



CABINET

Monday, 21 October 2019

10.00 a.m.

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

Cabinet Members:-

Leader of the Council
Deputy Leader of the Council,
Children's Services and Neighbourhood Working Portfolio
Adult Social Care and Health Portfolio
Cleaner, Greener Communities
Corporate Services and Finance Portfolio
Housing Portfolio
Jobs and the Local Economy Portfolio
Waste, Roads and Community Safety Portfolio

Councillor Chris Read
Councillor Gordon Watson

Councillor David Roche
Councillor Sarah Allen
Councillor Saghir Alam
Councillor Dominic Beck
Councillor Denise Lelliott
Councillor Emma Hoddinott

Rotherham
Metropolitan
Borough Council 

CABINET

Venue: Council Chamber - Rotherham Town Hall, Moorgate Street, Rotherham, South Yorkshire S60 2TH

Date and Time: Monday, 21st October, 2019 at 10.00 a.m.

Agenda Contact James McLaughlin, Head of Democratic Services
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This meeting will be webcast live and will be available to view via the [Council's website](#). The items which will be discussed are described on the agenda below and there are reports attached which give more details.

Rotherham Council advocates openness and transparency as part of its democratic processes. Anyone wishing to record (film or audio) the public parts of the meeting should inform the Chair or Governance Advisor of their intentions prior to the meeting.

A G E N D A

1. Apologies for Absence

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

2. 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.

3. Questions from Members of the Public

To receive questions from members of the public who wish to ask a general question in respect of matters within the Council's area of responsibility or influence.

Subject to the Chair's discretion, members of the public may ask one question and one supplementary question, which should relate to the original question and answered received.

Councillors may also ask questions under this agenda item.

4. Minutes of the Previous Meeting (Pages 1 - 16)

To receive the record of proceedings of the Cabinet meeting held on 16 September 2019.

5. Exclusion of the Press and Public

Agenda Item 10 has an exempt appendix. Therefore, if necessary when considering those items, the Chair will move the following resolution:-

That under Section 100(A) 4 of the Local Government Act 1972, the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12(A) of such Act indicated, as now amended by the Local Government (Access to Information) (Variation) Order 2006.

LEADER OF THE COUNCIL

6. Social Value Policy (Pages 17 - 41)

Report of the Chief Executive

Recommendations:-

1. That approval be given to the Social Value Policy.
2. That the adoption of the social value portal as the method to measure social value be approved.
3. That the 'Keep It Local' principles be adopted.

7. Strategy to Tackle and Prevent Child Exploitation (Pages 43 - 86)

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

Recommendations:-

1. That the Rotherham Safeguarding Children Partnership's Strategy to Tackle and Prevent Child Exploitation be endorsed and the key priorities which will drive partnership working to tackle Child Sexual Exploitation and Child Criminal Exploitation over the next three years be noted.

CLEANER GREENER COMMUNITIES

8. Crisis Support (Local Welfare Provision) (Pages 87 - 100)

Report of the Assistant Chief Executive

Recommendations:-

1. That approval be given to the Council to invite bids for a lead voluntary sector organisation to engage with partner organisations and the Council in a co-design for the future provision of crisis support over the medium term 2020/21 – 2022/23 in accordance with the provisions of the Rotherham Compact.

2. That, following the co-design process, proposals for future delivery arrangements be brought back to Cabinet for approval.

HOUSING

9. Delivery of housing association homes on Housing Revenue Account sites – Proposed Changes (Pages 101 - 120)

Report of the Strategic Director of Adult Care, Housing and Public Health

Recommendations:-

1. That approval be given to the transfer to Arches Housing Association of two additional HRA-owned garage sites in the Wickersley ward (Chestnut Close adjacent numbers 7 and 9 and opposite numbers 30 and 32), at the value of £5k per plot, subject to Arches confirming their suitability for residential development.
2. That approval be given to the removal of the Willow Close site from the scheme as this has been found to be unsuitable for residential development.
3. That authority be delegated to the Assistant Director of Housing Services, in consultation with the Cabinet Member for Housing, to approve amendments to numbers and types of homes if required due to any site constraints or Planning recommendations that arise once work commences.

10. Council Delivery of New Homes on Rotherham Town Centre Sites (Pages 121 - 152)

Report of the Strategic Director of Adult Care, Housing and Public Health

Recommendations:-

1. That the contents of the report, including the delivery arrangements for and funding implications of the proposed scheme, be noted.
2. That Council be recommended to approve the scheme for inclusion in the Capital Programme.
3. That the use of Housing Revenue Account capital resources to undertake preparatory works be approved, as outlined in Section 12.6, up to the amount set out in exempt Appendix 5.
4. That the Assistant Director of Housing Services be authorised to undertake any necessary procurement and award tenders for contracts associated with the delivery of the proposed scheme within the amounts set out in exempt Appendix 5.

5. That authority be delegated to the Assistant Director of Housing Services, in consultation with the Cabinet Member for Housing, to make amendments to site boundaries and to the numbers, types and tenures of homes in the scheme.
6. That the land shown red-lined at Appendices 1, 2 and 3 be appropriated from the General Fund to the Housing Revenue Account (HRA).

JOBS AND THE LOCAL ECONOMY

11. Update to the Community Asset Transfer Policy (Pages 153 - 183) Report of the Strategic Director of Regeneration and Environment

Recommendations:-

1. That the revised Community Asset Transfer Policy documents appended to this report be approved and adopted.

12. Adoption of a revised Statement of Community Involvement (SCI) (Pages 185 - 235) Report of the Strategic Director of Regeneration and Environment

Recommendations:-

1. That Council be recommended to withdraw the current Statement of Community Involvement (2015).
2. That Council be recommended to adopt the revised Statement of Community Involvement (2019).

WASTE, ROADS AND COMMUNITY SAFETY

13. Food and Feed Service Plan 2019/20 (Pages 237 - 280) Report of the Strategic Director of Regeneration and Environment

Recommendations:-

1. That the Food and Feed Service Plan for 2019/20 and the accompanying Food and Feed Sampling Protocol for 2019/20 be approved.

14. House to House Collections Policy (Pages 281 - 322)
Report of the Strategic Director of Regeneration and Environment

Recommendations:-

1. That the outcomes of the consultation on the proposed House to House Collections Policy be noted.
2. That the revised House to House Collection Policy be adopted and approved.

15. Street Works Permit Scheme – All Streets (Pages 323 - 342)
Report of the Strategic Director of Regeneration and Environment

Recommendations:-

1. That approval be given to the expansion of the current Street Works Permit Scheme from 304 of Rotherham's busiest streets to every street in the Borough's adopted road network.
2. That the Head of Legal Services be authorised to conclude and execute all necessary legal documentation.

16. Recommendations from Overview and Scrutiny Management Board

To receive a report detailing the recommendations of the Overview and Scrutiny Management Board in respect of the above items that were subject to pre-decision scrutiny on 16 October 2019.

17. Date and Time of Next Meeting

The next meeting of the Cabinet will be held on Monday 18 November 2019 commencing at 10.00 a.m. in Rotherham Town Hall.



SHARON KEMP,
Chief Executive.

THE CABINET
16th September, 2019

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

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

35. DECLARATIONS OF INTEREST

There were no Declarations of Interest to report.

36. QUESTIONS FROM MEMBERS OF THE PUBLIC

A member of the public referred to a response to a petition he received the day after the last Council meeting, yet a petition he submitted on the 15th May, 2019, some fifteen weeks ago still had no response. He, therefore, asked when would he get a response and also to the email he sent to the Leader fifty days ago on the 26th July, 2019.

The Leader confirmed he and the member of the public had exchanged a number of e-mails over a period of time, but could not specifically remember the e-mail being referred to.

If he had not replied it was either an error on his part or he had not realised a further reply was required. He, therefore, asked the member of the public to send through the email again.

In a supplementary question the member of the public explained the Leader had been asked who to contact for further updates about the commissioning process to avoid having to go to the Leader directly. The Leader had actually e-mailed the member of the public on the 10th July, 2019 explaining about developments, the secure port and commissioning of services so asked for a brief update on current progress.

The Leader could recall the email and confirmed the commissioning process was ongoing and whilst there had been some technical issues with part of the consultation, the intention was for the activity to take place.

Scrutiny had also been undertaking a piece of work over the summer looking at provision in other parts of the country for CSE survivors and support services which would also feed into the review. The Leader was keen to make quick progress on this to ensure the completion of the commissioning process and new services being put in place.

The Leader would endeavour to pick this matter up outside of this meeting and feedback to the member of the public with the name of contact for commissioning.

37. MINUTES OF THE PREVIOUS MEETING

Resolved:- That the minutes of the Cabinet meeting held on 8th July, 2019, be agreed as true and correct record of the proceedings.

38. EXCLUSION OF THE PRESS AND PUBLIC

Resolved:- That under Section 100(A) of the Local Government Act 1972, the public be excluded from the meeting for the Agenda Items 15, 17, 18 and 19 on the grounds that the appendices involve the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12(A) of such Act indicated, as now amended by the Local Government (Access to Information) (Variation) Order 2006.

39. ADULTS INDEPENDENT ADVOCACY SERVICES - COMMISSIONING AND PROCUREMENT APPROACH

Consideration was given to the report which detailed the commissioning and procurement of independent advocacy services for adults, though this also included some provision for young people aged between 16 and 17 years old.

Independent advocacy services were necessary to meet all of the Council's statutory requirements under the Care Act 2014, the Mental Capacity Act 2005, the Mental Health Act 2007 and the Health and Social Care Act 2012. Statutory independent advocacy services specifically provided support to people:-

- Who may require assistance throughout the care and support assessment and through the review process.
- Who lacked mental capacity to make decision about themselves.
- Who were detained under the Mental Health Act.
- Who required support to complain about services provided by the NHS.

The Healthwatch contract was now coming to an end and needed to be retendered. Healthwatch did have an advocacy role so it would appear to be logical to include the NHS Complaints Advocacy (currently delivered by Healthwatch) in the scope of this advocacy procurement exercise, and to commence a tender process in line with Option Two outlined in the report, with the objective of mobilising new independent advocacy services from 1st April, 2020 for a contract period of 3 years + 1 + 1 arrangement.

Independent Advocacy Services that supported people to challenge benefit claims was outside the scope of this consideration, but should any issues relating to benefits come to the attention of the health and social care advocacy service, people were referred to the Citizen's Advice Bureau, Kiveton Park Advice Centre or if appropriate to the Department of Work and Pensions.

This report had been considered by the Overview and Scrutiny Management Board as part of the pre-scrutiny process who were in support of the recommendations, subject to G.P.s being recommended to access training in respect of advocacy services through the protected training time and that, following twelve months of operation after the award of the contract, an update report detailing performance and outcomes be submitted to the Health Select Commission.

The Cabinet were happy to accept those recommendations.

Resolved:- (1) That the procurement of independent advocacy services be aligned to the service delivery model in preferred Option 2, described in this report.

(2) That the statutory NHS Complaints Advocacy Service be included in the scope of this procurement exercise.

(3) That the contract term be 3 years + 1 + 1.

40. PROCUREMENT OF A LOCAL HEALTHWATCH SERVICE

Consideration was given to the report which detailed how the current contract for the provision of a local Healthwatch Service was in place until 31st March, 2020. The service was due to come to the end of the contractual term and the extension clause had been exercised, thus requiring a formal procurement exercise. The current contract included the provision of the NHS Complaints Advocacy Service (NHSCAS) in addition to the Healthwatch function, both were statutory functions. A revised service specification and financial terms and conditions were agreed with an expectation that the funding would be allocated on a 65/35 split between the Healthwatch and the NHSCAS functions. This was in response to the revised budget for the Healthwatch contract agreed by Council in February, 2019.

Under the Council's Contract Procedure Rules a procurement exercise was, therefore, required to secure both services from April, 2020. It was intended that the NHSCAS provision would be included in the procurement exercise that was proposed for the Council's Independent Advocacy Services in 2019 (for provision from April, 2020). The Healthwatch function would be commissioned as a standalone service.

This was in line with the majority of other Local Authority approaches and would ensure that the focus of the service covered all aspects of health and social care and captured peoples' needs, concerns and experiences.

Resolved:- That Option 2 at Section 3.2 in the report be approved for the commencement of a tender on the open market for the procurement of a local Healthwatch Service for the period of 3 years from 1st April, 2020 to 31st March, 2023 (with an option to extend for a further year).

41. HOUSING RELATED SUPPORT - CHILDREN AND YOUNG PEOPLE PATHWAY TENDER CONCLUSION INFORMATION UPDATE

Further to Minute No. 69 of the meeting of the Cabinet held on 17th December, 2018, consideration was given to the report which provided an update on the conclusion of the procurement process.

The report, therefore, provided:-

- A brief summary of Housing Related Support and the changing needs of young people which led to the decision to redesign and procure the Young People aged 16 – 25 service.
- Gave an overview of the new Young People aged 16 – 25 service specification.
- Information on the tendering process and award of contract.
- Briefly outlined the profile of the successful service provider.
- Gave an overview of the implementation of the new service model.
- An overview of the future approach to contract performance reporting and monitoring.

The previous provision of supported housing consisted of three supported housing buildings. The buildings were all within close proximity of each other, accommodating up to 39 young people at one given time. This presented challenges for the previous service due to the number of anti-social behaviour reports in relation to young people's behaviours. It also impacted on relationships with the local residents and the community.

The new service model addressed housing a large number of young people in the same proximity, as it was considered an environmental factor that contributed to the issues the previous service experienced with anti-social behaviour.

The new service model comprised a suite of options of accommodation, support and community based elements. The accommodation based provisions were more dispersed across the borough, the maximum of twelve young people accommodated in the Core provision.

The procurement of the new service was advertised in the Official Journal of the European Union (OJEU) and on YORtender in February 2019 with a closing date at the end of March 2019.

The evaluation process was completed with Roundabout Ltd identified as the successful organisation.

Cabinet Members welcomed the update and particularly noted that the organisation was a living wage employer so obviously with not only benefits to the young people, but also to employees.

Resolved:- That the update be noted for:-

- The co-production work and re-design of a new service specification was successfully completed to enable a tender process to take place
- A competitive tendering exercise ran from 20th February to 28th March 2019.
- Roundabout Ltd were identified as the successful organisation and awarded the contract.
- The contract commenced on the 1st August 2019. The initial term of the contract is for two years, with an option of a further extension for a year.
- The overall contract value for two years is £1,050,000 (£1,575,000 with the third year).

42. SPECIAL EDUCATIONAL NEEDS AND DISABILITY (SEND) PHASE 2 - NEW EDUCATION PLACES

Further to Minute 147 of the meeting of the Cabinet held on 20th May, 2019, consideration was given to the Local Authority's proposals to utilise capital funding to increase the sufficiency of school places for children with Special Education Needs and Disabilities (SEND) in Rotherham.

Consultation had now taken place with schools and settings in accordance with Department for Education guidance and a number of projects have been identified across Rotherham to meet the needs identified within the 2019 SEND Sufficiency Strategy given that there was increased demand for specialist placements for children and young people in Rotherham with special education needs. Insufficient places within Rotherham increased pressure on the already challenged High Needs Budget and resulted in young people being placed outside Rotherham in high cost independent special schools.

The creation of additional in borough provision would, therefore, lead to a longer term saving on high needs funding as in borough placements cost on average £30k per annum less than out of authority placements.

There was a clear particular need in Rotherham to respond to increased demand for places within mainstream schools for children and young people with a range of autism spectrum conditions, moderate learning difficulties and social, emotional and mental health difficulties.

Initially the parameters of the consultation were fixed to the proposals to increase places by fifty across Rotherham. However, the response from schools and post-16 providers was both creative and enthusiastic, resulting in realistic proposals to increase education provision for children and young people with special education needs and disabilities by an additional one hundred and eleven places within the funding parameters available.

This approach would, therefore, allow the Local Authority to advance forward planning in relation to the next stage (phase 3 SEND sufficiency) to meet further future need due to demographic growth and support activity to reduce the deficit of the High Needs Budget.

This report, therefore, sought approval to utilise £1.186 million of available capital funding to create as part of Phase 2 one hundred and eleven additional school places in Rotherham starting from 2020, for children with special education needs and disabilities.

It was pointed out, however, that Phase 2 was not about disrupting good placements it was about making sure that there were more placements in the Authority moving forward for people who were coming into the system.

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

Resolved:- (1) That the increase in education provision by one hundred and eleven places to be achieved by September 2020 be approved.

(2) That the £1.186 million available capital funding be utilised to create the additional infrastructure required to deliver the projects as set out at paragraph 2.8.

43. RECOMMENDED ADOPTION OF POLICIES - SUPPORT FOR ELECTED MEMBERS

Consideration was given to the report which detailed the outcome following the establishment of a working group of Members to review carers, maternity and paternity arrangements for councillors, with the aim encouraging the next generation of women to play their part in politics in Rotherham.

The report presented the recommendations of the working group, specifically in the form of a policy document, and sought a recommendation to Council to amend the Members' Allowances Scheme to take account of the adoption of the policy.

The Working Group reviewed examples of parental leave policies which set out Members' entitlement to maternity, paternity, shared parental and adoption leave and relevant leave. The logic underpinning the policy was that improved provision for new parents would contribute towards increasing the diversity of experience, age and background of local authority councillors. It was also written with a view to retaining experienced councillors, especially women, and making public office more accessible to individuals who might otherwise feel excluded from it.

The Group also felt that the provisions for supporting disabled councillors should be clarified from a policy perspective, so as to move away from the case by case approach adopted presently. It was considered that a clear statement of support would encourage more disabled candidates to stand for election.

The Independent Remuneration Panel was, therefore, required to be consulted upon any proposed changes to the Members' Allowances Scheme and any recommendations then considered by Council.

The Working Group recommended that the Independent Remuneration Panel be asked to consider:-

- Separating the allowance paid for adult care and child care, given the relative high cost of child care in crèches and nurseries.
- Setting these allowances at an appropriate rate paid to providers to reflect the cost of provision.

Resolved:- (1) That Council be recommended to amend the Members' Allowances Scheme (Appendix 8 of the Constitution), subject to the receipt of the recommendations from the Independent Remuneration Panel

(2) That the policies to support Elected Members in respect of parental leave, disabilities, arrangements for carers and dignity in dying be approved and be adopted, subject to the Council determining to amend the Members' Allowances Scheme.

44. JULY FINANCIAL MONITORING REPORT 2019/20

Consideration was given to the report which set out the financial position as at the end of July, 2019 and was based on actual costs and income for the first four months of 2019/20 and forecast for the remainder of the financial year. Financial performance was a key element within the assessment of the Council's overall performance framework, and was essential to achievement of the objectives within the Council's Policy Agenda. To that end, this was the second in a series of monitoring reports for the new financial year which would continue to be brought forward to Cabinet on a regular basis.

As at July 2019, the Council had a forecast year-end overspend of £4.6m on the General Fund.

The Section 151 Officer confirmed this was not a position the Authority wished to find itself in with a projected overspend. Last year the Authority out-turned £3.2 million better so if it did need to call on reserves it was no worse off than expected to have been some months ago.

