



CABINET AND COMMISSIONERS' DECISION MAKING MEETING

**Monday, 11 September 2017
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
Adult Social Care and Health Portfolio	Councillor David Roche
Corporate Services and Finance Portfolio	Councillor Saghir Alam
Housing Portfolio	Councillor Dominic Beck
Jobs and the Local Economy Portfolio	Councillor Denise Lelliott
Neighbourhood Working & Cultural Services Portfolio	Councillor Taiba Yasseen
Waste, Roads and Community Safety Portfolio	Councillor Emma Hoddinott

Commissioners:-

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 September, 2017**
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 June and 10 July 2017 (Pages 1 - 26)

To receive the minutes of the Cabinet and Commissioners' Decision Making Meetings held on 26 June and 10 July 2017 and approve as true and correct records of the proceedings.

5. Exclusion of the Press and Public

Items 18 and 19 have appendices detailing exempt information. Therefore, if deemed necessary, the Chair will 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 items of business on the grounds that it/they involve the likely disclosure of exempt information as defined in paragraphs 1, 2 or 3 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 KENNY

6. Determination of Asset Transfer Requests (Pages 27 - 39)

Report of the Strategic Director of Regeneration and Environment

Cabinet Member: Councillor Lelliott (in advisory role)

Commissioner: Kenny

Recommendations:

1. That all three requests for Asset Transfer Policy lease agreements as detailed within the report be approved.
2. That the Assistant Director of Planning, Regeneration and Transport be authorised to negotiate the terms of the requests.
3. That the Assistant Director of Legal Services be authorised to complete the necessary documentation.

7. Adoption of Land Adjacent Sales Policy and Procedures (Pages 40 - 51)

Report of the Strategic Director of Regeneration and Environment

Cabinet Member: Councillor Lelliott (in advisory role)

Commissioner: Kenny

Recommendations:

1. That the proposals contained in the report considering the adoption of new policy and procedures for dealing with land adjacent sales be agreed.
2. That the Assistant Director of Planning, Regeneration and Transport be authorised under delegated powers to approve qualifying disposals and that the Assistant Director of Legal Services be authorised to complete the necessary legal documentation.
3. That a minimum value threshold of £2,000 plus fees be set for all disposals that arise through applications to purchase.
4. That an administration charge of £250 be payable at the point of application which will be refunded if the application proceeds to completion.
5. That any applications to purchase areas of land which are dedicated as public open space are not part of the delegated authority or considered as part of the policy.

8. Greasborough Public Hall Future Options (Pages 52 - 60)
Report of the Strategic Director of Regeneration and Environment

Cabinet Member: Councillor Lelliott (in advisory role)
Commissioner: Kenny

Recommendations:

1. The proposed demolition of Greasbrough Public Hall be approved and the cleared site be then retained in Council ownership for the delivery of the highway improvement scheme.
2. That the façade and stone from the Greasbrough Public Hall be salvaged and retained for potential future use and the detail of what is to be retained be agreed in partnership with the Greasbrough Public Hall Community Trust.
3. That the required funding for the project be added to the Council's Capital Programme for 2017/18 and funded from unallocated capital receipts.

DECISIONS FOR COMMISSIONER NEY

9. Council Plan 2017/18 Quarter 1 Performance Report (Pages 61 - 132)
Report of the Assistant Chief Executive

Cabinet Member: Councillor Read (in advisory role)
Commissioner: Ney

Recommendations:

1. That the overall position and direction of travel in relation to performance be noted.
2. That consideration be given to measures which have not progressed in accordance with the target set and the actions required to improve performance, including future performance clinics
3. That the performance reporting timetable for 2017/18 be noted.

10. Introduction of a Public Spaces Protection Order (PSPO) for Rotherham Town Centre (Pages 133 - 163)

Report of the Strategic Director of Regeneration and Environment

Cabinet Member: Councillor Hoddinott (in advisory role)

Commissioner: Ney

Recommendations:

1. That approval be given to the Public Spaces Protection Order, for a period of three years, following consideration of the public consultation and relevant legal requirements.
2. That a 12 month review, post implementation of the order be undertaken to assess impact and make variations, adjustments or new orders as necessary.

DECISIONS FOR CABINET

11. Appointment of the Academy Sponsor for the Proposed Primary School on the Waverley Development Site (Pages 164 - 171)

Strategic Director of Children and Young People's Services

Cabinet Member: Councillor Watson

Commissioner: Bradwell (in advisory role)

Recommendation:

That the appointment of Aston Community Education Trust (ACET) as sponsor for the first proposed primary school at the Waverley development site be noted.

12. July 2017/18 Financial Monitoring Report (Pages 172 - 189)

Report of the Strategic Director of Finance and Customer Services

Cabinet Member: Councillor Alam

Commissioner: Ney (in advisory role)

Recommendations:

1. That the current forecast overspend for 2017/18 of £3.4m be noted.
2. That it be noted that management actions continue to be developed to address areas of overspend and to identify alternative and additional savings to mitigate shortfalls in achieving planned savings in 2017/18.
3. That it be noted that a detailed Dedicated Schools Grant (DSG) Recovery Strategy which will transfer £3m in 2017/18 to reduce the forecast High Needs Block deficit and mitigate the in-year pressure through a series of measures has been set in place.
4. That the current forecast outturn position on the approved Capital Programme for 2017/18 and 2018-2022 be noted.

13. Council Tax Discount for Care Leavers (Pages 190 - 196)

Report of the Strategic Director of Finance and Customer Services

Cabinet Member: Councillor Alam
Commissioner: Ney (in advisory role)

Recommendations:

1. That a 100% Council Tax discount be awarded for Council Tax liability arising from the relevant date at the end of the formal call in period following decision for the period to 31 March 2018, under Section 13A (1)(c), to Rotherham care leavers between the ages of 18 to 21 and up to the age of 25 for care leavers in full-time education, who reside in the borough based on the principles set out in this report.
2. That for those care leavers from Rotherham living outside of the Borough, Rotherham Council will pay 100% of Council Tax liability arising from the relevant date at the end of the formal call in period following decision based on the principles set out in this report.
3. That a full review of the Council Tax Reduction scheme be undertaken, including public consultation, to consider potential changes to the scheme for 2018 including the incorporation of the care leavers discount into the scheme.

14. New Applications for Business Rates Discretionary Rate Relief (Pages 197 - 203)

Report of the Strategic Director of Finance and Customer Services

Cabinet Member: Councillor Alam
Commissioner: Ney (in advisory role)

Recommendations:

1. That 100% discretionary rate relief be awarded to SYTT Riverside Ltd reducing to 20% discretionary rate relief once the organisation becomes a registered charity.
2. That 100% discretionary rate relief be awarded to Dexx Skatepark (Yorkshire) Ltd from 8 March 2017 when they occupied the new premises.

15. Consultation on Changes to Policy for Home to School Transport (Pages 204 - 213)

Report of the Strategic Director of Regeneration and Environment

Cabinet Member: Councillor Hoddinott
Commissioner: Kenny (in advisory role)

Recommendations:

1. That approval be given to carry out a consultation on all aspects of home to school transport in Rotherham.
2. That a further report be submitted to the Cabinet meeting in December 2017 detailing the outcome of the consultation exercise and presenting the recommended policy options for approval.

16. Planning Service: Planning Enforcement Plan (Pages 214 - 241)

Report of the Strategic Director of Regeneration and Environment

Cabinet Member: Councillor Lelliott
Commissioner: Kenny (in advisory role)

Recommendations:

That the Planning Enforcement Plan be approved and adopted.

17. Rotherham Town Centre Masterplan (Pages 242 - 249)

Report of the Strategic Director of Regeneration and Environment

Cabinet Member: Councillor Lelliott
Commissioner: Kenny (in advisory role)

Recommendations:

1. That the Rotherham Town Centre Masterplan be adopted.
2. That the Council go out to the market to secure a development partner for Forge Island.

18. Rights of Representation to Sheffield County Court for matters relating to Housing possession Claims (Pages 250 - 257)

Report of the Strategic Director of Adult Care and Housing

Cabinet Member: Councillor Beck
Commissioner: Kenny (in advisory role)

(Please note that the appendix to this report is exempt under Paragraph 2 of Schedule 12A to the Local Government Act 1972 (as amended)).

Recommendation:

That the following officers be authorised under Section 60 of the County Courts Act 1984 to initiate, represent, defend or appear in proceedings on behalf of the Council in the County Court:

- Specialist Income Recovery and Court Co-ordinator
- Court Officer
- Area Income Recovery Co-ordinators

19. Unlocking Property Investment - Beighton Link (Pages 258 - 320)

Report of the Strategic Director of Regeneration and Environment

Cabinet Member: Councillor Lelliott
Commissioner: Kenny (in advisory role)

(Please note that Appendices 1, 2, 3 and 5 of this report are exempt under Paragraph 3 of Schedule 12A to the Local Government Act 1972 (as amended)).

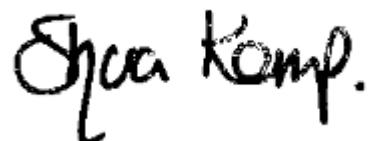
Recommendations:

1. That the Strategic Director of Regeneration and Environment be authorised to agree terms to acquire land at Old Colliery Way, Beighton Link, Rotherham and enter into a development agreement with JF Finnegan Ltd.
2. That, subject to an assessment of the financial viability of the proposed final terms of the agreement with JF Finnegan and formal approval of the JESSICA funding bid, the funding for the purchase be taken from the £5m Growth Fund, which was approved as part of the Capital Strategy 2017-2022.
3. That the Assistant Director of Legal Services be authorised to complete the necessary legal agreements.
4. That, in order to allow the development to proceed, an exemption to standing orders under paragraph 43.2.4 be agreed.

20. Recommendations from Overview and Scrutiny Management Board

To receive a report detailing the recommendations of the Overview and Scrutiny Management Board in respect of the following items that were subject to pre-decision scrutiny on 6 September 2017:

- Introduction of a Public Spaces Protection Order (PSPO) for Rotherham Town Centre
- Consultation on Changes to Policy for Home to School Transport

A handwritten signature in black ink that reads "Sharon Kemp". The signature is fluid and cursive, with "Sharon" on the first line and "Kemp" on the second line.

SHARON KEMP,
Chief Executive.

**CABINET AND COMMISSIONERS'
DECISION MAKING MEETING
Monday, 26th June, 2017**

Present:- Councillor Read (in the Chair); Commissioner Kenny, Commissioner Ney, Councillors Beck, Hoddinott, Lelliott, Roche, Steele and Watson.

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

Apologies for absence were received from Commissioner Bradwell, Councillors Alam and Yasseen.

1. DECLARATIONS OF INTEREST

There were no Declarations of Interest to report.

2. QUESTIONS FROM MEMBERS OF THE PUBLIC

(1) A member of the public referred to the appointment of Sir Derek Myers as a Commissioner to improve Rotherham's governance by the then Secretary of State, Eric Pickles during 2015. Sir Derek Myers was prior to this the Chief Executive of Kensington and Chelsea, the borough where the Grenfell Flats were located.

Kensington and Chelsea had been criticised including by the Government for the governance and way they performed following the disaster at Grenfell.

Sir Derek Myers was also the Chair of Shelter and he had had to resign because Shelter also had been criticised for its poor governance and who had not commented on the matter of Grenfell flats for which it had been criticised. Along with the resignation of Sir Derek his acquaintance, Tony Rice, involved with a company who provided cladding to buildings and which it was revealed provided the cladding to Grenfell Flats. The member of the public found it completely absurd that Commissioners were in charge in Rotherham at £800 a day when they ought to go back and put their own home in order. The Leader and Commissioner Ney were asked for any comments.

The Leader confirmed the member of the public was raising matters that were of local and national concern and in the public domain. He was unwilling to get drawn into discussions about individual responsibility at this stage.

Commissioner Ney had nothing further to add.

(2) A member of the public referred to question he made on the 11th April, 2017 regarding the expenses claim by Sir Derek Myers made for the day he attended the count. The member of the public did not think he should have claimed and should not have been at the count.

Commissioner Ney had responded in writing and referred to his activity on that particular day and so signed off his expenses, some of the time which was spent observing the count. That was the function of the Chief Executive, Commissioner Manzie, to oversee the count. Commissioner Kenny was also at the count, but did not claim. The letter from Commissioner Ney went on to refer to her own experiences as a Returning Officer, but the member of the public believed he had further experience as he had been involved in various roles including being a supervisor, a counting assistant, a candidate and an agent. For this reason he did not believe Sir Derek's attendance contributed to the count process.

It was difficult to understand or believe when Commissioner Ney signed off Sir Derek's expenses for that day if she had looked at his diary or even knew what he had done on both that day and all the other days she had signed expenses for. On this basis the member of the public suggested that the expenses for Commissioners should be vetted by some independent person, presumably the Director of Finance which would give some confidence in the process.

In response Commissioner Ney clarified the letter she had written spelt out more reasons that that for signing off the payment. Commissioner Myers was to be Rotherham for the two days that week and had decided to base himself at the count as Commissioners to support the smooth running. Also this was an excellent opportunity to meet first hand Councillors and staff in the first few months of intervention. In terms of referring to past Returning Officer experiences this was merely about legitimacy of count observations and the motivation for staff and Commissioner Manzie was not in charge of the count this was for the Returning Officer. In terms of external vetting for the Commissioners' expenditure claims these already go through the normal Council processes through the Finance Department. The Commissioners were more than happy for Strategic Director of Finance to look at those claims.

In a Point of Information regarding the asking of additional questions the member of the public referred to agenda Item 3 (to receive questions from the public who wish to ask a question) to which he believed was not set down in the Constitution so he was entitled to ask several questions unless this had been altered.

The Leader referred to the schedule which outlined the rules about questions from members of the public and which did specify one question.

To assist the Monitoring Officer confirmed there was a recommended procedure regarding questions from members of the public, included within the Executive Procedure Rules of the Constitution, and would provide the link.

In a supplementary question the member of the public referred to Commissioner Myers doing other work on the day of the count, when his diary actually indicated he did three hours and forty-five minutes of work. The remainder that day was booked to the count and on the Friday he had nothing in his diary other than the Parliamentary count.

In terms of Commissioner Manzie it was indicated in her job description that she was responsible for the count, but again the member of the public could not see what purpose Commissioner Myers could have served at that count and he asked Commissioner Ney if she agreed.

Commissioner Ney did not agree with the member of the public, but suggested should he wish to take matters further then he was advised to contact DCLG as part of the Commissioners' protocol on the website.

(3) Councillor Cowles referred to his area where some OAP bungalows had recently been clad. He asked for assurances that the OAP bungalows were safe and also buildings like Oakwood School and the hospital. He considered it a pity that Commissioner Myers was not present as he was an authority on cladding and could possibly help.

The Leader confirmed no-one from Housing was present today, but with buildings like the Beaversleigh tower in the borough he had lots of questions about other potential buildings with different cladding along with private rented properties and suggested that a full breakdown of this information be provided and for this to be shared with all Members.

(4) Councillor Reeder confirmed she had recently been to the Local Plan Drop-in session where she saw Herringthorpe Playing Fields was still designated for building on and wanted the Cabinet and the Labour Group to look at this again with a view to removing this site altogether. She had walked through Moorgate and there were sites that had been empty or for sale for years so why should there be building on our open spaces for Sheffield people.

Councillor Lelliott explained all sites allocated had been put forward via the Local Plan which had been vigorously consulted upon and which was currently sitting with the Inspectors. The 14,000 housing capacity was for future growth for the people of Rotherham.

Housing had to be built somewhere and the Council had been successful in arguing that the 23,000 housing number was too high and this was reduced to just over 14,000 houses which the Inspector agreed for future development and the growth of Rotherham.

In a supplement question Councillor Reeder again asked what action was being taken about sites on Moorgate which had been empty for years.

The Strategic Director for Regeneration and Environment explained the projections were for a fifteen year plan. Local Plans took account of growth, employment and housing projections on all brownfield sites, planning permissions that were already in existence and growth projections for future years. This was a long five year process requiring strategic marketing assessments, employment land assessments, research into what projections were required including engagement with landowners to ensure any sites were sustainable and deliverable in that time. Some sites were allocated, but where permissions were not brought forward some sites did get deallocated.

The Inspector appointed had produced a report following his inspection of the Local Plan during July to December, 2016 and was in agreement with the Local Authority's projections subject to some modifications.

Councillor Reeder just asked if the Labour Group could look at this site one more time.

The Leader reiterated this Local Plan was compliant with Government rules in order to meet estimated housing need projections going forward. It had been produced on the expectation of that need and whilst there were still some concerns about the sites being developed, by law the Plan had to set out the sites to ensure developers were not building on sites where they wanted. He understood the concerns, but could not confirm the site referred to would be looked at again.

3. MINUTES OF THE PREVIOUS MEETING HELD ON 15 MAY 2017

Further to Minute 208(1) Councillor Hoddinott, Cabinet Member for Waste, Roads and Community Safety, confirmed, having reviewed the criteria, Thrybergh Primary School was eligible for 20 mph road restrictions, which would address the road safety concerns.

Resolved:- That the minutes of the Cabinet and Commissioners' Decision Making Meeting held on 15th May, 2017, be agreed as a true and correct record of the proceedings.

4. DEMOLITION OF CHARNWOOD HOUSE, SWINTON AND INCLUSION IN THE CAPITAL PROGRAMME

Consideration was given to the report which detailed how Charnwood House, Swinton was a former adult residential unit and day care centre which had been declared surplus to requirements by the Learning and Disability Service in Adult Care.

The property was now vacant, in a poor condition and provisionally included in the regeneration proposals currently being progressed for Swinton. In addition to this, the vacated property was attracting anti-social behavior and acts of vandalism.

A range of options have been considered including re-use by another Directorate in the Council, letting or sale to a third party and demolition for consideration as part of the wider regeneration proposals.

Commissioner Kenny agreed:-

That the demolition of Charnwood House at Swinton be approved.

5. COUNCIL PLAN 2017 - 2020

Consideration was given to the report which set out in detail the Corporate Plan for 2016-2017 which set out the headline priorities for the Council and informed wider service planning and performance management down to the levels of individual staff in the course of the year. The refreshed Plan (now named the Council Plan) continued with the same priorities identified as part of the work to create the Corporate Plan, but now covered a three year period and included a more focused set of indicators.

The 2017-2020 Council Plan was the core document that underpinned the Council's overall vision, setting out headline priorities, indicators and measures that would demonstrate its delivery. Alongside it sat the corporate Performance Management Framework, explaining to all Council staff how robust performance monitoring and management arrangements (including supporting service business plans) were in place to ensure focus on implementation.

In turn Cabinet Members gave a brief progress update on key indicators for their own respective portfolio areas.

Councillor Steele, Chair of the Overview and Scrutiny Management Board, confirmed this report had been considered as part of the pre-scrutiny process. The recommendations were supported, but it was suggested the term 'domestic abuse' be used consistently in relevant Council documentation and that information be provided on baseline indicators for all measures in order to enable a comparison to be made at year end.

Resolved:-

That the Council Plan for 2017-2020 be recommended to Council for approval, subject to the inclusion of the suggested additions above.

6. APPOINTMENT OF COUNCILLORS TO SERVE ON OUTSIDE BODIES

Consideration was given to the report which detailed the nominations for the appointment of Councillors to serve on outside bodies following the approval of the procedure rules by Council on the 19th May, 2017.

Resolved:-

That Councillors be appointed to serve on Outside Bodies as detailed on the list in Appendix A, subject to the removal of the nomination to the Local Government Information Unit as the Council no longer subscribed.

7. PROPOSAL TO INCREASE HACKNEY CARRIAGE TARIFFS

Consideration was given to the report which detailed the representation which had been received on behalf of members of the Rotherham Hackney Carriage Association requesting a rise in the metered fares currently being charged in hackney carriage vehicles.

In addition, the association was requesting an additional multiplier to be applied when carrying five or more passengers, and an increase of the soiling charge.

The tariffs were set by the Council in accordance with Section 65 of the Local Government (Miscellaneous Provisions) Act 1976. Unlike many other licensing functions, the setting of Hackney Carriage fares was an executive function, and, therefore, the fees must be set by the Cabinet and not the Licensing Board.

Hackney Carriages were able to take bookings directly from a taxi rank, or be flagged down in the street (as opposed to Private Hire Vehicles that must be booked via a licensed operator).

The current and recommended tariffs were detailed in Appendices 1 and 2.

A report was presented to the Licensing Board on 20th February 2017 in order for the Board to provide comment in relation to the proposals. The Licensing Board made several comments in relation to the proposals, in particular:

- The rationale behind the “large group surcharge”
- Whether other local authorities have a different tariff for Sundays.

Further information had been obtained as a result of these queries, and this had been incorporated into the detail of the report.

It was noted should any comments be received on the proposals then these would need to be considered prior to the tariffs being implemented. Final approval would be made by the Cabinet.

Resolved:-

- (1) That the requested increase in tariffs 1, 2 and 3 be approved.
- (2) That the requested amendments to the incremental distance charge or 'drop' across all tariffs be refused.
- (3) That the requested introduction of a 'large group surcharge' and an increased soiling charge be approved.
- (4) That following the period of consultation, if no objections are received or any objections received are subsequently withdrawn, then the proposed tariff advertised will take immediate effect.
- (5) That following the period of consultation, should any objections be received, a report is brought back to Cabinet.

8. ROTHERHAM LOCAL PLAN: ADDITIONAL CONSULTATION ON THE SITES AND POLICIES DOCUMENT

Consideration was given to the report which sought approval to consult on additional housing sites in the Wath upon Dearne, Brampton Bierlow, West Melton area. This was necessary to accommodate the changes required by the Planning Inspector.

The Inspector has written to the Council setting out his initial conclusions. He had taken into account the Council's evidence, and submissions from others, and decided that limited changes to the document were required to make it sound and able to be adopted in due course. These changes, otherwise known as "Proposed Main Modifications", would be subject to consultation at a later stage.

The Inspector also required the Council to identify and consult on additional housing sites in the Wath upon Dearne, Brampton Bierlow, West Melton area. This was to remedy a shortfall against the Core Strategy housing target for this area that had come to light as part of the examination. This consultation was required as an additional stage before the Council consulted on the Inspector's Proposed Main Modifications.

This additional consultation stage would lengthen the examination period, but the Inspector considered it necessary to ensure a robust and transparent process.

It was recommended that the details within Appendix 1 setting out these additional housing sites be approved for public consultation.

The public consultation on the additional housing sites would take place during July and August 2017. Officers would forward any comments received to the Inspector, who may then hold further hearing sessions. The Inspector would then confirm whether the additional housing sites were to be included in the Proposed Main Modifications.

Councillor Steele, Chair of the Overview and Scrutiny Management Board, confirmed this report had been considered as part of the pre-scrutiny process and the recommendations supported.

Resolved:-

That the commencement of public consultation on additional housing sites in the Wath upon Dearne, Brampton Bierlow, West Melton area be approved.

9.

ACQUISITION OF 3-7 CORPORATION STREET, ROTHERHAM

Consideration was given to the report which sought approval to continue to negotiate the purchase of 3-7 Corporation Street, Rotherham and continue to attempt to contact the owners with a view to acquiring the site by agreement if possible.

In addition, the Assistant Director of Planning, Regeneration and Transportation was asked to procure a developer partner to produce a development scheme in relation to 3-7 Corporation Street, Rotherham and a further report be submitted to Cabinet/Commissioners regarding proposals for the site.

In the event that the Council was unable to negotiate an acceptable acquisition of the site and was unable to persuade the owner to bring forward a suitable development proposal for the site, a further report would be submitted in relation to possibly acquiring the site by compulsory purchase, which was the last resort and only when all other attempts to contact the owner had been unsuccessful.

For a Compulsory Purchase Order (CPO) to be successful then the Council must successfully resolve a number of key criteria, which were:-

- There needed to be a properly defined development area and scheme for the site, which must enhance the economic, environmental or social wellbeing of the area.
- There needed to be a clear planning justification for the scheme.
- The scheme needed to be financially viable.
- The scheme needed to be commercially deliverable.

The average timescale for obtaining a site by Compulsory Purchase Order was 12-18 months from the approval by Cabinet to proceed.

Councillor Steele, Chair of the Overview and Scrutiny Management Board, confirmed this report had been considered as part of the pre-scrutiny process and the recommendations supported.

Resolved:-

- (1) That in accordance with the emerging Town Centre Masterplan and the emerging Local Plan, the burnt out buildings, comprising 3-7 Corporation Street, Rotherham be acquired by the Council to facilitate the redevelopment of the site.
- (2) That the Assistant Director of Planning, Regeneration and Transportation continue to attempt to contact the owners of 3-7 Corporation Street, Rotherham with a view to acquiring the site by agreement if possible.
- (3) That the Assistant Director of Planning, Regeneration and Transportation procure a developer partner to produce a development scheme in relation to 3-7 Corporation Street, Rotherham and a further report be submitted to Cabinet/Commissioners regarding proposals for the site.
- (4) That if the Assistant Director of Planning, Regeneration and Transportation is unable to negotiate an acceptable acquisition of the site and is unable to persuade the owner to bring forward a suitable development proposal for the site, a further report will be submitted in relation to possibly acquiring the site by compulsory purchase.

10. THE ROTHERHAM INTEGRATED HEALTH AND SOCIAL CARE PLACE PLAN

Consideration was given to the report which provided an update on:-

- 1) The content of the Rotherham Integrated Health and Social Care Place Plan.
- 2) The proposed governance arrangements to oversee strategic objectives and ensure tactical delivery of the identified actions.
- 3) The links of health and social care integration to key Council strategic drivers such as *The Rotherham Plan - A new perspective 2025* .

The Rotherham Integrated Health and Social Care Place Plan summarises local ambitions for bringing together health and social care as one single system. The Plan had been jointly produced by the Rotherham Clinical Commissioning Group (RCCG), Rotherham Metropolitan Borough Council (RMBC), The Rotherham NHS Foundation Trust, (TRFT), Rotherham, Doncaster & South Humber NHS Foundation Trust, (RDASH) and Voluntary Action Rotherham (VAR).

The Place Plan demonstrates the commitment across partners in Rotherham to the direction of travel for Rotherham and provides for the continuation of collaborative and transformational activity across the whole health and care system. The Plan constituted the foundations for delivery of one of the game changers contained within the Rotherham Plan - *A new perspective 2025* – integrated health and social care.

The Rotherham Integrated Health and Social Care Place Plan, along with the other footprint areas Plans, underpinned the wider regional submission. The Rotherham Place Plan outlined the priorities and highlights the proposed system solutions for the borough, linking into the wider ambitions for the footprint. The final draft of the South Yorkshire and Bassetlaw STP was submitted in October 2016. The Council was consulted on the content of the STP submission and has been assigned Core Place Based partner status within the emerging governance framework.

The South Yorkshire and Bassetlaw STP submission was identified by NHS England as one of the nine exemplars across the country, being singled out as the only plan demonstrating a wider system commitment incorporating the local authority and voluntary sector offer.

In order to draw down potential future funding for the STP, each local area within the footprint must have formed Accountable Care Partnerships in each local place delivering integrated health and social care aligned to an Accountable Care System for South Yorkshire and Bassetlaw by September 2017.

In order to oversee the delivery of the Rotherham Integrated Health and Social Care Place Plan and to comply with the deadline for creating an Accountable Care Partnership by September 2017 outlined in the South Yorkshire and Bassetlaw STP, new governance arrangements have been created. These have been co-produced in consultation with key stakeholders from across the partnership, elected members and the Health and Wellbeing Board.

The Rotherham Place Plan Board would focus on delivery of the Integrated Health and Social Care Place Plan. The Board would be co-chaired by Sharon Kemp (Chief Executive, RMBC) and Chris Edwards (Chief Officer, RCCG). Councillor David Roche (Cabinet Member for Adult Care and Health) and Dr Richard Cullen (Chair and Chair of the Strategic Clinical Executive), would be in attendance at all meetings in a participatory and oversight capacity for both the Council and the CCG respectively. Operational activity would be driven by the Rotherham Place Plan Delivery Team who would report into the Rotherham Place Plan Board.

Councillor Steele, Chair of the Overview and Scrutiny Management Board, confirmed this report had been considered as part of the pre-scrutiny process. The recommendations were supported, subject to the Health Select Commission scrutinising the implementation of this plan.

Resolved:-

That the content of the Rotherham Integrated Health and Social Care Place Plan be noted and the priorities and delivery of outlined activity be supported.

11. RECOMMENDATIONS FROM OVERVIEW AND SCRUTINY MANAGEMENT BOARD

Consideration was given to the report which detailed the recommendations of the Overview and Scrutiny Management Board held on 21st June, 2017. The recommendations were considered and included within the relevant items on this agenda.

**CABINET AND COMMISSIONERS'
DECISION MAKING MEETING
Monday, 10th July, 2017**

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

Also in attendance:- Councillor Steele (Chair of Overview and Scrutiny Management Board).

Apologies for absence were received from Commissioner Bradwell and Councillor Lelliott.

12. DECLARATIONS OF INTEREST.

There were no declarations of interest.

13. QUESTIONS FROM MEMBERS OF THE PUBLIC.

- (1) A member of the public referred to the proposals to amend the district heating scheme in respect of the Fitzwilliam Estate in Swinton and queried why the new scheme would be higher. In response, Councillor Beck explained that the charges that had been operated previously were on a basis of full cost recovery for the Council. Previously, the scheme had been operated solely on the basis of the Fitzwilliam Estate and the report on the agenda for the meeting proposed a pooled scheme across the district. The aim was also to ensure that no one was disadvantaged irrespective of which scheme they were in. It was also explained that the £2 standing charge would be credited to individual meters in every home and the credit would be built up that way.
- (2) A member of the public queried why the costs of the scheme appeared higher in the Borough than in neighbouring authorities. In response, Councillor Beck explained that the Council had decided several years ago to operate a model of full cost recovery and there was an expectation that costs of providing the scheme would come down in the coming years.
- (3) A member of the public queried whether the Council had recovered costs from individuals who had received heating without paying. In response, it was confirmed that some monies had been recovered, but the figures in the report did not take account of under-recovery. The focus of the report on the agenda was to achieve full cost recovery. It was confirmed that residents were not paying for the under-recovery.

- (4) A member of the public queried why water had been included in scheme. In response it was confirmed that the Council could pass on charges for costs incurred.
- (5) A member of the public queried why it had taken so long to bring forward proposals in respect of the operation of the scheme on the Fitzwilliam estate. The Leader indicated that the Council were trying to get the charging for the scheme right and paid tribute to the ward councillors and residents and apologised for the historical problems associated with the scheme. The Assistant Director of Housing and Neighbourhood Services confirmed that officers would talk to residents to confirm the position in respect of payments and how the scheme was funded. Councillor Wyatt, who was also in attendance at the meeting, suggested that RotherFed be commissioned to work with residents to inform the decision to be taken by Council in September 2017. The Leader indicated that Councillor Wyatt was right in saying that the Council needed to talk to residents over the summer.

14. MINUTES OF THE PREVIOUS MEETING HELD ON 26 JUNE 2017

It was noted that the minutes of the previous meeting held on 26 June 2017 would be submitted for consideration at the next Cabinet and Commissioners' Decision Making Meeting in September 2017.

15. THE INTRODUCTION OF A RESOURCE ALLOCATION SYSTEM (RAS) FOR CHILDREN AND YOUNG PEOPLE

Consideration was given to a report which proposed the introduction of a Resource Allocation System (RAS) for Children and Young People.

It was reported that the use of a RAS in Children and Young People's Services would create a more equitable system and also provide some bench-marking and calculation of social care costs for children with SEND in Rotherham. Furthermore, the implementation of the RAS would take a year, and pilot use of the tool had demonstrated that in the majority of instances, care packages would remain unchanged by the system. However, plans for children and young people would become more clearly understood by all parties involved in a child or young person's care and plans would be more child-centred. It was noted that where the pilot had demonstrated a lower figure for care than the family was receiving, that had been mitigated by the improved Care and Support plan which was the key feature of the proposed RAS. Families would be given sufficient time and support to find alternative packages of care, which would demonstrably meet their child or young person's identified needs.

Commissioner Ney agreed:-

1. That approval be given to the implementation of the Children's RAS, as a tool to support social care assessments, associated financial allocation and the offer of Personal Budgets to disabled children, young people and their families from August 2017.
2. That approval be given to a twelve month implementation period for the RAS tool based on the need to review children and young people's current packages of care to inform their new packages of support supported by a personal budget.
3. That approval be given to a three month notice period for packages of care assessed as lower than previously calculated, as new arrangements are being put into place.

16. EARLY HELP STRATEGY: PHASE TWO, WHOLE SERVICE REVIEW

Consideration was given to a report which sought approval of the vision, objectives and guiding principles of the Early Help Whole Service Review and set out the timeline for full consultation and implementation on 1st April 2018.

It was noted that the Early Help Service was an essential component of Rotherham's Improvement Plan. It was designed to meet the needs of children, young people and families quickly, when they first emerge and to prevent the escalation of issues and the requirement for statutory intervention. Working Together (2015) set out the statutory requirement for Early Help services whilst Ofsted findings suggest that effective, high-performing children's social care was always accompanied by a high quality Early Help offer.

It was reported that, in January 2016, a new Early Help Service was launched with locality teams made up of practitioners with a blend of complementary skills and the launch of a single point of access to the service, through the Early Help Request for Support and a single Early Help Assessment. The council's stated aim was to continue to develop an Early Help Service that would meet the needs of children, young people and families as soon as such needs were identified. This should be delivered in a way that feels relevant to Rotherham's families and should be flexible enough to respond to needs as they emerge.

The re-design of the Early Help Service was also anticipated to achieve £421k of savings in 2017/18, together with further savings in 2018/19, which would contribute to the Council's overall savings target. It was reported that the Early Help Whole Service Review would be undertaken in line with the vision and objectives set out in the Early Help Strategy.

Commissioner Ney agreed:-

1. That the guiding principles for the Early Help Whole Service Review be approved.
2. That the associated timeline for the whole service review in order to achieve implementation by 1 April 2018 be approved.

17. CORPORATE PERFORMANCE REPORT FOR QUARTER 4 2016-17

Consideration was given to a report detailing performance against the targets and priorities within the Corporate Plan 2016-17 for the final quarter of the year from January to March 2017.

The Performance Report and Performance Scorecard, set out in Appendices A and B to the report, provided an analysis of the Council's current performance against 14 key delivery outcomes and 103 measures. The report was based on the current position of available data, along with an overview of progress on key projects and activities which also contributed towards the delivery of the Corporate Plan.

It was noted that, at the end of the final quarter (January – March 2017), 33 measures had either met or had exceeded the target set in the Corporate Plan. Although this represented only 31.4% of the total number of measures in the Plan, it equated to 49.3% of the total number of indicators where data was available or where targets had been set. A total of 27 (40.3% of those measured in the quarter) performance measures had not hit their target for the year (25.7% overall).

Consideration was also given to the Asset Management Plan Improvement Report (AMIP) and associated scorecard which set out the progress on delivering the AMIP.

Commissioner Ney agreed:-

1. That the overall position and direction of travel in relation to performance be noted.
2. That consideration be given to measures which have not progressed in accordance with the target set and the actions required to improve performance, including future performance clinics.
3. That the future performance reporting timetable for 2017/18 be noted.
4. That the progress made on delivering the Asset Management Improvement Plan (AMIP) in the period be noted.

18. 2016/17 BUDGET OUTTURN REPORT

Consideration was given to a report which outlined the pre-audit revenue, capital and Housing Revenue Account (HRA) outturn positions for 2016/17.

It was reported that the outturn position showed an underspend of £765k against the revenue budget, inclusive of traded services balances, which were carried forward in accordance with Council policy. The outturn position took account of the carry-forward of unspent balances in respect of specific projects/programmes (Rotherham Partnership, Emergency Planning Shared Service with Sheffield City Council and the Members' Community Leadership Fund). Those amounted in total to £0.160m.

It was noted that the Council's General Fund Working Balance remained at £11.269m and the use of reserves to support the additional budget allocation agreed in December 2016 was £5.723m. This was £2.733m less use of reserves than that anticipated when the revised budget was approved. It was reported that the outturn position should be seen in the context of the significant increasing cost and demand for Children's Social Care services, the increase in demand for Adult Care Services and the delays in implementing some aspects of the Adult Care Development Programme.

It was reported that the delivery of the overall position had necessitated the implementation of a moratorium on all but essential spend through stringent procurement controls and recruitment controls (via the newly established Workforce Management Board) and the concerted efforts of both elected Members and senior officers in managing the 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 managers and budget holders.

It was noted that the outturn meant that the required call on the reserves to fund the additional £8.456m budget approved by Council in December would be less by £2.733m. The use of reserves had been actioned in accordance with Council's approval in December but instead of drawing down the whole of the available Transformation Reserve (£4.936m), only £2.203m had been used leaving a balance on that reserve of £2.733m.

It was further noted that the Housing Revenue Account (HRA) underspent by £7.224m in 2016/17. Schools out-turned (including Declared Savings) with a combined balance of £1.304m which would be carried forward into 2017/18 in accordance with Department for Education (DfE) regulations. The Capital Programme outturn showed an underspend of £9.850m (14.8%) against the estimated spend in 2016/17.

Resolved:-

1. That the Revenue outturn position of £765k underspend, (Directorate details are set out in Appendix 1) and the capitalisation of £1.968m of qualifying revenue expenditure be noted.
2. That the final revenue budget saving of £2.733m be a reduction to the planned transfer from the Transformation Reserve.
3. That the Housing Revenue Account (HRA) outturn of £7.224m underspend and its transfer to the HRA Reserve be approved.
4. That the carry-forward to 2017/18 of the combined schools' balance of £2.834m in accordance with DfE regulations be noted.
5. That the reserves position as set out in section 3.20 be noted.

19. ANNUAL TREASURY MANAGEMENT REPORT AND ACTUAL PRUDENTIAL INDICATORS 2016/17

Consideration was given to the Annual Treasury Management Report, which was submitted to review the treasury activity for 2016/17 against the strategy agreed at the start of the year.

The report covered the actual Prudential Indicators for 2016/17 in accordance with the requirements of the Prudential Code. The report met the requirements of both the CIPFA Code of Practice on Treasury Management and the CIPFA Prudential Code for Capital Finance in Local Authorities. It was noted that the Council was required to comply with both Codes through Regulations issued under the Local Government Act 2003.

Resolved:-

1. That the Treasury Management Prudential Indicators out-turn position as set out in section 3 and Appendices A and B of the Annual Treasury Management Report for 2016/17 be noted.
2. That the report be forwarded to Audit Committee for information

20. MAY 2017/18 FINANCIAL MONITORING REPORT

Consideration was given to a report which set out the financial position for the Revenue Budget at the end of May 2017 and was based on actual costs and income for the first two months of 2017/18 and forecast for the remainder of the financial year.

It was reported that, as at May 2017, the Council had a forecast overspend on General Fund of £6.9m. The majority of the £24m budget savings approved within the 2017/18 were being achieved. £11.9m of those savings were Directorate budget savings. However, in addition to those budget savings, Directorates were also required to achieve £5.4m of budget savings in 2017/18, which were agreed in previous budgets. Total Directorate savings for 2017/18 therefore were £17.3m. It was noted that the current position was that around £5.3m of those total savings were at risk of not being achieved in the current financial year (and were reflected in the current overspend projection).

It was further reported that the overall budget position would continue to be monitored closely with regular updates on progress in maintaining a balanced budget position reported regularly through Financial Monitoring reports to Cabinet. The projected outturn position also assumed that the savings of £1.1m for 2017/18 set against staff terms and conditions of employment are met from Directorate staffing budgets. The process for identifying and capturing those savings against workforce budgets was being agreed.

It was noted that the forecast overspend should be set against a backdrop of the Council having successfully addressed cost pressures of £138m over the last six financial years and having to save a further £24m in the current year and to deliver an additional £42m in efficiencies and savings in the following two financial years in order to balance the Council's General Fund Revenue Budget by 2019/20.

It was further noted that a significant in-year pressure of £4.880m on the Dedicated Schools Grant (DSG) High Needs Block would continue to be an issue. It was anticipated that a recovery strategy set in place last year would resolve £3m of the deficit and mitigate the in-year pressure through a series of measures including: a revised Special School funding model; a review of high cost out of authority education provision with a view to reducing cost and moving children back into Rotherham provision where possible; and a review of inclusion services provided by the Council. Whilst the pressure did not directly affect the Council's financial position at that time it was considered imperative that the recovery strategy should be implemented in order to address the position and avoid any risk to the Council in the future.

Resolved:-

1. That the current forecast overspend for 2017/18 of £6.9m be noted.
2. That management actions continue to be developed to address areas of overspend and to identify alternative and additional savings to mitigate shortfalls in achieving planned savings in 2017/18.

3. That it be noted that a detailed Dedicated Schools Grant (DSG) Recovery Strategy which will transfer £3m in 2017/18 to reduce the forecast High Needs Block deficit and mitigate the in-year pressure through a series of measures has been set in place.
4. That the Capital Programme position and Treasury Management key indicators for the first quarter of 2017/18 be reported as part of the July monitoring cycle.

21. INTERIM REVIEW OF POLLING PLACES 2017

Consideration was given to a report which sought a recommendation from Cabinet to Council for approval of the commencement of an interim review of polling places in 2017 and the grant of delegation to the Chief Executive to designate polling places where a decision to do so is required at short notice.

It was reported that the Representation of the People Act (Section 18C(3)) allowed a local authority to conduct an interim review of polling places within its area, outside the timescales for a compulsory review. As the next planned elections (City Region Mayoral elections) were not scheduled until May 2018, it was considered appropriate to carry out an interim review to address issues which have arisen with the current provision of polling places.

It was noted that since the last review, issues have arisen with four of the council's designated polling places in Anston & Woodsetts, Brinsworth & Catcliffe, Maltby and Rother Vale wards. The report indicated that, although the process for an interim review is not stated in legislation, the Electoral Commission guidance suggested that a failure to follow a full review process would leave an authority open to potential challenge. The interim review should therefore comply with the provisions of Schedule 1A to the Representation of the People Act 1983, and reflect the Electoral Commission guidance on the review of polling districts and polling places.

Resolved:-

1. That Cabinet recommend to Council that:
 - a) approval is granted to undertake an interim review of polling places in 2017 following the process described in this report.
 - b) the scope of the review and the proposals for changes be noted.
 - c) the outline timetable for the review, as set out in Appendix 1, be agreed.

- d) power to designate polling places in accordance with section 18B of the Representation of the People Act 1983 be delegated to the Chief Executive, such power to be exercised only in circumstances where a decision is required at short notice and it is not possible to await a decision of Council.
- 2. That following the outcome of the consultation on the review, the Assistant Director of Legal Services report to Cabinet with final interim review proposals for determination in order for Cabinet to make final recommendations to Council.

22. BUSINESS RATES DISCRETIONARY RELIEF APPLICATIONS

Consideration was given to a report which sought consideration of four new applications for the award of a discretionary business rate relief for four organisations in the borough in accordance with the Council's Discretionary Business Rates Relief Policy, which was approved on 12 December 2016.

Resolved:-

- 1. That applications for Discretionary Rate Relief for New 2 You, Shiloh Rotherham and Open Minds Theatre Company be approved.
- 2. That consideration of the application by Chesterwood Trading Ltd. be deferred to the next meeting pending the receipt of further information.

23. STRATEGIC ACQUISITION OF HOUSING WAVERLEY HC5

Consideration was given to a report which sought approval to purchase six two bedroom apartments and four three bedroom houses at Waverley (parcel HC5) from Avant Homes.

It was reported that the properties were Section 106 planning gain units and would be purchased by the Council at approximately 62% of the open market value (including additional specification items and fees). The forecasted completion dates were March 2018 for two of the houses and December 2018 for the remaining two houses and six apartments.

It was noted that there was evidenced demand for both two and three bedroom properties in this location and resources were available in the Strategic Acquisitions budget. This was part of an ongoing programme of acquisition of new Council homes to replace properties sold under "Right to Buy" and maintain stock levels.

Resolved:-

That the purchase of ten homes at Waverly parcel HC5 from Avant Homes, using the Housing Revenue Account Strategic Acquisition Budget, be approved.

24. SITE CLUSTER II

Consideration was given to a report which summarised the extensive works that have been completed as part of the pre-development phase and sought approval for the development agreement, development programme, and the proposed financial arrangements.

It was reported that approval of the recommendations would allow the Council to proceed with the construction stage, which would deliver new homes across the seven sites in Maltby, Canklow, East Herringthorpe and Dinnington. It was noted that work would start on site in autumn 2017 with completion of the first phase in summer 2018.

Resolved:-

1. That the Assistant Director for Housing and Neighbourhoods, in consultation with the Council's Section 151 Officer, be authorised to approve the implementation of the development programme and phasing plan.
2. That the Assistant Director for Legal Services be authorised to enter into a development agreement and construction contracts.
3. That all development costs associated with the Construction Stage be funded from the Housing Revenue Account (HRA).
4. That the Assistant Director for Housing and Neighbourhoods in consultation with the Council's Section 151 Officer be authorised to determine the appropriate tenure for 21 of the units that have been identified as shared ownership or rent to buy homes under the government's Shared Ownership and Affordable Housing Programme (SOAHP).

25. DISTRICT HEATING SCHEME CHARGES REVIEW

Consideration was given to a report which detailed the outcome of a review of district heating and sought approval of a standing charge.

It was reported that the review of district heating had been undertaken following capital investment made to infrastructure that had improved the efficiency and concerns raised by tenants on the Swinton Fitzwilliam about high running costs. The review focused on reviewing anticipated costs for 2017-18 based on full year operating costs for 2016-17 now being available and the known cost reductions from significant investment in district heating infrastructure over the last 3 years now coming to fruition.

The report recommended the introduction of a standing charge so tenants at Swinton Fitzwilliam do not have a significant payment spike over the winter period and a reduction in the kwh charge across all district heating schemes. Those cost reductions would mean that charges for district heating in Rotherham were comparable with other local authorities in the sub-region whilst ensuring full cost recovery.

Having received representations from local Ward Members and residents from the Fitzwilliam estate in Swinton, an amendment was proposed to apply the charges from 2 October 2017 on all schemes across the borough, rather than retrospectively from 1 April 2017.

Resolved:-

1. That the revised district heating cost model be approved.
2. That the unit Kwh charge across all district heating schemes be reduced to 5.65p per kwh (incl. VAT) and apply retrospectively from 1 April 2017.
3. That a standing charge of £2 per week (incl. VAT) be introduced on all schemes across the Borough and apply from 2 October 2017.
4. That weekly pre-payment charges be reduced on all pooled schemes as detailed at 3.10 of the report.

26. OUTCOME OF THE CONSULTATION AND RECOMMENDATIONS ON THE LEARNING DISABILITY OFFER AND THE FUTURE OF IN HOUSE SERVICES FOR ADULTS WITH A LEARNING DISABILITY AND OR AUTISM

Consideration was given a report which further built on the outlined direction of travel provided within “Consultation on the Modernisation of the Learning Disability Offer and the future of In-House Services for Adults with a Learning Disability and/or Autism’ that was reported to Cabinet in November 2016 and set out the subsequent next steps and recommendations for consideration

It was reported that the review of the Learning Disability Offer and future of In-House Services for Adults with a Learning Disability and/or Autism was integral to the Council's overall vision for transforming adult social care. This entailed developing a service that would enable people with a learning disability to:

- have the opportunity to get a job and contribute to their community
- have the opportunity to choose where they live and • Have access to a good quality health service
- be kept safe and protected from all forms of exploitation
- access services of the highest quality which make a difference in assisting people to be as independent as possible
- offer services that are affordable, are personalised and are what people would want to choose

It was noted that the steps that had been taken over the previous two years had built on the principles of the Care Act 2014 and the need to enhance the Council's offer to move away from an offer of traditional based support to a model which promoted independence for young people and adults. However, it had been recognised that some customers with significant and complex needs would require support in a safe and secure environment but optimising their independence wherever possible.

In order to achieve this, the Council would need to work more closely with users, family carers, and key partners from the Rotherham Clinical Commissioning Group (RCCG), Rotherham, Doncaster and South Humberside Trust (RDaSH) and Health Stakeholders. There would need to be a focus on timely advice and information, technology and the delivery of improved outcomes for people in more cost effective ways, with an emphasis on what people can do rather than what they are unable to do. In real terms, this meant that people would have access to enablement services to ensure people's independence would be optimised as much as possible and this would be to ensure their best outcomes. This would include employment opportunities, leisure opportunities and a real choice as to where and how they live. The current building based offer of day care, respite and residential care could restrict the independence, choice and control of current customers and was not cost effective, although it was still considered that such care remained appropriate in the short to medium term for a small cohort of people with complex needs. In addition, it was recognised that the service spent £21.5 million (2016/17) on Learning Disability Services for approximately 725 people. The proposed new service 'offer' had to be supported by proactive and innovative commissioning.

The approach was outlined in the Cabinet Report of 26 May 2016, which would shape future services, ensuring there was a choice for people to access their support in a different way, such as being based in supported living or using shared lives rather than defaulting to residential care. The agreed commissioning approach would ensure that the market responds to the needs of individuals now and in the future. This would continue to be co-produced with people with a learning disability to facilitate the shaping of the market and in so doing inform the quality of support and the management of risk.

In order to support that process, the Council had commissioned Community Catalysts to develop small local and community based options that would offer individuals a range of activities to meet their support needs. This would also increase the preventative offer so those people who need short term assistance could build confidence or make contacts with relevant support groups. There would also be a focus upon providing an enablement service which was not currently provided when the Council reviewed the enablement offer, and there was evidence and good practice which showed the positive impact on people's outcomes when reablement was used effectively.

Resolved:-

1. That approval be given to the key principles for the adult social care pathway as outlined in section 5 which clearly defines the aspirations and the overall offer to the residents of Rotherham and underpins the Adult Social Care Vision and Strategy (March 2016).
2. That approval be given to a Prevention and Technology Strategy to be developed in line with the Care Act 2014 by August 2017 for all user groups.
3. That approval be given to a 12 week period of consultation with customers, staff and stakeholders on the options for Oaks Day Centre (Wath), and following the completion and analysis of the consultation agree to receive a further report outlining future recommendations.
4. That approval be given to a 12 week period of consultation with customers, staff and stakeholders on the options for Addison (Maltby) and following the completion of the consultation and analysis agree to receive a further report outlining future recommendations.
5. That approval be given to a 12 week period of consultation with customers, staff and stakeholders on the options regarding the re-provision of respite care to enable a closure of Treefields and Quarryhill respite and following the completion and analysis of the consultation agree receive a further report outlining future recommendations.

6. That approval be given to the retention of the REACH Day service with the option of reviewing the current accommodation.
7. That it be noted that all current customers will be individually re-assessed to ensure they receive the appropriate package of care.
8. That final proposals be received following analysis of the consultation responses.

27. PROPOSAL FOR NEW COUNCIL BUNGALOWS ON CATHERINE AVENUE, SWALLOWNEST AND ST MARYS DRIVE, TREETON

Consideration was given to a report which set out an immediate opportunity for the Council to build six bungalows on two Housing Revenue Account (HRA) owned sites on Catherine Avenue, Swallownest and St. Marys Drive, Treeton.

It was reported that grant funding was available, but approximately £323,500 would also be required from the Housing Revenue Account (HRA). The report sought approval to allocate HRA resources to allow the project to progress, thus increasing the amount of homes suitable for older people in the Council's housing stock.

Resolved:-

1. That the use of £323,500 from Housing Revenue Account (HRA) capital resources to fund the development of four bungalows at Catherine Avenue, Swallownest and two bungalows at St Mary's Drive, Catcliffe be approved.
2. That the use of £230K of Affordable Housing commuted sums monies to part fund the scheme be approved.
3. That the use of £180K of grant funding from the Homes and Communities Agency's Shared Ownership and Affordable Homes Programme to part fund the scheme be approved.
4. That the Assistant Director of Housing and Neighbourhood Services be authorised to accept a Tender for the construction works and enter into a development contract with the successful construction company.

28. RECOMMENDATIONS FROM OVERVIEW AND SCRUTINY MANAGEMENT BOARD

Consideration was given to the report which detailed the outcome of the meeting of the Overview and Scrutiny Management Board held on 5 July, 2017 to scrutinise the following reports on the agenda for consideration:-

- 2016/17 Budget Outturn Report
- May 2017/18 Financial Monitoring Report
- Site Cluster II
- Outcome of the consultation and recommendations on the Learning Disability Offer and the future of in house services for Adults with a Learning Disability and/or Autism

Having reviewed the papers and the recommendations, the Board made its own recommendations, which would be considered, taken account of and incorporated as part of the decision making on each report on this agenda.

Resolved:-

That the recommendations of Overview and Scrutiny Management Board be received and accepted.



Public Report
Cabinet and Commissioners' Decision Making Meeting

Council Report

Cabinet and Commissioner's Decision Making Meeting – 11 September 2017

Title

Determination of Asset Transfer Requests

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

Yes

Director Approving Submission of the Report

Damien Wilson, Strategic Director Regeneration and Environment

Report Author(s)

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Ward(s) Affected

Boston Castle Ward , Rother Vale Ward and Keppel Ward

Executive Summary

The purpose of this report is to seek approval for the granting of three Asset Transfer Policy lease agreements without break options which is a departure from the current adopted policy and therefore cannot be approved under the existing Officer Scheme of Delegation.

Recommendations

1. That all three requests for Asset Transfer Policy lease agreements as detailed within the report be approved.
2. That the Assistant Director of Planning, Regeneration and Transport be authorised to negotiate the terms of the requests.
3. That the Assistant Director of Legal Services be authorised to complete the necessary documentation.

List of Appendices Included

Appendix 1 and 2: Site and Location Plan – Canklow Depot

Appendix 3 and 4: Site and Location Plan - Ulley Recreation Ground

Appendix 5 and 6: - Site and Location Plan – Chislett Community Centre

Background Papers

Rationalisation of the Property Portfolio: Canklow Depot, Canklow Road, Rotherham Capital Strategy and Asset Review Team Report – 27 February 2014

Rationalisation of the Property Portfolio: Chislett Youth and Community Centre, Kimberworth Cabinet Report 7 November 2012

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

Consideration by any other Council Committee, Scrutiny or Advisory Panel

No

Council Approval Required

No

Exempt from the Press and Public

No

Title

Determination of Asset Transfer Requests

1. Recommendations

- 1.1 That all three requests for Asset Transfer Policy lease agreements as detailed within the report be approved.
- 1.2 That the Assistant Director of Planning, Regeneration and Transport be authorised to negotiate the terms of the requests.
- 1.3 That the Assistant Director of Legal Services be authorised to complete the necessary documentation.

2. Background

- 2.1 The Council adopted a policy 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. This policy was adopted by Cabinet on the 21 July 2011.
- 2.2 The default position is that assets are transferred by way of a lease or a licence rather than a freehold disposal. The length of agreement granted will be dependent upon the strength of the business case and the requirements of both the Council and the Applicant and potential grant funders or specific business case.
- 2.3 In all circumstances the agreement will require the Applicants to be responsible for the full cost of insuring, repairing, ongoing maintenance and complying with all statutory requirements in relation to the asset transferred for the duration of the agreement.
- 2.4 All agreements contain a break option in favour of the Council, in the unlikely but possible event that the asset transferred is required for wider community development directly (the asset or surrounding site itself) or indirectly (i.e. for the benefit of a capital receipt)
- 2.5 All asset transfer leases and agreements that comply with the existing Asset Transfer can be considered under the existing Officer Scheme of Delegation. However, where an asset transfer request falls outside of the adopted policy, such as a request to exclude break options, such agreement requires Cabinet consideration.

3. Key Issues

- 3.1 **Canklow Depot - Casting Innovations Limited (CIL)** is a not for profit organisation currently occupying the former depot identified within Appendices 1 and 2 under a 10 year Asset Transfer lease agreement, which commenced on the 17 November 2014. The former depot is used by CIL as a base for its operation in collecting waste materials from the locality, recycling these in order to produce a range of products for re-sale or re-use.

- 3.2 CIL are a registered social enterprise company and are a not for profit organisation who are committed to re-investing any surplus profit back into the local community.
- 3.3 In conjunction with Target Housing they have requested for the term of the lease agreement to be extended to 25 years without any break options, in order to secure grant funding. CIL have confirmed that the grant funding which was applied for and secured as part of the original asset transfer was from Social Investment Business (SIB), a grant specifically designed to support asset transfer and the development of 'community hubs'. CIL and Target Housing are now collectively seeking SIB funding in order to secure a further £300,000 to invest into the former depot and create local jobs as well as improve the infrastructure. As part of the negotiations of the proposed terms the necessary safeguards will be included within in the lease in the event that funding is not secured, such as the re-instatement of break clauses.
- 3.4 **Ulley Recreation Ground - Ulley Parish Council** held a 40 year lease on the recreation ground which expired in 2006 as identified within Appendices 3 and 4. Since this time the Parish Council's occupation of the recreation ground has continued on the same terms and conditions of the previous lease on a periodic basis, until either party formally terminates it (i.e. by serving notice to quit or renew). Under these terms, Ulley Parish Council continues to be responsible for the recreation ground including its existing maintenance responsibilities.
- 3.5 The Parish Council are seeking a new 50 year lease under the Council's Adopted Asset Transfer Policy without the break options. The benefits to both Councils is that this long term commitment on both parts will protect the long term future of the recreation ground for the residents of Ulley. This will also ensure that the Parish Council continue to be responsible for the ongoing maintenance liabilities and responsibilities. In previous years leases have been granted to other Parish Councils' on land used for recreational purposes (for both open spaces and allotments) for period of 25, 30 and 50 years.
- 3.6 The site is currently allocated as greenbelt and is an area of high landscape value under Rotherham's adopted Unitary Development Plan and has not been identified for development within the Council's Local Plan, which sets out a long-term development strategy for land in Rotherham.
- 3.7 **Chislett Community Centre - Kimberworth Park Community Partnership (KPCP)** currently holds a 21 year Asset Transfer lease on the youth and community centre from 24th February 2014, as identified within Appendices 5 and 6. This was granted without break options and therefore outside of the Council's Adopted Asset Transfer Policy and previously approved by Cabinet on the 7 November 2012. This was granted to secure funding to extend/develop and refurbish the community centre which resulted in securing grant funding of £486,000.

- 3.8 Following the completion of the works which have substantially increased the lifespan of the building, KPCP have now requested that the existing term of the lease be extended to 99 years. This has been requested to secure the long term future of the Community Centre so that the benefits of refurbishment works and the community services delivered by the building are continued in the long term. As part of the negotiations of the proposed term extension the necessary safeguards will be included within the lease in the event that KPCP cease to operate and no longer deliver the community benefits.
- 3.9 The site is currently allocated as a Community Facility under Rotherham's adopted Unitary Development Plan.
- 3.10 KPCP have also requested that the currently underutilised garage site to the north east of the Chislett Community Centre is transferred to them under the Adopted Asset Transfer Policy with a mutual break option which will be dealt under the existing Officer Scheme of Delegation. KPCP propose to use this area as additional parking for the much used community centre, maintaining the required secondary access to the adjoining Redscope Primary School.

4. Options considered and recommended proposal

- 4.1 For all three assets, an alternative to long term leases is a freehold transfer at a nil consideration. This option has been discounted on all assets as this limits the control the Council has on both the asset itself and the use that the asset is put to. Retaining the freehold interest ensures that the community gains of the asset transfer policy are realised.
- 4.2 The option of not granting the requests has been considered though rejected with the reasoning set out below. It is recommended that all three requests are granted and that the Assistant Director - Planning, Regeneration and Transport negotiate the terms of the requests and the Assistant Director of Legal and Democratic Services completes the necessary documentation.
- 4.3 **Canklow Depot - Casting Innovations Limited (CIL)** – Alternative option considered - Do not grant CIL the required lease and request that they continue in occupation on the existing agreement. This option has been discounted, as without the required lease in place the organisation will be unable to access external grant funding and the development of the site as a community hub will not be realised.
- 4.4 **Ulley Recreation Ground - Ulley Parish Council** – Alternative option Considered - Retain the asset and do not grant the requested lease. Should a new lease not be granted the Council would then be responsible for the maintenance liability of the land and associated play equipment. Accordingly, for reasons of good estate management this option is not supported.

