhamtowncentrereetailandleisurestudy_2010
- Rotherham Town Centre Retail and Leisure Study 2010 Appendices:
<http://www.rotherham.gov.uk/corestrategyexamination/downloads/file/423/leb19brotherhamtowncentrereetailandleisurestudy2010appendices>
- Retail Group and DTZ work on the Markets Complex and its potential redevelopment 2012
- Rotherham Waterways Strategy 2009

9. Outputs

9.1 This Masterplan is intended to outline the Council's implementation plans for regeneration agenda and is intended to facilitate the redevelopment of the town centre into a vibrant area offering a thriving retail offer along with town centre living and leisure opportunities. The expectation is that the Masterplan will contribute to securing considerable private sector investment in the area and provide comfort to potential investors that Rotherham is a proactive location.

9.2 The main thrust of the Masterplan is to establish a coherent set of land use and design parameters to guide the future regeneration of this area and underpin them with an implementation based on sound market testing and analysis. These guidelines would seek to provide a deliverable strategy that will encourage the private sector to recognise and invest in the area's true potential.

9.3 The main aims of the Masterplan are to:

- Build on the work previously undertaken on the SPD for the town centre
- Produce a clear and precise vision for the future, to attract private sector investment and identify public and private aspirations and roles.
- Implementation; produce a strategy for how to turn the vision and plans into reality. The Masterplan must consider and test how the proposals will be implemented. A written statement will be required to address cost, programme, viability and deliverability issues.
- Detailed analysis of each of the key sites including the identification of new uses and market opportunities to exploit the full development potential of the sites.
- Provide deliverable solutions to address the connectivity issues between the town centre core and adjacent edge of town sites and ensure that development helps to integrate Forge Island within the wider urban area.
- Promote the development of important regeneration opportunities
- Promote the area in terms of culture, leisure and tourism
- Ensure that urban design, public space and architecture are of the highest quality (Appendix 2 highlights the key design principle for inclusion in the Masterplan)
- Make recommendations as to the preferred location for new cultural and leisure facilities and an assessment of the suitability and added value that can be generated from the sites considered.
- Constraints associated with the Masterplan area should be identified and accounted for within the Masterplan including site availability, contamination, planning, access arrangements etc.
- Provide a commentary on the future of retailing in Rotherham and provide an analysis of shopping patterns in the town and the impact of surrounding centres and retail parks.
- Complete a retail capacity modelling exercise and examine the demand for retail in Rotherham.

- Briefly explore the potential of a Business Improvement District or similar options.
- Identify and explore ways to address the issues with the Centenary Markets.
- The Masterplan should be prepared in such a way that it is capable of being produced as a Supplementary Planning Document and should include a Design Code, prepared in consultation with the Council's Planning officers to facilitate new development.
- Identify potential funding sources for the proposed developments and how best to access them.
- Ensure that proposed sites and their uses feeds into the overall vision for Rotherham town centre.
- To support the delivery of the town centre Masterplan, it is proposed that a town centre car parking strategy is produced. This will quantify current and future planned car parking provision and utilisation, identify that which will be affected by any proposed developments and propose a strategy for relocation and rationalisation of the current town centre car parking offer.

9.4 Three hard copies of the Masterplan and an electronic version will be provided by the professional team. Ownership of all data gathered will rest with Rotherham Metropolitan Borough Council and should be in an electronic format which will enable the authority to readily interrogate and manipulate it.

10. Contract Operation and Management

10.1 The contract will be managed by Paul Woodcock, Assistant Director, Planning, Regeneration and Culture on behalf of Rotherham Metropolitan Borough Council, reporting through an appropriate officer group established to drive the project forward.

11. Expected Timetable

11.1 It is anticipated that a preliminary inception meeting will be held at the commencement of the project.

11.2 Exact dates for the completion of individual stages will be confirmed at the outset by discussion between Rotherham Metropolitan Borough Council and the professional team at the inception meeting. It is anticipated that the professional team will be appointed in September 2016 with the project to be completed within 7 months.

Invitation to Tender	w/c 18 th July 2016
Submission Deadline	w/c 22 nd August 2016
Shortlisting	w/c 29 th August 2016
Interviews	w/c 12 th September 2016
Professional team appointed	w/c 26 th September 2016
Inception meeting	w/c 26 th September 2016
Engagement with Stakeholders	w/c 17 th October 2016
Draft Masterplan, including site options and deliverability strategy and soft market testing	w/c 13 th March 2017
Final report delivered	w/c 3 rd April 2017
Public launch	April 2017

12. Submission Requirements

12.1 Each submission should contain:

- a methodology statement and work programme with milestone dates identifying the overall approach to the production of the strategy, identifying key underlying principles and the team's likely response to the challenges set out within the brief;
- an appreciation of the issues, challenges and opportunities afforded by the Masterplan;
- Detailed costs for completing the work including an indication of your team including a clearly identified project manager (and details of any sub-contractors) including named staffed members, their experience, hourly rates and each individual's staff hours to be spent on each element of the study;
- Detailed proposals for reporting to the client management group to review progress.

12.2 In order to illustrate the team's credentials and abilities the following information will be required:

- relevant examples of the experience of your organisation(s) on similar assignments elsewhere with references;
- identified individuals who will be managing the project and the qualifications and relevant experience of all personnel who will be involved in the project.
- a complete list of relevant clients during the past five years;
- details of the proposed work schedule including how the work will be organised and managed, and the quantified inputs of the team members.

13. Evaluation of Tenders

13.1 The selection of a professional team will be undertaken by the project management group; on the basis of a quality (60%), price (25%) and timetable for delivery (15%). It is hoped the indicative timeline above can be foreshortened.

13.2 The main criteria upon which the decision will be based are provided below for guidance:

- ability to meet requirements - as evidenced by a demonstrable understanding of the brief and evidence of previous experience;
- cost competitiveness - bids will be assessed in terms of both innovative approach and value for money. The client team does not bind itself to accept the lowest or any tender;
- approach to carrying out the project - it is important that parties with relevant interests, knowledge and experience are involved in the development of the project and therefore the methodology is an important element which will be assessed; and;
- capacity and resources to complete the work within the demanding timescales outlined
- the ability to demonstrate an understanding of the need to provide a deliverable vision which is viable along with a knowledge of how to present the opportunity to the market.

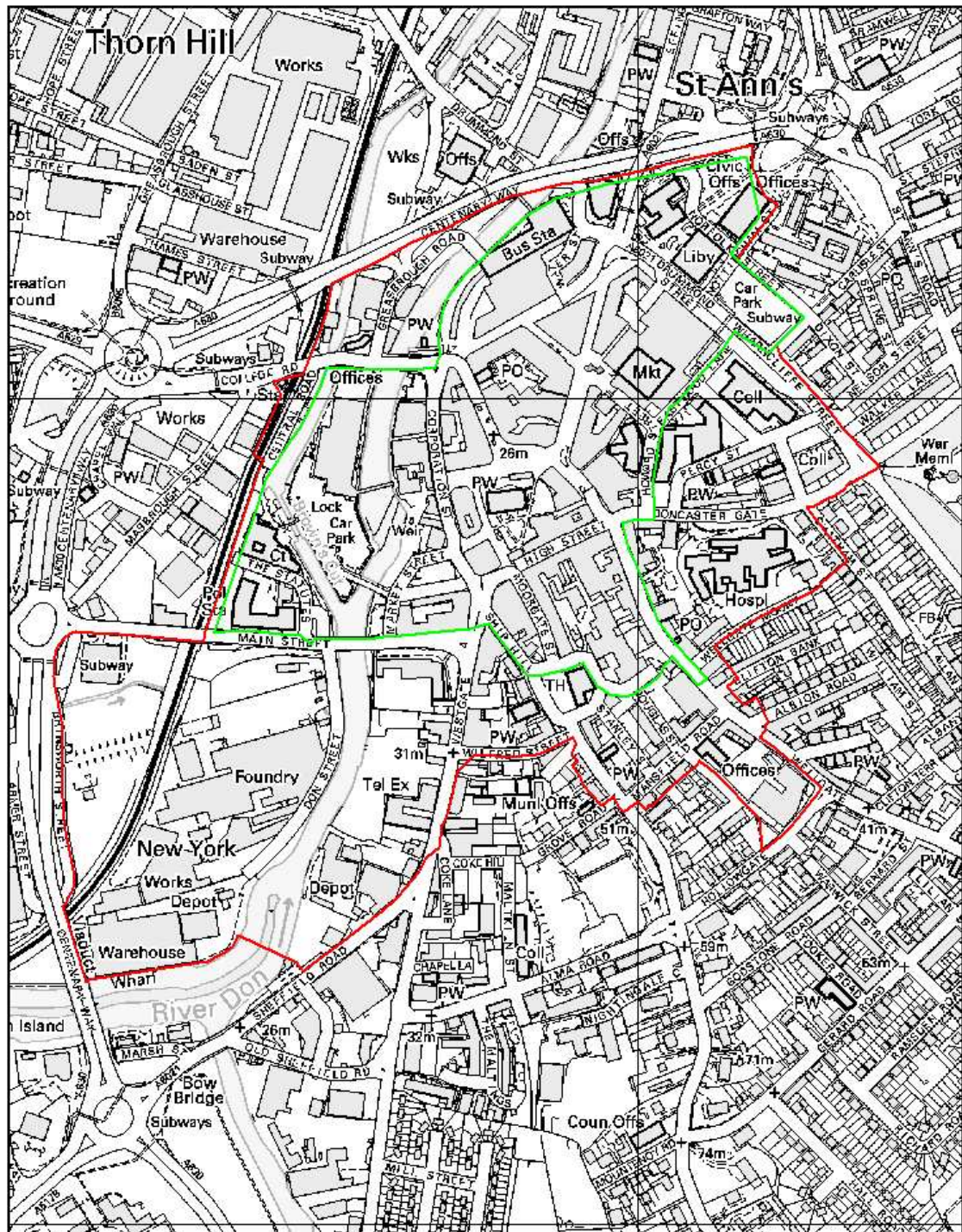
14. Fees

14.1 Professional teams are requested to fill out the fee schedule and Pre-Qualification Questionnaire attached to this brief.

15. Terms and Conditions

- 15.1 It is the responsibility of tenderers to obtain for themselves at their own expense all information necessary for the preparation of their tenders and the tenderers must satisfy themselves that the requirements of the contract are fully understood.
- 15.2 Information supplied to tenderers by any representatives of Rotherham Metropolitan Borough Council or contained in the publications supplied to or obtained by the tenderer is supplied only for general guidance in the preparation of the tender. Tenderers must satisfy themselves by their own investigations with regard to the accuracy of any such information and no responsibility is accepted by Rotherham Metropolitan Borough Council for any loss or damage of whatever kind and howsoever caused arising from, or in consequence of, the use by tenderers of such information.
- 15.3 All prices contained within the tenderer's submission shall be priced in pounds and decimal parts of a pound and shall be restricted to two decimal places by rounding. All prices must be quoted exclusive of VAT.
- 15.4 A tender may be rejected if it is in any way conditional.
- 15.5 The Contract shall be subject to the Contract Procedure Rules/Standing Orders of Rotherham Metropolitan Borough Council current at the date of the Contract, a copy of which may be seen by arrangement.
- 15.6 Any tenderer who directly or indirectly canvasses any Member or Officer of the Council concerning the award of the contract or who directly or indirectly obtains or attempts to obtain information from any Council Member or Officer concerning any other tender or proposed tender for the services is liable to be disqualified. Tenderers are required to complete the Canvassing Certificate attached.
- 15.7 Rotherham Metropolitan Borough Council is not bound to accept the lowest or any tender.
- 15.8 Tenderers are required to keep tenders valid for acceptance for a period of 21 days from the date of tender.
- 15.9 The copyright of the work produced as a result of this commission shall be vested in the client. All research papers: reports, proposals and illustrative material will be passed to the client together with the copyright on all documents and illustrations. The client will make due acknowledgement to the professional team in any publication of the study.

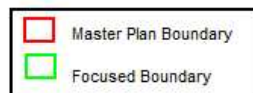
Appendix 1 Rotherham Town Centre Plan



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Rotherham Town Centre



Scale 1:6000

Appendix 2 Key design principles for inclusion in the Masterplan

The Masterplan should provide guidance to prospective developers to ensure that their proposals accord with the expectations of a full range of interests. The purpose of the Masterplan is therefore to ensure that where proposals for development are made, these can be prepared with an understanding of the key issues to be addressed, and the nature and form of development which is most likely to be acceptable, together with the aspirations which proposals are expected to achieve.

The key design principles that are to be respected in redeveloping the site as follows:

Mixed Use

The Masterplan is to provide a complementary mix of uses within a high quality environment for residents and visitors of Rotherham.

Additional Areas for Development

Opportunities for creating synergy and maximising the regeneration benefits of development in the wider town centre are to be exploited.

Urban Form, Scale and Density

The proposal must set the standard for future development within the area. The scale and density of development should reflect a site's location and accessibility, whilst also responding to the need for improved local connectivity and respecting key views and vistas.

Landmark Buildings and Key Spaces

The proposal should include visual reference points to reinforce the structure of development, add character and enhance the overall identity of the area.

Character and Coherence

A series of distinct areas could be provided, each have their own distinct identity whilst also contributing to the overall sense of place.

Safety and Security

The Masterplan should reflect a safe, secure and welcoming environment for all.

Movement and Connectivity

Efforts should be made to promote Rotherham as a green transport environment. Alternative transport modes are to be encouraged and the streetscape is to be designed such that the car does not dominate.

Open Space and Landscape

Spaces should feel safe and secure and provide a comfortable and stimulating public realm that encourages social interaction. The urban landscape should be legible so that people should be able to find their way around town with ease.

Appendix 3 Planning Policy Framework

Town Centre Masterplan

List of key Local Plan policies

The following is a list of key Local Plan policies. It is not a comprehensive list of all relevant policies as this will vary depending upon the specific site and its context.

Adopted Core Strategy

Policy CS 1 Delivering Rotherham's Spatial Strategy
Policy CS 9 Transforming Rotherham's Economy
Policy CS 11 Tourism and the Visitor Economy
Policy CS 12 Managing Change in Rotherham's Retail and Service Centres
Policy CS 13 Transforming Rotherham Town Centre
Policy CS 19 Green Infrastructure
Policy CS 20 Biodiversity and Geodiversity
Policy CS 21 Landscape
Policy CS 23 Valuing the Historic Environment
Policy CS 25 Dealing with Flood Risk
Policy CS 28 Sustainable Design
Policy CS 32 Infrastructure Delivery and Developer Contributions

Publication Sites and Policies

Please note these policies may be amended following receipt of the Inspectors report into the examination of this document.

Policy SP 1 Sites Allocated for Development
Policy SP 22 Development Within Town, District and Local Centres
Policy SP 23 Primary Shopping Frontages
Policy SP 24 Secondary Shopping Frontages
Policy SP 27 Rotherham Town Centre Regeneration
Policy SP 28 Rotherham Town Centre Evening Economy
Policy SP 34 Canals
Policy SP 35 Green Infrastructure and Landscape
Policy SP 43 Listed Buildings
Policy SP 44 Conservation Areas
Policy SP 48 Locally Listed Buildings
Policy SP 50 Understanding and Managing Flood Risk and Drainage
Policy SP 58 Design Principles
Policy SP 64 Safeguarding Community Facilities
Policy SP 67 Development Within Mixed Use Areas

Summary Sheet**Council Report**

Cabinet/Commissioner Decision Making Meeting – 11th July 2016

Title

Rationalisation of Property Assets – Schedule of Property Disposals

Is this a Key Decision and has it been included on the Forward Plan?

No, but the matter has been included on the Forward Plan

Strategic Director Approving Submission of the Report

Damien Wilson, Strategic Director Regeneration & Environment

Report Author(s)

Jonathan Marriott – Estates Manager, Estates Team – Corporate Property Unit
Environment & Development Service
Ext 23898 jonathan.marriott@rotherham.gov.uk

Ward(s) Affected

Swinton

Summary

The purpose of this report is to seek approval for the disposal of a schedule of three low value assets.

1. Recommendations

1.1 That Commissioner Kenny is asked to agree:-

- a) the disposal of the assets by the Assistant Director - Planning, Regeneration and Transport on the basis recommended in Option 2 within Section 4.2 of this report.
- b) that the Assistant Director - Planning, Regeneration and Transport negotiates the terms of the disposal of the assets, as described in this report.
- c) that the Assistant Director of Legal Services completes the necessary documentation for the disposal of the assets described in this report.

List of Appendices Included

Appendix 1 – Site Plans

Appendix 2 – Exempt Finance Addendum to this report

Background Papers

None

Consideration by any other Council Committee, Scrutiny or Advisory Panel

No

Council Approval Required

No

Exempt from the Press and Public

Open With Exempt Appendix – Appendix 2.

Title

Rationalisation of Property Assets –Schedule of Property Disposals

1. Recommendations

1.1 That Commissioner Kenny is asked to agree:-

- a) the disposal of the assets by the Assistant Director - Planning, Regeneration and Transport on the basis recommended in Option 2 within Section 4.2 of this report.
- b) that the Assistant Director - Planning, Regeneration and Transport negotiates the terms of the disposal of the assets, as described in this report.
- c) that the Assistant Director of Legal and Democratic Services completes the necessary documentation for the disposal of the assets described in this report.

2. Background

- 2.1 **Land located off Milton Street and Fitzwilliam Street, Swinton** - This site comprises an irregular shaped area of grass land and measures approximately 290 sq. m / 0.07 acres and is shown edged in red on the attached plan in Appendix 1 Figure 1. The site was previously used as a beer garden in association with the former Travellers Rest public house which is now a home. The subject site has been declared surplus to the service requirements of the Department of Planning, Regeneration and Transport. This site is now vacant after the closure of the public house but an agreement with the brewery remains in place for them to occupy it as a beer garden.
- 2.2 **Land located To The Rear of 17 East Avenue, Swinton** - The owners of 17 East Avenue, Swinton have requested to purchase an area of land measuring 30 square metres. This land is contained within their existing garden, but is currently owned by the Council. This land is shown edged in red on the attached plan in Appendix 1 Figure 2.
- 2.3 **Land located To The Rear of 23 Valley Road, Swinton** - The owners of 23 Valley Road, Swinton have requested to purchase an area of land measuring 42 square metres. This land is directly to the rear of their property and is currently landlocked between the surrounding properties and the adjoining sports ground. This land is shown in red in Appendix 1 Figure 3.

3. Key Issues

- 3.1 **Land located off Milton Street and Fitzwilliam Street, Swinton** - This site can be sold or provided for alternative use by serving one month's written notice on the brewery to terminate the existing agreement.

- 3.2 **Land located To The Rear of 17 East Avenue, Swinton - No 17 East Avenue** is a former Council House purchased in the 1980's. It appears that under the original sale this area of land was not included, leaving this subject area landlocked between No 17 and the adjoining boundary to the adjacent sports ground. The Occupiers of No17 have subsequently encroached on this land and enclosed within their existing garden. In order to hold full title to this garden they have subsequently requested to purchase this from the Council.
- 3.3 **Land located To The Rear of 23 Valley Road, Swinton - No 23 Valley Road** is a former Council House purchased in the 1980's. The land required is currently severely overgrown and no access can be obtained to maintain it by the Council. The Occupiers of No 23 wish to extend their garden and tidy up the area of land.

4. Options considered and recommended proposal

- 4.1 Option 1 – All Sites – there is an option to retain all or some of the sites – the sites are surplus to service requirements and have no beneficial use if retained. Accordingly, this option is not supported for reasons of good estate management and that it will not produce a de-minimus receipt.
- 4.2 Option 2 –
- a) **Land located off Milton Street and Fitzwilliam Street, Swinton -** Dispose of the site on the Open Market via auction sale. This option will produce a de-minimus capital receipt and is the recommended option to be pursued.
 - b) **Land located To The Rear of 17 East Avenue, Swinton and Land located To The Rear of 23 Valle Road, Swinton -** Dispose of these sites to the adjoining owners as private treaty sales. This option will produce two de-minimus capital receipts and is the recommended option to be pursued.

5. Consultation

- 5.1 Assistant Directors of Service, Appropriate Ward Members and the Area Partnership Manager for the area, have been consulted and there are no objections to the disposal of the assets.
- 5.2 With regards to Land located off Milton Street and Fitzwilliam Street, Swinton, Councillor K Wyatt confirmed that the new residents of the former Public House are very interested in purchasing the land for garden purposes. Councillor Wyatt further commented that the land formerly housed cottages including the village cobbler's shop and some artefacts may be identified by metal detector. Therefore prior to any future disposal, Councillor Wyatt has suggested someone from the local archaeology group to undertake site investigations and evaluation at no cost to the Council. It is proposed that this will be offered to the archaeology group.
- 5.3 The Finance Manager, Regeneration and Environment (Capital) was consulted on the 11th May 2016.

- 5.4 Service Manager (Commercial and Governance) Legal and Democratic Services was consulted on the 11th May 2016.

6. Timetable and Accountability for Implementing this Decision

- 6.1 If agreed the two private treaty sales detailed in Section 4.2 b) of this report will be implemented in July 2016.
- 6.2 If agreed for the Land located off Milton Street and Fitzwilliam Street, Swinton as stated in Section 4.2 a) of this report:-
- a) One month's written notice will be served on the brewery to terminate the existing agreement for the land.
 - b) Full marketing by informal tender will commence in August 2016.
 - c) Marketing will be for a minimum period of two months with a defined end date for offers received. Offers will be analysed shortly after the end date and dependent upon the level of offers and any conditions attached, consideration will be taken of the holding costs with any long stop dates for completing the sale. Should the sale not complete within a reasonable and agreed timescale, consideration will be made with regards to other methods of disposal such as auction to mitigate the existing holding costs.

7. Financial and Procurement Implications

- 7.1 See Exempt Finance Appendix 2 of this Report

8. Legal Implications

- 8.1 None.

9. Human Resources Implications

- 9.1 None.

10. Implications for Children and Young People and Vulnerable Adults

- 10.1 None.

11 Equalities and Human Rights Implications

- 11.1 None.

12. Implications for Partners and Other Directorates

- 12.1 None.

13. Risks and Mitigation

13.1 No major risks are envisaged for the proposed asset disposal routes recommended in this report.

14. Accountable Officer(s)

Damien Wilson, Strategic Director Regeneration and Environment
Paul Woodcock, Assistant Director - Planning, Regeneration and Transport

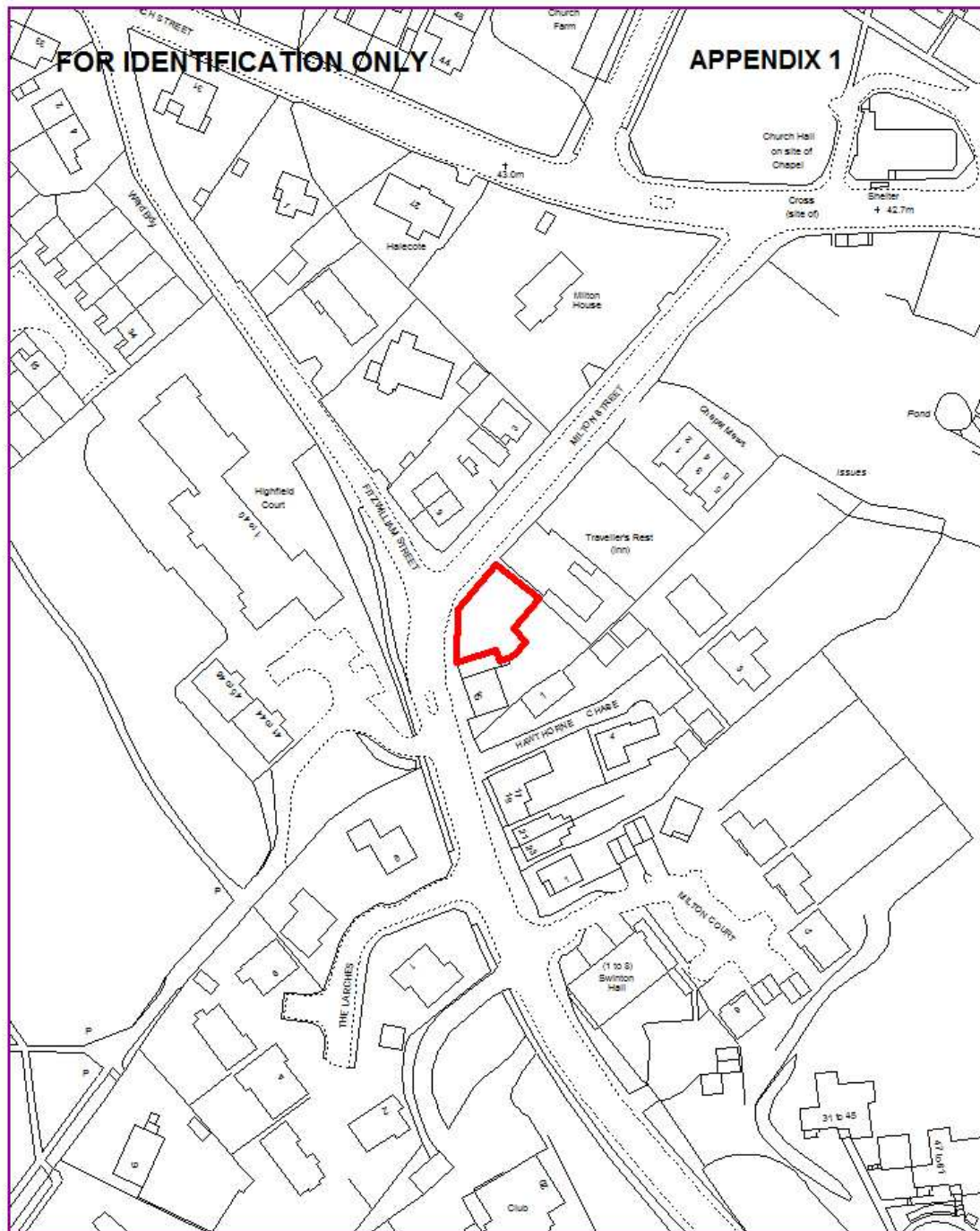
Approvals Obtained from:-

Strategic Director of Finance and Corporate Services:- Jon Baggaley, Finance Manager, Regeneration and Environment and Capital

Director of Legal Services:- Stuart Fletcher, Service Manager, Non-Contentious Team

This report is published on the Council's website or can be found at
<http://moderngov.rotherham.gov.uk/ieDocHome.aspx?Categories=>

Figure 1



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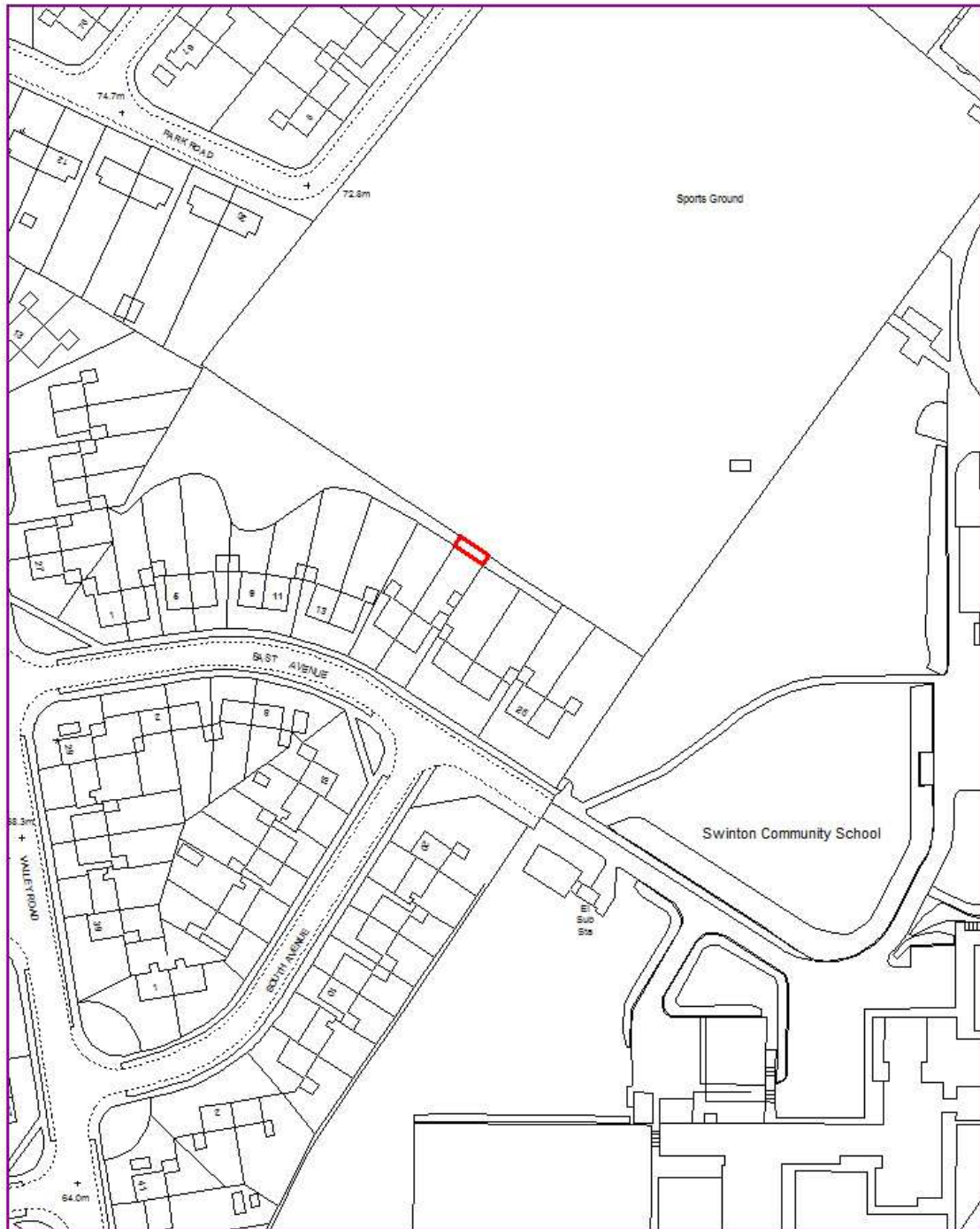
Scale 1:1250

Land off Fitzwilliam Street/Milton Street
 Swinton
 Rotherham

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 NOT TO BE USED FOR DEED PLAN PURPOSES

Rotherham
 Metropolitan
 Borough Council

Figure 2



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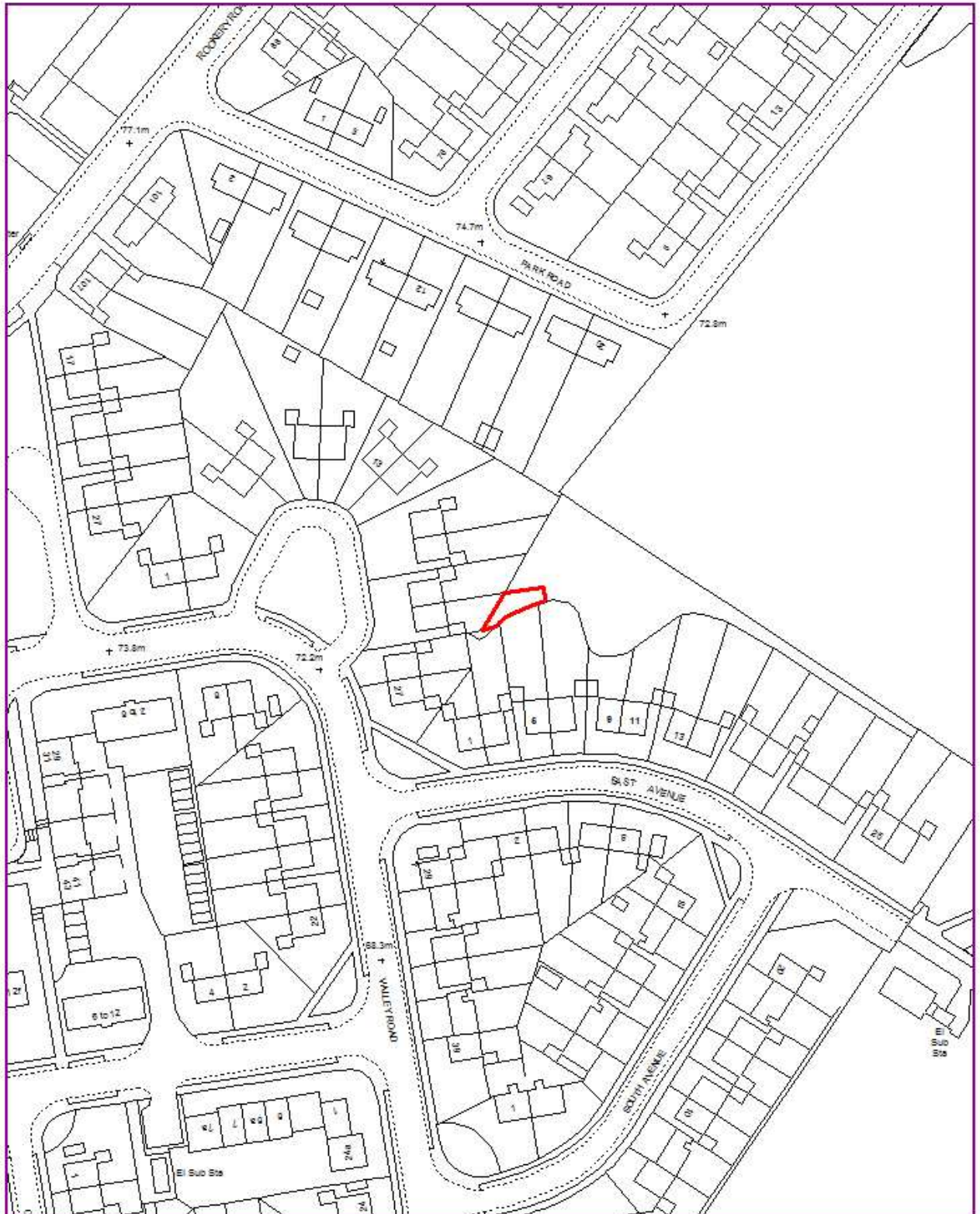
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LAND ADJ SALE
 17 EAST AVENUE
 SWINTON
 ROTHERHAM



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Figure 3



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LAND ADJ SALE
 23 VALLEY ROAD
 SWINTON
 ROTHERHAM



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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

Council Report

Cabinet and Commissioners' Decision Making Meeting – 11 July 2016

Title

Property Lease for the Aspire Pupil Referral Unit (PRU)

Is this a Key Decision and has it been included on the Forward Plan?

Yes

Strategic Director Approving Submission of the Report

Damien Wilson, Strategic Director, Regeneration and Environment.

Report Author(s)

Jeremy Nicholson, Senior Estates Surveyor, Corporate Property Unit, ext 54039
jeremy.nicholson@rotherham.gov.uk

Andrew Parry, Project Officer, CYPS Capital Projects, Corporate Property Unit, ext 22559
andrew.parry@rotherham.gov.uk

Ward(s) Affected

Rotherham East
Brinsworth and Catcliffe

Executive Summary

The purpose of this report is to seek approval for the Council to take on a new lease of the premises at Hutton Park Vocational Centre, Eastwood Trading Estate to enable the transfer of Aspire secondary PRU (Pupil Referral Unit) from their existing premises at Catcliffe.

Recommendations

1.1 The Commissioner is asked to agree:-

- a) The proposal of a new lease to Rotherham Borough Council to allow transfer of the PRU from the Catcliffe site.
- b) That the Assistant Director of Planning, Regeneration and Transport negotiates terms of the lease with the Landlord of Hutton Park.
- c) That the Assistant Director of Legal Services completes the necessary documentation following the outcome of the consultation exercise related to the Department of Education Guidance (April 2016) and negotiation of the lease.

List of Appendices Included

Appendix 1 – Site Plan

Appendix 2 – Location Plan

Background Papers

None

Consideration by any other Council Committee, Scrutiny or Advisory Panel

This report has not been considered by any other committee, scrutiny or advisory panel.

Council Approval Required

No

Exempt from the Press and Public

No

Title (Main Report)

Property Lease for the Aspire Pupil Referral Unit (PRU)

1. Recommendations

1.1 The Commissioner is asked to agree:-

- a) The proposal of a new lease to Rotherham Borough Council to allow transfer of the PRU from the Catcliffe site.
- b) That the Assistant Director of Planning, Regeneration and Transport negotiates terms of the lease with the Landlord of Hutton Park.
- c) That the Assistant Director of Legal Services completes the necessary documentation following the outcome of the consultation exercise related to the Department of Education Guidance (April 2016) and negotiation of the lease.

2. Background

- 2.1 Catcliffe Primary School shares a site with a Children's Centre, which houses local Early Help services and a private pre-school unit and two Aspire - PRU buildings.
- 2.2 It has been identified that the secondary PRU on the Catcliffe Primary School site is causing some friction in the local community due to its locality adjacent to the primary school. This is presenting management and safeguarding issues for the staff at both schools.
- 2.3 Children and Young Peoples Service (CYPS) have identified a requirement to develop Aspire: Rotherham's PRU (Pupil Referral Unit) provision. One of the remits is to develop vocational PRU centres.
- 2.4 Aspire have identified an alternative unit where pupils from the Catcliffe PRU could be transferred to, which is the Hutton Park Vocational Centre, as identified at Appendix 1 & 2. There are a number of units at Hutton Park, namely Units 6, 7, 8, 9 & 12 which are currently being leased by Oakwood Academy. The Academy lease these units on a full repairing and insurance agreement and although the lease to Oakwood Academy is not due to expire until 18 September 2018, the Academy are now wanting to transfer their vocational training back to the their main site, now that it has been re-developed.
- 2.5 The landlord of Hutton Park has agreed, in principle, that they would be willing to surrender the existing lease to Oakwood Academy if a back to back agreement can be made with Rotherham MBC for the Aspire service. The landlord will agree to a 10 year lease with a break clause at the end of year 5. The landlord would also be willing to consider offering an additional unit (Unit 10) although this would be at a higher overall rent. However if Aspire wished to take on the additional unit, the landlord would further agree to an initial three month half rent period, should this unit be required.

3. Key Issues

- 3.1 The Catcliffe site, shared with a Primary School is unsuitable for secondary aged pupils.
- 3.2 The Hutton Park site is an excellent facility that will soon become vacant unless an alternative use is found for it. It is also on the main bus route and will allow for independent travel of young people.
- 3.3 The investment in Hutton Park is part of a wider strategy to improve the provision made across the Borough for children with Social Emotional and Mental Health Needs as a long term 'invest to save' programme within the Borough. Currently exclusion rates and numbers of pupils being educated out of authority have been rising resulting in the overspend on the High Needs Budget of Dedicated Schools Grant which is nationally underfunded. This funding is currently under national consultation for review and a new formula will be in place by March 2017. By creating a more suitable environment for young people and working in closer partnership with schools the Council aims to reduce exclusions and reduce out of authority placements so impacting on future spending and hoping to 'bring back' children where their provision can be met within Rotherham. Currently 37 children are placed outside Rotherham, with needs identified as Social Emotional and Mental Health (SEMH), at a cost of approximately £1.9m to the High Needs budget. It should also be noted that there is a high level of parental pressure to move the site from Catcliffe and there is a risk of further additional costs incurred through developing an alternative site should Hutton not be agreed. The average annual out of authority placement for children with this kind of need are £50-60k per child.

4. Options considered and recommended proposal

- 4.1 It is recommended that the Council acquires a lease for the Hutton Park Vocational Centre to allow the Aspire PRU to move from Catcliffe with effect from the new academic year in September 2016. It is considered that Hutton Park site provides the best option.
- 4.2 Two alternative sites were also considered:-
 - a) RCAT Dinnington Campus is felt to be too close to the Secondary school and pupils would be tempted to leave site. It is also not on a major bus route so more difficult to travel to for young people who are challenging to engage.
 - b) Treeton Youth Centre was also considered but is even more challenging around transport and is now to be retained as an Early Help locality base.

By comparison Hutton is on a main bus route, is not adjacent to any other School and has already been fitted out as a vocational training centre by Oakwood School. Making the Hutton Park Vocational Centre the preferred option for this provision.

5. Consultation

- 5.1 The CYPS Inclusion Team, Catcliffe Primary School and the Aspire service began on the 16th June a specific written consultation over a 4 week period, with the relevant interested parties including parents of young people at Catcliffe PRU site and Catcliffe Primary School, Ward Members and other key stakeholders. The outcome of the consultation and any concerns raised will be considered and addressed.
- 5.2 The report was presented to the Strategic Capital Investment Group on the 11th May 2016 and it was agreed that the approval should be sought including Cabinet.

6. Timetable and Accountability for Implementing this Decision

- 6.1 A new lease for Hutton Park will need to be in place in order to allow access to Aspire pupils by September 2016. Taking on the new lease will require the approval of Commissioner Kenny and the terms of the lease will be negotiated by the Estates Team, within the Regeneration and Environment Directorate.

7. Financial and Procurement Implications

- 7.1 On the basis that Aspire enters into a lease for the Hutton Park Vocational Centre, the following annual costs are anticipated in respect of the property:

	£
Rental of Units 6, 7, 8, 9 & 12	42,000
Additional Rental of Unit 10	8,000
Total Lease Costs	50,000
<u>Other Premises Costs</u>	
Business rates and grounds maintenance	15,000
Utilities	8,000
Virgin Broadband	7,500
Cleaning	5,000
Total Other Premises Costs	£35,500
Total Costs	£85,500

- 7.2 The contents of the building which include machinery, equipment, tools and specialist adapted environments will be the subject of a separate minimal one off payment to Oakwood School.

- 7.3 From the date the lease is assigned, the estimated lease costs (£50,000 in a full year) will be met from Dedicated Schools Grant (DSG) – High Needs Block during the financial year 2016/17. Members need to be aware that the High Needs Block Budget has annually been under significant financial pressure and this picture is expected to continue during 2016/17. In previous years this pressure has been partially mitigated from the DSG – Schools & Early Years' Blocks. A contribution has already been made from the Schools Block into the High Needs Block in 2016/17. Including this contribution, there is still a predicted deficit of £2.8 million for the end of 2016/17.
- 7.4 Taking on this lease is part of the wider Social Emotional and Mental Health (SEMH) Needs Strategy to improve and increase provision within Rotherham and should help facilitate a reduction in the numbers of young people currently accessing education outside the Borough. The current average cost of one SEMH out of authority placement is £50k to £60k per year, therefore, longer-term savings should be achievable for every child that is able to be brought back into Rotherham to be educated.
- 7.5 In future years' the cost of the lease will be included in the total place funding assigned to each child attending Aspire.
- 7.6 In addition, a number of building adaptations will be required to be funded by the Council's CYPS Capital programme. An indicative allocation of £500,000 has been made in the CYPS Capital Programme 2016-2018, approved at the Cabinet/Commissioners Decision Making Meeting of the 11th April 2016, to support Aspire/PRU transformation projects. It is proposed that this £500,000 allocation will be funded through a combination of Department for Education Basic Need grant allocations and Section 106 allocations. Corporate Property Unit will work with Aspire and the Landlord to identify the scope and cost of these works and a further report will follow seeking approval for the individual projects.

8. Legal Implications

- 8.1 The Council has a statutory duty to deliver appropriate provision for pupils who have been permanently excluded from school and has commissioned Aspire to deliver full time education for this group. The proposed new arrangements will continue to ensure that statutory requirements are met in a suitable and aspirational environment.
- 8.2 The Department for Education guidance (April 2016) on making prescribed alterations to maintained schools does not specifically apply to pupil referral units. However, the guidance makes it clear that the Council must nevertheless adhere to the usual principles of public law by acting rationally and following a fair procedure. The Department for Education expects the Council will ensure there is open and fair consultation with parents and other interested parties to gauge demand for the proposed changes and to provide them with sufficient opportunity to give their views, before a final decision is made on the proposed changes.

9. Human Resources Implications

- 9.1 None. Existing PRU staff will transfer from the Current PRU at Catcliffe to the new proposed premises.

10. Implications for Children and Young People and Vulnerable Adults

- 10.1 The changes will result in an improved offer to vulnerable groups in Rotherham.

11 Equalities and Human Rights Implications

- 11.1 The Council, through CYPS, will undertake an Equalities Impact Assessment and consider the outcomes of the consultation, before a final decision is made on the proposals. It will use its Best Endeavours to ensure that the need to improve arrangements for young people with special educational needs and social, emotional and mental health needs will be done in accordance with the Children and Families Act 2014.

12. Implications for Partners and Other Directorates

- 12.1 None identified.

13. Risks and Mitigation

- 13.1 Remaining at the Catcliffe site has attracted adverse publicity for the schools concerned and the Council. Parents have formed a lobby group to request the removal of secondary aged pupils from the primary school site. The mixture of pupils at this site is not desirable and proposals to find alternative provision would mitigate against any risk.

14. Accountable Officer(s)

Damien Wilson, Strategic Director, Regeneration and Environment
Paul Woodcock, Assistant Director of Planning, Regeneration and Transport

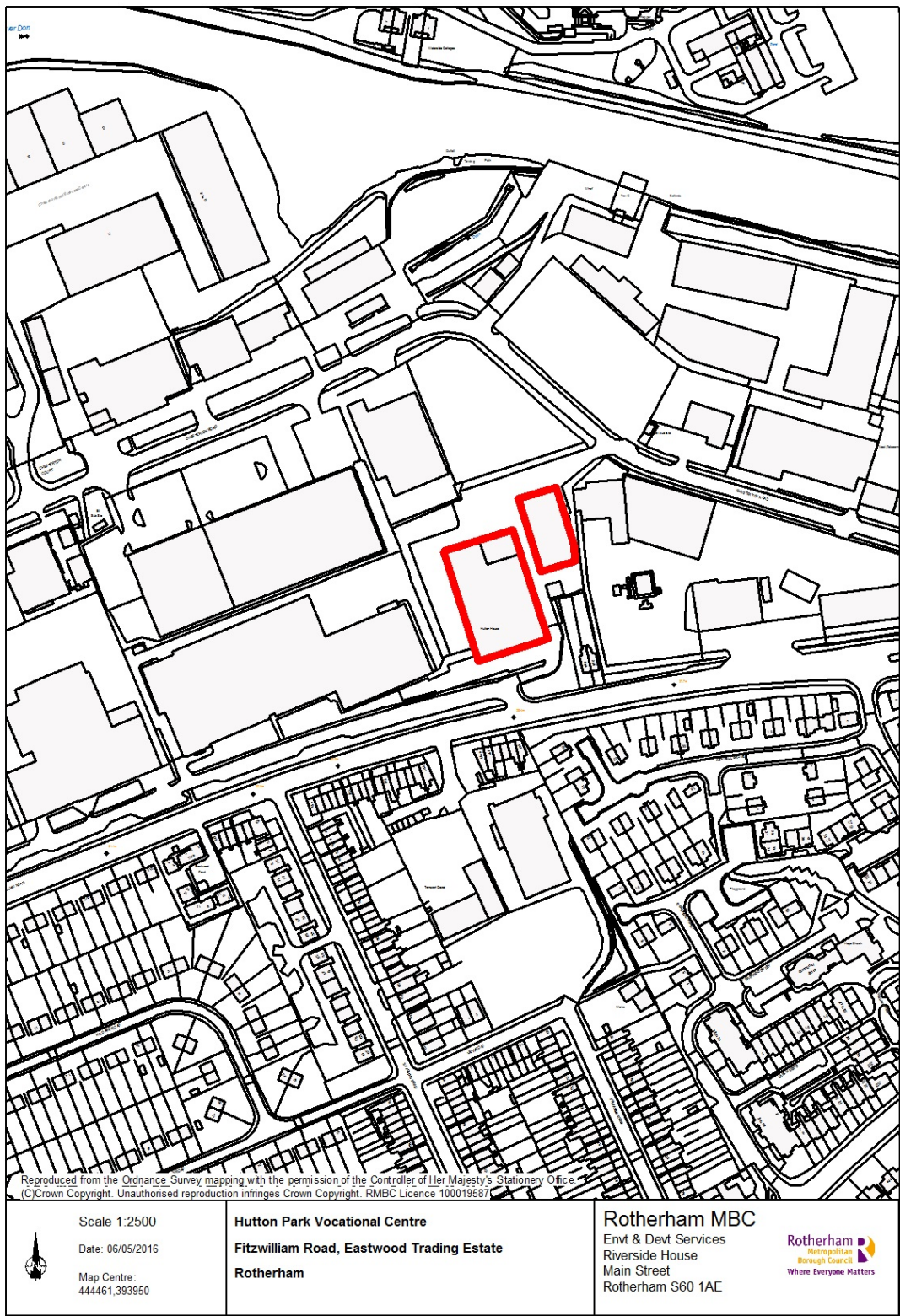
Approvals Obtained from:-

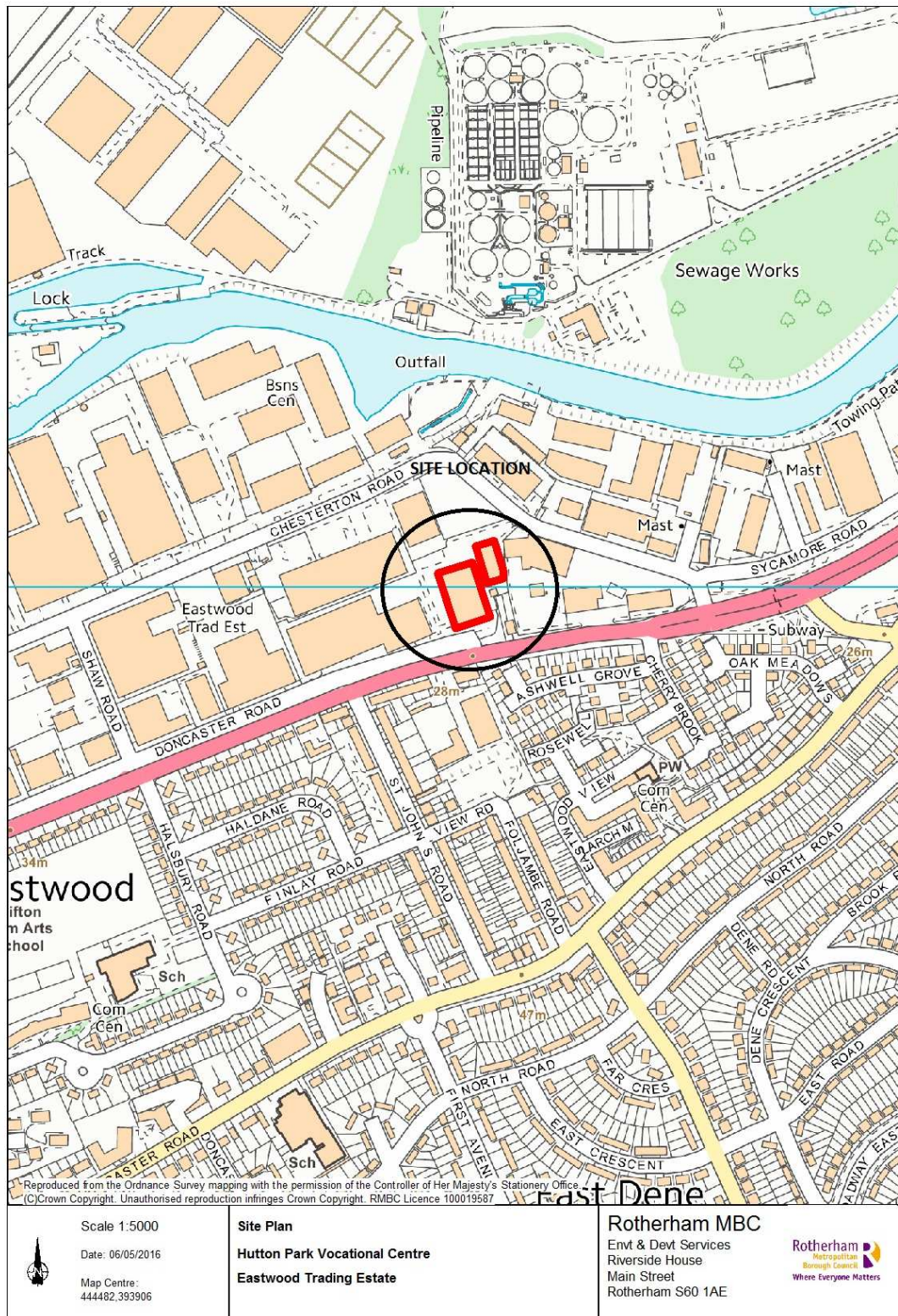
Strategic Director of Finance and Corporate Services:- Jon Baggaley, Finance Manager, Regeneration & Environment and Capital, 6th May 2016 and 20th May 2016

Assistant Director of Legal Services:- Neil Concannon, 6th May 2016

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<http://moderngov.rotherham.gov.uk/ieDocHome.aspx?Categories=>





Summary Sheet

Council Report

Cabinet and Commissioner Decision Making Meeting: 11th July 2016

Title

Transfer of Trusteeship of Swinton Recreation Ground

Is this a Key Decision and has it been included on the Forward Plan?

No

Strategic Director Approving Submission of the Report:

Damien Wilson, Strategic Director, Regeneration and Environment

Report author(s): Phil Gill, Leisure and Green Spaces Manager

Ward(s) Affected: Swinton

Summary: To seek approval to transfer the trusteeship of the Swinton Recreation Ground from the Council to Swinton Sports & Health Group.

Recommendations

That the report is considered by Commissioner Kenny who is asked to agree:-

- 1) That the trusteeship of the Swinton Recreation Ground is transferred to Swinton Sports & Health Group including the transfer of all fixed assets within the site.
- 2) That the Assistant Director of Planning, Regeneration and Transport is authorised to negotiate the terms of the transfer.
- 3) That the Assistant Director of Legal Services completes the necessary transfer documentation.

List of Appendices Included

Appendix 1 – Location Plan

Appendix 2 – Site Plan

Appendix 3 – Charitable Scheme

Background Papers

Rationalisation of Property Assets – Report on the Adoption of an Asset Transfer Policy - Cabinet 20th July 2011

Governing document of the Swinton Recreation Ground Scheme (Charitable Trust)

Swinton Sport and Health Group Constitution and Business Plan

Consideration by any other Council Committee, Scrutiny or Advisory Panel

None

Council Approval Required

No

Exempt from the Press and Public

No

Title

Cabinet and Commissioner Decision Making Meeting: 11th July 2016

Transfer of Trusteeship of Swinton Recreation Ground

1. Recommendations

1.1 That the report is considered by Commissioner Kenny who is asked to agree:-

- (a) That the trusteeship of the Swinton Recreation Ground is transferred to Swinton Sports & Health Group including the transfer of all fixed assets within the site.
- (b) That the Assistant Director of Planning, Regeneration and Transport is authorised to negotiate the terms of the transfer.
- (c) That the Assistant Director of Legal Services completes the necessary transfer documentation.

2. Background

- 2.1 Rotherham MBC is currently trustee of Swinton Recreation Ground. Swinton Sports & Health Group (SS&H) has had an interest in the recreation ground for a number of years using it for community events as well as it being the home ground for a local football club (Swinton Athletic FC) which is affiliated to SS&H Group. SS&H Group is a constituted not-for-profit organisation which includes individuals with a wide range of suitable skills within its governance. The group's constitution and business plan have been submitted and are considered by Leisure and Green Spaces to be satisfactory because they show the group to be representative of the local community and to have the necessary skills, organisation and resources to manage the recreation ground effectively.
- 2.2 SS&H Group requested an asset transfer of Swinton Recreation Ground to allow them to apply for funding to improve the site for recreation for local people. This could not be achieved under the Community Asset Transfer arrangements due to the site being held in trust by the Council on behalf of the Swinton Miners' Welfare Scheme charity rather than the Council owning the freehold.
- 2.3 A further request was then received for the trusteeship of the site to be transferred from the Council to SS&H Group which would permit the group to apply for the funding in its capacity as trustee.
- 2.4 The Colliery Industry Social Welfare Organisation (CISWO) has certain legal responsibilities relating to recreational charities across the UK, including Swinton Recreation Ground. On advice from the Council Legal Services the transfer does not formally require the consent of CISWO but it would be recommended that CISWO are kept informed and be given the opportunity to make representations. CISWO has indicated that it would support an application to transfer trusteeship to a local body such as SS&H Group.
- 2.5 The transfer of the asset would remove any future the Council liability for the site whilst the site would still remain available for local people to use for formal

and informal recreation in line with the governing principles for the site. These are enshrined in the document of governance, the Swinton Recreation Ground Charitable Scheme dated 5 February 2002 (the “Charitable Scheme”), and overseen by the Charity Commission. It would also allow the site to be improved for the playing of sport as the recreation ground is susceptible to waterlogging and requires investment to bring the playing surfaces to standard.

- 2.6 The matter has been considered by Strategic Capital and Investment Group who have confirmed their support for the request.

3. Key Issues

- 3.1 The status of the land is protected through the Charitable Scheme which clearly sets out the following charitable objective:

“The object of the charity is, in the interest of social welfare, to improve the conditions of life for the inhabitants of the area of benefit [Swinton], without distinction of political, religious or other opinions, by the provision or maintenance of a recreation ground.”

A copy of the Charitable Scheme is annexed to this report for information at Appendix 3.

- 3.2 Amongst SS&H Group's plans for the improvement of the site is the exclusion of the general public from the part of the site containing formal football pitches. This is to prevent dog-fouling, vandalism and other issues that could render the pitches unusable for organised sport. Access to the remainder of the site, including the Multi-Use Games Area would remain as open access, which is the current situation.
- 3.3 Legal Services have examined the title deeds and confirm that such access restrictions would not constitute a breach of either the objects of the charity pursuant to the Charitable Scheme or title covenants as the land will remain for sport and recreation use only.

4. Options considered and recommended proposal

- 4.1 Following discussions with Swinton Ward Members, and considering the site as a whole, the following options have been considered.

4.1.1 Option 1 – Do not proceed with the proposed transfer and continue to maintain the site at the Council's expense.

4.1.2 Option 2 – Proceed with the proposed transfer.

- 4.2 It is recommended that Option 2 is approved, as this will assist in the long term viability of the recreation ground and potentially allow for future grant opportunities, whilst protecting the Council against any future maintenance liabilities for this area of land. The objectives of the Swinton Miners Welfare Scheme do not allow the site to be used for any purpose other than sport and recreation.

5. Consultation

- 5.1 Full consultation with local Ward Members has been carried out and all three members are in favour of a transfer of the asset through transfer of trusteeship.

6. Timetable and Accountability for Implementing this Decision

- 6.1 If approval is given to the recommendation of Option 2 above, the negotiation of the full terms and conditions of the proposals will commence. SS&H Group have been pursuing an asset transfer of this site for a number of years and remain committed to the transfer of trusteeship.

7. Financial and Procurement Implications

- 7.1 In respect of the recommended option to proceed with the transfer to the SS & H Group, it is anticipated that the Council will incur estimated internal Legal Services costs of £1,000.
- 7.2 It is anticipated that the above costs are to be met in full by the Swinton Sports and Health Group. This has been accepted by the Group as a requirement of any Asset transfer.
- 7.3 Transfer of the site will enable grounds maintenance resources to be redirected to other sites.

8. Legal Implications

- 8.1 The freehold title to the property is presently vested in the Council in its capacity as trustee of the Charitable Scheme. There are 2 methods for effecting a transfer of trusteeship. The first would be a deed of release of the Council and appointment of SS&H Group as the new trustee and the second would be a formal transfer of the land interest. Given that the land interest will need to be registered at the Land Registry in any event, Legal Services have advised that the transfer document rather than the deed of release and appointment will be the simplest option. This will transfer the legal title in the property from the 'Charitable Scheme with the Council as trustee' to the 'Charitable Scheme with SS&H Group as trustee'.
- 8.2 On completion, the transfer of trusteeship will be registered both at the Land Registry and with the Charities Commission.

9. Human Resources Implications

- 9.1 Not applicable with regards to this report.

10. Implications for Children and Young People and Vulnerable Adults

- 10.1 Children and Young Peoples Services will be consulted regarding safeguarding arrangements prior to the final transfer of responsibility for the site. Swinton Athletic Football Club, which is closely affiliated with Swinton Sport and Health Group, is a Football Association Charter Standard club, and the club's

constitution states that it will abide by the FA's child protection policies, procedures and code of conduct.

11. Equalities and Human Rights Implications

11.1 Not Applicable with regards to the disposal.

12. Implications for Partners and Other Directorates

12.1 None Identified

13. Risks and Mitigation

13.1 As a community-based group there is some risk in Swinton Sport & Health Group's long term sustainability and therefore its ability to manage the site in line with the charitable aims. However, this is considered to be a relatively low risk in the short to medium term as the group governance is strong due to its membership which includes Swinton Ward Members.

14. Accountable Officer(s)

14.1 Damien Wilson, Strategic Director, Regeneration and Environment

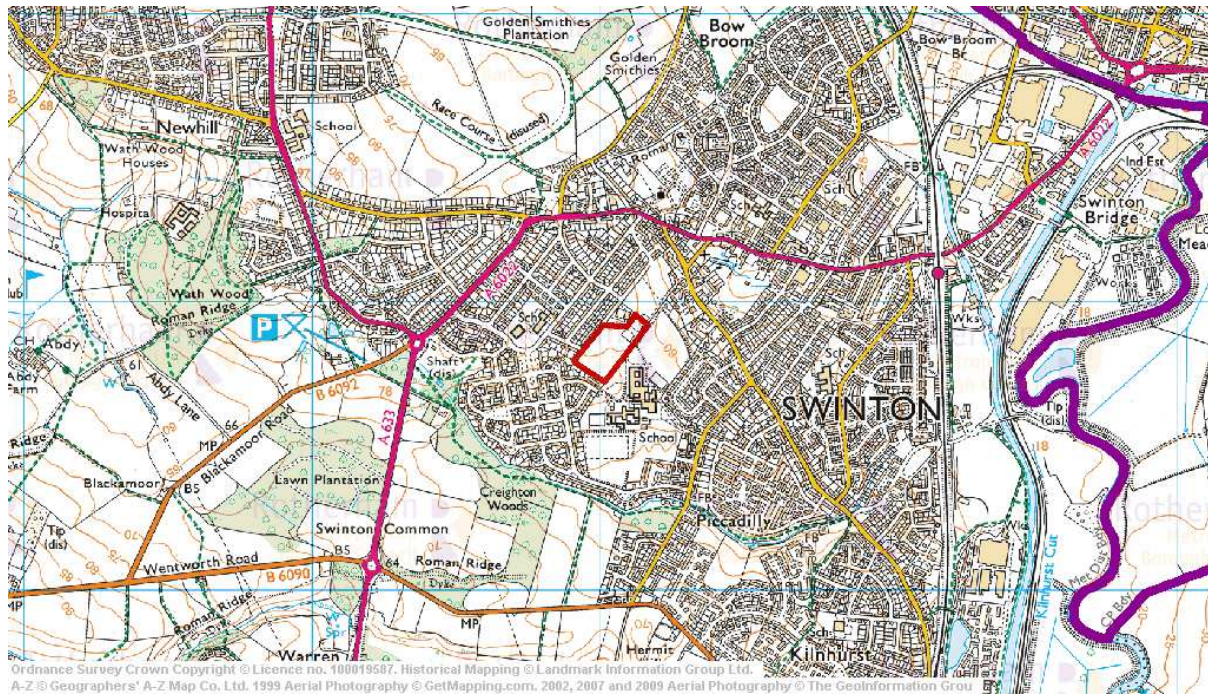
Approvals Obtained from:-

Strategic Director of Finance and Corporate Services:- Jon Baggaley, Finance Manager, Regeneration & Environment and Capital

Director of Legal Services:- Stuart Fletcher, Service Manager (Commercial and Governance)

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Appendix 1 - Site Location



Appendix 2 - Site Plan



FB 26035

THE CHARITY COMMISSIONERS FOR ENGLAND AND WALES

Under the power given in the Charities Act 1993

Order that from today, the

5th February 2002

the following

SCHEME

will govern the charity

previously known as

Swinton Miners' Recreation or Pleasure Ground

And now to be known as

SWINTON RECREATION GROUND (523965)

at

Swinton, South Yorkshire



This Scheme has been adjudged as not liable to stamp duty.

Commissioners' References:

Sealing: N30 (S)

02

Case No: 29164

ASSISTANT COMMISSIONER



Case No: 29164 06/04/00
Version: 1.0

1. Definitions

In this scheme:

"the area of benefit" means Swinton and the surrounding neighbourhood.

"the charity" means the charity identified at the beginning of this scheme.

"the trustee" means Rotherham Metropolitan Borough Council.

"CISWO" means the Coal Industry Social Welfare Organisation (registered charity number 1015581)

ADMINISTRATION

2. Administration

The charity is to be administered in accordance with this scheme. This scheme replaces the former trusts of the charity.

3. Name of the charity

The name of the charity is Swinton Recreation Ground.

OBJECT

4. Object of the charity

- (1) The object of the charity is, in the interests of social welfare, to improve the conditions of life for the inhabitants of the area of benefit without distinction of political, religious or other opinions by the provision and maintenance of a recreation ground.
- (2) The land identified in the schedule to this scheme must be retained by the trustee for use for the object of the charity.

POWERS OF THE TRUSTEE

5. Powers of the trustee

In addition to any other powers which they have, the trustee may exercise the following powers in furtherance of the objects of the charity:

- (1) Power to acquire or hire property and to maintain and equip it for use. (The property must be needed to further the object of the charity.)
- (2) Power to appoint staff and pay them reasonable remuneration, including pension provision for them and their dependants.

- (3) Power to insure against public liability and, if appropriate, employers' liability; and to insure the buildings of the charity to their full value against fire and all other usual risks (except to the extent that the buildings are insured against any of these risks by a tenant).
- (4) Power to delegate the performance of any act, including the exercise of any power or discretion, to a committee consisting of not less than two members of the trustee body and such other persons as the trustee considers necessary. (The trustee must exercise reasonable supervision over the committee and the committee must promptly report their acts and proceedings to the trustee.)
- (5) Power to raise funds. (The trustee must not undertake any permanent trading activity.)
- (6) Power to co-operate with other charities, voluntary bodies and statutory authorities. The trustee may exchange information and advice with them.
- (7) Power to make rules and regulations consistent with this scheme for the management of the charity.

TRUSTEE

6. Discharge of official custodian

The Official Custodian for Charities is discharged from its custodian trusteeship of the charity.

7. Trustee

Rotherham Metropolitan Borough Council is the trustee of the charity.

CHARITY PROPERTY

8. Transfer of property

The title to the land described in the schedule to this scheme is transferred by this scheme to the trustee in trust for the charity.

9. Use of income and capital

- (1) The trustee must firstly apply:
 - (a) the charity's income; and
 - (b) if the trustee thinks fit, expendable endowment;

in meeting the proper costs of administering the charity and of managing its property (including the repair and insurance of its buildings).

- (2) After payment of these costs, the trustee must apply the remaining income in furthering the object of the charity.
- (3) The trustee may also apply for the object of the charity:
 - (a) expendable endowment; and
 - (b) permanent endowment, but only on such terms for the replacement of the amount spent as the Commission may approve by order in advance.

10. Letting

- (1) Subject to the condition that the use of the remainder of the land used for the object of the charity shall not be unduly interfered with, the trustee may with the prior written consent of the trustees of CISWO, let any part of the land not required for the object of the charity.
- (2) The trustee must comply with the restrictions on disposal imposed by section 36 of the Charities Act 1993, unless the disposal is excepted from these restrictions by section 36(9)(b) or (c) or section 36(10) of that Act.

11. Mortgage

The trustee shall have power, if so recommended in writing by CISWO, to mortgage the recreation ground or any part thereof subject to such consents as are required by law.

12. Sale of land

If the recreation ground or any part of it is no longer required for use in furthering the object of the charity the trustee shall have power, if so recommended in writing by CISWO, to sell it subject nevertheless to complying with the restrictions on disposition imposed by section 36 of the Charities Act 1993, unless the sale is excepted from such restriction under section 36(9)(b) or (c).

13. Proceeds of Sale

The trustee shall pay the net proceeds of any such sale to CISWO for application for such charitable purposes within the objects of CISWO as CISWO shall determine.

AMENDMENT OF SCHEME

14. Amendment of scheme

- (1) Subject to the provisions of this clause, the provisions of this scheme may be amended.
- (2) The trustee must not make any amendment which would:
 - (a) vary this clause;

- (b) vary the definitions clause and clauses 4, (objects clause) 10, (letting) 11, (mortgage) 12, (sale) and 13 (proceeds of sale);
- (c) confer a power to dissolve the charity;
- (d) enable permanent endowment of the charity to be spent.
- (3) The prior written approval of the Commissioners must be obtained to any amendment which would vary the powers of investment exercisable by the trustee.
- (4) The trustee must:
 - (a) promptly send the Commissioners a copy of any amendment made under sub-clause 1 of this clause; and
 - (b) keep a copy of any such amendment with this scheme.

GENERAL PROVISIONS

15. Questions relating to the Scheme

The Commissioners may decide any question put to them concerning:

- (1) the interpretation of this scheme; or
- (2) the propriety or validity of anything done or intended to be done under it.

SCHEDULE

Land containing 2.6 hectares or thereabouts being part of the land described in a conveyance of 28th February 1927 which was made between the Right Honourable William Charles de Meuron Earl Fitzwilliam of the first part the Most Honourable Lawrence Marquis of Zetland and another of the second part Arthur Thomas Thomson and five others of the third part Guy Hamilton Ashwin and nine others of the fourth part and Arthur Thomas Thomson and five others of the fifth part.

Summary Sheet

Cabinet and Commissioners' Decision Making Meeting - 11 July 2016

Title

Implementation of the Sheffield City Region Devolution Deal and Scheme consultation

Is this a Key Decision and has it been included on the Forward Plan?

Non-key decision, included on Forward Plan for decision on 11th July or later

Strategic Director Approving Submission of the Report

Assistant Chief Executive, Shokat Lal

Report Author

Justin Homer, Head of Policy, Improvements and Partnerships, Assistant Chief Executive's Directorate

Tel: 01709 823618 Email: Justin.homer@rotherham.gov.uk

Ward(s) Affected

All

Summary

1. Rotherham Council agreed to endorse the Sheffield City Region (SCR) Devolution Deal agreement at its meeting on 2 March 2016.
2. Following this ratification by Rotherham Council, other SCR member authorities and the Combined Authority itself in March 2016 work has taken place, led by the SCR Combined Authority and secretariat, on a draft Scheme to progress the Deal, in accordance with the requirements of the Cities and Local Government Devolution Act 2016.
3. At a meeting of the Combined Authority on 27 June 2016 approval will be sought to launch a statutory consultation process relating to the Scheme that has been prepared and an associated Governance Review that has been undertaken by the SCR.
4. The Scheme essentially sets out the way in which a new Mayoral Combined Authority (MCA) would operate in terms of its additional powers and functions and related changes in governance. These are intended to form the basis for the Secretary of State for Local Government to make in due course the necessary legislative Orders, following the conclusion of a statutory consultation process. The Scheme identifies those functions which will be the responsibility of the City Region Mayor alone and those functions which would

be discharged by the Combined Authority (of which the Mayor would be a member and be appointed as its Chair).

5. The need to undertake a consultation is a statutory requirement in connection to the proposals contained within the Scheme and is being designed to secure extensive opportunities for interested persons across the City Region to consider and respond to the proposals within the Scheme. This will include targeted activity within the Rotherham Borough; and is expected to begin soon after the Combined Authority considers its approval of the enclosed report (*Appendix A*) at its meeting on 27 June 2016.

Recommendations

Cabinet is asked to

- note that the Sheffield City Region (SCR) Combined Authority is being asked to approve a Scheme to progress the implementation of the SCR Devolution Deal at a meeting on 27 June 2016; and that, following this, a statutory consultation exercise will take place, led by the SCR, in relation to the Scheme, including events and activity within the Rotherham Borough.

List of Appendices Included

Appendix A – Copy Sheffield City Region Combined Authority report: “Local Democracy Economic Development and Construction Act 2009 – Implementation of the Sheffield City Region Devolution Deal” (27 June 2016)

Background Papers

- Sheffield City Region Devolution Deal – report to Council, 2 March 2016
- Sheffield City Region Devolution Agreement – 2 October 2015
- Cities and Local Government Devolution Act 2016 (c.1)
- Local Democracy, Economic Development and Construction Act 2009 (c.20)
- Rotherham Growth Plan

Consideration by any other Council Committee, Scrutiny or Advisory Panel

Possibility of pre-scrutiny consideration prior to Cabinet (1st July 2016)

Council endorsed the SCR Devolution Agreement at a meeting on 2 March 2016

Council Approval Required

No

Exempt from the Press and Public

No

Title (Main Report)

Implementation of the Sheffield City Region Devolution Deal and Scheme Consultation

1. Recommendations

- 1.1 Cabinet is asked to note that the Sheffield City Region (SCR) Combined Authority is being asked to approve a Scheme to progress the implementation of the SCR Devolution Deal at a meeting on 27 June 2016; and that, following this, a statutory consultation exercise will take place, led by the SCR, in relation to the Scheme, including events and activity within the Rotherham Borough.

2. Background

- 2.1 On 2 October 2015 SCR political and business leaders secured an in-principle, economic devolution agreement with the Chancellor of the Exchequer. This followed a set of devolution “asks” which were presented to the RMBC Council meeting on 16 September 2015.
- 2.2 The proposals included the commitment for Government to provide the SCR with a stable, £900m investment fund over the next 30 years (referred to Government as “gainshare” funding), from April 2016. Further resources were also committed to as part of a new “single pot”, with the proposals for a strengthened Combined Authority covering a range of economic themes including skills and employment; housing, planning and public assets; innovation, advanced manufacturing and business growth; and transport investment. The proposal made clear that a final Devolution Deal was contingent on the SCR Combined Authority adopting a model of a directly elected city region Mayor, with the first elections in 2017 (and subsequently in 2020 and every four years beyond this).
- 2.3 Following an initial SCR public consultation on the devolution proposals, which ran from 2 December 2015 to 15 January 2016, all constituent member authorities considered formal ratification of the Devolution Deal, which included Rotherham MBC at the Council meeting on 2 March 2016. The report provided for the 2 March Council meeting set out a range of specific implications and outcomes expected from the Deal for Rotherham.
- 2.4 The Combined Authority itself then ratified the Deal on 31 March 2016. As part of this process local authority Chief Executives were provided with delegated approval to give formal consent to an Order of the Secretary of State to establish a Mayor for the SCR Combined Authority.

3. Key Issues

- 3.1 Since the ratifications in March 2016 the SCR has proceeded with work to progress the Deal in accordance with the statutory procedures required by the Cities and Local Government Devolution Act 2016. This has included

undertaking a Governance Review and draft Scheme has been prepared relating to the exercising of devolved powers.

- 3.2 The SCR Combined Authority will now formally consider a report concerning the prepared Scheme and Governance Review at a meeting on 27 June 2016. A copy of this report is enclosed at **Appendix A**.
- 3.3 This work has taken into account specifically an extension of the formal geography of the Combined Authority beyond the four South Yorkshire Authorities to also include the District Council areas of Chesterfield and Bassetlaw. The three further District Council authorities within the SCR (Bolsover, North East Derbyshire, and Derbyshire Dales) have indicated their intention to remain as “non-constituent” members. The Governance Review document presented to the Combined Authority on 27 June sets out the case to support this extension of the geography.
- 3.4 The Scheme document essentially sets out the way in which the Mayoral Combined Authority (MCA) would operate in terms of its additional powers and functions and related changes in governance; which would form the basis for the Secretary of State to make the necessary legislative Orders. It identifies in particular those functions which would be the responsibility of the Mayor alone and those functions which would rest with the Combined Authority, of which the Mayor would be a member and appointed as its Chair.
- 3.5 In order for the Secretary of State to make the required Orders there is a statutory requirement for a consultation to be undertaken in connection with the proposals contained within the Scheme. The Combined Authority is therefore also being asked on 27 June to approve the commencement of this consultation, which is expected to begin in the weeks soon after and continue through to August 2016.
- 3.6 The consultation is being designed to secure extensive opportunities across the City Region for interested persons to consider and respond to the proposals contained in the Scheme. This will include targeted events and activity within the Rotherham borough, supported by the Council where appropriate. The consultation exercise will not be asking the specific question whether or not the Combined Authority should have an elected Mayor, as this principle was established through the ratification process in March 2016.

4. Options considered and recommended proposal

- 4.1 Cabinet is asked to note the enclosed report (Appendix A) which will be considered by the SCR Combined Authority on 27 June and, in particular, the proposed arrangements for a statutory consultation process (which will include events and activity in the Rotherham Borough as well as other SCR member authority areas).

5. Consultation

- 5.1 The SCR Combined Authority undertook a public consultation on the original Devolution Deal proposal from 2 December 2015 to 15 January 2016. Overall,

this consultation revealed general support for the proposal, subject to careful management of the risks associated with devolved functions. The results of this consultation were reported to the Council meeting on 2 March 2016 when the Council agreed to endorse the Deal. The Combined Authority meeting on 27 June will consider approval of a further, statutory consultation on the prepared Scheme and Governance Review. It is expected that this consultation would begin in the weeks soon after the 27 June Combined Authority meeting and run through to August 2016.

- 5.2 Within the Council a report on the initial SCR devolution asks was also provided to elected members as part of the Council meeting on 16 September 2015; and a seminar for RMBC elected members with the Combined Authority Chair, Cllr Sir Stephen Houghton, took place on 11 January 2016.

6. Timetable and Accountability for Implementing this Decision

- 6.1 The SCR Combined Authority is meeting on 27 June to consider the approval of the commencement of the statutory consultation in relation to the prepared Devolution Deal Scheme. Precise dates for this consultation exercise are not set out in the SCR report, but it is expected to commence in the weeks soon afterwards and run through to August 2016.
- 6.2 Following the consultation the Secretary of State for Communities and Local Government is expected to be in a position to make the required legislative Orders to give the Mayoral Combined Authority the necessary powers and functions to deliver the Devolution Deal. In order to implement the Orders the consent of the Combined Authority and constituent councils will be required.
- 6.3 Chief Executives and the Clerk to the Combined Authority already have delegated approval, following the ratifications by authorities in March 2016, to give consent to a Secretary of State Order to establish a Mayor for the City Region Combined Authority, which will specify the first Mayoral election on 4 May 2017. Subsequent Mayoral elections will take place in 2020 and in every fourth year thereafter.

7. Financial and Procurement Implications

- 7.1 There are no direct financial implications arising for the Council from this report, in that there is no net cost associated with Cabinet noting the SCR Combined Authority Devolution Deal Scheme, Governance Review and forthcoming consultation. The costs of any future City Region Mayoral election would be met from future devolved funds. The copy of the Combined Authority report at Appendix A sets out the financial implications of the consultation exercise for the SCR.
- 7.2 The constitutional arrangements of any Mayoral Combined Authority (MCA) – such as control over devolved budgets and revenue raising powers – will, nevertheless, have an impact in due course on the finances of both the Combined Authority itself and its members. This will need to continue to be monitored closely through the Council's role in the Combined Authority at all

levels, supported by an existing SCR Finance Directors' Network, on which RMBC is represented.

8. Legal Implications

- 8.1 There are no direct legal implications for the Council arising from this report. Nevertheless, the Mayoral Combined Authority can be expected to have significant constitutional change for the Combined Authority itself and the role of its member authorities within it.
- 8.2 The Combined Authority report at Appendix A sets out the relevant legal provisions for taking this work forward at SCR level.

9. Human Resources Implications

- 9.1 There are no direct human resources implications for the Council arising from this report. Nevertheless, the Mayoral Combined Authority may make future service delivery and working arrangements which may impact on RMBC employees.

10. Implications for Children and Young People and Vulnerable Adults

- 10.1 There are no proposals to include any social care based functions within the SCR Devolution Deal, either with regard to Children's or Adult services. The deal is explicitly an "economic" one.
- 10.2 There would be, however, an expectation that there will be a range of beneficial outcomes for young people arising from the employment and skills packages reflected within the Devolution Deal, as well as wider investment in infrastructure and transport improvements.

11. Equalities and Human Rights Implications

- 11.1 There are no direct equalities or diversity implications for the Council arising from this report. The Combined Authority itself must have regard to the equalities implications of its decisions under the Public Sector Equalities Duty; as will the Secretary of State when any legislative Orders are made. SCR-led consultation exercise will therefore need to be designed to ensure the Combined Authority's associated duty are reflected in providing positive opportunities for interested persons to engage and provide views.

12. Implications for Partners and Other Directorates

- 12.1 There is an important relationship between the Council as a member of the SCR Combined Authority (and Local Enterprise Partnership), the Devolution Deal and the priorities for the borough itself locally being progressed through local actions and partnership working. The Deal, for example, has key linkages to the proposals and ambitions of the Rotherham Growth Plan, the work of the Business Growth Board, as well as the work of the over-arching Rotherham Together Partnership.

13. Risks and Mitigation

- 13.1 Ensuring that the Council plays a positive role in the SCR agenda is reflected in the Council's current risk registers, in terms of working to ensure that opportunities to improve the economy and wellbeing of the borough are not missed by a lack of influence at City Region level. To mitigate this the Council has representation on a range of key SCR decision making and policy development structures, at all levels, from the Leader's position of the Combined Authority and LEP, the Chief Executive, other senior managers and professional networks and via Combined Authority scrutiny structures.
- 13.2 In general the Council will also need to retain an ongoing focus on working alongside other SCR authorities to assess any disproportionate risks that might arise as a result of functions and responsibility being devolved to the Mayoral Combined Authority which could put RMBC at a comparative disadvantage.

14. Accountable Officer(s)

Shokat Lal – Assistant Chief Executive

Approvals Obtained from:-

Strategic Director of Finance and Corporate Services:- **Stuart Booth – Assistant Director of Financial Services**

Director of Legal Services:- **Dermot Pearson – Assistant Director of Legal Services**

Head of Procurement (if appropriate):- **N/A**

Head of HR : - **Alan Greaves – Interim Head of Human Resources**

This report is published on the Council's website or can be found at:-

<http://moderngov.rotherham.gov.uk/ieDocHome.aspx?Categories=>

27 June 2016

**LOCAL DEMOCRACY ECONOMIC DEVELOPMENT AND CONSTRUCTION
ACT 2009 – IMPLEMENTATION OF THE SHEFFIELD CITY REGION
DEVOLUTION DEAL**

Summary

- This report asks the Combined Authority to approve the launch of a statutory consultation process relating to the Governance Review that has been undertaken and the Scheme that has been prepared.
- This approach is further to and consistent with the SCR Devolution Deal which was ratified by the Combined Authority on 31 March 2016.
- The Governance Review is included at Appendix A and the Scheme at Appendix B.

1. Issue

- 1.1. To allow the Authority to progress the implementation of the SCR Devolution Deal through the commencement of the relevant statutory process introduced by the Cities and Local Government Devolution Act 2016 (“the 2016 Act”).

2. Recommendations

- 2.1. It is recommended that the Combined Authority:
- (1) consider the outcome of a review undertaken under the Local Democracy, Economic Development and Construction Act 2009 (“the 2009 Act”) as set out in Appendix 1 to the report;
 - (2) approve a Scheme prepared in accordance with the 2009 Act as set out in Appendix 2 of the report;
 - (3) approve the commencement of a statutory consultation exercise in relation to this Scheme.

3. Background

- 3.1. Following the ratification of the SCR Devolution Deal by the Combined Authority and its constituent authorities on 31st March 2016 work has proceeded to progress the Deal in accordance with the relevant statutory procedure introduced by the 2016 Act.
- 3.2. Chief Executives and the Clerk to the Authority were given delegated approval to give formal consent to an Order made by the Secretary of State to establish a Mayor for the Sheffield City Region Combined Authority. Following that consent the Secretary of State has or will imminently lay an order before Parliament which provides that the Combined Authority will have a Mayor and the first election for the return of the Mayor is to take place on 4 May 2017. Subsequent elections will take place in May 2020 and in every fourth year thereafter.
- 3.3. Creation of the role of an elected Mayor is the first building block to implement Sheffield City Region Devolution Deal.
- 3.4. The additional building blocks require the making of appropriate Orders by the Secretary of State to give the Mayoral Combined Authority ("MCA") the necessary powers and functions to deliver the Devolution Deal and to make appropriate changes to the governance of the Authority.
- 3.5. The 2009 Act as amended by the 2016 Act provides for the following statutory procedure to be followed to lead to the making of relevant Orders by the Secretary of State:
 - (1) the Combined Authority and/or one or more of its constituent authorities and/or any authority that may wish to become a constituent member may undertake a review;
 - (2) the Combined Authority or other relevant authorities may conclude as a result of that review that the exercise by the Secretary of State of the power to make relevant Orders would be likely to improve the exercise of statutory functions in relation to the Combined Authority area or a proposed area of the Combined Authority;
 - (3) the Combined Authority or other relevant authorities may then prepare and publish a Scheme relating to the exercise of the relevant powers;
 - (4) the relevant authorities may then carry out a consultation exercise in respect of the Scheme proposals;
 - (5) the Secretary of State may make a relevant Order if to do so is likely to improve the exercise of statutory functions in the area or areas to which the order relates;
 - (6) the Secretary of State need not carry out a further public consultation exercise if the authorities have provided the Secretary of State with a summary of their consultation responses and the Secretary of State considers that no further consultation is necessary.

- 3.6. In making an Order Secretary of State must have regard to the need to reflect the identities and interests of local communities and to secure effective and convenient local government.
- 3.7. In order to implement the Orders the consent of the Combined Authority and constituent councils will be required.

4. The Review and Scheme exercise

- 4.1. In accordance with steps 1-2 above, a Governance Review has been undertaken under Section 111 of the 2009 Act as amended by the 2016 Act.¹ A draft Scheme has been prepared in accordance with Step 3 above. These documents are appended to the report as Appendices one and two respectively.
- 4.2. The Combined Authority was advised at its meeting on 31 March 2016 that the context around the Devolution Deal had altered as a result of decisions taken by Bassetlaw District Council and Chesterfield Borough Council to seek full constituent member status which would alter the geographical boundaries of the Combined Authority beyond South Yorkshire and widen the mayoral election mandate. The three remaining existing non-constituent members of the Combined Authority, Bolsover North East Derbyshire and Derbyshire Dales District Councils have indicated their intention to retain that non-constituent membership status within the Sheffield City Region.
- 4.3. The work on the review and draft Scheme has therefore taken into account those decisions and the review exercise addresses in particular the implications of the extension of the geography of the Combined Authority area beyond South Yorkshire; and the case for doing so with reference to the relevant statutory test that to do so is likely to improve the exercise of statutory functions. This is in addition to considering the statutory test with reference to the acquisition of relevant additional powers and functions and appropriate changes in governance to deliver the implementation of the Sheffield City Region Devolution deal. Members will note the detailed analysis undertaken in the review document and the conclusions arrived at with reference to the relevant statutory test. There is a persuasive case that the extension of the geography will enhance the arguments that already exist to support the meeting of the statutory test with reference to the original Devolution Deal.
- 4.4. The Scheme document essentially sets out the way in which the Mayoral Combined Authority would operate in terms of its additional powers and functions and related changes in governance which would form the basis for the Secretary of State to make necessary relevant Orders following the conclusion of the statutory consultation process. It identifies in particular those functions which will be the responsibility of the Mayor alone and those functions which would be discharged by the Combined Authority of which the Mayor would be a member and be appointed as its Chair.

¹ <http://www.legislation.gov.uk/ukpga/2016/1/contents/enacted>

5. Consultation

- 5.1. It is a statutory requirement to undertake consultation in connection with the proposals contained in the Scheme and to provide the Secretary of State with a summary of the consultation responses.
- 5.2. The approach to consultation has been designed with a view to securing extensive opportunities for interested persons to consider and respond to the proposals contained in the Scheme. This has been done with the objective of satisfying the Secretary of State that no further consultation would be necessary so as to enable them to proceed to make the necessary statutory Orders.
- 5.3. It is important to recognise that the consultation exercise is not asking the specific question whether or not the Combined Authority should have an elected Mayor. That principle was already established through the ratification of the Devolution Deal following an earlier non-statutory consultation exercise. The Secretary of State has made/or will immanently make the necessary Order for there to be an elected Mayor and to provide for the date of the first election. The electoral area for the Mayoral election would be the geographical area of the Combined Authority as at May 2017. Therefore if the Secretary of State accepts the case for the extension of the geography of the Combined Authority area to include Bassetlaw and Chesterfield electors in those areas would also be part of the franchise for the election of the Mayor.

