

IMPROVING PLACES SELECT COMMISSION
3rd January, 2018

Present:- Councillor Mallinder (in the Chair); Councillors Albiston, Allen, Atkin, Buckley, B. Cutts, Elliot, Jepson, McNeely, Price, Reeder, Sheppard, Taylor, Vjestica, Walsh and Wyatt.

Apologies for absence were received from Councillors Jones and Julie Turner.

The webcast of the Council Meeting can be viewed at:-
<https://rotherham.public-i.tv/core/portal/home>

98. DECLARATIONS OF INTEREST

The following Declarations of Interest were made:-

Councillor Sheppard Minute No. 102 - resided in an area potentially to be designated a Selective License Area.

Councillors McNeely, Vjestica - part of the Selective License Sub Group.

Councillor Atkin – Minute No. 103 - a supporter of the contract being awarded to Dignity.

99. QUESTIONS FROM MEMBERS OF THE PUBLIC AND THE PRESS

No questions were asked by members of the press or public.

100. COMMUNICATIONS

The Chair welcomed Rebecca Wholley to the meeting as an observer.

Rebecca was on a two year secondment from the Local Government Association and located within the Management Change Team with the Assistant Chief Executive.

101. MINUTES OF THE PREVIOUS MEETING HELD ON 15TH AND 29TH NOVEMBER, 2017

Questions were asked in relation to minutes of 15th November meeting.

Councillor McNeely asked for clarification in relation to two points.

P23 What is the minimum level of fine applicable relation to the Kingdom contract?

A response was provided by Manager of Community Safety and Street Scene, Mathew Finn, the range of fees being applied is in the region of £50 to £80.

P24, £370k of fines have been collected as part of the pilot project, with £37k coming to RMBC as income, which is approx.10% of fines incurred. Clarification was sought as to how the remaining 90% is allocated.

Damien Wilson, Strategic Director for Regeneration and Environment replied that the £37k relates to what the Council would receive if a shared service contract was entered into with Doncaster. The income for the pilot project is unrelated to this.

Written clarification is to be provided by Damien Wilson.

102. SELECTIVE LICENSING MID-TERM REVIEW

Councillor Beck introduced the report stating that the existing Selective Licensing Scheme was half way through its stated timescale and hoped that further reports on this subject would be brought back to Improving Places Select Commission on an annual basis.

Much opposition was seen when the decision was taken to implement this scheme; however, the data in the report reflects a positive picture and an improvement in the standard of houses in the area.

Matt Finn, Community Safety and Street Scene Manager presented the report.

Background

Detailed within a report to Improving Places Select Commission, 5th April 2017 (item 65), the Council introduced designations for four Selective Licensing areas, namely Eastwood, Masbrough, Dinnington and Maltby South East. The designations were made in order to address the decline of conditions within the private rented sector in these areas. Maps of the designated areas are shown at Appendix A.

The objective of the scheme is to improve conditions affecting the health of tenants within the private rented sector caused by poor management of the stock. Poor housing conditions have a significant impact on the health of tenants, particularly those that are vulnerable particularly the young and elderly. In the long term, Selective Licensing is anticipated to improve morbidity and mortality in the private rented sector by addressing directly the housing conditions that affect the health of tenants, by forcing improvements by landlords.

Additionally, the schemes are expected to stabilise communities through improving the conditions of properties, making private rented accommodation more attractive to longer term tenancies. Subsequently, this is likely to contribute to reduced tenant turnover, low housing demand and anti-social behaviour.

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Within designated areas, all privately rented properties must be licensed and comply with a set of licence conditions. The costs of the licensing scheme are borne entirely by the property owners through a licensing fee of £592 per property, covering a five year licensing period. If landlords fail to licence a property or do not comply with licence conditions they can be prosecuted, or face other sanctions including Management Orders and Rent Repayment Orders.

The private rented sector is growing in response to the demand for lower cost housing outside of the social rented sector, and the Council is committed to supporting and promoting private landlords to provide quality and affordable properties. However, there are concerns that the private rented sector is falling below the minimum expected legal standards described in the Housing Act 2004. In some areas the significant increases in the private rented sector, high rates of empty properties, short term tenancies and anti-social behaviour are having a negative impact on those communities.

