



# Council

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**Wednesday, 5 December 2018**  
**2.00 p.m.**  
**Council Chamber, Town Hall,**  
**Moorgate Street, Rotherham. S60 2TH**

**Rotherham**  
Metropolitan  
Borough Council 

# WELCOME TO TODAY'S MEETING

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## GUIDANCE FOR THE PUBLIC

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The Council is composed of 63 Councillors, who are democratically accountable to the residents of their ward.

The Council Meeting is chaired by the Mayor, who will ensure that its business can be carried out efficiently and with regard to respecting the rights and responsibilities of Councillors and the interests of the community. The Mayor is the Borough's first citizen and is treated with respect by the whole Council, as should visitors and member of the public.

All Councillors meet together as the Council. Here Councillors decide the Council's overall policies and set the budget each year. The Council appoints its Leader, Mayor and Deputy Mayor and at its Annual Meeting will appoint Councillors to serve on its committees.

Copies of the agenda and reports are available on the Council's website at [www.rotherham.gov.uk](http://www.rotherham.gov.uk). The public can also have access to the reports to be discussed at the meeting by visiting the Reception at the Town Hall. The Reception is open from 8.00 a.m. to 5.30 p.m. each day. You may not be allowed to see some reports because they contain private information and these will be marked accordingly on the agenda.

Members of the public have the right to ask questions or submit petitions to Council meetings. A member of the public may ask one general question in person which must be received in writing to the Chief Executive by 10.00 a.m. on the Friday preceding a Council meeting on the following Wednesday and must not exceed fifty words in length. Questions can be emailed to [councilquestions@rotherham.gov.uk](mailto:councilquestions@rotherham.gov.uk)

Council meetings are webcast and streamed live or subsequent broadcast via the Council's website. At the start of the meeting the Mayor will confirm if the meeting is being filmed. You would need to confirm your wish not to be filmed to Democratic Services. Recording of the meeting by members of the public is also allowed.

Council meetings are open to the public, but occasionally the Council may have to discuss an item in private. If this occurs you will be asked to leave. If you would like to attend a meeting please report to the Reception at the Town Hall and you will be directed to the relevant meeting room.

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## FACILITIES

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There are public toilets, one of which is designated disabled with full wheelchair access, with full lift access to all floors. Induction loop facilities are also available in the Council Chamber, John Smith Room and Committee Rooms 1 and 2.

Access for people with mobility difficulties can be obtained via the ramp at the main entrance to the Town Hall.

If you have any queries on this agenda, please contact:-

Contact:- James McLaughlin, Head of Democratic Services  
[james.mclaughlin@rotherham.gov.uk](mailto:james.mclaughlin@rotherham.gov.uk)

Date of Publication:- **27 November 2018**

# COUNCIL

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Wednesday, 5 December 2018 at 2.00 p.m.  
Council Chamber, Rotherham Town Hall, Moorgate Street, Rotherham S60 2TH

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THE MAYOR (Councillor Alan Buckley)  
DEPUTY MAYOR (Councillor Jenny Andrews)

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CHIEF EXECUTIVE (Sharon Kemp)

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## MEMBERS OF THE COUNCIL

### ANSTON AND WOODSETTS

IRELAND, Jonathan C.  
JEPSON, Clive R.  
WILSON, Katherine M.

### KEPPEL

CLARK, Maggi  
CUTTS, Dave  
HAGUE, Paul

### SITWELL

COWLES, Allen  
SHORT Peter, G. J.  
TURNER, Julie

### BOSTON CASTLE

ALAM, Saghir  
MCNEELY, Rose M.  
YASSEEN, Taiba K.

### MALTBY

BEAUMONT, Christine  
PRICE, Richard  
RUSHFORTH, Amy L.

### SWINTON

CUSWORTH, Victoria  
SANSOME, Stuart  
WYATT, Kenneth J.

### BRINSWORTH AND CATCLIFFE

BUCKLEY, Alan  
CARTER, Adam  
SIMPSON, Nigel G.

### RAWMARSH

BIRD, Robert  
MARRIOTT Sandra  
SHEPPARD, David R.

### VALLEY

ALBISTON, Kerry  
REEDER, Kathleen  
SENIOR, Jayne E.

### DINNINGTON

MALLINDER, Jeanette M.  
TWEED, Simon A.  
VJESTICA, John

### ROTHER VALE

ALLCOCK, Leon  
BROOKES, Amy C.  
WALSH, Robert J.

### WALES

BECK, Dominic  
WATSON, Gordon  
WHYSALL, Jennifer

### HELLABY

ANDREWS, Jennifer A.  
CUTTS, Brian  
TURNER, R. A. John

### ROTHERHAM EAST

COOKSEY, Wendy  
FENWICK-GREEN Deborah  
KHAN, Tajamal

### WATH

ATKIN, Alan  
ELLIOT, Jayne C.  
EVANS, Simon

### HOLDERNESS

ELLIOTT, Michael S.  
PITCHLEY, Lyndsay  
TAYLOR, Robert P.

### ROTHERHAM WEST

JARVIS, Patricia A.  
JONES, Ian P.  
KEENAN, Eve.

### WICKERSLEY

ELLIS, Susan  
HODDINOTT, Emma  
READ, Chris

### HOOBER

LELLIOTT, Denise  
ROCHE, David J.  
STEELE, Brian

### SILVERWOOD

MARLES, Steven  
NAPPER, Alan D.  
RUSSELL, Gwendoline A.

### WINGFIELD

ALLEN, Sarah A.  
ELLIOTT, Robert W.  
WILLIAMS, John

# **Council Meeting Agenda**

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**Time and Date:-**

Wednesday, 5 December 2018 at 2.00 p.m.

**Venue:-**

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

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**1. ANNOUNCEMENTS**

To consider any announcements by the Mayor in accordance with Council Procedure Rule 3(2)(ii).

**2. APOLOGIES FOR ABSENCE**

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

**3. COMMUNICATIONS**

Any communication received by the Mayor or Chief Executive which relates to a recommendation of the Cabinet or a committee which was received after the relevant meeting.

**4. MINUTES OF THE PREVIOUS COUNCIL MEETING (Pages 1 - 39)**

To receive the record of proceedings of the ordinary meeting of the Council held on 31 October 2018 and to approve the accuracy thereof.

**5. PETITIONS**

To report on any petitions received by the Council received by the Council and receive statements in support of petitions in accordance with Petitions Scheme and Council Procedure Rule 13.

**6. DECLARATIONS OF INTEREST**

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

**7. PUBLIC QUESTIONS**

To receive questions from members of the public who may wish to ask a general question of the Mayor, Cabinet Member or the Chairman of a Committee in accordance with Council Procedure Rule 12.

## **8. EXCLUSION OF THE PRESS AND PUBLIC**

Should it be necessary, in the opinion of the Mayor, to consider excluding the press and public from the meeting in relation to any items of urgent business on the grounds that private information is likely to be divulged.

There are no such items at the time of preparing this agenda.

## **9. LEADER OF THE COUNCIL'S STATEMENT**

To receive a statement from the Leader of the Council in accordance with Council Procedure Rule 9.

## **10. MINUTES OF THE CABINET (Pages 40 - 46)**

To note the minutes of the Cabinet Meeting held on 22<sup>nd</sup> October, 2018.

## **11. RECOMMENDATION FROM CABINET - CONSULTATION ON THE ADOPTION OF SCHEDULE 3 OF THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 AND A ROTHERHAM SEX ESTABLISHMENT LICENSING POLICY (Pages 47 - 101)**

To consider a recommendation from Cabinet to commence the consultation on the adoption of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982.

## **12. RECOMMENDATION FROM AUDIT COMMITTEE - APPOINTMENT OF INDEPENDENT MEMBER OF AUDIT COMMITTEE (Pages 102 - 108)**

To consider a recommendation from Audit Committee to re-appoint Mr. B. Coleman as an Independent Member until 31 December 2019.

## **13. APPOINTMENT OF SUBSTITUTE MEMBERS - AUDIT COMMITTEE AND SCRUTINY COMMITTEE OF SHEFFIELD CITY REGION COMBINED AUTHORITY**

To agree the appointment of the following as substitute members on the Audit Committee and Scrutiny Committee of the Sheffield City Region Combined Authority:-

- Audit Committee                      Councillor Bob Walsh
- Scrutiny Committee                  Councillor Jeanette Mallinder

## **14. OVERVIEW AND SCRUTINY UPDATE (Pages 109 - 121)**

To receive an update on the activities of the Council's Overview and Scrutiny bodies in accordance with Council Procedure Rule 14.

## **15. THRIVING NEIGHBOURHOODS - UPDATES FROM WARD COUNCILLORS (Pages 122 - 127)**

To receive updates from ward councillors from Wales, Wath and Wickersley on the activities supporting Thriving Neighbourhoods across the Borough

## **16. NOTICE OF MOTION - SCHOOL TRANSPORT CHARTER**

This Council supports:-

- the work of the Rotherham Youth Cabinet and their Counterparts across South Yorkshire in developing the South Yorkshire Transport Charter.

This Council recognises:-

- that the Charter will improve accessibility and safer transport and travel across South Yorkshire for all young people. The charter sets out the principles for all partners and also the responsibilities for children and young people themselves as transport users.

This Council resolves:-

- to thank the young people in Rotherham for their contribution to developing the charter following work undertaken in takeover day with Scrutiny.

Mover:- Councillor Steele

Second:- Councillor Lelliott

## **17. NOTICE OF MOTION - HS2**

This Council notes:-

- the recent developments and disclosures about the out of control and spiralling costs of HS2
- the need for improved links throughout the region to Sheffield, Manchester, Leeds, Liverpool and Hull.
- the ravaging impact of austerity on social services and the urgent need to increase spending on children and young people, adult social care and education.

This Council resolves:-

- to call on the Government to cancel the HS2 project immediately, thus saving Rotherham, South Yorkshire and the Nation from an unmitigated economic and environmental disaster.
- to call on the Government to allocate the funding released from cancellation for use to boost local infrastructure and social spending
- to call on local MPs and the Mayor of the Sheffield City Region to support the Council and our communities by lobbying for the cancellation of the HS2 project.

Proposer – Councillor R. Elliott

Second – Councillor M. Elliott

## **18. PLANNING BOARD (Pages 128 - 131)**

To receive and consider reports, minutes and recommendations of the Planning Board.

To confirm the minutes as a true record.

**19. LICENSING (Pages 132 - 143)**

To receive and consider reports, minutes and recommendations of the Licensing Board Sub-Committees.

To confirm the minutes as a true record.

**20. MEMBERS' QUESTIONS TO DESIGNATED SPOKESPERSONS**


To put questions, if any, to the designated Members on the discharge of functions of the South Yorkshire Police and Crime Panel, South Yorkshire Fire and Rescue Authority, Barnsley, Doncaster, Rotherham and Sheffield Combined Authority and South Yorkshire Pensions Authority, in accordance with Council Procedure Rule 11(5).

**21. MEMBERS' QUESTIONS TO CABINET MEMBERS AND CHAIRMEN**

To put questions, if any, to Cabinet Members and Chairmen (or their representatives) under Council Procedure Rules 11(1) and 11(3).

**22. URGENT ITEMS**

Any other public items which the Mayor determines are urgent.



**SHARON KEMP,**  
Chief Executive.

**The next meeting of the Council will be on Wednesday 23 January 2019  
at 2.00 p.m. at Rotherham Town Hall.**

**COUNCIL MEETING**  
**31st October, 2018**

Present:- The Mayor of Rotherham (Councillor Alan Buckley) (in the Chair); Councillors Albiston, Allcock, Allen, Andrews, Atkin, Beaumont, Bird, Brookes, Carter, Cooksey, Cowles, B. Cutts, Elliot, M. Elliott, R. Elliott, Ellis, Fenwick-Green, Hague, Hoddinott, Ireland, Jarvis, Jones, Keenan, Khan, Lelliott, McNeely, Mallinder, Marles, Marriott, Napper, Pitchley, Price, Read, Reeder, Roche, Rushforth, Russell, Sansome, Senior, Sheppard, Short, Simpson, Steele, Taylor, John Turner, Julie Turner, Vjestica, Walsh, Williams, Wilson, Wyatt and Yasseen.

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

**72. ANNOUNCEMENTS**

The Mayor was pleased to present his activity since the last Council meeting which was attached for information to the Mayor's letter. In doing so he wished to draw particular attention to the parade and service he had attended to mark the Centenary of L/Cpr Thomas Norman Jackson receiving the Victoria Cross in Swinton and to the Rotherham Poppy Display available to view at the Centenary Market Hall until 17<sup>th</sup> November, 2018.

The Mayor wished to pass on his thanks to all those involved in the events, showing Rotherham at its best, and invited everyone to join him in this year's acts of Remembrance on the 11<sup>th</sup> November, 2018 and the celebration of 100 years since the end of the First World War.

**73. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Alam, Beck, Clark, Cusworth, D. Cutts, Evans, Jepson, Tweed, Watson and Whysall.

**74. COMMUNICATIONS**

There were no communications received.

**75. MINUTES OF THE PREVIOUS COUNCIL MEETING**

**Resolved:-** That the minutes of the meeting of Council held on 5<sup>th</sup> September, 2018, be approved for signature by the Mayor.

Mover:- Councillor Read

Seconder:- Councillor Lelliott

**76. PETITIONS**

The Mayor reported receipt of a petition, which had not met the threshold for consideration by Council, and would be referred to the relevant directorate for a response to be prepared:-

- From 41 residents calling on the Council to consider reducing the speed of traffic cutting through Nickerwood Drive, Aston since the installation of traffic calming measures on The Chase and Lodge Lane which may in turn reduce the volume.

Councillor Taylor addressed the Council as part of the presentation of the petition.

**77. DECLARATIONS OF INTEREST**

The Mayor of Rotherham (Councillor Alan Buckley); Councillors Albiston, Allcock, Allen, Andrews, Atkin, Beaumont, Bird, Brookes, Cooksey, Elliot, M. Elliott, Ellis, Fenwick-Green, Hoddinott, Ireland, Jarvis, Jones, Keenan, Khan, Lelliott, McNeely, Mallinder, Marles, Napper, Pitchley, Price, Read, Roche, Rushforth, Russell, Sansome, Senior, Sheppard, Steele, Taylor, Vjestica, Walsh, Williams, Wilson, Wyatt and Yasseen declared personal interests in Minute No. 85 on the grounds of being members of a Trade Union.

**78. PUBLIC QUESTIONS**

(1) Mr. S. Ball was unable to attend today's meeting so his question would be answered in writing.

(2) Mr. P. Thirlwall asked could the Leader tell him who was responsible for ensuring that Councillors complied with the 'Code of Conduct' and explain what actions were taken when Councillors were found to be in breach of the code?

The Leader confirmed that the responsibility for complying with the Code of Conduct rested with the individual Councillors.

Where a Councillor was found to be in breach of the Code of Conduct the options available to the Standards and Ethics Sub-Committee were:-

- (1) Censure or reprimand the Councillor.
- (2) Publish its findings in respect of the Councillor's conduct.
- (3) Report its findings to Council [or to the respective Parish/Town Council if appropriate], for information.
- (4) Recommend to the Councillor's Group Leader (or in the case of ungrouped Councillors, recommend to Council or to Committees) that he/she be removed from any or all Committees or Sub-Committees of the Council.

- (5) Recommend that the Councillor be removed from the Cabinet, or be removed from particular Portfolio responsibilities.
- (6) Instruct the Monitoring Officer to [or recommend that the Parish/Town Council] arrange training for the Councillor.
- (7) Remove [or recommend to the Parish/Town Council that it removes] the Councillor from all outside appointments to which he/she has been appointed or nominated by the Council [or by the Parish/Town Council].
- (8) Withdraw [or recommend to the Parish/Town Council that it withdraws] facilities provided to the Councillor by the Council, such as a computer, website and/or email and Internet access.
- (9) Exclude [or recommend that the Parish Council exclude] the Councillor from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.

The Localism Act 2011 abolished much of the standards system for Councillors including Councils' powers to suspend Councillors from their duties and the power to refer more serious cases to the First Tier Tribunal, which had the power to suspend for longer periods and to disqualify Councillors. This had severely limited the sanctions available to Councils when dealing with Councillor who have breached the Code of Conduct.

In a supplementary question Mr. Thirlwall pointed out that the failure to comply with the register of interests within twenty-eight days of being elected was a criminal offence with a £5,000 fine and the said Councillor could be barred from standing for elected office.

He went on to point out that Councillor Cowles received £8,000 for being the Leader of the Opposition, however, ten of the thirteen UKIP Councillors had not completed the register of interests properly, eight of those Members had not listed their membership of the UKIP political party and two had left their register completely blank.

The Labour Party had not fared much better. Seven Labour Members had not listed their Labour membership, one was a Cabinet Member, one a Chair of a Committee and one claimed to own their own house. This was not satisfactory.

Members could not absolve themselves from completing their register now as they had missed the twenty-eight day period so Mr. Thirlwall, therefore, asked would the Leader be reporting all these Councillors to the Standards and Ethics Committee and the Crown Prosecution Service or was he going to allow them to continue breaking the law.

The Leader was not sure the Crown Prosecution Service would welcome the referral, but would take legal advice from the Monitoring Officer on the appropriate route to be followed and would urge Councillors to ensure their register of interests were updated.

**COUNCIL MEETING - 31/10/18**

(3) Mr. L. Harron asked, in response to my supplementary question at the Council meeting on 25th July, 2018 the Leader of RMBC Council stated:-

“I will study that and I will come back to you in writing”

Ninety days had now passed and he had received no response in writing and he asked the Leader if he could explain this?

The Leader apologised as having checked the transcript of the meeting believed he was to receive something further from Mr. Harron before responding. However, he was happy to pick this up again if Mr. Harron wanted to forward on the latest piece of correspondence.

In a supplementary question Mr. Harron pointed out he had quoted from the transcript and had checked this again before he submitted the question.

This raised a bigger issue as at the same Council Meeting there was a petition calling on the Leader to urgently meet with the Adult Survivors Kampaign to review the bid to the Home Office with a view to taking a different approach in the bid for resources. Mr. Harron asked again when would the Adult Survivors Kampaign get a response to that petition.

The Leader confirmed he had responded regarding the petition and on at least two subsequent occasions offering meetings to meet with the Adult Survivors Kampaign.

(4) Mr. R. Beecher asked did South Yorkshire Fire Authority have sufficient funds to reinstate the second night time appliance at Rotherham Fire Station?

Councillor Atkin advised the Service continued to face significant funding pressures, including the need to save £1.4 million from its annual budget as a result of the Close Proximity Crewing Judicial Review, a potential multi-million pound increase in employer pension contributions and as yet unknown costs relating to detriment claims for staff displaced because of Close Proximity Crewing.

As a result of these cost pressures and the fact that significant proportions of reserves were allocated to essential capital investment, including operational equipment, replacement fire engines and fit for purpose stations and training facilities for firefighters, there was no opportunity to reinstate the second night time appliance. To do so, would require an alteration to the existing immediately available arrangements at a single pump station elsewhere, which would have even greater impact in that area.

The Fire Authority agreed earlier this year that the Service should begin the process of developing a revised Integrated Risk Management Plan, which would consider its future service provision (including fire cover) in line with the money available to it.

This Council had made clear its view that it would wish to see the second appliance restored and Councillor Atkin had made clear his view to the Fire Authority colleagues in the approach to the revised Integrated Risk Management Plan.

In a supplementary question Mr. Beecher pointed out the removal of the second appliance at night time in Rotherham was never meant as a cash saving, but an efficiency saving. The Integrated Risk Management Plan clearly stated the second pump would be placed at Parkway on day staffing. Where was this pump and where was its twelve staff. They simply did not exist. The station would require thousands of pounds to accommodate the changes. Currently in Rotherham there were seven members working the day shift when there should be twelve. This was a similar position in Barnsley. Quite simply it was not working and it never had and staff disliked the system so much that many had requested transfers onto the 224 shift system. The Fire Authority spokesperson blamed austerity for the cuts, but what he failed to tell this Chamber was that before this period the Fire Authority had consistently underspent meaning now had a reserve pot of £27 million out of an operating budget of around £49 million. Earlier this year Councillor Elliott tabled a motion. It was amended with Councillor Read including "where finances allow". Clearly, they did.

At a recent scrutiny meeting the Fire Authority spokesperson sat alongside the Chief Fire Officer answering questions for nearly two hours. At the end of the meeting it was recommended to reinstate that appliance. On this basis Mr. Beecher asked, as Vice-Chair of the Fire Authority, would Councillor Atkin lobby fellow members and openly and actively seek reinstatement of the second night time appliance.

Councillor Atkin confirmed he had consistently spoken to his Fire Authority colleagues about this and other requests. The Fire Authority simply could not do everything with the envelope they had.

(5) Mr. M. Sylvester asked what ambitions did this Council have to increase the number of green flag parks in the Borough?

Councillor Allen confirmed the Council had a strong desire for all of its services to be of a high quality, but sometimes ambition was overtaken by reality. In the face of continued reductions in funding from Central Government, pressures in Social Care and the cost of entering parks for awards (including the associated increase in levels of maintenance), ambitions were focused on possible achievements and the Service was looking into possible applications for Country Park Accreditation at two country parks (Thrybergh and Rother Valley) as there was no cost for this.

In a supplementary question Mr. Sylvester asked in looking at Green Flag status Rotherham did not fair too well as Bassetlaw had two, Doncaster had four and Sheffield had twelve plus another community one. This came down to resources and putting necessary details together and was it the best to be chasing Green Flag status. There was a perception local parks were being sacrificed for Green Flag. Over the past two weeks the play area at Thrybergh had been completely out of use, barricaded off and could not be used by local children during half term. Should officers not ensure play areas were available during half term rather than merely looking for Green Flag accreditation.

Councillor Allen was not aware of the position with the play area at Thrybergh, but assured Mr. Sylvester she would go away and investigate this particular situation and reply. She pointed out that there had been no sacrificing of other local parks for success of Green Flag status at Clifton Park or the chasing of votes and maintenance at any other parks had not been reduced. This status had been voted for by the people of Rotherham and Councillor Allen was incredibly grateful for this.

(6) Mr. N. Carbutt in February asked about monies committed to reserves on a yearly basis from 2006. The Fire Authority spokesperson said he would write to him with the answers. For the benefit of this Council could the spokesperson now describe the yearly sums committed to reserves in each of those years?

Councillor Atkin congratulated the FBU on its recent 100<sup>th</sup> anniversary. He went on to state that the Fire Service's finances were a matter of public record and were reported to the Fire Authority, which was a public meeting, on a regular basis which Mr. Carbutt attended.

As explained in response to the same question earlier this year, the growth in reserves was mainly a consequence of the retirement rate of operational staff outpacing the rate at which the Service's funding had reduced, and having no confidence to recruit new fire fighters (which were now a 40 year commitment) due to uncertainty about the extent and duration of future cuts. A significant proportion of these reserves would now be spent over the next few years on necessary capital projects including investments in equipment, vehicles and buildings for firefighters.

This would leave a much smaller amount of other earmarked and general reserves (expected to be around £5 million), to provide for other initiatives and unexpected future costs, such as insurance and operational contingency.

In a supplementary question Mr. Carbutt expressed his disappointment that on the second time of asking he was still awaiting answers. Council amended the motion to add "where finances allow" and clearly they have allowed. The finances were publically available, but this was not why he asked the question, but to demonstrate that there were resources to keep

Rotherham's second appliance available at night time. It was fact that this was the sixth busiest appliance in South Yorkshire and demonstrated not only a financial need, but a need in terms of risk and Mr. Carbutt asked that this matter be referred back to Scrutiny where it was discussed some months ago.

Councillor Atkin was unable to see what advantage it would be for the matter to be reconsidered by Scrutiny, as nothing significant had altered, but it would be for Scrutiny to decide.

**(7) Elizabeth** stated that, as a member of the community of Rotherham, she and many others were shocked by the negative comments made about same sex couples being allowed to foster and adopt the most vulnerable children.

She asked what did the Leader plan to do to challenge this disgraceful behaviour?

The Leader confirmed his shock and disappointment for reasons set out at Agenda Item 13, but gave his assurances that the view of the Member was not a representation of the views of the Council. He reiterated and welcomed foster carers from all backgrounds including same sex couples.

The Member concerned had been subject to a Standards and Ethics Committee hearing which produced a number of recommendations and as a result had undergone some equalities training. The agenda item later would consider the recommendations, but it was felt the Member was not an appropriate person to represent the Council on the Police and Crime Panel. The comments made fell short of the standards expected of Members.

## **79. EXCLUSION OF THE PRESS AND PUBLIC**

**Resolved:-** That under Section 100(A) of the Local Government Act 1972, that should the Mayor deem if necessary the public be excluded from the meeting on the grounds that any items involve the likely disclosure of exempt information as defined in the paragraphs of Part 1 of schedule 12(A) of such Act indicated, as now amended by the Local Government (Access to information) (Variation) Order 2006.

## **80. LEADER OF THE COUNCIL'S STATEMENT**

The Leader of the Council was pleased to congratulate Rahul Mandal from Rotherham on his successful win on the Great British Bake Off.

He also reported the departure of the Government-appointed Commissioners from Rotherham following the announcement by the Secretary of State for the Ministry of Housing, Communities and Local Government made on 18<sup>th</sup> September to reinstate decision making to democratically elected councillors as of 24<sup>th</sup> September, 2018.

It was testimony to the dedication and resilience that all Members, Commissioners, officers and partners have demonstrated that had played a big role in bringing Commissioner involvement to an early conclusion and to make progress. This was the beginning and the Council should continue to have high standards with more to do.

Given that the Commissioners have left early the Council would undertake a 'Health Check' in February, 2019 to ensure that progress was continuing.

There have also been a number of boosts to the town over recent weeks in relation to regeneration and economic development with a national first and significant boost to the town's infrastructure with the launch of the Tram Train increasing connectivity between Rotherham and Sheffield.

Works commissioned by South Yorkshire Passenger Transport Executive (SYPTe) had also reached the highest point of the refurbishment of Rotherham Interchange, as building contractors, Interserve, hit the halfway mark of the contract programme.

In addition, the first Rother Living show homes opened on Saturday, 13<sup>th</sup> October, 2018 off Braithwell Road, Maltby as part of the latest major housing development from the Council, offering high quality and affordable homes in the Borough. The Northgate development was part of a £29 million investment to construct new properties at a number of sites across the Borough, with a mixture of houses for sale, rent and shared ownership.

The Leader also drew attention to the recent verdicts resulting in twenty-one guilty accounts against seven defendants for Operation Stovewood. This was good news for all concerned and the Leader wished to place on record his thanks to professionals, the National Crime Agency and support staff who made this possible and again paid tribute to survivors and their families who continued to inspire with their determination and dedication.

Questions not exceeding ten minutes were invited from Members of the Council.

Councillor Carter made reference to the Tram Train, which was a good result for Rotherham and South Yorkshire as a whole, and asked, providing the teething issues got ironed out, would the Council be pushing for further expansion of the Tram Train throughout South Yorkshire.

The Leader confirmed there were no plans at this stage. The initial idea was for a two year trial given that the technology was still in testing. He advised there was a piece of work under the guise of Sheffield City Region for rail connectivity more widely across South Yorkshire and he had urged the Mayor of the City Region to given consideration to Tram

Train improvements. With the short term progress and if the technology worked well there should be serious consideration as to how best connect localities across South Yorkshire.

Councillor John Turner made reference to the Forge Island Seminar he had attended recently and asked if the Leader would direct his attentions to the development of a new theatre. Especially so with the development of the new Tram Train which could open up opportunities for people in Sheffield to attend and make it more viable given the funding spent on it.

The Leader confirmed funding for the new Tram Train had been from Central Government and at no cost to the Council. However, in terms of a new theatre this was being looked at closely, but at the moment this was not financially viable. However, this would be kept under consideration for any grants that may be available. The Leader confirmed he would keep Members informed of any developments.

**81. MINUTES OF THE FORMER CABINET AND COMMISSIONERS' DECISION MAKING MEETING**

**Resolved:-** That the reports, recommendations and minutes of the meeting of the former Cabinet/Commissioners' Decision Making Meeting held on 17<sup>th</sup> September, 2018, be received.

Mover:- Councillor Read

Seconder:- Councillor Lelliott

**82. RESPONSE TO OVERVIEW AND SCRUTINY RECOMMENDATIONS - USE OF INTERIM, AGENCY AND CONSULTANCY STAFF**

Further to Minute No. 92(5) of the meeting of the Overview and Scrutiny Management Board on 17<sup>th</sup> February, 2017, a cross-party review had taken place to seek assurance that the Council measured performance and value for money in its use of agency staff and consultants and was taking appropriate action to maintain spend within acceptable limits. The group completed its review in the summer of 2017 and submitted a final report to Cabinet on 17<sup>th</sup> September, 2018.

Under the Overview and Scrutiny Procedure Rules, the Cabinet was required to respond to any recommendations made by Scrutiny. All of the recommendations from the Overview and Scrutiny Management Board were formally accepted by the Cabinet. The recommendations from scrutiny were welcomed and contributed to the ongoing strengthening of arrangements to manage the use of agency, interim and consultancy staff by the Council.

This report was, therefore, submitted to ensure that all Members were aware of the implementation of recommendations from the review.

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The Chair of the Overview and Scrutiny Management Board placed on record his thanks to the Cabinet, Members involved and relevant officers for their involvement in the review.

**Resolved:-** That the Cabinet's response to the scrutiny review on the use of Agency, Interim and Consultancy Staff, set out at Appendix A to the report submitted, be noted.

Mover:- Councillor Allen

Second:- Councillor Read

**83. RECOMMENDATIONS FROM OVERVIEW AND SCRUTINY - ADULT RESIDENTIAL AND NURSING CARE HOMES**

Consideration was given to the report which presented the findings of a scrutiny workshop undertaken by the Health Select Commission to consider residential and nursing care home for adults aged over 65. The purpose of the workshop was to consider progress in bringing about improvements to safety, quality and effectiveness in the sector. It was also an opportunity to explore the impact of the Care Home Support Service as the care home sector was one of the transformation initiatives under the Rotherham Integrated Health and Social Care Place Plan, a significant part of the Select Commission's work programme. The conclusions and recommendations made by Members were based on information gathered from the workshop and examination of related documentation.

Following consideration by the Council, the Cabinet would be required to respond formally to the four recommendations and indicate agreement or otherwise, what action would be taken to implement the recommendations, along with details of timescales and accountabilities.

**Resolved:-** (1) That the report and recommendations from the scrutiny workshop on adult residential and nursing care homes, be noted.

(2) That the response of Cabinet to the recommendations be fed back to the Health Select Commission.