Officers were, however, working hard to see where the overspend could be pulled back before the end of the year. An update was to be made to the Medium Term Financial Strategy for consideration by Cabinet in November along with the September financial monitoring. The Government's high level spending round indications had now been received which would help with the update.

There needed to be focus in the medium term to ensure all the predicted savings were being delivered and all the initiatives and changes that have been implemented continue as planned.

In terms of the Capital Programme this was a reduced figure for the current year from what was brought to Cabinet in July. This was due to a number of schemes slipping into future years so the overall programme was broadly the same, but some schemes would slip into future years.

The CYPS programme had been reviewed in detail to assess how the available unallocated grant resources could be more effectively utilised to support programme objectives. Following this review, with a particular focus on the requirements of the Special Educational Needs (SEN) programme, £0.838m of corporate resource funding had been replaced with schools grant funding.

Resolved:- (1) That the current General Fund Revenue Budget forecast of £4.6m overspend be noted.

(2) That continuing action taken to mitigate the forecast overspend be noted.

(3) That the Capital Programme update be noted.

45. COUNCIL PLAN MONITORING QUARTER 1 (APRIL TO JUNE 2019)

Consideration was given to the Council Plan, which was the core document that underpinned the Council's overall vision. The Plan set out the headline priorities, outcomes and measures that would demonstrate delivery of the vision. The process for monitoring performance against the vision was set out in the Council's Performance Management Framework which explained to all Council staff how robust performance monitoring should be carried out.

The Council Plan for the period 2017-2020 was approved by Elected Members at the Council meeting on 12th July 2017. Refreshed performance measures covering the 2019-2020 financial year were approved by Cabinet on 20th May, 2019 and Council on 24th July, 2019.

To ensure that the delivery of actions and their impact was assessed, formal quarterly performance reports were presented in public at Cabinet meetings, with an opportunity for Scrutiny consideration if required.

This report, therefore, was the first report in the 2019-2020 reporting cycle covering Quarter 1 (1st April, 2019 to 30th June, 2019).

The Performance Report and Performance Scorecard included in Appendix A provided an analysis of the Council's current performance against thirteen key delivery outcomes and sixty-nine measures and was based on the currently available data. It also included an overview of progress on key projects and activities which contributed to the delivery of the Council Plan.

At the end of Quarter 1 thirty-one measures had either met or had exceeded the target set in the Council Plan. This represented 55% of the total number of measures where data was available or where targets have been set. This was a significant improvement in performance compared to Quarter 1 2018-2019 where only 47% of measures hit their targets. The priority area with the highest proportion of targets met was Priority 4 (Extending opportunity, prosperity and planning for the future) where 75% of measures (where data was available or where targets have been set) were marked as on target.

The direction of travel was positive for twenty-nine (53%) of the measures calculated in this quarter. This was an improvement compared to the 51% figure for last quarter and 45% in Quarter 1 2018-2019.

Councillor Allen, Cabinet Member for Cleaner Greener Communities wished to highlight that on Priority 3 the indicators that related to Culture, Sport and Tourism were already at 25% at this stage in the year, which was positive.

It was further pointed out that in terms of street cleansing and grounds maintenance complaints, the number was less than it was at the same comparable period last year, but service requests had increased substantially. Upon further investigation the concerns were about visual amenity and the significant weed growth this year. Weed removal involved an annual treatment, but due to the weather this weed growth was over and above what would be expected. As a result steps were being taken to provide suburban grubbing out of weeds over the next few weeks and months across the major highways and there would be an additional weed removal programme administered.

Councillor Watson, Deputy Leader, also commented, given the overspend on social care, that the numbers of children on a child in need plan were below target and continuing to decrease. This was as a result of the work being undertaken to bring those numbers down.

In addition, the number of children on child protection plans had not come down, but was not at the level expected. In the medium to long term this should have a dramatic effect on finances.

Also worthy of note were the efficiencies in the SEND sufficiency model which were developing well.

Resolved:- (1) That the overall position and direction of travel in relation to the Council Plan be noted.

(2) That measures which were not achieving their targets and the actions required to improve performance, including future performance clinics, be discussed.

(3) That the performance reporting timetable for 2019-2020 be noted.

46. **REVIEW OF POLLING PLACES 2019 - FINAL PROPOSALS**

Further to Minute No. 75 of the meeting of the Cabinet held on 17th December, 2018 and Minute No. 133 of Council held on 23rd January, 2019, consideration was given to the report following the proposed review of polling places. This involved a public consultation on the current polling scheme and the Returning Officer's proposals which started on 4th February, 2019 and ended on 26th April, 2019.

This report, therefore, considered the responses and final proposals for determination, for recommendation to Council.

The new ward boundaries had been taken into account alongside disability access and the impact on schools.

Cabinet Members welcomed the report from a Children's Services point of view in that the number of schools used as polling stations had been reduced.

Resolved:- (1) That Council be recommended to note the submissions made in respect of the review of polling districts and polling places for the borough of Rotherham.

(2) That the adoption of the polling district boundaries as outlined in Appendix 1 and the maps found in Appendix 4 be given be approved.

(3) That the final proposals for polling places as detailed in Appendix 1 to this report be approved.

(4) That the Electoral Registration Officer be requested to make the necessary amendments to the polling districts to take effect from publication of the revised register on 1st December, 2019.

(5) That the power to designate polling places in accordance with Section 18B of the Representation of the People Act 1983 continue to be delegated to the Chief Executive, such power to be exercised only in circumstances where a decision is required at short notice and it is not possible to await a decision of Council.

47. NEW APPLICATIONS FOR BUSINESS RATES DISCRETIONARY RELIEF FOR ROTHERHAM RISE AND SEA CADETS CORE

Consideration was given to the report which detailed two applications for the award of a business rate discretionary relief. This was in accordance with the Council's Discretionary Business Rates Relief Policy (approved by Cabinet on 12th December, 2016).

In terms of the first organisation it was considered to be in line with the Council's qualifying criteria as set out in its policy as it provided a range of support services for women and children who have been affected by violence and abuse. The organisation had recently moved to a new address so were, therefore, requesting relief on the new premises.

The second application was also considered to be in line with the Council's qualifying criteria as set out in its policy. The group was run by adult volunteers and made no payment to individuals.

Resolved:- That 20% top up discretionary relief be awarded to Rotherham Rise, for the period 15th January, 2019 to 31st March, 2020 and to the Sea Cadets Core, for the period 1st April, 2019 to 31st March, 2020.

48. NEW APPLICATION FOR BUSINESS RATES HARDSHIP RELIEF

Consideration was given to the report which detailed an application for business rates hardship relief. This was in accordance with the Council's Discretionary Business Rates Relief Policy (approved by Cabinet on 12th December, 2016).

The application for the award of hardship relief did not meet the Council's qualifying criteria as set out in its policy as there was nothing to suggest that awarding relief would lead to the long term sustainability of the business.

The need did not appear to be short term and the level of assistance which would be given in terms of an award to cover the business rates would have limited impact on the overall financial position of the company.

Resolved:- That the application for hardship relief be refused.

49. LOCAL PLAN: CONSULTATION ON DRAFT SUPPLEMENTARY PLANNING DOCUMENTS

Consideration was given to the report which sought approval to undertake public consultation on the following draft Supplementary Planning Documents:-

- Householder Design Guide.
- Development in the Green Belt.
- Equal and Healthy Communities.
- Town Centre Uses and Developments.
- Air Quality and Emissions.
- Shop Front Design Guide.

Rotherham's Local Plan provides the framework for determining planning applications. Supplementary Planning Documents provided additional detail and guidance to support policies in the Local Plan. Once adopted, they were a material consideration which could be taken into account when determining planning applications. Supplementary Planning Documents helped improve planning applications, which in turn could speed up the planning process and produce better outcomes for the community.

Cabinet Members welcomed the importance of taking on board national and local principles and standards which did change over time, especially so with preventative work on obesity and the proposals to restrict the number of fast-food takeaways near schools.

Resolved:- (1) That public consultation on the draft Supplementary Planning Documents at Appendices 2 to 7 be approved.

(2) That following consultation a further report be brought to Cabinet regarding adoption of the Supplementary Planning Documents.

50. COMMUNITY ENERGY SWITCHING SCHEME

Further to Minute No. 79 of the meeting of the Cabinet held on 17th December, 2018, approval was given to identify a partner through the OJEU procurement process to develop a community energy switching scheme. This report recommended the acceptance of a tender to set up a Community Energy Switching Scheme, available to all Rotherham residents, which could save an average 3 bed semi-detached household up to £300 per year.

This not-for-profit company seek to support some of the most vulnerable residents and be of benefit to the whole borough.

This report had been considered by the Overview and Scrutiny Management Board as part of the pre-scrutiny process who were in support of the recommendations, but requested that an update report on the performance and outcomes from the Community Energy Switching Scheme be submitted to the Improving Places Select Commission after twelve months from the commencement of the scheme.

Resolved:- That the development of a community energy switching scheme in partnership with bidder B be approved.

51. DISPOSAL OF SURPLUS PROPERTIES: KIVETON YOUTH AND COMMUNITY CENTRE, THE FORMER KEEPERS COTTAGE AT ULLEY RESERVOIR; AND THE SITE OF THE FORMER COPELAND LODGE AND ADJACENT LAND

Consideration was given to a report which sought approval to dispose of the Council's freehold interest in the following surplus properties:-

- a) Former Kiveton Youth and Community Centre.
- b) Former Keepers Cottage Ulley Reservoir.
- c) The site of the former Copeland Lodge and adjacent land.

All the properties have all been declared surplus to requirements by service users and following internal consultation no alternative uses have been identified. The properties were also vacant which posed a risk to the Council not only in terms of securing or maintaining properties, but with the continuing holding costs.

Resolved:- (1) That the disposal of the Council's freehold interest in the following properties be approved:-

- a) Former Kiveton Youth and Community Centre.
- b) Former Keepers Cottage Ulley Reservoir.
- c) Former Copeland Lodge and adjacent land.

(2) That the Assistant Director, Planning Regeneration and Transport be approved to dispose of the assets by implementing the most appropriate method of disposal to help expedite the process, whilst ensuring that best consideration is achieved under Section 123 – Local Government Act 1972.

(3) That the Assistant Director of Planning Regeneration and Transport negotiate the terms of disposals.

(4) That the Assistant Director of Legal Services negotiate and complete the necessary legal documentation.

**52. PROPOSED COMPULSORY PURCHASE ORDER (CPO) ACQUISITION
- UNIT 1 RIVERSIDE PRECINCT**

Consideration was given to the report which sought approval to invoke a Compulsory Purchase Order (CPO) for the acquisition of the remaining leasehold interest at Unit 1, Riverside Precinct, Corporation Street, Rotherham, should a purchase by agreement not be forthcoming.

Acquisition of the remaining leasehold interest would facilitate the development of Forge Island. Every effort was being made to work with the leaseholder and alternative premises had been offered. Negotiations were ongoing and it was hoped these would be successful to enable the Council to move forward. However, should negotiations not be unsuccessful the Compulsory Purchase Order process would be taken forward.

The process was not seeking to put a leaseholder out of business, but was more about suitable relocation and the appropriate level of recompense in a similar vein to other leaseholders in that same area.

Resolved:- (1) That a Compulsory Purchase Order (CPO) be invoked for the acquisition of the remaining leasehold interest at Unit 1 Riverside Precinct Rotherham.

(2) That the Assistant Director Planning Regeneration and Transport, in conjunction with The Assistant Director of Legal Services, prepare and publish the Order.

(3) That the Assistant Director Planning Regeneration and Transport continue to negotiate a purchase by agreement with the leaseholder whilst the Compulsory Purchase order process is ongoing.

**53. STRATEGIC MANAGEMENT AND MAINTENANCE OF ROTHERHAM'S
HIGHWAYS**

Consideration was given to the report which detailed how the Council had a statutory duty to maintain its highways through Section 41 of the Highways Act 1980 and described how Rotherham's highways were strategically managed and maintained in accordance with the Highway Asset Management Policy, Strategy and Highway Asset Management Plan (HAMP).

The report reviewed the current strategy for the Management and Maintenance of Rotherham's Highway and the impact the increased investment 'Roads 2020' had had on the highway network and described further the current performance both in terms of the condition of Rotherham's highways, and in terms of the delivery of highways maintenance services.

The Council pledged to invest in roads locally and had prioritised residential roads the streets that people lived on as part of this programme. This prioritisation of resurfacing roads rather than fixing potholes was a long term investment to improve the condition across the borough.

Of particular note was the work undertaken by in-house Council staff and whilst it was acknowledged there was some disruption during the works, numerous compliments about the work were received.

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

Resolved:- (1) That the strategic approach to the Management and Maintenance of Rotherham's Highways be endorsed.

(2) That the impact of the additional Rotherham Metropolitan Borough Council capital investment to improve the local (unclassified) road network be noted.

54. AMENDMENT TO THE GENERAL ENFORCEMENT POLICY

Consideration was given to the report which detailed the outcome of the public consultation carried out to seek views on an amendment to the Council's General Enforcement Policy to include surveillance of social media in particular in relation to fly-tippers and rogue traders, as an investigatory tool.

A significant majority of respondents agreed that the Council should use such tools to tackle fly-tippers and rogue traders who utilised social media to commit offences. This would only involve officers within the policy the ability to check social media to actively monitor the activities of a particular trade. Anything of a more covert position would require a more detailed legal process.

The Council's General Enforcement Policy had, therefore, been amended to reflect this outcome.

Resolved:- That the outcome of the consultation be noted and the revised General Enforcement Policy be adopted.

55. 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.

THE CABINET - 16/09/19

56. DATE AND TIME OF NEXT MEETING

Resolved:- That the next meeting of the Cabinet take place on Monday, 21st October, 2019 at 10.00 a.m.

Committee Name and Date of Committee Meeting

Cabinet – 21 October 2019

Report Title

Social Value Policy

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

Yes

Strategic Director Approving Submission of the Report

Sharon Kemp, Chief Executive

Report Author(s)

Jackie Mould, Head of Performance, Intelligence and Improvement
01709 823618 or jackie.mould@rotherham.gov.uk

Ward(s) Affected

Borough-wide

Executive Summary

The purpose of this report is to present for approval the Rotherham Council Social Value Policy and Framework (appendix 1). The policy sets out the ways in which the Council aims to maximise the local impact of its spend through its commissioning and procurement processes and work with partners and suppliers.

The key elements of the policy are to:

- Raise the living standards of Rotherham residents and commit to working towards the Joseph Rowntree Living Wage.
- Increase the proportion of the council's expenditure which goes to local businesses and providers rather than those elsewhere in the country.
- Build social value into all council contracts (in excess of £100,000) and maximise the impact gained from every pound spent and introduce a rigorous system for assessing and measuring social value.
- Commit to the principle of co-designing services wherever possible.

To achieve this the Council plans to take steps to increase the amount of additional Social Value from its contracts and commissioned services by securing Social Value in every contract above a £100,000 threshold. It will ensure that when the Council invites written quotations – where possible - at least one of the quotes is from a Rotherham organisation and, where this is not possible, from Sheffield City Region. The Council also aims to increase over time the proportion of its spend with local businesses and organisations and to open up opportunities for more co-designed services through its commissioning and procurement processes. The Social Value Framework sets out the methodology for measuring Social Value through the procurement process. It is framed around six high level outcomes. These are:

- Raising living standards for residents
- A strong local economy with employment and skills opportunities and a growing business base
- Young people have the opportunity to develop skills and find worthwhile employment
- Equality of opportunity for disadvantaged people and communities including disabled people
- Strengthened and sustainable community and voluntary organisations
- Greater environmental sustainability including accessible green public spaces.

Social Value returns will be monitored and reported on an annual basis. The first year of the policy will be a baseline year with targets set subsequently to increase the amount of Social Value secured.

Recommendations

1. That approval be given to the Social Value Policy.
2. That the adoption of the social value portal as the method to measure social value be approved.
3. That the 'Keep It Local' principles be adopted.

List of Appendices Included

Appendix 1 Initial Equalities Screening Assessment

Appendix 2 Social Value Policy

Consideration by any other Council Committee, Scrutiny or Advisory Panel

Overview and Scrutiny Management Board – 16 October 2019

Council Approval Required

No

Exempt from the Press and Public

No

Social Value Policy

1. Background

- 1.1 The Public Services (Social Value Act) 2012 requires public sector bodies to 'consider' Social Value in contracts that are subject to the Public Contracts Regulations 2015. Social Value is defined by the Social Value Hub as:

'The benefit to the community from a commissioning or procurement process over and above the direct purchasing of goods, services and outcomes'.

The Act has generally had mixed success. As noted by the Centre for Local Economic Strategies (CLES), because the Act merely requires public bodies to consider Social Value, rather than enforcing it, there are 'large variations in how the act has been implemented' with the Act simply resulting in a 'tick box exercise' in some cases.¹

Greater success has been had when local authorities, recognising the possible benefits to their locality, have introduced policies aiming to maximise the amount of Social Value. Manchester City Council, for example, is ensuring Social Value is built into every tender by applying mandatory percentages in the evaluation methodology.

The 'Preston Model' is one of the most cited examples of the successful implementation of a Social Value policy. In its role as a 'place leader' Preston City Council persuaded the region's 'anchor institutions'² to increase their collective procurement spend in Preston. Local spend for the anchor institutions rose from 5% in 2013 to 18.2% 2016/17 and in the wider Lancashire economy from 39% in 2013 to 79.2%. Preston City Council now spends 28% with Preston-based businesses (2016) as opposed to 14% in 2012.³

- 1.2 Rotherham has one of the fastest growing economies in Yorkshire. The Council aims to support the continued growth of the Rotherham economy so that all residents can benefit. In 2018/19, the Council spent in excess of £300m with external suppliers and as one of the leading procurers and commissioners in the area; the Council can act as a standard-bearer, leading the way in supporting Social Value and inclusive growth.

¹ Centre for Local Economic Strategies (Nov, 2018), Restoring Public Values in Public Services: A route map for national, municipal and citizen action, p. 5 available at https://cles.org.uk/wp-content/uploads/2018/11/Restoring-Public-Values-in-Public-Services-FINAL-03_12_18.pdf

² 'Anchor Institutions' are named thus as they were important full or partly centrally funded public sector institutions that couldn't re-locate out of the area. These included the Lancashire Policy Constabulary HQ, Lancashire County Council and the University of Central Lancashire (UCLan).

³ Centre for Local Economic Strategies, 'Community wealth benefits locals', available at: <https://cles.org.uk/press-releases/community-wealth-benefits-locals-in-lancashire/>

2 Key Issues

2.1 Benefits of a Social Value policy

The Council is committed to developing a positive sense of place and good quality of life for all its residents. These aspirations are set out in the Council Plan and are pursued by working with partners through the Rotherham Together Partnership (RTP) and the Sheffield City Region (SCR).

As a significant employer and commissioner of services, the Council wants to ensure that it achieves maximum value from its expenditure and that it is supporting the local economy.