4.5 **Chislett Community Centre - Kimberworth Park Community Partnership (KPCP)** Alternative option considered - Do not grant KPCP the required lease and request that they continue in occupation on the existing agreement. This option has been discounted as KPCP have demonstrated that they can effectively develop and run a much needed community facility in the locality. Having secured £486,000 in grant funding to transform a former dilapidated community building, the level of investment is greater than the value of the original asset transferred.

5. Consultation

5.1 **Canklow Depot** - Consultation has been carried out with Boston Castle Ward Members. One member confirmed support to the recommendation with the proposal to grant CIL a lease for 25 years without break clauses. Adding that, CIL has continued to go from strength to strength at the former depot site and are also supporting other community groups in Canklow. No objections were raised during this consultation

5.2 **Ulley Recreation Ground** - Consultation has been carried out with the Rother Vale Ward Members. Two members confirmed their support to the recommendation without the break clause. No objections received during this consultation.

5.3 **Chislett Community Centre** - Consultation has been carried out with the Keppel Ward Members with support to the proposal being provided by two of the Ward Members. No objections received during the consultation.

6. Timetable and Accountability for Implementing this Decision

6.1 It is proposed that if approved by Cabinet the Assistant Director of Legal Services will be instructed to complete the necessary documentation, following the call in period.

7. Financial and Procurement Implications

7.1 There are no financial or procurement implications as a result of these proposals

8. Legal Implications

8.1 There are no direct legal implications arising from the report. The report recommends a departure from current adopted policy and sets out why it is felt such a departure can be justified. The necessary documentation will be completed in due course by Legal Services.

9. Human Resources Implications

9.1 There are no human resource implications as a result of these proposals

10. Implications for Children and Young People and Vulnerable Adults

- 10.1 There are no implications as a result of these proposals in relation to Canklow Depot.
- 10.2 For Ulley Recreation Ground, the proposals will enable the existing play equipment to continue to be available for children and young people in the area.
- 10.3 For Chislett Community Centre, the proposals will secure the existing services that KPCP and its partners deliver to both young people and vulnerable adults for the long term.

11. Equalities and Human Rights Implications

- 11.1 There are no implications as a result of these proposals

12. Implications for Partners and Other Directorates

- 12.1 There are no implications as a result of these proposals

13. Risks and Mitigation

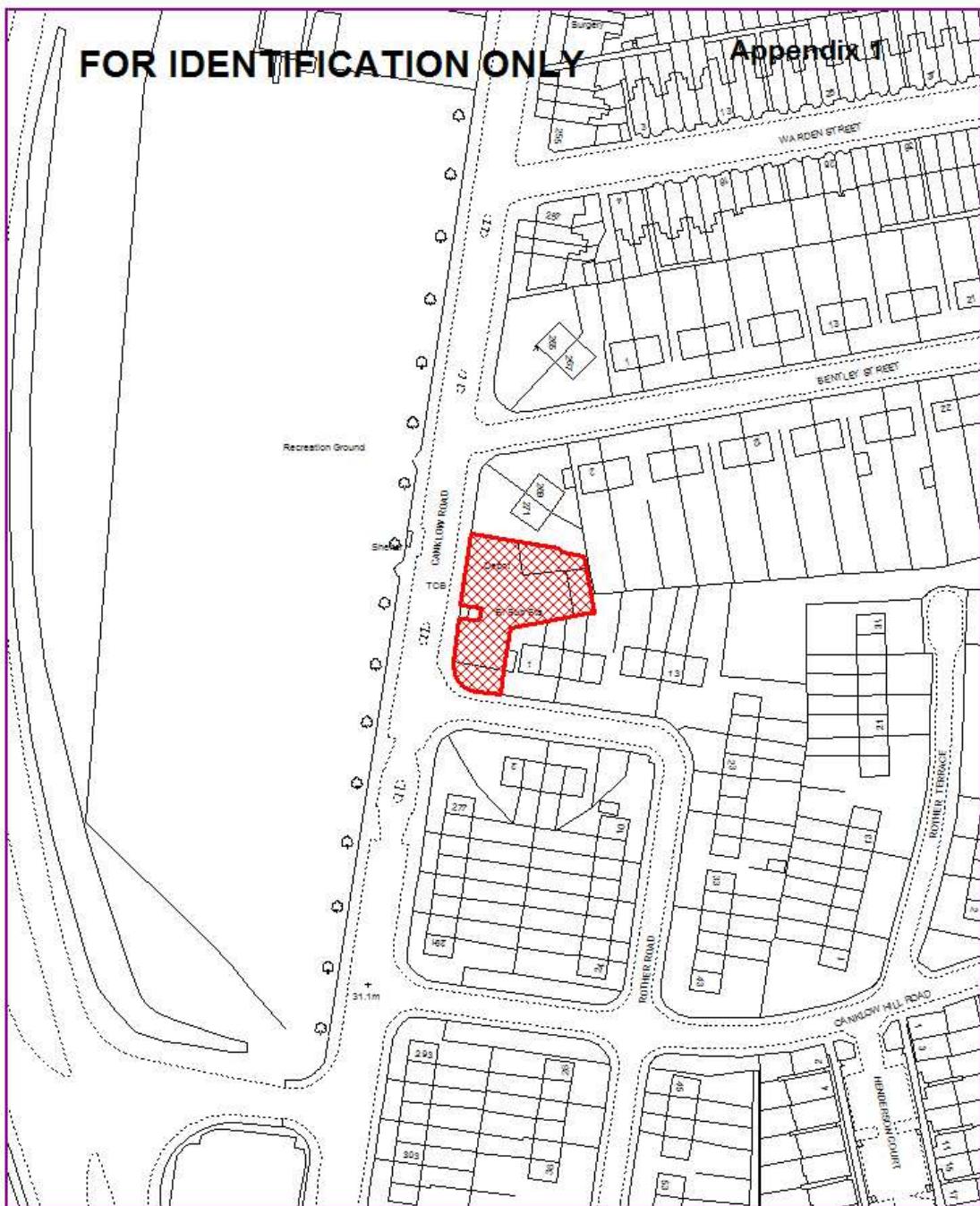
- 13.1 No risks or subsequent mitigation has been identified.

14. Accountable Officer(s)

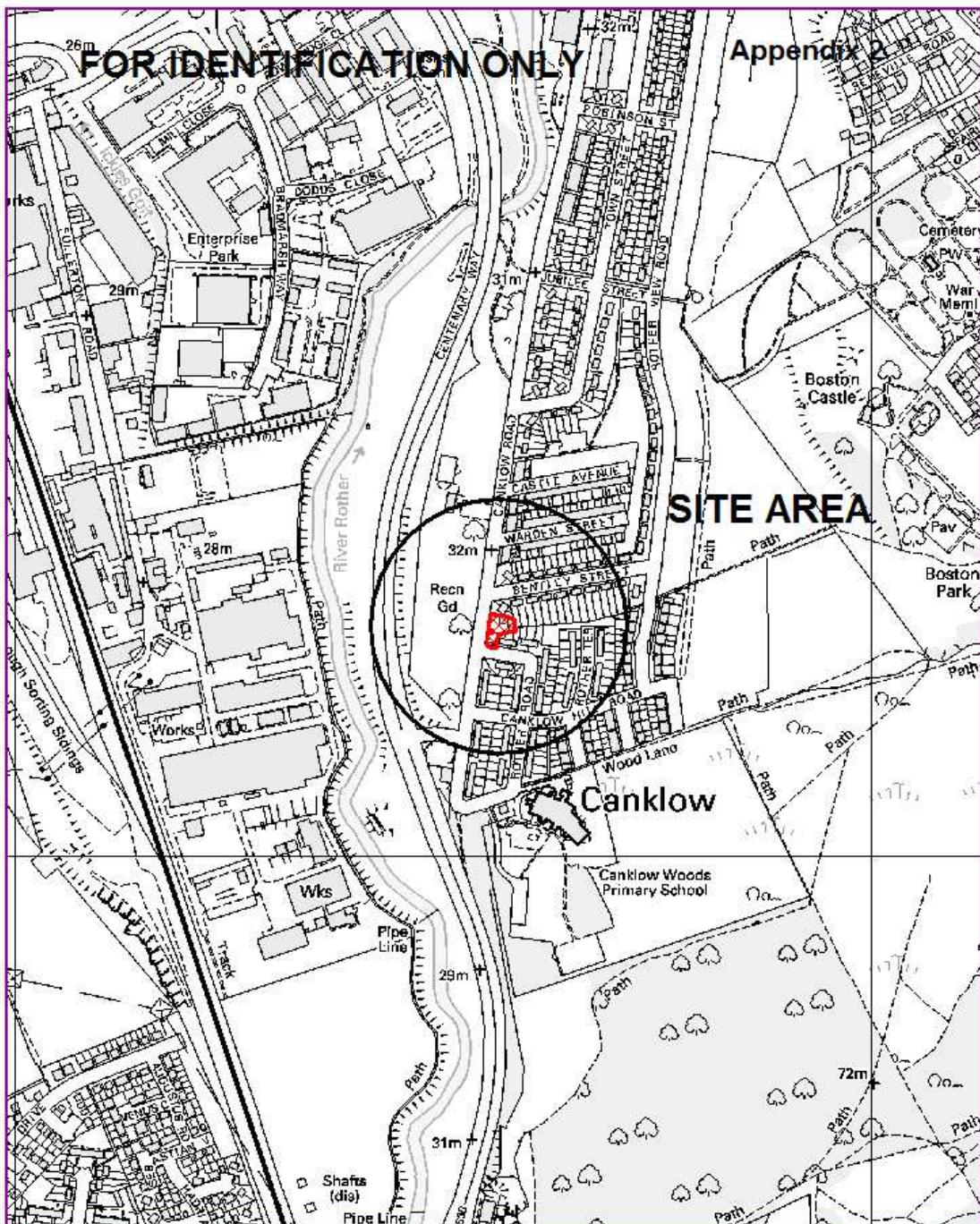
Damien Wilson, Strategic Director, Regeneration & Environment

Paul Woodcock, Assistant Director of Planning, Regeneration and Transport

Appendix 1



Appendix 2



Scale 1:6000

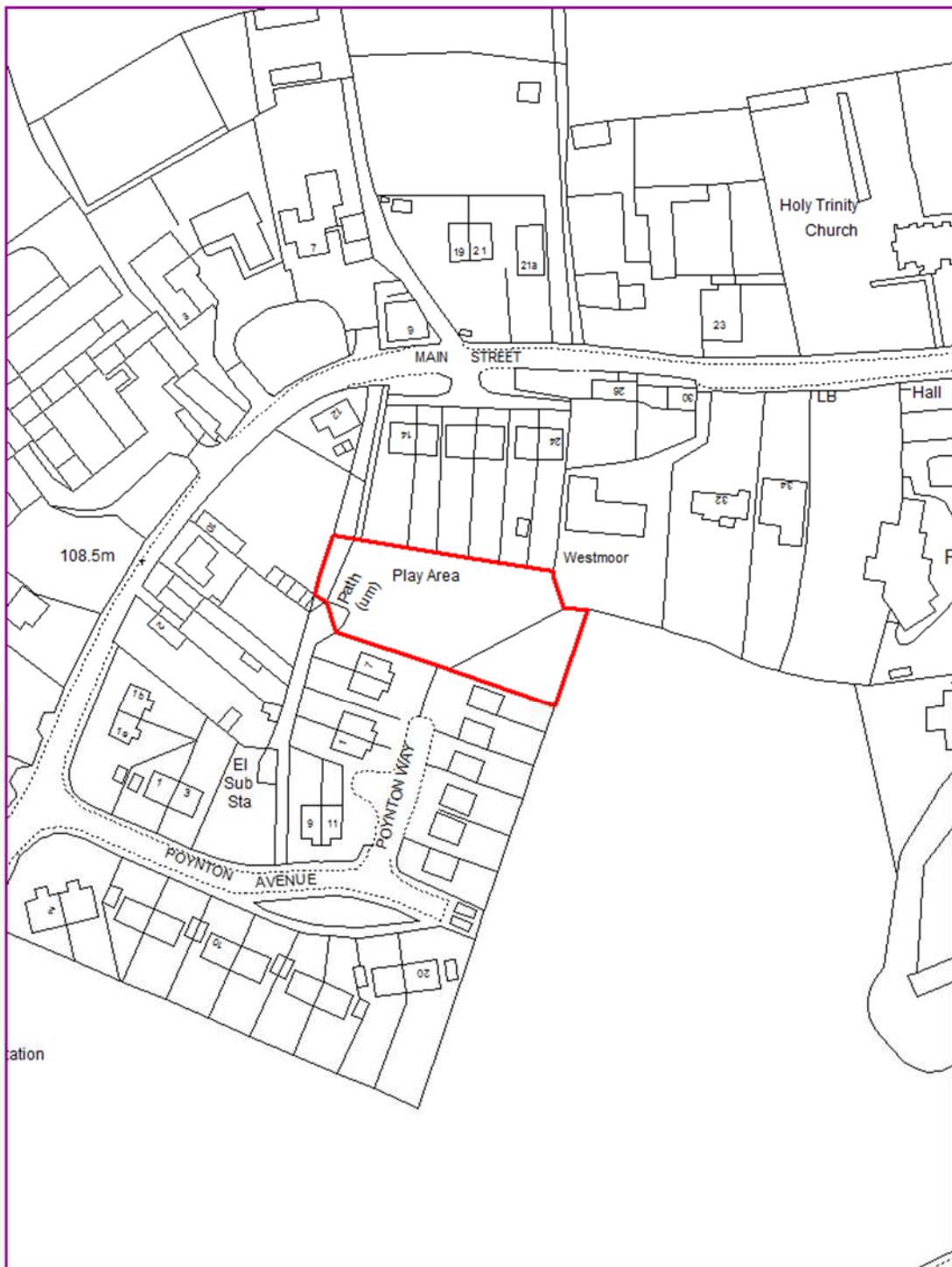
FOR IDENTIFICATION ONLY
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Canklow Depot
Canklow Road
Rotherham

Rotherham
Metropolitan
Borough Council

Appendix 3



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Scale 1:1250

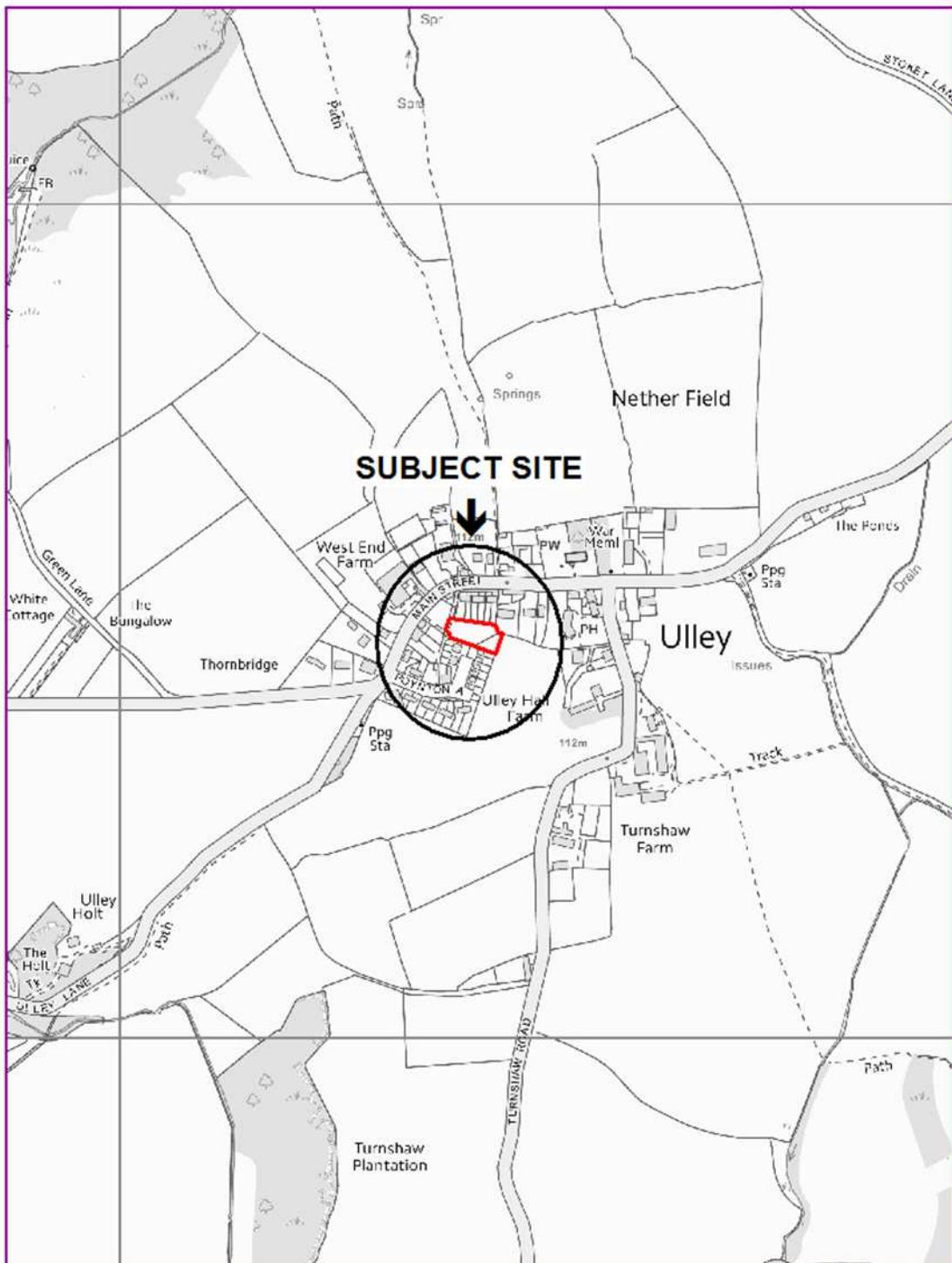
Parcels of land purchased by
Not to be used as a seed area

ULLEY RECREATION GROUND
MAIN STREET/POYNTON AVENUE
ULLEY
ROOTHERHAM

Rotherham
Metropolitan
Borough Council

MISPT/Ange/GenEng.wk

Appendix 4



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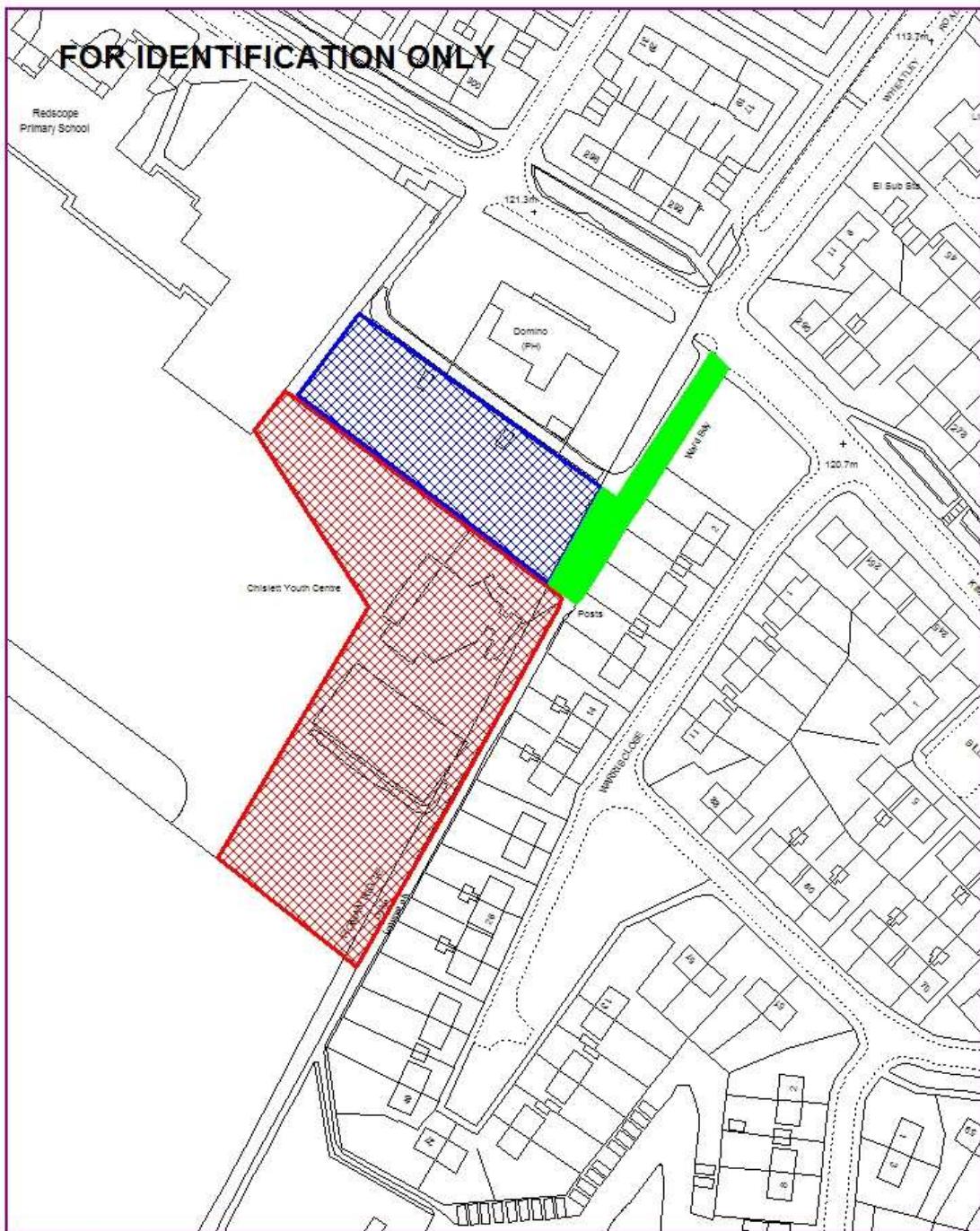
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ULLEY RECREATION GROUND
MAIN STREET/POYNTON AVENUE
ULLEY
ROTHERHAM

Rotherham
Metropolitan
Borough Council

M:\SPT\Angle\GenEng.wk



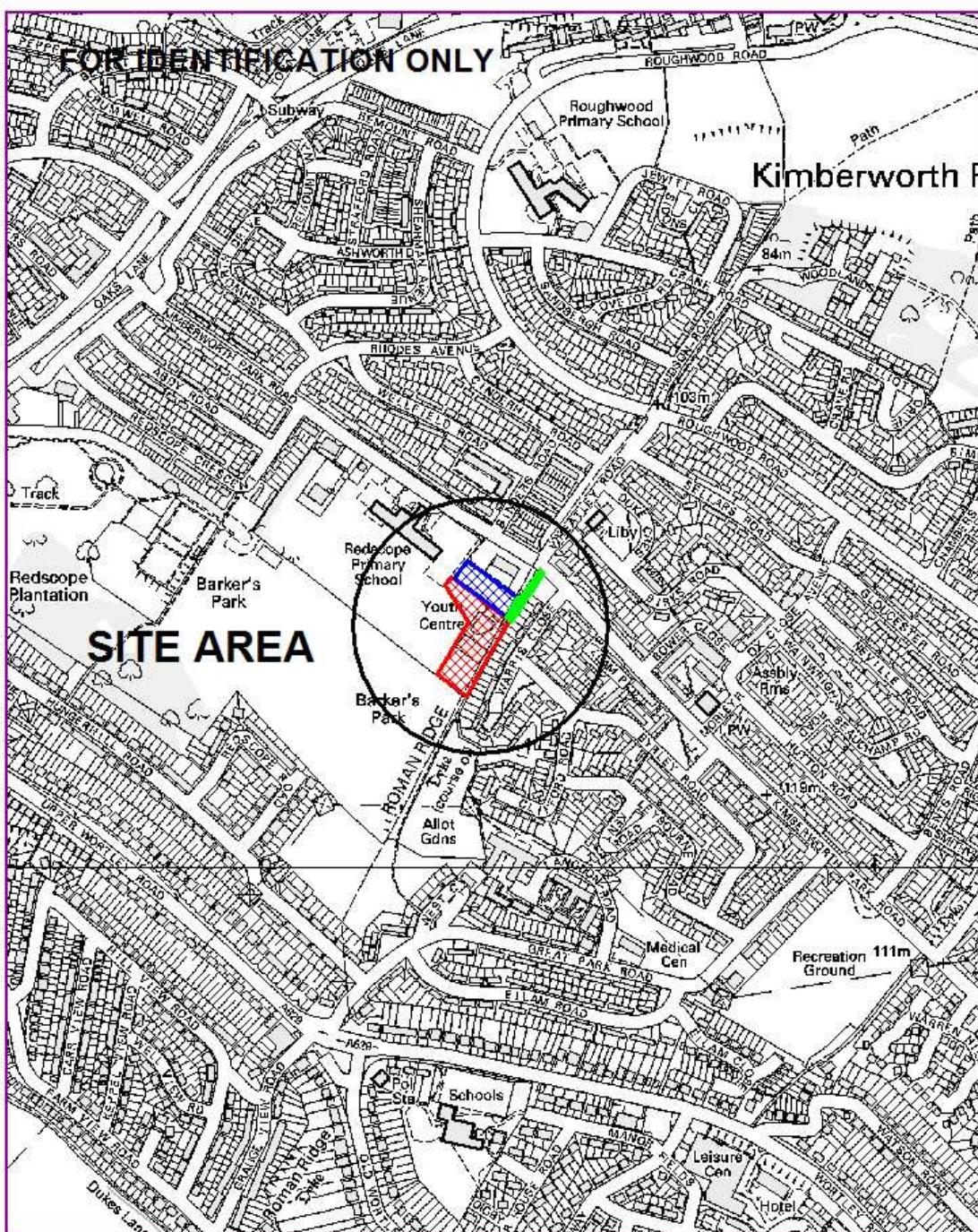
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Chislett Youth & Community Centre
Kimberworth Park Road
Rotherham

Scale 1:1250

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DEED PLAN PURPOSES

Rotherham
Metropolitan
Borough Council



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Chislett Youth & Community Centre
Kimberworth Park Road
Rotherham

Rotherham
Metropolitan
Borough Council



Scale 1:6000

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DEED PLAN PURPOSES

Council Report

Cabinet and Commissioner's Decision Making Meeting – 11 September 2017

Title

Adoption of Land Adjacent Sales Policy and Procedures

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

Yes

Director Approving Submission of the Report

Damien Wilson, Strategic Director Regeneration and Environment

Report Author(s)

Jeremy Nicholson, Senior Estates Surveyor, Corporate Property Unit,
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Jonathan Marriott, Estates Manager, Corporate Property Unit
01709 823898 or jonathan.marriott@rotherham.gov.uk

Ward(s) Affected

All Wards

Executive Summary

The purpose of this report is to seek approval for the adoption and implementation of a new policy and procedure for dealing with enquiries to purchase small plots of land adjacent to the enquirer's property.

Recommendations

1. That the proposals contained in the report considering the adoption of new policy and procedures for dealing with land adjacent sales be agreed.
2. That the Assistant Director of Planning, Regeneration and Transport be authorised under delegated powers to approve qualifying disposals and that the Assistant Director of Legal Services be authorised to complete the necessary legal documentation.
3. That a minimum value threshold of £2,000 plus fees be set for all disposals that arise through applications to purchase.
4. That an administration charge of £250 be payable at the point of application which will be refunded if the application proceeds to completion.

5. That any applications to purchase areas of land which are dedicated as public open space are not part of the delegated authority or considered as part of the policy.

List of Appendices Included

Appendix 1 – Procedure for dealing with small land sales

Appendix 2 – Land Application Form

Background Papers

Nil

Consideration by any other Council Committee, Scrutiny or Advisory Panel

No

Council Approval Required

No

Exempt from the Press and Public

No

.

Title

Adoption of Land Adjacent Sales Policy and Procedures

1. Recommendations

- 1.1 That the proposals contained in the report considering the adoption of new policy and procedures for dealing with land adjacent sales be agreed.
- 1.2 That the Assistant Director of Planning, Regeneration and Transport be authorised under delegated powers to approve qualifying disposals and that the Assistant Director of Legal Services be authorised to complete the necessary legal documentation.
- 1.3 That a minimum value threshold of £2,000 plus fees be set for all disposals that arise through applications to purchase.
- 1.4 That an administration charge of £250 be payable at the point of application which will be refunded if the application proceeds to completion.
- 1.5 That any applications to purchase areas of land which are dedicated as public open space are not part of the delegated authority or considered as part of the policy.

2. Background

- 2.1 Each year the Council receives a number of applications to purchase or rent various pieces of Council owned land. During the period March 2015 to March 2016, 91 enquiries were received of which 65 enquiries were closed or rejected. Only 11 applications progressed to completion with the remaining 15 still on going.
- 2.2 A large proportion of these applications come from residential owner occupiers and relate to pieces of open space or highway landscaping adjacent to their properties. However some enquiries do come from builders or commercial operations interested in buying plots of vacant land for house building/development purposes.
- 2.3 Under the current procedures when an application is received consultations are initially carried out with the Administrating Service of the land along with the Council's Planning and Legal Department. These consultations are necessary to establish whether the land is surplus to the requirements of the Administering Service, to ascertain the designation of the land and its potential for an 'in principle' change of use and also to determine if the land is viable for disposal from a legal perspective.
- 2.4 The majority of applications received never progress beyond the consultation stage, more often than not because they are unsuitable from a planning point of view and/or the Administering Service object to the disposal of a particular piece of land. Alternatively the enquirer decides not to progress their application once they are aware of the likely costs to purchase the land.

- 2.5 Having to deal with a number of applications which may result in relatively minor capital receipts, takes resources away from key Asset Management objectives and this ultimately impacts on other workloads and higher level cases.
- 2.6 In addition some applications relate to land that is dedicated public open space. Quite often this type of land has been transferred to the Council by a developer to use for this purpose and in most cases contains covenants restricting the use of the land to that of public open space. These particular cases involve additional work in the release of the restrictive covenant which potentially could require the payment of a premium for its removal. In the majority of cases such as these, the additional costs in terms of officer time and release premiums will make the disposal unviable and therefore should not be considered.
- 2.7 In some cases, however, if the applicant is an adjoining commercial venture or business, it may be worth considering the application because of the potential to receive a larger capital receipt, or the potential to create new employment within the Borough, by the expansion of a particular business operation. Consequently, these applications should be considered in the first instance rather than rejecting them outright.
- 2.8 It is proposed that the process should be streamlined to reduce abortive work and to create a balance between cost to the Council and income received, and that a minimum disposal value be set. It is recommended that all land values should be set at a minimum value threshold of £2,000 with other fees additional to this amount.
- 2.9 Enquiries under this threshold (or if the enquirer did not want to progress their application due to cost) would then be offered a garden tenancy (where suitable) and the rent for the plot would be assessed based on the size of the land. This would mitigate the possibility of applicants encroaching onto the land and potentially claiming adverse possession. This option also allows the applicants to use the land, but giving the potential to reapply to purchase in the future.
- 2.10 Appendix 1 (Procedures for dealing with small land sales) sets out the basic streamlined procedure for dealing with these applications and includes set tables to work out land values based on the size of the land and its proposed use.
- 2.11 Should any enquirers wish to proceed then an initial administration charge of £250 would be payable at the point of application, to cover the cost of obtaining planning and legal advice. If the application is successful then this payment will be deducted from any additional amount due in respect of Council's fees. If the applicant fails to complete then this administration charge is to be retained.
- 2.12 It is suggested that the new policy, if approved, could be advertised on the Council's website so anyone considering applying to purchase land could work out the likely costs of purchase (or renting) and then if they still wished to apply could do so by downloading and printing off an online application form to fill in. Appendix 2 identifies a draft of the proposed application form.

2.13 Having a set minimum disposal value from the outset should ensure that abortive work is not undertaken as a result of applicants withdrawing from the process once an offer is made to them in terms of the purchase price.

3. Key Issues

3.1 The existing method for dealing with enquiries is time consuming and with the number of applications not proceeding to completion, does not represent the best use of officer time.

3.2 The proposed new procedure would provide for a more streamlined service to customers/enquirers as well as freeing up more time for higher priority matters.

4. Options considered and recommended proposal

4.1 Option 1 – Cease all applications and dealings with land adjacent sales. This is not the recommended option as this could lead potential applicants to encroach on Council owned land and longer term seek adverse possession claims. This option could also lead to criticism of the Council, especially in cases where the land adjacent is not being maintained, with potential applicants seeking to purchase or rent land to 'tidy' it up.

4.2 Option 2 - Continue with the existing method of dealing with enquiries. This is not the recommended option as this is not an effective use of officer time and results in little financial benefit to the Council.

4.3 Option 3 – Adopt the proposals as set out within the report and as detailed within Appendix 1 (Procedures for dealing with small land sales) which is the recommended proposal which will result in a more streamlined process and will reduce the amount of abortive costs incurred by the Council where applications do not reach conclusion.

5. Consultation

5.1 Consultation has been carried out with internal colleagues and other Local Authorities in the Sheffield City Region to ascertain how they deal with similar land sale enquiries. The majority of these authorities are reconsidering their existing policies in light of changing priorities, and are considering a similar charging system. Barnsley MBC has an agreed policy with a minimum sale threshold of £5,000.

6. Timetable and Accountability for Implementing this Decision

6.1 It is proposed that once approved by Cabinet the new procedures will take effect, following the call in period.

7. Financial and Procurement Implications

7.1 It is anticipated that the new procedures will streamline the process focussing on the serious applications. Customers will be provided with an indicative value, so that any applicant can make an early decision on whether to rent or purchase the land dependent upon their financial circumstances.

- 7.2 The process will also have a positive impact on the Housing Revenue Account budget by a reduction in the value abortive fee costs levied on the HRA by the Estates Team.
- 7.3 For the period reviewed (March 2015 to March 2016) the total value of capital receipts obtained for the period was £31,769, but non recovered officer time expended was £18,500, giving a net receipt of £13,269.
- 7.4 There are no direct financial implications arising from these proposals. It is anticipated that the majority of general fund capital receipts will fall under the Council's de-minimus level of £10,000 and as such will contribute to the Land and Property Bank. Capital receipts derived from HRA assets will contribute to the HRA. Alternatively, any income generated arising from the granting of garden tenancies will contribute towards existing income targets within the Investment Property budgets.
- 7.5 There are no procurement implications as a result of these proposals.

8. Legal Implications

- 8.1 There will be no legal implications in amending and updating the existing procedures to the one proposed.

9. Human Resources Implications

- 9.1 There are no Human Resource implications as a result of these proposals.

10. Implications for Children and Young People and Vulnerable Adults

Not applicable with regards to this report.

11. Equalities and Human Rights Implications

Not applicable with regards to this report.

12. Implications for Partners and Other Directorates

- 12.1 There will be implications for Housing as any enquiries relating to Housing or HRA land are initially dealt with by Housing and Estates Services. The proposed new process will have a positive impact as it will reduce the likelihood of abortive work.

13. Risks and Mitigation

- 13.1 None identified

14. Accountable Officer(s)

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

Appendix 1**PROCEDURES FOR DEALING WITH SMALL LAND SALES**

1. Housing and Estates Service (Neighbourhoods) or Estates Team (Asset Management Service) receives an enquiry from customer to purchase land.
2. The relevant Officer determines the area of the subject land and purpose for what the enquirer wishes to purchase land for.
3. The Officer establishes the land value based on the table below but with a minimum land value threshold of £2,000. (For example for Garden Purposes, say an area of 62 m² would equate to first 25 m² at £27.50 per m² (£687.50), second 25 m² at £25.00 per m² (£625) and remaining 12 m² at £22.50 per m² (£270) which would equate to an overall value of £1,582.50 say £1,600)

For Garden Purposes:-	Price per m ² (total value to be rounded up to nearest £50)
1 m ² to 25 m ²	£27.50
26 m ² to 50 m ²	£25.00
51 m ² to 100 m ²	£22.50
101 m ² to 200 m ²	£20.00
200 m ² and above	£17.50
For Car Parking or Garage	
1 m ² to 25 m ²	£50.00
26 m ² to 50 m ²	£45.00
51 m ² to 100 m ²	£40.00
101 m ² to 200 m ²	£35.00
200 m ² and above	£30.00
For Development or Extension	
1 m ² to 25 m ²	£100
26 m ² to 50 m ²	£90
51 m ² to 100 m ²	£80
101 m ² to 200 m ²	£70
200 m ² and above	£60

4. The Officer provides details of costs to enquirer including value of land, legal costs, planning costs and surveyors costs to determine whether enquirer wishes to proceed.
5. For Housing Land (HRA) enquiries the Housing and Estates officer will undertake initial consultation process with Housing colleagues, residents and Ward Members to determine if the land transfer can

proceed. When this has been completed the enquirer will fill in the application form and submit with £250 fee to cover the costs of carrying out planning and legal enquiries. The Housing and Estates officer will then instruct Estates Team to carry out the relevant departmental enquiries and provide an indicative valuation report. (If enquirer is not interested in purchasing land go to point 10).

6. For Non-Housing Land (General Fund) enquiries the Asset Management Team will undertake an initial consultation process involving the appropriate Ward and Cabinet Members. When this has been completed the enquirer will fill in the application form and submit with £250 fee to cover the costs of carrying out planning and legal enquiries. (If the enquirer is not interested in purchasing the land then go to point 10).
7. The Officer seeks relevant advice from Planning/Legal/Administering Service and then undertakes an Indicative Valuation Report. If land is viable for disposal, Heads of Terms are sent to enquirer which will include details of land cost and other relevant fees (legal, planning, etc).
8. Once the officer has received signed Heads of Terms from enquirer along with fee payment(s) the officer will firstly obtain delegated approval from the Assistant Director, Planning, Regeneration and Transport and then instruct the Council's Legal Department to deal with disposal of the asset.
9. If the enquirer does not wish to purchase the land (due to the price offered), the officer should ask the enquirer if they would alternatively wish to rent the relevant land on a garden land tenancy agreement. (This should only be offered if the proposed land use is for garden land or car parking).
10. If the enquirer is interested in taking on a garden tenancy the officer will work out an estimate of rent per annum based on the table below:-

For Garden Purposes:-	Rent per annum
1 m ² to 50 m ²	£150
51 m ² to 100 m ²	£200
101 m ² to 200 m ²	£250
200 m ² and above	To be considered on application
For Car Parking Purposes:-	
1 m ² to 50 m ²	£250
51 m ² to 100 m ²	£300
101 m ² to 200 m ²	£350
200 m ² and above	To be considered on application

11. If the enquirer then wishes to take on a garden tenancy the officer will issue a standard garden licence agreement for the enquirer to sign and set them up to be invoiced annually for the rent.

LAND APPLICATION FORM

Please complete the following application form if you would like to rent or purchase LAND from Rotherham Metropolitan Borough Council.

We will only use personal information for services you provide to us or we provide to you.

YOUR DETAILS

Title: First Name: Surname:

Address:

Email:

Telephone Number:

Home:

Work:

Mobile:

DETAILS OF LAND REQUIRED FOR RENT OR PURCHASE

Land Type: Grazing / Garden / Agricultural / Site Compound / Allotment / Garage Site

Other (Please state):

Size of Land (approx):

Address of Land:

Current Use of Land:

Intended Use of Land:

Interested In: Purchasing / Renting / Either

Please complete this section if you are applying for **Grazing or Agricultural Land** only.

Type of Livestock: Number of Livestock:

Intention To Build Stables: Yes / No

If Yes Please Give Details (e.g.) Wooden/Brick/Hard Standing/ Size etc.

Will This Land Be Used For Business Purposes? Yes / No

Additional Information/Sketched Plans:

Please attach any addition documents (e.g.) photographs or plans:

Identification:

For the purposes of Proof of Address and as part of compliance with Money Laundering Regulations 2007; it is a requirement that you provide the following 3 forms of identification prior to any formal agreement being signed. **All 3 forms of identification must be original documents and be brought to our offices for verification.**

YOU WILL BE NOTIFIED WHEN THESE DOCUMENTS MUST BE PROVIDED DURING THE APPLICATION PROCESS.

1. One Photographic Proof of ID (Full Driving Licence/Passport).
2. Two Proof of Address Documents (Utility Bills/ Bank Statements).

Please note that completing this application form does not guarantee the granting of any agreement. RMBC reserve the right to refuse an application.

Supplying false information during this application process will render it void.

Should your application be successful, fees may be payable. Please see attached schedule.

Signature:

Date:

SCHEDULE OF FEES

An initial fee of £250 should be submitted with this application form to cover the Council's initial internal charges for planning and legal advice. This fee is non-refundable but will be deducted from the final surveying fees on completion of the land disposal.

APPLICATION PROCESS

Please note there is a procedure for dealing with all applications. You will be updated on the progress of your application throughout the process.

On receipt of an application the following procedure will be followed;

Acknowledgement of application,

Necessary consultations with the appropriate directorates (including Planning Department),

Local Member consultations/Cabinet Approval (where necessary),

References obtained (where applicable),

Terms agreed between both parties.

Please note the above procedure is a guide only and is not exhaustive.

FREQUENTLY ASKED QUESTIONS

Would I be restricted to what I can do with the land?

This will depend on the covenants and user clause within the agreement, and any planning restrictions.

Who is responsible for the erection and maintenance of fencing/boundary walls?

This will be dependant upon what your agreement says, but in most circumstances, this will be the responsibility of the tenant/purchaser.

I want to use the land for garden purposes. Whose responsibility is it to obtain change of use planning permission?

This is the responsibility of the prospective tenant/purchaser. No transfer of land will take place until proof of planning permission is provided.

What references are required?

References will not always be required, however, the Council reserve the right to request references, which may be a personal, trade or bank reference. The Council may also carry out a referencing check on any business where applicable.

Can I move onto the land prior to completion taking place?

No.

Why are fees payable and what are they for?

Fees are payable as a contribution towards the professional Legal and Surveying services carried out by the Council in dealing with your application.

PLEASE RETURN ALL COMPLETED APPLICATION FORMS TO:

ESTATES MANAGER, ESTATES TEAM, 2ND FLOOR WING C, RIVERSIDE HOUSE, MAIN STREET, ROTHERHAM, S60 1AE or

Email: landandpropertyenquiries@rotherham.gov.uk



Public Report

Cabinet and Commissioners' Decision Making Meeting

Summary Sheet

Council Report

Cabinet and Commissioners' Decision Making Meeting – 11 September 2017

Title

Greasbrough Public Hall Future Options

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

No, but it is included on the Forward Plan

Strategic Director Approving Submission of the Report

Damien Wilson – Strategic Director Regeneration and Environment

Report Author(s)

Paul Smith – Head of Asset Management

01709 254061 or paul.smith@rotherham.gov.uk

Stuart Carr – Facilities Manager (Asset Management),

01709 254022 or stuart.carr@rotherham.gov.uk

Ward(s) Affected

Wingfield

Summary

Greasbrough Public Hall was declared surplus to the operational requirements of the Council following the "Review of Directly Managed Community Centres" undertaken in 2014. The hall was formally closed as a Community Centre following the review and the building has remained vacant ever since.

A number of options were initially considered for the hall following a marketing period inviting "expressions of interest". However, the Council's Transportation and Highways Team have now identified a requirement for the site of the building for the delivery of a Highway Improvement Scheme at the junction of Main Street/Coach Road in Greasbrough.

The proposed highway improvements at the junction of Main Street/Coach Road will also support the proposals for the Bassingthorpe redevelopment in the area.

Recommendations

1. That the proposed demolition of Greasbrough Public Hall be approved and the cleared site be then retained in Council ownership for the delivery of the highway improvement scheme.
2. That the façade and stone from the Greasbrough Public Hall be salvaged and retained for potential future use and the detail of what is to be retained be agreed in partnership with the Greasbrough Public Hall Community Trust.
3. That the required funding for the project be taken from unallocated operational building maintenance capital funding.

List of Appendices Included

Appendix 1 – Site Plan

Appendix 2 – Location Plan

Background Papers

Nil

Consideration by any other Council Committee, Scrutiny or Advisory Panel

No

Council Approval Required

No

Exempt from the Press and Public

No.

Title:

Greasbrough Public Hall Future Options

1. Recommendations:-

- 1.1 That the proposed demolition of Greasbrough Public Hall be approved and the cleared site be then retained in Council ownership for the delivery of the highway improvement scheme.
- 1.2 That the façade and stone from the Greasbrough Public Hall be salvaged and retained for potential future use and the detail of what is to be retained be agreed in partnership with the Greasbrough Public Hall Community Trust.
- 1.3 That the required funding for the project be taken from unallocated operational building maintenance capital funding.

2. Background

- 2.1 Greasbrough Public Hall was declared surplus to the operational requirements of the Council following the “Review of Directly Managed Community Centres” undertaken in 2014. The hall was formally closed as a Community Centre following the review and the building has remained vacant ever since. A copy of the site location plan for the building can be seen in Appendix (A) of this report.
- 2.2 Following closure as a Community Centre, and in order to assist the Council in its decision making process moving forward, the Council did embark on an “Expression of Interest” exercise (EoI) for the hall in October 2016. The exercise was undertaken to gauge what level of interest there would be from both the private and third sector markets in taking over the responsibility for the hall. Interest was invited from all parties for either a freehold purchase, taking a commercial lease or any group wishing to take a Community Asset Transfer Lease under the Council’s adopted policy.
- 2.3 One of the parties who registered an interest in taking out a Community Asset Transfer lease on the building is the Greasbrough Public Hall Community Trust (GPHCT). A local community group formed for the purpose of trying to save the hall and bring it back into meaningful community use.
- 2.4 Following the “expressions of interest” exercise the Council’s Transportation and Highways Team requested if the building could be retained in Council ownership as it was identified from their traffic modelling work that the site was required to facilitate a highway improvement scheme at the junction of Main Street and Coach Road that fronts the hall. The junction at present is a mini-roundabout and it is a severe congestion hot spot at peak traffic flow times. This junction was also recommended for improvement as part of the Bassingthorpe Farm Masterplan and development.
- 2.5 The traffic modelling work in the area had been ongoing for some time due to the proposals for the Bassingthorpe Farm Development. However, it was unknown during the initial marketing of the hall of the scale of the intervention that was required from the Council to fully alleviate the existing congestion at the junction, taking into account the additional traffic flow that would come from the new residential development at Bassingthorpe Farm.

- 2.6 A number of proposals for the highway scheme are currently under consideration and presently two options have been developed, with both options requiring the physical site of the hall and as such the demolition of the building will be required whichever option is finally chosen. One of the options was shown on the latest plans for Bassingthorpe Farm at the public information event held on the 27th April 2017. The Transportation and Highways team have confirmed that any plans to improve traffic flows and meet both current and future demand will require the additional land for a suitable scheme.
- 2.7 Due to the potential need for the site to be retained in Council ownership a number of discussions and meetings have taken place with the local Ward Members and the GPHCT.
- 2.8 The GPHCT object to the demolition but in the event of this being approved they have requested that the stone façade of the building be salvaged as part of the demolition works and retained for future use. It is recommended that this be agreed and if approved the detail will form part of the procurement for the demolition works.
- 2.9 Following the expression of interest marketing exercise all parties who registered a formal interest have now been informed of the Council's intention to retain the building (for demolition purposes) to facilitate the Highway Improvement Scheme.
- 2.10 The building has attracted anti-social behaviour of late and has recently been the subject of a number of vandalism attacks, including a number of thefts from the building (leadwork flashings and valleys from the roof) and the local members have raised their concerns in this respect.
- 2.11 The hall was already in a poor state of repair prior to closure and needed significant expenditure to bring it back into use.

3. Key Issues

- 3.1 The property is no longer required by the Council for use as a Public Hall and is not required for use as an operational building by any other Directorate in the Council. However, the Transportation and Highways Team that have identified the need for the cleared site for the delivery of the Highway Improvement Scheme required at this location.
- 3.2 The B6089 in Greasbrough suffers from severe traffic congestion and delay. Queues in the morning peak stretch back from the mini-roundabout fronting the Public Hall backing up Potter Hill and through Upper Haugh. In the evening peak queues stretch back from the mini-roundabout to the end of the dual carriageway on the outskirts of Greasbrough. In addition to the current problems the proposed Bassingthorpe Farm development will lead to a significant amount of traffic from the additional homes and employment planned.

3.3 The use of the site to facilitate a Highways Improvement Scheme should significantly reduce traffic congestion in the immediate area and will also support the delivery of the Bassingthorpe Farm development.

4. Options considered and recommended proposal

4.1 The following options have been considered in respect of the future of the site aside from operational use by the Council.

4.2 The property could be let to a third party organisation, though the significant cost of the works required to bring the property up to a useable/lettable standard could prove to be prohibitive. The building is in need of major roof repairs, new boilers and heating system, repairs to the leaded windows and the total replacement of the timber ground floor. This option would mean the proposed future highway improvements could not proceed.

4.3 The freehold disposal of the Public Hall to generate a capital receipt has been explored, although if a sale was achieved then this would adversely affect the proposals to improve the traffic flows within the area. Eols received for the freehold sale of the building ranged from £40,000 to £175,000. However, this was before the recent vandalism/theft attacks, so the figures could now be less than the values offered at that time.

4.4 The demolition of the Public Hall will enable the site to be included in the Transportation and Highway proposals to improve the junction in Greasbrough, thereby relieving significant traffic congestion. In addition to current capacity issues, the Greasbrough mini roundabout has been identified as a key infrastructure requirement to mitigate the traffic implications of the Bassingthorpe Farm development. The roundabout is a known localised congestion hotspot, with delays experienced within the peak hours, both inbound and outbound. Subsequently, in order for the Council to plan for Bassingthorpe Farm, there is a strategic need to deliver a highway improvement scheme at this location to alleviate existing congestion whilst also providing additional capacity to account for future traffic growth.

4.5 Following a review of options available it is now recommended that the proposed demolition of the Public Hall is approved and that a sum in the region of £75,000 (depending on surveys and tenders) is added to the 2017/18 Capital Programme to facilitate this. The cleared site will then be retained by Transportation and Highways for the delivery of the junction improvement scheme.

5. Consultation

5.1 The Ward Members for Wingfield have been consulted on the traffic scheme proposals and the options for the Greasbrough Public Hall.

- 5.2 The GPHCT have been involved in both meetings and correspondence for the Greasbrough Public Hall and the potential demolition. The GPHCT object to the demolition but in the event of this being approved they have requested that the stone façade of the building be salvaged as part of the demolition works and retained for future use. This request forms part of the recommendation within this report.
- 5.3 The Bassingthorpe Farm development has been consulted on as part of the Local Plan consultation process. A public information event was held on the 27th April 2017 to provide an update on the masterplan for the development. Initial plans for a new junction, using the land for the Greasbrough Public Hall, were included within the information for this event. The views from the public were mixed, ranging from objections to the demolition and use of the land through to support for the proposals to demolish and improve the highway network.

6. Timetable and Accountability for Implementing this Decision

- 6.1 A full intrusive asbestos survey is currently being undertaken following which a firm cost estimate will be prepared to enable the demolition to be tendered in accordance with the Council's Contract Standing Orders and Financial Regulations.
- 6.2 If approval to demolish is granted, it is anticipated that the demolition works could commence within eight weeks of the decision being made.
- 6.3 Completion of the demolition would be anticipated to be achieved within 12 weeks of the start on site.

7. Financial and Procurement Implications

- 7.1 The demolition works would be tendered in accordance with the Council's Contract Standing Orders and Financial Regulations.
- 7.2 The current estimated demolition costs of Greasbrough Public Hall are £75,000. However, this is subject to the outcome of an asbestos survey and the tendering exercise. It is proposed that the cost of demolition is added to the Council's Capital Programme 2017/18, in order to facilitate the highways works, funded through the use of unallocated capital receipts.
- 7.3 The current holding costs associated with the building are £8,000 per annum and this is presently being funded through the Land & Property Bank revenue budget.
- 7.4 The costs for the salvaging/retention of the Public Hall's stone façade will be included in the tendering process for the demolition works.

8. Legal Implications

8.1 There is a high risk of further vandalism to the building and the condition will only deteriorate further. The Council has an ongoing obligation under the "Occupiers Liability Act" to ensure that the building/site is safe. The proposed demolition to facilitate the highways scheme will alleviate this.

9. Human Resources Implications

9.1 There are no Human Resources issues relevant to this report.

10. Implications for Children and Young People and Vulnerable Adults

10.1 There are no implications.

11. Equalities and Human Rights Implications

11.1 There are no Equalities and Human Rights implications relevant to this report.

12. Implications for Partners and Other Directorates

12.1 The decision to demolish the Public Hall will assist the Transportation and Highways requirement to mitigate the traffic congestion issues in the area and also the future traffic growth coming from the Bassingthorpe Farm development.

13. Risks and Mitigation

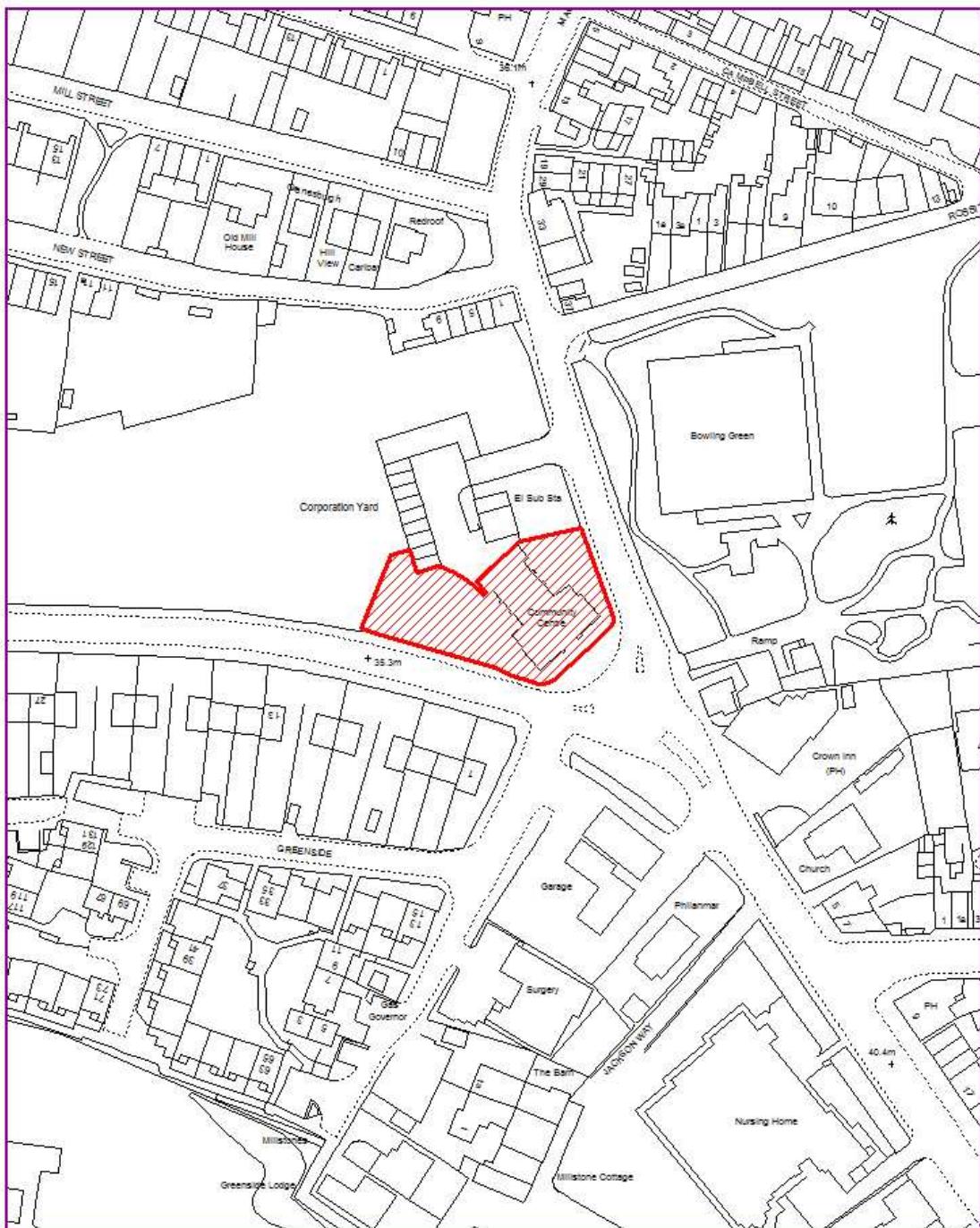
13.1 Due to the continued anti-social behaviour and vandalism at the building, the site is being regularly inspected and secured as necessary to protect the site and to reduce the ongoing risk of further damage, risk to the public and the reputation of the Council.

13.2 The demolition costs have been estimated and are subject to a full asbestos survey and the outcome of the tender exercise in accordance with Contract Standing Orders and Financial Regulations.

14. Accountable Officer(s)

Damien Wilson	Strategic Director Regeneration & Environment.
Paul Woodcock	Assistant Director - Planning, Regeneration & Transport
Paul Smith	Head of Asset Management
Stuart Carr	Facilities Manager, Asset Management Service

Appendix 1



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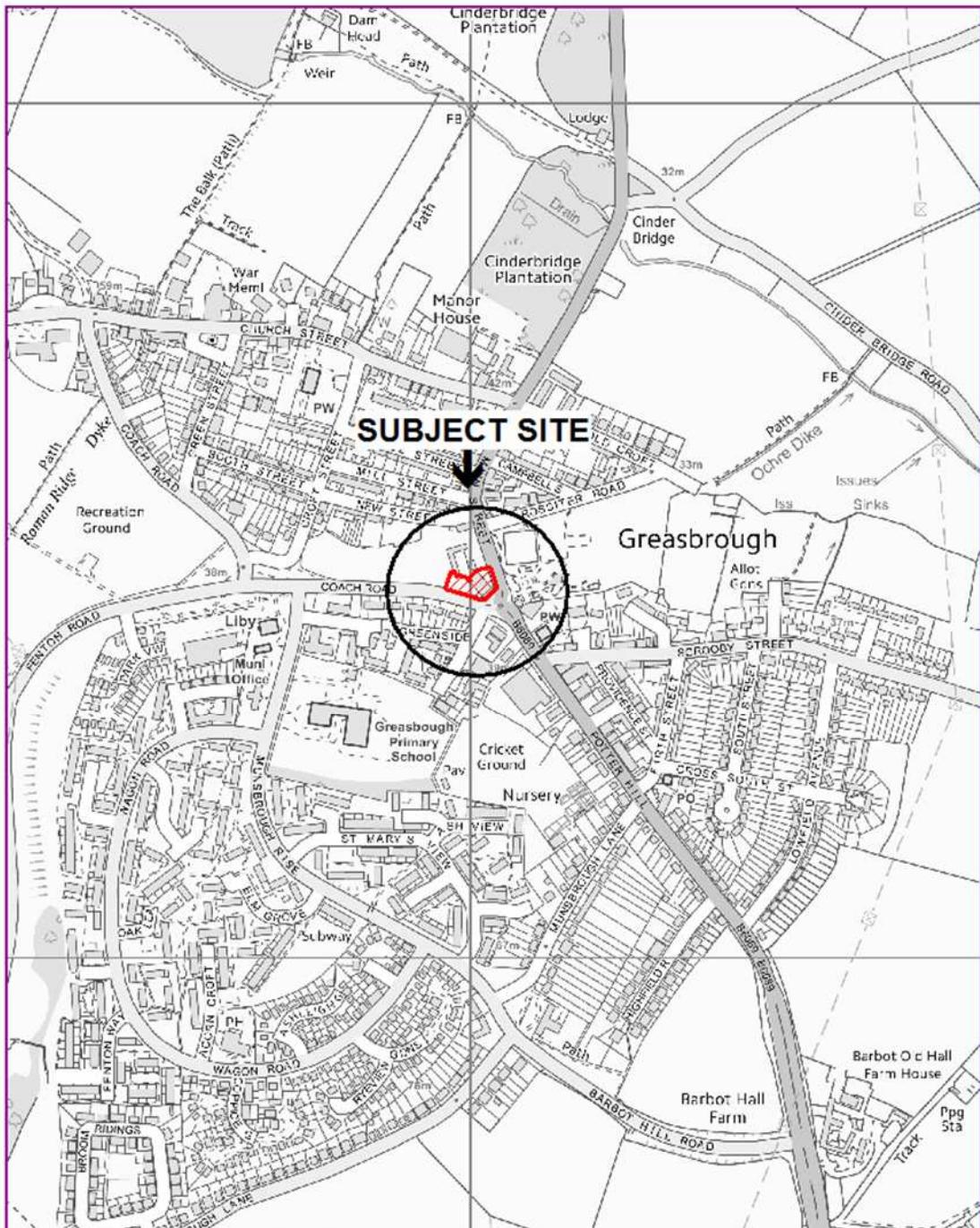
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GREASBROUGH PUBLIC HALL
COACH ROAD
GREASBROUGH
ROTHERHAM

Rotherham
Metropolitan
Borough Council

M:\Strategic_Property\Angle\Gen_Enq\Wk\

Appendix 2



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Scale 1:6000

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GREASBROUGH PUBLIC HALL
COACH ROAD
GREASBROUGH
ROTERHAM

Rotherham
Metropolitan
Borough Council

M:Strategic_Property/Angle/Gen_Enq.Wrk

Council Report

Cabinet and Commissioners' Decision Making Meeting – 11 September 2017

Title

Council Plan 2017/18 Quarter 1 Performance Report

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

Yes

Directors Approving Submission of the Report

Sharon Kemp, Chief Executive

Shokat Lal, Assistant Chief Executive

Report author(s):

Simon Dennis, Corporate Risk Manager, Assistant Chief Executive's Directorate
01709 822114 or simon.dennis@rotherham.gov.uk

Ward(s) Affected

All

Executive Summary

The three year Council Plan for the period 2017-2020 was approved by Elected Members at the RMBC Council meeting on 12th July 2017. The plan represents the core document that underpins the Council's overall vision, setting out headline priorities, indicators and measures that will demonstrate its delivery. Alongside it sits the corporate Performance Management Framework, explaining to all Council staff how robust performance monitoring and management arrangements are required to ensure effective implementation.