6. Implications

i. Financial

- 6.1. The proposed consultation process will have time and resource implications. In the interim, £70K has been earmarked from the existing communications budget to support activity, with a view to calling on 'gainshare' resource in the longer-term.
- 6.2. The proposals set out in the Scheme include giving the Mayor / the Combined Authority control over substantial budgets and revenue raising powers. This will potentially have a significant impact on how the CA budgets and raises resource from partners.

ii. Legal

- 6.3. The steps set out in this report have been undertaken in line with the provisions of the 2009 Act. The statutory consultation exercise proposed is entirely consistent with these provisions.

iii. Diversity / Equality

- 6.4. The Combined Authority must have regard to the equalities implications of its decision with regard to the statutory process to reflect its responsibilities under the Public Sector Equality Duty. The Secretary of State will need to do likewise in deciding whether or not to make the relevant Orders. The requirement is to give due consideration to the impact on any protected characteristics and how they

could be mitigated. Given that the decisions being taken at this stage in the procedure are essentially governance changes any adverse impact would arise in the context of individual decisions taken through the implementation of the Deal and such decisions would in themselves be subject to the PSED. Proper consideration would be given as part of the taking of those decisions as to how any adverse impact could be mitigated.

- 6.5. In taking this approach the Authority is properly discharging its PSED but in addition a bespoke Equalities Impact Assessment is being undertaken with regard to the Scheme Document itself which will be provided to the Secretary of State together with the summary of the consultation responses.

Andrew Frosdick / David Hewitt
Monitoring Officer, Sheffield City Region Combined Authority / Senior Economic Policy Manager

Officer responsible: **Dave Smith**
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APPENDIX A

Fit for devolution:



Developing a model of
mayoral governance within
the Sheffield City Region

June 2016

Part 1
The Governance Review
(June 2016)

1. About this document

- 1.1. This document has been prepared by the Sheffield City Region Executive Team, on behalf of the nine local authorities that form the Sheffield City Region (SCR) and the business representatives of the SCR LEP Board. This document details the findings of a Governance Review that has been undertaken under Section 111 of the Local Democracy, Economic Development and Construction Act 2009 (“LDEDCA”) as amended by the Cities and Local Government Devolution Act 2016.¹ The two County Councils of Derbyshire and Nottinghamshire have also provided considerable input into this review.
- 1.2. Section 111(1) of LDEDCA provides that an existing combined authority may undertake a review of one or more “combined matters”. Combined matters include the:
 - (a) boundaries of a combined authority area (s.106);
 - (b) election of mayors for the combined authority area (s.107A) and
 - (c) functions conferred on any mayor (s.107D).
- 1.3. Where a review has been undertaken under section 111 concludes that an order made under one or more of sections 104-107 of LDEDCA (as amended) would be **likely to improve the exercise of statutory functions in relation to that area**, the authorities may prepare and publish a Scheme relating to the exercise of the power or power in question (s.112).
- 1.4. The Secretary of State has the power to make an order under section 104-107 if he considers that to do so:
 - (a) is likely to improve the exercise of statutory functions in the area or areas to which the order relates (s.113(1)(a));
 - (b) a public consultation has been carried out (s.113(1)(c));
 - (c) a summary of that consultation has been provided to the Secretary of State ((s.113(2)(b));
 - (d) the Secretary of State considers no further consultation to be necessary ((s.113(2)(c)).
- 1.5. In making any order, the Secretary of State must have regard to the need: **to reflect the identities and interests of local communities** and; **to secure effective and convenient local government**. When undertaking this Governance review, the Sheffield City Region has paid particular attention to these factors when considering the addition of two areas to the CA’s footprint (see Section 6 of this document in particular).

¹ <http://www.legislation.gov.uk/ukpga/2016/1/contents/enacted>

- 1.6. This document should be read alongside the 'Scheme' for the Mayoral Combined Authority (MCA) – which is included at Part 2 of this document and the summary of consultation included at Part 3 of this document [to be added September 2016].
- 1.7. In the preparation of this document and in relation to any future decisions based on these documents, the existing Combined Authority (including all constituent and non-constituent members) have had full regard to their Public Sector Equality duties as set out in section 149 of the Equality Act 2010 (the Act). A full Equality Impact Assessment will be made available to the Secretary of State.
- 1.8. For further information on this Review and Scheme please contact:

David Hewitt
Sheffield City Region Executive Team
11 Broad Street West
Sheffield
S1 2BQ

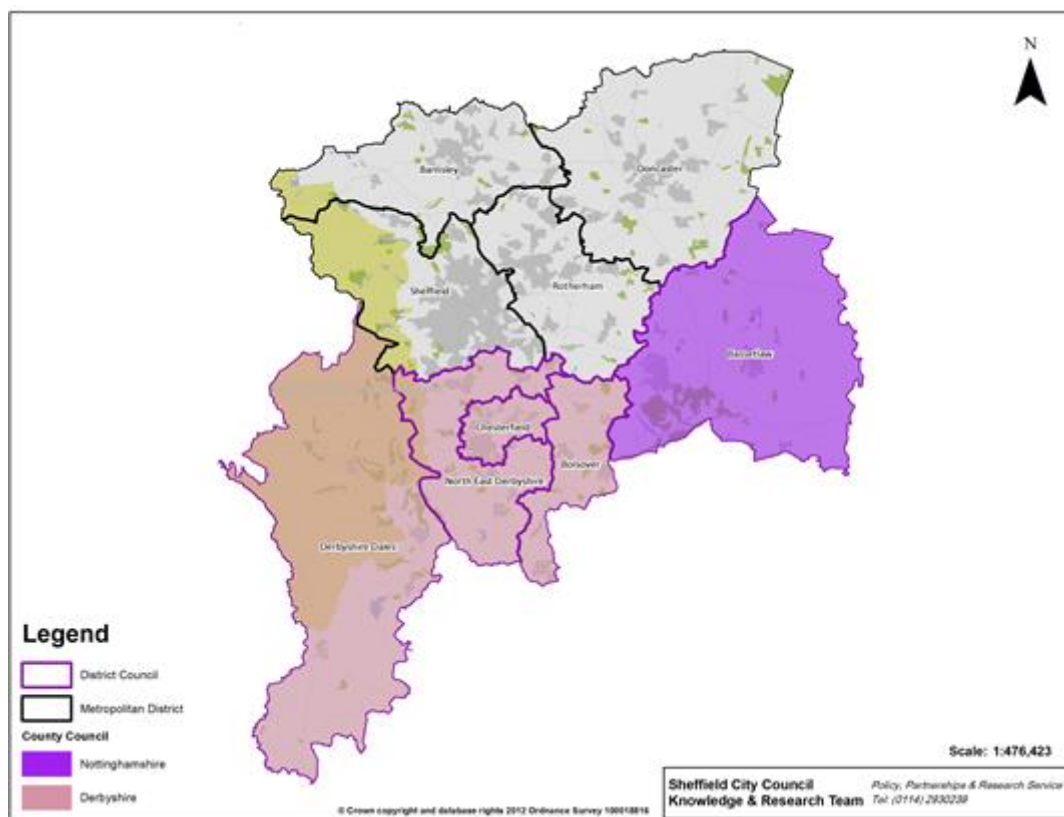
Telephone: 0114 2203459

Email: david.hewitt@sheffieldcityregion.org.uk.

2. Executive Summary

- 2.1. The nine local authorities that make up the Sheffield City Region (SCR) have a long history of collaboration at a scale that reflects the natural economic geography of the region (see *figure 1*).² The original impetus for this collaboration was the Northern Way agenda, which was designed to unlock the potential for faster economic growth and to bridge the £30 billion output gap between the North and the rest of the United Kingdom.

Figure 1 – the Sheffield City Region



- 2.2. This collaboration was formalised through the Sheffield City Region Local Enterprise Partnership (LEP) which, building on the SCR Forum, was formed in October 2010. By 2012, there was a general consensus that the SCR had outgrown its existing governance structures and arrangements, which were based on informal, voluntary partnerships without any independent legal status. Accordingly, SCR Leaders took the view what the time was right to take SCR governance to the “next level” (i.e. from informal collaboration to joint decision making) and “put into legislation that which we [the SCR] have been doing by consent for some time”.³

² Barnsley Metropolitan Borough Council; Doncaster Metropolitan Borough Council; Rotherham Metropolitan Borough Council; Sheffield City Council; Bassetlaw District Council; Bolsover District Council; Chesterfield Borough Council; North East Derbyshire District Council and Derbyshire Dales Districts Council.

³ SCR Governance Review Workshop 1 - 20th July 2012.

- 2.3. In April 2013, the Sheffield City Region was the first area to submit plans to form a combined authority to the Coalition Government and in April 2014, the Sheffield City Region Combined Authority⁴ was formed. The public-private partnership now in place was described in the Management Journal (MJ) by urban development expert Bruce Katz as “a model for the rest of the world”. Central to this partnership is the integration of the LEP and the CA into one governance structure, combining the best of public and private leadership and capacity.
- 2.4. The tangible benefits of this collaboration can now be seen in, for example, the SCR securing a Devolution Deal amounting to £484m (2016-2021). The “Deal”, which is one of the largest individual settlements for any combined authority area,⁵ covers a range of themes including skills and employment; housing, planning and public assets; innovation, advanced manufacturing and business growth and transport.
- 2.5. The deal also includes elements of fiscal devolution (retained business rates) and changes to City Region-level democratic structures. Specifically, the proposal makes clear that any ‘deal’ is contingent upon the Sheffield City Region adopting a model of mayoral governance, with the first elections being in May 2017.
- 2.6. The Devolution Deal will fundamentally improve and transform the economic performance of the Sheffield City Region and further the priorities set out in the City Region’s Strategic Economic Plan.⁶ To deliver on this deal the SCR must:
 - (a) enhance the Combined Authority, so that it becomes a “mayoral” Combined Authority (“MCA”) with a directly elected “SCR Mayor” chosen by residents from the constituent areas;
 - (b) give the MCA the powers it needs to deliver the Deal and the SCR’s Strategic Economic Plan;
 - (c) expand the area of the Combined Authority, bringing it far closer to the functional economic area which is the Sheffield City Region.
- 2.7. This SCR Governance Review has been undertaken in the context of an evolving (and overwhelmingly productive) relationship between the SCR and Government. Accordingly, the question for the SCR governance review has not just been ‘are SCR governance arrangements sufficient today?’ – rather – ‘will SCR governance structures and arrangements be sufficient to deliver the SCR’s medium to long-term ambitions?’
- 2.8. The central conclusion of this review is that the structural changes and powers set out in the Scheme Document (Part 2):

⁴ <http://sheffieldcityregion.org.uk/about/the-sheffield-city-region-authority/>

⁵ Taking into account relative population size.

⁶ <http://sheffieldcityregion.org.uk/wp-content/uploads/2013/12/Deal-and-Plan-Executive-Summary.pdf>

- (a) **will improve the exercise of statutory functions** in the area or areas to which the order relates i.e. the 6 constituent areas (see Section 2 of the Scheme at Part 2);
 - (b) **will have a neutral or no impact on the identities of local communities** – these proposals are about the economy and not about the identity of an area which has been working closely together for a number of years (and reflects the way in which the “real” economy works);
 - (c) the arrangements **will secure more effective and convenient local government**, reduce complexity and streamline the delivery of public services:
 - (i) within the combined authority area;
 - (ii) for those areas within the SCR but outside the combined authority area (non-constituent areas);
 - (iii) for neighbouring areas.
- 2.9. Despite the changes suggested, the non-constituent areas of the SCR remain key participants in the ongoing work of the MCA and LEP. Under the proposals detailed in the Scheme document, the areas of Bolsover, Derbyshire Dales and North East Derbyshire will remain non-constituent members of the MCA. As has previously been the case, the MCA will extend voting rights to these areas on all relevant and appropriate matters. For functions such as strategic spatial planning, these non-constituent areas will have the option to work together in partnership with the other members of the MCA, but will never be forced to do so.
- 2.10. Any short-term complexity associated with these proposed changes (e.g. in relation to public transport) will be dealt with through transitional arrangements and through the co-design of future operating models with neighbouring areas. These short-term issues should not detract from the longer-term ambitions of this review and of the SCR i.e. to improve the exercise of statutory functions in order to facilitate economic growth.
- 2.11. The key ‘pillars’ and rationale for this central conclusion is that:
- (a) the SCR is a leading City Region with a strong public-private partnership;
 - (b) grounded in the Strategic Economic Plan – our business and political leaders have negotiated an ambitious devolution settlement with Government to grow the City Region’s economy;
 - (c) a stronger MCA will enable the SCR to deliver on the Devolution Deal and the vision set out in our Strategic Economic Plan.
- 2.12. The remainder of this document expands upon those points set out above, sets out the Scheme for an enhanced “Mayoral” Combined Authority (Part 2) and provides a

summary of the consultation undertaken in relation to this review [Part 3 – to be added in September 2016].

Extending the geography

- 2.13. The first section of this governance review set out how the new powers that the MCA will have will improve the delivery of the statutory functions of the MCA. These points are based on the principle that local leaders rather than national government are better placed to make decisions on issues such as transport and skills.
- 2.14. The second key premise of this governance review is based on a similar simple principle; that because **the economy, the transport connections and the shared challenges of the current CA members are inextricably interwoven with that of Bassetlaw and Chesterfield** then these two areas **should become constituent members of the SCR CA** to enable the same benefits of control over skills, transport and planning as well as the additional resources available to be afforded the residents and businesses of those two places.
- 2.15. When considering the issue of planning transport system flows and investment in key routes then if (as is the case) that the commuter flows from Chesterfield into Sheffield are strong then it is entirely logical that the interests of residents in Chesterfield are better served by an SCR MCA operating over a shared transport function through a single Local Transport Authority. This single LTA would for example be able to deliver the Smart Ticketing and investment required through the devolved, consolidated single transport budget more effectively than under current arrangements.
- 2.16. The Sheffield City Region is a functional economic area; and as such the administrative geography should match the functional economic geography. This is a functioning city region with great scale and great opportunity. Section 6 has demonstrated that there is a strong interrelationship between the South Yorkshire districts of Barnsley, Doncaster, Rotherham, and Sheffield and the economies of Bassetlaw and Chesterfield. On balance, it is clear that these economies are part of the SCR whilst remaining firmly part of the counties of Nottinghamshire and Derbyshire.
- 2.17. **If our economies are so connected then it is logical for the footprint of the SCR Mayoral Combined Authority to be extended to include areas beyond those of South Yorkshire.** The conclusion of this governance review and the Scheme that is presented as a result of this review is that there is a strong rationale in extending the constituent membership of the SCR CA to include the two districts who, through their own local democratic processes, have set out their intention to pursue constituent membership of the MCA.
- 2.18. In so doing these areas are ensuring that the new MCA exercises control over skills, transport, new investment and aligns spatial planning, housing investment far more

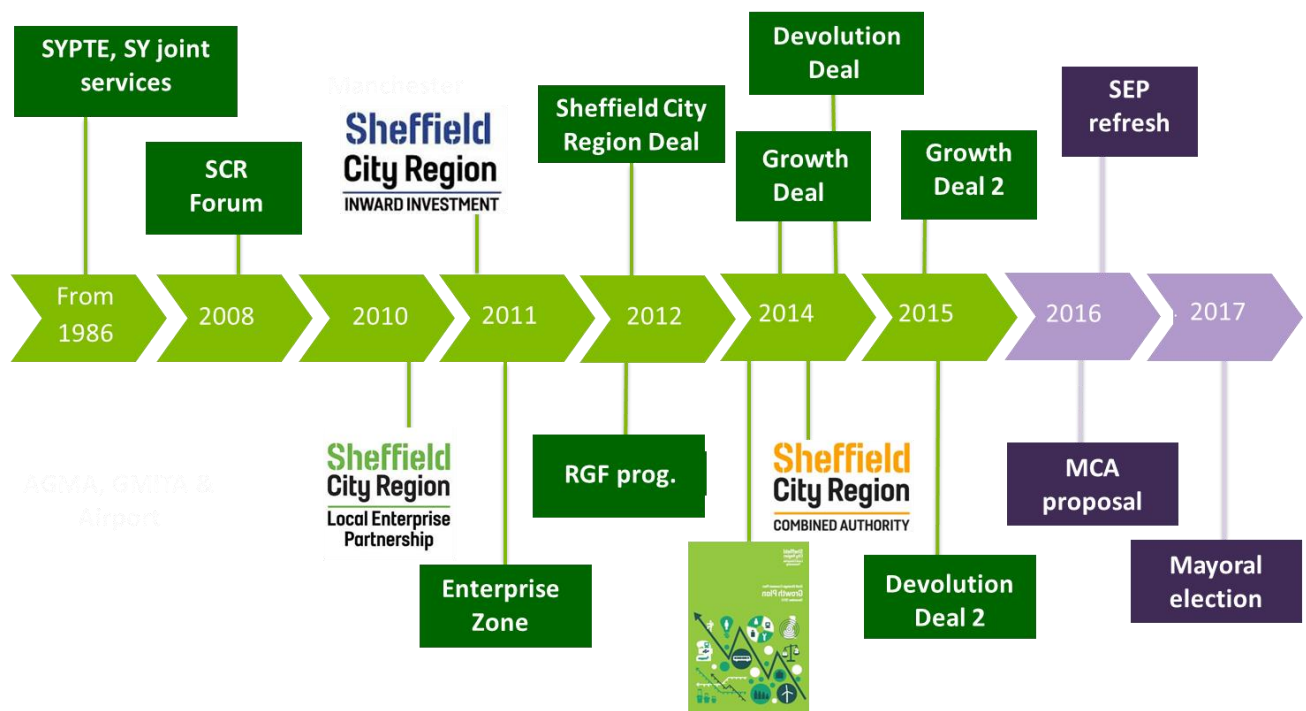
effectively. The alternative is that these powers and functions stop arbitrarily at the South Yorkshire boundary. Economies do not work in such arbitrary fashion and nor should the Sheffield City Region MCA.

- 2.19. In addition, because there are similar shared challenges across the Sheffield City Region there is a clear rationale for including these areas within the Mayoral Combined Authority footprint to benefit from spatial planning, aligned policy development on shared issues and the investment to be made through the additional £900m of funding of new initiatives to support economic growth.
- 2.20. Both areas, have taken decisions at their respective Full Councils to seek constituent status membership of the SCR CA and non-constituent status of Derbyshire and Nottinghamshire respectively. It is important to remember in this governance review that there is no suggestion that there is no economic relationship between the district councils and the County Council. But, on **the balance of evidence** it is clear that the relationship is stronger with the areas to the north, rather than the south of Bassetlaw and Chesterfield.
- 2.21. Devolution, and more specifically, the powers to be drawn down through the 2016 Order, will therefore improve the ability of the SCR CA to deliver growth and reform for the people and businesses of the Sheffield City Region.

3. A leading City Region with a strong public-private partnership

- 3.1. As set out in *Figure 2* below, the SCR is on a “devolution journey”. This began with the SCR delivering government-led initiatives to an exceptional standard and is increasingly, through a process of “earned devolution”, leading to the devolution of substantial budgets and initiatives through a multi-year “single pot” of funding and greater retention of revenue raised locally. Such devolution goes with the grain of recent policy initiatives such as the “Northern Powerhouse” which, at its heart is about the devolution of powers and funding to the English regions in order to facilitate economic growth.
- 3.2. This devolution journey began some time ago, with the creation of some joint South Yorkshire services following the abolition of South Yorkshire County Council in 1986. By the time of the SCR Forum, the Region was thinking well beyond traditional administrative boundaries and this led naturally to the formation of the private sector-led SCR LEP in October 2010.

Figure 2 – the Devolution Journey



- 3.3. Since 2012, using our local levers and the tools given to the SCR by Government, the SCR has been generating significant benefits including supporting companies to create 3,750 jobs, take on 1,700 apprentices and upskilling 1,300 people. This is only the beginning as the SCR has now started to deliver its multi-year Growth Deal programme of investment, forecast to create a further 15,000 jobs by 2021.
- 3.4. Since the LEP’s formation, the SCR has:

(a) **Delivered economic growth**, unlocking private sector investment and jobs.

Including:

- i. Created the UK's #1 Enterprise Zone for Modern Manufacturing and Technology. This Enterprise Zone is home to 18 new companies, ~500 new employees and 160 students training at the University of Sheffield's AMRC Training Centre. The Financial Times' FDi magazine ranked the Enterprise Zone as number 1 in the UK and number 37 in the world.
- ii. Managed a leading (RGF-funded) business investment programme called "Unlocking Business investment". LEP-led, the programme invested £30.6m in 130 companies across the Sheffield City Region, from a small chocolatier in the Derbyshire Dales to large multi-national company in the aerospace sector. This programme has unlocked £208m of private investment, leading to the creation of 2,800 jobs across the City Region. The estimated GVA contribution of the programme is £130m, representing substantially better value for money than the national programme.⁷
- iii. Invested £23.2m through our "JESSICA" investment fund - expected to deliver over 38,000 square metres of employment floor space and 2,200 jobs.

(b) **Good governance** – bringing together the best of the public and private sectors to provide efficient, effective and transparent decision making:

- i. The SCR was first area in the country to agree a Devolution Deal with the current Government – reflecting the area's position at the vanguard of the devolution agenda.
- ii. The SCR has built a robust governance model – built around our thematic Executive Board model that brings together our public and private board members from our LEP and CA.
- iii. The SCR Secured a £350m Growth Deal – structured against the SCR's priorities in relation to Skills, Infrastructure and Business Growth. The Growth Deal allocation was 52% more than if allocated on a per capita basis, reflecting the quality of SCR's Strategic Economic Plan that was submitted to Government. The SCR also secured this investment with the greatest level of flexibility on the basis of its robust governance arrangements.
- iv. The SCR is leading the way nationally on designing local solutions to skills issues – in October 2016 we became the first LEP area to secure a

⁷ NAO (2014) progress report on the Regional Growth Fund.

commitment to the full devolution of the Adult Education Budget (see below).

- (c) **We prioritise** – the City Region makes difficult decisions to prioritise investment to deliver the vision and outcomes of our Strategic Economic Plan:
 - (i) Based on economic impact, we have developed a “best in class” approach to the selection of infrastructure schemes. The Sheffield City Region Investment fund (SCRIF) is forecast to unlock 24,000 jobs and 13,000 homes through investment in infrastructure. 19 schemes will have “spades in the ground” by the end of 2016. Prioritised on the basis of their economic impact, this programme of schemes goes beyond transport investment to wider site assembly to bring forward key development sites.
 - (ii) The SCR has developed an Integrated Infrastructure Plan – only the second IIP in the country, designed to be the commissioning plan for the infrastructure schemes needed to be able to realise the economic ambitions of the Strategic Economic Plan.

- 3.5. As detailed in the following section of this review, the October 2015 Devolution Deal was another significant achievement for the SCR and a decisive step forward on this devolution journey.

4. Grounded in the Strategic Economic Plan – our business and political leaders have negotiated an ambitious devolution settlement with Government.

- 4.1. The entire premise of the SCR CA is that decisions that are about creating economic growth are best made, where possible at the lowest level of government and that for too many years there has been an overly centralised approach to economic growth. Nationally the government has recognised that there are powers and functions that can be more effectively delivered locally whilst there has also been an acknowledgment locally that for some functions a wider partnership of local councils is required to deliver functions that are best done on a city region wide basis; namely that they better reflect the way in which the “real” economy works.
- 4.2. On 2 October 2015, SCR political and business leaders secured a Devolution Agreement with the Chancellor of the Exchequer. The deal involves the significant devolution of power and funding from Whitehall to local leaders in the City Region including £900m of additional funding which will be made available from April 2016. This deal was an important milestone for the Sheffield City Region, a City Region poised to take centre-stage in the future of the Northern Powerhouse.

The Deal

- 4.3. The Deal agreed was a Deal for economic growth. The headlines of the Deal include:
- (a) devolved transport powers and funding – including the powers to franchise the bus network (subject to legislation);
 - (b) full devolution of the Adult Education (formerly Skills) Budget for college and training providers;
 - (c) control of a new, flexible single pot of funding for economic growth, which incorporates an additional £30 million annual allocation over the next 30 years;
 - (d) control over European Structural Investment Funds (ESIF) via Intermediate Body status in respect to local strategic fit;
 - (e) a greater share of the benefits of economic growth through a pilot of retention of business rate growth (worth approximately £19m additional SCR revenue in 16/17);
 - (f) the co-design and co-commissioning of new employment programmes;
 - (g) an improved approach and greater accountability to Sheffield City Region of national inward investment and trade support;
 - (h) better use of publicly owned assets and increased planning capacity and powers to double the SCR's housing delivery and increase commercial development;
 - (i) recognition of city region assets, including the Advanced Manufacturing Innovation District and the National College for High Speed Rail / National Institute for Infrastructure.
- 4.4. The Deal provides the SCR with a single pot of £484m of funding to invest in economic development over the next five years. Our single pot brings together three main funding strands: (1) 'Gainshare' investment, (2) Growth Deal award and (3) a consolidated transport budget.

Stronger governance

- 4.5. It is clear that the Deal agreed with Government, and the benefits listed above and in the "Deal" document itself, are contingent upon:

The Sheffield City Region Combined Authority [adopting the] model of a directly elected city region Mayor over the Combined Authority's area with the first elections in May 2017. The existing Sheffield City Region Combined Authority will also be strengthened with additional powers.⁸

⁸ <http://sheffieldcityregion.org.uk/wp-content/uploads/2015/10/SCR-Devolution-Agreement-2015.pdf> at p.5.

- 4.6. Accordingly, the concept of a directly elected City Region Mayor and the devolution of powers and funding are inexorably linked. There is no option for the SCR to “cherry pick” the funds and the powers, and not accept changes to local Governance.
- 4.7. Under the terms set out in the Deal:
- (a) the Mayor will chair the SCR Combined Authority – and will lead a SCR Cabinet;
 - (b) the members of the SCR Combined Authority will serve as the Mayor’s Cabinet and will perform a supporting and advisory function to the Mayor and Combined Authority;
 - (c) where powers reside with the Mayor the SCR Cabinet may ask the Mayor to reconsider Mayoral strategies and funding plans if two-thirds of the members agree to do so;
 - (d) on some planning arrangements, specifically the creation of the SCR Spatial Framework unanimous approval from CA members will be required;
 - (e) on proposals for decision by the CA the Mayor will have one vote – as will other voting members on the CA.⁹
 - (f) the Mayor will also be a member of the LEP.
- 4.8. Further points of detail, including power, functions, membership and voting arrangements are set out in the Scheme document which accompanies this review.

5. A stronger *Mayoral* Combined Authority will enable the SCR to deliver on the Devolution Deal and the vision set out in our Strategic Economic Plan.

- 5.1. As detailed above, the purpose of this Governance Review is not to consider the pros and cons of the Devolution deal previously negotiated and consulted upon extensively.¹⁰ The purpose of this review is to consider whether an Order made by the Secretary of State under sections 104-107 of LDEDCA (as amended by the Cities and Local Government Devolution Act 2016)¹¹ is likely to improve the exercise of statutory functions in the area or areas to which the order relates (and whether the other related statutory tests are met).
- 5.2. The conclusion of the Sheffield City Region and of this Governance Review is that it would, and the specific changes set out in the Scheme document at Part 2 are therefore recommended. The fundamentals of the Scheme are that:

⁹ Note, to accommodate the County Councils, a slightly different (but equivalent) arrangement is proposed in the Scheme.

¹⁰ <http://sheffieldcityregiondevolution.org.uk/>.

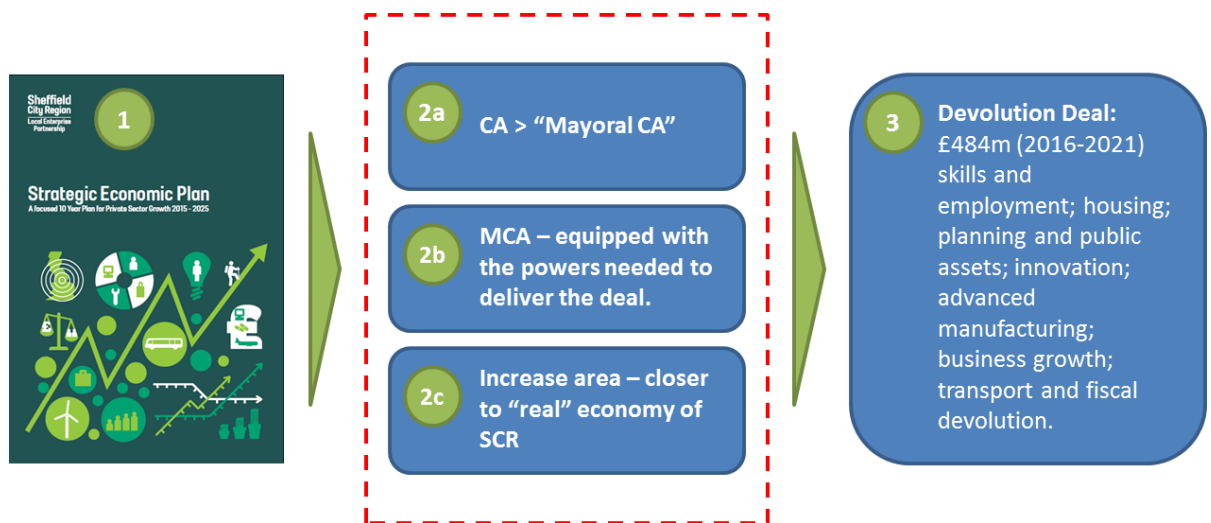
¹¹ Or any other related statutory provision.

- (a) The Combined Authority should be **given the powers it needs** to deliver the ambitions set out in the City Region’s Strategic Economic plan and ambitious Devolution Deal of October 2015.
- (b) That, the area of the Combined Authority should increase to **more closely align to the functional economic area** and / or “real” economy of the Sheffield City Region. Specifically, this means utilising the amendments made by the Cities and Local Government Devolution Act 2016 and changing the status of Chesterfield Borough Council and Bassetlaw District Council from “non-constituent” to constituent members of the Combined Authority.

5.3. In summary and as summarised in *figure 3* below:

- (a) the SCR’s Strategic Economic Plan sets out the SCR’s economic ambitions;
- (b) the October 2015 “Deal” represents a significant step forward towards those ambitions and a new constitutional settlement with Government;
- (c) to deliver on that deal, three specific changes are required (the first of which will be catered for by an Order laid by the Secretary of State – the remainder are set out in the Scheme document).

Figure 3 – the Strategic Economic Plan, proposed changes and Deal



- 5.4. The Scheme document sets out the changes that would form part of an Order laid by the Secretary of State and/or be incorporated in a revised constitution of the Combined Authority. The remainder of this section sets out the rationale for the proposed changes.

A City Region Mayor

- 5.5. The October 2015 Deal made absolutely clear that the significant devolution of powers and funding is contingent upon the Sheffield City Region Combined Authority becoming a “Mayoral” Combined Authority (“MCA”).

As set out at Page 7 of the document:

*As part of this proposed agreement, the Sheffield City Region Combined Authority will adopt a model of a directly elected city region Mayor over the Combined Authority’s area with the first elections in May 2017. The existing Sheffield City Region Combined Authority will also be strengthened with additional powers. This takes the next step in transferring resources and powers from central Government to the Sheffield City Region. There is no intention to take existing powers from local authorities without agreement. The agreement will protect the integrity of local authorities in the Sheffield City Region.*¹²

- 5.6. Regardless of whether or not this is a step that the City Region would take otherwise, the City Region takes the view that Devolution deal (including £484m of funding between 2016 and 2021) is a sufficient incentive to change to this model of governance.
- 5.7. The Secretary of State for Communities and Local Government will lay an order before both houses of Parliament which, in keeping with the Deal previously agreed and consulted upon, provides that there will be a Sheffield City Region Mayor and that there will be an election in May 2017. The Scheme set out at Part 2 of this document deals with all other matters apart from these bare facts including: the functions of the Mayor, the relationship between the Mayor and members of the CA (i.e. the CA’s Cabinet), voting rights and other key constitutional matters

The Powers to deliver the Deal

- 5.8. Whilst ambitious, a great deal of what the SCR is seeking to achieve through the Deal can be achieved through existing powers and functions of the Combined Authority. However, as detailed in Part 2 of this document (the Scheme) some additional powers are required in order to deliver the Deal.
- 5.9. The powers, functions and resources that are included in this governance review and the Scheme that has been developed on the basis of this review are all proposed in order to support the delivery of the Strategic Economic Plan and deliver the elements of the 2nd October devolution deal as previously agreed by all constituent and non-constituent members. More detail as to how we expect each element of the additional powers and functions proposed in this governance review and scheme to support the delivery of the statutory functions is set out in the table below.

¹² https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/466616/Sheffield_devolution_deal_October_2015_with_signatures.pdf

Table 1 – Rationale for powers sought through the Scheme.

Theme Power(s)	Rationale
Spatial planning	The SCR Strategic Spatial Framework will enable an informed, integrated approach to be taken to spatial planning across the city region, based on a clear understanding of the role of our places and the connections between them. The additional Mayoral planning powers will enable the Mayor and the Combined Authority to drive development and regeneration across the area.
Housing	Building on the SCR Devolution Agreement, the SCR has continued its positive engagement with senior Government Officials, receiving continued support from the Homes and Communities Agency (HCA) at a strategic and operational level. SCR is now in a strong position to progress work with the HCA on the co-design and development of SCR funding programmes and products. SCR is requesting a number of housing powers (concurrent with the HCA and Local Authorities, and taken from the Housing and Regeneration Act 2008) which relate to ‘improving the supply and quality of housing’ and ‘securing the regeneration or development of land or infrastructure’. These powers very much reflect the direction of travel and future role of the SCR MCA in housing delivery, with such powers becoming increasingly important as SCR moves towards the investment of funds under local control in the delivery of housing. In addition, they complement the Mayoral Development Corporation (MDC) powers, enabling a range of activity to be carried out across the SCR.
Transport	By providing the Mayoral CA with the ability to manage the provision of public transport services, there will be the opportunity for better services, aligned transport investment and the delivery of integrated smart ticketing

Theme Power(s)	Rationale
	and working with other transport bodies. This work will be aided by the creation of a devolved and consolidated transport budget which will enable the SCR MCA to invest in local transport priorities.
Skills 19+	Further education provision generally services local labour markets. By devolving the Adult Education Budget and conferring the appropriate powers on the SCR MCA we expect that the provision on adult skills in the SCR will be better aligned with locally determined priorities to ensure that SCR residents have the skills required to help businesses to grow, innovate and diversify.
Finance: • Introduction of a Mayoral precept to support the discharge of mayoral functions and SCR levy to support non-transport functions which a CA may subsequently assume. • SCR CA borrowing powers.	SCR CA functions in relation to economic development and regeneration are currently funded through a recharge to the constituent councils. A precept or a levy would offer greater transparency to SCR residents in relation to the funding of Mayoral functions. The SCR CA can currently only borrow in relation to transport functions. This limits the ability of the SCR to raise investment funds that can be used to invest in projects that generate economic growth.
Constitutional and governance changes.	Such arrangements will ensure the effective operation of SCR governance arrangements, including clear arrangements to ensure transparency and accountability.

The powers in detail

- 5.10. The purpose of the MCA (like the Combined Authority itself) is to facilitate devolution i.e. bring powers closer to the electorate. This is a fundamentally democratic aim, consistent with the SCR's general policy of subsidiarity i.e. that functions should be delivered at the lowest practicable level, be that national, "Northern", City Region, LA or even at a sub-LA level.
- 5.11. Accordingly, the Scheme set out at Part 2 does not propose that any powers are "ceded" to the MCA from current constituent and/or non-constituent members. Rather, the powers are either exercised concurrently (i.e. by both the MCA and

constituent authorities) or ceded from Government Ministers or departments to the MCA. However, in line with provisions made in the Cities and Local Growth Act 2016 there may be some transfer of County functions to the MCA to reflect the proposed change in the geographical area of the MCA.

- 5.12. The following sections detail how the CA needs to evolve (through the addition of new powers and/or duties) to deliver the Deal. Unless otherwise stated, the areas of these powers will be consistent with the area of the MCA i.e. that of the constituent members of the MCA. Should that membership change (either now or in the future) then the scope of these powers shall change accordingly.

Table 2 – summary of the Deal and any required powers and/or duties

Theme	The Deal (substantive elements)	Specific powers / duties required to deliver the Deal.
Skills 19+	The Government will: Enable local commissioning of outcomes to be achieved from the 19+ adult skills budget starting in academic year 2016/17; and will fully devolve budgets to the Sheffield City Region Combined Authority from academic year 2018/19 (subject to readiness conditions)(Page 8).	<u>“Readiness conditions”</u> The devolved powers and functions set out in the Devolution agreement are subject to 6 “readiness conditions” namely: 1) Parliament has legislated to enable transfer to local authorities of the current statutory duties on the Secretary of State to secure appropriate facilities for further education for adults from this budget and for provision to be free in certain circumstances. 2) Completion of the Area Review process leading to a sustainable provider base. 3) After the area reviews are complete, arrangements are in place between central government and the Combined Authority to ensure that devolved funding decisions take account of the need to maintain a sustainable and financially viable 16+ provider base. 4) Clear principles and arrangements have been agreed between central government and the Combined Authority for sharing financial risk and managing failure of 16+ providers, reflecting the balance of devolved and national interest and protecting the taxpayer from unnecessary expenditure and liabilities. 5) Learner protection and minimum standards arrangements agreed. 6) Funding and provider management arrangements, including securing financial assurance, are agreed in a way that minimises costs, maximises consistency and transparency. The Department for Business Innovation and Skills (BIS) take the view that powers and/or duties contained in the following legislation should be transferred from the Secretary of State to the MCA or exercised concurrently with the MCA: (a) Apprenticeship, Skills, Children and Learning Act 2009 (ASCL 2009) as amended
Skills (16-18)	HM Government commits to an Area Based Review of post-16 education and training leading to agreed recommendations by February 2016. The outcomes of the Area Based Review will be taken forward in line with the principles of the devolved arrangements (Page 9).	

Theme	The Deal (substantive elements)	Specific powers / duties required to deliver the Deal.
		by the Deregulation Act 2015. (b) Employment and Training Act 1973. Details of the specific provisions will be provided by the Secretary of State in due course (and will be subject to future Order). <u>Local Authority powers to be exercised</u> concurrently by the MCA (i.e. these would be CA/non-mayoral powers). <i>Education and Skills Act 2008</i> (a) Sections 10 (duty to promote the effective participation in education or training) and Section 12 (duty to make arrangements to identify persons not in education or training). (b) Sections 68 (provision of services to encourage, enable or assist the effective participation of those persons in education or training), Section 70 (local education authorities: supplementary powers) and Section 71 (provision of support on conditional basis: learning and support agreements). <i>Education Act 1996</i> (a) Section 13A (duty to promote high standards in primary and secondary education). (b) Sections 15A and 15B (functions in respect of full-time education for 16 to 18 year olds / education for persons over 19). <i>Further and Higher Education Act 1992</i> (a) Section 51A (provision of education services for named individuals).

Theme	The Deal (substantive elements)	Specific powers / duties required to deliver the Deal.
Employment	<i>Sheffield City Region Combined Authority will work with DWP to co-design the future employment support, from April 2017, for harder-to-help claimants, many of whom are currently referred to the Work Programme and Work Choice (Page 10).</i>	No specific additional powers and/or duties required to implement this aspect of the Deal at this stage.
Housing and planning	<i>The Sheffield City Region Combined Authority Mayor will also exercise strategic planning powers to support and accelerate these [devolution] ambitions. This will include the power to:</i> <i>a) Create a spatial framework, which will act as the framework for managing planning across the Sheffield City Region, and with which all Local Development Plans will be in strategic alignment. The spatial framework will need to be approved by unanimous vote of the members appointed by constituent councils of the Mayoral Combined Authority. This approach must not delay any Local Development Plans, and will build upon the local plans being developed.</i> <i>b) Create supplementary planning</i>	<u>Spatial Development Strategy</u> (a) Power to be granted to SCR Mayor equivalent to the duty of the London Mayor to prepare and publish a “spatial development strategy” under Section 334 of the Greater London Authority Act 1999 (to be known as the “spatial framework”) for the economic area. (b) Sections 334 – 350 GLA 1999 legislation to apply with necessary reference changes and the following specific modifications: i. Procedure for adoption of policy varied to exclude requirements for examination in public. Instead the Mayor to publish and adhere to a “statement of stakeholder engagement” equivalent in content to a statement of community involvement. ii. The duty for development plans to be in general conformity with the mayor’s plan to be limited to a duty for constituent member local planning authorities “to have regard to” the Mayors plan when preparing and adopting development plan documents under Section 19 of the Planning and Compulsory Purchase Act 2004 (and any other consequential or incidental amendments to legislation e.g. Section 347 GLAA 1999). iii. Mayor to have regard to local plans under Section 342 in preparing the Mayor’s Spatial Framework.

Theme	The Deal (substantive elements)	Specific powers / duties required to deliver the Deal.
	<i>documents, subject to approval processes in paragraph 21a [of the Deal].</i> c) Create Mayoral Development Corporations, which will support delivery on strategic sites in the Sheffield City Region. This power will be exercised with the consent of the Cabinet member in which the Development Corporation is to be used. d) Be consulted on and/or call-in planning applications of strategic importance to the City Region. <i>HMG will work with Sheffield City Region to support the operation of the Joint Assets Board, and support better coordination on asset sales. (P11/12)</i> <i>Sheffield City Region intends to develop further a proposition on a Housing Investment Fund, for development with HM Government.</i>	(c) Mayor to be a statutory consultee (prescribed body) in preparation of local plans under regulation 4 of the Town and Country Planning (Local Planning)(England) Regulations 2012. <u>Supplementary Planning Guidance</u> (a) The adoption of Sections 334 – 350 would include an adaptation of section 348 to allow the Mayor to provide formal supplementary guidance on policies within his plan. (b) LPA to have regard to Mayors plan and any supplementary guidance issued under it in preparation of local plans under Section 19 PCPA 2004. <u>Mayoral Development Corporations</u> (a) Mayor to have powers equivalent to London Mayor under Part 8 Chapter 2 of Localism Act 2011 with the following modifications: i. Any powers exercisable by the Mayor to be exercised only with the consent of the Combined Authority member for the area(s) of the Mayoral Development Corporation(s). <u>Consultation on Planning Applications</u> (a) LPAs to be required to consult the Mayor on applications of potential strategic importance (PSI). Requirement to be achieved by adding the Mayor as a statutory consultee to PSI applications under Schedule 4 of the Town and Country Planning (Development Management Procedure) Order 2015. PSI applications to be defined in the Order – similar to but more limited than the definition of PSI in the Town and Country Planning (London Mayor) Order 2008 e.g. large scale housing of at least 300 houses; large commercial schemes in excess of 15,000 sq metres; large scale infrastructure and waste management facilities; departures from the

Theme	The Deal (substantive elements)	Specific powers / duties required to deliver the Deal.
		agreed development plans of LPAs, and other schemes which would affect the delivery of the Mayor's Spatial Framework. The Mayor would have the power to amend the definition of PSI thereafter (b) The Mayor should be a statutory consultee and interested party under the Planning Act 2008 for any Nationally Significant Infrastructure Projects that may have an effect on the Sheffield City Region. <u>Housing</u> (a) The MCA to exercise the objectives and functions of the Homes and Communities Agency ("HCA") under Section 2(1) and Section 3-12, 17 and 18-19 of the Housing and Regeneration Act 2008 ("H&R Act 2008"). These functions to be exercised concurrently with the HCA with respect to the area of the MCA. (b) These functions would be non-Mayoral functions with the exception of the specific HCA compulsory purchase powers (which would be a mayoral function). The functions are: i. to improve the supply and quality of housing; ii. to secure the regeneration or development of land or infrastructure; iii. to support in other ways the creation, regeneration and development of communities or their continued well-being; and iv. to contribute to the achievement of sustainable development and good design. (c) in order to achieve the objectives above, the MCA should have the benefit of exemption from Section 23 of the Land Compensation Act 1961 enjoyed by the HCA under section 23(3)(d) of that Act.

Theme	The Deal (substantive elements)	Specific powers / duties required to deliver the Deal.
Transport	<i>The directly elected Mayor of the Sheffield City Region Combined Authority will be responsible for a devolved and consolidated local transport budget for the area of the Combined Authority (i.e. the areas of the constituent councils), including all relevant devolved highways funding, with a multi-year settlement to be agreed at the Spending Review. Functions will be devolved to the Sheffield City Region Combined Authority accordingly, to be exercised by the Mayor.</i> <i>The directly elected Mayor of the Sheffield City Region Combined Authority will by 2017 be able to utilise functions, granted to the Mayoral Combined Authority, for the franchising of bus services in the area of the Combined Authority,. This will be enabled through a specific Bus Services Act, to be introduced as a Bill during the first Parliamentary session of 2016, which will provide the necessary functions for a Mayoral Combined Authority.</i> <i>This will help to facilitate, amongst other matters, the delivery of integrated smart ticketing across all local modes of transport in the city region, working as part of Transport for the North on their plans for smart ticketing</i>	<u>Mayoral Powers</u> <i>Bus Services Bill 2016</i> (a) Mayoral Bus Franchising - the power for a Mayor to franchise bus services in a CA Area. <u>MCA Powers</u> (a) Bus Services Bill 2016 - Enhanced Voluntary Partnerships (Power for a CA to promote an enhanced version of the voluntary Partnership model). (b) Local Transport Authority (LTA) - The MCA becoming the LTA for the extended Sheffield City Region Combined Authority will mean the MCA exercising the specific functions of an LTA in that extended area.

Theme	The Deal (substantive elements)	Specific powers / duties required to deliver the Deal.
	<i>across the North. This includes the production of a regional implementation plan for smart ticketing which Transport for the North will put forward to government by Budget 2016.</i> <i>Government, in consultation with Sheffield City Region, will continue to explore options to give Sheffield City Region Combined Authority more control over the planning and delivery of local transport schemes, particularly in preparation for HS2. This could include changes to the way that Transport and Works Act Orders are 13 granted, if practical proposals for improving and speeding up the process are identified.</i> <i>The directly elected Mayor of the Sheffield City Region Combined Authority will take responsibility for an identified Key Route Network of local authority roads that will be collaboratively managed and maintained at a City Region level by the Sheffield City Region Combined Authority across the areas of the constituent councils (P12-13).</i>	
Trade and Investment	<i>HM Government commits to strengthening support available for both trade and investment in the Sheffield City Region (P13).</i>	No specific additional powers and/or duties required to implement this aspect of the Deal.

Theme	The Deal (substantive elements)	Specific powers / duties required to deliver the Deal.
Innovation	<i>Through utilisation of the additional resources in the single pot it is expected that Sheffield City Region Combined Authority will bring forward a set of ambitious proposals to enhance the Advanced Manufacturing Innovation District. The Sheffield City Region will work with HM Government to achieve their ambitions for a National Institute for Infrastructure within Doncaster... (P14).</i>	No specific additional powers and/or duties required to implement this aspect of the Deal.
Business Growth and Support	<i>Government and the Sheffield City Region Combined Authority will agree a joint programme to create the right environment to drive the commercial rollout of ultrafast broadband. Government will also support the SCR Combined Authority to reinvest funds into creative solutions to supplying superfast broadband to the last 5%.</i> <i>Building on the currently agreed Enterprise Zone geography, Sheffield City Region will receive additional Enterprise Zones and/or extension of existing zones, subject to the current bidding round for further Enterprise Zones.</i> <i>The Sheffield City Region LEP has requested additional flexibility on the use of Enhanced Capital Allowances within its Enterprise Zones.</i>	No specific additional powers and/or duties required to implement this aspect of the Deal at this stage.

Theme	The Deal (substantive elements)	Specific powers / duties required to deliver the Deal.
	<i>The government is open to further discussion on this providing proposals are compliant with State Aid rules and are fiscally neutral (P15).</i>	
Fiscal	<i>HM Government is committed to working with the Sheffield City Region Combined Authority to achieve Intermediate Body status for ERDF and ESF for the Combined Authority. HM Government will work with Sheffield City Region Combined Authority to test whether it will be possible to implement and if so, HMG and SCR will work together to agree a timetable to put this in place.</i> <i>HM Government agrees to allocate an additional £30m per annum of capital and revenue funding for 30 years, which will form part of and capitalise the Sheffield City Region Combined Authority single pot. This will fund key City Region priorities and will be composed of 60% capital and 40% revenue. The fund will be subject to 5-yearly gateway assessments to confirm the spend has contributed to national growth.</i> <i>The Cities and Local Government Devolution Bill¹³ currently in parliament will establish the</i>	<u>Intermediate body status</u> Intermediate Body status does not require additional power in the context of the CA (or MCA). However, the Government will need to grant those powers through specific EU regulations. <u>Borrowing powers</u> By virtue of section 23(5) LGA 2003, a combined authority may borrow in relation to “any other functions of the authority that are specified for the purpose of [section 23(5)] in regulations made by the Secretary of State”. Such functions include mayoral and non-mayoral functions. It is proposed that the regulations should provide for the MCA to have borrowing powers in respect of all of its functions.

¹³ The Cities and Local Government Devolution Bill was introduced in the House of Commons on 28 May 2015, completed its parliamentary stages on 12 January 2016 and received Royal Assent, thereby becoming law on 28 January 2016.

Theme	The Deal (substantive elements)	Specific powers / duties required to deliver the Deal.
	<i>principles which will govern further prudential borrowing for combined authorities. Following Royal Assent, central government will consider how these powers could apply whilst ensuring no fiscal impact.</i> <i>HM Government will pilot a scheme in Sheffield City Region Combined Authority which will enable the area to retain 100% of any additional business rate growth beyond expected forecasts. These pilots will begin in April 2016, subject to further detailed discussions between the Combined Authority and HM Government. HM Government will also discuss wider localisation of business rates with the Sheffield City Region Combined Authority.</i>	

6. Moving towards an administrative geography that reflects the Sheffield City Region's economic reality

- 6.1. In 2010 the Sheffield City Region Local Enterprise Partnership was created – this was the first formal arrangement to reflect the nature of our interconnected city region economy. The LEP from the start included districts from North Derbyshire and Nottinghamshire. Since the creation of the LEP, we have worked across the nine councils on issues relating to business growth schemes, skills programmes and investment in infrastructure.
- 6.2. We have, to date also ensured that working relationships with LEPs to the north and the south of the SCR are strong. We have worked on joint inward investment and promotion activity with the Leeds City Region and made joint investments in infrastructure schemes through the SCR Investment Fund (SCRIF) with the Derbyshire and Nottinghamshire Local Enterprise Partnership (D2N2).
- 6.3. However, as set out in other sections of this governance review maintaining the status quo will not enable the effective implementation of the new powers proposed in the Scheme, particularly those over skills investment, transport and spatial planning. This is based on an independent economic analysis that makes clear that there are strong economic linkages between the district councils in the south of the city region and that of those in South Yorkshire.
- 6.4. To help us understand how our city region works in practice and as part of the development of our Governance Review, the SCR commissioned an independent analysis of the economic and spatial arguments to expand the constituent membership of the SCR¹⁴. This work was undertaken by SQW¹⁵ who worked in partnership with Trends Business Research Limited and Cambridge Economics Limited to provide an independent perspective of the economic linkages within our functional economic areas. Evidence from this analysis is summarised below in relation to the City Regions key arguments for the expansion of the constituent membership of the CA.

Functional economic area

- 6.5. As highlighted in our Independent Economic Review, the **Sheffield City Region is a polycentric city region**¹⁶. The area is comprised of a number of interconnected economic centres that collectively form the City Region, bringing together both urban and rural areas.

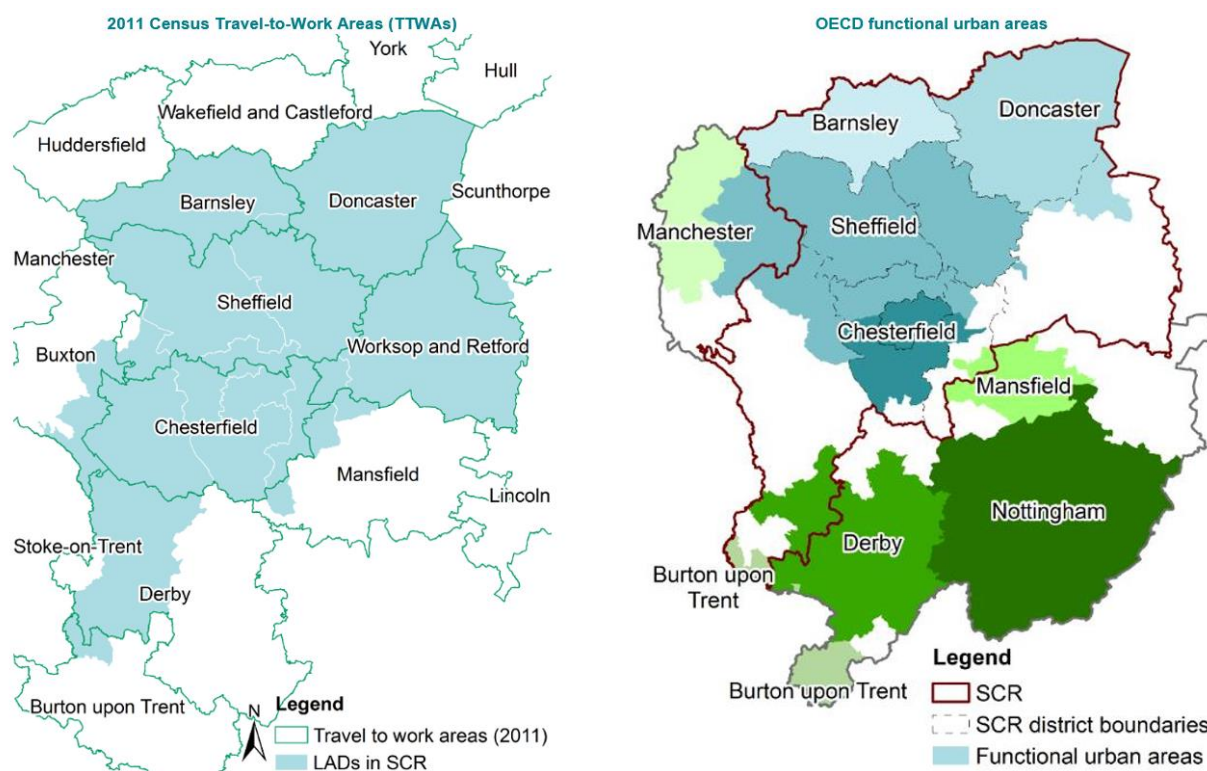
¹⁴ SQW (2016) SCR Combined Authority Constituent Membership Expansion, The Economic and Spatial Argument

¹⁵ <http://www.sqw.co.uk/>

¹⁶ Ekosgen (2013) Sheffield City Region Independent Economic Review

- 6.6. As work by the Organisation for Economic Co-operation and Development (OECD) has shown there are four functional urban areas (FUAs) within the City Region, see the figure below. All four of these areas – Barnsley, Chesterfield, Doncaster and Sheffield – are **contiguous, with a distinct gap between these SCR FUAs and the D2N2 area**. Similarly, the Office for National Statistics (ONS) definition shows the **four Census travel-to-work areas (TTWAs), map very closely onto the SCR footprint**.

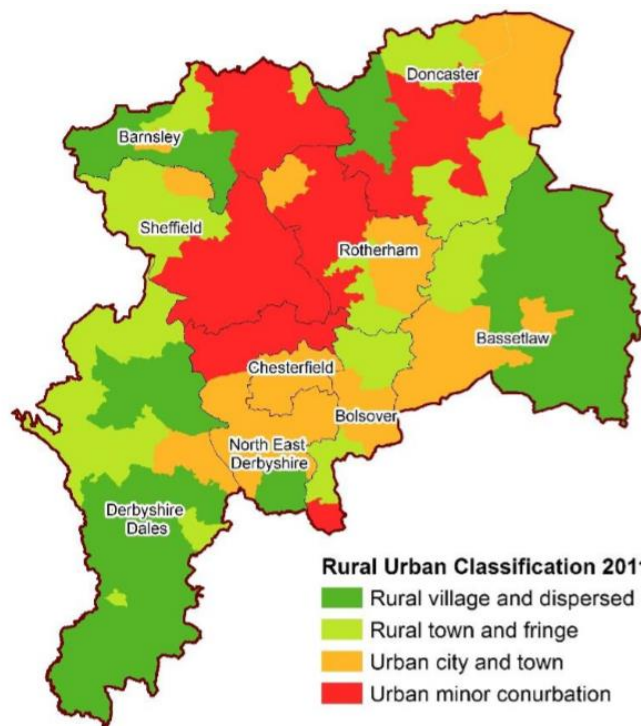
Figure 4: Travel to work map



Source: ONS and OECD

Source 1: SQW (2016) SCR Combined Authority Constituent Membership Expansion, *The Economic and Spatial Argument*

Figure 5: SCR rural urban classification 2011 by MSOA



Source: Defra RUC 2011. Map produced by SQW 2016. Licence 100030994. Contains OS data © Crown copyright [2015]

Source 2: SQW (2016) SCR Combined Authority Constituent Membership Expansion, *The Economic and Spatial Argument*

6.7. **The SCR is a functional economic geography.** Collectively, the nine local authority areas that comprise the SCR have a total population of 1.8m, an economy worth £31bn p.a., employing more than 800,000 people. **The current position where only the four South Yorkshire council areas of Barnsley, Rotherham, Doncaster and Sheffield are part of the Combined Authority does not reflect that economic geography.** The proposed addition of Chesterfield and Bassetlaw as constituent members of the CA will much more closely reflect this area than is currently the case. For example, the combined weight of the six districts accounts for 87 per cent of SCR's total economic output (measured by GVA), 86 per cent of its population and 85 per cent of its business base. Ultimately the proposed expansion will increase the scale of the Combined Authority by 18 per cent in terms of GVA, 18 per cent in terms of jobs and 20 per cent by way of business numbers. **This will bring the constituent membership of the CA much more aligned to the functional economic geography,** creating an area of increased economic significance.

Figure 6: key statistics on the economic scale of the SCR if constituent membership was expanded

	Sheffield City Region	Proportion accounted for by the six LADs	Date & source
Gross Value Added (GVA)	£31,225m	87%	2015, Cambridge Econometrics
Employment (i.e. workplace jobs)	813,000	87%	2015, Cambridge Econometrics
Population	1,832,100	86%	2014, ONS
Working age population (WAP)	1,159,300	87%	2014, ONS
WAP in employment	812,233	86%	2013-15, APS
%all in employment who are managers, directors & senior officials	66,367	80%	2013-15, APS
Enterprises	41,765	80%	2015, ONS
Business starts	7,080	85%	2014, ONS

Source: As above

Source 3: SQW (2016) SCR Combined Authority Constituent Membership Expansion, *The Economic and Spatial Argument*

- 6.8. On this basis the proposed expanded constituent membership **better reflects the ‘real’ level at which the economy operates on a day-to-day basis**. For example, where people live, work and spend their disposable income. This is evidenced by a number of key factors including:
- (a) **Travel to work:** 16% of Bassetlaw’s working residents commute to employment in South Yorkshire, with Doncaster, Sheffield and Rotherham having the three highest levels of out-commuting from the authority. Similarly, 9% of Chesterfield’s working residents commute to employment in South Yorkshire with over 3,100 people commuting into Sheffield on a daily basis, which is the second highest destination for out-commuters after North East Derbyshire.
 - (b) **Retail catchments:** Within Chesterfield’s wider retail catchment (comprising a total population of 1.1 million people), Meadowhall was the most visited centre securing 16 per cent of shopping trips in 2015, followed by Sheffield central (15 per cent) and Chesterfield with nine per cent market share. According to Sheffield’s 2014 Retail Capacity Study, 40 per cent of all spend on comparison goods by Bassetlaw’s residents takes place in Sheffield city centre and Meadowhall.

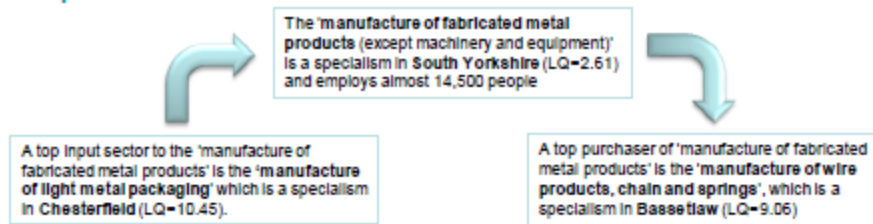
Common characteristics and supply chain linkages

- 6.9. The industrial legacy of mining and steel manufacturing provides a shared history across the City Region. The economic restructure that has taken place since the 1980s provides the **area with a number of common characteristics**. This includes both shared characteristics and opportunities for growth and specialisation, in addition to shared challenges.

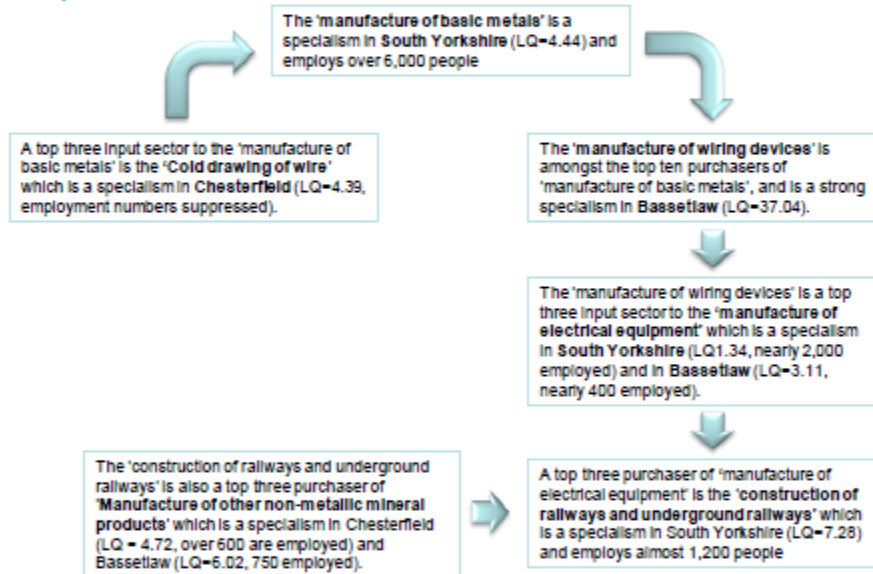
- 6.10. Economic opportunities afforded to the area include **an interconnected business base**, with particular sectoral specialisms in manufacturing and engineering, including the manufacturing of Basic Metals and Metal Products, Non-Metallic Mineral Products, Electrical Equipment, and Machinery. For example:
- (a) One of the largest specialist sectors in South Yorkshire is Healthcare Technologies (Location Quotient, LQ=10.28) which employs over 40,000 people. The Healthcare Technologies sector is also an area of specialism in Bassetlaw and Chesterfield, employing around 3,600 and over 4,000 people respectively.
 - (b) The Manufacturing of Fabricated Metal Products (excluding Machinery) is a specialism in South Yorkshire, Chesterfield and Bassetlaw, and together these areas account for 88 per cent of all SCR's employment in the sector (over 16,000 people). The Manufacturing of Machinery is also a specialism in these areas, and together they represent 90 per cent of all SCR's employment in the sector (over 4,600 people).
 - (c) The six districts have many national and/or international class assets, including the Advanced Manufacturing Research Centre (AMRC), which is part of the UK's Catapult Network, the Medical and Nuclear AMRCs, Factory 2050, the National Metals Technology Centre, the Materials and Engineering Research Centre at Sheffield Hallam University, and the Advanced Computing Research Centre at the University of Sheffield. Furthermore, the National College for High Speed Rail is currently under construction with the City Region.
 - (d) There is clear alignment between SCR's university specialisms – for example in Advanced Computing, Mechanical Engineering, Control Systems Engineering and Management at the University of Sheffield – and the sector specialisms across the wider business base, so providing a supply of highly skilled and relevant labour to SCR's businesses.
- 6.11. In addition to the above, there are strong supply chain linkages between the common specialisms and six districts.

Figure 7: supply chain linkages

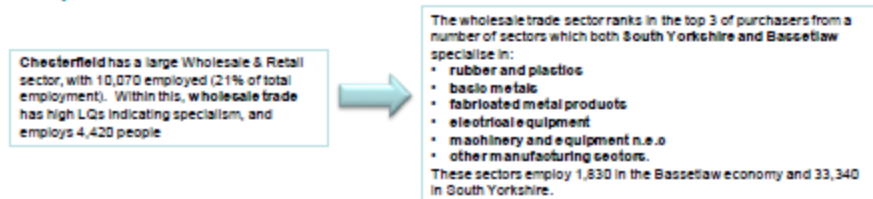
Example 1



Example 2



Example 3



Source: SQW analysis of TBR data

Shared challenges and opportunities

6.12. In addition to these opportunities, there are also shares a number of **shared challenges** including:

- Low productivity: all districts – and the SCR as a whole – are below the national average in terms of both GVA per head and GVA per job (between £36,500 and £40,500 compared to the UK average of £36,000).
- Unemployment and without qualifications: The six districts account for the majority of SCR's working age population who are unemployed (94 per cent) and without qualifications (89 per cent).

- (c) Health deprivation: Long-term limiting illness is a prevalent issue across the geography, with 10.7 per cent of SCR's residents stating their 'day to day activities are limited a lot by health issues' in the 2011 Census. The proportion in Bassetlaw and Chesterfield exceeds the SCR average (at 10.8 per cent and 11.5 per cent, respectively).

- 6.13. The scale of these economic challenges mean that the area has to be ambitious. Baseline forecasts show that by the 2030 the SCR will grow its economy by 38,000 jobs¹⁷. However, due to the economic challenges facing the area there is a need to grow at a faster rate of creating 70,000 jobs as articulated through our Strategic Economic Plan. A key defining characteristic of the Devolution Deal agreed between the City Region and government was providing the SCR with the freedoms, flexibilities and funding it needed to realise the economic ambitions of the Strategic Economic Plan.
- 6.14. **Based on the above, the evidence makes clear economic and practical sense for the 6 constituent areas to work together for economic development purposes.**

7. More effective and convenient local government

- 7.1. In addition to the economic rationale, and the fact that extending the CA area to include the areas of Chesterfield and Bassetlaw will give those areas access to the benefits of the SCR Deal in full, **the addition of these areas for economic development purposes will significantly reduce the complexity and the local government structures for the two areas concerned.**

Reducing complexity

- 7.2. Specifically, at present both Bassetlaw District Council and Chesterfield Borough Council are non-constituent members of the SCR, a lower-tier authority within their respective counties and a member of the D2N2 LEP. For funding purposes, this involves the division of a number of funding streams between the two LEP areas.
- 7.3. This requires the full engagement of these two areas with both sets of LEP-arrangements. Whilst all parties make every effort to minimise the detrimental impact of this duplication, it inevitably leads to a degree of complexity. Such complexity also creates confusion in terms of accountability (to both Government and to the electorate) which may act as a barrier to future devolution and democratic engagement.
- 7.4. The SCR agrees with Government that, whilst this overlap is sustainable in the absence of a directly elected City Region Mayor, the creation of an MCA with new powers and responsibilities requires clearer accountability structures (otherwise the democratic benefit of such a role is undermined). This does not suggest a change to

¹⁷ Source: SQW analysis of CE projection.

the geographic boundaries of the two Local Enterprise Partnerships but a logical corollary may be that future national LEP funding allocations, such as Local Growth Fund may reflect revised constituent membership status of the SCR CA.

- 7.5. The Scheme at Part 2 of this document provides a proposal for a form of shared mayoral governance that:
- (a) brings together the met districts, the two county councils and the lower tier authorities;
 - (b) will clarify the role of the constituent and non-constituent members of the CA;
 - (c) will engage all tiers of local government in relevant decisions;
 - (d) will provide a platform for engagement with neighboring LEPs (including D2N2 LEP).
 - (e) will provide a platform for the devolution of powers and funding to the constituent members;
 - (f) will support the development of shared priorities such as the development ambitions at Markham Vale and key initiatives such as Peak Resort – where the input of all partners is required to make such initiatives a success;
 - (g) recognises that, for some functions, a set of transitional arrangements will be required.

More effective local government

- 7.6. Extending the CA-area to cover the areas of Chesterfield and Bassetlaw will therefore:
- (a) give these areas access to substantial powers and funding and
 - (b) reduce the complexity of local arrangements (as above)
 - (c) as noted above – do so in a way which best reflects the “real economy” of the City Region.
- 7.7. The electorate in these areas will elect a City Region mayor, who will be responsible for those devolved powers and functions contained within the Deal and in future devolution settlements.
- 7.8. When considering these arrangements, specific regard is had to the area of Chesterfield, which is for historical reasons is separated from the Sheffield City Region by a small part of North East Derbyshire in and around the area of Donfield. Prior to the reform of LDEDCA (the Local Democracy, Economic Development and Construction Act 2009), the area of Chesterfield would have been unable to become a constituent member of the SCR on the basis that it does not (technically) share a border with any part of South Yorkshire.

- 7.9. The Secretary of State quite rightly took steps to reform LDEDCA and to allow CAs to be formed on a (technically) non-contiguous footprint where there is a clear case to do so. Again, the economic evidence alongside the physical “lie of the land” in this part of the City Region create an overwhelming case to accede to the wishes Chesterfield Borough Council and utilise this amendment (for further detail on this point see Section 6 of this review regarding the considerable economic linkages between the areas of Chesterfield and Bassetlaw and the current constituent areas of the CA).
- 7.10. The proposals set out in the Scheme document will lead to an unprecedented level of cross border working in the areas of Bassetlaw and Chesterfield (and indeed with respect to the three proposed non-constituent members). For these areas, and for the first time, we are proposing to bring all of the key interested parties (i.e. the MCA, the Counties, the District Councils, the neighbouring Metropolitan Districts and the LEPs) together in one integrated forum (i.e. the MCA) in order to drive economic growth and development in these important areas. On this basis this review is clear that the arrangements proposed will benefit both:
- (a) the 6 proposed constituent members of the MCA (including the two County Councils with respect to the defined part of their area);
 - (b) the 3 non-constituent members;
 - (c) neighbouring areas, as these arrangements will reinforce connections between those areas and the Sheffield City Region (which includes the two Counties with respect to the remainder of their area).
- 7.11. As an example of the benefits to neighbouring areas, by virtue of the inclusion of a part of their area, the two county councils will become constituent members of the MCA. As such, these neighbouring areas will be directly involved in decisions relating to cross-border functions and key priorities (such as Markham Vale) which require the contribution of all tiers of local government and the private sector.

Non-constituent members and the relationship with the SCR Combined Authority

- 7.12. The district councils of North East Derbyshire, Bolsover and Derbyshire Dales have ratified the devolution deal as signed on the 2nd October 2016 and set out their intention to remain non-constituent members of the SCR CA. These three authorities form an important part of the city region’s functional economic area whilst also having economic linkages with the other centres to the south of the city region.
- 7.13. It is expected that **non-constituent members will remain key members of the City Region but will not be part of the Mayoral electoral franchise i.e. vote for the Mayor in 2017**. The role and status of these members will only be enhanced by the

future participation of the two County Councils in the MCA.¹⁸ The non-constituent members of the CA will continue to enjoy the benefits of functions of the LEP e.g.

- (a) access to investment through the LEP's Business Investment Programme and the Northern Powerhouse Investment Fund;
- (b) access to the SCR Skills Bank;
- (c) access to the Services of the Growth Hub and SCR Inward Investment Team.

- 7.14. On strategic spatial planning, it is proposed that the non-constituent members will be part of the development and the unanimous approval of the strategic spatial framework because of their role in the functional economic geography of the SCR. As such, non-constituent councils could take voluntary steps to align their local plans to an over-arching SCR strategic spatial framework. To be clear, non-constituent members will never be required to abide by an SCR spatial framework unless they have agreed to do so.
- 7.15. When utilising any general and/or functional power of competence (as determined by the Secretary of State), any elected SCR mayor will respect the mandate on which he or she is elected and only act outside the constituent area (if at all) with the consent of the area concerned.
- 7.16. In summary, the proposals in the Scheme are of no dis-benefit to the non-constituent members. The only disadvantage is that, as non-constituent members, these areas will not be able to access the full extent of the Deal agreed with Government. Accordingly, in the absence of a D2N2 "Deal" at the time of the production of this governance review and scheme, national programmes will continue to operate in these areas, and there may be less devolution and more centrally delivered and controlled services.

Transitional arrangements

- 7.17. It is recognised as part of this review, that the proposed arrangements create some short-term complexity, especially during the transition phase. The SCR proposes that, in areas such as public transport in particular, a measured, transitional approach is taken over the coming months. The SCR is already working with the neighbouring County Councils to consider the issues associated with this transition and to co-design a suitable solution. This may mean a period of concurrent exercise of Local Transport Authority functions with protocols to regulate the exercise of those functions.
- 7.18. In particular, it is recognised that the delivery of public transport functions in the areas of Chesterfield and Bassetlaw may take a number of years to become consistent with that of South Yorkshire. Transition issues include:

¹⁸ Subject to the discretion of the Secretary of State.

- (a) The transition of tendered bus services – many of which (naturally) are underpinned by contracts of varying duration. Further, an arrangement would have to be reached with the Counties for the disaggregation of the Bus Service Operator Grant for tendered services.
 - (b) Concessionary fares - which are different in South Yorkshire, when compared to Chesterfield and Bassetlaw.
 - (c) Infrastructure - future management of LTA assets (e.g. bus stations) would need to be determined.
- 7.19. A taskforce has been established to work through this any other issues and will recommend the optimal solution to ensure a transition that does not impact public transport users.

8. A neutral or no impact on the identities and interests of local communities

Economic focus

- 8.1. As detailed above, the SCR has been working together for a number of years. During this time, there has been no impact on the identities of individuals and communities who freely associate themselves with the ceremonial counties of Yorkshire, Derbyshire and Nottinghamshire (or none of the above). LEPs and City Regions were formed to support economic growth across functional economic areas and not to influence such matters of identity.
- 8.2. This point was considered at length at a recent Chesterfield Borough Council meeting on 3rd March 2016, where the Leader remarked:

“It is important to be clear on what this debate is and isn’t about.

It is not a debate about whether Chesterfield remains in the geographical boundaries of Derbyshire. We are proud to be in Derbyshire and will stay in Derbyshire irrespective of the outcome of these discussions.

It is also not a debate about losing any of our council’s current powers and responsibilities or about the role of Chesterfield’s civic mayor.

What this debate is about is what is best for our economy, for the jobs and training prospects of our residents, for the future sustainability and growth of our businesses, as well as access to millions of pounds worth of investment (emphasis added).

At the moment many of the powers that we need are held by the Government. We are therefore being asked how best these powers and the accompanying money can

be devolved down to a more local level that is in the own self-interest of the people of Chesterfield.”¹⁹

- 8.3. The position of the Leaders of Chesterfield Borough Council was greeted by cross-party support. This sentiment is equally applicable to Bassetlaw District Council. Accordingly, the proposed arrangements in the Scheme document are **entirely neutral with respect to the impact on the identities of local communities**.
- 8.4. In respect of the issue of interests of local communities the key points made in this governance review, as backed up through the economic case is the contention that because of commuter flows and the interactions of our business base the interests of residents and businesses in both Bassetlaw and Chesterfield as pertaining to the economic sphere are better served by the Mayoral Combined Authority exercising its functions and powers over these two places.

Changing the name of the SCR CA

- 8.5. One matter of identity that is important is the statutory name of the MCA. Given the membership of the CA at the time, the Government took the view in April 2014 that the Sheffield City Region Combined Authority must be referred to as the *Barnsley, Doncaster, Rotherham and Sheffield Combined Authority*. Given the addition of two constituent members, it is now appropriate for the statutory name of the combined authority to align with the name used locally for some time. Accordingly, the Scheme at Part 2 of this document suggests the affirmation (through Order) that the MCA is to be referred to as the *Sheffield City Region Combined Authority*.

¹⁹ <http://www.chesterfield.gov.uk/business/regeneration/devolution-and-combined-authorities/sheffield-city-region-devolution-area.aspx>

APPENDIX B

Part 2 The Scheme (June 2016)

Scheme to expand the area of and give new powers to a Mayoral Combined Authority

1. Intention to expand the area of the Mayoral Combined Authority

- 1.1. Pursuant to Section 107A of the Local Democracy, Economic Development and Construction Act 2009 “LDEDCA”,²⁰ a Mayoral Combined Authority (“MCA”) was established on [INSERT DATE] through an order of the Secretary of State for Communities and Local Government.
- 1.2. The boundaries of the existing Sheffield City Region (“SCR”) CA will be changed in accordance with s.113 of LDEDCA with the addition of the local government areas of Bassetlaw District Council and Chesterfield Borough Council.
- 1.3. The MCA will be built upon the existing combined authority (“CA”) in the SCR, formed through the Barnsley, Doncaster, Rotherham and Sheffield Combined Authority Order 2014.²¹ To reflect the new status of the areas of Bassetlaw and Chesterfield, the statutory name of the MCA will be the “Sheffield City Region Combined Authority”).

2. Membership of Authority

- 2.1. Membership of the MCA will be drawn from the constituent and non-constituent councils listed below:-

Barnsley Metropolitan Borough Council

Bassetlaw District Council

Chesterfield Borough Council

Doncaster Metropolitan Borough Council

Rotherham Metropolitan Borough Council

Sheffield City Council

Nottinghamshire County Council in relation to the area of Bassetlaw and

Derbyshire County Council in relation to the area of Chesterfield²².

(“constituent councils”)

Bolsover District Council

²⁰ As amended by the Cities and Local Devolution Act 2016.

²¹ http://www.legislation.gov.uk/ukdsi/2014/9780111109526/pdfs/ukdsi_9780111109526_en.pdf

²² Subject to the discretion of the Secretary of State.

North East Derbyshire District Council

Derbyshire Dales District Council

(‘non-constituent councils’).

- 2.2. As listed in Section 2.1 by virtue of the inclusion of the areas of Bassetlaw and Chesterfield as constituent members, the County Councils of Derbyshire and Nottinghamshire shall also be constituent members/authorities but only in relation to their districts.²³ Residents of Nottinghamshire and Derbyshire outside of the areas of Bassetlaw and Chesterfield will not form part of the electoral franchise for the Mayor.
- 2.3. The MCA membership will include a directly elected City Region Mayor as provided for in the Cities and Local Government Act 2016. The MCA mayor will be elected by the electorate of the constituent councils. Should the composition of the constituent councils change in the future, the geographical area of any election would change accordingly.

3. Voting rights

- 3.1. The MCA mayor will chair the MCA, being one of its members and have two votes on all matters to be determined by the MCA in respect of functions of the Authority that are not designated as Mayoral functions.
- 3.2. The following constituent member will have two votes on all matters other than those designated as Mayoral functions:
Barnsley Metropolitan Borough Council
Doncaster Metropolitan Borough Council
Rotherham Metropolitan Borough Council
Sheffield City Council.
- 3.3. The following constituent members will have one vote on all matters other than those designated as Mayoral functions:
Bassetlaw District Council
Chesterfield Borough Council.
- 3.4. The two county councils of Derbyshire and Nottinghamshire will have one vote on all matters other than those designated as Mayoral functions.
- 3.5. Decision making in respect of those functions designated as Mayoral functions will be taken by the Mayor or through delegated arrangements established by the Mayor.

²³ Subject to the discretion of the Secretary of State.

- 3.6. For the voting rights of non-constituent authorities see below.
- 3.7. Further matters may be agreed by the MCA in its constitution, which would be updated in light of this Scheme document / any future Order (e.g. an order relating to the 'Skills' part of the Deal).

4. Area of Authority

- 4.1. The MCA area shall be the whole of the local government areas for the following local authorities:
 - Barnsley Metropolitan Borough Council
 - Bassetlaw District Council
 - Chesterfield Borough Council
 - Doncaster Metropolitan Borough Council
 - Rotherham Metropolitan Borough Council
 - Sheffield City Council.
- 4.2. The Constituent Councils will each appoint one elected member to be a member of the MCA.
- 4.3. The Executive of each non-constituent council will appoint one elected member each to the MCA.
- 4.4. Membership of the MCA will be a decision of the Executive of each council.²⁴
- 4.5. To maintain the status of the MCA being a "Leaders' Board" there will be a protocol that each constituent and non-constituent council appoint its Leader or elected mayor (i.e. in the case of Doncaster) to the MCA.
- 4.6. The Executive of each constituent and non-constituent council shall each appoint another of its elected members to act as a member of the MCA in the absence of the elected member appointed under paragraph 4.2 and 4.3 above (a "substitute member").
- 4.7. The Executive of a constituent or non-constituent council may at any time terminate the appointment of a member or substitute member appointed by it to the MCA. Appointment and reappointment of a new member will be an executive decision of each constituent and non-constituent Council.
- 4.8. Where a member or substitute member of the MCA ceases (for whatever reason) to be an elected member of the council that appointed them, the elected member shall cease to be a member of the MCA, and the Executive of the relevant council shall appoint a replacement member as soon as practicable.

²⁴ This assumes the council is operating executive arrangements.

- 4.9. The MCA mayor shall chair the MCA and shall, in each year, appoint a Vice-Chair from members of the MCA. The Mayor shall adopt the title of “City Region Mayor”.
- 4.10. The MCA may co-opt additional, non-voting representatives from, for example, from the SCR Local Enterprise Partnership Board.

5. The functions of the MCA and the division of those functions

- 5.1. In line with the Devolution Agreement, the Mayor will chair the Sheffield City Region Combined Authority, the members of which will serve as the Mayor’s Cabinet. The Mayor and the Sheffield City Region Combined Authority will be scrutinised and held to account by the SCR Overview and Scrutiny committee.
- 5.2. The MCA will have powers in relation to Strategic Economic Development (including transport). Unless otherwise stated, these powers will be exercised by the MCA on a concurrent basis i.e. no powers have been “ceded” to the MCA from its current constituent members. However, in line with the general principle of devolution, some powers and/or duties will be ceded from the relevant Minister or Government department or where provision is made in legislation for the “transfer” of a County function to the MCA as a result of the extension of the geography of the MCA to include the areas of Bassetlaw and Chesterfield.
- 5.3. Functions of the MCA will divide into two categories:
 - (a) Mayoral functions
 - (b) Combined Authority functions (some of which will require unanimous agreement of all constituent member or the areas of Barnsley, Doncaster, Rotherham, Sheffield, Bassetlaw and Chesterfield).
- 5.4. Reference to “functions” refers to both:
 - (a) roles and responsibilities, including responsibility for the oversight and allocation of funding responsibilities as part of the overall budget set by the Authority and the Mayor respectively; and
 - (b) those statutory powers to be given to each of them, to supplement the existing powers available to the Authority, to implement the SCR Devolution Deal.
- 5.5. The inclusion of the additional local authority areas of Bassetlaw and Chesterfield will result in additional functions in respect of transportation being transferred from the County Councils. The MCA will be the Local Transport Authority (LTA) (as defined in s.108 Transport Act 2000) for the areas of Bassetlaw and Chesterfield.

6. Mayoral functions.

Responsibility for a consolidated devolved transport budget (including all relevant devolved highway funding) with a multi-year settlement.

- 6.1. The devolved transport element of the pot will be made up of the following funding streams and paid to the Combined Authority, with a firm funding commitment for the period until 2020/21:

- (1) Integrated Transport Block
- (2) Highways Maintenance Block (not including PFI)
- (3) Highways Maintenance incentive funding.

Responsibility for franchised bus services

- 6.2. The relevant statutory powers will be afforded following the passing of the Bus Services Bill 2016:

- (a) Mayoral Bus Franchising - the power for a Mayoral Combined Authority to franchise bus services in a CA Area.

Responsibility for an identified Key Route Network of local authority roads

- 6.3. There will be no transfer of statutory responsibility for such roads from the existing highway authorities. The identified network will be collaboratively managed and at the City Region level by the respective Highway Authorities in partnership with the Mayor (who would be responsible for the overall coordination of the collaborative arrangements).
- 6.4. Responsibility for resourcing maintenance and operational management of the network would remain the responsibility of the respective highway authorities.

The power to create a mayoral development corporation

- 6.5. Mayor to have powers equivalent to London Mayor under Part 8 Chapter 2 of Localism Act 2011 with the following modifications:
- (a) Any powers exercisable by the Mayor to be exercised only with the consent of the Combined Authority member for the area(s) of the Mayoral Development Corporation(s).
 - (b) In two tier areas either the respective county council or the district council would be expected to provide consent for the area(s) of the Mayoral Development Corporation.

To be consulted on planning applications of strategic importance to the SCR

- 6.6. LPAs to be required to consult the Mayor on applications of Potential Strategic Importance (PSI). Requirement to be achieved by adding the Mayor as a statutory consultee to PSI applications under Schedule 4 of the Town and Country Planning (Development Management Procedure) Order 2015.
- 6.7. PSI applications to be defined in the Order – similar to but more limited than the definition of PSI in the Town and Country Planning (London Mayor) Order 2008 e.g.

large scale housing of at least 300 houses; large commercial schemes in excess of 15,000 sq metres; large scale infrastructure and waste management facilities, departures from the agreed development plans of LPAs, and other schemes which would affect the delivery of the Mayor's Spatial Framework. The Mayor would have the power to amend the definition of PSI thereafter.

- 6.8. The Mayor should be a statutory consultee and interested party under the Planning Act 2008 for any Nationally Significant Infrastructure Projects that may have an effect on the Sheffield City Region.

Spatial development strategy

- 6.9. Power to be granted to SCR Mayor equivalent to the duty of the London Mayor to prepare and publish a "spatial development strategy" under Section 334 of the Greater London Authority Act 1999 to be known as the "Spatial Framework" for the economic area. Sections 334 – 350 GLA 1999 legislation to apply with necessary reference changes and the following specific modifications:
 - (a) Procedure for adoption of policy varied to exclude requirements for examination in public. Instead the Mayor to publish and adhere to a "statement of stakeholder engagement" equivalent in content to a Statement of Community Involvement.
 - (b) The duty for development plans to be in general conformity with the mayor's plan to be limited to a duty for constituent member Local Planning Authorities "to have regard to" the Mayors plan when preparing and adopting development plan documents under Section 19 of the Planning and Compulsory Purchase Act 2004 (and any other consequential or incidental amendments to legislation e.g. Section 347 GLAA 1999).
 - (c) Mayor to have regard to local plans under Section 342 in preparing the Mayor's Spatial Framework.
 - (d) Mayor to be statutory consultee (prescribed body) in preparation of local plans under regulation 4 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

Supplementary Planning Guidance

- 6.10. The adoption of Sections 334 – 350 would include an adaptation of Section 348 to allow the Mayor to provide formal supplementary guidance on policies within his plan. LPA to have regard to Mayors plan and any SPG issued under it in preparation of local plans under Section 19 PCPA 2004.

To chair the Sheffield City Region Joint Assets Board

- 6.11. A programme aimed to make more efficient use of public sector assets.

Other mayoral powers and functions

- 6.12. Under Section 5 of the Cities and Local Government Devolution Act, a mayoral combined authority becomes a major precepting authority for the purpose of the Local Government Finance Act 1992 (the “LGFA 1992”) and may issue a precept under section 40, but only in relation to expenditure incurred by the mayor in connection with the exercise of “mayoral functions” which are defined as:- “(a) the mayor’s general functions, and (b) if the mayor exercises PCC functions, the mayor’s PCC functions”.²⁵
- 6.13. The mayor will also have the power to prepare a budget in relation to their general functions.

The Mayor may undertake these functions individually or through delegated arrangements

- 6.14. The Mayor is to be granted the power contained in Section 107D(3)(c)(ii) of the Local Democracy Economic Development and Construction Act to delegate Mayoral functions to a Committee consisting of persons appointed by the Mayor (to be known as the Mayor’s Cabinet). This may include persons who are not members of the authority such as for example the chair of the local enterprise partnership.
- 6.15. This power would also allow the Mayor to delegate to a committee comprising elected members from the constituent or non-constituent authorities similar to the existing Transport Committee.
- 6.16. The Mayor may also delegate functions to the Deputy Mayor or to another member of the Authority or to an officer. It is anticipated that delegated decisions taken by one or more individual member of the Authority shall be taken through the existing structure of Executive Boards established by the Authority (including a Transport Committee) whose Terms of Reference shall be extended to include Mayoral functions delegated by the Mayor.
- 6.17. The SCR Mayor will also be required to consult the SCR CA Cabinet on his/her spending plans or strategies, which it may reject if two-thirds of the members agree to do so.
- 6.18. Any Committee to which is delegated functions under section 107D (3)(c) (ii) above shall make provision for the voting arrangements to be such that any decision of the Committee in which the Mayor does not comprise part of the majority will require the support of 2/3 or more of the Constituent members comprising members of the Committee.

