

## **IMPROVING PLACES SELECT COMMISSION**

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

**Date: Wednesday, 3rd January, 2018**

**Time: 1.30 p.m.**

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

**There will be a pre-briefing for all members of the  
Improving Places Select Commission at 11.30 a.m.-1.15 p.m.**

1. To consider whether the press and public should be excluded from the meeting during consideration of any part of the agenda.
2. To determine any item(s) the Chairman is of the opinion should be considered later in the agenda as a matter of urgency.
3. Apologies for absence
4. Declarations of Interest
5. Questions from members of the public and the press
6. Communications
7. Minutes of the previous meeting held on 15th and 29th November, 2017 (Pages 1 - 26)
8. Selective Licensing Mid-Term Review (Pages 27 - 52)
9. Dignity/Rotherham Metropolitan Borough Council Contract Update (Pages 53 - 148)

10. Date and time of the next meeting:-  
Wednesday, 7<sup>th</sup> February, 2018, commencing at 1.30 p.m.

**Improving Places Select Commission: membership: -**

Councillors Albiston, Allen, Atkin, Buckley, B. Cutts, Elliot, Jepson, Jones, McNeely, Mallinder (Chairman), Price, Reeder, Sheppard (Vice-Chairman), Taylor, J. Turner, Vjestica, Walsh and Wyatt.

Co-opted members:- Mrs. L. Shears, Mr. P. Cahill and Mr. B. Walker.

**IMPROVING PLACES SELECT COMMISSION**  
**Wednesday, 15th November, 2017**

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

An apology for absence was received from Councillor Taylor.

**84.           DECLARATIONS OF INTEREST**

Councillors Allen and Sheppard both declared an interest in the report on Neighbourhood Working (Minute No. 88 due to their participation in the Neighbourhood Working Group.

**85.           QUESTIONS FROM MEMBERS OF THE PUBLIC AND THE PRESS**

There are no questions from members of the public and the press.

**86.           COMMUNICATIONS**

The Chair had been to Coventry on some training and a report will follow.

Quarterly meetings have been held with Councillor Beck – Cabinet Member for Housing and Councillor Denise Lelliott, Cabinet Member for Jobs and the Local Economy along with Councillor Hoddinott in relation to collection of waste.

The Chair has been looking at a strategy plan for housing and that will come back once it is formulated.

Housing Information Day – 17<sup>th</sup> January. If Members have any questions or topics they would like including in the event, please send them to Christine Bradley, Scrutiny Officer.

**District Heating.** A brief update was provided by Councillor Sheppard a conclusion has been reached on this issue and resulted in the tenants receiving the lowest district heating. A proper consultation was undertaken and there's a much more positive relationship between tenants and the Council. An exercise is underway to test fuel efficiency in homes; the results will be shared with all tenants.

The Chair thanked Councillor Allen for her involvement in the Neighbourhood Working Group.

**87.           MINUTES OF THE PREVIOUS MEETING HELD ON 20TH SEPTEMBER, 2017**

Councillor Walsh referred to page 9 “zero cost to the rate payers” and asked if this could be changed to “zero cost to the public purse”.

Page 7 Item 2 – in relation to the report on Emergency Planning and the report begin forwarded to the Overview and Scrutiny Management Board. Councillor McNeely enquired if OSMB had raised the same concerns as this committed including the need to speak to Sheffield regarding attendance at joint meetings. Christine Bradley to follow up.

Resolved:- That the minutes of the meeting held on 20<sup>th</sup> September, 2017, be approved as a true record.

## 88. REVIEW OF NEIGHBOURHOOD WORKING UPDATE

The Chair introduced the report by stating the importance of it and the changes it will mean to the workings of Councillors in their communities.

The Council's Corporate Improvement Plan has a specific improvement theme of "strong, high impact partnerships". This includes "active ward Councillors working within neighbourhoods to build community and citizens capacity". The objective was the introduction of "a new model of citizen engagement and neighbourhood working linked to a review of Area Assemblies". To give effect to this improvement priority the Council decided on 19th May 2017 to endorse a new vision for neighbourhood working:

**"Putting communities at the heart of everything we do by Councillors working with their communities on what matters to them, Listening and working together to make a difference and Supporting people from different backgrounds to get on well together . . . to help make people healthier, happier, safer and proud"**

- To support delivery of the vision the Area Assemblies were replaced with a new ward based model of neighbourhood working with the following characteristics:
- Production of Ward Profiles and Action Plans for all 21 wards identifying local issues, priorities and opportunities.
- The assignment of dedicated officer support at 2.5 days per week per ward to implement the new model.
- An allocated devolved budget for each ward to address and respond to local Ward Plan priorities and support community involvement and development.
- Training and support provided by the Local Government Association on ward planning and new ways of neighbourhood working. This will include "Ward Walks" in each ward and joint officer and member capacity building seminars, and training on using social media to engage with residents.

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The review is a councillor led process and implementation over a 12 month transitional period, is being driven by a member group chaired by Councillor Yasseen, Cabinet Member for Neighbourhood Working and Cultural Services. The group will oversee the transitional arrangements leading to the embedding of the model.

Other related matters the group will address will be the production of a new Neighbourhood Strategy that will see the ward as the “building block” to enable partners and communities to work together to improve local outcomes, make the best use of resources and local assets, and develop innovative approaches to enable more people to help themselves and each other.

**Key Issues**

The review sought to address a number of key issues originally raised in the RMBC Corporate “Fresh Start” Improvement Plan (26th May 2015). These were to:

- Determine why working at a neighbourhood level is important
- Describe the outcomes of improved neighbourhood working
- Highlight the added value of a neighbourhood approach to locality working

The expected outcomes of the review of neighbourhood working are to:

- Improve local democratic engagement and community leadership by describing the way in which councillors, officers and partners will interact with the local community.
- Identify the support that could be expected by Elected Members from the Council and its key partners.
- Clarify the role of the Council and partners in addressing neighbourhood based issues.
- Determine how other services run by the Council and its partners can be tailored to and benefit from neighbourhood approaches.
- Highlight the role of the community, voluntary and faith sectors in supporting local based organisations to deliver services in neighbourhoods.

Shokat Lal, Assistant Chief Executive, gave a brief outline of the report and the reason for bringing the report to this Commission was to provide an update on the work undertaken so far by the Neighbourhood Working Group, over the past six months.

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- The work undertaken to date by the group
- Neighbourhood Working Group established and
- Ward Plans/Profiles have been completed for all Wards in the Borough.
- Promotion of neighbourhood working via an established Twitter account. Further work is to be undertaken with Members on this aspect.
- Ward Walks led by officers from the Local Government Association are taking place. A report will be produced by the LGA on the findings from the Ward Walks once they have all taken place.
- Dedicated officer support – two and a half days officer support for every ward – this has been agreed and Members will know who their officer is
- Further training for Members is to be identified as part of this transitional year.
- Devolved Budgets
- Developing a new structure alongside the Neighbourhood Strategy

Councillor Yasseen

- The issue of devolved budgets has been sticking point in the development of neighbourhood working. One proposal is to have a four year devolved budget along with simplifying the budget process which will allow for improved planning of larger capital works within Wards.
- Consistent approach by Council Officers to the model of Neighbourhood Working.
- Aspiration is that neighbourhoods are the core and central part of the councils work lead by member is their communities.
- This transitional year has provided much information and learning regards this new way of working.

Councillor McNeely asked for clarification with regards to

- Carryover of any unspent finance from 2017 into 2018, due to the devolved budgets not being approved until six weeks into 2017.
- Receipt of report from the LGA in relation to the Ward Walk in Boston Castle Ward.

With regards to finance, Finance need to be more flexible in the way they approach Neighbourhood Working overall and Shokat Lal has been tasked with resolving any anomalies in this area. With regards to capital expenditure, funding only needs to be allocated against a project for it to be classed as spent, regardless of completion of the works.

Two reports have been received so far from the LGA for Sitwell and Wingfield. Zafar Saleem will liaise with the LGA for further completed reports.

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Discussions took place around the involvement of Area Housing Panels and the associated budget within Neighbourhood Working, this role is to be clarified along with involvement of other partners and groups.

Support was given to the neighbourhood way of working by Councillor Wyatt and that it was working well in the Swinton Wards including working with the Area Housing Panel.

Councillor Wyatt asked for confirmation of what the Ward Walks were expected to achieve.

Councillor Yasseen outlined that there are many newer Councillors in the Council and this support was offered by the LGA to work with local councillors, if they wished to and also to share findings and experiences between different wards along with providing an independent view.

Councillor Wyatt queried the value of these ward walks unless members of the LGA are willing to spend much more time in the local wards. Overall it's about sharing best practice about the borough and identifying the best practice happening in Rotherham.

Councillor Walsh wanted to know what the plan was for working with partner organisations, who would be responsible for building these relationships.

Councillor Yasseen the idea was to redefine working relationships with organisations at borough level and then for relationships to be built locally by Ward Members, one example given was working with Parish Councils.

In relation to promotion of NW are the blogs live on the Council's website and will training be provided to Members is this topic. Training will be provided in relation to social media which will be fronted by Leona Marshall the Interim Head of Communications, to look at branding for this area of work and the facilities to be available for each Ward.

There has been a delay in launching the individual sites and the preferred option is to go live with the websites once all Wards are at a similar level.

Councillor Walsh suggested that in relation to Ward Walks an element of diplomacy is adopted as in some areas as Parish Councillors are experienced in this area of working. Councillor Yasseen confirmed that it is up to the discretion of Ward Councillors if they are involved in the Ward Walks and all Parish Councillors are aware of the WW through the Parish Council Liaison Group.

Councillor Albiston shared her view in that the NW of working could be seen as a postcode lottery based on the effectiveness of Councillors working in each area. It may appear unfair that some wards have better deal than others

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What kind of protection is in place against this to ensure there is no detrimental impact to residents and how this is measured in terms of equality across the borough.

Councillor Yasseen reported that it is based on how Members define quality as the needs of each ward are different. Consistency of approach is achieved through the work and support provided by the officers and the involvement of senior officers where appropriate.

Councillor Albiston is concerned that approx. £1m has been spent on adopting the neighbourhood way of working without any consideration given to other potential approaches. Another concern is that staff has been moved around without any skills assessment to what is needed and are the right people in post. A restructure is taking place currently and this issue has been identified by the NWG. The question is the level of involvement by Members. Job descriptions and specifications will be made available in the New Year in relation to the required structure to implement NWG.

Councillor Jepson appreciates that this is a transitional year in this new way of working, however it has been a difficult process in creating ward profiles, knowing about the Ward Walks and setting the budget and would welcome a discussion with Cllr Yasseen outside of the meeting. The involvement of the staff in the process was welcomed.

Councillor Turner, the ward walk has been completed and welcomes the chance to see the completed report, which will be circulated via Shokat Lal. Councillor Turner also welcomed support and further information regarding devolved budgets. Councillor Yasseen agreed to provide the information with Councillor Mallinder requesting that this information be shared with all Councillors.

Councillor Buckley reported that despite differences with other ward colleagues work was progressing well as the focus of what is being done is for the local community. The budget has already been allocated and Cllr Buckley is interested in receiving the report from the LGA about their Ward Walk. The point that this is a transitional year in this new way of working and time needs to be spent evaluating the learning points and also finding out the views of the public regarding this new approach bringing all the learning points together in a review meeting.

Councillor Cutts enquired as if there any external costs associated with this piece of work. The external organisation involved in this work is the LGA who are providing their support free of charge. With regards to when the Ward Walks take place, Councillor Cutts suggested that evening walks would be appropriate. This is an option also there are available for the walks to take place on Saturday evening. Councillor Yasseen pointed out that this was a learning point from the pilot project.



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Councillor McNeely raised the point that it has taken 3 months to do 12 Ward Walk and 9 have to be completed within 2 weeks, which was considered to be a tight timescale.

A question was asked in relation to the NWG and can the members of that group be identified and this information shared to avoid issues of conflict of interest.

Zafar Saleem, the Neighbourhood Partnerships Manager confirmed that all the walks apart from 6 have been scheduled to take place.

Councillor Jones did not support the abolition of the area assemblies and he welcomed the report presented to the meeting, to identify what progress had been made to date regarding NW to which he was disappointed.

Councillor Jones identified points which related to potentially the miss or non-communication of how the new process is being introduced across the borough with members of the public. Other points raised included:-

- Communication across the project is seen as an issue, with members of the public, representatives from other partner organisations and Members.
- The skill sets for Council Officers will need to be varied due to the skills set of the Members they are matched to work with.
- Rotherham West has not allocated the budget devolved to it.
- Seemingly the pilot project has worked in the four pilot areas, but the findings have not been shared

Councillor Yasseen offered support to Rotherham West to resolve some of the identified issues and did not share Councillor Jones' experience of NW in this time of transition, but was happy to report back to this Committee regarding the meeting with Councillor Jones.

The Chair suggested that any Members with concerns about the NW to meet with Councillor Yasseen and find a solution to any queries.

Councillor Yasseen reiterated that this new process allows Members to work with the public at grass roots level and support work happening in local areas.

A reminder that is work is being undertaken as part of the improvement journey as the previous model was not fit for purpose and there was no option other than to identify a new way of working. 100% commitment from Members will provide something beneficial for the people of Rotherham.

Councillor Albiston had a further question, but due to time constraints Councillor Mallinder asked if she would meet with Councillor Yasseen outside of the meeting.

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Resolved:- (1) That the progress made in the first phase of the review - May 2017 to 31st October 2017, be noted.

(2) That a further update report on progress on the second phase of the review 1st November 2017 to 30th April 2018.

(3) That an information/learning/sharing best practice day take place in the New Year and arranged by the officers involved in the project for all Members.

**89. YOUNG TENANT SCRUTINY REVIEW - UPDATE**

Asim Munir, Tenant Involvement Co-ordinator, presented the report outlining the main points as identified in Appendix 1.

The Council has commissioned Rother Fed to undertake two scrutiny reviews per year to inform service improvement and quality. The RotherFed Tenant Scrutiny Working Group was formed in April 2016 and their first review was to consider the engagement of young tenants in Council housing. This topic was selected as it had been established that younger tenants, aged between 16 and 34, were on the whole more dissatisfied with housing services.

This scrutiny review was agreed by Improving Places Select Commission (IPSC) on 5<sup>th</sup> April 2017 and it was agreed that an action plan be brought back in six months detailing progress against the recommendations. Progress against the recommendations outlined in the action plan is set out at Appendix 1. The action plan has been agreed by the Housing Involvement Panel and the Housing and Neighbourhood Senior Management Team.

The majority of the actions in Appendix are identified as being either amber or green on the "rag" rating, which is testament to the people involved in achieving the actions.

Councillor Sheppard suggested a follow up non mandatory event for the young tenants to share their experience from the process – which was detailed to inviting some young people to this meeting the next time it is on the agenda.

Young people have had input into consultations regarding customer care training, shared accommodation, the Housing Strategy and the Housing Revenue Account.

Councillor McNeely asked in relation to items E, F and G on page 29 of the papers.

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Mobile telephone numbers for Housing Officers should not be given to tenants due to the many cases they have to deal with. The special number for Housing should be used by customers after which their enquiry will be passed onto the relevant Housing Officer.

In relation to items E and F regarding tenancy workshops the Financial Inclusion Team are working with the Housing Options Team. Housing Officer will be involved in providing any issues identified by the tenants.

Recruitment in relation to the Housing Income Team should be completed by the end of November.

Councillor Mallinder asked for any information regarding the tenancy workshops to be shared with this commission.

Lillian Shears, Co-opted Member asked regarding the progress made in relation to the Housing App.

Requirements in relation to the website and the Housing App should be clearer by the end of 2018 financial year.

Page 31 (M) Councillor Sheppard suggested that the young people taking part in the Tenancy Workshops may benefit from being shown around all the on-line services that are available which may assist them in the future.

Further work is needed on the web site in relation to the digital offer made to tenants around accessing services. Feedback has been provided by young people to improve the offer.

Councillor McNeely (M) page 29 and the Tell us Once service and how this could be implemented due to data protection issues. Asim Munir this is an important question in relation to all customer services and for them to know who to contact.

Councillor Elliot (B) p28 would like to see some element of "Mystery Shopper" being included in this element. Asim will provide details of outcomes from such exercises.

Councillor Cutts raised concerns that tenancy were being offered to potential tenants as young as 16 and would these young people be in a position to pay the rent.

Post meeting note. Information was circulated to IPSC Members and there are no people ages 16 currently with a tenancy agreement with the Council.

Asim Munir noted that the Council no longer offers lifetime tenancies only fixed term tenancies. All aspects of holding a tenancy agreement are examined prior to a tenancy being offered. Other options available to 16 year olds are single bedroom tenancies and shared tenancies.

Councillor McNeely noted that any person under the age of 18 requires a guarantor to sign on their behalf.

Councillor Albiston view was that the Action Plan although for young people was not sufficiently young person friendly and that young people do not specifically use the telephone as a way of communicating.

Asim Munir further work is required in this area and that other options need to be explored in relation to social media, however social media apps do have limits.

Lillian Shears told of previous findings in that young people identified receiving letters as a preferred way of communicating alongside communicating via apps.

Councillor Albiston answered a question from Lillian Shears regarding the action plan not being young person focussed. Councillor Albiston would prefer to see an action plan with the actions being delivered by the young people rather than just a generic action plans. Additional information was provided by Lillian and Asim in relation to the involvement of young people in the process so far and to note that this is the start of a new journey for some young people but it is positive that the Council and Rotherfed are engaging with young people.

Councillor Mallinder asked if the Housing Magazine could be circulated to Members of IPSC

Resolved:- (1) That the Action Plan and the progress made to date be noted.

(2) That the Action Plan be brought back in a further six months updating on progress against the recommendations.

**90. EMERGENCY PLANNING TASK AND FINISH GROUP RECOMMENDATIONS**

Sam Barstow, the Head of Community Safety, Resilience and Emergency Planning, introduced Ajman Ali, the Interim Assistant Director, Community Safety and Street Scene for the next six months.

Sam Barstow presented the report which details the recommendations made by the Task & Finish Group made up from Members of this Commission. The review was completed in August 2017 and the report highlights the progress during this short time against the recommendations along with the refresh of the Major Incident Plan.

Councillor Wyatt, who chaired the review into the Emergency Plan, thanked Sam for responding so quickly to the review and accepting the recommendations in full.

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Councillor Wyatt went onto highlight the next phase of the work relates to the monitoring of the recommendations in particular the refresh of the Major Incident Plan on a bi-annual basis. Councillor Alam, Cabinet Member for Corporate Services and Finance, has seen the report and shared the same concern as to how the progress of the MIP is undertaken.

A decision has been made to take the recommendations from the review and put them into an action plan which will continue to be updated and presented to Councillor Alam. The MIP will be updated on a continual basis as new learnings are identified.

Councillor McNeely page 33 of the report relates to training/update sessions scheduled for 28<sup>th</sup> November and 5<sup>th</sup> December. Confirmation was requested if Members need to attend one or both sessions and if notification could be sent to Members informing them of any such sessions.

Sam Barstow confirmed that notification of any future dates would be sent to colleagues in Democratic Services to then inform Members and that it would be satisfactory for Members to attend only one of the training sessions.

Councillor Walsh, referred to mandatory training mentioned in the report, if training is mandatory, will attendance be logged and if any consequences will be felt for non-attendance.

Councillor McNeely requested an update in relation to a facilitated meeting/away day involving the emergency services and Rotherham M.B.C Major Incident staff to promote team working on 6<sup>th</sup> November 2017

Also in relation to under the Shared Service Agreement, that funding is secured for a Community Resilience Worker, questioning where this officer will be based.

P35 – What was the outcome of the meeting held by the Joint Committee on 25<sup>th</sup> October 2017; how well was it attended and who is the representative from Rotherham who can provide feedback to this Commission.

P35 without IT how can we be confident that the information on the website is updated where appropriate

Sam Barstow provided a response to the questions raised. In relation to IT, this means that computers and IT will be used, but it will not be a bespoke system for Emergency Planning. A database and manual system will be used and the relevant information updated on the website and available to the public

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An Elected Member from both Rotherham and Sheffield attended the meeting which is what is required for the meeting to be quorate. Officers from Rotherham have raised this as a concern. A meeting has been arranged with a strategic lead from Sheffield in January 2018 with regards to attendance at these meetings.

With regard to the future workings of the shared service, questions need to be asked about service provision and any answers will need approval from both Rotherham and Sheffield.

The Local Resilience Forum meeting which took place on 6th November 2017 was to identify what exercises the Local Resilience Forum, (LRF) intend to do for 2018 along with picking up learning points from recent disasters in Manchester and Grenfell Towers incident.

Councillor Jepson asked if it usual for staff working on the Emergency Plan to go out into wards in the Borough to familiarise themselves with the locations and when an application for industrial premises etc. is received by the Council's Planning Officers is any relevant information shared with the Emergency Planning staff for their consideration.

There are two applications with the Council relating to fracking in the borough and Councillor Jepson wanted reassurances that that these are being considered from an emergency planning perspective.

Sam Barstow reported that there is a Gold Command Structure in place to deal with any appropriate response to issues should they arise.

EP is not a statutory consultee in relation to planning applications, however the Fire & rescue Service is and they will notify EP staff of any relevant information.

EP staff do go out and visit various wards to review the community risk register along with identifying any facilities that are available in the wards should they need for them to be used in an emergency situation. However it is unusual to see EP staff visible on a regular basis in the local areas.

Resolved:- (1) That the updates in respect of the recommendations made be noted.

(2) That the Select Commission schedule bi-annual reviews of the Major Incident Plan, in line with the first recommendation.

(3) That the tracking of the Action Plan be monitored on a regular basis by the Select Commission.

**91. PROPOSED ROTHER VALLEY COUNTRY PARK CARAVAN SITE**

Councillor Yasseen presented the report on the proposal for the caravan site at Rother Valley Country Park.

Extensive work has been undertaken to develop outline proposals for a new caravan site at Rother Valley Country Park and to assess its business potential. Financial projections suggest that such a development could enable the park to generate a significant net revenue stream for the Council, particularly if it were operational by the time that Gulliver's opens in 2019. It would also improve greatly the availability of affordable overnight accommodation in Rotherham and enhance Rotherham's reputation as a welcoming and enjoyable visitor destination. In particular, it would meet Gulliver's requirement for a caravan site within the vicinity of their major new visitor attraction on the adjacent Pithouse West site.

Much consultation has taken place to date, around the proposal which will provide an AA 5 pennant Standard accommodation with 129 caravan pitches either with one or two shower blocks. The financial projections over the first 5 years of operation are included in the report. This is a capital project for which RMBC will borrow funds which will extend the availability and quality of overnight accommodation in Rotherham.

Councillor Albiston asked why the proposal will take so long to implement. A response was provided by Phil Gill, Leisure and Green Spaces Manager, Culture, Sport and Tourism, that advice has been sought from Asset Management on the timescale for completion of the project, and that it is, in fact, an ambitious but achievable programme, taking into account the need to obtain planning permissions, building regulations permissions and undertake a tendering process in accordance with procurement requirements.

Councillor Elliot questioned the use of the caravan site, should it be called a caravan and camping site. Not everyone with a tent has a car but there are potential users who are cycling the trans Pennine trail. Also the allocated space on the map is the same regardless of whether it's for a caravan or tent.

The Project Team are developing a marketing plan and will need to ensure that the facility appeals to all regardless of what form of transport they use. The research done to date shows that the caravan market is what is most likely to generate most business.

Councillor McNeely explained that the Caravan Club and the Caravan and Camping Club are two separate organisations who should be consulted with equal importance.

Page 44 (12) implication for partners and directorates. Councillor McNeely highlighted possible impact on Transportation, including the need for tourist road signs to the attraction. This should emphasise the fact that the attraction is based in Rotherham and not Sheffield.

In reply Phil Gill noted that whilst contact had been made with both caravanning clubs in the past, it is the intention of the Council to operate the caravan site at Rother Valley itself as this offers the greatest potential financial return.

Councillor McNeely suggested that both organisations should be approached again regarding possible promotion of the site to their members. All the suggestions put forward by Councillor McNeely can be considered further in the development of the marketing plans.

Councillor Cutts made reference to point 4.1. Asking if it is feasible for Rotherham MBC to operate the site.

Various options for the operation of the site are considered in the report. The most favourable option for the Council to achieve its objectives and to maximise the return on investments is to manage the site in house, utilising existing business systems and experience at the park.

Councillor Cutts showed support for this project and the fact that RMBC were looking to manage it, but questioned then why it could not manage care homes and crematoriums also.

The response from Councillor Yasseen was that three examples provided by Councillor Cutts were not comparing like with like services.

Observations put forward by Lillian Shears made reference to the site map in that

- there were no pot washing facilities shown;
- that the toilet blocks appear to be a long distant from the tent area and
- the informal tent areas are to have electrical hook ups.

Phil Gill explained that two toilet blocks are proposed, one of which is near the reception block and tent area. He also noted that these are draft plans, drawn in a small scale that does not allow all the details to be shown. He will check if the pot washing facilities have been included and the specification of the pitches.

Councillor Reeder was pleased to hear that RMBC were proposing to operate the site and if this was to change could Members be notified prior to any changes being made public.

Councillor Mallinder went on the read the Exclusion of Press and Public notice and the meeting went into closed session to discuss the exempt papers.

Discussion took place covering several aspects of the proposal with Members sharing their views and ideas with Officers.

Resolved:- (1) That the recommendation made to Council to include the RVCP Caravan Site project within the Council's approved Capital Programme as an invest-to-save initiative be noted.



(2) That, subject to inclusion of the project within the Council's approved Capital Programme, a further report be submitted to the Improving Places Select Commission when tenders for construction of the facility have been evaluated and the preferred contractor has been selected.

**92. DATE AND TIME OF THE NEXT MEETING:- WEDNESDAY, 3RD JANUARY, 2018 AT 1.30 P.M.**

Resolved:- That a further meeting be held on Wednesday, 3<sup>rd</sup> January, 2018, commencing at 1.30 p.m. with a pre-meeting briefing at 11.30 a.m.

**IMPROVING PLACES SELECT COMMISSION**  
**Wednesday, 29th November, 2017**

Present:- Councillor Mallinder (in the Chair); Councillors Allen, Atkin, Elliot, Jepson, Jones, McNeely, Reeder, Taylor, Vjestica and Walsh.

Apologies for absence were received from Councillors Buckley, B. Cutts, Price, Sheppard and Wyatt.

**1. DECLARATIONS OF INTEREST**

There are no questions from members of the public or the press.

**2. QUESTIONS FROM MEMBERS OF THE PUBLIC AND THE PRESS**

There are no declarations of interest.

**3. COMMUNICATIONS**

There are no items to be considered.

**4. EVALUATION OF THE 'TIME FOR ACTION' ENHANCED ENFORCEMENT PILOT**

Cabinet Member for Waste, Roads and Community Safety, Councillor Hoddinott introduced the report

Tackling environmental crime is a corporate and public priority: fly-tipping, litter and dog fouling blight communities and are a strain on public resources. Removal and disposal of fly-tipping alone costs the Council in excess of £250,000 per year. Street cleansing, litter picking, environmental enforcement activity, and engagement increases the annual cost of dealing with environmental crime significantly to around £1.7 million.

Over the past few years, the focus on tackling littering and dog-fouling has declined through re-engineering of the function. Whilst Wardens continued to issue fines where offences were witnessed whilst carrying out statutory work around nuisances, this role was supplementary rather than a priority. Subsequently, the Council only issued 344 fines for littering and dog fouling during the three years prior to the 'Time for Action' initiative

On 12<sup>th</sup> September 2016, the Cabinet and Commissioners' Decision Making Meeting adopted a 'Time for Action' initiative to deal with the problem, demonstrating a desire to strengthen enforcement activity around littering, dog fouling and fly-tipping.

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Following this at the Cabinet and Commissioners' Decision Making Meeting of 9<sup>th</sup> January 2017, a number of options were considered to deliver enhanced enforcement and it was agreed that a shared service with Doncaster Metropolitan Borough Council is progressed, to deliver enhanced environmental crime and parking enforcement within Rotherham.

A pilot exercise in Rotherham has been underway since 26<sup>th</sup> April 2017 to test the effectiveness of any potential future contractual arrangements to enhance the Council's enforcement approach to environmental crime. This pilot is to end on 24<sup>th</sup> January 2018 with the formal termination of the agreement.

The pilot has proven to be successful having delivered an unprecedented number of environmental offences being dealt with by the Council. Moreover, patrols and actions to tackle littering and dog fouling offences have been delivered across all wards in the Borough.

Up until 19<sup>th</sup> November 2017, 4,716 environmental crimes had been dealt with: 99.40% were littering offences; 0.60% was for dog fouling. In addition, some 164 parking offences were tackled. Of the littering offences identified, 54.26% were in the town centre and 45.74% across other wards.

The desire to deliver shared service arrangements is to ensure that enforcement of environmental crime offences is enhanced, which in turn will provide a deterrent and in the long term influence behavioural change. Shared service will provide for increased flexibility, with staff from other areas being drawn on to enhance project and hot spot work, along with ensuring effective and immediate cover for leave and sickness issues. Additionally, shared service arrangements ensure synergy of enforcement across Borough boundaries and consistency of approach, administration, and tolerances.

Whilst it is difficult to measure any long term effects in relation to deterrent or reducing street cleansing costs, the short term aim of increasing enforcement against environmental crime offences can clearly be demonstrated. Consequently, it is considered appropriate to ensure that further progress is made to deliver enhanced enforcement.

It was considered that this initiative was probably not the most appropriate way of dealing with fly tipping.

Councillor Hoddinott sought the views of the Improving Places Select Commission on the pilot project and to identify any suggestions for taking the initiative forward.

Councillor Walsh questioned the need to enter into a shared service agreement with Doncaster Metropolitan Borough Council, when the information provided on the pilot project showed that contracting directly with Kingdom provided the required results.

The decision was made after exploring different options of delivering this service; the “do nothing option”, in house delivery, and contract direct with Kingdom or enter into a shared service with Doncaster Metropolitan Borough Council. The preferred option being to agree to a shared service contract with Doncaster MBC, mainly as it will assist with the management of the contract utilise existing support services and provide an element of economy of scale.

Being part of a shared service arrangement does result in some loss of control over service provision, however, the longer term focus of this issue is about changing behaviours and attitudes to environmental crimes which are not acceptable in Rotherham and therefore once this message has been received the need to issue fixed penalty notices to such an extent may not be required. Being part of a shared service agreement is the best option. An overall aim is through changing behaviours is to reduce the amount spent by the Council on environmental crime which is currently estimated at £1.7 million. Penalising initially is a solution to the issue.

Councillor Walsh questioned the IT cloud based provision as part of the current contract with Kingdom in that it appears to be better. Damien Wilson, the Strategic Director for Regeneration and Environment was unable to comment on the IT provision. The risk attached to this does include an element of people who will not pay the fines issued to them. Under a shared service arrangement this risk will be shared with the partner who has, in this instance got procedures in place.

Councillor Jones noted that Doncaster has recently been seen as one of the authorities with the highest rate of fines been issued for littering, in particular cigarette ends. This could be seen by the public as them being overzealous.