Mover:- Councillor Short

Second:- Councillor Jarvis

**84. RECOMMENDATION FROM STANDARDS & ETHICS SUB-COMMITTEE - OUTSIDE APPOINTMENTS - COUNCILLOR BRIAN CUTTS**

Further to a meeting of the Standards and Ethics Sub-Committee held on 14<sup>th</sup> September, 2018, consideration was given to the outcome of complaints about the conduct of Councillor Brian Cutts. The Sub-Committee found that Councillor Brian Cutts' conduct at a pre-meeting of the Improving Lives Select Commission had been in breach of the Council's Code of Conduct for Members and Co-opted Members. The decision of the Sub-Committee included a recommendation to Council

that Councillor Brian Cutts be removed from all outside appointments to which he has been appointed or nominated by the Council. Councillor Brian Cutts was a member of the South Yorkshire Police and Crime Panel.

A number of Councillors spoke on the matter and expressed their personal views:-

Councillor John Turner was of the view that free speech had been damaged, gave examples of how contentious same sex issues were globally and did not feel that the comments made by Councillor Brian Cutts was unreasonable.

Councillor R. Elliott disagreed with Councillor Brian Cutts' comments about fostering and some of his views previously, but had always been open to a healthy discussion and believed he had never used derogatory language. Councillor Cutts was a hard working individual who was passionate about Rotherham's residents. He believed a Member was entitled to their opinion even if the majority may disagree.

Councillor M. Elliott too disagreed with Councillor Cutts' comments and distanced himself from the reported comments made. As a member of the Fostering Panel he understood the in-depth stringent lengthy assessment process for prospective foster carers, couples and individuals regardless of their sexuality orientation. However, he believed in the freedom of speech which supported the freedom of an individual to articulate their views and feelings publically without fear of retaliation, censorship or punishment. Councillor Cutts was a conscientious hard working Councillor and to remove him as a member of the South Yorkshire Police and Crime Panel was understandable, but from any other meeting was a step too far.

Councillor Hoddinott spoke of the important role of the Police and Crime Panel and the tackling of hate crime, which was on the increase, a priority for the Council and partners. Hate speech, including homophobic comments, was not acceptable and the effect of hurtful comments should not be underestimated on friends and family too. With free speech came responsibility as an elected representative to everyone in Rotherham.

Councillor Walsh made reference to the various sexuality orientations and how this was part of human life. Homophobic attitudes were irrational and not a freedom of speech and as such were the height of bad manners.

Councillor Roche was concerned about the increasing negative and adverse comments made in public and on social media. Councillor Cutts may use his right of free speech, but must accept the consequences of his actions and the impact of the comments on other people.

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The Leader considered it sad that in 2018 the Council were discussing a report about gender equality and sexual orientation and whether a member had treated another with respect. It was the not treating people with respect that the Standards and Ethics Committee found fault with and as a result a breach of the Code of Conduct.

This was clearly not a one off remark in a meeting from Councillor Cutts and the Leader described other occasions when comments of a similar nature were made and a pattern of behaviour.

Councillor Cutts was free to speak as he wished. However, he was acting as a Councillor and conclusions would have to be drawn. It was fit and proper to say there was enough evidence that Councillor Cutts was not the right person to represent this Council on any outside body.

It was hoped Councillor Cutts understood the offence he had caused and would urge the Leader of the Opposition to accept the recommendations of the Committee in full by removing Councillor Cutts from the Police and Crime Panel and also from his role in scrutiny. Due process had been followed and the complaint considered by a cross party group and independent members. It would, therefore, be appropriate to accept their conclusions.

Councillor Steele believed Members should respect the decision of the Committee. Individual comments were made that offended a member of staff and it was right that the Member concerned should be sanctioned.

Councillor Wilson believed people had opinions based on religion, culture etc, but Councillor Cutts was a representative of the people of Rotherham. The world was moving forward and to harken back to open discrimination was wrong and certainly not acceptable to make comments such as this on a regular basis.

Councillor Yasseen supported the decision of the Standards and Ethics Committee and hoped the comments had not caused offence to the public. She hoped this had not prejudiced people from wide ranging backgrounds to come forward to foster vulnerable people.

Councillor Brookes provided clarification on the definitions for inter-sex conditions.

Councillor Cowles' personal view was that it was better in a caring relationship than a care home. In this current situation he linked two similar cases that had been before the Standards and Ethics Committee regarding homophobic comments both with different outcomes – Councillor Bird and Councillor B. Cutts.

The recommendations and subsequent actions of the Standards and Ethics Sub-Committee were completely different. In the case of Councillor Bird he was censured and recommended to undertake diversity training with a minor article in the paper. In the case of Councillor Cutts it was recommended he be removed from all committees and from outside bodies, undertake equalities training and a front page spread in the paper.

The Sub-Committee's recommendations were for Councillor Cutts to stand down from the Police and Crime Panel, which was appropriate, given the need to foster harmonious relationships in all communities.

Councillor Cowles made reference to the freedom of speech and of debate where the difference of views should not be punished. The Leader himself referred to the greater culture of tolerance and freedom to disagree and debate.

Councillor Carter disagreed with Councillor Cutts' views. The right to free speech with responsibilities does not give freedom from consequence. Individuals and couples regardless of their sexual orientation should be encouraged to become foster parents should they so wish.

It was correct that as a consequence of the complaint Councillor Cutts should step down from the Police and Crime Panel. He expressed some anxiety over the political groupings and balance when determining the outcome of a minority group nomination to an outside body, but was in favour of the recommendations.

Councillor Pitchley supported the freedom of speech, but not the right to offend and believed boundaries had been crossed.

Councillor Cooksey believed this was not about free speech, but about standards in public life and how Councillor Cutts had not made the remarks under pressure, but by choice.

Councillor Napper believed everyone had the right to their own opinion. Training was recommended for Councillor Cutts yet three Scrutiny Chairs, who had been trained, were previously found to be unfit for office by a Government official, but retained their seats whilst it was recommended that Councillor Cutts be removed from all what he sat on.

Councillor Ellis defended the right to free speech, but the issue here was more about the manner in which views were put forward. She referred to the outcome of the Standards and Ethics Sub-Committee and the equalities responsibility and duty of elected representatives.

In her view Councillor Cutts should be removed from representing the Council on the Police and Crime Panel due to breaches of the code and concerns over a number of years.

Councillor B. Cutts addressed the meeting pointing out he had only ever had real concerns for the children in the Borough who he believed would be targeted at some point should their family dynamics be different to others. Statements and comments made by Members related only to sexual orientation. He was distressed following the meeting in question when he was shouted at by some attendees when making a simple point about how two men could father a child.

It was still his view that a child needed the love of a mother, which would always be his preference and believed there were differences between a male and a female and there should be a balance of both.

Councillor B. Cutts referred the Council to the report and Section 2.4 on Page 71 and the focus of the debate on lesbians and gay men fostering children rather than on the children themselves.

Councillor Fenwick-Green drew comparisons of how children learned to hate and how growing up they learned acceptance from home.

Councillor McNeely in her right to reply reiterated that the hearing panel had been made up of a majority of independent persons and not Elected Members.

**Resolved:-** That the Council remove Councillor Brian Cutts from the South Yorkshire Police and Crime Panel.

Mover:- Councillor McNeely

Seconder:- Councillor Vjestica

## **85. NOTICE OF MOTION -TUC'S GREAT JOBS AGENDA**

Proposed by Councillor Steele and seconded by Councillor Rose Keenan:-

This Council notes that:-

- Insecure work includes people working on zero-hours contracts, temporary and agency work, and low-paid self-employment.
- 3.5 million people could be in insecure work by start of 2022 if current trends continue - a rise of 290,000. That's the equivalent of the entire working population of Sheffield.
- Workers on zero-hours and short-hours contracts earn a third less per hour than the average worker.
- 1 in 13 Black, Asian and minority ethnic employees are in insecure jobs, compared to 1 in 20 white employees.
- Insecure work costs the Treasury £4 billion a year in lost income tax and national insurance contributions, along with extra benefits and tax credits.

This Council further notes that:-

- UK workers are still on average £38 a week worse off than before the crash in 2008 (figures to April 2017). This is the longest squeeze on pay since Victorian times.
- Public sector workers' real wages are down thousands of pounds a year compared to 2010. For example, prison officers and paramedics are all down over £3,800 a year. Firefighters are down nearly £2,900, while teachers are down approximately £2,500.
- Just one in three people (33%) people say their employer offers regular training opportunities - and one in four workers (24%) say that no training is offered at their workplace at all apart from a new starters' induction.
- More than a million workers suffer from ill-health related to their employment, and around 23 million working days are lost each year due to injury or illness in the workplace.
- Almost one in three workers have been bullied in the workplace.
- More than a third (37%) of Black and minority ethnic workers have been bullied, abused or singled out at work.
- More than half (52%) of women and nearly two-thirds (63%) of women aged 18-24 years old have experienced sexual harassment at work.

This Council believes that:-

- Every job should be a secure and great job. That means every worker must be paid fairly; work in a safe and healthy workplace; be treated decently and with respect; have guaranteed hours; have the chance to be represented by unions and be consulted on what matters at work; have the chance to get on in life.
- Currently, too many jobs in the UK aren't great jobs – and too many people feel that great jobs aren't available where they live.
- It is positive that there is now a public debate about how we improve jobs in the UK – much of it driven by union campaigning and legal action against bad employers like Sports Direct, Uber and Hermes.
- The TUC have been clear that the proposals put forward by Mathew Taylor's review of employment standards for the government are inadequate.

This Council resolves to:-

- Support the TUC's Great Jobs Agenda, which sets out the actions employers and the government must take for every job to be a great job, and tell the TUC of this support.
- Ask for a paper to be presented to cabinet setting out the actions the authority is taking to ensure that every job in this authority is a great job, and relating those to the six standards in the Great Jobs Agenda. At a minimum this should include:-

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- Confirming how many council staff receive the real Living Wage.
  - Reporting on how many workers are employed on zero- or short-hours contracts or agency contracts, and what actions the authority is taking to reduce this.
  - Setting out how the authority proposes to use its procurement process to raise employment standards among its subcontractors.
- Write to all MPs in Rotherham and the Mayor of South Yorkshire, Dan Jarvis, informing them of our position and encouraging them to support the Great Jobs Agenda too.
  - Invite a trade union representative to present the Great Jobs Agenda to a meeting of the Rotherham Together Partnership's Business Growth Board.
  - Make increasing job quality a key part of the conversation when pursuing local economic development opportunities in Rotherham.
  - Continue to value meaningful workforce engagement and representation through our recognised trade unions in RMBC.

On being put to the vote, the motion was carried unanimously.

**86. NOTICE OF MOTION - FOSTERING**

Proposed by Councillor Read and seconded by Councillor Elliot:-

This Council recognises:-

1. The invaluable role of foster carers and families, caring for, nurturing and loving children who for any reason cannot be with their biological families.
2. As corporate parents to those children, we owe a debt of gratitude to those 171 foster carers – including three same sex families – currently caring for 190 children (in October 2018).
3. That foster families will often go on to become adoptive “forever” families. Indeed more than 100 children in the borough have been living with the same foster families for more than two years.
4. That individuals and families have the right to be treated equally before the law when they apply to become a foster parent, irrespective of their background, sexuality, ethnic origin, marital status or other protected characteristic. A good foster parent is a good foster parent.
5. That according to the government-backed website, Fosterline; “In 2010, The Centre for Family Research at the University of Cambridge conducted interviews for Stonewall with 82 children and young people who have lesbian, gay or bisexual parents to learn more about their experiences both at home and at school. The study found that:-

- Very young children with gay parents tend not to see their families as being any different to those of their peers.
  - Many of the older children said they saw their families as special and different, but only because all families are special and different – though some felt that their families were a lot closer than other people's families.
  - Children with gay parents like having gay parents and would not want things to change, but that sometimes they wish that other people were more accepting."
6. That 277 children from Rotherham are currently placed with Independent Fostering Agencies, often outside the borough, many of whom would benefit from fostering and adoptive families here in Rotherham right now.

This Council resolves:-

1. To thank all the foster families who make a difference in the lives of children in the council's care.
2. To send a clear message: that we need more foster families for our children, and that we welcome applications from residents of all backgrounds and ages; men and women; black, white or Asian; gay or straight; of all religious backgrounds and none; married, unmarried or single.
3. To support efforts to recruit more foster carers and adoptive families in order to fulfil our objective of giving every child the best start in life.

On being put to the vote, the motion was carried unanimously.

## 87. MEMBERSHIP OF BOARDS, COMMITTEES AND PANELS

Further to Minute No. 190 of the meeting of Council held on 23<sup>rd</sup> May, 2018, consideration was given to the following proposed changes to the membership of Committees, Boards and Panels:-

<b>Committee, Board or Panel</b>	<b>Outgoing Member</b>	<b>New Appointment</b>
Standards and Ethics Committee	Councillor Brookes	Councillor Pitchley
Planning Board (Substitute)	Vacant	Councillor Short
South Yorkshire Police and Crime Panel	Councillor B. Cutts	Councillor Short

Resolved:- That the appointments be approved.

Mover:- Councillor Read

Seconded:- Councillor Lelliott

**88. STANDARDS AND ETHICS COMMITTEE**

**Resolved:-** That the reports, recommendations and minutes of the meeting of the Standards and Ethics Committee be adopted.

Mover:- Councillor McNeely

Seconded:- Councillor Vjestica

**89. AUDIT COMMITTEE**

**Resolved:-** That the reports, recommendation and minutes of the meeting of the Audit Committee be adopted.

Mover:- Councillor Wyatt

Seconded:- Councillor Walsh

**90. HEALTH AND WELLBEING BOARD**

**Resolved:-** That the reports, recommendation and minutes of the meeting of the Health and Wellbeing Board be adopted.

Mover:- Councillor Roche

Seconded:- Councillor Mallinder

**91. PLANNING BOARD**

**Resolved:-** That the reports, recommendation and minutes of the meeting of the Planning Board be adopted.

Mover:- Councillor Sheppard

Seconded:- Councillor Williams

**92. LICENSING**

**Resolved:-** That the reports, recommendation and minutes of the meeting of the Licensing Sub-Committee and Licensing Board Sub-Committee be adopted.

Mover:- Councillor Ellis

Seconded:- Councillor Beaumont

**93. SHEFFIELD CITY REGION COMBINED AUTHORITY**

Consideration was given to the minutes of the Sheffield City Region Combined Authority and the Leader provided a quarterly update on activity for:-

- Local Growth Fund which was the main source of funding for Council projects. The project spend profile had been approved which risked the City Region losing some of the funding allocation if targets were not met. Additional overspend over programming had been approved and as a result Rotherham had won funding for an extension for the incubation centre at Manvers with a grant of £1.6m. Timelines were still tight and the logistics were still being worked through.
- Rotherham's performance on the Employment Support Pilot which had seen 471 referrals being received. Only Sheffield had more people taking part in South Yorkshire.
- Housing business case had been submitted for the modern methods of construction pilot exploring how the City Region could close the viability gap for housing schemes.

**Resolved:-** That the minutes of the meeting of the South Yorkshire Combined Authority be received.

Mover:- Councillor Read

Seconder:- Councillor Lelliott

**94. SOUTH YORKSHIRE FIRE AND RESCUE AUTHORITY**

Consideration was given to the minutes of the South Yorkshire Fire and Rescue Authority. Councillor Atkin provided an update on activity and confirmed:-

- A further meeting where the Annual Report was agreed.
- Month by month description of works undertaken by the Fire Authority and the Fire Brigade.
- Link to video footage about the work of the Fire and Rescue Authority.
- A video for National Women's Day which was well received across the sector. This had now won several awards – copies to be circulated.

**Resolved:-** That the minutes of the meeting of the South Yorkshire Fire and Rescue Authority be received.

Mover:- Councillor Atkin

Seconder:- Councillor Taylor

**95. SOUTH YORKSHIRE PENSIONS AUTHORITY**

Consideration was given to the minutes of the meeting of the South Yorkshire Pensions Authority and Councillor Ellis provided an update on activity confirming:-

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- A report received from the Audit Committee and its function in the annual report provided reassurance in good governance in the Authority.
- A report received setting out various immediate and longer term changes to the Authority's governance arrangements.

**Resolved:-** That the minutes of the meeting of the South Yorkshire Pensions Authority be received.

Mover:- Councillor Ellis

Second:- Councillor Wyatt

**96. SOUTH YORKSHIRE POLICE AND CRIME PANEL**

Consideration was given to the minutes of the meeting of the South Yorkshire Police and Crime Panel and Councillor Sansome provided an update on activity confirming receipt of briefing paper on the impact of Neighbourhood Policing on South Yorkshire outcomes.

**Resolved:-** That the minutes of the meeting of the South Yorkshire Police and Crime Panel be received.

Mover:- Councillor Sansome

Second:- Councillor Hoddinott

**97. MEMBERS' QUESTIONS TO DESIGNATED SPOKESPERSONS**

**(1) Councillor R. Elliott** asked why did Councillor Atkin not lobby for the reinstatement of the second pump at the recent Fire Authority Budget Meeting.

Councillor Atkin stated that the Council had made clear its view that it would wish to see the second appliance restored and his Fire Authority colleagues were in no doubt about that.

However, the latest financial report presented to the Fire Authority had showed the Service achieving a relatively small underspend of £600k on an annual budget of £50m. In presenting this report to Members the Director of Support Services outlined significant financial risks facing the service. These included:-

- The requirement to save £1.4 million from the Service's annual budget, following the outcome of a Judicial Review relating to the Close Proximity Crewing duty system.
- The outcome of a Government pensions revaluation, which would almost certainly mean a sharp rise in employer pension contributions.
- Substantial legal costs and detriment claims for staff displaced because of Close Proximity Crewing, which were not yet known and would have to be met from the current year's underspend

It was as a result of these factors that the Fire Authority agreed earlier this year that the Service should begin the process of developing a revised Integrated Risk Management Plan, which would consider its future Service provision (including fire cover) in line with the money available to it. It was as part of this process that the Fire Authority would consider whether the resources were available to restore the second appliance.

In a supplementary question Councillor Elliott welcomed the glimmer of hope relating to the restoration of the second appliance. When the motion requesting reinstatement was amended Councillor Elliott knew it was a fudge, but he would not let the situation drop despite numerous answers and excuses given to his questions since. Twelve new recruits had been appointed and a further twelve were in training and more to follow and fire fighters in Rotherham had offered to work overtime whilst the new recruits were in place so to enable the second pump and to keep residents safe at night.

There were questions about money that was spare and Councillor Atkin had previously said there was £5 million whereas the Fire Chief at the Scrutiny meeting said they were £10 million. Again inconsistencies in information. If the money was there and staff were there when would the second pump be reinstated.

Councillor Atkin confirmed twelve new fire fighters had been recruited and a further twelve were in training, but they had been recruited to replace those lost to retirement. Approximately, twenty fire fighters retired each year and each time someone retired it was the plan to replace them.

**(2) Councillor R. Elliott** asked did South Yorkshire residents suffer from a lack of attention by South Yorkshire Fire Authority when it set up a now failed company and spent thousands on a company credit card.

Councillor Atkin advised that Safety Solutions UK Ltd was set up by the Fire Authority in anticipation of future profits being reinvested into the service. Indeed UKIP had often said that public services needed to be more commercially minded and tried to raise more external revenue.

The company's performance was regularly scrutinised, but fell short of its initial business projections. Earlier this year board members approved a recommendation to begin a managed and solvent closure of the company, which was being delivered with minimal impact on the Service and its activities. In closing the company a small retained profit was expected to be returned to the Service for future investment in its core activities, with no cost to the Council tax payers of South Yorkshire.

In a supplementary question Councillor Elliott agreed he had spoken about commercial activity previously, but while this had been engaged and failed a second pump had been taken from the residents of Rotherham and asked what was the Service going to do now to build confidence in the Fire Authority.

Councillor Atkin confirmed the company was set up following the formation of a relationship with the Kuwait Fire Authority to train in South Yorkshire at Handsworth. Unfortunately, due to the volatile position of the Middle East it was decided the company would cease. Councillor Atkin found it, however, disingenuous to indicate that those employed in the company were incompetent in their roles.

**(3) Councillor Carter** asked given there was a £153,000 underspend in the Fire Authority's budget last year, did the Member agree that finances now allowed for a second Rotherham fire engine to be on duty at night time?

Councillor Atkin reported that South Yorkshire Fire and Rescue had suffered severe cuts to its budget, having lost around £12.5 million in Government funding since 2010 – a 29% reduction. The most recent medium term financial plan actually predicted a small deficit by 2019/20.

The Fire Authority as a whole had determined that there was currently no opportunity to reverse changes which had already been made to frontline services as a result of previously published plans. It was only as a result of implementing those changes that the Service was now in a relatively stable financial position, although there remained considerable uncertainty about its finances beyond 2020. This was due in part to mounting cost pressures, including the need to save £1.4 million from its annual budget as a result of the Close Proximity Crewing Judicial Review and a potential multi-million pound increase in employer pension contributions.

In a supplementary question Councillor Carter asked what representations had Councillor Atkin taken to the Fire Authority on behalf of the Council based on the motion passed earlier this year to reinstate an overnight fire pump.

Councillor Atkin confirmed he had at every opportunity lobbied Fire Authority colleagues. The finances did not allow at this time so it was premature to reinstate the second pump on nights when a new Integrated Risk Management Plan was being developed.

**(4) Councillor Carter** asked how much were the legal costs of losing the case about knowingly implementing an unlawful duty system for Close Proximity Crewing?

Councillor Atkin advised that it had previously been reported to the Authority – in July and September - the costs position in respect of the Judicial Review as being in the region of £75,000 which included own costs.

There were two elements of the litigation – the ongoing claims of the Employment Tribunal, but until this was resolved the precise cost of compensation to be paid to individuals was unknown, and the legal costs relating to the proceedings as mentioned above.

In a supplementary question Councillor Carter asked did South Yorkshire Fire Authority consider appealing the Close Proximity Crewing judgement if possibly to delay having to pay these costs.

Councillor Atkin confirmed the Fire Authority had considered appealing the judgement, but following legal advice and because of the wording of the Judge resolved it would not be in the best interests to go to appeal.

**(5) Councillor Carter** asked given the Judge's ruling about the duty to provide adequate fire cover across the county not being a reasonable excuse to implement an unlawful system that breaches Regulation 6 of the Working Time Directive, did this leave those Councillors who took that decision open to further legal challenge?

Councillor Atkin confirmed the Judge who heard the case ruled that firefighters' rights under Regulation 10 of the Working Time Directive were being breached. Whilst not quashing Close Proximity Crewing, this did mean that the Fire Brigade Union could use the judgement to make an application through the courts for an injunction prohibiting the use of Close Proximity Crewing in South Yorkshire. It was likely that similar crewing systems would continue to be used around the rest of the country, despite this ruling.

Since the judgement, Members had resolved that the process to develop a new Integrated Risk Management Plan and consequent operational proposals should commence immediately. The Service had begun this work, which would involve appropriate consultation with staff, public and partners.

The Monitoring Officer had commented there were no additional or personal implications for members of the FRA. The obligation to comply with the requirements of the Working Time Directive fell on the Authority as a corporate body and not on its individual members. The Authority was dealing with the implications of the Judgement by undertaking a review of its Integrated Risk Management Plan which would be the subject of appropriate consultation before any final decision was taken in respect of any changes to existing operational arrangements to address the financial implications of the discontinuation of close proximity crewing.

In a supplementary question Councillor Carter asked as Vice-Chair, prior to signing off on close proximity crewing, what legal advice had he had that this would be legal.

Councillor Atkin confirmed that when the Authority looked at close proximity crewing and the advice provided it was confirmed that if close proximity crewing was voluntary and not compulsory the Service was not in breach of the Working Time Directive. The Judge, however, disagreed.

**98. MEMBERS' QUESTIONS TO CABINET MEMBERS AND CHAIRMEN**

**(1) Councillor Hague** asked what was the financial cost of recruiting a Strategic Director?

The Leader confirmed the cost of recruitment would vary depending upon the methods of recruitment that was used. On average the cost for recruiting a Strategic Director was around £20k and the cost of the recruitment would be met through the savings identified by the substantive post being vacant for at least four months.

In a supplementary question Councillor Hague, given that Regeneration and Environment had now lost its Strategic Director and were faced with the process of recruiting another, asked for assurance that the exciting projects for that Directorate would have no detrimental impact through delays or cost implications for those projects.

The Leader was not aware of any additional costs or delays being brought to his attention. Paul Woodcock, Assistant Director, was acting up in that senior role and was receiving the Council's support in doing so.

**(2) Councillor Carter** would receive an answer to his question in writing.

**(3) Councillor Hague** asked was it common practice for Cabinet Members to make formal complaints against Council Officers?

The Leader of the Council replied no it was not common, but it did happen from time to time because one of the key roles of Cabinet Members was to act on behalf of the public to hold officers to account for the delivery of policies and priorities.

If there were instances where any Member of this Council felt an officer had not performed their function in the right way, in line with the policies of the Council or misled a Member or in any way believed they had acted detrimentally to the public, then they would have support to follow due process set out in the Member/Officer Protocol.

In a supplementary question Councillor Hague confirmed he was aware of complaints being made against officers and it had been made clear to him that certain departments were living in fear and anxiety of the consequences of some of the actions they had to take. He asked how did the Leader intend to deal with these officer concerns.

The Leader was not aware of these concerns, but if there were staff members who were concerned or anxious they should escalate these concerns to management in due course and in turn raise those concerns with the Chief Executive. The Council had a Whistleblowing Policy in place and he was assured that where there were concerns for staff and where there were complaints, proper robust procedures were in place to ensure they were fully investigated and appropriate action taken.

Certainly with reference to recent changes in senior management the Leader was assured that appropriate procedures were followed and appropriate action taken in the way it was hoped they would be.

**(4) Councillor Carter** asked what action had been taken by RMBC since the Council passed an anti-fracking motion to disassociate RMBC from fracking?

Councillor Lelliott confirmed that at the Council Meeting on the 18th October, 2017 the following was agreed as part of the motion on fracking:-

- The Council committed to not allow any fracking activities, including survey work, on Council owned or controlled land and property
- It further pledged to not sell Council land or property to companies involved in fracking.

Since this motion was passed, no applications to access land have been received by the Asset Management Team.

No land has been sold to any parties involved in fracking.

All staff within the team had been informed of the Council's agreed motion from the 18<sup>th</sup> October, 2017 meeting.

In a supplementary question Councillor Carter asked given the Council's Pension Authority had 3% of its business in companies involved in fracking, did the Cabinet Member not think the Council should attempt to move the investments.

Councillor Lelliott was not aware of this position, but would investigate further with Councillor Carter after the meeting.

**(5) Councillor Hague** asked how many complaints have been made by Cabinet Members against Officers in the last three years?

The Leader of the Council confirmed there had been five complaints made in the last three years.

In a supplementary question Councillor Hague confirmed there were five formal complaints all made by the Cabinet Member for Waste, Roads and Community Safety, four of which were made against the Strategic Director for Regeneration and Environment. The Leader was asked to explain why so many of these complaints were made against the Strategic Director and asked had he conducted an exit interview with the Strategic Director.

The Leader confirmed these were made against Regeneration and Environment as that was where the problems were that needed to be addressed. He referred to his comments earlier that where any Member had complaints they should follow the Member/Officer Protocol in place. Where issues could not be resolved informally, then they would be resolved formally and this was the process that he and all the Cabinet Members would follow.

The Leader did not want the public to view the webcast and think an individual Cabinet Member was making complaints against officers. There were a number of issues that needed to be addressed over a period of three years; one of which was a serious health and safety issue. If Cabinet Members were not taking these issues up and not holding officers to account and things went wrong the Leader would have serious concerns. He was reassured that proper procedures were being followed.

In terms of an exit interview for the Strategic Director this was not for Members to be involved with. An exit interview had been offered to the member of staff, but it was a matter for management if this was taken up or conducted.

**(6) Councillor M. Elliott** asked if, since he last asked about the derelict, fire ravaged buildings on Corporation Street, had there been any progress in establishing contact with the property owners?

Councillor Lelliott explained that progress had been made and the necessary steps were underway to identify property rights and ownership details ahead of a possible Compulsory Purchase Order.

It was expected that this work would be completed by mid-November following which negotiations would resume with the owners and other interested parties which was the next step in the process.

In a supplementary question Councillor Elliott had originally asked about Corporation Street nineteen months ago and little had happened since. Corporation Street was a main access to the town centre and he understood Forge Island was the centre of attention at the moment, but the fire ravaged buildings gave a poor impression of the town centre. He, therefore, asked the Cabinet Member if she would contact the owners to seek Compulsory Purchase very soon.

Councillor Lelliott agreed with Councillor Elliott about the condition of the buildings, but the Council had to follow due legal process to prove there was no viable use of the building. Attempts had been made to contact the owner of the buildings. An agent had come forward with a plan for housing, but this was not deemed a viable option. Compulsory Purchase could not be obtained until all avenues had been explored to deem the building non-viable.

It was acknowledged that the fire ravaged buildings on Corporation Street were an eyesore to the town centre and the owners of those properties should be admonished for them remaining in the condition they were. Officers had made numerous attempts to rectify the problem and enter into discussions and engage with the owners.

**(7) Councillor Hague** asked could the Leader confirm if any Cabinet Members had entered into mediation with any Council Officers in the last three years.

The Leader did not believe mediation was altogether correct, but confirmed that there had been instances where coaching sessions and other support had been used between Cabinet and the Strategic Leadership Team in order to ensure the best outcome.

**(8) Councillor Carter** asked how was the Community Infrastructure Levy and its predecessor currently allocated to Parished areas?

Councillor Lelliott confirmed the Council's Community Infrastructure Levy (introduced in July 2017) brought in a new way of collecting funding from development to invest in infrastructure (e.g. road improvements, school places, green spaces).

15% of the Community Infrastructure Levy income collected from any development was passed on to the Parish (if the Parish had adopted a Neighbourhood Plan this increased to 25%).

The Council would make these payments every six months.

In a supplementary question Councillor Carter asked how actively was the Council supporting and promoting to Parish Councils in bringing forward local plans so that more money could then be used in the areas most affected by the developments.

Councillor Lelliott confirmed Parish Councils were being supported and the Council had a statutory duty to do so. The Planning Department were also extremely proactive. A payment for Community Infrastructure Levy was just in the process of being made and work was underway with both Bramley and Dinnington to get their local plans passed.

**(9) Councillor M. Elliott** stated that a television programme last week highlighted Rotherham as having one of the highest percentages of residents with obesity in the U.K. Was there (excuse the pun) an appetite for the Council to consider what can be done to curtail the opening of even more fast food/takeaways in the future?

Councillor Roche explained that obesity in Rotherham was a real concern with a number of background causes and factors. This was something the Council took seriously and had a number of programmes in place around early intervention and prevention for children and families. The Healthy Programme tackled obesity and work would continue on reducing obesity partly because of the high impact and cost on health and the NHS.

Prior to adopting the Local Plan, the Council had very little control over the opening of new takeaways in fact applications that were refused e.g. the KFC at Canklow were appealed and then granted by Central Government.