²⁵ Not proposed in this Scheme.

7. Combined Authority functions

- 7.1. Unless otherwise stated, existing functions of the Authority will remain Combined Authority functions.
- 7.2. Additional Combined Authority functions to deliver the SCR Devolution Deal include:
Control of a new additional £30 million a year Investment Fund - allocation over 30 years, to be invested to boost growth (referred to as 'gainshare' and subject to an 'uplift' should new constituent members join the CA).
- 7.3. This allocation is available to be defrayed in respect of both Mayoral and non-Mayoral functions as determined in the overall budget set by the Authority and the Mayor respectively.
- 7.4. Whilst the formal budget of the Mayoral Combined Authority will need to be comprised of two discrete elements in relation to expenditure on Mayoral functions and non-mayoral functions the overall approval of the allocation of the resources within the Investment Fund ("gainshare") will be a function of the Combined Authority to inform the formal budget setting process.
- 7.5. The Investment Fund is part of a wider Single Pot allocation agreed as part of the Sheffield City Region Devolution Deal.

Skills

"Readiness conditions"

- 7.6. The devolved powers and functions set out in the Devolution agreement are subject to 6 "readiness conditions" namely:
 - 1) Parliament has legislated to enable transfer to local authorities of the current statutory duties on the Secretary of State to secure appropriate facilities for further education for adults from this budget and for provision to be free in certain circumstances.
 - 2) Completion of the Area Review process leading to a sustainable provider base.
 - 3) After the area reviews are complete, arrangements are in place between central government and the Combined Authority to ensure that devolved funding decisions take account of the need to maintain a sustainable and financially viable 16+ provider base.
 - 4) Clear principles and arrangements have been agreed between central government and the Combined Authority for sharing financial risk and managing failure of 16+ providers, reflecting the balance of devolved and national interest and protecting the taxpayer from unnecessary expenditure and liabilities.
 - 5) Learner protection and minimum standards arrangements agreed.

- 6) Funding and provider management arrangements, including securing financial assurance, are agreed in a way that minimises costs, maximises consistency and transparency.
- 7.7. The Department for Business Innovation and Skills (BIS) take the view that powers and/or duties contained in the following legislation should be transferred from the Secretary of State to the MCA or exercised concurrently with the MCA:
 - (a) Apprenticeship, Skills, Children and Learning Act 2009 (ASCAL 2009) as amended by the Deregulation Act 2015.
 - (b) Employment and Training Act 1973.
- 7.8. Details of the specific provisions will be provided by the Secretary of State in due course (and will be subject to future Order).

Local Authority powers to be exercised concurrently by the MCA (i.e. these would be CA/non-mayoral powers).

Education and Skills Act 2008

- (a) Sections 10 (duty to promote the effective participation in education or training) and Section 12 (duty to make arrangements to identify persons not in education or training).
- (b) Sections 68 (provision of services to encourage, enable or assist the effective participation of those persons in education or training), Section 70 (local education authorities: supplementary powers) and Section 71 (provision of support on conditional basis: learning and support agreements).

Education Act 1996

- (a) Section 13A (duty to promote high standards in primary and secondary education).
- (b) Sections 15A and 15B (functions in respect of full-time education for 16 to 18 year olds / education for persons over 19).

Further and Higher Education Act 1992

- (a) Section 51A (provision of education services for named individuals).

Work Programme

- 7.9. The CA will have joint responsibility with Government to co-design employment support for the harder-to-help claimants, many of whom are currently referred to the Work Programme and Work Choice. SCR will also bring forward a proposal to pilot more intensive support for those furthest from the labour market.

Working with UKTI

- 7.10. The CA will facilitate more effective joint working with UKTI to boost trade and investment, and responsibility to work with Government to develop and implement a devolved approach to the delivery of national business support programmes from 2017.

Transport powers

- 7.11. The MCA shall have the following transport powers:
- (a) Bus Services Bill 2016 - Enhanced Voluntary Partnerships (Power for a CA to promote an enhanced version of the voluntary Partnership model).
- 7.12. In respect of the extended area of the SCR CA the MCA will have all the Local Transport Authority functions that it already exercises over the existing area. These powers would only be exercisable (subject to any transitional arrangements) by the MCA and include:
- (a) Sections 108-112 Transport Act 2000 - Production of the Local Transport Plan by the LTA/ITA [MCA].
 - (b) Section 114 Transport Act 2000 - Making of a Quality Partnership Scheme. A statutory scheme requiring operators to operate buses to set standards in order to be able to utilise certain facilities [Traffic regulation order is needed, see 114(7)].
 - (c) Section 124 Transport Act 2000 - Making of a Quality Contract Scheme to rebrand bus services in an area or part of an area.
 - (d) Section 135 Transport Act 2000 - Making of a Ticketing Scheme for multi-operator/multi-modal ticketing in the whole or part of an area.
 - (e) Section 139 Transport Act 2000 - Information Scheme about bus services. Power to make information available in a manner deemed appropriate by the CA, and recover costs of making info available in absence of operators doing so.
 - (f) Section 163 Transport Act 2000 - Road User Charging Scheme.
 - (g) Section 46 Local Transport Act 2008 - Entering into a Voluntary Partnership Scheme (that is subject to the schedule 10 of the 2000 Act Competition Test).
 - (h) Section 9A Transport Act 1985 / Sections 88-91 Transport Act 1985 - Securing tendered/subsidised bus services i.e. bus services determined by the CA to be required that are not provided commercially.
 - (i) Section 93 Transport Act 1985 - Travel concession scheme (non-mandatory).
 - (j) Section 106 Transport Act 1985 - Power to provide grants for services e.g. Community Transport and facilities in the Authorities area.

- (k) Section 99 Local Transport Act 2008 - Power to promote the wellbeing of its area.
- (l) Section 11/12 Localism Act 2011 - General Power of competence Section 145 Transport Act 2000 - Statutory elderly/disabled free concessions (Passenger Transport Executive function for the MCA area).

Housing

- 7.13. The MCA to exercise the objectives and functions of the Homes and Communities Agency (“HCA”) under Section 2(1) and Section 3-12, 17 and 18-19 of the Housing and Regeneration Act 2008 (“H&R Act 2008”). These functions to be exercised concurrently with the HCA with respect to the area of the MCA. These functions will be MCA functions non-Mayoral functions.
- 7.14. The functions are:
 - a) to improve the supply and quality of housing;
 - b) to secure the regeneration or development of land or infrastructure;
 - c) to support in other ways the creation, regeneration and development of communities or their continued well-being; and
 - d) to contribute to the achievement of sustainable development and good design.
- 7.15. In order to achieve the objectives above, the MCA should have the benefit of exemption from Section 23 of the Land Compensation Act 1961 enjoyed by the HCA under section 23(3)(d) of that Act.

Nature of decision making – CA functions

- 7.16. All decisions taken by the Combined Authority will be determined on a simple majority of members present and entitled to vote in respect of the relevant item of business and voting.
- 7.17. Members from the non-constituent councils must, in accordance with section 85(4) of the Local Transport Act 2008, be non-voting members of the Authority. The constituent councils and the City Region Mayor may, in accordance with section 85(5) Local Transport Act 2008, resolve to extend the voting rights on defined matters to all or any of the non-constituent council members.
- 7.18. The existing protocol (that non-constituent members are given full voting right on all appropriate issues) will continue. Non-constituent members will only be excluded from voting on issues where it is either not relevant or not appropriate for the non-constituent member to exercise voting rights (e.g. the Combined Authority transport levy).

8. Combined Authority functions requiring unanimity – known as “Key Decisions”

- 8.1. Key decisions include:
- a) The creation of a spatial planning framework.
 - b) The determination of a wider Single Pot allocation agreed as part of the Sheffield City Region Devolution Deal the defraying of which to be agreed unanimously by the Combined Authority to inform the formal budget setting process following an initial recommendation from the Mayor to the Combined Authority.
- 8.2. The creation of a strategic spatial planning framework would require the approval of all constituent members of the CA (i.e. including the two county councils) and the Mayor (this would mean that the Mayor would of course be in the majority for such decisions).
- 8.3. Determination of the Single Pot budget would require the agreement of the following constituent members: Barnsley Metropolitan Borough Council; Bassetlaw District Council; Chesterfield Borough Council; Doncaster Metropolitan Borough Council; Rotherham Metropolitan Borough Council and Sheffield City Council. Note: this amounts to agreement of the overall budget allocations(s) and not individual spending decisions.

9. Executive Arrangements

- 9.1. Executive arrangements (within the meaning of the Local Government Act 2000) shall not apply to the MCA. However, the discharge of the functions of the MCA will be subject to the scrutiny arrangements set out in Section 10.

10. South Yorkshire Passenger Transport Executive (SYPTE)

- 10.1. The South Yorkshire Passenger Transport Executive will be the operational transport body of the MCA (as it is for the CA) and its remit would extend beyond South Yorkshire to include the areas of Bassetlaw and Chesterfield. SYPTE shall have all the functions necessary for it to discharge such functions on behalf of the MCA. The remit of the PTE shall extend to cover the area of the additional constituent councils.

11. Audit Committee / Scrutiny

- 11.1. Paragraph 3(1) of Schedule 5A to the 2009 Act provides that the Secretary of State may make provision for overview and scrutiny committees of a combined authority. Paragraph 4(3) of Schedule 5A to the 2009 Act provides that the Secretary of State

may make provision for the membership of a combined authority's audit committee and the appointment of the members.

- 11.2. The nine local authorities of the Sheffield City Region have established a joint overview and scrutiny committee to exercise scrutiny functions over the combined authority (including, where appropriate, the SCR Authority's sub-boards).²⁶ The nine authorities have also established an audit committee.²⁷
- 11.3. The MCA will act in accordance with the Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2016 including:
 - a) Part 1, which makes general provision for overview and scrutiny provisions of a combined authority. Article 3 makes provision for the membership of the overview and scrutiny committee.
 - b) Article 4 which makes provision for dealing with references of matters to overview and scrutiny committees by members of the combined authority, including those who are not members of that overview and scrutiny committee and members of constituent and non-constituent councils, including those who are not members of the combined authority.
 - c) Article 5 which imposes a duty on a combined authority to respond to reports and recommendations of overview and scrutiny committees and Article 6 which prevents the publication or supply of any information which contains confidential or exempt information by overview and scrutiny committees or the combined authority.
 - d) Part 4 which concerns the audit committees to be appointed by combined authorities. Article 12 provides for the membership requirements of an audit committee.

12. Funding

- 12.1. The MCA, as a levying body under Section 74 of the Local Government Finance Act 1988, shall have the power to issue a levy to its constituent councils in respect of the expenses and liabilities of the MCA which are reasonably attributable to the exercise of its transport functions. The amount to be raised by the levy shall be apportioned between the representative authorities on a per capita basis (or as otherwise agreed).
- 12.2. Other costs of the Authority that are not raised by way of a levy (and are not met from devolved or other funds) shall be met by the constituent and non-constituent

²⁶ <http://meetings.southyorks.gov.uk/ieListMeetings.aspx?CId=383&Year=0&zTS=B>.

²⁷ <http://meetings.southyorks.gov.uk/ieListMeetings.aspx?CId=381&Year=0&zTS=B>.

councils. Such costs shall be apportioned between the Councils in such proportions as they shall agree.

- 12.3. Costs in respect of Mayoral functions that are not met from devolved funds shall be raised by way of a Mayoral precept.
- 12.4. It has been agreed that, without a further an explicit policy decision, the implementation of this Scheme will not lead to an impact on Council Tax bills for residents within the area of the MCA.
- 12.5. Devolved funding provided by way of grant shall be allocated through the amalgamation of such funding into a combined Single Pot to be defrayed as unanimously agreed by the Authority on receipt of an initial recommendation from the Mayor.²⁸
- 12.6. Borrowing to support any expenditure in respect of Mayoral or non-Mayoral functions shall include in addition to the existing power of the Authority to borrow for transport purposes the power to borrow for any purpose relevant to the functions of the Authority both Mayoral and Non Mayoral. The Secretary of State is being asked to make appropriate regulations under section 23(5) of the Local Government Act 2003 to extend such borrowing powers.
- 12.7. The MCA will agree an annual budget for the purpose of all of the above expenditure prior to the statutory procedure for the establishing of a Mayoral fund and the issuing of a Mayoral precept.

13. SCR Local Enterprise Partnership

- 13.1. The Sheffield City Region has a strong LEP Board that brings together elected leaders with representatives from the private sector. Such a board is seen as critical for the promotion and facilitation of economic growth in the City Region.
- 13.2. This board (or its successors as required by Government) will work alongside the MCA, as well as discharging the practical decision making role in respect of certain functions as required by Government and/or the MCA.
- 13.3. It is intended that the SCR Local Enterprise Partnership would be a lead advisory body to the MCA on matters of economic development – including providing leadership of particular SCR projects and workstreams. This will further “hardwire” a role for the private sector into the leadership of the Sheffield City Region – something that makes the SCR distinctive and unique.
- 13.4. The mayor will be a member of the SCR LEP Board.

²⁸ Note: this amounts to agreement of the overall budget allocation(s) and not individual spending decisions.

14. Other Arrangements

- 14.1. The SCR Authority may establish sub-structures and sub-committees and delegate powers and functions as is appropriate.
- 14.2. The SCR model of delegated decisions through “executive boards” will continue.

Council Report

Cabinet and Commissioners' Decision Makers Meeting – 11 July 2016

Title

Phase Two RMBC Corporate Improvement Plan

Is this a Key Decision and has it been included on the Forward Plan?

Non-Key Decision, included on Forward Plan for decision on 11th July or later

Director Approving Submission of the Report

Sharon Kemp, Chief Executive

Report author(s):

Justin Homer, Head of Policy, Improvement and Partnerships

Tel: 01709 823618 email: Justin.homer@rotherham.gov.uk

Ward(s) Affected

All (Corporate Policy)

Executive Summary

1. As part of the Secretary of State Directions on 26th February 2015 appointing Commissioners to Rotherham MBC, there was a requirement for the Commissioners to agree an improvement plan with Government within three months of their appointment. This led to the publication of the 'Fresh Start' Corporate Improvement Plan, which covered key improvement priorities for the Council over a two year period from May 2015 to May 2017. This Plan was endorsed by Council on 22nd May 2015, prior to its formal submission to Secretaries of State on 26th May 2015.
2. The Fresh Start Plan was divided into two phases, the first to May 2016, focusing on establishing the core building blocks of an effective local authority. There were a total of 132 identified actions within this first phase, the delivery of which has been overseen by a Joint Board of Commissioners and Elected Members (including the Council Leader and Leader of the Opposition Group). The second phase, from May 2016, focuses on embedding strong leadership and a new culture "where the improvements made are embedded via revitalised political and managerial leadership which can deliver an aspirational and inspirational vision for a better Rotherham".
3. It was always the case that the outline actions for the second phase set out in the original Fresh Start document would need to be re-considered in the light of the experience of Phase One.

4. A draft set of Phase Two objectives and actions was therefore considered at the most recent Joint Board meeting on 23rd May 2016. This reflected a number of ongoing priority actions, a number of actions in the first phase that had not yet been completed, as well as a re-assessed set of outline Phase Two actions from the original document. The Joint Board signed off this Phase Two Plan to form a key focus of targeted improvement activity through to May 2017, and a copy is enclosed at **Appendix A**.
5. The Joint Board will continue to oversee the performance and delivery of the Phase Two plan at its monthly meetings, with the Chief Executive, Senior Leadership Team and Assistant Directors collectively responsible for progress reporting to the Board.

Recommendations

Cabinet is asked to:

- Provide its endorsement of the Phase Two RMBC Corporate Improvement Plan (enclosed at Appendix A).

List of Appendices Included

Appendix A – Phase Two RMBC Corporate Improvement Plan

Background Papers/Information

RMBC “Fresh Start” Corporate Improvement Plan (2015-2017), 26th May 2015

Report to Council on the RMBC “Fresh Start” Corporate Improvement Plan (2015-2017), 22nd May 2015

Secretary of State Directions to Rotherham MBC, 26th February 2015; and revised Directions, 11th February 2015

Consideration by any other Council Committee, Scrutiny or Advisory Panel

Possibility of pre-scrutiny consideration prior to Cabinet (1st July 2016)

Council Approval Required

Yes

Exempt from the Press and Public

No

Title (Main report)

Phase Two RMBC Corporate Improvement Plan

1. Recommendations

- 1.1 For Cabinet provide its endorsement of the Phase Two RMBC Corporate Improvement Plan (enclosed at Appendix A).

2. Background

- 2.1 As part of the Secretary of State Directions in February 2015 appointing Commissioners to Rotherham MBC, there was a specific requirement for the Managing Director Commissioner to lead on the establishment of a corporate improvement plan for the Council and agree this with Government within three months of their appointment.
- 2.2 This led to the publication of the 'Fresh Start' Corporate Improvement Plan, which covered key improvement priorities for the Council over a two year period from May 2015 to May 2017. This Plan was endorsed by Council on 22nd May 2015, prior to its formal submission to the Secretaries of State for Communities and Local Government and Education on 26th May 2015. It was established as the "sister plan" to the targeted Children's Services Improvement Board Action Plan, driving specific improvements with regard to the Council's children's social care services and overseen by the Children's Social Care Commissioner.
- 2.3 The Fresh Start Plan was divided into two phases, the first to May 2016, focusing on establishing the core building blocks of an effective local authority. There were a total of 132 identified actions within this first phase, the delivery of which has been overseen by a Joint Board¹ of Commissioners and Elected Members (including the Council Leader and Leader of the Opposition Group). A provisional set of 21 actions were also highlighted in the original document as likely focuses of Phase Two, subject to further consideration.
- 2.4 The Joint Board's most recent meeting on 23rd May 2016 considered a provisional final progress report on the Phase One Improvement Plan actions, which noted that, in total, 84% (108) of the actions had been assessed by action leads as substantively completed to the required timescales or standards.
- 2.5 In terms of the key achievements and progress achieved in the first phase of corporate Improvement Plan's delivery, a number of these were set out within the Commissioners' 12-month report to Government, on 26th February 2015² (specifically within Appendix A of that report). These included:
- i. **Agreeing and recruiting to the new senior management structure of the Council.** This new structure was first agreed in principle at the Council meeting on 3rd June 2015 and was subject to a rolling recruitment process from that point. All of the most senior appointments have now been

¹ Public records of all Joint Board meetings are published on the Council website at www.rotherham.gov.uk/info/200009/performance/998/see_our_plan_to_improve_rotherham/2

² For copies of all published Commissioner progress reports to Government see www.rotherham.gov.uk/homepage/351/commissioners_progress_reviews

confirmed (with the final Strategic Director for Adult Care and Housing due to take up their role in August 2016).

- ii. **Consulting citizens, businesses and partners on a new vision for Rotherham**, through the successful delivery of an ambitious programme of public and partner consultation workshops from May to September 2015, which engaged around 1,800 people. The results were presented in a final “Views from Rotherham” report³ and were drawn upon by the Leader of the Council in setting out the new vision for the Council (presented at a public meeting of Commissioners and Elected Members on 28th October 2015).
- iii. **Agreeing with partner agencies the foundation of a new, expanded local strategic partnership for Rotherham** – the Rotherham Together Partnership – to enable the Council to work more effectively with other public services (health, police, fire), businesses, the community and voluntary sector, colleges and nearby universities. The expanded and reconstituted partnership met for the first time on 23rd September 2015 and published its first 12-month collective action plan on 17th March 2016. The Partnership is now leading work on the establishment of a new Community Strategy for Rotherham, from early 2017.
- iv. **A re-invigorated Health and Wellbeing Board (HWB)**, with new Chair and Vice Chair arrangements, which has also agreed a new Health and Wellbeing Strategy for the borough.
- v. **Strengthened links between the Children and Young People’s Partnership and HWB, with the Adult and Children’s Safeguarding Boards**. New Independent Chairs have been appointed to the two Rotherham safeguarding boards, with scheduled liaison meetings; and will attend the HWB, for example to present Annual Reports and relevant strategies (e.g. the report of the Children’s Safeguarding Board was presented to the HWB in January 2016).
- vi. **Finalising a programme of peer service review health checks** in partnership with the Local Government Association (LGA) - for the service areas of housing, waste, planning, highways/transport and leisure, sport and culture - to ensure that Commissioners and Elected Members received an independent, external view of how services are being run. The findings and recommendations are now informing service-level improvement work, in many cases led by new Strategic and Assistant Director over-sight.
- vii. **Governance arrangements and transformation programme agreed for Adult services modernisation**. Radical change to these services is now well underway, which will continue over the next three years, delivering both efficiencies and improved service outcomes for residents.
- viii. **Improvements in the numbers of staff with active Performance Development Review plans**, which were increased from 60% to 96% of the workforce (covering 4,146 of 4,319 members of staff) by September 2015; with an audit carried out to check on their quality.

³ Available on the Council’s website at www.rotherham.gov.uk/downloads/download/240/tell_us_your_views_on_rotherham_consultation

- ix. **Report produced on different governance models** – a member task and finish group has produced a final draft Governance Review report, which helped shape the Council's developing approach to governance and decision making from the 2016/17 municipal year (including the new “pre-scrutiny” arrangements).
 - xi. **Improved financial management** with a Medium Term Financial Strategy (MTFS) agreed at the Council meeting on 2nd March 2016 which provides a better basis upon which to deliver long term priorities and plans and address the service transformation and savings needed to deliver effective services over the next three years (and beyond).
 - xiii. **Council's agreement to first versions of new Performance Management Framework and Corporate Plan**, which were agreed by elected members at full Council on 9th December 2015 and are now in the process of being finalised for 2016/17 reflecting the further consideration of the new Senior Leadership Team and Cabinet.
 - xiv. **New Member Code of Conduct** – developed by a Standards Committee Working Group, supported by a supplementary local code, which set out the high standards to be upheld by elected members as they work together with officers and the public, and as representatives of the authority.
 - xv. **Risk management** – the corporate risk management framework has been renewed and a new Risk Management Policy & Strategy has been agreed, underpinned by revised Strategic and Directorate risk registers.
 - xvi. **More proactive and strategic use of Assistant Directors and “M3” (middle managers) groups to discuss key policy, operation and improvement related issues.** The use of these groups to share information and explore issues has become an established way of doing business at the Council.
- 2.6 In light of the end of the first phase of Improvement Plan activity, therefore, the Joint Board meeting on 23rd May also considered a draft Phase Two corporate improvement action plan. 24 specific actions or milestones from Phase One were identified as areas of ongoing focus within the Phase Two period. These reflected a mix of actions that had always had an extended delivery period into the second year of activity; or where the Joint Board had agreed previously should be extended into Phase Two. In addition there were some activities that had not been delivered within the expected timeframes of Phase One and were required by the Board to continue to be monitored into the second phase.

3. Key issues – Phase Two Improvement Plan

- 3.1 In light of the Joint Board's consideration, enclosed at **Appendix A** is the outline Phase Two RMBC Corporate Improvement Plan. This remains a live document, which will be kept under review, but the objectives, actions and milestones/standards contained within it have now been agreed by the Joint Board as a key basis for corporate improvement activity during 2016/17. For

each objective and action commentary is provided within the Plan to explain how these track back to the original, 'Fresh Start' document.

3.2 The Phase Two Plan represents the ongoing contract between the Council, Commissioners and central Government in terms of embedding the behaviours and practices of an effective council. It also sets out the changing context at RMBC since the original 'Fresh Start' document was published in May 2015, in particular the restoration of some decision making powers to the authority from February 2016 in reflection of some of the improvements that have been achieved to date. This Phase Two Plan will continue to support the evidence base that Commissioners and the Secretaries of State need to consider in terms of the restoration of further powers to the Council, in due course.

3.3 In total, 20 improvement objectives are set out, with numerous underpinning actions, milestones and/or standards to achieve. These objectives again mirror the four key improvement themes set out in the original 'Fresh Start' document, namely:

A: Inspirational Political and Managerial Leadership

B: Robust Governance, Decision-making and Performance Management

C: Culture of excellence and outstanding implementation

D: Strong, high impact partnerships

3.4 Monitoring of progress will continue to be reported on a monthly basis to the Joint Board of Commissioners and Elected Members, established in Phase One. There will be, however, an enhanced focus on narrative-based reporting in this second phase, reflecting the fewer number but more cross-cutting nature of the objectives; and that the focus of Phase Two is on embedding better practice and organisational change. There will be a key emphasis, led by the Council's Senior Leadership Team working with Assistant Directors, on ensuring all milestones and measures are kept under constant review via the named, accountable Strategic Leads and co-ordinating Action Owners, working alongside Elected Members and Commissioners.

3.5 There will also be a renewed focus in Phase Two on direct engagement with the Council's wider senior and middle management in the governance process, with the Senior Leadership Team collectively responsible for its effective delivery, and supported by a corporate officer group made up of Assistant Directors (and other specific action leads).

4. Options considered and recommended proposal

4.1 Cabinet is asked to formally provide its endorsement for the Phase Two RMBC Corporate Improvement Plan, to help demonstrate the Council's organisational commitment to ongoing improvement activity in response to the original 'Fresh Start' document.

5. Consultation

5.1 The Phase Two action plan represents the continuation of the two-year Corporate Improvement Plan that was consulted on and approved by Council

and also the Secretary of States for Communities & Local Government and Education in May 2015.

- 5.2 The specific objectives, actions and milestones within the re-assessed second phase have also been subject to consultation with Commissioners and Elected Members represented on the Joint Board governance arrangements, as well as the Senior Leadership Team (SLT). Detailed consultation and consideration of the Phase Two Plan has also taken place with the Assistant Directors group, which will work collectively alongside the Chief Executive and Senior Leadership Team to ensure delivery of the actions within it.
- 5.3 The Council's Chief Executive and Senior Leadership Team, working with Elected Members, have also already taken a range of steps to engage with the wider organisation on this second phase of the Improvement Plan. This has included the direct briefing by the Leader and Chief Executive of around 850 Council staff, including those in front-line roles; and workshops with "M3" (middle) managers to both understand and help shape the content of the Phase Two Plan. Cabinet Member and SLT-led briefings are also being scheduled to take place in Directorates during the spring and summer of 2016, which will complement management and wider workforce engagement and development activity.

6. Timetable and accountability for implementing this decision

- 6.1 The delivery of the Phase Two Plan will continue to be monitored by the established Joint Board governance arrangements, on an ongoing basis. The monthly meeting of the Joint Board will receive regular performance updates. Further details of these governance arrangements are set out in paragraphs 3.2 and 3.3 above.
- 6.2 It is also anticipated that the progress being achieved through the implementation of the Phase Two plan will continue to be an issue that the Council's Audit Committee will wish to scrutinise (as it did in Phase One), as an example of an ongoing external audit/inspection process, alongside other such external audits/inspections.

7. Financial and procurement implications

- 7.1 There are no direct costs associated with the implementation of the Phase Two Corporate Improvement Plan as this will continue to be delivered via existing governance arrangements and current resources.
- 7.2 Many of the actions within the Phase Two Plan itself continue to be cost neutral. However, the Plan does include a particular focus on further improvements and activity required to ensure the Council can continue to deliver a balanced budget in future years, through an ongoing focus on the successful implementation (and further review) of the Medium Term Financial Strategy. In addition, the Phase Two Plan highlights continuing work on an external review of the Council's procurement function and to establish more effective commissioning arrangements.

8. Legal implications

- 8.1 The Phase Two action plan represents the continuation of work to deliver the 'Fresh Start' Corporate Improvement Plan developed by the Council in response to the Secretary of State legal Directions of 26th February 2015; and later revised on 11th February 2016 in the light of the restoration of some decision making powers to the authority. These Directions are made under section 15(5) and (6) of the Local Government Act 1999 and section 497(4B) of the Education Act 1996.

9. Equalities and human rights implications

- 9.1 The Council is under a duty to promote equality and diversity in all the work it does and the services it delivers. A key focus of the Phase Two Corporate Improvement Plan is to continue the focus on improving the Council's understanding and approach towards its equalities duties and responsibilities. This includes through the establishment of a new Corporate Equalities and Diversity Policy, as well as an accompanying strategy to help embed this improved focus across Council service areas and in work with the Council's external partners.

10. Implications for partners and other directorates

- 10.1 Key statutory partners will continue to be briefed on progress with the delivery of the Corporate Improvement Plan and the specific content of the second phase.
- 10.2 The Phase Two Plan itself also includes a focus on embedding more effective partnership working, following the establishment of a revised and expanded Rotherham Together Partnership in Phase One. A key priority in this regard in Phase Two will be the Partnership leading a process to devise and agree a new Community Strategy for Rotherham by early 2017, which will articulate a collective vision and commitment for all partners to work together to achieve a better Rotherham for residents, businesses and visitors.

11. Risks and mitigation

- 11.1 The 20 discrete improvement objectives within the Phase Two Plan will be subject to more detailed delivery plans, co-ordinated by the relevant action leads and owned by the accountable leads at SLT level. These will link directly to the progress reporting arrangements to the Joint Board and will include explicit assessments of key risks to delivery and mitigating measures required and in place. Where any such risk may be regarded as particularly significant for the Council, the Plan's governance arrangements - through Assistant Directors, SLT and the Joint Board - will help ensure that these are escalated to either Directorate or the Corporate Risk Register, where appropriate.

12. Accountable officer(s)

Sharon Kemp, Chief Executive

Approvals Obtained from:

Strategic Director of Finance and Corporate Services: Stuart Booth, Assistant Director, Financial Services

Director of Legal Services: Dermot Pearson, Assistant Director, Legal Services

Head of Procurement (if appropriate): Interim Corporate Procurement Manager

This report is published on the Council's website or can be found at:-

<http://moderngov.rotherham.gov.uk/ieDocHome.aspx?Categories=>

ROTHERHAM Improvement Plan

COLLABORATION			ENERGY
		EXCELLENCE	
	EFFICIENCY		
INTEGRITY			GOOD GOVERNANCE

phase 2 action plan

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1. Introduction

- 1.1 The set of actions set out within this document represent the second phase of the Rotherham MBC corporate “Fresh Start” Improvement Plan. The actions cover the period from May 2016 through to May 2017, the second full year of improvement activity following the Government’s original intervention in Rotherham and the appointment of Commissioners to take on Executive functions at the Council. The actions in this document represent the ongoing contract between the authority, Commissioners and central Government in terms of embedding the behaviours and practices of an effective council, which were set out in the detail of the two-year “Fresh Start” Improvement Plan when it was published in May 2015 ¹.
- 1.2 It should be acknowledged that the Council is now in a very different position to that of around 12 months ago when the original corporate Improvement Plan was being developed, led at that stage by the Managing Director (MD) Commissioner, Stella Manzie CBE. Under the leadership of the MD Commissioner, positive and proactive progress was achieved in the successful delivery of the “phase one” actions set out in the Fresh Start plan, which the Commissioners’ 12-month report ² (provided to Government in February 2016) summarised in terms of the key achievements over the first nine months of activity. In total, 82% of the Improvement Plan actions from the first phase (108 in actions total) have been delivered between May 2015 and May 2016, with number of longer-term, ongoing priorities continuing into phase two, alongside a number specific actions that were not substantively completed over the last year but which remain key to the Council’s improvement journey.
- 1.3 A key, headline achievement which has been delivered from the Plan’s first year has been the agreement of a new senior management structure at the Council, and the successful recruitment into a series of new or re-focused Strategic Director and Assistant Director positions. At the heart of this new management structure has been the appointment of a permanent Chief Executive at the Council, who took up their post from February 2016. This second phase of the Improvement Plan will therefore be driven by this new Senior Leadership Team, working in partnership with Commissioners and Elected Members.
- 1.4 Alongside new managerial leadership, the first phase of the Improvement Plan also had a key focus on enhanced political leadership at the Council, in particular demonstrated through:
 - the Leader and Cabinet – expanded in December 2015 to include a total of eight elected members with revised portfolio responsibilities and recently re-confirmed by the Majority Political Group following the local elections on 5th May 2016;
 - an effective Opposition Political Group; and
 - a more dynamic and impactful Scrutiny function.
- 1.5 Key to this focus on political leadership has been the introduction of new elected member values and Code of Conduct ³, as well as more effective joint working between officers and members. Ongoing peer mentoring and leadership academy support from the Local Government Association (LGA) has provided important practical and political support to this process throughout Phase One; and, in the case of Scrutiny, further support and expert advice has been received from the Centre for Public Scrutiny (CfPS). This targeted support will continue into the second phase of the Improvement Plan.
- 1.6 A further, critical development in recent months has been the restoration of some Executive decision making powers to the authority; specifically to the Leader and Cabinet, which now meets monthly in public alongside Commissioners to take the decisions required. This restoration of powers to the authority does not cover all functions of the Council – with service areas ranging from Children’s Social Care and Adults Social Care to Economic Growth, Partnership Working and Neighbourhoods and Engagement remaining under the control of Commissioners. The delivery of this second phase of the corporate Improvement Plan will help to provide the further evidence for Commissioners and Secretaries of State to consider in their review of what further functions are ready to be restored. In this regard, this Phase Two set of actions should continue to be regarded as the complementary “sister” document alongside the detailed Children and Young People’s Services Improvement Board Action Plan which maintains a detailed focus on children’s social care improvement, overseen by the Children’s Social Care Commissioner.

- 1.7 In some cases the improvement actions in Phase Two reflect specific projects that were initiated but did not reach a full conclusion in Phase One. These are explained in the notes sections of the tables below, from Section 3. In other cases they reflect the outline actions that were anticipated when the original “Fresh Start” Improvement Plan document was published in May 2016, but have been further refined by the Council’s leadership to reflect the current context and progress achieved to date.
- 1.8 This second phase of the Improvement Plan will also differ from Phase One in terms of it being delivered in parallel with a finalised new Corporate Plan for the Council in 2016/17. This new Corporate Plan will be considered by the Council at its first formal meeting in the 2016/17 municipal year and will set out the headline measures by which the Council’s overall performance, across all of its services, will be measured over the year ahead. In addition, new Directorate and Service-level Business Plans will be developed alongside the Corporate Plan to support the re-establishment of a performance culture in all Council services. Collectively these plans will refine the approach to delivering the various actions and priorities set out in the “first version” of the new Corporate Plan for the authority, agreed by the Council in December 2015.

¹ For information about the original Improvement Plan publication see www.rotherham.gov.uk/improvementplan

² See www.rotherham.gov.uk/homepage/386/commissioners_12_month_progress_review (specifically Appendix A)

³ See www.rotherham.gov.uk/info/200033/councillors_democracy_and_elections/1026/code_of_conduct_for_members

2. Summary of headline actions

2.1 The Council's Chief Executive and Senior Leadership Team (SLT), working alongside Elected Members, have already taken a range of early and immediate steps to engage with the wider organisation on this second phase of the Improvement Plan in 2016/17; building on achievements to date to help embed behaviours and values that promote continuous improvement across all service areas. Specifically this activity has included the direct briefing by the Leader and Chief Executive of around 850 staff, including those in front-line

roles; and workshops with "M3" (middle) managers to help shape the Phase Two measures and milestones. Cabinet Member and SLT-led briefings are also being scheduled to take place in Directorates during the summer of 2016, which will complement a "Be Brilliant at the Basics" programme for staff, which started in April 2016.

2.2 A summary of some of the key milestones within the second phase of improvement activity over the next 12-months is as follows:

Period	Milestone	Improvement Theme
Quarter 1 – to August 2016	Performance & Development Reviews completed for majority of staff – end June 2016	Inspirational political and managerial leadership
	New Safer Rotherham Partnership Plan – June 2016	Strong, high impact partnerships
	Finalised 2016/16 Corporate Plan and Performance Management Framework – July 2016	Robust governance, decision-making and performance management
	New equalities and diversity corporate policy in place – July 2016	Inspirational political and managerial leadership
	Draft new Workforce Strategy ready for consultation – end July 2016	Inspirational political and managerial leadership
	Personal development plans in place for all elected members – August 2016	Inspirational political and managerial leadership
	Report of working group on a new approach to neighbourhood working and community engagement – end August 2016	Strong, high impact partnerships
	Child Centred Borough report to Council and establishment of Member working group – from Summer 2016	Culture of excellence and outstanding implementation

Period	Milestone	Improvement Theme
Quarter 2 – to November 2016	First Corporate Plan quarterly performance report to Cabinet/Commissioners – Aug/Sept 2016	Robust governance, decision-making and performance management
	Finalised Equalities and Diversity strategic action plan – September 2016	Inspirational political and managerial leadership
	6-month review of elected member induction and development programme – October 2016	Inspirational political and managerial leadership
	New arrangements and structures for corporate performance function in place – October 2016	Robust governance, decision-making and performance management
	New voluntary/community sector “compact” in place – November 2016	Strong, high impact partnerships
	Health check completed of the Council’s waste services – November 2016	Culture of excellence and outstanding implementation
	Clarification of shared service options with other Sheffield City Region councils – November 2016	Robust governance, decision-making and performance management
	New corporate policy statement on community cohesion (reflecting work on neighbourhood working and engagement) – Autumn 2016	Strong, high impact partnerships

Period	Milestone	Improvement Theme
Quarter 3 – to February 2017	Public consultation on 2017/18 and future budget – Autumn 2016	Robust governance, decision-making and performance management
	New service standards set for customer care and associated structures in place – Autumn 2016	Culture of excellence and outstanding implementation
	Review of service/business plans in advance of 2017/18 – December 2016	Robust governance, decision-making and performance management
	Report of Constitution Working group – end December 2016	Robust governance, decision-making and performance management
	Completion of Commissioning review and forward actions – by end January 2017	Strong, high impact partnerships
	Peer review of approach to Equalities and Diversity – early 2017	Inspirational political and managerial leadership

Period	Milestone	Improvement Theme
Quarter 4 – to May 2017	New 3-year budget set, with clear efficiency and value for money programme – March 2017	Robust governance, decision-making and performance management
	New Community Strategy agreed and in place – March 2017	Strong, high impact partnerships
	Refreshed 2017/18 Corporate Plan in place – May 2017	Robust governance, decision-making and performance management

3. Phase Two Actions, Governance and Strategic Leads

3.1 The actions below in this second phase are again grouped according to the original four themes of the “*Fresh Start*” improvement plan, namely:

A: Inspirational Political and Managerial Leadership

B: Robust Governance, Decision-making and Performance Management

C: Culture of excellence and outstanding implementation

D: Strong, high impact partnerships

3.2 In total there are 20 key improvement objectives in Phase Two, with numerous supporting actions and headline key milestones or standards to achieve where relevant. Monitoring of progress will continue to be reported on a monthly basis to the Joint Board of Commissioners and Elected Members, established in Phase One. There will be, however, a stronger focus on narrative-based reporting in this second phase, reflecting the fact that there are fewer and more cross-cutting actions; and that the focus of Phase Two is on embedding better practice and organisational change following the first phase’s focus on ensuring the key building blocks of an effective local authority were in place. There will be a key emphasis, led by the Council’s full Senior Leadership Team\ (SLT) working with their Assistant Directors, on ensuring that all milestones and measures are kept under constant review via the named Strategic Leads and Action Owners, working alongside Elected Members and Commissioners.

3.3 There will also be a renewed focus in Phase Two on additional, direct engagement with the Council’s wider senior and middle management in the governance process, with the Senior Leadership Team collectively responsible for its effective delivery, and supported by a corporate officer group made up of Assistant Directors. For each of the 20 objectives there will be a more detailed action plan produced, setting out the work that sits beneath the headline commitments and articulate what effectiveness and successful delivery will look like in practice; as well as headline risks and mitigating measures. These actions plans will be kept under review and link directly to the monthly progress reporting to the Joint Board. These underpinning action plans will be embedded in day-to-day working across the Council’s directorates via this strong managerial leadership.

A: Inspirational Political and Managerial Leadership					
	Objective and accountable SLT Lead	Action	Action owner and co-ordinator	Key dates/milestones and/or standards to be met	Comments and links to Phase 1 activity
1	Effective Professional Officers - Enhanced capacity of senior staff and corporate operation of the authority, supported by management governance mechanisms and disciplines <i>SLT Objective lead: Sharon Kemp, Chief Executive (on behalf of the whole of SLT)</i>	Reinforce leadership and management values and behaviours throughout the authority	Tracey Parkin, HR Manager (People and OD)	Rolling forward programme of SLT engagement with middle/ junior managers – ongoing from May 2016 Re-established Cabinet-SLT forum and SLT-Scrutiny forum and ongoing meeting programme(s) – ongoing from May 2016 Appreciative inquiry focus group sessions with staff to maintain engagement on key values and behaviours – from May 2016 Staff “pulse” and full surveys to listen to staff, promote key workplace health message and help measure impacts on workforce perceptions – May 2016 (and ongoing) Performance and Development Reviews completed for majority of staff – end June 2016 (with “quality” audits to follow). New leadership behaviours/values to be published/ incorporated within the final 2016/17 Corporate Plan, Performance Management Framework and staff performance arrangements – from July 2016 Workforce Strategy – draft ready for consultation by end of July and final strategy available in October 2016 New Strategic Leadership Team (SLT) to be fully in place – August 2016 Reviewed and enhanced service/business planning process (including links to PDR review process) – from October 2016	<i>Note: this reflects the continuation of Action 2.1 from Phase One. It also addresses the outline Phase Two action 25.1.1 in the original Plan on building a new permanent Senior Leadership Team.</i> <i>It is also linked to actions 18.1.1 and 27.2.1 in the original Plan document relating to a “cultural change programme”, set out as an “ongoing” priority; as well as associated management development (18.2.2).</i> <i>It further links to the continuation of work on action 10.3.1 from “Phase 1” (New Structure and approach to PDRs)</i>

A: Inspirational Political and Managerial Leadership

	Objective and accountable SLT Lead	Action	Action owner and co-ordinator	Key dates/milestones and/or standards to be met	Comments and links to Phase 1 activity
2	Clear vision, values and strategic direction for the entire council in relation to equalities and diversity issues SLT Objective lead: Shokat Lal, Assistant Chief Executive	Review and revise Council equalities policy and action plan for 2016/17 municipal year, embedding a stronger understanding of roles and duties amongst officers and elected members	Justin Homer, Head of Policy, Improvement & Partnerships	New equalities and diversity policy in place, alongside forward Strategy and action plan to demonstrate compliance with the council's legal duties – July 2016 (policy to be published alongside finalised Corporate Plan) Equalities & Diversity officer network in place, focusing on actions within services and compliance in practice with the new policy – from May 2016 Base-lining survey amongst staff, as part of process of self-assessment – Summer 2016 Consultation with stakeholders, partners and specific characteristic groups on new policy and accompanying strategic action plan – July to September 2016 Rollout and training on new policy to officers and elected members – from July 2016 Finalisation of strategic action plan in the light of consultation with key stakeholder groups – Sept 2016 “Peer review” and self-assessment carried out in line with LGA Equality Framework for Local Government (EFLG) – early 2017 Repeat of staff survey, as part of ongoing self-assessment – early 2017 Evaluation of understanding and impact of new policies on working practice, including development of “community impact assessment” concept for future years – by March 17	<i>This reflects the continuation of Action 4.3.3 in Phase One – (“wide range of elected member discussions; management discussions; workforce workshops on the issues of community leadership, service delivery and employment in the context of equalities and diverse communities”). The aim is to continue the focus on members and officers working together on these key agendas.</i> <i>The aim is to achieve a recognised EFLG standard; and embed new E&D policies and strategies into day-to-day business. LGA leads are already engaged and these milestones reflect their advice.</i>

A: Inspirational Political and Managerial Leadership

	Objective and accountable SLT Lead	Action	Action owner and co-ordinator	Key dates/milestones and/or standards to be met	Comments and links to Phase 1 activity
3	External communication and engagement which promote trust in the council <i>SLT Objective lead: Shokat Lal, Assistant Chief Executive</i>	Creation of a positive programme of ongoing communication and engagement with citizens, businesses and communities as part of a new, rolling annual Communications Plan for 2016/17 onwards	Tracy Holmes, Head of Corporate Communications & Marketing	New annual Communication Plan, to include core focus on greater and more effective engagement in place for the 2016/17 municipal year – end May 2016 Ongoing programme of events and key dates throughout 2016/17 established to project council priorities and key strategies, and reinforce opportunities for the public to engage with the Council - ongoing Identification of the major external engagement and communication campaigns for the Council over the coming year, with clear action plans in place and activity programmed – Summer 2016 Specific communication and engagement activity in Rotherham to support the Sheffield City Region devolution deal public consultation – June-August 2016 <i>Note: See also Actions 16 and 19 (Theme D) below, with regard to linkages to specific public engagement mechanisms to be developed/ take place via the revised approach to neighbourhood working and Area Assemblies and the work of the Rotherham Together Partnership on a new Rotherham Community Strategy.</i>	<i>This reflects the continuation of action 5.2.1 in Phase One (which also noted the specific role of elected members in community engagement, also picked up via the ongoing focus on member support and new neighbourhood and community engagement in Phase Two).</i> <i>It also reflects the outline Phase 2 action, 24.4.1 (i.e. “a ready communications framework post-election”).</i>

A: Inspirational Political and Managerial Leadership

	Objective and accountable SLT Lead	Action	Action owner and co-ordinator	Key dates/milestones and/or standards to be met	Comments and links to Phase 1 activity
4	An effective full Council elected Member group <i>SLT Objective lead: Shokat Lal, Assistant Chief Executive</i>	Intensive and ongoing support, training and development programme for elected Members forming the new Council – through induction and ongoing development and training	James McLaughlin, Head of Democratic Services	Full induction programme for Members immediately following the 5th May local elections – from May 2016 Ongoing induction and training delivered, addressing priority issues for newly elected Members – from May 2016 Specific focus within training and development on scrutiny processes and skills – from May 2016 Focused training and awareness raising on key Council governance arrangements, including Code of Conduct within the ongoing development programme – from May 2016 All elected Members to have up to date Personal Development Plans in place – end August 2016 Six month review of induction and development programme, to help shape an ongoing development programme (reflecting four-year Councillor terms), to address specific gaps in knowledge and promote an outward focus that learns from the best of the sector – from October 2016	<i>This reflects the clarification of the outline Phase Two actions 24.1.1 and 24.1.2 (i.e. “intensive induction programme”; and “wide-ranging training and development for members”). In practice this will be an ongoing area of focus during 2016/17 and beyond, given the 4 year terms of Members from May 2016.</i> <i>Also linked with ongoing “Member support and development” focused actions from “Phase 1” – e.g. PDPs (3.3.1); and support on scrutiny skills (3.3.2).</i>

A: Inspirational Political and Managerial Leadership					
	Objective and accountable SLT Lead	Action	Action owner and co-ordinator	Key dates/milestones and/or standards to be met	Comments and links to Phase 1 activity
5	Leader, Cabinet and Opposition capacity to lead and challenge after 2016 election and throughout their four-year term SLT Objective lead: Shokat Lal, Assistant Chief Executive	Tailored programme of mentoring and development to include leadership and organisation of political groups, policy development, joint working with officers, media handling etc.	James McLaughlin, Head of Democratic Services	Continuation of LGA mentoring of Cabinet and Opposition Leaders, with mentors agreed and in place – from end May 2016 Opposition Cabinet spokespeople to be identified and regular briefings organised with SLT as appropriate – ongoing from May 2016 Specific ongoing support package in place for the lead Cabinet Member for Children's Services, given statutory role – from end May 2016 Leader and Cabinet supported by officers to play an influential role in the Sheffield City Region in order to embed a positive approach to City Region working across the Council (including through role of scrutiny, where appropriate) – ongoing Review of effectiveness of political group processes in the light of the political make-up of the authority post-local elections and ongoing LGA mentoring support – by October 2016	<i>This reflects the clarification of the outline Phase Two Action 24.2.1 – which included a timescale of "To be developed May to June 2016".</i> <i>Also linked with wider Lead Member support and development- focused actions from "Phase 1" which are ongoing – e.g. mentorship (1.1.3) and the effectiveness of political group processes (1.1.5)</i>

B: Robust Governance, Decision-making and Performance Management

	Objective and accountable SLT Lead	Action	Action owner and co-ordinator	Key dates/milestones and/or standards to be met	Comments and links to Phase 1 activity
6	Establishment of most appropriate performance framework for Rotherham <i>SLT Objective lead: Shokat Lal, Assistant Chief Executive</i>	Launch and Implementation of final 2016/17 Corporate Plan and Performance Management Framework, complete with required communication, awareness-raising and training	Justin Homer, Head of Policy, Improvement & Partnerships	Development of scorecard approach to inform regular, monthly performance reporting to SLT and Elected Members and Commissioners – from May 2016 onwards Finalised Corporate Plan and PMF document to follow after the May local elections – finalised for agreement by elected members (full Council) – July 2016 Refreshed Business Planning arrangements in place, directly linked to the finalised Corporate Plan and wider headline performance measures for services – from July 2016 Member and officer awareness raising of finalised Plan and reporting requirements, supported by proactive approaches to internal communications that promote a performance-focused culture – from July 2016 Publication of first formal, public quarterly Corporate Plan performance report to Cabinet/Commissioners meeting – August - September 2016 (and ongoing quarterly reports beyond this) Review of service/business plans in advance of 2017/18 municipal year – from December 2016 Further updated service/business plans agreed, prior to 2017/18 municipal year – February 2017 Refreshed and updated 2017/18 Corporate Plan in place – May 2017 <i>Note: links to Performance Management/PDR actions at A1 (“reinforcement of leadership and management values”)</i>	<i>This reflects the direct continuation of Actions 8.1.4 and 8.1.5 in Phase One. Also linked to original “phase 1” action to establish an “Excellence Index” linked to the finalised PMF and Corporate Plan.</i> <i>Also linked directly to work on a new structure for the corporate performance function - see B.7 below.</i>

B: Robust Governance, Decision-making and Performance Management

	Objective and accountable SLT Lead	Action	Action owner and co-ordinator	Key dates/milestones and/or standards to be met	Comments and links to Phase 1 activity
7	Having an excellent performance function, looking at the whole council's performance <i>SLT Objective lead: Shokat Lal, Assistant Chief Executive</i>	The creation of a cross-council performance team	Justin Homer, Head of Policy, Improvement & Partnerships <i>[i.e. pending conclusion of review and establishment of new structure]</i>	Agreement with LGA on peer-support and review team to inform a new model of effective corporate performance management at the Council – July 2016 LGA-supported review to report – August 2016 Completion of review and implementation of new performance structure(s) as required to deliver what is needed to promote a performance-focused approach across all services – October 2016	<i>This reflects the direct continuation of Action 8.2.1 in Phase One</i>
8	Ensure persistent implementation of new created constitution and decision-making arrangements <i>SLT Objective lead: Judith Badger, Strategic Director for Finance and Customer Services</i>	A refreshed and modernised Council Constitution, implementing the agreed recommendations of the Governance Review and other developments/arrangements	Dermot Pearson, Head of Legal Services	Review to commence by new Constitution Working Group, to formally report to the Audit Committee, on specific/practical changes required – to include specific consideration of the council's formal Scheme of Delegation (officers and members) and Standing Orders – from June 2016 Constitution Working Group to report on findings – end December 2016 Annual Reviews to link to Council AGMs and each Municipal Year – from March 2017 and annually	<i>This reflects the clarification of the outline Phase Two Action 26.1.1 in the original Plan document – which included a timescale of "May 2016 onwards"</i>
9	Robust and impactful new Scrutiny programme for 2016/17 municipal year <i>SLT Objective lead: Shokat Lal, Assistant Chief Executive</i>	Selection by the Council (in conjunction with Commissioners) of Scrutiny projects and the overall programme , building on the work in 2015/16	James McLaughlin, Head of Democratic Services	In reflection of feedback and recommendations received from CfPS from their work in 2015/16, shape the 2016/17 programme – end May 2016 Establish regular meetings between SLT and Scrutiny Chairs regarding forward programme – from June 2016 Quarterly review held between Scrutiny Chairs and SLT on programme effectiveness, attendance and ongoing support requirements – from October 2016	<i>This reflects the clarification of the outline Phase Two Action 26.2.1 in the original Plan document – which included a timescale of "June 2016 onwards" Ongoing support from LGA and CfPS secured</i>

B: Robust Governance, Decision-making and Performance Management

	Objective and accountable SLT Lead	Action	Action owner and co-ordinator	Key dates/milestones and/or standards to be met	Comments and links to Phase 1 activity
10	Focused delivery of the Council's Medium Term Financial Strategy (MTFS) SLT Objective lead: Judith Badger, Strategic Director for Finance and Customer Services	Ensuring robust corporate budget strategy for 2017-2020 in place, ensuring efficiency, best value and effective engagement with the new Council, partners and the public	Stuart Booth, Assistant Director of Financial Services	Quarterly monitoring reports to Cabinet on the implementation of the Council's MTFS, with a focus on demonstrating best value and efficient financial management within agreed budgets – from June 2016 Cabinet-led process to examine emerging further budget proposals for 2017-20 and help ensure delivery of agreed savings – from June 2016 High-level proposals for future savings to Cabinet – October 2016 Robust budget scrutiny approach developed – Autumn 2016 Public consultation commences on 2017/18 and future budget – Autumn 2016 External review of procurement to improve practice, contract management and links to more effective commissioning (see Action 20) – by Autumn 2016 New 3-year budget set, with clear forward-looking efficiency and value for money programme – March 2017	<i>This reflects the clarification of the outline Phase Two Actions 26.3.1 and 26.3.2 in the original Plan document (i.e. "consolidation of the MTFS") – which included a timescale of "By end April/ May 2016 onwards"</i>
11	Strategic consideration of the future approach to service delivery across the Council, including models of co-production, partnering, joint ventures as well as in-house SLT Objective lead: Judith Badger, Strategic Director for Finance and Customer Services	Agree a council-wide strategic and long-term position on the future shape of the Council and the services it delivers, in the context of funding forecasts, Medium Term Financial Strategy and public service reform	Stuart Booth, Assistant Director of Financial Services	"Future Council" approach and vision to be scoped in parallel with work on the delivery of the MTFS and establishment of a new, 3-year budget – see Action 10 above Specific investigation with other Sheffield City Region authorities the options for new shared service approaches, both in areas relating to economic growth and more widely – to report by November 2016 Options further developed for more integrated and locality-based working, alongside other delivery models, across all council services (and with partners) to inform future strategy as part of new 3-year budget – by March 2017 <i>Note: links also to Action 12 below in terms of developing a proactive approach to modern, digital solutions to service delivery</i>	<i>This reflects the clarification of the outline Phase Two Action 28.1.1 in the original Plan document</i>

C: Culture of excellence and outstanding implementation

	Objective and accountable SLT Lead	Action	Action owner and co-ordinator	Key dates/milestones and/or standards to be met	Comments and links to Phase 1 activity
12	Effective service delivery across the council through a focus on customers and adopting modern, digital solutions and other technologies to improve service delivery (also generating savings, promoting greater engagement and information sharing) SLT Objective lead: Judith Badger, Strategic Director for Finance and Customer Services	Review of customer services and agree strategic view of next stages of a long term and integrated Customer Service Access, ICT and Digital Strategy (to include investment and savings opportunities)	New Assistant Director for "Information and Digital Services" [to be confirmed in the light of restructure – due in post by late-Summer]	Completion of review – Autumn 2016 Restructure to deliver new, integrated approach to both customer care/ service and the digital agenda – from Autumn 2016 Development of corporate/ whole-council approach to service standards, customer care, "mystery shopping", complaints handling and procedures etc. – from Autumn 2016 Detailed actions to be developed when new AD is in post – from September 2016	<i>This reflects the continuation of Actions 17.8.4 and 20.1.2 in Phase One in terms of the focus on customer service improvements</i>
13	Continued focus on long-term improvement of Children and Young People's Services as part of wider work to establish Rotherham as a "child-centred Borough" SLT Objective lead: Ian Thomas, Strategic Director for Children & Young People's Services	Ensure that Council-wide action takes place to support the ongoing priorities of the Children and Young People's Services Improvement Board Action Plan, and to establish Rotherham as a "child-centred Borough" across all services and activity	Nicole Chavaudra, Joint Assistant Director, Commissioning, Performance and Quality (CYPS)	Child Centred Borough report to be presented to Cabinet and Commissioners, with key supporting actions identified across all council service areas and Member working group established – from June 2016 Delivery and monitoring of key actions reported to the Joint Board – ongoing / informed by finalised Strategy <i>Note: the same arrangement will be adopted as for "Phase 1" with Children's Services Improvement Plan monthly progress reports also presented to the Joint Board – alongside specific reporting on "Child Centred Borough" activity and wider corporate support for Children's Social Care improvement</i>	<i>This reflects an ongoing focus on "Child –centred decision making" (action 15.1.1 in Phase One), plus the clarification of the outline Phase Two Action 28.3.1 in the original Plan document</i>

C: Culture of excellence and outstanding implementation

	Objective and accountable SLT Lead	Action	Action owner and co-ordinator	Key dates/milestones and/or standards to be met	Comments and links to Phase 1 activity
14	Continued focus on long-term adult services strategy SLT Objective lead: Graeme Betts, Interim Strategic Director for Adult Care and Housing	Ongoing delivery of the Adult Social Care Development Programme	Sam Newton, Assistant Director Independent Living and Support (Adult Care and Housing)	Regular reports on progress to Commissioner Sir Derek Myers and Cllr Roche on a monthly basis – ongoing from May 2016 Regular reports to the Adult Social Care Development Programme Board on a bi-monthly basis – ongoing from May 2016	<i>This reflects the clarification of the outline Phase Two Action 28.3.1 in the original Plan document</i> <i>The regular reports referred to will cover both the specific projects within the programme and the delivery of associated financial implications</i>
15	Continuation of wider Council service improvement process SLT Objective lead: Sharon Kemp, Chief Executive (i.e. given cross-cutting nature of this objective)	Review of performance information to assess service improvement, behaviours and attitudes – including further review of service “health checks” initiated in Phase One	Justin Homer, Head of Policy, Improvement & Partnerships	Invite original health check peers back to consider progress achieved over last 12 months, where this will add value to new arrangements – from Sept. 2016 Specific LGA return health-check of the Council’s waste services to take place (linked to wider ongoing structural reviews within the Regeneration and Environment Directorate) – by November 2016 Identify other services areas where health-check peer reviews will help support improvement and/or positive external learning and perspectives – by September 2016 Link to monthly review of performance data/information and identify early remedial action – ongoing Regular reviews of generic service performance metrics (e.g. customer complaints, FOI performance, workforce data such as sickness/capability proceedings) at SLT-level to improve levels of management information and performance monitoring to help inform more detailed reviews, where required – from Summer 2016	<i>This reflects the clarification of the outline Phase Two Action 28.2.1 in the original Plan document (“May 2016”)</i>

D: Strong, high impact partnerships

	Objective and accountable SLT Lead	Action	Action owner and co-ordinator	Key dates/milestones and/or standards to be met	Comments and links to Phase 1 activity
16	Enhanced neighbourhood working to engage and work with communities on: i) Policy development and service change ii) Community safety iii) Community cohesion SLT Objective lead: Sharon Kemp, Chief Executive	Introduction of a new model of citizen engagement and neighbourhood working linked to a review of Area Assembly working and a strengthened focus on cohesion and feelings of safety at the neighbourhood level	Graeme Betts, Interim Strategic Director, Adult Care and Housing	Ongoing process of engaging Area Assembly Chairs on new approach, including cross-Party member working group – from April 2016 Programme of Member Working Group visits to other authorities – May to July 2016 Working Group (agreed to focus on the themes of a council-wide policy and approach; a multi-agency approach; and the role/ funding of the neighbourhood service) to provide initial report – end August 2016 Diverse programme of events to bring together different communities (also linked to work of the Rotherham Together Partnership) – from June 2016 New Corporate Policy Statement on cohesion (including ongoing monitoring, impact measurement) linked to the key focus of the Rotherham Together Partnership on this issue – Autumn 2016 New structure for team/support arrangements – Autumn 2016	<i>This reflects the direct continuation of Actions 22.1.1-3 in Phase One; also linked to the outline Phase Two action 29.2.1.</i> <i>Specifically it maintains a focus on the need to develop a clear focus on community cohesion from Phase 1, through more effective community engagement – work to be delivered across the organisation.</i> <i>Also links to Governance Review and potential future constitutional changes (see Action B.8 above)</i> <i>Note: Review process was initiated at a meeting of Area Assembly Chairs on 11th April 2016</i>

D: Strong, high impact partnerships

	Objective and accountable SLT Lead	Action	Action owner and co-ordinator	Key dates/milestones and/or standards to be met	Comments and links to Phase 1 activity
17	Embedding of the Safer Rotherham Partnership and the delivery of a new Safer Rotherham Strategy from 2016/17 SLT Objective lead: Damien Wilson, Strategic Director for Regeneration and Environment	An effective and proactive Safer Rotherham Partnership and Plan - demonstrating effective joint working and engagement with the police, other partners and the community in building trust and confidence, tackling crime and disorder delivering justice, and making Rotherham feel safer	Karen Hanson, Assistant Director, Community Safety and Street Scene	Agreement of a new Safer Rotherham Partnership (SRP) Plan - June 2016 Finalisation of review of staffing support and approach to the Safer Rotherham Partnership – July 2016 Development of a robust performance framework to ensure effective delivery of the new SRP Plan – from August 2016 Establish specific mechanism to monitor impacts of SRP and council activity in line with the Prevent Duty to counter radicalisation (e.g. through SRP performance framework) – from August 2016 Development of complementary engagement and reporting arrangements on progress achieved in the delivery of the new SRP Plan – from August 2016 Demonstrable impact in measures of perceptions of safety – by March 2017	<i>This represents a continuation of the Phase One actions (21.3.1-4) associated with "Refocusing the Safer Rotherham Board".</i>
18	Enhanced direct working with the voluntary and community sector across Rotherham SLT Objective lead: Shokat Lal, Assistant Chief Executive	Agree a new Rotherham MBC / voluntary sector partnership "Compact" in consultation with the sector and wider partners	Justin Homer, Head of Policy, Improvement & Partnerships	New outline voluntary sector "Compact" agreed by RMBC for consultation – July 2016 Consultation and awareness raising with the sector and wider partners – July to October 2016 Finalised new Compact, with accompanying actions identified to enhance future joint working – November 2016 Ongoing awareness raising with other public sector partners (eg linked to Rotherham Together Partnership work) – November to December 2016 Development of "community impact" assessment approach, further building on updated Equality and Diversity Policy – by March 2017 (see also Action 2) Evaluation of impact/ understanding – March 2017	<i>This reflects the continuation of Actions 23.1.2 in Phase One</i> <i>Action needs to be owned by all services, working more with the voluntary and community sector – facilitated by VCS Liaison Officer</i> <i>Note: Has links to Action 20 and the review of commissioning (promoting greater VCS partnership working).</i>

D: Strong, high impact partnerships

	Objective and accountable SLT Lead	Action	Action owner and co-ordinator	Key dates/milestones and/or standards to be met	Comments and links to Phase 1 activity
19	Ensuring the consolidation of Partnership relationships SLT Objective lead: Shokat Lal, Assistant Chief Executive	Ensure the effective implementation of the Rotherham Together Partnership (RTP) 12-month action plan for 2016/17 and the development of a strategic, long-term Community Strategy for Rotherham, owned and championed by all Partners working with the local community	Justin Homer, Head of Policy, Improvement & Partnerships	Ongoing monitoring of 2016/17 RTP action plan delivery – ongoing from May 2016 Programme of Partnership roadshows to engage and consult on new Community Strategy – Summer 2016 New Community Strategy published – by March 2017 End of year report on Partnership 2016/17 Action Plan – March 2017	<i>This reflects the clarification of the outline Phase Two Action 29.1.1 in the original Plan document</i>
20	Achievement of an increasingly strategic and corporate approach to commissioning services SLT Objective lead: Graeme Betts, Interim Strategic Director for Adult Social Care and Housing	Review of commissioning across all Council service areas	Nathan Atkinson, Assistant Director, Commissioning (Adult Care and Housing)	Report to SLT to agree approach and timescales to recommend to Members and Commissioners – June 2016 Fully agreed scope and terms of reference for review to be initiated – from Summer 2016 Completion of Review and agreed priorities for implementation – to include: - use of “Marmot” principles to break down silo-based commissioning - identifying opportunities for outcome-based Commissioning by end January 2017 Enhanced joint commissioning with CCG and Health partners – by March 2017 (and ongoing)	<i>This reflects the specific clarification of the outline Phase Two Action 30.1.1 in the original Plan document</i> <i>This is also combined with the further, outline Phase Two Action, 30.1.1, addressing “more fundamental philosophical and practical discussions with CCG and health providers on the issues of innovation in children’s services; long term plans for adult services; and innovation in Public Health”</i>

4. Conclusion

- 4.1 The actions set out in this document are the headline priorities for the second phase of activity as part of the Council's corporate Improvement Plan.
- 4.2 As noted above, these headlines will be supplemented by more detailed action plans and project documentation which will articulate the desired long-term impact of this programme of improvement activity on the Council and to Rotherham as a place to live and work. The Council's senior leadership will work to develop the most effective format for reporting the delivery and progress of the actions set out in Section 3 above to the Joint Board, in order to ensure Commissioners – and ultimately the Secretaries of State for Communities & Local Government and Education – receive the right balance between detailed performance narrative and a clear direction of travel in terms of the achievement of milestones and activity delivered to the required standards.
- 4.3 This Phase Two plan is a re-clarification of the actions and priorities set out in the original "Fresh Start" document and remains rooted in delivering the improvements required to demonstrate that the Council is able to deliver against its best value duties and establish, through both managerial and political leadership, a renewed organisational culture of continuous improvement. Ultimately these actions need to help demonstrate the evidence to show that the previous failings of the Council are a feature of the past, and that trust can be restored in terms of how the authority is viewed by its residents, customers, businesses, partners, peers and central Government.

Council Report

Cabinet and Commissioners' Decision Making Meeting - 11 July 2016

Title

Corporate Safeguarding Policy

Is this a Key Decision and has it been included on the Forward Plan?

Non-Key Decision, included on Forward Plan for decision on 11th July or later

Director Approving Submission of the Report

Sharon Kemp, Chief Executive

Report author(s):

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Tel: 01709 822789 email: kate.green@rotherham.gov.uk

Justin Homer, Head of Policy, Improvement and Partnerships

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Ward(s) Affected

All

Executive Summary

1. As part of the wider work being undertaken by the Council to improve understanding of its safeguarding duties and responsibilities, a new Corporate Safeguarding Policy has been produced.
2. The Corporate Safeguarding Policy is part of a new suite of documents which will underpin the Council's 2016/17 Corporate Plan. The policy sets out the Council's commitment to promoting safeguarding across the whole organisation and describes the roles and responsibilities expected of every employee and specific services, as well as elected members. The policy will act as a resource for all employees working for the Council and all Councillors; supporting understanding of what safeguarding means and what to do in relation to safeguarding concerns.
3. Enclosed at Appendix A for members' consideration and agreement is a copy of the Corporate Safeguarding Policy.

Recommendations

Cabinet is asked to:

- Endorse the Corporate Safeguarding Policy (attached at Appendix A) prior to formal agreement by Council on 13 July 2016.

List of Appendices Included

Appendix A – Corporate Safeguarding Policy

Background Papers/Information

Children Act 2004

Statutory Guidance 2007 on S11 of the Children Act

Care Act 2014

Consideration by any other Council Committee, Scrutiny or Advisory Panel

Pre-scrutiny consideration (1st July 2016).

Council Approval Required

Yes

Exempt from the Press and Public

No

Title (Main report)

Corporate Safeguarding Policy

1. Recommendations

- 1.1** Endorse the Corporate Safeguarding Policy (attached at Appendix A) prior to formal agreement by Council on 13 July 2016.

2. Background

- 2.1** Activity has been taking place since early 2016 to improve the understanding of safeguarding duties and responsibilities of the Council across all of its activities and service areas. This work was partly triggered by an independent audit of the Council's and other partners' compliance with Section 11 of the Children Act 2014 ("S11 audit") commissioned by the Rotherham Local Safeguarding Children Board; and partly by work on safeguarding adults recently undertaken by adult social care, using an external expert to review arrangements in adult social care in relation to regulations in the Care Act 2014.
- 2.2** The outcome of the audit and review described above resulted in a corporate safeguarding action plan being developed, based on the recommendations made by the independent experts. The action plan - which includes actions in relation to senior management commitment to safeguarding, ensuring accountabilities are clear and understood, that there are clear procedures in place for commissioning and procuring services, that responsibilities of all staff are communicated effectively across the organisation and there is appropriate training in place - was developed and continues to be monitored on a monthly basis by a Corporate Safeguarding Working Group, made up of officers across the organisation and chaired by the Chief Executive.
- 2.3** A key component of the action plan, and improving understanding of safeguarding across the Council, was the development of a new Corporate Safeguarding Policy, which is presented at Appendix A.

3. Key issues

Corporate Safeguarding Policy

- 3.1** The Corporate Safeguarding Policy has been developed as a means to articulate how safeguarding is the responsibility of all services across the Council, not just those that work directly with children and vulnerable people. It will be part of a new suite of documents which will underpin how the Council works to deliver its new Corporate Plan for 2016-17, which will be considered at the Council meeting on 13 July. The policy specifically describes the duty placed on the Council to safeguard all children, young people and adults within the borough. It sets out the Council's vision for safeguarding across the whole organisation and describes the roles and responsibilities expected of every employee and service; as well as the role of elected members.
- 3.2** The policy is not intended to replace existing, specific and statutory arrangements already in place in relation to the safeguarding of children and

adults. The two Rotherham safeguarding boards - Local Safeguarding Children Board and Adult Safeguarding Board - will continue to act as the forums for safeguarding issues in the borough, and will continue to produce their annual reports and strategies as is required of them by the Children Act 2004 and Care Act 2014. The Corporate Safeguarding Policy has been produced to set out the duty of the Council as a whole organisation, making clear the responsibilities at all levels, regardless of their area of work; as well as how specific services such as human resources, commissioning and procurement will support the Council to deliver its safeguarding duties. The policy has been developed in consultation with key officers across the Council, including the heads of adult and children's safeguarding, to ensure this document compliments existing procedures and supports a broader understanding of safeguarding across the Council.

- 3.3 The policy will also act as a resource for all employees working for the Council, as well as elected members, in supporting their understanding of what safeguarding means, what their responsibilities are and what to do in relation to safeguarding concerns.

Monitoring and reporting progress

- 3.4 It is intended that the Corporate Safeguarding Policy will be reviewed annually or sooner if required, by the Corporate Safeguarding Working Group, chaired by the Chief Executive. This will include an on-going review of guidance, both nationally and locally, to ensure the Council meets requirements to safeguard children, young people and adults, and there are appropriate procedures and protocols in place. It is proposed this review is reported to Cabinet on an annual basis as part of the Council's performance management framework process, or by exception if there are national or local changes to legislation, governance or specific issues of concern.
- 3.5 It is also suggested that the Council's scrutiny function should have a role in monitoring and challenging the Corporate Safeguarding Policy at appropriate points, and the work and performance of the Corporate Safeguarding Working Group. It may be sensible to integrate this reporting where appropriate with existing arrangements for the Safeguarding Children Annual Report and Safeguarding Adults Annual Report to be submitted to Cabinet, scrutiny and the Health and Wellbeing Board, which will continue; and which will also be shared with the Corporate Safeguarding Working Group to help ensure the Corporate Safeguarding Policy remains fit for purpose and aligned to local practice.

Performance management

- 3.7 As part of the on-going implementation and review of the corporate safeguarding agenda, the action plan overseen by the Corporate Safeguarding Group will continue to be developed, supported by a performance management framework to ensure progress is monitored effectively. Key indicators will include the following:
- Improved staff awareness of safeguarding
 - Number of safeguarding referrals by non-specialist teams (suggesting there is a wider awareness of safeguarding which is being acted upon appropriately when required)

- Safeguarding policies and procedures in place and understood across the organisation
- All job descriptions include safeguarding as a responsibility for all staff
- Timely and appropriate completion of the Section 11 audit across all relevant sections of the Council

3.8 The Corporate Safeguarding Working Group will receive regular updates in relation to the performance indicators; and regular updates will also be provided to the two safeguarding boards as required, and on no less than a quarterly basis (unless the board specifies otherwise).

4. Options considered and recommended proposal

4.1 It is recommended that the Corporate Safeguarding Policy is endorsed by Cabinet before being presented to Council on 13 July for formal agreement.

4.2 There is no requirement for an authority to adopt a Corporate Safeguarding Policy, beyond its specific children's and adult safeguarding responsibilities. Indeed, while other examples exist, there are relatively few corporate policies in other parts of local government, given the concept has emerged only since the development of a stronger adult safeguarding agenda following the introduction of the Care Act in 2014. Nevertheless, it is recommended that Rotherham Council should formally adopt such a corporate policy, as it will emphasise and promote the fact that safeguarding is the business of all Council services, not only those working directly with children and vulnerable people.

5. Consultation

5.1 The Corporate Safeguarding Policy has been developed in consultation with officers across the Council, including heads of safeguarding in children's and adult social care, legal services, human resources, finance, communications, procurement, commissioning, performance and policy.

5.2 In addition, consultation and awareness-raising on corporate safeguarding responsibilities also took place via a programme of staff briefings with the new Chief Executive and Leader of the Council between January and March this year. This engaged, in person, with around 900 members of staff across the organisation; and was supplemented by case study-based briefings with 'M3' (middle) managers, promotion of key messages in 'Friday email briefings', and also featured in the '*Take Five*' publication aimed at Council staff without routine access to a personal computer (PC).

5.3 Furthermore, a network of safeguarding 'champions' within each Council directorate is being established to help further ensure an ongoing focus on corporate safeguarding issues and to promote enhanced understanding and support available for services, led by the professional safeguarding officer leads within adult and children's social care.

6. Timetable and accountability for implementing this decision

6.1 Following approval, it is proposed that the policy itself is reviewed at least annually, while performance in relation to the wider work of corporate

safeguarding is reported on an ongoing basis to the Corporate Safeguarding Working group, chaired by the Chief Executive. As noted above, it is also proposed that Cabinet is updated on corporate safeguarding issues on at least an annual basis (paragraph 3.4); with a role also envisaged for the Council's scrutiny function (paragraph 3.5).

- 6.2 The implementation of the new policy will also be supported by a further internal communications campaign from the point that it is adopted. This will include e-learning packages for staff and wider promotional material to those without routine access to a PC. Tailored awareness-raising amongst elected members is also being arranged. The ways that safeguarding responsibilities are reflected in employee job descriptions, performance management and service business planning are also being enhanced via the implementation of the action plan overseen by the Chief Executive's Corporate Working Group.

7. Financial and procurement implications

- 7.1 There are no direct costs associated with the implementation of the Corporate Safeguarding Policy. The activity and responsibilities it promotes will be delivered via existing resources.
- 7.2 Specific implications for the Council's procurement and commissioning functions are described within the policy document, which sets out the responsibilities of these services in ensuring safeguarding principles are embedded for all contracts. Specifically, the policy makes clear that those contractors or volunteers that work with or are commissioned to undertake activity on behalf of the Council are made subject to the same safeguarding responsibilities as directly employed members of staff.

8. Legal implications

- 8.1 The Corporate Safeguarding Policy sets out the legal requirements and duty placed on the Council to ensure the safeguarding of all children, young people and adults.
- 8.2 More detail on the legal requirements can be found within the policy, with the headline relevant legislation comprising the following:
- Care Act 2014
 - Children's Act 2004
 - Children and Families Act 2014

10. Implications for partners and other directorates

- 10.1 Key statutory partners also have a duty to safeguard and promote the welfare of children, young people and adults, in the way same as the Council. This is described in more detail, including having a shared responsibility and joint-working arrangements, within the Corporate Safeguarding Policy. The two Rotherham safeguarding boards work to promote understanding across these partnerships, share learning and help ensure consistency across the public agencies working with people across the borough.

11. Equalities and human rights implications

- 11.1 Rotherham Council is under a duty to promote equality and diversity in all the work it does and services it delivers. The Corporate Safeguarding Policy is closely aligned to a new Equality and Diversity Policy for the Council, which is also due to be presented to Council on 13 July for agreement. Both of these new policies promote a greater understanding and awareness of key duties across all Council services, so that they can be more responsive to the needs of Rotherham's local communities, particularly those most vulnerable and in need of help and support.

12. Implications for Children and Young People and Vulnerable Adults

- 12.1 The Corporate Safeguarding Policy further supports existing, targeted safeguarding policies and procedures focused on children, young people and adults, as set out in the legislation noted in section 8 above.

13. Risks and mitigation

- 13.1 The Corporate Safeguarding Policy further supports the Council to meet its statutory obligations in the safeguarding of all children, young people and adults by ensuring that services across the entire Council are aware of roles and responsibilities; and further promotes awareness and understanding amongst elected members.
- 13.2 Not having appropriate, clear policies and procedures in place, or having a good understanding of safeguarding within the organisation, could put children, young people and adults at risk across the borough.
- 13.3 There is also a risk that, without ongoing focus, the policy once adopted may not have the desired impact in helping to improve all services' understanding of their safeguarding roles and responsibilities, ultimately helping to make Rotherham a safer, more welcoming borough. However, the governance arrangements noted within this report, which include the Corporate Working Group chaired by the Chief Executive, ongoing safeguarding action plan and proactive communication campaign, will help to ensure senior leadership oversight and drive for this work. Future reporting to Cabinet, scrutiny and the Rotherham safeguarding boards will also further help ensure a robust focus on the long term impacts of this new policy.

14. Accountable officer(s)

Sharon Kemp, Chief Executive

Approvals obtained from:

Strategic Director of Finance and Corporate Services: Stuart Booth

Director of Legal Services: Dermot Pearson

Head of Procurement (if appropriate): Helen Chambers

This report is published on the Council's website or can be found at:-

<http://moderngov.rotherham.gov.uk/ieDocHome.aspx?Categories=>

Rotherham MBC Corporate Safeguarding Policy [children, young people and adults]

1. Policy statement

Rotherham Council believes that every child, young person and adult, regardless of their background, age, culture, sexual orientation, gender identity, disability, ethnicity or religious belief, should be able to participate in a safe society without any fear, violence, abuse, bullying, discrimination or exploitation.

Safeguarding is everyone's business and everyone at the Council shares a responsibility, both corporately and individually, to ensure that every person is treated with dignity and respect and protected from others who may abuse them. All Council employees, elected members, contractors and volunteers, particularly those who come into contact with, or who share information about, children, young people or adults in the course of their work - but not exclusively so - have a duty of care to safeguard and promote the welfare of the most vulnerable people in Rotherham, young or old.

Procedures and good practice will be developed within the Council to ensure that every service and employee can demonstrate that they understand their duty to safeguard and promote the welfare of children, young people and adults

The Council will have an ongoing focus on providing evidence to show how this Safeguarding Policy is being implemented, monitored and reviewed, both within the Council and within multi-agency working arrangements.

2. Policy objectives

This policy will operate as a framework for every service in the Council and define the roles and responsibilities for all employees, managers, elected members and volunteers in the safeguarding of children, young people and adults.

Rotherham Council will:

- Promote safeguarding as everybody's business; ensuring all employees, managers, elected members and volunteers understand their roles and responsibilities for safeguarding and are supported to develop and maintain this understanding.
- Implement clear procedures and protocols to ensure it meets its obligations towards the safeguarding of children, young people and adults.
- Ensure clear overall accountability for safeguarding exists for services.
- Provide assurance to members of the public, service users, elected members, employees, partners and people working on behalf of the Council that there are arrangements in place to safeguard and protect children, young people and adults.
- Ensure services are planned and delivered in a way which seeks to safeguard children, young people and adults; and employees are able to conduct themselves safely.
- Ensure local services work together where appropriate around the safeguarding needs of children, young people or adults, and that they are actively involved in developing and evaluating the services which are provided for them.
- Invest in preventative and early intervention services and endeavour to avoid situations where abuse or harm may occur.
- Ensure the Council and partner organisations, in relation to multi-agency working arrangements, have a shared understanding of the duty to safeguard.

3. Background and context

Safeguarding is everyone's business and all staff who have direct or indirect contact with children, young people and adults, or who have access to information about them, have a responsibility to safeguard and promote their welfare.

Beyond this, the Council, as an organisation, has a duty to make appropriate arrangements to safeguard and promote the welfare of children, young people and adults across all of its activities. Government guidance makes it clear that safeguarding is a shared responsibility, and depends upon effective joint working between agencies and professionals that have different roles and expertise.

This is a joint, corporate policy, reflecting the fact that there are similarities in many of the actions needed to safeguard children, young people and adults. However the Council recognises there are also distinct differences and these too are reflected in the policy and supporting guidance; as well as the relevant specific policies and procedures within adult and children and young people's social care.

3.1 Links to Rotherham Council Corporate Plan

The Corporate Plan details the Council's priorities for the year ahead. The Corporate Safeguarding Policy, as well as making clear the Council's duty to safeguard and promote the wellbeing of children, young people and adults, will also help contribute to achieving a number of the Corporate Plan objectives, in particular:

- **Priority - Every child making the best start in life**
Outcome: Children, young people and families are protected and safeguarded from all forms of abuse, violence and neglect
- **Priority - Every adult secure, responsible and empowered**
Outcome: Individuals and carers are supported to be safe, independent and resilient within a personalised model of care and support
- **Priority - A strong community in a clean, safe environment**
Objective: Communities are strong and people feel safe

3.2 Rotherham: a child-centred borough

The Council is committed to making Rotherham a "child-centred borough" and therefore will combine its resources to support every child the best it can and provide them with the best start in life. In achieving this ambition, the Council has agreed a number of outcomes which will contribute towards all children, young people and adults being able to participate in a safe society:

- Rotherham recognised as a great place for families to bring up children and see young people safe into adulthood
- An environment with exciting, challenging, schools, colleges and access to higher education, where teachers want to teach, students want to learn and young people are full of ambition and aspiration
- A place where vulnerable adults are respected and play a full part in the life of Rotherham
- The Council accepting and acknowledging its past history with child sexual exploitation, has tackled its past, and robustly and effectively dealing with current cases.

(from "Rotherham Improvement Plan 'A Fresh Start'" 2015)

3.3 What is meant by abuse

This section considers the different types and patterns of abuse and neglect. The list is taken from examples in the Care Act 2014 and the Children Act 2004. It is not intended to be an exhaustive list but an illustrative guide as to the sort of behaviour which could give rise to safeguarding concerns.

Incidents of abuse may be one-off or multiple, and affect one person or more. Professionals and others should also look beyond single incidents or individuals to identify patterns of harm.

- **Physical abuse** – such as assault, misuse of medication, restraint and inappropriate physical sanctions.
- **Domestic violence** – such as psychological, physical, sexual and financial abuse.
- **Sexual abuse** – such as rape, assault, sexual harassment, exploitation, sexual photography, and sexual acts to which the adult has not consented or was pressured into consenting.
- **Psychological or emotional abuse** – such as threats of harm or abandonment, humiliation, intimidation, verbal abuse, cyber bullying and isolation
- **Financial or material abuse** – such as theft, fraud, internet scamming and coercion in relation to an adult's financial affairs
- **Modern slavery** – such as human trafficking, forced labour and domestic servitude.
- **Discriminatory abuse** – such as harassment because of race, gender, age, disability, sexual orientation or religion.
- **Threat from terrorism** – the Council has a duty under the Counter-terrorism and Security Act 2015 to have 'due regard to the need to prevent people from being drawn into terrorism'.

4. Safeguarding children and young people

Definition: *"A child is anyone who has not yet reached their 18th birthday. 'Children' therefore means 'children and young people' throughout. The fact that a child has reached 16 years of age, is living independently or is in further education, is a member of the armed forces, is in hospital or in custody in the secure estate for children and young people, does not change his or her status or entitlement to services or protection under the Children Act 2004."* (Working Together to Safeguard Children 2015).

Whilst local authorities and care professionals play a lead role, safeguarding children and protecting them from harm is everyone's responsibility. Everyone who comes into contact with children and families has a role to play. Section 11 of the Children Act 2004 places duties on a range of organisations and individuals to ensure their functions and any services they contract out to others are discharged having regard to the need to safeguard and promote the welfare of children.

The local authority's duties in relation to the safeguarding of children in its area include:

- The duty to investigate actual or likely significant harm to a child*
- Responsibility to intervene to safeguard and protect children who have suffered or are likely to suffer significant harm**
- Provide services to prevent the impairment of a child's health and wellbeing.

(*Children Act 1989, **Working Together to Safeguarding Children 2015)

4.1 Rotherham local safeguarding children board

The Local Safeguarding Children Board (LSCB) does not commission or deliver direct frontline services, though they may provide training. While LSCBs do not have the power to direct other organisations they do have a role in making clear where improvement is needed. Each board partner retains its own existing line of accountability for safeguarding.

LSCBs have a responsibility to:

- Coordinate the work of all agencies represented on the board for the purposes of safeguarding and promoting the welfare of children in the area, and assess whether partners are fulfilling their statutory obligations set out in statutory guidance
- Ensure the effectiveness of what is done by each such person or body for those purposes
- Develop policies and procedures for safeguarding and promoting the welfare of children in the area of the authority
- Communicate the need to safeguard and promote the welfare of children
- Participate in the planning of services for children in the area, and assess the effectiveness of the help being provided to children and families

5. Safeguarding adults

Section 42 of the Care Act 2014 places a duty on local authorities to safeguard adults. This duty applies where a local authority has reasonable cause to suspect that an adult in its area (whether or not ordinarily resident there):

- Has needs for care and support (whether or not the authority is meeting any of those needs)
- Is experiencing, or is at risk of, abuse or neglect, and
- As a result of the care and support needs is unable to protect himself or herself against the abuse or neglect or the risk of it.

The local authority must make whatever enquiries it thinks necessary to enable it to decide whether any action should be taken in the adult's case and, if so, what and by whom.

5.1 Safeguarding Adults Board

The overarching purpose of the Safeguarding Adults Board (SAB) is to help and safeguard adults with care and support needs. It does this by: assuring itself that local safeguarding arrangements are in place as defined by the Care Act 2014 and statutory guidance, assuring itself that safeguarding practice is person-centred and outcome-focused, working collaboratively to prevent abuse and neglect where possible, ensuring agencies and individuals give timely and proportionate responses when abuse or neglect have occurred, assuring itself that safeguarding practice is continuously improving and enhancing the quality of life of adults in its area.

The SAB must lead adult safeguarding arrangements across its locality and oversee and coordinate the effectiveness of the safeguarding work of its member and partner agencies. SABs have three core duties. They must:

- develop and publish a strategic plan setting out how they will meet their objectives and how their member and partner agencies will contribute
- publish an annual report detailing how effective their work has been
- commission safeguarding adults reviews (SARs) for any cases which meet the criteria for these.

6. Equality and diversity

Councils are under a duty to promote equality and diversity in the work they do and services they deliver. In Rotherham, this means we will:

- Work to provide an environment for everyone that is free from discrimination, harassment and violence
- Encourage and support people to be active in community life, volunteering and local decision making
- Work to build a strong, cohesive community where people from different backgrounds develop positive relationships
- Encourage other organisations to adopt similar policies on fairness, equality and diversity, including those that provide goods and services on behalf of the Council
- Celebrate the diversity of people within the Rotherham area.

([Draft] Rotherham Equality and Diversity Policy, 2016)

7. Corporate responsibilities for safeguarding

Every service within the Council has a role to play and has to take full ownership of their safeguarding responsibilities. Particular employees will have specific roles in relation to safeguarding; notwithstanding this, every employee has an obligation to safeguard and take action when required to ensure children, young people and adults are helped and protected. This section clarifies the various roles across the Council, at different levels.

Rotherham Council will ensure highest standards of safe recruitment, supervision and management of staff, particularly, but not exclusively those working directly with children, young people or adults, or those who have access to information about them.

The Council will support all staff to understand their roles and responsibilities for safeguarding, through appropriate training, information sharing and guidance on what to do if there are concerns.

The Chief Executive has the Council's overarching responsibility for ensuring that there are effective safeguarding arrangements for children, young people and adults - that there are policies and procedures in place; that they are implemented with effective corporate governance arrangements; and that all statutory requirements are met.

The Director of Children's Services and Lead Member for Children's Services are the key points of professional and political accountability with responsibility for the effective safeguarding of children and young people (*"Working Together to Safeguard Children"*, 2014).

The Director of Adult Social Services, as chief officer for the leading adult safeguarding agency, has a particularly important leadership and challenge role to play in adult safeguarding. They are responsible for promoting prevention, early intervention and partnership working, which is critical in the development of effective safeguarding.