The aim of the Social Value policy

The aim of the Social Value Policy is to maximise the local impact of the Council's spend. The key elements of the policy are to:

- Raise the living standards of Rotherham residents and commit to working towards the Joseph Rowntree Living Wage.
- Increase the proportion of the Council's expenditure which goes to local businesses and providers.
- Build social value into all council contracts and maximise the impact gained from every pound spent, through the introduction of a rigorous system for assessing and measuring social value.
- Commit to the principle of co-designing services wherever possible.

The policy will set out the guiding principles that should be adopted when commissioning services, developing better models of co-design and moving away from purely transactional processes of procurement towards building relationships and working with locally-based organisations.

The policy will also be accompanied by the Social Value Framework and Toolkit. The framework will provide a mechanism to measure the amount of Social Value gained on an annual basis. The aim will be to increase, over time, the percentage of spend with Rotherham businesses and to capture the scale of additional Social Value undertaken each year. The toolkit will provide a step by step guide for officers on how Social Value will be included in the procurement process. The Council's various ethical procurement standards will be brought together in a new Ethical Procurement Policy.

The Policy is based around six Social Value outcomes (see 2.2 below). It will be a contractual requirement for organisations who are awarded contracts with the Council to deliver the committed amount of Social Value identified within their tender. The Council will also want to work with organisations to develop innovative approaches to Social Value and to build on some of the good practice that has already been developed.

The Council proposes to adopt the national 'Keep It Local' principles developed by Locality, which has been incorporated in the Social Value Policy.

These ambitions will be set out in a new Social Value charter which will be developed with partners through the Rotherham Together Partnership. As such, the Council will be working closely with procurement and commissioning officers in health, fire and police services to identify opportunities to extend Social Value across public sector bodies in Rotherham. In addition, the Council and partners will work together to promote the Joseph Rowntree Living Wage across the borough.

2.2 Social Value Outcomes

The policy provides the framework for realising the Council's commitment to six Social Value outcomes. These are:

- Raising living standards for residents
- A strong local economy with employment and skills opportunities and a growing business base
- Young people have the opportunity to develop skills and find worthwhile employment
- Equality of opportunity for disadvantaged people and communities including disabled people
- Strengthened and sustainable community and voluntary organisations
- Greater environmental sustainability including accessible green public spaces

These outcomes reflect the priorities for the borough identified in the Council Plan. Each broad objective has several measures which would be included in the tender, and organisations will determine which and how many of these measures it proposes to offer. These are set out in the Social Value Framework. The priority for the first year of the policy is skills and employment.

2.3 Measurement and reporting

An effective way of measuring Social Value is a key component of the policy. Using the Themes Outcomes Measures (TOMs) method, the Council will be able to calculate how much Social Value has been secured in contracts, with the delivery of this closely monitored throughout the life of the contract. To ensure this process is simple and not time-consuming for Council officers, the list of measures has been kept deliberately concise. What is initially determined as Social Value can be expanded and updated to reflect the needs of the community. Once the baseline figure of Social Value has been determined, targets will be set to increase the amount delivered.

The Council is proposing to use the Social Value Portal as a method to measure Social Value. The portal will support the scoring and ranking of Social Value offers as well as monitoring their delivery and reporting back on a quarterly and annual basis. Using the portal will allow for an equal standard to apply across all contracts and ensure an efficient system for data collection. The Social Value Portal will be able to use their experience to ensure better delivery of Social Value commitments.

A key component of the policy is ensuring that as high a proportion as possible is spent with locally based organisation such as small and medium-sized enterprises (SMEs) and local not-for-profit organisations. As such, the level of spend will be monitored and with the aspiration to increase the proportion being spent within the borough and the wider Sheffield City Region.

The Council will be working with the Centre for Local Economic Strategies (CLES) to support and challenge the implementation of the policy and the measurement of impact. CLES will also assist the Council to gain a more sophisticated understanding of how and where the authority spends money as well as the possible opportunities for more local spend.

2.4 **Securing Social Value in new contracts**

Social Value will apply to all contracts above £100,000. The Social Value commitment will account for 20% of the overall score for the tender bid. The proposed model for scoring bids will be constituted of two components: the 'offer' and a 'method statement'. The 'offer' is a quantitative assessment and will score how much Social Value each bidder is proposing to deliver. This will be calculated using the measurements in the Social Value Framework. The 'method statement' is a qualitative assessment which scores how comprehensively each bidder is proposing to deliver on their commitment. This balanced approach will ensure that each bidder has an effective plan on how to deliver the commitments they have made. There will also be a provision to remove those bidders who make no Social Value contribution to guarantee that Social Value is secured in every contract above the threshold. The Council will also attempt to source quotations from local suppliers and will ensure - where possible - that when inviting written quotations, at least one quote is from a Rotherham supplier or one from the Sheffield City Region if this is not possible.

2.5 **Commissioning**

In addition to securing Social Value through Council contracts, the policy also makes a commitment to maximise Social Value as part of its commissioning processes through meaningful co-design. A further aim will be to review procurement models to enable local provider organisations to collaborate and make best use of all of the local assets available.

In developing the Council approach to commissioning, the national ‘Keep It Local’ principles (see below) developed by Locality will be adopted. These principles would enable the Council to make a greater shift towards a more collaborative approach grounded in local delivery, early intervention and prevention. The Keep It Local principles will help to guide commissioning and delivery decisions and would also be supported through the Thriving Neighbourhoods Strategy. Signing up to be a ‘Keep it Local’ council (which would incur no financial cost) would ensure that the Council received regular updates and best practice sharing from across the network, enable it to take part in a national conference showcasing work from the most innovative authorities, and provide a clear intellectual framework helping the Council to further develop its Social Value work.

‘Keep it Local’ principles
<i>Think about the whole system and not just individual service silos</i>
<i>Coordinate services at a neighbourhood level</i>
<i>Increase local spend to invest in the local economy</i>
<i>Focus on early intervention now to save costs tomorrow</i>
<i>Commit to our community and proactively support local organisations</i>
<i>Commission services simply and collaboratively so they are local by default</i>

2.6 Governance

A successful Social Value policy is responsive to the needs of the community – as such the Social Value framework will be reviewed on an annual basis to ensure the preferred outcomes and measures continue to reflect them. The leadership and governance of this policy will be led by the Leader of the Council and the Chief Executive and will be subject to an annual report to Cabinet.

2.7 Partnership Working

While Rotherham Council is the largest public sector procurer and commissioner in the borough, it is not the only one. It is proposed that a Social Value Charter is developed with partners, encouraging organisations to commit to increased Social Value. As such, further development and implementation of the Social Value Policy will be taken forward through the Rotherham Together Partnership.

3. Options Considered and Recommended Proposal

- 3.1 Following the review of existing practice and the approach adopted by other councils, the recommended option is to adopt the Social Value Policy.

4. Consultation on Proposal

- 4.1 Consultation has taken place both internally and externally. The framework has been shared and tested with private sector partners, the Rotherham Together Partnership’s chief executives and voluntary and community sector representatives.

5. Timetable and Accountability for Implementing this Decision

- 5.1 The implementation of the policy will be overseen by the Leader and the Chief Executive.

Key milestones include:

Social Value approved by cabinet	October 2019
CLES commissioned to undertake analysis of supply chain	Oct/Nov 2019
Develop new Ethical Procurement policy	November 2019
Develop and publish the Social Value toolkit	November 2019
Staff development programme developed	November 2019
Staff development programme	Roll out through 2019/20
Communications and dissemination of policy	December 2019
Establish the Social Value baseline position	October 2020
Include Social Value in the Council Plan performance report	2020/21
Work with partners to develop a Social Value Charter for Rotherham	2020

6. Financial and Procurement Advice and Implications

- 6.1 The cost of utilising the Social Value Portal is £12k per annum on the basis that the Council enters into a three-year agreement, otherwise the cost will be £15k per annum. These costs will be met from within existing budgets. In addition, there is a cost payable by suppliers for use of the Portal based on 0.2% of the contract value up to a maximum of £7,500.

In addition to the Portal, the Council plans to procure the services of the Centre for Local Economic Strategies in supporting the policy implementation and the measurement of the impact. The costs of these services will be dependent on the level of support procured and provision has been made within existing budgets.

- 6.2 The procurement team supports the recommendation contained within this report. Social, economic and environmental impacts are clearly referenced within the Public Contracts Regulations 2015 as a mechanism to support common societal goals.

There will be a need for procurement to work closely with service areas in the design of the procurement procedures for those contracts valued above the £100k threshold to ensure the evaluation criteria is clearly understood and defined accurately within the tender documentation.

The requirement to effectively monitor and manage the contracts will however be critical in ensuring that commitments made through the formal tendering process are actually delivered. The use of the Social Value Portal will assist with this.

7. Legal Advice and Implications

- 7.1 The Public Services (Social Value Act) 2012 allows for the consideration of added value, such as social, economic and environmental benefits, that may be secured in addition to the normal delivery of a contract. The policy, including the Social Value Toolkit, must comply with procurement law, particularly the Public Contracts Regulations 2015.

8. Human Resources Advice and Implications

- 8.1 A key component of the policy will be ensuring that officers have the necessary training and knowledge to successfully implement it. Training, including workshops, will be required.

9. Implications for Children and Young People and Vulnerable Adults

- 9.1 The outcomes within the Social Value Framework support the Council's priorities: "Every child making the best start in life" and "Every adult secure, responsible and empowered" by including support for education and employment for these groups as key Social Value outcomes.

10. Equalities and Human Rights Advice and Implications

- 10.1 The Social Value Framework allows for annual reporting on several key equalities issues such as the number of people with disabilities that have gained employment. The Framework has identified several key disadvantaged groups that should be supported through Social Value outcomes. As such, the policy will have a positive impact regarding equalities. For each individual procurement and commissioning activity there will be a full consideration of the impact on equality outcomes. This will be carried out by the officers involved in the procurement and commissioning activities.
- 10.2 An Initial Equalities Screening Assessment has been completed and is included as Appendix 1.

11. Implications for Partners

- 11.1 The Council is keen to develop a collaborative approach to Social Value with partners in the borough, particularly other 'anchor institutions'. Social Value's effectiveness is amplified when all public sector partners act together adopting similar Social Value principles.

12. Risks and Mitigation

- 12.1 There is a risk that Social Value commitments will be made but not delivered upon. To mitigate this it will be important that the Council effectively monitors contracts and uses all tools available to secure Social Value as well as using the experience of the Social Value Portal.

13. Accountable Officers

Jackie Mould, Head of Performance, Intelligence and Improvement
 Karen Middlebrook, Head of Procurement

Approvals obtained on behalf of Statutory Officers:-

	Named Officer	Date
Chief Executive	Sharon Kemp	07/10/19
Strategic Director of Finance & Customer Services (S.151 Officer)	Judith Badger	04/10/19
Head of Legal Services (Monitoring Officer)	Bal Nahal	04/10/19

*Report Author: Jackie Mould, Head of Performance, Intelligence and Improvement
 01709 823618 or jackie.mould@rotherham.gov.uk*

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

PART A - Initial Equality Screening Assessment

As a public authority we need to ensure that all our strategies, policies, service and functions, both current and proposed have given proper consideration to equality and diversity.

A **screening** process can help judge relevance and provide a record of both the process and decision. Screening should be a short, sharp exercise that determines relevance for all new and revised strategies, policies, services and functions.

Completed at the earliest opportunity it will help to determine:

- the relevance of proposals and decisions to equality and diversity
- whether or not equality and diversity is being/has already been considered, and
- whether or not it is necessary to carry out an Equality Analysis (Part B).

Further information is available in the Equality Screening and Analysis Guidance – see page 9.

1. Title	
Title: Social Value Policy	
Directorate: Assistant Chief Executive's	Service area: Performance, Intelligence and Improvement
Lead person: Jackie Mould	Contact number: 01709 823618
Is this a:	
<input checked="" type="checkbox"/> Strategy / Policy	<input type="checkbox"/> Service / Function
	<input type="checkbox"/> Other
If other, please specify	

2. Please provide a brief description of what you are screening
The Policy sets out how the council will measure the added Social Value secured through the council's procurement and commission activity. As part of the development of the policy a set of Social Value outcomes were identified based on the Council Plan and 6 Social Value objectives. The Policy will introduce a mandatory 20% consideration for Social Value for all contracts with a total value above £100,000.

Appendix 1

3. Relevance to equality and diversity

All the Council's strategies/policies, services/functions affect service users, employees or the wider community – borough wide or more local. These will also have a greater/lesser relevance to equality and diversity.

The following questions will help you to identify how relevant your proposals are.

When considering these questions think about age, disability, sex, gender reassignment, race, religion or belief, sexual orientation, civil partnerships and marriage, pregnancy and maternity and other socio-economic groups e.g. parents, single parents and guardians, carers, looked after children, unemployed and people on low incomes, ex-offenders, victims of domestic violence, homeless people etc.

Questions	Yes	No
Could the proposal have implications regarding the accessibility of services to the whole or wider community? <i>(Be mindful that this is not just about numbers. A potential to affect a small number of people in a significant way is as important)</i>		No
Could the proposal affect service users? <i>(Be mindful that this is not just about numbers. A potential to affect a small number of people in a significant way is as important)</i>		No
Has there been or is there likely to be an impact on an individual or group with protected characteristics? <i>(Consider potential discrimination, harassment or victimisation of individuals with protected characteristics)</i>		No
Have there been or likely to be any public concerns regarding the proposal? <i>(It is important that the Council is transparent and consultation is carried out with members of the public to help mitigate future challenge)</i>		No
Could the proposal affect how the Council's services, commissioning or procurement activities are organised, provided, located and by whom? <i>(If the answer is yes you may wish to seek advice from commissioning or procurement)</i>	Yes	
Could the proposal affect the Council's workforce or employment practices? <i>(If the answer is yes you may wish to seek advice from your HR business partner)</i>		No

If you have answered no to all the questions above, please explain the reason

The Social Value Framework allows for annual reporting on several key equalities issues such as the number of people with disabilities that have gained employment. The Framework has identified several key disadvantaged groups that should be supported through Social Value outcomes. As such the policy will have a positive impact regarding equalities. For each individual procurement and commissioning activity there will be a full consideration of the impact on equality outcomes. This will be carried out by the officers involved in the procurement and commissioning activities.

If you have answered **no** to all the questions above please complete **sections 5 and 6**.

If you have answered **yes** to any of the above please complete **section 4**.

4. Considering the impact on equality and diversity

If you have not already done so, the impact on equality and diversity should be considered within your proposals before decisions are made.

Considering equality and diversity will help to eliminate unlawful discrimination, harassment and victimisation and take active steps to create a discrimination free society by meeting a group or individual's needs and encouraging participation.

Please provide specific details for all three areas below using the prompts for guidance and complete an Equality Analysis (Part B).

• How have you considered equality and diversity?

A consideration of equality and diversity was a key element in the development of the Social Value Policy. The policy's central aim is to support the employment (and education and training) of several disadvantaged groups including disabled people who are currently disadvantaged in the labour market.

• Key findings

Supporting these groups is central to the Social Value outcomes that have been identified – these include a wide range of groups who will be supported through increased training, school visits, employment, apprenticeships, and other training opportunities. In addition, the policy is also about changing the way the council commissions – adopting new principles will place new emphasis on co-designing services and involving service users throughout the process. This will increase the role and voice and seldom heard groups.

• Actions

The policy will be monitored on an annual basis and will be amended to reflect the needs of the community. Individual officers will be responsible for considering the impacts and outcomes of each individual procurement or commissioning process.

Date to scope and plan your Equality Analysis:	The Social Value Policy will be reviewed and monitored on an annual basis. This will capture the impacts of the policy on supporting disadvantaged groups.
Date to complete your Equality Analysis:	To be completed by officers for individual procurement and commissioning processes.
Lead person for your Equality Analysis (Include name and job title):	Individual officers will be responsible. The officer responsible for the overall analysis of the impact of Social Value will be Jackie Mould, Head of Performance, Intelligence and Improvement

5. Governance, ownership and approval

Please state here who has approved the actions and outcomes of the screening:

Name	Job title	Date
Jackie Mould	Head of Performance, Intelligence and Improvement	21.08.2019

6. Publishing

This screening document will act as evidence that due regard to equality and diversity has been given.

If this screening relates to a **Cabinet, key delegated officer decision, Council, other committee or a significant operational decision** a copy of the completed document should be attached as an appendix and published alongside the relevant report.

A copy of **all** screenings should also be sent to equality@rotherham.gov.uk For record keeping purposes it will be kept on file and also published on the Council's Equality and Diversity Internet page.

Date screening completed	21.08.2019
Report title and date	Social Value Policy
If relates to a Cabinet, key delegated officer decision, Council, other committee or a significant operational decision – report date and date sent for publication	Cabinet
Date screening sent to Performance, Intelligence and Improvement equality@rotherham.gov.uk	22.08.2019

SOCIAL VALUE POLICY

Creating social value in Rotherham



www.rotherham.gov.uk

THE AIM OF THIS POLICY IS TO MAXIMISE THE LOCAL IMPACT OF THE COUNCIL'S SPEND AND THROUGH THIS HELP TO RAISE THE LIVING STANDARDS OF ROTHERHAM RESIDENTS.

FOREWORD, COUNCILLOR CHRIS READ, LEADER OF ROTHERHAM BOROUGH COUNCIL



Rotherham Council is committed to developing a positive sense of place and good quality of life for all its residents. We aim to do this not just through the services we provide and the work we do with our partners through economic development, but also by using our own purchasing power to bring added value to communities and individuals across the borough.

In 2018/19 the Council spent around £300 million with external suppliers and, as one of the leading procurers in the area, I want the Council to lead the way in supporting social value. We will do this by maximising the local impact of the Council's spend and, through this, help to raise the living standards of our residents.

I want to work with our partners, contractors and service providers to look at how we can gain additional social value from every pound we spend.

This could be achieved in a number of ways:

- It could be through creating local employment and training opportunities, particularly for young people or those who are struggling to get on a career path, such as disabled people
- It could be through supporting the growth of our community and voluntary organisations working in our neighbourhoods
- It could be through taking steps to reduce our impact on the environment.

As one of the fastest growing economies in Yorkshire, Rotherham has a strong track record of collaborative working between the public, private and voluntary sectors. This has led to major successes such as the advanced manufacturing park, our strong network of local businesses, and improved employment.

However, we still face many challenges including health, social and economic inequalities within the borough. By working together with our partners to embed social value in our contracts and commissioning processes we can help to improve the local economy further, increasing spend locally, developing innovative delivery models and creating new opportunities.

The social value policy sets out our commitment and I hope that other organisations locally, regionally and nationally will work with us to build real and lasting benefits for Rotherham communities.

INTRODUCTION

Rotherham Council is committed to developing a positive sense of place and good quality of life for all its residents. These aspirations are set out in the Council Plan and this is the overarching strategic framework for this policy. These aspirations are also pursued through collaborative work with partners in the Rotherham Together Partnership and the Sheffield City Region.

This policy sets out how the Council will use its purchasing power to maximise the local impact of its spend. This will ensure that every pound the Council spends achieves the most value for Rotherham communities and residents, which is even more important in a time of continued austerity and increasing demand for services. This means making decisions that are not just based on financial cost but look at benefits to the wider community.