The Local Plan, which was adopted in June this year, included policies that helped to control the number of new takeaways in town and local centres. The Policy stated that takeaways would not be supported on primary shopping streets and in future, through the implementation of the Policy, applications for new takeaways would not be granted if this would result in takeaways making up more than 10% of the units within a town centre.

The Council also tried to take forward a policy that restricted new takeaways from opening close to schools but this was removed by the Local Plan Inspector who stated that "he did not consider that there was local evidence of a clear link between hot food takeaways close to schools and levels of childhood obesity". This was supported by the Council, but was removed by the Planning Inspector. He did not consider there was local evidence or that there was a clear link to hot food takeaways near to schools and childhood obesity.

Officers needed to work together across the Council to address the problem and Councillor Roche was happy to take any ideas that Councillor Elliott or others may wish to put forward in relation to tackling this important issue. It was not just a planning issue about takeaways, but a need to work together across the whole system to try and tackle the obesity problem.

**(10) Councillor McNeely** asked, with the cold weather fast approaching, could the Cabinet Member tell her if the Snow Warden Scheme is still running and if so how can residents sign up for it ?

Councillor Hoddinott confirmed that the Snow Warden Scheme was still running and had been around for a while. There were only a few volunteers so this had been revamped to accommodate this, learning from the Love Where You Live Campaign where there were hundreds of litter pickers. Apply some of the principles to snow wardens.

The application process had been significantly improved this year to make it easier than ever to join the scheme. Residents could complete a simple online form via the Council website under the 'Gritting, Help to clear Snow and Ice' section. Residents would then receive guidance on how to safely clear ice and snow, as well as equipment including high-viz vests, gloves and shovels, along with a supply of salt.

Additionally, this year's Highways Winter Seminar for Members was on the 27<sup>th</sup> November, 2018 and any comments on how the Snow Warden Scheme could be promoted in Wards were welcomed.

**(11) Councillor Carter** stated £500,000 was allocated in the 2017/18 budget for a new library in Brinsworth and asked how had that money been spent?

Councillor Allen confirmed that the original notional figure of up to £500k was included in the Capital Programme in April, 2007 for a project for a new library in Brinsworth.

It was the Parish Council themselves that was bringing forward the project for the new library which was an extension of their facilities at the new community hub. The Cabinet Member urged anyone to go anyone to look at these facilities.

The Council were contributing £210,000 towards the project. A planning application had been submitted on 26<sup>th</sup> September, 2018 with consultation closed on 31<sup>st</sup> October, 2018.

This wider project had had the support of funding by the Big Lottery Fund and on that basis it was possible to deliver the library project, which would greatly improve on the current facilities, at a reduced cost.

In a supplementary question Councillor Carter asked when could residents in Brinsworth hope to see library open.

Councillor Allen reconfirmed the planning application was submitted on the 26<sup>th</sup> September, 2018 and the Council were due to meet with the Parish Council to look at the development and progress on the plans. The Cabinet Member would share any information in due course.

**(12) Councillor Vjestica** asked had the Council been affected by the national crisis with clinical waste?

Councillor Hoddinott explained Rotherham Council did have a contract with Healthcare Environmental to take clinical waste to their site in Normanton, near Wakefield.

Rotherham was not adversely affected by this position. The Waste Service, through their hard work, within a week of being informed of the issue and no longer able to use Healthcare Environmental, successfully awarded a new contract with a Rotherham-based disposal contractor in Wales, Rotherham.

The site was fully compliant, located within our operational area and disposal costs were comparable to the previous contract.

It was worth noting that the Council operated clinical waste collections on behalf of the NHS, on a commissioned basis. The Council was, therefore, not legally responsible for clinical waste collections from households.

However, the Council was aware of the vulnerable nature of customers of this

Service and no Rotherham clinical waste collections were affected by the recent crisis in clinical waste disposal.

**(13) Councillor Carter** asked since the last meeting what progress had been made in resolving the burial issues affecting those religious communities who required urgent burial?

Councillor Hoddinott pointed out that since Councillor Carter previously raised this a really good discussion session with Dignity had taken place at the Improving Places Select Commission in July. Councillor Carter was invited to attend.

Discussions were taking place and confirmed progress had been made through working with Dignity Funeral Services Ltd. and Rotherham was testing the feasibility of trialling an extension of the time of the latest burial to 18:30 between 1<sup>st</sup> April and 30<sup>th</sup> September at Herringthorpe Cemetery.

Councillor Carter was urged to become involved as there was now another opportunity for Members to visit the new crematorium and talk to Dignity direct on Monday, 19<sup>th</sup> November, 2018.

In a supplementary question Councillor Carter asked had the Cabinet Member brought local religious leaders to these meetings to help resolve some of the issues.

Councillor Hoddinott confirmed yes. There had been a number of meetings involving at times herself, Councillor Mallinder, Councillor Alam and the Assistant Chief Executive, Shokat Lal. There was a pledge to keep these meetings going and create a forum going forward.

**(14) Councillor Napper** asked how many parking enforcement notices have been issued in the last month for violations in Wellgate between Mansfield Road and Albany Street.

Councillor Lelliott confirmed that, in the period between 26th September and 26th October 2018, the Council issued 44 Penalty Charge Notices on Wellgate, with 15 of these being issued on the stretch of Wellgate heading out of town beyond its junction with Mansfield Road.

In a supplementary question Councillor Napper referred to the number of cars parked underneath the traffic lights at the bottom of Hollowgate pointing up Wellgate half way on the pavement and also at the bottom of Mansfield Road 3 cars parked the opposite way to the flow of traffic on double yellow lines. He asked if parking enforcement could concentrate their efforts on this area of Wellgate a little more than around the Town Hall.

Councillor Lelliott gave her assurance that Wellgate was heavily patrolled due to persistent parking problems. The shared service with Doncaster was starting shortly and this would help with the issues.

The Cabinet Member noted the concerns and confirmed that work did take place jointly with the Police within very limited resources.

**(15) Councillor Carter** asked how Rotherham compared to Sheffield, Bradford and Leicester in facilitating urgent burials, in particular what were their latest burial times for each of these Council areas.

Councillor Hoddinott advised she had received burial times which were:-

Bradford	Daylight Hours
Sheffield	Dusk
Leicester	Monday to Thursday until 2.30 p.m. and on Fridays until 2.00 p.m.

Rotherham currently offered burials until 3.00 p.m. between April and September and until 2.30 p.m. between October and March.

There had been some benchmarking work undertaken and the Cabinet Member, Councillor Alam and the Strategic Director had visited other areas to look at burial times and also practices in catering for different faiths.

In a supplementary question Councillor Carter, not being from a religion required an urgent burial being facilitated, asked had the Cabinet Member heard any evidence from members of those communities where residents were having to make a decision about burying a loved one where the family lived locally or getting an urgent burial in a place more open and able to facilitate the urgent burial service during a distressing time in people's lives.

Councillor Hoddinott confirmed she had heard from families who had felt they had had to go to other places when they had not got what they wanted in Rotherham. If Councillor Carter or any other Member had examples she welcomed these being forwarded on in order for them to form conversations with Dignity if it was felt the service had fallen short during which was a very sensitive time for families.

**(16) Councillor Napper** would receive a written response to his question.

**(17) Councillor Carter** asked did the Cabinet Member still think the service provision by Dignity was not discriminatory.

Councillor Hoddinott confirmed that whilst the policies in place were not being discriminatory the implementation of those policies would be subject to review and trialling of new arrangements in order to try to address the concerns that had been raised.

In a supplementary question Councillor Carter asked if the legal advice provided could be shared with members of the public and be released.

Councillor Hoddinott was happy to ask the question and seek legal advice. The Service had to be legal and provide assurances of compliance. What had been asked was about the Service for residents and all religious communities, which was why negotiations had taken place with Dignity to make changes in Rotherham and bring about changes people would like to see. This was about giving residents a very good service.

**(18) Councillor Carter** would receive an answer in writing to his question.

**(19) Councillor Carter** would receive an answer in writing to his question.

**99. URGENT ITEMS**

There were none.

**Councillor Chris Read – Leader of the Council**

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*Email the Council for **free** @ your local library!*

**Our Ref:**

CQ1/31102018

Sent via email to [Simon.A.Ball@outlook.com](mailto:Simon.A.Ball@outlook.com)

Thursday 8 November 2018

Dear Mr Ball

Further to the question that you were going to ask at the full council meeting but were unfortunately unable to attend. Please find below a written response.

*"Can I ask what Councillors Price and Carter have seen differently to the rest of the Council when voting for the closure of the learning centres?"*

I cannot speak on behalf of Councillor Price or Councillor Carter and I would advise you to speak with them directly to understand their views.

Yours sincerely



**Councillor Chris Read**

**Leader, Rotherham Metropolitan Borough Council**

**From:** Allen, Sarah-CLlr  
**Sent:** 13 November 2018 15:54  
**To:** 'mdpsylvester@gmail.com'  
**Subject:** Thrybergh Country Park Play area

Mr Sylvester,

I'm sorry to be so tardy with this reply but I've been on holiday from 2<sup>nd</sup> to 11<sup>th</sup> November inclusive. But I'm back now, so, to the answer to your question at Council on 31 October.

The play area at Thrybergh Country Park was closed off at the end of the school holidays because the timbers on the bridge were thought unsafe. It hasn't been possible to isolate the bridge so access to the whole area has been restricted. The timbers are being tested to determine the extent of any problem and quotes would then be sought for repair, or replacement with new equipment. I will ask officers for a timescale for any such work and get back to you.

We are also keen to ensure that any changes to the play area fit into future plans for development of the whole Park.

I do appreciate the disappointment this situation may cause some users and I apologise for that. I would only point out that there are three other play areas within two miles of the Country Park, namely:-

- Bill Winder Play Area, Thrybergh
- Victoria Gardens, Kilnhurst and
- Kilnhurst Recreation Ground

Thank you for taking the time to raise the issue and please don't hesitate to ask if there's anything else I can help with,  
Yours sincerely,

**Councillor Sarah Allen**  
**Wingfield Ward**  
**Rotherham MBC**

**Cabinet Member for Cleaner Greener Communities**

**Councillor Gordon Watson – Deputy Leader of the Council**

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E-mail: [gordon.watson@rotherham.gov.uk](mailto:gordon.watson@rotherham.gov.uk)*Email the Council for **free** @ your local library!***Our Ref:**

CQ2/31102018

**Direct Line:**

(01709) 822701

Dear Councillor Carter

Further to the question that you were going to ask at the full council meeting where unfortunately I was unable to attend. Please find below a written response.

*"In February's council meeting the Cabinet Member assured me that providing free sanitary products in secondary schools was the norm in Rotherham. Does he agree with me and Rotherham's MP that more needs to be done to make free sanitary products more accessible in schools in Rotherham?"*

Following on from conversations that have happened outside of the Council meeting, I can confirm that the following has been done;

- Colleagues from other authorities who have undertaken work to ensure accessibility of sanitary products have been contacted to discuss the initiatives they have taken along with how sustainable the projects are
- The charity Reb Box Project has been contacted to see what support is available to aid with making products more accessible.

I will continue to liaise with you and update you on responses when I receive them.

Yours sincerely

**Councillor Gordon Watson****Deputy Leader, Rotherham Metropolitan Borough Council****Cabinet Member for Children and Young Peoples Services and Neighbourhoods**

Councillor Beck

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Email the Council for **free** @ your local library!

**Our Ref:**

DB/EJH

Councillor Napper

Rotherham Town Hall

Moorgate Street

ROTHERHAM

S60 1TH

1 November 2018

Dear Councillor Napper

With reference to the question asked at yesterday's council meeting with I was unfortunately unable to attend. Please find below a written response:-

***“Will R.M.B.C. look at its Council Housing’s Letting Policy with a view to giving priority to Rotherham families as some of these residents have been on the waiting list for fourteen years?”***

Rotherham’s Housing Allocation Policy already prioritises letting council and housing association homes to Rotherham families as it has a Local Connection Criteria.

All applicants over the age of 16 seeking accommodation through Key Choices Letting Scheme must provide evidence that they have a local connection to Rotherham for a minimum of 3 years up to and including the date of application.

A person has a local connection where:

- They have lived for the last 3 years in Rotherham Metropolitan Borough Council’s geographical boundary through their own choice.
- They are currently employed in Rotherham and have been for the last 3 years
- They have direct family who live in Rotherham and they have done so for the last three years. Direct family members include husbands, wives, civil partners, parents, sons, daughters, brother and sisters.

The applicant will be requested to provide proof of local connection

There are exceptions to this policy relating to members and former members of the Armed Forces, the Council statutory duties relating to homelessness and safeguarding families fleeing domestic violence and witness protection.

If individual applicants are concerned at the length of time it is taking to be rehoused please forward their details and contact will be made to provide them with advice on their application.

I hope that the information provided will adequately address your question. However, should you require any further information please let me know.

Yours sincerely

*D Beck*

**Councillor Dominic Beck**  
Cabinet Member for Housing Services

**Councillor Alam – Cabinet Member for Finance and  
Customer Services**

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*Email the Council for **free** @ your local library!*

**Our Ref:**  
SA/EJH

Councillor Carter  
Rotherham Town Hall  
Moorgate Street  
ROTHERHAM  
S60 1TH

5 November 2018

Dear Councillor Carter

With reference to the question asked at yesterday's council meeting with I was unfortunately unable to attend. Please find below a written response:-

***"How many staff are employed by Rotherham Council for the purposes of trade union work"?***

There are 6 full time trade union convenors working on trade union activities as part of the council's facilities time agreement.

I hope this answers your question. However, if you would like anything further please let me know.

Yours sincerely



Councillor Saghir Alam  
**Cabinet Member for Finance and Customer Services**

**Councillor Alam – Cabinet Member for Finance and  
Customer Services**

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*Email the Council for **free** @ your local library!*

**Our Ref:**  
SA/EJH

Councillor Carter  
Rotherham Town Hall  
Moorgate Street  
ROTHERHAM  
S60 1TH

5 November 2018

Dear Councillor Carter

With reference to the question asked at yesterday's council meeting with I was unfortunately unable to attend. Please find below a written response:-

***“What is the cost of the staff employed by Rotherham Council for the purposes of trade union work”?***

In 2017/18, the total cost of facility time for Rotherham Council was £159,725; equivalent to 0.12% of our total pay bill. This is the cost of the 6 posts.

I hope this answers your question. However, if you would like anything further please let me know.

Yours sincerely



Councillor Saghir Alam  
**Cabinet Member for Finance and Customer Services**

**THE CABINET**  
**22nd October, 2018**

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

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

**39.       DECLARATIONS OF INTEREST**

Councillor Alam declared a personal interest in Minute No. 43 (Implementation of the Early Help Strategy) on the grounds that his daughter attended the Broom Valley Assessment Centre.

**40.       QUESTIONS FROM MEMBERS OF THE PUBLIC**

There were no questions from members of the public.

**41.       MINUTES OF THE PREVIOUS MEETING**

**Resolved:-** That the minutes of the Cabinet and Commissioners' Decision Making Meeting held on 17<sup>th</sup> September, 2018, be agreed as a true and correct record of the proceedings.

**42.       EXCLUSION OF THE PRESS AND PUBLIC**

There were no items requiring the exclusion of the press and public.

**43.       IMPLEMENTATION OF THE EARLY HELP STRATEGY 2016-2019:  
'PHASE TWO & PHASE THREE'**

Consideration was given to a report which detailed the proposals for the implementation of Phase Two and Phase Three of the Early Help Strategy 2016-2019, following the ninety day public, partner, staff and young people's consultations which began in April, 2018 (following 12th March, 2018 Cabinet report) and which concluded in July, 2018.

The report provided a summary of the ninety day consultation activity, feedback on the proposals from staff, Service users and partners and an overview of how the responses have informed the final proposals. The report also covered the approved savings considered at the Overview and Scrutiny Management Board meeting on 14th December, 2017.

The proposal was for Phase Two and Phase Three of the Early Help Offer to be delivered in a way that strengthened existing partnerships and neighbourhood working, developed new and innovative joint working arrangements and was targeted effectively to support the most vulnerable children, young people and families.

This would lead to the development of locality Family Hubs, (Early Help Team bases with staff co-located alongside RMBC services, Social Care and health partners and provide delivery points for the 0-19 Offer) and was an objective within Phase Three of the Early Help Strategy and informed by the rationale contained within; Family Hubs, A Discussion Paper, The Children's Commissioner, October 2016.

The introduction of a Borough-wide Intervention Hub would expand upon the current evidenced based programmes used by Early Help practitioners across the Borough to achieve better and more sustained outcomes for children, young people and families in Rotherham.

An expansion of the Family Group Conferencing (FGC) provision would ensure that children and families received high quality, cost effective interventions.

Greater integration of the Youth Offending Team would bring interventions into localities so that young offenders were integrated more effectively into their communities and enhancing the multi-agency response from education, schools and Social Care.

This meant there would be a proposed reduction in the number of registered Children Centres from twelve to nine, whilst ensuring the Children Centre Offer within the locality was retained by delivering universal and targeted services from a range of sites better suited to the needs of families. However, despite deregistration, intervention and support would be retained for children and families in the localities that the named centres served. Deregistration of a Children's Centre meant that the building would no longer be used solely for Children's Centre Services. Children's Centre activity would continue in the area, but would be delivered from a range of other suitable venues. The venues affected were:-

- Park View (Central Locality).
- Broom Valley (Central Locality).
- Wath Victoria (North Locality).

The three centres proposed to be de-registered would continue to deliver Early Years services and Early Help would still retain access to the buildings to deliver sessions for up to ten hours per week through a Service Level Agreement (SLA).

Further, there would be a proposed reduction in the number of Local Authority maintained Youth Centres and Early Help Team bases from eleven to six. The proposed Young Centres and staff team bases were:-

- Herringthorpe (Central Locality).
- Treeton (South Locality).
- Kiveton (South Locality).
- Maltby Linx (South Locality).
- Swinton (North Locality).

In some instances there was a perception from the public that closing a Youth Centre meant that the Services were also ceasing – this was not the case. The Early Help Service would continue to provide a 0-19 outreach and engagement offer and this would be incorporated into a targeted and detached 'youth offer' in localities based on demand and need.

The Leader, therefore, confirmed the proposals incorporated the approved savings to be achieved through the rationalisation of a range of properties whilst protecting the services being delivered.

Cabinet Members sought further information on the new model of service and assurances that local groups could continue to operate in the affected buildings.

This report had been considered by the Overview and Scrutiny Management Board as part of the pre-scrutiny process, but also the Improving Lives Select Commission, who were in support of the recommendations, but were asking Cabinet to consider:-

- For Improving Lives Select Commission to keep a watching brief on the implementation of Phase 2 & 3 of the Early Help Review.
- That an update was provided in March, 2019 in respect of the progress in establishing Service Level Agreements with schools for youth service provision and related transfer of assets.
- That an update was provided in September, 2019 to reflect how the Service was capturing the child/young person's voice in the work of the Early Help Service.
- That the exit survey and number of assessments completed by partners as performance measures be revisited.
- That Ward Members be consulted on the transfer or disposal of assets.

The Cabinet accepted all the recommendations as part of the pre-scrutiny process.

**Resolved:-** (1) That the implementation of Phases Two and Three of the Early Help Strategy be approved, incorporating:-

- (a) The development of locality Family Hubs, (Early Help Team bases with staff co-located alongside RMBC services, Social Care and health partners and provide delivery points for the 0-19 Offer).

- (b) The introduction of a Borough-wide Intervention Hub which will expand upon the current evidenced based programmes used by Early Help practitioners across the Borough.
- (c) An expansion of the Family Group Conferencing (FGC) provision to ensure that children and families receive high quality, cost effective interventions.
- (d) A reduction in the number of Heads of Service posts from four to three.
- (e) The creation of Early Help Service Manager Posts.
- (f) Greater integration of the Youth Offending Team (YOT), bringing interventions into localities so that young offenders are integrated more effectively into their communities and enhancing the multi-agency response from Education, Schools and social care.

(2) That a targeted youth offer be approved and continue to be delivered for young people in localities and relocate staff, surrendering leases at:-

- Herringthorpe (Central Locality).
- Treeton (South Locality).
- Kiveton (South Locality).
- Maltby Linx (South Locality).
- Swinton (North Locality).

(3) That the three Children's Centres be de-registered whilst ensuring the Children Centre offer was provided to families within the designated locality at:-

- Park View.
- Broom Valley.
- Wath Victoria.

(Councillor Alam declared a personal interest in Minute No. 43 (Implementation of the Early Help Strategy) on the grounds that his daughter attended the Broom Valley Assessment Centre)

#### **44. MODERN SLAVERY UPDATE AND TRANSPARENCY STATEMENT**

Consideration was given to a report which provided a brief overview of planned activity in relation to modern slavery for the financial year 2018/19.

In July, 2018, the Council produced an interim statement, which was published on its website, in accordance with the Modern Slavery Act 2015. Following further internal work to strengthen process and the commitments a more detailed statement for the financial year 2018/19 was drafted.

This document described the Council's commitment to transparency in its supply chain. It furthermore recognised the Council's unique role as a public body and made further commitments in this regard. The Statement also sought to capture the commitments made by the Council, over and above legal duties, and the Council's commitment to delivery of those ambitions. The statement also introduced the requirement for annual reporting.

In noting progress to date, the document highlighted the inclusion of training during Safeguarding Awareness Week; the start of developing a consistent training offer within the Council; the identification of at risk industries; increasing information and intelligence flow; establishing greater links with procurement/commissioning in relation to the issue and the inclusion of Modern Slavery explicitly with the Council's Whistleblowing Policy.

To support commissioning and procurement colleagues, together with contract managers, guidance would be developed in relation to at risk industries, giving them details on how to access information, what to look for and where to go for advice. Work would also be carried out to explore standard relevant clauses alongside tightening tender specifications.

The Council would continue to develop its operational functions to be alert to this type of crime and be proactive in identifying it wherever possible.

Key activity would focus on highlighting key areas of risk and embedding into people's thinking in relation to broader safeguarding and into the Council's wider safeguarding activity in relation to awareness raising and regular briefings.

This report had been considered by the Overview and Scrutiny Management Board as part of the pre-scrutiny process who were in full support of the recommendations.

Cabinet Members welcomed this Statement which would safeguard vulnerable people and tighten the Council's commissioning and procurement practices through training for key staff.

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

(2) That the Draft Transparency Statement at Appendix 1 be approved for publication.

#### **45. AMENDMENT TO THE GENERAL ENFORCEMENT POLICY**

Consideration was given to a report which detailed how the Council had had an adopted General Enforcement Policy in place for a number of years. The Policy had since been reviewed and amendments made on a number of occasions, most recently in February, 2018.

This report, therefore, requested the approval for an amendment to the Policy clarifying the Council's position with regard to the surveillance of social media sites used by individuals and businesses within Rotherham. Over recent months it had become apparent that some sites were being used for illegitimate purposes by rogue individuals and traders, in particular in relation to fly-tipping and illegal and counterfeit goods.

Social media, despite being in the public domain, did not mean that rules around covert surveillance did not apply. Where information was made publicly available on social media platforms, logic would suggest that a reduced expectation of privacy would follow, where information relating to a person or group of people is made openly available within the public domain. However in some circumstances privacy implications still applied. This is because the intention when making such information available was not for it to be used for a covert purpose such as investigative activity.

In order to ensure the effective regulation of these individuals and traders, it was considered both necessary and appropriate to undertake proportionate surveillance of their activities on social media sites. In deciding whether online surveillance should be regarded as covert, consideration should be given to the likelihood of the subject knowing that the surveillance was or may be taking place.

As this surveillance constituted enforcement activity, it was, therefore, appropriate for this to be included within the General Enforcement Policy. Indeed, it was paramount that the Council was transparent in its approach to any potential investigation.

It was, therefore, proposed to amend Section 7 of the General Enforcement Policy to include reference to the Council undertaking surveillance within the powers and obligations available, in order to prevent and detect crime.

Given that the proposed introduction of social media surveillance as a regulatory and enforcement tool was a significant Policy change, it was considered appropriate within the terms of the *Regulator's Code* and the General Enforcement Policy, that the public should be consulted and responses considered prior to adoption.

**Resolved:-** (1) That the proposed amendment to the General Enforcement Policy be considered and approval given to undertake public consultation in respect of the proposed changes to the Policy.

(2) That a further report be submitted to the Cabinet in Spring, 2019 for consideration following public consultation.

**46. HOUSE TO HOUSE COLLECTIONS POLICY**

Consideration was given to the report which detailed how house to house collections on behalf of charities, with some exemptions, were required to be permitted by Councils. Whilst governed by national legislation, there was provision for local discretion.

House to house collections were defined as 'an appeal to the public, made by means of visits from house to house, to give, whether for consideration or not, money or other property that may be sold for money, where the proceeds were given to any charitable, benevolent or philanthropic.

Applications were received by the Council from a number of organisations each year and the issuing of permits to authorise collections was considered by the Council's Licensing Board. The Council was not obliged to formulate and adopt a Policy in relation to the application process for House to House Collection Permits, and historically had not had a Policy in place.

It was now considered that by having a clear and transparent policy this would assist applicants' understanding of the process and facilitate more consistent decision making by the Council. The draft Policy also contained important criteria including a minimum of 80% of the value of the collections to be provided to the Charity and a time limit restriction for collections to a home address.

**Resolved:-** (1) That the draft policy be received and approval given to take the Policy to consultation with relevant individuals and organisations.

(2) That, following consultation, the Policy be submitted to the Cabinet in Spring, 2019 for adoption.

**47. RECOMMENDATIONS FROM OVERVIEW AND SCRUTINY MANAGEMENT BOARD**

Consideration was given to the circulated report, the contents of which were included as part of the relevant items and the details included accordingly.

## **Summary Sheet**

### **Committee Name and Date of Committee Meeting**

Council – 5 December 2018

### **Report Title**

Recommendation from Cabinet – Consultation on the Adoption of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 and a Rotherham Sex Establishment Licensing Policy

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

Yes

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

Paul Woodcock, Acting Strategic Director of Regeneration and Environment

### **Report Author**

Tom Smith, Assistant Director of Community Safety and Street Scene  
01709 822902 or tom.smith@rotherham.gov.uk

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

All

### **Summary**

At its meeting on 19 November 2018, the Cabinet considered a report in respect of consultation relating to proposals to adopt Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 and a Rotherham Sex Establishment Licensing Policy.

The original report providing detail to the proposals is appended in order to provide Members with sufficient knowledge to agree the proposals.

In order to give effect to the recommendations from Cabinet, consideration and approval by Council must be given to the recommendation set out below.

### **Recommendations**

1. That the proposal to adopt Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 (as amended) be considered, and that Cabinet recommend to Council to agree the commencement of public consultation in relation to the proposed adoption.
2. That approval be given to begin public consultation, in line with Option 2(b) (section 4), on a proposed Sex Establishment Licensing Policy, to run parallel to consultation on the adoption of Schedule 3 above.

**List of Appendices Included**

Appendix A – Consultation on the Adoption of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 and a Rotherham Sex Establishment Licensing Policy – 19 November 2018

**Background Papers**

None

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

Overview and Scrutiny Management Board – 14 November 2018  
Cabinet – 19 November 2018

**Council Approval Required**

Yes

**Exempt from the Press and Public**

No

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## **Summary Sheet**

### **Name of Committee and Date of Committee Meeting**

Cabinet – 19 November 2018

### **Report Title**

Consultation on the Adoption of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 and a Rotherham Sex Establishment Licensing Policy.

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

Yes

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

Paul Woodcock, Acting Strategic Director of Regeneration and Environment

### **Report authors:**

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

Borough-wide

## **Executive Summary**

This report outlines a proposal to consult on the adoption of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 that, following amendment through the Policing and Crime Act 2009, classifies the following establishments as sex entertainment venues:

- Lap, pole and table dancing;
- Strip shows;
- Peep shows and live sex shows.

This report asks Cabinet to recommend that Council approve the commencement of public consultation on the adoption of the Schedule.

The adoption of the Schedule would give local communities a greater say about the presence of sex establishments, including sex entertainment venues, sex shops and sex cinemas, and would allow the local authority to more effectively regulate such premises through a formal Sex Establishment Licensing Policy.

The report therefore also seeks Cabinet approval to begin public consultation on a proposed Sex Establishments Licensing Policy to run parallel to consultation on the adoption of Schedule 3.

### **Recommendations**

1. That the proposal to adopt Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 (as amended) be considered, and that Cabinet recommend to Council to agree the commencement of public consultation in relation to the proposed adoption.
2. That approval be given to begin public consultation, in line with Option 2(b) (section 4), on a proposed Sex Establishment Licensing Policy, to run parallel to consultation on the adoption of Schedule 3 above.

### **List of Appendices Included**

- Appendix 1 Sex Establishments Local Government (Miscellaneous Provisions) Act 1982 Considerations
- Appendix 2 Draft Rotherham Metropolitan Borough Council Sex Establishment Licencing Policy for Consultation
- Appendix 3 Equality Impact Assessment

### **Background Papers**

Home Office Guidance for England and Wales in relation to Sexual Entertainment Venues

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

Licensing Board – 24 September 2018

Council – 5 December 2018

### **Council Approval Required**

Yes

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

No

**Consultation on the Adoption of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 and a Rotherham Sex Establishment Licensing Policy.**

**1. Recommendations**

- 1.1 That the proposal to adopt Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 (as amended) be considered, and that Cabinet recommend to Council to agree the commencement of public consultation in relation to the proposed adoption.
- 1.2 That Cabinet approval be given to begin public consultation, in line with Option 2(b) (section 4), on a proposed Sex Establishment Licensing Policy, to run parallel to consultation on the adoption of Schedule 3 above.

**2. Background**

- 2.1 Any sex shop or sex cinema located within the Borough of Rotherham currently requires a licence from the Council issued under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 ('the 1982 Act'). Such premises are referred to in the 1982 Act as 'sex establishments'.
- 2.2 At the present time, all premises in Rotherham that provide lap dancing or similar activities require a premises licence issued under the Licensing Act 2003, rather than being licensed as 'sex establishments'.
- 2.3 Although the Licensing Act 2003 provides local authorities with the ability to regulate establishments where lap dancing or similar entertainment takes place, this legislation did not give communities sufficient powers to control where lap dancing clubs and the like, were established. Similarly, Councils were not provided with sufficient powers in relation to the regulation of such premises, such as the requirement for sex establishments to apply for an annual licence with appropriate conditions being attached.
- 2.4 The Policing and Crime Act 2009 came into effect in April 2010 and reclassified lap dancing clubs and similar as 'sexual entertainment venues', adding these to the category of 'sex establishment' within the 1982 Act. These provisions allow local authorities to consider and determine applications on potentially wider grounds than is permitted under the Licensing Act 2003, and allows local people a greater say over the regulation of sex establishments in their area.
- 2.5 Importantly, the amendments to the 1982 Act allows local authorities to set a policy in relation to the licensing of sex establishments that sets out the Council's approach to the licensing of these premises, including the setting of conditions, restrictions on locations and limits on the number and type of sex establishments within the area.
- 2.6 However, the amendments to the 1982 Act only apply where they are adopted by local authorities.