Has there been any benchmarking against other authorities.

Damien Wilson, the Strategic Director for Regeneration and Environment, replied that over a period time, it is expected that the rate of fines will decrease as the behaviour changes once the public realise that littering is not appropriate behaviour.

Councillor Hoddinott noted that already as part of the pilot the number of fixed penalty notices issued are decreasing as behaviour changes. This has been noted by the officers working in Rotherham Town Centre and is also reflective of what has happened in Doncaster Town Centre.

Councillor Jepson questioned whether the outlying areas of the borough would be part of this initiative as these areas experience a high level of littering, fly tipping and parking offences-including parking on grass

verges, which is another big issue. Councillor Jepson welcomed a high visible presence of wardens in the outlying areas to help combat environmental crimes. Councillor Jepson suggested that the initiative is promoted widely and not just through the local press.

Councillor Hoddinott no fixed penalty notices have been issued for fly tipping and this is not the most appropriate way to deal with this issue as it is usually carried out by organised groups. Fly tipping is being dealt with as a priority by the Council and outlined some of the actions undertaken.

Councillor Hoddinott welcomed the opportunity to include car parking as part of any future contract and highlighted existing ways that the Council are currently dealing with car parking nuisance.

Lewis Coates confirmed that fly tipping such as localised littering of bags of rubbish is being dealt with under the existing contract, however the more serious issue of organised fly tipping along with cross authority border investigation is underway. At the half year point in 2017, the Council were involved in 20 prosecutions for fly tipping.

Damien Wilson confirmed that enhanced car parking actions have already been started by the Council for example in Wellgate, where vehicles have been removed. Notification of other hotspots in relation to vehicle nuisance were welcomed.

Councillor Jepson outlined some of the environmental issues outlined in his and neighbouring wards.

Councillor Reeder raised concerns regarding entering into a shared service arrangement with Doncaster in particular around the possibility of income targets not being met and that an adequate number of staff would be working in the Rotherham area.

Assurances were given by Damien Wilson that these were points that would be considered as part of the contract negotiations. With regard to income levels. This is uncertain and based on assumptions. The idea is to reduce the number of fixed penalty notices issued as the changes in behaviour are adapted. The term of the contract needs to be addressed as too long a time period may result in paying for a service that is no longer required.

Councillor Hoddinott pointed out that if the Council were to provide the service in house there are a whole host of support services required to deliver this project, all of which would be funded from the income from the project. However with a shared service Doncaster Council would provide these as part of the contract.

Following a question from Councillor Reeder, information was provided around the Public Spaces Protection Order which is currently in operation. Fixed Penalty Notices have been issued but PSPO, deals with slightly different issues such as street drinking and foul and abusive behaviour rather than environmental enforcements. At present Kingdom are not part

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of the PSPO but expectations are that they would become part of any future contract.

Councillor Atkin supported the opportunity of working under a shared service contract, along with adding to a point raised earlier in the meeting regarding car parking on grass verges. No Council (other than London Boroughs) have the power to stop this happening, this comes under the remit of the Police. Councillor Hoddinott is aware that other areas have looked into the option of car parking on verges being included in the PSPO and suggested that this may be an issue Improving Places Select Commission may wish to discuss.

The Council has used powers under the Anti-Social Behaviour Order to deal with certain issues of parking offences.

Councillor Atkin asked what is the appetite from RMBC wardens to be trained to the standard of Kingdom officers to undertake some of their duties. Lewis Coates confirmed the involvement of RMBC Wardens to deal with environment offences but their statutory function is around statutory nuisance and housing between 30/40 fixed penalty notices have been issued.

Damien Wilson noted the fact that he had been out on duty with some of the Enforcement Officers from Parking Services and there is an issue of them being assaulted whilst carrying out their duties, hence joint duties with Officers from South Yorkshire Police. The Enforcement Officers do wear body cameras and focus on "hotspot areas"

Councillor Vjestica supported the option of entering into a shared service arrangement, but noted that over 50% of fines are issued in Rotherham Town Centre, which he then required assurances that the outlying wards in the borough receive an equal amount of resources. Damien Wilson agreed to take this into account as part of the contract negotiations if the Cabinet decides a shared service contract is the best way forward.

Councillor J Turner asked for clarification regarding the length of time the contract would run for and if a three contract could be reduced or extended. The term of the contract can be any length of time, however from a cost effective perspective and obtaining the best possible deal a longer term contract would be beneficial.

Councillor Allen asked for clarification over two areas mentioned in Appendix A, Parkgate and Woodall and if these were private areas of land. Woodall does relate to Woodall Service Area and in the initial part of the pilot a high number of Fixed Penalty Notices were issued. Once the fact was realised that it was private land, the service was stopped at this location as it was felt it was not beneficial for the residents of the borough. Parkgate does include Parkgate Retail World. The law does state that the any land that is open to the public if you drop litter it is an offence. The provision of this service could be available to the owners of Woodall Service Station at a cost to them and as part of a separate contract.

Councillor Allen asked for a further breakdown of the statistics provided to show the social demographic detail to ensure that the most vulnerable people in society are not being targeted. Assurances were given that all fines are reviewed via the body cam by a supervisor. At least 12 fines have been cancelled on grounds of mental health issues. Officers have been made aware not to fine the homeless or people with mental health issues. Statistics show that 60% of fines are issued to males and in the age group covering 20 to 29 year olds 20% of fines were issued to this cohort and 2% to 70 to 79 year olds. Regarding ethnicity the fines issued are proportionate to the different ethnic groups in the town.

Councillor J Elliot asked if more resources could be put into resolving the issue of dog fouling. During the pilot no specification or targets in relation to the different elements were outlined.

There are two Kingdom Officers who patrol between 07:00 and 09:00 specifically target hotspots identified by Members and the public. There have been about 28 fines issued but this does not reflect the commitment of resources applied to this issue. It is reflective of previous experiences in that dog fouling is more difficult to detect as the act of fouling needs to be witnessed and the owner of the dog walk away.

Councillor Jepson asked for details of how the officers from Kingdom operate, in so far as are their operations covert or do they openly advertise their presence and which is the best way to operate. The Kingdom staff approach in an unmarked vehicle. Each day there is a patrol route for the officers to work, which will be across the borough. Any new hotspots identified will be worked into routes as soon as possible. The patrols are flexible and will response to any issues or concerns. There is a code of conduct issued for Kingdom Officers which supports them working in an open way and operating as a deterrent. Councillor Hoddinott welcomed the views of the Commission on which way they felt was most appropriate for Kingdom Officers to work.

Councillor Allen reported of a recent walkabout with Kingdom Officers along with Councillor McNeely. The Kingdom Officers were badged with the logos of both Rotherham Metropolitan Borough Council and Kingdom. Views of the public are varied about the role of the Kingdom Officers and Councillor Allen suggested that they should patrol more often. Lessons will be learnt from the pilot project and there may be a need to change shift patterns of the officers and the number of times they patrol areas. The statistics from the pilot project will inform any future programme.

Councillor Taylor asked what learning can be taken from the initiative in Doncaster and how they are ensuring they remain efficient/effective in dealing with environmental issues. Doncaster have adapted their ways of working based on data received as to the location, type and frequency of environmental crimes being committed.

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Councillor Allen asked if during the pilot project, had the effectiveness of staff being available in Rotherham been tested.

The flexibility of the staffing arrangements with Kingdom has been tested. Other areas such as Doncaster and Barnsley contract with Kingdom to provide such services and adequate management arrangements are in place. Details of such requirements will form part of any contract regardless of who it is with. Any move away from fulfilling the details in the contract will leave them in breach.

Has there been any training package put in place now to take into account points learnt to date and have Kingdom been approached to see if they would be happy to implement a Rotherham MBC Code of Conduct.

The Code of Conduct presented in the report relates to a public facing code of conduct which is slightly different from the internal RMBC Code of Conduct and outlines what the public can expect from officers working on their behalf. Assurances were given that Kingdom are working to the RMBC Code of Conduct. Specific learning points identified in the report around email communications have been dealt with. Other areas of the project where clarity is needed is around what happens when a fine is issued to you along with the appeals process.

What is the strategy for publicising the latest “hotspots” and where/when patrols will be taking place? One option is to put a press release out confirming where the Kingdom Officers have been working. Damien Wilson outlined his concerns in relation to publicising the areas where the Kingdom Officers were due to work as this seems to defeating the objective of their work.

Clarification was asked for by Councillor Allen in relation to point 3e on Appendix B “Targetted resources will be focused on higher risk enterprises and activities, reflecting local and national priorities. These are targeted areas where you expect to see enhanced littering.

Councillor J Elliot supported the prospect of officers carrying out enforcement duties if they were clearly “badged up” so that members of the public knew who they are and are aware of their remit.

Councillor Reeder noted that the UK Independence Party does support being part of shared services, but the details written in the contract need to ensure all risks to Rotherham Metropolitan Borough Council are mitigated against especially from a financial perspective. Assurances were given that the contract would be worked through diligently by the appropriate officers to ensure the best deal possible.

Councillor Atkin asked if the Kingdom officers are trained in the initiative of “See something say something”. Confirmation of the fact that training is received on this and covers issues wider than child sexual exploitation.



Councillor McNeely, enquired what happens when a person issued with a fine refuses to pay it and is the consequences of not paying explained to them. All consequences are outlined to individuals and could result in a court appearance.

Reference was made to 8.3 of the report in that the statutory maximum fines that can be levied in relation to littering will increase from £80 to £150 in April 2018. This intimates that there is a minimum figure and what is that figure and are these to be enforced by RMBC staff as item 7.1 in the report says that the shared service wouldn't start until May/June 2018

The Council has decided to levy the maximum fine possible for all environmental crimes. If maximum fine increases another decision will be required as to whether the maximum amount is levied.

The timescale of entering into a contract with Doncaster Council, means there will be a due process to follow and this is anticipated to start in June of next year.

Legislation changes in April 2018 identifying an increase in the maximum amount of fines that can be levied. It is for the Council to decide what level of fines they work to.

9.2 replacement of dog control order with PSPO. The PSPO is under review in March.

Town Centre PSPO is approved for a period of three years and at the recommendation of Overview and Scrutiny Management Board was to look at vehicle nuisance and whether that would need to be included after 6 months. Additional elements can be introduced to the PSPO such as dog fouling.

The borough wide Dog Control Order (DCO) came into operation in 2009, which replaced the Dog Fouling of Land Act.

The DCO will change to become a separate PSPO and only relate to this issue. The Anti-Social Behaviour Act 2014 allows this change to take place.

Councillor Shepard submitted a written question to the meeting asking if the option of providing this service in house or contracting directly with Kingdom?

If a shared service is entered into with Doncaster MBC, what powers will be delegated to Doncaster?

What are the implications for RMBC?

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£370,000 worth of fines were collected from the pilot project. £37,240 is the estimated income to be generated as a percentage of the fines issued.

Councillor Hoddinott replied to these questions by explaining that there are other options available to deliver this service, including the ones highlighted in the question.

To operate a shared serviced agreement, changes will need to be made to the Council's Constitution and Scheme of Delegation to give permission to allow Doncaster MBC to issue fines on our behalf.

This year the budget savings to be made of £100,000 is likely to be met from the fines already issued. The £37,240 is an estimated revenue amount likely to be received from a shared service arrangement.

Part of the contract to run a shared service, from any income received by the Council, services provided by Doncaster Council will need to be paid for. These arrangements will be dealt with as part of the contract.

Councillor Allen asked for an explanation of the statement "Any budget shortfall will need to be met from savings in respect of statutory enforcement and regulatory functions"

Where would any potential savings be made from?

The response by Damien Wilson was that at this stage of the budget workings it is not clear to say, however, any shortfall identified within a department will need to be made by the service. It is hoped that when the contract is issued, the same level of exposure will not be seen. This highlights a potential risk which if materialises will need to be discussed with Councillor Hoddinott in order to resolve it.

The Chair asked the meeting for their views after hearing the information provided.

Councillor Vjestica reiterated the (5.3) that the preferred option is to deliver enhanced enforcement of environmental crime is agreed in that direction is given to undertake a shared service with Doncaster Council, of which he supports with the caveat that the learning points from the pilot project is incorporated into any future contract.

Councillor Reeder asked for clarification on why Doncaster Council had been chosen as a partner in this project.

Due to the proximity with Doncaster Council, the Council has worked closely with them and who have a successful model in place to operate this service.

Councillor Walsh noted that it was not clear in the report as to the advantages of entering into a shared service arrangement with Doncaster, this fact only became clear after hearing the discussions at this meeting and could such points be noted when writing future reports.

Damien Wilson replied that previous reports in September 2016 and January 2017 provided details about the shared service option and that

the report currently under discussion related to the findings of the pilot project.

Councillor McNeely questioned whether it was possible to link into other current contracts with Barnsley and Doncaster Councils around waste services.

There is an existing contract between the three authorities however this proposed enforcement contract is only partnering with Doncaster and it would be difficult to build into an existing contract.

It was suggested that in future years can the tri-partite service be explored.

The reason for working with Doncaster Council for the enforcement contract, relates to the provision required in Rotherham is very similar, whereas the contract provided by Kingdom in Barnsley is on a more localised contract at ward level.

Resolved:- That the outcome of the "Time for Action" trial and proposals for a shared service with Doncaster be noted.

(2) That that Improving Places Select Commission recommend the following

- a) Extend the service to include issuing of parking fines.
- b) A communication plan be developed to promote the initiative borough-wide
- c) Service provision is distributed equally across outlying areas and Wards.
- d) Members are notified when Enforcement Officers are working in their Wards
- e) Branding is clearly identified and is included as part of the communications plan
- f) Explore extending service provision to private sector areas.
- g) Contractors work to Rotherham MBC's Code of Conduct.
- h) When fines are issued that clear and consistent information is provided about the process and what happens next.
- i) Details of the contract covering the shared service arrangements should be presented to Improving Places Select Commission.
- j) Six monthly monitoring and evaluation reports are to be presented to Improving Places Select Commission to include details regarding social demographics.

**5. DATE OF THE NEXT MEETING - WEDNESDAY 3RD JANUARY, 2018**

Resolved:- That a further meeting be held on Wednesday, 3<sup>rd</sup> January, 2018, commencing at

Public Report  
Improving Places Select Commission

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**Council Report**  
Improving Places Select Commission - 3<sup>rd</sup> January 2018

**Title**  
Selective Licensing Mid-Term Review

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

**Director Approving Submission of the Report**  
Damien Wilson, Strategic Director of Regeneration & Environment

**Report author(s):**  
Matthew Finn, Community Protection Manager  
Community Safety & Street Scene, Regeneration & Environment  
Lewis Coates, Head of Service, Regulation and Enforcement, Community Safety and Street Scene

**Ward(s) Affected**  
All

### **Summary**

Improving Places Select Commission in April 2017 recommended that a further progress report be brought back to the Commission after September 2017, together with an annual report be submitted to Cabinet each September. In addition, it was recommended that the use of Selective Licensing should be widened where there is evidence to support additional designations.

Selective Licensing is an effective tool where by Council's can ensure that private sector housing in some of the most deprived areas, is safe for tenants to live in. Some of Rotherham's most vulnerable individuals and families live within private rented properties within the Selective Licensing areas.

Through ensuring that properties meet legal requirements, the Council directly affects morbidity and mortality within these deprived areas by ensuring that the properties do not present a risk of harm to the safety and health of tenants.

Additionally, Selective Licensing, through improving the living conditions within the private rented sector, also contributes to reducing tenancy turnover, achieving more stable conditions, reducing numbers of empty properties, and helps to reduce anti-social behaviour.

This report demonstrates the success that the current Selective Licensing designations have achieved. In particular, the scheme has tackled poor housing conditions and management standards of private rented properties, improving the outlook for the safety and health of tenants in both the short and long term put simply, the scheme identified that 89% of private rented properties did not comply with basic legislative requirements designed to protect the health and safety of tenants.

### **Recommendations**

1. Members are asked to note the outcomes of the Selective Licensing scheme and consider benefits that can be delivered to other areas through further designations
2. Members are asked to agree that a report should be presented to Cabinet and Commissioner Decision Making Meeting with options for implementing Selective Licensing into other areas of the Borough

### **List of Appendices Included**

Appendix A – Maps of the designated Selective Licensing areas

Appendix B - Selective Licensing and Housing Inspection Outcomes

Appendix C –Anti-social behaviour, Selective Licensing and enforcement actions

Appendix D – Selective Licensing applications, inspections, occupier turnover and empty properties

Appendix E - Fly Tipping data for Selective Licensing areas and Rotherham

### **Background Papers**

Improving Places Select Commission , *Review of Selective Licensing*, 5<sup>th</sup> April 2017, (item 65)

Cabinet, *Private Rented Housing - Selective Licensing*, 17<sup>th</sup> December 2014 (item 112)

Selective Licensing webpage with landlord guides

### **Consideration by any other Council Committee, Scrutiny or Advisory Panel**

No

### **Council Approval Required**

No

### **Exempt from the Press and Public**

No

**Title**

Selective Licensing Mid Term Review

**1. Recommendations**

- 1.1 Members are asked to note the outcomes of the Selective Licensing scheme and consider benefits that can be delivered to other areas through further designations
- 1.2 Members are asked to agree that a report should be presented to Cabinet and Commissioner Making Meeting with options for implementing Selective Licensing into other areas of the Borough

**2. Background**

- 2.1. Detailed within a report to Improving Places Select Commission, 5<sup>th</sup> 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
- 2.2. 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.
- 2.3. 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.
- 2.4. 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.
- 2.5. 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.

- 2.6. 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.<sup>1</sup>
- 2.7. Revised estimates based upon investigations and a detailed mapping exercise suggest 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.
- 2.8. 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.
- 2.9. 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 is a high proportion of private rented properties.

### **3. Key Issues**

- 3.1. Critically, the Selective Licensing schemes have been developed through two distinctly focused 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; investigation of unlicensed properties.
- 3.2. Importantly the second phase of the scheme, where enforcement and inspections of properties was mobilised, significant activity has been delivered targeted at the primary objective of Selective Licensing to improve housing conditions to affect health outcomes for tenants.

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<sup>1</sup> Eastwood Village Survey carried out by the Rotherham South Area Assembly



- 3.3. Throughout, the scheme has been measured against corporate performance targets, demonstrating above target achievement and outcome performance. The priorities against applications and compliance are focused on improving the conditions within the private rented sector within designated areas.
- 3.4. Additionally, in the longer term at the end of 5 year scheme, Selective Licensing is anticipated to contribute to stabilising communities and the turnover of tenants; influence the number of empty properties; and contribute to reducing anti-social behaviour. There are early indications, as demonstrated in the following sections, that these measures are being positively impacted upon.
- 3.5. It should be noted that where Selective Licensing is a contributory factor there are often more important influences, for example increased council tax for empty homes and a broader housing strategy will have a more significant impact on empty properties.

#### **4. Enforcement**

- 4.1. 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.
- 4.2. 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.
- 4.3. Unlicensed Houses
  - Ongoing investigations to identify properties which are potentially licensable estimate that some 2,400 licensable properties exist across the four Selective Licensing Areas. So far 1,942 of those properties have been registered, there remains a further 458 properties that potentially require a licence.
  - In the first instance landlords are given the opportunity to licence their properties. The full fee remains in force along with mandatory inspections, thus there is no benefit to avoiding licensing a property. Indeed, avoidance brings with it a significant risk of Court action.
  - The remaining 458 potentially unlicensed houses will face some form of enforcement over the next six months. This begins with a formal invitation to licence with a 'Request for Information' notice, followed by a formal interview and prosecution if they fail to licence. In cases where we have concerns about the housing conditions prior to licensing, an inspection and formal improvement requirements may be put in place before licensing is completed.
  - Fourteen Landlords have been successfully prosecuted so far for failure to licence properties within the designated areas. A further sixteen cases are being drafted or a pending hearing at Magistrates Court. Fines for failing to licence vary, dependant on the number of

properties involved, however the average fine and costs per flat or house is approximately £500. This almost doubles the cost of the licence for the owner. After this there will also likely be significant repairs costs they will need to meet.

#### 4.4. Inspections

- The obligation for a licence for each property within designated areas brings with it a requirement for the property to be inspected in relation to conditions that affect the tenants' safety and health. With each inspection an enforcement process is followed if appropriate, normally beginning with a schedule of works for a landlord to comply with to bring a property up to the required standard. Depending upon compliance, landlords can be later subject to statutory notices, prosecutions, and in extreme cases, loss of licence.
- Between October 2016 and the end of October 2017 some 1,549 properties have had full housing inspections under the provisions of the licensing scheme. The findings of those inspections justify the Council's faith in bringing about improvements to the conditions found within private rented properties, with:
  - Only 9.5% (147 properties) were found to comply with minimum legal requirements
  - 90.5% (1,402 properties) were found to be below basic legal requirements
  - 36% (558 properties) were found to present the highest level of risk to the health and safety of tenants.
- Intervention by the Council in the private rented sector, forcing landlords to bring properties up to minimum legal standards to protect the health of their tenants, is demonstrated in the rapid decline of non-compliance in respect of the increasing numbers of inspections being undertaken. This is graphically expressed at Appendix B.
- Landlords are given between two and eight weeks to make improvements, dependant on the level of risk to the tenant and the complexity of the works. If there are urgent repairs needed and a tenant's safety is imminently at risk, then a formal notice may be issued immediately and properties can be prohibited from occupation straightaway. Tenants affected by prohibition of properties will be supported by the Council's homeless team.
- The vast majority of the properties inspected have been improved quickly. At the end of October 2017, 94% (1,456 properties) of houses inspected, had been brought up to legal compliance through enforcement action.
- The remaining 6% (92 houses) non-compliant properties are subject to ongoing enforcement action to bring about compliance with basic health and safety conditions, which includes:

- 55 Statutory Notices – these require landlords to comply or face prosecution
- 7 Prohibition Notices – these essentially close properties down and prevent them from being used for human habitation given the imminent risks to health that are present.
- It is anticipated that all properties licensed up to the end of December 2017 will be inspected by the end of March 2018 and the entirety of all licensable property will have been inspected by the end of 2018.

#### 4.5. Licence Condition Compliance

- Some 958 License holders have so far received warnings relating to licence conditions. In the main these relate to failures to furnish the Council with a copy of the Gas Safety Certification.
- Whilst the majority of these warnings have been complied with, four have been non-compliant.
- Currently one case of non-compliance with licence conditions has been successfully prosecuted in Court. A further three cases are pending, having been lodged with Legal Services or have files in preparation.

#### 4.6. Gas Safety and Fire Safety

- The Council has adopted a robust approach to Gas & Electrical Safety Certification, Energy Performance and Smoke Alarm regulations. The scheme works pro-actively to ensure that landlords who are failing in these areas, comply. Gas and fire are key and prominent licence conditions where failures to comply could have a devastating effect on the health and safety of the tenants and neighbours.
- All properties requiring Gas Safety Certification are systematically and methodically managed by the scheme, with reminder letters sent around anniversary dates and warning letters where no certificate is shown. Further investigation into property management is invoked where this reminder and warning process fails with a subsequent risk to the landlord of prosecution.

#### 4.7. Electrical Safety and Excess Cold

- Alongside colleagues from the Private Sector Housing Strategy Team, work is underway in engaging Licence Holders to improve Energy Performance assessments of licensed property. This is in readiness for the change in law in April 2018. Properties are graded A-G in terms of energy performance, where 'A' is better. The change to legislation will see properties required to hold a minimum grade of 'E' in order to be sold or rented. Landlords are showing a willingness to invest in the properties to improve them from the focused work. This will ensure tenants are experiencing warmer, more energy efficient homes in areas where tenants are more at risk from suffering fuel poverty.

- By the end of 2017/18, the scheme will tackle those properties requiring Electrical Safety Certification in the same way through enforcing licence conditions. This will ensure Electrical Safety standards are improved across the stock. Deficiencies around Electrical systems, including old wiring, aged and defective consumer boards that don't meet current standards and lack of socket outlets have been a prominent and common contravention identified through the Housing Inspection regime. By tackling the matter pro-actively, the Council will ensure pre-emptive licence condition compliance in this critical area to improve safety for tenants.

#### 4.8. Illicit Tobacco

- Whilst not directly related to the living conditions of private rented tenants, illicit tobacco can adversely affect the health of these vulnerable individuals and tenants.
- Illicit tobacco manifests itself in a number of forms: tobacco that is smuggled to evade tax; counterfeit tobacco; and illegal tobacco which presents heightened risks to the health of the user, particularly around fire safety. Although operations are intelligence led, it is perhaps no surprise that the premises selling these cheap illicit tobaccos can be found in the deprived areas covered by Selective Licensing.
- In November 2017 five premises were entered under warrant based on intelligence received, four of which were found to have illicit tobacco for sale. In total over 6,000 cigarettes were seized, and the four traders will be prosecuted.

#### 4.9. Nuisance and Anti-social behaviour

- In addition to the Selective Licensing enforcement and inspections of licensed property, Regulation and Enforcement undertake a variety of enforcement interventions in partnership with police colleagues, utilising a range of tools and powers to deal with anti-social behaviour and property conditions.
- In addition to the Selective Licensing enforcement, some 1,480 related investigations carried out since May 2015 have included:
  - 539 Noise nuisance cases
  - 564 Accumulations in yards/gardens
  - 60 Fly-tipping investigations
- Subsequent actions have included:
  - 9,110 visits made
  - 1,262 warnings for nuisance and ASB issued

- 335 Notices served
- All landlords on Leicester Road, Scarsdale Street, and Victoria Street have been issued with written warnings to ensure that landlords are held liable for ASB caused by their tenants.
- 5 tenants causing ASB have been evicted
- Importantly 193 Licence holders have been formally notified of their tenants' alleged anti-social behaviour, requiring them to start an incremental enforcement approach to help the Council deal with complaints of ASB made against them.
- The vast majority of cases where the Landlord is required to assist the Council results in satisfactory closure of the case with no further occurrence of ASB. In 5 cases, the supported action has resulted in Landlords evicting their tenants. This has been particularly important in Dinnington where two individuals were responsible for significant ASB including attacks on emergency vehicles. Both offenders were evicted following actions targeted at the landlords, which in turn ensured that the landlords evicted the tenants.
- Regulation and Enforcement, from a Selective Licensing and wider enforcement perspective, are currently contributing to Neighbourhood Management Partnership Sub-Groups looking at intensive work within Eastwood Village, Leicester Road (Dinnington) and Nelson Road (Maltby). Landlords have shown a willingness to engage with and co-operate with this work.
- Partnership enforcement operations have taken place where there are significant concerns over anti-social behaviour and criminal activity. In Eastwood partnership enforcement operations have resulted in two landlords evicting tenants and one property being prohibited by Council inspectors due to the risks to the tenants. In Maltby a landlord chose to evict a tenant on advice from the Police and Council regarding significant and persistent anti-social behaviour and the impact on people in the area.
- Other partnership enforcement work and intelligence sharing has taken place with South Yorkshire Police to help tackle organised crime, modern day slavery and child sexual exploitation.

### **5. Consultation: Landlord and Tenant Engagement**

- 5.1. Officers regularly attend the quarterly Dinnington and Maltby landlord forum meetings together with regular attendance at the Rotherham and District Residential Landlords Association's meetings
- 5.2. A Selective Licensing Steering Group, chaired by the Cabinet Member for Housing will ensure that the Selective Licensing designations and engagement with landlords continues to be effective, and provides initial discussions about any developments or renewal considerations of the designations prior to April 2020.

- 5.3. In addition to an evolving online presence with the service's website which provided advice and guidance to landlords and tenants, options for a dedicated twitter account to communicate the work of the housing inspectors is being explored.
- 5.4. Landlord, tenant, interest groups and partner workshops are to take place over the coming months, albeit it was initially to take place in 2017, the findings and outcomes from the workshops will form part of the next annual review. This will provide qualitative analysis of:
- Experiences in the private rented sector in the licensing areas.
  - Whether the licensing scheme has influenced landlord or tenant behaviour.
  - The support each group would like to see as part of the licensing scheme.
  - Improvements/developments to the scheme which group members would like to see.
- 5.5. Considering digital solutions for communicating with landlords and tenants on licence conditions, annual gas safety certificates and copies of tenancy agreements

## **6. Performance Measures**

- 6.1. Selective Licensing during 2016/17 reported on two key performance indicators; the number of properties which have applied for a licence; and the number of properties compliant with licensing conditions. The targets set were 95% and 70% respectively, with outcomes achieved of 85% of eligible properties licensed, and 82% of properties compliant. The estimates for the number of eligible properties were revised during quarter 2 of that financial year due to a significantly higher number of privately rented houses being found.
- 6.2. The Council Plan includes a key performance target for 2017/18 in relation to the number of properties compliant with licensing conditions. The target set is for 95% of properties to be compliant and current performance is at 94%.
- 6.3. Outside of Corporate Performance it is important to develop other more local measures which can be viewed as a barometer of the progress and impact of Selective Licensing, which will also allow ward members to identify progress in their own wards.
- 6.4. A local baseline performance management framework has been developed against which to measure improvements within the Selective Licensing areas. These include critical measures to describe whether objectives are being achieved including:
- Compliance with legal standards to achieve long term health improvements
  - Tenancy turn-over rates

- Empty property rates
  - Anti-social behaviour levels, including critical quality of life measures relating to noise and accumulations in gardens and yards
- 6.5. Appendices B and C lay out progress against key baseline data demonstrating performance against the critical objective of achieve compliance with legal standards to deliver protection of tenants, together with contributions to tenancy turnover, nuisance and ASB and empty property rates. These are explored in more detail at Section 7 of this report.
- 6.6. It is also anticipated that by the end of the 5 year scheme, Selective Licensing will contribute to reducing anti-social behaviour, empty property levels and occupier turnover in these areas. There are early indications, as demonstrated in the following sections, that these measures are being positively impacted upon. However there are other measures such as increased council tax for empty homes and a broader housing strategy to which Selective Licensing is minor contributor and cannot directly influence these indicators.

## **7. Outcomes**

### **7.1. Compliance and Health**

- Existing partnerships with the South Yorkshire Police and Children's services are also being enhanced by the scheme, enabling properties to be inspected and checked earlier where partners have concerns, raised through the existing partnership meetings. Information sharing with the Police has improved as they now have access to a wider pool of information. The licence conditions also provide the Police with similar powers to the Council in obtaining information directly from landlords.
- Although landlords of 147 properties so far inspected maintained their properties up to minimum legal standards; some 1,309 have had to be forced to comply with legal requirements. It is a stark statistic that 88.5% of the properties inspected were in reality potentially detrimental to the health or safety of the tenants living in them.
- There is a significant correlation between the number of inspections of properties undertaken and the significant decline in non-compliance. Appendix B details firstly the number of inspections undertaken in comparison to the number of properties licensed. Importantly, the second graph shows the declining trajectory of non-compliance against the number of inspections. From the starting point in October 2016 almost 90% of properties did not comply with minimum legal standards, by December 2017 only 6% did not comply.
- Ultimately, the improvement of private rented housing conditions through enforcement ensures that conditions that would otherwise adversely affect the health of tenants have been removed from some 1,309 properties.