This could mean, for example, ensuring that residents can access employment opportunities from new developments in the borough or that young people could gain new skills to help them

find meaningful employment. It also means promoting the Council's ethical procurement guidelines to ensure that modern day slavery is eradicated in our town and make sure all employers in the region act responsibly.

As one of the leading procurers and commissioners in the area, the Council wants to take steps to increase the amount of additional social value from its contracts and commissioned services. The aim is to increase over time the proportion the Council spends with local businesses, thus supporting the local economy and helping small and medium-sized enterprises (SMEs) to flourish. The Council recognises that more could be done to support and strengthen the local supply network and the region's economic resilience, while also maximising the amount of social value delivered by companies that are based outside of the area. In addition, the Council is keen to develop its commissioning processes to open up opportunities for more co-designed services and sustainable local delivery models.

WHAT IS SOCIAL VALUE?

The Public Services (Social Value) Act 2012 came into force on 31st January 2013. Local authorities and other public bodies have a legal obligation to consider the social good in contracts that are subject to the Public Contracts Regulation 2015. The aim of the Act is not to alter the commissioning and procurement processes, but to ensure that, as part of these processes, councils give consideration to the wider impact of the services delivered. The Act also promotes the use of co-design in commissioning processes as a valuable tool to strengthen local delivery.

Social value is defined by the Social Value Hub as:

‘The benefit to the community from a commissioning or procurement process over and above the direct purchasing of goods, services and outcomes’.

This definition is the one that has been adopted by the Council.

This policy provides an opportunity to integrate economic, environmental and social sustainability into procurement processes by developing a fresh approach to commissioning, one that builds positive relationships with providers and generates greater social value.

Policy Purpose

This document sets out for procurers, commissioners, the Council’s suppliers and residents, Rotherham Council’s approach to social value, as well as the practical steps it will take to maximise the local impact of its spend. It should be read in conjunction with the minimum standards charter, which sets out our ethical procurement standards, and the social value toolkit which provides a step-by-step guide to the social value procurement process.

Working with Partners

The Council is committed to working with partner organisations, including the NHS, Fire and Police, to collectively increase the amount of social value delivered by public sector organisations through a jointly agreed social value charter. The charter will set out the aims and outcomes for public sector organisations to maximise the amount of social value they deliver.

¹NOMIS Annual Labour Survey, 2017 figures



AIMS AND OBJECTIVES OF THE POLICY

The aim of the social value policy is to maximise the local impact of the Council's spend and to:

- Raise the living standards of Rotherham residents and work towards the JRF Living Wage.
- Increase the proportion of the Council's expenditure which goes to local businesses and providers rather than those elsewhere in the country.
- Build social value into all Council contracts and maximise the impact gained from every pound spent. We will introduce a rigorous system for assessing and measuring social value.
- Commit to the principle of co-designing services wherever possible

The Council will achieve this by:

Working with partners and local businesses to raise living standards and promote the JRF Living Wage in Rotherham

Increasing, over time the percentage of spend with Rotherham businesses

Promoting the local economy so that small and medium-sized businesses and voluntary sector bodies can thrive

Moving away from purely transactional processes of procurement towards building relationships and working with locally-based organisations

Ensuring that any contracts with a value of over £100,000 demonstrate real and quantifiable social value and capturing the scale of additional social value achieved each year

Ensuring, where possible, that where the Council invites written quotations that at least one is from a local supplier.

Adopting the national Keep It Local principles

Involving local people and organisations in our commissioning processes through meaningful co-design

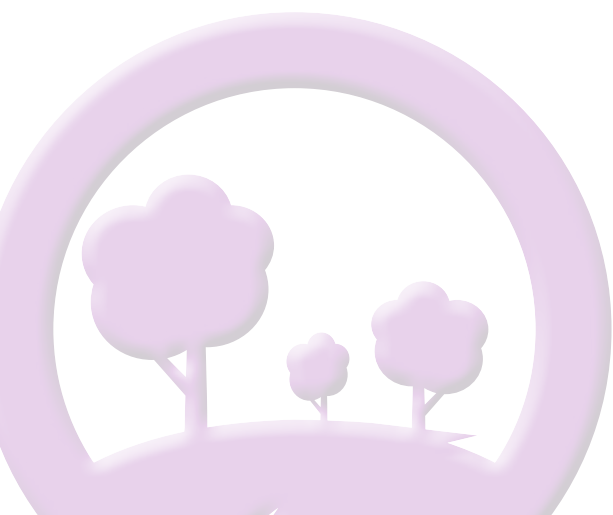
Building the capacity and sustainability of local voluntary organisations

Creating local employment and training opportunities, particularly for the most disadvantaged groups and communities

Promoting environmental sustainability and mitigating the effects of climate change through procurement and purchasing processes

Promoting fair and ethical trading through our contractors and in the supply chain

Successful implementation of the policy will be measured against six social value outcomes.



SOCIAL VALUE WILL BE MEASURED AGAINST SIX OUTCOMES



Raising living standards for residents

The central theme of this policy is increasing living standards for our residents. In Rotherham, average full time pay is 89 % of the national average and below the city region average. Pay for women in Rotherham is 61 % of male pay. We want to see more employers paying the JRF Living Wage over time.



A strong local economy with employment and skills opportunities and a growing business base

As one of the fastest growing economies in Yorkshire it is important that local businesses are sustainable and able to expand. We want to increase the proportion of the Council's spend which goes to local businesses and ensure our contractors actively upskill their workforce.



Young people have the opportunity to develop skills and find worthwhile employment

It is vital to ensure that young people, especially those who struggle to find employment or training, are given the skills that will allow them to thrive in the modern economy. Research shows that a young person who has four or more meaningful encounters with an employer is 86 % less likely to be Not in Employment, Education or Training (NEET) and can earn up to 22 % more during their career.



Equality of opportunity for disadvantaged people and communities including disabled people

Some adults struggle to access employment opportunities – for instance the employment gap between those with a long-term health condition and the overall employment rate is 10.7 % . A thriving economy is based both on creating jobs and also ensuring that everyone has equal opportunities to access them.



Strengthened and sustainable community and voluntary sector

The Community and Voluntary sector plays a vital role supporting the community in Rotherham. Ensuring that the sector is thriving and sustainable is a key aim of this policy.



Greater environmental sustainability including accessible green public spaces

As the climate changes it is essential that the Council supports and protects the environment and delivers greater levels of sustainability. Central to this is ensuring we all play our part in reducing carbon dioxide emissions.

SOCIAL VALUE FRAMEWORK

The social value framework will create a structured approach so that the application of social value is standardised across the Council. The framework is designed so that suppliers can take a bespoke approach to each contract to ensure that the social value element of the tender is appropriate, relevant and achievable. This will allow suppliers to innovate and show initiative in delivering social value.

The framework will apply to all contracts of a value of more than £100,000. The social value commitment will account for 20% of the overall score for tender bids. For contracts where the Council invites written quotations at least one should be from a local supplier.

The framework (see back page) describes each social value outcomes and how they will be measured. The social value procurement process has four stages, as follows:

Opportunity assessment: The first stage of any contract process will be the undertaking of a social value ‘opportunity assessment’ as part of the pre-procurement activity. This will identify the appropriate, relevant and achievable elements of social value that could be delivered through the life of the contract. In addition, officers will identify any opportunities for local businesses or organisations to participate in the process and the best way to encourage and support them.

Embedding outcomes in the tender

process: Following the identification of suitable social value outcomes, these should be embedded within the tender process. The answers should then be scored based on how appropriate and achievable they are.

Formal contract: Following conclusion of the tender process, a formal contract will be entered into incorporating the commitments made as part of the preferred bidder’s response.

Contract management: Through a structured contract management process, officers will monitor social value commitments ensuring they are undertaken in their entirety and using the Council’s leverage when suitable to enforce commitments.

The Framework: The Rotherham social value framework (see page 11) sets out the Rotherham social value outcomes and measures. Support and guidance for potential suppliers is available through the social value toolkit, which provides a step by step guide to the procurement process.

However, this is only a guide and the social value framework list of measures is not exhaustive. The expectation is that commissioners, procurement officers and suppliers will have active conversations about the best way to deliver the social value outcomes and that they work collaboratively to explore innovative social value actions where appropriate.

Commissioning Services

The Council commissions a large number of services with the private and voluntary sectors every year.

In developing its approach to commissioning, the Council has adopted the national Keep It Local principles developed by Locality. These principles will enable the Council to make a greater shift towards a more collaborative approach grounded in local delivery, early intervention and prevention.

As a member of the Keep it Local network of councils, Rotherham Council will be able to share good practice from across the network and learn from the most innovative authorities across the country.

As part of the commitment to maximising social value as part of the commissioning approach, the Council will:

- Co-design services wherever possible
- Engage people with lived experience throughout the service design and procurement phase
- Review commissioning and procurement models to allow local provider organisations to collaborate and make best use of local assets.
- Explore opportunities to develop new and innovative delivery models such as social enterprises, mutuals and consortium arrangements.

Keep it Local principles
Think about the whole system and not just individual service silos
Coordinate services at a neighbourhood level
Increase local spend to invest in the local economy
Focus on early intervention now to save costs tomorrow
Commit to our community and proactively support local organisations
Commission services simply and collaboratively so they are local by default



Co-design Case Study

Housing Related Support is a recent example of the use of co-design to commission a new service. Housing Related Support is a preventive programme for young people aged 16-25 with multiple needs and sometimes with chaotic lives. It provides support packages allowing young people to gain their independence and obtain suitable permanent accommodation.

The Council decided, when the contract was to be re-tendered, to involve young people in co-designing the new specification in order to develop a programme of support which best supported their needs and what was important to them.

Commissioners built relationships, encouraged creative thinking, utilised best practice and delivered engagement sessions in order to hear the voices, views and lived experiences of young people in receipt of support as well as specialist workers and professionals.

The contract was won by a Sheffield-based charity with an excellent record of providing crisis support to young people who were homeless or at risk of homelessness. In addition, the design of the contract allowed for a smaller Rotherham based charity to sub-contract a portion of overall contract, thereby ensuring that the Council spend remained within the City region.

Measuring Social Value

The Council aims to capture the amount of social value secured in contracts and delivered by contracting organisations. Using the Themes Outcomes Measures (TOMs) method of social value measurement, the Council will produce a quarterly figure broken down by service area. The ambition is to increase the percentage of spend within the local area and spent with SMEs.

All suppliers who have committed to the delivery of social value outcomes through a Council contract will be required to submit a quarterly report, evidencing the progress made against these outcomes. The delivery of social value commitments will be monitored as part of the contract management process.

Governance

The leadership and governance of this policy will be led by the Leader and the chief executive and will be subject to an annual report to Cabinet. Year one will be a baseline year and an opportunity to identify the extent and quantity of social value. Following the baseline year, social value targets will be set on an annual basis. In addition, the existing outcomes and measures will be reviewed annually to ensure they continue to reflect local priorities. The Council will also develop a range of qualitative impact measures to better capture the nature of social value activity. These will be developed and reviewed on an annual basis.

SOCIAL VALUE FRAMEWORK

COUNCIL PLAN PRIORITIES	SOCIAL VALUE OUTCOMES	TENDER QUESTIONS	
		HEADLINES	MEASURES
Extending opportunity, prosperity and planning for the future	Raising living standards for residents	Good jobs	No. of local people (FTE) employed on contract for one year or the whole duration of the contract, whichever is shorter, who are paid the Joseph Rowntree Living Wage (as a minimum)
		Skills	No. of training opportunities on contract (BTEC, City & Guilds, NVQ, HNC) that have either been completed during the year, or that will be supported by the organisation to completion in the following years - Level 2, 3 or 4+
	A strong local economy with employment and skills opportunities and a growing business base	Local jobs	No. of local people (FTE) employed on contract for one year or the whole duration of the contract, whichever is shorter
		Local Spend	Total amount (£) spent in local supply chain through the contract
		Apprenticeships	No. of apprenticeships on the contract that have either been completed during the year, or that will be supported by the organisation to completion in the following years - Level 2, 3 or 4+
Every child making the best start in life	Young people have the opportunity to develop skills and find worthwhile employment	Young people work advice	No. of hours dedicated to support young people into work (e.g. CV advice, mock interviews, careers guidance) - (under 24 y.o.)
		Unpaid work placements	No. of weeks on meaningful work placements or pre-employment course; 1-6 weeks student placements (unpaid)
		Paid work placements	Meaningful work placements that pay Minimum or National Living Wage according to eligibility - 6 weeks or more (internships)
		Care Leavers	No. of employees (FTE) taken on who are care leavers
		NEETs	No. of employees (FTE) taken on who are not in employment, education or training (NEETs)
		Young Offenders	No. of employees (FTE) taken on who are rehabilitating young offenders (18-24 y.o)
Every adult secure, responsible and empowered	Equality of opportunity for disadvantaged people and communities including disabled people	Long Term Unemployed	No. of employees (FTE) taken on who are long term unemployed (unemployed for a year or longer)
		Disabled adults	No. of jobs (FTE) created for people with disabilities
		Job skills for disabled people	No. of hours dedicated to supporting unemployed people into work by providing career mentoring, including mock interviews, CV advice, and careers guidance (over 24 y.o.)
A strong community in a clean, safe environment	Strengthened and sustainable community and voluntary organisations	Monetary donation to the VCS	Monetary donation, or equipment/resources in lieu, to voluntary or community organisations
		Business advice	Provision of expert business advice to voluntary or community organisations
	Greater environmental sustainability including accessible green public spaces	Waste	Commitment to reduce the use of single-use plastics
		Emissions	Savings in CO2 emissions on contract not from transport (specify how these are to be achieved).

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Committee Name and Date of Committee Meeting

Cabinet – 21 October 2019

Report Title

Strategy to Tackle and Prevent Child Exploitation

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

Yes

Strategic Director Approving Submission of the Report

Jon Stonehouse, Strategic Director of Children and Young People's Services

Report Author(s)

Rebecca Wall, Head of Safeguarding, Quality and Learning
01709 822588 or rebecca.wall@rotherham.gov.uk

Ward(s) Affected

Borough-Wide

Report Summary

The Strategy to Tackle and Prevent Child Exploitation 2019 - 2022 has been developed by the Multiagency partnership under the auspices of the Rotherham Safeguarding Children's Partnership (RSCP), which has replaced the former Rotherham Safeguarding Children's Board (RSCB). The strategy replaces the previous 3 year strategy to tackle Child Sexual Exploitation in Rotherham known as 'The Way forward for Rotherham 2015-2018'.

The strategy seeks to set out how the Rotherham Safeguarding Children's Board, Adults Safeguarding Board and Safer Rotherham Partnership will work together to tackle and prevent Child Sexual Exploitation, Child Criminal Exploitation and recognises the links with children going missing, Radicalisation, Human Trafficking, Honour Based Violence, Forced Marriage and Female Genital Mutilation (FGM).

The strategy reflects the most up to date approaches to Safeguarding and incorporates the lessons learnt from the past three years around what works in relation to CSE and how partners can utilise this learning to support us to tackle and prevent future Child Sexual Exploitation (CSE) and Child Criminal Exploitation (CCE).

The Strategy was signed off by the partnership at the June 2019 RSCB meeting. The work plan has been developed via the Child Exploitation Delivery Group which sits under the RSCP.

Recommendations

1. That the Rotherham Safeguarding Children Partnership's Strategy to Tackle and Prevent Child Exploitation be endorsed and the key priorities which will drive partnership working to tackle Child Sexual Exploitation and Child Criminal Exploitation over the next three years be noted.

List of Appendices Included

- Appendix 1 A Strategy to Tackle and Prevent Child Exploitation in Rotherham 2019-2022
- Appendix 2 Child Exploitation Work Plan 2019 -2022
- Appendix 3 Initial Equality Impact Analysis

Background Papers

Jay, Alexis (2014) 'Independent Inquiry into Child Sexual Exploitation in Rotherham'
Rotherham Safeguarding Children Board (2015) 'Child Sexual Exploitation: The Way Forward for Rotherham'
Ofsted (2014) 'The sexual exploitation of children: it couldn't happen here, could it?'

Consideration by any other Council Committee, Scrutiny or Advisory Panel
Overview and Scrutiny Management Board – 16 October 2019

Council Approval Required

No

Exempt from the Press and Public

No

Strategy to Tackle and Prevent Child Exploitation

1. Background

- 1.1 The Strategy to Tackle and Prevent Child Exploitation 2019 - 2022 has been developed by the Multiagency partnership under the auspices of the Rotherham Safeguarding Children's Partnership (RSCP). It replaces the previous three year strategy to tackle Child Sexual Exploitation in Rotherham known as 'The Way forward for Rotherham 2015-2018'.
- 1.2 The strategy seeks to set out how the RSCP, Adults Safeguarding Board and Safer Rotherham Partnership will work together to tackle and prevent Child Sexual Exploitation, Child Criminal Exploitation and recognises the links with children going missing, Radicalisation, Human Trafficking, Honour Based Violence, Forced Marriage and Female Genital Mutilation (FGM).

2. Key Issues

- 2.1 The strategy reflects the most up to date approaches to Safeguarding and incorporates the lessons learnt learned from the past three years around what works in relation to CSE and how the Council can utilise this learning to tackle and prevent future Child Sexual Exploitation and Child Criminal Exploitation.
- 2.2 The Strategy was signed off by the RSCP at the June 2019 RSCB meeting. The work plan has been developed via the Child Exploitation Delivery Group which sits under the RSCP. The work plan is a work in progress with the Child Exploitation Delivery group agreeing dates for completion. Final dates will be confirmed at the November meeting. The strategy and Work Plan come to Cabinet for endorsement.

3. Options considered and recommended proposal

- 3.1 The Strategy and Work Plan have come to Cabinet for endorsement. The aim is to ensure there continues to be a retained focus on CSE across Rotherham and that Rotherham's learning is used to support us to continue to effectively tackle and prevent CSE and CCE.

4. Consultation on proposal

- 4.1 The strategy has been developed by the partner agencies within the RSCP This includes close working with the Adults Safeguarding Board and Safer Rotherham Partnership. The strategy went out for consultation through May and June and was agreed at the RSCB Board meeting in June 2019.

5. Timetable and Accountability for Implementing this Decision

- 5.1 The Work Plan has been developed and the key performance indicators have been agreed. The Child Exploitation Delivery group will be the key driver in ensuring the work plan objectives are met. Timescales were discussed on the 12 September 2019 at the delivery group meeting and will be confirmed by all partners at the delivery group meeting in November.

6. Financial and Procurement Advice and Implications

- 6.1 There are no new specific financial implications linked to the Tackle and Prevent Child Exploitation strategy. It is expected that all actions outlined in the work plan will be undertaken from within existing budgets.
- 6.2 There are no known procurement implications arising from the recommendations in this report.

7. Legal Advice and Implications

- 7.1 There are no known legal implications arising from the recommendations in this report.

8. Human Resources Advice and Implications

- 8.1 There are no human resource implications in this report.

9. Implications for Children and Young People and Vulnerable Adults

- 9.1 The strategy recognises and reflects that there needs to be a joint approach across Rotherham and its partnerships to maximise the effectiveness of our response to Child Exploitation. Within Rotherham partners continue to live with and work with the survivors of abuse, both adults and children, which means everyone remains aware of the cost of not effectively tackling and preventing Child Sexual Exploitation.
- 9.2 The aim is for this strategy to support and clarify how the Council, agencies and wider partners will work together and hold each other to account to maximise prevention, disruption, protection and support.