### **3. Key Issues**

#### **Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982**

- 3.1 The majority of venues providing lap dancing, table dancing or other similar striptease entertainment currently need hold only premises licences with music and dancing issued under the Licensing Act 2003 to operate lawfully, which only requires them to be subject to the four licensing objectives which are:
- The prevention of crime and disorder
  - Public safety
  - The prevention of public nuisance and
  - The protection of children from harm.
- 3.2 The Policing and Crime Act 2009 amendment, which together with guidance, now ensures that the following are within the scope of the 1982 Act:
- Lap, pole and table dancing;
  - Strip shows;
  - Peep shows and live sex shows.
- 3.3 The provisions do include some clarifications and exemptions nevertheless, applications for a sex establishment licence will need to be made in writing and consider all details set out in the 1982 Act and the Council's Sex Establishment Licensing Policy.
- 3.4 The 1982 Act sets out mandatory grounds for the refusal of applications, making it clear that a licence must not be granted in prescribed circumstances. Additionally, a Council may choose to refuse a licence on discretionary grounds under specified circumstances. Detail in relation to the considerations can be found at Appendix 1.
- 3.5 Home Office guidance details that, whilst public consultation on the adoption of the powers is not statutorily required, it is good practice to seek the public's views on the matter.

#### **Sex Establishment Licensing Policy**

- 3.6 Home Office guidance establishes that it is reasonable and potentially useful to future applicants for the Council to specify in advance of receiving applications that certain areas are, or are not, appropriate locations for sex establishments or a particular number of sex establishments that might be allowed.

#### **Locations**

- 3.7 The Council's proposed Sex Establishment Licensing Policy, seeks to identify defined areas that would not be appropriate locations for sex establishments, or would not fit in with the character of such areas. A draft Policy presented at Licensing Board for consultation on 24<sup>th</sup> September, proposed examples of such sensitive locations as follows:

- Residential areas
- Parks / play areas
- Places of worship
- Women's refuge facilities
- Family leisure facilities such as cinemas, theatres and concert halls
- Youth facilities
- Places used for celebration or commemoration
- Schools and other education establishments
- Cultural leisure facilities such as libraries and museums
- Historic buildings
- Retail shopping areas

Licensing Board were supportive of this proposed approach, however no decision has been made on the Policy in relation to sensitive locations at this stage.

- 3.8 The Council's definition of what constitutes a locality can be challenged if it was found that the area covered was unreasonable, and the policy therefore should be informed through a thorough consultation process (see section 4).

### **Number of Sex Establishments**

- 3.9 The Council can set limits on the number of sex establishments (sex shops and sex cinemas) and sexual entertainment venues in a proscribed area, such as the Town Centre, taking into account the impact of such establishments on the character and amenity of particular locations. It is required that this principle should be subject to robust public consultation.
- 3.10 The Council may therefore refuse a licence on the grounds that the number of licences of that type is equal to or exceeds the number which the authority considers is appropriate for that locality. Guidance is clear that nil may be an "appropriate number" for a "relevant locality" where the character of the area is considered to be unsuitable for the siting of a sex establishment.
- 3.11 The draft policy presented to Licensing Board on 24<sup>th</sup> September proposed to limit the number of sex establishments within the town centre area to a maximum of two, providing those premises are not too near and / or do not impact properties with sensitive uses or in sensitive locations. Licensing Board were minded to support the proposed approach, so as not to effect the existing two sex establishments (one sex shop and one sexual entertainment venue) in Rotherham. However no decision about the appropriate number of sex establishments in any relevant locality, has been made at this stage.

### **Other Conditions**

- 3.12 In addition to safeguards around safety and welfare, it essential that the workers in sexual entertainment venues are protected from exploitation. Given that it is proposed that specific conditions to address this are attached to all sexual entertainment venue licences.

- 3.13 The appropriate proposed standard conditions will be applied to all sex establishment licences issued by Rotherham MBC. The Council does however reserve the right to amend these conditions or attach additional conditions as appropriate.

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

- 4.1 **Option 1:** the Council does not consult on the adoption of the provisions provided within the amended Schedule 3 to the 1982 Act, and does not therefore consult on a Sex Establishments Licensing Policy. This option would maintain the status quo, and therefore mean that the Council could not adopt Schedule 3 and could not introduce a robust Sex Establishment Licensing Policy. This would limit the ability of local people to challenge the presence of sex establishments in their area.
- 4.2 In addition, the current position of regulating lap dancing clubs through the Licensing Act 2003 would remain, limiting the ability of the Council to deal effectively with any concerns around lap dancing clubs.
- 4.3 This option would reduce cost burdens on the Council in respect of undertaking public consultation and subsequent costs of implementing the changes and Policy.
- 4.4 **Option 2:** the Council consults on the adoption of the provisions within the amended Schedule 3 to the 1982 Act, and on a Sex Establishments Licensing Policy. Within Option 2 there are two potential consultation approaches:
- 4.5 **Option 2(a):** to develop a draft policy, including proposals relating to the type of locations and number of sex establishments, and to seek views on that draft policy. Whilst this would potential aid a consultation, as it would give consultees a draft set of locations and a suggested number of sex establishments to consider, it could potentially limit the range of sensitive localities being identified, and limit the range of responses in relation to the number of sex establishments in particular locations.
- 4.6 **Option 2(b):** to publish a draft policy, leaving the sections of the policy relating to the type of locations and number of sex establishments blank, in order to facilitate a structured consultation, and to seek a wider range of views, to fully inform the future policy. Whilst this option would not give consultees a specific proposal to respond to, it is likely to elicit a more comprehensive range of views about sensitive localities and the appropriate number of sex establishments within those localities.
- 4.7 It is clear that the current regulatory position is not satisfactory. In order to develop a robust policy, there is a need for an open consultation, which is not presumptuous in terms of the outcome. Option 2(b) is therefore the preferred approach.

- 4.8 The preferred option to consult means that Council can subsequently consider whether to adopt Schedule 3 of the 1982 Act, and that Cabinet can consider whether to agree a formal Sex Establishment Licensing Policy. This would ultimately provide the Council with a more robust response to ensure that the future licensing of sex establishments is considered taking account of the views of residents, the establishment of welfare conditions for those employed, and provides for consideration of the location of such establishments.

## **5. Consultation**

- 5.1 The decision to adopt a Sex Establishments Licensing Policy, or to consult upon one, are decisions for Cabinet as they relate to policy rather than the determination of individual applications for licences, which would be matters for Licensing Board. The adoption of Schedule 3 to the 1982 Act, or a decision to consult on adoption, is a matter for Council, which would have to pass a resolution to apply Schedule 3 to the Borough in order for Schedule 3 to apply.
- 5.2 Subject to Cabinet and Council approvals, a public consultation will commence during December 2018, with a view to providing evidence for a further report in February 2019 to consider whether or not to adopt the powers. Once the consultation is completed, responses will be considered and incorporated into further report to Council and Cabinet.
- 5.3 Any proposed Sex Establishments Licensing Policy should be developed through robust and meaningful consultation with all relevant stakeholders. The proposed public consultation would seek views as to the importance of key elements of the proposals including:
- The adoption of Schedule 3 of the 1982 Act, and the need for a specific Sex Establishments Licensing Policy, to provide residents with a means of challenging the presence of sex establishments within their area;
  - The type and nature of locations where sex establishments would not be appropriate;
  - The boundaries of “relevant localities” where any policies would apply;
  - The number of sex establishments considered appropriate within the proposed “relevant localities” of the Borough;
  - The consideration of other bespoke prescribed conditions on licences that would allow for effective regulation of sex establishments;
  - The value of including specific conditions that seek to ensure that the welfare of workers within sex establishments are prescribed.
- 5.4 The Council’s Licensing Board was consulted in relation to the proposed adoption of the amended Schedule 3 of the 1982 Act and on a draft Sex Establishments Licensing Policy on 24<sup>th</sup> September 2018. The feedback from Licensing Board will be considered as part of the consultation on the adoption of Schedule 3 of the 1982 Act and on a Sex Establishments Policy.
- 5.5 Feedback from the Cabinet Member for Waste, Roads and Community Safety is that the character of Rotherham town centre makes it an inappropriate locality for Sexual Entertainment Venues.

- 5.6 Public consultation will be undertaken for a period of 8 weeks. All appropriate consultation methods will be used in order to ensure that the consultation is both effective and meaningful. The consultation will involve (amongst others) the general public, statutory authorities, the users and managers of those sensitive locations identified in section 3.7 above, religious groups, community and voluntary groups, residents living near to premises, the employees within the industry and their representatives, as well as industry representatives.

## 6. Timetable and Accountability for Implementing this Decision

- 6.1 It is proposed that consultation on the proposal to adopt Schedule 3 of the 1982 Act and consultation on a Sex Establishments Licensing Policy, will take place in parallel with one another, given the intrinsic links between the two proposals. An indicative timetable for adoption is therefore as follows:

Date	Meeting	Decision
19 <sup>th</sup> Nov 2018	Cabinet	<ul style="list-style-type: none"> <li>Cabinet recommend to Council to agree the commencement of public consultation to adopt Schedule 3 of the 1982 Act.</li> <li>Cabinet give approval to begin consultation on a proposed Sex Establishment Licensing Policy to run parallel to consultation on the adoption of Schedule 3 above.</li> </ul>
5 <sup>th</sup> Dec 2018	Council	<ul style="list-style-type: none"> <li>Council agree the commencement of public consultation to adopt Schedule 3 of the 1982 Act.</li> </ul>
Public Consultation – 8 weeks		
27 <sup>th</sup> February 2019	Council	<ul style="list-style-type: none"> <li>Council agree to adopt Schedule 3 of the 1982 Act.</li> </ul>
Late February/ Early March	Licensing Board	<ul style="list-style-type: none"> <li>Licensing Board consultation on amendments to the Sex Establishment Licensing Policy following consultation.</li> </ul>
18 <sup>th</sup> Mar 2019	Cabinet	<ul style="list-style-type: none"> <li>Cabinet agree to adopt a Sex Establishment Licensing Policy.</li> </ul>

- 6.2 Should the powers ultimately be adopted, there is a requirement that a transitional period of twelve months is allowed to ensure the compliance of existing licence holders.

## 7. Financial and Procurement Implications

- 7.1 Schedule 3 to the 1982 Act states that the application for grant, renewal, variation or transfer of a sex establishment licence shall pay a reasonable fee determined by the appropriate authority.

- 7.2 The current annual fee for a new sex establishment licence is £7,560. If Schedule 3 is adopted this would potentially bring one other establishment, currently in the Borough, in to this charging regime.
- 7.3 In the event that the new provisions are adopted, a costings exercise will be carried out aimed at establishing appropriate application fees on a full cost recovery basis in line with Central Government guidelines.
- 7.4 Consultation will involve some additional printing and postage costs, but will also utilise the Council's existing website. It is envisaged that any additional costs will be minimal and that this can be delivered within existing resources.
- 7.5 There are no anticipated procurement implications as a result of the proposals within this report.

## **8. Legal Implications**

- 8.1 In the event that the adoptive provisions are to be taken up, Council must pass a resolution stating this decision and which specifies the day (the first appointed day) that the provisions will come into effect in the area. The specified date must be more than one month after the day on which the resolution was passed.
- 8.2 The resolution and the date of the first appointed day must then be published in notices appearing for two consecutive weeks in a local newspaper circulated in its area. The first publication of the notices must give at least 28 days' notice of the specified date.
- 8.3 A 'transitional period' then commences lasting twelve months beginning with the first appointed day. The process that follows is set out below:
- To allow time to comply with the new regime, existing operators, who immediately before the first appointed day, hold a premises licence issued under the 2003 Licensing Act, which allows the licensee to lawfully use premises as a sexual entertainment venue will be allowed to continue to provide relevant entertainment until either the third appointed day (which falls twelve months after the first appointed day) or until such time as any application they have submitted is determined.
  - New operators (who do not hold relevant 2003 Act premises licences) who wish to use premises as sexual entertainment venues after the first appointed day will not be able to use those premises until they have been granted a sexual entertainment venue licence.
  - After the second appointed day (which falls six months after the first appointed day) the local authority must consider all applications received since the first appointed day, together. New applications granted will then take immediate effect. Licences granted to existing operators come into effect on the third appointed day.
  - Applications made after the second appointed day shall be considered when they are made but only once all applications made before the second appointed day have been determined.

8.4 The decision to adopt the amended Schedule 3 is one which must be made at a meeting of Council. Council may also determine to delegate the decision making in relation to applications and other matters to a Council Committee or Regulatory Board – this matter will be addressed further in the final report that will be brought before Council following public consultation.

8.5 In order to mitigate the risk of any legal challenge to the proposed adoption of the amended Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, the Authority will need to ensure that any consultation is carried out with all relevant persons/bodies and must be carried out over a sufficient period of time

## **9. Human Resources Implications**

9.1 There are no HR implications arising from this report in respect of the proposed consultation.

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

10.1 A failure to effectively regulate sex establishments may expose children and young people to psychological harm as a result of coming into contact with activities that are intended for adults only.

10.2 In addition, vulnerable adults may be exploited by the practices of sex entertainment venues (in particular) and therefore it is essential that such premises are appropriately regulated in order to ensure that vulnerable people are not exposed to physical, emotional and psychological harm.

10.3 It is considered that the adoption of the amended Schedule 3 of the 1982 Act along with the introduction of the Sex Establishment Licensing Policy will allow for the effective regulation of sex establishments in Rotherham and the mitigate the risk of harm that is presented to children, young people and vulnerable adults.

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

11.1 An initial Equality Impact Assessment (EIA) has been undertaken in support of this report, and the proposals outlined within it (see Appendix 3). The EIA will be regularly reviewed and updated throughout the process and will be finalised following the proposed public consultation, prior to agreement of the Policy.

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

12.1 There are no implications anticipated for partners or other Directorates.

## **13. Risks and Mitigation**

13.1 Failure to implement the adoptive legislation and Policy, presents a continuing risks to children and vulnerable adults.

13.2 Failure to address sex establishments effectively with the best available regulatory tools, presents a risk of reputational damage to the Council.

- 13.3 There is a risk that public consultation may support the adoption of the powers, but might not support the contents of a future Policy.

**14. Accountable Officer(s)**

Tom Smith, Interim Assistant Director, Community Safety and Street Scene  
Paul Woodcock, Acting Strategic Director of Regeneration and Environment

Approvals obtained on behalf of:-

	<b>Named Officer</b>	<b>Date</b>
Strategic Director of Finance and Customer Services	Julie Copley	22/10/18
Assistant Director of Legal Services	Dermot Pearson	31/10/18
Head of Procurement (if appropriate)	Karen Middlebrook	29/10/18
Head of Human Resources (if appropriate)	John Crutchley	22/10/18

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

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

## **Appendix A: Local Government (Miscellaneous Provisions) Act 1982 Considerations**

- 1.1 Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 provides local licensing authorities with adoptive licensing provisions for sex establishments, comprising the categories of sex shops and sex cinemas.
- 1.2 The majority of venues providing lap dancing, table dancing or other similar striptease entertainment currently need hold only premises licences with music and dancing issued under the 2003 Act to operate lawfully. Applications for premises licence under the 2003 Act are subject only to considerations relevant to the four licensing objectives being:
  - The prevention of crime and disorder
  - Public safety
  - The prevention of public nuisance and
  - The protection of children from harm.
- 1.3 Paragraph 2A of Schedule 3 as inserted by Section 27 of the Policing and Crime Act 2009 defines the newly created category of 'sexual entertainment venue' as "any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer". The meaning of 'relevant entertainment' is "any live performance or live display of nudity which is of such a nature that, ignoring financial gain, it must be reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of an audience (whether by verbal or other means)".
- 1.4 Guidance produced by the Home Office provides that while local authorities should judge each case on its merits, the definition of relevant entertainment would be expected to apply to the following forms of entertainment as they are commonly understood:
  - Lap dancing
  - Pole dancing
  - Table dancing
  - Strip shows
  - Peep shows and
  - Live sex shows
- 1.5 The guidance emphasises that although reference is made to "live display of nudity" the mere fact that there is a display of nudity does not mean that a sex establishment licence will necessarily be required. For example, if the display forms part of a drama or dance performance in a theatre, in most cases it cannot reasonably be assumed to be provided 'solely or principally for the purpose of sexually stimulating any member of the audience'.

- 1.6 Schedule 3 sets out the definition of a 'display of nudity'. In the case of a woman, it means exposure of her nipples, pubic area, genitals or anus and, in the case of a man, it means exposure of his pubic area, genitals or anus.
- 1.7 The provisions do include some clarifications and exemptions. Spontaneous displays of nudity or a lap dance by a customer or guest will not result in the premises being classified as a sexual entertainment venue. Furthermore, paragraph 2A(3) of Schedule 3 sets out those premises that are not sexual entertainment venues. These are:
- Sex shops and sex cinemas (which fall into other categories under the 1982 Act);
  - Premises which provide relevant entertainment on an infrequent basis. These are defined as where:
    - No relevant entertainment has been provided on more than 11 occasions within a 12 month period;
    - No such occasion has begun within a period of one month beginning with the end of the previous occasions; and
    - No such occasion has lasted longer than 24 hours.
- 1.8 Premises which provide relevant entertainment on an occasional basis will continue to be regulated by the 2003 Act. Premises which provide relevant entertainment on a regular basis will require a licence under the 1982 Act and, in all probability, a further licence under the 2003 Act should alcohol or late night refreshment sales be intended, but they will no longer be able to operate only under a 2003 Act licence alone.

#### Application process

- 1.9 Schedule 3 of the 1982 Act outlines the application process for a sex establishment licence, and provides details of the circumstances that merit (or may merit) refusal of an application for a licence.
- 1.10 Applications for a licence should be made in writing and should provide all details as set out in the 1982 Act and the Council's Sex Establishment Licensing Policy.
- 1.11 In addition, the application process will require:
- The payment of a reasonable fee;
  - Public advertisement of applications by way of a notice exhibited at the premises for a period of 21 days and a notice published in a local newspaper;
  - Written objections to be lodged relevant to the ground for refusal of a licence; and
  - Public hearing of the application and any objection(s) to the application.
- 1.12 The 1982 Act sets out mandatory grounds for the refusal of an application and makes it clear that a licence must not be granted:

- To a person under the age of 18;
- To a person who is for the time being disqualified due to the person having had a previous licence revoked in the area of the appropriate authority within the last 12 months;
- To a person, other than a body corporate, who is not resident in an EEA State or was not resident throughout the period of six months immediately preceding the date when the application was made; or
- To a body corporate which is not incorporated in an EEA state; or
- To a person who has, within a period of 12 months immediately preceding the date when the application was made, been refused the grant or renewal of a licence for the premises, vehicle, vessel or stall in respect of which the application is made, unless the refusal has been reversed on appeal.

1.13 Additionally, a Council may choose to refuse licence on discretionary grounds where:

- The applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason;
- If the licence were to be granted, renewed or transferred the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant, renewal or transfer of such a licence if he made the application himself;
- The number of sex establishments, or of sex establishments of a particular kind, in the relevant locality at the time the application is determined is equal to or exceeds the number which the authority consider is appropriate for that locality;
- That the grant of the licence would be inappropriate, having regard:
  - To the character of the area or the relevant locality, or
  - To the use to which any premises in the vicinity are put, or
  - To the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

#### Locality

1.14 A local licensing authority may refuse applications on grounds related to an assessment of the 'relevant locality'. The Home Office guidance establishes that it is reasonable and potentially useful to future applicants for a local authority to decide in advance of receiving applications that certain areas are, or are not, appropriate locations for sex establishments or a particular number of sex establishments.

1.15 Nil may be an "appropriate number" where the character of the area is considered to be unsuitable for the siting of a sex establishment.

1.16 The locations will be specifically referenced during the public consultation period that will take place as part of the adoption process. The views of respondents will be taken in account when considering the appropriateness of these locations for inclusion in the policy.

- 1.17 When considering a particular application case law has indicated that the relevant locality does not have to be a clearly pre-defined area nor are local authorities required to be able to define its precise boundaries.
- 1.18 Therefore, while a local authority is not prevented from defining the exact area of the relevant locality, it is equally free to conclude that it simply refers to the area which surrounds the premises specified in the application and does not require further definition.
- 1.19 Nevertheless a local authority's view of what constitutes a locality could be open to challenge if they took a completely unreasonable view of the area covered, and therefore it would be appropriate for the licensing authority to confirm the their interpretation of the term "relevant locality" on a case by case basis.
- 1.20 Case law also indicates that a relevant locality cannot be an entire local authority area or an entire town or city.
- 1.21 Once the appropriate authority has determined the relevant locality, it should seek to make an assessment of the 'character' of the relevant locality and how many, if any, sex establishments, or sex establishments of a particular kind, it considers appropriate for that relevant locality. 3.38 Section 27 amends paragraph 12(3)(c) of Schedule 3 to allow local authorities to determine an appropriate number of sex establishments of a particular kind. In practice, this means that the appropriate authority may, for example, decide that a particular locality is suitable for a sex shop but is not suitable for a sexual entertainment venue or vice versa.
- 1.22 Case law has defined that a 'relevant locality' cannot be an entire local authority area or entire city or town. All applications must be considered upon their own merits.

#### Conditions

- 1.23 When granting licence to a sex establishment, a local authority is able to impose terms, conditions and restrictions on that licence. These conditions are intended to protect the general public, customers, performers and the local environment.

**Rotherham MBC  
SEX ESTABLISHMENT LICENSING POLICY  
September 2018**

**(DRAFT for CONSULTATION)**

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## 1. Introduction

- 1.1. Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, as amended by the Policing and Crime Act 2009, provides for local authorities to adopt a policy and standard conditions relating to the regulation of:
- sexual entertainment venues
  - sex shops
  - sex cinemas
- 1.2. Rotherham Borough Council (the Council) adopted the provisions of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Policing and Crime Act 2009 on XXXXXXXX, with effect from XXXXXXXX.
- 1.3. This policy sets out the Councils approach to the regulation of the premises detailed in paragraph 1.1 above under the provisions of the 1982 Act.
- 1.4. This policy should be read with reference to the statutory Statement of Licensing Policy published under the Licensing Act 2003.
- 1.5. A review of this policy will commence one year after its introduction. It will be then be reviewed on a three yearly basis.
- 1.6. Interpretations can be found at Appendix A.

## 2. Purpose and Scope

- 2.1. This policy is concerned with the regulation of sex establishments as defined by the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Policing and Crime Act 2009 (the Act), namely
- sexual entertainment venues;
  - sex shops; and
  - sex cinemas
- 2.2. The full legal definition of a sexual entertainment venue, sex cinema and sex shop can be found within sections 2, 2A, 3 and 4 of the Act.
- 2.3. The aim of this policy is to ensure that sex establishments operate within the authority area in a safe, fair and discreet manner, and do not negatively affect residents, visitors to the area or the character, or economic development of the Borough. The policy is written taking into account the principles laid out within Rotherham's Children and Young People's Plan (2016 to 2019), the Rotherham Safeguarding Adults Board Strategy (2016 to 2019) and the Safer Rother Partnership Plan (2018-21).
- 2.4. The Council is mindful of the possible concerns of the local community and that there may be conflict between the wishes of an applicant in respect of a licence and those who object to such applications. The aim of this policy is to provide guidance for prospective applicants, existing licence holders, those who may wish to object to an application and Members of the Licensing Committee when making a determination on an application.
- 2.5. The Policy also identifies the relevant localities where sex establishments would not be considered appropriate, and the number of sex establishments that the Council considers appropriate in a particular locality. The Policy also sets standard conditions to address advertising and the external appearance of premises, crime and disorder safeguards, and staff welfare issues.
- 2.6. While each application will be dealt with on its own merits, this policy gives prospective applicants an early indication as to whether their application is likely to be granted or not and creates a presumption that any application for a sex establishment outside of the town centre area and any application for a sex entertainment venue in the town centre area will normally be refused. It also provides prospective applicants with details of what is expected of them should an application be made.
- 2.7. The Council will impose conditions where necessary to promote responsible licensed activity and will use effective enforcement to address premises where there are problems, in partnership with key agencies such as:
- South Yorkshire Police
  - South Yorkshire Fire & Rescue Service
  - Safer Rotherham Partnership
- 2.8. The Council will keep the policy under constant review and make such revisions it

considers appropriate, in the light of new or amended legislation.

### 3. Public Consultation

#### 3.1 [Section to be completed following public consultation]

### 4. General Principles

- 4.1. In determining licensing applications the Council will treat each application on an individual basis, on its own merits, taking into account this policy, the guidance issued by the Home Office and the Act.
- 4.2. A decision to refuse the licence application will not be made on moral grounds or that the establishment may cause offence.

#### Mandatory grounds for the refusal of an application

- 4.3. Mandatory grounds for the refusal of an application for a sex establishment are that the applicant:
  - is under the age of 18;
  - is for the time being disqualified from holding a sex establishment licence;
  - is not a body corporate, and is not resident or has not been resident in an EEA state for six months immediately preceding the date of the application;
  - is a body corporate which is not incorporated in an EEA state;
  - has in the period of 12 months preceding the date of the application been refused the grant or renewal of a licence for the premises, vehicle, vessel, or stall in respect of which the application is made, unless the refusal has been reversed on appeal.

#### Discretionary grounds for the refusal of an application

- 4.4. Discretionary ground for the refusal of an application for a sex establishment are that:
  - the applicant is unsuitable to hold a licence by reason of having been convicted of an offence or for any other reason;
  - if the licence were to be granted, the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant of such a licence if he made the application himself;
  - the number of sex establishments, or sex establishment of a particular kind, in the relevant locality at the time the application is made is equal to or exceeds the number which the authority consider is appropriate for that locality. Nil may be an “appropriate number” where the character of the area is considered to be unsuitable for the siting of a sex establishment.
  - granting of a licence would be inappropriate, having regard:

- to the character of the relevant locality;
- to the use to which any premises in the vicinity are put;
- to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

#### Suitability of applicant

4.5. When considering the suitability of the applicant to hold a licence the Council will take into account such matters as it considers to be relevant including but not limited to whether the applicant:

- is honest;
- is qualified by experience to run the type of sex establishment in question;
- has a clear understanding of the conditions that may be attached to the licence;
- has no unspent conviction of a nature that deem him/her unsuitable;
- a management structure is in place which delivers compliance with the operating conditions, e.g. through managerial competence, presence, a credible management structure, enforcement of rules internally, a viable business plan and policies for welfare of dancer / performers / workers;
- will act in the best interests of dancer / performers / workers, e.g. the facilities they enjoy, how they are protected and how and by who their physical and psychological welfare is monitored;
- can be relied upon to protect the public, e.g. transparent charging, freedom from solicitation;
- can show a track record of management of compliant premises, or that he/she will employ individuals who have such a track record.

4.6. The Council will require the applicant to identify the proposed manager or beneficiary of the business (along with any changes in the manager or beneficiary once the licence is issued). In considering the suitability of these persons the Council will apply the principles at 4.5 of this policy.

#### Appropriate numbers and localities

4.7. There is provision within the Act which enables the Council to impose a numerical control on the number of sex establishments in a particular locality. The control applies not only to the number of sex establishments overall, but also to the number of each kind of premises.

4.8. The Council may refuse a licence on the grounds that the number of licences of that type is equal to or exceeds the number which the authority considers is appropriate for that locality. Nil may be an “appropriate number” where the character of the area is considered to be unsuitable for the siting of a sex establishment.

[Section to be completed following public consultation]

Links to other Legislation

- 4.9. The Council will consider and have regards to the following legislation when applications are determined:
- a) Crime and Disorder Act 1998
  - b) The Provision of Services Regulations 2009
  - c) Equality Act 2010
  - d) Human Rights Act 1998
  - e) Any other current or future relevant legislation

Planning

- 4.10. The use of premises is subject to planning control. Such use will require planning permission or must otherwise be lawful under planning legislation. Planning permission is generally required for the establishment of new premises or the change of use of premises.
- 4.11. In general, all premises which are the subject of an application, should have the benefit of planning permission, or be deemed permitted development. The onus will be on the applicant to demonstrate that planning permission has been granted or that the premises have the benefit of permitted development rights.
- 4.12. In addition, all new developments and premises which have been subject to works that require an application covered by Building Regulations should have building control approval in the form of a Building Regulations Completion Certificate. The onuses will be on the applicant to demonstrate that any such works have been approved by a building control body.
- 4.13. Any decision on a licence application will not consider whether any decision to grant or refuse planning permission or building consent was lawful and correct.

Advertising

- 4.14. As part of the standard conditions attached to licences there is a requirement that all advertising and the external appearance of the premises must be approved by the Council. This approval will be sought at a sub-committee hearing. Applicants will be entitled to attend the hearing. Please contact the Licensing Section for further information on how to submit changes to advertising material and external appearance.

Staff Training

- 4.15. The Council requires that all persons employed on licensed premises are trained and made aware of their responsibilities in relation to the Act, especially the offences under the Act, and the conditions of the licence.

- 4.16. Licensed premises will be required to document training undertaken by staff. Such records will be kept for a minimum of one year and will be made available for inspection on request by an authorised officer or the police.

Prohibition on the practice of fining

- 4.17. The Council is aware that in some sexual entertainment venues it is the usual practice of some businesses to fine dancer / performers for misdemeanours such as chewing gum, wearing inappropriate clothing or being late for a shift. The practice of fining can lead to an air of mistrust and resentment in the work place. More importantly the Council is aware that in a majority of cases of fining that have been noted in premises the (predominantly male) management fine female dancer / performers; however they do not fine bar staff or door staff.
- 4.18. Therefore, for reasons of gender inequality, a standard condition has been imposed on all new and renewed licences to prohibit the practice of fining.

Whistleblowing Policy

- 4.19. The Council is aware of the potential for workers within sexual entertainment venues to lack the confidence to report any breaches of licensing conditions or other issues to management or the Licensing Authority.
- 4.20. Therefore a standard condition has been imposed requiring a code of conduct to be in place that clearly sets out the process for workers to report any concerns anonymously to the manager of the venue, and/or the Licensing Authority (a 'whistleblowing policy').

Exemptions

- 4.21. Under the Act there is an exemption for sexual entertainment venues for premises which provide relevant entertainment on an infrequent basis. These are defined as premises where –
- no relevant entertainment has been provided on no more than 11 occasions within a 12 month period;
  - no such occasion has begun within a period of one month beginning with the end of the previous occasions; and
  - no such occasion has lasted longer than 24 hours
  - other premises or types of performances or displays exempted by an order of the Secretary of State.
- 4.22. This exemption does not apply to sex shops or sex cinemas.

**5. Application procedure**

- 5.1. Applications must be made to the Council in the form prescribed, which is available from the Licensing Section.