Human Resources (HR) will ensure appropriate and up-to-date policies are in place in relation to safer recruitment practices, including criminal records checks and verification of references. Specifically HR will:

- Annually review and update these policies to reflect children, young people and vulnerable adults protection needs
- Ensure job profiles include the duty to safeguard within Council competencies
- Oversee staff disciplinary investigations if any concerns, disclosures or allegations of abuse by a staff member are made in conjunction with the Council's LADO (Local Authority Designated Officer) procedures
- Ensure robust procedures are in place for undertaking the relevant checks which form part of the recruitment and selection process e.g. criminal records, right to work etc.
- Make arrangements for general safeguarding training to be available for all groups of employees.

Line managers will:

- Ensure they fully understand the safeguarding policy and all other policies which have a direct link
- Ensure all staff in their area receive appropriate safeguarding information and training commensurate with the responsibilities of their role
- Ensure safeguarding responsibilities are highlighted during team meetings, supervision sessions and performance and development reviews
- Ensure they encourage staff to contribute to discussions about safeguarding and positively involve them in developing safe practices where appropriate
- Ensure they adhere to the safer recruitment guidance/procedures and that appropriate checks are undertaken
- Ensure any concerns reported to them regarding safeguarding issues are passed to the relevant team/individual for action.

All staff (including volunteers and contractors) will:

- Ensure they are fully aware of their duty to safeguard and promote the welfare of children, young people and adults
- Ensure they promote good practice by being an excellent role model
- Ensure they undertake any awareness raising/training appropriate to the level and responsibilities of their role
- Ensure they raise concerns or allegations of abuse and neglect without delay to the relevant team/officer or if unsure of the process that they inform their line manager
- Ensure they act in a way which protects them against false allegations of abuse as far as possible in accordance with this policy.

Elected Members

All elected members have an important part to play to ensure that the Council is discharging its statutory responsibilities and its services to safeguard vulnerable children, young people and adults. All elected members will receive training which will include how to identify and report safeguarding concerns within the appropriate levels of confidentiality.

There are a number of different roles elected members can take, depending on their area of responsibility. When they are elected, all Councillors take on the role of 'corporate parent' to children looked after by their local authority and have a duty to take an interest in the wellbeing and development of those children, as if they were their own. Others such as the Lead Member for Children's Services have a role defined in legislation.

Overview and scrutiny offers a key way in which Councillors can fulfil their safeguarding responsibility, by giving them the opportunity to ask searching questions of a range of service providers and assure themselves that safeguarding processes are working properly.

There is a comprehensive induction programme offered to new members to introduce them to their responsibilities, as well as an ongoing commitment to elected member development and support. All members of the Council are encouraged to attend so they are familiar and confident in their roles.

Member induction and support includes sessions on:

- Children's safeguarding (including countering child sexual exploitation)
- Corporate parenting
- Safeguarding adults

Members with different roles will have tailored support in line with any additional responsibilities.

Safeguarding Champions

The Council is committed to raising awareness and promoting the responsibility of all staff to help safeguard children and adults. For this purpose, a number of 'Safeguarding champions' have been drawn from across the whole organisation to work collectively and individually in their own services to promote the safeguarding agenda, learn from each other, disseminate good practice and improve understanding.

The safeguarding champions' network is led by the principal social workers/safeguarding leads for adults and children's social care. [For more information see annex, 'safeguarding champion's network' terms of reference.]

7.1 Working with partners

Good inter-agency and multi-disciplinary working is promoted and maintained both within the Council and with other organisations. This will be achieved by:

- Ensuring that the Local Safeguarding Children Board and Safeguarding Adult Board are provided with appropriate support to carry out their duties in partnership with other local organisations in Rotherham.
- Ensuring a positive and shared understanding of the duty to safeguard and promote the wellbeing of children, young people and adults at across all partner organisations, through appropriate policies.
- Information is shared effectively and efficiently in respect of issues that may affect the safety and welfare of children, young people and adults and clear protocols are in place to ensure that information is shared appropriately and safely.
- Ensuring the Council has a network of trained, accessible safeguarding champions to support staff to raise concerns

7.2 The Council's Confidential Reporting Code

This code provides the means to raise matters of concern regarding safeguarding issues related to the work environment. It is intended to encourage and enable employees to raise serious concerns within the Council which are in the public interest and makes it

clear that employees can come forward and express their concerns without fear of victimisation, discrimination or disadvantage. If an employee has a concern which they believe it is in the public interest to raise, they may do so either in writing or verbally with the Director of Legal and Democratic Services, Human Resources or the Chief Executive (although specific safeguarding concerns must also be raised via the channels referenced in this policy).

7.3 Recruitment and selection

In order to ensure that children, young people and adults are protected, the Council will make sure that all staff and volunteers are carefully selected, screened, trained and supervised. In particular the Council will ensure that the following checks are satisfactorily completed before a person takes up a position within the Council:

- Check the applicant is who they claim to be - e.g. having sight of an applicant's birth certificate, passport and/or driving licence
- Check the applicant has the right to work in the UK
- Check the applicant's academic qualifications are genuine
- Check that satisfactory professional and character references have been received and verified for the applicant
- Check the applicant's previous employment history has been examined and any gaps have been satisfactorily accounted for
- Check a criminal records check at the right level has been undertaken
- Check the applicant is registered with the relevant professional body and there are no active restrictions against them (where applicable).

This also applies to agency workers who will be working or coming into contact with children, young people and vulnerable adults.

7.4 Induction and Training

- All new members of staff will receive induction training which should include how to identify and report safeguarding concerns within the appropriate levels of confidentiality.
- All staff will be expected to undertake awareness raising/training on safeguarding children and vulnerable adults at a level appropriate to their role
- All staff will undertake refresher training when required i.e. following discussion with their line manager
- All managers who participate in recruitment and selection will have undertaken the appropriate training. For those working with children, young people and vulnerable adults this should also include the safer recruitment element. Refreshers should be completed when required i.e. following discussion with their line manager.

7.5 Commissioning and procurement

Each commissioned service should know how to record, report and escalate current issues around safeguarding and follow up issues to ensure they have been resolved. Each service should be committed to safeguarding in all aspects of its work, promoting the welfare of children, young people and vulnerable adults. All staff and volunteers must share this commitment, be trained in all aspects of safeguarding legislation and practice as well as having good links with local safeguarding boards.

The Council will ensure that all relevant commissioned services have a safeguarding policy in place, and that service specifications include a section on safeguarding and a requirement to be compliant with Section 11 of the Children Act 2004, where this is required.

Procurement and commissioning will ensure that safeguarding principals are embedded for all contracts, especially those who come into contact with children, young people, and adults.

8. What to do if you have a concern

Any member of staff with concerns regarding the safety of an individual, or the behaviour of colleagues towards a child or adult should contact the appropriate department:

If a child or adult is in immediate danger 999 should be used to contact the emergency services.

For adult safeguarding issues contact Assessment Direct on 01709 822330

For children's safeguarding issues contact MASH (the Multi Agency Safeguarding Hub) on 01709 336080

9. Implementation, monitoring and review of this policy

The Corporate Safeguarding Policy will be reviewed annually or sooner if required, by the Corporate Safeguarding Working Group and supported by the safeguarding champions. This will include an on-going review of guidance, both nationally and locally, to ensure the Council meets requirements to safeguard children, young people and adults, and there are appropriate procedures and protocols in place.

The Council's Corporate Plan priorities will be reported to cabinet, which will include a range of specific priorities and objectives which this policy will contribute to.

The Council's scrutiny function will also have a role in scrutinising and challenging the Corporate Safeguarding Policy, and the work and performance of the Corporate Safeguarding Working Group. The Safeguarding Children Annual Report and Safeguarding Adults Annual Report will be submitted to cabinet, scrutiny and the Health and Wellbeing Board and to the Corporate Safeguarding Working Group for information.

10. Performance management framework

As part of the on-going implementation and review of the corporate safeguarding agenda, an ongoing plan and performance management framework will be developed to sit underneath this policy, monitored by the Corporate Safeguarding Working Group and supported by the safeguarding champions.

Key indicators will likely include:

- Improved staff awareness of safeguarding
- Number of referrals by non-specialist teams
- Safeguarding policies and procedures in place and understood across the organisation
- All job descriptions include safeguarding as a responsibility for all staff

- Timely and appropriate completion of the Section 11 audit across all relevant sections of the Council
- All relevant corporate strategies and plans consider safeguarding responsibilities e.g. the Corporate Plan and supporting service business plans address safeguarding responsibilities through the Council's performance management framework

11. National legislation and guidance documents

- Section 42 of the Care Act 2014 (adults)
- Working Together to Safeguard Children 2015
- Children's Act 2004 – section 11 audit – reflecting on what we need to improve
- Children and Families Act 2014

Summary Sheet

Cabinet and Commissioners' Decision Making Meeting – 11 July 2016

Title:

Development of Children & Young People's Medium Term Financial Strategy 2016-2021 - Update

Is this a Key Decision and has it been included on the Forward Plan?

Yes

Strategic Director Approving Submission of the Report

Ian Thomas

Report Author(s)

Ian Thomas – Strategic Director of Children and Young People's Services

Ward(s) Affected

All

Summary

- 1.1 This paper sets out an update to Members and Commissioners on progress being made towards the development of a Medium Term Financial Strategy (MTFS) over the next five years for Rotherham's Children & Young People's Service (CYPS). A robust MTFS with strong governance is inextricably linked with a robust Children and Young People's Service.
- 1.2 It is intended that Rotherham becomes a place where it is understood that children and young people represent one of the most important investments that can be made in order to secure a vibrant, healthy and productive future for its people and for generations to come.

Recommendations

That Members and Commissioners note:

1. The progress on developing a sustainable Children's Service, as set out in the CYPS Medium Term Financial Strategy 2016-2021.
2. The 'critical' review work being undertaken by peers on the robustness of the draft MTFS and the identified investment pressures
3. The proposed mechanism for the granting of any additional budgetary investment.
4. The comprehensive budget review being completed by the practice partner and which will be reported on in September 2016.

List of Appendices Included

None

Background Papers

Fifth Report by the Children's Social Care Commissioner on Rotherham Borough Council - February 2016

Ofsted Single Inspection Framework Report – October 2014

Consideration by any other Council Committee, Scrutiny or Advisory Panel

None

Council Approval Required

No

Exempt from the Press and Public

No

Title: Development of Children & Young People's Medium Term Financial Strategy
2016-2021 - Update

1. Recommendations

1.1 That Members and Commissioners note:

1. The progress on developing a sustainable Children's Service, as set out in the CYPS Medium Term Financial Strategy 2016-2021.
2. The 'critical' review work being undertaken by peers on the robustness of the draft MTFS and the identified investment pressures
3. The proposed mechanism for the granting of any additional budgetary investment.
4. The comprehensive budget review being completed by the practice partner and which will be reported on in September 2016.

2. Background

- 2.1 Rotherham Council, led by Commissioners, has presented a clear vision and determination to secure a safe environment for children, alongside ensuring good, sustainable services and regulation to restore healthy democratic leadership and accountability. This vision is described in the 'Fresh Start' Corporate Improvement Plan and the supporting outline 3 Year Medium Term Financial Strategy.
- 2.2 The Outline Medium Term Financial Strategy for Rotherham Council was approved by the Council on 2 March 2016 and has, as a first priority, the adoption of a plan for sustainable Children's Services. Further work has been undertaken to develop a draft MTFS for CYPS. The draft MTFS provides a description of how sustainable services might be achieved over a 5 year term to March 2021. This is reinforced by the refreshed Children and Young People's Service (CYPS) Improvement Plan.
- 2.3 In February 2015, a vision for CYPS in Rotherham was agreed, which was 'working with families and our partners for Rotherham's children's services to be rated outstanding by 2018'. With a vision to be rated 'outstanding' within three years, the challenge is enormous. The vision is aspirational and borne out of a promise to shape the services that never give up on a child.
- 2.4 The need to improve services and outcomes for children and young people is clear. At the same time the Council is facing large budget reductions and this means that the Council cannot continue to deliver the current model of services. To deliver a sustainable children's service a business model tied into the Council's Outline MTFS must be developed directly related to the improvement journey, drive out inefficiencies, rethink services and the way we work with families, and improve performance management.

3. Key Issues

Development of CYPS Medium Term Financial Strategy

- 3.1 The draft Medium Term Financial Strategy for CYPS sets out ambitious plans which will both drive more cost effective practices through service transformation and deliver savings over the lifetime of the plan to March 2021. Planned savings of £4.343m were agreed as part of the wider Council 3 year Medium term financial strategy and a further £12.6m have been identified as transformational savings bringing the total to £16.943m over the life of this MTFS.
- 3.2 The draft MTFS describes in detail the Directorate's improvement intentions, how resources will be managed, and services transformed so sustainable children's services are delivered which offer excellent, value for money support for Rotherham children. It describes how the Council will build a sound financial platform by understanding budget pressures, committing to re-design of services, and setting out the financial investment requirements. The document is the Directorate's professional view around need and explains how demand for services will be managed by investing in; the right support at the right time for families across early help, children's disability services, children's social care, and education settings and develop better, more affordable placement choices through a sufficiency strategy for Looked After Children (LAC).
- 3.3 The scale of the financial challenge and rigour is such that this strategy can only be delivered by an ambitious Transformation Programme. A programme of change has been developed covering 9 transformational strands which will deliver the benefits and savings outlined in the MTFS:
- Children's Social Care Improvement
 - Social Care Systems Improvement
 - LAC Sufficiency Strategy Implementation
 - Early Help
 - Special Educational Needs and Disabilities (SEND)
 - Sustainable Education and Skills
 - Commissioning (improvement through transformation of the market)
 - Workforce development and organisational development
 - Resource Management and Savings Delivery
- 3.4 Building partnership arrangements and working collaboratively with others is essential to developing new service models that join up service delivery. A strategic approach to partnerships is being developed, co-producing services and positioning and aligning money to commissioning across the system for better outcomes and economies.
- 3.5 The cash limited budget for CYPS in 2016/17 is £56m, approved by Council in March 2016 which included a net £12m investment from 2014/15. This covered historical underfunding and some of the expenditure required for the transformation of the Service. As indicated in the letter from the Commissioner for Children's Social Care to the Secretary of State for Education (February

2016) the budget for 2016/17 is unlikely to meet the forecast demands. A responsible estimate is that the 'flight path' sees Children's expenditure potentially rise by an additional £7.5m in 2016/17 but might then 'standstill' beginning in 2017/18 and reduce significantly by mid 2020.

- 3.6 The Council is committed to the delivery of financially sustainable Children's Services and believes that the overall revenue requirement can be reduced significantly. Aligned with the improvement plan, this will take five years not three and will require further additional front loaded transformational investment to deliver further significant savings in 2018/19 and 2019/20.
- 3.7 Significant efforts continue to be made by the Directorate to effect strong resource management to reduce or minimise the overall cost of services in the immediate term in 2016/17. The majority of this cost pressure is attributable to Looked After Children placements and a current over reliance on agency staff. Reduction of the agency staff costs are expected as efforts are accelerated to recruit to permanent Social Worker vacancies. Campaigns currently are in full train and are contributing to a reduction in expenditure and cost avoidance of around £700k. For Looked After Children, an Out of Borough Residential Placements Panel chaired by the Deputy Strategic Director is now gaining significant traction as each child is systematically reviewed and more appropriate use made of residential and agency fostering placements achieving cost reduction as well as better outcomes.
- 3.8 The focus is now on enhanced management oversight of decision making at the 'front door' of children coming in to care and managing the demand for residential care through a number of interventions set out in the LAC Sufficiency Strategy. For example, sufficient in-house foster care; and investment for adolescents on the edge of care to support and prevent them from coming into care.
- 3.9 Potential for savings has been identified in the review of LAC residential care and leaving care accommodation and in the report to Cabinet in June 2016 but these are subject to the necessary consultations.
- 3.10 The Directorate is on track to deliver total planned savings for 2016/17 of £1.383m across the following services:

Service	Area	Saving Approved 2016/17 £'000
Education and Skills	Education Catering	83
	Facilities Management	33
	Early Years	85
	School Planning, Admissions & Appeals	20
	School Improvement	146
Early Help	Early Help	501
Children's Social Care	Residential Care provision	515
Total		1,383

- 3.11 The first phase of savings for Early Help has delivered efficiencies of £501k, whilst reshaping services to help manage the demand pressures facing Children's Social Care. The Early Help Offer in Rotherham is being developed and whilst making rapid improvement is in its infancy. It is recognised that the Early Help offer will require collaboration and the confident practice of Schools, health, police and the voluntary, community and independent sector in supporting families.
- 3.12 A whole service review of the Education and Skills Service within the directorate (including traded services) will explore the potential to bring forward a change in the operating model following white paper appropriate to the shift to Academisation and the SEND reforms required by the Children and Families Act 2015. The scope of whole service review for Education and Skills will consider the grouping of functions. This will also touch on where these in other areas of Directorate (and in other areas of the Council) and identify potential efficiencies.
- 3.13 A Traded Services Review will be concluded during 2016/17 and will identify the potential to increase income, better develop markets, unit costs and pricing or seek to disinvest where this is not possible. Finally a Business Support services review is in progress and is expected to realise significant savings once implemented, the timing of which will have regard to the transformation of services.

Critical Review of the MTFS by Peer Local Authorities

- 3.14 The robustness of the CYPS MTFS has necessarily been subject to the critical review of external peer Local Authorities. At the time of writing the reviews are underway. Early feedback is that the MTFS is comprehensive and that the main elements of the investment and savings strategy align with what peer reviewers are doing within their own organisations. The plans are seen to be very ambitious. Deliverability of the plans is a key challenge and as such there may be scope for the profile of investment and savings to be revisited to ensure they are rigorously defined.
- 3.15 The reviewers will whether the medium term financial strategy has taken account of principles which in longer term will result in financially sustainable services. This could include:
- Prevention and Early Intervention - the extent to which Early Help services impact on the demand for social care over the life of the strategy. Including the use of Universal services to give 'the best start in life' and targeted provision to prevent escalation of need.
 - Initiatives that would focus on the quality of practice and reduce the likelihood of families being repeatedly referred to statutory services.
 - Preventative measures to stop children coming into care, but once in care ensuring local options for the provision of family based placements and permanency.

- 3.16 Also highlighted from the peer's own experience is the need for additional performance and evaluation discipline through the appropriate boards, to ensure robust implementation plans that deliver the ambition are in place.
- 3.17 In addition, Lincolnshire County Council, as Rotherham's improvement partner, is also undertaking a detailed budget review as part of the Improvement Offer. This includes identification of opportunities to reduce expenditure in the immediate term. This review is covering the whole Directorate but of particular focus will be the challenge of non-social care budgets, identifying potential for savings over and above the £1.383m already planned for 2016/17. The review will take the form of challenge sessions, a review of detailed budget information across services and other key documents.
- 3.18 The outcome of the reviews and recommendations around the level of additional investment required will be reported to Cabinet and Commissioners in September 2016.

Proposed mechanism for the granting of any additional budgetary investment

- 3.19 The granting of any additional budgetary investment would require a change to the current directorate's cash limited budget. Such an investment would need to be considered as part of the Council's overall budget process and governance framework to ensure that it is appropriately considered in relation to other competing priorities for such finite resources and recognising the significant funding gap faced by Council up until at least 2020. Equally, any approval would need to consider the mechanism for tracking and agreeing the detailed output/outcome improvements resulting from the investment.
- 3.20 The Directorate will provide a bid for additional investment in the form of a business case aligned to each identified investment area in the MTFs. This business case would clearly define and set out the total funding required for the intervention, the period of time and specific detailed information about what the funding would be used for, including the relevant performance improvement outputs / outcomes (including milestones) that are expected to be delivered and by when.
- 3.21 The total amount of investment will be identified in a report to the Commissioner in September 2016 along with appropriate permissions for delegated approval of business cases. That is, business cases will be reviewed by the Assistant Director of Finance and 'sign off' given in conjunction with the Commissioner for Children and the Cabinet Member for Corporate Services and Budgeting.
- 3.22 If supported, the investment would be financially tracked based on the actual expenditure incurred (up to the annual investment budget approved). Financial budget monitoring reports will be provided to Senior Management Team of the Council and to Cabinet every Quarter to track the investment along with headline performance information relevant to the expenditure incurred to evidence its impact on outcomes.

Delivering of the CYPS MTFS – Strengthened governance

- 3.23 In February 2016, the Commissioner for Children's Services report to the Minister of State (DfE) noted the vision for delivery of outstanding child-centred services through a major transformation programme and his expectation that this would be widely understood and embedded by September 2016 and progress robustly managed.
- 3.24 Strengthening of the Directorate's governance and reporting arrangements has been undertaken to provide the necessary assurance in taking forward improvements and delivering sustainable Children's Services. This more rigorous approach takes the form of the Children and Young People Transformation Programme. This programme and project approach has articulated the vision through the Transformation Brief, and is aligning and developing plans in a standardised way to deliver and report on the change.
- 3.25 The Programme is governed by the CYPS Transformation Board which meets on a monthly basis. Membership includes the Directorate Leadership Team and key corporate officers from Finance, Human Resources, Legal, Procurement and Communications who attend the board. This will support the tracking of key financial benefits and provide the performance and evaluation discipline required to ensure that plans deliver and report on the necessary failure.
- 3.26 A key financial appointment at Head of Service level has been made by the Strategic Director of Finance and Customer Services to ensure the senior capacity is in place to support the Directorate and management team with the right skills and experience to undertake the financial modelling and resource management required.

4. Options considered and recommended proposal

- 4.1 That Members and Commissioners note:
1. Progress on developing sustainable Children's Service set out in the CYPS Medium Term Financial Strategy 2016-2021.
 2. The critical review work being undertaken by peers on the robustness of the MTFS and the identified investment pressures
 3. The proposed mechanism for the granting of any additional budgetary investment.
 4. The comprehensive budget review being completed by the practice partner and which will be reported on in September 2016.

5. Consultation

- 5.1 The draft CYPS Medium Term Financial Strategy upon which many of the transformational savings and investments have been proposed is currently subject to the 'critical' review of a number of peers. The CYPS Transformation Programme Brief was previously considered by Commissioner for Children and Chief Executive and is set out in the Commissioner September Tests.

6. Timetable and Accountability for Implementing this Decision

- 6.1 This report is an update on progress towards the development of a CYPS Medium Term Financial Strategy. The MTFS will be considered for approval by Commissioners in September 2016.

7. Financial and Procurement Implications

- 7.1 The report provides an update on the development of the financial strategy to create sustainable children's services by March 2021 and highlights a gap between the current cash limit budget 2016/17 of £56m and the potential for an additional net investment of £7.5m to transform the Service and meet demand pressures for the Directorate. The draft MTFS also articulates that the Service through delivering its vision and transformation programme may be able to realise cashable budget savings of around £16.5m in the period 2020/21.
- 7.2 The Directorate is carrying out reviews to identify any further savings. This will be informed by the outcome of the "critical" reviews by the peer authorities. The final financial requirement will be the subject of a report to Cabinet and Commissioners in September 2016. Thereafter business cases will be submitted for any further additional funding.
- 7.3 Any additional investment made in 2016/17 and future years will need to be carefully considered in light of both the Council's overall financial funding gap and other competing investment priorities. The consideration and governance of the detailed investment proposals would need to be considered as part of the council's overall budget process and governance framework. In accordance with the Council's Constitution, any matters concerning a change in the budget is a matter for Full Council.

8. Legal Implications

- 8.1 None identified.

9. Human Resources Implications

- 9.1 There are no direct employee implications from the recommendations in the report. However the financial strategy takes account of activity to recruit permanently to posts occupied by agency workers, thereby reducing costs, and provide continuous professional development for social care staff which is a hallmark of high performing Children's Services.

10. Implications for Children and Young People and Vulnerable Adults

- 10.1 The Council is ambitious for all of Rotherham's children, an aspiration set out in the strategy for a Child Centred Borough approved by councillors and commissioners in June 2016. The draft MTFS supports the strategy which seeks for every child to have a good childhood, for all partners to work together to give every child the best start in life, and to support the development of the next generation of citizens. This would include the ensuring the smooth transition into adulthood.

11 Equalities and Human Rights Implications

- 11.1 The CYPS Medium Term Financial Strategy will be subject to an equalities assessment. Equalities assessments will be considered in more detail as each of the key elements of the financial strategy move into implementation.

12. Implications for Partners and Other Directorates

- 12.1 The Programme requires commitment and involvement from across Council departments, health, police and school partners and the broader community of organisations in Rotherham.
- 12.2 Partnership arrangements and working collaboratively with others is essential to developing new service models that join up service delivery and deliver the potential to reduce the call on financial resources.

13. Risks and Mitigation

- 13.1 The draft CYPS Medium Term Financial Strategy is a key mitigation against the key strategic risk of failure to sustain the improvements and the delivery of an effective Children's Services within budget. The MTFS is aligned with the CYPS Transformation Programme which includes efficiency / savings priorities to be achieved in the medium term through a change in models of service delivery.
- 13.2 As an authority with an 'inadequate' Ofsted rating, the Council will need to be open to advice and requirements about further service improvements.
- 13.3 If additional investment is not agreed this will have an adverse impact on capacity and pace of improvement, the quality of practice, and on the ability to manage demand pressures.

14. Accountable Officer(s)

Ian Thomas, Strategic Director – Children and Young People's Service

Approvals Obtained from:-

Strategic Director of Finance and Customer Services:- Stuart Booth, Assistant Director of Finance, 07.06.2016

Director of Legal Services:- Adrian Phillips, Legal Services Team Manager 08.06.2016

Head of HR – Simon Cooper, Human Resources Manager 06.06.2016

Head of Procurement (if appropriate): Not applicable

Ian Thomas, Strategic Director for Children and Young People Services

Council Meeting:

Cabinet and Commissioners' Decision Making Meeting – 11 July 2016

Title:

Habershon House Residential & Field Study Centre

Is this a Key Decision and has it been included on the Forward Plan?

This is not a key decision but has been included on the forward plan.

Strategic Director Approving Submission of the Report

Ian Thomas, Strategic Director of Children and Young People's Services

Report Author(s)

Collette Bailey Head of Service; Early Help & Family Engagement

David McWilliams, Assistant Director, Early Help & Family Engagement

Ward(s) Affected

Various (but not all)

Executive Summary

1. The Early Help and Family Engagement Service currently manages two residential centres; Habershon House Residential and Field Study Centre, at Filey, North Yorkshire and Crowden Outdoor Education Centre, in Derbyshire on the Dark Peak.
2. Crowden offers Outdoor Education with accommodation and provides a range of activities (climbing, stream scrambling, canoeing, mountain walking, etc.) to meet the needs of a variety of client groups and educational outcomes. The centre provides accommodation and full board or a self-catering option and employs four staff; two instructors, a cook/ hospitality manager and a cleaner. The current forecast outturn 2016/17 for Crowden is that running costs (circa £147,000) will be met in full through bookings.
3. Habershon House Residential and Field Study Centre provides a range of outdoor and indoor educational activities. The centre provides accommodation and full board or a self-catering option for school or youth groups as well as private family hire.
4. This report has been co-produced by Children and Young People Services and Planning, Regeneration and Environment and provides information to inform the decision with regard to the future of Habershon House.

Recommendations

1. Cabinet is asked to consider three options in relation to the future of Habershon House Residential and Field Study Centre and approve the recommended option, which is option three.
 - Option One: Close Habershon House Residential and Field Study Centre and sell the property on the open market.
 - Option Two: Additional investment in the centre with a view to develop and re launch the provision.
 - Option Three (Recommended Option): Facilitate an asset transfer to a voluntary organisation or consortia of partners to deliver activity that benefits the residents of the Rotherham.

List of Appendices Included:

Appendix A: Financial implications of identified options

Appendix B: Legal Covenants and advice with regard to the Localism Act (2011)

Appendix C: Equality Analysis

Background Papers

- Learning Outside the Classroom: How far should you go? Ofsted, 2008
- Lead Commissioner's technical Best Value note of 26 January 2016.
- 2015/16 School Bookings.
- Asset Transfer Policy.
- Venues used by Rotherham Primary Schools for residential trips and feedback from schools on customer requirements.

Consideration by any other Council Committee, Scrutiny or Advisory Panel:

No.

Council Approval Required

No.

Exempt from the Press and Public

No.

Title: Habershon House Residential & Field Study Centre

1. Recommendations

Cabinet is asked to consider three options in relation to the future of Habershon House Residential and Field Study Centre and approve the recommended option, which is option three.

- Option One: Close Habershon House Residential and Field Study Centre and sell the property on the open market.
- Option Two: Commit to additional investment in the centre with a view to developing and re-launching the provision.
- Option Three: (Recommended Option) Facilitate an Asset Transfer to a voluntary organisation or consortia of partners to deliver activity that benefits the residents of Rotherham.

2. Background

- 2.1 Habershon House Residential & Field Study Centre provides a range of outdoor and indoor educational activities which help children and young people to progress their personal, social and emotional development skills to achieve learning outcomes. The centre provides accommodation and full board or a self-catering option for school or youth groups as well as private family hire.
- 2.2 The house stands in large, fenced grounds enabling groups to work and play outside and can accommodate groups of up to 42 children and young people.
- 2.3 Whilst providing a curriculum package, Habershon does not offer organised day and evening activity and is not an accredited 'Learning Outside the Classroom' provider. This weakens the appeal of the current offer and to address this would require further investment of additional staffing and management time.
- 2.4 All schools visiting Habershon have to provide their own transport to get to and from the site. Habershon House is approximately 85 miles from Rotherham Town Centre.
- 2.5 To assess schools' purchasing habits, an analysis from Evolve, the educational off-site visit data base was undertaken in April 2016 of the overall number and type of residential trips undertaken over the past two years by Rotherham primary schools, as they are the predominant users of Habershon House.
- 2.6 All of the 96 Rotherham Primary Schools had taken pupils on at least one residential during the past two years. During the period April 2014 to March 2016, 240 groups attended a residential activity. Of these, one third

booked a 'seaside location' and the remaining two thirds booked inland venues which offered centre led activity programmes.

- 2.7 Of those that booked a seaside location (75 bookings) 42% stayed at Habershon House and the remainder stayed in hotels and Youth Hostels, predominantly in Whitby and Scarborough.
- 2.8 Views were sought from three distinct groups of schools with regard to what influenced their choice when booking a residential activity;
 - Schools that currently use Habershon.
 - Schools that have used Habershon House in the past.
 - Schools that have never used Habershon House.
- 2.9 The findings showed that for a small number of Rotherham primary schools, residential visits to Habershon House are a fixed part of the school calendar. However, the majority of schools surveyed favoured a centre led approach to providing a menu of activities, both curriculum and personal/group challenges, organised and delivered by qualified centre staff to whole year groups of up to 90 pupils.
- 2.10 Habershon charges £37 (per person/bed) per night, with full board high season and £25 off peak (November to March) with a minimum booking of 20 beds and a free staff space for bookings of over 25 beds. Self-catering is offered at £15 per person per night (minimum booking 10 beds). For schools and organisations outside Rotherham the rate is £39.50 high season and £28 off peak for full board.
- 2.11 Whilst not a like-for-like comparison, a standard Youth Hostel Association (YHA) offer with full board and activities ranges from £35 per night (low season) full board including activities (in line with 'Learning Outside the Classroom' accreditation), to £165 per night (high season) for adventure activities and a full evening programme. The Youth Hostel Association is also open all year.
- 2.12 Similarly, Robinwood Activity Centre is a provider situated between Burnley and Rochdale. Robinwood is an accredited 'Learning Outside the Classroom' provider and offers a full package of experiences including indoor and outdoor activities such as climbing walls, caving areas, trapeze halls, themed problem-solving areas and indoor archery. Their rates are £171 per night (high season) or from £59 per night off-peak (November to March). Robinwood operates on a similar annual operational profile to Habershon, of a 42 week opening season and, like Habershon, does not provide transport to and from the site.
- 2.13 There is significant competition in the local area from Kingswood in the Dearne Valley which is in close proximity to Rotherham schools and has the highest usage of all providers; 41 visits from 23 primary schools over

the last two years. Dearne Valley's prices and curriculum offer are comparable to Robinwood.

3. Key Issues

- 3.1 The services provided by Habershon House are non-statutory and are not targeted to vulnerable groups. Given the pressures on the Children and Young People's Services budget, it is essential that any expenditure on non-statutory activity contributes to the reduction in demand for high cost statutory services such as social care.
- 3.2 Continuing to operate Habershon House Residential and Field Centre is not the most cost effective way of supporting our most vulnerable young people and their families and improving outcomes.
- 3.3 Officers from Children and Young Peoples Services and Planning, Regeneration and Environment have met to discuss the potential options for Habershon and in particular the viability of retaining the provision as a Council asset.
- 3.4 The conclusion reached was that private sector parties are better able to provide residential outdoor education facilities opportunities more affordably and to a higher standard than the Council, and that even with additional investment, Habershon House would not be able to compete. Retaining the facility would not offer value for money or be sustainable in either Children and Young Peoples Services or Regeneration and Environment Directorate.

4. Options

4.1 Option One: Closure and sale

- 4.1.1 A decision to close Habershon would require the Council to undertake a consultation with staff, schools and partners.
- 4.1.2 Should Habershon be declared surplus to operational requirements, a full review of the asset would be undertaken by Estates and Facilities Management and the building would be transferred into the Land & Property Bank until disposal. This will include further investigation in relation to planning permission and sale, including investigating the residual root conveyances through land and property. Any proceeds from the sale of Habershon would be transferred to the Capital Receipts Fund administered centrally by Corporate Finance.
- 4.1.3 Asset Management would then circulate details to all Council Directorates to seek interest in taking on Habershon as an asset, and if this was not forthcoming, the building would be decommissioned and advertised for lease or sale.

- 4.1.4 The proposed balanced Council budget for 2016/17 is predicated on an assumption that £2m of new capital receipts will be made available to substitute for revenue budget in line with the Government announcements around new capital receipt flexibility. In respect of the sale of Habershon House it is proposed that the use of any capital receipt is determined in accordance with the council's corporate priorities.
- 4.1.5 An initial review of Habershon was conducted in April 2016 and has estimated a valuation of the property at between £150,000 and £175,000. This figure is based on the number of existing covenants attached to the usage of the building and land.
- 4.1.6 Scarborough Borough Council is not in favour of planning applications for building residential properties on this site due to issues with regard to infrastructure in relation to drainage and utilities.
- 4.1.7 Legal Services have advised that it would not be beneficial at this stage to register Habershon as an 'Asset of Community Value' under the Localism Act the circumstances as it could limit or delay any future development in the event that Option One (closure and disposal) is chosen.
- 4.1.8 This option carries a risk of on-going costs if Habershon House does not sell. The estimated costs of closure for 2016/ 17 are shown in Appendix A: Table One. There would be ongoing costs for security and maintenance and these costs would need to be met from within the Early Help and Family Engagement revenue budget until such time as the building transfer is completed to the Land & Property Bank.
- 4.1.9 This option will impact on staff employed in the Centre and may lead to a requirement for redundancy or redeployment.
- 4.2 Option Two: Additional investment in the centre with a view to re-launching and develop the provision.
 - 4.2.1 If Habershon House was to be re-launched it would require an estimated additional investment of £19,818 to market the facility, provide internet access and to improve facilities. Full breakdowns of costs are included in Appendix A: Table Two.
 - 4.2.2 The running costs for Habershon, (based on 2016/17 budget) are shown in Appendix A: Table Three. However, should additional investment result in increased bookings there would also be additional overheads such as laundry and food. Therefore it is difficult to establish the definitive costs at this stage.

- 4.2.3 The minimum projected overspend to retain the facility without upgrading to the end of this financial year would be £57,714, based on 2016/17 expenditure, with current bookings and no active marketing.
- 4.2.4 Option Two would require additional one off investment costs creating an estimated projected overspend of £67,714 in 2016/17. Should this additional investment result in increased bookings there would also be additional overheads such as laundry and food. Therefore increased income through enhanced and expanded bookings would also need to have been evidenced to support any such decision.
- 4.2.5 The Council's Best Value Duties will need to be applied when considering additional investment. A technical note drafted by the Lead Commissioner, Sir Derek Myers notes;
- That money spent should be for a proper purpose with a sufficient justification.
 - That costs arising from policy decisions should be fairly calculated and financial risks considered.
 - That from time to time procurement options should be examined to make sure that value for money is being achieved.
 - That money should be spent for a proper legal purpose.
 - That the Council should seek to maintain an overall coherent set of priorities, allocating scarce resources to its agreed priorities.
- 4.2.6 Retaining the facility for outdoor education or leisure purposes would not be sustainable or offer value for money in either Children or Young People's Services or the Regeneration and Environment Directorate as it does not deliver services that meet the Council's corporate priorities.
- 4.3 Option Three: Asset transfer to a Voluntary Organisation (Recommended Option)
- 4.3.1 If Option Three is adopted and the service is to continue in some form, there would be an opportunity of retaining Habershon House to deliver activity for the benefit of Rotherham residents.
- 4.3.2 Early soundings with voluntary and community groups have indicated that there is genuine interest in pursuing this option.

4.3.3 In order to achieve the best deal possible for the Council and the Borough's children and young people, it is proposed that the Council seeks engagement with all relevant interested parties both within the borough and the property's locality. This will include discussion of the potential TUPE implications with the relevant parties.

4.3.4 Should option three be the preferred option, there are legal implications which must be adhered to as detailed in section 8.2.

4.4 Management arrangements

4.4.1 As Habershon is a Directorate specific asset, if it was transferred to a voluntary and community sector provider then Children and Young People's Services would be responsible for managing the tenant in terms of its service delivery and community aims.

4.4.2 The Corporate Property Unit would provide any assistance in the initial granting of leases and as a separate agreement with Children and Young People's Services, ensure that the maintenance and other statutory and lease provisions are adhered.

4.5 Transfer of Undertakings (Protection of Employment)

4.5.1 If the property is to be used for a similar purpose there would be Transfer of Undertakings (Protection of Employment) implications for existing staff. This would need to be explored with prospective partners as part of the asset transfer process.

4.6 Timeframes for implementation

4.6.1 This option would require capacity from a designated officer and a minimum timeframe of three months to consult with stakeholders and oversee this option to a conclusion.

5. Consultation

5.1 Should a decision be taken to close Habershon there would need to be a period of consultation for staff, schools and other partners. Any transfer of services will require TUPE consultation. Indicative dates for a consultation processes are outlined in the table below:

Indicative Consultation Timetable	
Dates (2016)	Action Required
Friday 15 th July 2016	Staff, schools and Trade Union consultation meeting. Consultation with schools and partner agencies.
Monday 15 th August	30 working days consultation period ends.
Friday 29 th August	Assuming no changes to the proposals, Notices issued and staff considered within the Rotherham Metropolitan Borough Councils Talent Pool.
Wednesday 18 th November 2016	If staff could not be redeployed, contracts would end via redundancy.

- 5.2 Should a decision be taken to seek an Asset Transfer, the Council would need to seek applications from interested parties and consult with schools and Council Directorates to inform any potential Service Level Agreement (SLA).

6. Timetable and Accountability for Implementing this Decision

- 6.1 Staff, schools and Trade Union consultation meetings would be held during the Summer Term and feedback will be invited from all partners.
- 6.2 If closure is the agreed decision, staff would need to be issued with redundancy notices on the 15th August 2016 and if staff were not successfully redeployed, they would be made redundant on 30th November 2016.

7. Financial and Procurement Implications

- 7.1 Habershon's current budget projection for 2016/17 is £21,944 (Deficit). The budget outturn for the previous three years has been;
- 2013/14: £38,943 (Deficit)
 2014/15: £28,555 (Deficit)
 2015/16: £24,717 (Deficit)
- 7.2 The earliest date Habershon could be closed is estimated to be 18th November 2016. Habershon has bookings up until 25th November 2016, so costs have been calculated to 30th November 2016. The estimated out-turn for operating the centre until this date is £21,944 (Over spend). If Rotherham Metropolitan Borough Council is to retain Habershon until a buyer is found, the closure costs added to the above would give an estimated out-turn for 2016/17 of £71,401. Following closure, the estimated annual costs until sold are estimated at £9,701.
- 7.3 If Option Two was the preferred option, additional one off investment costs would be required (ICT, increased marketing and project management), creating an estimated projected overspend of £67,714 in 2016/17. Should

this additional investment result in an increase in bookings there would also be additional overheads such as laundry, cleaning and food and therefore it is difficult to establish any definitive costs.

- 7.4 If Option Three was the preferred option, the estimated timescale to achieve transfer would be the end of November 2016. The estimated out-turn for operating the centre until this point is £21,944 (Overspend). If an asset transfer was not achieved by November ongoing costs of decommissioning would transfer to the Corporate Property unit and would then then be decommissioned as in Option One.

8. Legal Implications

8.1 Closure and Sale (Option 1)

- 8.1.1 Legal Services previously investigated the various covenants in relation to Habershon House and produced a Memorandum dated 4th February 2015. (Appendix B)
- 8.1.2 The Memorandum confirms that the property is subject to restrictive covenants regarding the use of the property. While some of the restrictive covenants may be unenforceable others are still applicable. The implications of these covenants will need to be considered and Rotherham Metropolitan Borough Council's Legal Services need to be fully involved to ascertain any potential risks prior to closure and sale option being pursued.
- 8.1.3 In summarised terms, the restrictive covenants arising from three conveyances dated; 1903, 1912 and 1927 respectively, prevent the property from being used for trade or business, to sell alcohol or any use which will cause a nuisance. Instead any building shall only be used as a private dwelling house. It is however, confirmed that this prohibition does not prevent the land being used for lodgers or boarders, as a convalescent home, infirmary, learned or artistic profession or as a school. Accordingly any of these uses would not constitute a breach of the restrictive covenants affecting title to the property but other uses would.

8.2 Asset Transfer (Option Three)

- 8.2.1 The Localism Act (2011) provides Councils with general powers of competence to deal with their assets as they might subject only to legal requirements such as obtaining "Best Value" or complying with title covenants. The Act also introduces the concept of public bodies divesting themselves of assets to voluntary and community groups.
- 8.2.2 These provisions have been embodied in the protocols of the Council's Asset Transfer Lease programme and the Council's

Corporate Property Team will ensure that the requirements of the Localism Act are complied with.

- 8.2.3 The Council's Asset Transfer policy provides a clear framework to enable the transfer of Council held land and property assets to the community in an efficient and sustainable way, for the benefit of the community as a whole.
- 8.2.4 In the event of an Asset Transfer, Corporate Property will negotiate with interested parties to agree on the terms of the Asset Transfer Lease.
- 8.2.5 In addition to the property interest being disposed of through the Asset Transfer Lease, either Corporate Property or Children and Young People's Services would need to negotiate and agree future terms and conditions with regard to the level of Rotherham Council usage and agreed charges in relation to this. This latter agreement would not sit well within the lease itself, as it strays beyond the grant of an interest in land and into contractual areas. Legal Services have advised that a separate contract would be required in parallel with the Asset Transfer Lease akin to a Service Level Agreement (SLA).
- 8.2.6 Both the Asset Transfer Lease and the SLA would be completed at the same time and they would contain complementary provisions relating to termination, i.e. if the contract is terminated for breach, the Council also has the right to break the lease and vice versa.
- 8.2.7 If a parallel contract is also agreed, the same procedure would be followed; Corporate Property would negotiate a parallel arrangement and Legal would draft and complete the contract.

9 Human Resources Implications

- 9.1 A total of four staff would be affected by the decision to close Habershon House. Redundancy costs would be approximately £15,000. Two members of staff are over 55 and so there would be additional associated pension costs £19,417 if they were to be made redundant. (Appendix A).
 - 9.1.1 As indicated above the adoption of option three would require a TUPE transfer of staff. If staff declined to be transferred they are likely to be deemed to have resigned.

10. Implications for Children and Young People and Vulnerable Adults

- 10.1 The main implication for children, young people and vulnerable adults would be in relation to those schools and youth groups that currently use the facilities at Habershon and have done so over a number of years. This

would also extend to some local Councillors, staff and parents who may have had a previous experience of the centre.

11. Equalities and Human Rights Implications

11.1 An Equality Analysis has been completed. (Appendix C). In taking any decisions, due regard will be given to implications for protected groups and mitigating action taken.

12. Implications for Partners and Other Directorates

12.1 Implications for partners and other directorates would be minimal given the current user profiles identified in this report.

13. Risks and Mitigation

13.1 Legal & Democratic Services has advised that there are a number of restrictive covenants that are still applicable associated with the building which impact both on saleable value and future usage (See Appendix B)
To mitigate this risk Estates team would need to take further legal advice on the original deeds and consider indemnity insurance against the covenants if Option One (closure and sale) is the preferred option.

Consultation would need to be completed with Habershon House staff, current customers and Rotherham schools prior to closure.

14. Accountable Officer(s)

Collette Bailey, Head of Service Early Help (North)
David McWilliams, Assistant Director Early Help and Family Engagement

Approvals Obtained from:-

Strategic Director of Finance and Corporate Services:

Finance: Yvonne Thiede, Principal Finance Officer **Date:** 24/05/2016

HR: Paul Fitzpatrick **Date:** 27/5/2016

Director of Legal Services:-

Neil Concannon, Service Manager **Date:** 27/5/2016
Lesley Doyle, RMBC Solicitor **Date:** 01/06/2016

Head of Procurement (if appropriate): Not applicable.

Appendix A:**Financial implications of identified options:**

Table One Estimated Costs of Closure of Habershon House		
Estimated cost of closure	16/17	17/18 Ongoing costs until disposal
Staff redundancy on 30 th November 2016	£15,005	
Staff pension strain	£19,417	
Staff salaries	£39,853 **	
Projected running costs until closure	£21,283	
Additional closure costs:		
Clearance of building*	£1,800	
Decommissioning of the boiler and draining water*	£1,250	
Security alarm monitoring installation*	£500	
Ongoing grounds maintenance and repairs*	£2,000	£1,000
Buildings insurance	£1,200	£1,300
Fire alarm maintenance*	£250	£250
Rates	£484	£6101
Electricity*	£200	£200
Security alarm maintenance and key holding*	£850	£850
Initially securing of the building*	£6,500	
Estimated income	£-39,191 ***	
Total Closure costs	£71,401	£9,701

* Indicative figures provided by Facilities Management.

** Salaries to 30th November 2016 without overtime.

*** Bookings taken to 30th November.

Table Two: Relaunch of Habershon House Additional investment in 16/17 – 17/18	
Implementation of Wi-Fi	£1,775
Upgrade of showers	£5,000
Recurrent additional ICT costs	£1,043
Classroom costs	£2,000
Marketing costs	£10,000
Minimum investment required	£19,818

Table Three: Running Costs, 2016/17			
<u>Fixed costs</u>		<u>Variable costs</u>	
Staff	£57,217	Food	£8,034
Rates	£5,810	Laundry	£1,756
Insurances	£1,494	Utilities	£10,098
communications	£600	Equipment	£882
Waste	£800	Repairs	£4,340
		Other overheads, stationery, printing, cleaning products	£890
Entertainment	£254	staff mileage	£409
		overtime	£2,562
Total	£66,175	Total	£28,971

Appendix B:

Legal Covenants:

Adelle Chapell, Rotherham Metropolitan Borough Council legal department, investigated the various covenants in relation to Habershon House and produced a memorandum dated 4 February 2015. The memorandum confirmed that the property is subject to restrictive covenants as follows:-

The 1973 Conveyance:

The 1973 Conveyance does contain two covenants, one to comply with the provisions of the previous root conveyances (these provisions are set out below) and one to comply with the following covenant:-

“The Corporation hereby covenant with the Vendors as follows:-

To use the Home only for the purposes which are similar to though not necessarily identical with its present purpose PROVIDED ALWAYS AND IT IS HEREBY AGREED that the use of the Home for the benefit of any children residing in the Metropolitan District of Rotherham shall be deemed to be a similar purpose.”

It was the above covenant that was previously advised would restrict a sale of the property; the law on restrictive covenants is extremely complex and should be carefully considered.

The 1973 covenant can be broken down into two parts – it requires that any use must be similar to the use in 1973 and then goes further to confirm that use for the benefit of children residing in Rotherham is accepted as a similar use. What is a ‘similar use’ to that in 1973 could be debated – it is possible that interpretation would be to follow the restrictions in the root conveyances.

From the information available, based on the conveyance plan and local knowledge regarding use of adjacent land (private houses and Primrose Valley Caravan Park), we do not think the trustees of the Rotherham and District Children’s Convalescent Home at Filey held any retained benefitting land when the covenants were created (it may be possible that we could request searches through the Land Registry, but this is not guaranteed to be successful).

If the trustees did not hold any land, the covenants would not meet the requirements to create a restrictive covenant – they would merely be contractual arrangements between the Trustees and the Council – therefore they would not bind any future owner of the property, so would not be enforceable against them as restrictive covenants.

However, as a precaution Rotherham Metropolitan Borough Council could look to obtain indemnity insurance. The cost of the insurance cannot be determined until a potential purchaser is found and the future use of the property/land known, however estimations of the cost are to be approximately £200 - £300. Or, it could be left to the

purchaser to take their own legal advice and decide whether they wish to accept or otherwise.

Previous Root Conveyances:

There are also three 'root conveyances' dated 10th August 1903, 31st August 1912 and 11th October 1927. These conveyances are the historic purchase deeds for three separate pieces of land, which each form a part of Habershon House.

The root conveyances also contain covenants, which restrict the use of the property and should be considered individually in detail. They do, however, all follow this restriction:-

not to sell alcohol, not to cause any offensive noisome noisy or dangerous trade or business pursuit or occupation to whoever owns the retained land, no building shall be used for any purpose other than a private dwelling house or stables and no trade manufacture or business [nor any patients suffering from infectious diseases] shall be allowed on the land. They all continue to confirm that the restriction does not prevent the land being used for the reception of lodgers or boarders or for a convalescent home or any infirmary or learned or artistic profession including a school.

The 1927 conveyance also states that that plot of land is to be used as garden, ground, meadow land and plant nursery or orchard until built upon, and once built upon to be used as prohibited above.

In summarised terms, the covenants prevent the property from being used for trade or business, to sell alcohol or cause a nuisance. Instead any building shall only be used as a private dwelling house; but they confirm that this does not prevent the land being used specifically for lodgers or boarders, as a convalescent home, infirmary, learned or artistic profession or as a school. Therefore, provided that any owner of the property complies with this, then the covenants would not be breached.

The plans attached to these conveyances show that the seller, Robert William Smith, did hold adjoining land at the time of the sales; therefore there is no uncertainty as to whether there was retained land when the covenants were created. The covenants are therefore binding on whoever owns the property and are enforceable by the current owner(s) of the retained land.

These root conveyance covenants therefore affect the possible future use of the property.

Again, Rotherham Metropolitan Borough Council could therefore look to obtain indemnity insurance. The cost of the insurance cannot be determined until a potential purchaser is found and the future use of the property/land known, however estimations the cost to be approximately £200 - £300 for each covenant. Or, it could again be left to the purchaser to take their own legal advice and decide whether they are not intending to use the property for a restricted use so would not cause a breach in any event; whether they wish to accept the risk; whether they wish to consider at

the possibility of asking the benefitting owner(s) to agree to release the covenant;
wish to take out their own indemnity insurance; etc

Under the Equality Act 2010 Protected characteristics 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	
Name of policy, service or function. If a policy, list any associated policies:	Early Help Savings Proposals - Habershon House
Name of service and Directorate	Early Help – Children and Young Peoples Services
Lead manager	Collette Bailey
Date of Equality Analysis (EA)	24/05/2016
Names of those involved in the EA (Should include at least two other people)	Elenore Fisher David McWilliams
Aim/Scope (who the Policy /Service affects and intended outcomes if known) See page 7 of guidance step 1 Rotherham's Early Help Services are currently undergoing a transformation with the aim of align with the Council's Key Priorities; Priorities: • Every child making the best start in life. • Every adult secure, responsible and empowered. • A strong community in a clean, safe environment. • Extending opportunities and planning for the future. To achieve this, we must work in a modern, efficient way, to deliver sustainable services in partnership with our local neighbourhoods, looking outwards, yet focused relentlessly on the needs of our residents. Children's Services key objectives are : Working with children, families and our partners, for Rotherham's Children's Services to be rated outstanding by 2018; • Children and young people are healthy and safe from harm. • Children and young people start school ready to learn for life. • Children, young people and their families are ready for the world of work. This will mean our children, young people and families are proud to live and work in Rotherham. Government guidance on safeguarding and promoting the welfare of young people, "Working Together 2015," states that; "Providing early help is more effective in promoting the welfare of children than reacting later. Early help means providing	

support as soon as a problem emerges, at any point in a child's life, from the foundation years through to the teenage years"

Early Help in Rotherham spans a wide age range; 0-19 years (and up to 25 years if there is a disability or special educational need). It incorporates pre-birth, early years, adolescence through to early adulthood. Early Help has a critical role to play at the key transition points in a child's journey from dependence to independence. The service brings together a range of Family Support Services, Children Centres, Education Welfare, Youth Justice and Youth Support Services.

Under the current spending review the funding to the council from national government will reduce by 30% over the next 3 years.

Consequently service change and transformation is required with the challenge of delivering high quality services and low cost, and responding more effectively to the changing nature of and demand for tailored services.

This will be achieved by having a range of effective, evidence-based interventions in place to address needs early and prevent issues escalating into more complex and costly higher tier services.

The area for consideration within this equality impact assessment is the viability of retaining the residential field study provision at Habershon given the dependency on external funding arrangements with schools as the primary user of the facility and its current usage as a universal provision which is not within the core remit of Early Help moving forward.

Options in relation to proposed savings in respect of Rotherham Education Learning Facilities:

2016/17 options are as follows

- **Option 1:** Close Habershon House Residential and Field Study Centre and sell the property on the open market.
- **Option 2:** Facilitate an asset transfer to a voluntary organisation or consortia of partners to deliver activity that benefits the residents of the Rotherham.
- **Option 3:** Additional investment in the centre with a view to develop and relaunch the provision.

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?

Habershon is DDA compliant providing full access to the ground floor and has one bedroom downstairs and a disabled bathroom.

Individual level data on ethnicity or specific needs such as disability are collated.

Bookings for Habershon come from a range of providers across Rotherham including schools, minority ethnic and deprived communities, and specific groups, such as the Looked After Children Council and the Black and minority Ethnic community Aiming High group. Uptake of the provision is monitored on an annual basis and evidences that the facility is used by primary schools from across the borough including those from deprived areas. For many of these children it is the first time that they have been away from home.

Early Help have undertaken a consultation with users of Habershon to seek their views on the impact of closure. The evidence confirmed that a small number of schools really valued the location and sole occupancy and would continue to use it but that many schools are accessing provision elsewhere and would continue to do so due to wider range of facilities and activities on offer.

Four staff are employed at administrative and support levels re catering and caretaking equivalent or below with oversight from the Outdoor Education Manager (Band L).

Options one and two have an impact on this workforce and consultations will take place with staff, unions and human resources to ensure a fair and transparent process in accordance with RMBC policies and procedures is utilised either in respect to closure of the facility or transfer of the asset.

Engagement undertaken with customers. (date and group(s) consulted and key findings) See page 7 of guidance step 3	RMBC has undertaken a consultation during April 2016 with • Schools that currently use Habershon. • Schools that have used Habershon House in the past. • Schools that have never used Habershon House. For a small number of Rotherham Primary schools residential visits to Habershon House are a fixed part of the school calendar and the intention is to as there is a very real affection for the centre and what it provides. However, the majority of schools surveyed favour a centre led approach to providing a menu of activities, both curriculum and personal/group challenges, organised and delivered by qualified centre staff and which can accommodate whole year groups of up to 90 pupils. This would require substantial investment to Habershon with no guaranteed increase of custom.
Engagement undertaken with	Staffs have been consulted (January and May

staff about the implications on service users (date and group(s) consulted and key findings) See page 7 of guidance step 3	2016) re their views on the broad context and extent of savings re Habershon and how the venue could be developed as a viable concern. Views of staff were that wider marketing to groups beyond school could achieve a break even position but as evidence in the report this could take two to three years. The facility is currently used as a universal provision for Rotherham's children and young people and as such would have a limited impact for priority groups. Bookings would be honoured until closure at the end of November 2016 so there would be no impact on users. No vulnerable groups would be adversely affected by closure as there are a range of other providers offering similar residential opportunities. Information will be publicised through internal communication channels such as staff meetings, emails and briefings as well as through partner's communication routes.
The Analysis	
How do you think the Policy/Service meets the needs of different communities and groups? <i>Protected characteristics of age, disability, gender, gender identity, race, religion or belief, sexuality, Civil Partnerships and Marriage, Pregnancy and Maternity.</i> <i>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 and page 8 of guidance step 4</i> Habershon is a residential facility in Filey available to all Rotherham residents but is primarily used by primary schools and youth groups. It accepts bookings from all age groups and can accommodate cultural and religious needs in terms of space for prayer and dietary requirements. It is compliant in terms of access for disabled children but has limited overnight capacity having one downstairs bedroom. Users are required to provide their own transport and activities and as such this can present a barrier to its use in terms of accessibility and cost. Closure of Habershon would not impact adversely on any particular community as there are a range of other providers delivering residential activity. Habershon currently does not offer a service that meets Early Help priorities. Closure or transfer could provide resources in terms of funding or an asset which could be used to meet broader community priorities. A 30 day consultation period will be undertaken with the staff, young people,	

communities and other stakeholders affected by the Habershon proposal. Staff and partner briefings are planned for July 2016 subject to approval by Cabinet of the preferred option. These will take the form of presentations to the staff team, face to face meetings, electronic communications and regular communication routes such as supervision, staff meetings, briefings etc.

Analysis of the actual or likely effect of the Policy or Service:

See page 8 of guidance step 4 and 5

The services provided by Habershon House are non-statutory and are not targeted. Given the pressures on the Children and Young People's Services (CYPS) budget, it is essential that any expenditure on non-statutory activity contributes as far as possible to the reduction in demand for high cost statutory services such as social care. Habershon House does not contribute to this imperative.

Continuing to operate Habershon House Residential and Field Centre is not a cost effective way of supporting our most vulnerable young people and their families. Children and Young People's Services are currently working with the leading national youth charities Ambition, The Centre for Youth Impact, and a number of local authorities, including: Sheffield City Council, Derbyshire and the Royal Borough of Windsor and Maidenhead to refocus our youth offer as part of our Early Help transformation programme.

Habershon is funded through income generation only and does not receive revenue from the Council. The venue has makes a loss of circa £23k per year over the past three years. The preferred option of asset transfer, if agreed, would enable this resource to continue to be available for use by all the Rotherham community. I would also support Early Help to concentrate on its core business of early prevention and intervention support to families.

As part of the Asset transfer arrangements the agree provider would be required to;

- **Commit to engagement** in economic, environmental or social regeneration in Rotherham or be providing a service of community benefit in line with the Councils core purposes.
- Evidence that they can embrace diversity and work to improve **community cohesion** and reduce inequalities including extensive reach into the community and accessibility to all.

Does your Policy/Service present any problems or barriers to communities or Group? Identify by protected characteristics

In constructing the Early Help offer and factoring in savings that need to be made, considerable thought has been devoted to how best to deliver personal development activity with children, young people and families and this has involved consultation with partner agencies, young people and others.

Alternatives considered have been to retain the status quo, partnership delivery models and differential services to different groups. Asset transfer would enable the facility to continue to be available to Rotherham residents.

The current offer has been accessed by schools across Rotherham and by specific groups such as gay lesbian bi sexual transgender youth group, BME Aiming High Group, People with learning disabilities and looked after children youth group. This would continue after asset transfer.

Does the Service/Policy provide any improvements/remove barriers? Identify by protected characteristics

For those families most in need there will be an improved, targeted offer from Early Help and Family Services.

The closure or asset transfer of residential facilities in relation to personal development opportunities for children and young people of vulnerable families will not impact on the wider Early Help offer.

In the past Habershon has been accessed by schools across Rotherham and by specific groups such as gay lesbian bi sexual transgender youth group, Black and minority ethnic Aiming High Group, people with learning disabilities and the looked after children youth group. If Habershon is closed these groups would still be able to access personal development activity through Crowden or via purchasing provision through other providers.

If asset transfer is achieved the strength of model would be if it is founded on strong partnerships with Early Help, Social Care, Early Years, Schools, Colleges, Police, and Health and the voluntary and Community Sector. Thus moving forward Habershon can be developed as an asset that provides opportunities for all Rotherham children young people and families.

What affect will the Policy/Service have on community relations? Identify by protected characteristics

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.

A. The service will continue to target work with the specific age groups defined previously. Groups disenfranchised from mainstream protective factors, (i.e. not in school, difficulty with parental boundaries, disability sexual orientation). Development of broader activity will be dependent on the continuing partnership with other agencies with a focus on income generation. Impact on priority groups will be low.

O. Reconfiguration may lead to some reduction in the frequency of delivery of some services such as personal development activity through in house provision. It is likely that some universal group work delivered to groups of young men and women in residential settings will no longer be available. However, assessments of service users will define interventions and this will involve specific delivery (groupwork or individual) for identified gender needs.

O. In respect of other groups and specifically the older generation the Service does

not specifically engage with them unless it is part of an intervention within the scope of the service.

- Young people may experience reductions in some service provision as a result of closure or asset transfer of Habershon. There still will be opportunities for residential personal development activity but this may incur an increased cost. The Council will maintain a commitment to the Voice and Influence of young people and residents, through the Service level agreement of the asset transfer if this is the agreed option moving forward.
- The closure of Habershon or asset will not impact on the wider Early Help offer. Services will still be maintained and accessible in all the locality areas of Rotherham, with the potential to increase provision by working with partners/local communities.

The Service will continue to place a high priority on community cohesion and community relations will continue to work in partnership with agencies and this would be upheld in the provider service level agreement if the asset is transferred.

RoB. The Service has a commitment to respecting religion or belief, where these do not advocate harm to others, and a proven track record, (e.g. Children's centres, youth services). In celebrating with young people and others those beliefs that are relevant to communities in Rotherham. This will continue to be the case.

CPD. There will be a low impact from Early Help services with this group.

APPENDIX C: EQUALITY ANALYSIS HABERSHON HOUSE

Please list any **actions and targets** by Protected Characteristic 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.

Equality Analysis Action Plan - See page 9 of guidance step 6 and 7

Time Period: 01/04/16 – 31/03/18

Manager: Collette Bailey Service Area: Early Help Tel: **01709 855217**

Title of Equality Analysis:

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)
ACTION: Consultation with young people. Local Authority Protocols preclude consultation with young people until proposals have been to cabinet. TARGET: Presentation and meetings will take place after the advisory meeting	All	7/07/16
ACTION: Ensure services remain accessible to those most in need through asset transfer and SLA with partner agency leading on delivery. TARGET: MI is collated on characteristics of users of Habershon House usage of building and customer feedback.	All	Quarterly 2016
ACTION: Mitigate reductions in youth service provision.	Young People	September 2016

TARGET: Early Help locality Managers to develop and explore partnership alternatives for residential activities.			
ACTION: Maintain the annual programme of events that raise awareness, and educate and bring people from different groups together. Promote community cohesion and One Town, One Community.		All	Various throughout year
TARGET: Work with Community partners to evidence usage of Habershon to deliver community cohesion activity.			
Name Of Director who approved Plan	David McWilliams	Date 03/02/16	

*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.

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
Directorate: Early Help Function, policy or proposal name: Savings Proposals 2016-2018 Function or policy status: (new, changing or existing) Name of lead officer completing the assessment: Collette Bailey Date of assessment: :Version 3 25/05/16 DMcW	The Early Help proposals are predicated on the following: Youth work activity requires a shift in emphasis from open access, universal provision to targeted interventions. To achieve this saving have been identified in areas of the service where transformation is required. This provides a notional number of posts but this may change as the process evolves. The proposal assumes 50% of efficiencies would be achieved in 2016 and 50% in 2017- this builds in sufficient time for the transformation plan to be implemented. The overall savings required for Early Help of £ 0.988 million. This equates to a 9% cut to the Early Help Budget and an 11% reduction in the Early Help workforce. *In terms of the Youth budget, the required savings equate to 26% of the budget (£3,862,910) and 28% of the workforce. Closure of Habershon would not impact adversely on any particular community as there are a range of other providers delivering residential activity. Habershon currently does not offer a service that meets Early Help priorities. Closure or transfer could provide resources in terms of funding or an asset which could be used to meet broader community priorities.	To ensure Early Help provision is outcome focused and developed in partnership with wider services across the Council to achieve synergy and further efficiencies (e.g. buildings, workforce, partnerships, shared systems and processes).

Cabinet Report

Cabinet and Commissioners' Decision Making Meeting – 11 July 2016

Title

Proposal to increase secondary school capacity across the Borough to meet future increased demand.

Is this a Key Decision and has it been included on the Forward Plan?

Yes

Director Approving Submission of the Report

Ian Thomas, Strategic Director, Children and Young People's Services (CYPS)

Report author:

Dean Fenton (Service Lead – School Planning, Admissions and Appeals)

Ward(s) Affected

All

Executive Summary

- 1.1 The Local Authority has a statutory duty to ensure a sufficiency of school places and satisfy parental first preferences as far as is possible.
- 1.2 Following the expansion of several primary schools within the Borough, additional primary phase pupils will eventually add additional pressure to secondary school capacity.
- 1.3 As such, this report seeks approval for a programme of secondary school expansion projects to increase capacity to meet future rising cohort numbers.

Recommendations

- 2.1 It is recommended that Cabinet approve:

- In principle proposals to increase the capacity at the secondary schools outlined in this report on a rolling programme to meet future rising cohort demand;
- Receipt of further, more detailed reports regarding the specific proposals related to each school in due course.

List of Appendices Included

- Appendix 1 – Projects that have been completed since 2011

Background Papers

Reports to Cabinet Member – Children, Young People and Family Services:

- 24.4.2012 – Approval to increase capacity at Catcliffe Primary School
- 6.2.2013 – Approval to increase capacity at Brinsworth Howarth on a temporary basis to serve as a temporary catchment area to the Waverley estate
- 24.7.2013 / 5.3.2014 / 21.5.2014 – Prescribed alteration reports to expand Cortonwood Infant School and Brampton the Ellis C of E Primary School
- 20.12.2011 / 24.4.2012 / 4.7.2012 – Prescribed alteration reports to expand Flanderwell Primary School
- 7.11.2012 / 6.2.2013 / 24.4.2013 – Prescribed alteration reports to expand Herringthorpe Infant and Junior Schools
- 4.7.2012 / 7.11.2012 / 16.1.2013 - Prescribed alteration reports to expand Aston Hall Junior and Infant School
- 24.7.2013 / 13.11.2013 / 15.1.2014 - Prescribed alteration reports to expand Thurcroft Infant School
- 7.9.2011 / 9.11.2011 / 17.1.2012 - Prescribed alteration reports to expand Thornhill Primary School

Reports to Cabinet:

- 22.5.2013 / 24.7.2013 / 27.11.2013 - Prescribed alteration reports to expand Listerdale Primary School
- 16.10.2013 – Report seeking approval of preferred sponsor for Eastwood Village Primary School

Consideration by any other Council Committee, Scrutiny or Advisory Panel

No

Council Approval Required

No

Exempt from the Press and Public

No

Title : Proposal to increase secondary school capacity across the Borough to meet future increased demand.

1. Recommendations

1.1 It is recommended that Cabinet approve:

- 1.1.1 In principle proposals to increase the capacity at the secondary schools outlined in this report on a rolling programme to meet future rising cohort demand;
- 1.1.2 Receipt of further, more detailed reports regarding the specific proposals related to each school in due course.

2. Background

- 2.1 The Local Authority has a statutory duty under the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 to ensure a sufficiency of school places and satisfy parental first preferences as far as is possible. The duty also extends to the requirement to ensure new school places are delivered in 'successful and popular' schools.
- 2.2 Following the recent programme to expand several primary schools across the borough to accommodate rising cohort numbers, there will be an impact on secondary schools and academies in future years. Due to current and future pupil numbers and projections (currently verified by the Department for Education (DfE) as 13% pupil population increase since 2010) several secondary schools are full, close to full capacity or regularly oversubscribed. As such some are already or will in future be refusing places in line with the requirements of the DfE Admission to School Code of Practice 2014, as the school has exceeded its published admission number (PAN) or already has more pupils than capacity allows.
- 2.3 Appendix one outlines the projects that have been completed since 2011 to increase the number of primary phased school places across the borough.

3. Key Issues

- 3.1 The additional primary phase pupils referred to in section 2 and Appendix one will eventually add to the Year 6-7 (aged 10 – 11 pupils transferring from primary to secondary education) transfer group numbers adding additional pressure to secondary school capacity. As such there is a need to increase current capacity within secondary schools to accommodate expected rising demand in future years. Table one (below) outlines the schools and academies which are proposed to provide increased capacity due to being at or close to full capacity or regularly oversubscribed. The table outlines current capacity, pupil population expected in September 2016 and the proposed project and cost to create additional capacity.

Table 1: Proposed future increases in secondary school capacity

School	Capacity	Expected pupil numbers on roll (Sept 2016)	Expansion project and estimated cost to accommodate up to an eventual additional 30 pupils per statutory aged Year group (x5)
Wales High	1520	1610	5 classrooms £1.1m
St Bernard's	700	712	5 classrooms £1.1m
Wath Comp (PFI)	1800	1887	5 classrooms £1.3m
St. Pius	665	644	5 classrooms £1.1m
Oakwood High	1050	1034	5 classrooms £1.1m
Aston Academy	1650	1728	5 classrooms £1.1m

3.2 There is a statutory duty under the requirements of the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 'to ensure the sufficiency of school places in their area'. The expansions would enable more parents to access their first preference school for their child and, therefore maintain / increase performance against that indicator on national offer day for entry to secondary education.

4. Options considered and recommended proposal

4.1 Option a: Wait until existing surplus capacity across the Borough is exhausted then commence a program to expand Secondary schools at a later date. This risks insufficient time to implement increased capacity and is therefore not recommended.

4.2 Option b: Increase the net capacity at a number of secondary schools on a rolling programme within basic need funding parameters to meet current and future rising cohort demand. This is the recommended option, to ensure that additional capacity at the identified schools is provided in a timely and coordinated manner.

5. Consultation

5.1 The Local Authority has had preliminary discussions with the Head Teachers at some of the identified schools. Further consultation will be required with Governors, parents and carers and staff in relation to the proposed building work and potential health and safety implications on site and how they would be managed.

- 5.2 Further consultation will be required with all relevant stakeholders as individual projects are brought forward as formal proposals.

6. Timetable and Accountability for Implementing this Decision

- 6.1 Following Cabinet approval of the in principle proposals, accurate timelines for projects will be confirmed and reported to Cabinet, in line with actual funding allocations being confirmed by the DfE to ensure capital projects remain within funding allocation parameters.

7. Financial and Procurement Implications

- 7.1 The estimated cost of the individual projects to increase teaching and learning space in the schools /academies is indicated in Section 3.1 of this report. Funding for the individual projects will be from basic need allocation and where applicable any Section 106 agreements in place.
- 7.2 As basic need allocations are only known two years in advance, the projects will be scheduled accordingly to ensure the proposed expansion projects stay within the financial parameters of annual allocations.
- 7.3 Individual projects will need to be approved by Cabinet due to the value of the construction projects. Separate reports will be submitted in due course as formal proposals are brought forward.

8. Legal Implications

- 8.1 The Local Authority has a duty to ensure a sufficiency of school places in areas of current and future need, provided in successful and popular schools.
- 8.2 The Local Authority is a net importer of extra district pupils (pupils from neighbouring authorities accessing their education in Rotherham far exceeds the number of pupils residing in Rotherham accessing their education in a neighbouring authority school). Under the terms of the Admission to School Code of Practice 2014 extra district applications must be treated in an equitable way to in borough applications in regard to distance category and other ranking under admissions arrangements for individual schools and academies.

9. Human Resources Implications

- 9.1 The increases in capacity would lead to more pupils being admitted to the schools in future years. The future pupil number increases would generate additional pupil linked funding for the schools and may lead to further staffing and resource requirements however, this would be for individual governing bodies to determine as the additional pupils on roll generate the additional funding.

10. Implications for Children and Young People and Vulnerable Adults

10.1 The proposals would lead to more parents and carers being able to access their first preference school, maintaining or further improving the Secondary School National Offer Day first preference and combined three preference profile within the Borough.

11. Equalities and Human Rights Implications

11.1 The proposals would lead to more parents and carers being able to access their first preference school, maintaining or further improving the Secondary School National Offer Day first preference and combined three preference profile within the Borough.

12. Implications for Partners and Other Directorates

12.1 The proposal to implement the increases in capacity by extension of the school buildings will have a minimal impact on neighbouring schools and pupil numbers as future secondary cohort numbers are set to increase.

12.2 A program of works will need to be implemented by the CYPS Capital Projects Team, Design and Projects Team and planning permission sought and approved.

13. Risks and Mitigation

13.1 There are risks associated with increasing the number of school places available at one school, as this could have an adverse impact on numbers at another school. The verified increase in pupil numbers is currently 13% and existing capacity will be insufficient to accommodate future cohort numbers. The Local Authority is obliged to provide a sufficiency of places in areas of need to meet demand within funding allocation parameters.

13.2 The costs of the expansions indicated in section 3.1 of this report are currently indicative estimates as no detailed feasibility study has been undertaken.

14. Accountable Officer(s)

Karen Borthwick (Assistant Director – Education and Skills)

Approvals Obtained from:

Strategic Director of Finance and Corporate Services: Named officer
Joanne Robertson (Finance Manager CYPS - 18.4.2016)

Director of Legal Services: Named officer - Neil Concannon (Solicitor) – 21.4.2016

Head of Procurement: - Helen Chambers (Principal Officer) 7.6.2016

This report is published on the Council's website or can be found at:-

<http://moderngov.rotherham.gov.uk/ieDocHome.aspx?Categories=>

APPENDIX 1

Tables 1 to 4 outline the number of new school places that have been created within the Borough since 2011. The abbreviations and terms used are explained below:

- **PAN:** Published admission number (**bold** indicates increased to)
- **Thru:** Additional school places provided in all years groups
- **Funding:** Funding stream used to create the new places
- **Basic Need:** Funding allocated to Local Authorities to meet future increase in pupil numbers
- **Targeted basic need:** As above but ring-fenced to a project following a successful funding bid
- **Section 106:** Funding provided from developers under a funding agreement made under Section 106 of the Town and Country Planning Act to meet education infrastructure requirements created as a result of house building and pupil yield
- **Bulge:** Refers to increased Admission numbers and the provision of additional teaching and learning space to accommodate a larger than normal number of pupils from a higher than average birth year

Table 1

Permanent Primary phase places:			
School	PAN	Thru	Funding
Thornhill Primary	30/ 45	105	basic need
Flanderwell Primary	30/ 45	105	basic need
Aston Hall J & I	30/ 45	105	basic need
Herringthorpe I and J	70/ 90	140	basic need
Treeton Primary	37/ 45	56	basic need
Catcliffe Primary	25/ 30	35	basic need
Sunnyside I and J	80/ 90	70	section 106
Bramley Grange	40/ 45	35	N/A
Kilnhurst Primary	28/ 30	14	N/A
Listerdale J & I	30/ 45	105	basic need
Wath CE Primary	30/ 45	105	basic need/section 106
Thurcroft Infant	60/ 75	45	basic need/section 106
Eastwood Village	30	210	targeted basic need (new)
Total	170 FS2	1,130 (FS2/ Reception to Y6)	

Table 2

Temporary Primary phase places:		
Broom Valley	45 'bulge places'	basic need
Brinsworth Howarth	105 temporary places	section 106
Sandhill	30 'bulge' places	basic need / S106
Wales Primary	30 'bulge' places	basic need
Total	210 Temporary places	
NB: Brinsworth Howarth is in relation to places provided as a temporary catchment area provision for the Waverley development.		

Table 3

Approved future Primary projects:			
School	PAN	Thru	Funding
Cortonwood Infant	40/50	30	section 106
Ellis Junior	70/80/90	80	basic need/S106
Total		110 (FS2/ Reception to Y6)	

Table 4

Secondary School places:			
School	PAN	Thru	Funding
Wickersley School	300/340	200	Targeted basic need

NB: In addition, future new primary schools are proposed for the Waverley Development and Bassingthorpe Farm Development.

Summary Sheet

Council Report

Cabinet and Commissioners' Decision Making Meeting – 11 July 2016

Title

Proposal to commence procedures to establish a primary school on the Waverley development site.

Is this a Key Decision and has it been included on the Forward Plan?

Yes

Director Approving Submission of the Report

Ian Thomas –Strategic Director, Children and Young Peoples Service's (CYPS)

Ward(s) Affected

Holderness, Rother Vale, Brinsworth and Catcliffe.

Report author:

Dean Fenton, Service Lead – School Planning, Admissions and Appeals

Executive Summary

- 1.1 The Waverley development site is a new residential and business community based in Catcliffe, Rotherham. The site has outline planning consent for up to 4,000 homes, retail units, cafes, community facilities, a hotel, a primary school and green infrastructure.
- 1.2 Following the construction and occupation of 450 dwellings the Local Authority has a responsibility to ensure a sufficiency of school places in the area and satisfy parental first preferences, as far as is possible.
- 1.3 This report provides an update on the Waverley development and the educational infrastructure implications and seeks approval to commence procedures to establish a primary school on the site.

Recommendations

- 2.1 It is recommended that Cabinet approve:
 - The commencement of procedures to establish a primary school on the Waverley development site.

List of Appendices Included

NA

Background Papers

Report to:

Cabinet Member for Children, Young People and Family Services
5th December 2012

Proposal to establish catchment area arrangements for the Waverley Estate

Cabinet Member for Children, Young People and Family Services
16th March 2013

Annual update on the Waverley Development

Cabinet Member for Education and Public Health Services
15th July 2015

Annual update on the Waverley Development

Commissioner Manzie
July 2015

Annual update on the Waverley Development

Consideration by any other Council Committee, Scrutiny or Advisory Panel
NA

Council Approval Required
NA

Exempt from the Press and Public
No

Title: Proposal to commence procedures to establish a primary school on the Waverley development site.

1. Recommendations

1.1 It is recommended that Cabinet approve:

- The commencement of procedures to establish a primary school on the Waverley development site.

2. Background

2.1 An initial report on the educational infrastructure on the Waverley development was brought to the Cabinet Member and Advisor for Children, Young People and Family Services on 5th December 2012. The report outlined the number of proposed dwellings, pupil yield, education infrastructure implications and developer financial contributions. The recommendations below were approved at that meeting:

2.1.1 The permanent removal of the Waverley Development (formerly Orgreave Mining Site), from the Treeton C of E Primary School catchment area.

2.1.2 A shared interim catchment area for primary provision of Education for pupils living at the Waverley Estate of Catcliffe Primary School and Brinsworth Howarth J & I school be established until the opening of the first Waverley new build School.

2.1.3 A temporary increase in Admission Number from 30 to 45 by expansion of Brinsworth Howarth Primary School to meet expected future place demand until the first Waverley Primary School is constructed.

2.1.4 An initial catchment area line to be established to define the provisional catchment area boundaries, subject to review until such time as the development is established to a point where a permanent catchment area boundary for both primary and secondary provision can be accurately determined.

2.2 The Waverley development will provide up to 4,000 new residential dwellings with a developer education infrastructure contribution agreement of £11.2m in place (made under Section 106 of the Town and Country Planning Act 1990 S106). This would create two primary schools both two form entry with 60 pupils per year group.

2.3 Rotherham Metropolitan Borough Council Officers regularly meet with Harworth Estates the Principal Developer for Waverley, who also represents Barratt Homes, Harron Homes and Taylor Wimpey Homes in relation to the development. This meeting has become more formal since April 2016 with the creation of the Waverley project group.

- 2.4 The Section 106 agreement trigger points for the release of funding to develop the primary provision are contractually agreed as follows, following a deed of variation to the original agreement in 2014:
 - 2.4.1 *Occupation of the 550th dwelling will release funds for the design / procurement process for the first new school. (5% of total funding for the education contribution)*
 - 2.4.2 *Occupation of the 750th dwelling will release funds to build the first primary school which will eventually be a 2 form entry primary school. (45% of total funding for the education contribution)*
 - 2.4.3 *Occupation of the 1550th dwelling will release funds for the design / procurement process for the second new school. (5% of total funding for the education contribution)*
 - 2.4.4 *Occupation of the 1750th dwelling released funds for a second 2 form entry primary school. (45% of total funding for the education contribution)*
- 2.5 The current position on the Waverley site is that, as of February 2016, 450 dwellings are occupied. It should be noted that the full pupil yield from occupation of new dwellings does not occur instantly
- 2.6 Any new school being established under current Department for Education (DfE) policy will be an Academy or Free School. Sponsorship of the Waverley Schools will be established in due course following DfE guidance and processes to enable the successful sponsor to work with the Local Authority from the outset in relation to the design, build and establishment of the first school.
- 2.7 Table One, in point 6.1 of this report, provides a provisional timeline of landmark events and critical actions. These actions are required between September 2016 and the potential opening date of the school.
- 2.8 It should be noted at this stage the timeline in Table One is provisional and based on current building and occupation of dwellings rates and could be subject to amendment.

3. Key Issues

- 3.1 The Local Authority will need to undertake a series of information sessions for local residents, Elected Members, Local Parish Councils, neighbouring schools and governing bodies and other key stakeholders prior to commencing the process to appoint a preferred Academy/Free School sponsor for the school.
- 3.2 A prospectus will be developed prior to the selection programme outlining the need for the new school and local community overview following the tried and tested Eastwood Village Primary School model. This process will be reviewed and revised where necessary to provide a structure for the Waverley selection process.

3.3 A panel representing stakeholders including the following will be convened to engage in the identification of a potential sponsor:

- Elected Ward Member(s)
- School Governance representation
- Local community school pupil and parent representation
- Senior Local Authority Officer(s)
- Education and Skills Service representatives
- Local business and residential community member representation
- Other relevant stakeholders
- Observer

3.4 Potential sponsors will be required to deliver a presentation to the panel, followed by a series of pre-determined questions focusing on key elements and aspects such as:

- Ethos and Partnership working
- Ensuring Pupil Outcomes
- Inclusion
- Working with the Local Community

3.4.1 Panel members will then grade the applicants individually and following deliberations agree a preferred sponsor. The Panels preferred sponsor option will be recommended to Cabinet to gain approval from Elected Members.

3.5. Once the preferred sponsor is confirmed by Cabinet and ratified by the Department for Education (DfE), partnership working with the Local Authority can be established from the outset of the project in relation to the design, build and establishment of the new school.

4. Options considered and recommended proposal

4.1 A longstanding Section 106 funding agreement stipulates the funding release trigger points and timescale for the use of the funding to create primary school education infrastructure.

5. Consultation

5.1 A range of stakeholder events will be organised to outline the Waverley proposals and plans and to ascertain the views and opinions of stakeholders in advance of commencing the sponsorship process. This will be completed in line with the requirements of the Department for Education guidance of June 2013 – Establishing a new school.

6. Timetable and Accountability for Implementing this Decision

6.1 Provisional timeline – subject to trigger points being reached to release funding and statutory planning processes being completed:

Table One

DATE	ACTION / LANDMARK EVENT
September 2016	Commence process via DfE protocol to appoint an Academy Sponsor.
November 2016	550 th dwelling occupied – triggers release of 5% (£0.56m) of total funding for design phase
January 2017	Select Academy Sponsor and report to Cabinet to approve selection panel's decision and seek ratification from DfE this will then allow the sponsor to be involved in the project from the outset contributing to all aspects of design and establishment of the school
April 2017	'Consultation and design of new school' period
May 2018	750 th dwelling occupied – triggers release of 45% (£5.04m) of total funding for the building of a 1form entry primary school (phase 1 of 2 in relation to school 1)
August 2018	Design code approval
September 2018	Submit planning application
December 2018	Planning Board determination of planning application
January 2019	Application to discharge pre commencement conditions
June 2019	Commence build project
September 2020	School opens

7. Financial and Procurement Implications

- 7.1 The school building project will be procured through the 'YorBuild' framework. Funding for the build will be provided through the Section 106 funding agreement. The Section 106 agreement will assure the funding being available on a phased basis for the first Waverley new school as trigger points for the release of funds are reached.
- 7.2 Funding for the new school during the first year of operation will be from the Contingency for Pupil Growth Fund within the Schools Block of Dedicated Schools Grant.
- 7.3 The cost of the additional teaching and learning spaces required, during the interim catchment area period at Brinsworth Howarth J & I School, have been funded from the Basic Need funding allocation (allocated to Local Authorities by the Department for Education (DfE) to address school capacity shortfalls) and a Section 106 agreement from the Brinsworth area in relation to housing development which has contributed towards the permanent new Foundation Unit. The total cost of this project was £250k.

8. Legal Implications

- 8.1 Timelines stipulated in the Section 106 agreement in relation to the commencement of planning and building the new school will need to be adhered to as they are legally binding and linked to 'trigger points'.
- 8.2 Following completion of the build project there will need to be a transfer of land and building assets to the Academy Trust sponsoring the school as required under the DfE's Academy conversion process.

9. Human Resources Implications

- 9.1 The new school will create employment opportunities in relation to school leadership, teaching and learning support and ancillary posts such as caretaking, cleaning and catering required following opening of the school. All employees will be recruited and employed directly by the Academy Trust. Some ancillary roles such as caretaking, cleaning and catering may be contracted services however; this is for the Academy Trust Board to determine.

10. Implications for Children and Young People and Vulnerable Adults

- 10.1 It is proposed to create Early Years, Special Educational Needs resources along with other services for children and families on site in addition to mainstream primary school education facilities. The school will be designed to ensure it is fully accessible in relation to both physical and learning resources to enable pupils of all abilities to access education at the school.

11. Equalities and Human Rights Implications

- 11.1 The new school will allow more parents and carers to access their first preference of school in future years allowing their child to access primary stage education in a modern and innovative learning environment.

12. Implications for Partners and Other Directorates

- 12.1 There may be some initial impact on neighbouring schools' pupil numbers when the new school opens, as there will inevitably be some pupil movement as parents and carers apply for a place at the new school for their child. This however would be mitigated and minimised as far as possible, as the new school would open initially as a one form entry school (30 pupils per year group) and would not open to all year groups in the first year of operation, as the school will require time to establish a staff group and working arrangements and build relationships with pupils and parents / carers prior to commencing statutory tests and assessments.
- 12.2 For the reasons outlined above, the school is likely to open to specified year groups and subsequent Reception / Foundation Stage 2 pupils in the years following so the school pupil population increases year on year.

12.3 There will need to be involvement and engagement with Planning Department, Asset Management Services, Finance Section and Schools Forum who will all be engaged and involved in the development of the new school. This will be managed by the establishment of a Waverley Project Group to coordinate the project and by regular progress and impact reporting to the Councils Senior Leadership Team and Elected Members at appropriate points.

13. Risks and Mitigation

13.1 The main risk when establishing school catchment areas in a new development is that there could be too much demand for a specific school due to a disproportionate amount of housing generated pupil yield compared to place availability. As the arrangement is currently of a temporary nature until the opening of the first primary school and clear definition of the boundary for secondary schools can be determined, the risk will be managed as outlined in the background section of this paper at 2.1.2 and 2.1.3. As more houses are built, the clearer the boundary for catchment areas will be defined.

13.2 There are always risks and uncertainties when school place provision is considered, since future pupil numbers are based on estimations. Over provision at one school could influence pupil numbers at other schools. The Local Authority uses the DfE model formula for pupil number forecasting and it is projected that for 1,000 houses within the development this will generate an eventual pupil yield of 30 pupils per year group - hence the phased implementation of primary school provision within the development. Local Authorities are obliged, however, to provide sufficient places, promote diversity and increase parental preference.

14. Accountable Officer(s)

Karen Borthwick (Assistant Director for Education and Skills)

Approvals Obtained from:

Strategic Director of Finance and Corporate Services:
Joanne Robertson (Finance Manager CYPS) - 18.4.2016

Director of Legal Services: Named officer
Neil Concannon (Solicitor) 20.4.2016

Head of Procurement:
Helen Chambers (Principal Officer) 7.6.2016

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Summary Sheet

Cabinet and Commissioners' Decision Making Meeting – 11 July 2016

Council Report

2015/16 Revenue, Capital and Prudential Indicators Outturn

Is this a Key Decision and has it been included on the Forward Plan?

Yes

Strategic Director Approving Submission of the Report

Judith Badger, Strategic Director of Finance and Customer Services

Report Author(s)

Pete Hudson, Chief Finance Manager

Stuart Booth, Assistant Director Finance

Ward(s) Affected

All

Summary

This report outlines the unaudited revenue, capital and Housing Revenue Account (HRA) outturn positions for 2015/16, reviews treasury management activity during the year and sets out the final 2015/16 Prudential Indicators reported under the Prudential Code for Capital Finance.