- Additionally, by improving the conditions within private rented properties, the properties themselves become more attractive to tenants encouraging longer term renting and more stable populations.

## 7.2. Anti-social behaviour

- As can be seen in Appendix C, levels of anti-social behaviour have fallen significantly in the Selective Licensing areas, and at a faster rate than the Borough average, both for the last three full financial years and based on the projections for 2017/18. While the Eastwood designation has shown a lower reduction rate than the other licensing areas, small increases in Eastwood East and Clifton West have contributed to this slower reduction. However there has been a consistent fall in the number of incidents of anti-social behaviour in Eastwood Village and the Town Centre.
- In Eastwood and Masbrough there have been significant reductions in noise nuisance reports over the last three financial years. While domestic rubbish cases have grown in Eastwood over the last few years due to increased proactive work identifying and enforcing these issues, there are significant reductions in incidents projected for this financial year. Dinnington and Maltby South East have seen consistent decreases in these measures since 2014.
- It is projected that by March 2018 ASB in the Selective Licensing areas will have fallen by 17% from the position in 2014/15 before the scheme was introduced. This is compared to a projected Borough wide reduction of 2%. In 2014/15 ASB in the designated areas counted for 25% of the ASB across the whole Borough: whilst in 2017/18 ASB in Selective Licensing areas are projected to account for 22% of all ASB across the Borough.
- The causes of the reducing incidence of ASB within Selective Licensing areas are debatable. Nevertheless, there is more enforcement activity and partner presence in those areas that can influence change. Moreover, there are strong indications that the churn of tenants in these areas is reducing resulting in more stabilised communities which in turn are more likely to experience less ASB.

## 7.3. Empty Properties and Occupier Turnover

- The rates of empty properties and the number of people changing properties in the licensing areas was of significant concern and was a primary indicator of the low housing demand the areas were suffering from.
- Appendix D shows reductions in the occupier turnover levels in each of the areas since licensing came into effect in the first quarter of 2015/16. That reduction has continued across the areas as the property inspections and forced improvements to homes have been embedded. In comparison, the average occupier turnover rate across the borough has fallen by 3% from 13% to 10% over the period, whereas in the Selective Licensing areas rates have fallen by 4% to 6%. Maltby South East shows a similar reduction to the borough average.



- In Maltby South East and Dinnington there are also reductions in the number of empty properties in the area. This does not appear to have happened in Masbrough or Eastwood where there are slight increases, seemingly in response to additional regulation by the Council. It may be that property owners are choosing to leave some properties empty rather than licensing them, however this may change as they are required to pay additional Council Tax fees for keeping them unoccupied.

#### 7.4. Fly Tipping

- Fly tipping incidents across the borough are projected to increase by 5% during the current financial year. Compared to this the levels across the Selective Licensing Areas are expected to fall by 7%. There are some increases expected in Masbrough and Maltby, where relatively small increases have resulted in large changes due to the number of incidents.
- In the Eastwood and the Town Centre designation where there have been more than twice the number of fly tipping incidents than any other designated area, fly tipping has reduced and is expected to continue to fall by 15% at the end of the financial year from its peak in 2015/16. Appendix E

#### 7.5. Additional Funding

- The Council has been successful in a bid for additional funding under the Government's Controlling Migration Fund. This will provide additional grant funding to pay for projects supporting areas which are experiencing high levels of migration and unstable communities, to help reduce some of the community impacts on such changing demographics.
- £220,000 has been provided over two years as part of the award to the Council for additional enforcement activity in the Selective Licensing Areas to help embed the improvements in these areas. This will be on a range of enforcement activity from additional housing inspections and compliance checks so that more landlords face a second round of scrutiny on their management of properties and enforcement staffing and equipment to deter and tackle the high levels of tenancy related fly-tipping areas like Eastwood are suffering from.
- This is supported by other awards to Clifton Learning Partnership (CLP) and the Rotherham Ethnic Minority Alliance (REMA) to support tenants from all backgrounds.

### **8. Options considered and recommended proposal**

- 8.1. The report highlights overall progress towards achievement of the outcomes designed into the scheme.
- 8.2. The current designations end in May 2020. By that time almost two and a half thousand homes will have been inspected with letting practices and compliance managed through follow up inspections and enforcement with the landlords and tenants. Ahead of the end of the licensing scheme the

Council needs to consider the impact of the licensing scheme and whether further designations are required. An annual review of the licensing scheme and its impact is the first step to this decision making process.

- 8.3. The inspections under these designations have demonstrated that the concerns for the private rented sector were well founded with more than 36% of homes having significant hazards to tenant health and safety and very few landlords being proactively or naturally complaint with the law. The additional controls and enforcement tools the scheme has provided are expected to contribute to reductions in anti-social behaviour and is already ensuring landlords take more responsibility for their properties and tenants.
- 8.4. Selective Licensing has proven to be an effective tool in improving the living conditions of tenants. The potential of further designations to protect the health and safety of tenants in other areas, where deprivation is evident in communities, should be considered.

## **9. Consultation**

- 9.1 The original designations were made following a statutory public consultation and there are no consultation requirements for this report.

## **10. Timetable and Accountability for Implementing this Decision**

- 10.1 This progress report will be followed by a report to the Cabinet each September during the scheme and following the end of the designations in 2020 to evaluate progress and outcomes.

## **11. Financial and Procurement Implications**

- 11.1 The income generated from the licence fees funds the administration of the licensing scheme, the inspections of each property and the ongoing compliance monitoring.
- 11.2 As can be seen in the table below it is likely the scheme will generate income of £1.4 million which is to be spent over the 5 years of the licensing scheme.
- 11.3 Income generated is held in a reserve account to pay for the scheme through remaining years. The budget is on course to balance to zero at the end of the 5 years.

## **12. Legal Implications**

- 12.1 The Selective Licensing designations were made under the provisions of Part 3 of the Housing Act 2004, however there are no direct legal implications of this report.

## **13. Human Resources Implications**

- 13.1 There are no Human resources implications of this report.

## **14. Implications for Children and Young People and Vulnerable Adults**

14.1 The report reviews the current progress of the Selective Licensing designations. The success of the scheme will bring benefits to children, young people and vulnerable adults through the greater accountability of landlords, information sharing with partners and robust enforcement activity in some of our most deprived neighbourhoods.

## **15. Equalities and Human Rights Implications**

15.1 The report reviews the current progress of the Selective Licensing designations. It does not contain any direct equalities and human rights implications.

## **16. Implications for Partners and Other Directorates**

16.1 The success of the designations can impact on anti-social behaviour levels within the designated areas. There are also likely to be changes in the ownership of some properties. As such the designations may have implications for the wider Community Safety and Street Scene service, Adult Care and Housing as well as South Yorkshire Police. It also provides greater opportunities for partnership working, some of which are already being exploited.

## **17. Risks and Mitigation**

17.1 The designations continue for almost a further two and half years. At the end of the five year life of the designations the additional regulatory activity and the influence on the private rented sector may be lost if the scheme is not renewed. To mitigate against this the annual review of the scheme will be carried out and a report to Cabinet on the future of the current designations should be submitted to Cabinet by September 2019.

17.2 Although the number of privately rented properties has increased significantly, there are appropriate resources in place to ensure all of the remaining unlicensed properties are brought within the scheme.

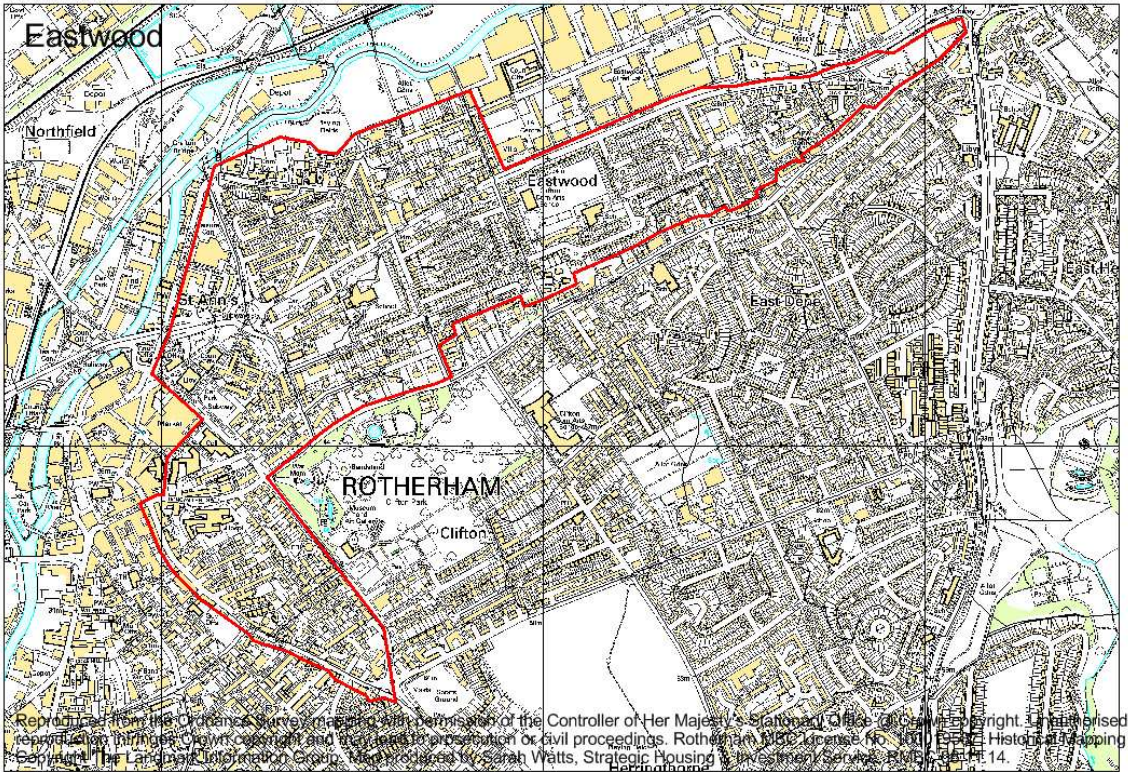
## **18. Accountable Officer(s)**

Damien Wilson, Strategic Director, Regeneration & Environment  
Ajman Ali, Interim Assistant Director, Community Safety & Street Scene

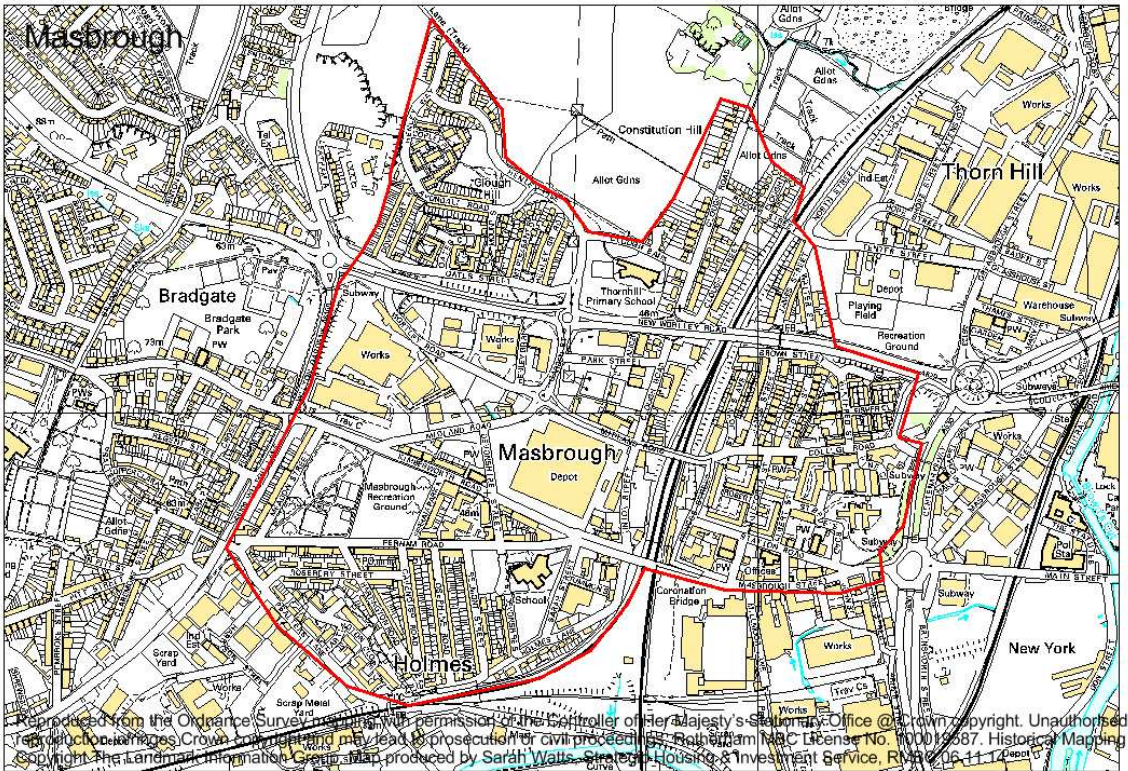




**Appendix A**  
**Maps of Selective Licensing designations**  
Eastwood Selective Licensing Designation Area

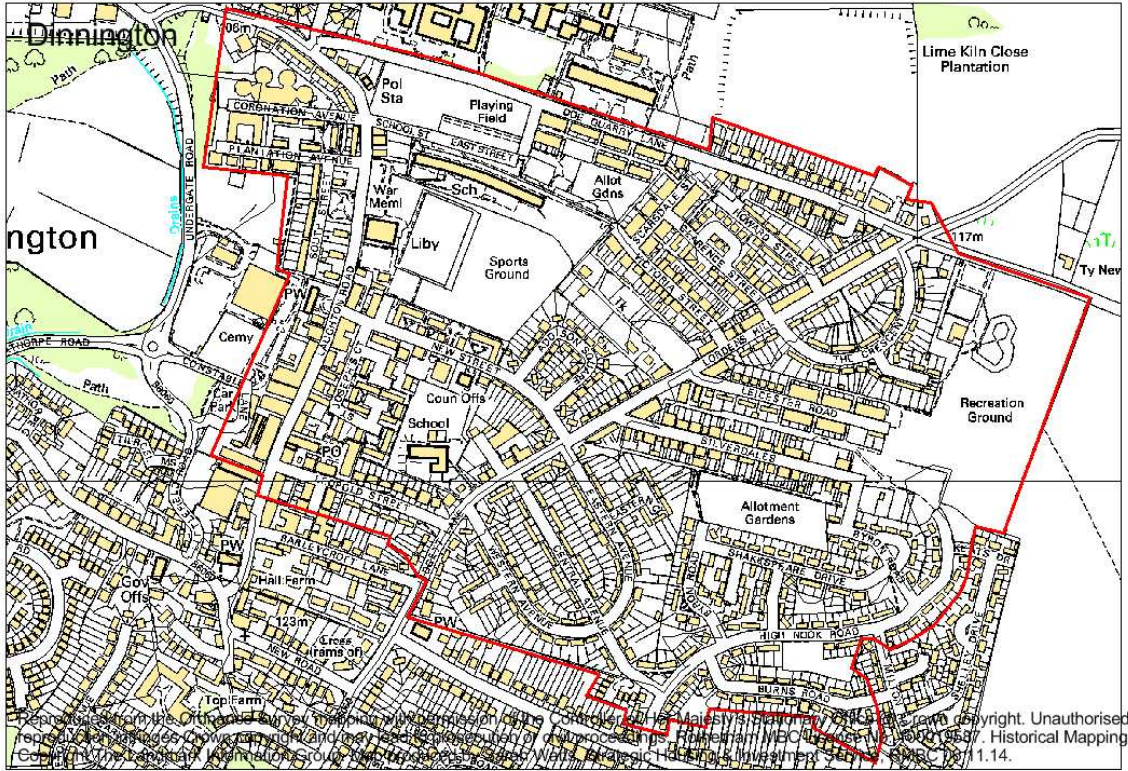


Masbrough Selective Licensing Designation Area

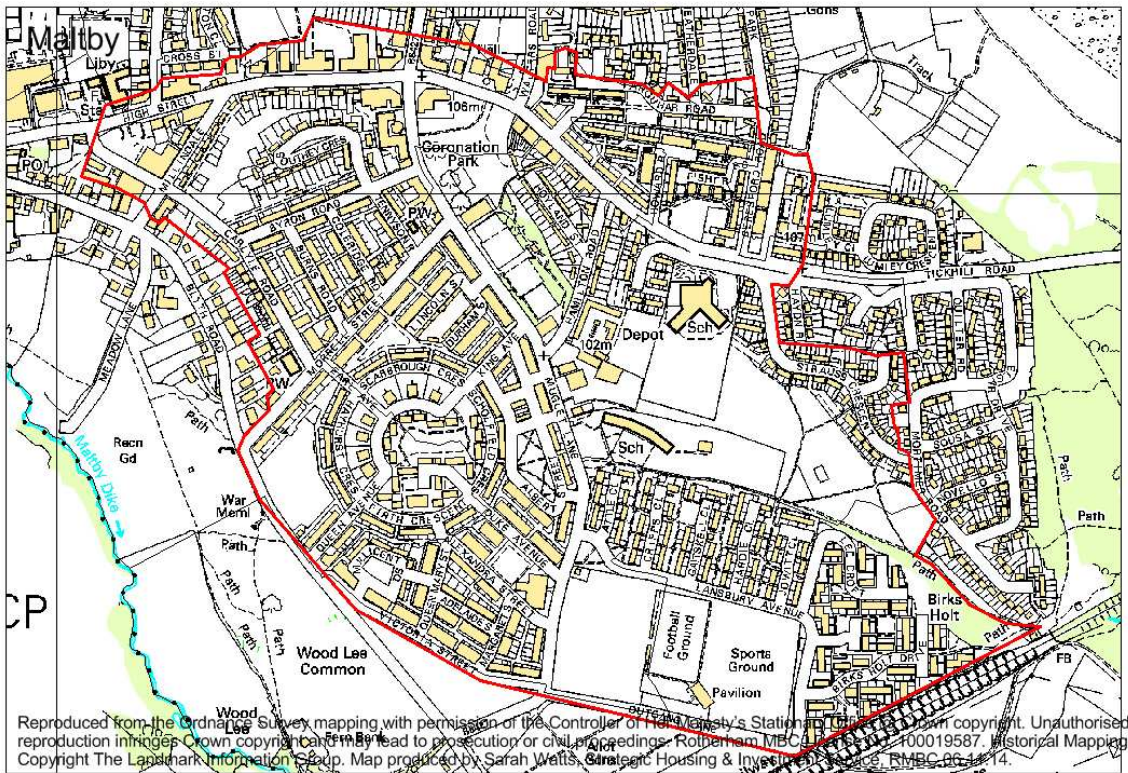


Dinnington Selective Licensing Designation Area



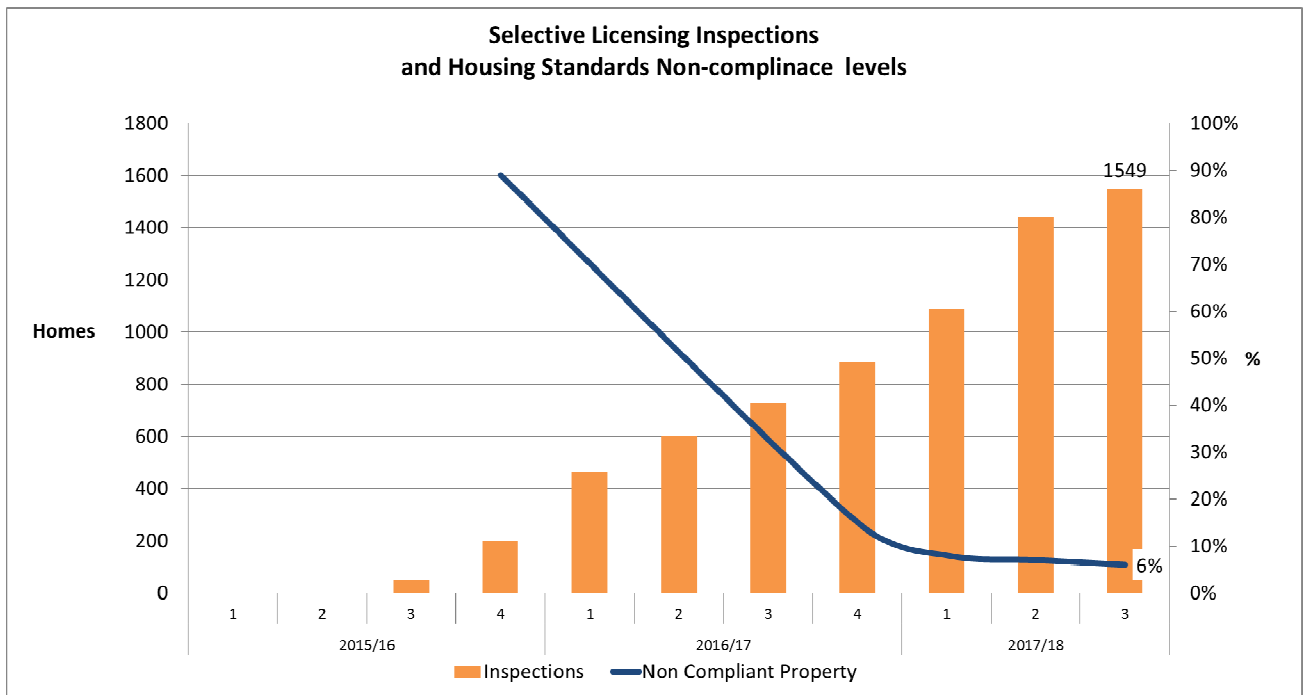
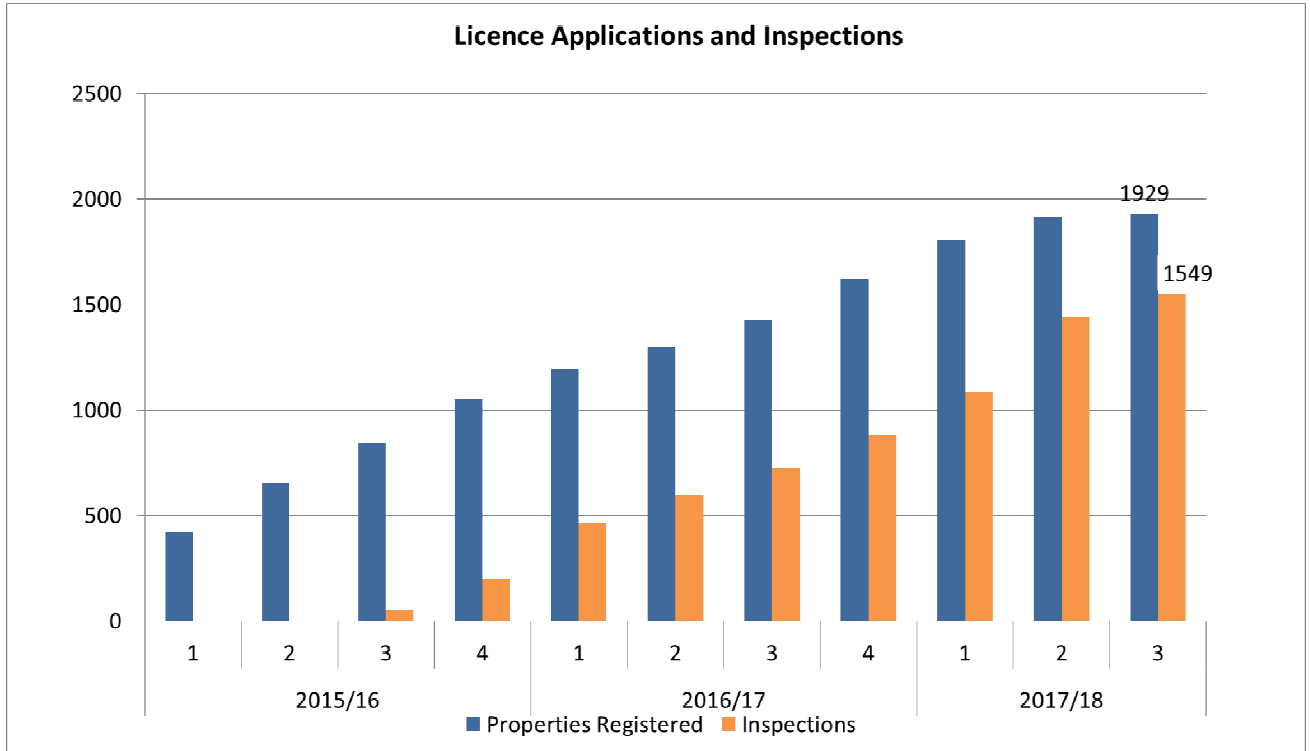


### Maltby South East Selective Licensing Designation Area



Appendix B

Selective Licensing and Housing Inspection Outcomes



## Appendix C Anti-social behaviour, Selective Licensing and enforcement actions

All ASB recorded by Rotherham Council

Selective Licensing Designation	Super Output Area	2014/15	2015/16	2016/17	3 year change	2017/18 Half Year	2017/18 projection	Projected 4 year change
<b>Eastwood &amp; Town Centre</b>	Clifton West*	69	48	98	42%	41	82	19%
	Eastwood Central	128	152	131	2%	54	108	-16%
	Eastwood East	31	27	43	39%	16	32	3%
	Eastwood Village	232	189	173	-25%	98	196	-16%
	Town Centre*	67	30	59	-12%	29	58	-13%
	<b>Total</b>		<b>527</b>	<b>446</b>	<b>504</b>	<b>-4%</b>	<b>238</b>	<b>476</b>

\* Areas where only a small part is within the designation

<b>Masbrough</b>	Masbrough East	67	48	32	-52%	17	34	-49%
	Masbrough West	105	115	115	10%	59	118	12%
	<b>Total</b>	<b>172</b>	<b>163</b>	<b>147</b>	<b>-15%</b>	<b>76</b>	<b>152</b>	<b>-12%</b>

<b>Dinnington</b>	Dinnington Central	66	52	53	-20%	18	36	-45%
	Dinnington East	54	54	46	-15%	38	76	41%
	<b>Total</b>	<b>120</b>	<b>106</b>	<b>99</b>	<b>-18%</b>	<b>56</b>	<b>112</b>	<b>-7%</b>

<b>Maltby South East</b>	Maltby East - Maltby Main	67	65	45	-33%	21	42	-37%
	Maltby East - Muglet Lane	159	80	108	-32%	50	100	-37%
	Maltby East - Town Centre	31	14	18	-42%	6	12	-61%
	<b>Total</b>	<b>257</b>	<b>159</b>	<b>171</b>	<b>-33%</b>	<b>77</b>	<b>154</b>	<b>-40%</b>

<b>All Designations</b>	<b>1076</b>	<b>874</b>	<b>921</b>	<b>-14%</b>	<b>447</b>	<b>894</b>	<b>-17%</b>
<b>Rotherham</b>	<b>4207</b>	<b>3639</b>	<b>3949</b>	<b>-6%</b>	<b>2059</b>	<b>4118</b>	<b>-2%</b>



## Domestic Noise Nuisances

Selective Licensing Designation	Super Output Area	2014/15	2015/16	2016/17	3 yr % change	2017/18 Half Year	2017/18 projection	Projected 4 year change
Eastwood & Town Centre	Clifton West*	42	16	22	-48%	21	42	0%
	Eastwood Central	43	31	37	-14%	24	48	12%
	Eastwood East	12	16	17	42%	8	16	33%
	Eastwood Village	90	77	71	-21%	43	86	-4%
	Town Centre*	37	18	32	-14%	24	48	30%
	<b>Total</b>	<b>224</b>	<b>158</b>	<b>179</b>	<b>-20%</b>	<b>120</b>	<b>240</b>	<b>7%</b>

\* Areas where only a small part is within the designation

Masbrough	Masbrough East	42	24	14	-67%	12	24	-43%
	Masbrough West	47	41	41	-13%	20	40	-15%
	<b>Total</b>	<b>89</b>	<b>65</b>	<b>55</b>	<b>-38%</b>	<b>32</b>	<b>64</b>	<b>-28%</b>

Dinnington	Dinnington Central	13	10	11	-15%	7	14	8%
	Dinnington East	11	12	11	0%	9	18	64%
	<b>Total</b>	<b>24</b>	<b>22</b>	<b>22</b>	<b>-8%</b>	<b>16</b>	<b>32</b>	<b>33%</b>

Maltby South East	Maltby East - Maltby Main	27	26	28	4%	14	28	4%
	Maltby East - Muglet Lane	25	29	35	40%	14	28	12%
	Maltby East - Town Centre	6	8	6	0%	1	2	-67%
	<b>Total</b>	<b>58</b>	<b>63</b>	<b>69</b>	<b>19%</b>	<b>29</b>	<b>58</b>	<b>0%</b>

<b>All Designations</b>	<b>395</b>	<b>308</b>	<b>325</b>	<b>-18%</b>	<b>197</b>	<b>394</b>	<b>0%</b>
<b>Rotherham</b>	<b>2290</b>	<b>1919</b>	<b>1951</b>	<b>-15%</b>	<b>1107</b>	<b>2214</b>	<b>-3%</b>

## Domestic Rubbish in Gardens/Yards

Selective Licensing Designation	Super Output Area	2014/15	2015/16	2016/17	3 yr % change	2017/18 Half Year	2017/18 projection	Projected 4 year change
<b>Eastwood &amp; Town Centre</b>	Clifton West*	19	28	65	242%	15	30	58%
	Eastwood Central	80	111	117	46%	27	54	-33%
	Eastwood East	18	10	18	0%	6	12	-33%
	Eastwood Village	129	109	137	6%	51	102	-21%
	Town Centre*	24	12	21	-13%	4	8	-67%
	<b>Total</b>	<b>270</b>	<b>270</b>	<b>358</b>	<b>33%</b>	<b>103</b>	<b>206</b>	<b>-24%</b>