To ensure the delivery of actions and their impact is assessed, formal quarterly performance reports are required to the public Cabinet and Commissioners' Decision-Making meeting, with an opportunity for pre-Scrutiny consideration in line with new governance arrangements. This report is the first report in the 2017/18 reporting cycle covering quarter 1 (1st April to 30th June 2017).

The Performance Report and Performance Scorecard (Appendices A and B) provide an analysis of the Council's current performance against 14 key delivery outcomes and 72 measures. This report is based on the current position of available data, along with an overview of progress on key projects and activities which also contribute towards the delivery of the Council Plan.

At the end of this first quarter (April to June 2017) 27 measures had either met or had exceeded the target set in the Council Plan. Although this represents only 37.5% of

the total number of measures in the Plan, it equates to **47.4%** of the total number of indicators where data is available or where targets have been set. A total of 16 (**27.6%** of those measured in the quarter) performance measures have not hit their target for the year (22.2% overall).

Recommendations

1. That the overall position and direction of travel in relation to performance be noted.
2. That consideration be given to measures which have not progressed in accordance with the target set and the actions required to improve performance, including future performance clinics
3. That the performance reporting timetable for 2017/18 be noted.

List of Appendices Included

Appendix A – Quarter 4 Narrative Performance Report

Appendix B – Quarter 4 Performance Scorecard

Background Papers

- RMBC corporate 'Fresh Start' Improvement Plan, 26th May 2015
- RMBC corporate Improvement Plan, Phase Two Action Plan, June 2016
- 'Views from Rotherham' report, October 2015
- Performance Management Framework 2016-17
- RMBC Corporate Plan 2016-17 approved July 2016
- RMBC Council Plan 2017-2020 – Cabinet Agenda 25th June 2017

Consideration by any other Council Committee, Scrutiny or Advisory Panel

The new Performance Management Framework was considered and endorsed by Elected Members at the RMBC Council meeting on 9th December 2015.

The Council Plan for 2017-2020 was approved by Elected Members at the RMBC Council meeting on 12th July 2017.

The last Corporate Plan monitoring report which was for 2016/17 Quarter 4 Performance was presented to the Overview and Scrutiny Management Board (OSMB) on 2nd August 2017.

This report will be considered by the Overview and Scrutiny Management Board on 27 September 2017.

Council Approval Required

No

Exempt from the Press and Public

No

Council Plan 2017/18 Quarter 1 Performance Report

1. Recommendations

- 1.1 That the overall position and direction of travel in relation to performance be noted.
- 1.2 That consideration be given to measures which have not progressed in accordance with the target set and the actions required to improve performance, including future performance clinics
- 1.3 That the performance reporting timetable for 2017/18 be noted.

2. Background

- 2.1 To inform the establishment of the new Vision for the Council, during the summer of 2015, the Leader of the Council and Commissioners (with support from a range of partner organisations and other leading councillors), met with people across Rotherham to listen to their views on their key priorities for the future of the borough. In total around 1,800 people were engaged (with the results published in the "Views from Rotherham" report in October 2015). This feedback was used to define a new vision for the Borough, which was announced at the Commissioners' public meeting with Councillors on 28th October 2015.
- 2.2 In the light of this new vision, a new Corporate Plan was developed. This new Plan for 2016-2018, alongside a revised Performance Management Framework, was then endorsed by Elected Members at the Council meeting on 9th December 2015, but members acknowledged that the Corporate Plan would require further work to refine it, and that priorities and measures would need to be finalised through a process to reflect the specific priorities of the Leader and Cabinet in place following the local elections in May 2016.
- 2.3 Given the nature of the Council's ongoing progress towards improvement a one-year Corporate Plan was developed. The underpinning performance management cycle ran from April to March and 2016-17 was a transitional year for planning and reporting, which enabled the embedding of the new performance management arrangements and ensure a new and consistent approach across the Council. The refined Corporate Plan for 2016-17 was approved by Elected Members at the RMBC Council meeting on 13th July 2016. This has been further refined to generate a new Council Plan covering period from 2017 to 2020. This refreshed Plan was approved by members on 12th July 2017.
- 2.4 A new reporting format has been adopted and, following its development throughout the 2016-2017 year, the final quarterly Performance Report for the old Corporate Plan (January to March 2017) was presented to the Cabinet and Commissioners' Decision Making meeting on 10th July 2017 and the Overview and Scrutiny Management Board (OSMB) on 2nd August. At the Cabinet and Commissioners' Decision Making meeting the overall direction of travel in relation to performance and the performance reporting timetable were noted.

2.5 Service and team plans have been produced to ensure a 'golden thread' runs from the Council Plan through to service, team plans and the PDR process and develop a consistent approach across the Council. Service Plans are now in place across the Council.

3. Key Issues

3.1 The Council Plan includes 72 measures. The measures sit under 14 key delivery outcomes, which form the priority actions under each of the vision 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, prosperity and planning for the future*

These four priorities are underpinned by a fifth, cross-cutting commitment to be a *modern and efficient Council*.

3.2 The 2017/18 Council Plan sets out the vision, priorities and measures to assess progress. Through the guidance and direction set out in the supporting Performance Management Framework, relevant plans are in place at different levels of the organisation to provide the critical 'golden thread' that ensures everyone is working together to achieve the Council's strategic priorities.

3.3 The Quarter 1 Performance Report (Appendix A) sets out how the Council has performed in the final quarter of 2017/18 (1 April to 30th June 2017) to deliver the five headline priorities for Rotherham as set out in the Council Plan for 2017-2020. The report provides an overview of progress and exceptions (good/improved performance and areas of concern) as well as wider information, key facts and intelligence such as customer feedback, quality assurance, external regulation and specific case study information to demonstrate what has been achieved to deliver the vision.

3.4 The Q1 Performance Scorecard (Appendix B) provides an analysis of the Council's performance against each of the 72 performance measures. Based on the frequency of reporting and targets set each of the measures are rated as follows:

Overall status (relevant to target)



Measure progressing above or in line with target set



Measure progress has been satisfactory but is not fully reaching target set



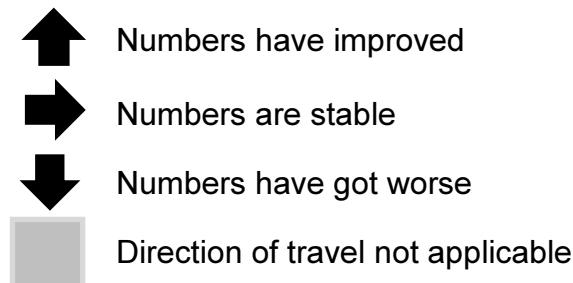
Measure has not progressed in accordance with target set



Measure under development (e.g. awaiting data collection or target-setting)

- Measure not applicable for target (e.g. baseline year, or not appropriate to set a specific target)
- Measure information not yet available (e.g. due to infrequency or timing of information/data)

Direction of travel (dependent upon whether good performance in high or low)



- 3.5 At the end of the first quarter (April – June 2017) 27 measures had either met or had exceeded the target set in the Council Plan. Although this represents only 37.5% of the total number of measures in the Plan, it equates to 47.4% of the total number of indicators where data is available or where targets have been set. The direction of travel is positive for 55.7% (34) of the indicators measured in this quarter. A total of 16 (27.6% of those measured in the quarter) performance measures have not hit their target for the year (22.2% overall).
- 3.6 The Council set 25 priority indicators for 2017/18 which represented the key measures that the Council wished to place particular focus on in the course of the year. Of these 25, 9 hit their target in the quarter, 9 did not hit their target, 5 are reporting satisfactory progress and two either do not yet have reliable data available or are measures where a target has not been set.
- 3.7 The 9 priority indicators where data is available and which hit their targets in the period were:
 - 1.C1 – *Smoking status at time of delivery (women smoking whilst pregnant)*:
 - 2.B2 – *Number of Safeguarding investigations completed per 100,000 adult population*
 - 2.B8 - *All age number of new permanent admissions to residential care for adults*
 - 3.B2(a) – *Effective enforcement action taken where evidence is found – other environmental crime*
 - 3.B4 – *Number of missed bins per 100,000 collections* .
 - 3.B5 - *% of waste sent for reuse*
 - 4.A2 – *Increased number of business births per 10,000 population*
 - 4.A6 - *Number of jobs in the Borough*
 - 5.D3 – *Reduction in Agency cost*

3.8 The 9 priority measures that missed their target in the period were:

- *1.A1 – Reduction in children in Need rate*
- *1.A2 – Reduction in the number of children who are subject to a CP plan*
- *1.A3 – Reduction in the number of Looked After Children*
- *1.A7 – Reduce the number of disrupted placements*
- *2.B9 – All total of number of people supported in residential care*
- *3.A4(d) - % of licence holders that demonstrate adherence to the requirements of the Council's Hackney Carriage and Private Hire Policy – obtained BTEC/NVQ*
- *4.A7 – Narrow the gap to the UK average rate of working population who are economically active*
- *4.B1 - Number of new homes delivered during the year*
- *5.D2 - days lost per FTE*

3.9 Commissioners and Cabinet Members will recall that the Council Plan includes five staff values and behaviours which capture in one place how everyone in the Council is expected to act and behave, including with customers and partners. Roll-out of the values commenced in September 2016 with staff briefings, articles in Take 5 staff magazine, a new screensaver and launch of employee awards nominations, particularly recognising those openly living the values. The Big Hearts Big Changes Awards took place on 24th November. Further roll out phases will see the behaviours incorporated within the PDR paperwork.

3.10 The Council Plan for 2017/2020 provides a clearer focus on indicators that can be measured monthly or quarterly compared to the Corporate Plan. To ensure that the 2017/2020 Council Plan is effectively performance managed, formal quarterly performance reports will continue to be presented to Cabinet/ Commissioner Decision-Making meetings during 2017/18:

- Quarter 2 Performance Report (performance to end September 2017) – 13th November 2017
- Quarter 3 Performance Report (performance to end December 2017) – 19th February 2018
- Quarter 4 Performance Report (performance to end March 2018) – June 2018 (exact date TBC)
- Final 2017-2018 Annual Performance Report (validated data) – early Autumn 2018 (exact date TBC)

4. Options considered and recommended proposal

4.1 It is recommended that Cabinet and Commissioners review the overall position, direction of travel and general progress made to deliver against the key delivery outcomes and provide feedback regarding what action is required in relation to areas of poor performance.

5. Consultation

- 5.1 The Council consulted with 1,800 members of the public to develop the new vision for the borough during the summer of 2015 and set out in October 2015. During 2016/17 The Leader and Chief Executive held a number of staff briefing sessions throughout January and February 2016. Part of the sessions included an update on the Corporate Plan and over 800 attended in total.
- 5.2 A presentation on the first version of a new Corporate Plan was made to Overview and Scrutiny Management Board on 26th November 2015, with this formally considered by members at the Council meeting on 9th December 2015 and approved on 13th July 2016. Regular discussions on the developing plan were also held with Strategic and Assistant Directors, M3 Managers and Cabinet Members and Commissioners.
- 5.3 Focus groups, M3 manager meetings, as well as the “Views from Rotherham” consultation conducted in 2015, have all also provided opportunities to help define the new values and behaviours for the organisation contained within the Plan.
- 5.4 The quarterly reporting template and performance scorecard has been developed in consultation with performance officers, the Strategic Leadership and Cabinet Members.

6. Timetable and Accountability for Implementing this Decision

- 6.1 This is the first quarterly Performance Report relating to the Council Plan for 2017/2020. The Quarter 2 Performance Report is currently planned to be presented to Cabinet and Commissioners on 13th November 2017. Paragraph 3.11 sets out an outline forward programme of further quarterly performance reports.

7. Financial and Procurement Implications

- 7.1 The Council Plan will help steer the use of Council finances going forward, balanced against the wider funding backdrop for the Council and the broader national local government finance and policy context.
- 7.2 The Council operates in a constantly changing environment and will need to be mindful of the impact that changes in central Government policy, forthcoming legislation and the changing financial position of the authority will have on its ability to meet strategic, corporate priorities and performance targets; and that ambitions remain realistic.
- 7.3 Any identified needs to procure goods, services or works in relation to achieving the Council Plan objectives should be referred to the Corporate Procurement Service in order to ensure all projects are in line with the relevant internal Contract Procurement Rules and UK Public Contract Regulations as well as relevant EU legislation.

8. Legal Implications

- 8.1 While there is no specific statutory requirement for the Council to have a Performance Management Framework and Council Plan, being clear about the Council's ambitions gives staff, partners, residents and central Government a clear understanding of what it seeks to achieve and how it will prioritise its spending decisions.
- 8.2 An effective and embedded Council Plan is also a key part of the Council's ongoing improvement journey in response to Government intervention at the Council.

9. Human Resources Implications

- 9.1 There are no direct Human Resources (HR) implications as a result of this report, though the contribution HR makes to a fully functioning organisation and dynamic workforce is set out within the plan and Performance Report (priority 5 – a modern, efficient Council). Roll out of the values and behaviours requires engagement with all sections of the workforce and it is a key role for managers across the organisation, led by the Chief Executive and wider Senior Leadership Team.

10. Implications for Children and Young People and Vulnerable Adults

- 10.1 The Council Plan has a core focus on the needs of children and young people and vulnerable adults, including a focus on establishing Rotherham as a 'child-centred' borough (Priority 1).

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.
- 11.2 A new corporate Equalities and Diversity Policy was adopted by Council on 13th July 2016. This will reinforce the duties of the Council in delivering the aims and ambitions of the Council Plan for 2017/2020, and supporting service business planning processes.

12. Implications for Partners and Other Directorates

- 12.1 Partnership working is central to the Council Plan. The formal partnership structure for Rotherham, the 'Rotherham Together Partnership' (RTP), launched "The Rotherham Plan 2025" in March 2017. The Plan describes how local partners plan to work together to deliver effective, integrated services, making best use of their collective resources. The refreshed Council Plan links to The Rotherham Plan by picking up the "Game Changers" described in the latter document and setting out the Performance Indicators that describe how the Council intends to deliver its part of the Plan.

13. Risks and Mitigation

13.1 Within the Performance Report there are two sections relating to risks under each of the key delivery outcomes. These include the 'exceptions' and 'risks and challenges ahead' sections. Within the Performance Scorecard all measures which have not progressed in accordance with the target set are clearly marked with a red cross. Directorates are also responsible for ensuring that any significant risks are also addressed via Directorate and Corporate Risk Registers.

13.2 The Strategic Risk Register is structured to identify and mitigate strategic risks aligned to the Council Plan. The process of updating and identifying strategic risks is designed to enable the Council to manage risks connected to the Council Plan.

14. Accountable Officer(s)

14.1 Sharon Kemp, Chief Executive

Approvals Obtained from:

Head of Human Resources: Sue Palfreyman

Assistant Director of Legal Services: Dermot Pearson

Strategic Director of Finance and Customer Services: Graham Saxton

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

APPENDIX A



RMBC COUNCIL PLAN 2017-20

PERFORMANCE REPORT

Period:

Quarter 1 (April – June 2017)

About this report:

This report sets out how the Council has performed in the first quarter of 2017/18 to deliver the four headline priorities for Rotherham as set out in the Council Plan for 2017-20. It brings together headline performance measures with wider information, key facts and intelligence to explain how the Council is working and performing to deliver its vision for Rotherham.

The Council's 4 Priorities:

1. *Every child making the best start in life*
2. *Every adult secure, responsible and empowered*
3. *A strong community in a clean, safe environment*
4. *Extending opportunity, prosperity and planning for the future*

These four priorities are underpinned by a fifth, cross-cutting commitment to be a *modern and efficient Council*.

This report focuses on the headline performance measures associated with these key priorities, as set out in the Council's Plan for 2017-20. Through Directorate and Service teams the Council carries out wider work that is subject to further measures of performance and quality, which are addressed and managed through Directorate and Service-level Business Plans. This report is intended to provide an overview of the contribution that the Council makes across all of its activities to improving Rotherham as a place to live, work and spend time.

HEADLINE NARRATIVES

The Council's Plan for 2016/17 sets out the outcomes and headline measures that demonstrate performance against the four priorities that the Council works towards in order to create a safer, healthier and more prosperous Rotherham.

<p>Every child making the best start in life</p> <p>We are working to ensure that Rotherham becomes a child-centred borough, where young people are supported by their families and community, and are protected from harm. We will focus on the rights and voice of the child; keeping children safe and healthy; ensuring children reach their potential; creating an inclusive borough; and harnessing the resources of communities to engender a sense of place. We want a Rotherham where young people can thrive and go on to lead successful lives. Children and young people need the skills, knowledge and experience to fully participate in a highly skilled economy.</p>	<p>Every adult secure, responsible and empowered</p> <p>We want to help all adults enjoy good health and live independently for as long as possible and to support people to make choices about how best to do this. We want a Rotherham where vulnerable adults, such as those with disabilities and older people and their carers, have the necessary support within their community.</p>
<p>A strong community in a clean, safe environment</p> <p>We are committed to a Rotherham where residents live good quality lives in a place where people come together and contribute as one community, where people value decency and dignity and where neighbourhoods are safe, clean, green and well-maintained.</p>	<p>Extending opportunity, prosperity and planning for the future</p> <p>We are building a borough where people can grow, flourish and prosper. We will promote innovation and growth in the local economy, encourage regeneration, strengthen the skills of the local workforce and support people into jobs. We want a Rotherham where residents are proud to live and work.</p>
<p>Running of a modern, efficient Council</p> <p>This underpins the Council's ability to deliver the vision for Rotherham. It enables local people and the Government to be confident in its effectiveness, responsiveness to local need and accountability to citizens. A modern, efficient council will provide value for money, customer-focused services, make best use of the resources available to it, be outward looking and work effectively with partners.</p>	

THE COUNCIL'S HEADLINE OUTCOMES

The report is focussed around the following key delivery outcomes which the Council is seeking to achieve in delivering the vision for the borough.

Priority	Outcome
Priority 1 - Every child making the best start in life	<ul style="list-style-type: none"> A. Children, young people and families are protected and safeguarded from all forms of abuse, violence and neglect B. Children and Young people are supported to reach their potential C. Children, young people and families are enabled to live healthier lives
Priority 2 - Every adult secure, responsible and empowered	<ul style="list-style-type: none"> A. Adults are enabled to live healthier lives B. Every adult secure, responsible and empowered
Priority 3 - A strong community in a clean, safe environment	<ul style="list-style-type: none"> A. Communities are strong and people feel safe (<i>also contributes to priority 2 – Every adult secure, responsible and empowered</i>) B. Streets, public realm and green spaces are clean and well maintained
Priority 4 - Extending opportunity, prosperity and planning for the future	<ul style="list-style-type: none"> A. Businesses supported to grow and employment opportunities expanded across the borough B. People live in high quality accommodation which meets their need, whether in the social rented, private rented or home ownership sector (<i>also contributes to priority 2 – Every adult secure, responsible and empowered</i>) C. Adults supported to access learning improving their chances of securing or retaining employment
Priority 5 - Running a modern, efficient Council	<ul style="list-style-type: none"> A. Maximised use of assets and resources and services demonstrate value for money B. Effective governance arrangements and decision making processes are in place C. Staff listen and are responsive to customers to understand and relate to their needs D. Effective members, workforce and organisational culture

This report is based on the headline measures that Directorates have identified that best demonstrate progress in achieving the above outcomes.

KEY TO PERFORMANCE MONITORING

The following symbols are used in this report to show how the Council is performing in line with the measures and targets it has set:

Overall status (relevant to target)



Measure progressing above or in line with target set



Measure progress has been satisfactory but is not fully reaching target set



Measure has not progressed in accordance with target set



Measure not applicable for target (e.g. baseline year, or not appropriate to set a specific target)



Measure information not yet available (e.g. due to infrequency or timing of information/data)

Direction of travel (dependent upon whether good performance in high or low)



Numbers have improved



Numbers are stable



Numbers have got worse



Direction of travel not applicable

EXECUTIVE SUMMARY

The Council Plan includes a total of 72 measures:

- 27 measures monthly
- 28 measures quarterly
- 2 measures termly
- 4 measures 6 monthly
- 11 measures annual

Indicators achieving their target

At the end of the first quarter (April to June 2017) 27 measures had either met or had exceeded the target set in the Council Plan. Although this represents only 37.5% of the total number of measures in the Plan, it equates to **47.4%** of the total number of indicators where data is available or where targets have been set. The direction of travel is positive for **55.7%** (34) of the indicators measured in this quarter. The Priority areas with the highest levels of targets met are Priority 3 (A strong community in a clear, safe environment) and Priority 4 (Extending opportunity and prosperity).

The Council set 25 priority indicators for 2017/18 which represented the key measures that the Council wished to place particular focus on in the course of the year. Of these 25, 9 have hit their target in the course of the quarter. These were:

- 1.C1 – Smoking status at time of delivery (women smoking whilst pregnant)
- 2.B2 – Number of Safeguarding investigations completed per 100,000 adult population
- 2.B8 - All age number of new permanent admissions to residential care for adults
- 3.B2(a) – Effective enforcement action taken where evidence is found – other environmental crime
- 3.B4 – Number of missed bins per 100,000 collections .
- 3.B5 - % of waste sent for reuse
- 4.A2 – Increased number of business births per 10,000 population
- 4.A6 - Number of jobs in the Borough
- 5.D3 – Reduction in Agency cost

Indicators not hitting their targets

A total of 16 (**27.6%** of those measured in the quarter) performance measures did not hit their target for the year in this period (22.2% overall). 9 of these indicators were Council “priority measures”. The priority measures that missed their target were:

- 1.A1 – Reduction in children in Need rate
- 1.A2 – Reduction in the number of children who are subject to a CP plan
- 1.A3 – Reduction in the number of Looked After Children
- 1.A7 – Reduce the number of disrupted placements
- 2.B9 – All total of number of people supported in residential care
- 3.A4(d) - % of licence holders that demonstrate adherence to the requirements of the Council's Hackney Carriage and Private Hire Policy – obtained BTEC/NVQ
- 4.A7 – Narrow the gap to the UK average rate of working population who are economically active
- 4.B1 - Number of new homes delivered during the year
- 5.D2 - days lost per FTE

Other Indicators

There are a number of measures rated as ‘measure information not yet available’ due to a number of measures which are annual, termly or 6 monthly. In some circumstances interim data is available to demonstrate whether or not the Council is on track to achieve the annual target,

however for others the Performance Report provides an overview of progress to assure Cabinet/Commissioners that progress is being made.

2 of these indicators are priority measures – one indicator is in this category as data is not yet available either because it is on an annual basis and is rated as measure not applicable for target.

Summary tables by priority area

Priority 1 - Every child making the best start in life

	3 measures (20% of those measured this quarter)
	6 measures (40% of those measured this quarter)
	6 measures (40% of those measured this quarter)
	1 measure
	0 measures

Priority 2 - Every adult secure, responsible and empowered

	5 measures (56% of those measured this quarter)
	1 measures (11% of those measured this quarter)
	3 measures (33% of those measured this quarter)
	1 measure
	1 measure

Priority 3 - A strong community in a clean, safe environment

	7 measures (58% of those measured this quarter)
	2 measures (17% of those measured this quarter)
	3 measures (25% of those measured this quarter)
	6 measures
	1 measure

Priority 4 - Extending opportunity, prosperity and planning for the future

	7 measures (58% of those measured this quarter)
	2 measures (17% of those measured this quarter)
	3 measures (25% of those measured this quarter)
	1 measures
	0 measures

Priority 5 - Running a modern, efficient Council

	5 measures (56% of those measured this quarter)
	2 measures (22% of those measured this quarter)
	2 measures (22% of those measured this quarter)
	3 measures
	1 measures

PRIORITY 1:

**EVERY CHILD MAKING THE BEST
START IN LIFE**

PRIORITY 1: EVERY CHILD MAKING THE BEST START IN LIFE

Outcome: A. Children, young people and families are protected and safeguarded from all forms of abuse, violence and neglect

Lead accountability:

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

Overview of progress:

The services that protect and care for children continue to make reasonable progress in achieving good levels of statutory compliance. The Council has created an environment where good social work practice can thrive: a more stable workforce that is well-led and managed; lower caseloads; and competitive remunerations.

There are a number of areas where performance has declined on the previous month and year, targets have not been met and Rotherham will compare more poorly against benchmarking data. These require further review by Heads of Service and their Service Managers to identify why this has occurred and to inform appropriate action.

In relation to Families for Change, this performance measure has been 're-set' for the new financial year. In 2016-17 Rotherham engaged 100% of the target number of families (882). The target for 2017-18 is 633. The number of families engaged exceeds the target based on families being identified for the programme evenly across the year. This is positive because it provides a larger number of families who may be eligible for payment by results claims due to positive outcomes.

Exceptions:

Good/improved performance:	Areas of concern:
Ref No. 1.A4 - 27% of the annual target for engagement of families with the Families for Change programme has already been achieved.	Ref No. 1.A1, 1.A2 & 1.A3 - Volume of cases in all social care categories have increased. CiN = 1737 Q1 (17/18) 1659 Q4 (16/17) LAC = 520 Q1 (17/18) 488 Q4 (16/17) CPP = 426 Q1 (17/18) 370 Q4 (16/17) (All Priority Measures)
Ref No 1.A4 Increase the number of families engaging with the Families for Change programme as a percentage of the troubled families target - 27% (169) at end of quarter 1.	Ref No. 1.A5 – There has been a further increase in children becoming subject of a Child Protection Plan for second or subsequent time to 11.4% in Q1 2017/18 from 9.2% in Q4 2016/17

Performance story/narrative:

1.A1 - There is no good or bad performance in relation to the number of Children in Need (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.

The numbers for June show a significant increase in the number of children (152) that puts performance above the statistical neighbour average, and national average. This is likely to be related to levels of deprivation and therefore the stat neighbour average is the most reliable comparator. This increase is being explored by the Head of Service to ascertain whether it is a genuine increase in referrals or an inability to close cases/step down to early help.

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.

1.A2 - There is no good or bad performance for the number of children subject to a Child Protection Plan (CPP), however the aim is to ensure performance is in line with the national average. The trend for the number of children with a Child Protection Plan has continued to increase and remains

higher than that of statistical neighbours and the national average. Numbers have increased from 370 2016/17 to 426 at the end of June 2017.

We would expect the numbers to fall as CP Plans are worked more effectively and either the risk of harm is reduced or alternative plans are made to care for the child. We are considering how best to intervene at a community level to reduce the number of children who experience childhood neglect. The introduction of the signs of safety methodology should have a positive impact in this area of support. Long-term the figures should then stabilise closer to the benchmark averages. However the number of plans alone cannot offer assurance that we have identified the right children at risk of/or experiencing significant harm and are supported by a plan.

1.A3 - Rotherham continues to have an increasing Looked After Children (LAC) profile. There were 488 LAC at the end of 2016/17 and at the end of June numbers had increased further to 520 children in care which equates to a rate of 92.3 per 10,000 population. This is high when compared to the 2015/16 year-end position of 76.6 and statistical neighbour average of 75.8.

The Complex Abuse Investigation process is likely to serve only to increase this pressure although with the introduction of the Edge of Care provision the service believes that there will be an increasingly strong counter balance. Interviews for this team are underway but the team is unlikely to be in place before September and may not be having any discernible impact until the end of the year or beyond. Additionally work is being undertaken to support more 16 and 17 year old LAC into appropriate rehab plans. At present there are 6 Family Group Conferences booked to support this process.

1.A4 – This performance measure has been 're-set' for the new financial year. In 2016-17 Rotherham engaged 100% of the target number of families (882). The target for 2017-18 is 633. The number of families engaged exceeds the target based on families being identified for the programme evenly across the year. Funding for the programme is calculated based on the number of families attached making the achievement of this target significant. It is positive to exceed this target because it provides a larger number of families who may be eligible for payment by results claims due to positive outcomes. The number of families engaging with the Families for Change programme as a percentage of the troubled families target has improved month on month since April 2017 to 27% which equates to 169 families throughout Quarter 1.

1.A5 - The number of children becoming subject to a Child Protection Plan (CPP) has been decreasing over the last 12 months, however the proportion of children on a repeat CPP continues to be high. 61 children of the total 533 becoming subject to a plan in the last 12 months were on their second or subsequent plan in the last two years. This equates to 11.4% compared to 4.7% in 2015/16 and 9.2% at the end of 2016/17. This may indicate that children are ceasing their plan before all significant risks have been addressed. This still requires improvement and work continues in the service to assess the quality of plans and to ensure that plans are only ceased when children and young people are no longer at risk or are supported appropriately at a lower level of intervention.

1.A6 - The number of Child Sexual Exploitation (CSE) referrals reduced since the previous quarter from 73 to 45. There are no targets against these measures as numbers can fluctuate and are therefore difficult to predict.

CSE continues to be identified, investigated and prosecuted; however, caring for the victims remains complex, especially supporting those who are going through court proceedings, some of which are historic in nature.

1.A7 - The LAC Service is currently running a pilot project whereby we have identified 10 young

people at most risk of being the next cohort of young people who have a series of placement disruptions. These young people are receiving a programme of intensive prevention intervention from the Rotherham Therapeutic Team along with robust monthly Team Around Placement (TAP) meetings. This programme will last up to 9 months and the outcomes for these young people will be evaluated against those outcomes for a similar 'control group' of young people with similar needs.

All placements of 2 years or more are being actively considered and performance managed with a view to long-term matching at Foster Panel as matched placements are less likely to disrupt. All matched placements are to be reviewed with a view to carers being supported into Special Guardianship Order / Care Arrangements Order arrangements.

1.A8 – The Out of Authority (OoA) Panel has identified 14 LAC currently in OoA placements with a clear and defined plan for step down to Independent Fostering Agency (IFA), semi-independence, rehab or placement with extended family members. These plans will be reviewed on a monthly basis to sustain grip and address drift. Two such moves have already been successfully achieved.

Work is being completed in partnership with Sheffield to secure all IFA placements in the South Yorkshire area for our LAC as and when vacancies arise. This should give us more placement options and reduce the reliance on OoA placements. This localisation of children's placements will also improve access to support packages and interventions from the Rotherham Therapeutic Team, Virtual School, Children's Social Workers and in turn placement stability should also be enhanced.

As of 1st July 2017 there were 218 LAC in in-house placements and 188 in IFAs (53:47). There has been no increase in the numbers of fostering households from the previous month and this increase achieved via a more efficient use of existing fostering provision. This is the highest level of in-house provision achieved within Rotherham. However, in addition to this, recruitment continues to be strong with the team on track to achieve the target of 25 new foster families over the course of the year. Further initiatives including the Mockingbird Project, Refer a Friend Scheme and the Virtual Assessment Team will further enhance this growth.

Ongoing risks and challenges ahead:

There are ongoing risks in respect of high case load numbers if the number of child in need cases remains high, this pressure can have an impact across the service. The Heads of Service for first response and the locality social work service are working together to review child in need work and throughput of work to ensure only work requiring a social work service is allocated and other work is appropriately stepped down or closed.

There is also an ongoing risk that as we achieve the Out of Authority (OoA) step-downs a similar number of young people are replacing them and thus while we are achieving churn there is no net decline in numbers of young people in OoA placements.

The ongoing absences of an effective Edge of Care provision will mean our admissions to care are likely to continue to outstrip the discharges from care.

The identification of families who can be attached to the Families for Change programme is embedded in the reporting arrangements for the Early Help Dashboard and enabled by data from Liquid Logic. However, a manual check is required in order to view data related to the whole family from multiple sources. Whilst there is sufficient resource to identify the required number of families and claim funding generated via attachment fees, it is challenging to convert these attachments into Payment by Results outcomes using a manual system.

PRIORITY 1: EVERY CHILD MAKING THE BEST START IN LIFE

Outcome: B. Children and Young people are supported to reach their potential

Lead accountability:

Ian Thomas, Strategic Director – Children and Young People’s Services

Overview of progress:

Two schools recently judged as ‘special measures’ have been issued with an academy order by the Regional Schools Commissioner and the OFSTED judgement will be removed from the schools when they re-open as an academy. Initially tracking of outcomes in the primary phase for 16/17 show that the 7 local authority maintained primary schools who were part of the Schools Of Concern process made significant increases at KS1 and KS2 and their improvement was at a faster rate than that nationally.

Rotherham’s current data for early years registered providers (June 2017) shows 94.6% are good or better. Current data consist of 223 registered providers with 7 receiving requires improvement (RI) and 5 receiving inadequate judgements from Ofsted. There are imminent changes expected to 3 of the inadequate judgements which will have an impact on the overall performance figure.

During 2016/17 there has been a fall in the numbers of fixed term exclusions from secondary schools which has been supported by the development of the SEMH schools partnerships.

The cumulative for timeliness of completion for new Education Health and Care Plans (EHCPs) has risen slightly since the end of 2016/17 and continues to be monitored closely. There is a statutory target to complete all conversions of Statements of Special Educational Needs to the new EHCPs by 31st March 2018. There continues to be great pressures on this team to deliver to the national timetable for conversions to EHCPs at the same time as meeting timeliness targets and this is monitored closely within the Children and Young People’s Services Management Team.

With regards to the Council’s annual measure for NEET, this was historically measured by calculating a three month average taken across November, December and January, with performance during 2016/17 achieving the NEET target of 3.1%. In June this year the Department for Education (DfE) released a notification informing of a change to the calculation of the annual NEET figure as below:

*‘In a change from previous publications, the annual NEET figure will now be based on a **revised** three-month average of December January and February.’*

The new calculation parameters will be used by the DfE when publishing official performance figures for 2016/17. Based on this Rotherham’s published figure will show a NEET figure of 3.1%, which in fact is the same as it would have been based on the previous calculation. The combined figure which includes NEET and Not Known figures however will show a slight improvement of 0.2% at 5.7% instead of 5.9%.

Exceptions:

Good/improved performance:	Areas of concern:
Ref No 1.B2 (a) Reduction in the number of exclusions from school which are fixed term (Secondary school) which has reduced from 316 in May to 264 in June 2017.	
Ref No 1.B2 (b) Reduction in the number of exclusions from school which are fixed term (Primary School) which has reduced from 48 in May to 34 in June 2017.	
Ref No 1.B3 - % of young people aged 16-18 who are Not in Education, Employment or	

Training (NEET) was 4.1% at the end of June 2017 against a target of 4.2%.	
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Performance story/narrative:

1.B1 (a) – The proportion of children and young people attending a good or better school in Rotherham increased by 20% from 66% in August 2012 to 86.2% as at 31 August 2016. However, the Rotherham average has decreased by 3% from 31 August 2016. The latest comparison to the national average is 87% as at 31 December 2016. Two schools recently judged as ‘special measures’ have been issued with an academy order by the Regional Schools Commissioner and the OFSTED judgement will be removed from the schools when they re-open as an academy.

A framework for supporting and challenging the leadership of schools of concern is in place to ensure that schools have the capacity to secure and sustain high standards in pupil outcomes. This allows the local authority to undertake its statutory functions with regard to school improvement for authority maintained schools. The authority also meets with the DfE Regional School Commissioner on a termly basis to discuss the performance of Rotherham schools and raise any concerns it may have about the performance of academy schools.

The Council, having identified and challenged underperformance, brokers support; whether that is in the form of school-on-school support within the local authority or beyond the Borough. Rotherham School Improvement Service Teaching and Learning Consultants provide intensive support for Schools of Concern and training for those schools that opt to purchase the Rotherham School Improvement Service traded offer.

1.B1 (b) – There have been significant improvements in Rotherham’s good or better Ofsted inspection outcomes for Early Years registered providers over a number of years. In October 2009 Rotherham’s data demonstrated only 50.2% of registered providers received good or better Ofsted inspection outcomes. Rotherham’s current data (June 2017) shows 94.6%. Current data consist of 223 registered providers with 7 receiving requires improvement (RI) and 5 receiving inadequate judgements from Ofsted. There are imminent changes expected to 3 of the inadequate judgements which will have an impact on the overall performance figure.

National data (March 2017) indicates 93.4% and Yorkshire and Humber data shows 94.1% received good or outstanding Ofsted grades. Overall Rotherham is above both National and Yorkshire and Humber performance which ensures high quality Early Education and Childcare for Rotherham children. National data changes quarterly so it is difficult to compare Rotherham’s quarterly figures against each other. There is a fluctuation in the numbers of registered providers with provisions registering or deregistering which affects the overall data.

1.B2 (a) & (b) - The Council set challenging but realistic targets to address the rising number of exclusions, both fixed-term and permanent. It is very positive that fixed term exclusions within secondary schools have begun to fall. For the academic year 2015-16 they were at 3,707 from September 2016 to the end of June 2017, they currently stand at 2,844, a fall of 863 over the year. Initially schools were using fixed term exclusion as an alternative strategy to permanent exclusion so there was an initial rise, but this has now reduced.

Since September, the school collective responsibility partnerships were set up to improve school responses to children’s needs in the area of social, emotional and mental health (SEMH), and are showing impact on children remaining in school. They are now beginning to operate more independently and meet the needs of children earlier, within school. It is envisaged that the development of earlier intervention through the partnerships will see a further fall in exclusion numbers. The SEMH Strategy has also been widened to recognise the need to address collective responsibility within primary localities and this work began in Autumn 2016. Improved data collection and analysis in this area indicates increasing pressures in the primary sector to address needs of this nature earlier. The figures September 2016 - June 2017 indicate a projected fall (fixed term 321, permanent 7) but this work is still developing a new model and this area will be shaped from March 2018 and appropriately monitored to ensure the impact is sustained.

1.B3 - Performance is measured for 'Not in Education, Employment or Training (NEET)' based on academic age 16 and 17 (Year 2012/13). The position at the end of June 2017 shows a NEET figure of 4.1% (against a local target of 4.2%).

The NEET cohort has risen in this first quarter to 258 (219 at the end of Quarter Four 2016/2017) which reflects seasonal trends experienced each year.

NEET Cohort	March - 2017	June - 2017
	219	258
Of which have an identified need of: (NB: One child may be included in more than one need category)	LAC	9
	Young Carer	5
	Care Leaver	3
	Supervised by YOT	7
	Pregnant	8
	SEND	17
	Teenage Mother	29

1.B4 (a) & (b) - All Education Health and Care Plan (EHCP) completions and conversions are measured nationally on an annual basis as a cumulative target for how many have been completed within timescale from the beginning of the SEND reforms in September 2014.

The monitoring of these two targets takes place fortnightly with the involvement of the Performance and Quality team, which both challenges and supports the development of greater accuracy and scrutiny of data.

The cumulative % for timeliness of completion for new EHCPs for 2015/16 was at 52% but within the first quarter of this year (April - June 2017) performance has risen to 53%.

There is a statutory target to complete all conversions of Statements of Special Educational Needs to the new EHCPs by 31st March 2018. The team had 998 statements to convert. There continues to be great pressures on this team to deliver to the national timetable for conversions to EHCPs at the same time as meeting timeliness targets. The numbers of conversions to EHCPs that have been completed are now being monitored monthly by the DfE as it is an area of struggle for many local authorities. The Rotherham team have currently completed 52.6% (525/998) with 473 remaining to be converted. A plan is in place with additional staffing to address this target by the deadline and daily monitoring.

Ongoing risks and challenges ahead:

The DfE academy conversion programme has a significant impact on the improvement of the aggregated Ofsted school profile for Rotherham. The timetable for inspecting convertor academy schools that have retained the Requires Improvement inspection outcome means that profile for these schools will remain the same for up to three years after conversion.

The Early Years and Childcare Service will continue to target support at all providers with higher support being offered to providers who are at risk of receiving Requires Improvement (RI) or Inadequate or who receive RI or Inadequate Ofsted judgements. If more providers receive RI or Inadequate this will have an impact on the level of support the service can provide. Non early education funded providers are also able to decline or refuse support. This could have an impact on the judgement they receive which can affect the quality of provision for children.

There is a strong indication in these figures that the team are managing to maintain a balance of timely completion for both new EHCPs and completion of conversions. However, they will be focussing on the completion of conversions over the coming months which may affect performance on the timeliness of new EHC Plans.

Local targets have now been set for NEET performance in 2017/18 and in order to ensure that the challenging results achieved in 2016/17 continue, we need to further embed NEET re-engagement work and tracking of the cohort within the Early Help offer.

Data sharing exercises and follow up will continue, as will work to re-engage the NEET cohort, both centrally and across all localities. Latest comparison data available for June shows that Rotherham are in line with statistical neighbours (4.1%) and below regional (3.9%) and national (3.1%) performance.

Outcome: 1C. Children, young people and families are enabled to live healthier lives**Lead accountability:**

Terri Roche, Director – Public Health

Ian Thomas, Strategic Director – Children and Young People's Services (measure 1.C4)

Overview of progress:

Public Health commissioned services for smoking cessation. These are performance managed in the contracts with the providers. Smoking status at time of delivery (SATOD) 2016/17 data for quarter 4 reduced from quarter 3 (lower is better) to result in the 2016/17 target of 17% being achieved. The 2017/18 target is a stretched target of 17% due to the reasons given in 'Ongoing risks and challenges ahead' (see below) No data is available for Quarter 1 2017/18 at present.

Exceptions:

Good/improved performance:	Areas of concern:
N/A	N/A

Performance story/narrative:

Ref No. 1.C1 Smoking status at time of delivery (women smoking during pregnancy) (priority measure) – Public Health are continuing to commission specialist Stop Smoking in Pregnancy Services. Rotherham's recent decrease is due to the intervention work by the Stop Smoking in Pregnancy Service. They refer all mothers-to-be who smoke to a Stop Smoking Midwifery Team for one-to-one specialist support. This includes measurement of all pregnant women's carbon monoxide levels (to detect smoking). They also work with partners and close family members to use this key stage of life to make positive life changes including stopping smoking.

Ongoing risks and challenges ahead:

The SATOD target for 2017/18 is a stretched target of 17% as the annual data for 2016/7 included a very low quarter which skewed the outcome figure of 17%. Additionally there is the issue next year (2018/19) of a reduction in funding for the smoking midwifery service of nearly 50% and we do not know the impact of this yet. It is also a transition year where the general Stop Smoking Service will become part of the wellbeing service which may also impact on this target.

We are doing all we can to mitigate the risk of the numbers of smoking at time of delivery going up but it may be difficult to keep at the current rate let alone improve. Mitigation includes working with children centres, developing pathways, so it is not all negative, but in transition of commissioned services.

PRIORITY 2:

**EVERY ADULT SECURE, RESPONSIBLE
AND EMPOWERED**

PRIORITY 2: EVERY ADULT SECURE, RESPONSIBLE AND EMPOWERED**Outcome: 2A. Adults are enabled to live healthier lives****Lead accountability:**

Terri Roche, Director – Public Health
Shokat Lal, Assistant Chief Executive (measure 2.A6)

Overview of progress:

Public Health successfully procured drugs and alcohol recovery services. These are performance managed in the contracts with the providers.

No data is available for Quarter 1 2017/18 at present. The most recent 2016 data available by quarter for successful completion of drug treatment shows performance has declined with opiates red RAG-rated compared to England. Public Health continues to work with providers to improve services.

Exceptions:

Good/improved performance:	Areas of concern:
N/A	N/A

Performance story/narrative:**Ref No. 2.A1) a) and b) Successful completion of drug treatment (opiate users (aged 18-75) and non-opiate users (aged 18-75))**

Opiate exits remain a performance challenge for our current service providers (4.7% against a national rate of 6.6% as at Quarter 4 2016/17). This was outside local authority Comparators Top Quartile range of 7.8% – 10.1%. Public Health have increased the performance management on this area, including trying to support in areas such as transfers to GP Shared Care, and facilitating joint work with the recovery service. Providers are looking at other areas with better rates of recovery to learn about other ways of working. Assurance reports are being received monthly. At the same time the service is out to tender with clear expectations for improved recovery targets (exits) on the successful provider.

Performance on non-opiates has improved. At Quarter 4 2016/17 42.2% had successfully completed compared to 37.1% nationally. This was within local authority Comparators Top Quartile range of 41.9% – 57.1%.

Ongoing risks and challenges ahead:

See 'Performance story/narrative' above regarding opiate exits.

Outcome: B. Every adult secure, responsible and empowered**Lead accountability:**

Anne Marie Lubanski, Strategic Director Adult Social Care and Housing

Overview of progress:

In summary, the overall performance for this outcome is rated positive by the Adult Care (AC) service.

There are seven out of the nine Priority 2 Outcome B Council Plan measures that are able to be rated against targets in Quarter 1 and these are performing as follows:-

Four measures on target

- Ref 2.B1 Safeguarding – improving engagement and outcomes.
- Ref 2.B2 Safeguarding – improving timeliness of completed section 42 enquiries.
- Ref 2.B7 Reablement – reducing the need for long term support once completed reablement.
- Ref 2.B8 24 hour care – reducing numbers of new admissions.

One progressing satisfactorily

- Ref 2.B4 Direct Payments – improving take up.

Two off target

- Ref 2.B3 Information and advice – meeting more people's needs at first point of contact.
- Ref 2.B9 24 hour care – reducing total numbers in care.

Two measures not applicable

- Ref 2.B5 Carers Assessment rates are not applicable for rating (being baselined in 2017/18).
- Ref 2.B6 numbers 'offered' reablement is not due to report data until Quarter 4.

There are a number of either new or modified Adult Care measures (with changed definitions) in the 2017/18 Council Plan, making direct comparison to previous Corporate Plan reported (similar activity) measures, less able to be compared on a direct like for like basis.

Quarter 1 performance and aligned operational narrative has been referenced against relevant measures to identify links to key service plan project milestones and/or relevant Improvement Plan actions.

Quarter 1 data from the Adult Care core Care Management System, is now drawn exclusively from Liquid Logic, though the 2016/17 Council Plan used a range of data sources as Liquid Logic went live in December 2016. Therefore, the system is still being developed to facilitate full functionality in 2017/18. The Directorate are completing further data quality actions and developing enhanced performance reporting. It is anticipated that this full assurance will become available by Quarter 3 and support delivery of targets by year end.

Exceptions:

Good/improved performance:	Areas of concern:
Ref 2B1 - Proportion of Safeguarding Adults at risk who had engaged in determining	Ref 2B3 - Number of people provided with information and advice at first point of contact

<p>their outcomes and of those who responded, the proportion who indicated that they felt their outcomes were met - has demonstrated high levels of engagement and delivery of safeguarding outcomes for adults involved in safeguarding during quarter 1.</p>	<p>(to prevent service need) - has shown a decline in numbers of people who have had their needs met at the first point of contact, compared to last year. Improvement Plan actions are expected to impact in year to recover attainment of target.</p>
<p>Ref 2B8 - All age numbers of new permanent admissions to residential/nursing care for adults (Priority measure) - has continued to show low levels of permanent admissions (50 + estimated 26 possible short stay transfers = 76 max so far of 315 target). We believe that the target will be met in full.</p>	<p>Ref 2B9 - All age total number of people supported in residential/nursing care for adults (Priority Measure) - has shown a positive direction of travel in quarter 1, but it is below monthly target rate. However, Improvement Plan actions encourage improved performance on reduced new admission rates. The ethos of the plan is to support people to have their needs met by retaining independence for longer and remaining in the community of their choice, preferably within their own home.</p>

Performance story/narrative:

Council Plan action - We must ensure we “make safeguarding personal”

Ref 2.B1 Proportion of Safeguarding Adults at risk who had engaged in determining their outcomes and of those who responded, the proportion who indicated that they felt their outcomes were met

Frontline staff are positively and pro-actively engaging with people undergoing the safeguarding process to ensure that the outcomes they wish to achieve are clearly identified and attainment is captured at the end of the process. This is a new measure for the Council Plan 2017/18, recognising the importance of capturing safeguarding performance. Though this data is routinely collected as part of the safeguarding reporting suite, this measure has no comparative data with year-end position of the Corporate Plan 2016/17.

Ref 2.B2 No. of Safeguarding investigations (Section 42 enquiries) completed (Priority measure) per 100,000 population adults (over 18 years)

It has been reinforced to Safeguarding staff that Section 42 enquiries must be completed within a reasonable timescale, which will vary from case to case and this is recorded to evidence (in Liquidlogic) that the process has been completed in full. Quarter 1 data demonstrates that target will be met, if current performance trajectory continues.

Council Plan action - We must ensure that information, advice and guidance is readily available (e.g. by increasing self-assessment) and there are a wide range of community assets which are accessible

Ref 2.B3 Number of people provided with information and advice at first point of contact (to prevent service need)

It is recognised as part of the Improvement Plan for Adult Care, that the information and advice offer requires significant overhaul. This is reinforced by the mystery shopper exercise conducted by ADASS and reported in February 2017. Positive actions included in the Improvement Plan include reviewing the

Single Point of Access (SPA) team processes regarding customer journey pathways and outcomes to improve our front door 'offer'. Changes already in place include the placing of additional Social Care and Occupational Therapist staff in SPA, in order to provide improved and speedy responses, that meet people's needs and where appropriate can divert or fast track contacts. Operational best practice examples and benchmarking has been undertaken to inform future service delivery model and these have included site visits to other Councils. These and other actions are expected to identify reasons for the slight decline since Quarter 4 and provide changes that will deliver improvements to recover and achieve target. The work is also aligned to the wider corporate review of customer services to improve the overall customer engagement experience and to assist in strengthening systems and processes.

Adult social care continues to face demand issues which reflect the national picture. The Council is progressing with its improvement after a diagnostic review of current practice across the social care pathway. The Council has responded proactively to a rising demand which had created a backlog of unallocated work, however this has been addressed by the use of interim staff and agency staff to respond to these current demands.

Council Plan action - We must improve our approach to personalised services – always putting users and carers at the centre of everything we do

Ref 2.B4 Proportion of Adults receiving long term community support who received a Direct Payment (excludes managed accounts)

Improved information advice, a clearer customer journey aligned to strength based social work assessments will widen the opportunities for customers to access direct payments, as a positive option to meet their care needs. The Adult Care Improvement Plan centres on these aspects and actions that will drive greater take up of direct payments. Increased take up will also be assisted through reviews of existing people on service with Managed Accounts, who choose to convert to Direct Payments, to give themselves greater choice and control on how their needs will be met.

Ref 2.B5 Number of carers assessments

Carer's assessments are conducted separately from the 'cared for' person's assessment, as per Care Act requirements. This is a new measure that will capture the revised process, offer and take up of Carer assessments. The Council values the role of Carers and will be pro-actively engaging with Carers to access assessments when required. We will collect data during Quarters 1 and 2, which we will then analyse and benchmark regionally, against other Yorkshire and Humber Councils. This will allow us to gauge if our offer and actions are securing better outcomes for Rotherham Carers.

Council Plan action - We must focus on maintaining independence through prevention and early intervention (e.g. assistive technology) and enablement and rehabilitation

Ref 2.B6 The proportion of people (65+) still at home 91 days after discharge into rehabilitation (offered the service) (Priority Measure)

This annual measure's cohort and activity data is captured from hospital discharges during October – December period. People's outcomes are tracked after 91 days of ceasing intermediate care or reablement services. Note that this is mandated methodology as part of the annual statutory ASCOF return.

The percentage and numbers captured within the 3 month sample cohort have been historically low (less than 2%), but planned changes are expected to improve the Rotherham offer this year to closer to the stretch 2.5% target. This will benchmark performance closer to statistical neighbours and regional Councils.

The 2016/17 outturn reflected a small improvement in the total number of people using the service, increasing from 135 to 144. The changes being made as part of service re-modelling and

improvement actions for 2017/18, are aimed at increasing our offer as part of our prevention strategy to reduce people's future longer term support needs. The total number of people who will be able to benefit from increased rehabilitation beds capacity and as a result of our strengthening the service's ability to meet 'front-door' demand. This will include the provision of up to 1,000 extra community based reablement hours capacity per week, for a 6 month trial period, that will drive up our offer performance in 2017/18, funded through the Improved Better Care Fund.

Ref 2.B7 Proportion of new clients who receive short term (enablement) service in year with an outcome of no further requests made for support

This measure is performing well and we are looking to enhance the existing offer as part of the improved Better Care Fund submission sent to the Department of Communities and Local Government (DCLG) on 21st July 2017. The Rotherham submission was agreed with the Rotherham CCG and contains 8 projects, including the commissioning of additional reablement capacity of up to 1,000 hours a week for a pilot period. This will positively impact on numbers of the reablement service, but also support delivery of an improved 'prevent, reduce and delay' offer that mitigates the need for prolonged and higher support packages.

Council Plan action - We must commission services effectively working in partnership and co-producing with users and carers. We must use our resources effectively

Ref 2.B8 All age numbers of New permanent admissions to residential/nursing care for adults (Priority measure)

Permanent admissions of all age people to residential and nursing care homes – In order to provide customers with greater independence and choice, admission to 24 hour care is provided only for those people who can no longer have their needs met by remaining at home in the community.

The first quarter of 2017/18 shows 50 new admissions and an estimated max inclusion of 26 possible transfers from short stay status making 76 to date, which is below Quarter 1 target of 79. The measure is currently rated '**on track**' to be below target of **315** admissions by year end.

Ref 2.B9 All age total number of people supported in residential/nursing care for adults (Priority Measure)

Successful implementation of improvement actions and a combination of positive effect of fewer new admissions (see above) will support the acceleration of recovery to meet target as we progress through the year. Monthly tracking of performance will allow for early alert and remedial actions to be put in place, if envisaged improvement is not reflected during coming months.

Ongoing risks and challenges ahead:

The in year budget pressures and risk of not been able to implement planned changes from the improvement plan in full, would reduce the overall attainment of the Council Plan targets for 2017/18. These are being monitored and risks mitigated through robust performance management and governance arrangements led by the Strategic Director, overseen by the Cabinet Member and Chief Executive.

PRIORITY 3:

A STRONG COMMUNITY IN A CLEAN, SAFE ENVIRONMENT

PRIORITY 3: A STRONG COMMUNITY IN A CLEAN SAFE ENVIRONMENT

Outcome: A. **Communities are strong and people feel safe** (also contributes to priority 2 – Every adult secure, responsible and empowered)

Lead accountability:

Damien Wilson, Strategic Director – Regeneration and Environment

Shokat Lal, Assistant Chief Executive (measure 3.A5)

Overview of progress:

Tackling anti-social behaviour (ASB), hate crime and domestic abuse will remain a top priority for the Safer Rotherham Partnership during 2017/18. Changes have been made to the measures that contribute to addressing the over-arching action. These include the public's perception of ASB in their area, reducing the number of repeat victims of ASB, an increase in the positive outcomes for reported hate crimes and support for people at risk of becoming victims of domestic abuse.

Public perception in respect of ASB is measured through the 'Your Voice Counts' survey, with a target set of an end of year 5% reduction on 2016/17. Quarter 1 data will not be available until the middle of August.

The current year is a baseline year for the measure of reducing the number of repeat victims of ASB and criteria has been agreed with the Police on what constitutes a repeat victim. During quarter 1, 85 callers came within the agreed criteria.

An increase in the reporting of hate crime is seen as a positive, but now greater effort is being placed on how those reports are responded to and associated positive outcomes/investigations. The Police and wider partnership acknowledge that this is an area for improvement throughout 2017/18.

Exceptions:

Good/improved performance:	Areas of concern:
<p>Ref No 3.A4 100% of eligible taxi licence holders that have subscribed to the DBS online update service.</p> <p>100% of drivers that have completed the Council's safeguarding awareness course.</p> <p>100% of vehicles that, where required to do so, have had a taxi camera installed (or are committed to having one installed).</p>	<p>CP3.A2 – Positive outcomes in respect of recorded hate crime 0.7% down on the same period last year, bringing with it the risk of victims losing confidence in the reporting and investigation process.</p>
	<p>Ref No 3.A4 – 81 % of taxi drivers that have obtained the BTEC / NVQ qualification.</p>

Performance story/narrative:**Ref No. 3.A1 Public perception of ASB/ Reduce number of repeat victims**

A revised measure in respect of public perception of ASB, release of Quarter 1 survey data by the Police has been delayed and is expected during August. Work is taking place in the Police Performance Unit to speed up the process for the remainder of the period.

This year a new measure is in place to measure ASB repeat victims. These are identified using the

caller name and address to identify persons calling more than 3 times in the quarter. Although efforts have been taken to identify all repeats, recording practices may mean that entries are missed due to callers withholding their name, for example.

Ref No. 3.A2 Increase the % of positive outcomes for reported Hate Crimes

The increase in reported hate crime is viewed positively as we know that it is under reported and that there can and is a lack of confidence by complainants in the ability of the Police, Council's and other agencies to respond positively. The area for concern in Rotherham is in respect of the outcomes when reports are made. Positive outcomes for complainants remain low in Rotherham and work is taking place to improve this. The Police have recently introduced a hate crime case management process that involves closer scrutiny of investigations by supervisory officers and regular updates to complainants. The Police and Council have also just finalised a joint Community Tension Assessment process that is presented to and managed by the weekly Police/Council Thrive meeting. The position regarding improving positive outcomes for victims of hate crime is a performance indicator for the Safer Rotherham partnership under the Building Confident and Cohesive Communities priority.

Ref No. 3.A3 People at risk of domestic abuse, who are given successful support to avoid harm, secure and maintain accommodation

Data for this measure is obtained from Outcomes report supplied by Rotherham Rise who have been contracted by the Council to provide support services. The quarter 1 client base for those offered support was 55 to avoid harm, 43 to maintain accommodation and 31 to secure accommodation. The success rate for quarter 1 was 98%, 100% and 100% respectively.

Training designed to inform staff in issues around domestic abuse has proved very popular with all dates fully booked. Training in combating 'coercive control and stalking' was offered and was fully booked up within 24hrs.

General Practitioners, Pharmacists and Dentists have been trained to recognise Domestic Abuse. Accident and Emergency staff are the next group of healthcare professionals that are planned to be trained.

South Yorkshire wide perpetrator programmes have been agreed and the service is looking to have this in place for the end of the year. Funding continues to be an issue, as with increased awareness provokes a higher number of requests for support.

A Multi-agency risk assessment conference (MARAC), is a meeting where information is shared on the highest risk domestic abuse cases between representatives of local police, probation, health, child protection, housing practitioners, Independent Domestic Violence Advisors (IDVAs) and other specialists from the statutory and voluntary sectors. This approach MARAC continues to work well in the area with good feedback received. All MARAC chairs have completed the Chair training.