The reporting of the Outturn is based on the Directorate names and structures in place for the financial year ended 31st March 2016. Some structural changes and Directorate title changes have since been implemented, effective from 1st April 2016.

The report shows an overall revenue outturn of £0.141m underspend inclusive of the Traded Services balances of £0.589m surplus (set out in Appendix 2) and the unspent balances of £0.215m (Appendix 3). Excluding the surpluses on the Traded Services the revenue outturn is an overspend of £0.448m.

Assuming the trading services balances and carry-forward requests are funded in the manner outlined in this report (3.20.1) the General Fund Working Balance will remain at £11.269m. Overall the Council's Revenue Reserves have decreased by £18.721m to £100.478m prior to the funding of the carry-forwards.

This is a very positive outturn (and better than the Estimated Outturn forecast reported to Cabinet in February), especially given the in-year financial challenges faced, in particular the significance of the additional investment in Children and Young People's Service (£8.183m) while implementing significant financial savings (£12.9m) across the Council. Delivering this overall position necessitated the implementation of a moratorium on all but essential spend and the concerted efforts

of both elected Members and senior officers in managing reducing levels of funding at a time of increasing service need; and also the generally good and responsible financial management on the part of budget holders.

The key revenue pressure faced by the Council in 2015/16 was in respect of Children's Services (c£8.6m after the planned use of £7.5m from the Transformation Reserve) predominantly in respect of the number and cost of Looked After Children in Out of Authority Placements and the additional cost of leadership and social worker capacity as part of the improvement journey to ensure children are being managed and looked after safely. This pressure has largely been managed and mitigated through underspends across the other Council Directorates (c£1.8m), underspends within Central Services (c£1.0m) and the planned use of one-off resources held in earmarked reserves (c£5.3m) as set out in the Budget Monitoring reports to Commissioners and Cabinet throughout the year.

The Housing Revenue Account (HRA) underspent by £7.204m in 2015/16.

Schools outturned (including Declared Savings) with a combined balance of £3.722m which will be carried forward to 2016/17 in accordance with Department for Education (DfE) regulations.

The Capital Programme outturn shows an underspending of £6.438m (8.5%) against the estimated spend in 2015/16 (excluding PFI and Finance Lease liabilities and reversal of a Capitalisation Direction Provision). This is due to the re-profiling of expenditure on a number of schemes and an underspend of £4.05m on the HRA funded Housing Investment Programme (HIP). A request to re-profile certain scheme budgets into 2016/17 is shown on a scheme by scheme basis at Appendix 4.

Recommendations

That Cabinet is asked to:

- a. Note the Revenue outturn position of £0.141m underspend as detailed in Appendix 1.
- b. Approve, in accordance with Council Policy, the carry-forward of Traded Services balances of £0.589m as set out in Appendix 2.
- c. Approve the carry-forward of the underspend of £0.215m to meet specific budget requirements and pressures as set out in Appendix 3, to be funded from the Transformation Reserve.
- d. Approve, subject to the approvals at 1.2 and 1.3 above, the final revenue budget overspend of £0.448m to be funded via a transfer from the Transformation Reserve.
- e. Approve the Housing Revenue Account (HRA) outturn of £7.204m underspend and its transfer to the HRA Reserve.
- f. Note the carry-forward to 2016/17 of the combined schools' balance of £3.722m in accordance with DfE regulations.
- g. Approve the reserves position as set out in section 3.20.

- h. Approve the final capital expenditure and resourcing position, incorporating expenditure of £81.893m (including £13.683m PFI and Finance Lease liabilities) against a final budget of £76.026m, and approve the requests to re-profile the relevant scheme budget into 2016/17 as set out in Appendix 4.
- i. Approve the outturn Prudential Indicators position as set out in sections 3.22 to 3.24 and Appendix 5.

List of Appendices Included

Appendix 1- Individual Directorate Outturn positions 2015/16

Appendix 2 - Traded Services Outturn 2015/16

Appendix 3 – Requests for Carry-forward to 2016/17

Appendix 4 – Capital Programme requests for carry-forward to 2016/17

Appendix 5 – Summary of Prudential Indicators

Background Papers

Estimated Outturn Report to Cabinet – 11th April 2016

Consideration by any other Council Committee, Scrutiny or Advisory Panel

Overview and Scrutiny Management Board

Council Approval Required

Yes

Exempt from the Press and Public

No

2015/16 Revenue, Capital and Prudential Indicators Outturn

1. Recommendations

That Cabinet :

- 1.1 Note the Revenue outturn position of £0.141m underspend as detailed in Appendix 1.
- 1.2 Approve, in accordance with Council Policy, the carry-forward of Traded Services balances of £0.589m as set out in Appendix 2.
- 1.3 Approve the carry-forward of the under-spend of £0.215m to meet specific budget requirements and pressures as set out in Appendix 3, to be funded from the Transformation Reserve.
- 1.4 Approve subject to the approvals at 1.2 and 1.3 above the final revenue budget overspend of £0.448m to be funded via a transfer from the Transformation Reserve.
- 1.5 Approve the Housing Revenue Account (HRA) outturn of £7.204m under-spend and its transfer to the HRA Reserve.
- 1.6 Note the carry-forward to 2016/17 of the combined schools' balance of £3.722m in accordance with DfE regulations.
- 1.7 Approve the reserves position as set out in section 3.20.
- 1.8 Approve the final capital expenditure and resourcing position, incorporating expenditure of £81.893m (including £13.683m PFI and Finance Lease liabilities) against a final budget of £76.026m, and approve the requests to re-profile the relevant scheme budget into 2016/17 as set out in Appendix 4.
- 1.9 Approve the outturn Prudential Indicators position as set out in sections 3.22 to 3.24 and Appendix 5.

2. Background

- 2.1 This report sets out the Council's revenue, capital and HRA outturn position in 2015/16 and performance against its Prudential Indicators for the year. The Council set a revenue budget of £203.554m, a HRA balanced budget after planning to use £1.440m of reserves and a Capital Programme budget of £76.026m in 2015/16.
- 2.2 The report shows the Council's financial position in relation to management accounts used to monitor performance through the year. The Audit Committee will consider separately the Council's Statement of Accounts in July. The Statement of Accounts shows the financial position in a statutorily prescribed format including technical accounting adjustments that do not reflect how the Council's day to day finances are managed.

3. Key Issues

REVENUE OUTTURN

3.1 The table below summarises the Revenue Account outturn for 2015/16, both before and after the carrying forward of Traded Services balances (surplus or deficit) in accordance with Council Policy. A summary of the reasons for the most significant year-end variations is provided from paragraph 3.2 to 3.9 with more detail provided in Appendix 1 (where relevant to do so) and details of the Traded Services balances are shown in Appendix 2.

Table 1 – Summary Revenue Outturn 2015/16

Directorate / Service	Annual Budget	Overall Outturn	Overall Variance	Surplus on Traded Services	Variance excluding Traded Services Surpluses
	£m	£m	£m	£m	£m
Children & Young People Services	53.158	61.567	+8.409	-0.204	+8.613
Neighbourhood & Adult Services	69.921	69.373	-0.548	-0.077	-0.471
Environment & Development Services	46.835	45.519	-1.316	0	-1.316
Resources	18.760	18.401	-0.359	-0.308	-0.051
Central Services	14.880	13.879	-1.001	0	-1.001
Planned Use of Earmarked Reserves	-	-5.326	-5.326	0	-5.326
Total	203.554	203.413	-0.141	-0.589	+0.448

(+ = overspend, - = underspend)

3.2 Children & Young People's Directorate

The Children and Young People's Services Directorate (excluding School and Pupil Referral Unit delegated budgets) is reporting an unaudited net overspend of £8.409m before adjusting for traded service surplus balances

(£0.204m). This overspend is after the additional in-year budget allocation of £8.183m from the Council's Transformation Reserve Fund. The most significant pressure in the Directorate, which has been monitored and reported on continuously over the financial year, is within Children's Social Care services. This is largely due to the volume of placements in excess of budget and the high level of costs associated with the placement of Looked After Children in out of authority placements, the use of agency staff to cover vacant Social Worker posts and the use of interims to provide essential leadership and direction to enable the service to move forward and address recommendations in the Professor Jay, Louise Casey and Ofsted reports.

3.3 Neighbourhoods and Adult Services Directorate

The Neighbourhoods and Adult Services Directorate underspent by £0.548m in 2015/16, including traded services surplus balance of £0.076m. The key reason for the underspend is within Neighbourhoods Services (£0.436m underspent), mainly as a result of additional income from the Furnished Homes scheme and additional fee income from the increase in private sector adaptations. Adult Services underspent overall by £0.111m due to higher than anticipated staff turnover within the Commissioning and Performance and Quality teams.

- 3.4 Public Health Services are funded via a ring-fenced grant. The service received an in-year reduction in the grant funding of £1.010m (applied by the Government) and transferred £0.153m from the Public Health reserve to meet expenditure in 2015/16. The cumulative balance on the Public Health grant reserve as at 31st March 2016 is £1.085m.

3.5 Environment & Development Services Directorate

The Directorate of Environment and Development Services has reported a net underspend of £1.316m. This represents underspending on a number of budgets, offsetting some on-going underlying operational pressures. Waste Management services have reported an underspend of £0.345m as a result of savings on both waste collection and waste disposal services. Cultural Services were £0.226m underspent due in part to additional income generated by the first year of the VAT Cultural Exemption for theatres and higher attendance levels at theatre shows. Corporate Transport, Stores and Depots have reported an underspend of £0.206m due to staff savings on depots and increased income generation to the Corporate Transport Unit and Stores. There were also underspends within Facilities Management (£0.1m), the Corporate Environment Team (£0.1m), Customer Services (£0.1m) and Network Management (£0.1m). Other smaller underspends were reported across the rest of the Directorate largely due to reductions in operational spending.

- 3.6 Overspends were incurred in Planning of £0.145m due to the reduced number of major planning applications and search fees. There was also an overspend

of £0.099m in Estates as a result of the under-recovery of fee income due to the impact of a reduced number of rent reviews, arising from a corporate decision to support town centre businesses and undertaking non-fee earning work. There was a further overspend of £0.067m in the Markets service as a result of bad debt write offs, property management charges and a continued downturn in the use of the outdoor market.

3.7 **Resources Directorate**

The Resources Directorate underspend of £0.359m is mainly as a result of surpluses on the Traded Services. Excluding this there is a net underspend of £51k. Reduced costs and additional income generation within HR and Payroll services (£0.303m), an underspend of £0.097m within Revenues & Benefits service due to additional recovery of overpaid housing benefits, together with reduced costs of Members' Allowances and savings within Democratic Services (£0.199m) have offset overspends in respect of senior staff recruitment (£0.090m), additional staff costs within Legal services, high volumes of legal statutory/planning notices, an unachieved budget income level within the Print Unit (£0.568m) and additional staff costs to support the 2015/16 internal audit delivery plan (£0.054m).

- 3.8 This outturn position also includes the underspend on the Rotherham Partnership budget (£0.155m). The Council administers this account and the balance (which belongs to all partners) is included in the request for budget carry-forwards detailed in Appendix 3.

3.9 **Central Services**

Central Services under-spend of £1.001m is chiefly due to:

- Savings on the Voluntary Severance Budget and Pensions discount £946k
- Yorkshire Purchasing Organisation – Founding Member dividend and customer loyalty payment higher than budget £112k
- Coroners and Passenger Transport levies less than budget £354k

The above underspends were partially offset by overspends in respect of revenue costs for the implementation of the new social care system – Liquidlogic (£162k) and an overspend in respect of the Imagination Library due to delays in implementation of the budgeted saving (£253k). These two pressures have been reflected in the budget monitoring throughout the year.

- 3.10 Within the Revenue Outturn position reported the Council has made provision for potential liabilities in relation to known CSE claims. The provision has been made in accordance with accounting standards and in consultation with solicitors, insurers and the Council's External Auditors.

3.11 **Traded Services**

For management accounts purposes there are five Traded Services within the Council all of which out-turned a surplus balance in 2015/16 with a combined

total of £0.589m. These were the Schools' Meals Service, the Schools' Music Service, Neighbourhoods Dispersed Units, the Schools' Insurance Fund and the Schools' Finance Service. Details of the services' outturn positions are set out in Appendix 2. The Council's existing practice has been to carry forward 100% of surpluses and deficits and the 2015/16 outturn position has been taken into account in the 2016/17 business plans of the Traded Services.

3.12 Requests for Carry-Forwards

In addition to the carry-forward of Traded Services' balances, requests have been submitted to carry forward additional unspent budgets for specific purposes. Again it has been Council practice to permit the carry-forward of up to 100% of any unspent balance at the end of a financial year if the project or development concerned is a joint arrangement or if the project remains to be completed.

- 3.13 A key request for carry-forward is in respect of the Rotherham Partnership budget. This budget is hosted by the Council but includes contributions from across the partnership. As such, the under-spend does not belong to the Council. As in previous years, the unspent balance is requested for carry-forward to support the Partnership's work in 2016/17 (£154,813).
- 3.14 The Council's Emergency Planning Shared Service jointly funded with Sheffield outturned with an underspend of £42,432. As in previous years this underspend is being requested for carry-forward to fund service activity in 2016/17.
- 3.15 The Members Community Leadership Fund (which allocates £1,000 per annum to each ward member) has underspent by £18,026. As in previous years this is requested for carry-forward for use in 2016/17.
- 3.16 **HOUSING REVENUE ACCOUNT (HRA) OUTTURN 2015/16**
- 3.17 There was an underspend of £7.204m against the HRA Budget in 2015/16 as set out below.

Table 2 – HRA OUTTURN 2015/16

HRA Summary Position	2015/16 Budget £m	2015/16 Outturn £m	2015/16 Variance £m
Expenditure	75.776	73.362	-2.414
Income	-84.810	-84.912	-0.102
Net Cost of Service	-9.034	-11.550	-2.516
Interest Received/Debt Redemption	-0.070	-0.226	-0.156

Revenue Contribution to Capital	9.104	4.572	-4.532
Transfer to/from Reserves	0	0	0
Net Surplus for the year	0	-7.204	-7.204

3.18 The main reasons for the underspend are:

- £0.186m underspend on the cost of Housing repairs principally due to a reduced level of spend on responsive and planned work programmes, partially offset by an overspend within the empty homes budget due to an increase in the number of completed minor void properties during the year.
- £1.509m underspend on Supervision and Management - mainly due to higher than expected staff turnover, the release of a Voluntary Severance contingency, savings on non-housing repairs and maintenance and lower fuel prices within District Heating schemes.
- £0.622m underspend on the Provision for Bad Debts due to the proposed changes to the welfare benefits system being less of an impact than anticipated.
- £0.102m additional charges for services and facilities in respect of the furnished homes scheme plus an increase in the sale of Council properties under the Right to Buy scheme.
- £4.532m underspend on Revenue Contributions to Capital due to in year reduction in the capital programme to mitigate the impact of the revised social rents policy on the long term HRA business plan plus alternative funding being identified to fund strategic acquisitions.

3.19 **SCHOOLS' OUTTURN 2015/16**

School balances (including Declared Savings) at the end of 2015/16 for the Council's 73 maintained schools and pupil referral units amount to £3.722m. This is £1.331m less than at the previous year end and takes account of the four schools that converted to academies during 2015/16.

3.20 **RESERVES**

3.20.1 **Revenue Reserves**

Taking account of the earmarked balance within the Council's General Fund the overall balance has decreased by £0.507m to £11.858m as a result of the Revenue Outturn for the year. Assuming approval of the carry-forward of the Trading Services balances which are earmarked and funded from the General Fund balance and the other carry-forward requests are approved to be funded from the Transformation Reserve, there will be no change in the non-earmarked balance of £11.269m.

The total revenue reserve balances at the end of 2015/16 are £100.478m, a decrease of £18.721m on the level of reserves at the end of 2014/15. This is principally due to the impact of the part reversal (£20.191m) of the 2014/15 Accounting and Technical Adjustments (see 3.20.2 below - MRP Adjustment Reserve for further clarification).

The movements in reserves during 2015/16 are summarised in the table below and are followed by an outline of the main changes and reasons for holding balances in these reserves.

Table 3 – Movement in Revenue Reserves 2015/16

	Balance as at 1 April 2015	Movement in the year	Balance as at 31 March 2016
	£m	£m	£m
General Fund Balance – Non Earmarked	11.269	0.000	11.269
General Fund Balance – Traded Services & Carry Forwards from 2014/15	1.096	-0.507	0.589
Sub-Total	12.365	-0.507	11.858
Ring-fenced Reserves			
HRA Balance	20.728	7.204	27.932
Revenue Grants	9.966	4.004	13.970
School Balances (including Declared Savings)	5.053	-1.331	3.722
Sub-Total	35.747	9.877	45.624
Earmarked Reserves			
MRP Adjustment	34.783	-34.783	0.000
Insurance	0.000	0.350	0.350
Business Rates	0.000	4.000	4.000
Pensions Deficit	0.000	6.000	6.000

Transformation	16.851	-11.700	5.151
Looked-After Children	0.000	6.000	6.000
Furnished Homes	3.743	-0.466	3.277
Private Finance Initiative (PFI)	13.918	0.720	14.638
Other Earmarked	1.792	1.788	3.580
Sub-Total	71.087	-28.091	42.996
TOTAL	119.199	-18.721	100.478

3.20.2 The chief reasons for the movements in the main balances are:

- HRA Balance £27.932m (£7.204m higher) - the working balance has increased as a result of the outturn for the financial year.
- Revenue Grants £13.970m (£4.004m higher) representing revenue grants (including the £5.169m DCLG Transformation Grant) which are to be used to meet future spending plans relevant to the terms and conditions of the grant.

Schools Balances £3.722m which are held and ring-fenced for the specific use of schools are £1.331m lower. The overall balance has reduced in the financial year by the £0.792m schools' outturn and balances transferred to new Academies and special schools (£0.539m).

- MRP Adjustment £0.000m (£34.783m lower) - Members will recall that a sum of £34.783m arising from the approved amendments to the Council's Minimum Revenue Provision (MRP) profile for pre 2007/08 debt was held within the MRP Adjustment Reserve at 1st April 2015. This was earmarked to cover the equivalent future cost which would eventually arise from re-profiling this debt in later years.

Working with its External Auditors, the Council has evaluated whether any of the sum set aside in the reserve could be prudently released early. In concluding this evaluation the Council's External Auditors indicated that the sum held in the earmarked reserve should no longer be held in a reserve in the Balance Sheet but retained in the Capital Adjustment Account, and could be released over a period of time by taking an annual MRP holiday.

The net impact of this change in disclosure as at 31st March 2016 means that £20.191m of the MRP Adjustment Reserve has been transferred to the Capital Adjustment Account and will be released to revenue over time by taking an MRP holiday. The balance of £14.592m is the amount remaining which has been released from the Capital Adjustment Account in respect of the 2014/15 and 2015/16 financial years by applying the MRP holiday for those years.

It was indicated in the 2016/17 Budget Setting report that further proposals on the future purpose of this amount would be presented to Members within the 2015/16 (Estimated) Revenue Outturn report. Initial proposals to manage on-going risks by creating new reserves were set out in that report and in concluding the outturn position. It is recommended an amount of £10.350m is set aside in the following reserves:

- Insurance - a lower amount than previously recommended of £0.350m to cover claims incurred but not yet reported to the Council and not taken account of in the Insurance Provision.
- Business Rates - a higher amount than previously recommended of £4m to cover residual risks relating to appeals, NHS trusts claim for charitable relief, and business closures.
- Pensions Deficit - £6m to cover the potential increase in back-funding contributions to the South Yorkshire Pension Scheme over the 3 years 2017/18 to 2019/20 following the 2017 actuarial valuation.
- Transformation £5.151m (£11.700m lower) this reserve has been set aside for meeting the likely significant additional costs and potential liabilities facing the Council in order to help bring about a 'fit for purpose' Council, at the earliest opportunity. The reserve has reduced due to setting aside £6m within the newly created Looked-After Children reserve (see below) and £8.394m was committed to support the Council's 2015/16 Revenue Budget. These reductions have in part been offset by a contribution to the reserve of £2.539m. This contribution has been made from the remaining Accounting and Technical Adjustments savings following the application of funding to support the 2015/16 outturn position as outlined in this report, the management of on-going known financial risks (see above) and the potential financial impact of schools converting to Academy status (see below – Other Earmarked Reserves).
- Looked-After Children £6m as previously approved has been set aside, having been transferred from the Transformation reserve to this new reserve. The funding is earmarked as support to the Revenue Budget on a £3m, £2m and £1m basis over the three financial years, 2016/17 to 2018/19.
- Furnished Homes £3.277m has reduced by £0.466m. Used to meet the additional capital financing cost following the capitalisation of furniture purchases. The trading surplus on the scheme was offset by £1.5m of the balance being committed to support the Council's 2015/16 Revenue Budget. A further £1.6m of the balance is committed to support the Council's 2016/17 Revenue Budget.
- Private Finance Initiatives (Schools, Leisure and Waste) £14.638m now inclusive of the Waste PFI reserve increased by £0.720m being used to effectively manage the income and expenditures relevant to the schemes over the life of the contracts in line with the agreed finance and accounting models.

- Other Earmarked £2.380m (£1.788m higher) - reserves set aside for service specific purposes, the principal reasons for the change being the introduction of a Selective Licensing reserve in line with the requirement for the service to be self-financing and the establishment of a specific reserve to cover potential future financial impact of schools converting to Academy status.

3.20.3 Capital Reserves – the total unearmarked capital reserve balances at the end of 2015/16 are £4.004m, a decrease of £18.505m on the level of reserves at the end of 2014/15. The decrease is largely due to the commitment of capital receipts (£17.625m) to part finance the capital expenditure plans set out in the approved Capital Strategy.

Table 4 – Capital Reserves

	Balance as at 31 March 2016	Committed Resources	Un-earmarked as at 31 March 2016
	£m	£m	£m
Capital Receipts			
General Fund	21.201	17.625	3.576
HRA	3.808	3.808	0.000
Sub-Total	25.009	21.433	3.576
Capital Grants			
General Fund not service specific	0.559	0.131	0.428
General Fund (Service Specific)	9.954	9.954	0.000
HRA	0.093	0.093	0.000
Sub-Total	10.606	10.178	0.428
Major Repairs Reserve – HRA	3.873	3.873	0.000

TOTAL	39.488	35.484	4.004

3.21 CAPITAL OUTTURN POSITION 2015/16

3.21.1 The 2015/16 outturn position in respect of capital expenditure is shown in summary form by Directorate below:

Table 5 – 2015/16 Capital Expenditure by Directorate

Directorate	2015/16 Budget £m	2015/16 Outturn £m	2015/16 Variance £m
Children and Young People's Services	11.650	12.526	+0.876
Environment and Development Services	24.924	22.496	-2.428
Neighbourhood and Adult Services	36.670	32.481	-4.189
Resources	2.782	2.085	-0.697
Sub Total Capital Outturn 2015/16	76.026	69.588	-6.438
PFI & Finance Lease Liabilities	0	13.683	13.683
Reversal of Capitalisation Direction Provision	0	-1.378	-1.378
Outturn Capital Expenditure 2015/16	76.026	81.893	+5.867

3.21.2 The final level of capital expenditure for 2015/16 varied against the final budget by £5.867m, an overspend of 7.7%. However, this figure includes accounting entries relating to the bringing on balance sheet of a number of finance leases, totalling £13.683m, including the Finance Lease associated with the Barnsley, Doncaster and Rotherham Waste PFI scheme, which became operational in July 2015, of £13.483m. Excluding the finance leases and the reversal of a Capitalisation Direction Provision of £1.378m gives an underspend of £6.438m, which equates to 8.5% of the Programme value. This is due to re-profiling of expenditure on a number of schemes and an underspend on the HRA funded Housing Investment Programme (HIP) of £4.05m. Where in-year underspends have occurred, a request for the remaining in year budget to be re-profiled into 2016/17 is set out on a scheme

by scheme basis at Appendix 4. With the exception of two projects, Canklow and Bellows Road, the rest of the HIP underspend is not being rolled forward and the expenditure will be managed within the existing 2016/17 budget.

3.21.3 Capital Receipts – The Council is continuing to undertake a comprehensive review of its assets and buildings portfolio with the aim of rationalising both its operational and non-operational asset holdings which may contribute both future capital receipts to support the revenue budget, using the new capital receipts flexibilities introduced from the 1st April 2016, the capital programme and generate revenue savings. Within the 2016/17 Revenue Budget, an assumption has been made that Capital Receipts of £2m will be generated in 2016/17, to fund expenditure relating to transforming Council services to generate future revenue efficiency savings. During 2015/16 General Fund capital receipts of £0.505m were generated and the table below shows the more significant capital receipts that were received. These receipts form part of the Council's Capital Reserves (para 7.5.3 above)

Table 6 – General Fund Capital Receipts Received in 2015/16

	£m
Clifton Court	0.198
Rawmarsh District Library	0.165
Other Miscellaneous Capital Receipts	0.142
Total Capital Receipts	0.505

3.21.4 Funding of the Capital Programme - the £81.893m of capital expenditure was funded as shown in the table below:

Table 7 – Funding of the 2015/16 Capital Programme

Funding	2015/16 Budget £m	2015/16 Outturn £m	2015/16 Variance to Budget £m
Grants and Contributions	22.974	19.318	-3.656
Unsupported Borrowing	20.315	19.646	-0.669
Usable Capital Receipts – HRA	3.432	2.870	-0.562
General Fund	0.100	0.222	+0.122

Housing Major Repairs Allowance (HRA)	24.262	20.932	-3.330
Revenue Contributions:			
HRA	4.637	4.572	-0.065
General Fund	0.306	0.650	+0.344
Waste PFI Finance Lease Liabilities	0	13.683	+13.683
TOTAL	76.026	81.893	+5.867

3.22 TREASURY MANAGEMENT AND PRUDENTIAL INDICATORS 2015/16

3.22.1 During 2015/16 the Council complied with its legislative and regulatory requirements in terms of setting, monitoring and reporting on its prudential indicators for the year.

3.22.2 Indicators are set prior to the start of the financial year and reflect the known position at that time. Approved changes to the capital programme and its funding throughout the financial year, together with variations in treasury management activity, mean that actual indicators for the year may vary from the projections made prior to the start of the financial year. However, by regularly monitoring and reporting revisions to these indicators the Council is able to ensure the impact is known and managed through the Medium Term Financial Strategy.

3.22.3 The actual prudential indicators for 2015/16, with comparators, are shown at Appendix 5 to this report with background to these provided in the following paragraphs.

3.22.4 **Impact of the Council's Capital Expenditure and Financing 2015/16** - the Council undertakes capital expenditure on long term assets. These activities may either be:

- Financed immediately through capital receipts, capital grants etc.; or
- If insufficient financing is available the expenditure will give rise to a borrowing need.

3.22.5 Part of the Council's Treasury activities is to address this borrowing need, either through borrowing from external bodies, or utilising temporary cash resources within the Council. The wider treasury activities also include managing the Council's cash flows, its previous borrowing activities and the investment of surplus funds. These activities are structured to manage risk foremost, and then optimise

performance. The primary objective is security ahead of liquidity and then yield or return.

- 3.22.6 The Council's underlying need to borrow is called the Capital Financing Requirement (CFR). This figure is a gauge for the Council's debt position. It represents 2015/16 and prior years' net capital expenditure which has not yet been paid for by revenue or other resources. Following changes to accounting rules in 2009/10, the CFR also includes other long term liabilities which have been brought on balance sheet, for example, PFI schemes and finance lease assets.
- 3.22.7 The Non-HRA element of the CFR (excluding PFI schemes and finance lease assets) is reduced each year by a statutory revenue charge (called the Minimum Revenue Provision - MRP). The CFR can also be reduced by:
- the application of additional capital resources (such as unapplied capital receipts); or
 - charging more than the statutory revenue charge (MRP) each year through a Voluntary Revenue Provision (VRP).
- 3.22.8 At the end of the financial year the closing CFR is broadly in line with that approved as the revised indicator for the year.
- 3.22.9 **Treasury Position at 31 March 2016** - whilst the Council's gauge of its underlying need to borrow is the CFR, the Strategic Director of Finance and Customer Services and the Treasury function can manage the Council's actual borrowing position by either:
- borrowing to the CFR (excluding the impact of PFI and similar contracts); or
 - choosing to utilise some temporary internal cash flow funds instead of borrowing (under-borrowing); or
 - borrowing for future increases in the CFR (borrowing in advance of need).
- 3.22.10 For 2015/16 it had been expected that borrowing would have been in line with the estimated borrowing need for the year whilst partly reducing the Council's 31 March 2015 under-borrowed position. The continued volatility in the financial markets was such that the most prudent approach was to continue to utilise temporary cash flow funds instead of borrowing.

Thus at 31 March 2016, the Council's borrowing (excluding PFI and similar schemes) and investments were as follows:

Table 8 – Council's Treasury Position 2015/2016

Net Borrowing	As At 31 March 2016 £m	As At 31 March 2015 £m
<u>External Borrowing</u>		
Public Works Loans Board (PWLB)	233.598	255.884
Market (e.g. Banks, Other Local Authorities)	243.000	213.000

	476.598	468.884
External Investments		
Debt Management Office	2.680	17.820
Banks	1.500	0.854
	4.180	18.674
Net Borrowing	472.418	450.210

- 3.22.11 Against the Council's Capital Financing Requirement (£649.505m excluding PFI and similar arrangements), the Council's outstanding net debt (£472.418m) is lower than this Requirement by approximately £177m due to the Council's prudent and sensible approach to utilise temporary cash flow funds rather than take out additional borrowings.

3.23 PRUDENTIAL INDICATORS AND COMPLIANCE ISSUES

- 3.23.1 Some of the prudential indicators provide either an overview or specific limits on Treasury activity:
- 3.23.2 **Net Borrowing and the CFR** - in order to ensure that borrowing levels are prudent over the medium term the Council's external borrowing net of investments must only be used for a capital purpose. Net borrowing should not therefore, except in the short term, have exceeded the CFR for 2015/16 plus the expected changes to the CFR over 2016/17 and 2017/18. The Council complied with this prudential indicator throughout 2015/16.
- 3.23.3 **The Authorised Limit** - the Authorised Limit is the "Affordable Borrowing Limit" required by S3 of the Local Government Act 2003. The Council does not have the power to borrow above this level. The Council maintained gross borrowing within its Authorised Limit, both excluding and including the impact of bringing PFI and similar arrangements on to the Council's Balance Sheet.
- 3.23.4 **The Operational Boundary** – The Operational Boundary is the expected borrowing position of the Council during the year. Periods where the actual position is either below or over the Boundary is acceptable subject to the Authorised Limit not being breached. The Council maintained its borrowing position around its Operational Boundary.
- 3.23.5 **Actual financing costs as a proportion of net revenue stream** - This indicator identifies the trend in the cost of capital (borrowing and the cost of other long term obligations but net of investment income) against the Council's Budget Requirement (net revenue stream) for the General Fund and budgeted income for the HRA.
- 3.23.6 Both indicators show a reduction reflecting an overall fall in borrowing costs. Whilst the share of these costs is approximately equal (as reflected by the respective CFRs) the HRA has a lower net revenue stream and therefore the impact on the indicator is greater. In addition the General Fund indicator also reflects, when compared to the original estimate, the reduced MRP charge for 2015/16 which arose as a result of the MRP

Accounting and Technical Adjustment made at the end of the 2014/15 financial year.

3.23.7 Incremental impact of Capital Investment Decisions – two indicators are used to highlight the trend in cost arising from changes to the Council's capital investment plans:

- the impact on Council Tax Band D levels as already budgeted for within the Council's MTFS of changes to the General Fund capital programme, and
- the impact on weekly rent levels arising from changes in the housing capital programme

The incremental impact of capital investment decisions on the Band D Council Tax is broadly in line with the revised indicator. This reflects the fact that the actual borrowing need in 2015/16 is consistent with the revised forecast. None of the HRA capital investment was financed by borrowing in 2015/16 and therefore there was no incremental impact of capital investment on HRA rent levels.

3.24 TREASURY MANAGEMENT INDICATORS

3.24.1 Limits on Activity

Upper limits on fixed and variable interest rates as at 31 March 2016 – these indicators identify the maximum limits for fixed interest rate gross debt and for variable interest rates based upon the debt position, net of investments. The Council remained within the limits set throughout 2015/16.

Maturity structure of fixed rate borrowing during 2015/16 – These gross limits are set to reduce the Council's exposure to large fixed rate sums falling due for refinancing, and are required for upper and lower limits. The Council remained within the limits set throughout 2015/16.

Maximum funds invested for more than 364 days – This limit is set to reduce the need for early sale of an investment and is based on the availability of funds after each year end.

3.24.2 Borrowing

New Borrowing - Three new long term loans amounting to £30m in total were drawn by Rotherham MBC during the year, all with Sheffield Combined Authority. £10m was borrowed over 3 years at an interest rate of 1.25%, £15m over 6 years at 2.20% and £5m over 9 years at 2.54%, with an overall average rate of 1.94%. The total borrowed was in line with the budget assumption for new & replacement borrowing in the financial year.

During the year temporary borrowing (maximum 2 months) was taken up on three occasions to manage the Council's cash flow position. All these short-term loans were fully repaid.

Rescheduling – No rescheduling took place in 2015/16 due to the continuing unfavourable market conditions.

Debt Repayment – One loan of £20m matured during the year as shown in the table below. Part repayments of principal continued on the Annuity and Equal Instalment of Principal (EIP) loans taken up in prior years.

Table 9 – Debt Repayments 2015/16

Lender	Principal £m	Type	Interest Rate	Average rate of interest
PWLB EIP	2.000	Fixed rate	3.46%	
PWLB	20.000	Fixed rate	9.625%	
PWLB Annuity	0.286	Annual repayments	Various	
Total:	£22.286			8.99%

The overall debt activity resulted in a decrease in the average interest rate on the Council's debt portfolio of 0.37%, from 4.57% to 4.20%. This principally arose due to the maturity of the high cost fixed rate loan shown in the table above.

3.24.3 Investments

The Council's investment policy is governed by DCLG Guidance, which was implemented in the annual investment strategy approved by Council on 4 March 2015. The investment activity during the year conformed to the approved strategy.

The Council maintained an average balance of £21.3m and received an average return of 0.29%. When compared to the local measure of performance the average return was slightly below the average 7 day LIBID rate for 2015/16 of 0.36%.

3.25 FORMER SOUTH YORKSHIRE COUNTY COUNCIL

No new borrowing or rescheduling took place during 2015/16, whilst one loan of £9.412m matured during the year. Thus at 31 March 2016, external debt, all with the PWLB, totalled £86.709m. The average interest rate on the debt is 5.53%

The Former SYCC had no investments at 31 March 2016, the same as at 31 March 2015.

The actual prudential indicators for the Former SYCC are also shown at Appendix 5.

4. Options considered and recommended proposal

4.1 This detail is set out in section 3 above.

5. Consultation

5.1 Revenue Budget and Council Tax for 2015/16 Report to Council 4th March 2015.

Estimated Outturn Revenue Budget Monitoring report 2015/16
Capital Monitoring Report to Commissioner 27th February 2015
Strategic Directors and Service Directors of the Council
Local Government Act 2003

6. Timetable and Accountability for Implementing this Decision

6.1 The Strategic Director of Finance and Customer Services is responsible for implementing any actions arising from the supported recommendations in this report. These should be actioned at the earliest opportunity to aid the monitoring of the 2016/17 Revenue Budget and Capital Programme.

7. Financial and Procurement Implications

7.1 As it is a predominantly financial report, the financial issues are contained within the body of the report.

8. Legal Implications

8.1 No direct legal implications

9. Human Resources Implications

9.1 No direct implications

10. Implications for Children and Young People and Vulnerable Adults

10.1 No direct implications

11 Equalities and Human Rights Implications

11.1 No direct implications

12. Implications for Partners and Other Directorates

12.1 No direct implications

13. Risks and Mitigation

13.1 The need to deliver a stable and balanced financial position in the short and medium term is a key corporate risk for the local authority and is reflected in the Corporate Risk Register.

13.2 As set out in section 3.20.1 as at 31st March 2016 the Council General Fund working balance was £11.269m. This remains at the same level as 2014/15

prior to which it was increased in light of the unprecedented speed of funding, welfare and other policy change. Having assessed the risks plus their impact on available balances and the potential scale of the financial challenges facing the Council, the Strategic Director of Finance and Customer Services confirms that at this stage it is reasonable to maintain the minimum working balance at 5.6% of the 2016/17 net budget requirement. This level takes into account the twin objectives of minimising the cost to the taxpayer whilst minimising the effect financial risk on the Council. Given current uncertainty about the longevity of funding and policy commitments it is intended that this balance will be carefully managed and may need to increase further to meet the level of risks in the system. Also as outlined in section 3.20.1 the Council also maintains separate Revenue Balances in respect of the HRA and Schools.

14. Accountable Officer(s)

Approvals Obtained from:-

Strategic Director of Finance and Corporate Services:- Judith Badger

Director of Legal Services:- Dermot Pearson

Head of Procurement (if appropriate):-n/a

This report is published on the Council's website or can be found at:-

<http://moderngov.rotherham.gov.uk/ieDocHome.aspx?Categories=>

APPENDIX 1

Individual Directorate Outturn Positions

Children and Young People's Service	£m Over/(under) spend	Key reason(s) for variance
Directorate Wide	0.5	Additional costs in relation to interim staffing arrangements and recruitment costs partially offset by savings on pensions
Education & Skills	0.3	Redundancy, pension and trade union costs for Rotherham Schools.
School Improvement	0.2	Income under-recovery due to Schools Forum withdrawing DSG funding for some Education services.
Inclusion Services	0.7	Additional cost of Complex Needs placements
Traded Services	(0.2)	School Catering Net Surplus , School Music service Net Surplus
Early Years	(0.1)	Delay in recruitment to vacancies
Early Help	(0.6)	Delay in recruitment to vacancies through restructuring delay and Children's Centres underspends in respect of vacancies and supplies and services budgets.
Commissioning, Performance & Quality	0.8	Additional staffing costs for interims and additional appointments.
Safeguarding Management &	0.4	Costs of interims and

Legal Services		recruitment advertising
Safeguarding Teams	0.3	Agency staff costs
Locality Social Work Teams	2.8	Agency costs due to difficulties in recruiting to vacancies, payments to clients and Leaving Care accommodation costs
EVOLVE	0.5	Additional CSE support contract costs, and agency and consultancy costs.
Children Looked After	2.6	Overspends on Out of Authority Residential placements, Out of Authority Fostering and overspends on other fostering, Looked After Children (LAC) social worker agency and Rotherham children's homes offset by underspends on LAC Transport and Adoption Services
Variations Less than £100k	0.1	Facilities Services
Total Variation	8.3	
Plus: Write off of School Deficits upon Conversion to Academy taking the sponsored route	0.1	Regulations permit a school with a deficit joining the Academy Trust of an external sponsor and opening as a sponsored academy, to leave deficits with the LA, to be funded from its core budget.
Total CYPS Variance (incl Traded Services)	8.4	

The Table below provides comparative information for the number and cost of Looked After Children for 2014/15 and 2015/16 which resulted in the £5m overspend.

LOOKED AFTER CHILDREN Placement Type	2014/15		2015/16		Actual Number of placements as at 31st March 2016
	Average No. of placements	Average Cost of Placement	Average No. of placements	Average Cost of Placement	
		£ per week		£ per week	
Out of Authority Residential	34.6	3,442	41.3	3,746	45
Remand	0.5	1,426	0.7	2,995	3
Independent Fostering Agencies	106.2	890	115.5	908	140
<i>Standard</i>	60.5	760	63.9	753	81
<i>Complex</i>	33.5	1,001	35.9	977	39
<i>Specialist</i>	12.2	1,229	15.7	1,358	20
In-house Fostering	174.6	259	189.0	281	191

Neighbourhoods & Adult Services	£m Over/(under) spend	Key reason(s) for variance
Adults general, Management, Training and Support	(0.2)	Planned delay on new qualifications training plus a reduction in central charges.
Older Peoples Services	0.4	Overspends in respect of unachievable budget savings due to lower levels of continuing health care income within residential and nursing care and increased take up of Direct Payments. These pressures have been reduced by higher than anticipated staff turnover within Assessment and Care Management, plus additional non-recurrent winter pressures and Better Care Funding from Rotherham Clinical Commissioning Group (CCG).
Learning Disability Services	(1.2)	Overall underspend in respect of the reconfiguration of residential care to supported living, savings from the review of existing supported living contracts plus higher than anticipated staff turnover within in-house residential and day care provision.
Mental Health Services	0.4	Overspend due to additional high cost residential care placements plus increased take up of Direct Payments
Physical and Sensory Disability Services	0.9	Overspend due to increase in residential and nursing placements plus additional demand for Direct Payments.
Adult Safeguarding	0	Spend on Deprivation of Liberty Safeguards (DoLs) assessments offset by specific grant funding.

Supporting People	(0.2)	Overall underspend due to contract efficiency savings and reduced contract activity.
Commissioning, Performance and Quality	(0.2)	Underspend due to higher than anticipated staff turnover.
Total Adult Services	(0.1)	
Public Health	0	There was an actual overspend on the ring-fenced specific grant due to in-year grant reduction of £1.010m by Government. A transfer of £153k from the Public Health Reserve balanced the budget.
Neighbourhoods General Fund		
Housing Options	(0.1)	Increased service fee income in respect of private sector adaptations plus underspend on Dispersed Units Trading Account.
Housing and Estate Services/Central Services	(0.1)	Additional income from Police and Crime Commissioner plus underspend on supplies and services due to moratorium on non-essential spend.
Safer Neighbourhoods	(0.1)	Higher than anticipated staff turnover plus underspends due to the moratorium on non-essential spend.
Neighbourhood Partnership and Engagement Services	(0.1)	Savings on Community development activities and underspend within Members Community Leadership Fund and Area Assemblies due to the spend moratorium.
Variations Less than £100k	-	Strategic Housing and Investment
Total Neighbourhoods General Fund Variance	(0.4)	
TOTAL NEIGHBOURHOODS AND ADULT SERVICES	(0.5)	

Environment & Development Services	£m Over/(under) spend	Key reason(s) for variance
Estates	0.1	Under recovery of fee income due to the impact of a reduced number of rent reviews following a corporate decision to support town centre businesses. Service also engaged in non-fee earning work.
Facilities Management	(0.1)	2015/16 revenue benefit from previous year's provisions in respect of charges to the NHS for Kimberworth The Place and Aston CSC. Savings on the lease and running costs as a result of vacating the Innovation Centre. These have offset pressures, including Community Buildings unachieved savings and the write-off of the BRITE bad debt.
Building Design and Corporate Projects	(0.1)	Additional income generation and staff savings across the service area
Corporate Environment Team	(0.1)	Reduced expenditure on the Carbon Reduction Commitment, as a result of lower emissions forecasts
Cultural Services	(0.2)	Additional income generated by the first year of the VAT Cultural Exemption for theatres and higher attendance levels at theatre shows. Museums have been continuing to operate with vacant posts and materials (book) fund was not fully spent.
Customer Services	(0.1)	A delay in recruiting to vacant posts and associated expenditure in Registrars has

		resulted in savings. Staffing savings have also been made in Customer and Contact Centres. A saving in Automated Libraries and Information Management was achieved through not requiring the IT updates.
Markets	0.1	Bad debt write off's, Property Management charges and a continued downturn in use of the outdoor market.
Planning	0.1	Reduced number of major planning applications and search fees.
Network Management	(0.1)	Savings on street lighting energy costs and highway maintenance, together with additional income on street works, partly offset by an overspend on winter maintenance and an under recovery of income within parking services.
Waste Management	(0.3)	Savings on Waste Disposal and Waste Collection services in part due to savings on HWRC disposal and management costs and one-off savings on the Waste PFI contract.
Corporate Transport, Stores & Depot	(0.2)	Staff savings on depots and increased income to the Corporate Transport Unit and Stores.
Transportation	(0.1)	Additional income generation and savings on signal maintenance expenditure.
Corporate Accounts	(0.1)	Savings on the plant account, partly due to fuel cost savings.
Emergency Planning and Health & Safety	(0.1)	Staff savings from vacant posts.

Variation less than £100k	(0.1)	Children's Capital Team, Corporate Property Management, Business Unit, Regeneration, Managed Workspace, Building Control, Leisure & Green Spaces, Community Services and Business Regulation
Total EDS Variance	(1.3)	

Resources Directorate	£m Over/(under) spend	Key reason(s) for variance
Human Resources and Payroll	(0.3)	Staff cost savings due to vacancies, additional income generation and savings from the moratorium on non-essential spend
Recruitment	0.1	Recruitment costs to new management structure
Communications & Media	0.1	Additional staff costs
Revenues & Benefits	(0.1)	Recovery of Housing Benefit overpayments
Democratic Services	(0.2)	Savings due to Members not receiving full Supplementary Responsibility Allowances (SRAs) and changes to Pension legislation. Underspend on Special Events (Mayors Dinner) and underspends on Supplies & Services budgets mainly due to moratorium on non-essential spend.
Legal Services	0.4	Staff cost pressures relating to interim Assistant Director of Legal and additional management support posts to support the new management structure. Unachieved income in Print Unit.
Statutory Costs	0.1	Statutory Legal costs in excess of budget.
Policy & Partnerships	(0.2)	Underspend on Partnership budget (£155k) – see Appendix 3
Variation less than £100k	-	ICT, Finance, Internal Audit and Procurement
Total Resources Variance	(0.1)	

APPENDIX 2**Traded Services Outturn 2015/16**

The table below shows details of the Traded Services Outturn which in accordance with Council Policy are carried forward (surpluses or deficits) each year. All traded services in 2015/16 outturned with a surplus balance.

2016/17 Service Business Plans reflect the carry-forward of these balances.

Directorate	Service	Outturn (Surpluses)
		£
CYPS	School Meals Service	(181,485)
	School Music Service	(22,515)
NAS	Dispersed Units	(76,665)
Resources	Schools Insurance Fund	(195,452)
	Schools Finance Service	(113,064)
TOTAL		(589,181)

APPENDIX 3

Requests for Carry-Forward of Unspent Budget

The table below sets out Directorate requests to carry-forward unspent budgets including details of why the request is being made.

Directorate	Service	Reason for carry-forward request	£
Resources	Rotherham Partnership	Unspent balance on Partnership budget hosted by the Council (Includes contributions from all partners)	154,813
Neighbourhoods & Adult Services	Members Community Leadership Fund (CLF)	This carry-forward request represents a significant proportion of the unspent balance on the CLF which Members have asked be made available to fund initiatives in 2016/17.	18,026
Environment & Development Services	Emergency Planning Joint Service	Unspent balance on Joint Service budget hosted by the Council (Includes contributions from both Partners)	42,432
TOTAL CFWD REQUEST			215,271

Capital Programme – Requests for Carry-Forwards into 2016/17

CHILDREN AND YOUNG PEOPLE'S SERVICE

<u>Project</u>	<u>Carry-Forward Explanation</u>	£m
<u>Primary Schools</u>		
Broom Valley Community School	The carry-forward is for play equipment required in the playground.	0.001
Authority New School, Eldon Road	The school is complete and operational. There is no provision for children's play equipment in the playground, this carry-forward is to pay for this.	0.020
Badsley Moor Primary Classroom	The provision of an additional classroom to meet an increase in pupil numbers at the school. This will allow the school to admit 90 pupils per year group. The scheme was profiled over 2 financial years. However, the start on site was later than anticipated.	0.131
High Greave infants moving of porta cabin	A project to relocate a modular classroom from Dalton Flanderwell to High Greave, to enable the movement of the children's centre from the school to its own building. This has been delayed to 2016/17 due to other work priorities.	0.005
Universal Free School Meals	Grant to fund works to school kitchens to enable the provision of universal free school meals. The remaining grant monies are to be spent on Thornhill Kitchen (£95k) for Badsley Moor Primary Kitchen (£20k) with £63k for Kitchen canopies in 4 schools.	0.178

<u>Secondary Schools</u>		
Wickersley School and Sports College New Building	This project has provided a 17 classroom new block to deal with the increase in pupil numbers at the school. The building became operational from 2 nd November 2015. However, issues with classroom temperatures have meant a requirement that air conditioning units need to be installed.	0.035
<u>Other Projects</u>		
Rawmarsh City Learning Centre	This is historic grant that has been used to purchase computers in 2016/17	0.006
Property Adaptations	Works to private properties to increase the Borough capacity for foster care placements. Delay to programme, funding to be rolled forward into 2016/17.	0.057
Entitlement for Early Years Provision (2 year olds)	The spending 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.	0.003
SUB-TOTAL - CHILDREN AND YOUNG PEOPLE'S SERVICE		£0.436m

NEIGHBOURHOOD AND ADULT SERVICES

<u>Project</u>	<u>Carry-Forward Explanation</u>	£m
<u>Adult Services</u>		
Rothercare Alarms	Installation of remaining alarms delayed until April 2016 as a result of the lack of availability of an installer. Tunstall to complete the works.	0.006
<u>Neighbourhoods Services</u>		
Canklow Phase 1 & 2	This is a continuation of a house clearance project. A small number of properties remain that need to be acquired and then demolished to clear the area.	0.111
Bellows Road Service Centre Clearance	The removal of the mast and demolition works to the shopping units and clearance of the land. Delays in the mast removal have contributed to the delay and requirement to carry budget over.	0.200
Monksbridge Demolition	Negotiations with home owners are still continuing to enable the demolition and building up of a gable wall.	0.005
Fuel Poverty – Vulnerable People	A requirement to retender the contract meant that it wasn't possible to deliver the contract in the fourth quarter of 2015/16. A contract is now in the final stages of agreement with Keepmoat with the delivery of 186 properties receiving investment to alleviate fuel poverty, totalling £181k. Additional properties are currently being identified to take up the remaining budget allocation. All grant should be spent in 2 tranches with the first phase taking place during the summer months of 2016.	0.274
Air Quality Grant	Request for carry-forward of historic grant provided for the purchase for air quality units.	0.003

Landfill Sites	The carry-forward request is largely as a consequence of the focus of activity being on the tendering process for the revenue maintenance contract which substantially reduced the availability of resources for several months with a subsequent delay in arranging capital works. Work to lay new pipe line and pumps are planned for 2016/17 at the Wath site, together with work to the Gas Flare at the Droppingwell site.	0.075
SUB – TOTAL - NEIGHBOURHOOD AND ADULT SERVICES		£0.693m

ENVIRONMENT & DEVELOPMENT SERVICES

<u>Project</u>	<u>Carry- Forward Explanation</u>	£m
<u>Culture, Sport & Tourism</u>		
Strategic Review of Libraries	No spend in 2015/16 due to reviewing options for the future service offer of Library and Customer Services across all 15 sites. Library & Customer Services proposals are now out to public consultation, the results will be presented to Council for a decision on the future service offer. If proposals are agreed, capital expenditure will be required in a number of sites (e.g. implementation of self-service kiosks).	0.039
Alexandra Park	Some of the works profiled for 2015/16 required time to settle before finishing works could be undertaken. This has moved the final spend into 2016/17.	0.008
Gordon Bennett Play	Thurcroft Parish Council have been slow to agree the project as they have been dealing with a third party funder (Big Local). The Service are now in a position to raise an order for the works in early 2016/17.	0.069
Sanctuary Fields	The Service were expecting to utilise the funding as match for new equipment, but the application to the third party funder failed. There is a new application in progress for 2016/17.	0.009
Wath Park	The preferred tenderer for the works went into administration late in the process which has led to the re-profiling of expenditure.	0.040
Packman Way	This scheme has slipped into 2016/17 as we have had to employ a company to	0.020

	undertake soil sampling and testing, as the site is potentially contaminated. A further report will follow if additional funding is required.	
Firsby Reservoir Phase 2	Some ancillary earthworks, access works and ecology works have been postponed to 2016/17 to give the site a further year of natural recovery before any further works.	0.003
<u>Planning Regeneration and Transport</u>		
High Street Public Realm	An historic information board in the process of being restored, is due to be completed/delivered early 2016/2017.	0.006
Town Centre Business Vitality Scheme	The carry-forward request is in respect of grants to support new business start-ups to be rolled forward into 2016/17.	0.076
Bailey House Renovation	The Project has been re-profiled into 2016/17 as there were delays surrounding planning conditions and staff resourcing. Key personnel left during 2015/16 that added to the time frame.	0.126
All Saints Public Toilet Work	This project has been delayed until 2016/17 and will be subject to a further Cabinet report.	0.013
Wath Montgomery Square	Full project completion has been delayed into 2016/17 as a result of works required to external lighting. Originally all the external lighting was fed back to one store. Now each unit has its own external light connected to its own distribution board.	0.004
<u>Community Safety & Environment</u>		
Wath upon Dearne Flood Alleviation Scheme	The works in 2015/16 progressed as planned. As a result of cost savings on the original brief, additional works were agreed with the funder (Environment	0.052

	Agency). These works have progressed slowly due to staff resourcing issues.	
Aston, Aughton and Swallownest Flood Alleviation Scheme Phase 2	The works in 2015/16 progressed as planned. As a result of cost savings on the original brief, additional works were agreed with the funder (Environment Agency). These works have progressed slowly but are expected to be completed in the first half of 2016/17.	0.063
Herringthorpe Valley Flood Defence	Work slipped due to a lack of capacity to carry out the works in house, as was initially proposed. It may now need to be out sourced.	0.028
Highways Maintenance	Due to a commitment to deliver works funded by third parties in the final quarter, the Highway Delivery Team was unable to carry out programmed patch repairs to the highway network. The third party funding would have been lost if it had not been committed in 2015/16. Therefore, it is requested that the underspend is carried forward to 2016/17 to fund the carriageway patch repairs, which precede the Surface Dressing surface treatment, which improves the condition of the network. The patching works have been delivered in April and May to allow the Contractor to carry out the surface dressing as programmed in May and June.	0.592
Highways Delivery (Connectivity, Network Management, Local Safety, Bus Projects, Smarter Choices & Step2)	The grant funding notionally allocated to Rotherham is done through the combined authority for South Yorkshire. The grants come from Central Government and often there are time restrictions placed on these grants. Therefore the South Yorkshire Finance Team for transportation projects closely monitors spend and delivery and makes every effort to ensure that grant funding conditions are satisfied. In 2015/16 we were unable to deliver our full programme of Local Transport Plan Integrated	0.645

	Transport spend due to some projects not being delivered in year and because some projects did not ultimately cost as much as their estimates. Officers are in discussions with the South Yorkshire finance team about carrying forward these funds into 2016/17.	
Bridges	Bridge works re-profiled into 2016/17 and 2017/18.	0.243
Pool Green Roundabout Highways Scheme	Re-profiling of expenditure into 2016/17 has occurred due to the final accounts not being settled.	0.265
Old Flatts Bridge Highways Scheme	£20k expenditure expected in 2016/2017 to complete the project.	0.020
A57 Scheme	Re-profiling of expenditure due to delays in settling compensation claims. A report is to be submitted on this project in 2016/17.	0.096
A630 Sheffield Parkway Widening	The Stage 1a Business Case process took longer to complete than anticipated, with assessment by Sheffield City Region required. Subsequently, an appraisal specification report submitted to DfT required further work to be undertaken, delaying the commencement of work on the Stage 1b business case.	0.029
Waverley Link Road	An appraisal specification report submitted to Sheffield City Region required further work on traffic modelling and the economic appraisal. To optimise resources, a decision was taken to undertake the additional work alongside the A630 Parkway Widening, incorporating the economic appraisal within the Stage 1b business case (Parkway) and joint traffic model update for both schemes (subject to DfT approval).	0.020
SUB-TOTAL – ENVIRONMENT AND DEVELOPMENT SERVICES		£2.466m

RESOURCES DIRECTORATE

<u>Project</u>	<u>Carry Forward Explanation</u>	£m
ICT Strategy	A carry-forward request in respect of ongoing ICT Strategy 2 infrastructure projects and the financial systems project.	0.071
ICT Resilience	Resilience works within the Bailey House data centre. Part of the Bailey House renovation project referred to above.	0.010
Social Care IT Project	Milestone payments expected to be paid to Liquidlogic in 2015/16 slipped to 2016/17, due to delay in project implementation. Reported to Cabinet on 26 th May 2016, together with request for additional funding, which was approved.	0.389
Customer Access Delivery Plan	Contract award of the new Your Account service was delayed until March 2016, due to procurement delays. This meant project spend will not be incurred until 2016/17.	0.298
SUB-TOTAL – Resources Directorate		£0.768m

APPENDIX 5

Summary Prudential Indicators: Rotherham MBC

		Actual	Revised Estimate	Original Estimate
		£m	£m	£m
1	Capital Expenditure (excluding PFI & Finance lease liabilities)	68.210	76.026	70.024
2	Capital Financing Requirement (CFR) including PFI & similar liabilities:			
	General Fund	483.122	483.637	463.098
	HRA	<u>304.125</u>	<u>304.125</u>	<u>306.445</u>
	Total	<u>787.247</u>	<u>787.762</u>	<u>769.543</u>
3	Net Borrowing compared to CFR excluding PFI & similar liabilities:			
	Total Borrowing	476.598	481.017	481.656
	Total Investments	<u>4.180</u>	<u>20.000</u>	<u>25.000</u>
	Net Borrowing	472.418	461.017	456.656
	CFR	<u>649.505</u>	<u>650.174</u>	<u>631.941</u>
	Under-borrowing	<u>177.087</u>	<u>189.157</u>	<u>175.285</u>
4	Net Borrowing compared to CFR including PFI & similar liabilities:			
	Borrowing (from above)	476.598	481.017	481.656
	Borrowing (PFI etc)	<u>137.742</u>	<u>137.588</u>	<u>137.602</u>
	Total Borrowing	614.340	618.605	619.258
	Total Investments	<u>4.180</u>	<u>20.000</u>	<u>25.000</u>
	Net Borrowing	610.160	598.605	594.258
	CFR	<u>787.247</u>	<u>787.762</u>	<u>769.543</u>
	Under-borrowing	<u>177.087</u>	<u>189.157</u>	<u>175.285</u>
5	Authorised Limit for external debt			
	Assumed Borrowing	683.391	683.391	648.657
	PFI & similar liabilities	<u>139.267</u>	<u>139.267</u>	<u>139.267</u>
	Authorised Limit	822.648	822.648	787.924
	Total Borrowing	<u>614.340</u>	<u>618.605</u>	<u>619.258</u>
	Borrowing Below Limit	<u>208.308</u>	<u>204.043</u>	<u>168.666</u>
6	Operational boundary for external debt			
	Assumed Borrowing	481.017	481.017	481.656
	PFI & similar liabilities	<u>139.267</u>	<u>139.267</u>	<u>139.267</u>
	Operational Boundary	620.284	620.284	620.923
	Total Borrowing	<u>614.340</u>	<u>618.605</u>	<u>619.258</u>
	Borrowing Below Boundary	<u>5.944</u>	<u>1.679</u>	<u>1.665</u>
7	Maximum Funds invested > 364 days	0.000	10.000	10.000

		Actual	Revised Estimate	Original Estimate
		%	%	%
8	Ratio of financing costs to net revenue stream – Non HRA	6.41	6.30	8.24
9	Ratio of financing costs to net revenue stream – HRA	15.99	15.94	16.07
		£	£	£
10	Incremental impact of capital expenditure plans on the Band D Council Tax	11.65	12.29	7.55
11	Incremental impact of capital expenditure plans on housing rents levels	0.00	0.00	0.04

12	Maturity Structure of Fixed Rate Borrowing	Actual %	Revised Upper Limit %	Original Upper Limit %
	Under 12 Months	1.94	35	35
	12 months to 2 years	16.59	35	35
	2 years to 5 years	21.82	40	40
	5 years to 10 years	24.25	40	40
	10 years to 20 years	3.44	45	45
	20 years to 30 years	8.99	50	50
	30 years to 40 years	15.00	50	50
	40 years to 50 years	7.97	55	55
	50 years and above	0.00	60	60

13	Upper Limit on fixed interest rates based on fixed net debt	Actual %	Revised Upper Limit %	Original Upper Limit %
		79.61	100	100

14	Upper Limit on variable rates based on fixed net debt	Actual %	Revised Upper Limit %	Original Upper Limit %
		25.33	30	30

Summary Prudential Indicators: Former South Yorkshire County Council

		Actual	Revised Estimate	Original Estimate
		£m	£m	£m
1	Authorised Limit for external debt			
	Authorised Limit	96.121	96.121	96.121
	Total Borrowing	<u>96.121</u>	<u>96.121</u>	<u>96.121</u>
	Borrowing Below Limit	0.000	0.000	0.000
2	Operational boundary for external debt			
	Operational Boundary	96.121	96.121	96.121
	Total Borrowing	<u>96.121</u>	<u>96.121</u>	<u>96.121</u>
	Borrowing Below Boundary	0.000	0.000	0.000

3	Maturity Structure of Fixed Rate Borrowing	Actual %	Revised Upper Limit %	Original Upper Limit %
	Under 12 Months	11.53	50	50
	12 months to 2 years	45.80	70	70
	2 years to 5 years	42.67	100	100

4	Upper Limit on fixed interest rates based on fixed net debt	Actual %	Revised Upper Limit %	Original Upper Limit %
		100.00	100	100

5	Upper Limit on variable rates based on fixed net debt	Actual %	Revised Upper Limit %	Original Upper Limit %
		0.00	30	30

Summary Sheet

Cabinet and Commissioners' Decision Making Meeting – 11 July 2016

Title: Medium Term Financial Strategy 2016/17 – 2019/20

Is this a Key Decision and has it been included on the Forward Plan?

Yes

Strategic Director Approving Submission of the Report –
Strategic Director of Finance and Customer Services

Report Author(s)

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Ward(s) Affected

All

Summary

Full Council approved the Council's Outline MTFS at its 2nd March 2016 meeting as part of approving the Council's 2016/17 Budget and Council Tax setting. Work has been progressing on updating the MTFS to include the period to 2020 and to reflect recent and ongoing developments in the redesign of the local government finance system (including the Adult Social Care Precept and the 4 -Year Settlement Offer) and to incorporate additional known budget pressures in order to identify an updated Funding Gap to be addressed by the Council of at least £42m to 2019/20.

The Report also starts to outline the process and the possible implications of accepting the Government's 4-Year settlement and identifies other relevant and significant factors which will affect the Council's Budget Strategy up until 2020 and beyond including: current consultations on reforms to the Business Rates system and the move to full localisation, the review of the New Homes Bonus regime, the Inception of the Improved Better Care Fund and the development of Sheffield City Region and its devolution arrangements.

Recommendations

Cabinet is asked to:

- a. Accept the updated Medium Term Financial Strategy for 2016/17 to 2019/20 noting the contents of this report and in particular the increase in the estimated funding gap (the difference between projected resources and the forecast spending requirement); for the next 3 years as outlined in paragraph 3.2;

- b. Note the current uncertainty surrounding future funding streams pending the outcome of a number of Government reviews regarding the redesign of the local government finance system;
- c. Note the spending pressures not currently included in the forecast outlined in paragraph 3.50.
- d. Agree to progressing the development of a 3 year Budget based on the 5 strategic and cross-cutting themes as described in paragraph 4.

List of Appendices Included

- Outline Draft Budget Timetable

Background Papers

- RMBC corporate “Fresh Start” Improvement Plan, 26th May 2015
- The Council’s Outline Medium Term Financial Strategy 2016-2019 Report to Council 9th December 2015.
- The Provisional Local Government Finance Settlement – Report to Advisory Cabinet/Commissioners’ Decision Making Meeting 8th January 2016.
- Revenue Budget Setting Report 2016/17 – Report to Council 2nd March 2016
- Outline Medium Term Financial Strategy 2016-19.
- Letter to Authorities 10th March 2016 from Secretary of State for Communities and Local Government.

Consideration by any other Council Committee, Scrutiny or Advisory Panel

As part of the policy-led approach to the Budget and MTFS the Overview and Scrutiny Management Board (OSMB) will continue to have overall responsibility for scrutinising the Annual Budget including the ongoing update of the MTFS. The attached Outline Budget Timetable (Appendix 1) incorporates the scrutiny of the Budget process and proposals and indicates the planned pattern of OSMB meetings throughout the process.

Council Approval Required

No

Exempt from the Press and Public

No

Title The Council's Medium Term Financial Strategy 2016/17 – 2019/20.

1. Recommendations

1.1 Cabinet is asked to:

- a. Accept the updated Medium Term Financial Strategy for 2016/17 to 2019/20 noting the contents of this report and in particular the increase in the estimated funding gap (the difference between projected resources and the forecast spending requirement); for the next 3 years outlined in paragraph 3.2 of the report;
- b. Note the current uncertainty surrounding future funding streams pending the outcome of a number of Government reviews regarding the redesign of the local government finance system;
- c. Note the spending pressures not currently included in the forecast outlined in paragraph 3.50.
- d. Agree to progressing the development of a 3 year Budget based on the 5 strategic and cross-cutting themes as described in paragraph 4.

2. Background

- 2.1 In 2015 Lead Commissioner Sir Derek Myers set out a requirement for the Council to have determined the broad shape of its MTFS for the next three years by November 2015. The finalised version of the Outline MTFS for the period 2016-2019 was considered alongside the 2016/17 Revenue Budget and both which were approved by Full Council in March 2016.
- 2.2 The approved Outline MTFS sets out the framework for understanding the strategic, service and financial challenges the Council faces and looks at the options for how these challenges may be met over the next 3 financial years. It supports the authority's organisational aims and objectives and these in turn support the Council's overall Vision.
- 2.3 The MTFS is a key part of the Council's Budget and Policy Framework intended to ensure that financial resources are aligned towards the delivery of the Council's future objectives and priorities which is essential for ensuring the Council's medium term financial sustainability. In refreshing the MTFS this current iteration not only moves forward the financial forecast in the light of recent national developments and local circumstances but also includes the effects of the Council's ongoing and rolling budget process. This report sets out the further developments and the updated Funding Gap and continues the Council's strategic approach to attaining budget sustainability.

2.4 When the Outline MTFS was approved in March 2016, it was recognised that the Strategy document would need to be kept under continuous review given the pace of change and in particular for the following reasons:

- Although the effects of Final Local Government Finance Settlement for 2016/17 were included in the MTFS, the resource projections relating to the latter two years of the Strategy were not adjusted in light of the 4-Year Settlement offer. A commitment was however, made to reflect the 2017/18 and 2018/19 settlement proposals in developing an update to the MTFS which also extends to the 2019/20 financial year.
- Considerable uncertainty still exists about the future of the Local Government Finance System in light of the ongoing consultations on full localisation of Business Rates and the New Homes Bonus regime, the announcements in the Chancellor's March 2016 Budget Statement and the introduction of the Improved Better Care Fund from 2017.
- In addition, work on implementing the Council's own 2016/17 Budget proposals, assessing savings proposals and growth/pressures items for 2017/18 and 2018/19 and on preliminary 2019/20 Budget estimates has resulted in the revision of the projected funding gap facing the Council as set out below in section 3.2.

2.5 This report sets out in turn the developments relating to resource and spending projections since the Outline MTFS was approved in March and also outlines the 2017/18 Budget process and timetable. Indeed, it also seeks to continue to map out how the Council will need systematically to make financial decisions that make clear where resources are to be used to support the vision for the Council over the next decade and to promote sustainability within the Council, its services and its finances.

3. Key Issues

3.1 **The financial challenge** - Between 2011 and 2016 the Council has had to address a funding gap of £117m with a further £21m Budget gap being addressed in the current financial year, 2016/17. However estimated budget gaps of £6m and £9.4m remained for 2017/18 and 2018/19 respectively as set out below.

	2016/17 £m	2017/18 £m	2018/19 £m
Total Budget Requirement	199.521	197.280	201.267
Estimated Resources			
- Government Funding	-39.405	-27.666	-17.649
- Business Rates	-60.829	-62.402	-64.506
- Council Tax	-93.188	-94.233	-96.800
- New Homes Bonus	-6.099	-6.978	-6.918
Total Estimated Resources	-199.521	-191.279	-185.873
Annual Increase in Funding Gap		6.001	9.393
Cumulative Funding Gap		6.001	15.394

- 3.2 It was anticipated that the financial projections contained in the Outline MTFS would need to be kept under review, and when appropriate be revised. Since the 2016/17 Budget was set in early March 2016 there have been several important developments, both national and local affecting both estimated resources and Council spending. Equally there has been ongoing work to identify and refine budget pressures and savings proposals and roll forward the forecasts to include 2019/20. Reflecting these developments, the annual and cumulative funding gaps are currently now estimated to be:

	2016/17 £m	2017/18 £m	2018/19 £m	2019/20 £m
Total Budget Requirement	199.521	204.126	211.573	229.320
Estimated Resources				
- Government Funding	-39.405	-28.943	-21.923	-14.857
- Business Rates system	-60.829	-61.999	-63.721	-65.477
- Council Tax (including ASC precept)	-93.188	-96.063	-100.610	-103.878
- New Homes Bonus (under review)	-6.099	-3.996	-3.535	-3.247
Total Estimated Resources	-199.521	-191.001	-189.789	-187.459
Annual Increase in Funding Gap		13.125	8.659	20.077
Cumulative Funding Gap	0	13.125	21.784	41.861

This is a summary position and the following sections and paragraphs provide a detailed analysis of the estimated resources and spend requirements contained within these totals. It is intended to continue to review and update the Council's financial projections throughout the year as information and intelligence becomes available and to report these to Members as appropriate.

- 3.3 **Resources** - In addition to the challenges facing all councils, Rotherham's particular circumstances mean it continues to face additional significant financial pressures in the coming three financial years up to 2020. In light of this, effectively managing the future resource base of the Council will be key to achieving effectively the long term sustainability of the Council, the more so because a significant and increasing amount of the Council's resources will be driven by local growth (Business Rates income and New Homes Bonus) and local decision making (Council Tax, Housing Rents and fees and charges).

- 3.4 **Funding from Government** - The Council receives an annual Settlement Funding Assessment (SFA) which is composed of Revenue Support Grant (RSG), Business Rates Top-up Grant and the Government's projection of the Council's share of the Business Rates income raised in Rotherham.
- 3.5 The current Outline MTFS included the working assumption that the Council will have to manage a reduction in its government funding allocation of on average 9% a year for the years 2016/17 to 2018/19 – a 27.2% reduction overall. Within this overall reduction, the model assumed a greater reduction in RSG and that increases in the Business Rates Baseline and Top-Up Grant would be in line with assumed inflation.
- 3.6 The Government's 2015 Autumn Statement, however, included plans for 100% retention of Business Rates by local government accompanied by the phasing out of RSG by the end of this decade. The Government has now started to engage with councils and consult on how this major change will be implemented through the summer of 2016, prior to legislation being laid in early 2017. For the present, the impact of any proposed change is not reflected in the published Spending Review and Settlement figures.
- 3.7 **Further developments (100% Rates Retention and Formula Review)** - The Government's stated intention is to phase out government grant funding and move towards 100% Rates Retention from 2020 which will inevitably mean significant changes to how the Council will be funded. Councils will be expected to fund their spending plans solely from locally raised income (Council Tax, Business Rates and fees and charges). Government estimates that 100% Rates Retention will give authorities £26 billion in total Business Rate revenues – some £13 billion of additional local tax revenues. However, as the move to localisation is expected to be fiscally neutral, authorities will be expected to take on new responsibilities to match the additional resources. It is likely that before this happens, the Council, working with its Sheffield City Region partners through its devolution agreements, will look to become a pilot region (possibly for 2017/18 alongside Greater Manchester and Cambridgeshire) and in doing so will be looking to influence and strongly shape the take-on of any new or additional responsibilities.
- 3.8 **Business Rates Income** - The SFA currently includes a Government set "Business Rates Baseline". This was established with the inception of the Business Rates Retention scheme (1st April 2013) based on Rotherham's historic share of the national aggregate Business Rates income. This "baseline" is increased annually in line with changes to the Business Rates multiplier set by Government.
- 3.9 In determining its financial forecast and Budget, however, it is for the Council to set its own estimate of the likely level of retained Business Rate income,

including its ability to collect it - a significant factor in determining the Council's overall financial position. The Council's Business Rates income target in its 2016/17 Revenue Budget is £35.930m and the forecasts for the future years covered by the MTFS are shown below.

	2016/17 £m	2017/18 £m	2018/19 £m	2019/20 £m
Business Rates income	-35.930	-36.592	-37.558	-38.549

3.10 The 2016/17 estimated rates yield has declined by £0.3m or 0.8% compared with 2015/16 estimates (£36.211m) as a result of allowances for reductions relating to:

- Schools converting to academy status and qualifying for mandatory 80% charitable relief;
- The potential impact of business closures and failures; and
- Outstanding Rates appeals (c700 appeals) which include those from all of the large retailers/supermarkets and account for over £60m of rateable value.

3.11 The MTFS currently assumes that from 2016/17 the national rates multiplier will rise annually in line with RPI inflation as estimated by the Office of Budget Responsibility (OBR), 2.2%, 3.0% and 3.0% respectively. Against this it is estimated that Rotherham's rates base will reduce by 0.35% per year reflecting low or static projections in rates growth as a result of:

- Rate Appeals;
- Academy conversions;
- The Council's relatively narrow economic base due to its dependency on a few significant business sectors; and
- That those areas of the Borough where higher rates growth might be expected are within an Enterprise Zone where rates income growth is not retained by the Council but is transferred to the Local Enterprise Partnership (LEP) and Sheffield City Region Combined Authority.

3.12 The projections currently neither allow for any applications by NHS Foundation Trusts seeking retrospective Charitable Relief status, which, if successful could lead to a one-off refund of £4.8m and an ongoing reduction of £0.9m a year moving forward, nor do they reflect appeals in respect of Automated Telling Machines (ATM's) worth around £1m gross.

3.13 Rates Relief - The business rates system allows for discounts or reliefs – most significantly for small businesses. These are funded by the Government outside the SFA mechanism as Section 31 Grants and are paid in addition to the settlement sums outlined above. In the March 2016 Budget, the Chancellor or the Exchequer announced that with effect from April 2017:

- Small Business Rate Relief (SBRR) will be permanently doubled from 50% to 100% with the cost met by the Government. In Rotherham, this grant is worth £1.3m for 2016/17 and some 2,300 properties benefit from the relief.
- The upper threshold for 100% relief will be increased from a rateable value of £6,000 to £12,000 – which is estimated to affect around 750 properties in Rotherham, currently paying £1.35m in rates. Around 300 businesses with a rateable value between £12,000 to £15,000 and currently paying £2m in rates will receive tapered relief.
- The threshold for the standard Business Rates multiplier will be raised to a rateable value of £51,000 which will apply to around 1,200 properties in Rotherham.

These reforms are estimated to cost between £1.5bn and £1.7bn per annum nationally, but councils will be fully compensated by Government for the loss of income. So although the current MTFS does not reflect these changes it is assumed that reduced rates income will be matched by increased Section 31 Government grant meaning that the impact on the Council's resource level is neutral.

3.14 Other Rates Income - As well as its share of Gross Business Rates Income, the Council also benefits from other rates income streams. For example, it is able to retain in full the rates received in respect of new renewable energy developments (£0.159m) and is compensated for the relief awarded to businesses within the Enterprise Zone (£0.305m).

3.15 The above forecasts in respect of Business Rates income are summarised below:

	2016/17 £m	2017/18 £m	2018/19 £m	2019/20 £m
Business Rates Retention Scheme				
Business Rates Retained income	-35.930	-36.592	-37.558	-38.549
Section 31 Grants	-1.618	-1.664	-1.720	-1.720
Renewable Energy	-0.159	-0.163	-0.167	-0.167
Enterprise Zone Relief	-0.305	-0.315	-0.324	-0.324
Government Top Up Grant	-22.817	-23.265	-23.952	-24.717
TOTAL	-60.829	-61.999	-63.721	-65.477

3.16 Work is in progress by the Valuation Office Agency (Government) on the first rates revaluation since 2010, which is expected to take effect in 2017/18. Although it was promised when rates retention was introduced that the Government would *“adjust tariffs and top ups at the...revaluation to ensure, as far as is possible, that no local authority is worse off as a result of our commitment to ensure that the amount of Business Rates paid by businesses nationally does not increase as a result of revaluation”* there is considerable uncertainty as to how this will be achieved. It is at present assumed that the pledges given by Government at the inception of the Rates Retention Scheme will be honoured.

3.17 **Four Year Settlement Offer** - The Final Local Government Finance Settlement 2016/17 (February 2016) included indicative SFA allocations covering; RSG, Rates Top-Up Grant as well as retained Business Rates income for the financial years up to 2019/20 and confirmed that the Government would offer any council wishing to take it up a four-year funding settlement.

3.18 Further details of the offer were released on 10th March when the Secretary of State for Communities and Local Government sent a letter and annex to authorities which confirmed the following:

- This is expected to be the only time in the course of the current Parliament that a multi-year settlement will be offered and authorities have until 14th October to accept the offer.
- The only condition applying to the multi-year settlement offer appears to be the requirement for an efficiency plan, showing how a four-year settlement will bring about opportunities for further savings.
- Not accepting the offer would mean the Council's grant allocations remain subject to the existing annual settlement process. Future levels of funding will not be guaranteed and could be subject to additional reductions dependant on the fiscal climate and the need to make further savings to reduce the Government's fiscal deficit.
- Although both the Provisional and Final Local Government Settlements for 2016/17 included indicative resource allocations for following years these did not reflect the plans for 100% rates retention.
- In Rotherham's case the offer relates only to RSG as the Council does not receive the other grants covered by the offer and the offer does not extend to several other significant funding streams (such as New Homes Bonus or Public Health Grant) which are therefore not protected.

- 3.19 The position, taking account of the limitations of the offer and the uncertainty about how binding it is, will be considered in a further report that will be brought forward to Cabinet meeting in September.
- 3.20 Although the Council has made no decision as yet on whether to accept the four-year offer the revised MTFS resource projections for the years after 2016/17 reflect the four year settlement RSG figures which would give the Council additional RSG resources over and above those in the Outline MTFS as set out below.

	2016/17 £m	2017/18 £m	2018/19 £m	2019/20 £m
Medium Term Financial Strategy Estimate – 2 nd March 2016	39.405	27.666	17.649	NA
February 2016 Indicative Four-Year Settlement offer	39.405	28.943	21.923	14.857
Difference	0.0	+1.277	+4.274	+14.857

- 3.21 **Council Tax Income** - In 2016/17 Rotherham set a Band D Council Tax of £1,328.20 – an overall increase of 3.95% over the tax charged in 2015/16 £1,277.73 composed of a 1.95% rise in the Basic Tax and a 2% (or £25.55) Adult Social Care Precept (ASC), which the Government introduced to help authorities with social care responsibilities meet the increased numbers of clients and rising costs of providing care to residents. By making use of the scope to charge an Adult Social Care (ASC) Precept in 2016/17, the Council was able to generate £1.7m additional Council Tax income over and above that of previous years, and to raise £89.188m in Council Tax.
- 3.22 Going forward the Council will, as stated above, be increasingly dependent on the income it can raise locally including Council Tax and this will be determined by the following factors.
- 3.23 **Annual Increase in Council Tax** - Until 2016/17 it has been the Government's policy to prescribe a percentage Council Tax increase that would trigger a local referendum (the threshold has been set at 2% for several years) and to encourage authorities not to increase their Council Tax by making available Council Tax Freeze Grant. The current financial year saw a change in this policy, although the 2% Referendum threshold was retained, there was no Council Tax Freeze grant and social care authorities were allowed to increase their Council Tax by a further 2% (Adult Social Care Precept) permitting Council Tax to be increased by up to 4%. This additional "2% social care precept" has to be ring-fenced to spend on adult social care services.

- 3.24 The default assumption within the Outline MTFS is that the 2% basic Referendum Threshold would be retained and that the Council will increase its basic Council Tax by 1.95% per year for the next 3 financial years to 2019/20.
- 3.25 Although it has been confirmed that the scope to raise a further 2% ASC precept annually would remain in place until 2019/20, the Outline MTFS approved in March did not include any assumption about further use of the ASC Precept beyond the 2016/17 financial year.
- 3.26 In preparing the latest budget and resource projections this has been revisited and Council Tax income estimates now include the effect of raising an ASC precept in the Borough's Council Tax in each of the next three financial years. Clearly this assumption may be reviewed going forward and Council Tax increases are a decision reserved for Members as part of the ongoing role of Full Council to approve the Council's overall annual budget.
- 3.27 **Rotherham's Tax Base** – i.e. overall number of properties that the Council can collect Council Tax from, a change in the tax base is the result of:
- The building and completion of new housing properties in the Borough;
 - Changes in Council Tax Banding as a result of adjustments and appeals;
 - Discounts, exemptions and reliefs granted (for example, single person discounts, and reductions in liabilities for disabled persons);
 - The ending of the discount period on empty properties or their reoccupation.
- 3.28 For 2016/17 it was projected that the Council's Tax Base would be 67,149.57 Band D Equivalent properties - a rise of almost 2.6% over 2015/16 generating additional Council Tax income of over £2m in 2016/17. This increase is significantly higher than in recent years and reflects:
- A one-year reduction in the provision for losses on collection from 3.5% to 3% as a result of the Council's continuing to demonstrate its ability to sustain its good collection record;
 - The reduced cost of the Council's Council Tax Reduction Scheme (CTRS) due to a declining number of working age benefits claimants;
 - The construction of new properties - significantly at Waverley; and
 - Removal of the 25% empty property discount allowed for the first 6 months that a dwelling property is empty including those undergoing major structural repairs.

- 3.29 Rotherham Council has a good record in respect of Council Tax collection - experience for 2015/16 indicates that the 96.5% target in year collection rate was exceeded with 97.3% being collected (an increase of 0.1% from 2014/15). Rotherham's record as one of the best performing metropolitan authorities is expected to be maintained (the Council was ranked 5th in 2014/15 and the rankings for 2015/16 are currently awaited). Reviewing the adjustment made for losses on collection in light of the continuing level of performance over several financial years, an estimated collection rate of 97% was applied the Council Tax Base for 2016/17 reducing the provision for losses on collection from 3.5% to 3% for one year. Whilst collection rates in the current year are being closely monitored, forecasts currently assume a collection rate of 96.5% per year for the remainder of the MTFS period.
- 3.30 **Council Tax Reduction Scheme (CTRS):** in addition to new build properties the 2016/17 tax base was also increased as a result of the reduction in the cost of the Council's CTRS scheme due to a reduction in the value of claims and the number of working age claimants. Rotherham's current CTRS, which was introduced in April 2013, requires Council Tax payers of working age to pay a minimum of 8.5% of their Council Tax bills (pensioners are protected under national regulations). The Council's scheme has been subject to annual reviews but has not changed since its introduction. A further review of the scheme will be brought forward in September and will reflect the emerging outcomes from national research published in the last 6 months. At this stage no change in the CTRS scheme has been assumed: this will, however, be an issue for Members to consider alongside the financial challenge.
- 3.31 **New properties:** as the construction industry continues its recovery, the number of new properties completed in the Borough has increased and not only have more properties been built but, the new properties are more likely to fall into the higher value Council Tax bands. Nevertheless approximately, 86% of domestic properties in Rotherham are in Council Tax Bands A to C – with 54% in Band A and less than 1% in Bands G and H – the highest value properties.
- 3.32 Council Tax forecasts currently assume annual growth in the Tax base of 0.9% based on the average over the 3 years to March 2015. This assumption will, however need to be reviewed in the light of Members' decisions in relation to other factors affecting the Council Tax Base.
- 3.33 **Collection Fund Surplus (Council Tax):** It is expected that the Council's good Council Tax collection rate (both in year and cumulatively as outlined at 3.29 above) will be sustained and, in light of this, a review of the position on the Council's Collection Fund indicates that it would be appropriate to earmark £3m of surplus to be used annually to support the Council's Revenue Budget upto and including 2018/19, reducing to £1.5m thereafter. The overall

financial performance of the Collection Fund is part of routine financial monitoring and reporting which will keep this under review.

- 3.34 The assumptions around Council Tax income are summarised in the table below:

	2016/17 £m	2017/18 £m	2018/19 £m	2019/20 £m
Council Tax	-89.188	-93.063	-97.610	-102.378
Collection Fund Surplus	-4.000	-3.000	-3.000	-1.500
TOTAL	-93.188	-96.063	-100.610	-103.878

- 3.35 **New Homes Bonus** (NHB) is a national Government scheme intended to support the provision of additional housing through incentivising councils to facilitate and support either new construction or bringing long-term empty properties back into use. The Bonus paid to authorities is based on the national average Council Tax for properties in the same band as those constructed or brought into use and also includes premiums for affordable housing. In Rotherham's case this generates around £1,400 per unit paid on a 6 year rolling basis - an allocation of just under £6.0m in 2016/17. The majority of this resource allocated to local councils is essentially top-sliced from the Revenue Support Grant (with any residual top-sliced funding not used being refunded to authorities – Rotherham received around £0.1m back in 2016/17).
- 3.36 The 2015 Autumn Statement announced consultation on reforms to the scheme including: means of sharpening the incentive to reward communities for additional homes; reducing the length of payments from 6 years to 4 years; introducing a drag factor or minimum qualifying increase of 0.25% and options for savings of at least £800m to be reallocated for improving social care. The consultation closed in March 2016 and the results are awaited.
- 3.37 The Outline MTFS published with the Budget report assumed that the NHB scheme would continue in its current form, however the revised Financial Challenge makes prudent assumptions about changes to the scheme and the revised assumptions are set out below pending publication of proposals.

	2016/17 £m	2017/18 £m	2018/19 £m	2019/20 £m
New Homes Bonus & Top-slice refund	-6.099	-3.996	-3.535	-3.247

- 3.41 **Improved Better Care Fund** – one of the reasons for the review of the NHB is to identify resources to part fund the Improved Better Care Fund will be resourced in part by reductions in the New Homes Bonus. Indicative

allocations included with the Final Local Government Settlement suggested that Rotherham could receive:

- 2017/18 £1.1m
- 2018/19 £6.3m
- 2019/20 £10.8m

The Council's resource projections currently do not include any estimated additional income from the Fund as although indications are that Improved Better Care funding will be passed to the Council:

- The allocation method has yet to be agreed;
- The terms and conditions around the Fund's use are not at present known;
- The indicative allocations will levy a 2% ASC precept each year; and
- How will the improved BCF allocations fit with the current BCF and the level of current funding provided by the local Clinical Commissioning Group?

3.42 Overall Estimated Resources - the current overall resources assumptions are summarised in the table below:

	2016/17 £m	2017/18 £m	2018/19 £m	2019/20 £m
Estimated Resources				
- Government Funding	-39.405	-28.943	-21.923	-14.857
- Business Rates system	-60.829	-61.999	-63.721	-65.477
- Council Tax (including ASC precept)	-93.188	-96.063	-100.610	-103.878
- New Homes Bonus	-6.099	-3.996	-3.535	-3.247
TOTAL	-199.521	-191.001	-189.789	-187.459

3.43 Specific Grants - in addition to non-ringfenced grants such as RSG, Section 31 and NHB, the Council receives specific grants from several Government Departments in relation to a range of activities and duties. The terms and conditions attached to these grant mean that the Council is not always free to determine how these resources are used; nevertheless specific grants represent a significant funding stream for the Council.

3.44 The largest of these is Dedicated Schools Grant (DSG) - £88.87m in 2016/17. This is the main source of income for the maintained schools' budget. The Council receives its DSG allocation from the Department for Education (DfE) on the basis of block allocations determined by the number of pupils. Currently authorities are being consulted on the introduction of a new National Funding Formula for all schools and academies which will be in place from 2017/18. The implications of the proposals are currently unknown but, because

Rotherham's Guaranteed Unit of Funding per pupil is relatively high compared to other authorities, the Council may be disadvantaged. However, in both the 2015 autumn Spending Review and in the Chancellor's 2016 Budget the Government's intention for all schools to become academies by 2022 was stated, which would further reduce the Council's role in Rotherham Schools.

- 3.45 Aside from DSG, it is estimated that the Council will receive some £32.8m in major specific grants in 2016/17, 2.3% or £0.8m less than in 2015/16. This reduction is due to the phasing out of funding streams such as Education Service Grant (ESG), the merging of some funding streams such as the Adult Social Care New Burdens grant and funding for Deprivation of Liberty (DOLS) within RSG and cuts in the national level of resources for Public Health.