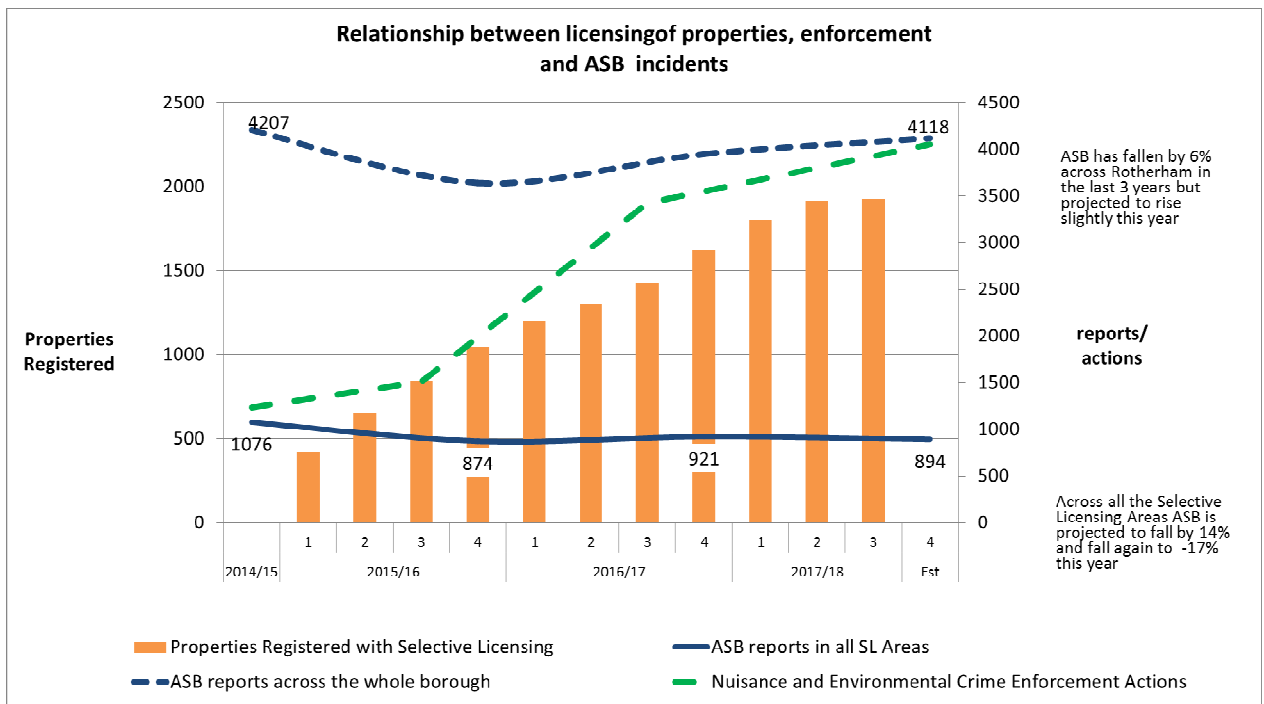
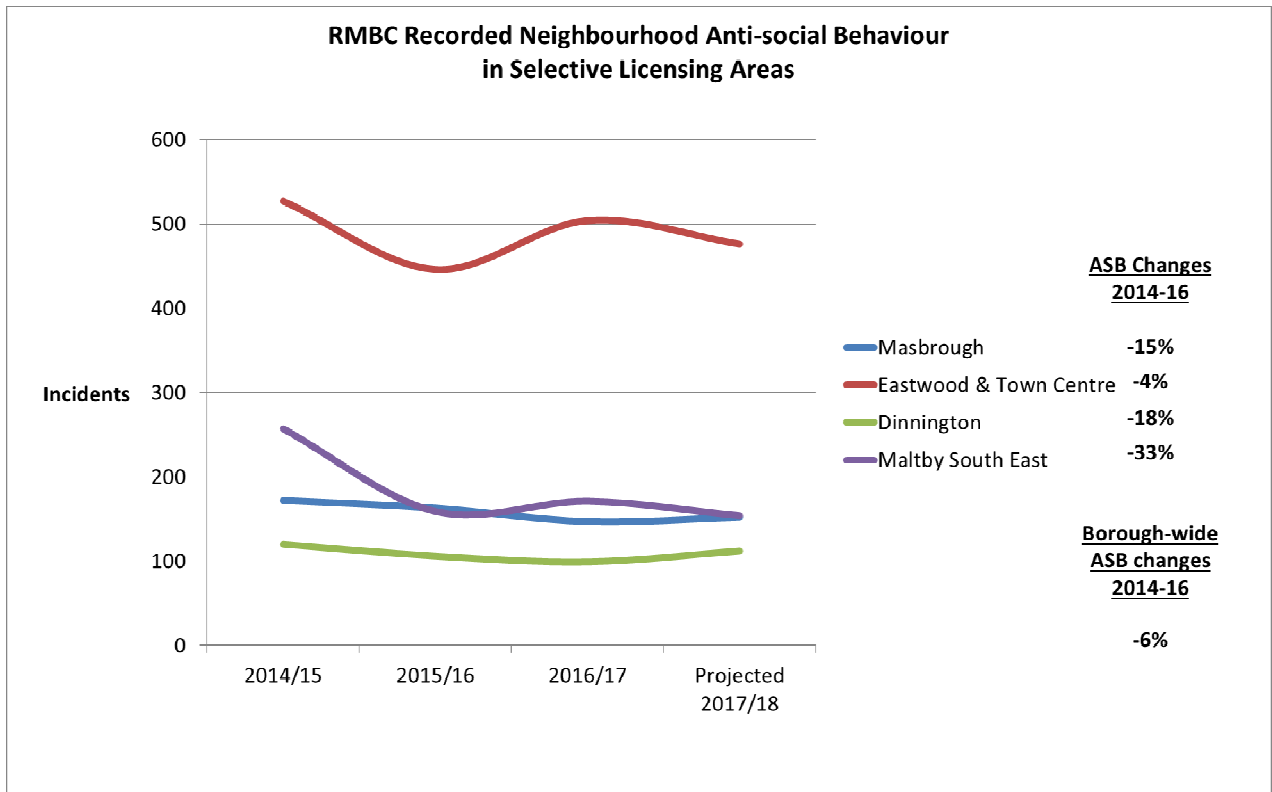
\* Areas where only a small part is within the designation

<b>Masbrough</b>	Masbrough East	22	17	12	-45%	6	12	-45%
	Masbrough West	53	61	68	28%	32	64	21%
	<b>Total</b>	<b>75</b>	<b>78</b>	<b>80</b>	<b>7%</b>	<b>38</b>	<b>76</b>	<b>1%</b>

<b>Dinnington</b>	Dinnington Central	41	33	25	-39%	11	22	-46%
	Dinnington East	36	29	31	-14%	27	54	50%
	<b>Total</b>	<b>77</b>	<b>62</b>	<b>56</b>	<b>-27%</b>	<b>38</b>	<b>76</b>	<b>-1%</b>

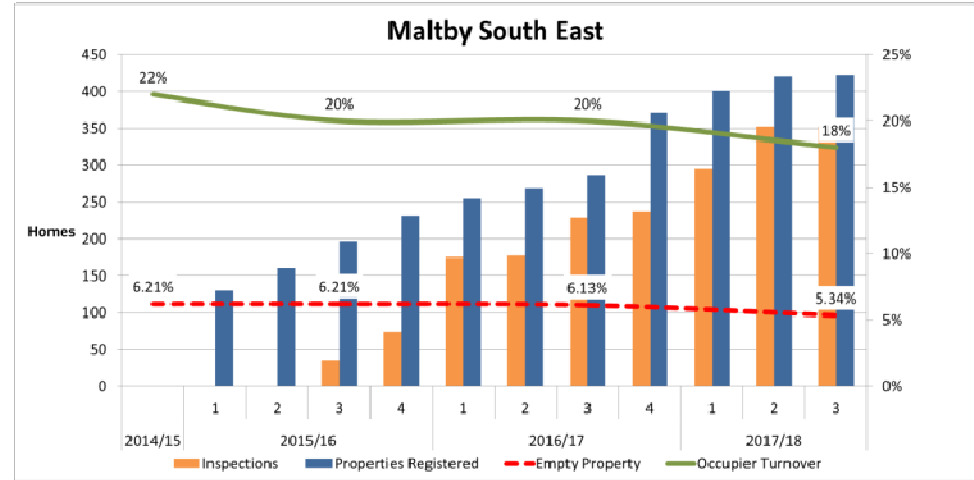
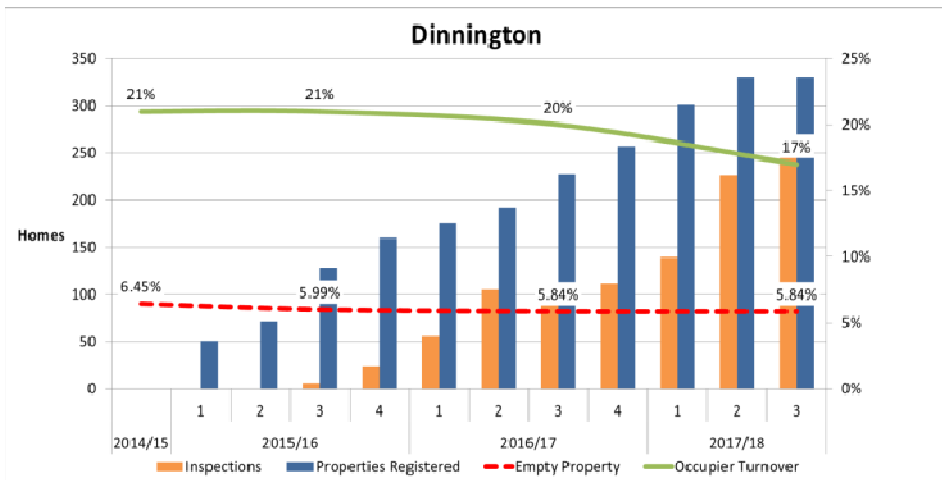
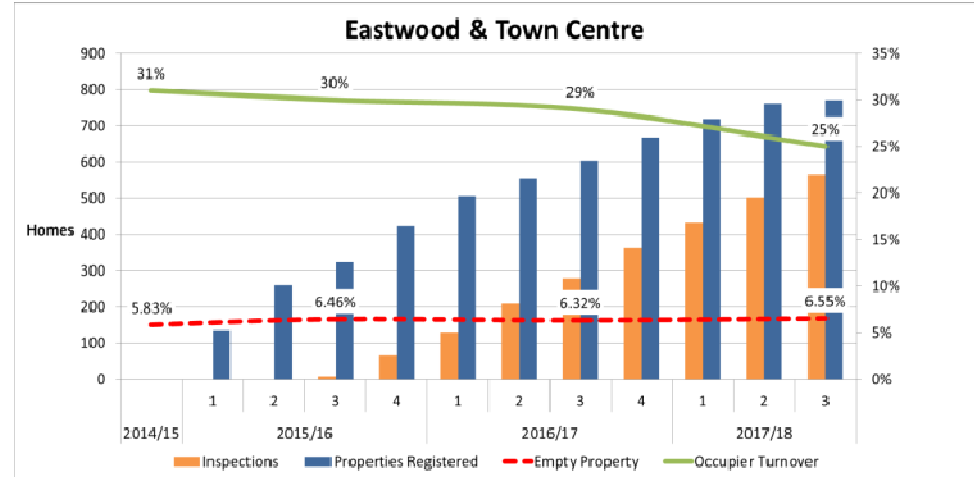
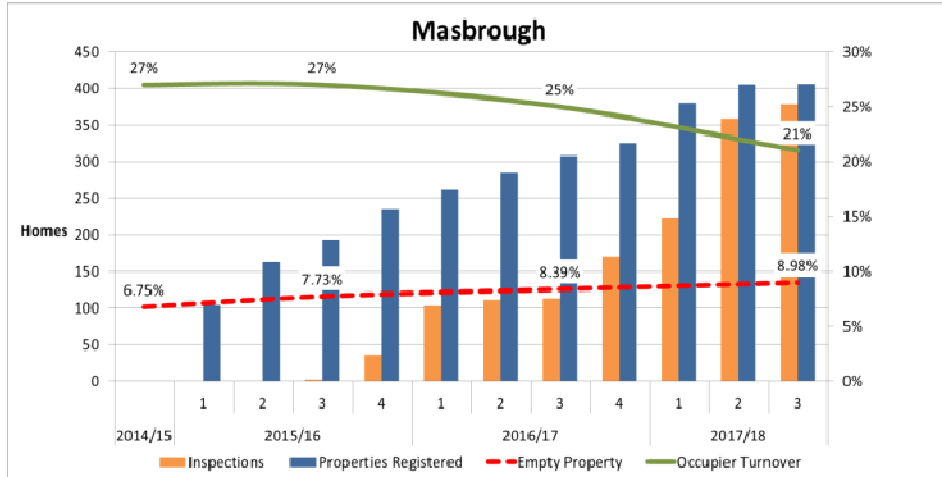
<b>Maltby South East</b>	Maltby East - Maltby Main	21	29	8	-62%	6	12	-43%
	Maltby East - Muglet Lane	111	38	54	-51%	28	56	-50%
	Maltby East - Town Centre	17	5	5	-71%	3	6	-65%
	<b>Total</b>	<b>149</b>	<b>72</b>	<b>67</b>	<b>-55%</b>	<b>37</b>	<b>74</b>	<b>-50%</b>

<b>All Designations</b>	<b>571</b>	<b>482</b>	<b>561</b>	<b>-2%</b>	<b>216</b>	<b>432</b>	<b>-24%</b>
<b>Rotherham</b>	<b>1233</b>	<b>1051</b>	<b>1271</b>	<b>3%</b>	<b>588</b>	<b>1176</b>	<b>-5%</b>

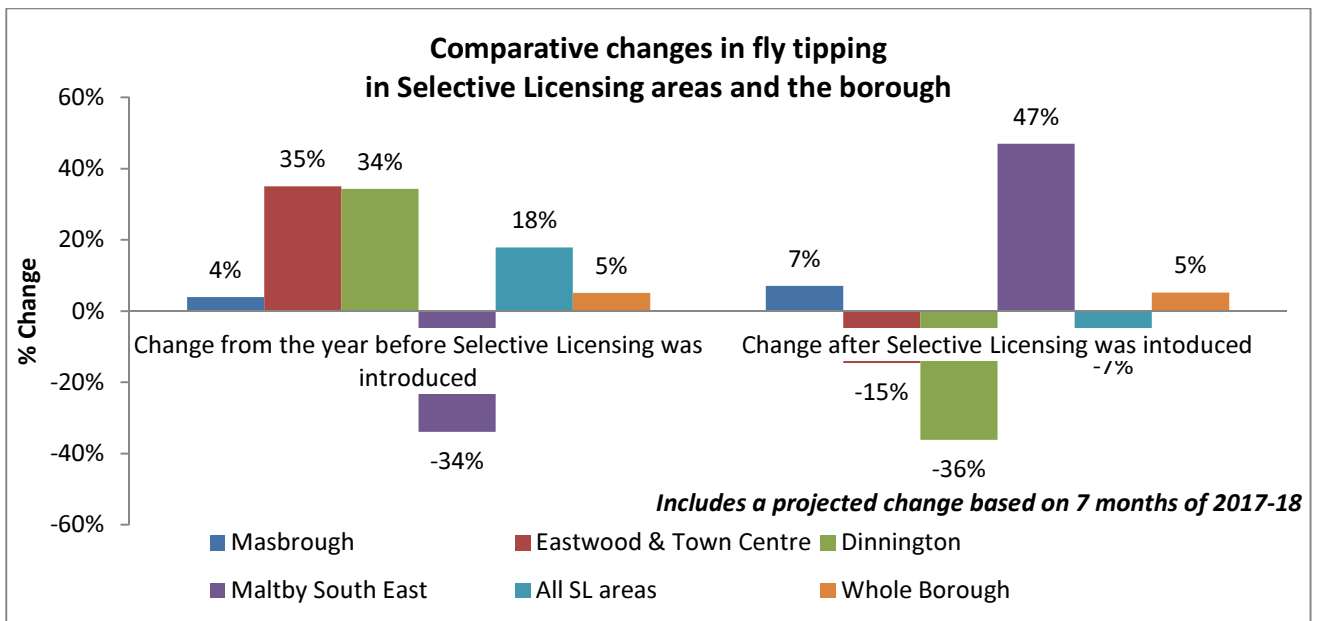
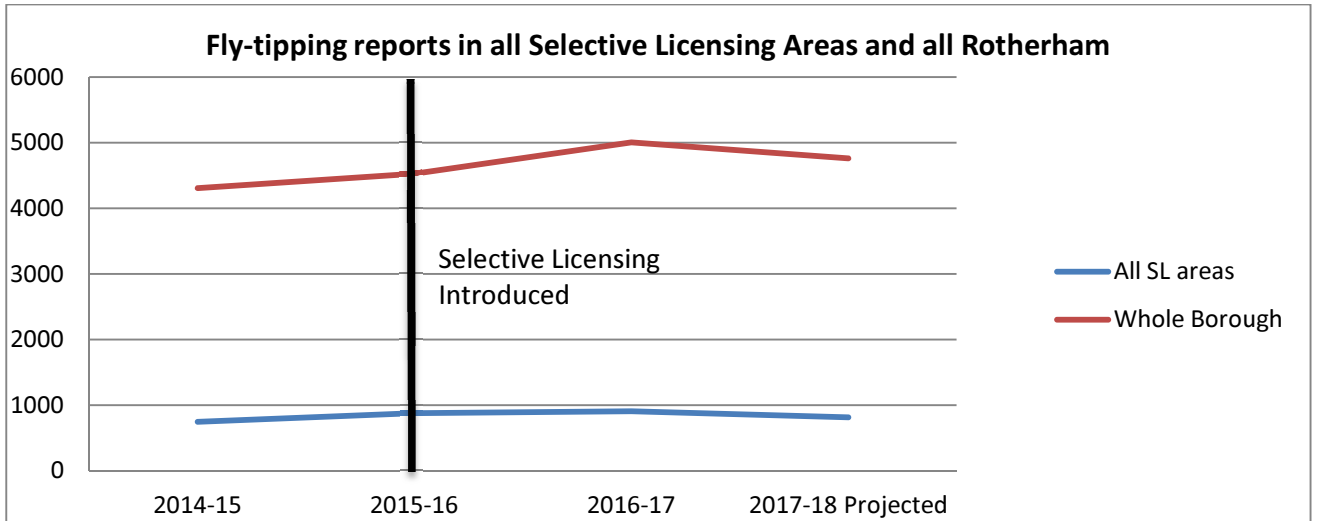
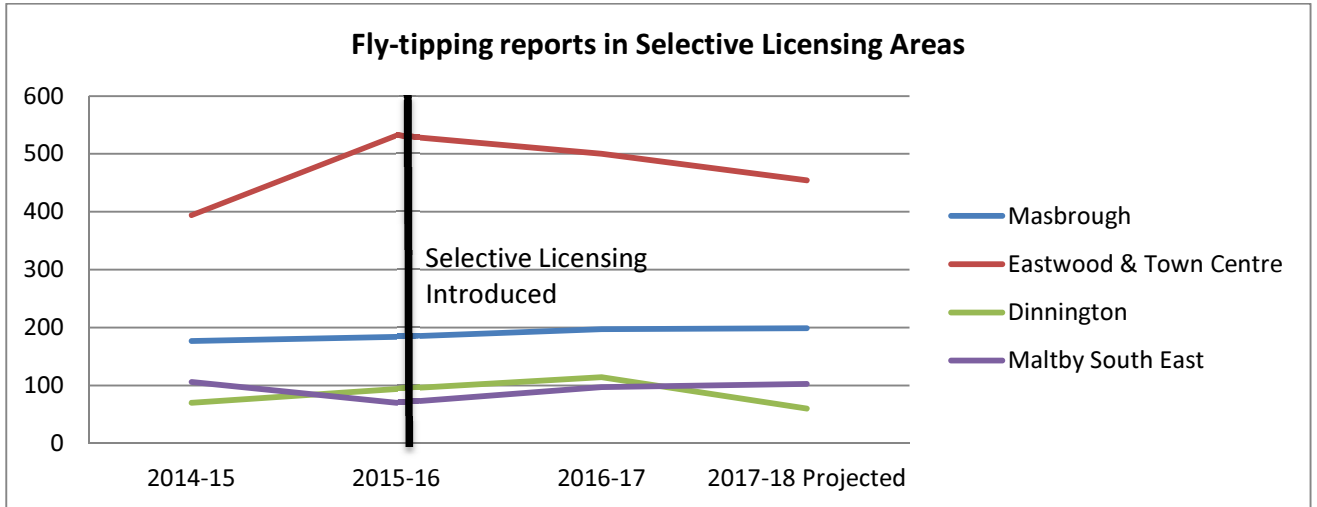


## Appendix D

### Selective Licensing applications, inspections, occupier turnover and empty properties



**Appendix E**  
**Fly Tipping data for Selective Licensing areas and Rotherham**





## **Summary Sheet**

### **Council Report**

Improving Places Select Commission 3<sup>rd</sup> January 2018

#### **Title**

Dignity / Rotherham Metropolitan Borough Council Contract Update

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

This is not a key decision.

#### **Director Approving Submission of the Report**

Damien Wilson – Strategic Director for Regeneration and Environment

#### **Report author(s):**

Alan Pogorzelec – Licensing Manager  
Community Safety and Street Scene  
01709 254955, alan.pogorzelec@rotherham.gov.uk

#### **Ward(s) Affected**

All wards

#### **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 retain 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.

**Recommendations**

That Members note the content of this report

That Members agree the proposals described in Section 16 of this report.

**List of Appendices Included**

- Appendix 1 Bereavement Services Service Improvement Plan 2004
- Appendix 2 Bereavement Services Internal Audit Report
- Appendix 3 Bereavement Services Performance Management Framework
- Appendix 4 Burial Fees 2017/18
- Appendix 5 Cremation Fees 2017/18
- Appendix 6 Benchmarking Information 2017/18
- Appendix 7 Proposed specifications for lined graves

**Background Papers**

Report presented to Improving Places Select Commission on 30<sup>th</sup> November 2016.

**Consideration by any other Council Committee, Scrutiny or Advisory Panel**

Not applicable.

**Council Approval Required**

No.

**Exempt from the Press and Public**

Not exempt.



## **Dignity / Rotherham MBC Contract Update**

### **1 Recommendations**

- 1.1 That Members note the content of this report
- 1.2 That Members agree the proposals described in Section 16 of this report.

### **2 Background**

- 2.1 In 2004, the Council commissioned an external review of the Cemeteries and Crematorium Service. The purpose of this review was to establish the actions that would be required to ensure that the Council was a provider of high quality and effective bereavement services.
- 2.2 The review report was largely critical of the service that was provided, in particular the report concluded that the office accommodation was not fit for purpose, the waiting facilities were poor, there were no parking facilities and there was a need to modernise cremation plant in order to comply with legislation. In all, it was estimated that delivering the identified improvements would require a total investment of approximately £3 million. The estimated cost of the specialised equipment and building modification required to meet compulsory mercury emissions targets was estimated to approach £750,000, and there was also a requirement for other significant service improvement at the crematoria and the urgent need for new burial space. A copy of the 2004 Service Improvement Plan is attached to this report as Appendix 1.
- 2.3 The Council was unable to fund the required improvement work at that time. It was estimated that should the Council obtain the funds through prudential borrowing, the annual cost to the Council would be in the region of £230,000. It was therefore decided in late 2004 that the Council should investigate alternative means of securing the improvement. At the 20<sup>th</sup> December 2004 meeting it was decided that the Council carry out soft market testing to establish the efficacy of a unique solution involving the transfer of the Council's bereavement services function to the private sector.
- 2.4 Following the market testing and consideration of a number of potential options, the Council decided that a Partnership approach would be the most appropriate method of securing the investment and improvements and at its meeting on 15<sup>th</sup> December 2006, the Cabinet approved arrangements for the invitation of bidders to enter into a contract with the Council for the delivery of bereavement services in Rotherham.
- 2.5 After lengthy negotiations with a number of potential bidders, the Council appointed Dignity Caring Funerals Ltd. as its preferred partner in April 2007. A Preferred Bidder Agreement was signed by both parties on 21<sup>st</sup> May 2007.
- 2.6 In order to ensure that the views of the public were taken into account, a consultation exercise took place in 2007. This involved a review of the rules and regulations for bereavement services including engagement with interested parties. Members of the public, staff and other interested parties including

funeral directors, were asked for their views on what they would like from a bereavement services function. The results of this consultation exercise were reported to the Sustainable Communities Scrutiny Panel in September 2007 and formed the basis of the preferred bidder's submission.

2.7 On 1<sup>st</sup> August 2008, the Council entered into a 35 year contractual agreement with Dignity Funerals Ltd for the provision of bereavement services for Rotherham. Under the terms of the arrangement, and in order to satisfy HMRC rules, Dignity undertake the services on behalf of the Council. This innovative and unique partnership led to the transfer of significant risks from the Council to Dignity, with Dignity taking 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.

2.8 The partnership has resulted in a number of significant improvements in relation to the provision of bereavement services throughout Rotherham, including:

East Herringthorpe Crematorium Facility:

- Upgrade of the existing cremators in the facility to meet the essential requirements of new environmental legislation.
- Improvements to the chapel including access to the waiting room, facilities for funeral directors and a covered canopy to the chapel exit.
- A new state of the art bereavement services administration centre including reception, interview room, records and archive section, location of an electronic Book of Remembrance and visitor parking provision.
- A new 80 space car park, with overspill provision for a further 40 vehicles, including improved arrangements for the disabled and other visitors to the crematorium.
- The development of the crematorium grounds to provide an extensive landscaped memorial garden offering increased memorial choice to the bereaved.
- A new grounds maintenance depot built to modern standards and including staff welfare facilities and secure storage of plant and machinery.

Municipal Cemeteries:

- A strategic plan identifying future burial requirements and the means by which the requirements are to be addressed based on community consultation.
- The identification of land within or adjacent to existing cemeteries appropriate for development for future burial use to meet the needs of local communities.
- Improved security and management of cemetery grounds to prevent crime, damage to buildings and infrastructure and to address anti-social behaviour.
- A management plan for the maintenance and development of cemetery roadways, pathways and grounds to meet vehicular access needs and the needs of pedestrians visiting the site.
- Development of cemetery grounds to provide areas of contemplation and memorial gardens offering improved memorial choice to the bereaved.

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

2.10 The Council's contract with Dignity was the first of its kind in the UK, and has received significant attention from other local authorities across the Country. Since 2008, Dignity have entered into agreements with a number of other local authorities and are responsible for the delivery of services across the UK, including:

- Bereavement Services throughout North Somerset Council area,
- Craigton Crematorium (Glasgow),
- Emstrey Crematorium and Cemetery (Shrewsbury),
- Grenoside Crematorium (Sheffield),
- Lichfield and District Crematorium (Staffordshire).

2.11 Although this contract has been operating for over nine years, a recent report by the Council's Internal Audit Division identified several risks associated with the management and delivery of the contract (see Appendix 2). In addition, a number of comments / concerns have been raised by Councillors and members of the public regarding the delivery of certain aspects of the contract.

2.12 This report seeks to address the risks identified by the internal audit review. In addition, the report provides an update in relation to the issues raised in the report that was presented to the Improving Places Select Commission on 30<sup>th</sup> November 2016 and summarises ongoing work that is intended to ensure that the contract with Dignity continues to deliver the outcomes required by the Council.

2.13 A number of issues have been raised by elected Members or members of the public. These have included: the financial aspects of the contract; performance management of the contract; annual reports; Maltby Cemetery; same day and short notice burials; memorial benches; fees and charges for services; grounds maintenance; lined graves; low cost funeral provision; specific concerns from funeral directors; and concerns about the legal position of the contract.

### **3 Financial aspects of the contract**

3.1 In order to deliver the objectives of the agreement (outlined in Section 2.4 above), Dignity Funerals Ltd have invested over £3 million in Bereavement Services in Rotherham. Without this financial input, it would not have been possible to bring about the necessary improvements. These improvements included:

- Upgrade of the existing cremators in the existing facility to meet the essential requirements of new environmental legislation.
- Improvements to the chapel including access to the waiting room, facilities for funeral directors and a covered canopy to the chapel exit.
- A new state of the art bereavement services administration centre including reception, interview room, records and archive section, location of an electronic Book of Remembrance and visitor parking provision.

- A new 80 space car park, with overspill provision for a further 40 vehicles, including improved arrangements for the disabled and other visitors to the crematorium.
- A new grounds maintenance depot built to modern standards, and including staff welfare facilities and secure storage of plant and machinery.
- The identification of land within or adjacent to existing cemeteries appropriate for development for future burial use to meet the needs of local communities.
- Improved security and management of cemetery grounds to prevent crime, damage to buildings and infrastructure and to address anti-social behaviour.
- Development of cemetery grounds to provide areas of contemplation and memorial gardens offering improved memorial choice to the bereaved.

3.2 Unlike a traditional contracting arrangement where a contractor is paid to deliver a service to the contract commissioner, the Council does not make a physical payment to Dignity for the provision of bereavement services in Rotherham. However, in order to satisfy HMRC requirements, Dignity are deemed to be providing services on behalf of the Council. Therefore, in the Council's Statement of Accounts, the Council recognises all contractual income received by Dignity as its own, and recognises a notional payment to Dignity for the provision of the services, netting off to the guaranteed sum referred to in 3.3 below.

3.3 Whilst the bereavement services function was under the Council's control, the service budgeted in 2007/08 for a net surplus of £402,000. However, the service was not achieving its budgeted surplus target in the years prior to the service being transferred to Dignity. In negotiations with Dignity, in order to compensate the Council for this loss of revenue, they guaranteed a sum of £375,000 annually (linked to inflation) to be paid to the Council for the duration of the contract (this is in addition to the capital investment). Dignity increased this figure from £355,000, the actual surplus position, on condition that the contract length was extended from 30 to 35 years. Although this amount still resulted in a shortfall over budgeted income, it was considered to be an acceptable balance once the transfer of risks was taken into account.

3.4 In addition to the fixed amount, the Council may also receive income as a result of two other processes:

#### 3.4.1 Exceptional Surplus

3.4.1.1 The Council will benefit from a share of any higher than expected annual profits generated by Dignity in the delivery of the contract: this is known as exceptional surplus. The payment made to the Council depends on the Equity Internal Rate of Return or Equity IRR, which represents the financial return to Dignity after taking into consideration the initial investment / debts generated as a result of delivering the contract.

3.4.1.2 The exceptional surplus provisions become relevant if the Equity IRR exceeds 20%. If the figure is between 20% and 25% then the Council will receive 40% of the exceptional surplus. If the

Equity IRR exceeds 25% then the Council will receive 60% of the exceptional surplus.

- 3.5.1.3 The Annual Report that Dignity will provide to the Council, referred to in Section 5 below, will provide sufficient financial detail to allow for the calculation of the Equity IRR. This information will then be used by the Council to assess the level of any payment that is due. Any such payments in relation to the exceptional surplus are made to the Council at the end of each contract year (ending 31st March).

### 3.4.2 Performance Related Deductions

- 3.4.2.1 The Council has developed a Performance Management Framework that covers all aspects of the service delivered by Dignity. The Council has the discretion to levy a charge against Dignity should Dignity be found to be failing in any aspect of the contract.

- 3.4.2.2 Further details of the Performance Management Framework and the process by which the level of any charge is calculated is given in Section 4 of this report.

- 3.5 To date, the Council has not received any additional payment as a result of either of the processes detailed in Section 3.4 above.

- 3.6 The Council retains responsibility for the maintenance and security of the following:

- 3.7.1 Victorian Chapels within Masbrough, Moorgate, Haugh Road and Greasbrough Town Lane cemeteries.

- 3.7.2 Certain boundary walls / fences at Moorgate, Masbrough, Haugh Road and Greasbrough Lane cemeteries.

- 3.7 The Council's obligations in relation to these retained responsibilities are approximately £4,000 per annum. This is provided for within the revenue budget for Bereavement Services.

## **4 Contract and Performance Monitoring**

- 4.1 An internal audit review of the Council's contract with Dignity in March 2017 recommended the development and implementation of a Performance Management Framework covering all aspects of the service provided by Dignity. Subsequently, a Performance Management Framework has been developed with reporting anticipated from the final quarter of 2017/18, a copy of which is attached at Appendix 3.