10. Equalities and Human Rights Advice and Implications

- 10.1 The strategy highlights the learning the Council has taken from previous historic abuse in Rotherham and makes clear the intention that the partnership will see the child first and not the behaviour. This will support us to ensure that whatever the situation the partnership ensures that every child and young adult has the right protection and support; that perpetrators are held to account and seek to provide a safer Rotherham for our children and adults of tomorrow.

11. Implications for Partners

- 11.1 The strategy has been developed by the Partnership who are committed to ensuring that there is joint working to drive the work plan forward to achieve the agreed objectives.

12. Risks and Mitigation

- 12.1. The purpose of sharing the strategy across the partnership, Council and with all members is to minimise the risk posed by CSE and CCE. It supports a clear understanding of our commitment to tackling and preventing future child exploitation. This includes ensuring early identification and prevention; disruption, protection and prosecution; offering support and an avenue to victims and survivors to participate in shaping the services of the future.

13. Accountable Officers

Rebecca Wall, Head of Safeguarding, Quality and Learning
Jon Stonehouse, Strategic Director of Children and Young People's Services

Approvals obtained on behalf of Statutory Officers:-

	Named Officer	Date
Chief Executive	Sharon Kemp	07/10/19
Strategic Director of Finance & Customer Services (S.151 Officer)	Judith Badger	03/10/19
Head of Legal Services (Monitoring Officer)	Bal Nahal	01/10/19

*Report Author: Rebecca Wall, Head of Safeguarding, Quality and Learning
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This report is published on the Council's [website](#).

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A Strategy to Tackle and Prevent Child Exploitation in Rotherham

(Child Exploitation includes Child Sexual Exploitation, Child Criminal Exploitation, Radicalisation, Modern slavery, Human Trafficking and Honour Based Violence)

2019-2022

Contents

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2. The Safeguarding Context	4
3. Working together	5
4. Key objectives and key actions	7
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A Strategy to Tackle and Prevent Child Exploitation in Rotherham 2019-2021

1. Introduction - The journey so far

In 2014 the publication of the 'Jay Report' (Independent Inquiry into Child Sexual Exploitation in Rotherham¹) highlighted a level of concern around organised child Sexual abuse in Rotherham that seemed to be on an unprecedented scale. Within Rotherham the RLSCB developed the previous CSE strategy '*The Way Forward for Rotherham*' (2015-2018)². This strategy reflected the agreed accountability and grip that the partnership wanted to demonstrate to ensure there were lessons learnt, that victims were heard and that there was a different 'way forward'. The key tenets were that the child was at the centre and the key objectives were to PREVENT CSE; PROTECT children; PURSUE perpetrators; PROVIDE support to victims – historical and recent and to ensure we hear their voices (PARTICIPATION).

'The Way forward' highlighted the strategic commitment as to how the Partnership would work together to address CSE in Rotherham in relation to historical and current victims. The delivery of this on an operational level is reflected in the development and evolution of the EVOLVE service. This comprised of a Multi-agency Service created to offer a preventative, investigative and safeguarding response to children at risk of, and who have been or are being abused through CSE.

In 2019 it has been five years since the publication of the Independent Inquiry into Child Sexual Exploitation in Rotherham. The EVOLVE service, true to its name, has continued to evolve from an investigative team to a service that fully supports the Rotherham's 5 P's through partnership working. The EVOLVE team offers a co-working service for young people open to Children and Young Peoples' Services, that focuses on Trauma stabilisation as confidence around the understanding and grasp of CSE identification and assessment by the CYPS fieldwork team has strengthened. Co-located with Police, Health Partners and Barnardo's there is a real connection between supporting the investigation and providing support to work with families to keep young people safe, and to develop young people's skills and awareness around safe and healthy relationships. The recognition of CSE teams offering a co-working practice as the most effective way to support victims of CSE is identified in the 2014 Ofsted Thematic report³.

¹ Jay, Alexis (2014) '[Independent Inquiry into Child Sexual Exploitation in Rotherham](#)'

² Rotherham Safeguarding Children Board (2015) '[Child Sexual Exploitation: The Way Forward for Rotherham](#)'

³ Ofsted (2014) '[the sexual exploitation of children: it couldn't happen here, could it?](#)'

For historical victims (between 1997 – 2013) there is Operation Stovewood, led by the National Crime Agency (NCA) The operation has demonstrated its success via the number of arrests achieved, the number of on-going investigations and the positive on-going identification and support of victims, and identification of perpetrators. The original estimate of historical victims of CSE by Alexis Jay in 2014 was 1,400; the latest figure from the NCA identified 1,523 potential victims. South Yorkshire Police lead on the investigations from 2014 onwards and work closely with the NCA to manage and support arrests. Operation Stovewood should not be considered purely a 'historical' investigation, as the profiles of the suspects (many of whom are still under 40 years of age) indicate that not only are past victims still at risk, but that there is a continuing threat to current and future generations of children.

Key in relation to both Stovewood and the EVOLVE service is the learning that we have continued to carry forward. This demonstrates an on-going tenacity to check and challenge ourselves and individual agencies and as a partnership to where we are in our understanding and response to CSE. A recent Multi-agency CSE Audit highlighted that there was no child found to be at risk of significant harm that had not been identified and responded to effectively. The existing structures have allowed a real focus on training and awareness, oversight of complex investigations, improving community awareness, work to reduce safeguarding risks related to repeat missing episodes and a focus on need led commissioning of services There has also been an agreed performance scorecard developed, supported by a sharing and generation of intelligence and information across the partnership to provide a focused safeguarding response. Enforcement and disruption activity has also been planned and evaluated by the partnership to support maximise impact relating to victim, offender and where appropriate, location. The cohort of young people involved with the EVOLVE service has stabilised over the past 12 months and there is a very low level of referrals back into the service. This highlights the overall positive impact of the safeguarding response, intervention and disruption.

There are areas that we continue to seek to strengthen; for example our understanding of the constantly changing impact of technology and social media on abuse and the immediacy of the harm and risk as a result. We are seeking to promote more child led prosecutions and consider how we understand the impact of the abuse, the trauma it leaves in its wake and to be trauma informed in both our language and practice

2. The Safeguarding Context

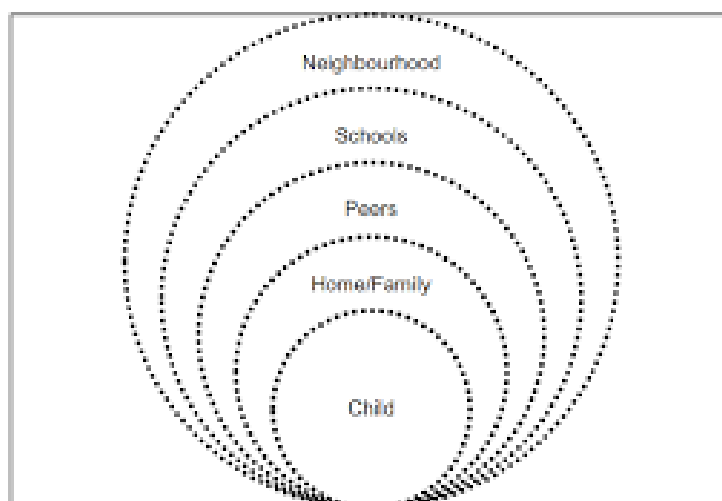
The development of this strategy reflects the continued learning journey across the partnership in Rotherham and the development in our understanding of CSE and other forms of exploitation. This strategy seeks to refresh the partnership commitment to ensuring that CSE remains a key priority, whilst also acknowledging the increasing impact and recognition of Child Criminal Exploitation (CCE) and how this presents us with renewed

challenges around how we work with children and families to tackle the extra-familial risks that children face.

The partnership vision remains **seeing the child first – not the behaviour**; to consider the child within, but also beyond their home environment. This is an important message from Rotherham survivors of historical CSE; that we need to listen to and see the child. The partnership wants to offer an assessment of need and risk; to ensure an offer of support that includes a safety plan within their family and community, where it is safe to do so, in the knowledge that this supports better long term outcomes. This means there is a particular emphasis on pursuing perpetrators, intervening with and supporting families, and building safer communities.

On a National level over the past 5 years there has been an increased awareness and naming of the risks that sit beyond the family, within our communities, both geographical and online. In a world where young people form relationships quickly and are heavily influenced by their peer group, the safeguarding challenges in relation to child exploitation have increased and our understanding of them has developed. This includes CSE, Child Criminal Exploitation (also known as county lines), radicalisation, modern slavery, human trafficking and honour based violence. The risks posed to young people beyond their family are often also referred to as **contextual safeguarding**. This is an approach that *'...recognises that the different relationships that young people form in their neighbourhoods, schools and online can feature violence and abuse.'* (Firmin, 2017)⁴

The diagram below highlights the contexts in which our children live and the layers that can support but also be the source of harm and vulnerability.



⁴ Firmin, C (2017) ['Contextual Safeguarding: an Overview of the Operational, strategic and conceptual framework'](#)

(Fig.1 Carlene Firmin (2013:47) Contexts of Adolescent Safety and Vulnerability)⁵

Child Criminal Exploitation (also known as County lines) has grown in public awareness over the past 5 years. There has been a growing recognition in relation to the exploitation of children as young as 11 by organised crime groups/gangs, with children used to transport and deal drugs as their age means they may go under the radar of the police more readily. This exploitative relationship has been developed by a variety of means; for example, befriending, grooming, threats to the child and their families, creating debt and acts of violence. In a similar vein to CSE, young people involved in CCE often struggle to see themselves as exploited, or to be able to seek help and support due to the threat posed and being enmeshed in gang culture/lifestyle. Like CSE, CCE requires a way of working that recognises that significant harm can be extra-familial and be linked to the community, associations and links beyond the boundaries of the area in which they reside.

3. Working together

The experiences that we have heard from the victims of CSE, the learning from the evolution of the EVOLVE partnership arrangements and Operation Stovewood, has provided the Rotherham Partnership with a learning and development experience not usually encountered by many other partnerships in terms of the scale and enormity of the concerns around CSE. This is the learning that we as a partnership want to apply to Child Criminal Exploitation (CCE).

This strategy seeks to acknowledge the clear links between Child Sexual Exploitation, Child Criminal Exploitation, and exploitation into radicalisation and extremism. In addition, the Strategy will also consider Honour Based Violence and Forced Marriage, and Female Genital Mutilation and the preventative and protective role the wider community can play within these complex safeguarding concerns. The national research and our learning from working with CSE is that to ensure there is the right safeguarding response we have to not only consider the risks posed by the immediate family, but also the strong and often very influential links to the wider family, community and the role of culture in parenting norms and serious safeguarding issues. The importance of aligning this commitment at a strategic partnership level was also highlighted in a recent Serious Case Review completed by Newham LSCB in August 2018⁶. Following the murder of young male victim of CCE the SCR puts forward a call to all partners to '*Strategically and operationally realign work with young people at risk of CCE with CSE*' (Hill, p.53).

⁵ Firmin, C (2013) 'Something Old or Something New: Do Pre-Existing Conceptualisations of Abuse Enable a Sufficient Response to Abuse in Young People's Relationships and Peer Groups?' In M. Melrose and J. Pearce, *Critical Perspectives on Child Sexual Exploitation and Related Trafficking* (pp.38-51). Hampshire: Palgrave Macmillan.

⁶ Hill, N – on behalf of Newham Local Safeguarding Children Board (2018) '[Serious Case Review – Chris. Overview Report – August 2018](#)'

This strategy acknowledges that CSE and CCE both rely on a safeguarding approach that recognises the complexity and challenges in managing a risk of harm from outside of the family and that there needs to be a coordinated partnership response, that sees the child first, looks beyond behaviour seen as risk taking or criminal and seeks to consider the spaces and communities in which our young people live; understanding their network, what safety means for them.

The role of the Safer Rotherham Partnership (SRP) - A contextual safeguarding approach leads the partnership to consider safeguarding in public spaces; this supports effective earlier identification of risks for groups and individuals and provides opportunities to disrupt and protect where effective intelligence from the police and communication between the Partnerships supports the focus of community safety plans to remain relevant and update to date. The previous CSE strategy and work plan clearly recognised the role of the Safer Rotherham Partnership Board in delivering these key objectives and this is an area of work that continues to be strengthened through its joint working with the CSE LSCB sub group, now reconfigured as the Child Exploitation Delivery Group, work together as a partnership to continue to improve effectiveness.

The role of Adults and importance of Transitional Safeguarding - Adolescents form a large proportion of those who are affected by exploitation. We know that contextual risks do not cease when a young person turns 18, and therefore it is key to ensure a role for the Adults Safeguarding Board within this strategy – to implement clear transitional pathways of support for vulnerable young people as they turn 18.

This document seeks to build on the work of the previous strategy in supporting a clear line of accountability in relation to Child Sexual Exploitation, and to build on this by utilising our learning to support an effective broader Child Exploitation strategy that aligns, where appropriate, objectives and activities to maximise the opportunities we have to PREVENT Child Exploitation, PROTECT young people from abuse PURSUE perpetrators of exploitation, PROVIDE support and promote the voices of the young people we seek to protect and promote meaningful PARTICIPATION.

4. Key Objectives and Actions

Rotherham will build on current momentum and work tirelessly to do everything we can, collectively, to:

- **Prevent** children and young people from child Exploitation through effective leadership, governance and a wider culture embedded within

organisations and communities that recognises the root causes of CSE, the signs and risk indicators and do all they can to tackle them

- **Protect** children and young people who are at risk of all forms of Child Exploitation as well as those who are already victims and survivors
- **Pursue**, relentlessly, perpetrators of child exploitation, leading to prosecutions of those responsible, and ensure there is effective risk management of perpetrators in the community and the region
- **Provide support** for survivors of Child Exploitation, recognising the importance of trauma informed practice, ensuring their needs are met
- Ensure the **participation** of all children and young people, their families and communities and community leaders, in awareness raising. To ensure their voices as well as the voices of survivors are heard and responded to in reviewing and coproducing services.

Annually, the Child Exploitation Delivery Group will revisit and review the work plan which sits beneath the key objectives. This will ensure action to develop and provide a targeted response to emerging themes from practice; including single, multiagency audit and or national learning reviews and research, are used to strengthen practice and outcomes.

The current 2019 - 2020 work plan focuses on the following actions:

Objective 1: Safeguarding Vulnerable Children (SRP Priority 1)

Ensure we have in place effective early identification services and intervention embedded within communities to minimise the occurrence and harm linked to CSE and CCE.

This will be delivered through:

- Embedding Child Exploitation awareness across Rotherham; the Partnership, Workforce, with families, young people, schools and communities. – Rotherham wide awareness campaign around CSE and CCE
- Developing communities to have a challenging and active role – ‘See Something, Say something’ strategy/campaign.
- Promoting the Early Help assessment as a key tool to support the early identification and intervention by universal and targeted services to reduce the likelihood that children will be harmed via Child Exploitation – ongoing learning and development offer around the EHA
- Development of a Child Exploitation competency framework for practitioners across the partnership workforce – ensuring there our workforce is trained to identify and act on early indicators around CSE and CCE and understand their role in the Safeguarding process.
- Ensure we focus on the right interventions at the right time – using audit and review to ensure that practice maximises early intervention and prevention – Multiagency audit
- Support workforce and community awareness of cyber links in relation to prevention around CSE, CCE, Radicalisation, FGM and Honour based violence.
- Use partnership data, including intelligence, to ensure there is targeted intervention in communities to disrupt and offer an early intervention strategy around CCE and CSE.

Objective 2: Support to Victims and Survivors

Ensure we review and evaluate the impact of the whole range of services for people affected by Child Exploitation

This will be delivered through:

- A clear comprehensive Multiagency map of all Services available for those at young people at risk of or experiencing Child Exploitation. – CAMHS Trauma Pathway – PCC Regional CCE project
- Contribution to a level of independent check and challenge around the effectiveness of current services in reducing Child Exploitation in Rotherham – Barnardo’s evaluation

and next steps for Trusted relationships – Development of Quality Assurance and oversight of commissioned services

- Ensure service development and the commission of any services is based on an established evidence (intelligence and data set)– including audit outcomes and service user feedback
- A key focus will continue to be around the development of bespoke support for survivors of abuse, recognising the significant long-term impact this trauma can have – CAMHS Trauma Pathway – EVOLVE Service – the role of Early Help Assessment
- Focus on services that strengthen families and their awareness of child Exploitation – in recognition that child’s outcomes are usually best met within their family network – Rotherham Family Approach across the partnership.

Objective 3: Learning & Development

Assurance that the right learning and development offer is in place around all areas of Child Exploitation across Rotherham as a community and the partnership

This will be delivered through:

- Development of a Competency framework around Child Exploitation to support consistency across the training offer across the partnership workforce
- Ensuring the Multiagency Training offer reflects developments in practice and research and supports effective identification, assessment and prevention or safeguarding where needed – to include all single agency training leads in a bi-annual Child Exploitation learning and sharing event to provide a joined up learning offer for all agencies, families, children and communities.
- Effective review of the learning offer and sharing of lessons learned - via multiagency audit
- Working with families and practitioners to improve community resources - especially around the use of technology and Child Exploitation
- A partnership review of the education offer to all young people around CSE and CCE – to ensure that we support the young people of Rotherham to have the best start in understanding healthy relationships and keeping safe on line.

Objective 4: Child Protection and Detection of Crime

To ensure that the processes and practice in place effectively protect children when Child Exploitation is suspected or confirmed, as well as effective working arrangements to ensure that perpetrators are identified and brought to justice

This will be delivered through:

- South Yorkshire Police's ongoing Child Centred policing.
- Ensuring that we are trauma informed through all of our processes; that we do not victim blame especially around how we talk about risk and young people. – review of the EVOLVE risk assessment
- Evidencing that children who are at risk of, or who are experiencing Child Exploitation receive interventions that reduce risk in a timely way. – The further development of the CSE multiagency scorecard to become the Child Exploitation scorecard – single and Multiagency Audit
- Providing evidence of effective prosecution and disruption activity in relation to Child Exploitation related crime in the borough. – Child Exploitation Scorecard and the Local Policing intelligence
- The on-going collection of service user feedback from children and families, considering the impact of practice on children, young people and their families as well as perpetrators of abuse

Objective 5: Operation Stovewood

Having in place the right strategic and operational arrangements to ensure that investigations around large scale historic abuse in the borough connect effectively to processes for current work with children and survivors

This will be delivered through:

- The continued review and refinement of processes and pathways so support effective sharing and recording of information about people who pose a risk, known to Operation Stovewood.
- For the Child Exploitation delivery group to continue to lead on ensuring the systematic learning from experiences of Operation Stovewood are embedded into current / future practice.

- Ensure we continued to engage with service users and communities to consider the wider impact of large scale operations and how we can improve practice.