Specific Grant	2016/17 £'m	2017/18 £'m	2018/19 £'m	2018/19 £'m	Ref
Public Health	-17.157	-16.734	-16.299	-15.875	i
Department of Health Local Reform and Community Voices Grant	-0.184	N/A	N/A	N/A	ii
Independent Living Fund (ILF)	-1.588	-1.535	-1.487	-1.442	iii
Education Services Grant (ESG) (est)	-2.458	-1.774	-0.709	-0.709	iv
Council Tax Support and Housing Benefit Admin Subsidy	-1.625	-1.625	-1.625	-1.625	v
PFI Education (Revenue)	-6.223	-6.223	-6.223	-6.223	vi
PFI Leisure (Revenue)	-1.811	-1.811	-1.811	-1.811	
PFI Waste (Revenue)	-1.781	-1.781	-1.781	-1.781	

- i. **Public Health** – Rotherham's Public Health Grant allocation for 2016/17 was £17.571m. A further £0.4m reduction is anticipated for 2017/18. National Grant totals are expected to reduce by 2.6% a year in both 2018/19 and 2019/20 and the estimates shown for the council reflect this but firm details of allocations for later years are not known at this time.
- ii. **Department of Health Revenue Funding Local Reform and Community Voices Grant** - the allocation covers Healthwatch, Independent Complaints and Deprivation of Liberty in Hospital. Funding was reduced in 2015/16 with the loss of resources for Independent Mental Health Advocacy which is now part of the Better Care Fund and details of allocations beyond the present year are unknown at present.

- iii. **Independent Living Fund (ILF)** - was transferred to Local Authorities from July 2015. Rotherham's funding for 2016/17 £1.6m in a full year, which should cover existing payments.
- iv. **Education Services Grant (ESG)** - is paid to authorities to support their role as a local education authority (LEA) based on the number of pupils. The Outline MTFS had assumed that the Council's ESG allocations would decline as schools converted to academy status leaving only £15 per pupil in relation to the Council's retained duties. The recent funding review, however, has reduced the per capita allocations from £77 to £15 per pupil with effect from September 2017. In previous years the decline in ESG has been treated as a corporate issue and consequently has been included in the budget baseline so that the pressure can be addressed as part of the overall financial challenge.
- v. **Council Tax Support and Housing Benefit Admin Subsidy** - Rotherham receives approximately £1.6m subsidy towards the administration costs of the Housing Benefit and Council Tax Support schemes and it is currently assumed that this will continue for the period of the MTFS.
- vi. **PFI Grants** - the Council receives an annual fixed grant in respect of each of its three PFI schemes. This grant is used to help meet the monthly contract liability payments to the individual contractors. As such, this grant is not available to support the wider Council budget.

REVENUE EXPENDITURE REQUIREMENT

3.46 The Council set a Net Revenue Budget for 2016/17 of £199.521m and this has formed the base of the current Budget Baseline spend set out below:

	2016/17 £m	2017/18 £m	2018/19 £m	2019/20 £m
MTFS Budget Baseline	199.521	204.126	211.573	229.320
% increase year on year		2.3%	3.6%	8.4%

3.47 The 2016/17 Baseline Budget has been rolled forward allowing for; inflation, the ongoing effect of agreed savings proposals and recognised budget pressures to give an indicative spend requirement. The relatively larger increase in spending in 2019/20 reflects phasing out of capital financing costs which have, where prudent, been revised to deliver savings in the earlier years of the MTFS. The table below sets out the inflationary increases included in the Baseline, however no provision has been made for general price inflation.

Baseline Budget Inflation Assumptions	2017/18	2018/19	2019/20
<i>Pay award inflation</i>	1.0%	1.0%	1.0%
<i>2016 Triennial Pensions Valuation –which would take effect from April 2017</i>	2.0%	2.0%	2.0%
<i>Business Rates inflation</i>	3.5%	3.5%	3.5%
<i>Electricity</i>	5.0%	5.0%	5.0%
<i>Gas</i>	5.0%	5.0%	5.0%
<i>Water</i>	5.0%	5.0%	5.0%
<i>Insurance</i>	3.1%	3.1%	3.1%
<i>Contract Inflation – Adult Social Services Residential and Domiciliary Care etc.</i>	2.0%	2.0%	2.0%
<i>Contract Inflation – CYPS Placements</i>	3.0%	3.0%	3.0%

3.48 Budget Implementation – Since the 2016/17 Budget was set in early March 2016 work has progressed to confirm funding estimates, budget pressures and savings proposals in the later years of the MTFS. In addition, spend forecasts have been rolled forward to include 2019/20. The revised Financial Challenge for the next 3 financial years of £42m (para 3.2 Table) reflects the following:

- **Apprenticeship Levy** - as announced in the 2015 Autumn Statement an apprenticeship levy of 0.5% of payroll will be introduced in April 2017, the cost to Rotherham is likely to be around £0.3m per year excluding schools.
- **ITA Levy** – a target reduction of 10% a year in the ITA levy had been set for the period 2016 to 2019. Although this was achieved in 2016/17, it is now not considered likely resulting in the scaling back to 5% for 2017/18 and standstill for 2018/19 onwards.
- **Pensions’ deficit backfunding** – work on the 2016 triennial revaluation of the South Yorkshire Pensions Fund is currently underway and the results are expected to be confirmed by the end of the calendar year. The Outline MTFS made clear that no provision had been included for the results of the valuation. Preliminary indications are that the funding level will have reduced from the 2013 valuation and that the Council’s contributions toward the past service deficit will increase. An estimated budget pressure of £2m has been identified.
- **Corporate increase in Living Wage** – the Council currently pays a local living wage rate of £7.93 per hour and has signalled its intention to pay the Joseph Rowntree Foundation Living Wage (currently £8.25 per hour) which will increase employment costs by £0.3m in the 2017/18 estimates.

- **Adult Social Care (Providers)** – the Government's intention is that the National Living wage should increase to over £9 per hour by 2020. This would imply an increase of around 8.3% pa which is expected to place a cost pressure on contracts with external providers of £0.8m pa.
- **Transition of children to adult services**- initial estimates are that the transition of clients from children's services to adults would cost £1.1m in 2017/18, with a further £0.7m per year in 2018/19 and 2019/20.
- **Holiday Pay (Tribunal Review)** – a new agreement reached with the Trades Unions effective from April 1st 2016 will add £0.25m to costs.
- **Public Health Specific Grant reduction** – as outlined in the specific grant section, funding will reduce by £0.4m in 2017/18. Although it is known that the national funding pot will reduce by 2.6% pa in each of the two following years details of how grant will be allocated are not known – consequently this has not yet been factored into forecasts.
- **Additional Inflation Adjustments** – additional inflation costing £0.4m in 2017/18, £0.9m in 2018/19 and £1.4m in 2019/20 have been identified, largely in respect of social care placement contract costs.

3.49 **Overall Position**- taking into Account the above factors the Council's updated Funding Gap is as follows:

	2016/17 £m	2017/18 £m	2018/19 £m	2019/20 £m
Total Budget Requirement	199.521	204.126	211.573	229.320
Estimated Resources	-199.521	-191.001	-189.789	-187.459
Annual Increase in Funding Gap		13.125	8.659	20.077
Cumulative Funding Gap	0	13.125	21.784	41.861

3.50 The Budget process also identified a number of potential cost pressures which will need further consideration in finalising the MTFS and which therefore have **NOT** been included in the current MTFS Funding Gap:

- Any further investment in Children's Social Care;
- Any additional impact of the Pensions Triennial Revaluation above £2m per annum included above;
- Changes to Business Rates announced in the Autumn Statement & Budget and impact of any further rates appeals (as outlined above);
- Any additional CSE claims;
- Winter Maintenance Pressures;
- Adult Services Demographic Pressures;

- Air quality penalties - the cost of penalties arising from a national failure to meet air quality targets could be passed down by central government to local authorities; and
- Potential cuts to Better Care Fund by the local Clinical Commissioning Group (CCG) leading to reduced allocations.

As the budget process continues it is anticipated that further work will allow the Council to identify the full cost implications and any mitigating actions in respect to these issues and to incorporate them, where relevant to do so, within the MTFS.

3.51 The Financial Challenge outlined above represents the position at the present moment in time, the 2017/18 Budget process is expected to confirm cost implications, determine which pressures will be funded by the Council and at what level and to identify savings and efficiencies to allow the Council to set a balanced budget and a sustainable MTFS.

4. BUDGET STRATEGY AND APPROACH

- 4.1 Prior to the 2016/17 Budget process the Council's financial planning had been criticised as short-term and it was recognised that rather than just articulating the levels of saving required across service areas the Council had to address the total budget challenge in a sustainable way. To this end the Budget Process was revised and new arrangements were put in place to determine the 2016/17 budget and Outline MTFS.
- 4.2 Further to this, in February 2016 the Government agreed to the roll back of certain powers to Elected Members including Corporate Financial Planning. It is therefore appropriate for the Council to review its overall approach to the Budget and to set out its own strategic direction for the future which will help to inform budget decisions.
- 4.3 It is proposed that the approach to the budget and the identification of future budget savings will be based on a number of cross cutting themes as set out below. The advantage of progressing the Budget on this basis is to assist with a more corporate and long term strategic approach and to deliver the necessary savings based on clear consideration of priorities. This themed approach would also help to ensure optimum consideration of value for money as part of all budget decisions. It would help to avoid harsh, poorly thought through budget plans and allow for a managed approach to delivery over the 3 year budget and MTFS period.

4.4 The 5 themes are set out below:

Theme 1 - Driving Organisational Efficiency & Improving Value for Money

- Reducing high unit cost services to below median and towards lower quartile without compromising performance;
- Standardising the way the Council does business;
- Simplifying, standardising and shortening customer journeys;
- Reviewing management layers, spans of control;
- Smarter more intelligent Commissioning and Procurement;
- Key contract reviews e.g. PFI, Riverside Lease, Dignity (Cemeteries & Crematoria);
- Service Transformation – customer services, business support;
- Integration potential – e.g. Performance & Quality and Commissioning;
- Co-location of centralised budgets e.g. Training and Development, marketing.

Theme 2 – Building independence and resilience

- Estate and property rationalisation across the public estate;
- Realising the Digital Council – ‘digital by default’, simplifying the customer journey;
- Review of neighbourhood and locality working incl. Community asset models;
- Reviewing and managing the impact of transitions from Children’s Services to Adult Services.

Theme 3 – Leveraging in resources and income

- Delivering Economic Growth – increased New Homes Bonus, Council Tax income and Business Rates;
- Reviewing which services should be subsidised and to what level and where more income could be generated through an alternative offer;
- Review of Council Tax Reduction Scheme (CTRS) and Business Rates Discretionary Relief;
- Review of Service fees and charges.

Theme 4 – Working in different ways for improved outcomes

- Integrating social care and health services (including Public Health)
- Considering shared service opportunities across Sheffield City Region;
- Considering alternative delivery models including partnerships and joint ventures, alongside internal service delivery and operating models.

Theme 5 – Reviewing what the Council delivers in the community

- What services should the Council deliver and to what level and quality/standard?
- What services does the Council undertake or arrange provision of which other Local Authorities do not?

- Are there services which could potentially be provided by other means?
- Ensuring that universal services are aligned to the differing needs of neighbourhoods.

4.5 It should be noted that the £42m funding gap over the next 3 financial years is predicated on the assumption that all services will maintain their spending within the cash limits set and that all approved budget savings will be achieved as planned. Should there be any digression from that situation it will change the budget gap accordingly. This is particularly relevant given the pressures within Childrens Services.

5. Options considered and recommended proposal

5.1 The current resource and expenditure projections and the resulting estimated funding gap are based upon robust and prudent assessments of the future level of resources available to the Council, the cost pressures facing the Council and the factors affecting them. The assumptions underlying the projections are subject to sensitivity analysis - modelling the impact and interaction of changes. The expenditure projections and budget pressures have also been subject to detailed consideration and assessment in light of the Council's Vision and Priorities and, as a consequence, not all potential pressures have been included in the forecast at this stage.

5.2 The funding gap outlined above represents what is currently considered the most likely position, however given that;

- Those pressures currently included will continue to be reviewed and where mitigating actions can be identified revised;
 - The current uncertainty around some funding streams and the outcomes of ongoing government reviews;
 - Possible changes in economic conditions both nationally and locally;
- And
- Continuing work to establish whether those potential cost pressures currently identified as needing further consideration will be included in future iterations of the MTFS.

Projections and the assumptions underlying them will therefore be kept under review and will be updated as required.

6. Consultation

6.1 The Outline MTFS acknowledged that the Council must not work in isolation, as budget decisions will inevitably impact on other organisations in the Borough. For that reason, the 2016/17 budget process involved at an early stage the Council's partners and stakeholders to ensure their input to proposals and to identify opportunities for working together to provide better, more cost effective services.

- 6.2 As part of this process, during the summer of 2015 the Council undertook a major consultation exercise involving; an online survey, 27 roadshow sessions, the Rotherham Show and a “Chamber means Business” event. The results of this exercise were used to help to define a new Vision for Rotherham and a new Community Strategy and are reflected in the Outline MTFS.
- 6.3 In relation to future Budgets, a programme of public and partner consultation will be developed and the consultation outcomes will be embedded into the Budget considerations to ensure that residents’ priorities continue to inform the Council’s decision-making.

7. Financial and Procurement Implications

- 7.1 The preceding paragraphs in this report set out the financial assumptions that have been considered and used in putting forward the revised funding gap facing the Council over the period 2017/18 to 2019/20. In considering this funding gap it is important that Members fully understand the financial position of the Council.
- 7.2 The Council’s budget strategies have previously not sought to harness resources outside those traditionally available to fund ongoing revenue expenditure. To date this has chiefly been achieved by delivering a balanced outturn position and the Authority has an excellent track record of bringing in overall expenditure on or below budget each year. This has provided financial flexibility through balances being available to support the Council’s medium term plans.
- 7.3 However, the current proposals with respect to the future funding of local government will continue the transfer of significant levels of risk from central government to local government and will expose individual authorities to significant potential variations in resources year on year resulting from factors largely outside their control.
- 7.4 In light of this it is recognised that the Council may have a future need to use its reserves where prudent to do so. It should be stressed that these resources are non-recurring and so, although there may be merit in using them to fund one off investments, their use to fund ongoing expenditure is not sustainable and should be minimised in pursuit of a sustainable balanced budget.
- 7.5. In advising on an appropriate level of reserves there are a number of issues that need to be taken into consideration as outlined below:
- Excessive balances can be an opportunity cost to the tax payer leading to additional spending on services not taking place or Council Tax increases being higher than they would otherwise be
 - Retained balances earn income and can provide internal funding for capital expenditure rather than borrowing

- Too low a level of balances may put the organisation at risk if unexpected demands and risks/events appear at relatively short notice.

7.6 Having assessed the risks plus their impact on available balances and the potential scale of the financial challenges facing the Council, the Strategic Director of Finance and Customer Service confirms that at this stage a reasonable level of minimum working balance would be set at 5.6% of the 2016/17 net budget requirement. This level takes into account the twin objectives of minimising the cost to the taxpayer whilst minimising the effect financial risk on the Council. This level of Generally Available Balance (Working Balance) is some £11.3m as April 2016. This is considered a prudent level which will allow the Council to safeguard itself against the potential financial risks in its MTFS.

7.7 The issues and difficulties encountered in delivering the budget over the last few years have led to a gradual increase in the level of working balance needed. Historically the minimum working balance has been set at 3%, based on delivering annual savings of 2 to 3% a year. However, based on known risks and the scale of the Financial Challenge, it is recommended that the current 5.6% level is at least maintained going forward. Given that the unprecedented speed of funding, welfare and other policy change over the last 4 years and current uncertainty in respect of the position in the coming three financial years, pending confirmation of arrangements in respect of Business Rates, New Homes Bonus and other funding streams (such as Public Health Grant and the Improved Better Care Fund) then this balance needs to be carefully managed and may need to be increased further to meet the level of risks in the system.

8. Legal Implications

8.1 None directly from this report.

9. Human Resources Implications

9.1 The MTFS recognises that the Council's workforce will be smaller in future - with an estimated reduction of around 30% over the next decade as a consequence of the expected ongoing reduction in resources. A new Workforce Strategy is currently being developed which will reflect both this reduction in the size and anticipated changes in the deployment of employees and the skills required to meet future challenges.

10. Implications for Children and Young People and Vulnerable Adults

10.1 None directly from this report, however the Outline MTFS commits the Council to design and begin to implement a sustainable service to children and families, prioritising the most important interventions. To this end the Service is bringing forward in September a Medium Term Financial Strategy that will need to be considered by Members as part of the Budget and overall Council Medium Term Financial Planning process.

11 Equalities and Human Rights Implications

- 11.1 In preparing its MTFS, the Council must be mindful of the potential impact on service users. Section 149 of the Equality Act 2010 in particular imposes an obligation on Members to have due regard to protecting and promoting the welfare and interests of persons who share a relevant protected characteristic (such as: age; disability; gender re-assignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex and sexual orientation).

12. Implications for Partners and Other Directorates

- 12.1 The Strategy commits the Council to seek to work with partners and stakeholders to reduce our underlying cost base and to spread understanding and ownership of the many other ways the Council has to adjust to less money and changing local circumstances. The current refresh of the MTFS will continue this process.

13. Risks and Mitigation

- 13.1 The Council has identified an estimated budget challenge of £41.861m over the next 3 years, in light of this it remains imperative that the Council continues to develop and implement a robust and sustainable MTFS, which is aligned to the delivery of the Council's key objectives. The Council will have to identify savings options to eliminate this estimated budget gap whilst at the same time protecting, to the extent it can, the key services on which the public of Rotherham rely. Although Rotherham Council has a good record of delivering its Budget and achieving planned savings, meeting the estimated financial challenge and delivering a balanced budget going forward means that the Council will have to deliver all identified savings proposals and do so with limited margin for variability. Should savings options be rejected alternatives will have to be identified if the Budget is to remain within financial limits. This adds further potential risk to the budget process.
- 13.2 In addressing the financial challenge and developing a sustainable MTFS the budget process will need to direct available resources to maximise the social, economic, environmental and cultural benefit to citizens now and into the future. The proposed policy-led approach to the budget setting programme for 2017/18 to 2019/20 set out within this paper should ensure that future service delivery is in line with our policies and enables efficient and effective delivery of the Improvement Plan and, in due course, the revised Corporate Planning Framework and Community Strategy.
- 13.3 The scale of the financial challenge confronting the Council in the next 3 years and the significant planned changes in the local government finance regime (which will mean that spending plans are funded solely from locally raised income) make it essential that the Council's future position in the community as

an advocate for Rotherham using its influence and acting to ensure the best outcome for Rotherham Citizens is clearly articulated and communicated to citizens and partners.

- 13.4 The assumptions underlying the budget projections both in relation in income and expenditure have been set out in Section 7 above as have the risks associated with them. The MTFS and Budget are included on the Council's Risk Register and it is intended that the MTFS will be subject to regular review and iterations reflecting both progress in setting the Council's Budget and external events.

Accountable Officer(s)

Anne Ellis – Strategic Finance Manager. Telephone 22019
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Approvals Obtained from:-

Strategic Director of Finance and Customer Services: - Judith Badger

Director of Legal Services: - Dermot Pearson

Head of Procurement (if appropriate):- N/A

This report is published on the Council's website or can be found at:-
<http://moderngov.rotherham.gov.uk/ieDocHome.aspx?Categories=.2>

Summary Sheet**Council Report**

Cabinet and Commissioners' Decision Making Meeting – 11 July 2016

Title

New Applications for Discretionary Rate Relief

Is this a Key Decision and has it been included on the Forward Plan?

No

Strategic Director Approving Submission of the Report

Judith Badger, Strategic Director, Finance and Customer Services

Report Author(s)

Rachel Humphries – Operational Manager, Local Taxation - Tel: 01709 255119

Email: rachel.humphries@rotherham.gov.uk

Ward(s) Affected

All

Summary

To consider the applications made by two registered charitable organisations, Crisis UK and The British Red Cross Society, for the award of a discretionary business rate relief for the premises listed in the report in accordance with the Council's Discretionary Business Rates Relief Policy (approved 24th April 2013).

Recommendations

Cabinet is asked to agree the recommendation to refuse discretionary business rate relief to Crisis UK and British Red Cross Society for the premises listed in this report and in accordance with the details set out in Section 7 to this report.

List of Appendices Included

None

Background Papers

Application forms and supporting documentation have been provided by the applicants

Discretionary Rate Relief Policy - Approved 24th April, 2013

Consideration by any other Council Committee, Scrutiny or Advisory Panel

Applications have been discussed with the relevant Cabinet Member and the Member is supportive of the rate relief applications being refused.

Council Approval Required

Cabinet approval

Exempt from the Press and Public

No

New Applications for Discretionary Rate Relief

1. Recommendation

- 1.1 Cabinet is asked to agree the recommendation to refuse discretionary business rates relief to Crisis UK and The British Red Cross Society for the premises listed in this report and in accordance with the details set out in Section 7 to this report.

2. Background

- 2.1 Section 47 of the Local government Finance Act 1988 conveys power on local authorities to allow discretionary relief that would be additional to the mandatory relief. This is given when the property is used wholly or mainly for charitable purposes by a charity or other non-profit body whose main objects are charitable or benevolent or concerned with education, social welfare, science, literature or the arts.
- 2.2 The Council can grant Discretionary Rate Relief to:-
- Registered Charitable Organisations, including Community Amateur Sports Clubs. The relief granted is up to 20% of the rate liability as these organisations are eligible for 80% mandatory rate relief.
 - Other organisations or institutions that are not established or conducted for profit and whose aims are charitable or otherwise philanthropic, religious, concerned with education, social welfare, science, literature or fine arts. Relief can be granted up to 100% of rate liability.
 - Properties occupied by not for profit sports or social clubs, societies or other organisations for the purposes of recreation. Relief can be granted up to 100% of rate liability.
 - Rate relief to ratepayers - Section 47 of the LGFA 1988b was amended by Section 69 of the Localism Act 2011. This amendment gives the Council the discretion to grant relief to any other body, organisation or ratepayer, having due regard to its Council Tax payers.
- 2.2.1 Rotherham has operated a system of awarding relief through an application of a policy that was approved by the former Cabinet on 24th April 2013.
- 2.2.2 The funding for Discretionary Rate Relief was, until the introduction of the Government's Business Rates Retention Scheme (April 2014), shared with Central Government through the National Non-Domestic Rate Pool. Local authorities were reimbursed with 25% of the cost of discretionary rate relief granted to charities and Community Amateur sports Clubs, and 75% of the cost of relief granted to other bodies. Now

with the localisation of business rates, Central Government and Councils share every £1 of rates due on a 50/50 basis as follows:

Central Government	50%
South Yorkshire Fire and Rescue Authority	1%
Rotherham MBC	49%

2.3 **Application 1: Crisis UK**

2.3.1 Crisis UK is a registered national homelessness charity. The organisation is applying for relief on their new staff offices based at Ground and First Floor, Unit 3a, Concept Court, Manvers Way, Wath Upon Dearne, S63 5BD which will provide a central administrative base, IT access and meeting room facilities which will support the delivery of its services across the country.

2.3.2 Crisis UK's application for the award of Discretionary Rates relief does not meet the Council's qualifying criteria as set out in its Policy in particular, the Charity does not require financial assistance - the charity has a net worth of £16.3 million based on its latest accounts of which £14.9 million is held in unrestricted funds. The charity is performing well financially and according to its management reporting is financial performance is exceeding its own expectations as set out in its 5 year strategic plan. No special circumstances relating to this application have been identified which would justify a departure from the Policy.

2.3.3 The Charity is applying for discretionary rate relief backdated to 16th March 2016 for the financial year ended 31st March 2016 and with regard to its 2016/17 ongoing rates liability. The financial implication to the Council of awarding the rate relief is set out in Section 7 of this report.

2.4 **Application 2: The British Red Cross Society**

2.4.1 The British Red Cross Society is a registered charity that operates nationally and overseas. The organisation provides humanitarian aid and support to people in crisis and is applying for relief on two properties within Rotherham.

- Unit 9a, Brookfield Light, Brookfields Way, Wath Upon Dearne, S63 5DL - the organisation supplies mobility aids from these premises to support people living independent lives.
- Unit 3, Silverwood Court, Fairfield Park, Wath Upon Dearne, S63 5DB – the organisation use this property for storage of vehicles and equipment.

2.4.2 The British Red Cross Society's application for the award of Discretionary Rates relief does not meet the Council's qualifying criteria as set out in its Policy, in particular the Charity does not require financial assistance. As at 31 December 2015, the charity had a total net worth of £150.4 million of which £104.7 million was held in unrestricted funds. The Charity has improved its financial health over recent years and now has reported reserves of £40.1 million, which exceeds their own expectations. Equally, the Charities Board of Trustees has reported that the Charity has sufficient resources to manage any operational or financial issues. No special circumstances relating to this application have been identified which would justify a departure from the Policy.

2.4.3 The Charity is applying for an award of discretionary rate relief for the 2016/17 rates liability. The financial implication to the Council of awarding the rate relief is set out in Section 7 of this report.

3. Key Issues

3.1 To consider the applications requesting the award of Discretionary Rate relief with regard to Crisis UK and The British Red Cross Society.

4. Options considered and recommended proposal

4.1 Given the discretionary nature of the relief requested, the Council has the discretion to either award or not award a discretionary rate relief.

4.2 In helping Members make such a decision, the Council has put in place a specific Policy framework to consider individual applications. In accordance with that Policy, both applications (including supporting documentation) for relief have been considered in line with the qualifying criteria and other considerations set out in that Policy.

4.3 Having considered the financial position of both organisations, it is apparent that they do not require financial assistance. Any relief awarded would not be in the best interest of Council Tax Payers. It is therefore recommended that both organisations are refused such relief.

5. Consultation

5.1 The applications have been considered by the relevant Cabinet Member and that Member is supportive of the refusal of relief.

6. Timetable and Accountability for Implementing this Decision

6.1 The applicants will be advised by letter on the outcome of their application for relief within 10 working days of the Cabinet decision.

7. Financial and Procurement Implications

7.1 The total potential cost of granting the relief for both 2015/16 financial year and 2016/17 is set out below in the table at paragraph 7.2 alongside the specific cost to the Council.

7.2 Organisation	Year	Amount of Relief	Cost to RMBC
Crisis UK	15/16	£ 105.60	£ 51.74
	16/17	£ 2,453.30	£ 1,193.30
British Red Cross	16/17	£ 2,460.15	£ 1,205.47
Cost to RMBC	15/16		£ 51.74
	16/17		£ 2,398.77

8. Legal Implications

8.1 The statutory framework for discretionary rate relief is set out in the body of the report.

9. Human Resources Implications

9.1 No direct implications from this report

10. Implications for Children and Young People and Vulnerable Adults

10.1 No direct implications from this report

11. Equalities and Human Rights Implications

11.1 No direct implications from this report

12. Implications for Partners and Other Directorates

12.1 No direct implications from this report

13. Risks and Mitigation

13.1 The Government has issued guidance notes to advise Authorities what criteria should be used in considering applications for Discretionary Rate Relief. Authorities have been strongly advised to treat each individual case on its own merits and do not adopt a policy or rule which allows them to not consider each case without proper consideration. In cognisance of these guidance notes, the Council has formally adopted a Policy framework for considering individual discretionary rate relief applications with the decision to award reserved for Cabinet.

14. Accountable Officer(s)

Approvals Obtained from:-

Stuart Booth, Assistant Director, Finance

Dermot Pearson, Assistant Director, Legal Services

Head of Procurement - Not Applicable

Rachel Humphries, Operational Manager, Local Taxation

This report is published on the Council's website or can be found at:-

<http://moderngov.rotherham.gov.uk/ieDocHome.aspx?Categories=>

Summary Sheet

Council Report

Cabinet and Commissioners' Decision Making Meeting – 11 July 2016

Title

Corporate Financial Information Management System - Master Services Contract

Is this a Key Decision and has it been included on the Forward Plan?

Added to the forward plan, but not a Key Decision on the basis that no approval is being sought to vary the Council's budget nor has any impact on local communities living.

Strategic Director Approving Submission of the Report

Strategic Director of Finance and Customer Services

Report Author(s)

Richard Douthwaite (Systems Finance Manager), Financial Services
01709 822049 richard.douthwaite@rotherham.gov.uk

Ward(s) Affected

All

Executive Summary

Advanced is the supplier of the Council's corporate Financial Information Management System (FIMS) consisting of the following suite of integrated solutions:

- General Ledger, Accounts Payable, Purchase-To-Pay, Bank Reconciliation
- Collaborative Planning (Revenue & Capital monitoring)
- Version1 (Optical Character Recognition & document store - Invoices & Purchase Orders)

On 7th October 2015 Commissioner Manzie approved an exemption to Standing Orders 48 (requirement to invite three to six tenders for a contract with an estimated value of £50,000 or more) to renew the current Master Services contract with Advanced for one year to allow time to investigate and present options for the longer term. The contract is due for renewal 1st October 2016.

A period of soft market testing has concluded that the open marketplace has no appetite to participate in a formal tendering. In the opinion of the Strategic Director Finance and Customer Services and the Assistant Director of Financial Services and the system owner, the system is fit-for-purpose delivering highly efficient business processes to support the operational needs of its users to achieve better outcomes for the Council and supports and provides the best value money option for the Council, with annual system maintain costs of less than £100k.

Discussions with Advanced provide the Council confidence that the terms of the existing contract can be renegotiated to reduce costs and realise additional benefits and would enable the Council to avoid a lengthy and expensive procurement exercise and the cost of a new system, approximately £2m with on-going revenue costs.

Recommendations

Cabinet is asked to approve:

1. An exemption from Standing Order 48 (requirement to invite three to six tenders for a contract with an estimated value of £50,000 or more) be granted and approval is given to allow the Advanced Master Services Contract to be renewed for 5 years.
2. The Master Services contract termination date is aligned with the co-dependant Managed Service contract with the option to extend both contracts for a further 5 years subject to an ongoing VFM best case being presented.
3. That the Assistant Director of Financial Services is delegated to renegotiate the terms and conditions of the Master Services and Managed Services contracts.
4. The publication of an EU VEAT notice.

List of Appendices Included

None

Background Papers

- Financial Information Management Systems Specification of Requirements
- Corporate Financial Information Management System – Contract renewal Exemption Report (7th October 2015)
- Financial Systems Managed Service Renewal - Exemption from Standing Orders (3rd February 2015)

Consideration by any other Council Committee, Scrutiny or Advisory Panel

No

Council Approval Required

No

Exempt from the Press and Public

No

Corporate Financial Information Management System - Master Services Contract

1. Recommendations

1.1 Cabinet is asked to approve:

1. An exemption from Standing Order 48 (requirement to invite three to six tenders for a contract with an estimated value of £50,000 or more) be granted and approval is given to allow the Advanced Master Services Contract to be renewed for 5 years.
2. The Master Services contract termination date is aligned with the co-dependant Managed Service contract with the option to extend both contracts for a further 5 years subject to an ongoing VFM best case being presented.
3. That the Assistant Director of Financial Services is delegated to renegotiate the terms and conditions of the Master Services and Managed Services contracts.
4. The publication of an EU VEAT notice.

2. Background

2.1 Advanced has been the Council's Financial Information Management System (FIMS) provider since 2000, currently providing the following portfolio of functionality at an annual cost of £95.4k:

- General Ledger & Journals upload
- Accounts Payable
- Purchase Order Processing
- Bank Reconciliation
- Collaborative Planning; budget monitoring and forecasting
- Document scanning and data capture

Advanced also host and support the Council's Business Analytics hardware platform and software licences.

2.2 The FIMS and associated contract were reviewed circa 2003 during the establishment of the Rotherham BT partnership and it was decided that the FIMS met the partnerships requirements.

- 2.3 In 2010, Insight Ltd were commissioned by the previous Strategic Director of Finance to undertake an independent review of the Council's existing FIMS and business processes to better understand what the market was able to offer. Following this extensive review, it was concluded that the best option for the Council from a functional and value for money perspective was to upgrade and re-implement the FIMS offered by Advanced. As part of the subsequent project to implement the decision, the ICT platform and support was moved to the cloud (under a Managed Services Contract), hosted by Advanced under a separate 5 year contract, which is due to end in October 2021.
- 2.4 Intrinsic to the Insight review, the Council explored:
- A "cloned" shared services offering from Sheffield CC (SCC). This would have involved the Council mirroring the SCC FIMS and underlying business processes, having no future control on systems development and functionality in return for a 25% cost saving over the contract life. Finance in that time have made savings of at least 40% and have significantly invested resources in the product suite. Sheffield are now looking to replace its FIMS portfolio and have met with the Council's FIMS manager to review our solutions but expressed no desire to consider a shared services offering.
 - An ERP (SAP) shared services offering from Barnsley MBC was also considered but was rejected on value for money grounds in particular the significant annual and implementation cost was seen as prohibitive.
- 2.5 The subsequent upgrade and re-implementation of the FIMS focused on standardising and optimising business processes to act as a catalyst to transform the way financial processes, financial information and financial services are delivered. The outcome of the work has delivered efficient and standardised business processes providing fit-for-purpose solutions to its users allowing Financial Services to reduce headcount by +40%. An ongoing programme of planned incremental developments continues principally focussed on further integration and optimising the business use of data analytics reporting.
- 2.6 In the early part of 2015, the matter of the Advanced Master Services contract renewal was referred to the Council's Digital Council Board to consider a strategy for managing its renewal along with other Council Contracts that were operating on a rolling renewal basis.
- 2.7 During this period discussions were held with Doncaster MBC (a new Advanced customer) and Advanced to consider a shared services partnership including the possibility of acting as a Transactional Hub for processing other local authority transactions e.g. P2P orders, invoices etc. These discussions were brought to a close given the limited appetite for such a sharing of FIMS and Advanced moving to work in partnership with Mouchel's to provide such a transactional hub.

- 2.8 As the Advanced Master Services contract was due to end at the beginning of October 2015 and the Digital Council Board had not agreed a corporate strategy to renew its rolling contracts the FIMS system owner was advised in September 2015 to seek an exemption to Standing Orders to renew the Advanced contract while the Board continued to consider a strategic approach for the remainder of the systems.
- 2.9 On 7th October 2015 Commissioner Manzie approved an exemption report to renew the current Master Services contract with Advanced to continue to supply and support the Council's FIMS for one year, allowing time to investigate and present options for the longer term. The contract is due for renewal 1st October 2016.
- 2.10 For the past 12 months the FIMS systems owner has been working in Midland HR (MHR), an outsourcing Human Resources and Payroll provider to develop a Financial Workforce Budget Planning solution using software hosted by Advanced. MHR are now keen to work with the Council to market and sell the solution to other public bodies which will be dependent on the council continuing to have its current infrastructure in place.
- 2.11 Similarly during that time, Financial Services has been working with colleagues in Procurement to undertake a soft market testing exercise to gauge the relative appetite in the software supplier market for providing a similar suite of FIMS products, prior to engaging in a lengthy and potentially costly full market tendering exercise. The exercise involved inviting all 14 suppliers from the Crown Commercial Corporate Software Solutions framework to respond to a high-level specification document. In an effort to minimise supplier effort and encourage maximum participation, suppliers were invited to indicate whether their solution met the high level specification requirements with the intention of inviting those suppliers to demonstrate their solutions as part of completing an initial evaluation exercise. During this three week period suppliers were invited to indicate their interest:
- Five suppliers confirmed that they had no interest in submitting a bid.
 - Two suppliers attended a clarification meeting:
 - HCL Technologies expressed an interest in offering an Enterprise Resource Planning (ERP) solution which far exceeded the scope of the Council's requirements.
 - Oracle expressed an interest in offering their ERP solution but were not prepared to host and support the Business Analytics platform, promoting their Business Objects solution instead.
 - Neither HCL Technologies nor Oracle showed any interest in tendering for the current FIMS portfolio and no subsequent tender responses were received from either party.
 - IBM UK Ltd confirmed that they had an existing strategic relationship with Advanced and therefore would not be responding.

- Advanced submitted a response, expressing an interest in the “development of a shared service proposition, review of contract terms and upgrades”.
- 2.12 Given the amount of market intelligence and information available to all suppliers within the framework, it is believed that the apparent lack of supplier appetite is in recognition that other suppliers would not be able to commercially compete with the current incumbent due to the additional development, data migration and implementation costs that would be associated with changing supplier. This has been highlighted in discussions with Telford & Wrekin Council, a former Advanced customer. Telford has recently confirmed that their replacement project to move to Agresso cost £1.8m (for a smaller suite of FIMS products), with on-going support and maintenance costs of approximately £58k a year.

3. Key Issues

- 3.1 It is considered that the best value for money outcome for the Council and its citizens is to align the co-dependant Managed Service contract and the Master Services contracts to have the same termination date.
- 3.2 To achieve the best value for money outcome for citizens the Advanced contracts are renegotiated with the aim of achieving more favourable financial terms as well as ensuring the general terms and conditions are brought up to date and reflect modern practice and encompasses the latest ICT security standards.
- 3.3 The contract negotiations include making a reality of Advanced’ shared services proposition as outlined in their response to the soft marketing testing exercise and provide a stable platform to allow discussions with MHR to progress.

4. Options considered and recommended proposal

- 4.1 The recent soft market testing exercise has concluded that the market has no appetite to participate in a tendering exercise for the scope of software and services currently delivered by Advanced and that going out to formal tender would not represent the best value for money for the Council or its citizens.
- 4.2 As the current solution meets the functional requirements of the Council, delivering highly efficient and fit-for-purpose business process at a low cost of operation, it is considered that renewing and renegotiating the terms of the Advanced contract to achieve greater value for money on behalf of the Council represents the best option.

- 4.3 An option to extend the term of both contracts for a minimum of 5 years and a maximum of 10 years subject to the successful delivery of a shared services offering to provide customers the contractual stability they would expect.

5. Consultation

- 5.1 Both Legal Services and Procurement Services have been consulted in the preparation of this report and support the recommendations being made.

6. Timetable and Accountability for Implementing this Decision

- 6.1 Based on the report being approved, the recommendations will be to immediately commence negotiations with the supplier to agree the best terms possible for the Council.

7. Financial and Procurement Implications

- 7.1 There are no financial implications as all on-going revenue expenditure is being met from mainstream funding.
- 7.2 The Council has a legal obligation under the Public Procurement Contract Regulations 2015 to advertise this business within the market place for open competition. However if the Council decides to award this contract directly to Advanced, then a voluntary ex-ante transparency notice (VEAT) must be placed in the Official Journal of the European Union (OJEU). Once published this will allow companies who feel they could have competed for the contract a ten day 'standstill period' in which to mount a legal challenge. After that date, no further challenge can be made which would see the contract award being declared ineffective by the courts, and therefore rescinded or annulled.

8. Legal Implications

- 8.1 Under Standing Order 38 an exemption from Standing Order 48 will be required and the recommended course of action represents the best value for money option available in the present circumstances.
- 8.2 The Director of Legal and Democratic Services concurs with the recommendations for the reasons outlined in the report.

9. Human Resources Implications

- 9.1 There are no Human Resource implications arising from the report.

10. Implications for Children and Young People and Vulnerable Adults

- 10.1 There are no direct implications arising from the proposals to Children and Young People and Vulnerable Adults.

11 Equalities and Human Rights Implications

- 11.1 There are no implications arising from this report to Equalities and Human Rights.

12. Implications for Partners and Other Directorates

- 12.1 There are no implications arising from this report to Partners or other directorates.

13. Risks and Mitigation

- 13.1 Should the contract not be extended, Advanced will cease providing all support and maintenance for the software covered by the contract at the end of its term presenting a significant risk to the Council in delivering its financial management responsibilities.
- 13.2 Changing supplier would require significant financial and human resource implications over a prolonged period due to the procurement activity and implementation activities associated with such a strategy which under current circumstances would prove a challenge for Procurement and corporate ICT in particular due to on-going projects. It is not anticipated that a change of system would offer the Council any significant operational or financial benefit which would likely be outweighed by the potential adverse impact on operational service performance.
- 13.3 By not undertaking a formal tendering exercise there is risk to the Council of challenge by other suppliers who may be able to offer a similar software solution. To mitigate this risk it is intended that if the report recommendations are approved, a European Union (EU) Voluntary Ex-Ante Transparency (VEAT) notice would be published for a minimum of 10 days to make potential suppliers aware of the Council's intention. Whilst there is a risk of legal challenge, previous use of such a notice relating to other corporate ICT systems has not led to a challenge.

14. Accountable Officer(s)

Judith Badger - Strategic Director of Finance and Customer Services, Tel: 01709 22046, email: Judith.Badger@rotherham.gov.uk

Approvals Obtained from:-

Strategic Director of Finance and Customer Services:- Judith Badger

Assistant Director of Finance:- Stuart Booth

Director of Legal Services:- Ian Gledhill (Principal Officer)

Head of Procurement (if appropriate):- Helen Chambers (Procurement Manager)

Summary Sheet

Cabinet and Commissioners' Decision Making Meeting – 11 July 2016

Title

Request for Extension of Timescales for Implementation of Adults' Liquidlogic Social Care Case Management System and Capitalisation of Additional Costs

Is this a Key Decision and has it been included on the Forward Plan?

No

Strategic Director Approving Submission of the Report

Graeme Betts, Interim Strategic Director of Adult Care and Housing

Report Author(s)

Neil Armstrong, Senior Programme Manager, Commissioning, Performance and Quality, Children and Young People's Services

Ward(s) Affected

All

Summary

In its inspection findings in November 2014, Ofsted identified that Rotherham's social care case management system did not support good practice. Ofsted found that workers were unable to locate key case documents, chronologies were rarely up to date, and most chronologies had significant gaps.

"The local authority's ability to measure the performance of children's social care was limited by the capacity of the electronic recording systems, which primarily report on compliance measures such as timescales." Further to this, Louise Casey published her report; "Report of Inspection of Rotherham Metropolitan Borough Council" in February 2015. This report identified that "The IT systems supporting social workers are not fit for purpose."

In April 2015, a contract for the implementation of a new social care IT system for Children's and Adults' services was awarded to Liquidlogic, following a process of competitive tendering. The contract between Rotherham Metropolitan Borough Council (RMBC) and Liquidlogic was signed on the 30th June 2015. A programme plan was developed which included a proposed implementation date of the 8th February 2016 for the Children's system, and the 12th April 2016 for the Adults' system.

It was identified that the implementation of Liquidlogic would provide the social care workforce with the market-leading case management system. Liquidlogic will support staff in maintaining accurate, timely and comprehensive case records, facilitate robust management oversight and improve performance management and quality assurance.

In September 2015, the Programme Sponsor commissioned a report from a consultant from ICT Revolutions. Following this, an internal audit of the new system implementation programme was commissioned by the Council's internal audit services, and received in January 2016.

Both reports made a number of common recommendations, and identified programme critical issues, including issues relating to data migration, staff training and performance reporting.

In response to these recommendations, this report recommends the extension of the proposed implementation date, and sets out the resource and budgetary implications of this extension. This extension is required to enable additional rounds of data migration, allow completion and testing of the interface files required to pay and charge people, provide sufficient timescales to conduct robust testing of the whole solution and ensure that the project does not fail.

A separate report regarding the Children's implementation of Liquidlogic/ContrOCC was approved by Cabinet on the 26th May 2016. This report recommended an extension of the timescales to implementation from 11th April to 31st October 2016 and an increase to the Capital budget of £351, 610.

Recommendations

Cabinet is asked to:

- Agree a revised implementation date for the new Liquidlogic Adults' social care case management and ContrOCC finance systems of 13th December 2016
- Agree to an increase of £291,977 to the already approved capital allocation for this project in 2016/17 and that this be added to the Capital Programme.
- Recommend to Council to approve an increase in the Capital Programme by £291,977

List of Appendices Included

Nil

Background Papers

- Ofsted Report - Inspection of services for children in need of help and protection, children looked after and care leavers and review of the effectiveness of the Local Safeguarding Children Board – November 19th 2014
- Cabinet Report - Improvements to ICT use within Social Care – 26th November 2014

- Commissioner Newsam's Decision Making Meeting Report - Improvements to ICT use within Social Care – Progress Update and Recruitment Approval – 2nd April 2015
- Social Care Systems Improvement Programme Review Report – 21st January 2016
- Cabinet Report - Implementation of a new Social Care IT System and Request for Exemption to Standing Orders for the Liquid Logic Project – 26th May 2016

Consideration by any other Council Committee, Scrutiny or Advisory Panel

None

Council Approval Required

Yes

Exempt from the Press and Public

No

Title (Main Report)

Request for Extension of Timescales for Implementation of Adults' Liquidlogic Social Care Case Management System and Capitalisation of Additional Costs.

1. Recommendations

- 1.1 Agree a revised implementation date for the new Liquidlogic Adults' social care case management and ContrOCC Children's finance systems of 13th December 2016, thereby ensuring the systems are implemented to a high standard.
- 1.2 Agree to an increase of £291,977 to the already approved capital allocation for this project in 2016/17 and that this be added to the Capital Programme.
- 1.3 Recommends to Council to approve an increase in the Capital Programme by £291,977.

2. Background

- 2.1 In its inspection findings in November 2014, Ofsted identified that Rotherham Metropolitan Borough Council's social care case management system did not support good practice. Ofsted found that workers were unable to locate key case documents, chronologies were rarely up to date and most chronologies had significant gaps. In addition, "The local authority's ability to measure the performance of children's social care is limited by the capacity of the electronic recording systems which primarily report on compliance measures such as timescales". Further to this, Louise Casey published her report "Report of Inspection of Rotherham Metropolitan Borough Council" in February 2015. This report identified that "The IT systems supporting social workers are not fit for purpose"
- 2.2 In April 2015, a contract for the implementation of a new social care IT system for Children's and Adults' services was awarded to Liquidlogic following a process of competitive tendering. The contract between RMBC and Liquidlogic was signed on the 30th June 2015. The implementation of the systems is overseen by a Programme Board, chaired by the Director of Children's Services as the Programme Sponsor
- 2.3 In September 2015 the Programme Sponsor commissioned a report from a consultant from ICT Revolutions. This report identified issues with the implementation in the areas of:
 - 2.3.1 Data Migration – the report highlighted that not enough data of the right quality had been migrated to date, to enable the existing implementation dates to be achieved safely
 - 2.3.2 Business ownership. The report recommended that senior operational managers and their key staff be formally involved in reviewing the configuration and design of the system at regular intervals

- 2.4 This report also identified some strengths within the implementation in the areas of:

2.4.1 Forming of the data migration team. The report indicated that high quality work had been completed to enable this work stream to form

2.4.2 Project Team's enthusiasm. The report indicated that the project team have been able to effectively channel enthusiasm from the business regarding the implementation

- 2.5 The report concluded with a recommendation that the timescales for implementation be reviewed, with recommended revised timescales of April 2016 for Children's and July 2016 for Adult's

- 2.6 The recommendations of the ICT Revolutions report were considered at the Social Care Systems Implementation Programme Board on 18th September 2015. Revised implementation dates of 11th April 2016 for the Children's system and 19th July 2016 for the Adult's were agreed at that board meeting

- 2.7 Additionally, an audit of the new system implementation programme was commissioned by the Council's internal audit services in November 2015.

This review was conducted over the period 15th December 2015 to 13th January 2016. It was undertaken by a programme leader with experience of implementing the same system in another local authority. The report identified the following:

2.7.1 The scope of deliverables on implementation requires reviewing to ensure it is appropriate and manageable

2.7.2 Management and delivery of key interfaces needs to be reviewed, to ensure that these key interfaces are available on implementation. Particular concern was raised about the availability of the interfaces between Liquidlogic and the Electronic Social Care Record (ESCR) document management system and between the ContrOCC finance module and the corporate finance system, E5

2.7.3 The arrangements to deliver a suite of statutory and local performance management reports from Liquidlogic need to be reviewed, including reviewing the technical platform used to provide this service

2.7.4 Business rules/logic applied and assumptions made in order to extract data from the legacy systems for data migration purposes need to be reviewed. This work should be conducted by senior members of staff, representing the business units

2.7.5 That the plan for post live support is reviewed, to ensure the level of support is adequate to meet the needs of the business

- 2.8 The report identified the following strengths within the implementation:

- 2.8.1 There was universal support for the aims and objectives of the programme
- 2.8.2 The programme was being supported by the highest level of the business
- 2.8.3 The review report commended the programme team for their commitment to a successful implementation, and doing their best to deliver a safe solution in a very challenging timeframe

3. Key Issues

- 3.1 Both reports identified programme critical issues requiring immediate and significant intervention from the Programme leadership. The key issues were:
 - 3.1.1 The identified scope of deliverables for Phase 1 of the implementation were hugely ambitious, given the timescales
 - 3.1.2 The interface between ESCR and Liquidlogic was not available to test
 - 3.1.3 The final specification for the interfaces between the ContrOCC finance module and the corporate finance system had not been agreed for the Adult's implementation. The equivalent interface for Children's has not been tested adequately and its configuration requires reviewing
 - 3.1.4 Progress on the provision of performance management reports was slow, due to resource issues and competing demands on the resources that exist.
 - 3.1.5 The corporate Business Objects reporting platform is out of date and requires upgrading, in order to support Liquidlogic reporting functionality adequately
 - 3.1.6 Decisions on business rules, logic and assumptions were made by data migration specialists, as part of the work to migrate data out of the legacy system. These decisions needed to be reviewed by the business units, to ensure they are correct
 - 3.1.7 Existing programme staff do not have any previous experience of implementing Liquidlogic
- 3.2 The reports recommended that additional and urgent capacity from expert programme leaders with knowledge and experience of implementing the Liquid Logic system was required to prevent the failure of the programme.

4. Options considered and recommended proposal

- 4.1 The receipt of two independent reports identifying high impact risks to the successful implementation of the systems required immediate remedial action. Immediate advice was sought from other Local Authorities where the programme had been successfully implemented.

- 4.2 In response to this advice recommended three experts were identified and deployed with immediate effect.
- 4.3 Of the three additional experts, two have significant experience of implementing the Liquidlogic Children's systems at a number of local authorities. However, they do not have prior experience of implementation of Adult's Liquidlogic or ContrOCC systems. They are not familiar with the business processes of Adults' Social Care, nor are experienced in the configuration and development of Adult's Liquidlogic/ContrOCC. The third additional expert is fulfilling the role of Programme Director, working on the implementation programme 2 days a week. This role primarily delivers overall governance and leadership steer. Although these additional experts have strengthened the governance and management of the programme and provided a high level of expert support to the Children's system implementation, there remains a significant gap in terms of an experienced resource who can manage the operational delivery of the Adults' Liquidlogic and ContrOCC systems. This resourcing issue has been identified as a major risk for the implementation.
- 4.4 The resource gap identified above is compounded by the provision of one full time member of staff currently leading on the implementation of the ContrOCC system. The implementation of the Adults' ContrOCC system is a large and complex undertaking, involving multiple legacy data store systems and numerous business processes. The member of staff currently leading on this workstream has no previous experience of implementation of the Adults' ContrOCC system. This resourcing issue has been identified as a major risk for the implementation.
- 4.5 Notwithstanding the resource gaps identified in sections 4.3/4.4 of this report, the additional consultants have consulted with key programme staff, senior managers within the business units and Liquidlogic staff. The consultants have analysed the findings of the internal audit report and the ICT Revolutions report. A comprehensive base-lining exercise has taken place for the Adults' implementation. This base-lining exercise has identified what work has been undertaken on the implementation and what remains to be done to ensure a successful implementation. The consultants have used this information to rewrite the Adults' implementation project plan. The revised project plan for the Adults' implementation of the Liquidlogic/ContrOCC systems has proposed a go-live date of 13th December 2016. The revised date provides capacity for the following activities: two rounds of data migration, two rounds of user acceptance testing, ongoing work to provide performance management reports, completion and testing of critical interface files so we can pay and charge clients/providers and end user training. These activities are critical to successful implementation and would be compromised if the system were to be implemented sooner than the proposed date.

4.6 The identified options are:

4.6.1 Option 1:

Issue a Request for a Quote on the Yortender bid tendering system for provision of an additional consultant with experience of implementing the Adults' Liquidlogic and Adults' ContrOCC systems. The successful consultant will work with existing programme staff and consultants to drive the operational delivery of the project up to implementation of the systems. Reset the Adults' implementation of Liquidlogic/ContrOCC to 13th December 2016.

Incorporate two additional data migration and configuration rounds into the plan for implementation. This option will allow enough time for the revised project plan to be realised and the systems to be implemented.

This is the recommended option.

4.6.2 Option 2:

Secure additional staff from within Rotherham Metropolitan Borough Council with finance experience to support the current ContrOCC workstream lead on a full-time basis. Reset the Adults' implementation of Liquidlogic/ContrOCC to 13th December 2016.

Incorporate two additional data migration and configuration rounds into the plan for implementation.

This is not the recommended option. Attempts have already been made within the programme to secure additional members of staff internally with finance experience. These attempts have not been successful, due to this option creating resourcing issues elsewhere. This option would not mitigate the risk of implementing Adult's Liquidlogic/ContrOCC without a resource with experience of operational delivery of these systems.

4.6.3 Option 3:

Continue with the existing plan to implement Adult's Liquidlogic/ContrOCC on the 19th July 2016.

This is not the recommended option. The baselining exercise that has taken place within the project has identified that the scale and complexity of the outstanding tasks present a huge risk of failure, if implemented to this timescale. The functionality to pay and charge individuals is not yet present, the amount of migrated data is insufficient and staff training on the new systems has not yet commenced.

5. Consultation

5.1 Consultation on this issue was held with:

- 5.1.1 Helen Chambers. Senior Procurement Category Manager, Finance and Corporate Services
- 5.1.2 Jonathan Baggaley. Regeneration and Environment Services and Capital Finance Manager. Finance and Corporate Services
- 5.1.3 Neil Concannon – Service Manager Litigation and Social Care, Legal Services

6. Timetable and Accountability for Implementing this Decision

- 6.1 The current implementation date for Adults' Liquidlogic and ContrOCC is 19th July 2016.

7. Financial and Procurement Implications

7.1 Costs

7.1.1 Option 1

- Commission an additional consultant to lead on the operational delivery of Adults' Liquidlogic and ContrOCC systems up to implementation.
- Reset the Adults' implementation of Liquidlogic/ContrOCC to 13th December 2016
- Incorporate two additional data migration and configuration rounds into the plan for implementation

Item	Cost
Additional Consultant costs	£57,000
Additional staff/data migration consultants/Assistant Programme Directors costs	£166,177
Additional Liquidlogic costs	£68,800
Additional Costs Total	£291,977

7.1.2 Option 2

- Secure an additional internal member of staff to support the Finance Workstream Lead on the ContrOCC implementation.
- Reset the Adults' implementation of Liquidlogic/ContrOCC to 13th December 2016.
- Incorporate two additional data migration and configuration rounds into the plan for implementation.

Item	Cost
Additional staff/data migration consultants/Assistant Programme Directors costs	£184,409
Additional Liquidlogic costs	£68,800
Additional Costs Total	£253,209

7.2 Current Budget Status

Funding Type	Budget 16/17
Capital	£1,119,728
Revenue	£364,000

- 7.3 Impact on the Council's Capital Budget. Following approval of additional capital funding of £351,610 at the Cabinet/Commissioners Decision Making Meeting of 26th May 2016, the current approved Capital Budget for this project in 2016/17 is £1,119,728. The 26th May report identified a provisional additional requirement of £165,892 in respect of the implementation of the Adults' system – "In addition, there is a provisional additional requirement of £165,892 in respect of the implementation of the Adult's system. This will be the subject of a further report when the full review of the Adults' implementation has been completed." Following further refinement of the additional resource requirements to achieve a successful implementation, this additional capital funding requirement has risen to £291,977. The table below summarises the implications for the Capital Programme of the revised implementation date for the Adults' system.

Capital Budget 2016/17	£
Current Approved 2016/17 Budget	1,119,728
Adults' Implementation – Additional Budget Requirement	291,977
Revised 2016/17 Budget Requirement	1,411,705

- 7.4 Following approval of the recommendations in this report, the additional £291,977 capital investment will be built into the 2016/17 Capital Programme in respect of the Adults' system implementation. Finance will consider the most appropriate funding method for this expenditure, which given the short life nature of the assets being purchased, is likely to be the use of capital receipts/other unapplied capital resources. Any revenue implications arising from the funding of this capital expenditure will be built into the Council's medium term financial planning assumptions.
- 7.5 In accordance with Financial Regulations, "any 'in-year' revisions to the Capital Programme should be considered by Cabinet and approved by the Council throughout the year". As such, should this report be approved by Cabinet, it will need to be referred to Council for final approval to increase the Capital Programme. The additional resources will be managed within the

overall Capital Programme and any resulting pressure will be addressed when the programme is formally reviewed over the coming year.

8. Legal Implications

8.1 The legal implications of this proposal are referred to in paragraph 7.5 above.

9. Human Resources Implications

9.1 Existing contracts for staff members would have to be extended, to cover the new period to implementation.

10. Implications for Children and Young People and Vulnerable Adults

10.1 Implementation of Liquidlogic as a replacement social care case management system, is a key factor in the delivery of the Children and Young People's Services Improvement Programme and the commitment to improvement. This solution facilitates improved and more flexible recording of information relating to children, young people and vulnerable adults. Management oversight and authorisation is enhanced.

11 Equalities and Human Rights Implications

11.1 None identified.

12. Implications for Partners and Other Directorates

12.1 None identified.

13. Risks and Mitigation

13.1 The migration to new social care and finance case management systems at a time of extensive restructuring of the service is a challenge. Close and meticulous project management will need to continue, to ensure implementation is successful and meets the needs of the service.

13.2 All attempts will be made to mitigate the additional Capital budget requirement arising from the project implementation delays, through careful management of the consultancy and internal staffing resource.

14. Accountable Officer(s)

Approvals Obtained from:-

Strategic Director of Finance and Corporate Services:- Jon Baggaley, Finance Manager, Regeneration and Environment Services

Director of Legal Services:- Neil Concannon – Service Manager Litigation and Social Care, Legal Services

Head of Procurement: Helen Chambers, Senior Procurement Category Manager,
Finance and Corporate Services

Neil Armstrong – Senior Programme Manager

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Summary Sheet

Cabinet and Commissioners' Decision Making Meeting - 11th July, 2016

Title

RMBC Corporate Equality and Diversity Policy

Is this a Key Decision and has it been included on the Forward Plan?

Non-key decision, included on Forward Plan for decision on 11th July or later

Strategic Director Approving Submission of the Report

Assistant Chief Executive, Shokat Lal

Report Author(s)

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Chief Executives Directorate

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Ward(s) Affected

All (Corporate Policy)

Summary

1. The corporate "Fresh Start" Improvement Plan for the Council, as first agreed with Government in May 2015, included specific actions (reference 4.3) to re-establish a clear vision, values and strategic direction for the entire council in relation to equalities and diversity (E&D) issues.
2. The first step during phase one of the Improvement Plan (from May 2015 to May 2016) was to recruit a new corporate officer to provide dedicated oversight of the Council's work with regard to its equalities and diversity duties. This new post, created as part of Commissioner's Manzie's "Laying the Foundations" report in June 2015, was recruited to during the autumn of 2015 and the officer took up post from January 2016.
3. Work to deliver the Improvement Plan has now entered the second phase of activity, through to May 2017, and as part of this the Council has committed to ensuring that the Council's corporate equalities and diversity policy was reviewed and a new, revised policy in place by July 2016, to be published

alongside the finalised 2016/7 Corporate Plan. A copy of this revised Policy is enclosed at Appendix A.

4. The Policy itself helps to ensure that the Council is compliant with its statutory equalities duties; but, beyond this, work on a wider, strategic approach to E&D issues across the Council is also being developed, in line with the aims and objectives of the Improvement Plan. Further elected member input to this process will be critical and timetabled over the summer of 2016. This will set out a strategic approach and action plan for *how* the Council will work to achieve the ambitions set out within the new Policy, and requires input from all Council service areas, as well as pro-active engagement with partners and external equality and diversity groups across Rotherham. A cross-cutting corporate working group has been established to develop this work further, alongside external engagement.
5. Responsibility for equalities and diversity issues must not be seen as something that rests only at the corporate centre of the Council. It must be embedded within all that the Council does, supported through the performance management process (including service business planning).
6. Work to establish this new strategic approach and monitor the effectiveness of the new Policy will continue to feature as a headline action in phase two of the Improvement Plan, with the required regular reporting to the Improvement Plan Joint Board (supported by reports to the responsible Cabinet Member and Senior Leadership Team). It is also envisaged that the Council's Scrutiny function may wish to engage in the process to finalise the new strategy and action plan.
7. Conversations are also underway with the Local Government Association (LGA) to timetable a peer review to support the council reaching the required standards of the Equalities Framework for Local Government (EFLG) during the coming year. Positive engagement is also taking place with neighbouring local authorities and others identified by the LGA as having excellent practice, to learn from others and collaborate on shared issues as this work is taken forward.

Recommendations

Cabinet is asked to

- note and endorse the enclosed revised corporate RMBC Equality and Diversity Policy, prior to it being formally presented for agreement at the Council meeting on 13th July 2016.

List of Appendices Included

Appendix A – RMBC corporate Equality and Diversity Policy

Background Papers

- RMBC corporate 'Fresh Start' Improvement Plan, 26th May 2015
- Organisational Review of Rotherham Council - Laying the Foundations, 3rd June 2015
- RMBC corporate 'Fresh Start' Improvement Plan, Phase Two Action Plan (RMBC Cabinet Report), 23rd June 2016
- Equalities Framework for Local Government, Local Government Association, 2014

Consideration by any other Council Committee, Scrutiny or Advisory Panel

Possibility of pre-scrutiny consideration prior to Cabinet (1st July 2016)

Council Approval Required

Yes

Exempt from the Press and Public

No

Title (Main Report)

RMBC Corporate Equality and Diversity Policy

1. Recommendations

- 1.1 Cabinet is asked to note and endorse the enclosed revised corporate RMBC Equality and Diversity (E&D) Policy prior to it being formally presented for agreement at the Council meeting on 13th July 2016.

2. Background

- 2.1 The Corporate Governance Inspection (CGI) report by Louise Casey (4th February 2015), which followed the report of the independent inquiry into Child Sexual Exploitation (CSE) in Rotherham by Professor Alexis Jay (26th August 2014) highlighted a number of concerns about the Council's approach to its equalities and diversity duties. The CGI report noted in particular that there was a:

"disconnection between vision, plans and practice [illustrated by] the Council's equalities plan and single equality scheme. The documents are clear, aspirational and include a summary of good practice. However, we found that this was not rooted in the day-to-day experience of staff."

- 2.2 One of the key tasks of the Commissioners appointed to Rotherham by Government in the light of the CGI findings was to prepare an improvement plan to set out the key corporate improvement priorities for the Council in the light of the Casey and Jay Reports. This Improvement Plan, agreed with Government in May 2015, included a specific action (4.3) to set out *"a clear strategic statement of policies and values in relation to equalities issues, including race (a key issue identified in the CGI report)"*.
- 2.3 In addition, a further action taken by Commissioners following their appointment was to review the management structure of Rotherham Council. The *"Laying the Foundations"* report by Commissioner Manzie, agreed by Council on 3rd June 2015, made a number of recommendations, including with regard to corporate E&D focus; namely the recreation of the corporate equalities and diversity function.
- 2.4 In previous years there had been a recognised and dedicated equalities and diversity function within the Council, ensuring that it met legislative requirements and served all communities fairly. For example, in 2009 there was a team of four officers in a Corporate Equalities Team; however, in the light of budget and re-structure related decisions taken at that time the corporate team was dismantled in 2010, with two officers transferring into service roles and two posts deleted. These moves had the effect of removing a dedicated corporate focus to ensure coordinated attention to E&D issues, including the provision of advice on Equality Impact Assessments (EIAs), an essential part of policy-making.

- 2.5 The proposal within *Laying the Foundations* was that the Council re-created the equalities function, to provide a dedicated resource that would work to help ensure the Council's compliance with its duties. The function was recommended to be located in the corporate centre of the Council, integrated with existing policy and partnerships teams, and with a need to also support work on community cohesion (where attention is also being focused through an ongoing review of the Council's neighbourhood and engagement function and priorities).
- 2.6 Following Council approval of *Laying the Foundations* a process began in the autumn of 2015 to recruit to a new post of Corporate Equalities and Diversity Officer. The post-holder was appointed in late 2015 and took up their role in early 2016, with an initial focus on supporting service teams with the EIA process linked to setting the Budget for 2016/17 onwards. Work also began in early 2016 on responding to the wider E&D-related actions within the Corporate Improvement Plan, including to "review and revise Council equalities policies and strategies" (i.e. action 4.3.2).
- 2.7 A copy of a revised RMBC Corporate Equalities and Diversity Policy has therefore been developed and is enclosed at **Appendix A**.

3. Key Issues

- 3.1 This revised corporate Policy makes clear that the Council is committed to preventing anyone being held back or discriminated against because of who they are or because of their background. This is not simply because the law sets out that it is illegal to do so, but because the Council upholds that equal opportunities and equal treatment are necessary underpinnings of ensuring the life of every person in Rotherham is improving. This does not mean that the Council's other duties (e.g. those relating to safeguarding) would be outweighed by its commitment to equality – instead the Council will commit to a policy of transparency and openness.
- 3.2 The Corporate Policy has been developed in consultation with officers across the Council and also in the light of advice from Cllr Alam as Cabinet Member with responsibility for equalities issues. A corporate working group of officers has been established to support this initial renewal of the corporate Policy, as well as help provide cross-cutting leadership on wider, strategic work to improve the Council's approach to E&D issues across all of its services (see paragraph 3.7 below).
- 3.3 Advice has also been taken from the Local Government Association (LGA) in the development of the Corporate Policy, including in terms of ensuring that it complies with a wider ambition (as set out in the Phase Two Corporate Improvement Plan) for the Council to again meet the standards set out by the national Equalities Framework for Local Government (EFLG). The LGA has also helped sign-post to other authorities' policies around the country that are recognised as good practice through the EFLG; and the new Corporate Equality & Diversity Officer has also re-established networking links with other

E&D leads in neighbouring authorities, to further draw on policies and practices across South Yorkshire in the production of this new Policy.

- 3.4 The new Policy also links directly to the vision for the Council, set out by the Leader in October 2015 and which will rest at the centre of the Council's new Corporate Plan for 2016/17 (due to be considered by Council on 13th July), to help shape and steer all that the Council does. This vision states that:

"Rotherham is our home, where we come together as a community, where we seek to draw on our proud history to build a future we can all share. We value decency and dignity and seek to build a town where opportunity is extended to everyone, where people can grow, flourish and prosper, and where no one is left behind ". To this end we set out four priorities:

- *Every child making the best start in life*
- *Every adult secure, responsible and empowered*
- *A strong community in a clean, safe environment*
- *Extending opportunity, prospects and planning for the future"*

- 3.5 Promoting greater equality and celebrating the diversity of Rotherham's local communities, so that the Council can develop a stronger understanding of its residents, is fundamental to the Council delivering this vision. The Corporate E&D Policy has been developed to inform how the Council works as an organisation, with partners, and with local communities in meeting its duties and promoting understanding and awareness.

- 3.6 Specifically, through the delivery of the policy, the Council will:

- Work to provide an environment for everyone that is free from discrimination, harassment and violence.
- Encourage and support people to be active in community life, volunteering and local decision making
- Work to build a strong, cohesive community where people from different backgrounds develop positive relationships.
- Encourage other organisations to adopt similar policies on fairness, equality and diversity, including those that provide goods and services on behalf of the council.
- Celebrate the diversity of people within the Rotherham area.

- 3.7 Alongside the new Policy, and in line with the Improvement Plan's focus on improving the Council's wider, strategic approach to E&D issues, work is also taking place on a complementary E&D "strategy", further promoting and embedding understanding and specific activity across the entire Council. This new strategic approach will set out *how* the Council will work to achieve the ambitions set out within the new Policy, and it will be critical to ensure elected member input to this process and their ongoing oversight of its implementation (particularly the lead Cabinet Member). Establishing this new approach also requires input from all Council service areas and Directorates, as well as pro-active engagement with partners and external equality and diversity groups across Rotherham. The cross-cutting corporate working group noted above

(paragraph 3.2) has a key role in developing this work further, alongside external engagement, to ensure a co-produced strategic approach can be established and agreed over the summer of 2016.

- 3.8 Work to establish this new strategic approach and monitor the effectiveness of the new Policy will continue to feature as a headline action in phase two of the Improvement Plan. Associated regular performance reports on progress will therefore be reported to the Improvement Plan's Joint Board. It also envisaged that the Council's Scrutiny function will wish to consider how it may wish to play a role in the establishment of this new strategic approach and supporting action plan.
- 3.9 Conversations are also ongoing with the LGA to timetable a peer review to support the Council formally reaching the required standards of the EFLG (see paragraph 3.3 above) during the coming year.
- 3.10 It also proposed that, during the coming year, this ongoing work on embedding a stronger focus on E&D issues across the Council and in its work with partners and communities also takes account of wider reviews taking place of the Council's neighbourhoods and community engagement function, in order to develop a better understanding of localities and the potential for a more holistic "Community Impact Assessment" approach to future policy development across the Council. Again, this is an ambition included within the Phase Two Corporate Improvement Plan.

4. Options considered and recommended proposal

- 4.1 Given that the decision to approve the new RMBC Corporate E&D Policy rests with full Council, the Cabinet is asked at this stage to provide its initial endorsement of the new Corporate Policy, prior to it being considered at the Council meeting on 13th July 2016.

5. Consultation

- 5.1 Internally within the Council, consultation has taken place on the new Corporate Policy through the Corporate Equalities & Diversity Group (see paragraph 3.2), as well as discussion with the Senior Leadership Team. Advice on its development has also been sought from the responsible Cabinet Member for Equalities issues, Cllr Alam.
- 5.2 As noted above, the LGA has also been consulted, which has provided best practice examples in other local authorities which have been investigated and considered; as have lead E&D officers in neighbouring authorities.
- 5.4 There will be more proactive awareness, both internally within the Council and with partners, when the Policy is formally agreed; in parallel with the developing work on a wider, more strategic approach to E&D issues noted at paragraphs 3.7 to 3.9 above).

6. Timetable and Accountability for Implementing this Decision

- 6.1 The meeting of Council on 13th July will be asked to formally approve the new Corporate Policy. This will be followed by further awareness raising amongst the Council's middle ("M3") managers, including targeted training and development opportunities (linked to the more strategic approach). Elected member training will also be provided, as has taken place in previous years, but now directly reflecting the new Corporate Policy, what this means for the organisation, and for the roles of councillors.
- 6.2 As noted above (paragraph 3.8), as an Improvement Plan priority in phase two, progress reports on the implementation of the Policy via the supporting strategy and action will be provided on a regular basis to the Joint Board; as well as to the Lead Cabinet Member (Cllr Alam) and Senior Leadership Team.

7. Financial and Procurement Implications

- 7.1 There are no direct financial implications arising from this Corporate Policy update, as it simply re-iterates existing duties and responsibilities placed upon Council services (see section 8 below). Resources to implement and monitor the impact of the Policy will be met via existing resources.
- 7.2 Ensuring compliance with this new Corporate Policy in how the Council procures and commissions services will need to be a key focus of the new strategic approach to embedding E&D issues across the authority going forward.

8. Legal Implications

- 8.1 As noted within the Corporate Policy document itself, the Council has a commitment to equality and diversity, underpinned by the legal requirements set down in the Equality Act 2010. This requires the Council to promote fairness and equality through community leadership, in employment practice and by the delivery and commissioning of services, where relevant.
- 8.2 Accordingly, in law, the Council must to have 'due regard' to the need to:
- eliminate unlawful discrimination, harassment and victimisation and any other conduct prohibited by the act;
 - advance equality of opportunity; and
 - foster good relations between those who share a protected characteristic (as defined in the Equality Act 2010) and those who do not.
- 8.3 All councils are under a duty to promote equalities and diversity in the work they do and the services they deliver but the renewed Corporate Policy is not simply about responding to a legal obligation. It is about making Rotherham are more a prosperous place with better quality of life.

9. Human Resources Implications

- 9.1 There are training implications for all RMBC staff, which will be defined as part of the corporate training and Workforce Development programme, in development.
- 9.2 Equality and diversity issues are also critical elements of workforce management and planning. Current legislation sets the legal context and requirements in relation to ensuring fairness within the work place and the Council must operate within this framework.
- 9.3 Attracting a balanced and representative workforce, to work in a non-discriminatory environment, ensures that the Council can utilise the talents and skills of people from all communities in order to deliver good quality services that meet the needs of all the people of Rotherham.
- 9.4 The new Policy will help to define the Council's commitment to equalities and diversity within the workforce and as a provider of local services.

10. Implications for Children and Young People and Vulnerable Adults

- 10.1 Ofsted require that help and protection for children and young people is sensitive and responsive to age, disability, ethnicity, faith or belief, gender, gender identity, language, race and sexual orientation. Furthermore, children's services, as with all council departments, have a duty to fulfil their requirements under the Equality Act 2010 (see section 8 above).
- 10.2 A focus on equalities and diversity is also reflected in the priorities of the Children's Services Improvement Action Plan. Specific actions are required by the Plan as follows:
 - Clear expectations of providers with regard to equalities are embedded within all contracts and service specifications, including for in house services;
 - Ensure the equalities measures specifically relating to Equalities in the Quality Assurance Framework are progressed in accordance with timelines set;
 - Equalities Impact Analysis is deployed universally to underpin all service reviews and new contracts, to ensure all vulnerable and protected groups are given due consideration;
 - Develop an equalities strategy that is underpinned by staff that are culturally competent.
- 10.3 The attached policy will therefore further support Children and Young People's Services to ensure that no child or young person in Rotherham is disadvantaged as a result of any equality and diversity considerations.

11. Equalities and Human Rights Implications

- 11.1 Ensuring that the Council meets its equalities and human rights duties and obligations is central to how it manages its performance, sets its priorities and delivers services across the board. This new Policy aims to set out these duties and obligations within a single, corporate document and it will be important to ensure an ongoing focus on the adherence of services to the Policy, as part of embedding a more strategic approach to equalities and diversity.

12. Implications for Partners and Other Directorates

- 12.1 Partnership working is a central part to the Corporate Equality and Diversity Policy. The Council's aim with regard to equalities and diversity is to make sure that all people have the same right of access to services and employment and benefit from them equally well. It is important that we remove barriers that prevent or limit people from accessing services; or from participating in employment; learning opportunities; social and leisure activities; or community and public life.
- 12.2 A Rotherham Together Partnership Action Plan was launched in March 2016 and partners will be developing a longer-term Community Strategy over the course of 2016, to come into force from 2017. The Community Strategy will describe how local partners plan to work together to deliver effective, integrated services in line with all partners' respective Equality and Diversity duties.

13. Risks and Mitigation

- 13.1 Key risks are assessed to include the following:

- That the policy is not adhered to, if this happens then the council is not undertaking its statutory and legal obligations. All reports include a requirement to state Equalities and Human Rights implications which will require attention by SLT and Cabinet.
- That the policy is not understood and embedded across the council, if this happens then again the council's duty to promote equalities and diversity in the work they do and the services they deliver is not adhered to. To mitigate this training will be provided to M3 managers who will then disseminate the information to their teams. Sessions will be provided to Members so they are fully equipped when making decisions that affect services.
- If the Voluntary and Community Sector (VCS) don't engage with the E/D policy then it will be a stand-alone policy. The policy itself is internally focussed but work with partners is crucial to develop and implement this policy. The Voluntary Community Sector (VCS) consists of a very diverse range of people and communities across the range of protected

characteristics therefore it is important that VCS is supporting people to access council and other services and they can advocate on behalf of the communities they work with. The Corporate E&D officer will therefore work with the VCS Liaison Officer to raise the profile of the policy and engage with issues as they arise. Engagement with the VCS networks and consortium will ensure the policy is meeting the needs of the communities.

- 13.2 In addition, the ongoing work to develop a more strategic approach with regard to E&D issues, as set out at paragraphs 3.7 to 3.9, will support and embedded this approach

14. Accountable Officer(s)

Shokat Lal – Assistant Chief Executive

Approvals Obtained from:-

Strategic Director of Finance and Corporate Services:- **Stuart Booth – Assistant Director of Financial Services**

Director of Legal Services:- **Dermot Pearson – Assistant Director of Legal Services**

Head of Procurement (if appropriate):- **Helen Chambers, Interim Head of Procurement**

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DRAFT

RMBC Equality and Diversity Policy

Why do we have this policy?

Reason

Rotherham Metropolitan Borough Council (RMBC) is committed to working on behalf of, and for, all of its customers, residents, partners and visitors. By better understanding the diversity of communities and their specific needs, the Council is able to provide the most appropriate and responsive services; an approach that supports the Council's priorities of providing services that are customer-focused, effective, efficient and of a high quality.

The Council has set five Equality and Diversity Objectives which address key local equality and diversity priorities. The objectives will be published in the Council's equality and diversity strategy, 'Equality for All' [in development], and are informed through the analysis of diversity monitoring data.

The Council's commitment to Equality and Diversity is underpinned by the legal requirements set down in the Equality Act 2010. This requires the Council to promote fairness and equality through community leadership, in employment practice and by the delivery and commissioning of services, where relevant.

Accordingly, in law, the Council must to have 'due regard' to the need to:

- eliminate unlawful discrimination, harassment and victimisation and any other conduct prohibited by the act;
- advance equality of opportunity; and
- foster good relations between those who share a protected characteristic (as defined in the Equality Act 2010) as well as those who do not.

Purpose

This Policy demonstrates how the Council values diversity, how it meets its legal responsibilities and how it has due regard to equality in the delivery of all its functions.

All customers, councillors and staff have the right to be treated fairly, with dignity and with respect. In particular, the Equality Act 2010 specifically covers nine 'protected characteristics':

- Age;
- Disability;
- Gender Reassignment;
- Marriage and Civil Partnership;
- Pregnancy and Maternity;
- Race (ethnic origin, nationality, skin colour);
- Religion and Belief;
- Sex/gender;
- Sexual orientation; as well as
- any other status as identified within the European Convention of Human rights and any other domestic or relevant UK or EU law.

This policy is in place to ensure, as far as possible, that these rights are respected and observed across all of the Council's activities both as an employer and a service provider/commissioner.

2. Who must comply with the policy?

- All Council employees
- Councillors
- Anyone delivering services on behalf of the Council such as contractors, partner organisations and people who volunteer or do a work placement with the Council.

NOTE: Schools and Academies in Rotherham have their own arrangements and are provided with guidance by the Council to help them fulfil their legal obligations.

3. Who needs to be aware of this policy?

This policy will be published on the Council's website, alongside other supporting material, so that the public and local businesses/organisations, including the voluntary sector, are aware of it. Specific groups that need to be aware of this Policy include:

- All Council employees
- All Councillors
- Members of the public
- Voluntary organisations
- Union representatives
- The partners the Council works with
- Anyone delivering services on behalf of the Council such as contractors, volunteers, partner organisations and people on work placement.

The Council undertakes to ensure that all its employees, potential employees and contractors are made aware of this Policy. Any acceptance of an offer of employment or contract will automatically be taken as an individual's commitment to support the principles of this Policy and a pledge to demonstrate that commitment in their role on behalf of the Council. The Policy will be key part of the induction programme for new employees - and newly elected members - and will be reinforced as a minimum through the annual Personal and Development (PDR) process and the PDR review meetings.

4. What does the Policy mean?

The purpose of the Council's Equality and Diversity Policy is to encourage respect for diversity and eliminate discrimination in both its role as an employer and as a provider/commissioner of services. The Council wants to create a culture that respects and values difference, that promotes fairness, dignity and respect, and that encourages individuals to develop and maximise their true potential.

The Council is also committed, wherever practicable, to achieving and maintaining a workforce that broadly reflects the Rotherham community.

The Council's Diversity Promise

The Council will:

- *treat everyone fairly;*

- *give fair access to services;*
- *be socially inclusive - i.e. work in ways that make people feel valued and respected;*
- *be transparent in all that it does; and*
- *value customers and staff and contractors*

The Council will not tolerate homophobic, racist, sexist behaviours or any other unjust or unfair unlawful discrimination, harassment or victimisation by any of its councillors, employees, volunteers, contractors or partners, including those who deliver services on its behalf or on behalf of its customers. If any unacceptable comments, behaviours or actions are witnessed or complaints are received action will be taken in line with the relevant Council policies and procedures listed below.

This principle applies to all employees, including people who have temporary, casual and interim contracts.

This also applies to the provision of, and access to services, whether supplied directly by the Council, or by organisations on the Council's behalf. In providing services, the Council, or those organisations acting on its behalf, must be able to demonstrate that they have taken into account the needs and characteristics of service users, and in view of these, have considered the appropriateness and accessibility of the services being offered. These partners/contractors must also have appropriate policies in place for managing any complaints made about its services or employees.

This Policy both supports and is underpinned by the ***Council's Equality Strategy - 'Equality for All' [in development]*** and its objectives, which are delivered at service level through targeted action/service plans.

This Policy is further supported by the following Council documents:

- 2016-17 RMBC Corporate Plan and Performance Management Framework
- RMBC Corporate "Fresh Start" Improvement Plan (2015-2017)
- Dignity at Work Policy
- Recruitment and Selection Policy
- Corporate Safeguarding Policy
- Whistleblowing Policy

5. How is this Policy implemented?

The Policy is implemented by adherence to the following objectives which guide the Council's commitment to equality and diversity:

- to create an environment in which individual differences and the contributions of all employees, Councillors and volunteers are recognised and valued;
- to create a working environment that promotes dignity and respect for all. No form of intimidation, bullying or harassment will be tolerated;
- to ensure training, development and progression opportunities are available to all;
- to promote equality in the workplace, which is good management practice and makes sound business sense;

- to regularly review all employment and volunteering practices and procedures to ensure that no applicants, employee, elected member, contractor or volunteer is treated less favourably than others;
- to regularly review services to ensure they are accessible and appropriate to all groups within society;
- to treat breaches of the equality duty seriously and to take appropriate (e.g. disciplinary) action when required;
- to provide information and training to all employees, Councillors and contractors and volunteers, to ensure that they are fully aware of the issues relevant to Equality and Diversity and their responsibilities relating to it;
- to develop supporting SMART Equality Action Plans, to ensure the Equality and Diversity Policy is fully implemented and adhered to;
- to ensure the Policy is fully supported by the Council, Cabinet and Senior Leadership Team and Commissioners;
- to monitor and review the Policy not less than every three years.

This Policy is also linked to the following Council procedures and guidance:

- Equality Impact Needs Assessments
- Equality Action Plans (within directorates/services)
- Workforce Strategy
- Recruitment and selection procedures
- Disciplinary procedure
- Grievance procedure
- Complaints procedures
- Training and development plans
- Code of Conduct

Roles and responsibilities

While all Council employees and elected councillors are required to be aware of this Policy, it is expected that the following roles will show particular leadership and commitment towards respecting and promoting this Policy at all times, in all aspects of the Council's work:

- the Chief Executive;
- Strategic Directors and Assistant Directors;
- the Leader of the Council & Cabinet Members;
- Other Political Group Leader(s);
- Cabinet Member with lead responsibility for Equality & Diversity;
- All Managers

These roles and responsibilities are expanded on further below.

Managers' responsibilities

Managers at all levels in the Council must demonstrate a commitment to the Equality and Diversity Policy and are responsible for encouraging staff, colleagues, partners

and contractors to incorporate the principles of this policy into everyday Council business.

Managers are responsible for monitoring individual behaviour and are expected to take immediate action where there is evidence of discrimination, harassment, bullying or any other inappropriate conduct. They will be responsible for raising awareness of the Council's values and behaviours and promoting these within their team/service areas.

Managers are also responsible for supporting and encouraging staff to reach their full potential and will do so by identifying any barriers to development and taking steps to minimise these so that all employees can take advantage of learning, development and promotion opportunities. Managers should treat all staff fairly and apply workforce policies fairly and consistently.

Councillors' responsibilities

All Councillors are expected to abide by the Local Code of Member Conduct and also ensure that their behaviour is consistent with the principles of this Policy and their role as publicly elected officials, representing the entire population of Rotherham.

Elected Members, in particular the Cabinet Member with lead responsibility for equalities issues, will also need to be provided with information from lead officers to support the oversight and monitoring of the impact of this policy.

Group Leaders' responsibilities

Group Leaders are responsible for informally monitoring the behaviour of Councillors in their political groups and should take immediate action if there is evidence of unfair discrimination, harassment or bullying. They are also responsible for raising awareness of this Policy within their political group and leading by example in adhering to it.

Individuals' responsibilities

All Council employees are individually responsible and accountable for their own behaviour. Any Council employee who causes offence or makes another individual feel unsafe or undignified, or unjustly, unfairly or unlawfully prevents them from developing within the Council, whether intentionally or not, may be subject to disciplinary action by the Council and may face legal action from any complainant.

Any Council employee who feels that he or she - or another Council employee - is suffering from unfair, unjust or unlawful treatment, should take action as detailed within Council Policies such as Dignity at Work, or if not dealt with, the Grievance Policy. Similarly, any Council employee who witnesses another individual being treated in such a way must be able to report the incident without fear of victimisation, as defined in the Council's Whistle Blowing policy.

Equality and Diversity Working Group

Rotherham Council will also work to further promote this Policy and its principles through cross-cutting, corporate working - including through a Corporate Equality and Diversity Working Group. This Group will work to ensure that equality and diversity is kept at the forefront of Council business across directorates and services so that it is embedded into routine Council business as far as possible.

This corporate working will be further supported by the Corporate Equality and Diversity Officer, through the provision of professional advice, training, monitoring

and updating Council employees & Councillors on changes to legislation, policy and legal requirements. The Corporate Equality and Diversity Officer, is also responsible for reviewing this Policy no less than every three years.

6. Sources of further and supporting information

- Government Equalities Office: www.equalities.gov.uk
- Equality and Human Rights Commission: www.equalityhumanrights.com
- Stonewall: www.stonewall.org.uk
- ACAS: www.acas.org.uk/index.aspx?articleid=1363
- Equality Framework for Local Government: www.local.gov.uk/home/-/journal_content/56/10180/3476575/ARTICLE

7. Further RMBC reference material and guidance

- RMBC Corporate Plan (2016-2017): [link to be inserted when published]
- RMBC Corporate “Fresh Start” Improvement Plan (2015-2017): www.rotherham.gov.uk/improvementplan
- RMBC Corporate Safeguarding Policy: [link to be inserted when published]
- RMBC Community Strategy: In development, due for publication early 2017
- RMBC Whistleblowing Policy: <http://moderngov.rotherham.gov.uk/documents/s103331/Appendix%20%20-%20WHISTLEBLOWING%20AND%20SERIOUS%20MISCONDUCT%20POLICY%202015%20Sept%202015%20SC%20Working%20Group%20Final.pdf>

Summary Sheet

Cabinet and Commissioners' Decision Making Meeting – 11 July 2016

Title:

Introduction of the new Tenancy Agreement for Rotherham Council Tenants.

Is this a Key Decision and has it been included on the Forward Plan?

Yes, for consideration by Cabinet & Commissioner's decision making meeting on 11th July 2016

Strategic Director Approving Submission of the Report

Graeme Betts, Adult Care and Housing.

Report Author(s)

Alan Heppenstall. Housing Projects Coordinator

Ward(s) Affected

All

Summary

The purpose of this report is to seek Cabinet approval of the new tenancy agreement.

Recommendations

That Cabinet:

- Approves the new tenancy agreement.
- Note the proposed next steps identified in section 6.1

List of Appendices Included

Appendix 1 – Rationale behind amending the Firearms clause

Appendix 2 – Proposed Tenancy Agreement

Background Papers

RMBC tenancy agreement 2008.

Consideration by any other Council Committee, Scrutiny or Advisory Panel

Scrutiny – Improving Places Select Commission on 15th June 2016

Council Approval Required

No

Exempt from the Press and Public

No

Title:

Introduction of the new Tenancy Agreement for Rotherham Council Tenants.

1. Recommendations

1.1 That Cabinet:

- (a) Approves the new tenancy agreement.
- (b) Note the proposed next steps identified in section 6.1

2. Background

- 2.1 The Council, in consultation with its tenants, periodically revises its tenancy agreement to reflect changes in legislation and also adapt to changes in lifestyles and aspirations. The tenancy agreement was last revised in 2008 at which time operational management of the councils housing stock was undertaken by the Arm's length Management Organisation (ALMO); 2010 Rotherham Ltd.
- 2.2 The housing stock transferred back to the Council on 1st July 2011 when the functions of the ALMO were realigned with existing Council services. The current tenancy agreement remained in force throughout that period up to present date.
- 2.3 The tenancy agreement remains an important document as it represents the contract between the Council and each tenant; setting out the respective rights and responsibilities of each party. Currently, Rotherham Council has 20661 properties.