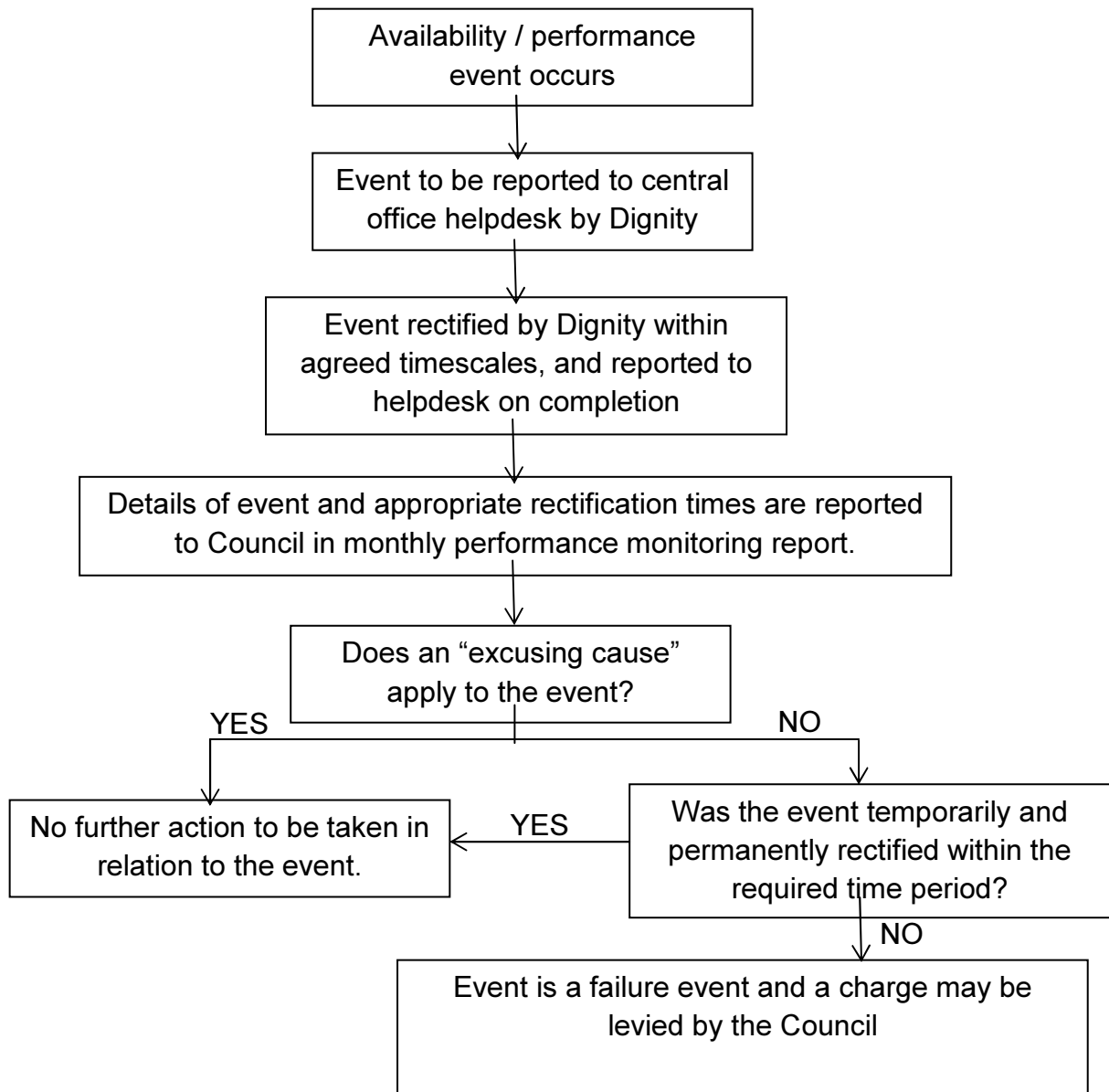
- 4.2 The framework is based on the key requirements detailed in the contract:

- 4.3.1 **Availability requirements:** These requirements relate to the availability of the services at each location that Dignity are responsible for, and include

matters such as opening times and operational periods, access, provision of utilities, lighting and legislative requirements.

- 4.3.2 Performance requirements:** The performance requirements are detailed within the contract, and are intended to verify that Dignity are complying with their contractual obligations, and that the contract is delivering the specified outcomes and standards expected by the Council.
- 4.3 Dignity are required to undertake monthly monitoring against the Performance Monitoring Framework, and provide a report to the Council outlining any failures in relation to the availability or performance requirements. Such failures are termed 'events'. The report should provide details of the date/time that an event occurred, the date/time that Dignity reported the event to their central office helpdesk and the date/time that the event was rectified.
- 4.4 Subject to certain exemptions, if an event is not rectified within a specified period of time then it becomes a 'failure event'. An event would not be a failure event if an 'excusing cause' applies to the particular situation. Excusing causes are detailed in the Performance Management Framework.
- 4.5 The monthly report provided to the Council by Dignity must detail whether any of the events that are reported are considered to be failure events (giving details of the assessment that has been applied).
- 4.6 The contract contains a mechanism that allows the Council to levy a charge on Dignity should there be any failure events. The Council has absolute discretion in relation to the decision on whether a charge should be levied or not.
- 4.7 The calculation of any relevant deduction is undertaken according to the formula detailed in the Performance Management Framework.
- 4.8 At the end of each quarter, the monthly performance and/or availability deductions will be aggregated the amount of the deduction will be credited to the Council.
- 4.9 The flow chart on the following page summarises the performance management process.

Summary of performance management process



## **5 Annual reports provided by Dignity**

- 5.1 Dignity have previously provided an annual report in relation to the delivery of the contract over the preceding 12 month period, this report was considered by the Improving Places Select Commission on 30<sup>th</sup> November 2016 and was the first report that had been provided by Dignity.
- 5.2 Although the report provided an update in relation to several key aspects of the contract, it did not provide the level of detail required by the Council.
- 5.3 In order to ensure that future annual reports contain all relevant information, the Council has agreed with Dignity that the following items will be included in the annual report:
- Customer satisfaction information, including details of compliments, complaints and any trends.
  - Dignity's performance against the Annual Maintenance Plan.
  - A statement in relation to arrangements for Business Continuity, Equalities and Diversity and Health & Safety.
  - Details of the self-assessment conducted in accordance with the Bereavement Charter.
  - Performance in relation to the Bereavement Charter Improvement Plan (developed following the self-assessment).
  - Update in relation to the Memorial Mason's Registration Scheme.
  - Report on memorial safety in cemeteries across the Borough.
  - Update in relation to performance against the Annual Preventative Maintenance Plan.
  - Review of burial capacity in each cemetery covered by the contract.
  - Annual Performance Monitoring Summary – to include details of the monitoring process, events, failure events and performance of sub-contractors responsible for delivering aspects of the service.
  - Update in relation to the annual plan for grounds maintenance.
  - Update in relation to the annual management plan for each cemetery.
  - Details of any significant service developments.
  - Details of the strategic plan for ongoing service improvements.
  - Details of annual building condition assessments.
  - Updates in relation to staffing.
  - Update and details of cremator compliance checks, statutory inspections, and audits / inspections by regulatory agencies.
  - Details of benchmarking exercise undertaken in relation to the setting of fees.
  - Financial performance of Dignity in relation to the contract – to include details of burial / cremation volumes, sales income and sufficient information to allow the calculation of the Equity Internal Rate of Return.
- 5.4 The first such annual report will be provided in February 2018 (to coincide with the fee setting process), and then annually thereafter. The Council and Dignity may however agree to vary / amend the contents of the report as maybe appropriate from time to time.

## **6 Maltby Cemetery**



- 6.1 Land adjacent to several cemeteries within Rotherham has been acquired by the Council and identified for future burial use. This will allow burials to take place in Rotherham for the foreseeable future.
- 6.2 However, capacity in certain cemeteries is becoming limited with no adjacent land to expand the cemetery in to, including Maltby Cemetery which is bordered on all sides by residential properties or the public highway. Capacity at Maltby Cemetery will only allow a further five of six years of burials.
- 6.3 The Council has undertaken several reviews of land availability in the Maltby area, however it has not been possible to identify any suitable land. Although there are several areas of green space within Maltby, these are either in private ownership or have been identified as recreational or housing land.
- 6.4 Work is ongoing in relation to the identification of suitable land in Maltby, and it is proposed that a full report on available options is produced in the Spring of 2018, and that this report is considered by Members with a view to agreeing a course of action that will see the provision of additional cemetery facilities in Maltby as soon as possible.

## **7 Same day/short notice burials**

- 7.1 Efforts are made to accommodate same day burials wherever this is required for cultural or religious reasons, where this is not possible then the burial will take place the following morning. This is on condition that the required paperwork is provided by 12 noon on the day that the request is made.
- 7.2 The current times that burials can take place are as follows:
  - Winter 9:00am to 2:30pm.
  - Summer 9:00am to 3:00pm.
- 7.3 This includes weekends and Bank Holidays, albeit an additional charge is made for burials at these times, being applicable to all burials in any grave plot in the Borough.
- 7.4 The rationale for the times being set at the hours they are, relate to the length of time of useful daylight during the summer and winter months, and the availability of staff who are able to work beyond their contracted working hours in order to facilitate a later burial. Sufficient time needs to be allowed for the mourners to leave the cemetery after the interment and for the cemetery attendants to close and backfill the grave once the mourners have left. The cemetery then needs to be locked up at the stated times by the cemetery wardens. The grounds maintenance staff that fulfil this role commence work early in the morning, and may be unavailable at short notice later in the afternoon. Dignity are therefore only able to guarantee that appropriate staff will be available at the times stated above.
- 7.5 Members of the Muslim community have raised concerns regarding the timings that burials can take place. The current time limits often present difficulties as the timings for prayers are fixed, and often conflict with the latest time that a burial can take place.

- 7.6 In addition, the requirement for bereaved families to make appropriate arrangements in time for a burial at 2:30pm places additional stress on them at what is already a very difficult time.
- 7.7 A review of the services provided in other Council areas has revealed that the times in Rotherham are more restrictive than in other parts of the country.
- 7.8 On the 7<sup>th</sup> November 2017, the Council's Licensing Manager met with representatives of the Muslim community to review issues of concern. There was a general view that the service provided in Rotherham does not meet the cultural and religious requirements of the Muslim community.
- 7.9 It was agreed that the Licensing Manager would formally raise the following matters with Dignity:
- 7.9.1 A proposal to amend the latest time that burials can take place as follows:
- Winter 9:00 am to 4:00 pm.
  - Summer 9:00 am to 5:00pm.
- 7.9.2 That consideration be given to Dignity accepting the paperwork for a burial after 12pm on the day of the burial if the Council's Registrars Service confirms to Dignity that an appointment has been made with them to register the death. The paperwork must however be provided to Dignity in an appropriate period of time prior to the burial taking place.
- 7.10 It was not possible to provide an update in relation to this matter prior to the drafting of this report, however a verbal update will be provided to the meeting.
- 7.11 The provision of same day/short notice burial facility in Rotherham was the subject of a legal review. In addition, the Council's Corporate Equality and Diversity Officer has reviewed the current arrangements and raised several elements of concern. Further detail in relation to this issue is provided in Section 23 of this report.

## **8 Memorial benches**

- 8.1 In previous years, wooden benches were made available to residents of Rotherham at a relatively low price. However, a great many of these benches have fallen into disrepair due to both the constant exposure of the bench to the elements and also from a lack of maintenance on the part of the bench owner.
- 8.2 As a result of this, Dignity now no longer offer wooden memorial benches in any of the cemeteries for which they are responsible. Instead, Dignity offer a custom made granite bench that is installed on a plinth with an inscribed plaque fixed to the bench.

- 8.3 The current cost of a granite bench in East Herringthorpe Cemetery ranges from £2,077 to £3,105. There is then an additional payment of £1,216 for the placement of the bench. The bench is provided for 100 years.
- 8.4 There is the option of leasing a bench for a 10 or 20 year period and the cost of the bench remains the same; however the placement fee is reduced to £305 for a 10 year lease and £608 for a 20 year lease.
- 8.5 For comparison, the cost of leasing a five foot long ‘poly wood’ bench in a Doncaster cemetery for a 10 year period is £1,320, approximately a third of the cost of a bench in Rotherham, but for a tenth of the period of time. This illustrates that the services provided between Councils differ significantly, and that the cost of the memorial bench in Rotherham is, over time, a far more cost effective and lasting memorial than that offered in Doncaster.
- 8.6 The cost of a funeral in Rotherham is typically between £3,500 and £4,000, including funeral director fees. In order to lessen the impact of additional financial expenditure at the time of bereavement, Dignity offer interest free credit on all memorials over £1,200. This facility has allowed many people to access a wide range of high quality memorials when they would otherwise have been unable to do so.
- 8.7 The contract requires Dignity to provide a range of *affordable* memorial options. Dignity have therefore been approached and asked to give consideration to other options.
- 8.8 Dignity are currently giving consideration to the provision of ‘communal’ benches that have either 6 or 12 plaques on them. The cost of the plaque would be charged per individual, but the cost of the bench would be split either 6 or 12 ways (depending on the type of bench). It is considered that this option would provide a far more affordable memorial option.
- 8.9 At the time that this report was drafted, it was not possible to provide an update in relation to the proposal in Section 8.8, however it is expected that an update will be available in time for the meeting.

## 9 Fees and charges for services

9.1 In March 2017, Dignity made the Council aware of the fees that they were proposing to charge in the 2017/18 financial year. These fees are attached at Appendix 4 and Appendix 5 to this report.

9.2 The fees for the core services are as follows:

Adult Burial	£2,268
Adult Cremation	£943
Child Burial	no charge
Child Cremation	no charge
Lined grave (adult)	£3,413

9.3 All of these fees represent an increase of 7% on those charged in the previous year. This percentage increase being calculated to ensure that Dignity are able

to recoup their investment in the service in Rotherham and allow payment to the Council of the contractual fixed amount, in addition to generating a profit to the company. The annual rate of inflation at the time of the increase was 2.7%.

- 9.4 No benchmarking information was provided with the proposal to increase the fees, therefore the Council formally requested this information from Dignity in line with the requirements of the contract. This information was incomplete, and a series of discussions then took place with Dignity in order to identify and obtain suitable comparator information for the proposed fees. This exercise was completed at the end of May 2017. The data compares all available data from fifteen local authorities that are most similar to Rotherham in terms of population, area density, employment levels, social make up and types of households. This, most similar group, comparator information is attached to this report as Appendix 6.
- 9.5 The benchmarking information demonstrates that the fees charged in Rotherham are above the average of those fees charged by other Councils in the 'most similar group' across all of the core services provided. The cost of an adult burial is third highest of the group, whilst an adult cremation in Rotherham is the highest in the group. Child burials are the lowest cost in the group, whilst child cremations are the equal lowest fees within the group.
- 9.6 However, it must be noted that some Councils provide different levels of service to that in Rotherham. As an example, in Rotherham the exclusive right of burial is for 100 years, whilst in Kirklees it is 50 years with extra fees for an additional 50 years.
- 9.7 The most up to date national average cost of an adult burial was £1,704 in 2016, and £673 for an adult cremation in 2015.
- 9.8 Council officers have approached Dignity and queried whether the fees could be reviewed. In response to this, Dignity confirmed that the fees had been agreed by head office, and will have taken into consideration inflation, the level of investment in Rotherham and the need to make an annual payment of £481,000 to the Council under the terms of the contract.
- 9.9 Dignity are under no contractual obligation to revise the fees that have been set. However, the fee setting process has been reviewed and the findings of this review have shown that there is scope for the Council to utilise existing contractual mechanisms to influence the fee setting process. Further detail on this is given in Section 15 of this report.

## **10 Grounds maintenance**

- 10.1 The majority of bereavement services complaints received by Dignity and the Council relate to an inadequate standard of grounds maintenance.
- 10.2 In order to address these issues, Dignity has introduced a performance management process in relation to the delivery of services by their grounds maintenance subcontractor.

- 10.3 An officer has been appointed within Dignity to undertake monitoring of the contractor against the requirements of the performance framework, and it has been agreed that the findings of this monitoring process will be detailed in the annual report that is presented to the Council in February each year (see section 5 above).
- 10.4 In addition, the Council's Contract Performance Management Framework includes key performance measures and criteria that relate to the delivery of an effective grounds maintenance service.
- 10.5 Performance against this standard will therefore be monitored by both Dignity and by the Council, and will be supported by more effective customer satisfaction assessment processes than are currently in place.

## **11 Crematorium chapel and adjoining buildings**

- 11.1 Work has commenced on the external refurbishment of the Crematorium building at East Herringthorpe. This is part of Dignity's rolling maintenance and capital investment programme, and is due for completion by Christmas 2017.
- 11.2 The external work includes:
- The replacement of the pitched roof,
  - Repairing of the flat roof on the buildings adjoining the crematorium,
  - Replacement of the external fascia boards.
- 11.3 Once the external work has been completed, the internal phase of the refurbishment work will commence.
- 11.4 The exact details of the internal work that will be undertaken has not yet been confirmed, but it is likely to include:
- Creation of an additional waiting area at the entrance to the crematorium,
  - Amendments to the internal layout of the crematorium to facilitate easier and more streamlined access to the chapel,
  - The installation of a mezzanine balcony at the rear of the crematorium (with additional seating provided),
  - The installation of a replacement sound / music system within the crematorium chapel,
  - Refurbished Book of Remembrance Room,
  - Refurbished Flower / Tribute Room,
  - Refurbished and additional toilet facilities within the crematorium and adjoining buildings.
- 11.5 The internal phase of the work is substantial and is expected to take several months. Due to the type of work that is being undertaken, it is necessary to close the crematorium to the public during the period that the work is being undertaken.
- 11.6 The cremators will remain in operation during the internal phase of the building work, however the chapel will not be accessible to members of the public.

- 11.7 Dignity are developing proposals for the provision of temporary facilities that can be used during the period that the internal building work is taking place. The nature and type of temporary facilities have not yet been confirmed, but it may mean that committal services take place off site and the deceased is then transported to the East Herringthorpe for cremation.
- 11.8 Further details on the proposals will be provided by way of a verbal update at the meeting, with a formal report being presented giving full details of the proposals once they are known.

## **12 Provision of lined graves**

- 12.1 The contract requires Dignity to provide a burial service that takes into account the different needs and cultural requirements of various faith groups. Therefore, although not specifically referred to in the contract, there is an expectation that graves will be provided which meet the needs of the Muslim community of Rotherham.
- 12.2 Approximately three years ago, there was significant dialogue between Council officers, local Councillors, Dignity representatives and local faith leaders in relation to the provision of lined graves. This resulted in a specification being developed that met the needs of the local community, at a reasonable cost. This specification has not been amended since it was agreed.
- 12.3 The provision of the graves for the Muslim community is not something that is easy to compare between local authorities. The construction of the grave varies considerably from one local authority to another, as does the period of time that the right of burial is purchased for. The method of construction in Rotherham is to a relatively high standard, this was due in a large part to the specific requests of the Muslim community in Rotherham. Lower cost options are available in other Council areas but the construction of the grave is to a much lower standard, in some areas they are simply a standard grave shored up with plywood.
- 12.4 The current cost of a lined grave (including interment charge) is £3,413. This provides the exclusive right of burial into the grave for a period of 100 years. By way of comparison, the cost of a lined grave in Sheffield is £3,777 (90 year lease). However, in Sheffield there is the option to purchase a grave with an exclusive right of burial for a 50 year period. This reduces the cost of the lined grave to £2,992. This illustrates the difficulty in making direct comparisons between local authorities, and also shows that the prices in Rotherham are not overly excessive when the totality of the service is considered.
- 12.5 The community are clear that they consider the costs in Rotherham to be excessive, and have likened the costs to a 'Muslim Faith Tax'. Although in comparison to other Council areas, the costs are not considered to be excessive, there is the clear perception that they are.
- 12.6 It would appear that this perception is very much influenced by the levels of dissatisfaction with other elements of the service (such as burials timings) and the lack of communication with the community in relation to the fees that are

charged (members of the community said that they did not understand why the fees were set at the level that they are, or what they are paying for).

- 12.7 One issue that has not been addressed previously is that there is a general lack of clarity over the specification and expectations in relation to lined graves in Rotherham. In order to address this, the Council and Dignity have agreed to undertake a review of lined grave options that are available in other Council areas. This will then produce a number of options that will be presented to Community Representatives in Rotherham (along with corresponding pricing information) who will then be asked to confirm their preferred specification. This will then become the template that is used for all lined graves in Rotherham.
- 12.8 This review work is still in the early stages, but is planned to be complete in time for the commencement of the fee setting process in February 2018. At the current time, there are three further options that are being considered in addition to the current model. Diagrams of the options for lined graves are attached at Appendix 7, and relate to:
- 12.8.1 A block lined grave with mortared joints built on a concrete slab base. Concrete sections will then be placed over the grave and the grave will be covered with soil prior to being turfed / seeded in due course. This is the current model.
- 12.8.2 A grave with timber lined walls and limestone chips placed directly onto the soil at the base of the grave. Concrete sections will then be placed over the grave and the grave will be covered with soil prior to being turfed / seeded in due course.
- 12.8.3 A grave with four upright posts at each corner, into which concrete sections will be placed along each of the walls of the grave. The base will consist of limestone chips being placed directly onto the soil at the base of the grave. Concrete sections will then be placed over the grave and the grave will be covered with soil prior to being turfed / seeded in due course.
- 12.8.4 Two pre-cast concrete sections being placed into the grave with limestone chipping base directly onto the soil. Concrete sections will then be placed over the grave and the grave will be covered with soil prior to being turfed / seeded in due course.
- 12.9 It has been agreed that periodic liaison meetings will take place between the Council, Dignity and representatives of the Muslim community in Rotherham. The schedule of such meetings will be agreed early in 2018.
- 12.10 In September and October 2017, the Strategic Director for Regeneration and Environment along with senior Councillors, undertook visits to three other Councils (Derby, Nottingham and Bradford) to assess the delivery of Bereavement Services in their areas relating to Muslim burials. Other than a review of the fees and construction of the graves, the site visits did not reveal any significant models to follow, or any better offers of services, compared to the high quality service offered in Rotherham.

### **13 Dignity's low cost funeral proposal**

- 13.1 The costs in relation to burials are fixed, however Dignity have introduced a number of options in relation to cremations.
- 13.2 The standard service involves a full committal service at the crematorium chapel lasting 30 minutes with associated attendees and music. The deceased is then taken from the chapel after the mourners have left and transferred to the crematory. Following cremation, the remains are contained within a polytainer to be presented to the funeral director/family. The fee for this service is currently £943 and includes all relevant medical certification and environmental levies.
- 13.3 Dignity offer a service that is almost identical to the one described above, the only exception being that the committal service must take place on Tuesday, Wednesday or Thursday at 9am. These times are not often used, and as a result Dignity are able to offer the service at a price of £802.
- 13.4 There is one other option provided by Dignity, this is referred to as an unattended cremation. These cremations take place Monday to Friday at either 8am or 8:15am. The funeral director delivers the deceased to the crematorium, where they are received by a member of staff and transferred to the crematory. The key difference with this service is that the family are unable to attend the service, and are not to be informed of the time that the cremation is due to take place. The service is the same in every other respect, however the cost is reduced to £499.
- 13.5 Dignity reserve the right to amend the timing of the unattended service at short notice (this is why the family are not to be informed of the timing of the cremation), this may occur for example if it would be a more effective use of staff to arrange for the cremation to take place later in the day (when there is a vacant slot for example).
- 13.6 The unattended service is targeted at families that have previously had a committal service at another venue, and do not wish to follow this with a committal at the crematorium.

### **14 Views of local funeral directors**

- 14.1 A number of meetings have taken place with local funeral directors who have voiced concerns in relation to their experiences with Dignity. The majority of the concerns related to administrative processes, and the lack of consistency between the current manager and a previous manager.
- 14.2 These issues have been raised with Dignity and a response has been provided to the funeral directors that raised the concerns. Dignity have now addressed the issues relating to the administration of the service, and have a stable management team in place that will assist in a consistent approach being taken.
- 14.3 It has been agreed that periodic liaison meetings will take place between the Council, Dignity and local funeral directors. These meetings will take place quarterly, the next such meeting being in January 2018.



## **15 Legal review of the Council's contract with Dignity**

15.1 In order to evaluate the effectiveness of the contract in delivering the outcomes desired by the Council, it was considered appropriate to seek an independent legal review of the contract. The Council instructed Ward Hadaway Solicitors to undertake this review.

15.2 Following their initial review, Ward Hadaway concluded the following:

15.2.1 There are options available to the Council to use existing contract mechanisms to address specific areas of concern and potentially to deliver improved service performance. There is also an option to seek formal variations to the existing contract to deliver changes and potential improvements. The Council would have to consider the allocation of Dignity's costs in such circumstances where a variation is to be sought, costs may simply be passed on to the service users and may also impact on the Guaranteed Sum payable by Dignity to the Council leaving Dignity in a cost neutral position.

15.2.2 It is accepted that there is generally a good working relationship with Dignity. In order to ensure appropriate contract management which complies with Council audit requirements, the Council must adopt more robust contract management arrangements. In the first instance this will mean utilising the existing contract mechanisms and may also involve some negotiation with Dignity to change certain aspects of the agreement such as Key Performance Indicators applicable to the Services.

15.2.3 It may be that in order to achieve 'buy in' from Dignity in relation to the change in approach, the Council needs to put a position forward that recognises that the Agreement has not been fully performance managed to date and that Dignity may well have benefitted from that where specific contract obligations have not been enforced but that they will be. The parties could agree to draw a line and agree a new 'bedding in' period in relation to full contract management and to work with Dignity to implement new structures, measures and information provision.

15.2.4 There is an obligation under the contract for a Project Liaison Group to be maintained throughout the period of the Agreement. This would be the appropriate forum for the parties to discuss any formal proposed changes to the agreement in the first instance and indeed any informal changes to the Council's approach to the management of the agreement.

## **16 Proposals**

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

16.2 **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.

- 16.3 **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.
- 16.4 **Performance Management Framework:** Reporting against the Performance Management Framework will begin in the final quarter of 2017/18.
- 16.5 **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.
- 16.6 **Maltby Cemetery:** Options identifying suitable land for burials will be produced during Spring 2018 and presented to members to consider future action.
- 16.7 **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.
- 16.8 **Memorial Benches:** It is proposed that options to provide communal memorial benches is considered to reduce costs, however, a verbal update will be provided.
- 16.9 **Grounds Maintenance:** It is proposed that the provision of grounds maintenance will be measured against the criteria described in the Performance Management Framework.
- 16.10 **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.
- 16.11 **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.
- 16.12 **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.
- 16.13 **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.
- 16.14 It is proposed that the Councils financial services are engaged in the process of financial monitoring of the contract.

## 17 Consultation

- 17.1 Extensive consultation took place during the development of the contract, this included:

- other local authority bereavement services
- local faith groups
- elected representatives (Councillors, MPs)
- staff affected by the proposal (including Trade Unions)
- service user representatives (such as Friend's Groups etc.)
- funeral directors
- members of the public

17.2 All responses were considered and informed the ultimate development of the proposals and subsequent contract documentation.

17.3 Further consultation with representatives of the Muslim community and elected members took place in relation to this report.

## **18 Timetable and Accountability for Implementing this Decision**

18.1 This report is for information only, no decision is requested.

## **19 Financial and Procurement Implications**

19.1 This report introduces no additional financial or procurement implications.

## **20 Legal Implications**

20.1 There are no specific legal implications that are introduced by this report.

## **21 Human Resources Implications**

21.1 This report introduces no additional human resources implications.

## **22 Implications for Children and Young People and Vulnerable Adults**

22.1 There are no specific implications in relation to Children and Young People and / or Vulnerable Adults that are introduced by this report.

## **23 Equalities and Human Rights Implications**

23.1 Dignity are required to undertake their obligations under the contract in a way that ensures that there is no discrimination on the grounds of culture, ethnic or national origins, gender, disability, age, sexual orientation, political or religious beliefs, socio-economic status, or any other matter.

23.2 Adherence to these requirements is assured by means of monitoring of complaints and other information that may indicate whether the service is being provided.

23.3 In addition, the requirement for Dignity to commit to the Council's Equality and Diversity Policy is detailed in the Performance Management Framework.

23.4 However, during the compilation of this report, it has become evident that Dignity may not be complying with the Public Sector Equality Duty that is incumbent on the Council.

23.5 This is a particular concern in relation to the setting of fees, and the delivery of burial services (particularly short notice burials) as it would appear to be the case that an Equalities Impact Assessment has not been completed in relation to either of these aspects of the service.

23.6 It is therefore critical that such an assessment is undertaken without delay, and that the findings of this assessment are used to inform any decisions in relation to the setting of fees and changes to services in the coming months.

23.7 The next fee setting process is due to commence in February 2018 – an Equalities Impact Assessment will be conducted as part of this process.

23.8 An Equality Impact Assessment will also be undertaken in relation to the delivery of the short notice burial service, with particular attention being paid to the restrictions that are placed on the timings for burials.

## **24 Implications for Partners and Other Directorates**

24.1 This report introduces no additional implications for partners or other directorates.

## **25 Risks and Mitigation**

### **25.1 Contract Management**

25.1.1 The contract with Dignity is self-monitoring: it is for Dignity to monitor its own performance and report to the Council accordingly. However the Council has the option to undertake its own monitoring should this be required.

25.1.2 The officer responsible for the management/monitoring of the contract has yet to be confirmed, however this role is being undertaken by the Licensing Manager in the interim period.

25.1.3 In order to ensure that the aims of the contract are being achieved, the Council has developed a Performance Management Framework described in Section 4 above. It is considered that the effective implementation of this framework will mitigate any risk associated with the requirements on Dignity's to deliver on all aspects of the contract.

### **25.2 Commercial Failure of Dignity Ltd.**

25.2.1 As a commercial organisation, Dignity are susceptible to commercial and financial pressures that may result in the failure of the company.

25.2.2 Such a failure would have an extremely detrimental impact on the delivery of the service within Rotherham.

25.2.3 In order to mitigate this risk, the Council undertakes regular financial monitoring of Dignity Funerals Ltd. and Glendale Countryside Ltd. in order to allow for the early identification of any financial instability in either company that may mean that the survival of the company is at risk.

**26 Accountable Officer(s)**

26.1 Damien Wilson, Strategic Director Regeneration and Environment

26.2 Ajman Ali, Interim Assistant Director, Community Safety and Street Scene

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

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

Appendix 1 – Service Improvement Plan

# **Rotherham Cemeteries & Crematorium Draft Service Improvement Plan**

# **Cemeteries & Crematorium Service Improvement Plan**

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## 1 Summary

This service improvement plan has been informed from several sources including its key stakeholders and external consultants. The information gathered informs the unit of the changes required to ensure that Rotherham's Cemetery & Crematorium Services are positioned as a quality provider of bereavement services, offering a service which will compare with authorities in the top quartile within the bereavement services sector.