Objective 6: Complex Abuse

To ensure that where there is concern around complex and/or organised abuse network that this is identified and understood, effectively managed, investigated and resolved

This will be delivered through:

- Through the provision of effective and visible complex abuse processes that all Multi-agency practitioners understand, and recognise the role they will have in this process
- That the Partnership supports effective learning from any complex abuse process

5. Definitions of Exploitation

For the purposes of clarity and understanding these are they key definitions as agreed across the partnership in relation to child exploitation.

Child sexual exploitation; *‘child sexual exploitation is a form of child sexual abuse. It occurs where an individual or group takes advantage of an imbalance of power to coerce, manipulate or deceive a child or young person under the age is 18 into sexual activity (a) in exchange for something the victim needs or wants, and/or (b) for the financial advantage or increased status of the perpetrator or facilitator. The victim may have been sexually exploited even if they sexual activity appears consensual. Child sexual exploitation does not always involve physical contact; it can also occur through the use of technology’* (DfE, 2017⁷).

Child sexual exploitation is a form of sexual abuse; children may believe they are in a loving relationship and do not always realise or understand that they are being abused (NSPCC, 2019⁸)

Child criminal exploitation; *‘Child criminal exploitation occurs where an individual or group takes advantage of an imbalance of power to coerce, control, manipulate or deceive a child or young person under the age of 18. The victim may have been criminally exploited even if*

⁷ Department for Education (2017) [‘Child sexual exploitation: Definition and a guide for practitioners, local leaders and decision makers working to protect children from child sexual exploitation’](#).

⁸ NSPCC (2019) [‘Child Sexual Exploitation; what is child sexual exploitation?’](#)

the activity appears consensual. Child Criminal Exploitation does not always involve physical contact; it can also occur through the use of technology' (Home Office, 2018⁹).

Child Trafficking; child trafficking is defined as the *'recruitment, transportation, transfer, harbouring or receipt'* or a child for the purpose of exploitation (definition from the United Nations Palermo Protocol, ECPAT UK, 2017)¹⁰. Children can be trafficked for child sexual exploitation, benefit fraud, forced marriage, domestic servitude, and forced labour and criminal activity. Many children are trafficked into the UK however trafficking can take place within the UK (NSPCC, 2019)

The **Modern Slavery Act (2015)** categorises offences of slavery, servitude and forced or compulsory labour and human trafficking.

Whilst exploitation of children can take place in isolation (one-on-one or via the internet), the sexual and/or criminal exploitation and trafficking of children can (and often does) also take place in groups and/or gangs. Children may be victim to multiple types of exploitation, and as outlined throughout this strategy, there are clear links between different types of child exploitation – for example, a young person may be a victim of sexual exploitation, and criminal exploitation (see examples outlined below).

Radicalisation; refers to Home Office refers to Radicalisation as *"the process of adopting an extremist belief system and willingness to use, support or facilitate violence and fear as a method of affecting change in society."*

The Safeguarding and Radicalisation research report from August 2017 reflects that the *'Radicalisation of children and young people is an area of growing concern within the UK. Yet (as with much other harm dealt with by safeguarding and child protection services) the issue is complicated, not least because individuals who become radicalised do not follow a single pathway'*. The report recognises the similarities with CSE, but reflects that a bespoke response still needs to be in place to ensure effective disruption.

Forced Marriage and Honour Based Violence; *'a forced marriage is where one of both people do not (or in cases of people with learning disabilities or reduced capacity, cannot) consent to the marriage as they are pressurised, or abuse is used, to force them to do so. It is recognised in the UK as a form of domestic or child abuse or child abuse and a serious abuse of human rights'* (Home Office, 2018)¹¹.

Children who are missing: Missing is defined as *'anyone whose whereabouts cannot be established whatever the circumstances of disappearance and where the circumstances are out of character, or the context suggests the person may be a subject of crime or at risk of*

⁹ Home Office (2018) ['Criminal Exploitation of children and vulnerable adults: County Lines guidance'](#)

¹⁰ ECPAT (2017) ['What is child trafficking?'](#)

¹¹ Home Office (2018) ['Guidance; Forced Marriage. How to protect, advise and support victims of forced marriage – information and practice guidelines for professionals'](#)

harm to themselves or another (RLSCB Tri-X, 2018¹²). Further *'missing children will be categorised as 'absent' if they are not at a place where they are supposed to be and there is no apparent risk'*

There are identified links between **children and young people who go missing from both home and school** (and also children who are outside of mainstream education system – for example, attending pupil referral units) and child exploitation.

Contextual Safeguarding Over the past 5 years the University of Bedfordshire have been developing the concept of 'Contextual Safeguarding'. This is defined by the Contextual Safeguarding Network¹³ as *'Young peoples' experiences of significant harm from beyond the family'* and highlights that a *'different safeguarding response is needed'*. This is noted to require the *'involvement of engaging with individuals and organisations that have influence around those contexts – community and public spaces, responses to crime and those who make the safeguarding decisions'*¹⁴.

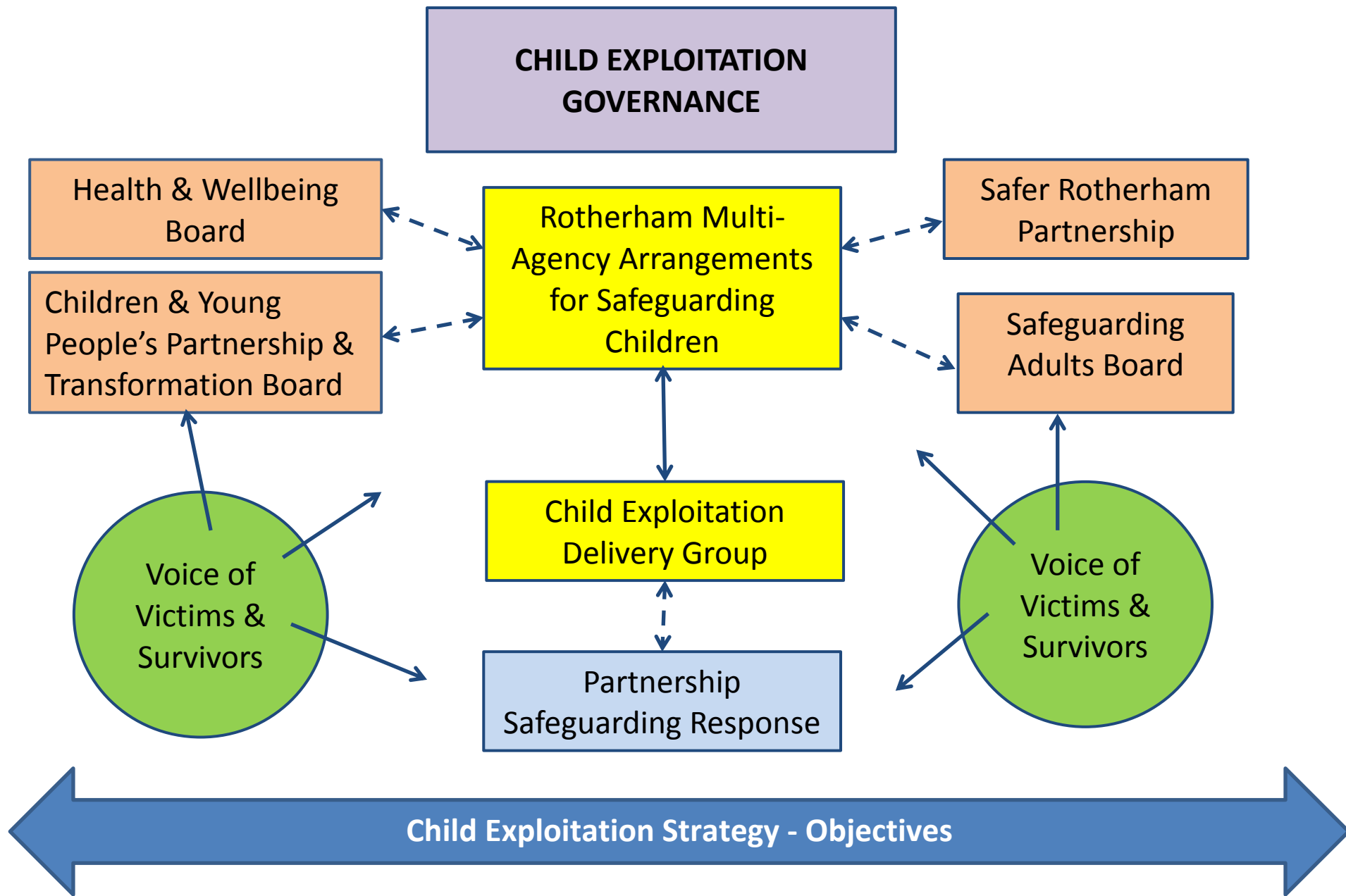
6. Governance

The response to CSE has highlighted a clear need to ensure that there is not just a response from within the local Multi-Agency Arrangements for Safeguarding Children, but that there is a coordinated strategic response and oversight in relation to the role of early identification, prevention and disruption linked to victims, offenders and locations. These are key areas which are of interest to and within the priorities of both the Safer Rotherham Partnership and the Health and Well-being Board. There is also recognition relating to the added vulnerability of transition, from school to work, from childhood to adulthood and a clear acknowledgement that the risks from and impact of exploitation do not change or stop when a child becomes 18yrs of age and therefore, the Safeguarding Adults Board is also a key stakeholder delivering this strategy.

¹² Rotherham Local Safeguarding Children Board Procedures ['2.3.1 Safeguarding Children and Young People who are Missing from Home and Care'](#)

¹³ <https://www.contextualsafeguarding.org.uk/>

¹⁴ Firmin, C (2017) ['Contextual Safeguarding: an Overview of the Operational, strategic and conceptual framework'](#)





Work Plan for Child Exploitation Delivery Group 2019-2022

Key to BRAG Rating Progress of Actions

BLUE = The task has been completed.

GREEN = The task is on target.

AMBER = The task is off target with remedial action.

RED = Work has yet to be / planned / started / progressed.

Actions in bold are ascribed to this sub-group in the Rotherham Safeguarding Board Business Plan

Work Plan 2019/22

Child Exploitation Delivery Group

Chair:- Steve Chapman
Rotherham Superintendent South
Yorkshire Police

Objective 1: Safeguarding Vulnerable Children (SRP Priority 1) Rebecca Wall Sam Barstow									
Ensure we have in place effective early identification services and intervention embedded within communities to minimise the occurrence and harm linked to CSE and CCE.									
Action	Date Commenced	Accountable Agency/Accountable Lead Person	Target Date	Date Achieved	Evidence / KPIs	BRAG Rating			
						R	A	G	B
<ul style="list-style-type: none"> Embedding Child Exploitation awareness across Rotherham; the Partnership, Workforce, with families, young people, schools and communities. – Rotherham wide awareness campaign around CSE and CCE Developing communities to have 		Rebecca Wall/ Sam Barstow			How many staff from each agencies have accessed the awareness raising E-Learning Level 1 Level 2 Level 3				
		Sam Barstow/ Phil Morris			Evidence – Comms plan				

<p>and understand their role in the Safeguarding process.</p> <ul style="list-style-type: none"> • Ensure we focus on the right interventions at the right time – using audit and review to ensure that practice maximises early intervention and prevention – Multiagency audit • Support workforce and community awareness of cyber links in relation to prevention around CSE, CCE, Radicalisation, FGM and Honour based violence. • Use partnership data, including intelligence, to ensure there is targeted intervention in communities to disrupt and offer an early intervention strategy around CCE and CSE. 		<p>Rebecca Wall/ Phil Morris</p> <p>Sam Barstow</p> <p>Sam Barstow / Steve Chapman</p>			<p>Evidence - Multiagency and single agency Audit around CSE and CCE</p> <p>Number of workforce trained linked to CSE CCE HBV FGM Radicalisation</p> <p>Community Comms plan</p> <p>CSE profile CCE tracker RSCB agreed scorecard including SYP disruption activity</p>				
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Objective 1 Key Performance Data	Number of referrals where CSE is an indicator					Q3	Q4	Q1	Q2
	Number of Referrals where CCE is an indicator								
	Number of Completed EH assessments								
	Number of staff accessing CSE / CCE training								
	Number of Community awareness of engagement activities								

Objective 2: Support to Victims and Survivors Catherine Hall

Ensure we review and evaluate the impact of the whole range of services for people affected by Child Exploitation

Action	Date Commenced	Accountable Agency/Accountable Lead Person	Target Date	Date Achieved	Evidence / KPIs	BRAG Rating			
						R	A	G	B
<ul style="list-style-type: none"> A clear comprehensive Multiagency map of all Services available for those at young people at risk of or experiencing Child Exploitation. – CAMHS Trauma Pathway – PCC Regional CCE project 		Catherine Hall– all agencies to contribute			Map of services developed				

<p>Service – the role of Early Help Assessment</p> <ul style="list-style-type: none"> Focus on services that strengthen families and their awareness of child Exploitation – in recognition that child’s outcomes are usually best met within their family network – Rotherham Family Approach across the partnership. 		Rebecca wall			<p>Review of CP Process in line with Contextual safeguarding – to support strengthening families.</p> <p>Reduction in number of children subject to CP Planning linked to Sexual abuse / CSE</p> <p>Rotherham Family Approach training across the partnership No of professionals involved in training /development activity</p>				
Objective 2 Key Performance Data	% of Commissioned service audits completed where level if good or above/ achieved					Q3	Q4	Q1	Q2
	Service user feedback % rating the service as Good or above								
	Number of young people offered a therapeutic service in relation to CSE or CCE								

	Number of children subject to CP Planning linked to Sexual abuse / CSE (reducing)				
	No of professionals involved in Rotherham Family Approach training /development activity				

Objective 3: Learning & Development Rebecca Wall

Assurance that the right learning and development offer is in place around all areas of Child Exploitation across Rotherham as a community and the partnership

Action	Date Commenced	Accountable Agency/Accountable Lead Person	Target Date	Date Achieved	Evidence / KPIs	BRAG Rating			
						R	A	G	P
<ul style="list-style-type: none"> Development of a Competency framework around Child Exploitation to support consistency across the training offer across the partnership workforce Ensuring the Multiagency Training offer reflects developments in practice and research 		Rebecca Wall			Competency Framework				
		Rebecca Wall			Child Exploitation Education Safeguarding Forum – Bi annual				

<p>and supports effective identification, assessment and prevention or safeguarding where needed – to include all single agency training leads in a bi-annual Child Exploitation learning and sharing event to provide a joined up learning offer for all agencies, families, children and communities.</p> <ul style="list-style-type: none"> • Effective review of the learning offer and sharing of lessons learned 		<p>Rebecca Wall</p>			<p>Number of partnership staff accessing Lessons learned training</p> <p>No of single or multi-agency Audits in relation to CSE& CCE</p> <p>No of single or Multi-agency audits HBV; Forced Marriage;</p>				
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<ul style="list-style-type: none"> Working with families and practitioners to improve community resources - especially around the use of technology and Child Exploitation A partnership review of the education offer to all young people around CSE and CCE – to ensure that we support the young people of Rotherham to have the best start in understanding healthy relationships and keeping safe on line. 		<p>Rebecca Wall/Sam Barstow</p> <p>Steve Chapman</p> <p>Rebecca Wall & Aileen Chambers</p>			<p>Radicalisation; Missing</p> <p>Number of practitioners attending the safeguarding training around Technology and exploitation</p> <p>(being explored)SYP data around which Apps are be used in exploitative activity</p> <p>Child Exploitation Education Safeguarding Forum – Bi annual</p>				
Objective 3 Key Performance Data	Number of partnership staff accessing Lessons learned training					Q3	Q4	Q1	Q2

	No of single or multi-agency Audits in relation to CSE& CCE				
	No of single or Multi-agency audits HBV; Forced Marriage; Radicalisation; Missing				
	Number of practitioners attending the safeguarding training around Technology and exploitation				
	(being explored)SYP data around which Apps are be used in exploitative activity				

Objective 4: Child Protection and Detection of Crime – Steve Chapman

To ensure that the processes and practice in place effectively protect children when Child Exploitation is suspected or confirmed, as well as effective working arrangements to ensure that perpetrators are identified and brought to justice

Action	Date Commenced	Accountable Agency/Accountable Lead Person	Target Date	Date Achieved	Evidence / KPIs				
						R	A	G	B
<ul style="list-style-type: none"> • South Yorkshire Police’s ongoing Child Centred policing. • Ensuring that we are trauma informed through all of our processes; that we do not victim blame 		Steve Chapman Rebecca Wall			Review of the CSE and CCE Toolkit and assessment process. Followed by				

<p>especially around how we talk about risk and young people. – review of the EVOLVE risk assessment</p> <ul style="list-style-type: none"> Evidencing that children who are at risk of, or who are experiencing Child Exploitation receive interventions that reduce risk in a timely way.– single and Multiagency Audit 		<p>Rebecca Wall</p>			<p>Implementation</p> <p>Multiagency Audit of the toolkits to demonstrate more effective Trauma informed practice.</p> <p>Feedback from young people involved with EVOLVE – YOT</p> <p>Clear measures agreed.</p> <p>Length of time to move from High to medium and medium to low risk CSE - reduction in time shows effective intervention</p> <p>In line with positive multiagency and single agency outcome from Audit</p> <p>Reduction in Missing</p>				
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<ul style="list-style-type: none"> • Providing evidence of effective prosecution and disruption activity in relation to Child Exploitation related crime in the borough. 		Steve Chapman			<p>cohort</p> <p>Increase in percentage offered of Young people offered a Return home interview</p> <p>Effective data set from SYP to evidence intervention to include</p> <p>Number of CSE related arrests</p> <p>Number of CCE related arrests</p> <p>Number of CSE related prosecutions</p> <p>Number of CCE related prosecutions</p> <p>Number of CCE related Convictions</p> <p>Number of CSE related convictions</p> <p>Number of abduction</p>				
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<ul style="list-style-type: none"> The on-going collection of service user feedback from children and families, considering the impact of practice on children, young people and their families as well as perpetrators of abuse. 		Theresa Brocklehurst			<p>Notices</p> <p>Number of disruptive orders (SOPO's etc)</p> <p>All agencies have a clear service user feedback related to young people involved in CE</p>				
Objective 4 Key Performance Data	Number of strategy meetings held in relation to CSE Number of strategy meetings in relation to CCE Number of Strategy meetings in relation to CSE which progress to S47 Number of Strategy meetings in relation to CCE which progress to S47					Q3	Q4	Q1	
Number of Medium or high risk CSE assessments									
(being developed) Number of Medium of high risk CCE assessments									
Length of time to move from High to medium and medium to low risk CSE - reduction in time shows effective intervention									
(being developed) Length of time to move from High to medium and medium to low risk CCE - reduction in time shows effective intervention									

<ul style="list-style-type: none"> • The continued review and refinement of processes and pathways so support effective sharing and recording of information about people who pose a risk, known to Operation Stovewood. • For the Child Exploitation delivery group to continue to lead on ensuring the systematic learning from experiences of Operation Stovewood are embedded into current / future practice. • Ensure we continued to engage with service users and communities to consider the wider impact of large scale operations and how we can improve practice. 		<p>Cath Blane</p> <p>Cath Blane – all partners</p>			<p>Number of sub-operations</p> <p>Number of arrests</p> <p>Number of prosecutions</p> <p>Number of convictions per quarter</p>				
Objective 5 Key Performance Data	Number of Stovewood sub-operations					Q3	Q4	Q1	Q2

	Number of Stovewood arrests				
	Number of Stovewood prosecutions				
	Number of Stovewood convictions per quarter.				