Ref No. 3.A4 % of licence holders that demonstrate adherence to the requirements of the Council's Hackney Carriage and Private Hire Policy (Priority measure)

Three out of the four requirements have compliance rates of 100%:

- 100% of drivers have completed the Council's safeguarding training – this is an increase of 1% on the previous quarter. This figure has been achieved as a result of previously suspended drivers undertaking the training (this happened in one case) and other suspended licences expiring. Licences are not issued to new applicants unless they have completed the Council's safeguarding training.
- 100% of licensed vehicles now have a taxi camera system fitted in accordance with Council requirements. The figure is based on the results of the following activities:

- pre-planned targeted enforcement operations and routine enforcement checks
- vehicle compliance checks at Hellaby as part of the licensing application process
- application checks undertaken by the Licensing team prior to the issue of the licence

Performance against this requirement will continue to be monitored and any vehicles found to be in breach of this requirement will be suspended.

- 100% of licence holders have subscribed to the DBS Online Update Service where this is required.

The remaining element of this performance measure relates to the number of drivers that hold the BTEC (or equivalent) qualification. Compliance with this requirement has increased to 81% since the end of March 2017, but remains short of the Council's target of 100%. However, as this requirement has now been in place for 12 months, the service considers that all drivers should have obtained the qualification – accordingly, all drivers that have yet to provide their certificate will be written to and asked to provide evidence that they meet this requirement. Any driver that is unable to demonstrate that they have obtained the required qualification will be required to provide details of the steps they

have taken to comply with the qualification requirement. At this stage, all drivers would be expected to confirm that they are currently undertaking a course of study or have paid and booked onto a suitable course with a view to obtaining the qualification within a reasonable timeframe (around 3 months).

Any drivers that are unable to demonstrate that they have taken satisfactory steps to obtain the qualification will have their licence suspended until such time as they have obtained an appropriate qualification. A further update in relation to these actions will be provided in the next performance update.

Other significant developments of note in the first quarter of the year include the following:

- Council officers have attended a further Local Government Association Seminar regarding the introduction of taxi cameras in licensed vehicles.

Ref No. 3.A6 Number of Engagements with the Council's Culture and Leisure facilities which help adults and children learn something, develop their skills or get a job/ Customer satisfaction with the service.

This measure is intended to capture information about the scale of learning activities delivered through culture, leisure and green spaces which, according to national research by organisations such as Sport England, Arts Council England, Cultural Learning Alliance, Department for Health and Department for Digital, Culture, Media and Sport, contribute to community capacity-building, resilience and employability. This is a baseline year and as such systems for data collection are still being established.

3.A7 Customer satisfaction with the Culture, Sport and Tourism service.

This is a new indicator and it has been selected on the basis that a quality visitor experience is at the core of the service's ability to grow engagement and participation, encourage customer loyalty and return visits and build lifetime engagement habits. This supports services' ability to generate income through trading and fundraising activities, essential to making activities financially sustainable.

Positive visitor experiences also build civic pride and contribute to changing perceptions of the borough. This is a baseline year and customer feedback systems are still being rolled out across services. The department will use this year to simplify and co-ordinate systems for data collection where possible. The Green Spaces satisfaction survey will be taking place during the summer of 2017. Archives and Local Studies satisfaction survey will be taking place in October.

Ref No.3.A8 Pedestrian Footfall in Town Centre.

Improvements in town centre footfall require sustained long term improvements in the town centre offer. The Town Centre Masterplan which goes to Cabinet for adoption in September sets out an Implementation Plan for the regeneration of key sites that will re-vitalise the town centre. The Masterplan has been subject to widespread consultation including stakeholder and Member workshops, presentations to businesses and a public exhibition. Preparatory work is underway to go out to the market in September, subject to Cabinet approval, to secure a development partner for the key Forge Island site.

Led by the Cabinet Member for Jobs and the Economy consultation has taken place with town centre businesses through Rotherham Voice to identify short term measures to stimulate footfall pending long term improvement through the Masterplan. This has identified a number of work streams which are currently being developed including:

- investigation of additional parking incentives and parking spaces
- a review of licensing of on-street promotions
- actions to reduce crime and anti-social behaviour and improve perceptions of safety including consultation on the implementation of a Public Space Protection Order (PSPO)
- town centre walkabouts with businesses to identify hot-spot areas for additional cleansing
- marketing and promotion and
- opportunities for “meanwhile uses” and window/frontage treatments.

Ref No.3.A9 Number of visits to the Council’s Culture and Leisure facilities

This is a new priority indicator. Growing engagement and participation in culture, sport and leisure is key to the success of the proposed Cultural Strategy. National research shows the wider impacts of participation in culture and sport include improved health and wellbeing, better educational attainment and employment prospects, as well as a greater civic engagement. A strong, imaginative and compelling cultural offer is also essential to growing the visitor economy, improving place attractiveness and increasing jobs and investment.

Since this is a baseline year, some set up issues have been uncovered:

- There are current issues at Clifton Park where no visitor number data is available due to problems with the visitor counters in the park.
- Lack of data for the Visitor Information Centre relates to a broken door counter.

There has been some decline in the number of pitch bookings compared to 2016/17, which is a reflection of a reducing number of teams and better facilities being offered by other pitch providers. This will however, reduce the demand on Council pitches and related costs and some pitches have already been taken out of operation as a result.

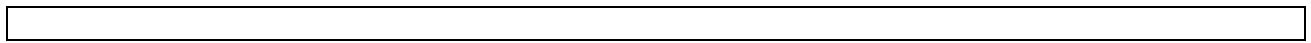
Active Rotherham numbers are generally higher as a result of a number of successful externally funded programmes. Herringthorpe Stadium numbers are also improved as a result of an increased number of projects delivered through external funding.

Leisure Facilities: swimming lesson numbers have increased across all sites.

Ongoing risks and challenges ahead:

Continuing to drive up participation in culture and leisure and at the same time contribute to the Council’s budget challenge.

Increasing the % of positive outcomes to recorded hate crime has been identified as a risk area by both the Police and wider partnership. Activity to improve the position is being driven through the partnership structure including operational tasking and co-ordinating meetings and the Performance and Delivery Group of the Safer Rotherham Partnership.



Outcome: B. Streets, public realm and green spaces are clean and well maintained**Lead accountability:**

Damien Wilson, Strategic Director – Regeneration and Environment

Overview of progress:

The quarter has seen a strong commitment to tackle Fly-tipping and Enviro-crime by increased prosecutions and issue of fixed penalty notices, helping to achieve the outcome of a cleaner, greener Rotherham. Good progress is being made to deliver a cleaner, greener Rotherham with key investment being committed and helping to improve the standard of 'estate' roads.

The number of bin collections missed has improved from the third quarter and it is forecasted that year-end collection and recycling targets will be achieved.

The number of bin collections missed has continued to improve.

Exceptions:

Good/improved performance:	Areas of concern:
3.B3 Effective Enforcement action taken on Fly-tipping and other Enviro-crime 1,654 fixed penalty notices have been issued by Kingdom on behalf of the Council.	
Ref No. 3.B5 Number of missed bins per 100,000 collection This measure is showing an improvement over the same quarter in 2016/17. A reduction from 62.28 missed bins per 100,000 collections in 16/17 to 46.07 in 17/18	

Performance story/narrative:**Ref No. 3.B1 Percentage of the Road Network in need of repair**

The Highway Network Management Team are arranging a Members Seminar in October 2017 to inform Local Ward Members of the principles of following good asset management techniques to maximise the available funding to repair as much of the highway network as possible. The meeting will also be used to detail the progress we have made in the first six months regarding the 2020 Roads Programme and provide Councillors with the opportunity to recommend estate roads they would prioritise for repair.

The Highway Repair Programme 2017/18 is posted on the Council website and provides details of the roads we intend to repair. The breakdown by classification is as follows:

- 11 A Class Roads
- 23 B Class Roads
- 50 C Class Roads
- 130 U Class Roads

In Q1 April – June 2017 we have delivered the following schemes:

- A. 5 A Class Roads 50,000m²
- B. 7 B Class Roads 30,000m²
- C. 17 C Class Roads 73,000m²
- D. 33 U Class Roads 22,000m²

Repairing a total of 62 roads in quarter 1.

Ref No. 3B2 Effective Enforcement action taken on Fly-tipping and other Enviro-crime

In quarter 1 of 2017/18, the Council entered a trial contract with Kingdom to provide litter and dog fouling enforcement across Rotherham. The quarter 1 results are promising with 1,654 fixed penalty notices being issued by Kingdom on behalf of the Council and the 12 month objective is likely to be met if the contract continues. In this time the Regulation and Enforcement services staff also issued 31 fixed penalty notices in addition to their normal duties.

An increased objective of 37 prosecutions and fixed penalty notices for fly-tipping has been introduced this financial year. Although there have been only 4 such actions in the first quarter, additional staff and capacity to focus resources on these enforcement tools will increase the number of enforcement actions into the next three quarters.

Ref No. 3.B3 Total number of customer contacts by service area. Service areas measured are a) Street Cleansing, b) Grounds Maintenance, c) Litter, d) Waste Management. Contacts measured are: i) Official complaints, ii) Compliments received, iii) Service Requests.

243 contacts were received between April and June 2017 in the Grounds Maintenance service area, this figure is quite high for a single quarter, however it is the peak of the growing period and it is expected that the number of contacts will reflect that. A decrease in the last 2 quarters is normal, which will give us an annual number in line with previous performance.

23 official complaints were received, 8 regarding Street Cleansing and Littering and 15 regarding Waste Management issues. The target for this year has been set as a reduction of 5% in official complaints received about these services. That is a reduction in a yearly figure from 156 to 148 or below.

The service received 22 compliments from customers, 6 in Street Cleansing, Grounds Maintenance and Waste Management and 16 for the Waste Management service.

Ref No. 3.B4 Number of missed bins per 100,000 collections

The missed bin performance, 3.B5, is showing an improvement over the same quarter 1 in 2016/17. A reduction from 62.28 missed bins per 100,000 collections in 2015/16 to 46.07 in 2016/17

Re-commencement of the garden waste kerbside collection service April 2017 saw an additional 250,000 scheduled collection per month being delivered. Extra effort has been made to re-affirm with the new crews that assisted collection need to be delivered on the green waste service. Continued analysing of missed bins reports and holding weekly performance meetings of frontline staff by supervisors is continuing. This has helped to maintain focus on reducing missed bin collections.

The quarter 1 figure of 46.07 is equal to only 0.046% of all bin collections being reported as missed. The Association for Public Service Excellence (APSE) performance report 2014–15 reports an average of 61.12 missed bins per 100,00 for the full year performance for reporting authorities.

Ref No. 3.B5 % of waste sent for reuse (recycling and composting)

The 45% target has been calculated using the current and previous year's performance of the BDR PFI waste treatment plant, kerbside collected recycling, Household Waste Recycling Centres and local recycling points.

Waste Management is on track to meet its anticipated target of recycling 45% of all household waste collected by the authority in 2017/18. The service is currently performing above this level due to the

“front loaded” collection of garden waste that occurs across the growing season April to October. As this waste stream tapers off the cumulative overall recycling rate will reduce.

Anticipated improvement by PFI plant, as well as promotion of recycling by the Waste Management team and the introduction of a re-use scheme through the Household Waste Recycling Centres will contribute in ensured that the Councils target is achieved.

Ongoing risks and challenges ahead:

Waste management is currently reviewing its kerbside recycling and garden waste collection schemes. A review of our service is being undertaken by AMEC Foster Wheeler consultants and their findings and proposals are due to be presented in August. The scope of the review is to seek options that reduce residual waste, improve recycling, and where possible make savings.

To help support (financially) a revised kerbside recycling collection scheme the option to charge for garden waste collection is also being investigated. Introduction of a charged for garden waste service will see a reduction in recycling of this material that may have a detrimental effect to our recycling.

Introductions of any changes will not occur until 2018/19 at the earliest so will not affect this year's anticipated performance.

PRIORITY 4:

EXTENDING OPPORTUNITY, PROSPERITY AND PLANNING FOR THE FUTURE

PRIORITY 4: EXTENDING OPPORTUNITY, PROSPERITY AND PLANNING FOR THE FUTURE

Outcome: A. Businesses supported to grow and employment opportunities expanded across the borough

Lead accountability:

Damien Wilson, Strategic Director – Regeneration and Environment

Overview of progress:

Actions to deliver economic growth in the Borough have continued to progress throughout quarter 1. This year's measures have been revised to concentrate more on factors that the Council can have a direct influence on.

Exceptions:

Good/improved performance:	Areas of concern:
CP. 4.A8 100% of all Planning applications determined within specified periods	CP. 4.A7 Narrow the gap to the UK average on the rate of the working age population economically active in the Borough (Priority Measure) – Target 4% gap by end March 2018, current performance 4.3%, (end of March 2017)

Performance story/narrative:

Council Plan action - Deliver economic growth (via the Economic Growth Plan, Business Growth Board and Sheffield City Region - SCR)

Ref No. 4.A1 – 4.A7 - Overall number of businesses in the Borough / Increase Number of Business Births / Start Ups per 10,000 Resident Population 16+ years old) / Number of new businesses started with help from the Council/ Survival rate of new businesses (3 years) / % vacant floor space in the Town Centre area / Number of jobs in the Borough / Narrow the gap to the UK average on the rate of the working age population economically active in the Borough

The measures are linked to delivery of the Rotherham Economic Growth Plan, delivery of which is being led by the Business Growth Board and its three sub-groups, focussing on Business Development, Skills & Employability and the town centre.

Business Incubation Centres

The Business Centres had another strong quarter with the average occupancy level over the 4 centres at 86%.

Launch Pad Project

90 people have attended 18 workshops on business support related topics. 14 pre-start businesses have received one-to-one mentoring support and 7 have gone on to create a new business.

Growth Enhancement Project

The team have provided 3 hours of assistance to 5 businesses and 12 hours of assistance to 2 businesses in the last quarter. The team have also been involved in other key priority projects. Interviews are scheduled to take place on the 10th August to recruit a new member to the team.

Town Centre

The draft Town Centre Masterplan is currently available for public viewing at www.wyg.com/rotherham-town-centre and will be considered for approval by Cabinet and Commissioners in September. A development brief is being worked up to secure a development

partner for the leisure development on Forge Island, which will be taken to the market in the Autumn.

The Council have bought the former Law Courts, identified in the Masterplan as a prime development site, and work to demolish the building is about to commence.

AMID

Funding has been identified from the Sheffield City Region to fund the development and delivery of the AMID concept.

Pioneer Programme.

The Rotherham Pioneer Programme is a new initiative to set up a network of local businesses with the aim of marketing Rotherham as a place for businesses to locate and invest. It also promotes local business growth and linking it to Rotherham's sense of place. Over 50 Pioneers have signed up to date and two well attended and successful Pioneer meetings have been held.

Economic Activity

The measure on narrowing the gap with the UK average for the % of the working age population who are economically active (4.A7) did not meet its target, with latest figures from the Office of National Statistics, Annual Population Survey data for the 4 quarter average to March 2017 showing economic activity as 73.5% against the UK average of 77.8%. A gap of 4.3%.

The three sub-groups covering "Skills and Employability," Business Development" and the "Town Centre" set up during the last financial year continue to meet every 6-8 weeks. The groups have developed a list of projects they feel will help drive economic growth. The Trade Rotherham website is now online.

CP.4.A8 % of Planning applications determined within specified period

This measure is included in the Council Plan for the first time this year and focuses on the statutory function of delivering determinations on planning applications within a specified time period, which is 13 weeks for major applications and 8 weeks for minor and other applications.

The Government has the power to take over decision-making in local planning authorities where their performance falls below an agreed level. Therefore there is a requirement to provide this statutory service at a level where efficient processing of planning applications can be maintained.

Quarter 1 has seen the Planning Service achieve 100% in determinations of all 3 categories of application. An achievement helped by investment in Information Technology to implement an efficient and effective paperless service. This, together with efficient processes and procedures and innovations (such as a pre-application service, Planning Performance Agreements and formally agreed extensions of time) have helped the Council consistently report high performance.

Local Government Associating Benchmarking data establishes that Rotherham is the lowest cost but highest performing authority within the City Region (and 3rd lowest cost nationally for our peer group).

Ongoing risks and challenges ahead:

Delivery of the Town Centre Masterplan is dependent on private sector investment. Although the soft marketing carried out to date has stimulated a very encouraging level of interest from developers and investors it may be necessary for the Council to pump-prime development using its land holdings and some public sector funding as seedcorn money to ensure that the projects come forward.

Trading conditions in the town centre and currently very challenging, with footfall down and vacancies up. The Council are working with town centre traders to identify a suite of interventions to assist in the short to medium-term until the developments set out in the Masterplan start to come on line.

Both the Launch Pad and the Growth Enhancement Project are behind on targets due to the projects

starting 5 months behind schedule. The Growth Enhancement Project is significantly behind due to staff leaving and a delay in recruiting replacements. A further pressure has been staff funded by the project to undertake work on other Council priority projects.

Outcome: B. People live in high quality accommodation which meets their need, whether in the social rented, private rented or home ownership sector (also contributes to priority 2 – Every adult secure, responsible and empowered)

Lead accountability:

Anne Marie Lubanski, Strategic Director Adult Social Care and Housing.

Overview of progress:

Solid progress continues to be made delivering actions to ensure people living in the Borough can live in high quality accommodation irrespective of the sector.

In housing provided by the Council for tenants the excellent progress previously reported through the Corporate Plan minimising the number of non-decent homes is being maintained. At the end of quarter 1, 0.51% of the Council's stock is non-decent, 0.01% lower (worse) than the overall target for the year at 0.5%. This performance is significantly better (0.79%) than for the same period in 2016/17 when performance stood at 1.30%. The Council is therefore extremely confident the year - end target of ensuring less than 0.50% of its entire stock is non-decent by the end of the year.

The challenge facing the Council to increase the overall supply of housing in the Borough continues to be difficult to achieve. Volatile economic and political factors are fettering its ability to increase the overall supply of housing by a further 10% compared to 2016/17. A predicted slowdown in the growth of the economy, possible interest rate increases for funding used to build and purchase new homes and the ongoing uncertainty regarding the Governments Brexit negotiations are undoubtedly impacting negatively on this measure. For the first quarter of the year 138 new homes were built, 63 fewer homes than were built for the same period last year. Despite this downturn in performance the Council however is still reasonably optimistic that large numbers of new homes will be built in the Borough during the current year.

Improving standards in the private rented sector are continuing to progress well through the effective implementation of the Council's Selective Licensing Scheme. By the end of quarter 1 over 1700 privately owned properties in the Borough are registered under the scheme and of these, following inspections by the Council, over 1000 properties are compliant to the terms and conditions of the licensing agreements issued by the Council. This means more families than ever in the Borough are living in private rented accommodation that is safe and warm.

Exceptions:

To include maximum of 3 in each column

Good/improved performance:	Areas of concern:
Ref No. 4.B2 – 58 Council owned properties have been made decent in quarter 1 against an overall total of 162. The Council is well on track to ensure that less than 0.5% of its housing stock will be non-decent by the end of the year.	Ref No. 4.B1 – 138 new homes were built in quarter 1, across all sectors housing in the Borough. This figure is significantly lower than for the same period in 2016/17 when 201 new homes were built.

Performance story/narrative:

Council Plan Action - Implement the Housing Strategy 2016-2019 to provide high quality

accommodation**Priority Measures ; 4.B1- Number of new homes delivered during the year , 4B2 % of stock that is non- decent**

The overall performance of the Housing and Neighbourhood Service continues to be very strong with the majority of key indicators used to measure the overall health of the service on or above target throughout the whole of the first quarter. Excellent progress is also being improving performance and

quality against the few off – target indicators the service has, for example rent lost to the Council following tenants terminating their homes hit a 3 year low in June 2017. Performance for this measure now sits at 0.86% of the annual rent debit (against an annual target of 0.89%) and although performance still remains slightly off target rapid and sustained progress has been made throughout the last 12 months and first 3 months of this year to reduce the amount of income lost to the Housing Revenue Account through empty properties. Also and closely associated to this is the Council's improved performance to repair and re-let properties for new tenants. In June 2016 the Council was taking 27.64 days to do this, now remarkably, following a number of innovations within the service the turnaround time has been reduced to 21.13 days. These improvements ultimately mean increased income to the Housing Revenue Account, improved customer satisfaction as more new tenants can move into their new homes quicker and improved sustainability to communities with fewer empty homes.

The impact good quality housing has on the overall health and wellbeing of tenants living in Council accommodation and people living within communities throughout the Borough generally is fully understood. Maintaining minimum levels of decency to the housing stock it owns therefore continues to be a top priority for the Council. At the beginning of quarter 1 162 properties or 0.79% of the Council's 20,562 stock was identified to become non decent during the course of the current year. It is important to note that not all 162 properties are non-decent at the same time but will become non-decent throughout the course of the year as various elements making up the decency standard, which may include items such as kitchens and bathrooms begin to fail. By the end of quarter 1, following programmes of work executed by the Council's contractors Morrison's and Fortem to install kitchens and bathrooms to properties in areas like Wingfield, Kimberworth Park and Rawmarsh, 58 properties were made decent.

The remaining properties throughout the Borough will be picked up and made decent in the final three quarters of the year as elements making up the decency standard begin to fail. Based on current performance and its track record for maintaining properties at the minimum level of decency the Council is extremely confident that by the end of the year less than 0.5% of Council owned housing stock in the Borough will be non-decent .

Increasing the overall supply of housing within the Borough is continuing to be a challenge. Based on last year's performance the Council set itself new and challenging targets to ensure at least 10% more new homes would be built in the Borough than were built in 2016/17, this means by the end of March 2018, 641 new homes will need to be built. By the end of quarter 1 however 138 new homes have been built, 49 in April, 25 in May and 64 in June. This figure however is substantially less than for the same quarter in 2016/17 when 201 new homes were built. A number of reasons account for this slowdown in building including weaker house price growth throughout the country which has dented the demand for more new homes with house prices falling for the first time since 2015, the weak pound which is contributing to increasing costs within the building industry, low consumer confidence affected by possible interest rate increase and the unknown impact on the economy of the Government's Brexit negotiations.

Council Plan Action - Private rented housing – improving standards through selective licensing**Priority Measure ; 4B3 ; % of privately rented properties compliant with Selective Licensing conditions within designated areas**

Standards of accommodation for tenants living in private sector accommodation and to the areas throughout the Borough where high density private rented accommodation exists are being raised following the introduction of the Council's Selective Licensing Scheme in 2015.

Under the scheme private landlords owning and renting properties to tenants within the borough must register their accommodation with the Council. Each property must be in a good state of repair, be thermally sound and comply with current health and safety standards. By the end of quarter 1, cumulative performance for properties registering under the scheme is 1,788, against an estimated overall total of 1,909 properties eligible to become registered under the scheme. Of these, 1,089 properties (223 in quarter 1) have been inspected, 83 properties have been referred for formal action and 93% of the properties that have been inspected now comply with the terms and conditions of the Selective Licensing Scheme. Current performance against the measure is therefore slightly below the year-end target of 95% and to improve the overall number of inspections taking place and to increase properties compliant with the Scheme the Council will be appointing 2 new inspectors into the service during the current year.

Ongoing risks and challenges ahead:

The ongoing challenge to the authority will be to increase the overall supply of new and affordable housing for people living in the Borough irrespective of their level of income. Whilst some of the factors currently hindering the Council's ability to deliver this action are clearly outside its control the Council will continue to work hard with its partners and other Registered Social Landlords within the Borough to deliver this key objective. Also although land within the Borough for new and large scale, developments is becoming extremely scarce work is taking place on several fronts to bring forward Council owned sites for residential development and, the adoption of the Development Plan – Sites and Policies Document, which should be next year, will allocate a large number of new housing sites.

PRIORITY 4: EXTENDING OPPORTUNITY, PROSPERITY AND PLANNING FOR THE FUTURE

Outcome: C. Adults supported to access learning improving their chances of securing or retaining employment

Lead accountability:

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

Overview of progress:

An Ofsted inspection against the Common Inspection Framework for Further Education 20-23 June 2017 has resulted in an overall judgement of inadequate (grade 4), although safeguarding was deemed effective.

Whilst the self-assessment of the Adult Community Learning (ACL) service in April 2017 concluded requires improvement based upon capacity to improve and the improvements being implemented, these were deemed too soon for Ofsted to evidence impact on teaching and learning and outcome for learners (both inadequate) – the report makes reference to the recent improvements made.

As a result of the inadequate inspection judgement, the Council has worked in partnership with the Education & Skills Funding Agency to agree that Rotherham adult learner's interest will be better served by the Council ceasing to be a service provider of adult learning, but that the adult education budget scheduled for the Council for 2017/18 be retained in Rotherham through another provider. The EFA have decided to allocate funding to Rotherham North Notts College's current adult education budget. This will also benefit the Sheffield City Region, as this funding will be part of any devolution of adult education budgets in 2019/20.

This outcome enables the Council to fulfil its strategic role more effectively to both challenge and support all adult learning providers to meet local skills needs. Governance will be via the Business Growth Board, Health & Well Being Board and the newly evolving Local Integration Board.

Exceptions:

Good/improved performance:	Areas of concern:
Significant improvement in learner enrolment during summer term.	4.C1 – Learner enrolments – 1,299 achieved against target of 1,950
The Council is likely to achieve minimum levels of performance (worst case scenario at 39.77% against ESFA threshold of 40%	4.C2 - Performance significantly below the annual target, although learner progression into further learning, employment and/or volunteering is largely collected at the end of the academic year. However, Ofsted noted that in previous years, the ACL Service had only collected intended learner destinations and not followed these up to confirm.

Performance story/narrative:

The priorities for the service since March 2017 (when significant underperformance issues were confirmed and an improvement plan agreed and put in place) has been to:

- 1) Improve learner enrolments; and
- 2) Improve the service out of the ESFA's Notice of Concern by improving performance of

accredited learning by achieving national minimum levels of performance target of 40%.

4.C1 – Whilst the Adult Community Learning Service failed to meet its annual enrolment target, significant progress has been made since improvements were put in place in April, which have resulted in 702 enrolments in the summer term (i.e. 54% of total enrolments for the year in a single term).

4.C2 - Performance significantly below the annual target, although learner progression into further learning, employment and/or volunteering is largely collected at the end of the academic year. However, Ofsted noted that in previous years the ACL Service had only collected intended learner destinations and not followed these up to confirm. A learner event is being organised for 8th September when attempts will be made to follow-up learner destinations.

In terms of performance, the improvement in learner attendance, additional learner and tutor classroom support, improved monitoring of attendance, etc, has resulted in the service now being likely to meet the ESFA's minimum performance level of 40% - current worst case scenario is 39.77%.

Ongoing risks and challenges ahead:

Ensuring that the Council follows up learner destinations in September, whilst managing the closure of the ACL Service

PRIORITY 5:

A MODERN, EFFICIENT COUNCIL

PRIORITY 5: RUNNING A MODERN, EFFICIENT COUNCIL

Outcome: A. Maximised use of assets and resources and services demonstrate value for money

Lead accountability:

Judith Badger, Strategic Director – Finance & Customer Services

Overview of progress:

With continued cuts to Government funding it is vital that the Council aims for excellence at collecting local revenues, in particular Council Tax and Non Domestic Rates, which currently fund around one-third of the Council's annual spend on providing services to citizens (excluding housing benefit payments, housing revenue account and schools grant funding).

It is pleasing to report therefore that for 2016/17 the collection rates for Council Tax have been maintained at the same level as last year whilst the collection rate for Non Domestic Rates has been improved on. Both Council Tax and Non Domestic Rates in year collection measures for 2017/18 have exceeded the performance targets set at the start of the year.

National collection figures have been released by the Department for Communities and Local Government (DCLG) and show Rotherham has maintained top quartile performance amongst Metropolitan Councils for both Council Tax and Non Domestic Rates collection.

Current year's performance for Council Tax is the same as last year while Non Domestic Rates is slightly up. The recovery cycle for the current year's charges has however only recently commenced and a better picture regarding collection performance will be known over the coming months.

Exceptions:

Good/improved performance:	Areas of concern:
Ref No. 5.A1 - % Council Tax collected in year is currently 27.7% which is the same performance as at this time last year.	
Ref No. 5.A2 - % Non-domestic rates collected in year is currently 29% which is slightly up on 28.4 reported at the same time last year.	

Performance story/narrative:**Action - Maximising the local revenues available to fund council services**

Ref No. 5.A1 Council Tax in-year collection – For 2017/18 the total Council Tax to be collected is £116.5m, an increase from last year of £6.3m. The national Council Tax collection performance figures for 2016/17 have been released by DCLG which show Rotherham had the 4th highest collection rate amongst the 36 Metropolitan Councils.

Ref No. 5.A2 Non Domestic Rates (NDR) collection – For 2017/18 the total Non Domestic Rates to be collected is £77.8m, a reduction from last year of £2.8m as a result of the 2017 national revaluation. The national Non Domestic Rates collection performance figures for 2016/17 have been released by DCLG which show Rotherham had the 7th highest collection rate amongst the 36 Metropolitan Councils.

Ongoing risks and challenges ahead:

The Council is becoming increasingly dependent on the revenues it can raise locally to fund its services and with the proposed move to 100% retention of business rates by 2020, the achievement of an excellent revenues collection rate will become ever more important. Given that the progression of the relevant legislation through parliament has recently been halted it is now uncertain as to how local government finance will be distributed from 2020.

The challenge for the service is to improve its collection rates still further in 2017/18 whilst recognising the potential impact of the increase in the rate of Council Tax and of the Government revaluation of business rates.

Outcome: B Effective governance arrangements and decision making processes are in place

Lead accountability:

Shokat Lal, Assistant Chief Executive

Overview of progress:

Recommendations arising from the Overview and Scrutiny are a key indicator of the strength of the Council's governance arrangements. Overall, solid progress has continued in implementing the pre-decision scrutiny arrangements ahead of Cabinet and Commissioner meetings. Recommendations are made to both the Cabinet and Commissioners and to date all recommendations have been accepted in full.

Exceptions:

Good/improved performance:	Areas of concern:
Acceptance of recommendations from pre-decision scrutiny is currently at 100% at the end of quarter one. This level of performance has been maintained from 2016-17.	

Performance story/narrative:

The pre-decision scrutiny process is now embedded within the decision-making process and has been positive to date for scrutiny Members, executive Members and officers. A pattern has emerged where Members have been able to add value to the proposals brought forward. Overview and Scrutiny Management Board has, on average, identified three reports for scrutiny and made recommendations on each and confirmed its support for the proposals. Where additional recommendations have been, these have been adopted by Cabinet and Commissioners when making final decisions on proposals.

Ongoing risks and challenges ahead:

Overview and Scrutiny exists to provide challenge and ensure that decision makers have included mitigations to risks that arise in respect. The challenge is maintain momentum and the culture of openness and good governance that pre-decision scrutiny is grounded in. Focus by Members on the areas prioritised for scrutiny is critical to ensuring that recommendations are forthcoming from other areas of scrutiny activity.

Outcome: C Staff listen and are responsive to customers to understand and relate to their needs

Lead accountability:

Judith Badger, Strategic Director – Finance & Customer Services
Shokat Lal, Assistant Chief Executive

Overview of progress:

The number of complaints has reduced compared to previous quarters at 237.

The increase is due to changes in the way that the service is delivered in the Departments (further information will be presented in the annual complaint report) and a change in emphasis to ensure that more customer enquiries and issues are processed as formal complaints so that they receive investigations by managers and learning is captured for the purposes of service improvement.

The Council's response rate for complaints has decreased below the target of 85% closed within X days with the overall performance in the quarter falling to 76%. The decrease in performance has been driven by poor performance in the Children's and Regeneration Directorates.

The most recent LGA survey data suggests that residents perceive an improvement in the degree to which the council keeps them informed.

Exceptions:

Good/improved performance:	Areas of concern:
5.C4 - % of residents who feel that the Council keeps them informed: 49% very or highly satisfied compared to a target of 46% and a performance of 43% last July.	5.C2 - % of complaints closed within correct timescale: this has fallen to 76% compliance in this quarter compared to a target of 85%.

Performance story/narrative:

Ref No. 5.C1, C2 and C3: Treating customer complaints with respect and dealing with them in an efficient and outcome-focussed way

The numbers of complaints received by the Council has reduced since quarter 4 (265) at 237. However, this is still high compared to the lower level of 205 in quarter 1 of 2016/17 and is significantly higher than quarterly figures for 2015/16.

As reported previously, the Council has taken a number of steps over recent years to make it easier for complaints to be made, so that the appropriate steps can be taken to address the issues and problems residents wish to raise. The numbers of complaints now being investigated reflect the increased efforts to capture learning and ensure appropriate management oversight of customers' issues. This is not necessarily a negative development. The Corporate Complaints Team is working to ensure that regular reporting to senior and directorate management teams includes analysis on the emerging patterns and trends; as well as help ensure that all learning is taken on board.

Partially due to this sustained higher level of complaint investigations compared to previous years, there has been a deterioration in the numbers being responded to within the required timescales, down to 76% which is below the 85% target for the year. This is the lowest performance for over a year and previously reported challenges in responding to complaints within the Regeneration Environment Directorate and in CYPS continues to affect the number of complaints responded to in timescale.

Numbers of compliments received saw an increase from 271 in quarter 4 of last year to 292 in this quarter. This is significantly higher than the 183 reported in quarter 1 and reflects efforts with

Directorates to ensure that this information is effectively captured for performance reporting purposes.

Ref No. 5.C4 % of residents who feel that the Council keep them informed - during June 2017, the Local Government Association (LGA) undertook its fifth satisfaction survey with Rotherham residents. For this indicator, this question has seen a percentage rise since the last survey undertaken in December 2016 and over the course of the most recent 12 months there has been a clear improvement in residents views of the Council's communication.

Ref No. 5.C5: % of transactions online (Enable customer to be active and interact with the Council in an efficient way, accessing more services online).

This data is only collected every six months and so there is no change to report on the previous quarter.

Ongoing risks and challenges ahead:

Falling performance in dealing with complaints could lead to a deterioration in satisfaction levels and might lead to a failure to learn the lessons from complaints made.

The major barrier to increasing the number of online transactions is digital exclusion. When our citizens are unable or unwilling to get online we will be unable to deliver our channel shift aspirations. In the interest of tackling digital exclusion the Council now provide free citizen Wi-Fi in all libraries, customer service centres, the Town Hall and museum. Libraries continue to run targeted events to encourage digital take-up and some self-service kiosks are being installed in Riverside House to encourage customers to transact with the Council on line.

Outcome: D Effective members, workforce and organisational culture

Lead accountability:

Shokat Lal, Assistant Chief Executive

Ian Thomas, Strategic Director – Children and Young People’s Services

Overview of progress:

Quarter 1 performance for PDR completion is around 6% lower than at the same period last year. Further targeted reminders will be sent out in July with final outturn expected to be similar to last year.

Sickness is on a downward trend with a reduction of 3.5% on last year’s outturn achieved by the end of the first quarter.

By the end of the first quarter annual expenditure for Agency is projected to be 21% less than the previous year. The number of agency social workers continues to decline as permanent recruitment increases across all social care roles.

57 out of 63 Member PDP’s have been completed and a Member Development Strategy is being developed for approval in the Autumn of this year.

Exceptions:

Good/improved performance:	Areas of concern:
Ref No. 5.D1 % PDR completion is at 69% compared to a target for the year of 95%. (Priority Measure)	
Ref No. 5.D2 Sickness days lost per FTE has improved to 10.59 days (excluding schools) – target is 10.1 days (Priority Measure) .	
Ref No. 5.D3 Reduction in agency staff cost target is a reduction of 10%. Current figures show a projected decrease of 21% (Priority Measure) .	
Ref No 5.D.4 Reduction in the amount of CYPS agency social workers has reduced from 77 to 71 since the end of March 17 (Priority Measure) .	

Performance story/narrative:

Council Plan Action - Staff and managers have an opportunity to reflect on performance, agree future objectives and are aware of how they contribute to the overall vision

Ref No. 5.D1 % PDR completion - Timely completion of effective PDRs is vital in ensuring that staff and managers have an opportunity to reflect on their performance and how their future objectives contribute to the overall vision. By the end of the first quarter performance was around 6% lower than at the same time last year. Further targeted reminders will be sent out in the second quarter with final outturn at the end of July expected to be similar to last year.

A fundamental review of the performance elements and best practice PDR models has commenced. Options for changes to the process including online completion/recording of PDR’s will be completed by March 2018.

Ref No. 5.D2 Days lost to sickness absence - Changes to management processes and targeted interventions have seen an improvement in attendance reducing absence levels by 3.5% in the first quarter. Further changes to policy and management processes to target specific issues are to be

introduced during the year with the sub group of the Health, Safety & Wellbeing Committee continuing to focus on sickness management.

Since the last update a revised attendance policy has been accepted by Trade Union colleagues and will be presented to SLT for final sign off in the second quarter.

Council Plan Action - Reduced use of interims, temporary and agency staff through effective and efficient recruitment

Ref No. 5.D3 Reduction in Agency cost (Priority measure) - The Council's use of temporary and agency staff remains at high levels, however at the end of the first quarter the annual projected agency expenditure for 2017/18 is 21% lower than agency cost in the previous year.

The Workforce Management Board, led by the Assistant Chief Executive and consisting of Assistant Directors, continues to challenge the use of agency workers using a control process with agency staff which now requires explicit directorate and Board sign off.

Further scrutiny on agency via the Overview and Scrutiny Management Board (OSMB) commenced in the quarter and is scheduled to be concluded, and findings reported, by the end of the second quarter.

Ref No. 5.D.4 Reduction in the number of CYPS Agency Social Workers - The number of agency social workers continues to decline as permanent recruitment increases across all social care roles.

A targeted agency reduction plan is in place and when permanent recruitment is made an agency leaver is identified as a result. This is tracked and monitored on a monthly basis.

The Newly Qualified Social Workers recruited in October 2016 work alongside agency social workers to support their caseloads and development and a forecast reduction in agency linked to this is also included in this plan.

The use of agency for long-term sick and maternity is also being monitored to ensure agency social workers leave in a timely manner and support is given to colleagues on long term sick to return to work.

Corporate Plan Action - Members are able to fulfil their roles as effective community leaders

Ref No. 5.D5 % members receive a personal development interview leading to a structured learning and development plan

The Personal Development Plan (PDP) process for members is developing with 57 out of 63 PDPs now complete. Learning style questionnaires have been issued to members and responses have been returned and non-returns followed up.

A Member Development Strategy is coming forward for approval in the Autumn and this will include an overall Member Development Plan for the coming 12 months (and beyond). This Plan will be informed by the Member PDPs that have been carried out.

Ongoing risks and challenges ahead:

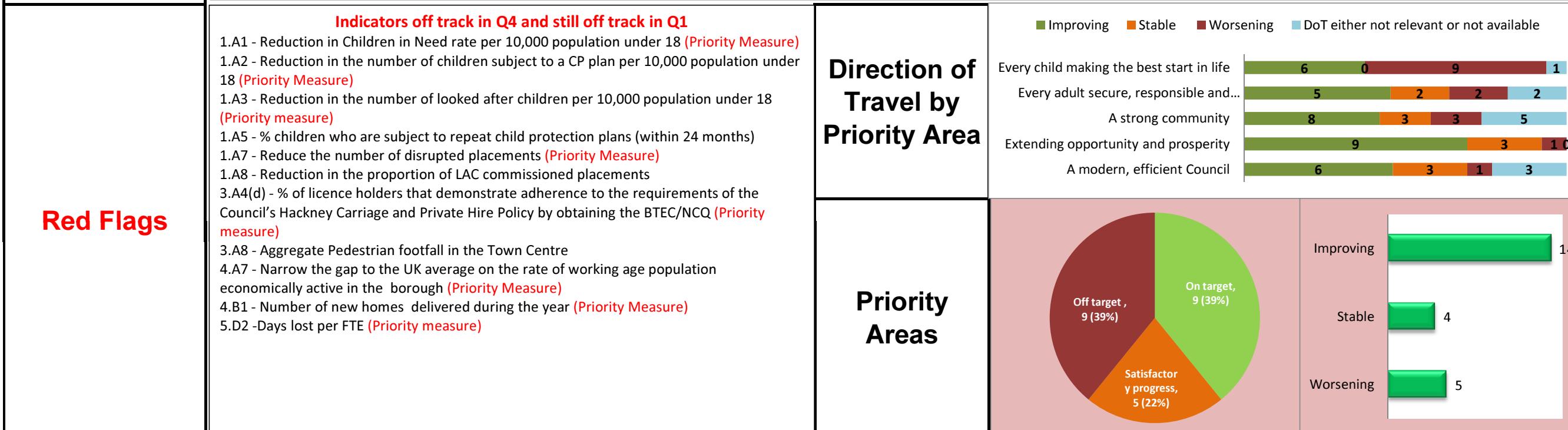
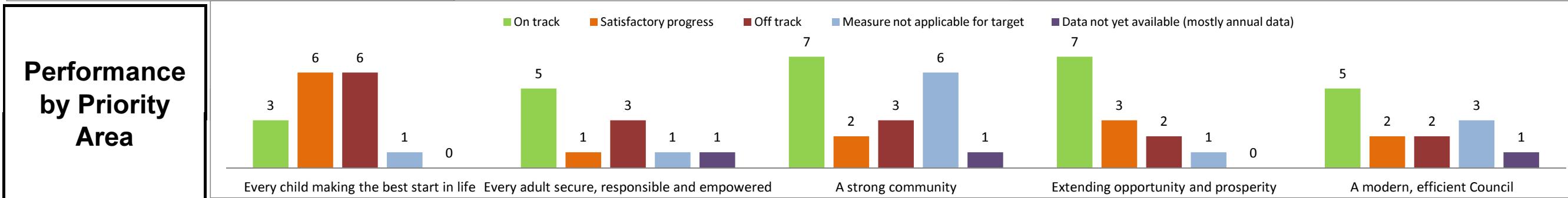
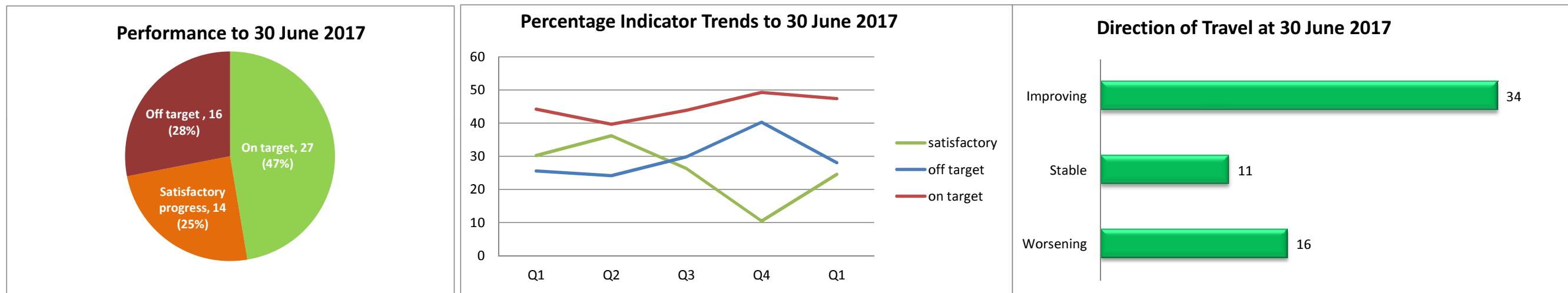
Levels of sickness absence impact on use of temporary and agency staff, which can lead to increased cost and potential reductions in quality of service. Targeted intervention to address sickness hotspots is in hand.

Agency usage in Children's Social Care accounts for 65% of all agency expenditure. Recruitment of permanent staff is set against a national shortage of qualified Social Workers. The average national vacancy rate is 17% which compares to 10% in Rotherham. There is a clear risk that a reduction in agency costs is dependent on continued successful recruitment campaigns. To mitigate this risk the temporary recruitment team for Children's Social Workers has been made permanent.

In July 2017 the creation of an additional team in Localities will increase the number of agency social workers by up to another 7 in the short-term whilst permanent recruitment takes place.

Council Plan 2017/18 Performance Report

Dashboard at 30 June 2017



Appendix B

Council Plan 2017/18

Performance Report

Quarter 1 Performance Scorecard (data for June 2017)

Please note: 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.

Document Details

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Summary

✓	Measure progressing above or in line with target set	27	37.5%
●	Measure progress has been satisfactory but is not fully reaching target set	14	19.4%
✗	Measure has not progressed in accordance with target set	16	22.2%
🛠	Measure under development (e.g. awaiting data collection or target-setting)	0	0.0%
□	Measure not applicable for target (e.g. baseline year, or not appropriate to set a specific target)	12	16.7%
■	Measure information not yet available (e.g. due to infrequency or timing of information/data)	3	4.2%

⬆	Numbers have improved	34
➡	Numbers are stable	11
⬇	Numbers have got worse	16
---	Direction of Travel is not applicable	11

Corporate Priority 1 – Every child making the best start in life

Key	Overall status (relevant to target)																							
	Measure progressing above or in line with target set			Measure under development (e.g. awaiting data collection or target-setting)																				
	Measure progress has been satisfactory but is not fully reaching target set			Measure not applicable for target (e.g. baseline year, or not appropriate to set a specific target)																				
	Measure has not progressed in accordance with target set			Measure information not yet available (e.g. due to infrequency or timing of information/data)																				
Outcome	Lead Accountability (Strategic Director)	Ref No.	Action	Measure	Lead officer	Good performance	Frequency of reporting	Target	Overall status	DOT	Annual	Quarterly	Monthly	Year end 2015/16	Year end 2016/17	Q1 Apr - Jun 2016	Q2 Jul - Sep 2016	Q3 Oct - Dec 2016	Q4 Jan - Mar 2017	Q1 Apr - June 2017	Apr-17	May-17	Jun-17	Data notes (where measure has not progressed in accordance with the target set provide details of what is being done to improve performance)
A. Children, young people and families are protected and safeguarded from all forms of abuse, violence and neglect	Ian Thomas, Strategic Director Children and Young People's Services	1.A1	Early Help – Early Help service to identify and support families at the right time to help prevent social service involvement	Reduction in Children in Need rate (rate per 10K population under 18) (Priority measure)	Mel Meggs - CYPS	low	Monthly	336.9	X	●	320	359.8	356.0	390.4	380.0	359.8	383.5	351.6	354.1	383.5	There is no good or bad performance however the aim is to ensure performance is in line with the national average.			
		1.A2		Reduction in the number of children subject to a CP plan (rate per 10K population under 18) (Priority measure)	Mel Meggs - CYPS	low	Monthly	60.3	X	●	65.4	65.6	57.6	54.1	58.7	65.6	75.5	66.8	73.1	75.5	There is no good or bad performance however the aim is to ensure performance is in line with the national average.			
		1.A3		Reduction in the number of Looked After Children (Priority Measure) (rate per 10k population under 18)	Mel Meggs - CYPS	low	Monthly	85.9	X	●	76.6	86.6	76.3	79.7	85.9	86.6	92.3	88.9	89.1	92.3	There is no good or bad performance however the aim is to ensure performance is in line with the national average.			
		1.A4		Increase the number of families engaging with the Families for Change programme as a percentage of the troubled families target	David McWilliams - CYPS	high	Monthly	100% (633 families)	●	●	100%	100%	24%	46%	68%	100%	27%	9%	18%	27%	Annual target of 100% (633 families) is by March 2018. Performance is reported cumulatively and is therefore YTD.			
		1.A5	Children's Social Care Improvement – Ensure that all Child Protection Plan work is managed robustly and that appropriate decisions and actions are agreed with partner agencies	% children who are subject to repeat child protection plans (within 24 months)	Mel Meggs - CYPS	low	Monthly	4%	X	●	4.7%	9.2%	6.1%	6.6%	6.7%	9.2%	11.4%	11.0%	11.8%	11.4%	As this is a 'rolling year indicator' this considers referral data for the 12 months prior to 30th June 2017.			
		1.A6	Child Sexual Exploitation - an increased awareness of CSE and an increase in the number of police prosecutions as a result of joint working	Number of CSE referrals	Mel Meggs - CYPS	Not applicable	Monthly	No target - not applicable	□	■	200	231	52	35	71	73	45	16	8	21	There is no target for this measure as numbers can fluctuate significantly.			
		1.A7	Placements - Improve Quality of Care for looked after children	Reduce the number of disrupted placements (Priority Measure) definition: % of LAC who have had 3 or more placements - rolling 12 months	Mel Meggs - CYPS	Low	Monthly	9.6%	X	●	13.0%	11.9%	11.9%	13.6%	13.2%	11.9%	12.7%	11.6%	12.7%	12.7%	The number of placement moves continues to be a priority for the service and is part of the implementation of the LAC sufficiency strategy			
		1.A8		Reduction in the proportion of LAC commissioned placements	Mel Meggs - CYPS	low	Monthly	39.5%	X	●	43.5% (188/432)	43.2% (211/488)					43.2% (211/488)	46.7% (243/520)	45.9% (230/501)	46.4% (233/502)	46.7% (243/520)	The implementation of the LAC sufficiency strategy should begin to have an impact on the number of commissioned placements but this is within a backdrop of an increase in the overall number of looked after children		
		1.B1 (a)	Sustainable Education and Skills	% children and young people who attend a good or better schools	Karen Borthwick - CYPS	high	Termly	87.0%	●	●	82.4% (summer term 15)	Not Yet Available (Academic Year)	84.9%	86.0%	85.0%	84.1%	82.6%				The Rotherham average has declined by 3% from 31 August 2016. The latest comparison to the national average is 87% as at 31 December 2016. A primary and secondary school with large cohorts of pupils which equate to 5% of the LA cohort have been judged as 'special measures' from a previous good outcome. A number of primary schools with a 'Requires Improvement (RI)' judgement have converted to academies. These schools have made significant improvements which should ensure that the next inspection judgement is 'Good'. Current performance appears to be low but it is greatly affected by the inspection process for convertor academies.			

Outcome	Lead Accountability (Strategic Director)	Ref No.	Action	Measure	Lead officer	Good performance	Frequency of reporting	Target	Data notes (where measure has not progressed in accordance with the target set provide details of what is being done to improve performance)												
									Overall status	DOT	Annual		Quarterly					Monthly			
											Year end 2015/16	Year end 2016/17	Q1 Apr - Jun 2016	Q2 Jul - Sep 2016	Q3 Oct - Dec 2016	Jan - Mar 2017	Q1 Apr - June 2017	Apr-17	May-17	Jun-17	
B. Children and Young people are supported to reach their potential	Ian Thomas, Strategic Director Children and Young People's Services	1.B1 (b)		% of early years settings which are good or better	Karen Borthwick - CYPS	high	Termly	93.4%	✓	⬆	86.7%	95.6%	88.8%	94.0%	94.3%	95.6%	94.6%	95.5	95.5	94.6	There is a fluctuation in the numbers of registered providers with provisions registering or deregistering which can affect the overall data and month on month changes.
		1.B2 (a)	Sustainable Education and Skills – Reduce the number of school days lost to exclusion	Reduction in the number of exclusions from school which are i) Fixed term (Secondary school)	Karen Borthwick - CYPS	low	Monthly	2,500 Academic Yr	🟡	⬆	2041 (2015/16)	Not yet available (Academic Year)	1072	227	1097	1064	732	152	316	264	As schools are establishing a more robust graduated response to SEMH preventative work, they are making use of fixed term exclusions as part of that mechanism, using this opportunity to explore alternative approaches to children's education Year end related to academic year.
		1.B2 (b)		Reduction in the number of exclusions from school which are ii) Fixed term (Primary school)				280 Academic Yr	🟡	⬆	407 (2015/16)	Not yet available (Academic Year)	134	35	84	106	101	19	48	34	
		1.B3	Sustainable Education and Skills – Enable hard to reach young people to achieve their full potential through education employment or training	% of young people aged 16-18 who are Not in Education, Employment or Training (NEET)	David McWilliams - CYPS	low	Monthly	4.2% (Local target which is subject to change on a monthly basis)	✓	⬆	5.3%	3.1%	5.5%	2.4%	2.9%	3.1%	4.1%	3.5%	3.9%	4.1%	The position at the end of June shows a NEET figure of 4.1% (against a local target of 4.2%). Latest comparison data available for June return show that Rotherham are in line with statistical neighbours and slightly below regional and national returns. During June, the DfE released a notification informing of a change to the calculation of the Annual NEET and Not Known figures as below: 'In a change from previous publications, the annual NEET and 'not known' figures will now be based on a revised three-month average of December January and February. These figures were previously based on an average of November, December and January.'
		1.B4 (a)	Special Educational Needs and Disabilities (SEND) – Improve personal outcomes for our young people with SEND to enable them to make choices that lead to successful adult lives	Increase the number of Education Health and Care Plans completed in statutory timescales (based on NEW Plans issued cumulative from September 2014)	Karen Borthwick - CYPS	high	Monthly	90% by April 2018	🟡	⬆	58.30%	52%	67%	61%	54%	52%	53%	52%	52%	53%	Performance is cumulative from September 2014 to June 2017.
		1.B4 (b)		Increase the number of Statements transferred to Education Health and Care Plans (based on Conversions cumulative from September 2014)	Karen Borthwick - CYPS	high	Monthly	100% by April 2018	🟡	⬆	19.1% (191/998)	46.5% (464/998)	27.2% (271/998)	34.6% (345/998)	37.7% (376/998)	46.5% (464/998)	52.6% (525/998)	48.7% (486/998)	50.6% (505/998)	52.6% (525/998)	Performance is cumulative from September 2014 to June 2017.
C. Children, young people and families are enabled to live healthier lives	Terri Roche, Director Public Health	1.C1	Deliver services for the 0-19 year olds – to support children and families to achieve and maintain healthier lifestyles	Smoking status at time of delivery (women smoking during pregnancy) (Priority measure)	Jo Abbott - Public Health	Low	Quarterly	17%	✓	⬆	18.1%	17.0%	19.1%	12.1%	19.9%	17.0%	n/a (due Sep17)				National ambition is 11% or less by the end of 2015. 2016/17 full year for Rotherham = 17.0% which achieved the local target for 2016/17 of 18.4%. However, this was skewed by a very low Q2 figure. The 2017/18 local stretched target is set at 17.0% due to this and the potential impact of future funding cuts. Note - The target is an annual target so applies at each quarter through 2017/18.

Corporate Priority 2 – Every adult secure, responsible and empowered

Key	Overall status (relevant to target)																						
	Measure progressing above or in line with target set			Measure under development (e.g. awaiting data collection or target-setting)																			
	Measure progress has been satisfactory but is not fully reaching target set			Measure not applicable for target (e.g. baseline year, or not appropriate to set a specific target)																			
	Measure has not progressed in accordance with target set			Measure information not yet available (e.g. due to infrequency or timing of information/data)																			
Outcome	Lead Accountability (Strategic Director)	Ref No.	Action	Measure	Lead officer	Good performance	Frequency of reporting	Target	Overall status	DOT	Annual	Quarterly	Monthly	Data notes (where measure has not progressed in accordance with the target set provide details of what is being done to improve performance)									
A. Adults are enabled to live healthier lives	Terri Roche, Director of Public Health	2.A1 (a)	Implement Health and Wellbeing Strategy to improve the health of people in the borough	Successful completion of drug treatment – a) opiate users (aged 18-75)	Jo Abbott - Public Health	High	Quarterly	No national target. Local ambition to be within LA Comparators Top Quartile	✗	⌚	6.3% (2015)	2016 data n/a (due Sep17)	6.3%	6.0%	5.3%	4.7%	n/a (due Sep17)	Opiate exits remain a performance challenge for the current service providers. Public Health have increased the performance management on this area (see Performance Report for details). The service is out to tender with clear expectations for improved recovery targets (exits) on the successful provider. Overall status is based on the latest available quarter (Q4). Rotherham's figure of 4.7% is outside the Top Quartile range of 7.8% - 10.1%. NOTE - Quarter shown as point of success i.e. 6 months after end of treatment where person did not re-present.					
		2.A1 (b)		Successful completion of drug treatment – b) non-opiate users (aged 18-75)	Jo Abbott - Public Health	High	Quarterly	As above	✓	⌚	42.9% (2015)	2016 data n/a (due Sep17)	42.9%	48.3%	44.7%	42.2%	n/a (due Sep17)	Performance on non-opiates has improved. Overall status is based on the latest available quarter (Q4). Rotherham's figure of 42.2% was within LA Comparators Top Quartile range of 41.9% - 57.1%. NOTE - Quarter shown as point of success i.e. 6 months after end of treatment where person did not re-present.					
B. Adults are supported to be safe, independent and resilient within a personalised model of care and support	Anne Marie Lubanski, Strategic Director Adult Social Care and Housing (Commenced 8th August 2016)	2.B1	We must ensure we make safeguarding personal	Proportion of Safeguarding Adults at risk who had engaged in determining their outcomes and of those who responded, the proportion who indicated that they felt their outcomes were met.	TBC - Anne Marie Lubanski - Adult Social Care and Housing	High	Quarterly	80%	✓	⌚	72%	85%				99%		Performance continues to improve which suggests MSP (Making Safeguarding Personal) approach is embedded within the safeguarding process.					
		2.B2		No. of Safeguarding investigations (Section 42 enquiries) completed per 100,000 population adults (over 18 years) (Priority measure)	TBC - Anne Marie Lubanski - Adult Social Care and Housing	High	Quarterly	250	✓	⌚	278	214			214	68		Performance is based upon no of S42 enquiries completed per 100,000 population. Target is an annual target and equates to 511 completed S42 enquiries in year. Q1 score = 138 completed s42					
		2.B3	We must ensure that information, advice and guidance is readily available (e.g. b increasing self assessment) and there are a wide range of community assets which are accessible	Number of people who are provided with information and advice at first point of contact (to prevent service need).	TBC - Anne Marie Lubanski - Adult Social Care and Housing	High	Quarterly	2,750	✗	⌚	944 (Nov-Mar)	2,780	719	824	587 (Oct-Nov only)	2,780	566		Performance is reflective of numbers of people (not currently in receipt of services) who are provided with information/advice at first point of contact without the need for formal assessment of need. The rate has slowed. Adult social care continues to face demand issues which reflect the national picture. The Council is progressing with its improvement after a diagnostic review of current practice across the social care pathway. The Council has responded proactively to a rising demand which had created a backlog of unallocated work, however this has been addressed by the use of interim staff and agency staff to respond to these current demands.				
		2.B4	Improved approach to personalised services – always putting users and carers at the centre of everything we do	Proportion of Adults receiving long term community support who received a direct payment (excludes managed accounts)	TBC - Anne Marie Lubanski - Adult Social Care and Housing	High	Quarterly	22%	🟡	⌚	17.5%	19.2%				20%		Q1 data excludes MH					
		2.B5		Number of carers assessments	TBC - Anne Marie Lubanski - Adult Social Care and Housing	High	Quarterly	2500	⌚	⌚	2,420	771	430	341	164 (Oct-Nov only)	466 (year end total)	456		Baseline year -Q1 performance based upon in built liquidlogic data returns. Quality assurance of data to be completed and bespoke reporting developed.				
	2.B6	Modernise Enablement Services to maximise independence, inclusion	The proportion of people (65+) still at home 91 days after discharge into rehabilitation (offered the service) (Priority measure)	TBC - Anne Marie Lubanski - Adult Social Care and Housing	High	Annual	2.5%	⌚	⌚	1.7%	due Sep 17 (est 1.8)					TBC			Data not currently available - awaiting publication of hospital episode statistics to confirm 16/17 score and allow for in year proxy reporting to take place.				
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Outcome	Lead Accountability (Strategic Director)	Ref No.	Action	Measure	Lead officer	Good performance	Frequency of reporting	Target	Performance Data												Data notes (where measure has not progressed in accordance with the target set provide details of what is being done to improve performance)	
									Overall status	DOT	Annual		Quarterly					Monthly				
											Year end 2015/16	Year end 2016/17	Q1 Apr - Jun 2016	Q2 Jul - Sep 2016	Q3 Oct - Dec 2016	Q4 Jan - Mar 2017	Q1 Apr - Jun 2017	Apr-17	May-17	Jun-17		
B. Individuals		2.B7	including: • Intermediate care • Enabling • Prevention agenda • Developing community assets	Proportion of new clients who receive short term (enablement) service in year with an outcome of no further requests made for support	TBC - Anne Marie Lubanski - Adult Social Care and Housing	High	Quarterly	75%	✓	◐	86.1%	81.9%				81.9% (year end)	87.5%				Data shows "as at" position at the end of each quarter. Q1 performance from LAS 'out of box' reporting., quality assurance of data to be completed.	
		2.B8	We must commission service effectively working in partnership and co-producing with users and carers. We must use our resources effectively.	All age numbers of New permanent admissions to residential nursing care for adults (Priority Measure)	TBC - Anne Marie Lubanski - Adult Social Care and Housing	Low	Quarterly	315	✓	◐	432	356				76					Performance includes 26 people who have been in a short stay placement for longer than 28 days.	
		2.B9		All age total number of people supported in residential/nursing care for adults (Priority measure)	TBC - Anne Marie Lubanski - Adult Social Care and Housing	Low	Quarterly	1,000	✗	◐	1288	1111				1091					Performance relates to the number in residential/nursing care on the last day of each quarter.	