In some areas the significant increases in the private rented sector is combined with severe risks to the health of tenants, high rates of empty properties, short term tenancies and anti-social behaviour, which have a negative impact on those communities. Indeed, in some areas the private rented sector accounts for up to 60% of the housing market, becoming a significant part of the overall housing market in the borough.

Revised estimates based upon investigations and a detailed mapping exercise suggests there are 2,400 licensable properties across the four Selective Licensing Areas. So far 1,942 properties are registered with an average of 50 new applications per month. Although significantly higher than initial estimates in 2015, which stood at 1,254 properties based on 2011 data, all the remaining unlicensed properties are expected to be brought within the scheme by mid-2018.

Selective Licensing is a tool to drive long term improvement and it is no surprise that each designation has a five year life time. In 2020 the current designations will end, before which, the Council will need to decide whether the designations have achieved or are on course to achieve their aims, whether the achievements can be sustained without licensing or whether additional licensing designations need to be put in place to ensure the sustainability of improvements.

The critical objective of Selective Licensing to improve housing conditions to protect the health and safety of tenants is fully recognised by Government. Indeed, there have been recent amendments to the criteria that allow Council's to make Selective Licensing designations specifically to benefit deprived areas. The Council will need to consider the benefits that can be brought to improve the lives of some of our most vulnerable individuals and families in deprived areas, through extending the number of areas designated where there are a high proportion of private rented properties.

The Selective Licensing schemes have been developed through two distinctively focussed phases:-

- May 2015 to September 2016: Administration of applications; processing of licences; recruitment to essential posts.
- October 2016 onwards: continued administration and processing; enforcement; inspections of licensed properties; investigations of unlicensed properties.

Enforcement

Enforcement within Selective Licensing areas, although focusing on making properties safe for tenants through tackling unlicensed properties and inspecting licensed properties and forcing compliance with legal requirements, draws in wider tools and powers to tackle nuisances, anti-social behaviour, illicit tobacco and food safety.

Additionally, significant referrals of issues are made to a wide range of Council teams and partner Agencies from concerns relating to bins through to modern slavery.

The targeted areas of work covered under the Selective Licensing scheme as well as enforcement includes;

Unlicensed Houses
Inspections of properties
License Condition Compliance
Gas Safety and Fire Safety
Electrical Safety and Excess Cold,
Illicit Tobacco and
Nuisance and Anti-social behaviour.

At the start of the scheme, 90% of the properties did not meet the required standards. As a result of the scheme, improvements are demonstrated by a reduction in

- the number of unlicensed properties in the area
- anti-social behaviour including domestic noise reduction
- the turnover of empty properties which results in a reduction of
- fly tipping

Areas which demonstrate a low demand for properties prevents the formation of communities by the high turnover of tenants.

P29 2.4 Clarification was asked for in relation to

- IMO allows the Council to take over the property if the owner persists in not licensing the property or it is deemed the landlord is not suitable to manage the property. The Council can take over the

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management of the property and receive rent due on it. This is viewed as a last resort.

- RPO allows the Council to pursue individuals for unpaid rent whilst the property was unlicensed. Any income was paid back to the Government, however under new legislation starting in February 2018; the Council will be able to keep any reclaimed rent.
- The license fee is £529 per property, which is paid on joining the scheme, regardless at what stage in the scheme the landlord joins. There are no refunds provided. The fee is reviewed on an annual basis. There has been no change to the license fee since the start of the scheme.
- Of the 90% of properties which did not meet the required standards, how many landlords does this relate to? **Further information on this to be provided by Matt Finn.** A Selective License Area aims to reduce the number of bad landlords in the area, if they do not concur to the rules of the scheme, they will move out of the area to the benefit of the community. Another aim of the scheme is to change the behaviours of landlords and encourage them to look after their property and the behaviour of their tenants.
- 36% of properties have been identified as “high risk” This risk is partly mitigated by the fact that the details of the landlord are included on the licence application and this information is shared with other partner agencies such as South Yorkshire Police.
- Selective Licensing aims to improve standards in the private rented sector and there are thresholds after which landlords can be prosecuted for non-compliance, which is after the first warning letter from RMBC if still no compliance from them, then there is a fine of £500 issued.
- The inclusion of food hygiene as part of the Selective Licensing Initiative is critical as part of a healthy home is having an appropriate place to prepare food safely. In some cases, modifications have been required to properties to include a kitchen to allow this to happen.
- Currently there are 458 properties unlicensed. This number will reduce once the mapping exercise relating to the ownership of properties is completed.
- P32, 4.4 – Are there any Landlords who have been served with prohibition notices. One of the properties served with a prohibition notice was occupied at the time. The notice was served as part joint working with South Yorkshire Police.
- The length of time to issue a license is between 8 to 10 weeks but it is not a prerequisite to have all the checks in place before the license is issued.
- It is proposed that in the near future a stakeholder event including landlords, tenants, and members of Rotherham Federation etc. take place, to find out their opinions in relation to the Selective Licensing Initiative. A Selective Licensing Steering Group has been established. **It was requested that the results of this event be brought back to Improving Places Select Commission.**