- 5.2. The applicants / operators suitability will be checked before a licence is granted. The suitability of the applicant/operator is important to ensure that the interests of the public are protected. The Council will use the methods detailed below to ensure that the proposed licence holder and operator:
- is honest
  - has a clear understanding of the conditions that may be attached to the licence
  - has a suitable business plan which will deliver compliance of the standard conditions
  - has no unspent convictions of a nature that deem him/her unsuitable
- 5.3. Applicant / operator suitability checks may be achieved by the following means:
- application form
  - criminal record check
  - personal interview
  - information and/or intelligence relating to any previous licenses held
  - accreditation
- 5.4. On receipt of the application it will be sent to South Yorkshire Police who may conduct a check. Applicants/operators may be asked to provide basic Disclosure and Barring Service checks, or attend an interview, to support their application.
- 5.5. Applications for sexual entertainment venue or sex establishment licences will also show that there are clear policies and codes of conduct in place, to protect staff and the interests of customers, in relation to a:
- workers' welfare policy including clear guidance as to the process for workers to report any concerns anonymously to the manager of the venue, and/or the Licensing Authority (a 'whistleblowing policy').
  - code of conduct for workers on the premises.
  - code of conduct for customers.
  - pricing policy.
- 5.6. These criteria will be taken into account when the Council determine the licence. Non-compliance with one or more of the criteria will not necessarily exclude the operator from holding a licence, providing the applicant is able to prove to the Council that the interest of the public is protected.
- 5.7. Checks/enquiries may also be made with regard to the operator's company structure, to ensure that the operator is not working on behalf of an individual or company that would not be granted a licence in their own right.
- 5.8. These checks/enquiries may be made via South Yorkshire Police, Companies House, personal interview or applicants may be asked to provide business records.

### Fees

- 5.9. The fee must be submitted as part of the application. The fee is based on the recovery of costs incurred by the Council in determining the application.

#### Plans

- 5.10. The applicant must submit an appropriate number of plans / diagrams that will allow the identification of:
- the locality of the premises and the proximity of any sensitive premises,
  - the external footprint of the premises,
  - the internal layout of the premises (to include areas where licensable activity will take place, staff areas, changing rooms, welfare facilities, means of access and egress, etc.)

#### Notices

- 5.11. It is a legal requirement that the applicant must advertise the application in the following ways:
- publish an advertisement in a local newspaper within 7 days of the application being submitted to the Council
  - display a notice of the application on or near the premises for 21 consecutive days
  - send a copy of the notice of application to the Chief Officer of Police for South Yorkshire within 7 days of the application being submitted to the Council

- 5.12. Proof that the applicant has advertised the application will be required.

- 5.13. The Council recommends that it is good practice to notify the occupiers of any nearby properties of the details of any proposed applications in relation to a premises

#### Objections

- 5.14. Anyone can object to an application for a sex establishment. Objection should be received by the Council no later than 28 days after the date that the application was received by the Council. Objections can be on any matter but should not be based on moral grounds/values. Appropriate weight will be given to objections which relate to the purpose of the legislation which is the control of sex establishments.

- 5.15. The Council will notify the applicant in writing of the general terms of any objection it receives within the 28 days of the application. Objectors will, however, remain anonymous and efforts will be made to redact the contents of the objections so the objector's identity remains anonymous. If the objectors wish for their details to be released to the applicant they should make this clear in their objection.

#### Hearings - decision making process

- 5.16. It is the Council's practice to provide notice of committees and sub-committee hearings to all interested parties (applicants and objectors) five days before the hearing as laid down in the Local Government Act 1972. This notice will provide the date and time of the hearing, the procedure for the hearing, and will require the addressee to confirm their attendance and the attendance of any witnesses they may wish to call. The hearing will take place in public except where the public interest requires otherwise.
- 5.17. In determining licence applications under the Act the Council will take into consideration the application before it, any objections received as well as local knowledge including local issues and cultural sensitivities.
- 5.18. The decision to refuse or revoke a licence can be made by the Licensing Board, sub-committee or Officers. Any decision to refuse or revoke a licence will be accompanied by clear reasons for the decision.
- 5.19. Where possible a decision will be given verbally at the sub-committee hearing, with the written reasons to follow in due course. However in exceptional circumstances the sub-committee may defer the decision in order to allow further consideration of the case and in such circumstances the decision and reasons will be issued in writing to all parties.

#### Conditions

- 5.20. The Council will impose standard conditions on all licences. However, if deemed necessary, the Council may add to, change or replace the standard conditions with conditions that are relevant to the application. The standard conditions can be found at Appendix B.
- 5.21. Through the standard conditions the Council seeks to ensure that sex establishments are well managed and supervised, restrict sexual entertainment activities and the manner in which they are permitted to be provided, protect performers and workers, protect customers and control the impact that the premises has in relation to the general public and locality.
- 5.22. Any change to the standard conditions will be applied to licences at the time of renewal when all conditions are reviewed.
- 5.23. Where it is considered appropriate the Council may attach conditions, in addition to the standard conditions, to a licence in the individual circumstances of an application.

#### Right of appeal

- 5.24. Only the applicant has the right to appeal the Council's decision to the Magistrate's Court and only on limited grounds, within 21 days of written reasons of decision. There is no right

to appeal for objectors or statutory authorities. Further information can be found at Section 27 of the Act.

#### Term of licence

- 5.25. A sex establishment licence shall remain in force for a maximum period of one year. The authority may grant a shorter licence period if it thinks fit. A licence may be brought to an early end by being surrendered or revoked.

#### Renewal / transfer

- 5.26. The process for applying for a renewal or transfer of the licence is the same as when applying for a new licence.
- 5.27. Applications for the renewal of a licence must be made prior to the date of expiry. The licence is deemed to continue until the application is withdrawn by the applicant or determined by the licensing authority.
- 5.28. The previous conduct / history of an applicant / licence holder (insofar as it relates to licensable activities or the impact thereon) will be taken into consideration when assessing a renewal or transfer application.

#### Variation

- 5.29. A licence holder can apply to vary the terms, conditions or restrictions of a licence at any time. The 1982 Act does not set out procedural requirements in relation to variations, therefore it has been decided that the variation application process in Rotherham will be the same as the grant application process; with the exception that a plan of the premises need not be provided (unless the variation relates to structural alterations).

#### Revocation

- 5.30. The Council may revoke the sex establishment licence if information is received in relation to either the mandatory grounds, detailed at paragraph 4.3, or the first two of the discretionary grounds, details at paragraph 4.4.
- 5.31. Should the Council consider revocation of the licence to be appropriate, the licensee will be given an opportunity to appear before and be heard by the Licensing Board or Sub-Committee.
- 5.32. The licensee will be given a statement in writing of the reasons for revocation within seven days of the requirement being made.
- 5.33. The revocation will take effect once the appeal period referred to in section 5.24 above has expired, or if an appeal is lodged after the determination or abandonment of the appeal.

#### Waiver

- 5.34. Provisions within the Act allow licensing authorities to waive the need for a licence. Should the Council decide that a licence would be unreasonable or inappropriate, it may waive the need for a licence, for example in the case of a medical book shop, sex clinic, in border line cases, to correct errors or for minor or temporary events.
- 5.35. The Council would only waive the need for a licence where activity is low risk and/or temporary. However, a waiver will not be considered in the cases where a licence is reasonable and appropriate or where there is public interest.
- 5.36. The application for a waiver uses the same form as an application for a new licence, this should be accompanied by a letter which describes the circumstances under which the need for a licence should be waived. There is no requirement to advertise the application. There is a fee. Applicants should contact the Licensing Section before making their application.
- 5.37. The decision to waive the need for a licence will be taken at a licensing sub-committee hearing and a Notice of Waiver will be issued in due course.
- 5.38. Unsuccessful applications for waivers will be notified accordingly and provision will be made for them to make a formal application for a sex establishment licence.

## Interpretations

**Advertisement** means any word, letter, image, model, sign, placard, board, notice, device or representation, whether illuminated or not, in the nature of and employed wholly or partly for the purposes of, advertisement or announcement.

**Authorised officer** means an officer employed by Rotherham Metropolitan Borough Council and authorised by the Council to act in accordance with provisions of the Local Government (Miscellaneous Provisions) Act 1982.

**The Council** means Rotherham Metropolitan Borough Council.

**Display of nudity** means:

- (a) in the case of a woman, exposure of her nipples, pubic area, genitals or anus; and
- (b) in the case of a man, exposure of his pubic area, genitals or anus.

**Dancer / performer** means dancer / performer, entertainment, performer, or other such person employed, or otherwise, to provide relevant entertainment.

**Licence** means any sex establishment licence that the Council can grant under the Local Government (Miscellaneous Provisions) Act 1982.

**Licensee** means the holder of a sex establishment licence.

**Licensed area** means the part of the premises marked on the plan where licensable activities are to take place.

**Premises** includes any vehicle, vessel or stall but does not include any private dwelling to which the public is not admitted.

**Relevant entertainment** means any live performance or any live display of nudity which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience (whether by verbal or other means).

**Responsible person** means the person nominated by the licensee who has personal responsibility for and be present on the premises whilst the premises is open to the public. This may be the manager or the relief manager.

**Sex shop** means any premises, vehicle, vessel or stall used for a business which consists to a significant degree of selling, hiring, exchanging, lending, displaying or demonstrating sex articles or other things intended for use in the connection with, or for the purpose of stimulating or encouraging sexual activity.

**Sexual entertainment venue** means any premises at which relevant entertainment is provided before a live audience, directly or indirectly for the financial gain of the organiser (i.e. a person who is responsible for organisation of management of the entertainment or the premises).

**Standard conditions** will mean any terms, conditions or restrictions contained or referred to in the schedule to a licence granted under Schedule 3, but does not include any private dwelling to which the public is not admitted.

**Unsolicited** (in relation to advertising) means any material that is unasked for, not looked for or unsought, i.e. newspaper advertising, flyers, posters, radio advertisements, television advertising, advertising hoardings etc.

**Vehicle** means a vehicle intended or adapted for use on roads.

**Worker** means any individual that works on or at the premises whether on a paid or unpaid basis. It includes management, bar staff, security personnel, dancers, performers and any other person that is involved in the operation of the premises during the period when licensable activity is taking place, including those who are self-employed.

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**Standard Conditions****Sexual Entertainment Venues****General**

1. In accordance with Home Office guidance, where a condition conflicts with a condition in a Licensing Act 2003 premises licence, the more onerous applies.
2. Unless stated otherwise, the licence hereby granted will remain in force for one year from the date on the licence, after which it will cease to be in effect unless an application for renewal is submitted in the manner prescribed by the Council.
3. The licence may be revoked by the Council if at any time the holder is convicted of an offence of using the licensed premises, or other premises for which a similar licence has been granted, other than in accordance with the terms, conditions or restrictions of the licence or is convicted of any offence under any enactment defined in paragraph 1 of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as amended.
4. In the event of a conflict between these conditions and any special conditions contained in a licence relating to a sex establishment the special conditions shall prevail.
5. The name of the premises must be approved by the Council in writing. Any change to the name of the premises must be approved by the Council in writing.

**Exhibition of the licence**

6. The licence or a certified copy must be prominently displayed at all times so as to be readily and easily seen by all persons using the premises and all authorised officers. A copy of the conditions attached to the licence must be kept on the premises and be available for inspection by an authorised officer of the Council.

**Hours of opening**

7. Except with the written consent of the Council, the premises will only open to the public during the following hours:

Monday	21:00 – 00:00	Friday	21:00 – 01:00
Tuesday	21:00 – 00:00	Saturday	21:00 – 01:00
Wednesday	21:00 – 00:00	Sunday	21:00 – 01:00
Thursday	21:00 – 00:00		

**Conduct of the premises**

8. Relevant entertainment will only be performed by the dancer / performer. There must be no audience participation.
9. Dancer / performers will only perform on the stage area, or in booths / areas for VIPs as identified on the plan attached.
10. Any performance will be restricted to dancing and the removal of clothes. There will not be any other form of sexual activity or stimulation which, for the avoidance of doubt, includes

kissing.

11. Sex toys must not be used and penetration of the genital area by any means must not take place.
12. Dancer / performers shall re-dress at the conclusion of the performance.
13. Customers will not be permitted to throw money at the dancer / performers.
14. No customers shall be admitted to the premises or allowed to remain on the premises if they appear to be intoxicated or unruly.
15. No person shall take any photographs, videos or other similar recordings (including mobile phones and video streaming) of the authorised relevant entertainment.
16. Performers must never be alone in the company of a customer except in an area open to the public within the premises.
17. The licensee is to ensure a sufficient number of staff are employed ('floor supervisors') inside the premises whilst sexual entertainment is provided to supervise the performers and customers.
18. Performers must not perform a nude table dance unless in a supervised area or within five metres of a floor supervisor.
19. Performers are never to be in the company of a customer except in an area open to the public within the premises (excluding the toilets).
20. Notices must be clearly displayed on each table, each bar and at the entrance to the premises stating:
  - (1) there is no physical contact between customers and performers;
  - (2) a minimum distance of 300 millimetres must be maintained between performers and customers;
21. Performers must not:
  - (1) climb on furniture provided for patrons
  - (2) simulate sex acts
  - (3) remain in a state of undress once they have completed their act.
22. Performers shall at all times wear a non-transparent G-string or similar piece of clothing on the appropriate part of the body, and at no time will it reveal any part of their genitalia or anus.
23. The licensee must ensure that during the performance of a table dance:
  - (1) customers must be seated in an upright position against the back of the booth or seat with their hands by their sides before a dancer can start a table dance;
  - (2) customers must remain seated during the entire performance of the dance;
  - (3) for the purpose of restraint only, performers may only touch a customer above the customers chest with their hands only;
  - (4) performers must not sit or straddle the customer;
  - (5) performers must not place their feet on the seats.

24. The licensee must ensure that during performances to which this licence relates:

- (1) performers may not perform any act that clearly simulates any sexual act;
- (2) performers may not intentionally touch a customer any time during the performance unless absolutely accidentally or due to a third party;
- (3) performers may not use inappropriate, suggestive or sexually graphic language at any time;
- (4) performers must never intentionally touch the genitals or breasts of another dancer or to knowingly permit another dancer to intentionally touch their genitals or breast;
- (5) performers must not engage in communications that could be deemed as acts of prostitution or solicitation, even if the performer has no intention of carrying out the act;
- (6) performers only perform nude or semi-nude dancing (of any description) within areas specified by the Council.

25. The licensee must ensure that during performances to which the licence relates:

- (1) customers may not dance at any time except in areas specifically designated by the Council as being separate from areas for sexual entertainment;
- (2) customers must remain appropriately clothed at all times.

### External appearance

26. There will be a notice displayed inside each entrance or doorway to the premises, clearly visible on entering the premises, which states the following words and no others:

**STRICTLY NO ADMITTANCE TO PERSONS UNDER 18 YEARS OF AGE**

This premises operates a Challenge 25 policy.  
Persons who appear to be under the age of 25 will be required to show proof of age.

27. The external appearance of the premises must be approved by the Council in writing. Any change to the external appearance must be approved by the Council. The operator must advise of any change in writing including a drawing of the existing and proposed street elevation. This must be approved by the Council in writing before work is undertaken.
28. Access to the licensed area of the premises should be through a lobby area which is constructed in such a way that the inside of the licensed premises where relevant entertainment takes place is not visible to passing members of the public when the doors of the premises are opened.
29. Windows and opening to the premises, other than entrances, shall be obscured in a manner and with such material approved by the Council. Door entrances shall also be obscured by blinds or material approved by the Council so as to prevent any member of the public from seeing through to the premises whilst relevant entertainment is taking place.
30. External signage will only be illuminated, and moveable signs will only be displayed, during times that the premises is open and licensable activities are taking place.

### Advertising

31. Any unsolicited written, visual or auditory advertisement material, posters, signage or window display must not be of a sexually explicit or suggestive nature, will not contain

images or text of a sexually explicit, obscene or offensive nature, or be of a detriment to the amenity or character of the local vicinity, and must be approved by the Council in writing.

32. Staff employed or subcontracted by the premises will not verbally or otherwise promote, tout or advertise the premises, except by way of flyers. Staff employed or subcontracted by the premises will not direct potential customers to transport connected with the premises.
33. The distribution of flyers will only be permitted in such a way where it does not cause public offence. Therefore, the distribution of flyers is only permitted between the hours of 9.00pm and 12.30am. The licensee will remove any leaflets/flyers from the highway within a 100 metre radius of the premises by 5.00am. Flyers must not be distributed by and to persons under the age of 18 years.

### **Layout of the premises**

34. Access to ground floor premises may only be through two or more doors placed consecutively, so arranged that when a person enters or leaves the premises the interior of the premises is not recognisable to persons outside the premises. The first set of entry doors must be fitted with a device to provide for their automatic closure and such a device shall be maintained in good working order.
35. No access will be permitted through the premises to any other adjoining or adjacent premises except in the case of an emergency.
36. No alterations (including temporary alterations) will be made to the structure and installations on the premises, without the prior written consent of the Council. This condition will not require notice to be given in respect of routine maintenance works. Where there is any doubt the licensee should seek advice from the Council.
37. Where works necessitate the premises being closed for a long period of time, the premises shall not reopen for the purpose of the licence, until the licensee has been notified in writing by the Council of the satisfactory completion of the work.
38. All parts of the premises shall be well maintained and kept in a clean condition to the satisfaction of the Council.

### **Management of the premises**

39. Where the licensee is a body corporate, or an un-incorporated body, any change of director, company secretary or other person responsible for the management of the body will be notified in writing to the Council within 14 days of such change. Such details as the Council may require in respect of the change of personnel will be furnished within 14 days of a request in writing from the Council.
40. The licensee, or a responsible person nominated by him/her in writing for the purpose of managing the venue ("the manager") will have personal responsibility for and be present on the premises whilst relevant entertainment is being performed. Any such nomination will be produced on demand to an authorised officer of the Council or the police.

41. The licensee will ensure that any person nominated by him/her under the above:
  - a) has been provided with a copy of the conditions relating to the premises and is fully conversant with them; and
  - b) is in possession of a written nomination referred to about at all times when they are in charge of the premises.
42. Where the licensee, director, company secretary, or responsible person nominated for the purpose of managing the venue ("the manager"), is charged with, or convicted of, an offence, they must, as soon as practicable after the charge or conviction, inform the Council of the charge or conviction, giving details of the nature and date of the charge or conviction, and any conditions or sentence imposed.
43. The licensee will retain control over all parts of the premises and will not let, licence or part with possession of any part of the premises. The Council must be notified immediately in the event that any part of the premises affected by the termination of a lease or other event affecting the licensee's control of the premises.
44. The licensee will ensure that the public is not admitted to any part or parts of the premises that has not been approved by the Council.
45. No person under the age of 18 will be admitted to the premises.
46. The licensee will operate a Challenge 25 age verification policy. People who appear to be under the age of 25 will be required to show proof of ID prior to admittance. A notice to this effect, in accordance with condition 18 will be displayed on the premises.
47. The licence holder will not employ any person under the age of 18 in any capacity.
48. The licensee will comply with all statutory provisions and any regulations made hereunder.
49. The licensee will provide, for approval in writing of both the police and the licensing authority, a code of practice for the dancer / performers. This code must be given to all dancer / performers and displayed in staff areas. This code must be made available upon request to both the police and authorised officers.
50. The licensee will provide, for approval in writing of both the police and the licensing authority, a code of conduct for customers, this must be printed in a manner which is clear and easy to read during normal operation of the premises. This code must be prominently displayed at each entrance to the premises, at the entrance to any private dance areas and in suitable locations within the licensed premises, such locations to be agreed with the Council, such as at bars.
51. Price lists for both drinks and sexual entertainment will be clearly displayed at each entrance to the premises, at each bar and at each table.
52. Suitable and sufficient training will be provided to all staff including the nominated responsible person. The training will be recorded and the training records must be made available upon request to both the police and authorised officers.
53. The name of the person responsible for the management of the premises, whether the licensee or manager, shall be displayed in a conspicuous position within the premises throughout the period during which he/she is responsible for its conduct.

## Safety and security

54. A colour digital CCTV system will be maintained and operational at the premises at all times when licensable activities are being carried out and at any other times when member of the public are present on the premises.
55. The CCTV system will cover all areas of the premises occupied by the public under the terms of the licence, including corridors, stairways, each dance booth and VIP areas (excluding within toilets and changing rooms). The CCTV system will cover the main entrances and external areas of the premises occupied by the public, for example queuing areas, beer gardens, smoking areas and car parks.
56. The locations of CCTV cameras are identified on the site plan of the premises. No amendments to the locations of the cameras will be made without prior consultation with South Yorkshire Police and the Council.
57. The CCTV system will be of a satisfactory resolution quality which will enable the identification of persons and activities, and other fine details such as vehicle registration number plates.
58. Recorded CCTV images will be maintained and stored for a continuous period of 28 days. The CCTV equipment shall have constant time/date generation which must be checked on a daily basis for accuracy.
59. Where CCTV is recorded onto a hard drive system, any DVDs subsequently produced will be in a format so it can be played back on a standard DVD player.
60. The nominated person ("the manager") must be trained in the use of any such CCTV equipment and be able to produce CCTV images to the police or Licensing Authority.
61. CCTV footage will be controlled and kept in a secure environment to prevent tampering and unauthorised viewing.
62. The data controller, under the Data Protection Act 1998, who is responsible for any CCTV images captured on cameras on the premises will, on the lawful request of the police or an authorised officer of the Council, cause any required footage to be downloaded immediately, or where this is not possible, as soon as reasonably practicable, and supplied to the requesting officer. Where the CCTV images are not supplied at the time of the request being made the data controller will ensure that they are secured to prevent any overwriting.
63. A minimum of two Security Industry Authority registered door staff (numbers to be subject to police and licensing authority approval) will be present on the premises during the performance of relevant entertainment.
64. An incident log shall be kept at the premises, and made available on request to the Licensing Authority or the Police, which will record the following:
  - a) all crimes reported to the venue;
  - b) all ejections of patrons;
  - c) any complaints received;
  - d) any incidents of disorder;
  - e) seizures of drugs or offensive weapons;

- f) any faults in the CCTV system or searching equipment or scanning equipment;
  - g) any refusal of the sale of alcohol;
  - h) any visit by a relevant authority or emergency service;
  - i) any breach of licence conditions reported by a Performer
65. The licensee will ensure that a fire safety risk assessment is carried out in connection with the premises, and is retained on the premises at all times and available for inspection by an authorised officer or a member of the Fire Authority.
66. The licensee will maintain good order in the premises at all times, and ensure that persons entering or leaving the licensed premises conduct themselves in an orderly manner and do not in any way cause annoyance to residents in the vicinity and persons passing by.

**Worker welfare (see Appendix A for interpretation of the term “worker”)**

67. Dancer / performers will be aged 18 years or over.
68. Before a dancer / performer is permitted to work on the premises the licensee will ensure that the dancer / performer:
- a) has not been convicted of theft, drug offences, sexual offences, violent offences, or prostitution
  - b) has the right to work in the UK

The licensee will keep records of the checks, including copies of any documentation such as a basic disclosure, passport, visa, driving licence or national insurance number provided by the dancer / performer.

69. All premises that provide relevant entertainment will provide dancer / performers with copies of the following documents:
- a) A copy of the conditions attached to the Sex Establishment Licence;
  - b) Details of any other conditions applied by management of the premises;
  - c) A copy of the code of practice for dancer / performers;
  - d) A copy of the code of conduct for customers;
  - e) Price lists for drinks and sexual entertainment.

The licensee must ensure that a record is kept of the provision of these documents, and that the record is signed and dated by the dancer / performer.

70. Dancer / performers will be provided with separate secure dressing rooms, facilities to secure valuables and proper sanitation facilities. No person other than performers and authorised staff will be allowed in or near the dressing rooms, therefore safe and controlled access will be maintained at all times. The documents detailed in condition 69 will be displayed in the dressing rooms.
71. There will be at least one female member of staff authorised to be responsible for the safety and welfare of the dancer / performers. This staff member must on the premises at all times when licensable activities are taking place.
72. All booths and VIP areas used for private dances must be visible to supervision and must not have closing doors, or curtains.

73. All booths and VIP areas used for private dances must be directly supervised by either a SIA registered door supervisor, or a member of staff who has direct contact with a SIA registered door supervisor working on the premises at all times the booths/areas are in use. Direct supervision does not include remote supervision by CCTV.
74. Dancer / performers will only be present in the licensed area in a state of nudity when they are performing on stage or providing a private dance.
75. Any person on the premises who can be observed from outside the premises will be properly and decently dressed.
76. The practice of fining is prohibited.
77. Customers and staff must not be allowed to interact while using the smoking area, and where possible a separate smoking area should be provided for staff. Dancer / performers must be covered up at all times with knee length robes or coats whilst using the smoking areas.
78. Throughout the lap or table dance customers will remain seated and fully clothed, with their hands clearly visible, either resting on the arms of the chair/sofa or on the seat cushion, or customers must be asked to sit on their hands.
79. If a dancer / performer is invited to have a drink with a customer, the dancer / performer will remain fully clothed during this period. Dancers / performers will not be paid commission on the sale of beverages.
80. On leaving the premises dancers / performers will be escorted to their transport by a SIA registered door supervisor.
81. Individual records shall be kept at the premises of the real names, stage names and addresses of all dancers / performers working at the premises. The record will include either a copy of their birth certificate, current passport, EU driving licence or national identity card and shall be made immediately available for inspection by the Police and/or the Licensing Authority upon request.
82. The licence holder must not for any reason discriminate against current or prospective workers. This will include age, race, physical ability or affiliation with any organisation.

### **Vessels, vehicles and stalls**

83. In the case of licensed premises that are a vessel, vehicle or stall, the licensee shall not move the vessel, vehicle or stall from the location specified in the licence unless 28 days written notice is given to the Council of such intended removal. The Council may require the licensee to lodge such written application as it may deem appropriate and pay such a fee as it may deem reasonable in respect of such application.
84. The requirements of condition 83 will not apply to a vessel, vehicle or stall habitually operating from a fixed location, which is regularly moved, whether under its own propulsion or otherwise, from another place for storage purposes. This place must be specified in the licence and must not be used for the purposes for which the licence is granted and any other location than that specified in the licence.
85. Vehicles must not be used for personal solicitation, touting or advertising.

**Variation of conditions**

86. The Council may, at the time of grant or renewal of the licence, waive, modify or vary these conditions or impose additional conditions as appropriate.
87. The licensee may apply to the Council to vary any of the terms of the licence.
88. Applications to vary conditions of the licence must be advertised by the licensee in the same manner as the application for the grant, renewal or transfer of the licence.

DRAFT FOR CONSULTATION

## Standard Conditions

### **Sex Shops**

#### **General**

1. Unless stated otherwise, the licence hereby granted will remain in force for one year from the date on the licence, after which it will cease to be in effect unless an application for renewal is submitted in the manner prescribed by the Council.
2. The licence may be revoked by the Council if at any time the holder is convicted of an offence of using the licensed premises, or other premises for which a similar licence has been granted, other than in accordance with the terms, conditions or restrictions of the licence or is convicted of any offence under any enactment defined in paragraph 1 of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as amended.
3. In the event of a conflict between these conditions and any special conditions contained in a licence relating to a sex establishment the special conditions shall prevail.
4. The name of the premises must be approved by the Council in writing. Any change to the name of the premises must be approved by the Council in writing.

#### **Exhibition of the licence**

5. The licence or a certified copy shall be prominently displayed at all times so as to be readily and easily seen by all persons using the premises and all authorised officers. A copy of the conditions attached to the licence shall be kept on the premises and be available for inspection by an authorised officer of the Council.

#### **Hours of opening**

6. Except with the written consent of the Council, the premises will only open to the public during the following hours:

Monday	09:00 – 20:00	Friday	09:00 – 20:00
Tuesday	09:00 – 20:00	Saturday	09:00 – 20:00
Wednesday	09:00 – 20:00	Sunday	12:00 – 20:00
Thursday	09:00 – 20:00		

#### **Conduct of the premises**

7. The premises will be conducted primarily for the purpose of the sale or hire of goods by retail.
8. The licensee, or any other person concerned in the conduct or management of the premises, will only obtain custom by means of personal solicitation or touting from the premises in such a way that it does not cause concern to the public or the licensing authority. All literature used will not contain images or text of a sexually explicit, obscene or offensive nature.

9. No part of the premises will be used by prostitutes.
10. All sex articles or other items displayed for sale, hire, exchange or loan within the premises will be clearly marked to show the price being charged.
11. All printed material offered for sale, hire, exchange or loan will be available for inspection prior to purchase and a notice to this effect will be displayed in a conspicuous position within the premises.
12. No film, DVD or video recording (or computer game) will be exhibited, sold or supplied unless it has been passed by the British Board of Film Classification and bears a certificate to that effect.
13. No moving picture will be provided on display at the licensed premises unless it is that of advertising videos on a loop system or allowing a prospective purchaser a short preview of films upon request, being no longer than 3 minutes in length.
14. Items offered for sale, hire, exchange or used in any promotion/advertising must not contravene any current legislation i.e. Section 12 Video Recordings Act 1984 (as amended).

### External appearance

15. There will be a notice displayed inside each entrance or doorway to the premises, clearly visible on entering the premises, which states the following words and no others:

**STRICTLY NO ADMITTANCE TO PERSONS UNDER 18 YEARS OF AGE**

This premises operates a Challenge 25 policy.  
Persons who appear to be under the age of 25 will be required to show proof of age.

16. The external appearance of the premises must be approved by the Council in writing. Any change to the external appearance must be approved by the Council. The operator must advise of any change in writing including a drawing of the existing and proposed street elevation. This must be approved by the Council in writing before work is undertaken.
17. The frontage of the licensed premises will be of such a nature that the inside of the licensed premises are not visible and the contents of the licensed premises should not be visible when the doors of the licensed premises is open.
18. There will be no illuminated or protruding signs fixed to the premises and no signs placed outside the premises on the public highway.

### Advertising

19. Any unsolicited written, visual or auditory advertisement material, posters, signage or window display must not be of a sexually explicit or suggestive nature, will not contain images or text of a sexually explicit, obscene or offensive nature, or be of a detriment to the amenity or character of the local vicinity, and must be approved by the Council in writing.
20. The distribution of flyers will only be permitted in such a way where it does not cause public offence. Flyers must not be distributed by and to persons under the age of 18 years.

### **Layout of the premises**

21. Access to ground floor premises may only be through two or more doors placed consecutively, so arranged that when a person enters or leaves the premises the interior of the premises is not recognisable to persons outside the premises. The first set of entry doors must be fitted with a device to provide for their automatic closure and such a device shall be maintained in good working order.
22. No access will be permitted through the premises to any other adjoining or adjacent premises except in the case of an emergency.
23. No alterations (including temporary alterations) will be made to the structure and installations on the premises, without the prior written consent of the Council. This condition will not require notice to be given in respect of routine maintenance works. Where there is any doubt the licensee should seek advice from the Council.