Corporate Priority 3 – A strong community in a clean safe environment

Key	Overall status (relevant to target)																				
	Measure progressing above or in line with target set			Measure under development (e.g. awaiting data collection or target-setting)		Measure not applicable for target (e.g. baseline year, or not appropriate to set a specific target)															
	Measure progress has been satisfactory but is not fully reaching target set					Measure information not yet available (e.g. due to infrequency or timing of information/data)															
	Ref No.	Action	Measure	Lead officer	Good performance	Frequency of reporting	Target	Overall status	DOT	Annual	Quarterly	Monthly	Data notes (where measure has not progressed in accordance with the target set provide details of what is being done to improve performance)								
Outcome	Lead Accountability (Strategic Director)	Ref No.	Action	Measure	Lead officer	Good performance	Frequency of reporting	Target	Overall status	DOT	Year end 2015/16	Year end 2016/17	Q1 Apr - Jun 2016	Q2 Jul - Sep 2016	Q3 Oct - Dec 2016	Q4 Jan - Mar 2017	Q1 Apr - June 2017	Apr-17	May-17	Jun-17	
A. Communities are strong and help people to feel safe	Damien Wilson, Strategic Director, Regeneration and Environment	3.A1(a)	Ensure that the Safer Rotherham Partnership is robust and fit for purpose. Develop an effective Community Safety Strategy and Performance Management Framework	Pulbic perception of ASB (via the "Your Voice Counts" quarterly survey)	Karen Hanson - Regeneration and Environment	Low	Quarterly	5% reduction on 2016-17	<input type="checkbox"/>	<input type="checkbox"/>	30%	32%	28%	35%	32%	35%	Quarter 1 survey data will not be available until August 2017.			(Source of Data: Your Voice Counts Survey- Question, 'How much of a problem is ASB in your area') Release of Quarter 1 survey data by the Police has been delayed and is expected during August. Work is taking place in the Police Performance Unit to speed up the process for the remainder of the period.	
		3.A1(b)		Reduce the number if repeat victims of ASB	Karen Hanson - Regeneration and Environment	Low	Quarterly	Baseline Year	<input type="checkbox"/>	<input checked="" type="checkbox"/>							85 callers came under the repeat victim criteria			ASB repeat victims are identified using the caller name and address to identify persons calling more than 3 times in the quarter. Although efforts have been taken to identify all repeats, recording practices may mean that entries are missed due to misspelling or callers withholding their name, for example.	
		3.A2		An increase in the % of positive outcomes over the year, for reported Hate Crime cases	Karen Hanson - Regeneration and Environment	High	Quarterly	10% increase	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	38%	22%					13.95% which equates to a -0.7% reduction on the same period last year.			Although the increase in reported hate crimes over the last 12 months is seen as a positive, the Police and wider partnership have acknowledged that outcomes in respect of recorded case need to improve. This is being monitored through relevant Police and partnership forums.	
		3.A3		People at risk of domestic abuse, who are given succesful support to: a) avoid or manage harm from others b) Maintaining accomodation c) Securing Accomodation	Karen Hanson - Regeneration and Environment	High	Quarterly	Baseline Year	<input type="checkbox"/>	<input checked="" type="checkbox"/>		a) 99.5% b) 100% c) 98%					a) 98% b) 100% c) 100%			Data obtained from Outcomes report supplied by Commissioning Team/ Rotherham Rise. Client base of those offered support is 55 to avoid harm, 43 to maintain accomodation and 31 to secure accomodation.	
		3.A4	Ensure an robust, effective and efficient licensing service	% of licence holders that demonstrate adherence to the requirements of the Council's Hackney Carriage and Private Hire Policy (Priority measure)	Karen Hanson - Regeneration and Environment	High	Quarterly	100% of 1) eligible licence holders that have subscribed to the DBS online update service; 2) drivers that have completed the council's safeguarding awareness course; 3) vehicles that, where required to do so, have had a taxi camera installed 4) drivers that have obtained the BTEC / NVQ qualification.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Figures for each sub-indicator: 1) 100% 2) 99% 3) 99.5% 4) 75%	Figures for each sub-indicator: 1) 100% 2) 97% 3) 96% 4) 56%	Q2 was first reporting	Figures for each sub-indicator: 1) 100% 2) 99% 3) 98% 4) 62%	Figures for each sub-indicator: 1) 100% 2) 100% 3) 100% 4) 81%	Figures for each sub-indicator: 1) 100% 2) 100% 3) 100% 4) 75%					This indicator comprises of 4 main elements to achieve the overall target; (a) subscription to the DBS update service, (b) completion of safeguarding training (c) installation of a suitable taxi camera, and (d) attainment of BTEC / NVQ qualification. Compliance with the BTEC requirement is currently at 81% - this will be addressed during the second quarter of 2017/18 with appropriate enforcement action being taken against licence holders that have not been able to demonstrate compliance with the BTEC requirement.
		3.A5 a)	Rotherham residents are satisfied with their local area and borough as a place to live	a) How satisfied or dissatisfied are you with your local area as a place to live	Leona Marshall, Assistant Chief Executive's office	High - very or fairly satisfied	6 monthly	>79%	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	79% June 2015 82% December 2015 satisfied or fairly satisfied	79% June 2015 82% December 2015 satisfied or fairly satisfied	80% June 2016 satisfied or fairly satisfied		81% December 2016 satisfied or fairly satisfied		79% June 2017 satisfied or fairly satisfied			The LGA polling on resident satisfaction is conducted on a 6 monthly basis and is now managed by the Council (but was originally requested by the Commissioners).	
		3.A5 b)		b) Overall, all things considered, how satisfied or dissatisfied are you with Rotherham Borough as a place to live	Leona Marshall, Assistant Chief Executive's office	High - very or fairly satisfied	6 monthly	>69%	<input type="checkbox"/>	<input type="checkbox"/>	69% June 2015 61% December 2015 very or fairly satisfied	69% June 2015 61% December 2015 very or fairly satisfied	62% June 2016 satisfied or fairly satisfied		66% December 2016 very or fairly satisfied					The LGA polling on resident satisfaction is conducted on a 6 monthly basis and was requested by the Commissioners. However, this question was excluded from the most recent survey.	
		3.A6		Number of engagements with the Council's Culture and Leisure facilities which help adults and children learn, develop their skills or get a job.	Polly Hamilton - Regeneration and Environment	High	Quarterly	Baseline Year	<input type="checkbox"/>	<input type="checkbox"/>							102,809			This is a baseline year. This measure is intended to capture information about the scale of learning activities delivered through culture, leisure and green spaces which, according to national research, contribute to community capacity-building, resilience and employability	

Outcome	Lead Accountability (Strategic Director)	Ref No.	Action	Measure	Lead officer	Good performance	Frequency of reporting	Target															Data notes (where measure has not progressed in accordance with the target set provide details of what is being done to improve performance)	
									Overall status	DOT	Annual		Quarterly						Monthly					
											Year end 2015/16	Year end 2016/17	Q1 Apr - Jun 2016	Q2 Jul - Sep 2016	Q3 Oct - Dec 2016	Q4 Jan - Mar 2017	Q1 Apr - June 2017	Apr-17	May-17	Jun-17				
3.7	Create a rich and diverse cultural offer and thriving Town Centre	3.A7	Customer satisfaction with culture, sport and tourism services	Poly Hamilton - Regeneration and Environment	High	Quarterly	Baseline Year	 																A quality visitor experience is at the core of the service's ability to grow engagement and participation, encourage customer loyalty and return visits and build lifetime engagement habits. This supports services' ability to generate income through trading and fundraising activities, essential to making activities financially sustainable. Positive visitor experiences also build civic pride and contribute to changing perceptions of the borough. This is a baseline year and customer feedback systems are still being rolled out across services. Customer satisfaction with culture, sport and tourism services, (Assessed as % of people who said their overall experience was satisfactory) Nb- Parks and Open Spaces is assessed via a 2 yearly survey at Clifton, Rother Valley and Thirbergh Country Parks. Rating shown is from the 2015/16 survey. Next survey is due summer 2017 with results available in Q3.
		3.A8	Aggregate Pedestrian footfall in the Town Centre	Paul Woodcock - Regeneration and Environment	High	Quarterly	>22,000,000	X	◐	23,699,399	21,851,449	5,641,296	5,898,148	5,492,033 (17,031,477 - Cumulative)	4,808,955 (21,851,449 - Cumulative)	4875248 (a 13.5% decrease on Q1 16/17)								Reported a slight increase from Q4, however measure assessed against the equivalent quarter 16/17; therefore a 13.5% decrease..
		3.A9	Number of visits to the Councils, Culture and Leisure facilities a - Libraries b - Clifton Park Museum, archives and other heritage sites c - Civic Theatre d - Country Parks (Rother Valley, Thirbergh and Clifton Park) e - Visitor Information Centre f - Events g - Engagement and Outreach Activities h - Leisure Centres i - Other activities delivered by Third Parties (Priority Measure)	Poly Hamilton - Regeneration and Environment	High	Quarterly	Baseline Year	 															Data Notes: This is a baseline year. Growing engagement and participation in culture, sport and leisure is a key indicator of the success of the proposed Cultural Strategy and national research shows the wider impacts include improved health and wellbeing, educational attainment and employability. A strong, imaginative and compelling cultural offer is essential to growing the visitor economy, improving place attractiveness and increasing jobs and investment. (Lack of data for the Visitor Information Centre relates to a broken door counter).	
3.B1		3.B1 (a)	Percentage of the principal road network in need of significant repair	Karen Hanson - Regeneration and Environment	Low	Annual	4%	✓	◐	3%	3%						3%							The target is based on the national average condition and the Council aspires to be good or better.
		3.B1 (b)	% of the non-principal road networks in need of repair	Karen Hanson - Regeneration and Environment	Low	Annual	7%	✓	◐	6%	7%						7%							The target is based on the national average condition and the Council aspires to be good or better. The national average has improved from 7% to 6%
		3.B1 (c)	% of unclassified roads in need of repair (Priority Measure)	Karen Hanson - Regeneration and Environment	Low	Annual	<22%	●	◐	24%	23%	23%	23%	23%	23%	23%								To achieve a target of below 22% by March 2018, however the national average target is 17%. The Council is investing £10m over three years - 2017 - 2020 to arrest the deterioration of this classification of highway and to bring the condition of Rotherham's roads closer to the National Average. Although annual measure, returns are reported quarterly and show that the service is on course to meet their target.
		3.B2(a)	Effective enforcement action taken where evidence is found a) Fly Tipping (fixed penalty notices and prosecutions) (Priority Measure)	Karen Hanson - Regeneration and Environment	High	Monthly	37+ (50% increase in prosecutions)	●	◐	Not available - baseline year	25	4	12	5	4	4								This is a measure of the number of offences which have been enforced through the use of a fixed penalty notice or have been sent for prosecution. To date there have been two hearings for fly tipping offences, one is awaiting court date and one fixed penalty notice has been issued for fly tipping in the first quarter of the year. Following recruitment to essential posts within the first quarter and further recruitment in July, there is the opportunity to develop staff and manage cases more effectively to drive up the numbers of cases and fixed penalty notices in the next three quarters of the financial year. The measures above should enable the service to meet the target.

Outcome	Lead Accountability (Strategic Director)	Ref No.	Action	Measure	Lead officer	Good performance	Frequency of reporting	Target															Data notes (where measure has not progressed in accordance with the target set provide details of what is being done to improve performance)			
											Overall status	DOT	Annual		Quarterly				Monthly							
													Year end 2015/16	Year end 2016/17	Q1 Apr - Jun 2016	Q2 Jul - Sep 2016	Q3 Oct - Dec 2016	Q4 Jan - Mar 2017	Q1 Apr - June 2017	Apr-17	May-17	Jun-17				
		3.B2(b)		Effective enforcement action taken where evidence is found b) Other enviro-crime (fixed penalty notices and prosecutions) (Priority Measure)	Karen Hanson - Regeneration and Environment	High	Monthly	5,000	✓	⬆	Not available - baseline year	185	14	7	164	117	1,685	1075, (Apr/May)	579	Kingdom issued 1,075 fixed penalty notices within the first 5 weeks of the trial contract up to 31st May. This was due to a higher volume of staff in the initial weeks and an unaware public as to the risk of being fined for dropping litter. In June this fell back to 579 and it is expected the rate will fall and become more steady as the contract matures. It is likely the objective will be met if the contract continues to the end of the financial year. In addition to the Regulation and Enforcement Services have continued to issue fixed penalty notices alongside Kingdom colleagues and although a minor part of their role, have issued 31 fixed penalty notices for litter and dog fouling in the first 3 months of the financial year. Development work with Parking Services is due in August to support them to issuing fixed penalty notices for littering while performing their routine parking enforcement duties.						
				Total number of customer contacts by service area and overall total. Service areas measured are a) Street Cleansing, b) Grounds Maintenance, c) Litter, d) Waste Management. Contacts measured are: i) Official complaints ii) Compliments received iii) Service Requests	Karen Hanson - Regeneration and Environment	Low	Monthly	5% reduction in the number of official complaints received in Grounds Maintenance, Street Cleansing, (includes Litter) and Waste Management)	✓	⬆	Official Complaints: 156	332	286	73	44 735 (Cumulative figure for year)	Contacts: a) 243 b & c) 385 d) N/a i) Complaints 23, (8 Street Cleansing & Grounds Maintenance, 15 Waste Management) ii) Compliments 22 iii) Service Requests 328						Contacts regarding litter are not counted separately, they are recorded as a street cleansing contact, therefore the figure given is for overall contacts regarding street cleansing matters.				
		3.B4	Ensure an efficient and effective waste and recycling service	Number of missed bins per 100,000 collections (Priority Measure)	Karen Hanson - Regeneration and Environment	Low	Quarterly	60	✓	⬆	62.7	46.92	62.28	52.11 (57.17 - Year to Date)	38.21 (45.75 - YTD)	29.82 (46.92 - YTD)	46.07						Collection also encompass additional seasonal collection of Garden Waste (April to October)			
		3.B5		% of waste sent for reuse (recycling and composting) (Priority Measure)	Karen Hanson - Regeneration and Environment	High	Quarterly	45%	✓	⬆	43.11%	45.30%	Estimated Performance up to 30.6.16 = 50.34% Forecasted performance up to 31.3.17 = 44.99%	Performance (cumulative) up to 30.9.16 = 50.41% Forecasted performance up to 31.3.17 = 45.17%	Performance (cumulative) up to 31.12.16 = 47.28% Forecasted performance up to 31.3.17 = 45.1%	45.3% (Cumulative)	52.53%						The figure supplied for Q1 has a small element of Estimation. Details of waste arising's form April and May have been received but we still are awaiting some waste tonnage data for June (From 3rd parties waste disposers and they need to calculate their data before supplying. Not due until end of July). But figure is within 1% of actual. Figure is above target due to front loading collection of Garden waste tonnages April to September.			

Corporate Priority 4 – Extending opportunity. Prosperity and planning for the future

Key	Overall status (relevant to target)																		
	Measure progressing above or in line with target set				Measure under development (e.g. awaiting data collection or target-setting)				Measure not applicable for target (e.g. baseline year, or not appropriate to set a specific target)										
	Measure progress has been satisfactory but is not fully reaching target set				Measure not applicable for target (e.g. baseline year, or not appropriate to set a specific target)				Measure information not yet available (e.g. due to infrequency or timing of information/data)										
	Measure has not progressed in accordance with target set				Measure information not yet available (e.g. due to infrequency or timing of information/data)				Measure information not yet available (e.g. due to infrequency or timing of information/data)										
Outcome	Lead Accountability (Strategic Director)	Ref No.	Action	Measure	Lead officer	Good performance	Frequency of reporting	Target	Overall status	DOT	Annual	Quarterly	Monthly						Data notes (where measure has not progressed in accordance with the target set provide details of what is being done to improve performance)
A. Businesses supported to grow and employment opportunities expanded across the borough	Damien Wilson, Strategic Director Regeneration and Environment	4.A1	Deliver economic growth (via the Economic Growth Plan, Business Growth Board and Sheffield City Region)	Overall number of businesses in the Borough	Paul Woodcock - Regeneration and Environment	High	Annual	7,000	✓	⌚	6,390	6,810	6,810	Data not yet available					This data comes from the ONS UK Business Counts (Inter Departmental Business Register) which is only updated annually. For Rotherham 6,810 in 2016.
		4.A2		Increase Number of Business Births / Start Ups per 10,000 Resident Population 16+ years old) (Priority Measure)	Paul Woodcock - Regeneration and Environment	High	Annual	55	✓	⌚	47	52.6	52.6	Data not yet available					This data comes from the ONS UK Business Counts Register. Latest data 2016
		4.A3		Number of new businesses started with help from the Council	Paul Woodcock - Regeneration and Environment	High	Quarterly	Baseline Year	✓	⌚	Not available as not previously required	Not available as not previously required	7						The team have provided 3 hours of assistance to 5 businesses and 12 hours of assistance to 2 businesses in the last quarter
		4.A4		Survival rate of new businesses (3 years)	Paul Woodcock - Regeneration and Environment	High	Annual	60.0%	✓	⌚	60%	59.9%							NB, As at 32/03/17 the survival rate of businesses using RMBC Incubation services was 85%
		4.A5		% vacant floor space in the Town Centre area	Paul Woodcock - Regeneration and Environment	Low	Quarterly	Baseline Year	□	⌚	Not available as not previously required	Not available as not previously required	25.90%						Please note, we do not currently hold 100% accurate / consistent floorspace measurements for all units within the town centre. This quarters figure also includes Tesco, however as this is now demolished the next quarter should show a considerable decrease in the % vacant.
		4.A6		Number of jobs in the Borough (Priority measure)	Paul Woodcock - Regeneration and Environment	High	Annual	1,000 new jobs p.a. (10,000 over 10 years).	✓	⌚	100,000	>100,000							Source the ONS Business Register and Employment Survey. Updates released annually in September.
		4.A7		Narrow the gap to the UK average on the rate of the working age population economically active in the borough (Priority Measure)	Paul Woodcock - Regeneration and Environment	Low	Quarterly	For 2017/18, reduce the gap from 4.3% to 4.0%. Achieve national average in next 5 years (0.8% reduction a year)	✗	⌚	1% gap	4.3%	2.60%	4.50%	6.0%	4.30%			Source ONS Annual Population Survey. Latest data for 4Q average to March 2017 = 73.5% against UK of 77.8%. Gap = 4.3%
		4.A8		Number of Planning Applications determined within specified Period: a) Major 13 weeks b) Minor 8 weeks c) Other 8 weeks	Paul Woodcock - Regeneration and Environment	High	Annual	All at 95%	✓	⌚	89.9%	99.9%	a) 100% b) 100% c) 100%						The Government has the power to designate local planning authorities where their performance falls below an agreed level. Therefore there is a requirement to provide this statutory service at a level where efficient processing of planning applications can be maintained. Local Government Association Benchmarking data establishes that Rotherham is the lowest cost but highest performing authority within the city region (and 3rd lowest cost nationally for our peer group).
B. Quality accommodation which meets their need, at rented, private rented or home ownership sector	Anne Marie Lubanski, Strategic Director Adult Social Care and Housing (Commenced 8th August 2016).	4.B1	Implement the Housing Strategy 2016-2019 to provide high quality accommodation	Number of new homes delivered during the year (Priority measure)	Tom Bell - Adult Social Care and Housing	High	Quarterly	641 (10% more homes than 2016/17)	✗	⌚	663	593	201	178	123	91	138		138 new homes have been completed in quarter 1. 63 fewer homes than for the same period in 16/17. Performance is currently off track to achieve year - end target of delivering 641 new homes in the borough. The DOT rating for this measure is based on comparable performance between quarters 1 this year (17/18) and quarter 1 last year (16/17).
		4.B2		% of stock that is non-decent	Tom Bell - Adult Social Care and Housing	Low	Quarterly	0.5%	✓	⌚	0.00%	0.00%	1.30%	0.18%	0.13%	0.00%	0.51%		Performance at the end of quarter 1 is 0.51% which is 0.79% lower (better) than for quarter 1 in 16/17. Performance is on track to achieve year end performance of 0.5%.

Outcome	Lead Accountability (Strategic Director)	Ref No.	Action	Measure	Lead officer	Good performance	Frequency of reporting	Target			Data notes (where measure has not progressed in accordance with the target set provide details of what is being done to improve performance)										
									Overall status	DOT	Annual		Quarterly					Monthly			
											Year end 2015/16	Year end 2016/17	Q1 Apr - Jun 2016	Q2 Jul - Sep 2016	Q3 Oct - Dec 2016	Q4 Jan - Mar 2017	Q1 Apr - Jun 2017	Apr-17	May-17	Jun-17	
B. People live in high quality housing whether in the social or private sector		4B3	Private rented housing – improving standards through selective licensing	% of privately rented properties compliant with Selective Licensing conditions within designated areas (Priority Measure)	Karen Hanson - Regeneration and Environment	High	Monthly	95%	●	●	Not available as not previously required	85%				85%	93%	92%	92%	93%	Current compliance for properties registered under the Selective Licensing Scheme is 93% which is a cumulative figure. 1089 of the properties registered under the scheme have been inspected and 223 inspections were completed in the first quarter ..
C. Adults supported to access learning, improving their chances of securing or retaining employment	Ian Thomas, Strategic Director Children and Young People's Services	4.C1	Improve participation, performance and outcomes of people aged 19+ accessing Council funded and RMBC delivered adult learning provision.	Increase the number of people aged 19+ supported through a learning programme	Karen Borthwick - CYPS	High	Monthly	1,950	●	●	1500		73	217	676	1038	726	800	1038	ACL is funded and delivered on an academic year (Sept-Aug) through a grant from the ESFA. Total enrolments at June 2017 = 1038 (69.2% against annual target) Performance is reported cumulatively and is therefore YTD.	
		4.C2		Increase the number of learners progressing into further learning, employment and/or volunteering	Karen Borthwick - CYPS	High	Monthly	55%	●	●	30.9%		2.8%	8.7%	13.4%	21.7%	13.7%	15.9%	21.7%	Total progression at June 2017 = 233 (21.7%) – although follow-up of learners due to commence once all courses have completed at the end of July 2017. Performance is reported cumulatively and is therefore YTD.	

Corporate Priority 5 – A modern, efficient Council

Key	Overall status (relevant to target)																				
	Measure progressing above or in line with target set		Measure under development (e.g. awaiting data collection or target-setting)																		
	Measure progress has been satisfactory but is not fully reaching target set		Measure not applicable for target (e.g. baseline year, or not appropriate to set a specific target)																		
	Measure has not progressed in accordance with target set		Measure information not yet available (e.g. due to infrequency or timing of information/data)																		
Outcome	Lead Accountability (Strategic Director)	Ref No.	Action	Measure	Lead officer	Good performance	Frequency of reporting	Target	Overall status	DOT	Annual	Quarterly	Monthly							Data notes (where measure has not progressed in accordance with the target set provide details of what is being done to improve performance)	
A. Maximised use of assets and resources and services demonstrate value for money	Judith Badger, Strategic Director Finance and Customer Services	5.A1	Maximising the local revenues available to fund council services	% Council Tax collected in the current financial year	Graham Saxton - Finance and Customer Services	High	Monthly	97% (Top Quartile Met Authorities)	✓	⌚	97.3%	97.3%	27.7%	54.3%	80.8%	97.3%	27.7%			The current performance of 27.7% is the same as at the end of the first quarter last year. National performance figures have been released for 2016/17 which show Rotherham retaining its position as 4th highest performing Met (out of 36) with 97.3%. The Met Council average for 16/17 was 95.4%, but this figure can be influenced by the design of local council tax support schemes.	
		5.A2		% non-domestic (business) rates collected in the current financial year	Graham Saxton - Finance and Customer Services	High	Monthly	98% (Top Quartile Metropolitan Authorities)	✓	⌚	98.1%	98.3%	28.4%	54.9%	81.7%	98.3%	29.0%			The current performance of 29% is slightly higher than at the end of the first quarter last year when it was 28.4%. National performance figures have been released for 2016/17 which show Rotherham retaining its position as 7th highest performing Met (out of 36) with 98.3%. The Met Council average for 16/17 was 97.3%.	
B. Effective Governance and arrangements and decision making processes are in place	Shokat Lal, Assistant Chief Executive	5.B1	The Scrutiny function is effective; engages members and improve outcomes for Rotherham residents and communities	Number of pre-scrutiny recommendations adopted	James McLaughlin, Assistant Chief Executive's Directorate	High	Quarterly	80%	✓	⌚	Not available - not previously been required	100%	Not available	100%	100%	100%	100%			All pre-decision scrutiny recommendations have been fully accepted by Cabinet and adopted as formal resolutions when decisions have been made. It should also be noted that where recommendations have been made to Commissioners, these have also been fully accepted and incorporated within decisions that they have made for those functions which they are responsible.	
C. Staff listen and are responsive to customers to understand and relate to their needs	Shokat Lal, Assistant Chief Executive	5.C1	Treating customer complaints with respect and dealing with them in an efficient and outcome-focussed way	a) Total number of complaints received by the Council	Jackie Mould - Assistant Chief Executive's Directorate	Not applicable	Monthly	No target - not applicable	□	⌚	695	1016	205	271	275	265	237	71	85	81	The number of complaints received in Q1 has reduced. This is in line with Quarterly trends of numbers received but it is higher than Q1 16-17.
		5.C2		b) % of complaints closed and within timescale (cumulative)	Jackie Mould - Assistant Chief Executive's Directorate	High	Monthly	85%	✗	⌚	80%	89%	79%	82%	86%	89%	76%	66%	83%	78%	Performance has reduced significantly. Due to poor performance in R+E and CYPS. This has been feedback to management teams in both Directorates.
		5.C3		Number of compliments received	Jackie Mould - Assistant Chief Executive's Directorate	Not applicable	Monthly	No target - not applicable	□	⌚	603	848	183	168	226	271	292	116	103	73	Again a quarter on quarter increase in the number received. Better knowledge of staff and managers for the reporting process has contributed.
	Judith Badger, Strategic Director Finance and Customer Services	5.C4	Resident satisfaction - Assessing overall public opinion on the way the council is working and responding to customers	% of residents who feel that the Council keeps them informed	Leona Marshall, Assistant Chief Executive's Directorate	High - very or fairly satisfied	6 monthly	46%	✓	⌚	44% June 2015 49% December 2015	43% June 2016 48% December 2016	43% very or highly satisfied June 2015	48% very or highly satisfied December 2016	49% very or highly satisfied December 2017					The LGA polling on resident satisfaction is conducted on a 6 monthly basis and was requested by the Commissioners.	
D. Staff are supported to work in a safe and healthy environment	Judith Badger, Strategic Director Finance and Customer Services	5.C5	Enable customers to be active and interact with the Council in an efficient way, accessing more services online	% of transactions a) online	Luke Sayers - Finance and Customer Services	High	6 monthly	>36%	□	⌚	36%	36%	20%	21%						6 monthly measure only. Data for Q2 was incorrectly calculated and overstated the number of online transactions. The target has also been overstated and therefore the indicator has been reset to be a baseline year.	
		5.D1	Staff and managers have an opportunity to reflect on performance, agree future objectives and are aware of how they contribute to the overall vision	% PDR completion (Priority Measure)	Sue Palfreyman, Assistant Chief Executive's Directorate	High	Quarterly	95%	●	⌚	96%	96%	94.5%	96%	96%	96%	69%			Quarter 1 performance is around 6% lower than at the same period last year but is increasing week on week. Further targeted reminders will be sent out in July with final outcome expected to be similar to last year.	
E. Organisational culture		5.D2	Sickness is managed and staff wellbeing supported	Days lost per FTE (Priority measure)	Sue Palfreyman, Assistant Chief Executive's Directorate	Low	Monthly	10.3	✗	⌚	10.43 Days (excluding schools)	10.97 Days (excluding schools)	11.10 days (excluding schools)	10.71 days (excluding schools)	10.70 days (excluding schools)	10.97 days (excluding schools)	10.59 days (excluding schools)	10.77 days (excluding schools)	10.75 days (excluding schools)	10.59 days (excluding schools)	Changes to management processes and targeted interventions have seen a 3.5% reduction in sickness absence in the first quarter. Further changes to policy and management processes to target specific issues are to be introduced during the year. Sub group of Health, Safety & Wellbeing Committee continues to focus on sickness management.

Outcome	Lead Accountability (Strategic Director)	Ref No.	Action	Measure	Lead officer	Good performance	Frequency of reporting	Target			Data notes (where measure has not progressed in accordance with the target set provide details of what is being done to improve performance)													
											Overall status	DOT	Annual		Quarterly						Monthly			
													Year end 2015/16	Year end 2016/17	Q1 Apr - Jun 2016	Q2 Jul - Sep 2016	Q3 Oct - Dec 2016	Q4 Jan - Mar 2017	Q1 Apr - June 2017	Apr-17	May-17	Jun-17		
D. Effective members, workforce and org	Shokat Lal, Assistant Chief Executive	5.D3	Reduced use of interims, temporary and agency staff through effective and efficient recruitment	Reduction in Agency cost (Priority measure)	Sue Palfreyman, Assistant Chief Executive's Directorate	Low	Monthly	10% reduction	✓	🟡	£6.8m	£10.2m	£2,263m	£4,859 (+43%)	£7,335 (+43%)	£10,211 (+50%)	£1.789m(-21%)	Not Available	Not Available	£1.789m(-21%)	Figures shown are year to date expenditure, due to changes in IR35 (employment status test) regulations a number of orders were delayed at the start of the year impacting on individual month reporting in first quarter. DoT is based on projected annual expenditure against last years actual. Annual projected agency expenditure for 2017/18 currently is 21% lower than agency cost in 2016/17			
		5.D4		Reduction in the amount of CYPS agency social workers (Priority Measure)	Mel Meggs, CPYS	Low	Monthly	49	●	🟡	77.0					77.0	71.0	78.0	72.0	71.0	A targeted agency reduction plan is in place and when permanent recruitment is made an agency leaver is identified as a result. This is tracked and monitored on a monthly basis.			
		5.D5	Members are able to fulfil their roles as effective community leaders	% members receive a personal development interview leading to a structured learning and development plan	James McLaughlin, Assistant Chief Executive's Directorate	High	Annual	95%	🟦	🟡	80%	87%				87%					55 out of 63 Members had a personal development plan interview with representatives of the Local Government Association during 2016/17. Arrangements will be made to achieve 100% via Group Leaders and Group Whips. A higher target has been set for 2017/18.			



Public Report
Cabinet and Commissioners' Decision Making Meeting

Summary Sheet

Cabinet and Commissioners' Decision Making Meeting – 11 September 2017

Title:

Introduction of a Public Spaces Protection Order (PSPO) for Rotherham Town Centre

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 and Environment.

Report Author(s)

Sam Barstow – Head of Service, Community Safety

Alan Heppenstall - Anti-social Behaviour and Community Safety.

Ward(s) Affected

Directly affected – Town Centre

Potential indirect effects – Surrounding wards

Summary

Powers introduced by the Anti-Social Behaviour, Crime and Policing Act 2014 create the provision for local authorities to implement Public Space Protection Orders (PSPO). These orders are designed to address anti-social behaviour in local areas and are therefore adaptable to meet local need. This means that prohibitions or requirements can be made at a local level in response to complaints from a range of sources including the public, business and Councillors.

Should the Council choose to introduce a PSPO, breach of a prohibition, or requirement, becomes a criminal offence and offenders are liable to a fixed penalty notice or prosecution through the Magistrates court.

Following analysis and initial consultation with stakeholders, the Council has undertaken a statutory consultation on a proposed PSPO. In excess of 500 views were gathered, across a variety of forums and methods, and a significant majority (93.7%) of respondents support the introduction of a PSPO. Further consultation has also taken place with partners and greater consideration has been given as to the impact of the proposed conditions which has led to the removal of some and the evolution of others.

This report therefore seeks the approval of the Cabinet to implement a PSPO, in Rotherham Town Centre, in order to prohibit the following activity;

- A. Behaving in such a way or using language that causes, or is likely to cause, harassment, alarm or distress to another person.

- B. Making unsolicited approaches, in the open air, for the purposes of face-to-face fundraising and marketing of commercial products, carried out by organisations without prior written permission from the Council.
- C. Failing to keep a dog on a leash and under control (otherwise than within the designated area within Clifton Park, where dogs may be off leads but must remain under control, see attached maps)
- D. Littering
- E. Urinating or defecating in a public place, other than within designated public toilets.
- F. Spitting saliva or any other product from the mouth
- G. Consuming alcohol other than on licensed premises or at a licensed event

In making their decision, Cabinet must have due regard to the legal requirements laid out within this report, alongside the feedback from the public consultation.

Recommendations

1. That approval be given to the Public Spaces Protection Order, for a period of three years, following consideration of the public consultation and relevant legal requirements.
2. That a 12 month review, post implementation of the order be undertaken to assess impact and make variations, adjustments or new orders as necessary.

List of Appendices Included

Appendix 1 – ASB Data for PSPO Applications

Appendix 2 – Marketing and Comms Plan

Appendix 3 – Breakdown of Survey Responses

Appendix 4 – RMBC Public Space Protection Order (Town Centre and Clifton Park)

Background Papers - None

Consideration by any other Council Committee, Scrutiny or Advisory Panel

Overview and Scrutiny Management Board – 2 August and 6 September 2017

Council Approval Required

No

Exempt from the Press and Public

No

Title:

Introduction of a Public Spaces Protection Order (PSPO) for Rotherham Town Centre

1. Recommendations

- 1.1 That approval be given to the Public Spaces Protection Order, for a period of three years, following consideration of the public consultation and relevant legal requirements.
- 1.2 That a 12 month review, post implementation of the order be undertaken to assess impact and make variations, adjustments or new orders as necessary.

2. Background

- 2.1 Concerns have been raised from Town Centre businesses; the public; Ward Members; partners; public forums; the Town Centre Partnership Group and others regarding anti-social behaviour (ASB) in Rotherham Town Centre and Clifton Park. The identified issues relate to persistent street drinking; littering; dogs running free (unleashed); people sleeping rough; rowdy and inconsiderate behaviour and drug related issues.
- 2.2 Formal data has been supplied by South Yorkshire Police's Force Intelligence Unit (see Appendix 1), as this was deemed the most appropriate method for accuracy in respect of incident numbers.
- 2.3 Data from the Force Intelligence Unit informs us that there were 824 reports of ASB incidents in the Town Centre throughout 2016, an increase on the annual mean number of incidents from 742 (2014/15 saw a 19% increase with 2015/16 seeing a further 6% increase).
- 2.4 The vast majority of ASB related incidents in the Town Centre (approximately 93%) take place during the daytime (6am - 6pm) with only 7% related to the night-time economy. Due to the increased footfall in the Town Centre during the daytime, increases in anti-social behaviour in this area are likely to impact a greater number of people alongside a large number of businesses.
- 2.5 A large number of the reported anti-social behaviour is listed under the rowdy and inconsiderate behaviour category. Whilst further detailed analysis of this category is not available, this does capture a wide range of behaviours where a crime may not have been committed. This is behaviour that can often be deemed as inconsiderate and is likely to include the use of loud and/or foul language.
- 2.6 Other predominant categories within the Police data highlighted vehicle nuisance, begging/vagrancy and street drinking as areas of concern.
- 2.7 Based on the above, officers provided members with a range of conditions used within PSPOs in other areas and requested views as to which behaviours may be likely to have an impact on the quality of life of those in the locality.

3. The Act

- 3.1 Section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 (the Act) enables Local Authorities to address issues of anti-social behaviour, in public places, by use of a Public Spaces Protection Order.
- 3.2 These Orders are designed to tackle the behaviour of individuals or groups where their behaviour has, or is likely to have, a detrimental effect on the quality of life of those within the locality.
- 3.3 The Act allows local authorities to make an order if it is satisfied, on reasonable grounds, that the following two conditions are met;

The first condition is that—

- (a) activities carried on in a public place within the authority's area have had a detrimental effect on the quality of life of those in the locality, or
- (b) it is likely that activities will be carried on in a public place within that area and that they will have such an effect.

The second condition is that the effect, or likely effect, of the activities—

- (a) is, or is likely to be, of a persistent or continuing nature,
- (b) is, or is likely to be, such as to make the activities unreasonable, and
- (c) justifies the restrictions imposed by the notice.

- 3.4 Where the above conditions are met, Councils can use a PSPO to prohibit certain activities, where it can be evidenced that such activities have, or are likely to have, an impact on the quality of life of those in the locality, as described above. The orders were specifically designed to be flexible so that they can be adapted to meet local need. However, the only prohibitions or requirements that may be imposed are ones that are reasonable to impose in order to:
 - (a) prevent the identified detrimental effect referred to above from continuing, occurring or recurring; or
 - (b) to reduce that detrimental effect or to reduce the risk of its continuance, occurrence or recurrence

4. Options considered and recommended proposal

- 4.1 As above, the Council and its partners have analysed ASB in the Town Centre area and developed a number of proposals for consideration.
- 4.2 Following this process, 9 prohibitions setting out behavioural boundaries were considered necessary to support the Council and its partners in developing and supporting the Town Centre experience:
 - A. Behaving in such a way or using language that causes, or is likely to cause, harassment, alarm or distress to another person.
 - B. Drinking alcohol other than in a licenced premises or event.
 - C. Spitting saliva or any other product from the mouth

- D. Face to face fundraising and marketing carried out by organisations without prior written permission of the Council.
- E. Failing to keep a dog on a leash and under control
- F. Using or carrying controlled drugs otherwise than in accordance with a valid prescription
- G. Littering
- H. Using a vehicle to cause a nuisance by gathering in groups, playing loud music or otherwise impacting the quality of life in the locality
- I. Urinating or defecating in a public place.

4.3 These prohibitions were proposed to apply to all those living in or visiting the Town Centre and at all times and in all areas covered by the Town Centre and Clifton Park. Other prohibitions were considered and dismissed.

4.4 Consideration was also given to covering additional areas with the implementation of additional PSPOs however; the decision was made to recommend initially focusing on the Town Centre area where the issues are most prevalent. Should implementation be successful, further consideration will be given to providing coverage in additional areas. Due to the decision to focus on this area alone at the outset, it is recommended that a 12 month review be undertaken to assess the impact and any displacement.

4.5 Following the consultation and analysis of the evidence available, alongside consideration of the added value to be bought about through the implementation of the Public Space Protection Order, it is recommended that the following prohibitions are adopted;

- A. Behaving in such a way or using language that causes, or is likely to cause, harassment, alarm or distress to another person.
- B. Making unsolicited approaches, in the open air, for the purposes of face-to-face fundraising and marketing of commercial products, carried out by organisations without prior written permission from the Council.
- C. Failing to keep a dog on a leash and under control (otherwise than within the designated area within Clifton Park, where dogs may be off leads but must remain under control, see attached maps)
- D. Littering
- E. Urinating or defecating in a public place, other than within designated public toilets.
- F. Spitting saliva or any other product from the mouth
- G. Consuming alcohol other than on licensed premises or at a licensed event

4.6 These proposed conditions have also been recommended with due regard to the Council's collective ability to enforce. It may be damaging to make conditions which partners, including the Council, are unable to enforce as it may raise expectations that they can be properly address through making the PSPO.

5. Consultation Method

- 5.1 Alongside the above conditions, the Act also stipulates Councils conduct ‘*necessary consultation and necessary publicity, and the necessary notification*’ prior to making an order.
- 5.2 Under the terms of the Act, the necessary consultation means consulting with;
 - (a) the chief officer of police, and the local policing body for the police area that includes the restricted area;
 - (b) whatever community representatives the local authority thinks it appropriate to consult;
 - (c) the owner or occupier of land within the restricted area;
- 5.3 The necessary publicity means;
 - (a) in the case of a proposed order or variation, publishing the text of it;
 - (b) in the case of a proposed extension or discharge, publicising the proposal;
- 5.4 The necessary notification means;
 - (a) the Parish Council or community council (if any) for the area that includes the restricted area;
 - (b) in the case of a public spaces protection order made or to be made by a district council in England, the County Council (if any) for the area that includes the restricted area Councils are furthermore required to consult with landowners, as far as is reasonably practicable.
- 5.5 In order to fulfil the above consultative requirements, the Council has undertaken a full public consultation, which commenced on the 19th July 2017 and closed on the 16th August 2017. The consultation plan is attached as Appendix 2.
- 5.6 The consultation was publicised using various mechanisms including online, social media and traditional media. Radio Sheffield, the Sheffield Star, Rother FM, the Rotherham Advertiser and the Rotherham Record were amongst those who featured the consultation. Feedback was invited primarily via the Council’s website, as well as inviting feedback in the form of a questionnaire and comment box.
- 5.7 The Community Safety Unit also undertook a range of additional activities in order to capture as many views as possible. These activities included;
 - A members seminar, held on the 1st August
 - Attendance at the Council’s Overview and Scrutiny Management Board
 - Two informal drop in sessions, one within the Town Centre and another in Riverside House reception
 - Attendance at the National Citizenship Scheme (both for under 16’s and 16 – 18 year olds)
 - Consultation with staff and colleagues working within the area
 - Attendance at the Rotherham Youth Cabinet
 - Visits to 82 town centre businesses

5.8 In relation to Clifton Park, both the management and meeting of the 'friends of Clifton Park' had opportunity to discuss the PSPO. The Community Safety team also wrote to various organisations seeking feedback, including local treatment providers and the Borough Commander for South Yorkshire Police. Whilst the consultation was public additional efforts have been made following the close of the consultation and refinements of the draft order, to consult with the Office for the Police and Crime Commissioner. This also followed completion of consultation with South Yorkshire Police.

6.0 Consultation Responses and Feedback

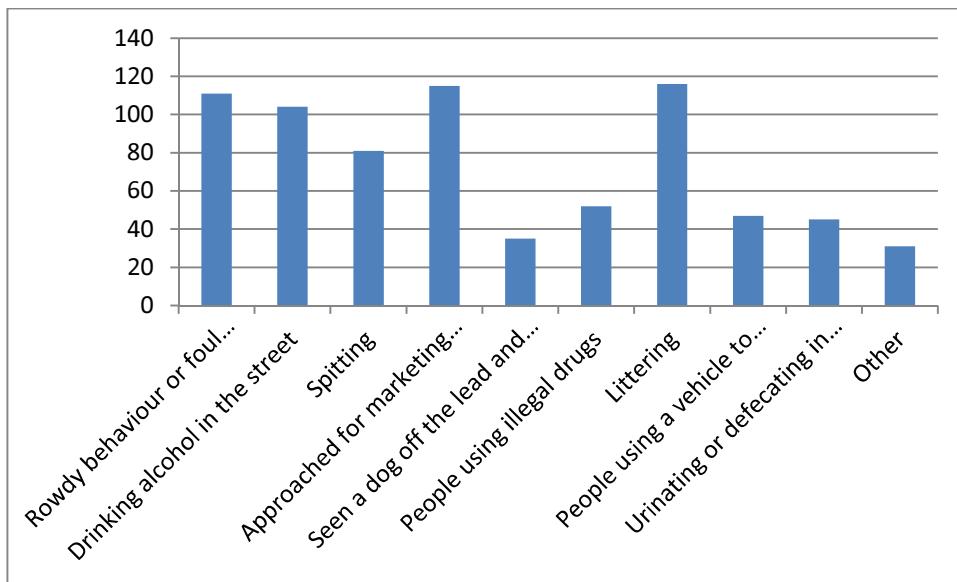
6.1 A full breakdown of responses to the consultation is provided attached as Appendix 3. In total, officers have gathered 525 responses through the various methods outlined above. Of those responses, 492 (93.7%) were in favour of the introduction of the PSPO.

6.2 The online survey attracted a total of 151 respondents. Of these 126 (83%) were in favour of the order. Respondents were not required to answer all questions in order to complete however, of those that responded to remaining questions, the following lists some of the areas of interest;

- Larger proportion of respondents were either visiting or working in the Town Centre
- Most come by car or walk (47% and 36% respectively)
- 66% felt ASB was getting worse in the area
- 92% felt ASB had a negative effect on the reputation of the area

6.3 The online survey also focussed on capturing thoughts from those affected by ASB, within the proposed area, in order to strengthen the evidence available to Councillors. One of the questions specifically asked people if they had been affected by ASB linked to the behaviours the Council is seeking to address. Only one respondent online reported not having suffered due to ASB in this area. As can be seen by the below table, the main concerns were as follows;

- Rowdy behaviour or foul language
- Drinking alcohol in the street
- Approached for marketing or fundraising
- Littering



6.4 Rowdy behaviour and foul language was something people were regularly affected by, as can be seen by the above with over 100 respondents stating so. This condition also received broad support through other methods of consultation with the Rotherham Youth Cabinet providing unanimous support alongside 99% of local businesses and 96% of other face to face consultation responses. However, this approval rating dips slightly to 74% with those surveyed who were under the age of 18.

6.5 Drinking alcohol in the street was again an issue that had affected a number of online respondents (69%). This condition also found support with 80% of young people spoken to. This number increased during the consultation event within Riverside and the Town Centre, where 94% of respondents supported the restricting of alcohol use. There were very limited references to the freedom to consume alcohol in parks by members of the public, though this issue has been discussed with Councillors during the seminar and scrutiny.

6.6 Spitting was an issue that had affected 54% of online respondents. The implementation of this prohibition received the support of around 75% of young people. During the consultation a number of questions were raised as to how enforceable this condition would be and whether sufficient evidence of its impact exists. Questions were also raised with regards to joggers and those doing other exercise within the park.

6.7 Approaches for marketing and fundraising, aside from littering, received the highest numbers of online respondents (76%) stating they had been affected by this in the Town Centre area. Amongst those who spoke to officers during the face to face events, an overwhelming number of those aged over 18 supported this prohibition, 97%. Those aged below 18 did, however, show a clear divide with 55% in approval.

6.8 Only 23% of online respondents reported being affected by ASB relating to a dog off the lead and not under control. A significant number of comments were received in the face to face consultation, in the comments section online and from Councillors suggesting that this condition may not be necessary in the entirety of Clifton Park. A number of respondents enjoyed walking through the park with their dog and the opportunity to exercise their dog. There was however general support for this condition within the Town Centre area.

6.9 34% of online respondents had reported being affected by drug use within the Town Centre. In contrast, around 81% of people during the face to face feedback stated they would support more action to tackle this issue through a PSPO. People did however question what additional power the order would bring and whether or not current legislation should be able to tackle this issue.

6.10 The largest number of respondents online (77%) had been affected by littering in the Town Centre. 92% of young people supported the inclusion of this order, however, there were conflicting views in the face to face consultation with regards to how this will be enforced. Concerns were also raised in this regard by UNISON, who also provided a formal response to the consultation. Some of those spoken to also raised concern about increasing the fine to £100 by use of the PSPO.

6.11 A smaller number of online respondents (31%) had been affected by vehicle nuisance. Young people were also found to be less supportive of this restriction, though still 75% expressed support. 93% of those spoken to in person agreed with this restriction, as did 99% of the businesses spoken to.

6.12 Though only 30% of online respondents had been affected by the issue of urinating and defecating in public, there was overwhelming support for its inclusion. A number of comments were made about the provision of facilities.

6.13 In relation to the specific conditions, which were the focus of the face to face consultation, overall support is as follows;

Condition	% In Favour
Behaving in such a way or using language that causes, or is likely to cause, harassment, alarm or distress to another person.	85%
Drinking alcohol other than in a licenced premises or event.	87%
Spitting saliva or any other product from the mouth.	85%
Face to face fundraising and marketing carried out by organisations without prior written permission of the Council.	79%
Failing to keep a dog on a leash and under control.	77%
Using or carrying controlled drugs otherwise than in accordance with a valid prescription.	89%
Littering.	95%
Using a vehicle to cause a nuisance by gathering in groups, playing loud music or otherwise impacting the quality of life in the locality.	86%
Urinating or defecating in a public place.	92%

6.14 In terms of formal consultation with the Borough Commander of Police, this has been undertaken and the Police have indicated their full support for the proposed introduction of a PSPO. Additionally, Police colleagues have indicated their support in relation to enforcement of the order and a detailed plan will be developed following the Cabinet decision as to how agencies will work in partnership to deliver this order.

6.15 In relation to engagement with Councillors, there has been a range of valuable feedback provided on behalf of their constituents. This feedback has been most prevalent in the following areas:

- Concerns around not allowing dogs off the lead anywhere within Clifton Park – suggesting an area could be zoned
- Concerns around restricting alcohol entirely within Clifton Park
- The need to ensure people are properly informed
- The need to ensure the order can be enforced

7. Summary of Considerations

7.1 Condition: Behaving in such a way or using language that causes, or is likely to cause, harassment, alarm or distress to another person

Considerations:

- This issue is potentially covered under the Public Order Act (POA) 1986 as a criminal offence.
- There is evidence within the ASB data provided by the Police, citing high levels of rowdy/inconsiderate behaviour, to support this condition.
- 74% of respondents cited this as a cause of ASB they had witnessed.
- The making of this order will allow a greater number of officers to address this behaviour which may warrant the making of the PSPO in addition to the existing statute (POA).

Recommendation: To include within the Order

7.2 Condition: Drinking alcohol other than on licensed premises or at a licensed event.

Considerations:

- Street drinking is referenced as a significant contributor to the Police ASB data.
- 69% of online respondents affected
- 80% of young people and 94% of adults support the condition
- Any events or areas within Clifton Park, such as the Café could, become licensed and therefore consumption of alcohol would be acceptable in line with the nature of the license. The café does not currently hold a license
- Officers were reassured that the potential for licensed events, combined with the potential for licensing of the Café would allow alcohol consumption to continue in the park, under controlled circumstances, should demand exist. This may ease the concerns raised by Councillors, particularly when coupled with a twelve month review, at which this could be reconsidered.
- This will not impact licensed premises within the Town Centre as the act specifically exempts Licensed premises.

Recommendation: To include within the Order

7.3 Condition: Spitting saliva or any other product from the mouth.

Considerations:

- The evidence in this area is more limited as it cannot be directly linked to police data.
- 54% of online respondents said it affected them in respect of ASB, this may be considered significant enough to demonstrate that the behaviour

may be likely to have an impact on the *quality of life* of those in the locality.

- This behaviour would be difficult to enforce against and therefore the making of the condition may transpire to be largely symbolic.
- Police would support the introduction of this condition to help them address this behaviour, which their officers witness, at times when dealing with individuals.
- Feedback from Councillors has been extremely supportive of this condition.

Recommendation: To include within the Order

7.4 Condition: Face to face fundraising and marketing carried out by organisations without prior written permission of the Council.

Considerations:

- The evidence available to support the need for this condition is a mixture of anecdotal feedback and the evidence gathered as a part of the consultation exercise.
- Second largest number of online respondents affected, 76%.
- Overwhelming support in face to face consultations.
- A split amongst young people, with just over half in support.

Recommendation: To include within the Order

7.5 Condition: Failing to keep a dog on a leash and under control.

Considerations:

- This condition again is supported by anecdotal feedback and evidence gathered within the consultation.
- Negative feedback was to the extent of cover within Clifton Park
- Just under a quarter of online respondents affected. Again this may be deemed sufficient to suggest an impact is likely. This may also suggest widespread support for a blanket approach does not exist.
- Due to the case made by respondents to the public consultation, officers have recommended that dogs be allowed off the lead within a designated zone in Clifton Park. Dogs must remain under control.
- The area selected has been chosen based on officer knowledge, alongside the need for a clearly defined and identifiable area.
- Further work to be done to clarify what 'under control' means. Is likely to link to ability to effectively recall, remaining within eyesight and not approaching other dogs or owners
- Guidance will be developed for enforcement officers, with the support of legal colleagues

Recommendation: To include within the Order – subject to adjustment as per the draft order

7.6 Condition: Using or carrying controlled drugs otherwise than in accordance with a valid prescription.

Considerations:

- This is controlled by the Misuse of Drugs Act which gives powers to Police Constables

- The making of a PSPO would extend the powers however consideration would need to be given as to the desire for officers other than Police to intervene in these situations.
- 34% of online respondents were affected.
- 89% of face to face respondents supported the prohibition.

Recommendation: Not to include this within the Order

7.7 Condition: Littering

Considerations:

- Significant proportion (77%) affected.
- Number of tickets currently being issued continues to rise.
- The making of the PSPO would raise the fine from £75 to £100.
- The maximum sentence in court would reduce from £2500 to £1000.
- Increased fines may impact payment rates.
- Overwhelming support (95%)

Recommendation: To include within the Order

7.8 Condition: Using a vehicle to cause a nuisance by gathering in groups, playing loud music or otherwise impacting the quality of life in the locality.

Considerations:

- There is evidence to suggest this is an issue within Police data.
- Despite commitments, officers have been unable to consult directly with those who gather in their vehicles
- 31% online had been affected.
- 75% of young people spoken to were in support, which whilst still representing $\frac{3}{4}$, is less support than expressed by young people in other areas.
- 99% of businesses spoken to were in support.
- As officers have been unable to consultation directly with those that would be directly affected, it is recommended this is withdrawn, a further proposal may be made following that consultation

Recommendation: Not to include this within the Order – though further work to be undertaken

7.9 Condition: Urinating or defecating in a public place.

Considerations:

- Again this area is supported by anecdotal feedback and evidence gathered as a part of the consultation. It is broadly accepted that this behaviour is likely to impact on “*quality of life*”.
- 30% of respondents affected.
- 92% support introduction.

Recommendation: To include within the Order

8. Timetable and Accountability for Implementing this Decision

8.1 The steps for the completion and implementation of the Public Spaces Protection Order are as follows (a number of which have been completed):

19/06/17	Confirm scope of PSPO
18/07/17	Liaise with public houses (Pub watch) re prohibition 2.
19/07/17	Start of public consultation – (monitor feedback weekly)
19/07/17	Information leaflets to key businesses / libraries.
01/08/17	Members Seminar
02/08/17	Overview and Scrutiny Management Board.
02/08/17	1 st drop in session – Riverside House
07/08/17	Partnership meeting - agree enforcement strategy of PSPO
10/08/17	2 nd drop in session – Riverside House
16/08/17	Close of public consultation
23/08/17	Final Cabinet Report Deadline
11/09/17	Cabinet
12/09/17	Publication of Cabinet decision
14/09/17	Signage design and fabrication

9. Implementation and Enforcement

- 9.1 A timetable for implementation will work towards enacting the PSPO on the 1st October 2017. Work is now required to develop a detailed implementation and enforcement plan which will cover operating procedures alongside signage and other relevant matters.
- 9.2 Due to the risk posed by displacement of issues, with this order focussing on the Town Centre only, it is furthermore recommended that a review is scheduled for 12 months post-implementation, during October 2018.

10. Financial and Procurement Implications

- 10.1 All costs to date have been met through existing budgets. There will be some small costs in relation to implementation, but again these will be met through existing service budgets.
- 10.2 Income is not anticipated to be significant in respect of the enforcement of this order. Any income received will initially contribute to the cost of the implementation of this order.
- 10.3 There are no procurement implications associated with this report.

11. Legal Implications

- 11.1 The primary Legal implications have been addressed within the body of the report. In addition, when considering whether to make a PSPO, Section 72 of the Act requires Councils to specifically have regard to Articles 10 and 11 of the European Convention on Human Rights which deal with the right for lawful freedom of expression and freedom of assembly, ensuring that any PSPO and prohibitions/requirements contained within it are reasonable and proportionate. It should be noted that an interested person may make an application to the High Court to challenge the validity of the making of a PSPO on the grounds that the Council did not have the power to make PSPO or prohibitions/requirements contained within it, or it failed to comply with the requirements of the Act when making the order (e.g. consultation)..

12. Human Resources Implications

- 12.1 No additional HR implications brought about by this report.

13. Implications for Children and Young People and Vulnerable Adults

13.1 This order seeks to both protect the public and address poor behaviour. It is anticipated that implementation of this order will have a positive effect on all within the community by tackling ASB.

14. Equalities and Human Rights Implications

14.1 When considering making a PSPO the Council is required by the Act to have particular regard to the freedoms under Articles 10 and 11 of the Human Rights Act 1998 relating to the freedom of expression and freedom of assembly association respectively. Human rights issues are dealt with under the provisions of the Act itself and there are thought to be no additional impacts. Any protected groups or human rights related issues identified as a part of the consultation will be specifically highlighted within the consultation analysis.

14.2 The powers contained within this provision will be applied fairly and consistently under the terms of the enforcement plan.

15. Implications for Partners and Other Directorates

15.1 Issues for partners, in particular substance misuse services and the Police, will be assessed and addressed as a part of the implementation and enforcement plan.

16. Risks and Mitigation

16.1 Key risk areas in respect of approval is the provision within the Act for the decision to be challenged at the Crown Court and therefore due consideration must be given to the considerations highlighted within this report.

Risks in respect of delivery that will need to be carefully managed are:

Lack of Enforcement

Proactive work will take place with partners to establish a robust implementation plan and performance measures will be identified in relation to interactions under the order, alongside breaches.

Displacement of issues

Monitoring of surrounding areas will take place and this issue will be addressed in detail as a part of the 12 month reviews, if the recommendation is accepted.