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- Outside of the Corporate Performance Plan it is important to identify local measures which can be viewed as a barometer of the progress and impact of Selective Licensing. This information is to be shared with Members/Tenants and the wider community. This point was viewed and a critical element when considering new areas to adopt the Selective Licensing Initiative. Any further decisions will be based on actual evidence. It is also important to share information and experiences to promote the special measures that are available for authorities to use in certain circumstances.
- An example of how Selective Licensing could improve an area by reducing the number of bad landlords in the area. A bad landlord relies on the rental income from their property. Through the Selective Licensing Initiative the property is closed down, due to the landlord not improving the property and so forcing a sale. It is possible to identify the number of rented properties available in an area, but only the National Census information will identify the number of properties in the private occupier sector.
- There are different types of landlords with a variety of reasons as to why they become landlords. In order to form a community, a number of issues need to be addressed.
- The Council as a landlord is working with its own stock bringing each property in line with the Decent Homes Standard.
- P37, 7.1 point 2. Relates to the appendix D which is about the inspections of properties carried out in the four areas. Clarification was asked for as to why there was such a difference between the levels of inspections carried out and is it more difficult to undertake inspections in some areas. There have been some changes in staff along with changes to the work priorities.
- What other measures is the Council putting in place to help raise the quality of an area? All input from the Council comes at a financial cost, which is difficult in the current climate. The Council does have a role via Community Enforcement and Planning Enforcement (Domestic and Retail)
- No mention of involvement of the Fire & Rescue Service in the Selective Licensing Initiative and could this be looked at.
- A request was made in relation to future reports on this topic, if the presentation of the statistics could be shown in a standard format.
- Congratulations were extended to the Cabinet Member and the Officers working on this initiative for the success to date and the justification for this area to be designated as a Selective Licensing Area is the 90% of properties which failed the initial inspection.
- There are still some parts within Selective Licensing areas with ongoing issues, which have been identified through the reporting of issues by tenants and organisations. It is important to continue reporting issues to ensure that these can be addressed through wider enforcement activities and additional activities e.g. CCTV to enhance the detection of fly tipping occurrences.

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- Clarification of the £220,000, awarded on 1st April 2017. In total £1.3m awarded to the Council and all bids submitted have been awarded. £220,000 has been ring fenced to Rotherham Ethnic Minority Alliance to assist the initiative. Funding was approved in August 2017 and ends on 31st March 2019
- With the expansion of the Higher Education provision at Rotherham College it is anticipated that increased housing provision will not be needed in the initial year but as the provision continues in future years it is likely that increased accommodation will be required.

Resolved:- (1) That the licensing schemes be noted and any other benefits be considered further that could be delivered to other areas through further designation.

(2) That a report be presented to Cabinet and the Commissioners' Decision Making Meeting with options for implementing Selective Licensing into other areas of the Borough.

(3) That work with colleagues in Public Health take place to identify and include within the Selective Licensing Framework indicators relating to health.

(4) That minutes from the Selective Licensing Steering Group meetings be received (for information only).

(5) That an update report be received in six months relating to unlicensed properties in the current Selective Licensing Scheme.