### **Management of the premises**

24. Where the licensee is a body corporate, or an un-incorporated body, any change of director, company secretary or other person responsible for the management of the body will be notified in writing to the Council within 14 days of such change. Such details as the Council may require in respect of the change of personnel will be furnished within 14 days of a request in writing from the Council.
25. The licensee, or a responsible person nominated by him/her in writing for the purpose of managing the venue ("the manager") will have personal responsibility for and be present on the premises whilst the premises are open to the public. Any such nomination will be produced on demand to an authorised officer of the Council or the police.
26. The licensee will ensure that any person nominated by him/her under the above:
  - a) has been provided with a copy of the conditions relating to the premises and is fully conversant with them; and
  - b) is in possession of a written nomination referred to about at all times when they are in charge of the premises.
27. Where the licensee, director, company secretary, or responsible person nominated for the purpose of managing the venue ("the manager"), is convicted of an offence, they must, as soon as practicable after the conviction, inform the Council of the conviction giving details of the nature and date of the conviction, and any sentence imposed.
28. The licensee will retain control over all parts of the premises and will not let, licence or part with possession of any part of the premises. The Council must be notified immediately in the event that any part of the premises affected by the termination of a lease or other event affecting the licensee's control of the premises.
29. The licensee will ensure that the public is not admitted to any part or parts of the premises that has not been approved by the Council.
30. The holder of the licence will keep a record of all workers who are asked to work on the premises which will include their full name, date of birth, current and previous address and any convictions recorded against that person (subject to the Rehabilitation of Offenders Act 1984).

31. An authorised and certified copy of the full personal record or a record of an individual will be produced on demand to an authorised officer of the Council or the police.
32. No person under the age of 18 will be admitted to the premises.
33. The licensee will operate a Challenge 25 age verification policy. People who appear to be under the age of 25 will be required to show proof of ID prior to admittance. A notice to this effect, in accordance with condition 18 will be displayed on the premises.
34. The licence holder will not employ any person under the age of 18 in any capacity.

#### **Vessels, vehicles and stalls**

35. In the case of licensed premises that are a vessel, vehicle or stall, the licensee shall not move the vessel, vehicle or stall from the location specified in the licence unless 28 days written notice is given to the Council of such intended removal. The Council may require the licensee to lodge such written application as it may deem appropriate and pay such a fee as it may deem reasonable in respect of such application.
36. The requirements of condition 35 will not apply to a vessel, vehicle or stall habitually operating from a fixed location, which is regularly moved, whether under its own propulsion or otherwise, from another place for storage purposes. This place must be specified in the licence and must not be used for the purposes for which the licence is granted and any other location than that specified in the licence.
37. Vehicles must not be used for personal solicitation, touting or advertising.

#### **Variation of conditions**

38. The Council may, at the time of grant or renewal of the licence, waive, modify or vary these conditions or impose additional conditions as appropriate.
39. The licensee may apply to the Council to vary any of the terms of the licence.
40. Applications to vary conditions of the licence must be advertised by the licensee in the same manner as the application for the grant, renewal or transfer of the licence.

## **Standard Conditions**

### **Sex Cinemas**

#### **General**

1. Unless stated otherwise, the licence hereby granted will remain in force for one year from the date on the licence, after which it will cease to be in effect unless an application for renewal is submitted in the manner prescribed by the Council.
2. The licence may be revoked by the Council if at any time the holder is convicted of an offence of using the licensed premises, or other premises for which a similar licence has been granted, other than in accordance with the terms, conditions or restrictions of the licence or is convicted of any offence under any enactment defined in paragraph 1 of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as amended.
3. In the event of a conflict between these conditions and any special conditions contained in a licence relating to a sex establishment the special conditions shall prevail.
4. The name of the premises must be approved by the Council in writing. Any change to the name of the premises must be approved by the Council in writing.

#### **Exhibition of the licence**

5. The licence or a certified copy shall be prominently displayed at all times so as to be readily and easily seen by all persons using the premises and all authorised officers. A copy of the conditions attached to the licence shall be kept on the premises and be available for inspection by an authorised officer of the Council.

#### **Hours of opening**

6. Except with the written consent of the Council, the premises will only open to the public during the hours specified in the licence.

#### **Conduct of the premises**

7. The premises will be conducted primarily for the purpose of the exhibition of films.
8. The licensee, or any other person concerned in the conduct or management of the premises, will only obtain custom by means of personal solicitation or touting from the premises in such a way that it does not cause concern to the public or the licensing authority. All literature used will not contain images or text of a sexually explicit, obscene or offensive nature.
9. No part of the premises will be used by prostitutes.

#### **External appearance**

10. There will be a notice displayed inside each entrance or doorway to the premises, clearly visible on entering the premises, which states the following words and no others:

<b>STRICTLY NO ADMITTANCE TO PERSONS UNDER 18 YEARS OF AGE</b>
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<p>This premises operates a Challenge 25 policy. Persons who appear to be under the age of 25 will be required to show proof of age.</p>
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11. The external appearance of the premises must be approved by the Council in writing. Any change to the external appearance must be approved by the Council. The operator must advise of any change in writing including a drawing of the existing and proposed street elevation. This must be approved by the Council before work is undertaken.
12. The frontage of the licensed premises will be of such a nature that the inside of the licensed premises are not visible and the contents of the licensed premises should not be visible when the doors of the licensed premises is open.
13. There will be no illuminated or protruding signs fixed to the premises and no signs placed outside the premises.

### **Advertising**

14. Any unsolicited written, visual or auditory advertisement material, posters, signage or window display must not be of a sexually explicit or suggestive nature, will not contain images or text of a sexually explicit, obscene or offensive nature, or be of a detriment to the amenity or character of the local vicinity, and must be approved by the Council in writing.
15. The distribution of flyers will only be permitted in such a way where it does not cause public offence. Flyers must not be distributed by and to persons under the age of 18 years.

### **Layout of the premises**

16. Access to ground floor premises may only be through two or more doors placed consecutively, so arranged that when a person enters or leaves the premises the interior of the premises is not recognisable to persons outside the premises. The first set of entry doors must be fitted with a device to provide for their automatic closure and such a device shall be maintained in good working order.
17. No access will be permitted through the premises to any other adjoining or adjacent premises except in the case of an emergency.
18. No alterations (including temporary alterations) will be made to the structure and installations on the premises, without the prior written consent of the Council. This condition will not require notice to be given in respect of routine maintenance works. Where there is any doubt the licensee should seek advice from the Council.

### **Management of the premises**

24. Where the licensee is a body corporate, or an un-incorporated body, any change of director, company secretary or other person responsible for the management of the body will be notified in writing to the Council within 14 days of such change. Such details as the Council may require in respect of the change of personnel will be furnished within 14 days of a request in writing from the Council.

25. The licensee, or a responsible person nominated by him/her in writing for the purpose of managing the venue ("the manager") will have personal responsibility for and be present on the premises whilst the premises are open to the public. Any such nomination will be produced on demand to an authorised officer of the Council or the police.
26. The licensee will ensure that any person nominated by him/her under the above:
  - a) has been provided with a copy of the conditions relating to the premises and is fully conversant with them; and
  - b) is in possession of a written nomination referred to about at all times when they are in charge of the premises.
27. Where the licensee, director, company secretary, or responsible person nominated for the purpose of managing the venue ("the manager"), is convicted of an offence, they must, as soon as practicable after the conviction, inform the Council of the conviction giving details of the nature and date of the conviction, and any sentence imposed.
28. The licensee will retain control over all parts of the premises and will not let, licence or part with possession of any part of the premises. The Council must be notified immediately in the event that any part of the premises affected by the termination of a lease or other event affecting the licensee's control of the premises.
29. The licensee will ensure that the public is not admitted to any part or parts of the premises that has not been approved by the Council.
30. The holder of the licence will keep a record of all workers who are asked to work on the premises which will include their full name, date of birth, current and previous address and any convictions recorded against that person (subject to the Rehabilitation of Offenders Act 1984).
31. An authorised and certified copy of the full personal record or a record of an individual will be produced on demand to an authorised officer of the Council or the police.
32. No person under the age of 18 will be admitted to the premises.
33. The licensee will operate a Challenge 25 age verification policy. People who appear to be under the age of 25 will be required to show proof of ID prior to admittance. A notice to this effect, in accordance with condition 18 will be displayed on the premises.
34. The licence holder will not employ any person under the age of 18 in any capacity.
35. The licence holder must notify the Council immediately should there be any changes to the management or operation of the premises.

### **Safety and security**

36. A colour digital CCTV system will be maintained and operational at the premises at all times when licensable activities are being carried out and at any other times when member of the public are present on the premises.
37. The CCTV system will cover all areas of the premises occupied by the public under the terms of the licence, including corridors and stairways. The CCTV system will cover the main entrances and external areas of the premises occupied by the public, for example queuing areas, smoking areas and car parks.

38. The locations of CCTV cameras are identified on the site plan of the premises. No amendments to the locations of the cameras will be made without prior consultation with South Yorkshire Police and the Council.
39. The CCTV system will be of a satisfactory resolution quality which will enable the identification of persons and activities, and other fine details such as vehicle registration number plates.
40. Recorded CCTV images will be maintained and stored for a continuous period of 28 days. The CCTV equipment shall have constant time/date generation which must be checked on a daily basis for accuracy.
41. Where CCTV is recorded onto a hard drive system, any DVDs subsequently produced will be in a format so it can be played back on a standard DVD player.
42. The nominated person ("the manager") must be trained in the use of any such CCTV equipment and be able to produce CCTV images to the police or Licensing Authority.
43. CCTV footage will be controlled and kept in a secure environment to prevent tampering and unauthorised viewing.
44. The data controller, under the Data Protection Act 1998, who is responsible for any CCTV images captured on cameras on the premises will, on the lawful request of the police or an authorised officer of the Council, cause any required footage to be downloaded immediately, or where this is not possible, as soon as reasonably practicable, and supplied to the requesting officer. Where the CCTV images are not supplied at the time of the request being made the data controller will ensure that they are secured to prevent any overwriting.
45. Regular checks will be carried out in the auditorium(s) when screenings are taking place.
46. A refusals/incident/accident register will be maintained and shall record all refusals relating to alcohol, access to the premises and all incidents or accidents.
47. The licensee will ensure that a fire safety risk assessment is carried out in connection with the premises, and is retained on the premises at all times and available for inspection by an authorised officer or a member of the Fire Authority.
48. The licensee will maintain good order in the premises at all times, and ensure that persons entering or leaving the licensed premises conduct themselves in an orderly manner and do not in any way cause annoyance to residents in the vicinity and persons passing by.

### **Vessels, vehicles and stalls**

49. In the case of licensed premises that are a vessel, vehicle or stall, the licensee shall not move the vessel, vehicle or stall from the location specified in the licence unless 28 days written notice is given to the Council of such intended removal. The Council may require the licensee to lodge such written application as it may deem appropriate and pay such a fee as it may deem reasonable in respect of such application.
50. The requirements of condition 48 will not apply to a vessel, vehicle or stall habitually operating from a fixed location, which is regularly moved, whether under its own propulsion or otherwise, from another place for storage purposes. This place must be specified in the licence and must not be used for the purposes for which the licence is granted and any other location than that specified in the licence.

51. Vehicles must not be used for personal solicitation, touting or advertising.

**Variation of conditions**

52. The Council may, at the time of grant or renewal of the licence, waive, modify or vary these conditions or impose additional conditions as appropriate.
53. The licensee may apply to the Council to vary any of the terms of the licence.
54. Applications to vary conditions of the licence must be advertised by the licensee in the same manner as the application for the grant, renewal or transfer of the licence.

DRAFT FOR CONSULTATION

**RMBC - Equality Analysis Form for Commissioning, Decommissioning, Decision making, Projects, Policies, Services, Strategies or Functions (CDDPPSSF)**

**Under the Equality Act 2010 Protected characteristics** are Age, Disability, Sex, Gender Reassignment, Race, Religion or Belief, Sexual Orientation, Civil Partnerships and Marriage, Pregnancy and Maternity.

<b>Name of policy, service or function. If a policy, list any associated policies:</b>	Consultation on the Adoption of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 and a Rotherham Sex Establishment Policy.
<b>Name of service and Directorate</b>	Community Safety and Street Scene, Regeneration and Environment
<b>Lead manager</b>	Lewis Coates
<b>Date of Equality Analysis (EA)</b>	22/10/18
<b>Names of those involved in the EIA (Should include at least two other people)</b>	Tom Smith, Lewis Coates

**Aim/Scope**

Any sex shop and sex cinema located within the Borough of Rotherham requires a licence from the Council issued under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 ('the 1982 Act'). Such premises are referred to in the 1982 Act as 'sex establishments'.

At the present time, all premises in Rotherham that provide lap dancing or similar activity require a premises licence issued under the Licensing Act 2003 rather than being licensed as 'sex establishments'.

Although the Licensing Act 2003 provides local authorities with the ability to regulate establishments where lap dancing or similar entertainment takes place, this legislation did not give communities sufficient powers to control where lap dancing clubs and the like, were established. Similarly, Councils were not provided with sufficient powers in relation to the regulation of such premises, such as the requirement for sex establishments to apply for an annual licence with appropriate conditions being attached.

The Policing and Crime Act 2009 came into effect in April 2010 and reclassified lap dancing clubs and similar as 'sexual entertainment venues', adding these to the category of 'sex establishment' within the 1982 Act. These provisions allow local authorities to consider and determine applications on potentially wider grounds than is permitted under the Licensing Act 2003, and allows local people a greater say over the regulation of sex establishments in their area.

Importantly, the amendments to the 1982 Act allows local authorities to set a policy in relation to the licensing of sex establishments that sets out the Council's approach to the licensing of these premises, including the setting of conditions, restrictions on locations and limits on the number and type of sex establishments within the area.

However, the amendments to the 1982 Act only apply where they are adopted by local authorities.

**RMBC - Equality Analysis Form for Commissioning, Decommissioning, Decision making, Projects, Policies, Services, Strategies or Functions (CDDPPSSF)**

This initial Equality Impact Assessment (EIA) seeks to address any identified equality and diversity issues of the adoption of Schedule 3 of the 1982 Act, and of the adoption of a Sex Establishments Licensing Policy.

The EIA will be regularly reviewed and updated throughout the process and will be finalised following the proposed public consultation, prior to agreement of the Policy.

**What equality information is available? Include any engagement undertaken and identify any information gaps you are aware of. What monitoring arrangements have you made to monitor the impact of the policy or service on communities/groups according to their protected characteristics?**

This EIA is being undertaken prior to public consultation about the adoption of Schedule 3 and the Policy. Equality information will be sought as part of the proposed consultation in order to identify any gaps.

The need for monitoring arrangements will be assessed following consultation, and addressed as part of the implementation of the adoption and Policy, should it be agreed by Council and Cabinet.

**Engagement undertaken with customers. (date and group(s) consulted and key findings)**

A full consultation on adoption of schedule 3 of the 1982 Act and a proposed Sex Establishments Policy which will aim to engage with a wide range of customer and stakeholders.

**Engagement undertaken with staff about the implications on service users (date and group(s) consulted and key findings)**

A full consultation on adoption of schedule 3 of the 1982 Act and a proposed Sex Establishments Policy which will engage with staff within the Council's Licensing Service.

**The Analysis**

**How do you think the Policy/Service meets the needs of different communities and groups?**

The proposed adoption of Schedule 3 and the subsequent proposed adoption of a Sex Establishments Policy would support local communities and those from protected groups to challenge the presence of sex establishments in their area, according to a set criteria.

The proposed Policy will therefore deliver a positive benefit to different communities and groups.

**Analysis of the actual or likely effect of the Policy or Service:**

**Does your Policy/Service present any problems or barriers to communities or Group? Does the Service/Policy provide any improvements/remove barriers?**

The Council's proposed Sex Establishment Licensing Policy, seeks to identify defined

**RMBC - Equality Analysis Form for Commissioning, Decommissioning, Decision making, Projects, Policies, Services, Strategies or Functions (CDDPPSSF)**

areas that would not be appropriate locations for sex establishments, or would not fit in with the character of such areas. For this reason the proposed policy is deemed to have a positive impact upon local communities, younger people and children, and faith groups.

In terms of gender, the proposed policy has a positive impact by helping to protect women living or working in or visiting the vicinity of sex establishments by diminishing the impact that sexual entertainment venues (SEVs) are permitted to have on their surroundings, e.g. through limiting their numbers and controlling the external appearance, advertising and solicitation associated with such premises.

Examples of harassment of women in public spaces in the vicinity of sexual entertainment venues have been reported. The proposed policy will have a positive impact by ensuring that sexual entertainment venues are only located in appropriate places.

It should be noted that any decision to refuse a licence application cannot be made on moral grounds or that the establishment may cause offence. The Policy must therefore take account of this principle when seeking to address concerns raised by different communities or groups.

**What affect will the Policy/Service have on community relations?**

It is currently assessed that the proposed policy could have positive implications for community relations, in that it will restrict sex establishments to those areas where it is deemed there would be no negative impact on particular communities.

Please list any **actions and targets** by Protected Characteristic that need to be taken as a consequence of this assessment and ensure that they are added into your service plan.

**Website Key Findings Summary:** To meet legislative requirements a summary of the Equality Analysis needs to be completed and published.

**RMBC - Equality Analysis Form for Commissioning, Decommissioning, Decision making, Projects, Policies, Services, Strategies or Functions (CDDPPSSF)**

**Equality Analysis Action Plan**

**Time Period 2019/2020**

Manager: Tom Smith

Service Area: Community Safety and Street Scene

Tel: 01709 822902

**Title of Equality Analysis:**

If the analysis is done at the right time, i.e. early before decisions are made, changes should be built in before the policy or change is signed off. This will remove the need for remedial actions. Where this is achieved, the only action required will be to monitor the impact of the policy/service/change on communities or groups according to their protected characteristic.

List all the Actions and Equality Targets identified

Action/Target		State Protected Characteristics as listed below	Target date (MM/YY)
Undertake a full consultation on adoption of schedule 3 of the 1982 Act and a proposed Sex Establishments Policy.		A, D, S, GR, RE, RoB, SO, C	02/19
Name Of Director who approved Plan	Paul Woodcock	Date	

\*A = Age, D= Disability, S = Sex, GR Gender Reassignment, RE= Race/ Ethnicity, RoB= Religion or Belief, SO= Sexual Orientation, PM= Pregnancy/Maternity, CPM = Civil Partnership or Marriage. C= Carers, O= other groups

**RMBC - Equality Analysis Form for Commissioning, Decommissioning, Decision making, Projects, Policies, Services, Strategies or Functions (CDDPPSSF)**

**Website Summary – Please complete for publishing on our website and append to any reports to Elected Members SLT or Directorate Management Teams**

Completed equality analysis	Key findings	Future actions
<p>Initial web-based assessment undertaken prior to proposed consultation process.</p>	<p>Potential positive impacts on local communities, women, younger people and children, and faith groups have been identified.</p> <p>The potential to limit the impact of sex establishments on the character or amenity of local areas, will limit the impact of such establishments on women, young people, different communities and faiths.</p> <p>The potential to regulate sex establishments employment practices through a policy, also has potential positive impacts on the women working within these establishments.</p> <p>The initial assessment is that there is unlikely to be any direct positive or negative impact on other protected groups, such as the LGBT+ community, pregnant women, civil partnerships or marriage, carers, or other groups.</p>	<p>To undertake a thorough and robust consultation on adoption of schedule 3 of the 1982 Act and a proposed Sex Establishments Policy, to fully assess any potential equality and diversity impacts.</p>

**Committee Name and Date of Committee Meeting**

Council – 05 December 2018

**Report Title**

Recommendation from Audit Committee – Appointment of Independent Member of Audit Committee

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

No

**Strategic Director Approving Submission of the Report**

Shokat Lal, Assistant Chief Executive

**Report Author(s)**

James McLaughlin, Head of Democratic Services  
01709 822477 or james.mclaughlin@rotherham.gov.uk

**Ward(s) Affected**

Borough-Wide

**Report Summary**

The term of office of the current Independent Member serving on the Audit Committee is due to cease on 9 December 2018. The Audit Committee considered a report at its meeting on 27 November 2018 which set out options for filling the vacancy that would be created. A copy of that report is enclosed as Appendix 1.

The appointment of an Independent Member of the Audit Committee is a function of the Council. This report is submitted to report the recommendation of the Audit Committee that Mr. Bernard Coleman be re-appointed as the Independent Member of the Audit Committee for a twelve-month term of office until 31 December 2019.

**Recommendation**

1. That Mr. Bernard Coleman be re-appointed as the Independent Member of the Audit Committee with a term of office ending on 31 December 2019.

**List of Appendices Included**

Appendix 1 Report to Audit Committee – 27 November 2018 ‘Audit Committee – Appointment of Independent Member’

**Background Papers**

Minutes of Audit Committee – 27 November 2018

Council Minutes (Minute number 100) – 9 December 2015

Report to Audit Committee – 24 November 2015 'Amendment to the Constitution of the Audit Committee and Appointment of Independent Member'

Council Constitution

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

Audit Committee – 27 November 2018

**Council Approval Required**

Yes

**Exempt from the Press and Public**

No

**Committee Name and Date of Committee Meeting**

Audit Committee – 27 November 2018

**Report Title**

Audit Committee – Appointment of Independent Member

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

No

**Strategic Director Approving Submission of the Report**

Shokat Lal, Assistant Chief Executive

**Report Author(s)**

James McLaughlin, Head of Democratic Services  
01709 822477 or james.mclaughlin@rotherham.gov.uk

**Ward(s) Affected**

Borough-Wide

**Report Summary**

The term of office of the current Independent Member serving on the Audit Committee is due to cease on 9 December 2018. This report is submitted for the Audit Committee to recommend that the Council reappoints Mr. Bernard Coleman until December 2019.

**Recommendations**

To resolve:-

1. That Council be recommended to appoint Mr. Bernard Coleman as Independent Member of the Audit Committee until 31 December 2019.

**List of Appendices Included**

None

**Background Papers**

Council Minutes (Minute number 100) – 9 December 2015  
Report to Audit Committee – 24 November 2015 'Amendment to the Constitution of the Audit Committee and Appointment of Independent Member'  
Council Constitution

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

Council – 05 December 2018

**Council Approval Required**

Yes

**Exempt from the Press and Public**

No

## **Audit Committee – Appointment of Independent Member**

### **1. Background**

- 1.1 In 2015, the Council amended the Terms of Reference of the Audit Committee to include provision for the appointment of an Independent Member. On 9 December 2015, on the recommendation of the Audit Committee, the Council appointed Mr. Bernard Coleman for a three year period.
- 1.2 Over the past three years, Mr. Coleman has added value to the work of the Audit Committee. His contributions and work are respected by elected Members and officers involved in discharging the audit function at the Council.

### **2. Key Issues**

- 2.1 The three year term of Mr. Coleman is due to end on 9 December 2018. It is necessary to consider the future appointment to the position of Independent Member of the Audit Committee.

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

- 3.1 As the current appointment is due to end on 9 December 2018, the Audit Committee is invited to consider whether it how it wishes to fill the vacancy that will arise on that date. The options available to Members are:-
  - Option 1 – Commence a recruitment process for a new Independent Member
  - Option 2 – Appoint the current Independent Member for a further three-year term until December 2021.
  - Option 3 – Appoint the current Independent Member for a 12 month period to allow a recruitment process to take place (this is the recommended option).
- 3.2 Option 1 is not recommended because there is insufficient time to undertake a full recruitment process prior to the end of the current Independent Member's term of office on 9 December. However, there are benefits associated with undertaking a recruitment process to demonstrate openness and transparency in the appointment to this role.
- 3.3 Officer 2 is not recommended at this stage as it is not known if the current Independent Member would be willing to carry on in the position for a further three years. Formal consultation with Mr. Coleman has not yet taken place and it would be improper to propose such an appointment at this stage. Mr. Coleman has been invited to attend the meeting on 27 November 2018 and may provide his opinion during the discussion on this report. However, without clarification prior to the meeting, this option cannot be recommended at this stage.

- 3.4 Option 3 provides an opportunity to undertake a recruitment process whilst appointing Mr. Coleman for a twelve month period until December 2019. This option provides continuity in the short term and addresses the need to retain an Independent Member from the end of Mr. Coleman's term of office. This is the recommended option.

#### **4. Consultation on proposal**

- 4.1 This report is submitted to seek the views of the Audit Committee on the method with which the Council should appoint the Independent Member of the Audit Committee from December 2018.

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

- 5.1 If the committee supports the recommendation to re-appoint Mr. Coleman for a further one-year or three-year period, this will be reported to the Council meeting on 5 December 2018. The appointment will take immediate effect after Council approval. The Head of Democratic Services Audit will be accountable for the implementation of the Council's decision and the Head of Internal Audit will be accountable for supporting the Independent Member during their term of office.
- 5.2 If the committee determines that a recruitment process should be undertaken without reappointing the current Independent Member, the Head of Democratic Services will be accountable for the recruitment process with the Audit Committee having the authority to recommend an appointment to Council.

#### **6. Financial and Procurement Advice and Implications**

- 6.1 The allowance for the Independent Member of the Audit Committee is £710 per annum and is already included in the budget for Member Allowances. Any costs associated with the recruitment of an Independent Member will be met within existing budgets. There are no further financial or procurement implications associated with this proposal.

#### **7. Legal Advice and Implications**

- 7.1 There are no legal implications associated with this proposal beyond ensuring that the Council complies with the provisions of the Constitution, which is discussed earlier in this report.

#### **8. Human Resources Advice and Implications**

- 8.1 In the options outlined above, Members have the discretion to recommend the re-appointment of Mr. Coleman for a three-year or one-year term of office. In the event of either option being chosen, appropriate checks have previously been carried out in respect of Mr. Coleman and are all satisfied.

**9. Implications for Children and Young People and Vulnerable Adults**

- 9.1 There are no implications of children and young people or vulnerable adults arising from this report.

**10. Equalities and Human Rights Advice and Implications**

- 10.1 There are no equalities or human rights implications arising from this report.

**11. Implications for Partners**

- 11.1 There are no implications for partners associated with this report.

**12. Risks and Mitigation**

- 12.1 The appointment of a suitable skilled and experienced independent member will strengthen the review of risk management by the Audit Committee and consequently improve the Council's arrangements.

**13. Accountable Officers**

James McLaughlin, Head of Democratic Services  
David Webster, Head of Internal Audit

Approvals obtained on behalf of:-

	<b>Named Officer</b>	<b>Date</b>
Strategic Director of Finance & Customer Services (S.151 Officer)	Named officer	Click here to enter a date.
Assistant Director of Legal Services (Monitoring Officer)	Named officer	Click here to enter a date.
Assistant Director of Human Resources (if appropriate)		Click here to enter a date.
Head of Human Resources (if appropriate)		Click here to enter a date.

*Report Author:* James McLaughlin, Head of Democratic Services  
01709 822477 or james.mclaughlin@rotherham.gov.uk

This report is published on the Council's [website](#).



## Overview and Scrutiny Update



**September - November 2018-19**

*Check, Challenge, Change*

# Our Work Programme 2018-19

## Overview and Scrutiny Management Board

- ◆ Budget and Medium Term Financial Strategy
- ◆ Council Plan Performance
- ◆ Commissioning and Contract Management
- ◆ Safer Rotherham Partnership
- ◆ Complaints
- ◆ Revenue Budget Monitoring
- ◆ Energy
- ◆ Poverty
- ◆ Children's Commissioner's Takeover Challenge
- ◆ Pre-decision Scrutiny

## Health

- ◆ Adult Social Care
- ◆ Autism Strategy
- ◆ Public Health
- ◆ Rotherham Integrated Health and Social Care Place Plan
- ◆ Respiratory Services tbc
- ◆ Social and Emotional Mental Health
- ◆ Health and Wellbeing Strategy
- ◆ Carers Strategy Implementation
- ◆ South Yorkshire and Bassetlaw Integrated Care System
- ◆ NHS Trust Quality Accounts

## Improving Lives

- ◆ Early Help
- ◆ Special Educational Needs and Disability (SEND)
- ◆ Safeguarding - Children and Adults
- ◆ Domestic Abuse
- ◆ Lifestyle Survey
- ◆ Looked After Children - demand for placements
- ◆ Children & Young People's Service Performance
- ◆ Monitoring Ofsted inspection outcome action plan
- ◆ School Performance
- ◆ Child Sexual Exploitation - Post Abuse Support

## Improving Places

- ◆ Thriving Neighbourhoods
- ◆ Time for Action
- ◆ Dignity - Bereavement Services
- ◆ Cultural Strategy
- ◆ Tenant Involvement
- ◆ Rotherham Town Centre
- ◆ Home to School Transport
- ◆ Modular Housing (Jointly with OSMB)
- ◆ Skills Agenda
- ◆ Asset Management

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# Introduction

## Welcome to the second Overview and Scrutiny update for 2018-19

The purpose of these updates is to give an overview of the work carried out by the Overview and Scrutiny Management Board (OSMB) and the Select Commissions - Health (HSC), Improving Lives (ILSC) and Improving Places (IPSC) during the last few months.

Page 2 provides a reminder of the broad work programme for 2018-19 previously included in the Overview and Scrutiny Annual Report. Good progress is being made with the planned programme and as in other years additional items have already been scrutinised. These include multi-agency working in complex abuse investigations, homelessness prevention and Rotherham, Doncaster and South Humber NHS Trust's (RDaSH) estate strategy. A review of Rothercard has recently been added to OSMB's work programme. Assurance has also been sought from Rotherham Hospital regarding hospital discharge processes.

It is pleasing to see that Scrutiny Members have again been out and about on visits to partners and service providers, either during reviews as part of their evidence gathering or to explore how things are working in practice following service changes.

As reported on page 7, the session at Voluntary Action Rotherham (VAR) resulted in two members of Rotherham Parent Carers Forum contributing to scrutiny of social, emotional and mental health, bringing their perspective as parents and service users as well as being partners in co-production. We intend to build on this initial session with the voluntary and community sector to increase the sector's involvement in our future scrutiny work and will be returning to VAR in 2019.

The first section of this report covers the pre-decision scrutiny, followed by a section for each committee. Where relevant for this period the update will include details of:-

- Progress monitoring of strategies and plans following past scrutiny
- Recommendations made by the committees
- Outcomes resulting from scrutiny
- Reviews - underway or due to commence
- Sub-group/Task and Finish Group activity
- Member visits
- Public involvement in scrutiny
- Key future items
- Other activity undertaken by the Scrutiny Members

I hope this will be a useful and informative update of overview and scrutiny work undertaken from September to November 2018.

**CLlr Brian Steele, Chair of Overview and Scrutiny Management Board**

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## Pre-decision Scrutiny

The recommendations made in all the pre-decision reports considered by OSMB were supported. Details of additional recommendations made by Scrutiny, plus any requests for specific information and intentions for future monitoring, are outlined below.