17. Accountable Officer(s)

Approvals Obtained from:

Strategic Director of Finance and Customer Services: - Graham Saxton
Assistant Director of Legal Services: - Neil Concannon and Dermot Pearson
Head of Procurement (if appropriate):- Karen Middlebrook

Sam Barstow

Head of Service, Community Safety, Emergency Planning and Health and Safety

Alan Heppenstall

Community Safety and ASB, Community Safety and Streetscene

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

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

Contact Name: - Alan Heppenstall
Community Safety and ASB
Ext: 23181
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Force Intelligence Analyst Unit

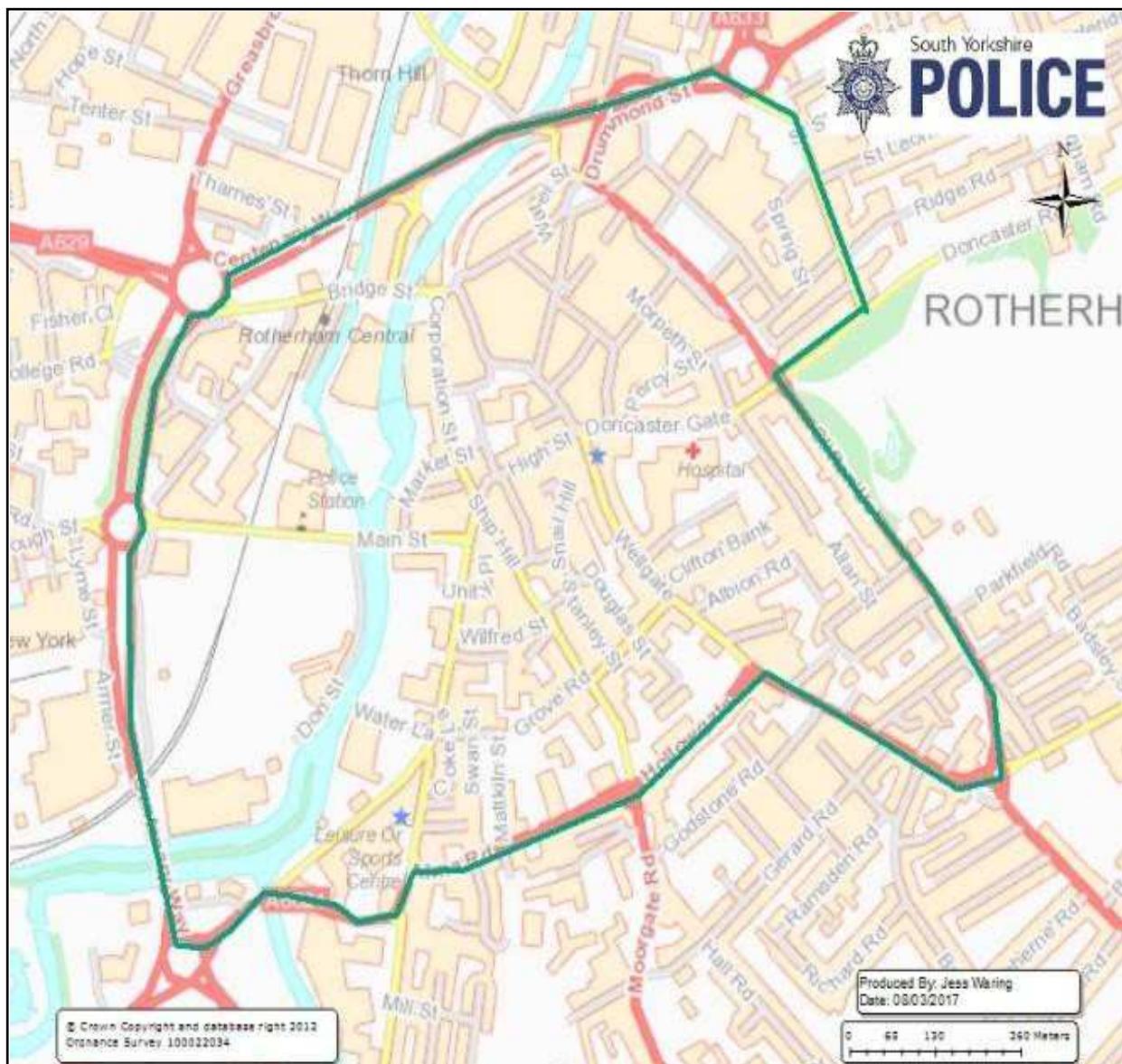
ASB Data for PSPO Applications			
Compiled	Jessica Waring	Owner	Steve Parry (RMBC)
EXT	01709 832730	Ref	AN17FEB22
Data Period	01/01/2014 to 31/12/2016	Protective Marking &	Official
Aim & Purpo	The aim of this report is to provide details of ASB incident volumes reported to SYP. The purpose is to assist with the application for		
Sources &	Data is extracted from ProCAD. Details of the parameters used for data extraction are detailed in the methodology section.		
Limitations	<p>Due to the methods of data extraction and anomalies with the geocoding of data, any figures provided within this report should be treated as unaudited. The force has a clear policy on the issuing of unaudited data externally and should you wish to share this data externally you take full responsibility for doing so.</p> <p>This report is the position of the South Yorkshire Police as of 27th February 2017. The data used within this report was sourced from ProCAD and was extracted on 27th February 2017. Any changes to the data used following this date will not be captured within the report. Therefore if the data held within the report is required for use elsewhere in the future due to the Retain, Review, Delete requirements of MOPI additional checks may be required to ensure accuracy of the information.</p> <p>Of the data extracted the following percentages of geocodes were found to be recorded: ASB 100%</p> <p>All the maps within this document, original representations or otherwise, are reproduced from the Ordnance Survey mapping with the permission of the</p>		

Methodology

Data for ASB incidents reported to SYP was extracted from ProCAD using Oracle Discoverer software. The date period considered was 01/01/2014 to 31/12/2016 (a three year period). Data was broken into monthly data to allow trends to be identified.

In order to obtain solely data that relates to the suggested PSPO areas, the data was ran through ArcMap software and extracted based on the following shape files:

Town Centre:

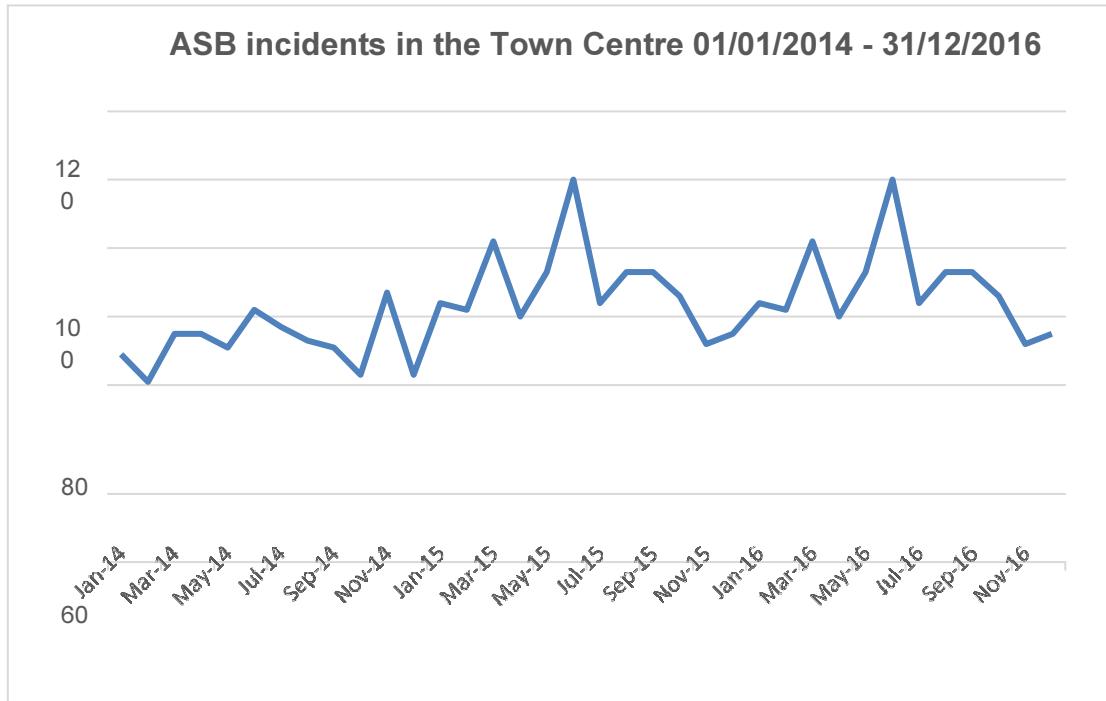


1. Town Centre

The table below shows the number of ASB incidents by calendar month in 2016:

Mont	Ja	Fe	Ma	Apr	Ma	Ju	Jul	Au	Se	Oct	No	De	Tot
Coun	64	62	82	60	73	10	64	73	73	66	52	55	824

The chart below shows the trend in ASB over the last three years:



The following table shows the top five incidents types reported to South Yorkshire Police in 2016 and the volume of each:

Incident Type	Coun
ROWDY/INCONSID	395
DISTURBANCE/FIG	54
VEH NUIS/INAP USE	54
BEGGING/VAGRAN	35
STREET DRINKING	30

APPENDIX 2

Public Spaces Protection Order (PSPO)

Marketing and Communications Plan July 2017

Overview

Rotherham is regenerating and the Town Centre in particular has faced many challenges. The promotion of the Town as a great place to live, visit or work is the key driver of the Public Spaces Protection Order (PSPO). This Order seeks to remove any barriers to new investment and improvement by dealing with the minority of people that continue to act in an anti-social way. Challenging and changing the perceptions of Rotherham is a thread running through every service area of the organisation and its partners.

Public Spaces Protection Order (PSPO) consultation

Rotherham Metropolitan Borough Council wants to consult visitors, businesses and residents of Rotherham Town Centre on the introduction of a Public Spaces Protection Order.

Introduced under Section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014, the legislation enables Local Authorities to address issues of ASB in public spaces by the introduction of a Public Spaces Protection Order (PSPO). The proposed PSPO for the town centre serves to address the climate of this area by targeting those individuals and groups that have consistently behaved badly.

PSPO's are designed to make public spaces more welcoming to the majority of law abiding people. The Orders are intended to deal with specific nuisances such as rowdy behaviour, littering and vehicle nuisances within a defined area. Such issues must be, or are likely to be, detrimental to the quality of life of local communities.

To this end, the Council seeks to undertake a 28 day public consultation with members of the public in relation to the introduction of the PSPOs.

Communications Strategy

The PSPO advocates for the many that wish to work in or visit the town centre without being subjected to anti-social behaviour (ASB); supporting several Council Theme Boards. It promotes Rotherham Council as a professional and responsive organisation that will use new tools and powers to bring about change and deliver success through the development of the town centre.

Our goal is to change the perception of the town; to promote its forward looking innovative stance and be a place which can attract investment and stimulate growth.

The PSPO is at heart an enforcement tool; however its goal is to improve the way that the town centre feels. The PSPO and related consultation process is a method of sharing the Council's vision of what Rotherham could be. It both publicises our

work and demonstrates that it is prepared to take a robust stance against anti-social behaviour.

Communication Objectives

- To share the town centre vision as a safe place to visit, work and live
- To raise awareness of the PSPOs, and discourage bad behaviour
- To encourage investors to consider Rotherham as a place worthy of investment, and promoting the Council as a reliable partner with clear strategies for developing the town
- To encourage Rotherham citizens to visit Rotherham town centre for leisure, promoting the 'added value' of the Rotherham 'offer'

Key messages

The PSPO seeks to challenge the bad behaviour of the few to improve the climate and feel of the town centre.

Key messages include:

- We are listening to public feedback that residents wish to visit the town centre, but are dissuaded by the bad behaviour of a few
- Rotherham is already a safe place to visit, work and live – but the prohibitions will make it better
- The prohibitions will improve the look and feel of the town centre
- The PSPO will challenge the bad behaviour of the few
- The improvements in the town centre brought about by the prohibitions will support the work being done to the town centre, promoting investment and drive development of the area.

Target audiences

This strategy clarifies the council's intention to inform and engage with appropriate audiences. Taking heed of the concerns expressed by Elected Members, businesses and visitors is part of the Council's drive to improve investor confidence and attract new commercial enterprises into Rotherham by creating a safer public environment.

- The consultation period needs to link in effectively with all of the town centre businesses; to provide appropriate advice and reassurance that the Council and the PSPO fully supports them.
- Likewise, a strong message needs to be given to visitors to the town centre that Rotherham is a great place to visit, work and live.
- In similar vein, a robust message needs to be delivered to those that behave badly in order that they are discouraged from doing so in the future.

This strategy clarifies the council's intention to inform and engage with appropriate audiences. Taking heed of the concerns expressed by Elected Members, businesses and visitors is part of the Council's drive to improve investor confidence and attract new commercial enterprises into Rotherham by creating a safer public environment.

The town centre has a small residential population; the majority of users being visitors in the form of shoppers, students and workers. By its very nature, the town centre is used by Rotherham residents from across the borough making direct consultation to private addresses not cost effective.

Communication channels

The consultation will be undertaken primarily using the Council's website. This will both inform the public of the Council's intention to implement the PSPO as well as inviting feedback in the form of a questionnaire and comment box.

The Community Safety Unit will also place information in key businesses in the town centre, mirroring the information provided to the local press by the Council's Communication Team. In both instances, members of the public will be signposted to the Website to leave feedback.

A Members Seminar will be held a week into the consultation period so that Elected Members are fully briefed on the aims and objectives of the PSPO. As well as Elected Members, public forums and tenant and resident groups will also provide ideal links into the communities to promote the understanding of the PSPO and invite feedback in return.

Two informal drop-in sessions will also be promoted using social media. These will take place at Riverside House on the 2nd and 10th August 2017. The Community Safety Unit will act as a central hub to gather and analyse any feedback received.

Informing RMBC Officers of the PSPO and the associated consultation period will be done through internal email and staff briefings. Likewise, strategic and operational briefings with key partners provide an ideal platform to promote the PSPO and highlight the consultation period.

Proposed Timetable

19/06/17	Confirm scope of PSPO
14/07/17	Start of public consultation – (monitor feedback weekly)
17/07/17	Information leaflets to key businesses / libraries.
18/07/17	Liaise with public houses (Pub watch) re prohibition 2.
20/07/17	Members Seminar
02/08/17	OSMB
02/08/17	1 st drop in session – Riverside House
07/08/17	Partnership meeting - agree enforcement strategy of PSPO
10/08/17	2 nd drop in session – Riverside House
16/08/17	Close of public consultation

16/08/17	Begin analysis of consultation
08/09/17	Report deadline for Cabinet
11/09/17	Formal Cabinet
12/09/17	Publication of Cabinet decision
14/09/17	Signage design and fabrication

Breakdown of Survey Responses

Online

Below is an example of how the data appeared;

Form Ref No	Date Completed	Time Completed	What brings you into Rotherham town centre	If other please give details	How do you visit the town centre	Do you support the Public Spaces Protection Order for the town centre - YES	NO	Have you ever suffered from any of the following types of antisocial behaviour in the town centre	If other please give details	What do you feel about the level of antisocial behaviour in the town centre	Do you feel that antisocial behaviour has a negative effect on the reputation of the town centre - YES	No	Would you like to see anything else added to the Order if so what	
259058	17/07/2017	10:35:36												
260111	20/07/2017	18:30:27	I am a daytime visitor or shopper		Public transport	1		Rowdy behaviour or foul language, Spitting, Approached for marketing purposes or asked to make a donation, Littering, People using a vehicle to cause a nuisance		Getting worse	1			Gathering in groups and obstructing the footpaths.

The analysis conducted is presented below;

P1. Visiting Rotherham town centre	Q3. How do you visit the town centre?	Public transport	25	22%
		By car	71	47%
		Taxi	2	5%
		Walking	54	36%
P2. Anti-social behaviour	Q1. Do you support the Public Spaces Protection Order for the town centre?	Yes	126	83%
		No	25	17%

Cont...

P2. Anti-social behaviour	Q2. Have you ever suffered from any of the following types of anti-social behaviour in the town centre?	Rowdy behaviour or foul language Drinking alcohol in the street Spitting Approached for marketing purposes or asked to make a donation Seen a dog off the lead and not under proper control People using illegal drugs Littering People using a vehicle to cause a nuisance Urinating or defecating in public Other	111 104 81 115 35 52 116 47 45 31	74% 69% 54% 76% 23% 34% 77% 31% 30% 21%
P2. Anti-social behaviour	Q4. What do you feel about the level of anti-social behaviour in the town centre?	Getting worse Staying the same Improving	100 43 8	66% 28% 5%
P2. Anti-social behaviour	Q5. Do you feel that anti-social behaviour has a negative effect on the reputation of the town centre?	Yes No	139 11	92% 8%

Overleaf, an example of the data collected through the face to face consultation at Riverside House and the town centre.

The below table shows the data analysis of the face to face sessions in a range of settings and split between young people and adults.

	Total	In favour Y	N	Behavio ur	Alcoho l	Spittin g	Fundraisin g	dogs on a leash	Drugs	Litterin g	vehicle nuisanc e	urinating / defecatin g
NCS 1	96	92	4	71	77	72	53	67	78	88	72	83
		95%	4%	74%	80%	75%	55%	70%	81%	92%	75%	86%
R House and TC	126	123	3	121	116	118	122	104	119	124	118	122
		98%	2.4	96%	94.00 %	93.60 %	97%	83%	94%	98.40 %	93.60%	97%
TOTALS	222	215	7	192	193	190	175	171	197	212	190	205
				86%	87%	85%	79%	77%	89%	95%	86%	92%

APPENDIX 4

Rotherham Metropolitan Borough Council Public Space Protection Order (Town Centre and Clifton Park)

Notice is hereby given that Rotherham Metropolitan Borough Council ('The Council') in exercise of its powers under the Anti-Social Behaviour, Crime and Policing Act 2014 ('the Act'), being satisfied that the conditions laid out with Section 59 are met, make the following order:

1. This order relates to the land described in Paragraph 1 of the Schedule below and defined by the red border on the plan attached to this Order ('the restricted area'), being a public place in the Council's area to which the Act applies:
2. The order may be cited as the Rotherham Metropolitan Borough Council Public Space Protection Order (Town Centre and Clifton Park) and shall come into force on 20th October 2017 for a maximum period of three years
3. The following activities have caused, or are likely to cause, a detrimental effect on the quality of life of those in the locality;
 - a. Using loud, foul or abusive language
 - b. Person carrying out promotional or fund raising work obstructing pavements and approaching people in the street so as to cause them annoyance
 - c. Dogs approaching strangers whilst off the lead, at times frightening them or their own animal, who may be on a lead or under proper control
 - d. The throwing down of any waste
 - e. Urinating or defecating
 - f. Spitting saliva or other products from the mouth
 - g. Acting in a drunken manner, which may include being loud, intimidating or incapable
4. The effect of this order is to prohibit the following activities within the prescribed area, (as shown within the first map at appendix A).
 - a. In this area any person who carries out acts from which they are prohibited, commits an offence, namely;
 - i. Behaving in such a way or using language that causes, or is likely to cause, harassment, alarm or distress to another person.
 - ii. Making unsolicited approaches, in the open air, for the purposes of face-to-face fundraising and marketing of

commercial products, carried out by organisations without prior written permission from the Council.

- iii. Failing to keep a dog on a leash and under control (otherwise than within the designated area within Clifton Park, where dogs may be off leads but must remain under control, see attached maps)
- iv. Littering
- v. Urinating or defecating in a public place, other than within designated public toilets.
- vi. Spitting saliva or any other product from the mouth
- vii. Consuming alcohol other than on licensed premises or at a licensed event

a) A person guilty of an offence under conditions a (i) – (vi) above, under section 67 of the Act is liable on summary conviction to a fine not exceeding level 3 on the standard scale (£2000) or a fixed penalty notice at a maximum of £100.

b) A person guilty of an offence under condition (vii) is guilty of an offence if they fail to comply with the request of an authorised officer to surrender any sealed or unsealed containers of alcohol in their possession and under Section 63 and is liable on summary conviction to a fine not exceeding level 2 on the standard scale (£500) or a fixed penalty notice at a maximum of £100.

- 5. The Council is satisfied that the conditions laid out within Sections 59, 63, 64 and 72 of the Act have been satisfied and that it is in all circumstances expedient to make this order to reduce the detrimental effect, or likely effect, in the Restricted Area, that the behaviours outlined have or were likely to cause. The effect or likely effect of these activities is of a persistent or continuing nature.
- 6. The restrictions in paragraph 4 apply to all persons and at all times.

APPEAL

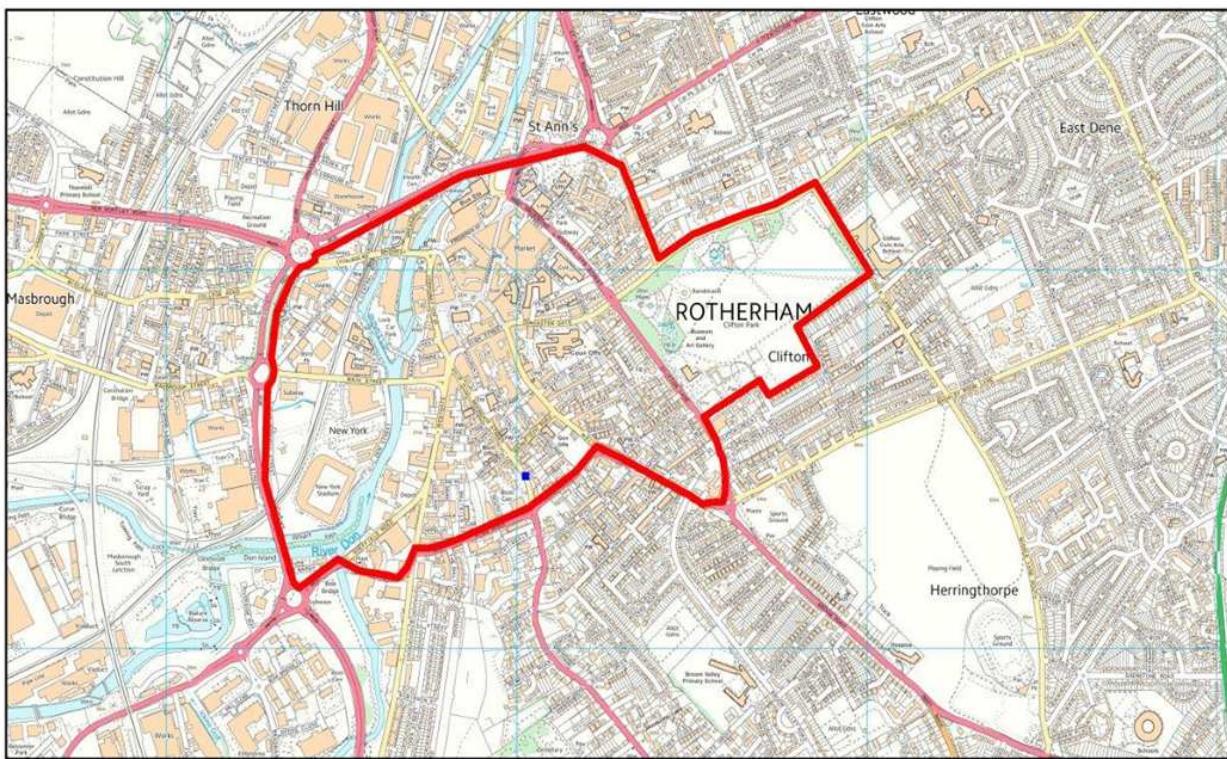
Interested persons can challenge the validity of the order on two grounds: that the Council did not have the power to make the order, or to include particular prohibitions or requirements; or that one of the requirements of the legislation, for instance consultation, has not been complied with.

Interested parties may lodge an appeal to the High Court within 6 weeks of this order being made.

Order Made By Cabinet

Dated.....

Appendix A – The Restricted Area



This map is based on the Ordnance Survey Land Line map with the sanction of the controller of Her Majesty's Stationery Office. Crown Copyright Reserved.
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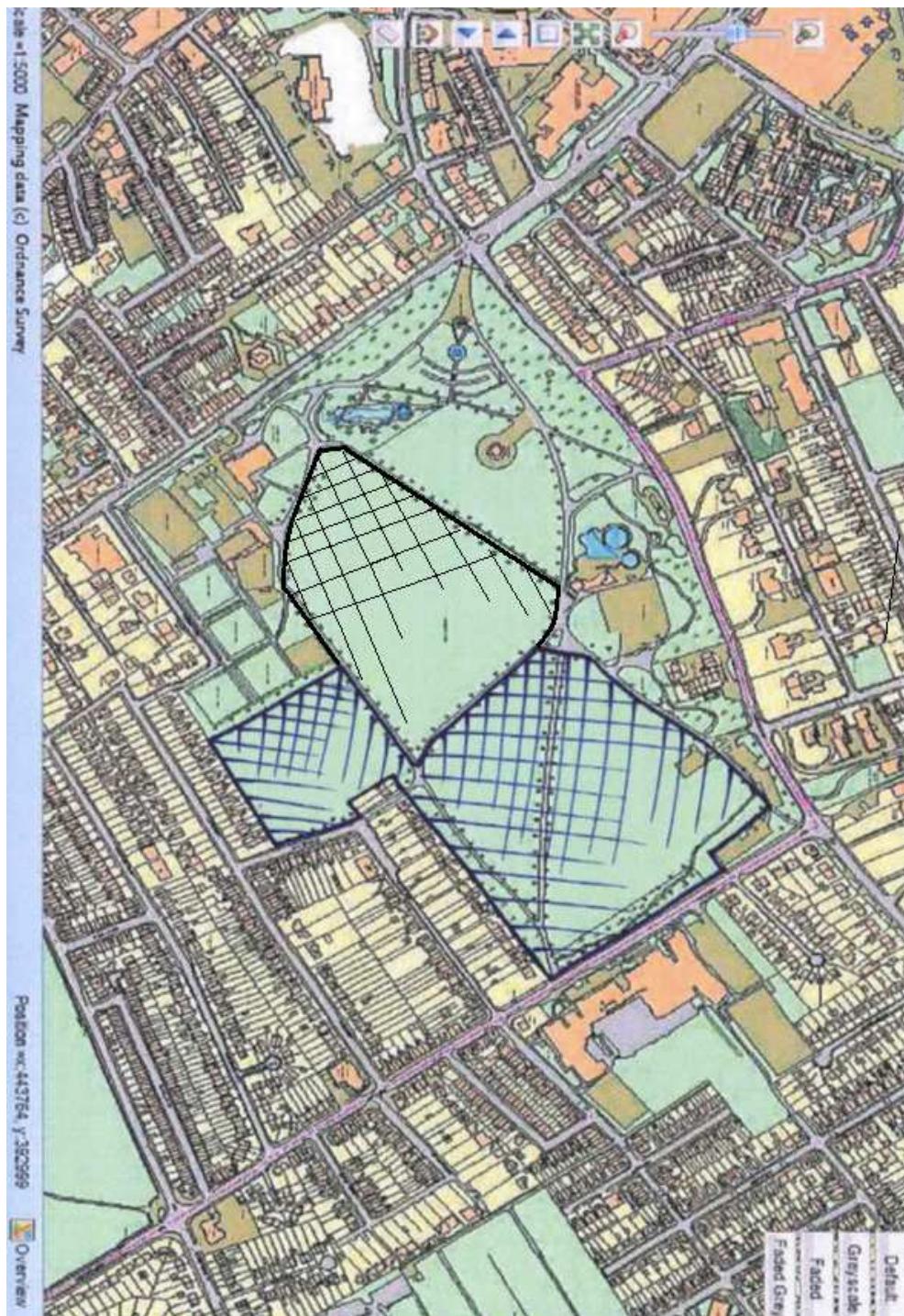
Proposed PSPO

Scale 1:1250

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



Appendix B – Clifton Park – Dog Exercise Area (black thatched area)





Public Report
Cabinet and Commissioners' Decision Making Meeting

Summary Sheet

Council Report

Cabinet and Commissioners Decision Making Meeting – 11 September 2017

Title

Appointment of the Academy Sponsor for the Proposed 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 Services (CYPS)

Ward(s) Affected

Holderness, Rother Vale, Brinsworth and Catcliffe.

Report author:

Dean Fenton (Service Lead – School Planning, Admissions and Appeals)
01709 254821 or dean.fenton@rotherham.gov.uk

Executive Summary

The Waverley development site is a new residential and business community based in Rotherham. The site has outline planning consent for up to 4,000 homes, retail units; cafes; community facilities; hotel; two primary schools and green infrastructure.

Following the construction and occupation of 550 dwellings, the Local Authority (LA) has a responsibility to ensure an education sponsor is appointed for the first primary school proposed for the site.

This report details the appointment of Aston Community Education Trust (ACET) as sponsor for the proposed first primary school, as procedures commence to establish a primary school on the site.

Recommendation

That the appointment of Aston Community Education Trust (ACET) as sponsor for the first proposed primary school at the Waverley development site be noted.

List of Appendices Included

Nil

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

Cabinet and Commissioners decision making powers
11th July 2017

Report seeking approval to commence procedures to establish primary education provision at Waverley.

Consideration by any other Council Committee, Scrutiny or Advisory Panel

No

Council Approval Required

No

Exempt from the Press and Public

No

Appointment of the Academy Sponsor for the proposed primary school on the Waverley development site.

1. Recommendations

1.1 That the appointment of Aston Community Education Trust (ACET) as education sponsor for the first proposed primary school at the Waverley development site be noted.

2. Background

2.1 Rotherham Metropolitan Borough Council (RMBC) has a historic annual profile of satisfying 90% + parental first preferences in relation to entry to primary school on national offer day and continues to remain above the national average.

2.2 Following a report to Cabinet on 11th July 2016 (item no 47) seeking approval to commence procedures to establish primary education provision at Waverley, a selection process has been completed to appoint an Academy/Free School education sponsor under the Department for Education (DfE) – Academy/Free School presumption for new school establishment.

2.3 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 with a two form entry with 60 pupils per year group.

2.4 The Section 106 agreement trigger points for the release of funding to develop the primary provision are contractually agreed as follows:

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 position on the Waverley site is that, as of December 2016, 550 dwellings were occupied, activating the first funding release trigger point. It should be noted that the full pupil yield from occupation of new dwellings does not occur instantly.

- 2.6 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 in 2020.
- 2.7 It should be noted at this stage the timeline in table one is provisional and based on current building and occupation of dwelling rates. This could be subject to amendment should the current timeline be affected by the housing market at Waverley.
- 2.8 Any new school being established under current DfE policy will be an Academy or Free School. Sponsorship of the Waverley School is being established in line with DfE guidance and processes to enable the successful sponsor to work with the Local Authority (LA) from the outset in relation to the design, build and establishment of the first school.
- 2.9 In order to establish sponsorship arrangements for the proposed new school, the LA established a Waverley new school website at www.rotherham.gov.uk/waverley/ and facilitated a series of stakeholder information sessions for local residents; Elected Members; Local Parish Councils; neighbouring schools; governing bodies and other key stakeholders including potential sponsors between July and October 2016, which will be prior to commencing the process to select and appoint a preferred Academy / Free School sponsor for the school.
- 2.10 A prospectus was developed and published in October 2016 outlining the need for the new School and inviting expressions of interest to be submitted by 16th December 2016. These details were submitted to the DfE and placed on their 'LAs seeking sponsors' web page along with the link to the Waverley school website. The LA received 10 expressions of interest from sponsoring academy trusts by the submission deadline.
- 2.11 As required by the DfE, the expressions of interest were submitted to the department who requested 4 weeks to assess the quality of submissions and provide the LA with their feedback in relation to sponsors capacity; current performance and current ability to sponsor the proposed new school.
- 2.12 Given that eight of the ten expressions of interest were submitted by Rotherham based Academy Trusts, the LA's Education and Skills Officers leading and supporting the process were unable to participate in the selection process due to conflicting interests, as a result of partnership working in the Borough and a decision was made to recruit an external education expert to constitute the selection panel and keep the selection process fair and unbiased given local professional connections.
- 2.13 A recently retired Assistant Director of Education from another LA was appointed by the Strategic Director for Children and Young People's Services to constitute and chair a selection panel to ensure all applicant sponsors were treated in a fair and equitable manner. The panel was constituted as follows by the chair:
 - Chair of the panel from North Yorkshire
 - Cabinet Member for Children and Young People's Services at Rotherham Metropolitan Borough Council

- National Leader of Education – Academy Executive Headteacher from York with recent experience of successful appointment as sponsor for a new school
- Early Years leader from Nottinghamshire
- National Leader of Governance from Rotherham – not connected to any applicant schools
- Waverley resident – appointed from the Waverley Residents association
- Business leader from the Advanced Manufacturing Park (AMP) at Waverley

2.14 Following receipt of feedback from the DfE, shortlisting took place on 13th February 2017 and shortlisted applicants were invited back to a second stage of selection on 6th March to present their vision for Waverley education to the Pupil School Council of Rockingham Junior and Infant School and, on the 16th and 17th March 2017, applicants also presented to the selection panel.

2.15 At the end of the selection process, the selection panel put forward a preferred sponsor nomination of ACET to the LA. The LA, as required by statutory process, submitted this nomination along with the required supportive documents to the Regional Schools Commissioner for approval at the April Headteacher Board meeting.

3. Key Issues

3.1 The shortlisting and selection process used by the panel followed both DfE guidance relating to selecting a sponsor under the Academy/Free School presumption process and RMBC procurement procedures.

4. Options considered and recommended proposal

4.1 A longstanding Section 106 of the Town and Country Planning Act 1990 funding agreement stipulates the funding release trigger points and timescale for the use of the funding to create primary school education infrastructure.

4.2 DfE guidance stipulates that any new school must be opened under the Academy/Free School presumption procedure.

5. Consultation

5.1 A series of stakeholder events were organised between July and October 2016, attended by over 150 stakeholders which included: Waverley residents; local business leaders; elected Parish and Borough Council Members; Members of Parliament; local school leaders and Academy Trust representatives as potential sponsors, to outline the Waverley school proposals and plans and to ascertain the views and opinions of stakeholders in advance of commencing the sponsorship process. This was completed in line with the requirements of the DfE guidance of June 2013 – Establishing a new school.

5.2 A Waverley new school website was also established as outlined in section 2.9 of this report and a potential sponsors 'drop in session' was organised at Waverley on 28th November 2016, to enable potential sponsors to visit Waverley and clarify any points relating to the expression of interest and sponsorship process, prior to the closing date.

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 (this also dictates the length of the timeline below):

Table One (provisional timeline)

DATE	ACTION / LANDMARK EVENT
September 2016	Commence process via DfE protocol to appoint an Academy Sponsor.
December 2016	550 th dwelling occupied – triggers release of 5% (£0.56m) of total funding for design phase
January – May 2017	Select Academy Sponsor and report to Cabinet to endorse selection panel's recommendation and approval from Regional Schools Commissioner / DfE
June 2017	Commence '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 1 form 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 of £5.58m (within the approved Capital Strategy 2017-2022, approved by Council on 8th March 2017) for the school build will be provided through a Section 106 of the Town and Country Planning Act 1990 funding agreement.

7.2 The Section 106 agreement will ensure that funding is available on a phased basis for Waverley new school provision, as legally binding trigger points for the release of funds are reached. A total of £11.2m is tied to legally agreed trigger points as outlined in sections 2.3 and 2.4 of this report.

7.3 Pre start up and diseconomies funding for the new school up to the end of the first year of operation will be allocated from the Contingency for Pupil Growth Fund within the Schools Block of Dedicated Schools Grant, as directed under DfE requirements, using a formula for funding allocation agreed by Schools Forum.

8. Legal Implications

8.1 The proposals set out in this report are in line with the Authority's statutory duty under section 6A of the Education and Inspections Act 2006, which requires LA to seek proposals for the establishment of an Academy where there is a need for a new school to be established in its area. This is known as the free school presumption.

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; learning support and ancillary posts such as caretaking; cleaning and catering, 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 from Waverley to access their first preference of school in future years allowing their child to access primary stage education in a modern, inclusive 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 first 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 the 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 Waverley Project Groups coordinated regular progress meetings and reporting to the Council's 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. The risk will be mitigated; as more houses are built, the clearer the boundary for catchment areas can be defined.

13.2 There are always risks and uncertainties when school place provision is considered, since future pupil numbers are based on estimations. Excess provision at one school could influence pupil numbers at other schools. The LA 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 to mitigate risk. LAs 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:

Finance and Customer Services: Mark Chamber (Finance Manager) / Jonathan Baggaley (Finance Manager)

Date: 28.3.2017

Legal Services: Neil Concannon (Solicitor)

Date: 12.4.2017

Procurement: Helen Chambers (Principal Officer)

Date: 7.6.2016

Human Resources: Paul Fitzpatrick (HR Business Partner)

Date: 20.3.2017

Summary Sheet

Cabinet and Commissioners' Decision Making Meeting – 11 September 2017

Report Title

July Financial Monitoring Report 2017/18

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, Finance & Customer Services
01709 822032 or peter.hudson@rotherham.gov.uk

Graham Saxton – Assistant Director – Financial Services
01709 822034 or graham.saxton@rotherham.gov.uk

Ward(s) Affected

All

Summary

This report sets out the financial position for the Revenue and Capital Budgets at the end of July 2017 and is based on actual costs and income for the first four months of 2017/18 and forecasts for the remainder of the financial year. This is the second of a series of monitoring reports for the 2017/18 financial year which will continue to be brought forward to Cabinet and Commissioners on a regular basis.

Delivery of the Council's Revenue and Capital Budget and Medium Term Financial Strategy within the parameters agreed at the start of the current financial year is essential, if the Council's objectives are to be achieved. Financial performance is a key element within the assessment of the Council's overall performance framework.

As at July 2017 the Council has a forecast overspend on the General Fund of £3.4m. The majority of the £24m budget savings approved within the 2017/18 budget are being achieved. £11.9m of those savings are Directorate budget savings, however, in addition to those budget savings, Directorates also have to achieve £5.4m of budget savings in 2017/18 which were agreed in previous budgets. Total Directorate savings for 2017/18 are therefore £17.3m. The current position is that around £5.2m of those total savings are at risk of not being achieved in this financial year in the

manner approved by Council when the 2017/18 was set (and are reflected in the current overspend projection along with the impact of mitigating actions).

Work continues to identify further alternative or additional savings in order to deliver a balanced budget position. Cabinet approval will be sought for any budget savings which are proposed to be delivered differently on a permanent basis.

Management actions also continue to address areas of overspend. The overall budget position will continue to be monitored closely with regular updates on progress in maintaining a balanced budget position reported regularly through these Financial Monitoring reports.

The forecast overspend should be seen against a backdrop of the Council having successfully addressed cost pressures of £138m over the last six financial years and having to save a further £24m in the current year and to deliver an estimated additional £42m in efficiencies and savings in the following two financial years in order to balance the Council's General Fund Revenue Budget by 2019/20.

A significant in-year pressure of £6.460m on the Dedicated Schools Grant (DSG) High Needs Block continues. A recovery strategy set in place last year will however resolve £3m of the deficit and mitigate the in-year pressure through a series of measures including: a revised Special School funding model; a review of high cost out of authority education provision with a view to reducing cost and moving children back into Rotherham provision where possible; and a review of inclusion services provided by the Council. Whilst this pressure does not directly affect the Council's financial position at this time it is imperative that the recovery strategy is implemented which clearly sets out how this position will be resolved and to avoid any risk to the Council in the future.

Control over spending is critical to maintaining a robust Medium Term Financial Strategy and avoiding unplanned spending impact on the Council's reserves. All Services continue to develop mitigating actions and alternative savings to compensate for financial pressures and delays in delivering the full amount of savings. The financial impact of the mitigating actions that have been identified and implemented to date are reflected in the current forecast outturn.

The 2017/18 Capital Programme is currently forecasting an in-year over commitment of £1.018m within the Adult Care and Housing Directorate (Housing Capital Programme). This position will continue to be closely monitored and any revision required to the Programme will be included within the next monitoring report for Cabinet approval.

Recommendations

1. That the current forecast overspend for 2017/18 of £3.4m be noted.
2. That it be noted that management actions continue to be developed to address areas of overspend and to identify alternative and additional savings to mitigate shortfalls in achieving planned savings in 2017/18.

3. That it be noted that a detailed Dedicated Schools Grant (DSG) Recovery Strategy which will transfer £3m in 2017/18 to reduce the forecast High Needs Block deficit and mitigate the in-year pressure through a series of measures has been set in place.
4. That the current forecast outturn position on the approved Capital Programme for 2017/18 and 2018-2022 be noted.

List of Appendices Included

Nil

Background Papers

Revenue Budget and Council Tax Setting Report for 2017/18 to Council – 8 March 2017

May Financial Monitoring Report 2017/18 – 10 July 2017

Consideration by any other Council Committee, Scrutiny or Advisory Panel

Overview and Scrutiny Management Board – 27 September 2017

Council Approval Required

No

Exempt from the Press and Public

No

July Financial Monitoring Report 2017/18

1. Recommendations

- 1.1 That the current forecast overspend for 2017/18 of £3.4m be noted.
- 1.2 That it be noted that management actions continue to be developed to address areas of overspend and to identify alternative and additional savings to mitigate shortfalls in achieving planned savings in 2017/18.
- 1.3 That it be noted that a detailed Dedicated Schools Grant (DSG) Recovery Strategy which will transfer £3m in 2017/18 to reduce the forecast High Needs Block deficit and mitigate the in-year pressure through a series of measures has been set in place.
- 1.4 That the current forecast outturn position on the approved Capital Programme for 2017/18 and 2018-2022 be noted.

2. Background

- 2.1 As part of its performance and control framework the Council is required to produce regular and timely reports for the Strategic Leadership Team and Cabinet to keep them informed of financial performance on a timely basis so that, where necessary, actions can be agreed and implemented to bring expenditure in line with the approved budget for the financial year.
- 2.2 Delivery of the Council's Revenue Budget, Medium Term Financial Strategy, and Capital Programme within the parameters agreed by Council is essential if the Council's objectives are to be achieved. Financial performance is a key element within the assessment of the Council's overall performance framework.
- 2.3 Control over spending is critical to a robust Medium Term Financial Strategy (MTFS) to avoid unplanned spending impacting on the Council's reserves. The Council's current MTFS identified that, in response to reduced Government funding, the Council needs to reduce its net spending by around £42m for the two years 2018/19 and 2019/20. The MTFS is being reviewed and updated to report back to Cabinet in November.
- 2.4 This report is the second financial monitoring report for 2017/18, which sets out an early view of the forecast revenue budget financial position based on actual cost and income for the first four months of the financial year and a forecast year end position.
- 2.5 The current revenue position after 4 months shows a forecast revenue overspend of £3.4m. This compares with a £7.0m forecast overspend reported in July, with the updated forecast largely reflecting additional cost pressures in the CYPS Directorate, but benefits from a review of business rates income and savings from treasury management activity.

2.6 The Council's Capital Strategy and Capital Programme (2017-2022) was approved by Council on the 8th March 2017. This was further updated on the 10th July 2017 within the financial outturn report for 2016/17 approved by the Cabinet and Commissioners' Decision Making Meeting

2.7 The budget process, which has led to the recommended capital programme for 2017/18 to 2021/22, ensures that Council's capital investment plans are aligned with strategic priorities and available funding. The financial implications of the programme are reflected in the Council's Medium Term Financial Strategy (MTFS) and Treasury Management and Investment Strategy.

2.8 Over the five year period of this programme the Council's approved programme invests £281.9m in capital schemes across the borough, including £120.9m to be invested in regeneration and enhanced infrastructure schemes and £91.4m towards improving council housing.

2.9 The 2017/18 Capital Programme is currently forecasting an in-year over-commitment of £1.018m within the Adult Care and Housing Directorate (Housing Capital Programme). This position will continue to be closely monitored and any revision required to the Programme will be included within the next monitoring report for Cabinet approval.

3. Key Issues

3.1 Table 1 below shows the summary forecast revenue outturn position by Directorate. The table shows the forecast outturn position after management actions which have already been quantified and implemented.

Table 1: July Cumulative - Forecast Revenue Outturn 2017/18

Directorate / Service	Revised Annual Budget 2017/18	Forecast Outturn 2017/18	Forecast Variance (over (+) / under (-) spend) AFTER management actions
	£'000	£'000	£'000
Children & Young People's Services	62,460	65,052	+2,592
Adult Care & Housing	62,082	67,224	+5,142
Regeneration & Environment Services	43,941	44,663	+722
Finance & Customer Services	13,264	13,264	0
Assistant Chief Executive	6,229	6,164	-65
Capital Financing, Levies and Central Services	16,850	11,850	-5,000
SUB TOTAL	204,826	211,782	+3,391
Public Health (Specific Grant)	16,734	16,734	0
Dedicated Schools Grant	106,312	112,772	+6,460
Housing Revenue Account (HRA)	84,564	84,325	-239

Directorate Services Savings of £11.9m were included in the 2017/18 Budget, in addition to £5.4m of savings agreed in previous budgets for delivery in 2017/18. The following amounts totalling £5.2m from that total savings of £17.3m have been identified as currently being at risk of not being achieved in 2017/18 and are reflected as such in the projected outturn position, along with the impact of mitigating actions.

- CYPS - Business Support £0.4m
- Adult Care and Housing – £4.2m
- Regeneration & Environment Services - £0.3m
- Finance & Customer Services - £0.3m

Although not being achieved by the means approved by Council when the 2017/18 was set, some of the above pressures are being mitigated by Directorates and this is reflected in the forecast outturn figures included in Table 1 above.

The following sections (paragraphs (3.2 to 3.37) provide key reasons for the forecast level of annual revenue under or overspend within Directorates and of progress in savings delivery.

Children & Young People's Directorate (+£2.592m forecast overspend)

- 3.2 The July revenue full year forecast for Children's and Young People's Services is £2.592m over budget. The service continues to face a range of pressures which are considered below. Further actions to mitigate the budget pressures are being developed by the service.
- 3.3 A number of budget savings options and considerations have been identified from within the recent budget review meetings. The Directorate is currently challenging where efficiencies could potentially come from and the need for these to be thoroughly reviewed and options discussed and considered for early implementation. These are being actively pursued to identify savings in this financial year, having due regard form the continued safeguarding of vulnerable children and include :
 - Plans for drawing down additional Payments by Results income from the Troubled Families programme by increasing both conversion rates and widening the cohort and number of families engaged on the programme;
 - A further review of all budget variances across the Directorate to determine what spend can be stopped, scaled back or delayed to mitigate the impact of the in-year service pressures;
 - Other actions including further vacancy management action across all services and a thorough review of all continuing health care contributions from the CCG.

These interventions will cover the forecast shortfall in the agreed saving for 2017/18 (£0.4m) in respect of the review of Business Support.

A further step down in placements to reduce the overall placement costs and avoid the use of more expensive Out of Authority and Independent Fostering Agency (IFA) placements and provide additional, more cost effective in-house fostering placements which deliver better outcomes for children in care, will generate further efficiencies. It should be noted that this may be impacted by the extraordinary increase in the overall numbers of children in care resulting in future cost avoidance rather than savings on the current budget.

- 3.4 The Looked After Children (LAC) placement budget in 2017/18 will fund the cost of approximately 480 children in care. The continued increase in LAC above this threshold can be partially mitigated by the over achievement to date of recruitment to permanent posts with a consequent cost saving against the original staff assumptions in the budget with regard to the rate of transition from agency to permanent workers. This translates to additional funding for up to 20 children in care in 2017/18 giving a revised budget of 500 places.
- 3.5 The current number of Looked After Children (LAC) as at the end of July is 517. This is a sharp increase of 30 or 6.2% compared with the actual number as at the end of the 2016/17 financial year of 487. The gross budget pressure in respect of this is £1.8m although this has been partially offset by significant savings on agency and staffing related costs of £900k and additional Continuing Health Care contributions towards eligible placements, leaving a net budget pressure of £650k. It should be noted that any further increase in numbers above the latest estimate for the year or a transfer of existing placements to more expensive provision will result in further cost pressure on the social care budgets.
- 3.6 A further consequence of the unforeseen increase in the number of Looked after Children arising from Complex Abuse investigations and associated intervention, see paragraph 3.9 below, has been an impact on savings that had been earmarked as a result of increasing in-house fostering capacity. The service has exceeded targeted recruitment of additional in-house foster carers, however, these places have needed to be directed to new placements rather than enabling step down from more expensive out of authority settings. As a result the impact of the new LA fostering placements has been one of cost avoidance rather than delivering budget savings.
- 3.7 Further, there is an additional pressure on Child Arrangement Orders (+£164k) and Special Guardianship Orders (+£166k) which offer continued therapeutic service support in line with specific needs and provide children with permanency within a family setting. Whilst this is a cost implication to Children's Services, it is significantly less than the cost of foster care or residential placement.
- 3.8 Expenditure on the Leaving Care budget also continues to rise above budgeted forecasts (+£694k) with generally more placements at higher cost. There are now 24 supported young people as at the end of July, a further increase of 2 since last month with an average cost increase of 42% since the start of the financial year. The number of care leavers has increased steadily from 199 as at February 2015 to 221 at the end of July 2017

- 3.9 A Placements Review Group has been established to confirm the appropriateness of placements and to review existing high cost packages of care to ensure both their quality and efficacy. The scope of the review will include both LAC placements and Leaving Care arrangements and SEND complex needs. The group will provide assurance to the CYPS Business Savings and Delivery Operational Group regarding the approved investment and associated savings linked to the placement budget which was set out in the MTFS update to Council in December 2016. To date, the individual projects are on target to deliver their stated outcomes, albeit as noted in paragraph 3.5, this is likely to be in the form of cost avoidance rather than budget savings, however the overall savings against budget will be compromised by any continued growth in LAC numbers due to a number of factors outside of the service's control.
- 3.10 There has been a further budget pressure resulting from the increased costs to meet the support needs of work related to Child Sexual Exploitation and Operation Stovewood, an active National Crime Agency (NCA) operation which is incomparable with any other recent or historic investigation. In addition a Complex Abuse Team has recently been established in order to take forward the investigation and associated interventions with regard to all children in scope of the team's work. (£858k). These costs will be funded through additional monies arising from a joint 'Fusion Centre' bid for Government funding (-£750k).
- 3.11 As part of the 2017/18 Revenue Budget the Council approved a saving for delivery against the directorate's Business Support function. A Business and Savings Delivery Group has been established to provide assurance in respect of the delivery of savings and the management of the associated financial risks and issues. To date, the Group has identified annual savings of £445k across the directorate to offset the Business Support Review savings target – the balance of £355k remains a cost pressure within social care at this time.
- 3.12 There is also a cost pressure arising from additional staff required for the Children's Service Resourcing Team and associated support budget which is currently unbudgeted (+£200k). The team has been established to search for and recruit the best social care professionals. Recruitment continues to be successful with a net reduction in the number of agency staff and associated budget savings.
- 3.13 Savings have been achieved within Children's Services arising from effective vacancy management within Early Help services and other non-social care budgets (-£440k) and a review of pensions costs in relation to schools (-£71k). A redistribution of Special Educational Needs and Disabilities (SEND) funding within the Education and Skills service in respect of Education Psychology has led to further savings (-£380k).
- 3.14 Other Services within the Directorate including School Improvement are currently forecast to spend in line with budgets.

Dedicated Schools Grant

3.15 The Directorate is currently forecasting an overspend on its Dedicated Schools Grant (DSG) High Needs Block of £6.460m; an increase of £1.580m since the May report. The other elements of DSG are currently forecast to spend in line with budgets. At the end of 2016/17 the outturn position showed an overall deficit of £5.213k on the non-delegated DSG, comprised as follows:

- Early Years Block: +£0.217m Overspend
- Schools Block: -£0.640m Underspend
- High Needs Block: +£5.636m Overspend

3.16 The service has developed a recovery plan which aims to mitigate as far as possible the in-year pressure of £6.460m and achieve the previously reported position of an overall cumulative deficit of £1.796m by April 2019.

3.17 The key areas of focus which will deliver the targeted deficit reduction by April 2019 include:

- A revised Special School funding model (November 2017);
- A review of high cost out of authority education provision to reduce cost and move children back into Rotherham educational provision (November 2019); and
- A review of inclusion services provided by the Council (December 2017).

Adult Care & Housing (+£5.142m forecast overspend)

3.17 Adult Care Services are currently forecasting an overall overspend of £5.169m in 2017/18. This is a reduction in forecast overspend by £197k since the May report. This includes a current anticipated shortfall of £4.1m in delivering all of the 2017/18 budget savings in the current financial year. Currently within Adult Care there are pressures relating to the assessment capacity and this has been addressed in the interim by introducing a more flat structure into the teams whilst a realignment of the current pathways takes place. This is scheduled for late September/October 2017 and will include strengthening procedures to ensure that demand management is robust, to divert, signpost and provide a customer focussed service in place.

3.18 The £6.2m allocation for Adult Social Care from the Chancellor's Spring Statement needs to address pressures across the social care system with Health partners. This will relate to, amongst other issues, mitigating further challenges in the system, particularly around hospital admission and discharge.

3.19 In any change to an individual package of support, in law there needs to be a reassessment of need and therefore a systems change will take time if sustainable change is to take place and therefore a planned approach will be required.

3.20 Due to historical practice there is a significant amount of budget committed to 24-hour care amounting to £30m out of an approximate £63m net budget. There is a piece of work to understand how this will naturally change by people no longer needing a service and a change in practice to look at where possibly people can move from residential care to community types of accommodation. This is particularly in relation to people under the age of 65 years.

3.21 The current forecast outturn takes into account the anticipated impact on adult social care costs of the proposed use of the £6.2m funding and of the £1.1m Improved Better Care Fund, announced as part of the Local Government Finance Settlement. Final arrangements for use of the funding, and therefore how the funding impacts on adult social care, are being negotiated with the CCG. The final outcome of these negotiations will be factored into future months' financial monitoring reports.

3.22 In addition to the above forecast overspends, there are further delays on achieving budget savings in respect of Care Enabling within Extra Care Housing (£0.4m) and the review of Rothercare and Assistive Technology provision (£0.3m).

3.23 The above savings are being reprofiled to ensure that they are achieved and where that is not possible, plans will be put in place to ensure the savings are achieved from other projects or new pieces of work. This work will be completed by the end of September.

3.24 Neighbourhood services' (Housing) latest forecast is an underspend of £27k mainly due to current staff vacancies within Neighbourhood Partnerships pending final recruitment to the recently agreed new Neighbourhood Working Model.

Adult Care & Housing – Recovery Strategy Update

3.25 The demand for residential placements is reducing however budget pressures remain due to the increasing cost of care packages. There are also underlying budget pressures from unachieved budget savings carried forward from previous years, for example, Continuing Health Care funding and a reduction in the level of client contributions to services after financial assessment.

3.26 One of the main budget savings measures identified is the continued review of out of area and high cost care packages across all services to identify opportunities to reduce costs and rigorously pursue all Continuing Health Care funding applications with the Clinical Commissioning Group. Budget meetings are held with senior managers to review in detail the budget forecasts, monitor demographic pressures, to identify further savings opportunities and to mitigate pressures. Progress continues on the delivery of the Adult Services Development Programme to improve the outcomes for service users and additional reports on a range of options for future service delivery, including consultation with service users and carers was considered by Cabinet in July.

3.27 Adult care will focus on two key areas as the improvement continues, cost avoidance through strengthening the front door and focussed assessments and using enablement as a key area to maximise peoples' independence. The overspend has continued to decrease, albeit at a low level but this is alongside significant demand coming through the front door, which demonstrates some of the key actions and changes to practice and the pathway are taking effect.

3.28 Further investment, as approved by Council in December, has been made in a brokerage team, additional social worker capacity and additional resources to review Direct Payments and Managed Accounts.

Public Health (forecast balanced outturn)

3.29 The forecast outturn is to spend to budget. The budget was set taking into account the 2017/18 reduction in Government grant funding of £423k, which was largely been mitigated through the use of the balance on the Public Health grant reserve.

Regeneration and Environment Services (+£722k forecast overspend)

3.30 The Regeneration and Environment Directorate Management Team have reviewed the forecast outturn position following the July monitoring cycle and a pressure of £0.722m has been identified for the Directorate. The Directorate has agreed savings totalling £4.89m in 2017/18 some of which are predicated on property savings arising from service reviews within other Council services. In particular, a pressure of £478k is now being reported in respect of the corporate review of land and property (Savings reference: CCR2). The saving is predicated on decisions being taken in other Directorates in respect of future service delivery options, which will determine which buildings can be released. Other reviews have identified potential savings (e.g. the review of Corporate Transport, including Home to School Transport) however, these savings will take longer to deliver than previous assumptions, therefore, alternative mitigations have been put in place in order to meet these specific savings targets. The Directorate Management Team is continuing to work towards achieving a balanced position, which will require additional savings to be found from other areas in R&E to offset the savings that will take longer to deliver. As in 2016/17, this will be achieved through a robust budget monitoring challenge process and ongoing tight day to day budgetary control. Careful financial management will be achieved through the management of vacant posts and through operating strict controls on non-essential spend.

3.31 There are a number of overspends and underspends across the Directorate. The main forecast overspends within the Directorate are in summary: Facilities Management (£504k), including £478k in respect of saving CCR2, Facilities Services (£131k), Street Scene Services (£105k), Facilities Management £142k), and Rotherham Investment and Development Office (RIDO), £105k. These forecast overspends are partly mitigated by forecast underspends in other areas – in particular in Regulation and Enforcement (-£214k).

3.32 The current Directorate forecast position excludes any pressure which may be incurred on the Winter Maintenance budget. This is weather dependent and is flagged as a risk at this stage.

Finance & Customer Services (forecast balanced budget)

3.33 Overall, the Directorate is currently forecasting a balanced outturn for the year. There are significant staff cost pressures in Legal services (£591k) through the use of Locums and the temporary staffing support being provided by Sheffield City Council to help manage increase in childcare cases. These and other more minor pressures are, however, mitigated by staff cost savings within Revenues and Benefits, and the resulting reduction in the cost of collection of Business Rates and Council Tax. Budget Pressures within Customer, Information and Digital Services, arising from an in-year shortfall in the delivery of savings are being mitigated by holding a number of staffing posts vacant to achieve a saving of around £200k. There is also a forecast recovery of Housing Benefit overpayments (£300k). The Directorate has implemented further management actions to ensure delivery of a balanced outturn.

Assistant Chief Executive (-£65k forecast underspend)

3.34 An underspend of £65k is forecast for the year by the Assistant Chief Executive's Directorate. Although the HR and Payroll Service has lost income from schools and academies and demand/income from disclosure and barring checks has reduced, these pressures are more than offset by staff cost savings across the wider Directorate due to vacancy control and the reduced cost of Members' allowances.

Corporate & Central Services – (-£5m forecast underspend)

3.35 The Corporate and Central services Budget which covers capital financing costs, levies and central costs is currently forecast to achieve a saving of £5m on the 2017/18 budget.

3.36 The underspend arises from a combination of further business rates income (£3m) and savings from the treasury management strategy (£2m). The Council budget report for 2017/18 indicated that the anticipated amount of retained income from business rates, compared with the Government's estimates of that income included in the Finance Settlement, would be reviewed in-year. This has now been done and an estimated additional £3m of business rates income is included in the outturn forecast. A review of the capital financing budget within treasury management along with the Council's treasury strategy to maximise the benefit from low interest rates on short-term loans, results in an expected £2m of savings from the treasury budget.

3.37 The Council's flexible use of capital receipts policy for 2017/18 anticipates a requirement to fund the first £2m of any staff severance costs, incurred as part of delivering agreed budget savings, from in-year capital receipts. The actual level of capital receipts for 2016/17 was £2.3m and it is expected that at least £2m will be generated in 2017/18. The use of any capital receipts above the level of £2.0m will be determined within the Council's overall financial strategies.

Capital Programme

3.38 The table below shows the current forecast outturn position for the 2017/18 approved Capital Programme by Directorate, which currently shows a forecast in-year over-commitment of £1.018m. The majority of this forecast over-commitment relates to the Adult Care & Housing Directorate and further detail is contained within the Directorate commentary.

Directorate	Current Year		
	2017/18		
	Budget	Forecast	Variance
	£	£	£
Adult Care & Housing	40,970,500	42,701,375	1,730,875
Children & Young Peoples Services	8,935,589	8,750,987	-184,602
Finance & Customer Services	3,973,590	3,444,844	-528,746
Regeneration & Environment	35,273,402	35,273,402	0
Total	89,153,081	90,170,608	1,017,527

3.39 Directorate Programme Commentaries

3.39.1 Adult Care and Housing (ACH) Capital Programme 2017/18

The key element of the ACH programme is the Annual Housing Investment programme to maintain decent homes standards, carry out stock improvements, aids and adaptations, new stock provision, energy efficiency and environmental works to the 21,000 Council homes. These properties currently meet Rotherham decent homes plus standard and the Council continues to improve access and reduce CO2 emissions. In addition Members also approved the Site Cluster II report on the 10th July 2017 which recommends the building of 217 new residential properties at various sites across the borough. The budget for that project is £9.466m in 2017/18, which will be funded by a combination of capital receipts (£2.0m), grant (£0.360m) and revenue contribution (£7.106m).

The Adult Care and Housing (ACH) Capital Programme 2017/18 forecast outturn is £42.701m, which represents a projected in-year over-commitment of £1.731m which mostly relates to:

- Aids and Adaptations (£0.545m) - **HRA**. An increase in the number adaptations completed to date has led to higher than anticipated costs to date which is expected to continue. This has resulted in the backlog for Occupational Therapy works being reduced from 26 weeks to 10 weeks. This would be mainly funded by Major Repairs Allowance (MRA) (£0.423m) with the balance supported by revenue contributions (£0.122m).
- Asbestos Removal from Housing properties (£0.250m) - **HRA**. This increase would be funded by MRA
- Potential additional costs of the Major Voids Capital Programme (£0.323m) - **HRA**. This increase would be funded by MRA.
- Potential cost increase in the Furnished Homes capital programme (£0.726m) – **General Fund**. The terminations are very low meaning items and appliances are being returned less so can't be recycled back into the service, leading to a short-term requirement for higher expenditure. This needs to be reviewed against future years' allocations in the Programme.