Objective 6: Complex Abuse Rebecca Wall

To ensure that where there is concern around complex and/or organised abuse network that this is identified and understood, effectively managed, investigated and resolved

Action	Date Commenced	Accountable Agency/Accountable Lead Person	Target Date	Date Achieved	Evidence / KPIs	BRAG Rating			
						R	A	G	B
<ul style="list-style-type: none"> Through the provision of effective and visible complex abuse processes that all Multi-agency practitioners understand, and recognise the role they will have in this process That the Partnership 		Rebecca Wall			Number of considered Complex abuse cases				

supports effective learning from any complex abuse process					Number of learning events around the lessons learned from the complex abuse process				
Objective 6 Key Performance Data						Q3	Q4	Q1	Q2
	Number of considered Complex abuse cases								
	Number of learning events around the lessons learned from the complex abuse process								

Version Control:

Date	Version	Author	Updates	Date to CE group
18.7.19	1	Rebecca wall		

PART A - Initial Equality Screening Assessment

As a public authority we need to ensure that all our strategies, policies, service and functions, both current and proposed have given proper consideration to equality and diversity.

A **screening** process can help judge relevance and provide a record of both the process and decision. Screening should be a short, sharp exercise that determines relevance for all new and revised strategies, policies, services and functions.

Completed at the earliest opportunity it will help to determine:

- the relevance of proposals and decisions to equality and diversity
- whether or not equality and diversity is being/has already been considered, and
- whether or not it is necessary to carry out an Equality Analysis (Part B).

Further information is available in the Equality Screening and Analysis Guidance – see page 9.

1. Title	
Title: Strategy to Tackle and Prevent Child Exploitation	
Directorate: Rotherham Safeguarding Children's Partnership (CYPS lead)	Service area: Safeguarding
Lead person: Rebecca Wall – Head of Safeguarding	Contact number: 22588 (Internal)
Is this a:	
<input checked="" type="checkbox"/> Strategy / Policy	<input type="checkbox"/> Service / Function
<input type="checkbox"/> Other	
If other, please specify	

2. Please provide a brief description of what you are screening

The Strategy to Tackle and Prevent Child Exploitation 2019 - 2022 has been developed by the Multiagency partnership under the auspices of the Rotherham Safeguarding Children's Board (RSCB - now known as the Rotherham Safeguarding Children's Partnership). It replaces the previous 3 year strategy to tackle Child Sexual Exploitation in Rotherham known as 'The Way forward for Rotherham 2015-2018'.

The strategy seeks to set out how the Rotherham Safeguarding Children's Board, Adults Safeguarding Board and Safer Rotherham Partnership will work together to tackle and prevent Child Sexual Exploitation, Child Criminal Exploitation and recognises the links with children going missing, Radicalisation, Human Trafficking, Honour Based Violence, Forced Marriage and Female Genital Mutilation (FGM).

3. Relevance to equality and diversity

All the Council's strategies/policies, services/functions affect service users, employees or the wider community – borough wide or more local. These will also have a greater/lesser relevance to equality and diversity.

The following questions will help you to identify how relevant your proposals are.

When considering these questions think about age, disability, sex, gender reassignment, race, religion or belief, sexual orientation, civil partnerships and marriage, pregnancy and maternity and other socio-economic groups e.g. parents, single parents and guardians, carers, looked after children, unemployed and people on low incomes, ex-offenders, victims of domestic violence, homeless people etc.

Questions	Yes	No
Could the proposal have implications regarding the accessibility of services to the whole or wider community?		X
Could the proposal affect service users?		X
Has there been or is there likely to be an impact on an individual or group with protected characteristics?		X
Have there been or likely to be any public concerns regarding the proposal?		X
Could the proposal affect how the Council's services, commissioning or procurement activities are organised, provided, located and by whom?		X
Could the proposal affect the Council's workforce or employment practices?		X

If you have answered no to all the questions above, please explain the reason

The aim of the strategy is to support a clear partnership agreed approach to tackling all forms of child exploitation.

If you have answered **no** to **all** the questions above please complete **sections 5 and 6**. If you have answered **yes** to any of the above please complete **section 4**.

4. Considering the impact on equality and diversity

If you have not already done so, the impact on equality and diversity should be considered within your proposals before decisions are made.

Considering equality and diversity will help to eliminate unlawful discrimination, harassment and victimisation and take active steps to create a discrimination free society by meeting a group or individual's needs and encouraging participation.

Please provide specific details for all three areas below using the prompts for guidance and complete an Equality Analysis (Part B).

- **How have you considered equality and diversity?**

There has been careful consideration and consultation across the partnership. Each partner and agency has contributed to the development of the strategy and carefully considered the learning journey that Rotherham has been on in relation to Child Sexual Exploitation. The strategy has been widened beyond CSE so that we carefully consider Child criminal exploitation, Modern Slavery, Radicalisation, Children Missing from home and care, Female Genital Mutilation (FGM), Forced Marriage and Honour based violence. A number of these elements of exploitation and safeguarding cut across differing ethnic groups.

- **Key findings**

The overarching aim of the strategy is to ensure the partnership and partnership workforce understands the risk around Child Exploitation and that the risk of exploitation is not isolated within a community, ethnicity, culture or religion. The strategy acknowledges the role of missing as a significant indicator of potential exploitation and how the partnership can strengthen its responses.

- **Actions**

The strategy and work plan identify the actions agreed by the partnership group.

Date to scope and plan your Equality Analysis:	N/A
--	-----

Date to complete your Equality Analysis:	N/A
--	-----

Lead person for your Equality Analysis (Include name and job title):	N/A
--	-----

5. Governance, ownership and approval

Please state here who has approved the actions and outcomes of the screening:

Name	Job title	Date
Ailsa Barr	Assistant Director – CYPS Safeguarding	30.9.19

6. Publishing

This screening document will act as evidence that due regard to equality and diversity has been given.

If this screening relates to a **Cabinet, key delegated officer decision, Council, other committee or a significant operational decision** a copy of the completed document should be attached as an appendix and published alongside the relevant report.

A copy of **all** screenings should also be sent to equality@rotherham.gov.uk For record keeping purposes it will be kept on file and also published on the Council's Equality and Diversity Internet page.

Date screening completed	26/9/19
Report title and date	Strategy to Tackle and Prevent Child Exploitation
If relates to a Cabinet, key delegated officer decision, Council, other committee or a significant operational decision – report date and date sent for publication	
Date screening sent to Performance, Intelligence and Improvement equality@rotherham.gov.uk	

Committee Name and Date of Committee Meeting

Cabinet – 21 October 2019

Report Title

Crisis Support (Local Welfare Provision)

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

Yes

Strategic Director Approving Submission of the Report

Shokat Lal, Assistant Chief Executive

Report Author(s)

Jackie Mould, Head of Head of Performance, Intelligence and Improvement
01709 823618 or jackie.mould@rotherham.gov.uk

Steve Eling, Policy and Partnership Officer
01709 254419 or steve.eling@rotherham.gov.uk

Ward(s) Affected

Borough-Wide

Report Summary

The current contracts for provision of crisis support services – crisis loans; supply of food to food banks and the service level agreement for the Food in Crisis Partnership expire at the end of March 2020.

This report makes recommendations for commissioning future crisis support services over the medium term three years 2020/21- 2022/23 with voluntary sector providers through the terms of the Rotherham Compact. The process will include an invitation to bid to be the lead organisation in the voluntary sector to engage partner organisations in a co-design with the Council, leading to award of grant(s) and service level agreements.

Recommendations

1. That approval be given to the Council to invite bids for a lead voluntary sector organisation to engage with partner organisations and the Council in a co-design for the future provision of crisis support over the medium term 2020/21 – 2022/23 in accordance with the provisions of the Rotherham Compact.
2. That, following the co-design process, proposals for future delivery arrangements be brought back to Cabinet for approval.

List of Appendices Included

Appendix 1 Initial Equality Screening Assessment

Background Papers

Local welfare provision: fund for change – report to Cabinet – 13th March 2013;
<http://modgov-p-db/documents/s84644/Local%20Welfare%20Provision%20Cover%20Report.pdf>

Fund for Change – report to the Deputy Leader – 11th July 2013:
<https://moderngov.rotherham.gov.uk/documents/s87401/009%20-%20Fund%20For%20Change%20-%20Deputy%20Leader%20Report%20-%2011th%20July%202013.pdf>

Local Welfare Provision future options – report to Commissioner Manzie – 30th March 2015:
<http://modgov-p-db/documents/s99235/Local%20Welfare%20Provision%20Future%20Options.pdf>

Local Welfare Provision 2016/17 - report to Cabinet and Commissioners' Decision Making Meeting – 15th February 2016:
<https://moderngov.rotherham.gov.uk/documents/s104689/Local%20Welfare%20Provision%202016-17.pdf>

Crisis Support (local welfare provision) – report to Cabinet and Commissioners' Decision Making Meeting – 13th February 2017:
<http://modgov-p-db/documents/s109169/1%20-%20Crisis%20provision%20final%20Cabinet%20report%20-%2026%2001%202017.pdf>

Consideration by any other Council Committee, Scrutiny or Advisory Panel
Overview and Scrutiny Management Board – 16 October 2019

Council Approval Required

No

Exempt from the Press and Public

No

Crisis Support (Local Welfare Provision)

1. Background

- 1.1 Crisis support (Local Welfare Provision), provided by the Council started in 2013 following abolition of the Government's Discretionary Social Fund.
- 1.2 The current arrangements for delivery of crisis loans; provision of food; and support for the Food in Crisis Partnership expire at the end of March 2020. This report recommends arrangements for service provision from April 2020.

2. Key Issues

- 2.1 Following abolition of the Government's Discretionary Social Fund in March 2013, under the provisions of the Welfare Reform Act 2012 (c. 5), the government provided local authorities with two years' funding (2013/14 and 2014/15) for 'local welfare provision' (LWP). The funding was provided as a section 31 grant (S. 31, Local Government Act 2003 (c. 26)). Over the two financial years 2013/14 and 2014/15 Rotherham received a total of £1.697m. Whilst this funding was not ring-fenced, the Council allocated the money for Crisis Support (Local Welfare Provision) purposes and maintained the balance of the fund at the end of the two years for future years provision. This provided a fund at the start of 2015/16 of £749,666, which has now reduced to a projected balance at the end of 2019/20 of £198,252.
- 2.2 Crisis Support provided by the Council is now the final welfare safety net for many people in Rotherham.
- 2.3 The provision in the first two years (2013/14 and 2014/15) included crisis loans and support for food provision along with grants via Furniture Solutions and emergency cash grants. The cessation of the grant in 2015/16, resulted in the furniture and cash grants being withdrawn. The current provision consists of £60,000 p.a. allocation for the provision of crisis loans; £30,000 p.a. for the supply arrangements of food to food banks (Community Food Members); and £10,000 for support for the Food in Crisis Partnership, which includes research and supply of data. Community Food Members are local organisations providing food in crisis support that sign up to the priorities for providing support agreed with the Council. The current arrangements expire at the end of March 2020.
- 2.4 Looking forward, this paper sets out recommendations for commissioning future provision through partnership working with the voluntary sector under the provisions of the Rotherham Compact. This will enable a medium term (three year) solution through co-design that will both meet established need and link into Council policy developments around tackling deprivation; advice services; and neighbourhood working.
- 2.5 The budget provision would be maintained at the current level of £100,000 p.a. being funded by the residual sum from the Section 31 grant for the first two years and would require £100,000 additional funding to be agreed within the Medium Term Financial Strategy to fund the third year of the agreement (2022/23).

Demand

- 2.6 Crisis support continues to receive significant demand in Rotherham. The current data available for 2018/19 shows that 433 people accessed crisis loans at a total value of £34,585; and 4408 food parcels were provided that fed 5867 people.
- 2.7 The reasons for accessing crisis loans shows general living expenses with a combination of food and bills being the single most frequent reason. The need to purchase electrical goods and furnishings, whilst at a lower number of loans, are a factor. Details for 2018/19 and the first quarter of 2019/20 show the following:

	2018/19	1st Quarter 2019/20
Electrical goods	30	8
Bed	10	2
Food	13	1
Bills	31	13
Food & Bills	241	69
Lost money	37	11
Benefit sanction	1	
Benefit delay	51	11
Rent arrears	12	1
Council Tax arrears		1
Urgent travel	7	4
Total	433	121

- 2.8 It is important to recognise that not everyone in crisis will be able to access a crisis loan because of regulations requiring responsible lending. This means that anyone judged as being unable to repay a loan must not be provided with one.
- 2.9 The data for food in crisis provision reveals a broad picture of demand. This provision also serves people who are not able to access crisis loans, especially those of no fixed abode; refugees and asylum seekers. Details for 2018/19 and the first quarter of 2019/20 show the following:

	2018/19	1st Quarter 2019/20
Benefit sanction	287	106
Benefit delay	863	213
Change of job	18	5
Family crisis	89	14
Unexpected expenses	85	18
Out of work with benefits	62	9

Out of work no benefits	19	4
Low income	1284	404
Poverty	253	52
Debt	221	60
Money management	202	26
Other	297	37
Total	3680	948

2.10 People of no fixed abode; refugees and asylum seekers make up a significant proportion accessing food in crisis provision:

	2018/19	1st Quarter 2019/20
No fixed abode	119	43
Refugee	36	10
Asylum seeker	624	186
Total	779	239

2.11 Postcode data for the first quarter of 2019/20 shows the following demand:

	Food	Loans
S25 Dinnington	9	2
S26 Kiveton Park	4	4
S60 Brinsworth / Treeton	128	16
S61 Kimberworth	93	19
S62 Rawmarsh	52	15
S63 Wath	75	3
S64 Swinton	19	7
S65 Eastwood / Thrybergh	246	36
S66 Maltby / Wickersley	36	17
S73 Brampton	1	1
Homeless	43	
Unspecified	134	
DN12		1
Total	840	121

There is no indication that the demand for support is reducing, or is likely to reduce.

2.12 What the data shows is that there are a significant number of low income families whose finances are not resilient. They just about survive, but when something unexpected happens they cannot cope. The immediate impact appears to be most commonly not being able to afford food, and in all likelihood, other daily household consumables. Unexpected demands arise from the need to replace white goods and furnishings. Many of the applications for crisis loans are to pay bills, which will include utility costs.

- 2.13 Looking forward, given that partners to date in the delivery of crisis support have been from the voluntary and community sector, the option exists now to build on the experience gained to commission future provision under the terms of the Rotherham Compact. The Council has successful experiences of commissioning under the terms of the Compact including using co-design. Specific examples are Advice Provision and Voluntary Sector Infrastructure, both of which went through bidding processes and have been awarded grants with three year service level agreements for the service provision.
- 2.14 The opportunity to take a medium term view using the provisions of the Rotherham Compact co-design process will enable links to be made to other services and policy development, especially around deprived neighbourhoods and a proposed broader policy approach to tackling deprivation.
- 2.15 The co-design approach will also enable discussion around the detail of future provision to ensure that it continues to meet community need. It can start from the basis of the current provision, but also look at provision of non-food items such as household and personal hygiene goods. Options around fuel vouchers; white goods and furniture could be examined where the current loans arrangements are not appropriate in some cases, together with criteria for access to the services and assessments could also be reviewed. The co-design can also build in flexibility over the medium term as part of the SLA to enable services to evolve alongside the Council's neighbourhoods and tackling deprivation work; and strategically link to developments in advice services. The Council also supports housing tenants and prospective tenants and homeless people. As part of this, the furnished home scheme has set aside an annual Furniture Grant of £100K for new council tenants to assist in reducing the likelihood of a tenant becoming homeless, assisting people into employment and reduce financial hardship. The essential pack consists of a cooker, fridge freezer and a bed. However, these provisions address the needs of what might be described as "existing clients or service users" rather than addressing one-off crisis situations that can be addressed through the partnership approach to crisis support.

3. Options considered and recommended proposal

- 3.1 Two options have been considered.
- 3.2 Option one – discontinue crisis support in its current form

This option would discontinue the current crisis support arrangements. Theoretically £198,252 would remain for the Council to use for crisis type support.

Whilst crisis support is a discretionary function and the budget can be withdrawn, it is likely that an impact assessment would identify that people with protected characteristics would be disproportionately impacted, should this option be pursued. There would inevitably be a disproportionate adverse impact on low income and vulnerable households.

3.3 Option two - Continue to provide crisis support at the current budget level of £100,000 p.a. for three years 2020/21 – 2022/23

This option would enable crisis loans and food provision to both be continued at the current levels. The co-design under the provisions of the Rotherham Compact would allow for a single bid to be invited for a lead organisation for a partnership approach to future provision. This would bring an added advantage to the current provision where there is partnership working across “food in crisis” but this is not directly linked to crisis loans. A grant would be provided to the service provider(s) along with service level agreements and monitoring arrangements as provided for in the Council’s Financial Regulations. The co-design process would also include equality assessment to ensure access provision across all communities.

4. Consultation on proposal

4.1 Continuation of crisis provision has not been subjected to consultation as the recommended option does not involve a reduction of provision. However, consultation will form part of the co-design process, especially where any changes are proposed to access to crisis provision. Outcomes from consultation and engagement of users will inform design of the service provision.

5. Timetable and Accountability for Implementing this Decision

5.1 One month will be allowed for the bidding stage of the commissioning process. It is expected that this would be completed by the end of November. It is proposed that the co-design will follow to reach completion of Service Level Agreements (SLAs) and grant agreements by mid-February 2020. The service provision would commence from 1st April providing continuity of provision between the expiry of the current contracts and commencement of the new SLAs.

6. Financial and Procurement Advice and Implications

6.1 Assuming a three year planning of the future provision, it is recognised that the residual S. 31 grant sum of £198,252, will not maintain the current provision for three years. Consequently, the proposed future provision would require funding of £100,000 to be agreed within the Medium Term Financial Strategy to fund the third year of the contract (2022/23).

6.2 On the basis that the proposed recommendation is for the award of a grant, there are no direct procurement implications. It is however important to ensure that the agreement is structured appropriately.

7. Legal Advice and Implications

- 7.1 The Council has the ability to provide support for people in need through various provisions including S. 1 of the Localism Act 2011 (c. 20) (Local authority's general power of competence); S. 17 of the Children Act 1989 (c. 41) (Provision of services for children in need, their families and others) among other provisions.

8. Human Resources Advice and Implications

- 8.1 There are no HR implications arising from this report.

9. Implications for Children and Young People and Vulnerable Adults

- 9.1 Many vulnerable families with children are helped through crisis provision. In 2018/19, of 5,867 people fed through "food in crisis", 1,696 were recorded as being under 18 years. Three children's centres are "community food members" providing foodbank facilities to communities.