The sources of consultation have included "Reachout", the Institute of Cemetery and Crematorium Management's "Best Value Assessment Process", Information from Customer Complaints, Staff Comments, Information gathered from the Yorkshire Benchmarking Group for Bereavement Services Organisations, Community groups including Friends of Cemeteries groups at Masbrough and Moorgate and the Muslim community, and a consultation document was commissioned through the Institute of Cemetery and Crematorium Management'

Many issues brought out in the consultations have been found to cross cut amongst various stakeholders, for example, making improvements to boundary walls, fences and roads and improving car-parking facilities.

Other Issues are identified as key to providing quality services that can be compared with other providers within the bereavement services sector. These were discovered in the Best Value Assessment Process. Many of the issues which require improvement here are procedural or where documentation is required to provide our customers with range of information. These issues may be tackled with existing resources provided staff time is made available to carry out the additional workloads.

There are other issues, which have been identified where because of external pressure from central government it will be necessary to make substantial resources available to conform with impending or existing legislation. These are chiefly:

The requirement to ensure that the cemetery memorial safety is tackled and that there is an effective programme to ensure that dangerous memorials are made safe at the same time as ensuring our grounds and monuments are preserved.

The requirement to improve the cremation process to ensure that mercury abatement is addressed

Other unavoidable external pressures on service which will require additional Capital resource will be the requirement to provide additional grave space as there are cemeteries which are nearing exhaustion for new grave space, new



cemeteries or extensions to those that are currently operational will need to be brought on line.

Additionally there are a number of other major improvements which are desirable to improve the facilities to the customers of the service in Rotherham which are viewed as poor when compared with some of our neighbouring establishments facilities. Some of these improvements may be seen as opportunities to diversify and to provide extra value and choice to our customers as well as providing the potential to generate additional streams of revenue income. Other improvements such as providing waiting rooms, consultation rooms and research rooms are basic facilities, which are presently inadequate at Rotherham.

This report will look at the current level of service in the service profile and look at the current Strengths and Weaknesses through a SWOT analysis. It will then give brief descriptions of the consultations and assessments which have been carried out to inform the process. From this information together with a look at the known external pressures on our service, some of which are unavoidable because of impending or existing Government legislation, the key issues are drawn into a plan. Within the plan there are eight issues, which are viewed as Service Improvement (referred to as SI within the table) requiring either a change or alteration to process within the current establishment / infrastructure. More substantially, there are a further eight service improvements which are major changes and require substantial Capital investment, these have been identified as Redevelopment plans (RD).

The Redevelopment plans may be viewed as modular, with the option to consider them as separate projects to be developed piecemeal according to priority and available resource; or, it could be possible to look at the whole package of improvements and redevelop the infrastructure within the site to tackle a range of improvements within one major project. These options where they are appropriate are indicated in the table.

## 2 Service Profile

Rotherham cemeteries & crematorium services provides the preponderance of the Borough's funeral facilities through 10 Borough cemeteries, acting as agents in 4 Parish Council cemeteries and through its crematorium at Ridgeway.

The service carries out 750 burials, 2000 cremations annually and makes provision for around 550 cemetery memorials and provides 160 cremation memorials each year. Additionally each year there are around 200 applications for entries into the crematorium's book of remembrance.

The unit also operates an enquiry service providing support and information to the users of the service such as general enquiry over grave locations, family historical research, information regarding burial and memorial rights etc. Currently in addition to funeral requests the unit deals with around 2500 service requests per annum

The service is delivered directly through its Cemeteries & Crematorium section within the Council's Neighbourhood Services. Grounds maintenance & grave digging activities are provided under contractual arrangements, as part of the current Councils Grounds Maintenance contracting arrangements.

A Best Value Assessment of the cemeteries and cremation service has recently been carried out using the Institute of Cemetery & Crematorium Management benchmarking process. The results of which in addition to carrying out SWOT analysis and consultation exercises with customers and specialist advisors from the burial & cremation industry have been used to inform this Service Improvement Plan.

### 3SWOT

#### Strengths

- Experienced dedicated staff committed to improvements
- Staff dedicated to deliver high standards of service
- Trained workforce
- Involved in networking
- Grounds are attractive and well maintained
- Understanding of our customer base
- Good understanding of customer care
- Good quality systems in place
- Understanding of our costs
- Good relations with contractors
- Good relations with stakeholders
- Modern working practices
- Up for change
- Seen as principle adviser in Borough
- Staff in place dedicated to memorial safety

#### Weaknesses

- Office facilities are not fit for purpose
- Waiting facilities are poor
- No parking facilities
- No refreshments available
- Poor facilities for family history research
- Our records are nor fully computerised
- We do not have sufficient staff to develop projects
- We are running short of burial space in some areas
- We need to develop better ways of consulting our stakeholders / customers
- We are the cash cow
- We need more resources to complete the memorial safety programme
- roads & walls in cemeteries in poor condition

#### Opportunities

- Could develop office complex
- expand range of services at crematorium refreshments /catering /flowers
- Could offer our expertise to others (memorial testing ) (warden services)
- expansion of memorial range
- Buildings at Moorgate could be utilised or sold

#### Threats

- Lack of investment / stagnation mediocracy
- Need to modernise cremation plant driven by legislation
- Cross boundary drift to more attractive facilities
- HSE have powers to impose improvements (memorial safety)
- Shortage of burial space

### **3.1 Key Issues from Swot**

#### **3.1.1 Strengths within the existing organisation**

The SWOT provides an illustration of the organisation with experienced staff who have commitment to quality services. The staff are open to new ideas and improvements and have a good understanding and positive approach to customer care. Staff are able to share our expertise with others e.g. memorial testing programme and they are already involved in networking with other Authorities.

There are effective quality systems in place which are reviewed regularly to ensure their effectiveness

A team in place dedicated to the issue of memorial safety

#### **3.1.2 Areas of potential improvement**

Increase the range of choice for memorials, Improve office, public buildings, car parking and provision of refreshment facilities.

There are some ancillary buildings at outlying cemeteries, which could be either brought into alternative / community use, or if not required should be demolished or sold off.



#### **3.1.3 Areas requiring urgent attention**

Roads and walls in some cemeteries are now in need of urgent attention.

The computerised administration service requires upgrading from the DOS

version which will no longer receive support in the near future and the cemetery and cremation records are required to be backed onto the computer data base.

The office and reception areas have been identified as unfit for purpose with cramped conditions for the staff and little or no room for private interviews with members of the public and inadequate space for family history research to be carried out.

#### **3.1.4 Unavoidable pressures on service**

Impending legislation will require upgrade to the cremators to provide mercury abatement plant. This will be a major capital cost.

The DDA will impose a duty for us to improve access to existing buildings or where buildings are modified.

The ongoing need for burial space will mean that further extensions to existing cemeteries will be required to meet burial demand. Within the next decade this will effect, East Herringthorpe, Maltby, Wath, and Greasbrough

## **4 Best Value Assessment**

The Institute of Burial & Cremation Administration has developed a proxy benchmarking process using the Charter for the Bereaved to compare levels and ranges of service comparative to other authorities who are providing bereavement services. The assessment process provides a valuable guide to Authorities who are undertaking Best Value or Service reviews, as well as scoring Authorities who are seeking Membership of the Charter for The Bereaved

Rotherham undertook this process in July 2003, by completing a self assessment questionnaire. The questionnaire has been scored by QLM, and the results show from a maximum of 660 points Rotherham is currently scoring 493, placing Rotherham at 63<sup>rd</sup> amongst 73 Authorities who have undertaken the same process.

The assessment has identified 14 areas for improvement which require attention in order to achieve the charter mark.

### **4.1 Areas requiring improvement**

There are 14 areas identified by the process which require attention so that Rotherham achieves charter status.

- One area for improvement involves a process change in cemetery memorial management.
- One area requires staff to be in membership of the Institute of Burial & Cremation Administration.
- 12 areas have been identified which require the provision of reference information or charter details to be made available or on display.

Once these areas have been resolved Rotherham's score could be increased by 70 points placing us around 41<sup>st</sup> of 73 in the country who have undertaken the same process.



## 5 Consultation

### 5.1 Rotherham Reachout

In Autumn 2002 the results from the 3<sup>rd</sup> Rotherham reachout survey were received, in general the service was thought to be in a good or very good by users of the service although some issues over car parking and security were of concern. Many customers thought that the service should be extended to offer cremations into the evening and at weekends and that they would be prepared to pay more for this enhanced level of service.

#### 5.1.1 Key issues from the Reachout consultation

One in five respondents had visited the Councils Crematorium or cemeteries once during the past year. A majority of respondent rated the burial and cremation services good or fairly good when visiting or attending a funeral. However around a third of the respondents were unsatisfied with car parking at the councils crematorium.



Three quarters of respondents thought that weekend cremation services should be made available and around half of those who responded thought that evening services should be available and would be prepared to pay an extra cost for this service.

## 6 Complaints

Complaints and customer comments are monitored internally within the section as well as corporately through the Performance and quality unit. Learning from complaints exercises are undertaken to inform where improvements can be made.

Levels of customer complaint are generally low, some 20 complaints being received and investigated during the past 24 months

Issues have included standards of grounds maintenance (7) Stolen items from graves (3) Staff behaviour (2) Memorial safety inspections (4) level of service (2) and policy issues (2)

All complaints are analysed during investigation and wherever it is possible to put in place improvements from the learning from complaints procedure this is done.

In addition a number of reports are received on security issues which are not always handled or recorded as complaints.

### 6.1 Key issues on learning from complaints and reports

A number of complaints and reports have a similar theme and warrant more attention. One of the key issues which is repeated in more than one location is our boundaries, which are not secure, leading to concerns over safety in the cemeteries as well as anti social behaviour issues in the local communities around cemetery locations.

Particular examples where concerns have been raised in the past in connection with boundary security are

- Moorgate cemetery, where our boundary adjoins the Canklow estate
- Masbrough cemetery where the boundary adjoins the school fields
- Wath cemetery, on Cemetery Road and Stump Cross Road
- Greasbrough cemetery adjacent to Whitehill Road

Additionally concerns are expressed regularly about

- Footpaths and Roads in Haugh Road cemetery, Wath cemetery and Moorgate cemetery
- The condition of cemetery chapels at Haugh Road, Masbrough and Moorgate



## **7 Community Groups**

Muslim community, friends of Boston Castle, Masbrough cemetery neighbourhood watch

### **7.1 Key issues from consultation with community groups**

Friends of Boston Castle Park & Cemetery

- Security boundary fences.
- Condition of buildings
- Heritage Lottery Funding bid for scheme to include historical trails / nature trails etc
- Raise awareness and increase the use of the cemetery
- antisocial behaviour & fear of crime

Masbrough Cemetery Neighbourhood Watch

- Security boundary fences
- Security & antisocial behaviour

Muslim Community

- Response to request for service, enhanced weekend service

## **8 Benchmarking Group**

This group is regularly attended and provides comparative information on issues which are current within the industry. The group provides a valuable platform to make comparison with other local authority service providers in the bereavement services sector. The group is currently working on developing performance indicators common to all authorities within the group that could also be recognised nationally.

## **9 Customer Satisfaction Surveys**

Currently there are no satisfaction surveys being carried out to ascertain the users satisfaction with our services on a regular basis. This is one of the recommendations given by the Institute of cemetery and Crematorium Management in their consultants report.

## **10 Institute of Cemetery & Crematorium Management**

In their consultation exercise the ICCM have drawn out the following key issues

### **10.1 Key Issues from Consultancy**

A range of public information needs to be made available to the public as required by the charter for the bereaved

E access needs to be addressed making information available electronically

Open days should be established

Further development of community links & friends groups

Use of questionnaires to gauge customers satisfaction

A review of all procedures and documentation of procedures is required

The charter for the bereaved should be adopted

Consider using the ICCM Excellence criteria / EFQM quality standards

Achieving charter Mark

Review of Cemetery & Crematorium Regulations

Disability Audit

Review of all Health & Safety risk assessment's and safe working practices

Continue memorial safety programme

Review potential income generation particularly memorials

Look to community involvement to create funding opportunities

Develop bereavement services business plan

Consider need for memorial renewal programme

Carry out review identifying private sector / partnership options

Raise staff competency through service sector specific training

Review charging policies with social inclusion in mind

Provide advice on alternative funerals

Develop bereavement services specific software to assist in e government compliance

Continue with ICCM best value assessments

Develop service using ICCM Excellence criteria

Develop service questionnaires

Achieve 90% of customers indicating good or very good service

Increase range of burial options

Review length of Exclusive rights of burial and right to erect memorials

Improve range of memorials and choice

Consider provision of florists

Consider catering / refreshment facilities

Improve footpaths roads etc

The report also highlighted external pressure on service

Further measures to improve pollution control requiring large capital expenditure and increased revenue costs

Management of cemetery memorials requiring increased revenue and capital costs

Government pressure on Local Authorities to increase the resources given to cemeteries services as a response to the select committees enquiry into cemeteries

Political pressure from local communities should the authority decide to pass the responsibility for bereavement services to the private sector without clear benefit to the community. Historically, private operation of cemetery services without the ability to create additional income has led to dramatic reduction in service provision and quality standards.

## **11 Consultation with Staff**

Staff make comments regularly and contribute freely to ideas for improving service.

Issues which staff are concerned over include

- Office accommodation for staff and visitors is not large enough
- Uninviting entrance to the cemetery
- Feasibility of selling flowers
- Refreshment facility for crematorium users
- Little room for family history research
- Car parking is inadequate
- Could increase range of memorials

## 12 Improvement Plan

Key Issue identified from	Ref	Description of Improvement	How addressed	Resources required	Additional benefit	Target date
BVAP	SI 1	Achieve Charter for the bereaved	14 key issues in BVAP + additional enhanced service features	Staff Time Will require membership of ICCM by at least 1 member of staff	Bring Rotherham into top quartile for bereavement services and indicate service which offers value for money	July 2005
BVAP Staff ICCM Benchmarking	SI 2	Electronic BOR	Acquire and market as an alternative memorial product	Set up cost £10 K	Potential additional income, more choice offered	2005 - 2006

Key Issue identified from	Ref	Description of Improvement	How addressed	Resources required	Additional benefit	Target date
SWOT IBCA Staff	RD 1	Develop Sale of flowers at East Herringthorpe	Requires improvements to or a new building development. Could be a 1 off project or part of Part of major development project to redevelop the whole complex at East Herringthorpe /	Capital £25 K or spend to save Staffing revenue growth £18k + Staff time to develop project Marketing  Rotherham Crematorium Would possibly require a partner to enter into a joint venture and operate as a trading company  Alternatively could be operated as a franchise this would limit opportunity to increase revenue income	Income generated potentially £30k p.a. local needs delivered locally, waste reduction	2006-2007
SWOT IBCA Staff	SI 3	Increase memorial choice	Develop new types of cremation memorials possibly at alternative sites	Revenue growth item to purchase / install columbarium / niches £15K to pump prime	Income generated greater customer choice.	2006
SWOT IBCA Staff	RD 2	Refreshment facility	Could be a single project or Could be Part of major re- development project	Capital £50k for building + Staffing Costs to operate	Income generated, filling local need locally.	2007

Key Issue identified from	Ref	Description of Improvement	How addressed	Resources required	Additional benefit	Target date
Complaints Staff Friends groups	SI 4	Security / boundary improvements	Rolling programme Wath, Moorgate, Masbrough, Greasbrough Lane, Maltby	Growth 20 K per anum	Addressing issues of safety and security	2005 – 2009
Reachout	SI 5	Evening cremation services	Requires feasibility study and pilot	Self financing Additional staffing required	Greater choice some additional income	2007
Reachoout Staff	RD 3	Car parking	Could be part of a major redevelopment	Capital £40K	Improve traffic flow within the complex.	
SWOT Staff ICCM	RD 4	Office unsuitable for purpose, reception interview room, records and archive centre, required	1. Refurb cemetery lodge & existing office accommodation as a one off or 2. could be part of a major programme to redevelop complex at East Herringthorpe	Capital programme £35K - £50K		2006
SWOT ICCM Staff	SI 6	Electronic access to all cemetery records	Backup all records	Additional staffing to enter back data	Provision of information over internet once all data has been captured	2007

Key Issue identified from	Ref	Description of Improvement	How addressed	Resources required	Additional benefit	Target date
Complaints Friends groups	SI 7	Improve roads & walls	Rolling programme	Growth item 20 – 30 K per annum	Safer cemeteries less claims against authority	2004-2008
SWOT Staff Legislative	SI 8	Completion of memorial safety programme	Increase warden staffing to enable increase in level of inspections and to get involved in remedial works to memorials identified as unsafe.	Staffing and revenue some resources already in place  Additional funding for safety rectification £30 K p.a revenue growth	Possibility to roll out service to others, i.e churches, parish councils, other authorities.could generate additional income	2007 and beyond
ICCM Legislative	RD 5	Upgrade Cremators to comply with anticipated requirements of EPA	Major Upgrade of cremators and alteration of crematorium building  Could be part of redevelopment of the complex at East Herringthorpe / Rotherham Crematorium	Capital expenditure £265K per cremator (x 2) + civil works to building est £100 K	Compliance  Reduced pollution Could enable Rotherham to be a key provider of bereavement services	Possible compliance date of 2010 ? or sooner guidance from Do E pending

Key Issue identified from	Ref	Description of Improvement	How addressed	Resources required	Additional benefit	Target date
Staff Funeral directors	RD 6	Waiting Room access is unsuitable as it shares the same entrance as the chapel entry	Could be part of a redevelopment or from capital programme as a one off project	£20 K	Better facilities for customers waiting for funeral services	
Staff Clergy Funeral directors	RD 7	Facility for bearers / Drivers and funeral directors			Improved facility for our stakeholders (funeral Directors)	
Staff Clergy Funeral directors	RD 8	Covered canopy for exit to chapel	Provision of covered route to where funeral limousines park at exit to crematorium	Capital programme or alternatively part of redevelopment at east Herringthorpe & Crematorium	Improved facilities to those attending funeral services	





# memorandum

## Finance and Customer Services



Contact  
Dave Todd

Extension  
54507

Date  
31<sup>st</sup> March 2017

To: Strategic Director Regeneration & Environment  
FAO: Assistant Director Community Safety & Street Scene  
cc Alan Pogorzelec – Business Regulation Manager  
cc Diane Douglas - R & E Liaison Manager

### Bereavement Service: Contract Monitoring Arrangements

I attach for your consideration a report prepared by my Internal Audit Division following the recent audit of the Council's contract monitoring arrangements for the bereavement service provided by Dignity Funeral Services. The principal findings and recommendations have already been discussed and agreed with the Assistant Director Community Safety & Street Scene.

The audit concludes that we can place 'No Assurance' on this area of contract administration. Consequently, we have made a number of recommendations to address this, which are contained in the agreed Action Plan (Appendix B of the Report).

Please note that officer 'responsibility' has not yet been allocated to each action, owing to the service currently undergoing a restructure and the various roles and responsibilities not having yet been fully determined. We have therefore provisionally agreed a six-month timescale for agreed actions 1 to 5 (agreed action 6 has already been implemented).

#### Audit Reports: Agreed Actions

Internal Audit is required to report to the Audit Committee any agreed actions that are not implemented within the agreed timescale within the Action Plan.

Financial Regulations (Page 38 of Intranet version), Regulation B – Risk Management and Systems of Control – Audit Requirements (para.143), states; it is the responsibility of Strategic Directors "To ensure that any agreed actions arising from audit recommendations are carried out in a timely and efficient manner".

Signature \_\_\_\_\_

David Webster  
Head of Internal Audit

**Internal Audit Report**  
**Bereavement Service: Contract Monitoring Arrangements**

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**Executive Summary**

**1. Background**

- 1.1 This audit summarises the findings from a review of contract monitoring arrangements with respect to Rotherham's Cemeteries and Crematorium Service which was undertaken in accordance with the 2016/17 Audit Plan.
- 1.2 In order to deliver a value for money and high quality bereavement service to the people of Rotherham, the Council sought to enter into a partnership agreement whereby another organisation would deliver the service in future. Following a procurement process Dignity Funeral Services (Dignity) was chosen to run the service on behalf of the Council. The Partnership agreement with Dignity began in August 2008 for a 35 year period.
- 1.3 The contract agreement allocates Dignity with responsibility for delivering an agreed programme of capital works and the ongoing maintenance of the Council's East Herringthorpe Cemetery and Crematorium and eight other Cemeteries within the Borough.
- 1.4 Revenue generated from the Service is retained by Dignity who pays the Council an annual fee over and above the income surplus generated by the Service when it was provided in-house. At the commencement of the agreement in 2008 the fee was £375k. The annual fee is indexed linked and for the operating period April 2015 to March 2016 totalled £475k.

**2. Scope and Objectives**


- 2.1 To provide assurance to Regeneration and Environment senior management that there are adequate contract monitoring arrangements in place with respect to the partnering agreement with Dignity. The objective of any contractor is to maximise profits, there is an obvious incentive for the contractor to exploit any perceived weaknesses in an organisation's control procedures and deliver the service below that specified in the contract.
- 2.2 The audit supports the Council s.151 officer (Strategic Director Finance & Customer Services) in the discharge of her responsibility to ensure the proper administration of the Council's financial affairs.

**3. Overall Audit Opinion**

The overall opinion is: **No Assurance.**

Position	Rating	Definition
	Substantial Assurance	Substantial assurance that the system of internal control is designed to achieve the service's objectives and this minimises risk.  The controls tested are being consistently and effectively applied. Recommendations, if any, are of an advisory

**Internal Audit Report**  
**Bereavement Service: Contract Monitoring Arrangements**

Position	Rating	Definition
		nature (1 star) to further strengthen control arrangements.
	Reasonable Assurance	Reasonable assurance that the system of internal control is designed to achieve the service's objectives and minimise risk. However, some weaknesses in the design or inconsistent application of controls put the achievement of some objectives at risk.  There are some areas where controls are not consistently and effectively applied and / or are not sufficiently developed.  Recommendations are no greater than medium (2 star) priority.
	Partial Assurance	Partial assurance as weaknesses in the design or application of controls put the achievement of the service's objectives at risk in a significant proportion of the areas reviewed.  There are significant numbers of areas where controls are not consistently and effectively applied and / or are not sufficiently developed.  Recommendations may include high priority (3 star) and medium priority (2 star) matters.
	<b>No Assurance</b>	<b>Fundamental weaknesses have been identified in the system of internal control resulting in the control environment being unacceptably weak and this exposes service objectives to an unacceptable level of risk.</b>  <b>There is significant non-compliance with basic controls which leaves the system open to error and / or abuse.</b>  <b>Recommendations will include high priority (3 star) matters and may also include medium priority (2 star) matters.</b>

This opinion contributes to Internal Audit's annual assessment of the Council's overall control environment, which in turn contributes to the production of the Council's Annual Governance Statement.

#### 4. Summary of Conclusions

Risk Assurance Objective	Assurance Level			
	Substantial	Reasonable	Partial	No
Adequate contract monitoring arrangements in place with respect to the partnering agreement with Dignity Funeral Services.				✓

**Internal Audit Report****Bereavement Service: Contract Monitoring Arrangements**

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- 4.1 The audit has confirmed that that there are no contract monitoring arrangements in place with respect to the partnering agreement with Dignity Funeral Services.
- 4.2 However, the lack of contract monitoring arrangements does not indicate that the Council is not benefiting from the agreement with Dignity. The agreement has benefited the Council by:
- Providing considerable capital investment since the start of the partnership including the upgrading of the existing cremators, improvements to the chapel and surrounding area, a new administration centre with reception, provision of additional car parking and the development and landscaping of the crematorium grounds.
  - Realising the Council a guaranteed annual income (index linked) currently in excess of £470k.
  - Reducing the Council's risks with providing a bereavement service. Responsibility for implementing the capital works and maintaining the East Herringthorpe Cemetery and crematorium along with eight other Rotherham cemeteries rests with Dignity. The Council's responsibilities in this area re: investment and maintenance have been reduced to cemetery chapels, associated buildings and boundary walls on some cemetery sites.

**5. Limitations relating to the Internal Auditor's Work**

- 5.1 The matters raised in this report are limited to those that came to our attention, from the relevant samples selected, during the course of our audit and to the extent that every system is subject to inherent weaknesses such as human error or the deliberate circumvention of controls. Our assessment of the controls, which are developed and maintained by management, is also limited to the time of the audit and cannot take account of future changes in the control environment.

**6. Acknowledgements**

- 6.1 Internal Audit would like to thank all involved for their assistance during this review.

**7. Appendices**

Appendix A - Assurance Objectives, Overall Conclusions, Key Findings and Recommendations

Appendix B – Agreed Actions

## **Assurance Objectives, Overall Conclusions, Key Findings and Recommendations**

### 1. Assurance Objective

**There are adequate contract monitoring arrangements in place with respect to the partnering agreement with Dignity Funeral Services (Dignity).**

- 1.1 Although responsibility for the role of 'contract monitoring officer' has been assigned to the Business Regulation Manager there has been little contract monitoring undertaken since the commencement of the partnership agreement. To date this has consisted of ad-hoc meetings with Dignity supported by telephone and email correspondence with Dignity throughout the year.

### Overall Conclusion

**There are no contract monitoring arrangements in place with respect to the partnering agreement with Dignity Funeral Services.**

### 2. Key Findings –Areas of Good Practice

The current arrangement with Dignity and the operation of the service by Dignity includes some areas of good practice, including:

- 2.1 There is a signed contract in place between the Council and Dignity for the redevelopment and maintenance of the Crematorium Facility and Cemetery Sites within the Borough of Rotherham. The contract adequately describes, in legal terms, the agreement between the Council and Dignity as to how the service is to be delivered and payments made, including:

- Details of the service to be provided and the appropriate standards to be achieved,
- Explanations of the obligations and responsibilities of both Dignity and the Council,
- Requirements in respect of such aspects as payments and variations to service delivery.

- 2.2 Both Dignity and the Council have a process for dealing with comments and complaints regarding the quality of the service. A comments and complaints handling system is a key element of performance management as this provides a continuous indication of service standards from those using the service.

### 3. Key Findings –Areas for Improvement

- 3.1 In order to provide management with assurance that the partnership agreement with Dignity is providing the people of Rotherham with a quality bereavement service delivered to a high standard whilst providing value for money, the Council needs to ensure that there are robust contract monitoring arrangements in place. As a bare minimum this should include:

- The monitoring of progress against the capital investment obligations of Dignity as stated in the contract document.

A recent report to the Improving Places Select Commission (14<sup>th</sup> September 2016) confirmed that most of the investment was now completed.

It is important that the contractor has in place a Programme for the completion of its capital investment, based on the requirements of the contract, and progress against the programme is regularly monitored by the Contract Monitoring Officer (CMO).

- The introduction of a formal reporting mechanism to show all comments and complaints received by Dignity and how these have been addressed. This should include regular reports to the CMO and a final 'sign-off' by the CMO. Customer comments and complaints should be regularly monitored by the CMO to determine whether they have been adequately addressed by the contractor.

It is understood that to a large extent the standard and quality of the service provided is 'self-monitored' by the users of the service. The services provided by Dignity are high profile and used by a large number of people during emotional periods of their life, therefore there is likely to be a high chance that substandard service provided by Dignity would be brought to the attention of the contractor or the Council quickly and possibly to the attention of the local media.

There have been no major issues raised with respect to comment and complaint handling of the contractor, and Dignity has not suffered from any adverse publicity that could impact on the Council's reputation.

- The implementation of a performance monitoring framework to monitor contractor performance against key performance indicators (KPI's) contained within the contract (contract reference: Schedule 4 – Payment Mechanism – Appendix 3).

The monitoring of KPI's is essential in determining whether the service is being delivered exactly as described in the contract specification.

- Holding regular scheduled meetings between the contractor and the CMO to discuss all aspects of the contractor's performance against the contract.
- The regular scheduled meetings between the contractor and the CMO should be minuted and these should be distributed to all in attendance.
- The CMO should provide regular updates to Members on the contractor's performance against KPIs and progress against the capital investment obligations of Dignity as stated in the contract document.

- The project account maintained by the contractor should be regularly monitored by the CMO in conjunction with support from Finance & Customer Services in order to provide assurance that the figures recorded in the accounts by the contractor are correct. Finance & Customer Services should be invited to the regular scheduled meetings between the contractor and the CMO to discuss any issues raised from this monitoring.
- The partnering agreement with Dignity should be included in the appropriate Council risk registers. The Council's risk management arrangements changed in recent years, moving from a corporately monitored stand-alone system to an intranet based spreadsheet document maintained by each Council directorate.

There used to be two risks contained within the register that related to this agreement:

*Risk Title: Performance Management*

*Description: Inadequate monitoring of performance criteria, statistics, income and profit sharing. Negative impact of service delivery if terms of performance criteria not being met. Failure to release full potential of service. Lack of verification of income and profit sharing arrangements.*

*Risk Title: Business Continuity/Sustainability*

*Description: Withdrawal of Dignity owing to insolvency or lack of profitability. Lack of expertise on RMBC side in event of loss of key personnel. Service transferred back to RMBC. Negative impact on service delivery. Reputational damage.*

#### 4. Recommendations

##### Recommendation 1

The CMO should ensure the standard of service delivery and requirements of the contract are fully met by Dignity.

##### Recommendation 2

A performance management framework should be drawn up based on contract KPI's, approved by senior management and implemented by the Contract Monitoring Officer. The framework should be RAG rated red, amber or green to indicate a high, moderate or little likelihood of impact on service or reputation, and allocated a monitoring frequency to each i.e. once a year, quarterly or monthly.

##### Recommendation 3

To ensure that the CMO or his representative has a clear understanding of their roles and responsibilities with regards to the Council's agreement with Dignity, staff instructions for routine inspection and performance monitoring need to be documented.



**Recommendation 4**

The Contract Monitoring Officer should hold regular meetings with the contractor throughout the year to discuss all aspects of contractor performance and service delivery. The meetings should be minuted to provide a permanent record of the items discussed. Any actions arising from the meetings should be noted on an action plan along with the officer responsible for their implementation. The actions should be monitored at subsequent meetings to completion.

**Recommendation 5**

Council Members should be provided with regular updates on the Council's agreement with Dignity. Any key performance issues that relate to service delivery and the progress against the contractors contractual capital obligations should be reported to the Improving Places Select Commission.