3.39.2 Children and Young People's Services (CYPS) Capital Programme 2017/18.

It is the Council's responsibility to manage the supply and demand and to increase choices for primary and secondary school places in its area and secure a place for every child of statutory school age who wants one. To meet this responsibility the Children's Services capital programme prioritises investment to help increase capacity and provide sufficient school places.

The capital programme also aims to improve and maintain the existing school estate (buildings and grounds) where the council is responsible for the buildings, ensuring that all pupils are kept safe, dry and warm so that they can learn effectively.

The CYPS programme forecast outturn for 2017/18 is £8.751m, which represents a forecast in-year reduction of £185k. This includes a re-profiling of the project to provide additional classrooms at Wath Comprehensive School, where work will now begin in 2017/18 instead of 2018/19.

Early Years Capital Grant totalling £0.201m will be repaid to the Department for Education as High Greave school has decided not to proceed with part of the Thrybergh CC Satellite project (£0.131m) and other projects have outturned at less than originally anticipated (£0.070m).

3.39.3 Finance and Customer Services

The Finance and Customer Services programme 2017/18 forecast outturn is £3.445m, which represents a forecast in-year reduction of £0.529m. The total planned expenditure over the remaining years of the programme is £4.924m. Projects within this Directorate relate to the Council's ICT and Digital Strategy.

The only change to the approved programme is the re-profiling of the ICT Digital Strategy, over this and the subsequent two years, following further detailed planning.

3.39.4 Regeneration and Environment

The key themes for capital expenditure within the Regeneration and Environment (R&E) Directorate include:

- Investment in Transportation, Highways and Network Management. This includes £3m investment in 2017/18 in the Borough's unclassified roads network, as part of a programme to permanently repair 50km of the network, building on the £2m investment in 2016/17 with works being clearly targeted at maximising the improvement to the durability and condition of the network.
- Works focussed on regenerating the town centre, including £5m of Growth Fund and £6.439m for the Town Centre Investment programme.

3.40 General Fund Capital Receipts Position as at 31st July 2017

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. This will contribute future capital receipts which can be used to support the revenue budget, using the capital receipts flexibilities introduced from the 1st April 2016 and implemented by the Council aimed at generating revenue savings. Within the 2017/18 Revenue Budget, an assumption has been made that Capital Receipts of £2m will be generated in 2017/18, to fund expenditure relating to transforming Council services to generate future revenue efficiency savings.

As at 31st July £1.162m of Capital Receipts have been secured and the Council is on track to deliver at least the £2m currently assumed in the 2017/18 Budget.

The completed sales in the year to date include the Habershon House in Filey, the Millside Centre and the disposal of the Pithouse West site.

3.41 Housing Revenue Account (HRA) – (Forecast -£0.239m underspend)

3.41.1 The Housing Revenue Account is a statutory ring-fenced account that the Council has to maintain in respect of the income and expenditure incurred in relation to its council dwellings and associated assets. The HRA forecast outturn for the current financial year means that the budgeted use of HRA reserves for 2017/18 (£1.16m) will now be £239k less than planned. The surplus is mainly due to staff vacancies with the Supervision and Management section of the HRA.

4. Options considered and recommended proposal

4.1 With regard to the current forecast revenue overspend of £3.4m:

- Management actions are being identified with the clear aim of bringing expenditure into line with budgets and the impact of these actions will be included in future financial monitoring reports to Cabinet.
- In addition, £5.2m of Directorate savings targets are currently identified as at risk of delivery in 2017/18 and for which Directorate Management Teams are tasked with continuing to find alternative and additional savings from other areas in order to achieve a balanced position.

4.2 In setting the 2017/18 Revenue Budget the use of £5.3m reserves was approved providing time for further action to be taken to deliver the substantial further savings required over the two financial years 2018/19 to 2019/20. This approach was based on the Council currently having a balance of reserves which could mitigate overall budget risk in the short term and to support a sustainable financial plan in the medium term. It is inevitable that to any extent that planned savings are not delivered and a balanced budget cannot be maintained for 2017/18, there will be an impact on the Council's reserves.

4.3 Within the current financial climate, effective and carefully planned use of reserves is ever more critical to the Council's ability to maintain a robust balanced budget and that these reserves are not called upon for other purposes save in exceptional circumstances with the agreement of the Leader of the Council, Chief Executive and the Strategic Director of Finance & Customer Services and approved by the appropriate body of the Council in accordance with the Constitution.

5. Consultation

5.1 The Council consulted extensively on budget proposals for 2017/18. Details of the consultation are set out within the Budget and Council Tax 2017/18 report approved by Council on 8th March 2017.

6. Timetable and Accountability for Implementing this Decision

6.1 Strategic Directors, Managers and Budget Holders will ensure continued close management and scrutiny of spend for the remainder of the financial year.

6.2 Financial Monitoring reports are taken to Cabinet/Commissioner Decision Making meetings during the year. The next Financial Monitoring Report considered by Cabinet in November.

7. Financial and Procurement Implications

7.1 There is currently a projected overspend of £3.4m as set out within section 3 of this report. This includes a current shortfall in delivery of £5.2m of the total amount of budget savings agreed for 2017/18, net of mitigating actions and savings.

- 7.2 It is inevitable that to any extent that planned savings are not delivered and expenditure exceeds budgets in year, there would be an impact on the Council's reserves as unplanned spending impacts on reserves levels. Control over spending is therefore critical to a robust Medium Term Financial Strategy. All areas at risk of shortfall in savings or subject to budget pressures are subject to review to identify alternative savings.
- 7.3 Failure to achieve planned savings and to contain spending within the agreed budget in the current financial year will also have implications for subsequent financial years 2018/19 and 2019/20, when the Council already has significant challenges ahead across the medium term. The Council's Medium Term Financial Strategy is currently being updated and will take into account the financial risks outlined within this report.

8. Legal Implications

- 8.1 No direct implications.

9. Human Resources Implications

- 9.1 No direct implications.

10. Implications for Children and Young People and Vulnerable Adults

- 10.1 This report includes reference to the cost pressures on both Children's and Adult Social care.

11 Equalities and Human Rights Implications

- 11.1 No direct implications.

12. Implications for Partners and Other Directorates

- 12.1 No direct implications. As management actions are developed some of these may impact upon Partners. Timely and effective communication will therefore be essential in these circumstances.

13. Risks and Mitigation

- 13.1 At a time of economic difficulty and tight financial constraints, managing spend in line with the Council's Budget is paramount. Careful scrutiny of expenditure and income across all services and close budget monitoring therefore remain a top priority if the Council is to deliver both its annual and medium term financial plans while sustaining its overall financial resilience.
- 13.2 Potential pressures on the winter maintenance budget arising from adverse weather are not reflected in this report.
- 13.3 There is a risk that the costs falling on the Council for sponsored academy conversions in- year may exceed the funding set aside for this purpose.

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

14. Accountable Officer(s)

Pete Hudson – Chief Finance Manager
Graham Saxton – Assistant Director-Financial Services

Approvals Obtained from:-

	Named Officer	Date
Strategic Director of Finance & Customer Services	Judith Badger	23/08/2017
Assistant Director of Legal Services	Dermot Pearson	23/08/2017
Head of Procurement (if appropriate)	N/A	
Head of Human Resources (if appropriate)	N/A	

*Report Author: Pete Hudson, Chief Finance Manager
Graham Saxton, Assistant Director – Financial Services*

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Public Report
Cabinet and Commissioner's Decision Making Meeting

Summary Sheet

Cabinet and Commissioner's Decision Making Meeting – 11 September 2017

Title:

Council Tax Discount for Care Leavers

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 Finance and Customer Services

Report Author(s)

Robert Cutts, Service & Development Manager - Revenues, Benefits & Payments
01709 823320 or robert.cutts@rotherham.gov.uk

Ward(s) Affected

All

Summary

The Council has the discretion to reduce the Council Tax liability for individuals or prescribed groups. The Council exercises this discretion in accordance with section 13A of the Local Government Finance Act 1992, in respect of the local Council Tax Reduction scheme, for ad hoc cases of extreme financial hardship or by determining a class of case for which the charge should be reduced.

It is proposed that the Council exercise its discretionary powers to award a 100% Council Tax discount for all Rotherham's care leavers aged between 18 and 21 years and up to the age of 25 for those in full-time education who reside within the Borough boundaries and are liable for Council Tax. It is further proposed that the Council Tax owed by eligible care leavers who reside outside of the Rotherham area is paid by Rotherham Council.

This proposal has been developed to help improve the life chances of looked after children and support care leavers in making an effective social and financial transition from Local Authority care to independent living.

It is proposed that the discount is awarded as part of the Council Tax Reduction scheme. However, changes to the scheme can only be implemented from 1 April 2018, following a review and public consultation and it is therefore proposed that a local discount be awarded under Section 13A (1)(c) for the period from the relevant

date at the end of the formal call in period following decision (likely to be 22nd September) for the period to 31 March 2018.

Recommendations

1. That a 100% Council Tax discount be awarded for Council Tax liability arising from the relevant date at the end of the formal call in period following decision for the period to 31 March 2018, under Section 13A (1)(c), to Rotherham care leavers between the ages of 18 to 21 and up to the age of 25 for care leavers in full-time education, who reside in the borough based on the principles set out in this report.
2. That for those care leavers from Rotherham living outside of the Borough, Rotherham Council will pay 100% of Council Tax liability arising from the relevant date at the end of the formal call in period following decision based on the principles set out in this report.
3. That a full review of the Council Tax Reduction scheme be undertaken, including public consultation, to consider potential changes to the scheme for 2018 including the incorporation of the care leavers discount into the scheme.

List of Appendices Included

None

Background Papers

Corporate Parenting Panel paper “Discretionary Council Tax Discount for Care Leavers”

Consideration by any other Council Committee, Scrutiny or Advisory Panel

None

Council Approval Required

No

Exempt from the Press and Public

No

Title: Council Tax Discount for Care Leavers

1. Recommendations

- 1.1 That a 100% Council Tax discount be awarded for Council Tax liability arising from the relevant date at the end of the formal call in period following decision for the period to 31 March 2018, under Section 13A (1)(c), to Rotherham care leavers between the ages of 18 to 21 and up to the age of 25 for care leavers in full-time education, who reside in the borough based on the principles set out in this report.
- 1.2 That for those care leavers from Rotherham living outside of the Borough, Rotherham Council will pay 100% of Council Tax liability arising from the relevant date at the end of the formal call in period following decision based on the principles set out in this report.
- 1.3 That a full review of the Council Tax Reduction scheme be undertaken, including public consultation, to consider potential changes to the scheme for 2018 including the incorporation of the care leavers discount into the scheme.

2. Background

- 2.1 Section 13A of the Local Government Finance Act 1992 gives Councils the discretion to reduce the Council Tax liability for individuals or prescribed groups. Rotherham Council exercises this discretion in respect of the local Council Tax Reduction scheme, for ad hoc cases of extreme financial hardship or by determining a class of case for which the charge should be reduced.
- 2.2 The Section 13A discretion has been used by several councils to prescribe Council Tax reductions of up to 100% for care leavers as a means of offering this level of additional support to their care leavers for whom they previously held corporate parenting responsibility. The Section 13A discretion has been used where a care leaver moves from Local Authority care into private or social accommodation, and where the care leaver is liable to pay Council Tax at the new property. The period for which the exemption applies is at the discretion of the Council.
- 2.3 Following a report that suggested that care leavers are a particularly vulnerable group for Council Tax debt the Children's Society has been lobbying councils in relation to the support with Council Tax costs provided to care leavers. The report found that for it can be challenging for care leavers when moving into independent accommodation and beginning to manage their own budget fully for the first time and that falling behind with their Council Tax payments is a particular problem. The rationale for supporting care leavers in this way is to help to support them in making an effective social and financial transition from Local Authority care to independence. Ultimately, this is to help to improve the life chances of looked after children, principles clearly consistent with the Council's Corporate Parenting objectives and responsibilities.

- 2.4 The Government has set out its intentions in the 'Keep on Caring' paper published in July 2016 to extend existing entitlements to care leavers up to the age of 25. Although this hasn't been fully implemented yet, and there is no clarity on the exact expectations, some Local Authorities that have introduced Council Tax exemption for care leavers have done so until their 25th birthday for those care leavers in full-time education. These local authorities include Wolverhampton, Birmingham, Coventry, Rochdale, Cheshire East and Islington. As a result of this Rotherham has the opportunity to be an early adopter of this scheme.
- 2.5 The Council proposes to include this support for care leavers within its Council Tax Reduction Scheme, however regulations require that changes to the scheme can only be implemented following a review and public consultation. Any changes to the Council Tax Reduction Scheme must have full Council approval by 31 January in the financial year before the Scheme takes effect. It is therefore proposed that for the period from the relevant date at the end of the formal call in period following decision (likely to be 22nd September) for the period to 31 March 2018 a local discount is awarded under Section 13A (1)(c), which gives all councils a general power to reduce liability in cases where they think fit. A more general review of Rotherham's Council Tax Reduction scheme is currently planned and it is proposed that the support for the Council's care leavers is included with any other changes to the scheme arising from this review, with effect from 1 April 2018.

3. Key Issues

- 3.1 It is proposed that the Council exercise its discretionary powers to award a 100% Council Tax discount for Rotherham care leavers residing in the Borough and make payment of the Council Tax costs for those care leavers living out of Borough.
- 3.2 The discount will operate as follows:
 - The discount will apply to care leavers between the ages of 18 and 21 or 25 if in full-time education for whom Rotherham Council held corporate parenting responsibility at the point at which the young person left care.
 - Where the care leaver resides and is liable to pay Council Tax in Rotherham, the level of discount applied will be 100% of the residual Council Tax liability after taking account of any other discounts/exemptions to which the care leaver may be entitled.
 - Where the care leaver resides outside of the Borough and is liable to pay Council Tax, Rotherham Council will pay 100% of the residual Council Tax liability after taking account of any other discounts/exemptions to which the care leaver may be entitled.
 - Where a care leaver is jointly liable with other tax payers, the discount will be applied to the household and so non-care leavers may benefit inadvertently.

- The discount would be awarded against any Council Tax liability arising from the relevant date at the end of the formal call in period following decision.
- The discount will not be means tested or responsive to the individual circumstances of the care leaver if they are between the ages of 18 to 21 or 25 if in full-time education.
- Rotherham care leavers not in full-time education between the age of 21 and 25 who are suffering financial hardship can apply for Council Tax Reduction or for Council Tax discretionary relief which will be subject to a means test.

3.3 It is currently proposed that a local discount be awarded under Section 13A (1)(c) for the period from the relevant date at the end of the formal call in period following decision (likely to be 22nd September) for the period to 31 March 2018. Going forward it is intended that the discount is awarded as part of the Council Tax Reduction scheme under Section 13A (1)(a). However, changes to the Council Tax Reduction scheme can only be implemented from 1 April 2018 following a review and public consultation.

3.4 The scheme will be administered by the Council's Benefits Assessment section with the assistance of Children's and Young People's Services (CYPS).

4. Options considered and recommended proposal

4.1 There are no alternative options being considered and the recommendation is that all care leavers up to the age of 21 or 25 if in full-time education are given a 100% Council Tax discount.

5. Consultation

5.1 CYPS have been involved in the development of this proposed discount. No external consultation has been undertaken in respect of the proposed implementation of this scheme although the Children's Society has been lobbying Councils in relation to this.

6. Timetable and Accountability for Implementing this Decision

6.1 It is proposed that the Council Tax discount for care leavers will be implemented from the date of decision as a local discount under Section 13A (1)(c). This will cover the period from the relevant date at the end of the formal call in period following decision for the period to 31 March 2018. Following a review of the Council Tax Reduction scheme and public consultation the care leavers discount would be incorporated into the Council Tax Reduction scheme with effect from 1 April 2018. Changes to the Council Tax Reduction scheme must be subject to public consultation and approved by Full Council by 31 January 2018.

7. Financial and Procurement Implications

- 7.1 Rotherham's Children's and Young People's Services directorate are supportive of the proposals. As of 4 April 2017, there were 136 care leavers age 18-21 or 18-25 in full-time education. 91 of them resided in Rotherham of which 31 had a Council Tax liability. The cost of providing a discount for these individuals is estimated to be £9,000 per annum (£4,500 in 2017/18). It should be noted that this figure is subject to change dependent upon the number of care leavers identified each year and their individual circumstances. Care leavers are often not liable to pay Council Tax such as Students or they may reside in a house in multiple-occupation where the landlord is liable.
- 7.2 There are 45 care leavers living out of the Rotherham area of which 14 are living independently. The approximate cost of these care leavers' Council Tax is liability £4,000 per annum which it is proposed Rotherham Council will meet (£2,000 in 2017/18).
- 7.3 The additional cost of awarding discretionary relief in cases of financial hardship for the 21-25 year old cohort that are not in full-time education is difficult to forecast.
- 7.4 The total cost to the Council would therefore be approximately £13,000 per annum which will be managed within the overall Council Tax Reduction scheme budgets. This cost may be offset by a reduction in emergency payments to care leavers in crisis and there may also be a further reduction in their dependency on other Council services.

8. Legal Implications

- 8.1 Section 13A of the Local Government Finance Act allows councils in England to reduce liability for Council Tax in two circumstances:
 - Section 13A (1)(a) allows the Council Tax for any dwelling to be reduced in accordance with the Council's Council Tax Reduction Scheme which councils are under a duty to have (as set out in section 13 A (2)). Schedule 1A and supporting regulations set out more provisions in respect of these schemes, including a duty to consult on the scheme or any changes and to have any changes in place by 31 January in the financial year before the Scheme takes effect.
 - Section 13A (1)(c) gives all councils a general power to reduce liability in cases where they think fit, even if liability has already been reduced under Section 13A(1)(a)
- 8.2 The discount that is proposed would be initially implemented under:
 - Section 13A (1)(c) for the period from the relevant date at the end of the formal call in period following decision for the period to 31 March 2018 as a local discount; then
 - Section 13A (1)(a) from 1 April 2018 as part of the Council Tax Reduction Scheme.

8.3 Changes to the Council Tax Reduction scheme must be subject to public consultation and be approved by full Council by 31 January 2018.

8.4 Payments to care leavers liable to pay Council Tax outside the Borough would be made under section 23C of the Children Act 1989 [Continuing functions in respect of former relevant children].

9. Human Resources Implications

9.1 There are no Human Resources implications arising out of this proposal.

10. Implications for Children and Young People and Vulnerable Adults

10.1 This directly supports the Council's key objectives of supporting people to lead independent lives, and ensuring that children and young people are safe and make a positive contribution.

11. Equalities and Human Rights Implications

11.1 This proposal is intended to enhance the equality and Human Rights of care leavers.

12. Implications for Partners and Other Directorates

12.1 The proposal contained in this report will support the drive of the Council to become a Child Centred Borough.

13. Risks and Mitigation

13.1 The total cost to the Council is estimated to be approximately £13,000 per annum however it should be noted that this figure is subject to change dependent upon the number of care leavers identified each year and their individual circumstances.

14. Accountable Officer(s)

Approvals Obtained from:-

Judith Badger, Strategic Director, Finance and Customer Services

Dermot Pearson, Assistant Director, Legal Services

Head of Procurement - Not Applicable

Rob Cutts, Service and Development Manager - Revenues, Benefits and Payments

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Public Report
Cabinet and Commissioners' Decision Making Meeting

Summary Sheet

Cabinet and Commissioners' Decision Making Meeting – 11 September 2017

Report Title

New Applications for Business Rates Discretionary Rate Relief

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

No, but it has been included on the Forward Plan

Strategic Director Approving Submission of the Report

Judith Badger, Strategic Director of Finance and Customer Services

Report Author(s)

Rachel Humphries – Operational Manager, Local Taxation
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Anne Ellis – Finance Manager
01709 822019 or anne.ellis@rotherham.gov.uk

Ward(s) Affected

All

Summary

To consider 2 applications for the award of a discretionary business rate relief for the organisations listed in Section 2.3 to 2.4 of this report. This is in accordance with the Council's Discretionary Business Rates Relief Policy (approved 12 December 2016).

Recommendations

1. That 100% discretionary rate relief be awarded to SYTT Riverside Ltd reducing to 20% discretionary rate relief once the organisation becomes a registered charity.
2. That 100% discretionary rate relief be awarded to Dexx Skatepark (Yorkshire) Ltd from 8 March 2017 when they occupied the new premises.

List of Appendices Included

Nil

Background Papers

Discretionary Rate Relief Policy - Approved 12th December 2016

Consideration by any other Council Committee, Scrutiny or Advisory Panel
No

Council Approval Required
No

Exempt from the Press and Public
No

New Applications for Business Rates Discretionary Rate Relief

1. Recommendations

- 1.1 That 100% discretionary rate relief be awarded to SYTT Riverside Ltd reducing to 20% discretionary rate relief once the organisation becomes a registered charity.
- 1.2 That 100% discretionary rate relief be awarded to Dexx Skatepark (Yorkshire) Ltd from 8 March 2017 when they occupied the new premises.

2. Background

- 2.1 Section 47 of the Local Government Finance Act (LGFA) 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 the business rates 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 the business rates 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 The Council has operated a system of awarding relief through the application of a policy that was approved by the former Cabinet on 24th April 2013 which has more recently been revised and subsequently approved by Cabinet on 12 December 2016.

- 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 : SYTT Riverside Ltd, Units 2 & 3 Chesterton Road, Rotherham, S65 1ST

2.3.1 SYTT Riverside Ltd is a not for profit organisation which has recently been set up to provide a low cost indoor and outdoor storage solution for preserved vehicles and to provide workshop facilities for these vehicles.

This is a new venture and the organisation will host Open Days during which visitors from both the local area and further afield will be able to see and experience vehicles from a bygone era.

An education package is to be developed which will enable local schools to benefit from educational visits. There will also be opportunities for adult workshops and apprentice training which could be delivered in partnership with local training organisations.

The organisation is run entirely by volunteers and has no paid staff.

2.3.2 SYTT Riverside Ltd's application for the award of discretionary rate relief does meet the Council's qualifying criteria as set out in its Policy. The organisation is open to all sections of the community and will organise community events in the form of Open Days which will attract not only local people but visitors from further afield. Longer term aims are to provide training and education facilities.

2.3.3 The organisation is currently in the process of becoming a registered charity and once registered will benefit from 80% mandatory relief. The financial implication of awarding rate relief at 100% pending registration is set out in Section 7 of the report. The award would reduce to 20% from the date registration is complete.

2.4 Application 2: Dexx Skatepark (Yorkshire) Ltd, Unit 11 Derwent Way, Wath Upon Dearne, Rotherham S63 6EX

2.4.1 Dexx Skatepark (Yorkshire) Ltd is a not for profit organisation providing a safe and supervised environment for scooters and skateboarders. The facility also houses a trampoline park and a Ninja Warrior facility.

Summer camps are available for the whole of the six week school holiday.

The organisation works with SEN and disadvantaged groups. They are also continuing to work with South Yorkshire Police to lower anti-social behaviour by working positively with challenging groups of young people.

Michala Wild, Disability Sports Officer for RMBC has confirmed that their current work with Dexx Skatepark (Yorkshire) Ltd involves the organisation offering free vouchers to their users. They are currently looking at a plan to work with users and families to offer regular sessions at a reduced rate.

- 2.4.2 Dexx Skatepark (Yorkshire) Ltd's application for the award of discretionary rate relief does meet the Council's qualifying criteria as set out in its Policy. The organisation is open to all sections of the community and provides sporting facilities which promote fitness and recreation. They bring together diverse communities and promote community cohesion by working with disadvantaged groups.
- 2.4.3 The organisation has recently moved premises and benefited from 100% discretionary rate relief on their previous premises. They have applied for relief at the same level on the existing premises. There was a period of overlap whilst the new premises were renovated and it is therefore recommended that an award of 100% discretionary rate relief is awarded from the date of occupation only, which was 8 March 2017. The financial implication of awarding rate relief at 100% is set out in Section 7 of the report..

3. Key Issues

- 3.1 To consider the applications requesting the award of discretionary rate relief to the organisations listed in Section 2.3 to 2.4

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, 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 It is therefore recommended that:-
 - i) 100% discretionary rate relief is awarded to SYTT Riverside Ltd reducing to 20% discretionary rate relief once the organisation becomes a registered charity.
 - ii) 100% discretionary rate relief is awarded to Dexx Skatepark (Yorkshire) Ltd from 8 March 2017 when they occupied the new premises.
 - iii) Any award made is considered to be in the interests of Council Tax Payers.

5. Consultation

5.1 The applications have been considered by the relevant Cabinet Member and that Member is supportive of the recommendation to award 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 applicants have provided financial information in support of their application for discretionary rate relief which has been assessed by the Council's Finance department. Financial support in the form of discretionary rate relief is considered appropriate if the organisations are to expand and develop their activities.

7.2 The total potential cost of granting the relief for the financial years 2016/17 and 2017/18 is set out below in paragraph 7.3 alongside the specific cost to the Council.

7.3

Organisation	Year	Total Amount of Relief	Cost to RMBC
SYTT Riverside Limited	2016-17	£13,278.07	£6,506.25
	2017-18	£27,063.50	£13,261.12
Dexx Skatepark (Yorkshire) Ltd	2016-17	£1,100.69	£539.34
	2017-18	£17,656.61	£8,651.74

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 to 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 business rates relief applications with the decision to award reserved for Cabinet.

14. Accountable Officer(s)

Approvals Obtained from:-

	Named Officer	Date
Strategic Director of Finance & Customer Services	Graham Saxton	08/08/2017
Assistant Director of Legal Services	Stuart Fletcher	07/08/2017
Head of Procurement (if appropriate)	N/A	
Head of Human Resources (if appropriate)	N/A	

Report Author: *Rachel Humphries – Operational Manager, Local Taxation*
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Anne Ellis – Finance Manager
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**Public Report****Cabinet and Commissioners' Decision Making Meeting**

Summary Sheet

Cabinet and Commissioners' Decision Making Meeting – 11 September 2017

Title

Consultation on Changes to Policy for Home to School Transport

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 & Environment

Report Author(s)

Martin Raper, Head of Service - Streetscene

Andrew Barker, Fleet Transport Manager

Ward(s) Affected

All

Executive Summary

This report seeks Cabinet approval to carry out consultation on the Home to School Transport Policy for Rotherham, including post-16 students and children with Special Educational Needs or Disability (SEND). A number of policy options are put forward for consultation. It is proposed to report back to Cabinet with the results at the December 2017 Cabinet Meeting.

Recommendations

1. That approval be given to carry out a consultation on all aspects of home to school transport in Rotherham.
2. That a further report be submitted to the Cabinet meeting in December 2017 detailing the outcome of the consultation exercise and presenting the recommended policy options for approval.

List of Appendices Included

None

Background Papers

Home to School Transport Policy 2017

Department for Education Transport & Travel Guidance 2014

Consideration by any other Council Committee, Scrutiny or Advisory Panel

Overview and Scrutiny Management Board – 6 September 2017

Council Approval Required

No

Exempt from the Press and Public

No

Title: Consultation on Changes to Policy for Home to School Transport

1. Recommendations

- 1.1 That approval be given to carry out a consultation on all aspects of home to school transport in Rotherham.
- 1.2 That a further report be submitted to the Cabinet meeting in December 2017 detailing the outcome of the consultation exercise and presenting the recommended policy options for approval.

2. Background

- 2.1 The Council has a statutory duty under the following Acts and Guidance to provide education transport to eligible students:
 - The Education Act 1996
 - Equality Act 2010
 - The Home to School Travel and Transport Guidance 2014
 - Children and Families Act 2014
 - Post 16 Transport to Education and Training Guidance 2014
- 2.2 In particular, the Education Act 1996, states that a statutory duty is placed on the Council to make suitable travel arrangements to facilitate attendance at school for eligible children of compulsory school age (5-16). This is based on statutory walking distance for children to a qualifying school as follows:
 - Beyond 2 miles (below the age of 8)
 - Beyond 3 miles (age 8 – 16)
 - Between 2 – 6 miles for pupils from low income families (for example in receipt of free school meals)
 - No statutory distances for pupils with a disability or mobility requirement.
- 2.3 Within the Home to School Travel and Transport Guidance 2014 (Special Education Needs), the Council is required to make transport arrangements for those children who cannot reasonably be expected to walk to school because of their mobility or associated health and safety issues related to their special education needs and disabilities.
- 2.4 Home to school transport in Rotherham takes two main forms, the issue of passes for use on service buses and direct travel assistance. The Council currently spends approximately £3.3m per annum for 1,795 children and young people on the provision of education transport for 2016/17 as follows:
 - 1005 zero fare bus passes costing £300 each (£301,500)
 - 132 children (5-16 year olds) transported to mainstream schools and resourced units with an average cost per child of £2,477 (£327,000)
 - 541 children transported to special schools for children (2–19 year olds) with an average cost per child of £3,576 (£1.935m)

- 25 young people transported to colleges (16-19 year olds) with an average cost per person of £3,160 (£79,000)
- 70 children and young people transported to out of Borough schools with an average cost of £8,671 per person (£607,000)
- 22 children and young people (5 – 19 years) submitting travel claims with an average annual cost of £636 (£14,000)

2.5 Benchmarking information

2.5.1 The Council has undertaken comprehensive benchmarking with a range of comparable Unitary and City Councils of some key areas of home to school transport delivery which identifies the following:

- The current average cost of transporting SEND and Looked After Children (LAC) students in Rotherham £4,260
 - The lowest cost comparator Council within the benchmarking sample was £1,800
 - The highest cost comparator Council was £5,100 per student
 - Rotherham is within the upper quartile of this comparator
- The current average number of SEND and LAC students transported in Rotherham 2.95 per route
 - The lowest occupancy comparator Council transports 1.40 pupils per route
 - The highest occupancy comparator Council transport 3.63 pupils per route
 - Rotherham is within the median to upper quartile of this comparator
- 48% of SEND and LAC students currently have single occupancy journeys (travel alone)
 - The lowest single occupancy journey comparator Council has 15% of single person journeys
 - The highest single occupancy comparator Council has 48% of single person journeys
 - Rotherham is the top of this comparator

2.6 Current trend of increasing demand on the Home to School Transport Service

2.6.1 The service is experiencing an increased school intake of students who have been assessed and have an Education, Health and Care Plan requiring transport to support attendance for educational provision. Whilst this is variable and not easy to predict, CYPS are able to provide some information relating to potential future years' service requests. This is based increasing school populations and the provision of EHCPs, of which up to 40% of students may require transport assistance by 2020. This raises the possibility of potential increased transport costs for future years.

3. Key Issues

3.1 The post 16 transport policy already provides advice and guidance for families regarding the support available to them relating to a range of transport options for young people in Rotherham. Any changes proposed to these services must ensure the continuation of suitable, safe, home to school travel assistance for eligible children in accordance with the Council's statutory duties, taking into account individual's assessed needs. The policy must also contribute to the Council's priority of ensuring every child has the best start in life.

3.2 In addition, the following key principles of any new Home to School Transport Policy are considered to be of priority for the Council:

- Safeguarding
- Promoting independence
- Choice
- Maximising attendance at school and arriving at school ready to learn
- Promoting healthy lifestyles
- Value for money and sustainability

3.3 The Council is currently facing significant financial challenges as a consequence of central government grant funding reductions. The Council's financial strategy requires the identification of significant savings across the provision of services.

4. Options for the new policy

General eligibility for children and young people

4.1 The Council's current policy includes additional eligibility criteria for children with special educational needs and disabilities (SEND) of statutory school age. The eligibility criteria, within the current policy, that are used to assess whether transport is necessary to fulfil the requirement of the child's Education, Health and Care Plan (EHCP), require review. It is good practice that 'needs' criteria are included within the policy to inform the public and help the decision making process with regard to the provision of transport assistance.

4.2 Current guidance requires that children and young people with an EHCP or SEND will have their individual transport needs assessed against criteria which takes into account their age, distance, mobility and the effect of their complex needs on their ability to travel. This may include:

- long term severely restricted independent mobility
- sensory impairment resulting in severely restricted mobility
- severe social, emotional and behavioural difficulties (in comparison with other children of their age)

- 4.3 The current policy does not require the need to review or re-assess the need for transport regularly. Ideally, this should take place with families at the annual review stage of the Statement or Education, Health and Care Plan in order to ensure the most appropriate type of transport assistance is provided.
- 4.4 In addition, the current policy has separate sections for mainstream and special needs transport. In the light of the Children and Families Act 2014 and the new SEND Code of Practice, it would be appropriate to develop revised documents for home to school transport covering eligibility criteria for all young people, service standards, how to apply and, if necessary, how to appeal.

For Consultation:

- i) that the clear special needs criteria contained within current guidance for determining the eligibility for transport assistance, as identified above, be published and applied consistently when assessing eligibility.
- ii) that young people with lower levels of special educational needs are provided with the appropriate level of support for their individual needs. This may include independent travel training, bus passes and personal transport budgets (PTB).
- iii) that continuation of transport assistance will be reviewed and regularly re-assessed jointly between CYPS and the Corporate Transport Team.
- iv) that one single policy is developed and published which outlines clear eligibility criteria and a clearer appeals process for all parents / carers who feel their child is entitled to transport assistance through the policy

Independent Travel Training

- 4.5 Independent Travel Training (ITT) is a process that trains individuals on how to travel independently in a safe and responsible way. Travelling independently is a life skill that reduces isolation and dependency and opens opportunities for education, employment and enjoyment. It leads to cost savings too, so that young people with SEND, for instance, switch from supported transport such as taxis to using service buses or trains once they have completed their travel training. Travel training is most effective if it is carried out before a key transition in a learner's life.
- 4.6 It costs up to £700 to independently travel train a young person, as a one-off cost, with, additionally, a 'reward' of a bus pass (costing £300) or, in some councils, a bicycle loan or grant, once the training is complete (and a bicycle training course is undertaken as well). That compares with an average annual cost of a taxi or minibus within Rotherham of £3,576 per young person.

4.7 It may be considered that support for any form of transport for young people with SEND should be conditional on them being assessed as to whether they are suitable for ITT. If ITT is not appropriate, then other assistance can be offered.

For Consultation:

- i) to develop and promote Independent Travel Training as a central service in Rotherham and apply it in particular at transitional stages (e.g. the Year 6 to Year 7 transfer).
- ii) to consider whether to make transport support dependent on the parents/carers agreeing to an assessment of the young person's suitability for Independent Travel Training.
- iii) to consider whether the Council should offer and promote alternative options to compliment transport arrangements, such as bicycle loans or grants, walking buses and bus passes.

Personal Travel Budgets

4.8 A Personal Transport Budget (PTB) is a sum of money provided by the Council to parents or carers of children with SEND who are eligible for travel assistance. The budget allows families to make their own arrangements for travel, thereby increasing choice and flexibility. It is provided to contribute towards the cost of transport or can include making joint arrangements with other parents. The benefit to the Council is that PTBs can offer better value for money than other arrangements including individual taxi arrangements.

4.9 PTBs can be paid monthly in advance into the parent/carer's bank account to enable them to choose and plan personal transport arrangements which accommodate family arrangements as part of a longer-term solution. They differ from mileage payments, where claims are made retrospectively and are based on the actual mileage driven on that day. PTBs would only be offered where it would ensure best value for the Council.

For Consultation:

- i) to establish a Personal Travel Budget scheme as the Council's preferred offer of transport support for families of children with special educational needs in Rotherham, where it provides increased value for money to the Council and provides greater choice and flexibility for families.

Post 16 transport policies

4.10 As required by law, the Council publishes its annual post 16 transport policy statement each academic year. Whilst it is not an automatic entitlement, the policy states that students with special educational needs may be entitled to help with transport for their participation in education. This is provided up to and including the academic year the young person turns 19 years old. Currently, many students within this category, having individual timetables, are provided with single person taxi provision.

4.11 The current post 16 policy statement includes information on concessionary fares and signposts families to sources of information regarding financial assistance with transport such as government bursaries and other available options.

For Consultation:

- i) to replace direct transport arrangements (for example, single person taxi journeys) for those students over the age of 16 with special educational needs and disabilities, with personal transport budgets as a first option.
- ii) to promote Independent Travel Training (ITT) and use of bus passes to compliment the use of PTBs.

Benefits related to mobility

4.12 It is considered reasonable that parents/carers in receipt of benefits related to the mobility needs for a child / young person, that will transfer into adulthood which will contain an element of transport, for example Disability Living Allowance (DLA – mobility). This may also include the application for the provision of Motability scheme vehicles for the purposes of assisting the child / young person to attend education.

For Consultation:

- i) that where families are in receipt of the above benefit, (DLA – mobility, a contribution from this is allowance is made towards any travel assistance). The consultation will ask what would be a reasonable contribution for specific elements of an overall package of support to the child/young person.

5 Consultation

5.1 The relevant guidance states Local Authorities should consult widely on any proposed changes to their local policies on school travel arrangements with all interested parties.

- 5.2 We will inform and engage with all groups affected by these proposals. We will listen to those impacted by the services, families, caregivers, schools and the Rotherham Parents Forum to get an understanding of views relating to this consultation as well as gaining general feedback, what works well, what doesn't work and what needs to improve. Service users and front line providers will be our experts who will provide feedback on how they consider the service should be delivered.
- 5.3 Engagement will take place using a combination of focus groups, drop-in sessions and online feedback. Communications around the proposed changes and the subsequent consultation will be undertaken using a combination of mechanisms, including social media, traditional media, printed material, as well as direct communications with affected groups.

6. Timetable and Accountability for Implementing this Decision

- 6.1 Following the approval to commence consultation, consultation activities will be commenced in accordance with the agreed timetable.
- 6.2 The Head of Street Scene Services and the Assistant Director of Community Safety and Street Scene will be responsible for implementing this decision.

7. Finance and Procurement Implications

- 7.1 Savings that arise from the revised Home to School Transport Policy, following the outcome of the consultation process, will contribute to the Council's agreed savings for Corporate Transport. These savings have been built into the Council's 2017/18 Revenue Budget, approved by Council on 8th March 2017.

8. Legal Implications

- 8.1 The relevant guidance states Local Authorities should consult widely on any proposed changes to their local policies on school travel arrangements with all interested parties. Consultations should last for at least 28 school days during term time. This period should be extended to take account of any school holidays that may occur during the period of consultation.

9. Human Resource Implications

- 9.1 There are no human resources implications arising from this report. However, following the outcome of the consultation exercise; it will be necessary to consider any human resources impacts in relation to any subsequent policy options being recommended for approval.

10. Implications for Children and Young People and Vulnerable Adults

- 10.1 There are no implications arising from this report. However, following the outcome of the consultation exercise, it will be necessary to consider any implications for children and young people and adults in relation to any subsequent policy options being recommended for approval.

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 Issues for partners, in particular transport providers, school and colleges will be assessed and addressed as part of the full analysis of the consultation and implementation plans following final approval of any policy changes.

13. Risks and Mitigation

13.1 Any revision of home to school transport policy is likely to be very sensitive as it will impact on individuals and families. Whilst, this in itself should not prevent a review of the policy taking place there are likely to be clear impacts which the Council will need to be mindful of. The consultation itself, does not present any potential risks provided it is comprehensive, inclusive and follows the principles outlined.

13.2 It is anticipated that a further report will be presented to Cabinet at their meeting in December 2017 which outlines the outcome of the consultation exercise and presents proposals for approval. This report will provide more details regarding any potential risks relating to the implementation of the new policy arrangements and mitigation measures including a further communications plan, transitional arrangements and an appeals process.

14. Accountable Officer(s)

Martin Raper, Head of Service, Street Scene

Karen Hanson, Assistant Director, Community Safety & Street Scene

Damien Wilson, Strategic Director, Regeneration & Environment

Approvals to be obtained from:-

On behalf of Strategic Director of Finance and Customer Services: Graham Saxton

Assistant Director of Legal Services:- Dermot Pearson

On behalf of Head of Procurement: Joanne Kirk

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Public Report
Cabinet and Commissioner Decision Making Meeting

Summary Sheet**Council Report**

Cabinet and Commissioners' Decision Making Meeting – 11 September 2017

Title

Planning Service: Planning Enforcement Plan

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 & Environment

Report Author(s)

Chris Wilkins, Development Manager (South Team)
01709 823832 or chris.wilkins@rotherham.gov.uk

Ward(s) Affected

All wards

Summary

Following consultation on the draft Planning Enforcement Plan, this report seeks approval to adopt the plan.

Recommendation

That the Planning Enforcement Plan be approved and adopted.

List of Appendices Included

Appendix A: Planning Enforcement Plan

Background Papers

None

Consideration by any other Council Committee, Scrutiny or Advisory Panel

Draft plan considered at Cabinet on 12th December 2016

Council Approval Required

No

Exempt from the Press and Public

No

Planning Service: Planning Enforcement Plan

1. Recommendation

1.1 That the Planning Enforcement Plan be approved and adopted.

2. Background

2.1 The planning system operates to regulate development and the use of land. It is important that the environment is protected through the planning process and also that the interests of residents, visitors and businesses are protected from any harmful effects of unauthorised development. The Council has a duty to investigate alleged breaches of planning control and has powers to take action, where it is appropriate to do so.

2.2 In order to provide a clear and transparent approach to planning enforcement, a draft Planning Service Enforcement Plan was prepared and reported to Cabinet on 12 December 2016 (minute ref 139) seeking authorisation to carry out consultation on the document. This consultation has now been completed and the document amended accordingly. The comments received are summarised and discussed in the following section.

2.3 A specific enforcement plan is required for the Planning Service as it is separate to the Council's General Enforcement Policy, due to the statutory regulatory powers for Planning and Building Control not being scheduled within the Legislative and Regulatory Reform (Regulatory Functions) Order 2007.

3. Key Issues

3.1 The Planning Enforcement Plan describes: the range of powers available to remedy breaches of planning control; how decisions will be made; and the details of the enforcement process. The Plan sets out how planning enforcement will be managed and when direct action can be taken to ensure that Councillors, officers, external agencies and the community have clear information about the process and the action that can be taken to resolve issues in relation to development.

3.2 During the consultation period service users were asked to provide comment on the processes and procedures set out in the plan. A total of four replies were received, one from a local resident and the others from Parish Councils. A summary of the responses is as follows:

- Dissatisfaction was expressed with the enforcement process generally and the response suggested that the Enforcement Plan would not resolve the fact the rules are not consistently applied.
- Laughton en le Morthen Parish Council raised concerns that the Plan does not specifically refer to breaches in the Green Belt.
- Both Ulley and Thorpe Salvin Parish Councils raised concerns in relation to the statement that anonymous complaints would not be investigated.

- 3.4 The comments have been considered and, in response, it is considered that the adoption of a Planning Enforcement Plan would ensure that a clear process and procedure would be put in place to ensure transparency and consistency throughout the enforcement process, therefore the adoption of the plan should help to address the concerns raised.
- 3.5 In respect of the comments about development in the Green Belt, the document has been amended to state that if the issue constitutes a major breach then it will be investigated as a high priority. If not, then any breach will be considered on its own merits, though as controls in the Green Belt are tighter than elsewhere it is more likely that enforcement action would be taken.
- 3.6 In relation to the comments requiring anonymous complaints to be investigated, the wording of the plan has been amended to set out that major breaches of planning control e.g. works to a listed building, protected tree or a breach causing irreparable harm to the environment or public safety will be investigated. The reason why other anonymous complaints will not be investigated is because they often result in abortive work; they can lead to criticism of the authority for reacting to vexatious complaints; they reduce the ability for further information to be collected from the complainant.
- 3.7 Having considered the comments made and the amendments proposed in relation to Green Belt development and anonymous complaints it is recommended that the Planning Enforcement Plan is adopted, as set out in Appendix A.

4. Options considered and recommended proposal

- 4.1 The Council has no statutory duty to publish an enforcement plan. However, Government advice, as set out in the National Planning Policy Framework (NPPF), is clear that a plan should be produced, to provide clarity over the Council's practices in relation to planning enforcement.

5. Consultation

- 5.1 Publicity on the Planning Enforcement Plan consisted of publicising the plan on the Council website, notifying Parish Councils, Area Assemblies and all Council Members during a six week period (13 January – 24 February 2017).

6. Timetable and Accountability for Implementing this Decision

- 6.1 If approved, the document will be published on the web site and implemented within 4 weeks of the date of this report.

7. Financial and Procurement Implications

- 7.1 The Council currently incurs costs in pursuing enforcement action, primarily through planning officer time and associated legal support costs, when serving formal notices and pursuing to prosecution. These costs are managed within existing Service revenue budgets.

7.2 There are potential financial costs to the Council should action be taken by the Council to remedy a breach (by carrying out works in default). Such costs are charged to the owner of the land/property and in some cases can result in a 'charge' being placed on the property wherein costs can only be recovered when the land/property is sold. This can be some considerable time later.

8. Legal Implications

8.1 There are no anticipated legal implications of the Planning Enforcement Plan. Enforcement action in planning has been undertaken for a number of years by the Planning Service, with advice from the Legal Service, as and when required. The Planning Enforcement Plan usefully codifies practices and procedures adopted over the number of years into a good practice handbook for officers.

9. Human Resources Implications

9.1 There are no HR implications arising from this report

10. Implications for Children and Young People and Vulnerable Adults

10.1 No implications.

11. Equalities and Human Rights Implications

11.1 When considering enforcement action, the Council must also have regard to the provisions of the European Convention on Human Rights, such as Article 1 of the First Protocol, Article 8 and Article 14. Since every person is entitled to the peaceful enjoyment of his possessions and enforcement action is an interference with the rights of the person who has carried out the breach, in deciding whether enforcement action is taken, the Council must have regard to the potential impact on the health, housing needs and welfare of those affected by the proposed action, and those who are affected by a breach of planning control. There is a clear public interest in enforcing planning law and planning regulation in a proportionate way.

12. Implications for Partners and Other Directorates

12.1 The Planning Service work closely with other services of the Council however the Planning Enforcement Plan relates solely to Planning legislation and the regulatory process by which breaches of Planning can be resolved.

13. Risks and Mitigation

13.1 There is no statutory duty to publish an enforcement plan. However, Government advice as set out in the NPPF is that a plan should be produced, to provide clarity over the Council's practices in relation to Planning Enforcement.

14. Accountable Officer(s)

Damien Wilson
Strategic Director of Regeneration & Environment

Approvals Obtained from:-

Legal Services:-
Sumera Shabir, Planning Solicitor

Finance and Corporate Services:-
Jonathan Baggaley, Finance Manager

Human Resources:-
John Crutchley, Senior HR Consultant

Procurement
Helen Chambers, Procurement Manager

Children and Young People
N/A

Equalities and Human Rights
N/A

APPENDIX A

ROOTHERHAM MBC

PLANNING ENFORCEMENT PLAN



ROTHERHAM MBC

PLANNING ENFORCEMENT PLAN

CONTENTS:

- 1. Introduction**
- 2. Government advice and legislation**
- 3. The purpose and scope of Planning Enforcement**
- 4. What is a breach of planning control?**
- 5. How your complaint will be investigated**
- 6. Failure to comply with notices**

7. What happens if an allegation is made against you

8. Proactive compliance

9. Powers of entry onto land

10. Complaints about the Service

APPENDIX 1 – Flow chart

APPENDIX 2 – Potential enforcement options

1. INTRODUCTION

1.1 The Planning Enforcement Plan relates to Rotherham Metropolitan Borough Council's Planning Enforcement Service and will describe the purpose of the Service and how the Council will deliver it to the community. It sets out how the Service will help to address breaches of planning control and prioritise its work. It describes the range of powers available, how decisions are made whether or not to pursue enforcement action and the process of enforcement. The Enforcement Plan will ensure that Councillors and officers, external agencies and the community are aware of our general approach to planning enforcement.

1.2 The planning system operates to regulate development and the use of land in the community's interest having regard to the development plan and other material planning considerations. The effective and proper enforcement of planning control is essential to community confidence in the planning system. It is important that the interests of residents,

visitors and businesses are protected from the harmful effects of unauthorised development, in addition to protecting the local environment.

1.3 The Council has a duty to investigate alleged breaches of planning control and has powers to remedy proven breaches, where it is appropriate to do so. The Council views breaches of planning control very seriously. It is the Council's policy to exercise powers appropriately and rigorously so that development takes place in accordance with the appropriate legislation or the planning conditions and limitations imposed on any planning permission.

1.4 Many decisions relating to planning enforcement can be taken at officer level whilst more significant issues are taken by Councillors, and the details in respect of this are set out in the Council's Scheme of Delegation.

2. GOVERNMENT ADVICE AND LEGISLATION

2.1 The Town and Country Planning Act 1990 (as amended) provides the main legislative background regarding breaches of planning control. Government advice is set out in the National Planning Policy Framework (NPPF) and Paragraph 207 of the NPPF states that:- "Effective enforcement is important as a means of maintaining public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control. Local planning authorities should consider publishing a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area. This should set out how they will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where it is appropriate to do so."

2.2 In addition to the statement made in the NPPF, the Government provides general guidance in the National Planning Practice Guidance, in a chapter titled "Ensuring effective enforcement" which is a 'live' document that is subject to regular updates and refers to all relevant legislation.

3. THE PURPOSE AND SCOPE OF PLANNING ENFORCEMENT

3.1 Planning enforcement covers the areas of planning permission, advertisement consent, listed building consent, tree preservation orders, and the hedgerow regulations. National legislation allows some minor and small-scale works to be undertaken without the need for planning permission. These works are known as “permitted development”. Any works carried out as permitted development cannot be subject to enforcement action.

3.2 The Council must act within the provisions of national legislation and take account of relevant national policy when considering enforcement matters. Enforcement options and powers range from requiring information to assess a case, through serving notices requiring action to be taken, to the Council prosecuting offenders and/or taking direct action itself. In using these powers the Council must also consider relevant policies within the NPPF, case law and local policies.

3.3 The integrity of the Planning Service depends on the Council’s readiness to take enforcement action when appropriate. The Council is committed to providing an effective Planning Enforcement service. Planning laws and policies are designed to control the development and use of land and buildings in the public’s interest. The Council will not condone wilful breaches of planning control and will exercise discretion to take enforcement action if it is considered expedient to do so. The Council will investigate alleged breaches of planning control, to determine whether a breach has, as a matter of fact occurred, and if it has, determine the most appropriate course of action.

4. WHAT IS A BREACH OF PLANNING CONTROL

4.1 The Town and Country Planning Act 1990 (as amended) sets out what constitutes ‘development’. A breach of planning control is defined at Section 171A of the Act as “the carrying out of a development without the required planning permission, or failing to comply with any condition or limitation subject to which planning permission has been granted”. This could involve such matters as the unauthorised erection of a building or extension to a building or a material change of use of land or buildings. Other matters that can be a breach of the relevant legislation include:-

- Unauthorised works to Listed Buildings
- Unauthorised works to trees subject of a tree preservation order (TPO) or in a conservation area
- Unauthorised demolition within conservation areas

- Breaches of conditions attached to planning permissions
- Not building in accordance with the approved plans of planning permissions
- Unauthorised engineering operations, such as raising of ground levels
- The display of unauthorised advertisements. Untidy land where it affects the amenity of the area (these are also dealt with by Environmental Health Service).

4.2 The Council often receive complaints regarding matters that could be dealt with by other Council Services/external agencies, or that the Planning Enforcement service cannot become involved in. Below are a few such examples with details of who the correct enforcing agency would be depending upon the exact nature of the complaint:

- Internal works to a non-listed building (Building Control)
- Obstruction of a highway or public right of way (Highways / Police)
- Parking of commercial vehicles on the highway or on grass verges (Highways / Police)
- Parking mobile caravans on residential driveways or within the curtilage of domestic properties (private issue only, if a Contravention of Deeds)
- Running a business from home where the residential use remains the main use of the building use and there is no negative impact on neighbours (no material change of use)
- Land ownership and boundary disputes (private legal matter)
- Covenants imposed on property Deeds (private legal matter)
- Dangerous structures or other health and safety issues (Building Control / Health and Safety Executive)
- High Hedge disputes (Environmental Health Service)

5. HOW WILL YOUR COMPLAINT BE INVESTIGATED

Receipt of complaint

5.1 Complaints about alleged breaches of planning control will be accepted by on line complaint form, e-mail, letter, telephone or personal caller at reception at RMBC.

Anonymous complaints will not usually be investigated and complainants who do not wish to give their personal details will be advised to contact either their Local Ward Member or their Parish Council who may then raise their concerns on their behalf. Planning Service will only investigate anonymous complaints where they are major breaches of planning control and where it is considered to be in the public interest to do so, for example where

they concern a statutorily listed building or a protected tree as there is the possibility of irreparable damage. All complaints are dealt with in strictest confidence and the details of the complainant are never revealed, unless agreed by the complainant. It is not considered appropriate to investigate all anonymous complaints as they may be related to neighbour disputes and/or be vexatious, and as there is no ability for further information to be collected from the complainant.

5.2 All enforcement complaints are logged on with a unique reference number so that each complaint can be monitored and the complainant updated on progress. The complainant will be informed of who is dealing with the complaint, and the target dates for visiting the site (where appropriate) and ultimately for closing off the complaint.

Prioritising the complaint

5.3 The Council receives approximately 300 planning enforcement complaints each year. In light of the often lengthy and complex nature of planning enforcement investigations, and to make the best use of limited resources, it is necessary to give priority to those cases where the greatest harm is being caused. Priorities are directed by the significance and impact of the breach, the level of harm caused and the need to react expediently.

5.4 The following sets out the Council's priorities for investigating alleged breaches of planning control. As the enforcement process is closely regulated by legal procedures, planning legislation and government guidance this provides the framework for the Council's enforcement priorities.

High priority (Category A)

- Demolition or alterations to a listed building;
- Works to trees subject to a tree preservation order or within a conservation area;
- Demolition in a conservation area and any other works which are considered to cause significant and immediate harm to the character and appearance of the area;
- Any breach of planning control causing immediate and irreparable harm to the environment or public safety

Medium priority (Category B)

- Unauthorised development that has gone undetected and the statutory time limit for taking enforcement action will expire within the next six months.

- Development causing serious harm to the amenities of neighbours or to the environment;
- Development not in accordance with the approved plans, during the construction process.

Low priority (Category C)

- Any other allegations which have not been classified as high or medium priority, including:
 - Advertisements;
 - Businesses being operated from home;
 - Fences;
 - Satellite dishes;

The results of an investigation into a particular case may result in a change to the priority level.

Targets

5.5 The Council aims to deal with complaints within the following targets:

Acknowledge complaint - within 3 working days.

Undertake site visit:

Category A – within 2 working days

Category B – within 10 working days

Category C – within 15 working days

Days to close complaints – Target is 70% within 13 weeks

5.6 'Closing' a complaint would take place if it is determined that: there is no breach; or that it is not expedient to take action if there is a breach; if the serving of a formal notice (such as Enforcement Notice) is authorised; or if an application for the development (such as a planning application) is received. If enforcement action is authorised then the appropriate Notice is served and the matter pursued. If a planning application is submitted to regularise the breach but is subsequently refused then formal enforcement action has to be considered and the case is re-opened. These options are discussed further below.

Process of investigating an enforcement issue

Desktop Analysis

5.7 Research will take place into the site in question to ascertain any relevant previous enforcement and planning history. This may involve interrogation of the Council's planning records, internet searches and liaison with other Council Departments or external agencies. It may be apparent from this initial analysis that no breach has occurred and the case will be closed and the complainant will be notified accordingly.

Site visit

5.8 If the initial assessment does not clarify whether a breach of planning control has occurred then a site visit will normally be required. The visit will be carried out in accordance with the timeframes set out in this Enforcement Plan.

Further investigation following the site visit

5.9 On completion of the initial site visit, the findings will be assessed and a decision taken as to how the investigation will proceed. Each case will be judged on its own merits. There are cases where the initial site visit does not provide sufficient evidence to prove whether a breach of planning control has taken place. An example of this would include complaints of businesses operated from residential properties and whether this constitutes a material change of use. This will often depend on the level of intensity and this may not be immediately apparent from the initial site visit. Further investigation may involve additional site visits, documentary research, seeking advice from other services or agencies, seeking information from the person reporting the suspected breach of control, or the persons responsible for the land or building.

5.10 In some cases, the Council may ask the person reporting the suspected breach for further details, which could be in the form of a log setting out details of when breaches occur. If the person reporting the suspected breach of planning control is unwilling to assist, this may result in the Council being unable to pursue the investigation due to insufficient evidence.

5.11 If another agency or internal department is better placed to handle the issue, then the complaint will be referred to the relevant authority and complainant informed.

Planning Contravention Notice

5.12 Section 171C of the Town and Country Planning Act (as amended) provides the power to issue a Planning Contravention Notice (PCN). This can be served where a suspected breach of planning control exists. The PCN will require the recipient to provide the information requested within 21 days relating to the breach of planning control alleged. Therefore, it may be several weeks until the appropriate evidence can be collected. Failure to comply with any aspect of the PCN is an offence for which the recipient can be prosecuted with the maximum fine of £1,000. To knowingly provide false information on a PCN can result in a fine of up to £5,000. Additional information can also be obtained by the service of a 'Requisition for information' notice, or by a Section 330 Notice.

If no breach of planning control is established

5.13 A significant number of investigations are closed as no breach of planning control can be established. This can occur for a number of reasons, for example where there is no evidence of the allegation; where the works do not require planning permission; or where the development already benefits from planning permission granted by the Council.

5.13 Where this is the case the complainant reporting the suspected breach of control will be notified either verbally or in writing that no further action will be taken. The complainant will be provided with an explanation of the reason(s) and the case will be closed. Cases will be re-opened and re-investigated if further evidence subsequently comes to light.

Where there is a breach of planning control

5.14 There is a common misconception that breaches of planning control are a criminal offence and should automatically attract enforcement action however, the NPPF clearly sets out that enforcement action is a discretionary power. It is for each local planning authority to determine when action is necessary and the type of action that is appropriate. In making these decisions the authority should be mindful of maintaining public confidence in the planning system.

5.15 A breach of planning control in itself is not sufficient reason to take enforcement action. *Whilst such action may be unlawful, as it is in breach of the Town and Country Planning Act, it is not illegal.* The Council must firstly decide, having given regard to policies contained within the Rotherham Local Plan, guidance contained in the National Planning Policy Framework (NPPF), and all other material planning considerations, whether or not it is 'expedient' to take formal action. Expediency is a test of whether the

unauthorised activities are causing harm to the environment or amenity of the area. Therefore enforcement action is discretionary and each case must be assessed on its own merits. Most planning enforcement investigations will involve one of the following courses of action:

Retrospective planning application invited

5.16 Where officers consider that planning permission is likely to be granted for an unauthorised development, or that the imposition of conditions could reduce the harm to amenity, a retrospective planning application will be requested for the development. In determining retrospective planning applications the Council cannot refuse an application simply because the development has already been carried out. Many breaches of planning control occur because the applicant simply did not realise permission was required. A retrospective planning application enables the Council to regularise acceptable development without penalising the applicant.

Generally, the Council will not seek a retrospective planning application if it considers that the development is unacceptable. However, there are cases where it is initially unclear as to whether a development is acceptable in planning terms. Once an application is received it would allow for a full assessment of the planning merits of the case.

5.17 Should the retrospective application be refused the enforcement action will be considered as part of the determination of the application.

Negotiation

5.18 Where it is considered that the breach of planning control is unacceptable, officers will initially attempt to negotiate a solution without recourse to formal enforcement action, unless the breach is causing irreparable harm to amenity. Negotiations may involve the reduction or cessation of an unauthorised use or activity, or the modification or removal of unauthorised development.

In carrying out negotiations officers will have regard to the specific circumstances of the individual case. For example, where there is an unauthorised business activity, officers will consider whether relocation is possible and if so will seek to put a reasonable timescale in place that reflects the individual circumstances of that business.

5.19 Where the Council is unable to negotiate an acceptable solution within a reasonable timescale, formal action will be considered to prevent a protracted process.