103. **DIGNITY/ROTHERHAM METROPOLITAN BOROUGH COUNCIL CONTRACT UPDATE**

Executive Summary

On 1st August 2008, the Council entered into a 35 year contractual agreement with Dignity Funerals Ltd for the provision of bereavement services for Rotherham. This partnership led to the transfer of significant risks from the Council to Dignity, and saw Dignity take on the responsibility for the capital works and maintenance of the East Herringthorpe Cemetery and Crematorium along with the maintenance of the eight other Municipal Cemeteries located throughout the Borough. The Council retained the risk in relation to cemetery chapels, associated buildings and boundary walls on some cemetery sites. The partnership has resulted in a number of significant improvements in relation to the provision of bereavement services throughout Rotherham.

Dignity has sub-contracted the grounds maintenance elements of the service to Glendale Countryside Management Ltd (but Dignity retains the overall responsibility for the delivery of the service).

This report has been requested to provide more detailed information in relation to various aspects of the contract, service and performance management and builds on the report that was presented to IPSC on 30th November 2016.

Proposals

The report is for information only, and therefore none of the following options/ proposals is presented as recommendations, more as areas for discussion.

Financial Aspects, Exceptional Surplus: Dignity will provide the Council with sufficient financial detail in the Annual Report to assess the level of Equity IRR payments to be made at each financial year end.

Financial Aspects, Financial Related Deductions: The Council will levy charges against Dignity in relation to failure events against the Performance Management Framework reported on a monthly basis to the Council.

Performance Management Framework: Reporting against the Performance Management Framework will begin in the final quarter of 2017/18.

Annual Report: Dignity will provide an improved Annual Report covering the requested information detailed in Section 5 of this report. The Annual Report will be provided by February 2018.

Maltby Cemetery: Options identifying suitable land for burials will be produced during Spring 2018 and presented to members to consider future action.

Same day/short notice burials: The Council continues to work to examine this issue and will provide a verbal update prior to examining potential options.

Memorial Benches: It is proposed that options to provide communal memorial benches is considered to reduce costs, however, a verbal update will be provided.

Grounds Maintenance: It is proposed that the provision of grounds maintenance will be measured against the criteria described in the Performance Management Framework.

Crematorium chapel and adjoining buildings: Following the completion of the external works, a report will be written to put forward proposals in relation to alternative provision of services during the period that internal improvement works are underway.

Provision of lined graves: A review of lined grave options will be completed by February 2018 and scheduled liaison meetings with representatives of the Muslim community will begin early in 2018.

Funeral Directors: It is proposed to ensure that periodic liaison meetings take place with funeral directors, starting in January 2018, to inform progress of the contract with Dignity.

Legal Review: It is proposed that the Project Liaison Group is established to discuss feasibilities of formal changes that might improve contract delivery whilst not affecting costs to service users.

It is proposed that the Councils financial services are engaged in the process of financial monitoring of the contract.

.P60, 4.3. Dignity is required to undertake monthly monitoring reports. It was requested that IPSC have sight of these reports on a quarterly basis so that these can be monitored against the Annual Performance Summary.

Damien Wilson agreed that the information can be provided to IPSC as soon as they are available under the newly established working arrangements.

P66, 9.6. In Rotherham, the exclusive right of burial is for 100 years, which differs from area to area. At the end of the 100 year lease, the family will be asked for an additional fee.

Part of the new monitoring arrangements will look at profit margins achieved by Dignity.

P67, 11.4. This section relates to the list of the proposed internal works to be completed by Dignity, in particular the installation of a mezzanine balcony at the rear of the crematorium. When is work expected to start? Damien Wilson will find out the timescale for the works for it to be circulated to IPSC.

It was noted that significant investment had been made towards environmental issues at the crematorium but concerns were raised regarding lack of investment into other cemeteries in the borough. Dignity needed to achieve a balance between the amounts invested into the service against the charges made for the services in comparison with neighbouring areas. A possible result is that people from Rotherham will go to neighbouring areas.

In response to this comment, DW reported that in carrying out the detail for this report and benchmarking against other authorities, Rotherham is seen as an example of good practice not poor practice.