**Recommendation 6**

The appropriate Council risk registers should be updated to include the risks associated with the Council's agreement with Dignity and maintained in line with the Council's Risk Management Policy and Guide 2015

[http://rmbcintranet/Directorates/ACE/\\_layouts/15/WopiFrame.aspx?sourcedoc=/Directorates/ACE/Risk%20Documents/Risk%20Management%20Policy%20and%20Guide%202015.pdf&action=default&DefaultItemOpen=1](http://rmbcintranet/Directorates/ACE/_layouts/15/WopiFrame.aspx?sourcedoc=/Directorates/ACE/Risk%20Documents/Risk%20Management%20Policy%20and%20Guide%202015.pdf&action=default&DefaultItemOpen=1)

## Bereavement Service: Contract Monitoring Arrangements – Agreed Action Plan

<b>Priority</b>	***	<b>Fundamental</b>	<b>(Action considered necessary to avoid exposure to high risk)</b>
	**	<b>Significant</b>	<b>(Action considered necessary to avoid exposure to a significant risk)</b>
	*	<b>Merits Attention</b>	<b>(Action desirable to enhance control or value for money)</b>

Rec.	Recommendation.	Priority.	Responsibility	Agreed.	Comments.	Date.
1	The CMO should ensure the standard of service delivery and requirements of the contract are fully met by Dignity.	***	TBD	Yes	This will be determined following the re-structure of the service the identification of a lead role in connection to these recommendations.	01.10.17
2	A performance management framework should be drawn up, approved by senior management and implemented by the Contract Monitoring Officer. The framework should be RAG rated red, amber or green to indicate a high, moderate or little likelihood of impact on service or reputation, and allocated a monitoring frequency to each i.e. once a year, quarterly or monthly.	**	TBD	Yes		01.10.17
3	To ensure that the CMO or his representative has a clear understanding of their roles and responsibilities with regards to the Council's agreement with Dignity, staff instructions for routine inspection and performance monitoring need to be documented.	*	TBD	Yes		01.10.17
4	The Contract Monitoring Officer should hold regular meetings with the contractor throughout the year to discuss all aspects of	*	TBD	Yes		01.10.17

## Bereavement Service: Contract Monitoring Arrangements – Agreed Action Plan

Rec.	Recommendation.	Priority.	Responsibility	Agreed.	Comments.	Date.
	contractor performance and service delivery. The meetings should be minuted to provide a permanent record of the items discussed. Any actions arising from the meetings should be noted on an action plan along with the officer responsible for their implementation. The actions should be monitored at subsequent meetings to completion.					
5	Council Members should be provided with regular updates on the Council's agreement with Dignity. Any key performance issues that relate to service delivery and the progress against the contractors contractual capital obligations should be reported to the Improving Places Select Commission.	*	TBD	Yes		01.10.17
6	The Council risk register should be updated to include the risks associated with the Council's agreement with Dignity and maintained in line with the Council's Risk Management Policy and Guide 2015. <a href="http://rmbcintranet/Directorates/ACE/ layout s/15/WopiFrame.aspx?sourcedoc=/Directorates/ACE/Risk%20Documents/Risk%20Management%20Policy%20and%20Guide%202015.pdf&amp;action=default&amp;DefaultItemOpen=1">http://rmbcintranet/Directorates/ACE/ layout s/15/WopiFrame.aspx?sourcedoc=/Directorates/ACE/Risk%20Documents/Risk%20Management%20Policy%20and%20Guide%202015.pdf&amp;action=default&amp;DefaultItemOpen=1</a>	**	TBD	Yes	Added to the Community Safety and StreetScene Risk Register	30.03.17

# **Bereavement Services Performance Monitoring Framework**

**November 2017**



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## **Introduction**

The council's requirements with regard to the provision of bereavement services are contained within Schedule 1 to the Dignity / RMBC bereavement services contract. Dignity is required to monitor its performance in the delivery of the services in accordance with these requirements.

Dignity is expected to undertake and finance its own monitoring of performance against the contract, and allow provision for sample checking by the council. Each month, Dignity will prepare a performance monitoring report containing factual information regarding the performance of the services for the relevant contract month. The performance monitoring report should detail all events and failure events in the previous contract month, along with appropriate temporary rectification times and permanent rectification times (these terms are explained in Part 1 below).

On receipt of this information, the Council will assess the level of any deductions that need to be applied to the Gross Service Charge.

The council may elect to undertake its own performance monitoring at any stage during the agreement period. This could be for any purpose, including ensuring that the services are being provided in accordance with the agreement. Dignity will endeavour to assist the council in any reasonable way in such an exercise. In addition, the council is entitled to self-monitor any site at any time, by way of inspections or spot checks with no notice being given to Dignity. During any inspection or audit the Council shall be accompanied by a representative of Dignity (if requested by the council) – provided that the council has given Dignity reasonable prior notice of this requirement.

All sales income in relation to the delivery of the service by Dignity will be held in a project account. Each month, Dignity will receive a payment from the project account, this payment is termed the Gross Service Charge. There is provision in Schedule 4 to the Partnership Agreement for the council to make deductions to the Gross Service Charge should Dignity fail to meet the requirements contained within the contract. The facility for making deductions is detailed in Part 5 of this framework.

Any terms used in this framework have the same meaning as defined in the partnership agreement and the accompanying schedules as appropriate.



## **The Performance Monitoring Framework**

### **Part 1**

#### **Performance and Availability Events**

The Performance Monitoring Framework consists of two elements:

1. Availability requirements
2. Performance standards

The monitoring criteria for each of these elements are detailed in Parts 2 and 3 of this framework. An incident or state of affairs which does not meet or comply with the availability requirements and / or the performance standards is termed an 'event'.

Events are categorised as Super Priority, High priority, Medium Priority and Low Priority. The priority level for an event determines the notification period (the period within which the event must be reported to the helpdesk), and the temporary / permanent rectification times (the timescale within which the event must be temporarily / permanently rectified). The category of an event, and the appropriate notification periods, are calculated according to the table in Appendix 1 to this framework. The event category is also used to allocate a number of Service Failure Points to the event should it become evidence that the issue has become a failure event – this figure is used in the calculation of the deduction that is to be made to the gross service charge (see Part 4 of the framework).

Dignity are required to conduct an inspection to confirm:

1. whether the availability requirements are satisfied in relation to each zone at the beginning of each operational period of each contract day (the terms 'zone' and 'operational period' are defined in Part 2 of the framework); and
2. whether all monthly performance standards, which would not be derived from an inspection of the zones at appropriate times given the nature of the performance standard, have been satisfied.

Every such inspection shall be conducted diligently and promptly, and a log must be kept of each inspection. Appropriate records, documents and reports should also be kept to support the findings of the inspections – these must be made available to the council on request.

If Dignity becomes aware of an event, it must notify the 24 hour customer service facility ('the helpdesk') within the appropriate notification period. The help desk will then record the following information:

- the name of the complainant and other relevant details, to the extent that these are provided upon request;
- the zone that is subject to the occurrence (if any);
- the circumstances which are alleged to constitute an event and the possible cause and effect of such event;
- a classification of the event as either a potential availability failure or monthly performance failure – an event must be categorised as one of these;
- the priority level of the event and the resultant permanent and temporary rectification times which is applicable to the event; and
- the notification time.

Once the event has been reported to the helpdesk, Dignity should (as soon as reasonably practicable) appraise the circumstances of the event and log with the helpdesk a notice stating:

- whether in Dignity's opinion there is or is not an event;
- confirmation or re-categorisation of the event as an availability failure or monthly performance failure;
- confirmation or re-categorisation of the priority level and resultant permanent and temporary rectification time attributable to the event;
- whether Dignity consider that it cannot reasonably in the circumstances temporarily or permanently rectify the event within the appropriate temporary and / or permanent rectification time and the reasons for this inability; and
- if Dignity consider that there is no event, the reasons for this decision detailing all the circumstances.

Dignity are required to record the number of events (or alleged events) that have been logged with the helpdesk during a contract month (along with any notices subsequently logged with the helpdesk) and report these to the Council as part of the monthly performance monitoring report. Dignity are also required to notify the council should an event become a failure event

It is assumed that it will be Dignity who will notify the majority of events to the helpdesk; however the Councils representative, council related parties and users shall also be entitled to report circumstances to the helpdesk. These circumstances may constitute an event or failure event and should be processed as such by Dignity.

Once the event is temporarily / permanently rectified, Dignity must inform the helpdesk as soon as reasonably practicable.

Further details on the categorisation and reporting of events can be found in Part 2 of Schedule 4 to the Partnership Agreement.

## **Part 2**

### **Availability Requirements**

The council expects that the service will be available throughout the operational period of each of the zones to which the contract relates. The zones and corresponding operational periods are detailed in Appendix 2 to this framework.

The following comprise the availability requirements for each zone. Further information on the specific requirements is contained within Section 3 of Schedule 1 to the Partnership Agreement:

### **Access**

The buildings or grounds, or any entrances, doorways, halls, lobbies, reception areas, unloading bays, corridors, lifts, staircases or other common parts of, or serving the buildings, including the access roads or car parks are open, accessible and free from any obstruction or physical destruction or deterioration (save for fair wear and tear) so that the zone is reasonably capable of performing its function or allows access within, entrance to or exit from the relevant zone.

### **Use**

The zone is weather tight, has structurally sound building fabric and materials, fixtures and fittings.

### **Health & Safety management**

There are no breaches of legislation (including, without limitation, that in respect of health and safety).

### **Legislation**

Access to, and occupation or use of the zone by persons must not give rise to a breach of any appropriate legislation.

### **Water (hot and cold installations)**

The zone must have safe and continuous supplies of hot and cold water supplied to the zone for both washing and drinking in accordance with good industry practice and the use to which the water is intended to be put.

### **Drainage**

The sewerage and drainage systems at the sites are present and operating efficiently and effectively.

## **Ventilation**

Air changes within the zone are provided to the required air flow rates and extract rates, with the exception of naturally ventilated areas which indicate notional design concepts.

## **Heating (thermal comfort)**

Internal temperature levels must be at an appropriate level as detailed in section 3.20 of Schedule 1 to the partnership agreement.

## **Lighting**

Lighting is provided and lux levels within the zone are in accordance with the parameters set out in section 3.27 of Schedule 1 to the partnership agreement.

## **CCTV**

The CCTV security equipment or other equivalent security provision as it covers the zone is capable of performing its functions within the relevant zone as detailed in section 3.29.3 of Schedule 1 to the partnership agreement.

Where one or more of the availability requirements are not met during an operational period for a particular zone, then the incident / state of affairs should be considered to be an event and handled in accordance with the procedure detailed in Part 1 of this framework. However, it should be noted that Dignity have the option of utilising a replacement zone or alternative accommodation (as detailed in sections 4 and 5 of Part 2 of Schedule 4 to the partnership agreement) in order to mitigate the loss of availability at a particular zone.

Should an Availability Event become an Availability Failure then an Unavailability Deduction may be levied in accordance with Part 5 of this framework.

### **Part 3**

#### **Performance standards**

The Council has identified a number of Key Performance Indicators by which it will monitor the performance of Dignity against the requirements contained within the partnership agreement. These KPIs are reproduced at Appendix 3 to this framework document.

There are 17 KPIs that are made up of a total of 55 Key Performance Criteria. Each Key Performance Criteria has been assigned a priority level, these are detailed alongside each of the criteria in Appendix 3 to this framework document.

Dignity are required to carry out periodic inspections of their performance against each of these indicators. Should the inspection identify a failure against a key performance indicator (i.e. an event), Dignity must notify the helpdesk within the timescale detailed in Appendix 1 to this framework agreement. The priority of key performance indicator will dictate the appropriate notification requirements, along with the number of Service Failure Points that are allocated to the individual failure. As described in Part 1 to this framework, any events (along with failure events) must be reported through to the Council by way of the monthly performance monitoring report.

A failure in relation to a Key Performance Indicator is termed a “Performance Event” – should it become apparent that such an event have become a Performance Failure Event then a charge can be levied in accordance with Part 5 of this framework.

## **Part 4**

### **Failure Events**

An event shall be considered a failure event unless:

1. an excusing cause applies (see Appendix 4 of this framework);  
or
2. it is temporarily rectified and permanently rectified within the relevant time period (or rescheduled rectification time if appropriate – see below)

Should an event be classed as a failure event, the council may make deductions from the Gross Service Charge that is payable to Dignity in accordance with Parts 1, 3 and 4 of Schedule 4 to the partnership agreement. The making of deductions from the Gross Service Charge is the council's sole remedy in respect of failure events.

Dignity are obliged to inform the council of any failure events as part of the monthly performance monitoring reports that are provided to the council by Dignity. The report should make it clear whether the failure event is an unavailability failure or a performance failure.

Where an availability failure occurs eight or more times in the same zone in any three month rolling period (where each availability failure occurs in a separate operational period and excluding failures caused by vandalism) then there shall be no temporary / permanent rectification time taken into account and the event shall be considered to be an immediate failure event. Should this situation arise the monthly deduction will be increased by the factor identified in section 4.2 of Part 3 of Schedule 4 to the partnership agreement. The same is true of performance failures, however the number of occurrences will be six or more in any three month rolling period and the deduction increase factor is detailed in section 4.3 of Part 4 of Schedule 4 to the partnership agreement.

Dignity may, if it reasonably considers that it is unable to achieve any permanent rectification time, apply to the council for a rescheduling of the permanent rectification time. This can only be done if Dignity can demonstrate to the council's satisfaction that the conditions specified in Appendix 5 to this framework have been met. It should be noted that Dignity are still obliged to carry out a temporary rectification within the temporary rectification period.

If a rescheduled rectification period is agreed, this must be logged with the helpdesk by Dignity and the details included in the monthly performance monitoring report.

**Part 5****Failure event deductions**

A Failure Event may be an Availability Failure or a Performance Failure. In either case, a charge will be levied against the Gross Service Charge that is paid to Dignity each month. The net effect of this levy will be that the Gross Service Charge will be reduced, and an amount equal to this reduction being transferred from the Project Account to the Council. The aggregate of all deductions in each contract year cannot exceed 50% of the Nominal Service Charge for the contract year.

Where a deduction falls due in accordance with the provisions of this framework, the Council may decide at its sole discretion to not apply the deduction. Each deduction will be considered separately and on its own merits but if the deduction is waived in one month, this will not prejudice the Council's right to apply the deduction for the same Event in the following month nor will it prejudice the Council's rights generally in any other respect.

The amount of the deduction in following an availability or performance failure is calculated as shown below.

**Unavailability deduction:**

The unavailability deduction is made in accordance with the following formula:

$$UD = \frac{(NSCn \times AE \times FW \times ZW)}{OP} \times R$$

Where:

- UD = The unavailability deduction for an operational period calculated for the availability failure
- NSCn = The nominal service charge for the relevant month
- AE = The availability element of the nominal service charge (50%)
- FW = The percentage allocated to the site where the availability failure has occurred (see Appendix 2)
- ZW = The zone weighting allocated to the site where the availability failure has occurred (see Appendix 2)
- OP = The number of operational periods for which the relevant site is to be opened in the contract year (see Appendix 2)
- R = Repeat unavailability multiplier

The unavailability multiplier is applied whenever there are more than 8 Availability Failures in the same zone during a rolling three month period (excluding availability failures caused by vandalism). The multiplier is set out in the table below:

<b>Number of availability failures</b>	<b>Multiplier</b>
Up to and including 8	1.0
9 – 14 inclusive	1.5
15+	2.0

Performance deduction:

Where there is a monthly performance failure, a deduction shall be levied against the Gross Service Charge for each operational period during which the failure occurs. The charge will be levied until such time as the performance failure is permanently rectified, and shall be calculated as follows:

$$\text{MPD} = 7.50 \times \text{SFP} \times \text{R}$$

Where:

MPD = The Monthly Performance Deduction

SFP = The number of service failure points allocated to the failure (see below)

R = Repeat failure multiplier

The repeat failure multiplier is applied whenever there are more than 8 failures in the same zone during a rolling three month period. The multiplier is set out in the table below:

<b>Number of availability failures</b>	<b>Multiplier</b>
Up to and including 8	1.0
9 – 14 inclusive	1.5
15+	2.0



The number of Service Failure Points (SFPs) is calculated according to the priority of the performance criteria allocated to each KPI.

<b>Priority of the KPI that relates to the service fault</b>	<b>Number of Service Failure Points awarded</b>
Super	6
High	4
Medium	2
Low	1

## Appendix 1 – Categorisation of Events

	<b>Event</b>	<b>Notification Requirement</b>	<b>Rectification Period</b>	<b>Priority</b>
1.	An event that results in a delay to burial or cremation services.	Immediate notification	Matters involving delay to burial or cremation will be resolved without delay	Super Priority
2.	An event that would, if unrectified, lead to or continue to: <ul style="list-style-type: none"> <li>a) be a breach of health &amp; safety regulations;</li> <li>b) be a risk which could result in death or personal injury;</li> <li>c) be a risk that could lead to immediate damage to the site;</li> <li>d) prevent users from using the site in accordance with the availability criteria; or</li> <li>e) would lead to the council's reputation as a service provider being damaged or brought into disrepute.</li> </ul>	Immediate notification	Respond to the event and institute at least an interim solution within one hour of notification or detection by Dignity. Permanent resolution of issues to be achieved within five days of notification or detection by Dignity. Security matters must be permanently rectified within one day.	High priority

3.	<p>An event, which is not a high priority level described above, which, if unrectified, would lead or continue to be:</p> <ul style="list-style-type: none"> <li>a) a nuisance to the sites users and staff;</li> <li>b) a risk which would be likely to damage the site's building fabric or equipment within 24 hours; or</li> <li>c) could lead to a position where Dignity would be culpable of misadministration.</li> </ul>	<p>Prompt notification with regard to operational circumstances but without undue delay.</p>	<p>Respond to the event and institute at least an interim solution within four hours of notification or detection by Dignity. Permanent resolution of issues to be achieved within ten days of notification or detection by Dignity. Failure to do so becomes a high priority.</p>	<p>Medium Priority</p>
4.	<p>A service failure which is not a high priority level or medium priority level</p>	<p>Prompt notification with regard to operational circumstances but without undue delay.</p>	<p>Respond to the event and institute at least an interim solution within twenty four hours of notification or detection by Dignity. Permanent resolution of issues to be achieved within ten days of notification or detection by Dignity. Failure to do so becomes a high priority.</p>	<p>Low Priority</p>

**Appendix 2 – Zones and Operational Periods**

<b>Service Area</b>	<b>Number of zones and zone weighting</b>	<b>Basis of Measurement</b>	<b>Operational Period</b>	<b>Number of Operational Periods in the Contract Year</b>	<b>Percentage of Gross Service Charge Allocated to this indicator</b>
Crematorium Grounds	1  100%	Opening and locking of gates	2 periods per day  Summer (April – September) <ul style="list-style-type: none"> <li>• 9 a.m. – 2p.m.</li> <li>• 2 p.m. - 7 p.m.</li> </ul> Winter (October – March) <ul style="list-style-type: none"> <li>• 9 a.m. – 1 p.m.</li> <li>• 1 p.m. – 5 p.m.</li> </ul>	724	15%
Cemeteries:  Masbrough Greasbrough Rawmarsh – Greasbrough Lane Rawmarsh – High St Rawmarsh – Haugh Rd Wath Maltby Moorgate	8  12.5% per zone	Opening times	2 periods per day  Summer (April – September) <ul style="list-style-type: none"> <li>• 9 a.m. – 2p.m.</li> <li>• 2 p.m. - 7 p.m.</li> </ul> Winter (October – March) <ul style="list-style-type: none"> <li>• 9 a.m. – 1 p.m.</li> <li>• 1 p.m. – 5 p.m.</li> </ul>	724 X 8 zones	15%

Service Area	Number of zones and zone weighting	Basis of Measurement	Operational Period	Number of Operational Periods in the Contract Year	Percentage of Gross Service Charge Allocated to this indicator
Book of Remembrance	1  100%	Opening times	2 periods per day  (Monday – Friday) <ul style="list-style-type: none"> <li>• 9 a.m. – 1 p.m.</li> <li>• 1 p.m. – 4.30 p.m.</li> </ul> 1 period per day  (Saturday) <ul style="list-style-type: none"> <li>• 9 a.m. – 12.30 p.m.</li> </ul> (Sunday) <ul style="list-style-type: none"> <li>• 12 p.m. – 4.30 p.m.</li> </ul>	626	15%
Administration	1  100%	Opening times	2 periods per day  (Monday – Friday) <ul style="list-style-type: none"> <li>• 9 a.m. – 1 p.m.</li> <li>• 1 p.m. – 5 p.m.</li> </ul>	506	15%

<b>Service Area</b>	<b>Number of zones and zone weighting</b>	<b>Basis of Measurement</b>	<b>Operational Period</b>	<b>Number of Operational Periods in the Contract Year</b>	<b>Percentage of Gross Service Charge Allocated to this indicator</b>
Interments	1  100%	Opening times	2 periods per day  (Monday – Friday) <ul style="list-style-type: none"> <li>• 9 a.m. – 1 p.m.</li> <li>• 1 p.m. – 5 p.m.</li> </ul>	506	15%
Cremations	1  100%	Opening times	16 periods per day  (Monday – Friday) Based on 20 minute periods per day from: <ul style="list-style-type: none"> <li>• 9 a.m. – 5 p.m.</li> </ul>	253 X 16	25%



**Appendix 3 – Key Performance Indicators**

<b>KPI Number: 1 (Security and Management Services)</b>	
<b>Definition:</b> Security and management services to be undertaken in accordance with the annually agreed plan to reduce crime and anti-social behaviour in and around sites.	
<b>Required Outcome:</b> Provision of controlled access to the crematorium facility, memorial gardens and cemetery grounds for facility users, visitors and partners in service delivery.	
<b>Key performance criteria:</b>	<b>Priority:</b>
A register of permanently issued keys and their holders, including a list of key holders, shall be maintained and all keys held by the Dignity's staff must be kept secure by them at all times. A log will be kept of when temporarily issued keys are issued and returned.	L
Locks shall be changed if it is suspected by any authorised key holder, and agreed by the Council, that unauthorised keys are in circulation and any cost incurred shall be borne by the party who is responsible for their circulation.	M
Dignity shall react to intruder / fire alarms by attending the East Herringthorpe Crematorium site within 10 minutes during opening hours and 30 minutes at other times.	H
Tampering with, or stealing from cars parked at the facilities or in its grounds shall be deterred wherever Dignity has reasonable opportunity to do so.	L
Unauthorised parking, including unauthorised disabled space parking, shall be deterred wherever Dignity has reasonable opportunity to do so.	L
Fire detection and alarm systems, security systems and equipment, emergency lighting systems and wet and dry fire main installations and firefighting appliances to be tested, inspected and maintained in accordance with industry standards and statutory requirements. Malfunctions must be logged and remedied within agreed response times. All to be carried out in accordance with legal requirements.	H
A Fire Risk Assessment Record for each site should be carried out in accordance with The Fire Precautions (Workplace) Regulations 1997 / 1999.	L



<b>KPI Number: 2 (Planned Maintenance)</b>	
<b>Definition:</b> All planned maintenance of buildings, plant, grounds and infrastructure to be undertaken in accordance with the annually agreed plan. All responsive maintenance and repairs to be completed within agreed response times.	
<b>Required Outcome:</b> Dignity must state the expected remaining life (if any) of the key building elements, installations and equipment at the end of the contract, in line with this Agreement. Work must be carried out by appropriate qualified and/or skilled staff, in accordance with any relevant codes of practice or statutory provisions. Using proper materials of suitable and sufficient quality (of relevant British Standard or equivalent), and not using any deleterious materials.  Replacement materials used must be of the same quality as the original, as a minimum, unless the Council agrees otherwise.	
<b>Key performance criteria:</b>	<b>Priority:</b>
Disruption to the effective delivery of the operation of the facilities shall be limited to the extent identified in the Annual Maintenance Plan.	H
Carry out planned maintenance and asset renewal work in accordance with the Annual Maintenance Plan and update the Health and Safety File upon completion. This shall include the Cemetery Street Furniture Maintenance (such as memorial benches and seats, litter bins and gates).	L
Full records shall be kept of all reports and transactions concerning works to the premises, or alterations to services, arising from whatever source and for whatever purpose in accordance with the Council's Requirements.	L
Carry out the test and inspection of electrical and mechanical services and equipment in accordance with the relevant frequencies and timescales. Update the Health and Safety File upon completion.	M
When carrying out any infrastructure work, Dignity must comply with the requirements of the appropriate local authorities and utility companies. All necessary statutory approvals must be adhered to.	H
Gas leaks or suspected gas leaks shall be reported urgently to the gas supplier and the Council and records shall be kept of any gas leaks together with the reasons and any action taken to restore safe supplies.	H

<b>KPI Number: 3 (Signage)</b>	
<b>Definition:</b> All signage at the facilities shall be authorised, relevant, clearly legible and maintained in good order.	
<b>Required Outcome:</b> Signage within the Crematorium and Cemeteries Facilities shall provide clear directions for all users, including those from ethnic minority groups and which is uniform in style across the Crematorium and Cemeteries Facilities and complies with DDA requirements.  Signage to provide clear directions for "users with disabilities" is also covered in the section on inclusive design, with the reference to the 'Sign Design Guide'.  All Signage to shall comply with the provision set out in the contract.	
<b>Key performance criteria:</b>	<b>Priority:</b>
All signs in the Facilities (including temporary signs) shall be clearly legible and illuminated (where relevant) and maintained in good order. All temporary signs shall be provided or removed promptly where appropriate, such as maintenance operations, in accordance with the Council's Requirements.	M
All external light fittings to be working at all times	M

<b>KPI Number: 4 (Grounds Maintenance)</b>	
<b>Definition:</b> Grounds maintenance services to be carried out in accordance with the agreed method statements and works information specific to grave digging and grounds maintenance in Rotherham's cemeteries.	
<b>Required Outcome:</b> The effective maintenance of hard and soft landscaping, including roads, footpaths and hardsurfacing, grave sections, open space, memorial gardens, arboriculture and all horticultural features.	
<b>Key performance criteria:</b>	<b>Priority:</b>
All sites to be maintained in accordance with the agreed method statements and to a minimum standard, with particular attention being paid to: <ul style="list-style-type: none"> <li>• Grass Maintenance</li> <li>• Hedge Maintenance</li> <li>• Horticultural Features Maintenance</li> <li>• Arboricultural Work</li> <li>• Litter and Cleanliness</li> <li>• Pesticides</li> </ul>	M
All site road and footway surfaces to be maintained with a smooth, unencumbered surface.	M
All main access roads, paths and footways shall be kept clean in accordance with the Council's Requirements and weeds, clippings, and any similar material on roadways and pedestrian paths are to be removed.	M
Provide for the removal of water run-off and sewage from the site by ensuring that all drains, sewers, gullies and on site treatment is maintained free from obstructions and unpleasant or unreasonable odours.	H
All main access roads, paths and footways shall be kept clear of snow and ice and be gritted as necessary to keep in a safe condition.	H

<b>KPI Number: 5 (Building Cleaning)</b>	
<b>Definition:</b> Building cleaning to be undertaken in accordance with the agreed method statements.	
<b>Required Outcome:</b> Standards of cleanliness that maintain a healthy and safe environment and promote a positive image to service users and partners in service delivery.	
<b>Key performance criteria:</b>	<b>Priority:</b>
All sites to be maintained in accordance with the agreed method statements and to a minimum standard as provided in the Cleaning and Waste Management Performance Standards.	M
Stains and graffiti that are not removable by cleaning are to be reported to the Council within two hours of notification or detection by Dignity. Graffiti that is not removable by cleaning are to be painted over if so requested by the Council (acting reasonably) within four hours from the time of the instruction.	M (H in relation to offensive graffiti)
Checks to be carried out of toilets in the Facilities and supply provision at regular periods during the day. Waste receptacles are to be in their agreed position in a clean condition with sufficient space for waste disposal after each cleaning visit.	H
Plant rooms and housings are to be clean and tidy, free of water, oil or other spillage. Also free of all materials not directly related to the function.	M
Drains and gullies, scum channels and outlets, pumps and filters are to be kept free from obstructions or contaminants.	M

<b>KPI Number: 6 (Pest Control)</b>	
<b>Definition:</b> Pest control services to be undertaken in accordance with the annually agreed strategy.	
<b>Required Outcome:</b> Provide a Method Statement on controlling pests and rodents.	
<b>Key performance criteria:</b>	<b>Priority:</b>
Dignity shall develop and implement a strategy for controlling pests and rodents. This will be a combination of preventative and reactive measures to ensure as far as is reasonably possible a pest and rodent free environment, especially in buildings, without the creation of a human health or safety hazard or a present or future environmental risk. Records shall be kept of any pest and rodent control measures and incidents together with the action taken.	M

<b>KPI Number: 7 (Emergency / Contingency Planning)</b>	
<b>Definition:</b> The provision of effective plans and identified resources for times of emergency, disaster, pandemic, breakdown or catastrophic breakdown. Resources must be available in accordance with the annually agreed emergency plan.	
<b>Required Outcome:</b> Capability for planning an effective response during times of an emergency, disaster or catastrophic breakdown of plant, equipment or burial and cremation services.	
<b>Key performance criteria:</b>	<b>Priority:</b>
Provision of an Emergency and out of hours response and access to information in accordance with required outcomes and the performance standards required for key holder responsibilities.	H
Provision of an agreed, effective business continuity plan identifying key areas of risk, resource implications and planned action to negate risk.	H
Specific plans for a pandemic which feeds into the Council's plans for a pandemic.	L

<b>KPI Number: 8 (Customer Satisfaction)</b>	
<b>Definition:</b> The provision of an agreed method of assessment of customer satisfaction and levels of satisfaction to agreed targets.	
<b>Required Outcome:</b> Current levels of customer satisfaction with Bereavement Services will be established to provide a baseline for future comparison with services provided by Dignity. The Council and Dignity will agree targets that will be regularly reviewed by the parties with the aim of continually improving customer satisfaction ratings.	
<b>Key performance criteria:</b>	<b>Priority:</b>
A report detailing all complaints from customers is to be provided to the Council on a monthly basis, with quarterly summaries, outcomes and trends. Dignity shall keep records of all comments and complaints from customers which must be maintained including the date and time of each along with the response of the partner to a customer complaint.	M
Complaints of a "serious nature" from customers must be notified to the Council within 1 working day of receipt. A "serious nature" includes major contraventions of Health & Safety Regulations and public or staff misconduct of a sexual nature.	H
Provide annual statement on customer satisfaction levels including plan for improvements.	M

<b>KPI Number: 9 (Burial Services)</b>	
<b>Definition:</b> Provision of sensitive & legally compliant burial facilities. Burial services to be carried out in accordance with the agreed method statements and works information specific to grave digging and grounds maintenance in Rotherham's cemeteries.	
<b>Required Outcome:</b> Burial services delivered to a high quality, in a sensitive and appropriate manner.	
<b>Key performance criteria:</b>	<b>Priority:</b>
The provision of environmentally friendly burial options.	L
Compliance with Policies, general rules and regulations relating to the Management of its Cemeteries and Crematorium (latest revision Nov 2007) and future revisions agreed by Dignity and the Council.	L
Provision of short notice burial facility 7 days per week in accordance with Council's Policies, general rules and regulations relating to the Management of its Cemeteries and Crematorium (latest revision Nov 2007), within agreed resource constraints.	S

<b>KPI Number: 10 (Records Management)</b>	
<b>Definition:</b> Records are to be managed in accordance with the Council's Records Management Policy.	
<b>Required Outcome:</b> The effective management of paper or electronic records to protect the Council's business in compliance with the provisions and intent of the Council's Records Management Policy.	
<b>Key performance criteria:</b>	<b>Priority:</b>
Dignity must conduct its management of records in accordance with the Council's Records Management Policy. Performance in line with the Council's policies on Data Protection and the Freedom of Information Act.	L
Secure storage for registers and records conforming to BS5454:2000 in line with agreed proposals.	L
Restoration of and redrafting of cemetery plans in line with agreed proposals.	L
Digitized capture of registers to be made available on the internet in line with agreed proposals.	L