### ♦ Archives Accreditation - Policy Approval

Rotherham Archives and Local Studies is required to submit an application under the Archives Accreditation Scheme, the UK national standard. OSMB fully supported the Heritage Service's Forward Plan (2018-2022) and key policies supporting the application for this accreditation.

### ♦ Modern Slavery Update and Transparency Statement

The Board considered a report that provided an overview of planned activity during 2018/19 in relation to modern slavery. A draft Transparency Statement for publication in line with the requirements of the Modern Slavery Act 2015 was included in the paper. OSMB noted the report and supported the recommendations.

### ♦ Implementation of the Early Help Strategy 2016-2019: 'Phase Two & Phase Three'

A detailed report concerning the proposals for Phase Two & Phase Three of the Early Help Strategy was scrutinised at length. The paper provided a summary of consultation activity, feedback on the proposals and an overview of how responses had informed the final proposals. It also covered the approved savings considered by OSMB in December 2017. Members supported the recommendations set out in the report and made further recommendations, taking into account the input from ILSC who had also looked at this issue. These additional recommendations were all approved by Cabinet and in summary were for:-

- ILSC to keep a watching brief on the implementation of Phases 2 & 3.
- a progress update on establishing Service Level Agreements with schools for youth service provision and related transfer of assets.
- Cabinet to revisit the exit survey and number of assessments completed by partners as performance measures.
- an update showing how Early Help Services are capturing the child/young person's voice.
- Ward Members to be consulted on the transfer or disposal of assets.

### ♦ Consultation on the Adoption of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 and a Rotherham Sex Establishment Licensing Policy

OSMB scrutinised proposals to approve initiating public consultation on the adoption of Schedule 3, which allows lap, pole and table dancing establishments; strip shows; peep shows and live sex shows to be classified as sex entertainment venues. Adopting this Schedule would give local communities a greater say about the presence of sex establishments, including sex cinemas, sex entertainment venues and sex shops in their area. It would also allow the Council to regulate such premises more effectively through having a formal Sex Establishment Licensing Policy. The report also sought approval for consultation on a proposed policy to run in parallel to that on Schedule 3.

The Board were concerned about visual displays in sex shop windows and proximity of sex establishments to places of worship and where young people go. Concerns were also raised for workers in the sector, the majority of whom are female, recognising the potential risks of modern slavery or exploitation. Details of the plans for consultation were explored more deeply.

OSMB fully supported these proposals and recommended wide reaching public consultation to engage as many people as possible in giving their views. They also recommended identifying ways to consult with workers in the industry, ensuring that this could be done safely and anonymously. Cabinet agreed these additional recommendations from Scrutiny.

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# Overview and Scrutiny Management Board

## ♦ Scrutiny Workshop: Adult Residential and Nursing Care Homes

OSMB approved the report to go forward to Cabinet for a formal response to the recommendations made by HSC. These were in respect of Member briefings, liaison with CQC, and encouraging care homes to work with the Care Home Support Service and to participate in training.

## ♦ Adult Social Care Improvement Plan and Budget Monitoring

Following their two workshop sessions earlier in 2018, the Board discussed a paper summarising developments and progress in relation to the improvement plan and budget monitoring in Adult Social Care (ASC). Key areas of activity cutting across both the improvement plan and the project plans to deliver on the Medium Term Financial Strategy (MTFS) were outlined.

Members noted the report and resolved to invite the Principal Social Worker for the next update to discuss the action plan. In light of the Care Homes workshop report OSMB also recommended that mitigations against risks associated with the cessation of training for care homes needed to be identified prior to any decision on training. A joint report from ASC and Children and Young People's Services (CYPS) on work to prepare young people for transition between the two services will be scheduled in the work programme.

## ♦ Refuse and Recycling Collections Service Changes

Earlier in the year IPSC had put forward suggestions for the communications and engagement strategy on the changes, including a seminar for all Members (which was held on 2 October). This report provided a further update to scrutiny, including more information on implementation. OSMB welcomed the successful project in flats as in pre-decision scrutiny they had recommended holding trials prior to implementation. The Board requested a report in February 2019 to provide an update on the first stage of the service change, to be followed by subsequent progress reports to IPSC.

## ♦ Briefing - Forge Island Development

This is the flagship scheme in the Town Centre Masterplan and is central to the Council's plans to regenerate Rotherham town centre. OSMB received an update on the appointment of Muse as the development partner for the Forge Island site. Further reports will be provided to Scrutiny as the scheme progresses. Subject to discussions between the Chair and the Cabinet Member for Jobs and the Local Economy, a workshop would be arranged to explore the plans in more detail.

## ♦ Response to Scrutiny Recommendations - Use of Interims, Agency and Consultancy staff

This review sought assurance that the Council does measure performance and value for money in this area and takes appropriate action to maintain spend within acceptable limits. Cabinet formally accepted all the recommendations, acknowledging the contribution made to strengthening the arrangements for managing use of agency, interim and consultancy staff. Agreed definitions for all three categories have been adopted Council-wide, together with corresponding revised budget codes. Business case forms have also been updated. Workforce Management Board will undertake feasibility work with other councils and public sector partners with regard to developing an in-house 'bank' system or employment agency to reduce cost and reliance on external agencies.

## ♦ Scrutiny review: Rothercard Scheme

A sub-group of OSMB is in the early stages of undertaking a review of the current Rothercard scheme to determine if it is still fit for purpose as it has been running for a number of years. The review will explore alternatives to the current scheme, including initiatives in other local authorities, before making recommendations about the future operation of the scheme.

## ♦ Outcomes from the ILSC Workshop Session - Complex Abuse Investigation

OSMB approved the report to go forward to Council for information and to Cabinet for a response to the recommendations made. (See page 9 for more information.)

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# Overview and Scrutiny Management Board

## ♦ Financial Monitoring Reports July and September 2018-19

A report was considered by the Board which set out the financial position at the end of July 2018, based on actual costs and income for the first four months of the financial year with forecasts for the remaining eight months.

As OSMB scrutinises quarterly updates on the in-year budget position for both ASC and CYPS, questions centred on the budget position in the remaining directorates. Members probed the budget pressures on Legal Services through child care cases and more robust regime in Licensing; and asked about staffing arrangements for the service. They inquired into pressures reported in Regeneration and Environment Services to deliver their agreed savings and sought clarification on alternative strategies should income targets not be achieved. Issues with regard to vacancy management were explored in terms of any potential impact on service delivery and on other employees of not filling vacant posts to achieve savings.

A second report in September with revised figures for the year end was discussed at length. This showed that the Council now needed to identify a further £3.1m of cost reduction actions in year to achieve a balanced financial outturn for the General Fund. The main area of overspending continued to be in CYPS (£15.7m forecast) as a result of demand for services outstripping budget capacity, which also impacted on the budget for Legal Services, as seen in the previous report.

## ♦ Council Plan Quarter 1 Performance Report

The report and Performance Scorecard provided an analysis of the Council's current performance and direction of travel against 14 key delivery outcomes and 70 measures. Reference was made to areas that were performing well or improving and those that were off target for the five priorities.

Members' questions focused on a number of key areas including how workforce capacity and skills could be developed; performance data for the call centre; fixed penalty notices and enforcement across all wards; and figures for hate crime and anti-social behaviour. They also inquired how the creation of a rich and diverse cultural offer and thriving town centre would be measured and were provided with some specific examples.

## ♦ Children's Services Financial Monitoring and Review 2018-19

Given the budget challenges in the service, OSMB receives comprehensive quarterly updates on the current budget position and pressures; in-year mitigations; future plans and progress on the sustainability plan and initiatives to manage demand. The Board asked a number of questions and sought assurances around achieving the savings and reducing the overspend without this having a negative impact on the quality of services provided for children and young people. The new Strategic Director stressed that the big savings were linked to reducing demand and that signs of the expected improvements from the initiatives put in place were appearing.

It was agreed that the Chair, Vice Chair and Chair of ILSC would meet with the Cabinet Member and Strategic Director to discuss the format of future quarterly reports. Members resolved that greater clarity was required on timescales and milestones for addressing the in-year budget pressures. Follow up information was also requested on certain points raised.

## ♦ Budget Options 2019-20 and 2020-21

Over two days OSMB undertook in-depth scrutiny of the budget proposals from service areas for the next two financial years. Further explanatory detail was requested on a number of the options, particularly those for CYPS. More information was provided by CYPS and explored at length by the Members in a subsequent workshop session. The Board will make final recommendations after taking account of the outcomes of public consultation and following consideration of the MTFs.

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# Overview and Scrutiny Management Board

## ♦ Annual Compliments and Complaints Report

Members discussed a report and presentation that outlined the complaints and compliments received by the Council in 2017-18 and indicated key trends over the last five years. Each directorate also summarised the numbers of complaints and compliments received compared to the year before and key themes that emerged in their such as service quality, timeliness of response, staff or communication with complainants. Members asked how complaints made under the Whistleblowing Policy were handled, about distinguishing between a request for service and a complaint and the means for dealing with complaints about commissioned services with providers.

The annual report also included recommendations for how complaints handling and reporting could be improved in the current year, which were supported by the Board. OSMB made suggestions last year about improvements to the report and were pleased to see these had contributed to the new improved format.

## ♦ 28 November

The following items were scrutinised by OSMB and details will follow in the next update to Council:-

- Universal Credit Rollout in Rotherham
- Community Energy Switching Scheme

## Other activity

### ♦ “An Audience with Scrutiny” at Voluntary Action Rotherham (VAR)

Cllrs Sansome and Steele met with representatives from various voluntary and community sector (VCS) organisations to discuss what scrutiny is, how it works in Rotherham and how the VCS could become more directly involved in scrutiny work. It was a positive session with plenty of questions and led directly to representatives from the Rotherham Parent Carers Forum being invited to the next HSC meeting to talk about peer support and transition from children’s services. Health, social care and housing in particular were issues that the VCS representatives were interested in.

### ♦ Budget Sub-group

Prior to commencing scrutiny of the budget proposals for 2019-21 a small sub-group considered progress in delivering savings agreed in previous years across all directorates.

### ♦ Petitions

#### - Installation of a CCTV Camera at the Memorial Garden, Clifton Park

The petition requested the Council to consider installing a CCTV camera to prevent further vandalism in the memorial garden and to make visitors feel safer. Cllr Allen confirmed that a site visit had been undertaken with regard to installing a CCTV camera. As this would require time for the necessary construction work, additional ranger and police patrols could take place until it was installed. OSMB supported the petition and asked for the work to be completed in three months.

#### - Request for Review of Petition Response - Return of Publication

OSMB resolved that no further review of the response would be undertaken.

### ♦ Government Consultation - Planning Process and Shale Gas

The Board considered the responses prepared on behalf of the authority to the two consultation papers. The responses had been endorsed by the Planning Board on 4 October 2018 and were submitted for review by OSMB prior to formal submission to Government.

## Coming up

Scrutiny Review: Modular Housing - Adult Social Care - Medium Term Financial Strategy

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# Health Select Commission

## ♦ Integrated Working and Implementation of the Integrated Locality Model

A central element of HSC's work programme is scrutiny of health and social care transformation, with integrated locality working being a priority workstream. Two presentations provided Members with an overview of progress overall and more specific detail about the emerging model for locality working. Capacity and recruitment challenges emerged as key concerns in being able to deliver the new models. Members again emphasised the need for qualitative information to supplement the metrics and asked for clarification on the timescales for implementation of the locality model. It was agreed that the information provided and the Performance Outcomes Framework would be considered in developing the work programme for the HSC Performance sub-group.

## ♦ Rotherham Care Group, RDaSH - Estates Strategy

RDaSH presented the emerging proposals to rationalise their estate from six buildings to four after consultation with stakeholders on two preferred options. This is linked into the wider place based plans and aims to improve access, including having a town centre facility in Rotherham, and to have integrated mental health and learning disability services for all age adults. Members explored issues around staffing and capacity for mental health services and the financial challenges.

## ♦ Response to Scrutiny Review - Drug and Alcohol Treatment and Recovery Services

The spotlight review sought to ensure that the drug and alcohol service, which is operating within a reduced budget, would provide a quality, safe service under the new contract from April 2018. Eight recommendations had resulted with a focus on performance management, care pathways, being proactive on safety and risk minimisation. All had been accepted by Cabinet and HSC discussed the actions being implemented under each and the progress made. Members inquired about clinical treatment under the new service provider and funding for suicide prevention work.

## ♦ Social Emotional and Mental Health (SEMH) Strategy

In October 2017 HSC considered information presented by Rotherham schools regarding their response to children and young people with SEMH needs and requested a further report in 2018. A new strategy is under development which will underpin a multi-agency approach to ensure that children's needs are met effectively and as early as possible. Members were assured that this would be based on a thorough understanding of the levels of need experienced across the system matched with agreed pathways that were clear, well communicated and properly resourced.

HSC explored a number of issues including capacity across the system, especially in Pupil Referral Units, therapeutic responses and partnership working. They recommended that consideration should be given to the provision and support for young lesbian, gay, bisexual and transgender (LGB&T) people, as young people had reported difficulties in accessing services. Members also recommended having a lead case worker for families as a dedicated single point of contact, after communication with families had been raised as an issue in some cases.

## ♦ Child and Adolescent Mental Health Services (CAMHS)

HSC discussed an update on the delivery of specialist CAMHS within Rotherham and the ongoing review of the Local CAMHS Transformation Plan. They also considered information regarding key themes identified from previous scrutiny work including workforce development, waiting times, the impact of locality working, closer integration with Early Help and transition from CAMHS.

As with SEMH, Members asked questions about support for LGB&T young people, given the long waiting times for specialist clinics such as Tavistock. Attention was also drawn to differences between mental health and neuro-developmental conditions, although both come under CAMHS. Further work is underway in relation to the autism spectrum (ASD) pathway as this is still a concern and HSC will scrutinise the outcomes of that work once the review is completed.

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# Health Select Commission

## ♦ South Yorkshire, Derbyshire, Nottinghamshire and Wakefield Joint Health Overview and Scrutiny Committee (JHOSC)

The JHOSC met in October and considered updates on the South Yorkshire and Bassetlaw Integrated Care System (SY&B ICS) overall, which has 15 areas of focus and the Hospital Services Programme, one of its workstreams. Following the Hospital Services Review (HSR) a strategic outline business case has been published outlining how the system will respond to the HSR recommendations. The focus will be on more formalised co-operation between hospitals through hosted networks and on transformation, both in terms of the workforce such as changing job roles, and by moving activity from hospitals to primary/community care where appropriate. Options will be explored for maternity, paediatrics and gastroenterology.

Members emphasised the importance of public engagement and improving communications and will receive the Communication and Engagement Plan for their consideration. Assurance was sought on addressing health inequalities and variations in performance and that the plans would be delivered within timescales and resources. Further reports were requested on the Children's and Maternity Services workstream and on the workforce issues identified in the HSR.

## ♦ The Rotherham Foundation Trust Quality Priorities for 2019-20

The Commission provided feed back on the long list of 15 priorities, five under each of the three domains of patient safety, patient experience and clinical effectiveness, after seeking additional information on the rationale behind each one. Members prioritised all the areas under clinical effectiveness, in particular implementing the outcomes of the national dementia audit. The Quality Sub-group will ask further questions on the final set of priorities at its half year update meeting.

## ♦ 29 November

In addition to an update on the work programme and discussion on potential issues for spotlight reviews early in 2019, the following were the two main items scrutinised by HSC and details will follow in the next update:

- Refreshed Rotherham Integrated Health and Social Care Place Plan
- Update on Drug and Alcohol Treatment and Recovery Services

## Other activity

## ♦ HSC Performance Sub-group - Adult Social Care Outcomes Framework (ASCOF)

The group scrutinised provisional year end performance including a RAG-based thematic review under the headings of prevention and delay; independence; personalisation; and perception and experience, linking in relevant ASCOF measures. The key area that emerged for a more in-depth piece of work was reablement and this will be looked at in 2019. Several recommendations were made regarding future performance reports to which a positive response has been received.

## ♦ Visits to ASC Single Point of Access, Care Coordination Centre and Health Village

Seven HSC Members undertook a tour of service access points and met with managers and staff at all three sites who were enthusiastic about the benefits of working more closely with colleagues from other partners and teams. Clearer understanding of other roles, better communications and information sharing were cited as positive benefits, contributing to delivery of more holistic care.

## Coming up

- Quality Sub-groups for Rotherham Hospital and RDaSH
- Implementation of Health and Wellbeing Strategy
- Sexual Health Strategy
- Performance Sub-group

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# Improving Lives Select Commission

## ♦ Children Missing from Education (CME)

This refers to children of compulsory school age who are not on a school roll, and who are not receiving a suitable alternative education. ILSC scrutinised this issue last year and had requested a follow up session, to focus on an in-depth analysis of the data about CME. The quarter 1 score card for 2018-19, which also incorporated partial data for the two previous years, was discussed at length. The score card records new, active and resolved/closed cases; breakdown by year group; main presenting need or issue, plus some demographic and locality information.

Members probed into links with other workstreams such as safeguarding, Selective Licensing and work under the auspices of the Controlling Migration Fund. They were informed that although there was no statutory responsibility for CME below school age, the service did track nursery schools and playgroups as much as possible. Reassurance was provided that the whole family was looked at and not just the child missing from education. ILSC resolved to receive a further report detailing progress; additional analysis of the data, trends and reasons why children were not on the school roll; the budget; and the work of the Strategic Missing Group. A further recommendation was for consideration to be given to the appropriate arena for evaluation of the Controlling Migration Fund.

## ♦ Outcomes from the Workshop Session - Complex Abuse Investigation

Cllr Clark presented a briefing on the outcomes and recommendations from a workshop session held by ILSC in April 2018. The purpose had been to seek assurance and further understanding of the extent to which agencies were working together effectively to address complex abuse.

The following key issues were explored:-

- circumstances when complex abuse procedures were used
- which agencies were involved and at what level
- how other agencies/parts of the Council without direct safeguarding powers contributed to investigations
- impact of the investigations on referrals to social care
- engagement with Early Help services
- any impact of the General Data Protection Regulation (GDPR) on information sharing
- how the voice of the child is captured in the investigations
- how this work was viewed in the recent Ofsted inspection

After questioning officers and partners, Members were assured that the Council and its partners were working effectively within the prescribed policy for complex abuse investigations. A small number of recommendations were made to go forward for consideration by Cabinet and partners.

## ♦ 2018 Education Performance Outcomes - year ending summer 2018

A report provided ILSC with an overview of the provisional un-validated educational outcomes of children and young people in primary, special, secondary schools and academies in Rotherham. Members probed into various issues including plans to address under-attainment of Gypsy, Roma and Traveller Pupils; plans for other disadvantaged cohorts; partnership working with Multi-Academy Trusts (MAT); how University Campus Rotherham (UCR) would link to the Skills Plan and the education sector as a whole; and actions to boost performance of more able students.

The Commission requested a further report to cover actions taken to "Close the Gap", more detail on action plans around next steps and how these will be monitored; and actions to boost progress of more able pupils. The Regional Schools Commissioner, who has statutory powers in relation to MAT, will be invited to a future meeting. Members also plan to visit UCR.

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# Improving Lives Select Commission

## ♦ Special Educational Needs and Disability (SEND) - Update

After setting the context for Rotherham, a detailed presentation and report provided a broad overview of the key themes in the SEND strategy, what is working well and areas for development. Current actions and timescales were also included. The Commission noted the progress made with the SEND and Inclusion agenda and agreed to receive periodic updates over the next three years to ensure the continuation of the direction of travel and pace of developments given the change in two key leadership posts. Further information was requested regarding the High Needs budget monitoring group once established and on the regional evaluation when available.

## ♦ Demand Management and Placement Sufficiency - Looked After Children

Numbers of looked after children have increased significantly and ILSC scrutinised a report setting out current strategies to manage demand and financial pressure, including some assessment of their impact, and also future plans. Members sought clarification on various processes in relation to children entering and leaving care. They inquired about the marketing strategy for foster carers, especially for respite foster carers and Black, Asian and Minority Ethnic foster carers and heard about the positive work to develop the Muslim foster care project. They also explored issues around foster carer resignations and the support available for them. Although improvements were being seen there were still issues to probe into and a further update was requested for March 2019 to reference the Ofsted eight points for Looked After Children's Services improvement, as well as the refreshed Sufficiency Strategy.

## ♦ 4 December

The following items were scrutinised by ILSC and details will follow in the next update to Council:-

- Rotherham Local Safeguarding Children Board Annual Report
- Adult Safeguarding Board Annual Report
- Children Missing from Education Update

## Other Activity

## ♦ Meeting with Young Inspectors

11 Young Inspectors shared information about their work programme and how they undertake their inspections. Members were impressed with the work and commitment of the Young Inspectors and offered to assist with recruitment by sharing information about the programme. They suggested that it would be helpful if copies of each summary report, including outline recommendations and the response from the service, could be shared with ILSC. This would assist them to understand where improvements had been made and if there were any areas of concern still outstanding. It was agreed that the summary reports from Exclusions and Contact Centres would be circulated and that ILSC will maintain links with the Young Inspectors.

## ♦ CYPS Performance Sub-group - Safeguarding and Early Help Services

Following preliminary work last March the sub-group requested more information on a number of issues for their meeting in September. In relation to safeguarding, Members explored contacts progressing to referrals, numbers in care and leaving care, family contact, concerns about health and dental assessments and about care leavers in employment, education or training. For Early Help, questions centred on sources of referrals, the quality of assessments, step-up/step-down provision, differentials in team performance, and pathways for children missing from home. Future reports were requested on dental assessments and on apprenticeships for looked after children. This work will continue with scrutiny of the performance data for quarter two.

## Coming Up

Rotherham "Voice of the Child" Lifestyle Survey Report - Post Abuse Support - Domestic Abuse

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# Improving Places Select Commission

## ♦ Rother Valley Country Park Caravan Site Progress

The Commission noted that the construction of a new camping and caravan site at the park is on track and scheduled for completion and handover in March 2019, in line with the original project programme. Members explored a number of issues and asked for more details regarding provision to charge up electric vehicles at the caravan park. Follow up reports were requested to cover the procurement of the booking system and then the first six months of being operational, including any impact on residents in the area. Several IPSC members also undertook a site visit in November.

## ♦ Thriving Neighbourhoods

Consideration was given to a report which detailed the production of a new neighbourhood strategy, with wards as the building blocks to enable partners and communities to work together to improve local outcomes. The Annual Report 2017-18 summarised the first year of delivery of the new model of neighbourhood working and lessons learned, in addition to making recommendations for future delivery of the model. The new draft Thriving Neighbourhoods: The Rotherham Neighbourhood Strategy 2018-2025 was noted. IPSC recommended that the required training for Members and officers in relation to the working of Thriving Neighbourhoods should be undertaken as soon as possible. Members requested a report in six months regarding devolved budgets and the governance framework (including monitoring progress on Ward Plans and evaluation of them).

## ♦ Scrutiny Review of Modular Housing (joint with OSMB)

The review is looking into the viability of providing low cost housing for young single individuals and young families in one and two bedroom modular accommodation, incorporating suitable technology wherever possible to reduce running costs. In addition the review is considering the possibility of being able to move the buildings to where they are most needed.

Two more site visits took place during September and October to look at various types of modular housing and container homes currently available. Following pre-decision scrutiny of the House Project, where OSMB recommended encouraging young people to be involved in the review, a small group of Looked After Children participated in both visits and fed in their views. Evidence gathering has concluded and the review report and recommendations are currently being finalised to be presented in December at OSMB.

## ♦ Home to School Transport Policy

IPSC noted the progress made on implementing the new Home to School Transport Policy, which had been approved in April. Copies of the policy, the Parent and Carers Brochure and the new Assessment Matrix: Special Educational Needs and Disabilities for home to school transport were provided for the Commission.

Clarity was sought on information used in the assessment matrix and about the appeals process. Questions also focused on progress with independent travel training and Members were informed that work is under way with schools to determine levels of need and capacity to deliver. Special Schools were keen to train their staff to deliver the training for their students.

A further update on implementation was requested in six months and two recommendations resulted from the discussions:

- to consider looking into the use of contactless cards on buses to support independent travel by young people who might have less visible support needs, such as autism
- to reconsider the appeals process for the renewal of a home to school bus pass in cases where a family's circumstances had not changed from the previous year

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# Improving Places Select Commission

## ♦ Housing Strategy Refresh - 2019-2022

Members discussed a presentation outlining the achievements made under the present strategy and the proposed vision, key priorities and pipeline projects for the refresh. They explored various issues including specialist housing, tenant voice, measures to reduce fuel costs, maintenance and gas servicing. A future report was requested to consider progress on Section 106 Agreements and the Community Infrastructure Levy. It was agreed that pre-decision scrutiny on the revised strategy would be undertaken by IPSC prior to it going to Cabinet for approval.

## ♦ Homelessness Prevention and Rough Sleeper Strategy 2019-22

Officers gave a detailed presentation covering the legislative changes and duties for the Council underpinning the new strategy, which is currently under development. A summary of achievements from the current strategy was provided, together with an overview of the seven proposed priorities for the new strategy:

- Supporting People with Complex Needs
- Rapid Housing - getting everyone housed quicker
- Preventing and supporting young people from becoming homeless
- Ending rough sleeping
- Preventing homelessness to reduce the impact on health
- Reduce the time spent in temporary accommodation
- Sustaining Tenancies

IPSC inquired about funding streams and support for people who had experienced domestic abuse and those with mental health needs. The work of the Rough Sleeper Team and Tenancy Support Team, including joint working with other partners and outreach was explored in detail.

## ♦ Housing Allocation Policy – Amendments

RMBC's Housing Allocation Policy outlines who can seek rehousing through the local authority, the properties they can apply for and how people are prioritised for available homes. Five proposed amendments address current issues and will also help to prevent homelessness earlier; reduce waiting time for households with a medical need; and apply consistent approaches within the policy for people who wish to move to a smaller home. IPSC discussed each of the recommendations and the accompanying rationale behind them fully.

The officers' recommendations were supported and Members suggested a further addition to the one regarding people having a local connection if direct family members lived in Rotherham and had done for three years. The new proposal added grandparents to the present list (if people were in contact with them) and IPSC suggested further expansion to include extended family members.

## Other activity

### ♦ Dignity Funerals Ltd.

As part of its continuing scrutiny of bereavement services, members of IPSC visited Rotherham Crematorium to see the recent improvement works undertaken to improve the facilities. This was part of a series of planned visits.

### ♦ Cultural Strategy Development

Three Members from IPSC are keeping a watching brief and acting as a critical friend to officers as the strategy is developed.

## Coming Up

Asset Management - Emergency Planning - Draft Skills and Employment Plan - Housing Strategy

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Councillor Dominic Beck (01709 255910 - 07881 268115)  
Councillor Gordon Watson (07881 268134)  
Councillor Jennifer Whysall (01909 770990 - 07766 440764)



Councillor  
Beck



Councillor  
Watson



Councillor  
Whysall

PUTTING COMMUNITIES AT THE **HEART** OF EVERYTHING WE DO

### **Ward Priorities**

- Support and Develop Initiatives to Improve the Local Environment.
- Host a Series of Community Events on issues highlighted by the residents.
- Develop Tenant engagement and support focusing on Neighbourhood Centres.
- Work in Partnership with the Police and others around crime and disorder
- Support the development initiatives to improve road safety in the Community.

### **Environmental awareness at Schools**

A number of Environmental sessions have been held at schools around Wales Ward where an environmental presentation was held in assembly and then a litter pick took place on the school grounds.



### **Community Safety Event**

In September 2017 we worked with Neighbourhood Partnerships, S.Y Police, S.Y Fire, JADE, Neighbourhood Watch, Early Help, Lifewise and Parkgate Mobility to host a safety event at Wales Village Hall for residents to receive advice and equipment to help them feel safer in their homes and in their neighbourhood.



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[jennifer.whysall@rotherham.gov.uk](mailto:jennifer.whysall@rotherham.gov.uk)

### **Reducing ASB on Alders Way**

After consultation with resident, S.Y Police, Wales Parish Council, Early Help and Street lighting. It was decided to erect a solar powered lamppost to illuminate the snicket where the young people were causing a nuisance to residents. After the lamppost was fitted The young people were too visible to hide in the snicket so they moved away from the area and this made the residents feel much safer.

### **Community Safety Scheme on Peregrine Way, Harthill**

In October 2017 resident highlighted that there had been a series of “Doorstep Crime”. Working with Neighbourhood Partnerships., Stayput, S.Y Police and the TARA we consulted with residents on which safety devices they would like in their homes such as Door chains and spy holes and then fitted them for free.



### **Pedestrian Safety Scheme at Wales High School**

Working with Highways, Neighbourhood Partnerships, Wales High School, and Kiveton Park Meadows Primary School we consulted on extending the public footpath that leads up to the schools to make it safer for pedestrians and to reduce the speeds of cars.



### **Billy and Belinda Bollards**

Following on from the success of the safety scheme at Wales High School, this year we are fitting bollards outside every Junior and Infant school in the ward.

These bollards are designed to look like small children and evidence in other parts of the borough suggests that they slow traffic down.

Councillor Alan Atkin (01709 877476 - 07723 55854)  
Councillor Jayne Elliott (01709 255702)  
Councillor Simon Evans (01709 255723)



Councillor  
Atkin



Councillor  
Elliott



Councillor  
Evans

PUTTING COMMUNITIES AT THE **HEART** OF EVERYTHING WE DO

## Ward Priorities:

- Police presence / crime / ASB
- Litter / Street Cleansing / Fly-tipping / Graffiti
- Roads and pavement improvements
- Community facilities / community activities
- Children's play area / parks / pitches

## Key Achievements

### Community Facility Improvements

We have used our Ward Capital Budget to assist making improvements to community facilities. We have provided match funding to enable Montgomery Hall to purchase new front doors making the facility more secure and accessible to all. We have invested over a number of years in the stage facilities at Montgomery Hall with results we couldn't have dreamt of. With a little investment in new modern LED stage lighting, PA equipment and stage drapes the facility is now hosting National Dance Championships bringing people to Wath Town Centre from all over the county.

### Supporting our Local Economy to Thrive

Following the closure of the remaining banks in Wath concerns were raised by local business's regarding the future of Wath. We took the opportunity to get outside thoughts on the way forward for Wath by inviting an LGA Peer with a Town Center Regeneration background to visit and give their recommendations.

We are now working with our MP John Healey and the newly formed Wath Traders Group to enable improvements to be made to Wath Town Centre to support the businesses to thrive. Christmas is a big event in our wards calendar, to help bring custom into Wath we work with the Wath Events Team to put on an amazing Christmas event. This year over £2,000 in business sponsorship was obtained to enable the towns Christmas lights and tree to be provided and bringing back a community spirit to Wath. Our Ward budget has enabled us to help the volunteers on the Wath Events Team with the purchase of additional Christmas lights and a new Christmas tree bracket. We also pay for the support of a Streetpride lengths man following the event to ensure litter bins are emptied ready for use by Wath's Saturday shoppers.