3. Key Issues

- 3.1 The proposed tenancy agreement seeks to address recurring operational issues. This will be done by bringing clarity to the responsibilities of households and introducing a robustness to the operational management of properties and tenants.
- 3.2 The tenancy agreement also deals with any relevant legislative changes. For example, Localism Act 2011 changed the rules around who could succeed to a tenancy following the bereavement of a tenant. The 2011 Act gives the Council the flexibility to determine who will be permitted to succeed to a tenancy, and the opportunity has been taken to make this clear in the new proposed tenancy agreement.

4. Options considered and recommended proposal

- 4.1 The Council agreed on the 21st October 2014 that an updated Tenancy Agreement was necessary. Consequently the new agreement, along with the required preliminary Notice of Variation highlighting the proposed changes, was issued to all tenants on the 21st November 2014. A copy of the preliminary Notice of Variation is attached as Appendix 1 together with the proposed tenancy agreement attached as Appendix 2.
- 4.2 This preliminary Notice of Variation, as required under s103 of the Housing Act 1985, provided council tenants with a 12 week consultation period to reflect and comment upon the changes the Council were proposing. This period closed on 13th February 2015.

5. Consultation

5.1 Feedback

- 5.1.1 At the close of the consultation period the Council received 545 feedback documents from tenants. Of these, 6% (31) of respondents either returned a blank consultation document or used it to contact the Council on matters unrelated to the proposed tenancy agreement such as insect infestation or to report neighbourhood issues. Each reporter was referred to the appropriate housing or maintenance department but for the purpose of the consultation exercise, these responses have been set aside. One respondent contacted the Council to say that she was short sighted and

unable to read the consultation documents properly. Contact was made directly with this individual and the blind group she is a member of, and the proposed new agreement has been discussed at length and accepted.

- 5.1.2 Overall, 88% (479) of all respondents were in favour of the new tenancy agreement and happy to accept the prescribed changes; however 6% (35) were not happy with the new proposal. Of those that were unhappy with the proposed changes:
- 5.1.3 50% (18) were unhappy about the switch from a 48 week rent collection period to 52 weeks, concerned that this change marked an annual rent increase. In reality however, there is no increase in the annual rent, rather the collection period has simply been extended to better suit continuous Direct Debit banking facilities and Universal Credit payments. Feedback and clarity has been given by housing officers to those that had raised the change to 52 weeks as an issue.
- 5.1.4 21% (7) had concerns that they would have to maintain their own sheds. The proposed agreement clarifies that the tenant rather than the Council are responsible for the upkeep of wooden sheds. This includes structures that pre-existed at the property at the time the tenancy agreement was signed; where the tenant took the option to accept the tenancy with the shed in situ on the basis that they were responsible for the maintenance of the shed. In addition, it includes the situation where a shed is erected by the tenant after moving in. The Council will remain responsible for the maintenance of outbuildings that are not of wooden construction, eg. brick built outhouses. However the tenant will be responsible for keeping all such outbuildings clean and tidy.
- 5.1.5 8% (3) expressed dissatisfaction that only tenants living in properties with their own outdoor space and with private rather than shared access could keep pets that require time outdoors such as cats and dogs. While this dissatisfaction is noted, this policy is consistent with the outgoing agreement. The proposed tenancy agreement simply seeks to clarify the circumstances in which permission will be granted to keep pets and that where reasonable, permission will not be refused.
- 5.1.6 6% (2) of tenants suggested that the clauses relating to nuisance and annoyance should be stricter but offered no further clarification or examples. It is felt that the clauses are sufficiently robust, however additional examples of nuisance and annoyance have been included in this clause to provide further clarification; for example in relation to smoke from garden fires. Although examples of nuisance are given in both the proposed and outgoing tenancy agreements, wider examples of what constitutes nuisance and annoyance will be included in the '2016 Tenant's Guide to your home'
- 5.1.7 6% (2) of respondents were confused by the term 'Flexible tenancies; raising concerns that they would lose their 'secure' status as tenants. These respondents were referred through to their related Housing Officers so that this confusion could be clarified; namely that Flexible Tenancies are tenancies for a fixed period, granted to new rather than existing tenants in specific architypes of properties (ie properties with 4 or more bedrooms)
- 5.1.8 Of the remaining 9% (3) of respondents that disapproved of the proposed tenancy agreement:
- 5.1.9 1 tenant felt that the new agreement was oppressive overall. No response was offered as there was no clear line of reasoning to this tenant's input.
- 5.1.10 1 tenant felt that he should be allowed to use his air-rifle in his garden without seeking permission from the council as suggested in the proposed agreement. As a responsible gun owner and user, this tenant felt that this was unfair in the context of owner / occupying neighbours that did not need such permission from the Council. Taking this into consideration, this comment was upheld. The proposed tenancy agreement now simply states that air-weapons must not be used to cause or threaten

to cause a nuisance to others; removing the requirement to seek permission to own one.

- 5.1.11 1 tenant suggested that it should be the responsibility of the council rather than tenants to change lightbulbs. Such home maintenance has always been the tenant's responsibility and the new agreement simply offers clarity on this point rather than making any substantive change.

5.2 Further development post tenant consultation.

- 5.2.1 Following input from officers and elected members the opportunity was taken to make further variations / additions to the tenancy agreement to make reference to relevant legislation and to offer some clarification or advice on common tenancy related issues or policies.
- 5.2.2 On the 15th of June 2016, this report was considered by the Improving Places Select commission. The members of the Commission asked various questions to improve their understanding of the rationale and operation of the tenancy agreement. They also made a small number of suggestions for variation and these have been included in the agreement, with the exception of one proposal that the Tenancy Agreement should require tenants to install curtains. This was felt to be outside the remit of the Agreement.

6. Timetable and Accountability for Implementing this Decision

- 6.1 If ratified, the formal Notice of Variation will be issued in the week commencing 1st August 2016; replacing the outgoing agreement with effect from the 12th September 2016. From this time all Council tenants will be bound by the terms and conditions of the new tenancy agreement. It will not be necessary to ask current tenants to sign the new document, however going forward; new tenants will be required to sign the latest version from 1st August 2016.

The steps for the completion and implementation of the new tenancy agreement are as follows:

Stage 1	Tenants Handbook 'A Guide to Your Home' amended to reflect new Tenancy Agreement'	June/July 2016
Stage 2	Final draft of Tenancy Agreement approved by Dave Richmond and Strategic Director	20 th May 2016
Stage 3	SLT deadline	24 th May 2016
Stage 4	SLT	31 st May 2016
Stage 5	Update IHMS record maintenance / customer management / document templates	June-Dec 2016
Stage 6	Deadline for Scrutiny	6 th June 2016
Stage 7	Scrutiny – Improving Places Select Committee	15 th June 2016
Stage 8	Cabinet deadline	6 th July 2016
Stage 9	Cabinet decision making meeting	11 th July 2016
Stage 10	Statutory Variation notice served with new agreement and handbook (4 weeks' notice required)	w/c 1 st Aug 2016 (TBC)
Stage 11	New Tenancy Agreement 'go-live' date	12 th Sept 2016 (TBC)

7. Financial and Procurement Implications

- 7.1 Tenants will receive a notice of Variation to their tenancy agreement and a revised Tenants handbook. A budget has been identified within the Housing Revenue Account to meet the cost of these changes. The estimated total cost including the consultation with Tenants is £60,000. Extra capacity has been built into the IHMS project so that the changes introduced by the new agreement can be built into the test environment.

8. Legal Implications

- 8.1 Section 103 of the Housing Act 1985 provides a procedure to allow the Council to vary existing residential tenancy agreements. The procedure involves serving a preliminary notice on all tenants setting out the intention to make the proposed changes; giving details of the proposed changes and their effect, and inviting comments from tenants within a reasonable time period. The Council must consider any comments received from tenants within the specified timescale. The Council can implement the proposed changes by serving a notice of variation on all tenants giving information as to the nature and effect of the proposed changes and the date on which they will take effect. The date must not be less than 4 weeks from the date the notice of variation is served.

9. Human Resources Implications

- 9.1 There are no HR implications brought about by the new tenancy agreement.

10. Implications for Children and Young People and Vulnerable Adults

- 10.1 The new Tenancy Agreement and accompanying handbook clarify how new legislation such as the ASB, Crime and Policing Act 2014 introduces absolute grounds for possession. These grounds introduce a lean process to the ending of tenancies for those households that commit Anti-social Behaviour. Highlighting the robustness of the new legislation and its use by Rotherham Council will act both as a deterrent to perpetrators and reassure victims and witnesses that such issues will not be tolerated by the Council.

11 Equalities and Human Rights Implications

- 11.1 The proposed agreement, as with the outgoing version, underpins Article 8 of the Human Rights Act 1998 and seeks to protect the individual's right to a private and family life. While the proposed agreement addresses legislative changes it also supports this article by defining how such new legislation will be used by the council to protect the private and family lives of residents.

12. Implications for Partners and Other Directorates

- 12.1 The new Tenancy Agreement continues to define the relationship between the Council and its tenants. This includes maintenance work, support and enforcement as well as the expectations of each party by the other. External partners such as South Yorkshire Police operate closely with housing officers and together can utilise the tenancy agreement to deal with neighbourhood issues. There are no implications for other directorates.

13. Risks and Mitigation

- 13.1 Key risk areas that will need to be carefully managed are:

13.1.1 Project scope – There has been slippage to the timeline agreed in the initial DLT report dated 21st December 2014; in particular since the close of the consultation period in February 2015 where overall completion was agreed as being May 2015. Notwithstanding this, the significance of this document is important as it defines the relationship between the council and its tenants. As such, the interim time has been used to add robustness to the new agreement that clarifies further the obligations of tenants. As Council resources become more stretched, the organisational culture shift from parental to one more enabling focused can be seen throughout the new agreement.

13.1.2 Ratification process – Changes to the organisational leadership offer both a barrier and opportunity to ratify the new tenancy agreement expeditiously. Agreeing the process highlighted in 6.1 offers some clarity.

13.1.3 IHMS support – The proposed agreement requires the Integrated Housing Management System to be updated to accommodate the new changes.

- 13.1.4 Changes to the tenancy agreement used in the consultation process – The Section 103 Preliminary Notice of Verification issued to tenants in 2014 suggested that the order in which the clauses were laid out in the new Tenancy Agreement would differ from the outgoing document (see appendix 1). These changes are as a result of the introduction of new clauses, however reordering would create a huge workload and unintended cost as templates and scripts would need to be varied on the Civica IT system. As a consequence, the order of the clauses within the agreement now mirror the outgoing version rather than what was suggested in the notice of variation. As the reordering of the clauses may cause tenants to contact the Council the rationale for this revision will be included in the formal contact with tenants.

14. Accountable Officer(s)

Approvals Obtained from:

Strategic Director of Finance and Corporate Services: - Stuart Booth (11/5/16)

Director of Legal Services: - Dermot Pearson (18/5/16)

Head of Procurement (if appropriate):- not appropriate

Alan Heppenstall

Housing Projects Coordinator

Adult Care and Housing

This report is published on the Council's website or can be found at:-

<http://moderngov.rotherham.gov.uk/ieDocHome.aspx?Categories>

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proposed Tenancy Agreement

The essence of the tenancy agreement is to define the relationship between the Council and its tenants; to establish the roles and responsibilities of both parties and to clarify the expectations of all.

A draft tenancy agreement was issued, along with the Preliminary Notice of variation (S103, Housing Act 1985) for consultation in December 2014. This consultation period closed in February 2015 during which time 545 responses were received as identified in my Cabinet report.

Following consultation it was clarified with Legal Services that proposed amendments simply added clarity to the agreement without being so overarching or significant as to warrant a second consultation process.

The clause relating to Firearms in the agreement used during the consultation process reads:

“You, and any person living at or visiting the property must not keep any firearm, shotgun, or air rifle in the property without appropriate Firearms or Shotgun certification required by legislation, including the Firearms Act 1968 and not without the consent of RMBC. You must not keep any firearm, shotgun or air rifle not requiring certification without the consent of RMBC.

You, and any person living at or visiting the property, must not discharge a firearm, shotgun, rifle, air pistol or air rifle in, or in the locality of, the property”

There are six reasons why this clause was amended:

1. Suggesting that tenants must get the consent of RMBC to keep a shotgun that does not require certification leaves the authority open to ridicule as all shotguns require certification without exception. RMBC cannot be seen to grant consent to keep an uncertified firearm or shotgun.
2. Possession of a shotgun or firearm without section 1, 2 or 5 certification is an indictable offence in its own right, for which an offender could receive a custodial sentence of up to 5 years. All indictable offences committed by tenants at the property are considered to be a serious breach of an RMBC tenancy anyway, being covered in Clause 3 (e) and likely to lead to the commencement of possession proceedings. For the same reason the tenancy agreement does not list all of the potential indictable offences tenants could commit.
3. Requiring all firearms or shotgun licence holders to have the permission of RMBC raises the question of how the Council would identify which tenants are certificate holders and therefore should seek permission. Researching this issue with David Macleod, (Assistant Manager, Firearms Licencing - South Yorkshire Police) normal data sharing protocols between the Police and Council (such the Crime and Disorder Act 1998) would not apply as such disclosures would not be intended for the prevention and detection of crime in accordance with section 115 of that Act. Normal data protection protocols would therefore prohibit the sharing of information and as a consequence, RMBC would have no knowledge as to which tenants own a licenced gun and should be applying for permission.
4. From an operational point of view, it also raises the issue of what enforcement action RMBC could take against those licence holders that refused to seek the Council's permission. The ultimate sanction of course would be to seek possession of the property through an application to the County Court. However, having spent 13 years undertaking similar enforcement action on behalf of RMBC, I understand that the Courts view the eviction process as a last course of action; reserved only for the most serious of breaches of the tenancy agreement rather than an issue of unsought permission. An unsuccessful application to seek possession would leave RMBC both financially liable for Court costs and more significantly, be damaging to the integrity and reputation of the Council to treat Rotherham residents; both tenants and none tenants, equally. Indeed, customer feedback during the consultation process raised the issue that RMBC would be seen as creating a second class citizenship by allowing those that own their homes to use air-weapons at their

property whilst discriminating against council tenants. (NB - There is no evidence of a relationship between tenure type and nuisance caused by air-weapons).

5. Some licence holders keep firearms and shotguns for sport. However others do so as part of their working life, for example as a gamekeeper or in the case of air-weapons, as a pest controller. RMBC would need to have a transparent and robust rationale behind any decision not to grant permission (irrespective of whether they are a recreational or professional user) should SYP have already found them to be fit and safe to hold a licence. Any refusal to grant permission could see RMBC in the public eye for the wrong reasons.
6. In conclusion, there is a lawful right for residents, whether tenants or owner-occupiers, to own and use air-weapons within parameters (age, location etc) without a licence; and to keep firearms and shotguns in accordance with the Firearms Act 1968. Consequently, the reputation of the Council could be called into question under Articles 8 and 14 of the ECHR which determines that there is a default position that individuals must not suffer discrimination and be allowed respect for a private and family life.

RMBC serves every resident, business and visitor in the borough and therefore needs to remain impartial and consistent in the way it interacts and legislates with tenants and none-tenants. It must follow a transparent and justifiable process that can withstand robust public scrutiny. The granting of permission to some tenants and not to others (on a 'case by case' basis) despite SYP vetting, may be open to vehement challenge by groups that represent shooters rights such as the British Association for Shooting and Conservation. This could see a judicial review of the agreement and is a fundamental reason why it is proposed that the essence of this clause be changed from gun ownership to nuisance.

Research conducted by the author, indicates that no other RSL in the UK requires its tenants to seek permission to own a licenced firearm, shotgun or keep an air-weapon. Therefore, the clause in the new tenancy agreement has been amended to:

“You, any person living at or visiting the property, must not discharge or threaten to discharge, a firearm, shotgun, bow or crossbow, air weapon (pistol or rifle) in such a way as to cause a nuisance or annoyance to other residents”

(NB – discharging (or threatening to discharge) a firearm or shotgun will lead SYP to revoke an individual's certificate and seize their guns)

Rotherham Metropolitan Borough Council

TENANCY AGREEMENT

www.rotherham.gov.uk

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Definitions

Agents	People or companies who work on our behalf.
Assign	This is transferring or giving another person the tenancy of the property.
Assured tenant	A tenant of a registered social landlord (such as a housing association) who has an assured tenancy.
Customer Contact Centres	Local council offices that are open to the public. You can find them across Rotherham.
Demoted tenancy	A secure tenancy which has reduced rights to those of an introductory tenancy because of a court order. Under certain circumstances we may apply to the court to have a secure tenancy reduced to a demoted tenancy.
District heating and hot water	This is heating and hot water that is supplied through a shared heating system and you are responsible for paying the appropriate costs. See also Service charge.
Employees	Includes any contractor, agent or anyone employed by us.
Flexible tenancy	A tenancy under section 107a of the Housing Act 1985. A flexible tenancy is a secure tenancy that lasts for a fixed period of time.
Garden	Includes lawns, hedges, flowerbeds, trees, shrubs, outside walls and fences.
Introductory tenancy	A tenancy under Part 5 of the Housing Act 1996, which lasts for a trial period of 12 months and may then become a secure tenancy. We can ask the court to end the tenancy if we have given you a notice saying that we intend to do so and you will have less protection than a secure tenant.
Introductory tenant	A tenant of ours who has an introductory tenancy.
Lodger	A person who pays you money to let them live in part of your property and who does not have the same rights as a subtenant.
Neighbours	Your neighbours include: • Our other secure and introductory tenants, • Everyone living in the area near your property, including people who own their own homes, and • Housing association tenants
Partner	A husband, wife or someone who lives with you as a husband or wife. 'Partner' also includes a partner of the same sex.
Property	The home you live in, including any garden and associated outhouses but not including shared areas.
Relatives	Parents, children, grandparents, grandchildren, brothers, sisters, uncles, aunts, nieces, step relatives and adopted children.
Secure tenancy	A tenancy under Part 4 of the Housing Act 1985. We can only ask the court to end the tenancy for specific reasons that the law sets out. As a secure tenant, you have more protection than an introductory tenant.
Service charge	This is a charge we make when we provide services for you, such as a laundry or when we clean shared areas. You must pay services charges as part of your tenancy agreement.
Secure tenant	A tenant who has a secure tenancy. An introductory tenant may become a secure tenant after the end of the trial period (12 months).
Shared areas	The parts of the building, which all tenants may use, for example, stairways, entrances, landings, shared gardens, lawns and landscaped areas. These are sometimes called communal areas.
Sublet	Giving another person the right to live in part of the property. (They are called 'subtenant' and may only be made to leave by a court order.)
Vehicle	A car, bus, lorry, motorbike, bike and so on.

We, us, our	Rotherham Metropolitan Borough Council.
Written permission	A letter from us giving you permission to do certain things.
You, your	The tenant and, in the case of joint tenants, one or all of the joint tenants.

Terms and Conditions of your Tenancy

1. Living in your Home

- (a) You must live in the property as your only or main home. If you are a joint tenant, it must be the only or main home of at least one of you. On accepting this tenancy if you own another property anywhere in the world and become a tenant due to some form of need e.g. medical need, you must take steps to sell your own property within 6 months of becoming a tenant. If no steps have been taken to sell your own property you are in breach of your obligations within this agreement.
- (b) You must tell your Area Housing Officer if you are going to be away from your home for more than four weeks. This is so we know you have not moved away permanently.
- (c) If this is your first tenancy with the Council then it will be as an Introductory tenant. As an Introductory tenant you are not allowed to take in lodgers and you will not be eligible to purchase the property under the 'Right to buy' scheme. The introductory status will remain 12 months. However the Council has the right to extend this period to 18 months in total should concerns be raised around your suitability as a tenant; for example if you, your family or visitors cause a nuisance or a disturbance to other residents in the area.

2. Rent

- (a) Your tenancy is a weekly tenancy which runs from Monday to Sunday. Your tenancy will start on the date indicated on the appropriate agreement type as shown in the Legal Contracts section of this document. The first complete weekly period starts on the date shown on your agreement which is shown in the Legal Contracts section of this document. The weekly rent and all other charges relating to the property are due each Monday, in advance. You owe us rent from the first day of your tenancy. This means that if you started your tenancy on any day other than a Monday, your first rent payment will be due on that first day of your tenancy and is worked out in proportion to the number of days in that week that you will hold your tenancy. The amount of rent for the first week, or part week, of your tenancy will be shown on your tenancy agreement found in the Legal Contracts section of this agreement. The amount of weekly rent after the first week, or part week, is also shown on your tenancy agreement in the Legal Contracts section. You must pay the weekly rent and other charges (additional rent) listed on page 19 of this agreement.
- (b) Joint tenants are equally responsible for all the rent and for any rent arrears.
- (c) We may complete credit searches in regard to prospective and existing tenants
- (d) It is your responsibility to apply for Housing Benefit if you think you may be entitled to this. It is also your responsibility to inform Housing Benefit of any changes in your circumstances that may affect your entitlement. Failing to comply with these responsibilities would be a breach of your tenancy.
- (e) If you are convicted of offences relating to fraud in regard to Housing Benefit or Council Tax benefit then you will be in breach of your tenancy agreement.
- (f) We may alter the rent and other charges on giving you proper warning of our intention (please see *Guide to Your Home* for details)
- (g) If your property has a Communal Facility and/or district heating attached to it (as identified upon tenancy sign up), then this is a mandatory charge which cannot be removed if you no longer require or use the facilities

3 Nuisance and Anti-Social Behaviour

- (a) You are responsible for the behaviour of every person living in or visiting your home. This includes your children, visitors, occupants and lodgers. You are responsible for their behaviour in your home, on surrounding land, in communal areas (stairs, lifts, landings, entrance halls, paving, shared gardens, parking areas) and in the locality around your home.
- (b) You, other residents of your home, lodgers or visitors must not behave in a way that causes or is likely to cause a nuisance, annoyance or disturbance to any other person in the locality of your home.

Examples of nuisance, annoyance or disturbance include:

- Playing loud music at any time of the day or night (see point (c) below)
- Having the television too loud at any time of the day or night (see point (c) below)
- Loud arguing and door slamming
- Carrying out DIY or other noisy household activities late in the evening or during the night

- Dogs barking
- Dogs or other pets fouling in gardens, public spaces and streets
- Installing outside lighting that is likely to cause a nuisance to others.
- Littering, or allowing your litter, (including cigarette stubs) to blow into another person's garden or communal area
- Offensive drunkenness
- Foul and abusive language
- Rowdy or inconsiderate behaviour
- Setting fires in the garden of the property that cause heavy smoke or noxious fumes or odours
- Selling, possessing or distributing drugs; including prescription drugs that are not intended for you or members of your family; or allowing the property to be used for the cultivation of Cannabis.
- Dumping rubbish on non-official 'dump it' sites (fly-tipping)
- Playing ball games close to someone else's home or vehicle and causing them annoyance
- Using or allowing the use of unlicensed bikes and scooters at the property
- Malicious communications e.g. nuisance perpetrated over social media networks

This is not an exhaustive list.

- (c) Loud music or having the television / radio too loud is when it is audible to other households outside the boundary of your property or garden, or in shared communal areas; and is causing or is likely to cause a nuisance.
- (d) You, other residents of your home or your visitors must not harass any other person in the locality of your home.

Examples of Harassment include:

- Racist behaviour or language that offends other people
 - Using or threatening to use violence, including domestic violence
 - Using abusive or insulting words or behaviour
 - Using animals to threaten, intimidate or harass other people
 - Damaging or threatening to damage another person's home or possessions
 - Writing threatening, abusive or insulting graffiti
 - Doing anything that interferes with the peace, comfort or convenience of other people
 - Hate Crime
- (e) You, other residents of your home or your visitors must not use your home, any communal areas, or the locality, to carry out any illegal activity. 'Illegal' means any activity that the law prohibits and makes a criminal offence. If you or other residents of your home commits a criminal offence (excluding traffic offences such as speeding fines) and are found guilty by the courts a breach of tenancy will be issues for illegal activity and may result in seeking repossession of the property.
 - (f) You, other residents of your home or your visitors must not cause any damage to our property or write graffiti on our property. You will be charged the cost of repair or replacement.
 - (g) You, other residents of your home or your visitors must not interfere with any security and safety equipment in communal blocks, for example by jamming security or fire doors open, removing or damaging smoke/fire alarms and sensors, or letting strangers in without identification.
 - (h) You, other residents of your home or your visitors must not be violent or threaten violence against any other person, whether they are living with you or in another property. You must not harass, use mental, emotional, physical or sexual abuse to make anyone who lives with you leave the home. If a person leaves the home because of domestic violence we may take action to end the tenancy.
 - (i) You, other residents of your home or your visitors must not use abusive or threatening language or act in a violent, aggressive or abusive manner towards the Council's members, officers or agents

4 Obtaining Written Permission

When you are required to obtain our permission in this agreement you must send a written request for permission to the Council. Permission will only be given in writing. We will not unreasonably refuse permission and will give our reasons in writing if we do. Any permission may be subject to conditions. If you do not comply with any conditions, this will be a breach of your tenancy agreement.

5 Lodgers and Overcrowding

- (a) You must not take in a lodger without our prior written permission. Unless paragraph (b) below applies
- (b) If you have a Secure or Flexible tenancy you may take in a lodger provided that this does not make the property overcrowded.
- (c) You must not allow your home to become overcrowded. 'Overcrowded' means above the permitted number as detailed on page 19. If you allow more people to move into your home you are breaching the terms of this agreement.

6 Furnishings and Furniture

- (a) If you are taking a furnished property the items listed in the Inventory attached to this agreement belong to us.
- (b) You must keep the items in the inventory in good repair and condition and must pay for the cost of replacement of any item damaged (allowing for fair reasonable wear and tear) by you, members of your family or any visitors to your home.
- (c) If any of the items are stolen you must report the crime to the police and obtain a crime reference number. You must then notify the Home and Property Services Team of the theft along with the reference number.
- (d) When you terminate your tenancy you must make sure that all the furniture that belongs to RMBC remains in the property when you leave. We will conduct a visit to make sure that all the items that we provided throughout the fixed term period remain within the property.

7 Right to Buy

- (a) If you are a Secure or Flexible Tenant you may have the right to buy your home after the minimum legal qualifying period.
- (b) Certain properties are excluded from the right to buy.
- (c) Please read your Guide to Your Home for more information about your right to buy.

8 Adaptations

- (a) Any adaptations to your home to meet special needs of yourself or a member of your family are our property and are provided on licence only; examples of adaptations are given in the Guide to Your Home.
- (b) If, in the future, your household no longer requires an adapted property, RMBC has the option of providing you with alternative, un-adapted accommodation so the adapted property can be let to households in need.

9 Exchange

- (a) You may not exchange the property for a Council dwelling occupied by another tenant without obtaining our prior written permission. If you have a Flexible Tenancy, you may not exchange it for a tenancy of another Council or Housing Association (registered provider) without obtaining our prior written permission. If you have any breaches of tenancy these need to be rectified before you can apply for an exchange. If you have a Secure or Flexible Tenancy we must give you permission unless a statutory ground for refusal exists. If we refuse permission we will tell you why in writing. Details of the statutory grounds of refusal are set out in the Guide to Your Home
- (b) If you do not have a Secure or Flexible Tenancy we may give or refuse permission for any reason that we regard as proper but we will always tell you why if we refuse.
- (c) If you exchange without permission we will normally take legal action to evict you. You will not be able to return to your original home. You must not pay or accept any money, goods or services to exchange your home.
- (d) If you exchange your home with another tenant you will be required to accept your new property in the condition it is in at the time you move into it, apart from any repairs that we are legally required to carry out. This means that we take no responsibility for cleanliness, alterations, tenant's own fixtures, or the standard of decoration.
- (e) You must leave your home in a good condition when you move out. Our fixtures and fittings (and furniture if provided) should be left in the same state as they were at the beginning of your tenancy, allowing for fair wear and tear and any approved alterations you have done.

10 Ending the Tenancy

- (a) When you want to end this agreement and leave your home, you must give us at least four weeks' notice in writing before you move out. This 4-week notice period must end on a Monday. This is a legal requirement.
- (b) You can request a termination form at a Customer Service Centre. The termination form must be signed by you.
- (c) If you do not give 4 weeks' notice, we will start the notice period from when you tell us you are leaving, when you hand your keys in, or when we find out that you have left. **This means that you will have to pay rent for those 4 weeks even if you no longer live in the property.**
- (d) When you are joint tenants, one tenant can end the whole tenancy by giving notice in writing.

11 Trade or Business

You must not use your home for any trade or business without first obtaining written permission from us.

12 Planning and Building Applications

You must advise the Council of any application for building regulation, planning or licensing purposes that you make if these apply to your home.

13 Vehicles

- (a) You, any member of your household, lodger, subtenant, or visitor to your property must not park, or allow anyone else to park, any car, van, caravan, trailer, motorcycle or other vehicle on any grass verge, crossover, shared area or paved or grassed area which belongs to us (including the garden areas of your home) unless it is a parking area that we have given you written permission to use. You may be charged the cost of any damage caused if you have breached this clause.
- (b) You, other residents of your home or your visitors must not do major vehicle repairs or park an untaxed or un-roadworthy vehicle on the land around your home, the road, communal parking areas, open plan areas, footpaths or grassed verges. You must not cause annoyance, nuisance or inconvenience to anyone whilst doing vehicle repairs.
- (c) You, other residents of your home or your visitors must not keep mopeds or motorbikes inside your home or in communal areas.
- (d) You, other residents of your home or your visitors must not cause a nuisance when using motor vehicles. This includes the unnecessary revving of car, motorbike and quadbike engines; causing a nuisance by parking vehicles obstructively; the sounding of car horns and the playing of music from in car entertainment systems.

14 Animals

- (a) If you live in a property with its own private, enclosed garden and access (ie, you do not share this space with another household) you may keep a cat or a dog without getting our permission, subject to the conditions below. If you wish to keep any other type of animal or more than one cat or dog you will need to request permission.
- (b) You must not keep the following animals at your property:
 - Any dog the Dangerous Dogs Act 1991 applies to.
 - Any animal the Dangerous Wild Animals Act 1976 applies to.
 - Any dangerous animal.
 - Any livestock.
 - Any animal which causes a health and safety risk in the area.
 - Any animal which is not bred to be a domestic pet

- (c) You must not keep an animal that requires outdoor space in a property which can be accessed only through a shared entrance unless it is a registered guide dog, a registered hearing dog or an assistance dog.
- (d) Where permission is required, we will not unreasonably refuse permission but will need to consider whether the welfare of any of the following may suffer should permission be granted;
 - any person living with you
 - your neighbours
 - any person visiting the property or the locality
 - the animal you wish to keep, or
 - any other animal you already own
- (e) You must ensure any animal at the property is under control so they do not cause a danger, nuisance or annoyance to your neighbours or anyone visiting the property or the locality including our staff, agents or contractors.
- (f) You are responsible for pets and animals kept at your address, including times that you are not at home, and they must not cause a nuisance or disturbance to other residents at any time.
- (g) You, your family, or anyone living with you or visiting your home must not do any of the following;
 - keep any animal at the property which requires our written permission without first getting that permission
 - keep any animals for commercial breeding purposes
 - you must immediately remove all faecal matter that any animal you keep at the property creates in your home, your garden or in the shared areas or outside the property (on roads, footpaths or public spaces such as play areas)
- (h) You, other residents of your home, or your visitors must not do or permit anything to be done which encourages wild animals or wild birds onto our property that cause or are likely to cause a danger, nuisance or annoyance to other people, or damage to property
- (i) You must inform us if you bring a pet/dog into the UK and provide evidence that the animal has received the relevant vaccinations (parvovirus and rabies virus).

15 Communal Areas

- (a) You must co-operate with the Council and your neighbours to keep any communal areas clean and free from obstructions. You must not place rugs, carpets, plants, furniture or rubbish in communal areas.
- (b) You must not park mobility scooters in communal areas unless specifically designated for that purpose
- (c) You, other residents of your home, or your visitors must use any communal areas and lifts in a reasonable manner, not causing any nuisance or annoyance to other people.
- (d) You, other residents of your home, or your visitors must not use any communal areas to store items or deposit rubbish.
- (e) You, other residents of your home or your visitors must not smoke in any enclosed communal areas

16 Dangerous Materials

You must not keep or use any flammable or other dangerous materials in your home or in any communal areas. This includes petrol, paraffin and bottled gas.

17 Repairs and Maintenance

Repairs by you;

- (a) You must keep your home in a clean and good condition and use the fixtures and fittings responsibly. This includes any garden spaces.
- (b) You are responsible for small repairs such as:
 - replacing plugs and chains to baths, wash hand basins and sink units.
 - replacing broken toilet seats,
 - replacing or repairing internal doors and cupboards,
 - replacing or repairing gates and gate latches, fences and replacing broken glass if caused by you, your visitors or other occupants

- Undertaking minor repairs and internal decoration of the property – for example filling small cracks in the plaster prior to re decoration.

If you require assistance with minor repairs, assuming you have no other options (for example a friend or relative who could assist) the Council will seek to offer support by putting you in touch with an appropriate service provider who will for a nominal charge, or in some case for free, carry out the work that needs to be done

- (c) You are responsible for decorating the inside of your home and carrying out decorative repairs, this will include superficial plaster cracks (minor cracks that you need to fill before decorating).
- (d) You must immediately report any faults, damage or repairs that are our responsibility. You will be sent a written confirmation saying we have got your request for a repair. If you do not receive this confirmation within 7 days you must report the repair again.
- (e) When a Council officer or agent visits to inspect or carry out a repair and you are not in, a calling card will be left. You must telephone the number on the card to arrange an appointment for the inspection or repair. If you do not reply to the card within 3 days, your request for a repair may be abandoned or cancelled and you will need to report the repair again if you want it carried out. If your report indicates that there is an emergency or the fault, if unresolved may lead to further property damage we may use our rights of access under Section 16(c) of this agreement to gain entry to your home.
- (f) If a repair you have reported is not carried out, provided you have given us access to your home, you can follow the procedure set out in Section 4 of this agreement.
- (g) Any costs incurred from your failure to report a repair immediately, such as damage caused to a neighbouring property, will be your responsibility.
- (h) You must not damage, neglect or misuse your home or any of the fixtures and fittings. This includes but is not limited to, graffiti either on internal or external walls, damage to doors, kitchen cupboards and worktops, light switches and plasterwork. Any loss or damage caused by deliberate action, accident, neglect or misuse will be your responsibility. We may give you written notice to repair any damage within a reasonable time. If you fail to complete this work, we may enter your home, carry out the repair and recharge the cost of this to you. If you ask us to carry out such a repair you will be charged the cost of this. Action may be taken to repossess your home if you cause any such damage.

Repairs by us;

- (i) We are responsible for repairs that we are by law required to carry out. These are explained more fully in the *Guide to Your Home*.
- (j) The Council will not repair or maintain anything, which you are entitled to remove from the property, or anything, which you have installed (unless the Council has agreed to repair the installation in writing).
- (k) The Council will not repair any unauthorised alterations or improvements that you have made unless the repair is necessary for health and safety reasons. If this happens, you will have to pay for the cost of the repair.
- (l) The Council must carry out your repair within a reasonable time and you must provide access for the work to be done.
- (m) The Council will decorate the exterior of your home, and communal areas, as part of a rolling programme of decoration. You will not be reasonably refused permission to decorate the exterior of your home yourself.
- (n) The Council must clear up after a repair.
- (o) You have been issued with an asbestos survey and leaflet, 'A Tenant's Guide to Asbestos' which relates to this property; Review the information given on Asbestos to be aware of where it may be located in your home. Do not scrape, sand, drill, knock holes in or take apart any materials that contain (or which you think may contain) asbestos. Under no circumstances alter or remove asbestos yourself. It is not reasonable or necessary for the Council to remove all asbestos materials from every building. If the asbestos material is in good condition and cannot easily be damaged it is best left alone.

18 Right to Repair

Under this scheme, you may be entitled to ask for a different contractor to carry out the work if it has not been done by the date specified in our service standards. If your repair is still not done you may be entitled to compensation. This provision will only apply to certain eligible repairs. Additional information on the scheme is available in the Guide to your home.

19 Garden

- (a) You must keep your garden, balcony and any garage or outbuildings (if you have any) in a good, tidy and safe condition and free from rubbish and weeds. This includes cutting the grass and trimming hedges if they exist at the property.
- (b) You must not place/store household items or furniture in your garden, balcony or communal areas (e.g. sofas, fridges). If you fail to do this, we may carry out all the necessary clearance work and recharge you for doing this.
- (c) You must not put up, change or demolish a shed, greenhouse or garage or any other structure in your garden or shared areas without our written permission. We will not be responsible for the repair or maintenance of any shed, greenhouse or garage you have erected or that you have agreed to maintain at the point of sign-up for the property.
- (d) You are responsible for the maintenance of any trees in the garden of the property; however you must ask for permission to remove or cut down any tree in your garden.
- (e) You must not plant any tree or shrub which may cause damage to your or your neighbours' properties.
- (f) You must not alter the boundary of your property without our written permission. This includes putting up any fence, hedge or boundary wall beyond the curtilage of the property, or altering the pedestrian or vehicular access at the property.
- (g) You must remove household waste promptly and not deposit or allow rubbish to accumulate in your garden or on pathways.
- (h) You must not erect fences, walls or gates without written permission. We will not be responsible for the repair or maintenance of fences you have erected. We are unlikely to agree to you fencing off garden space if your home is part of a landscaped scheme for older people.
- (i) You must obtain written permission to construct a fishpond, swimming pool, water feature or similar structure in your garden. You may be required to remove any such items at the end of your tenancy at your own expense or be re-charged the cost of our doing this.
- (j) You must not park any caravan, trailer, boat on communal parking areas, grass verge, garage site or on your garden without first getting our written permission.

20 Lost Keys

You are responsible for the cost of replacing keys and changing the locks if your keys are lost. This includes window locks. If all door and window lock keys are not handed in at the end of your tenancy you will be charged for the locks to be changed. Please contact the Council for advice.

21 Access

- (a) You must allow our officers or agents into your home to inspect and carry out servicing, repairs and improvements; to inspect our furniture and furnishings if you have a furnished letting; service equipment and (where necessary) install and/or read meters. **You should ask to see some official identification before letting anyone into your home who claims to be there on our behalf.**
- (b) If you do not allow access, you will be given 24 hours written notice of our intention to enter your home. After this time you must allow entry. If you do not let us in we may take legal action to enter your home or end your tenancy, and you may have to pay the cost of this. We may also prosecute you for obstruction.
- (c) Our officers or agents may enter your home without giving notice if, in their opinion, entry is necessary because of an emergency. When we need to force our way into your home the local Police will be notified and, when appropriate, a request for assistance will be made.
- (d) You or other residents of your home or your visitors must not use abusive or threatening language or act in a violent, aggressive or abusive manner towards our elected members, officers, agents, volunteers working on our behalf.

- (e) You are requested that you and any members of your family and visitors do not smoke in the presence of our officers or agents whilst they are attending your property.
- (f) Paragraphs 18(a) to 18(e) apply equally to employees or agents of gas, water and electric companies with supplies serving the dwelling so far as it is needed to allow us to meet our obligation as landowner.

Re-entry

We may re-enter the property (or any part of the property) at any time after any of the following:

- (a) Any rent is unpaid for twenty-one days after becoming payable whether it has been formally demanded or not
- (b) Any breach of any condition of this tenancy agreement has occurred
- (c) An act of insolvency on the part of the tenant.

If we re-enter the property (or any part of it) in line with this clause, the tenancy agreement will end immediately without prejudice to any right or remedy of the Council in respect of any breach of the tenancy agreement by the tenant.

22 Improvements and Alterations

- (a) If you are an Introductory Tenant you do not have a statutory right to make improvements to our property although we may allow you to carry out certain alterations or improvements to your home but you must first get our written consent. If you are a Secure Tenant we may allow you to carry out certain alterations or improvements to your home but you must first get our written consent.

We will not unreasonably refuse your request but you may also need other permissions (for example planning permission and/or buildings regulations approval).

- (b) You must get permission to carry out the following, or other similar work:

- Decorating the outside of your home.
- Any structural alteration, improvement, or addition to the building, including the removal or replacement of doors, the construction of door arches or the replacement of fireplaces.
- Any alteration to the internal layout of the property, adding partitions, removal or alteration of non-structural partitions
- Any change to the fixtures and fittings or additions to the fixtures and fittings of your home including bathroom or kitchen fixtures and fittings and TV aerials, satellite dishes and antennae's.
- Building a garage or shed or other large structure in your garden.
- Laying a drive and/or car parking space.
- Laying a patio or path or building a decking area
- Installing a shower, central heating or gas fire.
- Artexing ceilings. Please note the artexing of walls is not allowed.
- Install any CCTV Monitoring cameras or other surveillance equipment
- Installation of new flooring including laminate flooring.

This list does not state every type of alteration you must get permission to do. If you are not sure then you must contact the Council Please contact the Council before carrying out any work.

- (c) You must obtain any necessary building regulation approval or planning permission before you start work. This includes consent from our Highways department for the construction of a dropped kerb.
- (d) If you do not get written permission from us for any of the above work, before you start work, you may be required to return the property to how it was before. If you do not we may carry out the work and charge you for it, or we may take action to end your tenancy.
- (e) We are not responsible for the repair or maintenance of installations fitted by you unless this has been agreed in writing.

23 Insurance

Our insurance does not cover any of your furniture or possessions or any damage you cause. You are advised to obtain your own contents insurance cover. You are also advised to obtain “tenants’ liability” insurance to insure you against the cost of damage you may accidentally cause to your home.

The Council offers its own Tenants Contents Insurance for all Council Tenants at a small charge.

24 Keeping and Using Fire Arms

You, any person living at or visiting the property, must not discharge or threaten to discharge, a firearm. Shotgun, bow or crossbow, air weapon (pistol or rifle) in such a way as to cause a nuisance or annoyance to other residents.

25 Transfers

If you have breached the terms of your tenancy agreement you will be unable to register to transfer to, or transfer to, another RMBC property until the breaches have been rectified.

26 Succession

For tenancies agreed after 1 April 2012, statutory succession is limited to a spouse or civil partner, living in the premises, as their only or principle home, with the deceased tenant at the time of death. Where there is no spouse or civil partner in occupation, RMBC may grant succession to the following family members as long as, the family member was living with the deceased tenant at the time of death and occupying the premises as their only principal home for the previous twelve months and no previous successions have taken place:

- people who have given up their council tenancy to care for the deceased tenant
- parent
- grandparent
- child, if the child is over 18 years of age at the date of the tenant’s death
- grand-child
- brother or sister
- uncle or aunt, and
- nephew or niece

For the purpose of this provision the stepchild of a person shall be treated as their child

27 Notices

We can serve any notice on you under this tenancy by leaving it at the property. You can deliver any notice to us via Riverside House, Main Street, Rotherham. S60 1AE.

28. At the end of the tenancy – your rights and obligations

- (a) All keys to the property must be handed in to the Council offices before 12 noon on the day the tenancy ends. If you do not do this we will charge you further rent and any other reasonable costs.
- (b) The property must be left in a clean condition, clear of all rubbish, and free of your furniture and possessions. You must leave all fixtures and fittings intact and in the condition they were in at the start of the tenancy, except for fair wear and tear. You must allow RMBC and other agencies reasonable access to the property, including during the termination period, so that inspections and surveys can be carried out. Where necessary, you must allow RMBC to carry out minor repairs where these have been identified
- (c) If you do not comply with a or b above and you are ‘transferring’ to another social rented property, we will not allow your transfer to take place.
- (d) We will take steps to recover from you any reasonable costs we incur in:
 - Replacing or repairing any missing or damaged items

- Replacing or repairing any alterations which do not comply with relevant regulations
- Replacing or repairing any alterations for which we did not give our written consent
- Meeting all reasonable removal and/or storage charges when items are left in the premises after the termination date
- Cleaning the property.

- (e) We will remove any items left in the premises after the termination date and we will dispose of them and you will be liable for our reasonable costs of disposal.
- (f) In the event of your death, your next of kin or executor must notify us in writing of your death and terminate the tenancy. The tenancy will continue until we receive notice and failure to terminate the tenancy may incur further costs against your estate including unpaid rent.
- (g) If you go to court because of a divorce, a domestic dispute or a relationship breakdown, the court will decide whether to order the transfer of the tenancy to one or other of the partners. The tenancy rights will end for the other person who must leave the property.

29. Flexible Tenancies - Ending your tenancy during the course of the fixed term (Break Clause) – your rights and obligations

- (a) You may terminate this tenancy agreement during the fixed term by serving a break notice on us at least four weeks before the break date or any other period that may be agreed between us.
- (b) The break notice shall be of no effect if, at the break date stated in the break notice:
 - You have not paid any part of the rent which was due to have been paid in respect of the tenancy
 - Vacant possession of the whole of the property is not given
 - You are in breach of any of the terms of the tenancy agreement relating to the state of repair and condition of the property.
- (c) We may agree to waive the requirement of clause 29b above.
- (d) Subject to clause 29b above, following the service of a break notice this tenancy agreement shall terminate on the relevant date.
- (e) Termination of this tenancy agreement on the break date shall not affect any other right or remedy that either party may have in relation to any earlier breach of this tenancy agreement.
- (f) If you end your tenancy then, within fourteen days after the break date, we will refund to you the proportion of the rent paid in respect of the period from and excluding the relevant break date up to and excluding the next rent payment date. This will be calculated on a daily basis.

30. Introductory and Secure Tenancies - Ending your tenancy– our rights and obligations

- (a) We will not interfere with your rights to occupy your home unless you breach any of your obligations within this agreement, or if the matters set out in Clause 17 of this agreement apply
- (b) We cannot bring your tenancy to an end without first serving a notice of seeking possession, telling you why we are seeking to possess your home. The tenancy can only be ended if we prove one of the grounds of possession set out in the Housing Act 1985 or Housing Act 1996.
- (c) If you are joint tenants, you are both (all) responsible, individually and together, for keeping to all the conditions of your agreement. This includes paying rent.

31. Flexible Tenancies - Ending your tenancy during the course of the fixed term – our rights and obligations

- (a) We will not interfere with your rights to occupy your home within the fixed term of the flexible tenancy agreement, unless you breach any of your obligations within this agreement, or if the matters set out in Clause 17 of this agreement apply.
- (b) During the fixed term of the tenancy agreement, we cannot bring your tenancy to an end without first serving a notice of seeking possession, telling you why we are

seeking to possess your home. The tenancy can only be ended if we prove one of the grounds of possession set out in the Housing Act 1985 or Housing Act 1996.

- (c) If you are joint tenants, you are both (all) responsible, individually and together, for keeping to all the conditions of your agreement. This includes paying rent.

32. Flexible Tenancies - Ending your tenancy at the end of the fixed term – our rights and obligations

- (a) We will begin to review your flexible tenancy 12 months prior to the end of the fixed term to determine your household's future housing need. We will decide whether to grant you a further flexible tenancy, and if so whether that will be a flexible tenancy of the property or whether we grant you a permanent secure tenancy for a smaller property. We will write to you to tell you the outcome of the review.
- (b) If we are not going to grant you a further flexible tenancy, we will give you at least six months' notice that the tenancy is coming to an end. A further notice will be sent to you at least two months prior to the end date. We will make it clear that we do not propose to grant another tenancy and the reason for that decision.
- (c) You have a right to request a review of our decision not to grant a further flexible tenancy but only where our decision does not accord with our published tenancy policy. Such a request should be made to the Housing Manager within 21 days of the date of our written decision. The review will be conducted by someone senior to the maker of the original decision, who was not involved in that decision.

33. Moving out of the property

- (a) You must leave your home in a good condition when you move out. Our fixtures and fittings (and furniture if provided) must be left in the same state as they were at the beginning of your tenancy, allowing for fair wear and tear and any approved alterations you have done.
- (b) You will have to pay for the repair or replacement of any items damaged deliberately or because you have neglected or misused them. You will have to pay for the repair, replacement or re-instatement of any unauthorised alterations you have made to your property.
- (c) Council officers or agents of the Council will make an inspection of your property before you leave your home and again as soon as possible after we know you have left. You must agree a convenient time for your home to be inspected before the end of the tenancy.
- (d) All keys must be returned to a Customer Service Centre no later than 12:00 noon on the day that your tenancy ends. You are liable for additional rent if the keys are handed in after 12:00 noon.
- (e) You must remove all your belongings when you move out. This includes floor coverings, rubbish, and light fittings. If you leave anything behind we will immediately remove and dispose of any rubbish or perishable items and you will be charged for the cost of this, together with any storage charges incurred.
- (f) If your tenancy ends because you die, then the payment of any outstanding monies owed will be sought from the proceeds of your estate.

34. Make the most of your Guide to Your Home

Your Guide to Your Home is very important document which will help you manage your tenancy agreement. It contains useful information about your rights and responsibilities as a tenant and the council's rights and responsibilities as a Landlord. We recommend all tenants keep a copy within their property to refer to.

Tenancy Agreement – Introductory/Flexible Tenancy

This Agreement is a legal contract made between:

1. “We, our, us”, ROTHERHAM METROPOLITAN BOROUGH COUNCIL and
2. “You, your” [INSERT NAME OF TENANT(s)]

.....
This Agreement creates an INTRODUCTORY TENANCY/FLEXIBLE TENANCY in respect of the dwelling-house or flat at (the property):
.....
.....

Your INTRODUCTORY TENANCY will commence on

Your INTRODUCTORY TENANCY will automatically become a FLEXIBLE TENANCY on (1 year later) unless before that date the period of your INTRODUCTORY TENANCY is extended by us or possession proceedings have been commenced by us against you.

If the period of your INTRODUCTORY TENANCY is extended by us then your FLEXIBLE TENANCY will commence upon the expiry of the extended period of your INTRODUCTORY TENANCY unless before then possession proceedings have been commenced by us against you.

Your FLEXIBLE TENANCY will be a fixed term tenancy of years expiring on
.....

You must read the following notes before reading any other part of the Agreement

1. Legal Contract

- (a) This Agreement is a legal contract between you and us. You should only sign it if you are prepared to comply with your obligations set out in the agreement and your other legal obligations which are set out in Acts of Parliament and statutory instruments made under those Acts.
- (b) If you do not understand anything in this Agreement you may want to ask for independent advice from the Citizens Advice Bureau or a Solicitor before you sign.
- (c) This Agreement only contains details of what we agree to do as your landlord and what you agree to do as our tenant. Both you and we have other obligations and rights set out in Acts of Parliament and in regulations made by Ministers under those Acts. These statutory rights and obligations are not explained in this document but are set out in the RMBC’s Guide to Your Home that has been given to you.
- (d) This Agreement creates a tenancy in respect of the Property. We are your Landlord and you are our tenant. The tenancy you will receive will be a Secure Tenancy if immediately before taking this tenancy you were a Secure Tenant of another Council property or an assured

tenant of a housing association; otherwise the tenancy will be an Introductory Tenancy. The type of tenancy that is created by signing this document is mentioned above.

- (e) Whatever tenancy you have the obligations on your part are the same. However your statutory rights may be different. These are explained in the Guide to Your Home.

2. Introductory Tenancy

If your tenancy is an Introductory Tenancy there will be a trial period of one year.

Your tenancy will usually become a Flexible Tenancy on the date mentioned above unless we extend it (please see your copy of RMBC's Guide to Your Home for details of extending Introductory Tenancies).

3. Flexible Tenancy

Your Flexible Tenancy is a tenancy under section 154 of the Localism Act 2011. Under the terms of this Agreement you will have the right to live in the property for the fixed term as stated in this Agreement.

We cannot evict you during this fixed term without first obtaining a possession order from the Court.

Tenancy Agreement – Flexible Tenancy

This Agreement is a legal contract made between:

1. “We, our, us”, ROTHERHAM METROPOLITAN BOROUGH COUNCIL and
2. “You, your” [INSERT NAME OF TENANT(s)]

This Agreement creates a FLEXIBLE TENANCY in respect of the dwelling-house or flat at (the property):

Your FLEXIBLE TENANCY will commence on

Your FLEXIBLE TENANCY will be a fixed term tenancy of years expiring on

You must read the following notes before reading any other part of the Agreement

1. Legal Contract

- (a) This Agreement is a legal contract between you and us. You should only sign it if you are prepared to comply with your obligations set out in the agreement and your other legal obligations which are set out in Acts of Parliament and statutory instruments made under those Acts.
- (b) If you do not understand anything in this Agreement you may want to ask for independent advice from the Citizens Advice Bureau or a Solicitor before you sign.
- (c) This Agreement only contains details of what we agree to do as your landlord and what you agree to do as our tenant. Both you and we have other obligations and rights set out in Acts of Parliament and in regulations made by Ministers under those Acts. These statutory rights and obligations are not explained in this document but are set out in the RMBC’s Guide to Your Home that has been given to you.
- (d) This Agreement creates a tenancy in respect of the Property. We are your Landlord and you are our tenant. The tenancy you will receive will be a Secure Tenancy if immediately before taking this tenancy you were a Secure Tenant of another Council property or an assured tenant of a housing association; otherwise the tenancy will be a Flexible Tenancy.

The type of tenancy that is created by signing this document is mentioned above.

- (e) Whatever tenancy you have the obligations on your part are the same. However your statutory rights may be different. These are explained in the Guide to Your Home.

2. Flexible Tenancy

Your Flexible Tenancy is a tenancy under section 154 of the Localism Act 2011. Under the terms of this Agreement you will have the right to live in the property for the fixed term as stated in this Agreement.

We cannot evict you during this fixed term without first obtaining a possession order from the Court.

Tenancy Agreement – Introductory/Secure Tenancy

This Agreement is a legal contract made between:

1. “We, our, us”, ROTHERHAM METROPOLITAN BOROUGH COUNCIL and
2. “You, your” [INSERT NAME OF TENANT(s)]

.....
This Agreement creates an INTRODUCTORY TENANCY/SECURE TENANCY in respect of the dwelling-house or flat at (the property):
.....
.....

Your INTRODUCTORY TENANCY will commence on

Your INTRODUCTORY TENANCY will automatically become a SECURE TENANCY on (1 year later) unless before that date the period of your INTRODUCTORY TENANCY is extended by us or possession proceedings have been commenced by us against you.

If the period of your INTRODUCTORY TENANCY is extended by us then your SECURE TENANCY will commence upon the expiry of the extended period of your INTRODUCTORY TENANCY unless before then possession proceedings have been commenced by us against you.

You must read the following notes before reading any other part of the Agreement

2. Legal Contract

- (a) This Agreement is a legal contract between you and us. You should only sign it if you are prepared to comply with your obligations set out in the agreement and your other legal obligations which are set out in Acts of Parliament and statutory instruments made under those Acts.
- (b) If you do not understand anything in this Agreement you may want to ask for independent advice from the Citizens Advice Bureau or a Solicitor before you sign.
- (c) This Agreement only contains details of what we agree to do as your landlord and what you agree to do as our tenant. Both you and we have other obligations and rights set out in Acts of Parliament and in regulations made by Ministers under those Acts. These statutory rights and obligations are not explained in this document but are set out in the RMBC’s Guide to Your Home that has been given to you.
- (d) This Agreement creates a tenancy in respect of the Property. We are your Landlord and you are our tenant. The tenancy you will receive will be a Secure Tenancy if immediately before taking this tenancy you were a Secure Tenant of another Council property or an assured tenant of a housing association; otherwise the tenancy will be an Introductory Tenancy. The type of tenancy that is created by signing this document is mentioned above.
- (e) Whatever tenancy you have the obligations on your part are the same. However your statutory rights may be different. These are explained in the Guide to Your Home.

3. Introductory Tenancy

If your tenancy is an Introductory Tenancy there will be a trial period of one year.

Your tenancy will usually become a Secure on the date mentioned above unless we extend it (please see your copy of RMBC's Guide to Your Home for details of extending Introductory Tenancies).

5. Demoted Tenancies

If your tenancy is a Secure Tenancy the Court may make it a Demoted Tenancy if we can prove that the grounds for doing so exist and it is reasonable for the Court to make a Demotion Order. If an order is made your tenancy will become a DEMOTED TENANCY for a period of usually one year, after which period your Secure Tenancy is restored. You will still have to comply with all of the obligations of a tenant whilst you are a Demoted Tenant, but your statutory rights will be less. Your statutory rights and obligations under a Demoted Tenancy are explained in the Guide to Your Home.

6. Common Law Tenancy

Whatever tenancy you have at any particular time you will lose most of your statutory rights if you cease to occupy the Property as your only or main home. During any period that you (or at least one of you if you are joint tenants) do not occupy the Property as your only or main home we may end your tenancy by giving you notice to quit complying with the Protection from Eviction Act 1977, and you will have no right to exercise any right to buy that you might otherwise have. In this Agreement we call the type of tenancy that you will have during any period that you do not occupy the Property as your only or main home a COMMON LAW TENANCY.

Weekly Rent and Additional Rent

Rent and all other charges relating to the property are due weekly (in advance).

From time to time we will change your rent and/or service charges. This will usually be in April each year. We will write you a letter letting you know the new amount you must pay. This letter will be sent to you at least four weeks before you need to start paying the new amounts.

The rent per week is £_____

If your tenancy starts on any day other than a Monday, your first rent payment will be due on the first day of your tenancy and is worked out in proportion to the number of days in that week.

Therefore, your first week's rent will be: £ _____

Additional Rent (List other charges that the tenant must pay under this Agreement)

_____	£	per week
_____	£	per week
_____	£	per week
TOTAL	£	per week

Any increases or changes in these amounts will be notified to you as set out in the Guide to Your Home.

Additional Payments

_____	£	per week
_____	£	per week
_____	£	per week
TOTAL	£	per week

Rent Allowances

_____	£	per week
_____	£	per week
_____	£	per week
TOTAL	£	per week

PERMITTED NUMBER OF OCCUPANTS _____

Declaration to be signed by all tenants

- I confirm the information given in the Housing Register application form by me/us was and still is true.
- I have not withheld any information that may affect the application.
- I understand that if I have knowingly given false or incomplete information the Council can take action to end this tenancy.
- I agree to accept the tenancy of _____ on the terms and conditions set out in this tenancy agreement.
- I acknowledge receipt of _____ keys for the property and agree to return all keys when the tenancy ends.
- I acknowledge receipt of a copy of this agreement.
- I understand the obligations set down in this Tenancy Agreement.
- I acknowledge receipt of the Guide to Your Home which contains important information about my tenancy and my statutory rights.
- I understand the additional information about my Tenancy Agreement given in the Guide to Your Home.
- I understand that RMBC is required to use information provided by me to carry out cross system and cross authority comparison for the prevention and detection of fraud or crime. I understand that information I have provided may be used in this way or for connected purposes, and that this information may also be shared with certain third parties who administer or protect public funds.

Signed on behalf of the Council by

Signed _____ Dated _____
(Duly authorised Officer)

Name of Tenant _____

Signed _____ Dated _____

Name of Tenant _____

Signed _____ Dated _____

Name of Tenant _____

Signed _____ Dated _____

Declaration to be signed by tenants on District Heating Schemes

I / We [INSERT NAME OF TENANT(s)]

.....
The tenant(s) of [INSERT PROPERTY ADDRESS]

.....
.....
.....
.....
In the Metropolitan Borough of Rotherham agree to pay for my / our heating/hot water charges and understand that failure to do so would constitute a breach of my/our tenancy agreement.

These charges are subject to change due to the increase in fuel and maintenance costs and the Council will give written notice of any such increase. Please be aware that heating costs will not be covered by Housing Benefit payments.

If I/we don't make the necessary payments this is counted as a debt to my rent account and the council will take steps to recover the outstanding amounts

Signed on behalf of the Council by

Signed _____ Dated _____
(Duly authorised Officer)

Name of Tenant _____

Signed _____ Dated _____

Name of Tenant _____

Signed _____ Dated _____

Name of Tenant _____

Signed _____ Dated _____

To: The Landlord: **Rotherham Metropolitan Borough Council**
of: Neighbourhoods and Adult Services, Riverside House, Main Street, Rotherham, S60
1AE

Guarantee

IN CONSIDERATION of your having agreed at my request to accept ('the Tenant') as the tenant of ('the Property') upon the terms of an Introductory Tenancy Agreement dated ('the Introductory Tenancy Agreement') at the rent of £..... per week ('the Rent') payable in advance.

NOW, I (name of guarantor) of (address)

1. I UNDERTAKE to use my best endeavours to support the tenant by guiding and advising the Tenant as to his rights and responsibilities under the Tenancy Agreement
2. GUARANTEE the payment by the tenant to you of the Rent and performance and observance by him of the terms of the Introductory Tenancy Agreement upon the following conditions;
 - 2.1 If the Tenant defaults in the payment of the Rent for the period of four weeks in aggregate, I will upon a written request by you promptly pay you the four weeks' rent that is in arrear together with such additional rent as may be due and payable to the Landlord until the Tenant's rent is no longer in deficit.
 - 2.2 If the Tenant defaults in the performance or observance of any of the provisions on his part contained in the Tenancy Agreement, I will pay to you all losses, damages, expenses and costs that you shall be entitled to recover by reason of his default, to the extent to which you are unable to recover them from the Tenant.
 - 2.3 This Guarantee shall continue only from the date hereof until the (The Tenant's 18th Birthday) and extend to the acts and defaults of the Tenant and any member of his family, any other person lawfully occupying the Property with the Tenant and any visitors to the property during that period, but during that period it shall not be revocable or discharged by my death or by the death or bankruptcy of the Tenant.
 - 2.4 Without prejudice to clause 2.3 above this Guarantee shall not be discharged by your giving the Tenant time in which to meet his rent or other indulgence in respect of his obligations under the Tenant Agreement.
 - 2.5 If the Tenancy Agreement is assigned with your consent or is termination by agreement or by re-entry or disclaimer or otherwise, all future liability on my part shall cease.

Dated:

..... (signature of guarantor)

Furnished Tenancy Agreement

Date of Agreement: _____

Landlord: Rotherham Metropolitan Borough Council

Tenant: _____

Address of Property: _____

Inventory of contents ordered: _____

I/we agree that this is a true and complete inventory of the Landlord's furniture and effects at the property.

I am aware that there will be an additional charge of £.....pw starting from..... and I agree to the terms and conditions of the Furnished Homes Scheme as stated in section 6 of this agreement.

Name of Tenant _____

Signed _____ Dated _____

Name of Tenant _____

Signed _____ Dated _____

Name of Tenant _____

Signed _____ Dated _____

Name of Tenant _____

Signed _____ Dated _____

Furnished Tenancy Agreement (2)

Date of Agreement: _____

Landlord: Rotherham Metropolitan Borough Council

Tenant: _____

Address of Property: _____

Supplementary inventory of contents ordered: _____

I/we agree that this is a true and complete inventory of the Landlord's furniture and effects at the property.

I am aware that there will be an additional charge of £.....pw starting from..... and I agree to the terms and conditions of the Furnished Homes Scheme as stated in section 6 of this agreement.

Name of Tenant _____

Signed _____ Dated _____

Name of Tenant _____

Signed _____ Dated _____

Name of Tenant _____

Signed _____ Dated _____

Name of Tenant _____

Signed _____ Dated _____

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

Summary Sheet**Council Report**

Cabinet and Commissioners' Decision Making Meeting – 11 July 2016

Title

Little London, Maltby – Negotiated Acquisition Proposal for 9-55 Churchill Avenue

Is this a Key Decision and has it been included on the Forward Plan?

Yes

Strategic Director Approving Submission of the Report

Graeme Betts, Interim Strategic Director of Adult Care and Housing

Report Author(s)

Tom Bell, Strategic Housing and Investment Manager

Paul Benson, Private Sector Housing Officer

Ward(s) Affected

Maltby

Executive Summary

The 'Little London' estate in Maltby is privately owned, with the majority of its 143 households renting privately. The properties are of non-traditional construction with failing concrete roofs, are hard to heat and suffer from a lack of investment. Over a third of properties across the estate are currently empty and there is a high turnover of tenants. The estate is in decline with continual evidence of anti-social behaviour and this is having an adverse effect on the surrounding neighbourhood. Residents and some landlords are pushing for change and lodged a petition in April 2014 requesting that the Council takes action to improve the area, which aligns with our Housing Strategy objective to improve the quality of the private rented sector and bring empty homes back into use.

The Council has initiated enforcement activity and community / landlord engagement over the past two years. However, this has only had limited success, is resource intensive and is not providing sustainable improvements. In order to bring about long-term change it is important that a solution is reached regarding 24 empty properties located on Churchill Avenue.

This report recommends that the Council seeks to acquire, through negotiation with the owner, the 24 long-term empty properties in order to refurbish them to be let as Council homes.

Recommendations

That Cabinet:

1. Agrees that officers should commit to negotiate with the owner to purchase the 24 properties, 9-55 Churchill Avenue, Maltby.
2. Agrees that the Assistant Director of Housing and Neighbourhood Services be authorised to purchase and refurbish the 24 units on Churchill Avenue, Maltby, using Housing Revenue Account (HRA) capital receipts (identified in Appendix 2: Exempt under paragraph 3 of the Local Government Act, 1974 (as amended). This is information relating to the financial or business affairs of any particular person (including the Council)).
3. Agrees that if however negotiations are unsuccessful, to receive a further report outlining the option to acquire the properties by Compulsory Purchase Order (CPO) as a last resort.

List of Appendices Included

Appendix 1 – Location and site plan

Appendix 2 (exempt) – Confidential financial information

Background Papers

Report: Cabinet Member for Safe and Attractive Neighbourhoods (14th July 2014, Cabinet Minute 29)

Consideration by any other Council Committee, Scrutiny or Advisory Panel

Little London Task and Finish Group (attended by Councillor Christine Beaumont)

Council Approval Required

No

Exempt from the Press and Public

Although the main report is not exempt, Appendix 2 is exempt, under paragraph 3 of Part I of Schedule 12A of the Local Government Act 1972, as this section contains information relating to the financial or business affairs of any particular person (including the Council) with regards to detailed financial information to enable negotiated acquisitions.

Little London, Maltby – Negotiated Acquisition Proposal for 9-55 Churchill Avenue

1. Recommendations

That Cabinet:

- 1.1 Agrees that officers should commit to negotiate with the owner to purchase the 24 properties, 9-55 Churchill Avenue, Maltby.
- 1.2 Agrees that the Assistant Director of Housing and Neighbourhood Services be authorised to purchase and refurbish the 24 units on Churchill Avenue, Maltby, using Housing Revenue Account (HRA) capital receipts (identified in Appendix 2: Exempt under paragraph 3 of the Local Government Act, 1974 (as amended)). This is information relating to the financial or business affairs of any particular person (including the Council)).
- 1.3 Agrees that if however negotiations are unsuccessful, to receive a further report outlining the option to acquire the properties by Compulsory Purchase Order (CPO) as a last resort.

2. Background

2.1 About the estate

- 2.1.1 The Little London estate in Maltby comprises 138 homes (88 houses and 50 flats) occupying Churchill Avenue, Morrison Avenue, Greenland Avenue and Greenland Avenue South (refer to Appendix 1 for a location and site plan). All properties are privately owned and four landlord groups own 78% of the housing stock. There are 21 individual landlords in total. 48 of the properties are currently empty of which 38 have been empty for more than two years, which attracts antisocial behaviour.
- 2.1.2 Due to the nature of the construction, which is of non-standard structure consisting of solid wall and concrete roof, the properties are hard to heat and suffer from problematic roofing defects, resulting in damp and condensation. Internally, the properties are of a poor standard requiring improvement to meet basic expectations in relation to health and safety. There are also external problems: boundary treatments are almost non-existent, especially where properties are empty, and the majority of the area is poorly maintained.
- 2.1.3 A poor environment and the poor physical quality of the properties contribute towards high turnover.

2.2 Action taken by the Council to date

- 2.2.1 As a result of the identified problems, a cross departmental Task and Finish Group was created in July 2014. The focus of the group was to identify suitable options for tackling the issues of low demand / property values caused by antisocial behaviour and the generally poor quality environment.
- 2.2.2 Public sector intervention has consisted of an extensive proactive enforcement approach, with environmental and private rented property inspections, resulting in over 200 notices being served across the estate. As a result of the service of notices and engagement with landlords, properties were improved in accordance with the Housing Health and Safety Rating System (HHSRS). Letters and newsletters have been

produced for residents and monthly walkabouts are conducted by Elected Members and officers of the Task and Finish Group. In addition, regular liaison with landlords and property agents, consisting of on-site meetings as well as discussions at quarterly landlord forums, has been offered.

- 2.2.3 Despite the fact that some properties may have had basic improvements in line with the HHSRS, some owners are leaving properties empty, or they are being offered for sale. However, there continues to be letting and tenancy management related issues that have a negative impact on the community.
- 2.2.4 The Task and Finish Group has identified that in order to bring about long-term sustainable improvements, a solution must be found to at least deal with the 24 empty properties on Churchill Avenue. These have been empty for the longest period and are all owned by the same landlord (Rivergrove). Because the properties are all being situated together across four blocks, this will enable a more significant impact to be made than if they were 'pepper-potted' throughout the estate. Extensive dialogue has taken place with the landlord (Rivergrove) over the past 18 months to try to reach a solution for these properties.
- 2.2.5 As stated above there are 48 long term empty properties across Little London and therefore 24 further properties to be tackled. The Council submitted an expression of interest to the Government's Estate Regeneration programme at the end of April 2016, requesting funding to provide loans to the owners of the other 24 properties in order to bring them back into use as affordable rented properties. Initial discussions with the Homes and Communities Agency have been positive and a response is anticipated in mid July 2016.

2.3 Problems associated with the 24 empty properties on Churchill Avenue

- 2.3.1 Following the service of an insecure notice by the Council's Community Protection Unit (CPU), these properties were boarded up by the landlord prior to Christmas 2015.
- 2.3.2 Prior to boarding up, Rivergrove received public funding (from the Department of Energy and Climate Change's Green Deal Home Improvement Fund 2014/5) to apply thermally insulated external wall cladding. This work was completed in compliance with funding conditions in the Spring of 2015. This was in preparation for full refurbishment, which was proposed to take place last summer (July 2015). Following conversations with Rivergrove in October 2015 it was anticipated that arrangements had been made with utility companies and contractors to have a rolling refurbishment contract commence in January / February 2016. However, no works have been carried out and although requests have been made to meet with the property owner there has been no response from Rivergrove.
- 2.3.3 The blight continues and a lack of investment reduces any confidence that tenants, residents, other landlords or the Council have in Rivergrove being willing to refurbish the properties and bring them back into use.
- 2.3.4 The current condition of the Little London Estate, as well as offering a poor quality of life for the residents, impacts significantly on the quality of life for the surrounding estates with a spill over of crime and anti-social behaviour and environmental issues.

2.4 Reason for proposing a negotiated acquisition of the 24 empty properties on Churchill Avenue

- 2.4.1 The properties have been problematic for over 20 years. On at least two occasions during 2015/6 the landlord provided a verbal commitment to Council officers, of their intention to refurbish the properties, but the properties continue to blight the area. Other options have been considered (please see below) but none of these will result in the change needed to improve housing demand in the area. Acquisition is considered to be a positive way forward and would result in the existing properties being refurbished and let as social housing.

3. Key Issues

- 3.1 Property and rental values continue to be lower than average for the Ward, with property values seeing a 5.11% reduction over the past six months. A three bedroom unimproved terraced property is being sold for less than £30,000 and extensively improved properties being offered for sale at no more than £60,000. Rental properties are being marketed at £75-£95/week, less than the average rental price in the postcode area.
- 3.2 Surrounding householders are very concerned that so many properties continue to remain empty and blight the area as this is having a negative impact on the value of their own properties. Residents have previously presented a petition to the Maltby Town Council (April 2014), requesting action to tackle the ongoing problems, and the Council responded in accordance with standard procedures for dealing with petitions in July 2014. Public sector interventions, to the level provided to date, are unsustainable.
- 3.3 Three meetings have taken place with residents and officers, including the Assistant Director of Housing and Neighbourhood Services, to consider residents' concerns, provide an update on progress and agree actions for improving the housing and environmental standards on the estate.
- 3.4 Acquiring the properties will create an opportunity to make a real difference by removing the blight and delivering an improved social housing offer within the area. The provision of 24 Council managed properties will assist with the delivery of RMBC's Housing Strategy, in particular the strategic priorities to increase the number of homes in Rotherham (through bringing long term empty properties back into use), improving the quality of the private rented sector, and providing good quality, well-managed homes for social rent.

4. Options considered and recommended proposal

- 4.1 **Alternative option 1** (not recommended): Not taking any formal action, but to continue to encourage Rivergrove to deliver a programme of refurbishment and environmental improvements.
- 4.1.1 The Council, over the last two years, has tried working with Rivergrove by:
- Supporting their external wall insulation grant application
 - Liaising with their contractors on community based concerns
 - Holding meetings to discuss progress and offering advice regarding future intentions
- 4.1.2 Despite the close working arrangements and support offered, Rivergrove undertakes work on a reactive basis, in response to Council action, and, as a result, no assurance has been secured that they will deliver the much-needed improvements to housing standards.

- 4.1.3 Due to the high level of risk associated with relying upon extensive landlord investment, it is not appropriate to choose this option as a viable means of creating necessary change across the estate.
- 4.2 **Alternative option 2** (not recommended): the use of Empty Dwelling Management Orders (EDMOs) could enable the Council to remove management responsibility from the landlord and improve the properties for occupation. However, detailed financial modelling, based on the net present value of properties over a seven year period (the maximum period for which an EDMO can be in place), demonstrated that unless the refurbishment cost per property was below £12,500, this route would not provide a financially viable solution. The cost per property for each of the 24 properties on Churchill Avenue has been estimated to exceed this threshold.
- 4.3 **Alternative Option 3** (not recommended): Immediately proceed to Compulsory Purchase Order (CPO). While this would offer an alternative approach to acquiring the properties if negotiation with the owner is unsuccessful, it is inappropriate to proceed immediately to this measure, as there is a legal requirement to demonstrate that negotiation has not been possible. CPO can be a complex and lengthy process and can potentially be expensive. However, it should be noted that should a negotiated acquisition not be possible it may be necessary to revisit this option.
- 4.4 **Option 4 (recommended)** – negotiated acquisition. This will enable the Council to:
- Remove dilapidated housing that is currently creating blight
 - Raise confidence across the area and ultimately, contribute towards reducing ASB and environmental problems and improving property values
 - Result in New Homes Bonus income to the Council of £160K over a six year period
- 4.5 Within the recommended option to acquire the properties there are two sub-options – to either clear and redevelop the site, or refurbish the existing properties. This report recommends acquisition and refurbishment rather than demolition. The reason for this is that the nature of the construction, one and a half brick thick with concrete infill, makes any consideration of demolition costly, with costs estimated to be two to three times more expensive (up to £15,000/property) than traditional demolition methods.
- 4.6 The Strategic Housing service has explored the option of clearance and re-provision by carrying out ‘soft’ market testing with a private developer, based on a whole-estate development proposal. This demonstrated a viability gap of £2.8m. If only the Churchill Avenue portion of the estate were to be sold for development – there would similarly be a significant viability gap as the condition of the surrounding properties would adversely affect the marketability of any new build offer.
- 4.7 The preferred option would be acquisition and refurbishment. This will enable a significant improvement to the local environment and enable to the Council to provide an additional 24 social houses at an affordable development cost.
- 5. Consultation**
- 5.1 The Task and Finish Group has considered the options offered within this report and has assessed and identified the most appropriate course of action to take in respect of arresting the decline of the local housing market.

- 5.2 Legal and Financial Services have contributed towards the production of this report and have approved the preferred option.
- 5.3 Through the work of the Task and Finish Group, residents have been made aware of ongoing progress through meetings and the production of letters and newsletters. Three resident meetings have been held, a door-to-door survey has taken place to identify residents' concerns and two clean-up days have been organised over the past year.
- 5.4 Residents expressed concerns about the service of enforcement notices and questioned why the Council had not taken enforced sale action. They also asked whether the Council was considering a Compulsory Purchase Order – and asked if the landlords were failing to invest in the properties, would the Council be prepared to invest in them. This report and its recommendations directly address the concerns of residents.
- 5.5 The ward members for Maltby, an active and supportive residents group and some members of Maltby Town Council have been extremely active in trying to resolve the problems of this area for a number of years. Cabinet Members for Housing and Neighbourhoods both past and present have also recognised that there is a need to transform the conditions in this area. The current Cabinet Member has recently visited the area to ascertain the latest neighbourhood conditions.

6. Timetable and Accountability for Implementing this Decision

- 6.1 If approved by Cabinet, the following steps will be taken;
 - Invite the property owner to a meeting to discuss acquisition via negotiation (obtain the title to the properties through private treaty) – by end of August 2016
 - If unable to acquire via negotiation, officers will prepare a second report to Cabinet outlining the alternative option to acquire the properties via CPO, in October 2016.
- 6.2 Further detailed work will be carried out to identify the exact costs associated with acquisition and refurbishment option. The financial position is expected to improve as current estimates include contingencies and worst case investment scenarios, so it is highly unlikely additional costs will arise.

7. Financial and Procurement Implications

- 7.1 The funding to acquire the 24 properties at 9-55 Churchill Avenue has been identified using uncommitted Housing Revenue Account (HRA) capital resources for strategic acquisitions. **Appendix 2**, exempt under paragraph 3 of the Local Government Act, 1974 (as amended), offers more detailed information relating to the value of funds required to acquire the 24 properties and refurbish them.
- 7.2 A decision to acquire and refurbish the problematic empty properties will reduce pressures on existing services and enable them to reallocate resources to other areas.
- 7.3 A bid was submitted (at the end of April 2016) to the Government's Estate Regeneration Fund to support improvements to surrounding empty properties, and a response from the Homes and Communities Agency is anticipated during July 2016.

8. Legal Implications

- 8.1 Negotiation with the property owner will be carried out by Legal Services. Should negotiated acquisition be unsuccessful, a further report will be prepared for Cabinet in October 2016, setting out the full legal implications of the CPO process which will offer an alternative means of acquiring the properties as a last resort.

9. Human Resources Implications

- 9.1 Strategic Housing Investment Services will act as client and be responsible for producing surveys and schedules of work, with the Contract and Service Development Team being responsible for managing the contracted work.

10. Implications for Children and Young People and Vulnerable Adults

- 10.1 Improving housing conditions and the environment will contribute towards the corporate priorities of:
- Every child making the best start in life
 - Every adult secure, responsible and empowered
 - A strong community in a clean, safe environment

11 Equalities and Human Rights Implications

- 11.1 None specific to negotiated acquisition.

12. Implications for Partners and Other Directorates

- 12.1 A decision to proceed with negotiation will:
- Reduce the volume of concerns reported to the Community Protection Unit
 - Impact on Legal Services team resources
 - Increase the confidence of residents and landlord partners
 - Generate some work for various teams across the Housing Service in terms of adding the properties to the Council's stock

13. Risks and Mitigation

- 13.1 If the Council does not seek to acquire the properties:
- there will be continued decline as a result of low demand
 - the wider area will be blighted
 - properties will continue to be left empty
 - there will be increased numbers of service requests (complaints)
 - additional resources, to those already being provided, will be required to manage the estate
 - historical evidence indicates that the private landlords will not deliver major improvements
 - the Council will be required to use enforcement powers to arrest the problem of low demand with potentially little success
- 13.2 There is a risk that the Council will be unable to reach a negotiated price with the owner, in which case the alternative option of CPO will be recommended to Cabinet as a last resort.

14. Accountable Officer(s)

Graeme Betts, Interim Strategic Director of Adult Care and Housing

Approvals Obtained from:-

Strategic Director of Finance and Corporate Services:- Judith Badger

Director of Legal Services:- Dermot Pearson (Assistant Director)

Head of Procurement (if appropriate):- N/A

This report is published on the Council's website or can be found at:-

<http://moderngov.rotherham.gov.uk/ieDocHome.aspx?Categories=>

Appendix 1 – Location and site plan



Council Report

Cabinet and Commissioners' Decision Making Meeting – 11 July 2016

Title

Approval of tender for external works to The Lanes, Herringthorpe, Rotherham

Is this a Key Decision and has it been included on the Forward Plan?

Yes

Strategic Director Approving Submission of the Report

Graeme Betts, Strategic Director of Adult Care and Housing.

Report Author(s)

Mark Nearney – Contract Service and Development Manager, Adult Care & Housing
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Kerry Brentnall – Programme Manager, Strategic Housing and Investment Services
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Ward(s) Affected

Rotherham East Ward

Executive Summary

The purpose of this report is to seek Cabinet approval for RMBC to accept the winning tender for external works at The Lanes. The tender submission covers works for re-covering of balconies, and some flat roofs to 67 properties at The Lanes, Herringthorpe, Rotherham.

Following evaluation the preferred tender was submitted by Hall Construction Group Ltd dated 24th March 2016. Details of all the bids submitted and reviewed are listed in **Appendix A**).

The tendered work covers essential capital investment improvement works ensuring the buildings remain safe and sustainable for RMBC and its tenants.

Recommendations

It is recommended that:

The tender submitted by Hall Construction Group Ltd dated 24th March 2016 (see Appendix A) is accepted and approved by Cabinet.

Cabinet approve the increase in budget for Communal Works, including fire risk assessment works (see Appendix B) to allow sufficient funds to undertake the required works.

Cabinet approve the reduction in budget for Munsbrough External Scheme (see Appendix B) which will fund the additional works and costs on The Lanes.

List of Appendices Included

Appendix A – (exempt) Commercial tender submissions

Appendix B – (exempt) Commercial information for The Lanes report

Background Papers

The works will be delivered as part of the Communal Works scheme which is identified in the Housing Investment Programme 2016/ 17 Report, which was approved by Cabinet on 11 April 2016.

Consideration by any other Council Committee, Scrutiny or Advisory Panel

This report has not been considered by any other committee or panel.

Council Approval Required

No

Main Report

Approval of tender for external works to The Lanes, Herringthorpe, Rotherham.

1. Recommendations

- 1.1 The tender submitted by Hall Construction Group Ltd dated 24th March 2016 (see **Appendix A**) is accepted and approved by Cabinet.
- 1.2 Cabinet approve the increase in budget for Communal Works, including fire risk assessment works (see **Appendix B**) to allow sufficient funds to undertake the required works.
- 1.3 Cabinet approve the reduction in budget for Munsbrough External Scheme (see **Appendix B**) This will fund the additional works and costs on The Lanes.

2. Background

- 2.1 The Lanes, Herringthorpe, Rotherham is a low rise set of flats comprising 67 flats in 2 & 3 Storey Blocks. The site also contains garages underneath some of the blocks. The development also has external linking communal walkways to access some of the upper flats.
- 2.2 The flats were built in the late 1960's are flat roofed with brick cavity walls. The upper flats have large balconies over-sailing the flats below in a tiered style.
- 2.3 The existing balcony floors and their rubber tiled finish have caused problems for the residents with the tiles not draining rainwater away causing them to become slippery when walked upon. The water retention problem and the associated algae growth also leads to the tiles causing unpleasant odours and breeding ground for unwanted insects. The current thermal efficiency of some of the roofs is minimal and the current roof finish allows water to penetrate into the flats below. The proposed surface finish will resolve these issues and is an easy product to maintain.
- 2.4 Suppliers from the NEC3 New Engineering Contract were invited to place bids via Yortender, Rotherham MBC's e-tendering portal. NEC3 is a legally compliant suite of construction contracts intended to promote partnering and collaboration between the contractor and client.

3. Key Issues

- 3.1 This report covers approval of a contract for Re-covering of Balconies and flat roofs to 67 properties at The Lanes, Herringthorpe, Rotherham.
- 3.2 Detailed price submissions (see **Appendix A**) have been evaluated by Planning, Regeneration & Culture.
- 3.3 All Contractors invited to tender returned a valid tender submission (see **Appendix A**).

4. Options considered and recommended proposal

- 4.1 The most competitive tender is Hall Construction Limited (see **Appendix A**). The tendered figure has been checked and found to be arithmetically correct.
- 4.2 A Contingency sum has been included within the scheme costs to safeguard against any matters arising. If no cost implication matters arise, the contingency will not be spent. The scheme is being managed by the Regeneration & Environment Project Management Team, and the competitive tender element returned a realistic tender for the project.

The price also includes the cost of re-roofing the areas adjacent to the balconies. The project fees plus specialist design costs and contingency gives the Total Scheme Costs (see **Appendix B**). Scheme costs include the following items;

- Tender Cost
 - Provisional Sum (Tenant Liaison)
 - Professional Fees
 - Building Control Fees
 - Legal Fees
 - Contingency
- 4.3 The Housing Investment Programme 2016/ 17 Report, approved by Cabinet on 11 April 2016, identified a set sum (see **Appendix B**) to undertake investment to Communal Areas.
- 4.4 As part of this scheme a funding sum was allocated to this project from the Housing Revenue Account (HRA). The Total scheme cost (see **Appendix B**) is higher than the estimated budget.
- 4.5 The original budget figure was an estimate based on an initial trial that had taken place on one property during 2015/ 16. However the solution applied as part of the trial did not address all of the issues, therefore the specification had to be adjusted accordingly. This resulted in the scheme costing more than originally anticipated (see **Appendix B**).
- 4.6 Given the increase in costs following receipt of tender, it is recommended that the Communal Works (including fire risk assessment works) budget is increased to allow sufficient funds to undertake the required works (see **Appendix B**).
- 4.7 It is proposed that the increased costs are funded by reducing the Munsbrough External Scheme budget for 2016/ 17. The remaining budget shortfall will be funded from unallocated budget within the existing Communal Works budget (see **Appendix B**). Work will commence on the Munsbrough External Scheme in 2016/ 17 and then run on into 2017/ 18. The budget requirement for the Munsbrough External Scheme in 2017/ 18 will be included in the report seeking approval for the 2017/ 18 Capital Programme. Tenants have not yet been

consulted on this scheme therefore the impact of reducing the scheme in 2016/17 is minimal.

5. Consultation

- 5.1 Consultation with a limited number of tenants has taken place regarding their individual concerns. It is intended that following approval of this document a wider consultation with residents will take place.
- 5.2 A number of consultation meetings have taken place between the building's Neighbourhood Officers and Technical Officers from EDS.
- 5.3 Given the nature of the works there will inevitably be disruption to residents, consultation will be of paramount importance whilst delivering this scheme.
- 5.4 A Letter drop will be organised for all residents informing them of the proposed work, intended programme and future consultation meetings.
- 5.5 Further resident meetings are to be scheduled after tender approval. This will include a "Meet the Contractor" open day, where the full scheme works will be explained where residents will be able to raise any questions or concerns to Housing representatives, Technical Officers and the Contractor. Family members will be welcomed and reasonable arrangements can be made to meet anyone unable to attend the meetings.
- 5.6 Consultation has also commenced with the three leaseholders within the scheme who will also be affected by the works. This will enable RMBC to re-charge leaseholders for the works undertaken to their flats. This is in line with the statutory Section 20 Consultation framework.

6. Timetable and Accountability for Implementing this Decision

- 6.1 The proposed programme for the work, subject to approval, is to commence on site in August 2016, for a period of 20 weeks, with a proposed completion date of December 2016. A delay in the time scale for the approval could have an impact on project delivery with a later completion of the works during winter bringing with it the risk of weather related delays.

7. Financial and Procurement Implications

- 7.1 Suppliers from the NEC3 New Engineering Contract were invited to place bids via Yortender, Rotherham MBC's e-tendering portal. NEC3 is a legally compliant suite of construction contracts intended to promote partnering and collaboration between the contractor and client.
- 7.2 Within the budget submitted to and approved by Cabinet on 11 April 2015, a funding to the sum is available from the Housing Revenue Account (HRA).
- 7.3 The Total scheme cost as detailed (see **Appendix B**) is higher than the estimated budget.

- 7.4 It is recommended that the Communal Works (including fire risk assessment works) budget is increased to allow sufficient funds to undertake the required works at The Lanes. This will be funded by reducing the 2016/ 17 budget allocation for the Munsbrough External Scheme (see **Appendix B**).
- 7.5 The budget requirement for the Munsbrough External Works Scheme in 2017/ 18 will be included in the report seeking approval for the 2017/ 18 Capital Programme. Works will commence on the Munsbrough External Scheme in 2016/ 17 and will then run on into 2017/ 18. Tenants have not yet been consulted on this scheme therefore the impact of reducing the scheme in 2016/ 17 is minimal.
- 7.6 The remaining budget shortfall will be funded from unallocated budget within the existing Communal works budget (see **Appendix B**)

Procurement (Helen Chambers) has reviewed the report and confirmed agreement with the recommendations on the 1 June 2016.