Details were requested regarding the alternative chapel
Alan Pogorzelec will send details of the options available.

P63, 6.3. Relates to finding suitable available land to expand the cemetery at Maltby. Assurances were required that the Members of Maltby Town Council will be kept informed of any discussions on this subject. Damien Wilson will accept an invitation from Maltby Town Council to update them on the developments.

Members were interested in the amount of budget available to repair footpaths in the cemeteries. The Council has an annual budget of £4,000 for such works. Dignity has a budget and is working on a plan, including a risk assessment on the required works. An update on this information was requested by IPSC.

A request was made for:-

- The Performance Indicators identified in the Performance Monitoring Framework to be recorded for each cemetery. It was anticipated that this would be possible and included as part of the regular monitoring reports.
- A list of all complaints received by Dignity over the last 12 months and the resolutions. A check will be done to ascertain if this request can be met, as some of the information may be confidential.

The officers were asked if there was any update relating to the times when Asian burials could take place. The Council are currently in consultation with the Asian community over the issues of burial times along with the specifications for lined graves.

Child burials are at no cost in Rotherham. Alan Pogorzelec gave an explanation of the charges made by Dignity, which includes young people over the age of 16 as the charge relates to the size of the grave required, however, no charge is made for children under 2 years of age and non-viable foetus. In relation to lined graves an Equality Impact Assessment needs to be undertaken and this will include points such as burial times, fees for lined graves and general fees across the service. The aim of the Equality Impact Assessment is to bring about reasonable adjustments.

Concerns were raised by Councillor Alam, Cabinet Member for Finance and Corporate Services, over the Equality Impact Assessments not being undertaken and that these must be completed in partnership with Dignity. There are areas of the contract that need to be confirmed such as, the charging structure for different service provision by Dignity and timings relating to Asian burials. It was suggested that other faith communities are included in any discussions/work. Concerns were noted that at a time of bereavement additional tensions are being caused by uncertainties. It was also welcomed that IPSC continue to monitor the contract.

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Dignity is looking at ways to liaise with different faith groups. An officer has been appointed by Dignity to do this work.

A Community Champion Scheme is also being looked at by Dignity to work closer with the communities. All comments noted by Councillor Alam will be considered as part of the Equality Impact Assessment.

Discussions took place relating to the background to the contract with Dignity being established. After scrutiny by Internal Audit, at the request of Damien Wilson, it was concluded as outlined in this report that the contract was not being managed by either party and the need for a Performance Monitoring Framework, an example of which has been included as part of this report and the requirement for Dignity to provide an Annual Report.

It was asked for the following points to be considered in discussions with Dignity.

P64 timings for Asian burials and currently there is only a half hour variation between the end time for burials during winter and summer.

These timings are from when the service was under the Council's control.

P70 item 14 – The views of local Funeral Directors need to be considered along with the views of their customers. IPSC would like to be kept up to date on this. The funeral Directors are best placed to carryout customer satisfaction surveys – but at the correct time. Suggestions have been made about an information leaflet being produced.

P64 Memorial Benches – a suggestion was made for Dignity to look at providing the option of a Memorial Wall. An example provided was similar to that of the National Arboretum.

P131 a suggestion was made in reference to pandemics and if this was referenced in the Emergency Plan. Confirmation was given that this was already being looked at. Dignity has their own business continuity plans and emergency plans. What is not certain at this stage is how they link with the Council's plans.

P84 4.1 Areas requiring improvements for staff to be members of the Institute of Burial and Administration. Is it a requirement for all staff to take part in the training? The reference to this is part of the 2014 Improvement Plan. Action Point. Further clarification to be sought from Dignity on this matter and circulated through the Commission.

A request was made that in future reports on Dignity are presented in a simpler format and to include the parts of the service and cemeteries which remain in the Council's Control.

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Support was given to the work of Dignity at the Crematorium after a recent fact finding visit along with other Councillors.

Resolved:- (1) That the report be received and the contents noted.

(2) That the proposals described in Section 16 of this report be noted.

104. DATE AND TIME OF THE NEXT MEETING

Resolved:- That a further meeting be held on Wednesday, 7th February, 2018, at 1.30 p.m.