<b>KPI Number: 11 (Management Information)</b>	
<b>Definition:</b> Management information is to be provided in accordance with agreed timescales.	
<b>Required Outcome:</b> Provision of management information in relation to the Council's corporate management framework including information required by external government bodies and inspectorates for which the provision of specific management information is required.	
<b>Key performance criteria:</b>	<b>Priority:</b>
Provide evidence of commitment to the Council's Equalities & Diversity policy, Records Management Policy and Health and Safety Policy by annual statement reporting on progress and key measures to be undertaken.	L
Demonstrate compliance with the Council's Customer Care Standards through annual statements providing detail of outputs.	L
Provide annual statement on business continuity arrangements including action plan for pandemic and risk assessment.	L

<b>KPI Number: 12 (Bereavement Charter improvement plan)</b>	
<b>Definition:</b> Reporting on the annual Bereavement Charter improvement plan to be on target.	
<b>Required Outcome:</b> Dignity will be required to adopt the Charter for the Bereaved for the Services and shall participate in the Institute of Cemetery and Crematorium Management (ICCM) Best Value Self-Assessment process as the principal measure of performance and continuous improvement. The Service Provider shall, as a minimum standard, meet all the Charter Rights and existing Charter targets as achieved by the Council.	
<b>Key performance criteria:</b>	<b>Priority:</b>
Submit Annual Charter for the Bereaved assessment by 31st January.	L
Provide the Annual Charter for the Bereaved Improvement Plan within 28 days of the receipt of the Charter report.	L

<b>KPI Number: 13 (Administration)</b>	
<b>Definition:</b> Provision of a comprehensive bereavement service administration service delivering high quality assistance and advice to customers.	
<b>Required Outcome:</b> Bereavement Services administration provided at a high quality, providing a full range of advice and assistance to customers, the bereaved and other partners in service delivery.	
<b>Key performance criteria:</b>	<b>Priority:</b>
Response to enquiries by person, telephone, email and post should be in accordance with the Council's Customer Care Standards.	L

<b>KPI Number: 14 (Cremation Services)</b>	
<b>Definition:</b> Provision of legally compliant & sensitive cremation facilities.	
<b>Required Outcome:</b> Cremation services provided at a high quality, to the Council's communities in a legally compliant, sensitive and appropriate manner.	
<b>Key performance criteria:</b>	<b>Priority:</b>
Cremation Booking system available 24 / 7	M



<b>KPI Number: 15 (Memorial Options)</b>	
<b>Definition:</b> Provision of a range of affordable crematorium memorial options that offer choice and value for money to the bereaved, together with the safe and effective management of cemetery memorials.	
<b>Required Outcome:</b> The provision of a range of affordable crematorium memorial options that offer choice and value for money to the bereaved, together with the safe and effective management of cemetery memorials.	
<b>Key performance criteria:</b>	<b>Priority:</b>
Provision of an affordable range of memorials in accordance with the proposals and prices of existing schemes agreed with the Council.	L
Provision of an effective Memorial Masons Registration scheme with an annual system of registration.	L
Effective control and monitoring of all applications for work on cemetery memorials in accordance with the Council's Policy for the management of cemetery memorials.	M
Provision of an effective plan for systematic testing of all cemetery memorials and progress in accordance with agreed timescales. Testing protocols and procedures to be in accordance with the Council's policy for the Management of Cemetery Memorials.	L

<b>KPI Number: 16 (Community Engagement)</b>	
<b>Definition:</b> The involvement of members of the public, staff, local communities, users of the services, interest groups and partners in service delivery to respond to local need and promote a culture of bereavement services continuous improvement and strengthening of local democracy.	
<b>Required Outcome:</b> Engagement with Parish Councils, Liaison Groups, Friends Groups, Other Council Departments and External Agencies.	
<b>Key performance criteria:</b>	<b>Priority:</b>
Minuted meetings of liaison group to take place at least bi-annually.	L
Evidence of consultation with, and support, to Friends groups within each cemetery site (where appropriate).	L

<b>KPI Number: 17 (Cemetery Management)</b>	
<b>Definition:</b> The effective management, control and regulation of the cemeteries service in accordance with statutory provisions and local byelaws.	
<b>Required Outcome:</b> Maintenance and enforcement of the existing Cemetery Rules and Regulations, and ensuring that all relevant legislation and statutory instruments are strictly adhered to. There must be effective management of memorials and commitment to the Memorial Masons Registration Scheme and the submission of an annual report to the Council on memorial safety detailing the number inspected, the number found to present a danger, the number rectified and any variance from the programme.	
<b>Key performance criteria:</b>	<b>Priority:</b>
Carry out a review of Policies annually or when a new policy is formulated. Consult Council on changes and update documentation accordingly.	L
Report to Council appointed officer on any breaches of statutory provisions, policies rules and regulations within 24 hours of a breach.	H



#### **Appendix 4 – Excusing Causes**

Should an event be subject to a 'excusing cause' it cannot be considered to be a failure event. Excusing cause means any of the following:

- a) the proper carrying out of maintenance or capital works in accordance with the relevant agreed maintenance or capital programme;
- b) a council default (as defined in the partnership agreement);
- c) the occurrence of a compensation event;
- d) the proper carrying out and putting into effect any works or a council
- e) change and / or a change resulting from a qualifying change in law;
- f) the written instruction of the council's representative notified to Dignity that a particular activity / activities to be performed pursuant to the Council's requirement cease to be performed as a direct result of which an event occurs;
- g) step-in by the council;
- h) any failure in the external areas or inability to obtain access to the site, or any failure in any of the services due the there not being sufficient minimum levels of staff required to satisfy health & safety requirements at the site due to extreme adverse snow, ice, storm or flooding provided that Dignity have taken all reasonable measures to mitigate such conditions;
- i) the proper carrying out by Dignity of the council's instructions on the occurrence of an emergency;
- j) a force majeure event;
- k) any act or omission of any provider of utilities or statutory undertaker (and in each case, any of their respective agencies, employees, providers or other persons for whom it is responsible) except where such an act or omission is the result of an act or omission on the part of Dignity; or
- l) the council making a specific request of Dignity, or giving specific instructions to Dignity, (in either case against the reasonable advice of Dignity) and which prevent Dignity from meeting the relevant performance standard.



**Appendix 5 – Criteria for the rescheduling of rectification times**

Dignity may, if it reasonably considers that it is unable to achieve any **permanent** rectification time, apply to the council for a rescheduling of the rectification time. In order to do this, Dignity must be able to demonstrate to the council's satisfaction that:

- a) the activity required to achieve permanent rectification is better carried out at a later time having regard to the operation or use of the sites, or programmed maintenance is scheduled to be carried out within a reasonable period which would rectify the failure event (either availability or performance related);
- b) Dignity does not have in stock a part which is necessary to achieve permanent rectification provided Dignity can demonstrate that it is maintaining stock in line with good industry practice;
- c) Dignity does not have in stock or is unable to replace a part which is necessary to achieve permanent rectification due to the obsolescence of that part, and Dignity could not reasonably have foreseen such obsolescence or (if it could have reasonably foreseen such obsolescence) it could not have mitigated its effects by taking reasonable steps.

Nothing in this appendix shall relieve Dignity of its obligation to effect a temporary rectification.

**Appendix 4 - Burial Fees*****New Graves Including Interment Monday to Friday***

<b>New adult burial for one / two in an earthen plot</b>	£ 2,268.00
<b>New adult burial in a single lined grave</b>	£ 3,413.00
<b><u>Itemised Cost - Burial Section</u></b>	
Exclusive Right of Burial for an Adult Grave for 100 years	£ 1,036.00
Exclusive Right of Burial in a Cremation Plot for 100 years	£ 612.00
Lined grave	£ 1,145.00
<b><u>Use of Chapel for Burial Service</u></b>	
Monday to Friday (except Bank Holidays)	£ 472.00
Saturday Morning	£ 943.00
<b><u>Services for Burial</u></b>	
Interment Fee, new & Re-Open depth for One/Two	£ 1,232.00
Interment Fee, New & Re-Open depth for Three/Four	£ 1,323.00
Extra width (coffin 28" or greater in width)	£ 137.00
Interment Fee, for Cremated Remains	£ 538.00
Interment of a child exceeding 2 mths (but less than 16yrs)	FOC
Interment of an infant not exceeding 2mths (inc NVF & Stillbirth)	FOC
Scattering of Remains on a Grave	£ 86.00
Charge for a weekend burial (additional to all other charges)	£ 458.00
Top up of Grave – (if last interment over 1 year ago)	£ 58.00
Exhumation for cremated remains	£ 353.00

**Appendix 5 - Cremation fees**

<b><u>Adult Cremation Services</u></b>	
<i>(we no longer charge separately for Medical referee, Polyurn or Certificate)</i>	
Full / Committal Service for Adult of 16 years or above (Mon to Fri)	£943.00
Extra Chapel Time	£472.00
Service on a Saturday morning (between 9:00am and 10:00am)	£1,415.00
Unattended Cremation 8:15 and 8:20 am Monday to Friday	£499.00
<b><u>Children's Cremation Services</u></b>	
Full / Committal Service for Child of less than 16yrs (Mon to Fri)	FOC
Child Service Saturday (between 9:00am and 10:00am)	£943.00
NVF Hospital Contract	n/a
<b><u>Services for Cremation</u></b>	
Cremated Remains From Another Crematorium	£86.00
Exhumation of Cremated Remains	£353.00
Scattering of ashes on a Saturday/Sunday @ 10:00am (no Service)	£86.00
Split Ashes (Each)	£31.00
Certified copy of an entry in Cremation register	£27.00
Search fees for Cremation or Burial (per hour)	£31.00
Cremation of Retained Organ	£246.00
Cancellation of Memorial Agreement	£92.00
<b>Adult Fee includes provision of music, use of Chapel, polyurn, certificate &amp; scattering of Ashes in the Gardens of Remembrance, excluding weekends. Organist to be arranged by Funeral Director or Minister</b>	
<b>No Services Good Friday, Easter Sunday, 25<sup>th</sup> &amp; 26<sup>th</sup> December and 1<sup>st</sup> January.</b>	



**Appendix 6 - benchmarking information**

**Rotherham MBC Bereavement Services Fees - 2013 onwards**

	<b>2017/18</b>	annual increase	<b>2016/17</b>	annual increase	<b>2015/16</b>	annual increase	<b>2014/15</b>	annual increase	<b>2013/14</b>
<b>Adult Burial</b>	£2,268.00	7.0%	£2,119.00	7.0%	£1,981.00	3.1%	£1,921.00	5.0%	£1,830.00
<b>Adult Cremation</b>	£943.00	7.0%	£881.00	6.9%	£824.00	7.2%	£769.00	7.6%	£714.50
<b>Child Burial</b>	0	n/a	0	n/a	0	n/a	0	n/a	0
<b>Child Cremation</b>	0	n/a	0	n/a	0	n/a	0	n/a	0
<b>Lined grave (adult)</b>	£3,413.00	7.0%	£3,190.00	7.0%	£2,981.00	2.1%	£2,921.00	-6.7%	£3,130.00

**Comparison Information (2017 fees)**

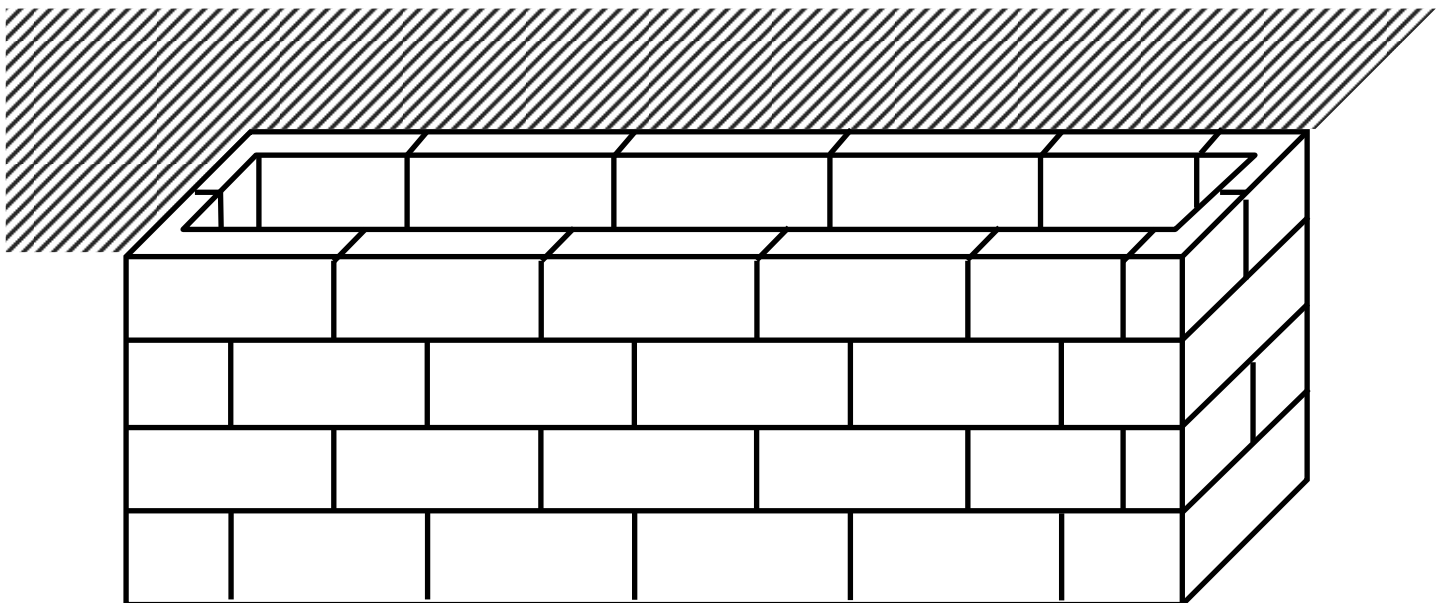
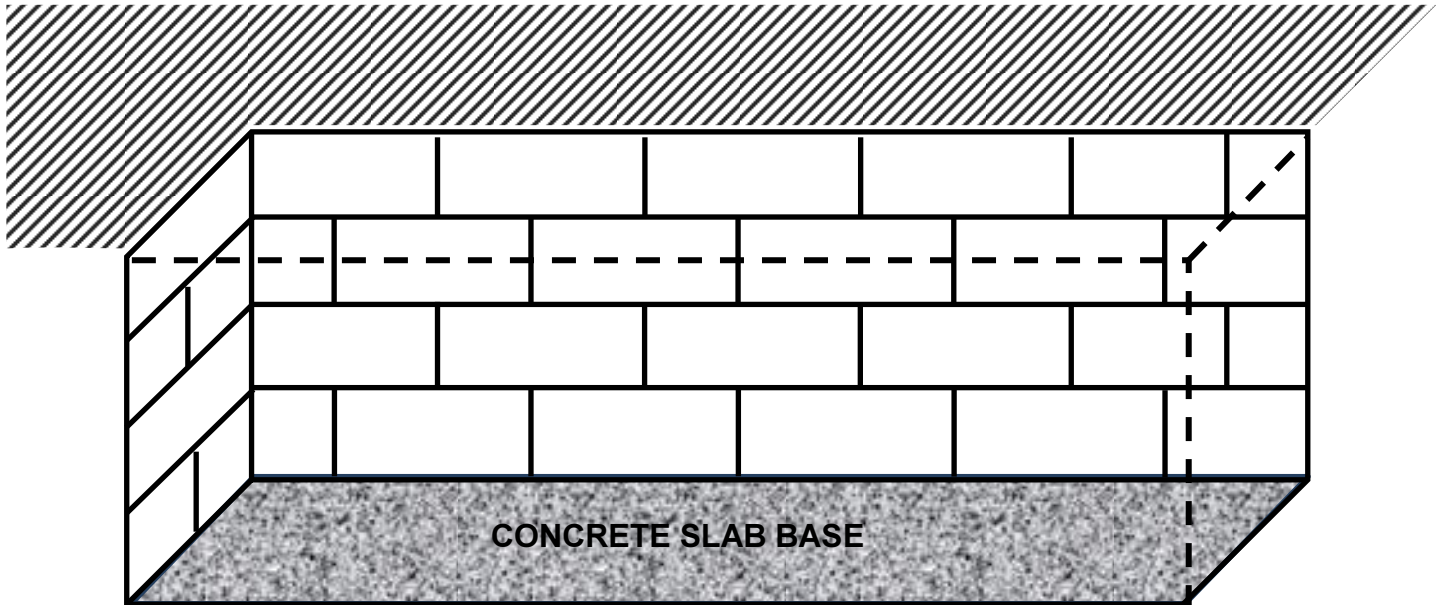
	<b>Adult Burial</b>	<b>Adult Cremation</b>	<b>Child Burial</b>	<b>Child Cremation</b>	<b>Lined grave</b>	<b>Additional comments:</b>
North Tyneside	£1,490.00	£706.50	£681.00	£0.00	INA	50 year exclusive right, additional 50 years costs £681
Bolton	£1,395.00	£675.00	£1,395.00	£0.00	INA	2016 prices, 99 year exclusive right
Barnsley	£1,711.00	£737.00	£510.00	£240.00	£2,202.00	99 year exclusive right
Doncaster	£1,892.00	£715.00	£585.00	£335.00	INA	50 year exclusive right, additional 50 years costs £987 (£440 child)
Wakefield	£2,084.00	£829.00	£1,258.00	£124.00	£2,687.00	
St Helens	£1,444.00	£605.00	£272.00	£0.00	INA	50 year exclusive right, additional 50 years is £261
Calderdale	£2,740.00	£707.00	£755.00	£235.00	£3,400.00	75 year exclusive right, child is less than 12 years

Gateshead	£2,158.00	£724.00	£710.00	£38.00	£2,783.00	Coffin cover replaces lined grave
Kirklees	£1,815.00	£699.00	£1,234.00	£224.00	£2,559.00	50 year exc right, additional 50 yr costs £989
Wigan	£1,619.00	£699.00	£779.00	£0.00	£1,879.00	Lined grave is timber only
Dudley	£2,984.00	£812.00	£2,009.00	£97.00	£3,144.00	75 yr lease - includes initial headstone
Walsall	£3,156.00	£781.00	£2,369.00	£274.00	INA	
Tameside	£1,595.00	£675.00	£740.00	£0.00	£2,230.00	
Rochdale	INA	INA	INA	INA	INA	
Knowsley	£1,485.00	INA	£1,015.00	INA	INA	
Rotherham	<b>£2,268.00</b>	<b>£943.00</b>	<b>£0.00</b>	<b>£0.00</b>	<b>£3,413.00</b>	100 year exclusive right, lined grave lined with block and concrete cover
Min	£1,395.00	£605.00	£0.00	£0.00	£1,879.00	
Max	£3,156.00	£943.00	£2,369.00	£335.00	£3,413.00	
Average	£1,989.07	£736.25	£954.13	£111.93	£2,699.67	

(INA = Information Not Available)

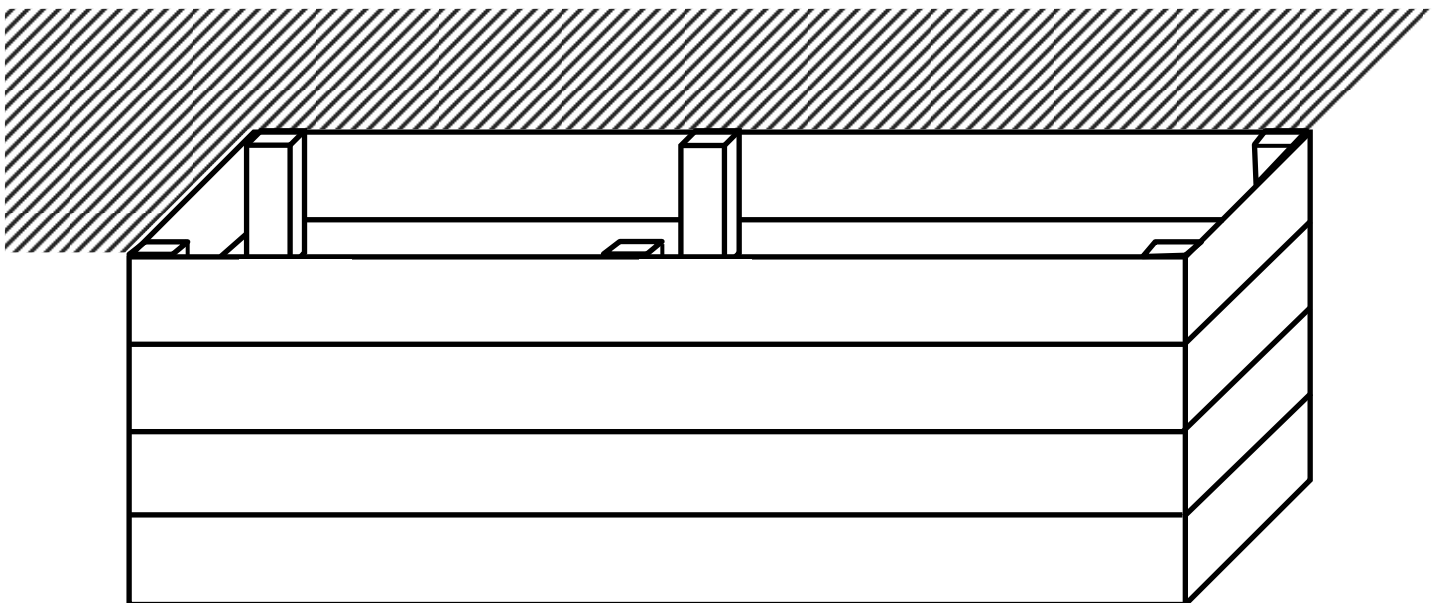
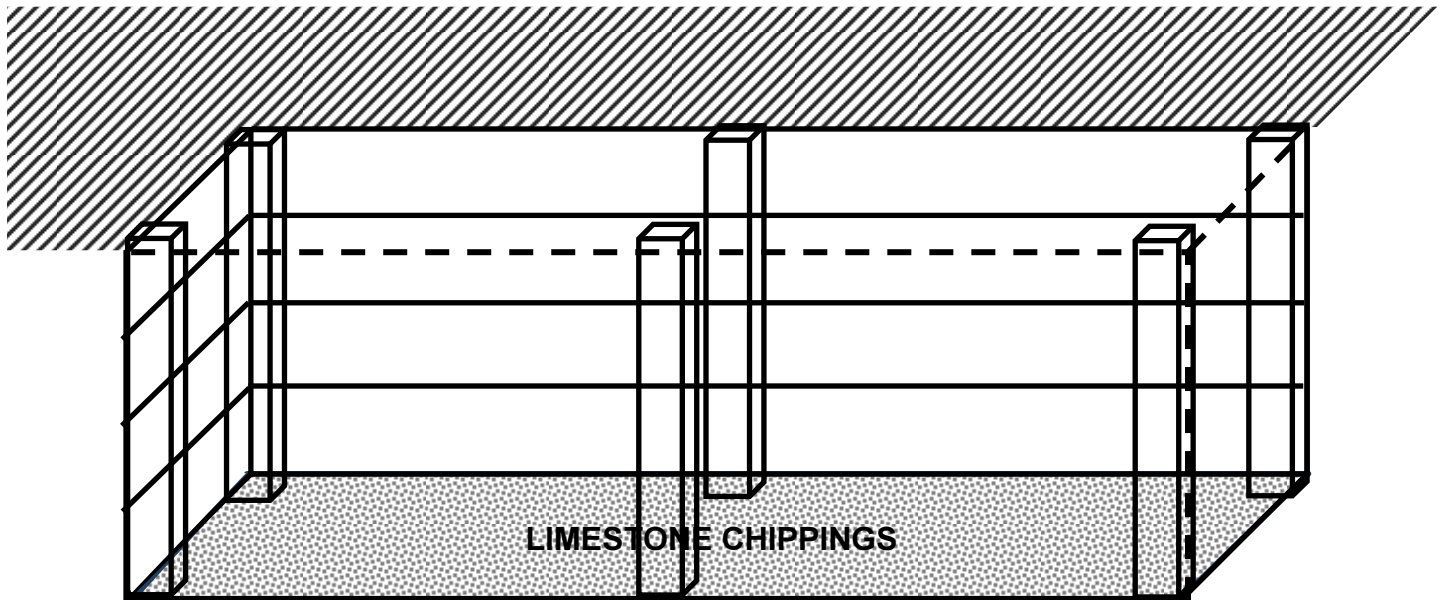
**Proposal 1 (the current model)**

A block lined grave with mortared joints built on a concrete slab base. Concrete sections will then be placed over the grave and the grave will be covered with soil prior to being turfed / seeded in due course. This is the current model.



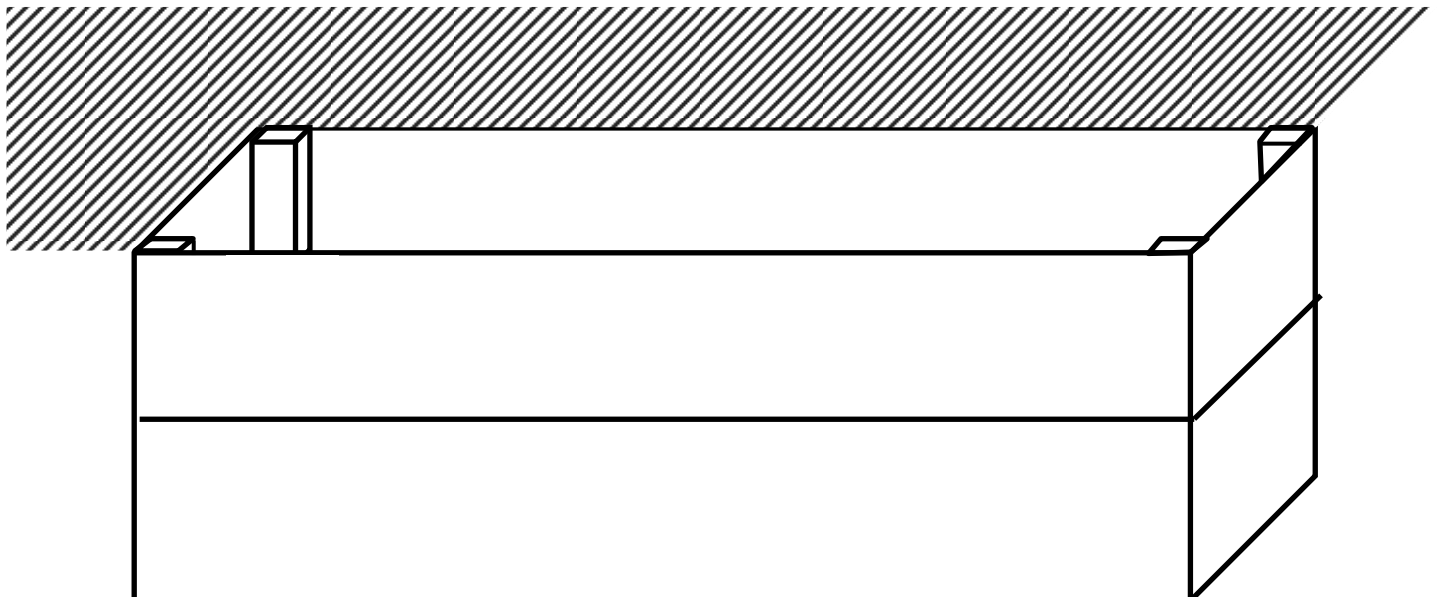
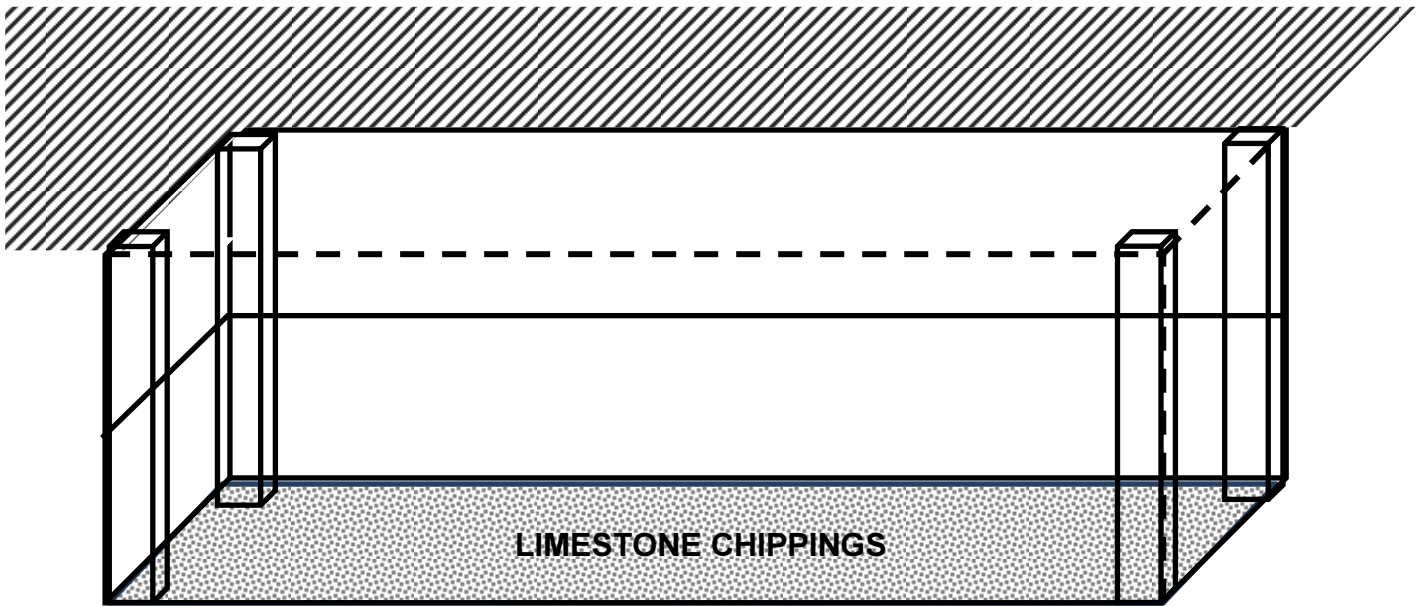
**Proposal 2**

A grave with timber lined walls and limestone chips placed directly onto the soil at the base of the grave. Concrete sections will then be placed over the grave and the grave will be covered with soil prior to being turfed / seeded in due course.



**Proposal 3**

A grave with four upright posts at each corner, into which concrete sections will be placed along each of the walls of the grave. The base will consist of limestone chips being placed directly onto the soil at the base of the grave. Concrete sections will then be placed over the grave and the grave will be covered with soil prior to being turfed / seeded in due course.



**Proposal 4**

Two pre-cast concrete sections being placed into the grave with limestone chipping base directly onto the soil. Concrete sections will then be placed over the grave and the grave will be covered with soil prior to being turfed / seeded in due course.