## **Involving Young People in Local Democracy**

For a number of years we have visited our Comprehensive School during Local Democracy Week encouraging their involvement in local democracy and answering local democracy questions. This year we stepped up our offer to Primary Schools and attended a meeting of Wath Victoria Primary Schools School Council. There was one particular question regarding a play area in our ward which we knew we needed to investigate further so the School Council are attending a site visit with us and Green Spaces officers to look at what improvements can be made and agree a way forward with them making use of our ward capital budget if needed.

## **Celebrating and Remembering Community Volunteers**

We have used our ward budget to remember the dedication of community volunteer Dorothy Logan who for many years campaigned to get the Manvers Cenotaph and its grounds refurbished. With Dorothy's assistance we did achieve the refurbishment of the site and we now have community buy in who take care of the grounds alongside the new land owner. We have sited a memorial bench in Dorothy's memory at the Manvers Cenotaph and dedicated it to her on Remembrance Sunday 2018.

## **Cross Border Working**

We work with fellow colleagues in neighbouring wards of Swinton and Hooper to deliver projects that are important to our residents such as the provision of the Woodman Christmas tree also funded solely by business sponsorship, speed activated signs and purchasing litter picking equipment for the Wath, West Melton and Brampton Litter Picking Group.

## **Community Leadership**

We put our role as community leaders at the heart of everything we do and we like to empower and upskill our community volunteers. The ward revenue budget has allowed us to train community volunteers in first aid and in turn these volunteers have assisted us to put on community events by being our first aid cover. This has been so successful we intend to train more first aiders in 2019. We also roll our sleeves up and get involved in the planning and delivery of the Wath Summer Gala and Christmas Lights Switch on Event. We take the time to support new groups like the Friends of Wath Woods in their work and gladly use our ward budget to support their work where possible. We have undertaken community engagement work in our most hard to reach communities running family fun days and consulting residents on what improvements they would like to see in their area. We support the Princes Trust in their work to empower and upskill local young people giving project suggestions and celebrate their achievements when projects are delivered in our ward.

## **Partnership Working Successes**

We have worked with the Community Protection Unit to purchase fly-tipping signage via our ward budget to support their work in capturing and prosecuting those who fly-tip in our ward. Following community requests we have worked with the Housing Department to provide a community skip in the Newhill area of Wath. We are working with South Yorkshire Fire and Rescue service to obtain buy in from the Manvers Lake owner to install lifesaving throw lines around the Manvers Lake.



Councillor Sue Ellis (01709 540497)

Councillor Chris Read (01709 822700/01709 546204)

Councillor Emma Hoddinott (01709 822465)



Councillor  
Ellis



Councillor  
Hoddinott



Councillor  
Read

News from Wickersley, Bramley, Flanderwell and Sunnyside

## Ward Priorities

To continue to work with partners on the Flanderwell Task and Finish

- Maximise community engagement and development opportunities
- Tackle crime and anti-social behaviour and ensure residents feel safe where they live
- Deliver effective operational management of council homes and an excellent housing service to our customers
- Identify quality of place issues and key actions to create a safe and attractive neighbourhood environment
- Improving the environment by empowering communities
- Supporting Youth Provision in the area and encouraging diversionary activities on key dates in the year
- Exploring opportunities to improve road safety and parking in the area
- Ensure co-ordinated response to ASB hotspots in Monthly CIM meeting and set up specific task and finish groups as/when required.
- Supporting residents with noise nuisance relating to entertainment establishments.

## Summary of Key Achievements 2017/18

**Flanderwell Park** - Engaging the community in a redeveloped local park to promote community spirit and community pride. Engaging the community was done at the very early stages of planning through consultation, particularly regarding the layout and the design of the park. The local Primary School children designed 30 plaques, funded by ward councillors, which were installed all around the park including the pathways. The local Comprehensive School WSSC pupils designed the rules for the park and residents as well as school children were invited to help sow wildflower seeds in the park. An opening event was organised for the park which included fun activities for all the community. Recently a notice board was installed and a newsletter was produced to keep residents updated with local activities, news and information.

<https://www.rotherham.gov.uk/blog/wickersleyward/post/187/flanderwell-park-officially-open>

**Diversionary Activities** - Evening diversionary activities were funded during the summer holidays on Flanderwell Park. This involved youth workers engaging with young people on the park by playing a range of fun games which children of all ages could get involved in and continue to play in their own time. The focus of the work was to encourage young people to use the park to its full potential whilst encouraging community pride. Each session started off with a fun litter pick and discussions around the impact of litter on our environment. Over 59 young people including adults/parents engaged with the detached youth workers and positive feedback was received. Similar detached youth work was then funded during October half term (Fawkes period).

<https://www.rotherham.gov.uk/blog/wickersleyward/post/210/2018-summer-activities-in-the-wickersley-ward>

**Maximising community engagement and development opportunities** is one of the ward priorities with a particular focus on Flanderwell. Flanderwell doesn't have any active groups or Tara's and the only community building is the Mark Grove Neighbourhood Centre which is under used. We have helped improve the usage of this community asset by introducing a regular monthly coffee morning which has encouraged residents to set up their own weekly craft/card making session. A number of community projects have also developed by engaging the local primary school (Flanderwell Primary School). Examples include helping the school organise school council elections and working with the school council representatives with community projects such as speed watch, litter picking and designing a plaque which was placed on the railings and seating of their redeveloped local park. The school performed at the newly established coffee morning at Mark Grove with a Spring Sing, Stories and Poem reading and Christmas Carol Concert (intergenerational project).

**Community Speed Watch** - Several Community Speed Watch initiatives have been organised by Councillors with SYP in the Wickersley Ward. Councillors have invited residents and schools to take part in monitoring the speed of passing vehicles in areas where speeding concerns have been raised by the public. Brook Lane in Bramley has recently had improvements made to the layout of the road and councillors have funded a portable speed activation sign to further improve the safety of this road. A 20mph speed awareness sign was placed outside Sunnyside School on Flanderwell Lane this summer and the pupils took part in a speed watch.

<https://www.rotherham.gov.uk/blog/wickersleyward/post/202/speed-watch>

**ASB** – An increasing number of reports of anti-social behaviour were being reported by residents about a well-used footpath which leads from Sunnyside to Flanderwell. The area was seeing an increase in fly-tipping and damage to resident's fence panels. Partners worked together on problem solving solutions and councillors consulted with residents to identify what would make them feel safer in their community. The results were to improve the lighting on the path. Wickersley Ward Councillors and RMBC Area Housing Panel jointly funded solar lighting on the path which was installed this year. The lighting has allowed the area to be more visible to residents overlooking the path. Know Who to Call leaflets were delivered in the area encouraging residents to report any further issues. The area has seen a drop in anti-social behaviour.

<https://www.rotherham.gov.uk/blog/wickersleyward/post/196/solar-lighting-installed-on-local-footpath>

Wickersley Ward Blog link below

<https://www.rotherham.gov.uk/blog/wickersleyward>

Wickersley Ward Plan link below

[https://www.rotherham.gov.uk/downloads/file/3702/wickersley\\_ward\\_plan](https://www.rotherham.gov.uk/downloads/file/3702/wickersley_ward_plan)

**PLANNING BOARD**  
**25th October, 2018**

Present:- Councillor Sheppard (in the Chair); Councillors Atkin, Bird, M. Elliott, Mallinder, Steele, John Turner, Tweed, Walsh, Whysall and Williams.

Apologies for absence:- Apologies were received from Councillors Andrews, D. Cutts, Fenwick-Green and Sansome.

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

**46. MINUTE'S SILENCE**

The Chair invited Chris Wilkins to say a few words following the recent death of Matt Temperton, longstanding Planning Officer. Members, officers, planning colleagues and the public then stood for a minute's silence as a mark of respect.

**47. DECLARATIONS OF INTEREST**

There were no Declarations of Interest reported.

**48. MINUTES OF THE PREVIOUS MEETING**

Resolved:- That the minutes of the previous meeting of the Planning Regulatory Board held on Thursday, 4<sup>th</sup> October, 2018, be approved as a correct record for signature by the Chairman.

**49. DEFERMENTS/SITE VISITS**

There were no site visits nor deferments recommended.

**50. DEVELOPMENT PROPOSALS**

Resolved:- (1) That, on the development proposals now considered, the requisite notices be issued and be made available on the Council's website and that the time limits specified in Sections 91 and 92 of the Town and Country Planning Act 1990 apply.

In accordance with the right to speak procedure, the following people attended the meeting and spoke about the following applications:-

- Reserved matters application (details of access, appearance, landscaping & layout) for the erection of 145 No. dwellinghouses (reserved by outline RB2010/0781) at land off Dalton Lane Dalton for Gleeson Regeneration Ltd. (RB2017/0792)

**PLANNING BOARD - 25/10/18**

Mr. Steven Gamble (Applicant)

- Erection of 6 No. dwellinghouses & 14 No. apartments with associated parking & landscaping at land at Hard Lane Kiveton Park for Golden Apple Developments Ltd. (RB2018/0589)

Mr. Ben Pearson (Applicant)

(2) That, with regard to application RB2017/0792:-

(a) subject to a unilateral undertaking with the applicant made under Section 106 of the Town and Country Planning Act 1990 for the purposes of securing:-

- That 25% of the units are to be Affordable Housing in order to comply with condition 04 of the outline permission RB2010/0781.
- This is in addition to the S106 Agreement which was approved as part of the outline application RB2010/0781 for a contribution of £80,000 Green Space improvements towards the improvement of open space provision within the immediate locality and £28,000 for Highway Capacity Improvements associated with the works at the adjacent Mushroom Roundabout.

(b) subject to the satisfactory securing of such an agreement, the Council resolves to grant planning permission for the proposed development subject to the reasons for grant and conditions listed in the submitted report.

(3) That applications RB2018/0087, RB2018/0589 and RB2018/1344 be granted for the reasons adopted by Members at the meeting and subject to the relevant conditions listed in the submitted report.

**51. UPDATES**

There were no updates to report.

**52. DATE OF NEXT MEETING**

Resolved:- That the next meeting of the Planning Board take place on Thursday, 15<sup>th</sup> November, 2018 at 9.00 a.m.

**PLANNING BOARD  
15th November, 2018**

Present:- Councillor Sheppard (in the Chair); Councillors Atkin, Bird, Fenwick-Green, Sansome, Short, Steele, John Turner, Walsh, Whysall and Williams.

Apologies for absence:- Apologies were received from Councillors Andrews, D. Cutts, M. Elliott and Tweed.

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

**53. DECLARATIONS OF INTEREST**

There were no Declarations of Interest to report.

**54. MINUTES OF THE PREVIOUS MEETING HELD ON 25TH OCTOBER, 2018**

Resolved:- That the minutes of the previous meeting of the Planning Regulatory Board held on Thursday, 25<sup>th</sup> October, 2018, be approved as a correct record for signature by the Chairman.

**55. DEFERMENTS/SITE VISITS**

No site visits or deferments were requested.

**56. DEVELOPMENT PROPOSALS**

Resolved:- (1) That, on the development proposals now considered, the requisite notices be issued and be made available on the Council's website and that the time limits specified in Sections 91 and 92 of the Town and Country Planning Act 1990 apply.

(2) That application RB2018/1202 be granted for the reasons adopted by Members at the meeting and subject to the relevant conditions listed in the submitted report.

(3) That application RB2018/1231 be granted for the reasons adopted by Members at the meeting, subject to the relevant conditions listed in the submitted report and further subject to an amendment to the list of approved plans in Condition 2 to include the following:-

- 18-564-Site/18-564-P12/18-564-P13/18-564-P18 Topographical Survey (Received 06/08/2018) original application.
- 18/564/9B/18/464/11C sent 19/10/18.

**PLANNING BOARD - 15/11/18**

- 18-564-P9 Rev B/18-564-C11 Rev C/18-564-P14 Rev A/18-564-P15 Rev A/ 18-564-P16A/18-564-P19B/18-564-C20B sent 24/10/18.

**57. UPDATES**

The following update information was provided:-

- The Judicial Review hearing for the application relating to the construction of a well site on land adjacent to Common Road, Harthill, Rotherham (RB2017/0805) was now scheduled to be heard in Leeds Court on 25<sup>th</sup> January, 2019 and not in London as initially indicated.

Resolved:- That the information be noted.

**58. DATE OF NEXT MEETING - THURSDAY, 6TH DECEMBER, 2018 AT 9.00 A.M.**

Resolved:- That the next meeting of the Planning Board take place on Thursday, 6<sup>th</sup> December, 2018 at 9.00 a.m.

**LICENSING SUB-COMMITTEE**  
**15th October, 2018**

Present:- Councillor Ellis (in the Chair); Councillors Beaumont and Fenwick-Green.

**3. LICENSING ACT 2003 - VARIATION OF A PREMISES LICENCE -  
RERESBY ARMS, VALE ROAD, THRYBERGH**

Consideration was given to an application for the variation of a Premises Licence, under the provisions of the Licensing Act 2003, in respect of the premises known as the Reresby Arms public house, Vale Road, Thrybergh Rotherham.

The Licensing Authority received representations which were not withdrawn and the Sub-Committee considered those representations.

The application sought to vary the premises licence as follows:-

(i) to amend the Licensing plan in accordance with the submitted drawing number 7214-03 dated 23 July 2018; and

(ii) to amend the Licensing hours for live and recorded music until midnight Sunday to Thursday and until 01:00 hours Friday and Saturday and at Bank Holidays.

The applicant company was Star Pubs and Bars and the solicitor representing the company at this hearing explained that the premises had recently been closed and that the company was now embarking upon an extensive internal and external refurbishment of the whole building, prior to its re-opening. The intention was that the premises' licence would be in the name of the Stars and Bars company (instead of a tenant landlord) and that an Area Manager of the company would have regular oversight of the management of the premises and the role of the tenant landlord. Design drawings of the appearance of the refurbished premises were displayed during the hearing.

Acknowledging the location within a mainly residential area, the company's overall intention was to operate these premises as a community public house. Members noted that the Local Authority was separately being asked to approve the registration of these premises as an asset of community value, in accordance with the provisions of the Localism Act 2011.

The representative of the applicant company confirmed that the applicant would accept the suggested additional conditions of licence relating to the Challenge 21 (proof of age) scheme, the maintenance of a refusals log and regular staff training. Other conditions of licence, discussed at the hearing, were about the closing of the premises doors and windows and about the disposal of refuse at reasonable hours, both of which were also

acceptable to the applicant company. The applicant's representative spoke about the company's specific policy entitled 'Just Add Talent', which included extensive staff training provisions.

A written representation from the Borough Council's Environmental Health Service proposed that the amendment of the Licensing hours for live and recorded music should be until 23:00 hours Sunday to Thursday and until 00:00 hours (ie: midnight) Friday and Saturday and at Bank Holidays. The Sub-Committee acknowledged that, because of an amendment to the Licensing Act 2003, live and recorded music was permitted until 23:00 hours without the need for a premises' licence.

The written representation from the two local residents (who did not attend the hearing) referred to their concerns about noise generated from the premises, both from music and also customers leaving the vicinity of the premises late at night. The residents stated that although they were in favour of the intended family-orientated nature of the premises, they nevertheless did have concerns about the possibility of noisy and rowdy behaviour from some customers of the premises late at night.

A written representation from the Borough Council's Environmental health Service had also mentioned the receipt of complaints referring to noise from the premises and rubbish within the rear yard of the premises. However, as no specific details of these complaints were provided, the Sub-Committee was unable to consider them.

In conclusion, the Sub-Committee took due note of all of the written and oral representations made and also of the fact that there had been no representations made by the South Yorkshire Police in respect of this application.

The Sub-Committee considered that the measures to be put in place by the applicant company to ensure the prevention of public nuisance, noise nuisance and to ensure that the premises were operated satisfactorily were sufficient and noted that the company would accept specific additional conditions of licence, as discussed at this hearing.

The Sub-Committee considered the application for the variation of this premises licence and the representations made specifically in the light of the following Licensing objectives (as defined in the 2003 Act):-

- The prevention of public nuisance;
- Public safety.

Resolved:- That the application for the variation of the premises licence in respect of the premises known as the Reresby Arms public house, Vale Road, Thrybergh, be approved and the licence variation granted as follows:-

- (a) the amendment of the Licensing plan (per the submitted drawing number 7214-03 dated 23 July 2018) be approved;
- (b) there shall be no permitted Licensing hours beyond 23:00 hours for live and recorded music from Sunday to Thursday and on the evening of Bank Holiday Monday;
- (c) the permitted Licensing hours for live and recorded music shall be until 01:00 hours on Friday and Saturday and at Bank Holidays (Sunday evenings only), Christmas Eve, Boxing Day, 27th December, 28th December and 2nd January and from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day;
- (d) the premises' licence shall include the additional conditions, now reported, relating to the Challenge 21 age policy, the maintenance of a refusals log and staff training;
- (e) an additional condition be attached to the premises' licence requiring that the doors and the windows of the premises shall remain closed (except for access and egress) after 23:00 hours;
- (f) an additional condition be attached to the premises' licence prohibiting the disposal/collection of refuse from the rear yard and other exterior areas of the premises between 23:00 hours and 07:00 hours on any day.

**LICENSING SUB-COMMITTEE  
22nd October, 2018**

Present:- Councillor Beaumont (in the Chair); Councillors Clark and Fenwick-Green.

**4. LICENSING ACT 2003 - REVIEW OF A PREMISES LICENCE -  
RENOIRS LOUNGE BAR / ROUGE, 14 THE CROFTS, ROTHERHAM**

Consideration was given to an application for the review of the Premises Licence, under the provisions of Section 51 of the Licensing Act 2003, in respect of the premises known as Renoir's Lounge Bar/Rouge, The Crofts, Rotherham.

The Licensing Authority received representations made by the Local Authority's Licensing Enforcement Unit (as a responsible authority), which had not been withdrawn, and the Sub-Committee considered those representations.

The Sub-Committee heard the representations from Mr. C. Burnett (Licensing Enforcement Officer and the applicant for the premises licence review) and from Mr. P. Whur (Solicitor), Mrs. J. Etches (Premises Licence Holder), and Mr. M. Etches (Designated Premises Supervisor).

Members were informed of the details of the specific concerns in respect of the management of these premises following a visit to the premises on Saturday, 4<sup>th</sup> August, 2018:-

(i) The Premises Licence Summary on display was out of date and did not reflect the details of the current Designated Premises Supervisor.

(ii) The Duty Manager was unable to explain why the correct Premises Licence Summary was not on display nor was he able to produce the Premises Licence.

(iii) Images from the CCTV camera within the premises displayed conduct in excess of what was permitted under the provisions set out within the Premises Licence (Conditions 5-12).

(iv) When requested, the Duty Manager was unable to provide information/records requested with regard to the people working that night.

(v) Whilst a number of checks were being made with the Duty Manager, 3 of the dancers had left the premises.

(vi) There had been no signs on any of the tables or at the entrances of the bars advising guests of the permitted conduct of customers and dancers in contravention of Condition 11 (a), (b) and (c) at Annex 2 of the Premises Licence.

(vii) Wine was not offered for sale served in smaller 125 measures.

(viii) A follow-up visit was made on 7th August, 2018, where the Door Supervisor had produced inadequate door supervisor sheets.

During the hearing, CCTV footage dated 28<sup>th</sup> April, 12<sup>th</sup> May and 5<sup>th</sup> August, 2018, (pixelated to disguise faces and no audible sound) was viewed by everyone present showing activity within the building supporting the above concerns.

The Designated Premises Supervisor's legal representative expressed his client's concern regarding the incidents given his significant track record of being a quality operator in Rotherham and it being brought into question.

Attention was also drawn to Section 10 of the Statutory Guidance which referred to where authorised persons and responsible authorities had concerns about problems identified at the premises. It was good practice for the premises licence holder to be informed of the concerns and the need of improvement and where possible should advise the license or certificate holders of the steps required to address those concerns. Co-operation at a local level in promoting the licensing objectives should be encouraged and Reviews should not be used to undermine that co-operation. It was very unusual for a revocation of a licence to be sought when the Police were not party to the proceedings.

The first interaction with Mr. and Mrs. Etches was at the meeting on 13<sup>th</sup> August when they had been asked to sign an action plan stating that they would not continue to offer adult entertainment at the premises until a Police investigation had been carried out. In fact the adult entertainment had ceased on 7<sup>th</sup> August.

It was accepted by Mr. and Mrs. Etches that there had been breaches of the license. Mr. Etches had a long history in Rotherham of operating 4 licensed premises in Rotherham employing 60 local people and 20 door staff.

The premises consisted of 2 floors covered by one premises licence; should the premises licence be revoked it would remove the authorisation of both floors of licensed activity. The ground floor was known as the Renoirs lounge bar and opened in 2008, downstairs was the Rouge operation with the 2 floors being distinctly separate. When applying to operate Rouge as an adult entertainment activity, the then Licensing Officer had invited Mr. Etches to offer conditions and, through research with other establishments/licensing authorities, conditions had been drawn up and agreed. At the time there had been 2 other such establishments in the town that had operated without such conditions.

There had been no issues raised during the 9 years Rouge had been trading nor any crime and disorder associated with the premises. There had been a significant number of inspections at the premises and CCTV footage viewed over that period which had never revealed any concerns.

Due to internal problems, the premises now traded under a different company name, Westgate Rotherham Ltd. At the time of the visit on 4<sup>th</sup> August, 2018, Mr. and Mrs. Etches had been on holiday and it was apparent that the person who they had put in charge did not have the sufficient management experience to deal with the situation he was faced with on that day. That situation had since changed and Mr. Etches was now the Designated Premises Supervisor.

The CCTV system operating in Renoirs had a hard drive storage capacity of 4 months; condition No. 24 of the Premises Licence stated 28 days.

From the 3 clips shown, 2 of the dancers had been dismissed some months ago following a routine review of the CCTV coverage and the said dancers in contravention of the conditions. The third dancer (5<sup>th</sup> August) would also be dismissed.

With regard to contravention of condition No. 7, it was acknowledged that it had been a significant error but it had never been enforced over the 9 years. No other authority was known to impose a condition that precluded nudity in an adult entertainment venue.

As a result of the Review, the Licensing Authority had posted a notice inviting representations to the Review. None had been received other than positive representations. Accordingly there was no inference that the community needed to be protected as result of Renoirs and no arguments submitted that there had been any crime and disorder at the premises.

The legal representative submitted 4 additional conditions to enable the premises to promote the licensing objectives which similar adult entertainment premises operated to. The Designated Premises Supervisor and Premises Licence holder and their representative asked the Sub-Committee to make a decision in favour of the premises licence continuing with the additional conditions submitted.

After hearing all representations and all persons making those representations had departed, the Sub-Committee deliberated the information presented to them.

The Sub-Committee considered the application for the review of the premises licence and the representations made specifically in the light of the following Licensing objectives (as defined in the 2003 Act):-

- The prevention of crime and disorder
- Public safety

Resolved:- (1) That, after due consideration of the application for review and to the representations submitted:-

(a) That there be no amendment to condition No. 7 “the performers at all times shall wear a non-transparent g-string or similar piece of clothing on the appropriate part of the body, and at no time will it reveal any part of their genitalia or anus”.

(b) That condition No. 11 be amended and read “Notices must be clearly displayed on each table, each bar and at the entrance to the premises. All staff (including self-employed) should be given a verbal explanation of the rules as set out within the Notice in order to ensure their understanding and should sign to confirm that they understand. The Notice should state:

- a. There is to be no physical contact between customers and performers.
- b. A minimum distance of 300 millimetres must be maintained between performers and customers.
- c. Customers must be seated during the performance.

(c) That condition No. 17 be extended to read “the licensee or some other responsible person over the age of 21 years, nominated by the licensee in writing, shall be in charge and be present on the licensed premises during the whole time that this type of entertainment is taking place and that person must be trained to an appropriate standard, including in respect of all licensing conditions”.

(d) That condition No. 24 be amended to read “that CCTV equipment shall be maintained and in good working order and recording kept in date order, numbered consecutively and retained in a secure place for a period of four months”.

(2) That the Premises Licence shall also be subject to the following additional conditions:-

(a) All staff must be trained to an appropriate standard, that training must be reviewed on a regular basis with records being kept of all training provided and received and retained for a minimum of 12 months.

(b) That full records must be kept in respect of all staff at the premises [including self-employed]. The records should include details of any warnings and dismissals issued to staff [including self-employed] and retained for a minimum of 12 months.

(c) That full records must be kept in respect of any complaints made and retained for a minimum of 12 months.

(3) That the following additional conditions suggested by the Licence Holders be also added to the Premises Licence with slight amendment to

the wording as follows:-

- (a) That all booths and VIP areas used for private dances must be visible to supervision and must not have closing doors, curtains or coverings of any description.
- (b) That all booths and VIP areas used for private dances must be directly supervised by either a SIA registered door supervisor or a member of staff who has direct contact with SIA registered door supervisors working on the premises at all times the booths/areas are in use. Direct supervision does not include remote supervision by CCTV.
- (c) That a screen showing the CCTV of all of the private booths will be monitored by a member of staff at all times.
- (d) That any person who breaches the venue's code of conduct be immediately removed from the premises and refused entry/access.

**LICENSING BOARD-SUB-COMMITTEE**  
**5th November, 2018**

Present:- Councillor Ellis (in the Chair); Councillors Beaumont, Hague, McNeely and Sheppard.

**18. HOUSE TO HOUSE COLLECTIONS**

Consideration was given to a report, presented by the Licensing Manager, concerning the following applications for the grant of promoter's permits to carry out a house-to-house collection:-

Organisation	Area	Date
Cancer Support UK	Whole of Borough	12 months from 1 <sup>st</sup> November, 2018
Rotherham Lion's Club	Whole of Borough	Last week in November, 2018 until 24th December, 2018
Treating Children with Cancer	Whole of Borough	12 months period from 1st December 2018
Mexborough and District Lions Club	Wath, Manvers and Brampton	22 <sup>nd</sup> November, 11 <sup>th</sup> , 17 <sup>th</sup> and 22 December, 2018
Coping with Cancer North-East	Whole of Borough	12 months from 1 <sup>st</sup> January, 2019
National Hereditary Breast Cancer Helpline	Whole of Borough	12 months from 1 <sup>st</sup> August, 2018
Child and Teenage Cancer and Leukaemia Foundation	Whole of Borough	12 months period from 1 <sup>st</sup> January, 2019
Yorkshire Children's Trust	Whole of Borough	12 months period from 1 <sup>st</sup> January, 2019

Resolved:- (1) That, in accordance with the provisions of the House to House Collections Act 1939, the following applications be approved and a promoter's permit be granted in respect of the organisations/charities shown for the dates listed above:-

Rotherham Lions Club  
Treating Children with Cancer  
Mexborough and District Lions Club  
Child and Teenage Cancer and Leukaemia Foundation

(2) That, in accordance with the provisions of the House to House Collections Act 1939, the application for the Yorkshire Children's Trust be approved and a promoter's permit be granted on condition that the amount given to the charity is as specified on the application form (85%).

(3) That, in accordance with the provisions of the House to House Collections Act 1939, the application by Cancer Support UK for a promoter's permit be refused on the grounds:-

- That the total amount likely to be applied for charitable purposes as a result of the collection was inadequate in proportion to the values of the proceeds likely to be received.
- That remuneration in relation to the total amount is likely to be, or has been, retained or received out of the proceeds of the collection.

(4) That, in accordance with the provisions of the House to House Collections Act 1939, the following applications for a promoter's permit be refused on the grounds that the total amount likely to be applied for charitable purposes as a result of the collection was inadequate in proportion to the values of the proceeds likely to be received:-

Coping with Cancer North East  
National Hereditary Breast Cancer Helpline

## **19. EXCLUSION OF THE PRESS AND PUBLIC**

Resolved:- That, under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in the Police Act 1997 and Paragraphs 3 and 7 of Part I of Schedule 12A to the Local Government Act 1972 (business affairs and prevention of crime).

## **20. APPLICATIONS FOR THE GRANT/RENEWAL/REVIEW OF HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS' LICENCES**

The Sub-Committee of the Licensing Board considered a report of the Licensing Manager relating to applications for the renewal, review and grant of hackney carriage/private hire drivers' licences in respect of Messrs. N.E., K.C. and N.A.

Messrs N.E. (with a supporter), K.C. and N.A. attended the meeting and were interviewed by the Sub-Committee.

Resolved:- (1) That the application for the renewal of a hackney carriage/private hire driver's licence in respect of Mr. N.E. be approved and he be granted a licence.

(2) That the hackney carriage/private hire driver's licence in respect of Mr. K.C. be revoked.

(3) That the application for the grant of a hackney carriage/private hire driver's licence in respect of Mr. N.A. be approved and he be granted a licence.

**21. RENEWAL OF A PRIVATE HIRE VEHICLE LICENCE (AGE EXEMPTION)**

Consideration was given to a request for an exemption from the Licensed Vehicle Age Policy (Appendix I to the Council's Taxi Licensing Policy) as the vehicle had first been registered more than five years ago for a private hire vehicle licence in respect of vehicle with registration AH54 AZS

Resolved:- That the request for an exemption from the Licensed Vehicle Age Policy in respect of vehicle with registration AH54 AZS be refused.

**22. REQUEST FOR EXEMPTION FROM LICENSING POLICY REQUIREMENTS RELATING TO VEHICLE IDENTIFICATION**

The Sub-Committee of the Licensing Board considered a report, presented by the Licensing Manager, relating to an application from Mr. P.S. for an exemption from the requirements of the Council's Hackney Carriage and Private Hire Licensing Policy in respect of the licence plate and door signs being affixed to licensed vehicle PHV0819. This request was made on the basis that Mr. P.S. would be working in the corporate and executive sector.

Resolved:- (1) That the request from Mr. P.S. for an exemption from the Council's Licensing Policy in relation to the requirements to affix a licence plate and door signs to his licensed vehicle PHV0819 be granted in respect of the licensed vehicle described in the report now submitted.

(2) That, further to resolution (1) above, a condition be attached to this permission granted to Mr. P.S. such that this specific exemption from the requirements of the Council's Licensing Policy shall be subject to both review and reconfirmation prior to each and every renewal of this vehicle licence and the power to determine the matter shall be delegated to the Assistant Director, Community Safety and Street Scene.

**23. APPLICATION FOR THE RENEWAL OF A PRIVATE HIRE VEHICLE LICENCE (AGE EXEMPTION)**

Consideration was given to an application for the grant of the private hire vehicle licence in respect of vehicle with registration FL63 OJM. The applicant was requesting an exemption from the Licensed Vehicle Age Policy (Appendix I to the Council's Taxi Licensing Policy) as the vehicle had first been registered more than five years ago.

Reasons for the request were set out in detail as part of the report and further information in relation to this application were provided.

Resolved:- That the request for an exemption from the Licensed Vehicle Age Policy in respect of vehicle FL63 OJM be refused.