8. Legal Implications

- 8.1 A contract between the Council and the contractor will be drafted and endorsed. As the projected contract sum is greater than £100,000, the contract will be made under Seal. This will provide 12 years' protection for dealing with any latent defects

Legal Services (Ian Gleadhill) has reviewed the report and confirmed agreement with the recommendations on the 27 May 2016.

9. Human Resources Implications

- 9.1 None identified

10. Implications for Children and Young People and Vulnerable Adults

- 10.1 None identified

11 Equalities and Human Rights Implications

- 11.1 None identified

12. Implications for Partners and Other Directorates

- 12.1 The delivery of investment works will further enhance the efforts being made to create and maintain a sustainable affordable housing offer within an area that is in demand and in supporting the long-term availability of quality, well-maintained homes. This will subsequently reduce the requirement for general repairs required from our partner contractors over the next few years.

13. Risks and Mitigation

- 13.1 A contingency sum which equates to 5% of the contract sum has been added to the Tender Price which is considered adequate for a scheme of this nature (see **Appendix B**)
- 13.2 The Contractor is experienced in carrying out works of this scale for RMBC. The Authority has always had a satisfactory outcome from works carried out by this contractor.
- 13.3 Asbestos has been identified within the site but it will fall outside the area requiring notification to the HSE and is considered low risk.

14. Accountable Officer(s)

David Richmond, Assistant Director of Housing and Neighbourhood Services.
Dave.richmond@rotherham.gov.uk, Tel:823402

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

Summary Sheet

Council Report:

Report to Cabinet and Commissioners' Decision Making Meeting – 11 July 2016

Cabinet Member –Councillor Lelliott
Commissioner – Commissioner Kenny

Title:

Rotherham Town Centre Supplementary Planning Document

Is this a Key Decision and has it been included on the Forward Plan?

Yes

Strategic Director Approving Submission of the Report

Damien Wilson, Strategic Director of Regeneration & Environment

Report Author(s)

Ryan Shepherd, Senior Planning Officer, Planning Policy
ryan.shepherd@rotherham.gov.uk 01709 823888

Ward(s) Affected

Boston Castle

Executive Summary

This report summarises the results of the public consultation undertaken on the draft Rotherham Town Centre Supplementary Planning Document. It recommends that Cabinet adopt the final document, as a Supplementary Planning Document (SPD), subject to the changes to be approved, to ensure that it has weight when determining planning applications and making planning decisions affecting the town centre.

Recommendations

1. That Cabinet note the results of the public consultation on the draft Rotherham Town Centre Supplementary Planning Document.
2. That Cabinet is recommended to approve the document, incorporating the proposed changes resulting from consultation, be adopted as a Supplementary Planning Document. The final document will be prepared following Cabinet endorsement.

List of Appendices Included

Appendix 1 – summary of representations received, the Council's response and proposed changes to the Supplementary Planning Document

Background Papers

Draft Rotherham Town Centre Supplementary Planning Document

<http://rotherham.limehouse.co.uk/file/3848384>

Rotherham Local Plan Core Strategy (adopted September 2014)

http://rotherham.limehouse.co.uk/portal/planning/cs/adopted_cs/adopted_cs

Consideration by any other Council Committee, Scrutiny or Advisory Panel

The Draft Supplementary Planning document was considered by the Improving Places Select Commission at its meeting on 13th April, 2016

Council Approval Required:

No

Exempt from the Press and Public:

No

Title: Rotherham Town Centre Supplementary Planning Document

1. Recommendations

- 1 That Cabinet notes the results of the public consultation on the draft Rotherham Town Centre Supplementary Planning Document.
- 2 That Cabinet is recommended to approve the document, incorporating the proposed changes resulting from consultation, be adopted as a Supplementary Planning Document. The final document will be prepared following Cabinet endorsement.

2. Background

- 2.1 Rotherham's adopted Local Plan Core Strategy identifies Rotherham town centre as the borough's principal retail and service centre which will continue to be the main focus for shopping, leisure, education, health and cultural activities and facilities.
- 2.2 The economic landscape, especially regarding the town centre, has changed significantly since the original Urban Renaissance programme. Consequently Arup were appointed in September 2015 to prepare an update and specifically a SPD. The draft SPD was produced to update the original Urban Renaissance work, produced as part of Yorkshire Forward's programme in 2005, and to formulate goals that would result in the creation of a thriving, re-energised Town Centre and deliver the future vision for Rotherham. The document would then be used alongside Local Plan policies when determining planning applications and making planning decisions affecting the town centre.
- 2.3 In addition to the SPD the production of a town centre Masterplan (to include implementation, development and delivery) is recommended and also forms part of this Cabinet agenda.
- 2.4 Public consultation on the draft SPD was endorsed at the Cabinet/Commissioners' Decision Making Meeting of 14th March 2016. Consultation ran from 18th April to 16th May 2016.
- 2.5 Preparation of and consultation on the SPD has been undertaken in line with The Town and Country Planning (Local Planning) (England) Regulations 2012. Before a local planning authority can adopt a SPD it must undertake public consultation for not less than four weeks. It must then prepare a Consultation Statement setting out who was consulted in connection with the preparation of the SPD, the main issues raised in response to the consultation, and how those issues were addressed in finalising the SPD. A final consultation statement will be prepared to accompany the adopted SPD.

3. Key Issues: analysis of consultation responses

3.1 The Council received comments from twenty individuals or organisations during the consultation period. Appendix 1 provides a summary of the comments received, the Council's response to these, and the proposed changes to the SPD as a result. The comments can be seen in full on the Council's website:

<http://rotherham.limehouse.co.uk/portal/planning/rtcspd/rtcspd>

3.2 The main issues raised in the consultation responses were:

- Broad support for the overall aspiration for the town centre – in particular the importance of the redevelopment of Forge Island.
- The creation of a prime walking route from the station to the civic area along Bridge Street and Bridge Gate.
- One respondent commented in detail regarding cycle routes, infrastructure and maintenance.
- Concerns over the level of detail provided in the SPD, particularly at a site specific level. Historic England and the Rotherham District Civic Society raised concerns around a number of detailed aspects of the document. Natural England suggested a number of areas where further detail could be provided.
- The document is a missed opportunity and that it is not daring enough.
- The feasibility and viability of the proposals raised concerns and whether funding would be available to maintain areas (of public realm for example) once completed.
- Broad support from the Canal and River Trust for opening up the riverside and promoting development in waterfront locations.
- The South Yorkshire Passenger Transport Executive (SYPTe) and Highways England broadly supported development in the town centre as a sustainable location, although Highways England raised some concerns around the cumulative impact of development on the strategic road network.
- The Environment Agency noted that a number of sites fall within Flood Zones 2 or 3 and that proposals on these sites would need to satisfy relevant policy. Detailed comments were provided on Forge Island. It was suggested that further information regarding flood risk should be provided.
- Errors and corrections were identified and alternative proposed wording suggested
- A number of comments suggested actions beyond the remit of the SPD, or beyond the powers of the Local Planning Authority.

3.3 The consultation responses were welcomed and a number of suggestions which will help to improve the accuracy and clarity of the document were made. There are however a number of comments and suggestions which were not accepted. In particular it is the intention of the SPD to provide a broad guide to the vision and aspiration for the town centre, building on the Local Plan policies; as such it is not the intention of the document to provide detailed site specific guidance across the full range of planning issues. A Masterplan is proposed for the town centre which will build on the SPD, provide more detail at a site specific level and address some of these concerns (please refer to the Cabinet report which also forms part of this Cabinet agenda). The Council will ensure that comments received to this

consultation are taken into account, where relevant, in taking forward this further masterplanning work.

- 3.4 Appendix 1 sets out the changes proposed to the SPD. In summary these are:
- Insert a foreword (as previously approved by Councillor Lelliott)
 - Include of a summary of the Planning Use Classes Order
 - Make minor amendments to the vision to make reference to well-maintained historic buildings
 - Amend Goals 3, 5 and 8 to reference improved access to Clifton Park and to make reference to conserving historic assets
 - Add references to the historic environment and heritage (including the location of Listed Buildings)
 - Include reference to cycle routes
 - Extension of the proposed Bridge Street pedestrian priority route to Frederick Street and Effingham Square and onwards towards Eastwood
 - Include additional references to flood risk
 - Address corrections

4. Options considered and recommended proposal

- 4.1 The Council could adopt the SPD without accepting any of the proposed changes to the document. This could result in a less robust and effective SPD being adopted and may undermine its implementation. It is therefore recommended to adopt the SPD incorporating the proposed changes.

5. Consultation

- 5.1 Consultation ran from 18th April to 16th May 2016. It was undertaken in line with the Council's adopted Statement of Community Involvement, which sets out how and when people can influence new planning documents. Printed copies of the draft SPD were available to view at the Council's main offices at Riverside House, and the Central Library at Riverside House. It was also made available to view on the Council's consultation website: <http://rotherham.limehouse.co.uk/portal>
- 5.2 Notification of the consultation was sent to almost 12,000 people on the Planning Policy consultation database along with other town centre stakeholders. These included the Rotherham Together Partnership - Business Growth Board (Town Centre Sub Group) and over 500 town centre businesses. Notices publicising the consultation were placed in the local newspapers during the week beginning 4th April 2016.

6. Timetable and Accountability for Implementing this Decision

- 6.1 The table below sets out the timescale and accountability for implementing the recommendations in this report:

Stage	Date	Accountability
Report to Cabinet regarding adoption as SPD	11th July 2016	Cabinet
Undertake any required changes to document	August 2016	Planning Policy / Arup
Publish final SPD on website	September 2016	Planning Policy

7. Financial and Procurement Implications

- 7.1 There are no additional financial costs to the Council as a result of this report.

8. Legal Implications

- 8.1 The Council may be open to legal challenge should the SPD not be produced in accordance with The Town and Country Planning (Local Planning) (England) Regulations 2012. The public consultation on the document and implementing the recommendations of this report will meet the regulations and thus avoid the risk of challenge.

9. Human Resources Implications

- 9.1 There are no Human Resources implications associated with adoption of the SPD.

10. Implications for Children and Young People and Vulnerable Adults

- 10.1 The SPD is intended to assist in delivering the Council's aspirations to deliver regeneration of Rotherham town centre. It will supplement Rotherham Local Plan Policies, including Core Strategy Policy CS13 which supports development which enhances Rotherham town centre's appeal as a family friendly destination and contributes towards creating a safe, attractive and accessible town centre.

11. Equalities and Human Rights Implications

- 11.1 There are no equalities or human rights implications associated with adoption of the SPD.

12. Implications for Partners and Other Directorates

- 12.1 The implications for partners or other directorates are mainly associated with implementing the final SPD and to ensure partners and directorates are fully aware of the content of the document.

13. Risks and Mitigation

- 13.1 Since the Council may be open to legal challenge should the SPD not be produced in accordance with The Town and Country Planning (Local Planning) (England) Regulations 2012, legal advice has been sought as necessary.

14. Accountable Officer(s)

Paul Woodcock
Assistant Director - Planning, Regeneration and Transport

Approvals Obtained from:-

Strategic Director of Finance and Corporate Services:-
Rob Harrison, Principal Finance Officer

Director of Legal Services:-
Sumera Shabir, Planning Solicitor

Head of Procurement (if appropriate):- N/A

This report is published on the Council's website or can be found at:-

<http://modern.gov.rotherham.gov.uk/ieDocHome.aspx?Categories=>

Appendix 1: Summary of representations received, the Council's response and proposed changes to the Supplementary Planning Document

The full representations received are available to view on our consultation website:

<http://rotherham.limehouse.co.uk/portal/planning/rctspd/rctspd?pointId=1460623733684&do=view>

The table below sets out a summary of the comments received, the Council's response to the issues raised, and any suggested changes to the SPD as a result. Proposed additions to the text are shown **bold and underlined**, and suggested deletions are shown ~~struck through~~.

For clarity the suggested changes to the document are also brought together and listed underneath the table.

Ref	Name	Summary of comments	Council Response	Suggested changes to SPD
SPD1	Mr William Tilling	Two suggestions: 1. A direct pedestrian link to the new Supertram. 2. The removal of the burger van from the town centre pedestrianised area.	The tram-train pilot project will see the Sheffield Supertram extended into Rotherham. It will stop at Rotherham Central train station which has good pedestrian access at present. The SPD also promotes a number of new and improved pedestrian 'Gold Routes' which will also improve pedestrian accessibility to the station. The siting of mobile catering vans is beyond the remit of this document. Where such uses need planning permission there is opportunity for the public to have their say on the proposal as part of the statutory consultation period.	None
SPD2	Mrs Angela Somerset	- The knocking down of fantastic buildings like all saints buildings and the beautiful face of Doncaster gate hospital. - I have not visited the town centre now for over three years, not because of the town itself but the people who go there. I find it	Whilst recognising that the town centre has a number of important and historic buildings, the town centre has seen change over the past decade which has resulted in the positive improvement of the environment, such as the new public	None

Ref	Name	Summary of comments	Council Response	Suggested changes to SPD
		very sad that I do not feel comfortable in town. These are things that unfortunately cannot be changed by building Clifton Park is excellent	open space at Minster Gardens. It is recognised that it may take some time to change the perception of the town centre; however the Council's focus is on improving the type and range of attractions within the centre and making it a family friendly destination. The SPD recognises the value and important role that Clifton Park plays, and seeks to improve linkages between the town centre and the park.	
SPD03	Mr Michael Firth	The main thrust of the plan is something that I can support although I have some scepticism as to whether it will happen particularly as the present government seem intent on destroying local government by cutting financial resources. To tempt people out of their cars and onto buses to visit Rotherham the bus service needs to improve - as well as what is on offer in the town centre. Why not design a sculpture/information trail around the centre to encourage interest and improve health? We need a new theatre in the centre as well as a cinema so that local as well as national groups can perform (a better bus service would help here). Why not have a Park and Ride system in Rotherham?	Your comments of support are noted. Public transport services are beyond the control of this SPD; however the SPD along with the Local Plan policies seek to improve the town centre offer and make effective use of linkages to public transport services (including the Tram-Train pilot project). There are no plans at present to replace the existing theatre. However should the need and opportunity arise in the future then this would be acceptable in a number of locations within the town centre and would not be precluded by the SPD. Rotherham town centre has already benefitted from arts projects such as Gallery Town. Whilst it is beyond the remit of the SPD the provision of sculpture or other trails in the town centre could help enhance the centre.	None

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			The provision of a park and ride facility is beyond the remit of this SPD; however there are considered to be sufficient existing opportunities to park close to the town centre.	
SPD04	Dr Edwin and Beatrice Jackson	The council must be congratulated in restoring the City Centre. There is one street, where PRIMARK is located. If this is the promise of how the City Centre will look like, please definitely continue with the good work. It is desirable that the City Cleanliness is supported by all people, signs for no spitting, please pick up rubbish and rubbish bins available when possible.	Your comments of support are noted. Whilst it is beyond the remit of this document, the Council will continue to meet its maintenance and cleanliness responsibilities within the town centre.	None
SPD05	Natural England	We do not wish to provide specific comments, but advise you to consider the following issues: - consider making provision for Green Infrastructure (GI) within development. This should be in line with any GI strategy covering your area. - consider issues relating to the protection of natural resources, including air quality, ground and surface water and soils within urban design plans - consider incorporating features which are beneficial to wildlife within development - The SPD may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community - The NPPF includes a number of design principles which could be considered, including the impacts of lighting on landscape and biodiversity	Green Infrastructure plays a key role in the SPD, from its potential role as part of pedestrian route and gateway enhancements, to opening up the riverside and contributing to a green network, particularly along the river corridor. The Local Plan adopted Core Strategy and emerging Sites and Policies document contains policies relating to amongst other things Green Infrastructure, air and water quality, and design. As such these will be taken into account in any planning applications and it is not considered necessary to repeat them in the SPD.	None

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SPD06	Mr. Ishaq Khan	- Some of the references made within the SPD are very similar to existing planning policy and literature used within plans for Sheffield city centre. Consider replacing words such as 'Gold routes' with more original and locally significant terms. - third paragraph, page 43 - Would it not be more appropriate to say 'following the closure of retailers in the evening, the quarter becomes quiet'? - Figure 5.6.2 on page 49 - in the caption you have misspelt 'footfall' as 'football' - Referring to Figure 7.1.2 and text on page 60. The proposals for the Forge Island development site are very promising! However, the northern access route through the site can be improved by realigning the route and connecting it to Bridge Street instead of Central road/towards the station Establish a prime walking route from the station to the civic area of the town centre along Bridge Street and Bridge gate.. - Wayfinding from the Train Station to the civic and cultural areas of the town centre is poor. Although the proposals imply that this will be improved by a new route through the Forge Island site. This route should not be considered as a preferred option, as in practice the alignment will make it poorly legible and heavily reliant on the redevelopment of a large area of land across the river (adjacent to the Minister). Rather, a legible route can be provided along Bridge Street, up Bridge gate to the square outside the Minister. This route has not been considered in the SPD but should be given some thought.	Your comments of support are noted. Your wording suggestions and corrections on pages 43 and 49 are appreciated and changes will be made accordingly. Your comments regarding terminology are noted; however it is considered that the most important aspect is what is proposed rather than what they are called. In this respect it is considered that, for example, the gold routes are locally specific to Rotherham as they reflect the existing and future movement routes through the centre. Your comments regarding wayfinding and primary routes are appreciated. The routes shown through Forge Island are intended to demonstrate how the site could connect to the wider town centre following redevelopment. It is acknowledged that a route following Bridge Street / Bridge Gate to All Saints Square exists. The SPD would not prevent this route being improved or enhanced in future; however in terms of priorities it is considered that the proposed routes remain preferred in terms of linking points of interest and responding to areas of change (particularly around Forge Island / Corporation Street). It is however acknowledged that the priority route along Bridge Street which connects to outlying areas to the west should be extended along Frederick Street to Effingham Square and out past Tesco	Amend 3rd paragraph on page 43: '...following the closure of retailers ~~on an~~ in the evening, the quarter becomes quiet'. Amend title of Figure 5.6.2 on page 49: 'Rotherham Town Centre: monthly average ~~football~~ footfall by year...' Extend the movement and connectivity priority route on Bridge Street to Frederick Street and Effingham Square and onwards towards Eastwood on figure 7.2.2, fig 7.7.1, the Masterplan extracts in section 7.1 and the standalone map accompanying the document.

Ref	Name	Summary of comments	Council Response	Suggested changes to SPD
		I have a general concern that almost all prime land within or adjacent to the civic and cultural areas of the town centre have been allocated for housing, when in the long-term they can be appropriate for employment uses. Adjust policy with an aim to secure greater employment uses on prime sites near the civic and cultural area of the town centre.	towards Eastwood. This would help link with the area of change around the Interchange and reflect the importance of linking the town centre to communities to the north east. With regard to housing and employment uses, your concerns are noted. The SPD has been produced in conformity with the Local Plan adopted Core strategy and emerging Sites and Policies document. These policies seek to meet the borough's employment and housing needs. It is recognised that the town centre is well connected to existing employment locations, and that the SPD and Local Plan does accommodate appropriate employment uses in the town centre (in particular offices). As the borough's main public transport hub the town centre also provides good accessibility to employment opportunities in other locations. However it is also recognised that one of the key priorities is to increase the population within the town centre, which will help bolster and improve the vitality and viability of the centre. It is therefore considered that the document makes appropriate provision for housing and that a greater emphasis on employment uses is not necessary.	
SPD7	Mr Andrew Burton	A very interesting and exciting vision for the future that must surely be supported by all for the benefits it will bring to the town and borough. A number of comments/observations as follows; 1) The forward appears to be in Latin? 2) Should there be a consideration for a main	Your comments of support are noted. The latin text in the forward is used for illustrative purposes. A foreword will be included in the final version of the document.	Insert foreword Include Westgate on the key gateway plan on page 76 and the accompanying stand-alone map.

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		gateway into the town centre along Westgate? 3) Why does the draft document include an outdated aerial photo of the town centre with no title or reference date. 4) An early page in the document (not numbered) refers to the 10 goals but these aren't described until later (page 17). 5) Much of what is proposed will required a high level of maintenance that currently cannot be afforded. Will revenue be secured to ensure the proposals can be sustainable (eg. recently completed hardworks at the Central Railway Station have become weedy and unclean). 6) On p.22 under '3.1 Progress' a list of projects refers to All Saints Square under the 2011 heading. This work was completed much earlier. 7) On p.35 Clifton Park (no.5) isn't shown on the key. 8) On p.62 (item 7.2) the text talks about improving connectivity and provision of new opportunities for town centre users to engage in different parts of the town centre. I believe the Landscape and public Realm should also concentrate on the existing fabric of the town centre generally (ie. improved paving, seating, signage, planting etc.). It also talks about the most important assets of the town centre...surely these are the actual retail outlets? 9) Effingham Square appears to be identified as an area to be improved and indicated as a site for short term intervention. Long term inervention is shown for the entrance to Clifton Park (off Doncaster Road and Clifton Lane). We (Landscape Design Team) have recently been invloved with Highways to improve the area around the Clifton Park Entrance and the Effingham Square area was 'improved' as part of the Tesco development.	Westgate is a main gateway and is highlighted as an area for improvement on page 76. The figure on page 49 and the accompanying stand-alone map will be amended to better reflect this. The document has drawn upon a range of images; however it should be noted that Council resources do not stretch to commissioning new aerial photography of the centre. No more up to date aerial photographs have been identified for use. It is considered that the document is clear regarding the 10 goals; notwithstanding early references to these. The Council will continue to meet its maintenance and cleanliness responsibilities within the town centre. It is beyond the remit of the SPD to introduce new policy regarding maintenance of public spaces; whilst the planning system may offer some opportunities to consider longer term maintenance (through the negotiation of developer contributions or the use of Community Infrastructure Levy receipts) this issue will require consideration within the Council as a whole. Your comments regarding public realm improvements at All Saints Square are welcomed. This actually refers to the improvements adjacent to the Minster	Page 22 – progress - 2011 – amend title 'All Saints Square Minster' Add reference on page 62 to examples of public realm improvements such as improved paving, seating, signage, public art and planting.

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		10) On p.61 of the report (and the masterplan generally) comments relating to the ten goals suggest any developments for goal no.10 (Land to the West of Westgate) needs to consider possible risk from flooding. Such comments are equally applicable to goals no.1, no.7 and no.9 as these include areas that fall within the 1:100 year flood zone. 11) Referring to a concern raised about future sustainability: The Central Railway Station was rebuilt and our team (Landscape Design) were responsible for design and overseeing the delivery of the external landscape. This now forms an attractive 'gateway' into Rotherham but maintenance of the hard landscape is poor and weeds have become well established. The hard materials are also unclean. The soft landscape area is in its penultimate year of a maintenance contract but once this is complete the planted canalside will quickly revert to a weedy mess also. Any new proposals (hard or soft) for the public realm require appropriate and often high levels of maintenance which currently cannot be afforded by the Local Authority.	and not All Saints Square itself, or Minster Gardens. The reference will be clarified. Whilst detailed guidance regarding public realm and landscaping is beyond the remit of this SPD it is acknowledged that the discussion on page 62 could include reference to examples of the various elements of public realm which could be improved. It is acknowledged that improvements have been made to Effingham Square, however it is considered that there is scope for further improvement in this area. Clifton Park is included on the map in the document as an existing green space. It is specifically identified in the accompanying map which sits alongside the document and provides more detailed notation and commentary on particular sites. Your comments regarding sites within flood zones are noted. Please refer to the response below to the Environment Agency's comments regarding Flood Risk.	
SPD8	Mr Andrew Denniff, Chamber of Commerce	I believe that it is essential in any successful redevelopment of the town centre to seriously address the future use of the Forge Island site. This needs to be developed in line with a purposeful leisure/evening economy offer and linked across the river with welcoming and user friendly accessibility to Corporation Street/All	Your comments are noted, and reflect the importance that the SPD places upon redevelopment of the Forge Island site.	None

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		Saints Square. In the short term the Forge Island site can be used positively for increased and enhanced parking by demolishing the present old Tesco building and improving access and footfall through to the town centre via Corporation Street.		
SPD9	National Grid	We have reviewed the above consultation document and can confirm that National Grid has no comments to make in response to this consultation.	Noted	None
SPD10	Historic England	Historic England are concerned that this latest publication does not provide as informed an analysis as its predecessor of the character of the town centre nor are its proposals as detailed or guidance as well articulated. We are particularly concerned about the SPD's approach to the historic environment which is notably poorer than the 2005 Strategic Development Framework. The SPD makes scant reference to these assets or to the potential that the historic environment can play in delivering the regeneration of the town centre and in reinforcing its distinctive character. In addition, one might expect an SPD to amplify the Policies of the Local Plan. However, this document actually provides less information than the emerging Sites and Policies DPD (which actually sets out a range of Site Development Guidelines for all the potential allocations in the town centre). A number of detailed comments are provided.	Your comments and concerns are noted. Preparation of the original 2005 masterplan benefited from regional funding from Yorkshire Forward which is no longer available. Therefore this update document has been produced having due regard for the financial pressures under which the Council operates. The SPD should be read alongside other Local Plan policies, which do provide clear guidance regarding the historic guidance. The intention of the SPD is to provide a broad guide to the vision and aspiration for the town centre building on the Local Plan policies; as such it is not the intention of the document to provide detailed site specific guidance across the full range of planning issues. However it is acknowledged that section 4.1 regarding planning policy should be amended to include reference to relevant planning policy. The Council is however intending to undertake further work which will include more site-specific guidance for parts of	Amend Vision - "Attracted by quality design, <u>well-maintained historic buildings</u> and a strong sense of place ..." Goal 3 – add new sentence at end - "In particular this can be achieved by improving connectivity to and from Rotherham's historic Clifton Park." Goal 8 – amend: "Rotherham will <u>seek to ensure that its historic assets are conserved and</u> actively seek the best in architecture, urban design and public spaces..." Section 4.1: Amend sub title –: 'Local Adopted <u>and</u> Emerging Policy' Section 4.1 – second column, insert new

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			the town centre. This could include further guidance regarding the historic environment. The suggested amendments to the vision and goals 3 and 8 are agreed. The Council does not agree with the proposed amendment to goal 2. Whilst the Council agrees that in some circumstances vacant and under-used floorspace could be suitable for housing there may be locations where this guidance conflicts with other emerging Local Plan policies (such as those relating to primary and secondary shopping frontages). It is agreed that goal 8 should be amended to reference the conservation of historic buildings; however the Council does not consider it appropriate to commit to a separate urban design framework or SPD which will be dependent upon Council resources and priorities. The town centre Conservation Area Appraisal and the 2008 Public realm Strategy will be reviewed and updated as and when resources allow. It is noted that the Conservation Area boundary is shown on figure 5.3.1. It is acknowledged that it would be helpful to include an indication of the location of Listed Buildings within the centre. Your comments regarding the Listing of the former Guest and Chrimes building	paragraph after second paragraph: ‘Core Strategy Policy CS23, alongside the more general commitment to ensuring that Rotherham’s historic environment is appropriately conserved, states that the character and setting of Rotherham Minster and the Chapel on the Bridge will be conserved and enhanced and that proposals will be supported which respect and enhance key views and vistas to both these and other significant buildings.’ 5.5 Civic paragraph – amend: ‘The Grade II Listed ~~façade of the~~ former Guest and Chrimes <u>building site</u> is situated...’ 8.1 will be amended to provide appropriate words which indicate how increased vitality and viability of the centre could address many of the issues facing the historic assets in the Conservation Area. Add indication of the

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			is noted and the text will be amended to correct this. It is agreed that section 8.1 should reference how increased vitality and viability of the centre could benefit historic assets.	location of Listed Buildings to figure 5.3.1 and other maps as appropriate.
SPD11	Ms Sharon Gill, ROAR	There is talk of the Civic focus not being purely on governance but also on culture and the arts, however this theme is not carried through the plan. The plan is safe and sensible, but is not exciting and daring. This is a real opportunity to turn Rotherham into a destination for the visitor and tourist economy, to do something extraordinary bespoke to Rotherham and not done elsewhere. For example putting some restrictions on the retail offer to prevent further discount stores. There is no Cultural Quarter that would support and compliment the night time economy- theatres, live music venues, galleries, makers studios- live work spaces etc. This would also support the making and trading strand of the plan. Public art to enhance gateways and transport hubs, as well as the waterways, that compliment the environmental vision and encourage greater bio diversity, as well as helping to engage communities in taking ownership of their town and generating a real sense of pride in Rotherham, needs embedding. We would like to see much greater public involvement in the development and acceptance of any changes to large spaces and civic functions. This would take time, need to be creative and be resource demanding in man hours, but a new approach to making a	The document has been produced as a SPD. As such it must have regard to what is achievable within the planning system. As such the Council does not have the power to restrict the type of retail operators within retail premises. Whilst no specific cultural quarter is defined it is considered that the SPD does provide opportunity for a range of cultural activities to take place throughout Rotherham town centre. Whilst detailed guidance regarding public realm and landscaping is beyond the remit of this SPD it is acknowledged that the discussion on page 62 could include reference to examples of the various elements of public realm which could be improved, which includes public art (see proposed change in response to comments from Mr Andrew Burton). Developments requiring planning permission are subject to statutory public consultation and as such afford everyone the opportunity to provide views on any proposed development. It is noted that Riverside House does not	Page 22, 2011 – Civic offices – ‘...an integrated Library and ~~Arts Centre~~ <u>art gallery</u> ...

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		successful town centre that is not dependant on the opinions of planners would be refreshing and potentially newsworthy, in a positive sense. The SDP is a lengthy document and is not going to elicit responses from those who use the town centre. pg 22- 2011. Riverside does not include an Arts Centre.	include an arts centre. It is proposed to amend the wording to refer to the library and art gallery.	
SPD12	Peter Hawkrige, Rotherham District Civic Society	The Society would wish to make the following points in relation to consultations of this nature:- (i) It would have been helpful if a monochrome copy of the report, supplemented by the coloured maps, had been available on the RMBC website. The Society does not have unlimited funds for printing costs. (ii) The inclusion of a schedule of Use Classes as an Appendix would have been appreciated. (iii) A one page summary describing the Advanced Manufacturing Innovation District concept and its geographic extent would have been of assistance. In the Society's view there is only one purpose in employing an external consultant and that is to bring to the table expertise, knowledge and innovative thinking not already available within RMBC's Planning Service. This report however reads almost like a series of standard planning clichés, green corridors/riverside/town centre living etc containing warm words that the client likes to hear and skating over the significant difficulties the town centre faces. There is an old saying about consultants – “give them your watch and they'll tell you the time” This appears to be what has happened in this case with the report simply reflecting the views provided at the consultation event on the 8th	The document has been produced having due regard for the financial pressures under which Council operates. Whilst noting that the plan is provided in colour most printers allow printing in black and white. Furthermore the Council provided hard copies of the document for inspection at Riverside Library. Whilst a number of comments have been provided regarding the proposed uses in particular parts of the centre it should be noted that the SPD has been prepared to ensure that it is in conformity with and does not conflict with the emerging Local Plan, which identifies appropriate uses in specific locations including the town centre and in particular mixed use areas on the periphery of the town centre. The Advanced Manufacturing Innovation District is an emerging concept and not sufficiently advanced to warrant more detailed reference within the SPD. The intention of the SPD is to provide a broad guide to the vision and aspiration	Goal 5 - ...sporting assets such as ~~Rotherham Theatre on Bridgegate~~, the Civic Theatre... Page 22 – progress section: 2007 – change 'College Road' to 'College Street' 2012 NY Stadium – include references to meeting goals 5 and 8 2015 – High Street – include reference to meeting goal 10 2016-2026 – 'Implementation of the ~~Six~~ Eight Key Moves' Consideration will be given to the consistency of wording of Sections 7.1, 7.3 and 7.5 to aid clarity Visualisation of forge island – amend text to refer to view looking Eastward, not westward Include Westgate on the

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		January 2016. If this is the case it is to be hoped that the consultancy fee has been minimal. There is no point in employing consultants simply to mediate stakeholders' views. The Society was involved in responding to the very professional and detailed May 2008 Draft Interim Planning Statement prepared by RMBC Planning Service and is surprised that this has not been used as a reference point for the current "refresh" A number of detailed comments are provided.	for the town centre building on the Local Plan policies; as such it is not the intention of the document to provide detailed site specific guidance across the full range of planning issues. The Council welcomes the identification of a number of corrections and amendments. Whilst it agrees with a number of these and various proposed changes are identified as a result, there are a number of suggestions or comments which the Council does not agree with. For example, reference is made to a number of policies which are already adopted as part of the Local Plan Core Strategy. With regard to Drummond Street car park this site is identified as a development site in the current adopted UDP and is proposed to continue to be identified as such in the emerging local plan. A number of comments have been made regarding the visualisation of Forge Island. This image is included to give a broad indication of how this area could look and feel following redevelopment as a new part of the town centre. It is not intended to provide a detailed picture of the exact type, range or design of development. The town centre is currently well served in terms of short and long stay parking provision. It is noted that some of this	key gateway plan on page 76 and the stand-alone map Page 80 – second paragraph – amend as follows: 'However, the current size of the <u>outdoor part of the</u> market provides some scope for remodelling in order to rationalise the existing occupiers into a smaller and better quality space. Consideration will be given to determining whether additional funding options related to the LEP or regional growth funds could be referenced Insert a summary of the Use Classes Order

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			provision is on sites which could be redeveloped for other uses. As such the Council is considering the long term implications of development on parking; however this work is not sufficiently advanced to inform the SPD. It is agreed that the inclusion of a summary of the use classes order would be helpful.	
SPD13	Phil Thornevell	Fig 5.6.2 on P49. Reference to 'football' should surely be 'footfall'?	Noted. This typographical error will be corrected.	Amend title of Figure 5.6.2 on page 49: 'Rotherham Town Centre: monthly average ~~football~~ footfall by year...'
SPD14	Mr and Mrs Stanley	Provided comments which object to the Bassingthorpe Farm Strategic Allocation	Your comments are noted; however Bassingthorpe Farm is allocated for development in the adopted Local Plan Core Strategy and is not included within the boundary of the town centre SPD.	None
SPD15	Mr Martyn Coy, Canal & River Trust	We support the town centre goals especially goal 1. We support the improvement of connectivity for pedestrian/cycling. The Trust receives no specific central grant funding to invest in and maintain towpaths. It is therefore crucial to improve the pedestrian networks along the canal corridor by encouraging planning obligations to improve towpath surfacing and access for all, and create and more inviting, less intimidating routes. We welcome that the Masterplan focusses on the waterway and attempts to create successful waterside development orientated on the waterspace. Support proposals for mixed-use waterfront development. More detailed comments were provided	The comments of support are noted. The detailed comments provided are also noted. Whilst these are relevant considerations for detailed development proposals, the intention of the SPD is to provide a broad guide to the vision and aspiration for the town centre building on the Local Plan policies; as such it is not the intention of the document to provide detailed site specific guidance across the full range of planning issues. The information will however be useful for the further detailed work which the Council intends to undertake which will include more site-specific guidance for	None

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		regarding lighting schemes, signage, ecology and public access. Detailed comments regarding development principles for Guest and Chrimes were provided. Comments on the key moves were also provided: Key Move 1: Forge Island - The proposed development needs to fully embrace the waterfront Key Move 3: Gold Routes We welcome that the towpath has been recognised as a Gold Route and that developments along these routes will be asked to contribute to their improvement and upgrade. Key Move 5: Riverside Links The Plan fully acknowledges that the Town, at present, turns its back on the waterfront and needs to focus new development on opening up access to the waterfront. Key Move 8: Green Infrastructure The river and navigation are key components of green infrastructure through the Town centre, offering leisure, sustainable transport and a refuge for wildlife. The Draft Plan seeks to develop these components and we would support this approach in order that the multi-functional nature of the waterways are further enhanced.	parts of the town centre.	
SPD16	Mr & Mrs Stamp	Foreword - Not sure of the relevance of the latin text... Coloured Masterplan Drawing - Without the contextual name of locations/buildings, this is very difficult to envisage what the report is trying to demonstrate. In order to capture the essence and importance of the Document it needs to be more focused and detailed in order to attract the attention of the reader. Goals page 19 - Not sure where the "Rotherham	Your comments of support are noted. A foreword will be included in the final version of the document. Comments regarding the Masterplan drawing are noted. However it is considered that the more detailed map which sits alongside the document provides further notation and explanation, particularly in respect of key sites.	Foreword to be included in final version

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		Theatre" is on Bridgegate....! 5.4 Connectivity page 39 - It is pleasing to see the development of a Tram/Train link, but I believe that it is important to support this service with corresponding car-parking facilities. page 40 - If funding would allow, additional pedestrian walkways above or across Centenary Way would certainly improve access from the Rotherham Community Health Centre and surrounding businesses into the hub of the Town Centre; 5.6 Economy page 49 - I would support attempts to focus on attracting "middle market" retailers into the town. 7.5 Key Move 1 Forge Island page 68 - I would support any attempt to improve this area and encourage waterfront development to create a more "cafe society" image for the town. 7.9 Key Move 5 Riverside Link page 78 - I would support the development of this area, which would encourage people to walk and cycle, whilst being aware and appreciative of the town's natural resource and wildlife. The development of the Guest and Crimes site is vital to the town; 7.10 Key Move 6 Markets Regeneration page 80 - I would support the idea of multi-use for this area and encourage small scale manufacturing/sales units. 8.1 Benefits page 88-89 - The concept of "Alive after Five" is a good idea but please, please, do	The town centre is currently well served in terms of short and long stay parking provision. It is noted that some of this provision is on sites which could be redeveloped for other uses. As such the Council is considering the long term implications of development on parking; however this work is not sufficiently advanced to inform the SPD. Highway improvements have already been implemented to provide 'at level' pedestrian crossings over Centenary Way. The Council will consider opportunities to further improve pedestrian linkages between the town centre and surrounding communities where opportunities and resources allow. It should be noted that the emerging Local Plan includes draft policies which seek to provide further control over the number and location of hot food takeaways within the town centre.	

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		not encourage the influx of yet more fast food establishments; Rotherham already has its quota!		
SPD17	Elisa Atkinson, Highways England	We are concerned about the impact of future development in Rotherham and in the wider Sheffield City Region on the strategic road network. We are currently undertaking Infrastructure Studies along the M1 and M18 and will seek to work with you to identify highways improvement schemes where required. New housing, leisure and retail opportunities have the potential to generate a significant volume of traffic. Smaller sites brought forward on their own, if not in the immediate vicinity of the SRN, may have a limited impact on the SRN. However an accumulation of these could significantly impact the on SRN. We are not aware if any detailed assessments have recently been undertaken to determine the impact of the town centre development and we would therefore welcome the opportunity to be involved to ensure the cumulative impact of sites is fully realised at later stages as required, to determine the scale of impact of the proposed development, any development phasing or mitigation measures which may be required. The SPD states 'Rotherham Town Centre will be at the centre of a public transport network that connects Rotherham's satellite communities into the town and joins the town to the rest of the sub-region including Robin Hood Doncaster-Sheffield airport and the future HS2 station. In addition, we want improvements to the highways network to accommodate growth and provide high quality sustainable transport access, such as walking and cycling into the Town Centre'. This approach	Your comments of support are noted, as are your concerns regarding the cumulative impact of development. Local Plan policies already address the requirements for providing travel plans; as such it is not considered appropriate to re-iterate this policy here as the SPD should be read alongside other relevant planning policy. The Council will look to work with Highways England where appropriate to consider the issues raised, although it is noted that highways and transport implications of proposed development will be subject to public and statutory bodies consultation through the planning application process. The intention of the SPD is to provide a broad guide to the vision and aspiration for the town centre building on the Local Plan policies; as such it is not the intention of the document to provide detailed site specific guidance across the full range of planning issues. The Council is however intending to undertake further work which will include more site-specific guidance for parts of the town centre.	None

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		is supported as opportunities for maximising modal shift and accessibility for walking, cycling and public transport as important transport modes need to be considered to minimise development-associated car trips. We expect that the SPD will maximise opportunities to introduce travel reduction and demand management measures. Public transport measures should include the provision of bus stops and waiting areas as well as provision of information to promote modal shift. We welcome consideration given to infrastructure measures to improve pedestrian movement and circulation, sustainable transport measures to support public transport infrastructure, cycle parking and storage by planning obligations. We welcome proposals for an improved Transport Interchange with pedestrian and wayfinding improvements between the bus and rail stations in order to facilitate and improve linkages and integration with the town centre. We support your approach to capitalising on the town centre location in a working area that is liveable, walkable and bikeable, with good quality transport links. Measures to reduce car trips such as City car initiatives and car share schemes should be included in any travel planning. The provision of more opportunities for city living in proximity to work places is welcomed as it should contribute to a reduction in car travel. Consideration should be given to parking standards and their relationship to measures to reduce dependencies on the car: The SDP should address the requirement for effective travel plans to maximise use of		

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		sustainable modes and minimise provision of parking The degree to which new or re-designed networks of residential streets allow a high level of penetration by bus services on 'connector' residential streets in order to ensure that the public transport option is as attractive as possible in comparison to a car.		
SPD18	Andrew Fosbueary, SYPTE	Town Centre Goals SYPTE agrees with the location of new residential development in areas of high public transport accessibility. It welcomes RMBCs acknowledgement of the importance of the town centre as a hub for connecting both local and longer distance public transport trips. SYPTE agrees with the location of new residential/leisure development in areas of high public transport accessibility. It also agrees with the goal of making the town centre a key destination. Connectivity Tram-Train: Key in providing significant connectivity improvements as well as unlocking opportunities along the corridor. Main Line Rail: Work is currently ongoing to understand the relative merits of any future proposals to mitigate the segregation of Rotherham Central from the mainline. Bus Services: Due to the previously stated poor alternatives the Bus Network is key to providing a useable public transport network in Rotherham. The Rotherham Bus Partnership has resulted in improvements meaning passengers can travel around the town more easily. SYPTE noted and agrees there is potential for improvements to the quality of the environment at the interchange	Your comments of support are noted. A number of comments relate to issues beyond the remit of this document (such as the provision of temporary bus stops to facilitate any redevelopment of the transport interchange); however they will remain relevant to any activity taking place in the future.	None

Ref	Name	Summary of comments	Council Response	Suggested changes to SPD
		In general SYPTE welcome the proposals to improve the Town centre. Rotherham Town Centre is relatively well connected by bus and as such it makes sense to focus development in an area of high public transport accessibility. RMBC note the importance of connectivity in encouraging investment. SYPTE wholeheartedly agrees with this and notes the opportunities of connecting the town centre up with the existing AMID as well as providing opportunities for its growth. Key Move 7: Transport Interchange SYPTE welcome the opportunity to redevelop this site in partnership with RMBC and this SPD document for reinforcing the need of the interchange to maintain its use as a transport hub and that any additional uses, such as retail, be ancillary to its main use. Work is currently ongoing on various possibilities for the future of the Interchange and SYPTE welcomes the importance this document places on getting this redevelopment right. The interchange is key component to a successful town centre and in many cases the first place people travelling into the town will see. SYPTE understand there are a number of complexities when developing this site, including the current structural issues in the car park. It is important to consider what will happen to existing bus services as the interchanges is redeveloped. Rotherham Town Centre has limited street space available for centrally located bus stops and as such is important to consider		

Ref	Name	Summary of comments	Council Response	Suggested changes to SPD
		the phasing of development. There needs to be an allowance for the location of temporary stops as the redevelopment of the interchange goes ahead. Delivery It is important to insure the delivery is complimentary. In summary SYPTE welcome this forward thinking document and the importance it places on connectivity as well as acknowledging the opportunities for co-operation it presents.		
SPD19	Richard Bellamy	The purpose of these comments is to try and encourage the Local Authority to be a little bit more accommodating to people who travel to, from and across the Rotherham town centre using cycles of various forms. Cyclists are known to make short journeys and spend money in their local areas, thus helping the local economy. Very often, their presence is particularly beneficial to cafés, restaurants and to other food shops. Rotherham should look to places such as Bath, Bristol, Cambridge and York as being cities which cater best for cycling. The cycling routes into and out of the Rotherham town centre are not especially inviting. Street cleanliness is important, too. Many shared pedestrian and cycling paths are strewn with broken glass and other debris (eg: the pathways beneath Centenary Way near to the Lidl store	Your comments are welcomed and concerns related to cycling are noted. It is noted that draft Local Plan policies promote sustainable and inclusive access to proposed development by public transport, walking and cycling, including the provision of secure cycle parking. Rotherham has recently been successful in securing funding from Sheffield City Region to improve pedestrian and cycle links to and from areas on the fringe of the town centre to and across the town centre. We will continue to develop attractive and obvious cycle routes into the town centre and to provide convenient and safe locations for cyclists to park their bikes once in the town centre as we acknowledge the benefits derived from a coherent cycle network.	Extend the cycle route notation along Westgate on fig 5.4.1, the Masterplan extracts in section 7.1 and the main map accompanying the document. In section 5.4 insert additional text under the 'cycling routes' section referring to longer term aspirations for strategic cycling routes linking the town centre with outlying areas via Wellgate and Westgate.

Ref	Name	Summary of comments	Council Response	Suggested changes to SPD
		and the railway station). Most of the cycle storage shelters in the town centre are not routinely cleaned, nor maintained adequately. To try and be more accommodating to cyclists, when reviewing its planning policies and documents, the Local Authority ought to be more receptive of the modern standards of highway design and cycling facilities. In the assessment of town centre cycling facilities and highway design, there should be a willingness for the Local Authority to: 1. learn from the experiences of the cities listed above; 2. adopt the modern design guides such as 'Space for Cycling' (Cyclenation), the CPRE Transport Toolkit, the London Cycle Campaign and the Welsh Assembly (the latter for the design of road junctions); borrow a few ideas from the Netherlands as well; 3. engage positively in discussions with national cycling groups (eg: Cycling UK and Sustrans), as well as local cycling clubs and groups, when proposing new facilities for cycling; 4. improve the provision of secure cycle parking in the town centre; 5. repair road surfaces as necessary (eg: Bridge Street, Chantry Bridge, Greasbrough Road, Sheffield Road); 6. quash the byelaw prohibiting cycling in Clifton Park; 7. ultimately decide whether cycling either is, or isn't to be permitted on High Street; 8. permit cycling in the bus lane at Corporation Street (or at least explain properly the reasons why cycling isn't permitted there).	Many of the detailed comments provided are beyond the remit of the SPD, however the Council will continue to meet its maintenance and cleanliness responsibilities within the town centre. The intention of the SPD is to provide a broad guide to the vision and aspiration for the town centre building on the Local Plan policies; as such it is not the intention of the document to provide detailed site specific guidance across the full range of planning issues. However the SPD recognises that there will be a need for further cycle infrastructure as the population increases. There may be opportunities to improve cycle infrastructure through the 8 key moves identified in the SPD and in the development of other sites within the town centre. The information will be useful for the further detailed work which the Council intends to undertake which will include more site-specific guidance for parts of the town centre.	

Ref	Name	Summary of comments	Council Response	Suggested changes to SPD
		From time-to-time, the Local Authority has used funding wisely for cyclists (eg: the provision of a few cycle shelters; the A630 signalled crossing near to the Transport Interchange and the improvements at the St. Ann's roundabout). The 20mph vehicle speed limit in the town is welcome. There is scope for more and the Government has quite recently made a (much-criticised) pledge about the future funding of cycling facilities. Having thankfully abandoned the ridiculously inaccurate "listening Council" tag, is the Local Authority now beginning to accept and act upon the views of others ?		
SPD20	Environment Agency	Areas of Rotherham town centre are at risk from flooding, with a number of the project sites identified in the SPD located in Flood Zone 2 and 3 (medium/high risk). The SPD provides an opportunity to highlight flood risk issues and set out a proposed approach to reducing and managing flood risk in the town centre. The development projects and initiatives identified in the SPD should be informed by the sequential, risk-based approach to the location of sites to avoid where possible flood risk to people and property and manage any residual risk. All new developments will need to be in conformity with local and national planning policy and the Rotherham Flood Risk Toolkit. Any plans for the town centre should take into consideration the Rotherham Renaissance Flood Alleviation Scheme Phase 2 proposal and associated timescales to ensure that opportunities for partnership working and benefits	Your comments are noted. It is noted that a number of sites are within flood risk zones 2 and 3 and as such will be required to comply with national and local planning policy. This includes Core Strategy policy relating to water quality and meeting the Water Framework Directive. It is also noted that the SPD has been produced in compliance with existing and emerging planning policy in the Local Plan, which has been subject to sequential and exception testing. It is acknowledged that reference in section 7.1 overview and the accompanying stand-alone map should make reference to those sites within flood risk zones. It is considered appropriate to provide additional wording in the planning policy section to highlight relevant flood risk policy and the flood alleviation scheme. It is noted that flood risk modelling work	Section 4.1 – include additional wording to highlight relevant flood risk policy and the flood alleviation scheme. In section 7.1 and on the stand-alone map, add the following wording to the text relating Forge Island, Law courts and Police Station, Land south of Main Street and Land to the west of Westgate: 'The site includes land within Flood Zones 2 and / or 3. Development will need to satisfy relevant planning policy regarding flood risk and regard must be had to the Council's Flood Risk Toolkit.'

Ref	Name	Summary of comments	Council Response	Suggested changes to SPD
		are maximised wherever possible. The EA are currently revisiting the hydraulic modelling for the Middle and Lower Don and this includes the reach of the River Don through Rotherham. Outputs from this study may potentially result in changes to current flows, water levels and associated flood risk maps in this area. Initial outputs from the study are anticipated in late 2016 (although this could be subject to change). It is recommended that any plans for the area should take account of the new modelled data wherever possible, to ensure the most up to date data is utilised in decision-making for any possible schemes and developments. The SPD provides an opportunity to focus on the Water Framework Directive (WFD), and specific measures and actions referred to in the Humber River Basin Management Plan (HRBMP). The SPD presents an opportunity, through the provision of green infrastructure, to enhance the setting of the town centre and we are pleased to see this is reflected in the plan. River corridors (also known as blue infrastructure) are also an important feature of green infrastructure and this should be reflected in the SPD. Further detailed comments were provided regarding Forge Island and how it provides an opportunity to join up several initiatives and create an attractive environment and a step change in Rotherham's relationship with the River Don.	may update the situation regarding flood risk. The Council will naturally expect development proposals to utilise the most recent data available. The emerging Local Plan contains policies relating to amongst other things Green Infrastructure, air and water quality, and design. As such it these will be taken into account in any planning applications and it is not considered necessary to repeat them in the SPD. Whilst the detailed comments regarding Forge Island are welcomed, the intention of the SPD is to provide a broad guide to the vision and aspiration for the town centre building on the Local Plan policies; as such it is not the intention of the document to provide detailed site specific guidance across the full range of planning issues. The information will however be useful for the further detailed masterplanning work which the Council intends to undertake. This will include more site specific detail.	

Summary of proposed changes

- Insert forward as agreed by Councillor Lelliott
- Amend Vision - “Attracted by quality design, well-maintained historic buildings and a strong sense of place ...”
- Goal 3, page 19 – add new sentence at end - “In particular this can be achieved by improving connectivity to and from Rotherham’s historic Clifton Park.”
- Goal 5 – amend: ‘...sporting assets such as ~~Rotherham Theatre on Bridgegate~~, the Civic Theatre...’
- Goal 8, page 19 – amend: “Rotherham will seek to ensure that its historic assets are conserved and actively seek the best in architecture, urban design and public spaces...”
- Page 15, third paragraph – amend as follows: The Town Centre Masterplan boundary differs from the ~~more expansive~~ smaller Local Plan Town Centre boundary, ~~being~~ which is more concentrated and spatially focused. The intention of this is to focus regeneration on a number of key sites and areas that will bring the greatest benefit to the Town Centre.
- Page 22 – progress section:
 - 2007 – change ‘College Road’ to ‘College Street’
 - 2011 – All Saints Sq –this refers to the public realm area behind All Saints Minster, not All Saints Square itself – change title to All Saints Minster
 - 2011 – Civic offices – ‘...an integrated Library and ~~Arts Centre~~ art gallery ...
 - 2012 NY Stadium – include references to meeting goals 5 and 8
 - 2015 – High Street – include reference to meeting goal 10
 - 2016-2026 – ‘Implementation of the ~~Six~~ Eight Key Moves’
- Page 26 – 4.1 sub title – amend: ‘Local Adopted and Emerging Policy’
- Section 4.1 – second column, insert new paragraph after second paragraph: ‘Core Strategy Policy CS23, alongside the more general commitment to ensuring that Rotherham’s historic environment is appropriately conserved, states that the character and setting of Rotherham Minster and the Chapel on the Bridge will be conserved and enhanced and that proposals will be supported which respect and enhance key views and vistas to both these and other significant buildings.’
- Section 4.1 – include additional wording to highlight relevant flood risk policy and the flood alleviation scheme.
- Add indication of the location of Listed Buildings to figure 5.3.1 and other maps as appropriate.
- Extend the cycle route notation along Westgate on fig 5.4.1 and the main map accompanying the document.
- In section 5.4 insert additional text under the ‘cycling routes’ section referring to longer term aspirations for strategic cycling routes linking the town centre with outlying areas via Wellgate and Westgate.
- Amend 3rd paragraph on page 43: ‘...following the closure of retailers ~~on an~~ in the evening, the quarter becomes quiet’.

- Section 5.5 Civic paragraph, page 46 – amend: ‘The Grade II Listed ~~façade of the former Guest and Chrimes~~ **building site** is situated...’
- Amend title of Figure 5.6.2 on page 49: ‘Rotherham Town Centre: monthly average ~~football~~ **footfall** by year...’
- Add reference on page 62 to examples of public realm improvements such as improved paving, seating, signage, public art and planting.
- Page 58 - second column, 2nd paragraph – ‘In order to conform with ~~Policy~~ **policy for mixed use area** MU9 **in Policy SP67** of the emerging...’
- Extend the movement and connectivity priority route on Bridge Street to Frederick Street and Effingham Square and onwards towards Eastwood on figure 7.2.2 , fig 7.7.1, the Masterplan extracts in section 7.1 and the standalone map accompanying the document.
- In section 7.1 and on the stand-alone map, add the following wording to the text relating Forge Island, Law courts and Police Station, Land south of Main Street and Land to the west of Westgate: ‘The site includes land within Flood Zones 2 and / or 3. Development will need to satisfy relevant planning policy regarding flood risk and regard must be had to the Council’s Flood Risk Toolkit.’
- Sections 7.1, 7.3 and 7.5 – revise wording to ensure consistency between these sections
- Visualisation of forge island – amend text to refer to view looking Eastward, not westward
- Include Westgate on the key gateway plan on page 76 and the accompanying standalone map (ie show as purple oval notation)
- Page 80 – second paragraph – amend as follows: ‘However, the current size of the **outdoor part of the** market provides some scope for remodelling in order to rationalise the existing occupiers into a smaller and better quality space.
- Section 8.1 p88/89 will be amended to provide appropriate words which indicate how increased vitality and viability of the centre could address many of the issues facing the historic assets in the Conservation Area.
- Consideration to be given to referencing any additional funding options (page 96/97)
- Include a summary of the Use Classes Order –as an appendix

Summary Sheet

Council Report:

Report to Cabinet/Commissioners' Decision Making Meeting – 11 July 2016

Cabinet Member – Councillor Lelliott

Commissioner – Commissioner Kenny

Title:

Neighbourhood Area Application from Dinnington St John's Town Council

Is this a Key Decision and has it been included on the Forward Plan?

Yes

Strategic Director Approving Submission of the Report

Damien Wilson, Strategic Director of Regeneration & Environment

Report Author(s)

Andy Duncan, Planning Policy Manager

Andy.duncan@rotherham.gov.uk 01709 823830

Rachel Overfield, Planning Officer, Planning Policy

Rachel.overfield@rotherham.gov.uk 01709 254746

Ward(s) Affected

Dinnington

Suspension of call-in

Given that the Council must determine this application by 15 July 2016 to comply with the statutory framework for neighbourhood planning, the consent of the Chair of the Overview and Scrutiny Management Board has been given to the suspension of Overview and Scrutiny Procedure Rule 14. Councillor Steele has agreed to the reasonableness of the decision and to the suspension of the call-in procedure in respect of this decision.

Executive Summary

This report gives feedback on the neighbourhood area consultation and recommends that Cabinet approves the application from Dinnington St John's Town Council as a relevant neighbourhood planning body and the designation of Dinnington St John's Parish as a neighbourhood area.

Recommendations

1. That Cabinet / Commissioners note the results of the public consultation regarding the application for the designation of Dinnington St. John's Parish as a neighbourhood area.
2. That Cabinet is recommended to approve: the application from Dinnington St John's Town Council as a relevant neighbourhood planning body, the designation of Dinnington St John's Parish as a neighbourhood area and for the Council's final decision to be publicised in line with the regulations.

List of Appendices Included

Appendix 1 – Copy of the Neighbourhood Area Application

Appendix 2 – Overview of comments on Dinnington St John's Neighbourhood Area Application

Background Papers

Government guidance on neighbourhood planning

<http://planningguidance.communities.gov.uk/blog/guidance/neighbourhood-planning/>

Details on funding for groups writing a neighbourhood plan

http://mycommunity.org.uk/programme/neighbourhood-planning/?_a=funding

Government guidance on how Community Infrastructure Levy monies can be spent

<http://planningguidance.communities.gov.uk/blog/guidance/community-infrastructure-levy/spending-the-levy/>

Neighbourhood planning: A simple guide for councillors

<http://www.local.gov.uk/documents/10180/7530798/Neighbourhood+planning+guide+for+councillors+Dec+13+update.pdf/c5baabb7-f1e6-40a6-ace9-748756f4c488>

A Guide for Councils: Meeting your authority's legal requirements for Neighbourhood Development Plans

<http://www.pas.gov.uk/documents/332612/1099329/Legal+compliance+guide+NDP+March+2015.pdf/63e5106e-690e-4486-aed8-248a665c532b>

Consideration by any other Council Committee, Scrutiny or Advisory Panel
No

Council Approval Required:
No

Exempt from the Press and Public:
No

Title:

Neighbourhood Area Application from Dinnington St John's Town Council

1. Recommendations

1. That Cabinet / Commissioners note the results of the public consultation regarding the application for the designation of Dinnington St. John's Parish as a neighbourhood area.
2. That Cabinet is recommended to approve: the application from Dinnington St John's Town Council as a relevant neighbourhood planning body, the designation of Dinnington St John's Parish as a neighbourhood area and for the Council's final decision to be publicised in line with the regulations.

2. Background

- 2.1 The Localism Act 2011 introduced a new right for communities to draw up a neighbourhood plan. It also placed a duty on local planning authorities to support neighbourhood planning by providing advice or assistance and taking decisions at key stages in the neighbourhood planning process.
- 2.2 Neighbourhood planning contributes to the Draft Corporate Plan (2016-18) priorities through contributing to empowerment, strong community, extending opportunity, prosperity and planning for the future. A neighbourhood plan, to be formally adopted, would have to be in general conformity with national planning policy and the Local Plan. When adopted, neighbourhood plans become part of the Council's statutory development plan (alongside the Local Plan) and the policies contained within them apply in the determination of planning applications. A neighbourhood plan cannot restrict growth but has the potential to propose moderate increases in development.
- 2.3 Dinnington St John's Town Council has applied to the Council to designate Dinnington St John's Parish as a neighbourhood area (**see Appendix 1**).
- 2.4 Consultation on the neighbourhood area application has been undertaken in line with relevant legislation and regulations.

3. Key Issues

- 3.1 Designation of the neighbourhood area would mean that Dinnington St John's Town Council has approval to prepare a neighbourhood plan for the designated area and that no other parish/town council or neighbourhood forum can complete a neighbourhood plan for the same area.

- 3.2 Applications for neighbourhood plans are subject to a prescriptive process. The Council has to consider if the neighbourhood area is appropriate, if the application is made by a relevant body and if the area is in accordance with local planning policy.
- 3.3 The Council received comments on the neighbourhood area consultation from thirteen respondents. All these were in favour of the neighbourhood area proposed for designation. No objections to either the neighbourhood area proposed or the Town Council as the relevant body to prepare the plan were received. (**See Appendix 2.**)

4. Options considered and recommended proposal

- 4.1 The application meets the requirements of the relevant legislation. The proposed neighbourhood area matches the established parish council boundary and is the administrative area for Dinnington St John's Town Council. The application has been made by a relevant body as identified in the relevant legislation. There have been no previous applications for neighbourhood area designation in this area. It is not considered appropriate to designate the whole parish as a business area; as the parish is not an area wholly or predominantly business in nature.
- 4.2 The Dinnington Neighbourhood Plan will have to be in general conformity with the Local Plan and therefore will not pose a risk to the Council's overall priorities. Local Plan Core Strategy Policy CS1 identifies "Dinnington, Anston and Laughton Common (including Dinnington East Broad Location For Growth)" as a principal settlement for growth and gives indicative figures for housing, employment and retail provision. As the application is to designate the neighbourhood area only, and the scope and detail of the neighbourhood plan itself are yet to be established, there is no conflict between the designation of the neighbourhood area and local planning policy. There are no planning reasons to refuse the area application.
- 4.3 Approval of the neighbourhood area and commencement of neighbourhood planning will empower local residents to have more of a say about developments in their area.
- 4.4 It is recommended that Dinnington St John's Civil Parish is designated as a neighbourhood area (as proposed by Dinnington St John's Town Council as a relevant neighbourhood planning body). Publicity on the neighbourhood area application decision will need to be undertaken in line with the relevant legislation. This will require publication on the Council's website of its decision and:
 - 1. the name of the neighbourhood area
 - 2. a map identifying the area
 - 3. the name of the parish council that applied for the designation.

- 4.5 A refusal of the current neighbourhood area application would have to be based on planning reasons or the validity of the application. Based on consideration of the application and the results of public consultation there are no grounds to refuse the application.
- 4.6 Publicity reporting the Council's final decision on the neighbourhood area application is proposed to be as follows: that the decision is posted on the Council's website, a notice is placed in the Worksop & Dinnington Guardian and Dinnington St John's Town Council are formally notified.

5. Consultation

- 5.1 Public consultation on the neighbourhood area application ran from 20 May to 20 June 2016. A notice of this consultation was placed in the Worksop & Dinnington Guardian. Cabinet Member – Jobs and the Local Economy, Dinnington ward members and neighbouring parish councils were notified. Consultation was carried out through the Council's website and responses could also be submitted by email and letter. Supporting information on neighbourhood planning and a copy of the neighbourhood area application was placed on the Council's website.

6. Timetable and Accountability for Implementing this Decision

- 6.1 The table below sets out the timescale and accountability for implementing the recommendations in this report:

Stage	Date	Accountability
Report to Cabinet to obtain a final decision on the neighbourhood area application	11 July 2016	Cabinet
Publicity reporting the Council's final decision on the neighbourhood area application	15 July 2016 (8 weeks from consultation start to meet statutory requirements)	Planning Policy
If application granted: Dinnington Neighbourhood Plan development	Post 15 July 2016	Dinnington St John's Town Council
If application granted: Further Cabinet/Council decisions at key stages in the neighbourhood planning process and advice or assistance to the town council (as required by legislation)	Tbc	Rotherham MBC

7. Financial and Procurement Implications

- 7.1 The cost to Rotherham Council so far has been staff time in supporting and processing the neighbourhood area application (ie advertisement costs as part of consultation), which has been carried out within existing budgets.
- 7.2 If the application is granted it will be Dinnington St John's Town Council who will lead on plan production and not the local authority. The Town Council can apply directly for government funding and/or technical assistance in preparing a neighbourhood plan. Communities that draw up a neighbourhood plan and secure the consent of local people in a referendum will benefit from 25 percent of the revenues from the Community Infrastructure Levy arising from the development that takes place in their area. Rotherham's Community Infrastructure Levy is not yet in place.
- 7.3 Assuming the neighbourhood plan goes on to be developed there will be costs to Rotherham Council in fulfilling its neighbourhood planning functions. The Council can apply for retrospective funding from central Government to support neighbourhood plans under preparation in its area. The basic level of funding is £30,000 which is paid for completion at named stages of plan progression. The first payment of £5,000 is made following designation of the neighbourhood area.

8. Legal Implications

- 8.1 Neighbourhood planning is subject to a prescriptive process set out in regulations made under the Localism Act 2011. Under the Town and Country Planning Act 1990, the Council has a statutory duty to assist communities in the preparation of neighbourhood development plans and orders and to take plans through a process of examination and referendum. The current application is a preliminary step in the preparation of a neighbourhood plan. A neighbourhood plan, once it has completed the statutory process successfully and comes into force, will form part of Rotherham's statutory development plan.
- 8.2 Relevant legislation for neighbourhood planning is the Town and Country Planning Act 1990 (as amended), the Localism Act 2011 and the Neighbourhood Planning (General) Regulations 2012 (as amended by The Neighbourhood Planning (General) (Amendment) Regulations 2015).

9. Human Resources Implications

- 9.1 No direct implications arise from this report. However, this is a new area of work for the Council requiring support from several services. A training session for members is anticipated in summer 2016.

10. Implications for Children and Young People and Vulnerable Adults

- 10.1 No direct implications arise from this report. The neighbourhood plan will have to be in general conformity with the Local Plan and therefore will not pose a risk to the Council's overall priorities.

11. Equalities and Human Rights Implications

- 11.1 No direct implications arise from this report. The neighbourhood plan will have to be in general conformity with the adopted Local Plan Core Strategy, which was itself informed by an Equalities Impact Assessment.

12. Implications for Partners and Other Directorates

- 12.1 The local authority in implementing its neighbourhood planning role would require the support from officers in a number of Council directorates (eg Planning Regeneration and Transport, Finance & Customer Services, and Resources and Transformation Directorate).
- 12.2 Neighbourhood planning contributes to the Draft Corporate Plan (2016-18) priorities through contributing to empowerment, strong community, extending opportunity, prosperity and planning for the future.

13. Risks and Mitigation

- 13.1 The Council may be open to legal challenge should the application not be treated in accordance with the relevant legislation. Legal advice has been sought as necessary to minimise this risk.

14. Accountable Officer(s)

Paul Woodcock
Assistant Director - Planning, Regeneration and Transport

Approvals Obtained from:-

Strategic Director of Finance and Corporate Services:-
Rob Harrison, Principal Finance Officer

Director of Legal Services:-
Sumera Shabir, Planning Solicitor

Head of Procurement (if appropriate):- N/A

This report is published on the Council's website or can be found at:-

<http://moderngov.rotherham.gov.uk/ieDocHome.aspx?Categories=>

Appendix 1 – Copy of the Neighbourhood Area Application

Town Clerk and Finance Officer
Alistair Evans MCMI CIMA Adv D

Lyric Theatre
Laughton Road
Dinnington
SHEFFIELD
S25 2PS
Tel: 01909 564169
Email: dsjtc@hotmail.co.uk

Mr A Duncan
Planning Policy Manager
Planning, Regeneration and Cultural Services
Rotherham Metropolitan Borough Council Riverside
House
Rotherham
S60 1AE

17th December 2015

Dear Andy,

DINNINGTON ST JOHN'S TOWN COUNCIL – NEIGHBOURHOOD PLAN

Further to our letter of 20th October 2015 and the email from Rachel Overfield dated 8th December 2015, we wish to outline our reasons for believing we are a suitable relevant body to apply for a neighbourhood area to be designated.

In accordance with Regulation 5 of the Neighbourhood Planning (General) Regulations 2012, attached is a map detailing the area of the Dinnington St John's parish (highlighted by the red boundary). We wish to encompass the whole of the parish in our Neighbourhood Plan; we consider this to be appropriate for designation as a neighbourhood area as we represent the whole of the parish and wish to engage the whole community in the plan and ensure all areas are represented.

Section 61G of the Localism Act 2011 paragraph (2)(a) defines a 'relevant body' as a parish council, and paragraph (3)(a) states 'in the case of an application by a parish council, must be one that consists of or includes the whole or any part of the area of the council': our application complies with both of these paragraphs.

The proposed plan is likely to be called the 'Dinnington Neighbourhood Plan', although this is subject to formal approval (and therefore change) by the Neighbourhood Plan committee once this is established. Contact details for members of the public are:

Email: dsjtc@hotmail.co.uk
Web: www.dinningtonstjohns.org
Phone: 01909 564169

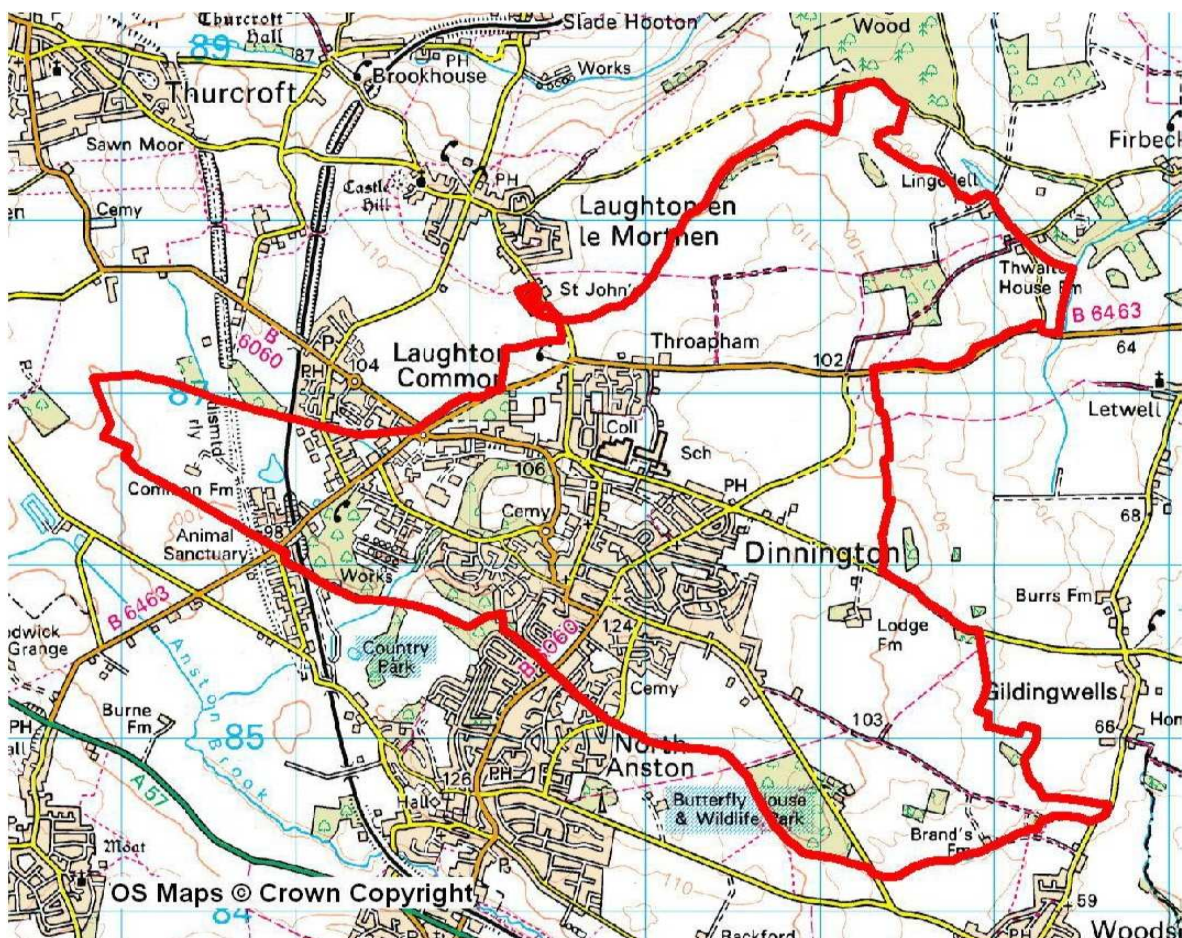
Again, these contact details may change if the committee decides to establish its own website and email. If that transpires, links will nevertheless be available on the website detailed above.

I trust the above information meets with your approval and requirements at this stage. If you need any further details please do not hesitate to contact me.

Town Clerk and Responsible Finance Officer
Dinnington St John's Town Council

Enclosure:

1. Plan of Dinnington St John's parish.



Appendix 2 – Overview of comments on Dinnington St John's Neighbourhood Area Application

Matter	Responses received
Number of representations	13
Form of response	12 – via website 1 – emailed response form
Number in support of Dinnington St John's Neighbourhood Area Application	13
Supplementary comments received in support	10
Summary of supplementary comments received in support	• “great for local democracy” • “We need to have more say” • “Fed up of the Borough Council ignoring the needs and opinions of Dinnington residents” • “I would like Dinnington to keep control of our town and help enforce issues that we raise but have no legal force” • “Dinnington would definitely benefit by becoming a neighbourhood area”
Number of objections received to Dinnington St John's Neighbourhood Area Application	0
Supplementary comments in objection	0

Summary Sheet

Council Report

Cabinet and Commissioners' Decision Making Meeting – 11 July 2016

Title

Continuation of Public Health Services

Is this a Key Decision and has it been included on the Forward Plan?

Yes

Strategic Director Approving Submission of the Report

Teresa Roche, Director of Public Health

Report Author(s)

Anne Charlesworth, Commissioning and Quality Manager, Public Health

anne.charlesworth@rotherham.gov.uk

Telephone: 01709 255851

Ward(s) Affected

All

1. Summary

Public Health are requesting permission for exemptions under Standing Order 38 from the requirement to tender the contracts specified in the report and subsequent extensions to the contracts enabling these services to continue until a range of options have been explored and enacted. The contracts are due to expire on 31st March 2017.

The contracts requiring an exemption and extension are the public health services commissioned from Pharmacists and General Practitioners (GPs):

- Pharmacy supervised consumption of drugs prescribed as 'substitute medication' for opiate dependence. The annual contract value is circa £185,000.
- Pharmacy provision of needles and syringes for use by injecting drug users. The annual contract value is circa £45,000.
- Pharmacy provision of Emergency Hormonal Contraception (EHC). The annual contract value is circa £20,000.
- GP provision of contraceptive services, Intrauterine Contraceptive Device (IUCD) and sub dermal implants. The annual contract value is circa £176,000.
- GP provision of chlamydia screening. The annual contract value is circa £10,000.

- GP provision of 'Shared Care' for dependant alcohol and drug patients, the care package is shared between the GP and a consultant Psychiatrist. The annual contract value is circa £162,000.
- GP provision of Adult Alcohol screening which is targeted at specific health conditions. The annual contract value is circa £67,000.
- GP provision of NHS Health Checks Programme for those aged 40 to 74. The annual contract value is circa £200,000.

The report also asks Cabinet Members to agree an exemption from tender for the Specialist Drugs and Alcohol Midwifery Service currently provided by The Rotherham Hospitals NHS Foundation Trust (TRFT). The contract will then be extended until 31st March 2018. The annual contract value is £90,000.

The Public Health Services listed support the delivery of the Health and Wellbeing Strategy, Public Health indicators in the Corporate Plan and The Public Health Outcomes Framework. Furthermore, NHS Health Checks and Sexual Health services are a statutory Public Health function as specified within The Local Authorities (Public Health Functions and Entry to Premises by Local HealthWatch Representatives) Regulations 2012.

The List of appendices included provides service summaries for the contracts under consideration:

Appendix A: Detail of the Sexual Health Services.

Appendix B: Detail of the Drugs and Alcohol Treatment Services and Alcohol screening.

Appendix C: Detail of the NHS Health Checks Programme.

Appendix D: Detail of the Specialist Drugs and Alcohol Midwifery Services.

Recommendations

Cabinet are being asked to agree the following recommendations:

- 1.1 That an exemption from the requirement to tender is granted for the following sexual health contracts, IUCD, sub dermal implants and chlamydia screening within General Practice and EHC within pharmacies for the current contract which expires on 31st March 2017.

Contracts will then be extended for one year ending 31st March 2018, during which time the new providers of the sexual health contract will have adopted the Primary Care Sexual Health Services.

See Appendix A.

- 1.2 That an exemption from the requirement to tender is granted for the contracts for the provision of drugs services: supervised consumption of methadone, needle exchange and Shared Care commissioned from GPs and pharmacies.

Contracts will then be extended for one year ending 31st March 2018 and incorporated into the tender exercise for the Secondary Care Substance Misuse Services.

See Appendix B.

- 1.3 That an exemption from the requirement to tender is granted for the Adult Alcohol Screening contract commissioned from GPs which expires on 31st March 2017.

Contracts will then be extended for one year ending 31st March 2018, enabling service reviews to take place.

See Appendix B.

- 1.4 That an exemption from the requirement to tender is granted for the NHS Health Checks contract commissioned from GPs which expires on 31st March 2017.

Contracts will then be extended for one year ending 31st March 2018, enabling service reviews to take place.

See Appendix C.

- 1.5 That an exemption from the requirement to tender is granted for the Specialist Drugs and Alcohol Midwifery service commissioned from TRFT.

The contract will be extended for one year ending 31st March 2018, when full review of specialist midwifery services commissioned by Public Health has been scheduled.

See Appendix D.

Background Papers

Commissioning Stop Smoking Support in Pregnancy. Approved by Cabinet 6th November 2013.

Public Health Proposals for Re-commissioning Public Health Services agreed by SLT 24th November 2015 and ratified by Commissioner Manzie's decision making meeting on the 14th December 2015.

Public Health response to stakeholder consultation on the Future of Drugs and Alcohol Services was published on 7th March 2016.

Consideration by any other Council Committee, Scrutiny or Advisory Panel

None.

Council Approval Required

Yes.

Exempt from the Press and Public

The appendices are exempted as they contain sensitive business information as defined under Paragraph 3 of Schedule 12A to the Local Government Act 1972.

Title

Continuation of Public Health Services

1 Recommendations

- 1.1 That an exemption from the requirement to tender is granted for the following sexual health contracts, IUCD, sub dermal implants and chlamydia screening within General Practice and EHC within Pharmacies for the current contract which expires on 31st March 2017.

Contracts will then be extended for one year ending 31st March 2018, during which time the new Providers of the Sexual Health contract will have adopted the Primary Care Sexual Health Services.

See Appendix A.

- 1.2 That an exemption from the requirement to tender is granted for the contracts for the provision of drugs services: supervised consumption of methadone, needle exchange and Shared Care commissioned from GPs and Pharmacies.

Contracts will then be extended for one year ending 31st March 2018 and incorporated into the tender exercise for secondary care substance misuse.

See Appendix B.

- 1.3 That an exemption from the requirement to tender is granted for the Adult Alcohol Screening contract commissioned from GPs which expires on 31st March 2017.

Contracts will then be extended for one year ending 31st March 2018, enabling service reviews to take place.

See Appendix B.

- 1.4 That an exemption from the requirement to tender is granted for the NHS Health Checks contract commissioned from GPs which expires on 31st March 2017.

Contracts will then be extended be extended for one year ending 31st March 2018, enabling service reviews to take place.

See Appendix C.

- 1.5 That an exemption from the requirement to tender is granted for the Specialist Drugs and Alcohol Midwifery Service commissioned from TRFT.

The contract will be extended for one year ending 31st March 2018, when full review of Specialist Midwifery Services commissioned by Public Health has been scheduled.

See Appendix D.

2. Background

- 2.1 Public Health transferred into RMBC in April 2013, bringing across from the Rotherham Primary Care Trust (PCT) a mixture of contracts which had been competitively tendered and internal NHS contracts. Most of the NHS services have not been tendered as they were part of the structure of the organisation. Public Health commission a number of services that promote and protect the health of the

local population. These services were part of the Public Health transfer to RMBC in 2012/13 and have been part of the local delivery to the Rotherham population for over 5 years prior to the transfer. Public Health has continued to manage these contracts.

Identifying alternative providers for these services typically requires working with the NHS to review the whole 'care pathway' rather than a simple retender exercise.

- 2.2 Public Health have started this review work on the main contracts for Sexual Health, Drugs and Alcohol and 0-19s Child Health programme areas and these are now out to tender (May 2016). These reviews have enabled a range of options for the GP and pharmacy contracts to be developed which are outlined in the body of the report.

The details of the review outcomes for Sexual Health, Pharmacy based Drug Services and the Specialist Drugs and Alcohol Midwifery are contained within the relevant appendices A to D.

3. Key Issues

- 3.1 Public Health transferred into RMBC in April 2013, bringing across from the Primary Care Trust (PCT) several contracts the majority being internal NHS contracts. When they were in the NHS they were part of the wider NHS contract and so did not have a formal end date.
- 3.2 Most local authorities have embarked on redesigning and tendering public health services, some did this on transfer to local authorities. In the main, services were novated at the point of transfer. Although the public health function and funding novated to RMBC, the contracts were left with the CCG for 2 years as partnership agreements, with RMBC signing the contracts as a co-commissioner. This arrangement ended in March 2015 when the 3 year rolling contracts with the providers had a break and the contracts then became between RMBC and the respective providers.
- 3.3 Since moving into RMBC, Public Health have developed a robust performance and contract management process and in the majority of cases the services contract value has been reviewed. The benchmarking data and cost profiles against our statistical neighbours are specified in the relevant appendices.
- 3.4 The Specialist Midwifery Service is commissioned from TRFT. The stop smoking element was exempted from tender by Cabinet on the 6th November 2013. The drugs and alcohol element was market tested during 2015, no other providers were interested at that point in time. The proposal is to extend the contract and incorporate the Specialist Drugs and Alcohol Midwifery Service into the wider contract.

4. Options considered and recommended proposal

Options relating to all contracts referred to in this report are:

- 4.1 Extend the contracts for a 6 month period to allow a robust commissioning process to take place, mitigating the risk of challenge by issuing a Prior Information Notice.

The impact of a 6 month timescale would cause significant pressures in terms of undertaking consultations, market engagement and testing exercises. This timescale may not allow sufficient time for a rigorous process. This option is not recommended.

- 4.2 Extend the contracts for 12 months from 31st March 2017 to 1st April 2018 to allow a robust commissioning process to take place, mitigating the risk of challenge by issuing a Prior Information Notice.

The impact of a 12 month timescale would allow for the necessary processes involved to be conducted within the appropriate timescales. This option is recommended.

5. Consultation

- 5.1 The market testing and consultation events held for the Integrated Sexual Health service in December 2015 and the 0-19 Child Health Services in April 2016 have included a range of national and local stakeholders and other service providers to consider options.

A consultation event is scheduled for Drugs and Alcohol Treatment Service; this will be part of the review in autumn 2016.

- 5.2 The Sexual Health Service market testing and consultation event considered the option to include GP and pharmacy provision as part of a whole system tender where one provider subcontracts to these smaller providers and manages the clinical governance for the entire system. This was felt to be best practice going forward and is now included in the tender. The Sexual Health tender will be awarded in September 2016.

The provider will then be expected to undertake a consultation with existing providers prior to taking over the Primary Care Contracts. This will require notice to be given to all relevant Primary Care providers in relation to the change of commissioner.

The Primary Care Contracts for Sexual Health would need to be extended for up to one year when they expire on 31st March 2017, to allow for this change in commissioning arrangements to occur. It is expected this would be completed by 31st March 2018.

- 5.3 The stakeholder consultation on the future Drugs and Alcohol Recovery Services and GP Provision Drug Users was conducted in autumn 2015 and the outcome published in March 2016.

There was clear support in the responses to maintain services for drug users with GPs in 'shared care'. The option going forward will be to consider including shared care as an essential element of the model that will be tendered in 2017-2018.

6. Timetable and Accountability for Implementing this Decision

- 6.1 If this report is approved, work will commence immediately to ensure a continued delivery of the services in the interim period and seamless transition to the future providers.

- 6.2 As part of this plan, a communications strategy will be developed with a clear timeline for notifications and implementation. Indications of extensions and intentions and processes for retendering would be given to all service providers.
- 6.3 The sexual health tender will be awarded in September 2016. The provider will then be expected to take over contracts within primary care. This will require notice to be given to all relevant primary care providers in relation to the change of commissioner.

7. Financial and Procurement Implications

- 7.1 The services were offered to all GP practices and Pharmacies as Local Enhanced Services, supplements to their core NHS contracts and have continued on this basis
- 7.2 The total values of the current contracts stated in Section 1 is £955,000, based on 2016/17 budgets. These public health contracts have in the main been novated from the NHS on transfer to the Council and therefore not been subject to a competitive tender exercise to determine best value. These services are also predominately paid as 'items of service' and therefore demand led.
- 7.3 Available benchmarking data including detailing the costs per item of service and comparisons with other areas are contained in the attached appendices. Overall this shows a mixed picture where Rotherham is typically spending below Yorkshire and Humberside average for health checks and above average cost in respect of Substance Misuse (Alcohol). Exact comparisons are difficult due to the variation in services between areas. The spending profiles of our statistical neighbours outlined in the Public Health England Spend and Outcome Tool (SPOT) provides some useful benchmarking data.
- 7.4 There is no comparable data from our statistical neighbours in respect of the Shared Care Scheme for drug users as the Rotherham scheme is unique and was recognised as best practice at the time it was established. This scheme has been reviewed and the payments to GPs reduced by 50 per cent in 2014.
- 7.5 It is therefore appropriate that these existing contracts are initially extended for one year to allow services to be reviewed in order to achieve best value, especially where resources are reducing in respect of the Public Health grant funding.

8. Legal Implications

- 8.1 Standing Order 38 provides that a particular contract/or contracts can be exempted from the requirement to tender provided that value for money and compliance with the law can be demonstrated. This report seeks exemptions from the requirement to tender for the specified services for the reasons stated above to enable the continuation of the contracts scheduled in the appendices.
- 8.2 Agreeing exemption until alternative models are identified reduces the risk of challenge to the Council and enables extensions to be sought for existing contracts.

9. Human Resources Implications

- 9.1 There are no direct HR implications arising from this report, however, if as part of the review the providers of services change, there may be an impact on staff employed by TRFT. Steps will be taken to mitigate the impact through close work with partners. Consideration during the tendering process will need to be given to potential TUPE implications if and when they arise.
- 9.2 The continued provision of public health services does support the local health economy, the GP and pharmacy sectors which serve the Rotherham public to maintain and increase their skills in these areas; in turn this supports the CCG agenda of recruiting and retaining an able workforce in primary care.

10. Implications for Children and Young People and Vulnerable Adults

- 10.1 These services provide access to services in all of Rotherham's communities with easy access to services for younger people in terms of contraception and access to needle and syringe exchange. This will be maintained in any new service provision.

11 Equalities and Human Rights Implications

- 11.1 Equalities and human rights implications are incorporated into the Council's procurement processes. Compliance with best practice procurement ensures these requirements are achieved.

12. Implications for Partners and Other Directorates

- 12.1 Rotherham CCG is the main commissioner of midwifery services. Public Health would want to inform the CCG of any decision that would impact on this small element of service.
- 12.2 With regard to GP and pharmacy provision, the CCG and NHS England are the main commissioners of these services. Public Health would want continue to involve them in future service modelling.

13. Risks and Mitigation

- 13.1 There has been a need to consider risk of legal challenge from service providers within the market place who believe they are able to deliver these services.
- 13.2 Rotherham MBC Standing Order 38.7 states no exemptions can be granted which would result in a breach of European Union or domestic law. In the case of these contracts, the "Light Touch" procurement limit for health services is £589,158 for the term of the agreement. However, the risk could be mitigated for those contracts that will be tendered by placing a Prior Information Notice (PIN) making known Rotherham MBC's intentions of the planned procurements.

This approach would be particularly relevant for general practice contracts, needle exchange and EHC within pharmacy.

- 13.3 For contracts not being tendered, the new EU Remedies Directive provides for the publication of a "Voluntary Ex-Ante Transparency Notice" (VEAT) where a

contracting authority deems that a contract does not require prior publication of a contract notice in the European Journal (OJEU - Official Journal of the European Union).

In completing the VEAT notice Rotherham MBC must give sufficient information as to the justification for direct award of a contract without OJEU advertising and observe a minimum 14 day standstill period before the contract is awarded. This allows providers the opportunity to challenge the decision of Rotherham MBC and obtain pre-contractual remedies should a challenge be upheld. The advantage to Rotherham MBC is that the penalty of mandatory ineffectiveness does not apply in the event of a challenge to a contract awarded after the standstill period has elapsed.

This approach would be particularly relevant for the Pharmacy Supervised Consumption Service and Specialist Drugs and Alcohol Midwifery Service.

14. Accountable Officer(s)

Teresa Roche, Director of Public Health

Anne Charlesworth, Public Health Commissioning & Quality Manager,

Approvals Obtained from:

Strategic Director of Finance and Corporate Services

Mark Scarrott, Finance Manager (01709 822007)

Director of Legal Services

Ian Gledhill, Principal Officer, (01709 824501)

Head of Procurement

Helen Chambers Interim Corporate Procurement Manager, (01709 823661)

Human Resources

Odette Stringwell, HR Business Partner, (01709 334176)

The report appendices are exempt and not published on the Council's website.

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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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