Not expedient to take action

5.20 'Expediency' is a test of whether the unauthorised activities are causing serious harm, having regard to the Development Plan policies and other material planning considerations, to justify further action. There are some cases where it would not be expedient for the Council to take enforcement action, for example, there may be cases where development requires planning permission but it is clear that retrospective planning permission is likely to be granted; or there may be a technical breach of planning control but that breach is so minor that it has no or very little impact on amenity, for example a domestic television aerial or the construction of a fence which is slightly higher than that allowed under permitted development rights.

While it is clearly unsatisfactory for anyone to carry out development without first obtaining the required planning permission, an enforcement notice would not be issued solely to regularise development which is acceptable on its planning merits, but for which permission has not been sought.

5.21 Any action should also be proportionate to the breach. It would clearly not be proportionate to require the removal of an entire building or fence where a slightly lower structure could be constructed without permission. The expediency test for taking action would not be met in these cases.

5.22 In such circumstances the Council will seek to persuade an owner or occupier to seek permission. However, it is generally regarded as unreasonable for a council to issue an enforcement notice solely to remedy the absence of a valid planning permission if there is no significant planning objection to the breach of planning control and it is not proportionate to take action.

Lawful use

5.23 Section 171B of the Town and Country Planning Act (as amended) sets out time limits for taking enforcement action. The Council cannot serve a notice after four years where the breach of planning control involves building operations, or the change of use of any building to a single dwelling house. Other unauthorised changes of use and breaches of conditions are subject to a ten year time limit.

5.24 After these periods the Council cannot take action and the development becomes lawful. The landowner can apply for a Certificate of Lawful Existing Use or Development (CLEUD) after this period to regularise the situation. This involves providing evidence that proves, on the balance of probability, that the breach of planning control has occurred for the relevant time period.

5.25 Serving an enforcement notice in respect of a particular development stops the clock in relation to these time limits.

Formal enforcement action is justified

5.26 It is open to the Council to take formal action, where it is expedient to do so. The decision on what enforcement action should be taken will depend on the individual circumstances of the case.

5.27 A flow chart showing potential options in respect of a complaint is attached at Appendix 1 and the various enforcement powers available to the Council are summarised at Appendix 2.

6. FAILURE TO COMPLY WITH NOTICES

6.1 Where a notice has been served and has not been complied with, there are generally three main options available to the Council to attempt to resolve the breach.

Prosecution

6.2 The Council will consider commencing a prosecution in the Courts against any person who has failed to comply with the requirement(s) of a relevant Notice (which would include an enforcement notice; a listed building enforcement notice; a planning contravention notice; a breach of condition notice; or a stop notice.) However, before commencing any legal proceedings the Council needs to be satisfied that there is sufficient evidence to offer a realistic prospect of conviction and that the legal proceedings are in the public interest.

Direct action

6.3 Where any steps required by a relevant notice have not been taken within the compliance period the Council will consider whether it is expedient to exercise our powers to enter the land and take the steps to remedy the harm; and recover from the person who is then the owner of the land any expenses reasonably incurred by them in doing so.

Injunction

6.4 Where an enforcement notice has not been complied with, and the special circumstances of the case suggest direct action or prosecution would not be an effective remedy, the Council will consider applying to the Court for an injunction under section 187B of the Town and Country Planning Act (as amended). An injunction can be applied for where there is clear evidence that a breach of planning control has happened or there is clear evidence that it is anticipated. Such action will only be considered if the breach, actual or anticipated, is particularly serious and is causing or likely to cause exceptional harm. Defendants risk imprisonment if they do not comply with a court order.

7. WHAT HAPPENS IF AN ALLEGATION IS MADE AGAINST YOU?

7.1 If a complaint is received that affects you then the first thing that will happen is either you will be contacted (where your details are known to the Council) or the site in question will be visited by a Council officer. The purpose of this visit is to establish the facts of the case and whether there is any basis to the allegations made. The officer will, where necessary, take measurements and photographs of the development or activity taking place. This site inspection may also be undertaken without any prior notification.

7.2 If there is a breach of planning control you will be advised of the details of the breach and what steps need to be taken to either rectify the breach or regularise the situation. If you have no involvement with the identified breach no action will be taken against you. You will be given a reasonable period of time (subject to the nature of the breach) to resolve any breach of planning control. If compliance is not secured through amicable negotiations or the submission of a retrospective planning application formal action may be instigated.

8. PROACTIVE COMPLIANCE

8.1 In addition to the Service's role in reacting to complaints regarding alleged unauthorised developments or breaches of condition, the Council looks to provide a

proactive approach where possible to ensure compliance with planning permissions and other consents, though this is limited to available resources.

8.2 It should be noted that it is the responsibility of individual developers to comply with the conditions imposed on any planning permission. However, failure to comply can affect not only the quality of the environment in the district or the amenity of neighbouring properties but also undermine the reasons and justification for granting planning permission in the first instance. Proactive action encourages and enables compliance with conditions to safeguard that development remains acceptable in planning terms.

8.3 The benefits of proactive compliance can be felt by the Council, community and the development industry. However, resources are limited and the Council relies on the general public to notify it in respect of potential breaches.

9. POWER OF ENTRY ONTO LAND

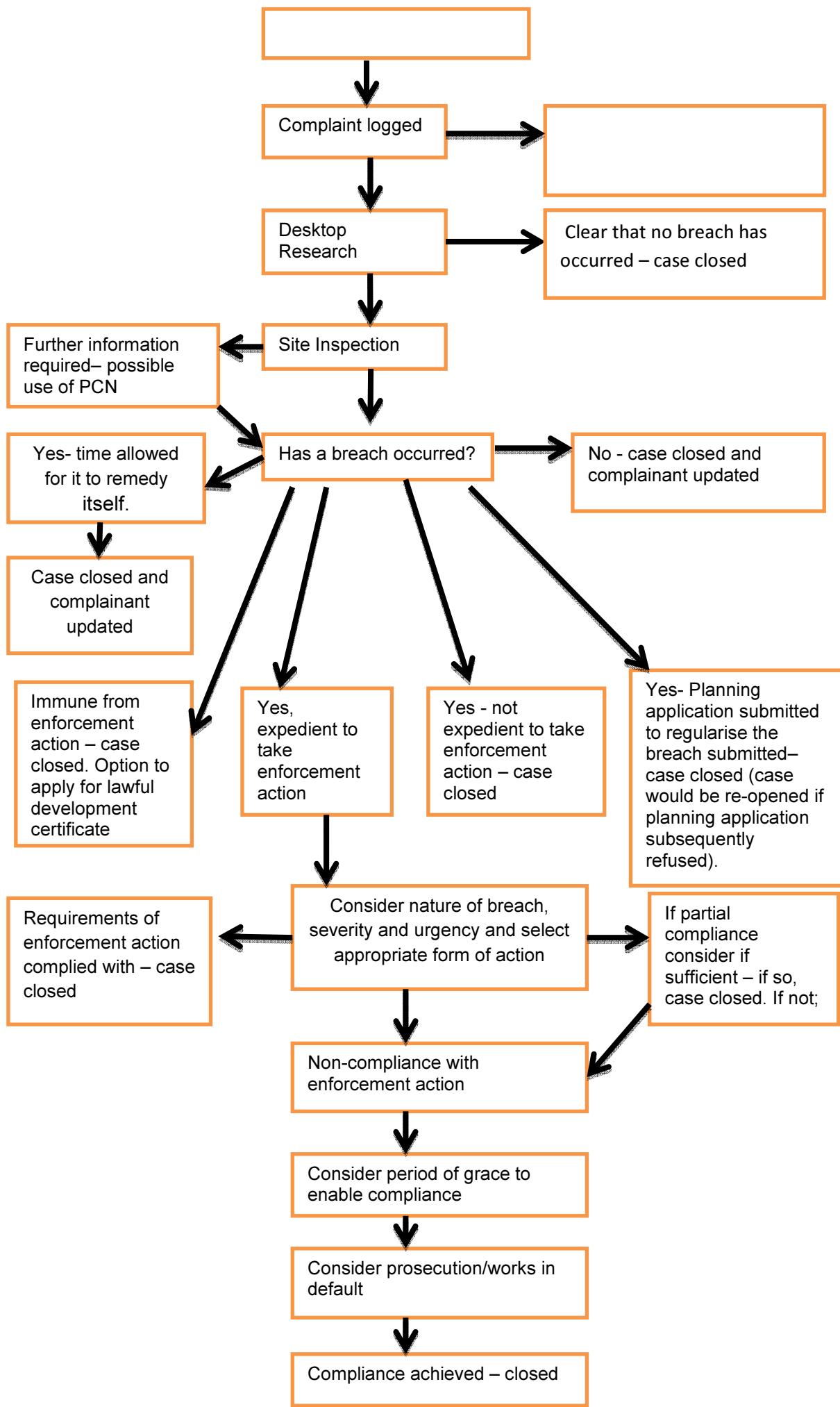
9.1 Under the provisions of Section 196A the Town and Country Planning Act (as amended) officers have the right of entry onto land and buildings to ascertain whether there is or has been any breach of planning control on the land or any other land; to determine whether any of the powers conferred on a local planning authority should be exercised in relation to the land, to determine how any such power should be exercised and to ascertain whether there has been compliance with any requirement imposed as a result of any such power having been exercised in relation to the land. Officers also have a right of entry to determine whether an enforcement notice should be issued on that or any other land.

9.2 Twenty four hours' notice must be given for access to a residential property. If access is denied, or the matter is urgent, a warrant can be applied for from the Magistrates Court. Officers will exercise these powers where appropriate, particularly where their use is essential to the collection of evidence relating to an alleged breach of planning control. An obstruction of these powers is an offence which is subject to prosecution.

10. COMPLAINTS ABOUT THE SERVICE

10.1 If you are unhappy about the level of service you have received from Planning Services or how the process has been managed then you may firstly discuss your concerns with the Development Manager or take it further through the Council's Corporate Complaints Procedure. If you remain unhappy then you may write to the Local Government Ombudsman who may investigate your concerns.

APPENDIX 1 – FLOW CHART OF POTENTIAL OUTCOMES FOLLOWING A COMPLAINT.



APPENDIX 2 – POTENTIAL ENFORCEMENT OPTIONS

Enforcement Notice

Section 172 of The Town and Country Planning Act (as amended) allows the service of an enforcement notice where it is expedient to do so and one of the following has occurred: unauthorised operational development, material change of use or breach of condition.

The Council is required to serve enforcement notices on the owner, occupier and any other person with an interest in the land which is materially affected by the notice. An enforcement notice specifies the steps which are required to be taken, or the activities which the Council requires to cease, in order to remedy the breach.

The notice will specify time periods for compliance from the date on which the notice comes into effect. A notice comes into effect after a minimum period of 28 days following service. Appeals can be made against enforcement notice and these are dealt with by the Planning Inspectorate. Once the Planning Inspectorate has received a valid appeal, the enforcement notice has no effect until the appeal has been determined.

This is the normal means of remedying unacceptable development where the Council's enquiries meet with no satisfactory response. The Council may choose to "under-enforce" to remedy a specific problem. In such circumstances the remaining building or use will be deemed to have planning permission when the Enforcement Notice has been complied with sufficiently. The penalty for non-compliance is currently up to £20,000 but there is no upper limit in the Crown Court

All enforcement notices are placed on the Council's enforcement register which is available to view on request.

Breach of Condition Notice

Section 187A of the Town and Country Planning Act (as amended) provides the power to serve a Breach of Condition Notice (BCN) where a planning condition has not been complied with. The BCN will specify the steps required to comply with the condition, the

date that it takes effect and the time period for compliance. The period for compliance is a minimum of 28 days from the date the notice was served. There is no appeal to the Secretary of State against a BCN. As there is no right of appeal against a BCN and as it can only be used to secure complete compliance with a planning condition, “under-enforcement” is not an option. Also, as there are no powers for the Council to enter the land and carry out works, prosecution is the only means of enforcement. The maximum penalty on conviction is level 4 (currently £2500)

Listed Building Enforcement Notices

If the breach of planning control relates to a listed building, the Council will consider the expediency of serving a listed building enforcement notice and where appropriate, commence a prosecution in the Courts. The listed building enforcement notice will specify the reason(s) for its service, the steps required to remedy the breach, the date that it takes effect and the time period for compliance. There are no time limits for issuing listed building enforcement notices, although the length of time that has elapsed since the apparent breach is a relevant consideration when considering whether it is expedient to issue the notice.

Unauthorised works to a Listed Building is an offence in its own right. The Council will consider whether it would be expedient to prosecute for these works rather than issuing a notice on a case by case basis. A person who is found to carry out unauthorised works that affect the special architectural character or historic interest of a Listed Building can be prosecuted, and imprisoned for a term not exceeding 6 Prosecution months, or fined up to £20,000 or, on conviction by indictment, to an unlimited fine.

Temporary Stop Notice

Section 171E of the Town and Country Planning Act (as amended) provides councils with the power to serve a Temporary Stop Notice. A TSN can be issued without the need to issue an enforcement notice and is designed to immediately halt breaches of planning control for a period of up to 28 days by which time the Local Planning Authority can decide whether or not to serve an enforcement notice. There is no right of appeal against a Temporary Stop Notice and it is an offence to contravene such a Notice, with the maximum fine, on summary conviction, of up to £20,000. Compensation may be payable if

the LPA later issues a lawful development certificate. Unlike a Stop Notice, it does not require an enforcement notice to be served first.

Whilst TSNs also carry some compensation provisions these are significantly lower than with a Stop Notice and therefore the risk to the Council is reduced. All Stop Notices are placed on the Council's enforcement register.

Stop Notice

Section 183 of the Town and Country Planning Act (as amended) provides for the service of a Stop Notice

The Council can issue a Stop Notice where a breach of planning control is causing serious or irreparable harm and more immediate action is justified despite the cost of depriving a developer of the benefit of development during the appeal period. It can only be served if an enforcement notice has first been served. There is no right of appeal against a Stop Notice and it is an offence to contravene such a Notice, with the maximum fine, on summary conviction, of up to £20,000. However, a Stop Notice should only be served when the effects of the unauthorised activity are seriously detrimental to the amenities of occupiers of affected property. Furthermore, if the related Enforcement Notice is quashed on appeal, the Council may be liable to pay compensation for any financial loss resulting from the issuing of the Stop Notice.

Planning Enforcement Orders

The Localism Act introduced a new enforcement power in relation to time limits. This allows councils the possibility to take action against concealed breaches of planning control even after the usual time limit for enforcement has expired. The Council can, within six months of a breach coming to their attention, apply to the Magistrate's court for a Planning Enforcement Order. A planning enforcement order would give the Council a further year to take action.

Section 215 Notice

The Council can serve an 'amenity' notice on the owner of any land or building which is in an unreasonably untidy condition and it considers has an adverse affect on the amenity of the area. This is done under section 215 of the Town and Country Planning Act 1990 (as

amended). This notice is used to maintain and improve the quality of the environment, to assist in tackling dereliction and retaining land in a productive use as well as contribute to the regeneration of an area and respond positively to public concerns.

S215 Notices relating to residential properties/gardens are generally carried out by the Environmental Health Service, whilst those relating to commercial sites are generally carried out by Planning Service.

UNAUTHORISED ADVERTS

The display of advertisements without consent is an offence. Therefore, the Council has the power to initiate prosecutions without the need to issue a notice. Where it has been considered that an advertisement should be removed an offender will normally be given one written opportunity to remove the advertisement voluntarily. Failure to do so will normally result in further action being taken without further correspondence.

Section 225 of the Town and Country Planning Act (as amended)

Provides powers to remove or obliterate posters and placards. The Council will consider using these powers as appropriate as an alternative or in conjuncture with prosecution action.

Removal Notices

Provide the power to seek removal of any structure used to display an advertisement. Where the notice is not complied with works in default may be carried out and the Council can recover the expenses for doing so.

Action Notices

Can be used where there is a persistent problem with unauthorised advertisements and can specify measures to prevent or reduce the frequency of the display of advertisements on the surface. Again where the notice is not complied with the Council may undertake the works in default and recover the expenses for doing so.

Power to remedy defacement of premises

Where a sign has been placed on a surface that is readily visible from somewhere the public have access, and is considered by us to be detrimental to the amenity of the area or

offensive, a notice may be issued requiring the removal or obliteration of the sign. Failure to comply with the notice will allow the Council to undertake the works in default and recover costs

Discontinuance Notice

Require the removal of advertisements displayed with the benefit of deemed advertisement consent, i.e. an advertisement that would not normally require consent from the Council to be displayed.

UNAUTHORISED WORKS TO TREES/HEDGEROWS

The Town and Country Planning Act 1990 (as amended) requires appropriate consent to be gained for works to trees which are protected by a Tree Preservation Order (TPO) or within a Conservation Area. The Planning Enforcement Service is responsible for the investigation of suspected breaches of this legislation.

An offence will be committed should these works be conducted without following the relevant procedures. Therefore, a prosecution can be sought without the requirement to issue a notice. However, such action would not remedy the harm caused. It is open to the Council to issue replacement notices, requiring trees to be replanted.

The Hedgerows Regulations 1997 protect most countryside hedgerows from being removed (including being uprooted or otherwise destroyed). They do not protect hedgerows that form the boundary between the countryside and residential/ commercial properties. A person who intentionally or recklessly removes, or causes or permits another person to remove, a hedgerow in contravention of the Regulations is guilty of an offence.

Tree Replacement Notice

Sections 207/211 of the Town and Country Planning Act (as amended) provide the powers to require replacement planting in relation to trees covered by a TPO/within a Conservation Area respectively.

Hedgerow Replacement Notice

Regulation 8 of the Hedgerow Regulations 1997 provide the powers to require replacement planting in relation to the unauthorised removal of a protected hedgerow.



Public Report

Cabinet and Commissioners' Decision Making Meeting

Summary Sheet

Council Report

Cabinet and Commissioner's Decision Making Meeting – 11 September 2017

Title:

Rotherham Town Centre Masterplan

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 & Environment

Report Author(s)

Simeon Leach – Economic Strategy and Partnerships Manager, Rotherham Investment and Development Office

01709 823828 or simeon.leach@rotherham.gov.uk

Ward(s) Affected

Boston Castle

Executive Summary

A Masterplan has been produced for Rotherham Town Centre; this includes viability and deliverability analysis, and an Implementation Plan to help to turn the vision and plans into reality. The Masterplan identifies early delivery of redevelopment on Forge Island as an essential catalyst to wider regeneration.

This report seeks the approval of Cabinet and Commissioners to adopt the recently completed Town Centre Masterplan. It also seeks agreement to go out to the market to secure a development partner to redevelop Forge Island.

Recommendations

1. That the Rotherham Town Centre Masterplan be adopted.
2. That the Council go out to the market to secure a development partner for Forge Island.

List of Appendices included

Nil

Background Papers

A copy of the masterplan is available at <http://www.wyg.com/rotherham-town-centre>

The 2016 Supplementary Planning Document can be found at
http://www.rotherham.gov.uk/downloads/download/113/additional_planning_guidance

Consideration by any other Council Committee, Scrutiny or Advisory Panel

Improving Places Select Commission – 19 July 2017

Council Approval Required

No

Exempt from the Press and Public

No

Title:

Rotherham Town Centre Masterplan

1. Recommendations

- 1.1 That the Rotherham Town Centre Masterplan be adopted.
- 1.2 That the Council go out to the market to secure a development partner for Forge Island.

2. Background

- 2.1 A vibrant town centre is vital to the future economic prosperity of Rotherham, attracting people to live, work, visit and invest in the borough. The Town Centre needs more people living within it, a culture and leisure offer encouraging people to visit and for businesses to locate here, providing jobs for local people. The Sheffield City Region has acknowledged this importance by making urban centres a priority within their refreshed Strategic Economic Plan (SEP).
- 2.2 The Rotherham Renaissance Programme was agreed in 2005, following widespread consultation with residents and businesses. The Renaissance Programme delivered a number of major regeneration projects including; Riverside House, Westgate Demonstrator, the refurbished train station and a new Tesco store. However, the recession of 2008 impacted on investor confidence and significant parts of the programme were not delivered.
- 2.3 In 2016 the Council adopted a Supplementary Planning Document (SPD) for the Town Centre. This document sets out the spatial and planning framework for the regeneration of the Town Centre. The SPD identified a series of development sites, which were essential to the sustainable regeneration of the Town Centre.
- 2.4 Subsequent to the SPD it was agreed that a full Masterplan was required for the Town Centre, providing detail on the projects required to revitalise the Town Centre and how they would be funded and delivered. After an open tender process, the work was awarded to White Young Green (WYG) supported by Lambert Smith Hampton.
- 2.5 The brief for the Masterplan was that it should
 - Be implementation focused
 - Identify specific deliverable projects
 - Be bold but commercial, pragmatic and realistic

3. Key Issues

- 3.1 The Masterplan is an important opportunity for Rotherham. It allows the Council, other key land-owners and stakeholders to explore possibilities to enhance and support regeneration and growth in this key area of the town and allows the Council to set out its expectations for the content and timing of development proposals.

3.2 The Masterplan contains a series of proposals and plans which bring to life how the Town Centre can move forward. It includes proposals to transform a number of key sites across the Town Centre utilising the river and canal, open spaces and feature buildings. At the heart of the Masterplan is a vision to create a much-improved visitor experience with more to do and to see particularly targeted at families and young people.

3.3 Highlights of the Plan include:

- Forge Island developed into a major leisure destination including a new cinema, a quality hotel and a food and drink offer;
- The former Guest & Chrimes building turned into a “new and exciting” destination leisure offering, with potential for very significant numbers of visitors each year;
- More than 350 high quality riverside homes, offering buyers spacious, well-designed waterfront living at competitive prices;
- The opening-up of Rotherham outdoor market, with a new attractive stepped entrance and space for a new community advice hub;
- A new higher education development at Doncaster Gate scheduled to open in September 2018;
- A refurbished bus interchange and multi-storey car park, funding for which has already been secured;
- A series of upgraded streets and spaces including a vibrant green space at Effingham Square and new pedestrianised setting and traffic calmed environment at the junction of Wellgate, High Street and Doncaster Gate.

3.4 Forge Island is identified in the Masterplan as a major component of a re-invigorated Town Centre offer and a catalyst for the regeneration of adjacent sites. The Masterplan’s proposals for a major leisure destination are consistent with the SPD which identifies Forge Island as a strategic development site and states: -

“Forge Island will be a mixed-use leisure hub. Proposals should seek to incorporate a mix of residential units and leisure developments (including A3/A4/D2 uses), to help create a new and vibrant Leisure Quarter in the centre of Rotherham that complements the existing Retail Quarter.”

3.5 The Masterplan identifies the appointment of a development partner to realise the vision for Forge Island as a critical next step. The need to move forward quickly is clearly articulated.

4. Options considered and recommended proposal

4.1 **Do nothing** – wait for the market to deliver projects in the Masterplan. Discussion with developers and operators has highlighted the importance of having the Council fully involved in the delivery of the Plan. This option gives less certainty in terms of delivery and timescales of those projects highlighted as a major priority.

- 4.2 **Adopt the Masterplan and Procure a partner through a joint venture or other partnership arrangement to deliver all projects and schemes in the masterplan** - Delivery of the Masterplan is a long term project and will require a partnership approach. However, experience has shown that where a single developer has options over multiple sites, this can lead to some sites being delayed or not delivered. Breaking the Masterplan down into smaller deliverable packages provides greater control of the prioritisation and timing of regeneration schemes.
- 4.3 **Adopt the Masterplan and go out to the market to secure a development on Forge Island** through one of the following routes
 - a) The Council appoints a development manager who manages the development process on the Council's behalf for a fee.
 - b) The Council seeks a development partner to form a Joint Venture development for the development of Forge Island. Upon completion of the scheme the Council has the option to retain the asset(s) as an investment or sell to the investment market. – This is the **PREFERRED OPTION**.
 - c) The Council sells the Forge Island site to a developer with a brief that the site should be developed to provide a mixed leisure and hotel development. While the Council may get a receipt for the land, this is likely to be minimal and would result in the loss of influence over how the development is delivered.
 - d) The Council acts as full developer and designs the scheme, obtains planning permission and funding, tenders and manages construction works and secures end-users. ”, All development management and project management is done “in house”. Upon completion of the scheme the Council has the option to retain the asset(s) as an investment or sell to the investment market. This option provides the greatest level of control but is resource intensive. The Council is not an experienced commercial property developer and would benefit from the specialist experience and expertise that a development partner will provide. This option will also carry the greatest risk to the Council on what will be a multi-million pound project, with estimated costs of over £35m.
- 4.4 It is recommended that option 4.3(b) is the preferred option. Work will be undertaken with Procurement and Financial Services/Legal Services to further develop this. This option will give the Council the greatest control over the development, while utilising external expertise where required to ensure best value.

5. Consultation

5.1 There has been extensive consultation during the production of the Masterplan, which has included:-

- Member workshops
- Stakeholder workshops
- Presentations to the Looked after Children's Council, Rotherham Together Partnership, Business Growth Board, Rotherham Voice, Barnsley and Rotherham Chamber of Commerce Construction Network, Rotherham Pioneers and Rotherham Older Person's Forum.
- Individual meetings with private sector land and property owners.
- Soft market testing with developers and end-users
- Discussions with Historic England, particularly in relation to the Guest & Chrimes site
- An open exhibition in the town centre, which was very well attended

6. Timetable and Accountability for Implementing this Decision

6.1 It will be a long-term task, 5-10 years, to tender and deliver all the projects set out in the Masterplan, with a number of them sitting outside Council control.

RiDO and Regeneration and Environment Directorate will take the lead on the delivery of the Masterplan but will need to work with a range of colleagues across the Council and in the private sector. Plans will be worked up for those sites within Council ownership, detailing how the projects will be delivered; including full costs, funding sources, timescales and potential partners.

6.2 Development of Forge Island has been identified as a priority. The site and

much of the surrounding land is already in Council ownership and developments to the West of the Town Centre; including the Law Courts, Riverside Precinct, and Corporation Street, as well as linking with both the rail station and bus interchange. A brief is currently under development and it is intended this will be taken to the market by September 2017 to secure a development partner. With the requirement to obtain planning permission, this is likely to lead to a start on site during the second half of 2018.

6.3 The Council has an allocation of funding for the Town Centre, under their Capital Programme. This, along with Council land holdings, will be used to drive

forward the developments in the Masterplan, but as a funding option of last resort and where it can be shown to draw in other public and private investment to ensure developments proceed.

7. Financial and Procurement Implications

7.1 The proposed recommendation will be subject to a formal procurement process undertaken in accordance with the Public Contract Regulations 2015 and the Council's own Standing Orders.

7.2 The approval and funding of individual capital projects associated with the implementation of the Town Centre Masterplan, would be considered within the overall context of the Council's Capital Strategy and capital priorities.

8. Legal Implications

- 8.1 None for adoption of the Masterplan. The legal implications for each element identified by the Masterplan will be considered at the time.
- 8.2 With regard to progressing the development of Forge Island, detailed legal advice will need to be taken on questions of procurement, state aid, best consideration, taxation and risk allocation in due course. However, until the preferred route for bringing any development forward is identified and responses are received from the market, it is not possible to anticipate what implications will arise. Accordingly, it is recommended that officers liaise closely with Legal Services regarding preparation of the brief referred to in 6.2 above and in considering responses to it.

9. Human Resources Implications

- 9.1 There are no Human Resource implications to this paper

10. Implications for Children and Young People and Vulnerable Adults

- 10.1 A major plank of The Masterplan aims to make the Town Centre a place that young people wish to visit, where they feel safe and which provides a range of activities, including the leisure hub proposed for Forge Island.
- 10.2 Young people have been involved in the development of the Masterplan and this dialogue will continue during the implementation phase.

11 Equalities and Human Rights Implications

- 11.1 None

12. Implications for Partners and Other Directorates

- 12.1 The Regeneration and Environment Directorate will lead the delivery of the Masterplan. Successful implementation of the Masterplan will require engagement from other directorates and a range of partners, both public and private.

13. Risks and Mitigation

- 13.1 **Lack of private sector interest** in bringing forward the development on Forge Island
- 13.2 Mitigation – discussions have been held with a number of operators and developers and there is a definite appetite to deliver a leisure development on this site. This will be tested by a full procurement process during Autumn 2017.
- 13.3 **Failure to secure buildings** needed for the development of Forge Island and the surrounding area

13.4 Mitigation - Initial discussions with property owners seem positive. A scheme can still be delivered even with the buildings excluded, should an agreement not be reached.

14. Accountable Officer(s)

Paul Woodcock – Assistant Director Planning, Regeneration & Transport
Simeon Leach – Policy and Partnerships Manager

Approvals Obtained from:-

Strategic Director of Finance and Customer Services:- Jon Baggaley

Assistant Director of Legal Services:- Lesley Doyle

Head of Procurement (if appropriate):- Karen Middlebrook

Human Resources:- John Crutchley

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Public Report with Exempt Appendix
Cabinet & Commissioners' Decision Making Meeting

Summary Sheet**Council Meeting**

Cabinet & Commissioners' Decision Making Meeting – 11 September 2017

Council Report

Rights of Representation to Sheffield County Court for matters relating to Housing Possession Claims

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

Yes

Strategic Director Approving Submission of the Report

Anne Marie Lubanski, Strategic Director – Adult Care and Housing

Report Author(s)

Luke Chamoun, Specialist Income Recovery and Court Coordinator

Ward(s) Affected

All

Executive Summary

Following the restructure of the Housing Income and Financial Inclusion team which was approved by Cabinet in October 2016, the legal representation for Housing Possession claims in the County Court will now be undertaken by employees in the Housing Income Team. This report seeks authorisation for the relevant officers to appear in appropriate cases on behalf of the Council in the County Court.

Recommendation:

That the following officers be authorised under Section 60 of the County Courts Act 1984 to initiate, represent, defend or appear in proceedings on behalf of the Council in the County Court:

- Specialist Income Recovery and Court Co-ordinator
- Court Officer
- Area Income Recovery Co-ordinators

List of Appendices Included

Appendix A (Exempt) – Officers authorised to represent the Council in County Court

Background Papers

Housing Income Transformation, October 2016

Consideration by any other Council Committee, Scrutiny or Advisory Panel

No

Council Approval Required

Yes

Exempt from the Press and Public

An exemption is sought for the Appendix to this report under paragraph 2 (Information which is likely to reveal the identity of an individual) of Part 1 of Schedule 12A of the Local Government Act 1972 is requested, as this report and appendix contains personal information about relatively junior officers..

It is considered that the public interest in maintaining the exemption would outweigh the public interest in disclosing the information, as the identification of the individuals, who are relatively junior officers with sensitive public facing roles, could prejudice their ability to perform those roles

Title: Rights of Representation to Sheffield County Court for matters relating to Housing Possession Claims

1. Recommendations

1.1 That the following officers be authorised under Section 60 of the County Courts Act 1984 to initiate, represent, defend or appear in proceedings on behalf of the Council in the County Court:

- Specialist Income Recovery and Court Co-ordinator
- Court Officer
- Area Income Recovery Co-ordinators

2. Background

2.1 The Council's Income Recovery Team is responsible for seeking recovery of Council rent, leaseholder service charges, rent arrears and property charges. The income recovery team includes officers whose new roles involve a requirement to appear regularly in the County Court to represent the Council and conduct applications in an effort to recover those arrears.

2.2 Whereas only certain qualified legal persons, such as solicitors and barristers, normally have a right of audience before a County Court, a local authority has the power under Section 60 of the County Court Act to authorise officers to appear on its behalf to initiate, represent, defend and conduct proceedings in the County Court. It is recommended that the current Specialist Income Recovery and Court Coordinator, Court Officer and Area Income Recovery Coordinators be authorised under Section 60 of the County Court Act to initiate, represent, defend or appear in proceedings on behalf of the Council in the County Court, pursuant to Part II of the Courts and Legal Services Act 1990:

i) Section 27(b) in respect of:

(b) Section 60 of the County Courts Act 1984, in relation to local authority housing matters;

ii) Section 27(d) in relation to matters where the Council is to be represented as a party to proceedings; and

iii) Section 27(e) and the Lay Representatives (Rights of Audience) Order 1999, in relation to civil matters heard in chambers or dealt with as a small claim in accordance with rules of court.

2.3 Section 27 of Part II (rights of audience and rights to conduct litigation) of the Courts and Legal Services Act 1990 provides that a person shall only have a right of audience before a Court in relation to any proceedings where:

(a) they are a member of an appropriate authorised body (solicitors, barristers, legal executives or patent agents in accordance with the rules for each);

- (b) the right is granted by or under an enactment;
- (c) the court has granted permission in that case;
- (d) they are a party to the proceedings (litigant in person); or
- (e) they are being heard in chambers (private rooms) and they are employed to assist in litigation by a qualified litigator.

Under (b) the following provide authority for local authority personnel to appear before a court:

- (i) Section 60 of the County Courts Act 1984 provides for a duly authorised officer of the local authority to exercise rights of audience in local authority housing possession cases (including recovery of rent, mesne profits or damages).

Under (e) it is desirable that it is confirmed that the Officers act in such a capacity.

2.4 The Lay Representatives (Rights of Audience) Order 1999 (SI 1999/1225) provides that any person may act as a lay representative in a matter dealt with as a small claim. Matters unrelated to housing heard in the County Court will be dealt with either under this provision or, where there is no witness appearing as the local authority client, as litigant in person for the authority.

3. Key Issues

- 3.1 The Council's Income Recovery Team has recently re-structured the work it undertakes in-house and as part of this it has also recruited new staff. In order for them to fulfil all their duties they require authorisation from the Council under Section 60 of the County Court Act 1984 to appear on its behalf to initiate, represent, defend and conduct proceedings in the County Court. Possession hearings will be conducted at Sheffield and Mansfield County Courts.
- 3.2 The current Specialist Income Recovery and Court Coordinator has attained a BA joint Honours in Law and Business, a Post-Graduate Diploma in Legal Practice through completing the Legal Practice Course, is currently registered as a Graduate member of the Chartered Institute of Legal Executives and has more than six years' litigation experience including, but not limited to, advocacy at Court.
- 3.3 The current Court Officer has attained an LLB Law (International and European), a Post-Graduate Professional Diploma through completing the Bar Professional Training Course and is a member of the Honourable Society of the Inner Temple and has over three and a half years' litigation experience including, but not limited to, advocacy at Court.
- 3.4 The current Specialist Income Recovery and Court Coordinator and Court Officer have been attending at Court with the Legal Services department since May 2017 to observe the recent possession claim hearings and applications to suspend warrants to ensure full competency prior to the handover of the advocacy work from the Legal Services department to Housing.

- 3.5 The current Area Income Recovery Coordinators will shadow the current Specialist Income Recovery and Court Coordinator and current Court Officer at Court and will be provided with continued support to ensure that each officer is in a position to undertake competent advocacy work on behalf of the Council. The current Area Income Recovery Coordinators already undertake income recovery work within the Housing department at a senior level and prepare the files that are issued at Court. As a result of such established practices and expertise the current Area Income Recovery Coordinators understand the principles of housing litigation. The training and support to be provided to the Area Income Recovery Coordinators will entail knowledge of Civil Procedure Rules, knowledge of relevant Practice Directions, knowledge of the Pre-Action Protocol for Possession Claims by Social Landlords, knowledge of current legislation and case precedents, knowledge of civil litigation, advocacy skills and duties as an advocate,.
- 3.6 The current Area Income Recovery Coordinators will be required to be signed off by the Housing income 'Business and Commercial Programme Manager' and by the Legal Services 'Service Manager' as being competent to advocate at Court prior to actually attending Court on behalf of the Council.
- 3.7 Complex cases will continue to be referred to the Legal Services department to undertake the legal work.
- 3.8 Names of employees that will be authorised to represent the Council in County Court are detailed at Appendix A.

4. Options considered and recommended proposal

Option 1 – Authorise officers within the Housing Income team to represent the Council in Court (Recommended option)

- 4.1 It is recommended that the current Specialist Income Recovery and Court Coordinator, the current Court Officer and the current Area Income Recovery Coordinators be authorised by the Council to appear on its behalf to initiate, represent, defend and conduct proceedings in the County Court. The officers concerned cannot lawfully appear in the County Court on behalf of the Council without proper authorisation. This approach has previously been approved by Cabinet in October 2016 when it approved the Housing Income Transformation Business Case in which it detailed that the services previously offered by Legal Services be brought in house to the Housing department.

Option 2 – Legal Services to continue representing the Council in County Court for Housing Possession claims (not recommended)

- 4.2 This would mean continue with the existing service provision provided by Legal Services, which is planned to end in September 2017. This is not recommended as staff have already been employed to undertake the role within Housing Services as approved by Cabinet in October 2016.

5. Consultation

- 5.1 Consultation has already been undertaken with staff in the period of November 2016 to December 2016 and there were no objections to this proposal as part of the formal consultation with staff.
- 5.2 Consultation was held with Legal Services who confirmed no objections to the transfer of services and we are presently working with Legal Services to transfer the services across from Legal Services to the Housing department.

6. Timetable and Accountability for Implementing this Decision

- 6.1 The Assistant Director of Housing and Neighbourhoods is responsible for implementing this decision. Presuming the proposed recommendation is passed by the Council, at that stage the current Specialist Income Recovery and Court Coordinator and the current Court Officer will have completed all their necessary training and it is intended that they shall start to appear in the County Court on behalf of the Council at the next scheduled court hearing.
- 6.2 Remaining employees will then undertake training and work shadowing in court until such time as they are deemed competent to represent the Council in the County Court.
- 6.3 The decisions in this report will be reviewed in twelve months, from the date agreed, to establish the reasonableness of the Cabinet's decisions and consider any feedback.

7. Financial and Procurement Implications

- 7.1 At the Cabinet and Commissioners' Decision Making Meeting on 10th October 2016 approval was given to implement a service development and change proposal for the Housing Income Service, to deliver a new operating model for the provision of more effective and timely Financial Inclusion and Tenancy Support Services. This included agreement that some legal work would transfer into the new service from Legal and Democratic Services.
- 7.2 The staff listed in the recommendations will be undertaking this work and salary and travel budgets are in place so there is no additional financial impact on the HRA. It is anticipated that staff training will be provided in-house and there will be no costs. The issue fees and warrant fees associated with court appearances are already being incurred and are re-chargeable to the tenant.

8. Legal Implications

- 8.1 This entire report is about legal arrangements. The court work that is going to be done by the new Specialist Income Recovery and Court Team was previously done by Legal Services under the supervision of a solicitor.

9. Human Resources Implications

9.1 The recommended proposal has no human resources implications as staff were aware of this requirement as part of their role when they applied for the posts as part of the service restructure.

10. Implications for Children and Young People and Vulnerable Adults

10.1 The recommended proposal does not involve any implications for children, young people or vulnerable adults.

11. Equalities and Human Rights Implications

11.1 The recommended proposal does not have any equalities or human rights implications.

12. Implications for Partners and Other Directorates

12.1 The recommended proposal does not have an implications for Partners and Other Directorates

13. Risks and Mitigation

13.1 The passing of the recommended resolution will ensure that all proceedings conducted by the officers in the County Court will be lawful.

14. Accountable Officer(s)

Assistant Director of Housing and Neighbourhoods

Approvals obtained from:-

	Named Officer	Date
Strategic Director of Finance & Customer Services	Kath Andrews	4 July 2017
Assistant Director of Legal Services	Dermot Pearson	25 August 2017
Head of Procurement (if appropriate)	N/A	
Head of Human Resources (if appropriate)	Odette Stringwell	4 July 2017

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By virtue of paragraph(s) 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted



Public Report with Exempt Appendices
Cabinet and Commissioners' Decision Making Meeting

Summary Sheet

Council Report

Cabinet and Commissioners' Decision Making Meeting – 11 September 2017

Title

Unlocking Property Investment – Beighton Link

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 & Environment Services

Report Author(s)

Tim O'Connell – Head of RiDO, Planning, Regeneration & Transport
01709 254563 or tim.oconnell@rotherham.gov.uk

Ward(s) Affected

Rother Vale

Executive Summary

The Council has analysed and compared a number of commercial property development opportunities in Rotherham for the potential to stimulate business growth and generate an investment return. This has identified a preferred deliverable option on a site owned by JF Finnegan at Beighton Link and the potential to improve the attractiveness of the project through regional investment funding.

This report recommends that the Council acquires the land and enters into a development agreement for JF Finnegan to construct business units, which on completion of construction the Council will own. The project will secure economic growth benefits and an investment return which will help support the Council's revenue budget.

Recommendations

1. That the Strategic Director of Regeneration and Environment be authorised to agree terms to acquire land at Old Colliery Way, Beighton Link, Rotherham and enter into a development agreement with JF Finnegan Ltd.

2. That, subject to an assessment of the financial viability of the proposed final terms of the agreement with JF Finnegan and formal approval of the JESSICA funding bid, the funding for the purchase be taken from the £5m Growth Fund, which was approved as part of the Capital Strategy 2017-2022.
3. That the Assistant Director of Legal Services be authorised to complete the necessary legal agreements.
4. That, in order to allow the development to proceed, an exemption to standing orders under paragraph 43.2.4 be agreed.

List of Appendices Included

Appendix 1 Business Case (Exempt)

Appendix 2 Development Appraisal (Exempt)

Appendix 3 Industrial Market Overview and Funding Options (Exempt)

Appendix 4 Location Plan

Appendix 5 Financial Overview (Exempt)

Background Papers

Rotherham Economic Growth Plan 2015 -25

Consideration by any other Council Committee, Scrutiny or Advisory Panel

None

Council Approval Required

No

Exempt from the Press and Public

*An exemption is sought for **Appendix 1, 2 and 3**; under paragraph 3 (Information relating to the financial or business affairs of any particular person (including the authority holding that information)) of Part 1 of Schedule 12A of the Local Government Act 1972 is requested, as this report contains sensitive commercial information with regards to costing for works and commercial agreements which could disadvantage the Council in any negotiations if the information were to be made public.*

It is considered that the public interest in maintaining the exemption would outweigh the public interest in disclosing the information, as the parties' commercial interests could be prejudiced by disclosure of commercial information.

Unlocking Property Investment – Brighton Link

1. Recommendations

- 1.1 That the Strategic Director of Regeneration and Environment be authorised to agree terms to acquire land at Old Colliery Way, Brighton Link, Rotherham and enter into a development agreement with JF Finnegan Ltd.
- 1.2 That, subject to an assessment of the financial viability of the proposed final terms of the agreement with JF Finnegan and formal approval of the JESSICA funding bid, the funding for the purchase be taken from the £5m Growth Fund, which was approved as part of the Capital Strategy 2017-2022.
- 1.3 That the Assistant Director of Legal Services be authorised to complete the necessary legal agreements.
- 1.4 That, in order to allow the development to proceed, an exemption to standing orders under paragraph 43.2.4 be agreed.

2. Background

- 2.1 There are a number of development schemes in Rotherham proposing the construction of new business space that are “stalled”. These schemes are being actively promoted but in the current market will not progress to construction until an end user is identified and a “pre-let” is agreed. The exception to this is at the Advanced Manufacturing Park (AMP) where the Council’s intervention in 2015/16 to bring forward the development of new business units was successful in proving the market and has encouraged Harworth Estates to fund a further phase of the R-evolution scheme.
- 2.2 The need to encourage new development is articulated in the Rotherham Economic Growth Plan which includes a target to increase the amount of industrial and commercial floor space in the Borough by 12.9%. A lack of suitable new space is a barrier to business growth, when companies are unable to find the premises they need to locate and grow in Rotherham and a challenge for the Council, which needs new development to create employment and build future revenue from the business rates base.

3. Key Issues

- 3.1 Property market failure within Sheffield City Region is restricting the supply of new commercial property development. This is a result of developer costs exceeding returns (rent/capital values). In some circumstances, a lack of debt finance is also restricting development, particularly for speculative projects. The majority of banks will only fund pre-let or pre-sold schemes.

- 3.2 The simplest form of addressing market failure is to provide grants and subsidies. However, this would be expensive for the Council to do and raises issues around state aid. Any intervention in commercial property development should be affordable, minimise risk and provide a realistic prospect of a return to the Council.
- 3.3 Sheffield City Region has recently developed proposals for a “flexible fund” to work alongside the JESSICA (Joint European Support for Sustainable Investment in City Areas) programme. This is intended to unlock development through innovative approaches to improving the viability of development schemes. Working in partnership with landowners and developers this offers an opportunity for the Council to bring forward new proposals that are more attractive and deliverable for the Council and which will:
 - a) Simulate development and increase business rates revenue.
 - b) Encourage the development of brownfield sites for employment uses.
 - c) Create construction jobs and spend in the economy.
 - d) Generate revenue to fund borrowing costs (principal and interest) to fund the investment.
 - e) Create additional revenue for the Commercial Property Account.
 - f) Provide attractive new property on the market to support business growth and job creation.
 - g) Lever in additional funding to support delivery of the Economic Growth Plan.
- 3.4 Previous experience from the acquisition of the units at the Advanced Manufacturing Park indicate that in addition to economic development benefits there are good prospects of generating a revenue surplus from this type of investment. The property at the Advanced Manufacturing Park generates a net annual surplus of over £50,000 after taking account of all costs to the Council of owning the unit including capital financing charges.
- 3.5 The proposed delivery model is that the Council purchases land from JF Finnegan Ltd and simultaneously signs a development agreement for the construction of 2 business units on the site. The Council will receive income through an increase in business rates and the completed units will be let on the open market to end users – inward investors or expanding local companies which will provide additional income to the Council. The Council and JF Finnegan will share the letting risk through a “rent guarantee fund”, using part of the purchase price paid by the Council, the developers profit and grant funding from the Sheffield City Region (via JESSICA).
- 3.6 The construction of business units is a public works contract. The value of the contract will be below £4.1m and therefore EU Procurement Regulations do not apply and there is no requirement to advertise the contract in the Official Journal of The European Union (OJEU). However, UK domestic law and the Council’s Standing Orders require that all contracts with a value above £25,000 are publically advertised.

3.7 As current owner of the site JF Finnegan is in a position of having exclusive rights over Beighton Link. The land purchase cannot progress with an intention that a third party constructs the development as JF Finnegan will not sell its interest on this basis. To allow the development to proceed an exemption to Standing Orders under 43.2.4 is required “Where due to exclusive rights, including but not limited to intellectual property rights, no reasonable alternative or substitute exists”.

4. Options considered and recommended proposal

4.1 **Do nothing** -This is a low risk option but does nothing to address the growth priorities of the Council and the shortage of supply of new commercial development.

4.2 The Council acquires land and carries out **direct development**. The Council is not an experienced commercial property developer and does not have the in-house skills to progress this option. In addition, JF Finnegan has control over the development of the site and will not sell the site on this basis.

4.3 **Alternative funding structures** - A number of developers have requested that the Council considers taking head leases on institutional lease terms on their proposed schemes. An investor's view of the security of future income is a significant determinant of investment value. In this way, developers would be able to onward sell schemes as investments with the benefit of the Council covenant and perceived security of income. This would increase the investment value and in most cases make development viable.

4.4 This approach commits the Council to making regular rental payments for circa 25 years (or more). If the scheme is fully occupied (i.e. a sub-tenant is in place) for the duration of the lease term then a potential profit from rental income, business rates income and economic benefits would all be forthcoming. However, if the unit is vacant at any time (i.e. there is no sub-tenant in occupation) a revenue pressure is created as no income is generated to offset the Council's rental payments and holding costs.

4.5 Work in **Partnership with the private sector** and access regional regeneration funding. This is the preferred option.

4.6 The Sheffield City Region's JESSICA “flexible fund” allows the Council to substantially reduce the risk of an investment in commercial property by sharing the letting risk with the landowner/developer. This is achieved through the creation of a “rent guarantee fund”, using the developers profit and the SCR flexible fund.

4.7 The rent guarantee fund is used to pay rent until a tenant takes occupation. It will ensure that the Council receives the full rent from the date the units are completed even if a tenant is not in place. The guarantee will have sufficient funding to cover a void of up to three years. This allows costs and income to be modelled with greater certainty.

4.8 **Alternative locations** - Property consultant BNP Paribas has analysed and compared different “stalled development” opportunities on behalf of the Council. This has included independent advice on values and market demand and has identified a preferred deliverable option at Beighton Link on a site owned by JF Finnegan. The advice is commercially sensitive and is included in Appendix 3 of the five exempt appendices to this report.

5. Consultation

5.1 The Cabinet Member for Jobs and the Economy and Commissioner Kenny have been briefed during the development of the project.

5.2 Consultation has taken place with the Sheffield City Region Executive team and the JESSICA Fund manager on the potential availability of regeneration funding.

5.3 The Council has also carried out consultation with developers and landowners details of which is available in the exempt appendix.

6. Timetable and Accountability for Implementing this Decision

6.1 The Strategic Director of Regeneration and Environment will be accountable for this project and will agree terms for the acquisition and development agreement in consultation with the Strategic Director of Finance and Customer Services.

6.2 The anticipated timescale is as follows
Development Agreement – October 2017
Construction Start – March 2018
Construction Completion – September 2018

7. Finance and Procurement Implications

7.1 Under the terms of the proposed arrangement with JF Finnegan, the Council will purchase the land at Beighton Link and then procure JF Finnegan to build the 2 business units. The purchase price of the land will be independently determined to ensure that the Council’s best value obligations are met. Subject to an assessment of the financial viability of the proposed final terms of the agreement with JF Finnegan, it is proposed that the costs of this project, detailed in the exempt Appendix 2, are funded from the £5m Growth Fund, which was approved by Council on the 8th March 2017, as part of the Council’s Capital Strategy 2017-2022.

7.2 In addition, the proposed arrangement includes a 3 year rent guarantee fund outlined in the exempt Appendix 1, which is made up of a contribution from the Sheffield City Region Jessica Property Fund, a contribution from JF Finnegan, by way of a reduction in their developer’s profit received and a contribution from the Council. As this is a rent guarantee arrangement, the Council’s contribution would be a revenue expense, so would need to be taken into account in the viability assessment.

7.3 Details of the viability assessment undertaken by BNP Paribas Real Estate for the site are shown on page 23 of the exempt Appendix 3. As the proposed site is not within an Enterprise Zone, the Council will benefit from business rates in respect of the development.

8. Legal Implications

8.1 There are no direct legal implications arising from the report. The necessary legal agreements will be completed in due course by Legal Services. In order to mitigate risk to the Council, checks will be carried out on the developer's ability to complete the legal documentation.

9. Human Resource Implications

9.1 There are no human resource implications arising from this report.

10. Implications for Children and Young People and Vulnerable Adults

10.1 There are no direct implications for Children and Young People and Vulnerable Adults. In a broader context the project supports business and economic growth which assists in creating opportunities for children, young people and vulnerable adults.

11. Equalities and Human Rights Implications

11.1 There are no equalities and human rights implications arising from this report.

12. Implications for Partners and Other Directorates

12.1 There are no direct implications for partners and other directorates.

13. Risks and Mitigation

13.1 **Property Market and Investment Risks** – the property market is cyclical. A fall in market confidence could cause potential developers and end users to change investment decisions impacting on the successful delivery of the project.

13.2 **Mitigation** - The Council has taken professional advice which demonstrates the market potential to deliver this project.

13.3 **Construction Risks** – building costs could escalate or the developer could cease trading prior to completion of the contract.

13.4 Mitigation – a fixed price will be agreed for the completed development prior to construction commencing. Construction works will be managed by the developer and any unforeseen or additional costs arising during construction will be the responsibility of the developer. Checks will be carried out on the ability of the developer to complete the contract and legal agreements put in place to protect the Council's position in the event that the developer is for any reason unable to complete the development as agreed. JF Finnegan is an experienced and established local developer and contractor with a turnover of circa £50 million per annum and net assets of £24.3 million.

13.5 **Finance Risks** – insufficient revenue is generated to fund the investment.

13.6 Mitigation - The proposed arrangement with JF Finnegan will be subject to a financial viability assessment on the final terms of the proposal. The availability of a rent guarantee will ensure that the Council is protected from the risk of voids over a 3 year period..

13.7 **Procurement Risks** – the Council may be challenged on the use of an exemption to standing orders.

13.8 Mitigation – the value of the public works contract will be below the OJEU threshold of £4.1 million and an aggrieved party would not have recourse to remedies under procurement regulations. It is not possible for the project described in this paper to proceed on the basis that development is delivered by a third party and this justifies the use of an exemption to standing orders.

14. Accountable Officer(s)

Damien Wilson - Strategic Director of Regeneration and Environment.
Tim O'Connell - Head of RiDO.

Approvals obtained from:-

Jon Baggaley, Finance Manager
Assistant Director of Legal Services:- Ian Gledhill
Head of Procurement (if appropriate)

Report Author: Tim O'Connell – Head of RiDO

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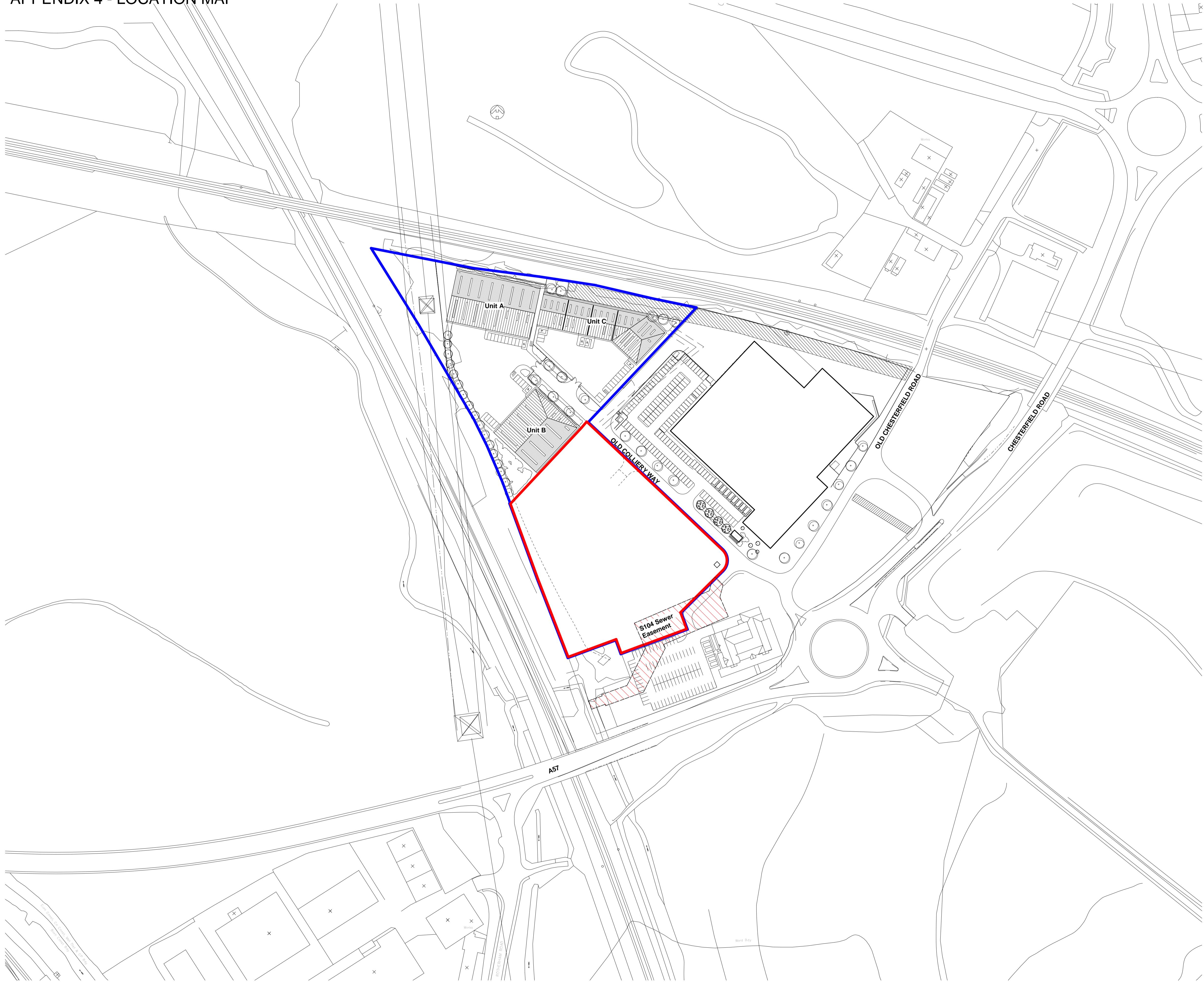
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APPENDIX 4 - LOCATION MAP



Site Location Plan

1

1 : 1250

NOTES:
DO NOT SCALE FROM THIS DRAWING.
VERIFY ALL DIMENSIONS AND SETTING OUT ON SITE.
NOTIFY ANY DISCREPANCIES TO THE ARCHITECT.
FOR STRUCTURAL INFORMATION, REFER TO
STRUCTURAL ENGINEER'S DRAWINGS.
FOR M&E INFORMATION, REFER TO M&E ENGINEER'S
AND SUB-CONTRACTOR'S DRAWINGS.
FOR HEALTH & SAFETY INFORMATION, REFER TO
HEALTH & SAFETY RISK ASSESSMENTS.

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Drawing subject to receipt of topographical survey

Page 318

REVISION: * BY: DJB CHECKED: * DATE: 23/05/2017
First Issue

PRELIMINARY

PLOT DATE: 23/05/2017 15:44:36

FINNEGAN
DESIGN AND BUILD

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Tel 0114 268 6011 Fax 0114 268 5838

CLIENT:

**INDUSTRIAL UNIT
BEIGTON BUSINESS PARK**

PROJECT:

SITE LOCATION PLAN

DRAWING: DRAWN BY: SCALE: CREATION DATE:
DJB 1 : 1250 @ A1 MAY 17

Hadfield Cawkwell Davidson

Broomgrove Lodge, 13 Broomgrove Rd, Sheffield, S10 2LZ Tel 0114 266 8181 www.hcd.co.uk

Architecture | Engineering | Interior Design | Masterplanning | Urban Design

ZB NO: DRAWING NO: REV:

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EXEMPT ADDENDUM TO REPORT – Financial Overview**Exempt from public and press**

Meeting:	Cabinet/Commissioner Decision Making Meeting
Date:	11 th September 2017
Item No. & Title:	Unlocking Property Investment – Brighton Link
Ward	Rother Vale

Income and Cost Summary

Land price	£990,000
Stamp Duty (on land purchase)	£39,000
Payment to developer for construction of Units	£3,510,000
Council Contribution to Rent Guarantee	£155,000
Fees and marketing (including holding costs)	£67,500
Agents Letting Fees	£40,425
Total	£4,801,925
 Rent Received per annum (@£5.50 psf - £5.95psf)	£269,500 - £291,550
Business Rates retention (49% of Estimated payable)	£66,150
Total	£335,650 - £357,700
 Simple Yield (income/capital) x 100	6.99% - 7.45%

Rent Guarantee Operation

The rent guarantee fund would ensure that the Council receives the full rent from day 1 even if a tenant is not in place. The rent guarantee would have sufficient funding to cover up to three years without a tenant paying rent (the void).

The rent guarantee is made up of the following contributions:-

- Rotherham Council £155K
- Developer £155K
- SCR Repayable Grant £500K
- Total £810K

The rent guarantee is used to pay rent to the Council if a tenant is not in place. The impact on the rent guarantee over time is illustrated below:

Rent Free + Void	Amount in Rent guarantee	Rent paid from Rent guarantee to Rotherham Council	Share of rent guarantee fund returned to developer (38.27%)	Share of rent guarantee fund returned as repayable grant (61.73%)	
0 mths	£810,000	0	£309,987	£500,013	
7 mths	£652,792	£157,208	£249,823	£402,969	
12 mths	£540,500	£269,500	£206,850	£333,650	
18 mths	£405,750	£404,250	£155,281	£250,469	
24 mths	£271,000	£539,000	£103,711	£167,289	
36 mths	£1,500	£808,500	£574	£926	

The Council's contribution to the rent guarantee can be viewed as an insurance against the property not being let quickly. If the void is longer than 7 months the Council receives more back from the rent guarantee than it has paid in.