10. Equalities and Human Rights Advice and Implications

- 10.1 Crisis support by its very nature supports the most vulnerable people in society, many of whom will also have protected characteristics. S. 1 of the Equalities Act 2010 (c. 15) places a "Public sector duty regarding socio-economic inequalities" stating in sub-section (1) "An authority to which this section applies must, when making decisions of a strategic nature about how to exercise its functions, have due regard to the desirability of exercising them in a way that is designed to reduce the inequalities of outcome which result from socio-economic disadvantage."
- 10.2 Maintaining the current level of resource for crisis provision will ensure there are no adverse equalities implications. Additionally, the recent addition of the Unity Centre to those providing food in a diverse community, supplied through the Council crisis support further assists addressing inequalities.
- 10.3 The co-design process will enable an "equalities check" to be incorporated for continuing and enhancing the service provision available, with an impact assessment produced on the model of provision agreed.
- 10.4 An Initial Equality Screening Assessment has been undertaken, which is attached.

11. Implications for Partners

- 11.1 The recommended option furthers the objective of partnership working through the provisions of the Rotherham Compact, engaging with the voluntary and community sector.

12. Risks and Mitigation

- 12.1 The principal risks associated with crisis provision are demand outstripping supply and budget. The experience of recent years suggests that £100,000 p.a. will be adequate for the future, but regular monitoring will continue to assess demand and resources. The front line service provision is through partner organisations staff and volunteers.
- 12.2 It is necessary to commence the process of inviting bids for lead organisation and moving to the co-design by late autumn to ensure that service arrangements are in place to commence in April 2020.

13. Accountable Officer(s)

Shokat Lal, Assistant Chief Executive

Jackie Mould, Head of Performance, Intelligence and Improvement

Steve Eling, Policy and Partnership Officer

Approvals obtained on behalf of Statutory Officers:-

	Named Officer	Date
Chief Executive	Sharon Kemp	07/10/19
Strategic Director of Finance & Customer Services (S.151 Officer)	Judith Badger	03/10/19
Head of Legal Services (Monitoring Officer)	Bal Nahal	03/10/19

Report Authors:

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

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PART A - Initial Equality Screening Assessment

As a public authority we need to ensure that all our strategies, policies, service and functions, both current and proposed have given proper consideration to equality and diversity.

A **screening** process can help judge relevance and provide a record of both the process and decision. Screening should be a short, sharp exercise that determines relevance for all new and revised strategies, policies, services and functions.

Completed at the earliest opportunity it will help to determine:

- the relevance of proposals and decisions to equality and diversity
- whether or not equality and diversity is being/has already been considered, and
- whether or not it is necessary to carry out an Equality Analysis (Part B).

Further information is available in the Equality Screening and Analysis Guidance – see page 9.

1. Title

Title: Crisis Support (Local Welfare Provision)

Directorate: Assistant Chief Executive

Service area: PII

Lead person: Steve Eling

Contact number: 54419

Is this a:

Strategy / Policy

Service / Function

Other

If other, please specify

2. Please provide a brief description of what you are screening

The current arrangements for delivering Crisis Support; Crisis Loans; Crisis Food and support for the Food in Crisis Partnership expire at the end of March 2013.

The proposals seek to provide Crisis Support for three years 2020/21 to 2022/23 through Local VCS organisation using a co-design model under the terms of the Rotherham Compact.

The level of resource available for the service is maintained at the current level.

3. Relevance to equality and diversity

All the Council's strategies/policies, services/functions affect service users, employees or the wider community – borough wide or more local. These will also have a greater/lesser relevance to equality and diversity.

The following questions will help you to identify how relevant your proposals are.

When considering these questions think about age, disability, sex, gender reassignment, race, religion or belief, sexual orientation, civil partnerships and marriage, pregnancy and maternity and other socio-economic groups e.g. parents, single parents and guardians, carers, looked after children, unemployed and people on low incomes, ex-offenders, victims of domestic violence, homeless people etc.

Questions	Yes	No
Could the proposal have implications regarding the accessibility of services to the whole or wider community? <i>(Be mindful that this is not just about numbers. A potential to affect a small number of people in a significant way is as important)</i>	X	
Could the proposal affect service users? <i>(Be mindful that this is not just about numbers. A potential to affect a small number of people in a significant way is as important)</i>	X	
Has there been or is there likely to be an impact on an individual or group with protected characteristics? <i>(Consider potential discrimination, harassment or victimisation of individuals with protected characteristics)</i>	X	
Have there been or likely to be any public concerns regarding the proposal? <i>(It is important that the Council is transparent and consultation is carried out with members of the public to help mitigate future challenge)</i>		X
Could the proposal affect how the Council's services, commissioning or procurement activities are organised, provided, located and by whom? <i>(If the answer is yes you may wish to seek advice from commissioning or procurement)</i>		X
Could the proposal affect the Council's workforce or employment practices? <i>(If the answer is yes you may wish to seek advice from your HR business partner)</i>		X

If you have answered no to all the questions above, please explain the reason

If you have answered **no** to all the questions above please complete **sections 5 and 6**.

If you have answered **yes** to any of the above please complete **section 4**.

4. Considering the impact on equality and diversity

If you have not already done so, the impact on equality and diversity should be considered within your proposals before decisions are made.

Considering equality and diversity will help to eliminate unlawful discrimination, harassment and victimisation and take active steps to create a discrimination free society by meeting a group or individual's needs and encouraging participation.

Please provide specific details for all three areas below using the prompts for guidance and complete an Equality Analysis (Part B).

- **How have you considered equality and diversity?**

Yes. Crisis support by its very nature supports the most vulnerable people in society, many of whom will also have protected characteristics. S. 1 of the Equalities Act 2010 (c. 15) places a "Public sector duty regarding socio-economic inequalities" stating in sub-section (1) "An authority to which this section applies must, when making decisions of a strategic nature about how to exercise its functions, have due regard to the desirability of exercising them in a way that is designed to reduce the inequalities of outcome which result from socio-economic disadvantage."

- **Key findings**

Maintaining the current level of resource for crisis provision will ensure there no adverse equalities implications. Additionally, the recent addition of the Unity Centre to those providing food in a diverse community, supplied through the Council crisis support further assists addressing inequalities. The proposals in the report will help to enhance the service and ensure that all equalities issues relating to the provision are assessed. The measures do not pose a risk to achieving equality objectives, quite the reverse.

- **Actions**

The co-design process will enable an "equalities check" to be incorporated for continuing and enhancing the service provision available, with an impact assessment produced on the model of provision agreed.

The scope of analysis will form part of the early stages of the co-design process. The analysis will be completed as an integral part of signing of the co-design and completing service level agreements.

Date to scope and plan your Equality Analysis:	By end of December 2019.
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Date to complete your Equality Analysis:	By end of February 2020.
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Lead person for your Equality Analysis (Include name and job title):	Steve Eling Policy and Partnership Officer
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5. Governance, ownership and approval

Please state here who has approved the actions and outcomes of the screening:

Name	Job title	Date
Jackie Mould	Head of Performance, Intelligence and Improvement	23 September 2019

6. Publishing

This screening document will act as evidence that due regard to equality and diversity has been given.

If this screening relates to a **Cabinet, key delegated officer decision, Council, other committee or a significant operational decision** a copy of the completed document should be attached as an appendix and published alongside the relevant report.

A copy of **all** screenings should also be sent to equality@rotherham.gov.uk For record keeping purposes it will be kept on file and also published on the Council's Equality and Diversity Internet page.

Date screening completed	20 th September 2019
Report title and date	Crisis Support (Local Welfare Provision)
If relates to a Cabinet, key delegated officer decision, Council, other committee or a significant operational decision – report date and date sent for publication	Cabinet 21st October 2019
Date screening sent to Performance, Intelligence and Improvement equality@rotherham.gov.uk	20 th September 2019

Committee Name and Date of Committee Meeting

Cabinet – 21 October 2019

Report Title

Delivery of housing association homes on Housing Revenue Account sites – proposed changes

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

No, but it has been included on the Forward Plan

Strategic Director Approving Submission of the Report

Anne Marie Lubanski, Strategic Director of Adult Care, Housing and Public Health

Report Author(s)

Jane Davies, Head of Strategic Housing and Development Service
01709 334970 or jane.davies@rotherham.gov.uk

Ward(s) Affected

Wickersley

Report Summary

The Cabinet approved a report on 9 July 2018 that recommended the disposal of four Housing Revenue Account sites in Wickersley to Arches Housing Association, for the delivery of 14 houses.

This report identifies changes to the original development programme, both in respect of the sites to be transferred and the types of homes to be delivered, and seeks approval for a revised programme and associated site releases.

Recommendations

1. That approval be given to the transfer to Arches Housing Association of two additional HRA-owned garage sites in the Wickersley ward (Chestnut Close adjacent numbers 7 and 9 and opposite numbers 30 and 32), at the value of £5k per plot, subject to Arches confirming their suitability for residential development.
2. That approval be given to the removal of the Willow Close site from the scheme as this has been found to be unsuitable for residential development.

3. That authority be delegated to the Assistant Director of Housing Services, in consultation with the Cabinet Member for Housing, to approve amendments to numbers and types of homes if required due to any site constraints or Planning recommendations that arise once work commences.

List of Appendices Included

Appendix 1 Site plans

Appendix 2 Equality Analysis

Background Papers

Report to Cabinet – 9 July 2018: Delivery of housing association homes on HRA sites

Equality Analysis

Consideration by any other Council Committee, Scrutiny or Advisory Panel

Overview and Scrutiny Management Board – 16 October 2019

Council Approval Required

No

Exempt from the Press and Public

No

Delivery of housing association homes on Housing Revenue Account sites – proposed changes

1. Background

- 1.1 A report was approved by Cabinet on 9th July 2018 that recommended the disposal of four Housing Revenue Account (HRA) owned sites in Wickersley ward to Arches Housing Association, for the delivery of 14 two bedroom houses.
- 1.2 It is proposed that one of the four sites identified in the 9th July 2018 report, Willow Close, is removed from the programme as it is no longer a priority site for residential use and improved parking provision is a more beneficial option. This would reduce the original Arches programme from 14 to nine homes.
- 1.3 On one of the other sites, Hornbeam Close, it has been determined, following further investigations and consultation with neighbouring residents, that bungalows would be more appropriate than family houses. Due to the larger footprint of bungalows this would further reduce the programme to eight homes.
- 1.4 Arches Housing Association has asked the Council to consider whether it would be preferable for all of the units to be delivered as bungalows instead of houses.
- 1.5 Current data on housing demand supports the strategic case for agreeing to this. There is a particularly high demand for bungalows in the area, with an average of 89 bids for this property type compared to a borough wide average of 42. Whilst there is also a need for two bedroom houses in the area, as set out in the July 2018 Cabinet report, the demand for these is close to the borough wide average of 24 bids per property and has reduced compared to the previous year. The demand for bungalows is significantly higher and has increased since the previous year.
- 1.6 By changing all units to bungalows this would further reduce the total number of new homes delivered by Arches, to six, compared to the original 14.
- 1.7 The Strategic Housing and Development Service has identified two other small HRA owned sites in the locality that could potentially be included in the programme. The two proposed sites are at Chestnut Close (adjacent numbers 7 and 9 and opposite numbers 30 and 32) (site plans are included as Appendix 1). These sites could accommodate up to four further bungalows.
- 1.8 Section 3 sets out the main options for consideration which can be summarised as follows:
 - Delivery as per original proposal but without Willow Close (nine houses in total)
 - Delivery as per original proposal but without Willow Close and with units on Hornbeam Road changed from houses to bungalows (six houses and two bungalows in total)
 - Remove Willow Close and change all units on remaining sites to bungalows (six bungalows in total)
 - Remove Willow Close and change all units on remaining sites to bungalows, and add two further sites to the programme each capable of delivering two bungalows (ten bungalows in total)

- 1.9 The final option is recommended and the proposed changes are summarised in the table below:

Site	Original proposal	Current proposal
Hornbeam Road (adj. number 1)	3 houses	2 bungalows
Greenwood Crescent (adj. number 59)	2 houses	2 bungalows
Craig Walk (opposite numbers 2 and 4)	4 houses	2 bungalows
Chestnut Close (adj. flats 7 and 9)	(Not included)	2 bungalows
Chestnut Close (opposite flats 30 and 32)	(Not included)	2 bungalows
Willow Close	5 houses	(Site unsuitable)
Total	14 houses	10 bungalows

- 1.10 The main change requiring Cabinet approval is the inclusion of the two additional HRA sites in the scheme, to be sold at £5k per plot as per the other sites approved by Cabinet in July 2018. The rationale for this is that delivery of affordable housing units is generally financially challenging, and particularly so on small sites, which carry a disproportionately high level of fees and costs compared to larger sites where economies of scale can be achieved.
- 1.11 All of the new homes will be delivered for affordable rent and the Council will receive nomination rights to the properties.
- 1.12 In agreeing to dispose of this land the Council will enable Arches Housing Association to invest more than £1m in wholly affordable housing in Rotherham, alongside Homes England grant funding.
- 1.13 Delivery of affordable housing through this scheme will also provide the Council with nomination rights, meaning the Council will benefit from being able to discharge its housing duty to applicants on the Housing Register.
- 1.14 If Cabinet approves the transfer of these two additional sites, Arches will carry out site investigations at their own risk / cost. If any or all of the sites prove to be unsuitable for residential development, no further Council-owned sites will be identified as part of this scheme and the overall number of units will reduce accordingly.

2. Key Issues

- 2.1 In the Wickersley ward, demand for two bedroom bungalows is 89 bids per property compared to the borough wide average of 42 bids per property. By changing the unit type from houses to bungalows, the scheme will contribute to helping older people and people with support needs to live independently.
- 2.2 The number of new affordable homes in Rotherham needs to increase significantly, as indicated in the latest Strategic Housing Market Assessment. It is important that the Council works with housing association partners to accelerate and maximise delivery on HRA owned sites as, while the Council itself has an ambitious housing growth programme, it does not have the capacity to directly deliver all of the affordable housing required. Housing associations continue to play an important role in the delivery of homes for affordable rent and the Council will nominate tenants from its Housing Register when the properties are first let.

- 2.3 Arches originally intended to deliver the two bedroom houses via modern methods of construction (MMC), and has indicated that this may now potentially alter, as they explore various delivery options for the bungalows.

3. Options considered and recommended proposal

- 3.1 Option 1: Removal of Willow Close from proposal. The implications of this are as follows:

- Reduced number of units to nine.
- Missed opportunity to address high and increasing need for bungalows in the area.
- Probable objections and complaints from local residents in respect of development of houses on Hornbeam Road.

Site	Original proposal	Option 1
Hornbeam Road (adj. number 1)	3 houses	3 houses
Greenwood Crescent (adj. number 59)	2 houses	2 houses
Craig Walk (opposite numbers 2 and 4)	4 houses	4 houses
Willow Close	5 houses	(Site unsuitable)
Total	14 houses	9 houses

This option is not recommended.

- 3.2 Option 2: Removal of Willow Close from proposal, and units on Hornbeam Road changed from houses to bungalows. The implications are as follows:

- Reduced number of units to eight.
- Limited opportunity to address high and increasing need for bungalows in the area.

Site	Original proposal	Option 2
Hornbeam Road (adj. number 1)	3 houses	2 bungalows
Greenwood Crescent (adj. number 59)	2 houses	2 houses
Craig Walk (opposite numbers 2 and 4)	4 houses	4 houses
Willow Close	5 houses	(Site unsuitable)
Total	14 houses	6 houses & 2 bungalows

This option is not recommended.

- 3.3 Option 3: Removal of Willow Close and change all units on other sites to bungalows. The implications of this are as follows:

- Reduced number of units to six.
- Addresses high and increasing need for bungalows in the area.

Site	Original proposal	Option 3
Hornbeam Road (adj. number 1)	3 houses	2 bungalows
Greenwood Crescent (adj. number 59)	2 houses	2 bungalows
Craig Walk (opposite numbers 2 and 4)	4 houses	2 bungalows
Willow Close	5 houses	(Site unsuitable)
Total	14 houses	6 bungalows

This option is not recommended.

3.4 Option 4: Removal of Willow Close, add two new sites to proposal and deliver all units as bungalows instead of houses. The implications of this are as follows:

- Reduced number of units to 10.
- Addresses high and increasing need for bungalows in the area.

Site	Original proposal	Option 4
Hornbeam Road (adj. number 1)	3 houses	2 bungalows
Greenwood Crescent (adj. number 59)	2 houses	2 bungalows
Craig Walk (opposite numbers 2 and 4)	4 houses	2 bungalows
Chestnut Close (adj. flats 7 and 9)	(Not included)	2 bungalows
Chestnut Close (opposite flats 30 and 32)	(Not included)	2 bungalows
Willow Close	5 houses	(Site unsuitable)
Total	14 houses	10 bungalows

This option is recommended because it will deliver the highest number of new homes and assist in meeting the local housing need for bungalows.

4. Consultation on proposal

4.1 Local ward members have been consulted on the proposals and their feedback taken into account. An additional potential site at Oak Close was considered but due to ward member feedback regarding parking issues this site is not recommended for inclusion in the proposal. Members of the public will be consulted via the planning process.

5. Timetable and Accountability for Implementing this Decision

5.1 Subject to Cabinet approval of this report, work to enable the land transfers will be completed in autumn / winter 2019 and work will commence in early 2020.

5.2 The July 2018 report stated that land transfers would be completed during 2018 and a start on site anticipated in spring 2019. Work commenced as planned on the land transfers but delays have been caused by the following:

- As a result of objections residents adjacent to the Hornbeam Close site, further work was required to look at alternative options including bungalows instead of houses.
- The numbers of units and whole scheme viability had to be investigated as part of this redesign.

- The Council's Strategic Housing and Development and Asset Services conducted a review of other potential sites.

Changing the possible number and type of units meant that the land transfers could not progress as the price to be paid for each site by Arches Housing is based on the number of units.

- 5.3 Although these developments will be project managed by Arches housing association, the Council's Affordable Housing Co-ordinator will maintain oversight and monitor progress to ensure the homes are delivered to the stated quality and timescales.
- 5.4 The overall accountable officer is the Assistant Director for Housing.

6. Financial and Procurement Advice and Implications

- 6.1 In July 2018 Cabinet approved a discounted disposal value to Arches Housing Association at £5k per plot. The total level of discount offered was £133k.
- 6.2 This proposal was based on the Council's established approach of accepting a reduced capital receipt when releasing land to Housing Association partners for the sole purpose of delivering affordable housing, and reflects the wider strategic benefits afforded by such developments.
- 6.3 Acceptance of a reduced capital receipt is compliant with sections 25 and 26 of the Local Government Act 1988 which sets out the principle of sale of land at undervalue in these specific circumstances.
- 6.4 All sites concerned have been internally valued by the Council's Asset Management Team, with valuations being based on the 'Gross Land Value' before any potential reductions resulting from adverse ground conditions or similar.
- 6.5 The revised proposal:
- Excludes one of the original sites as it is considered unsuitable.
 - Reduces the numbers of viable housing plots on the other three original sites.
 - Introduces an additional two sites in order to increase the numbers of dwellings delivered to a similar level as per the original proposal.
- 6.6 The proposed substitution of sites has altered the capital receipts profile.

Table 1 shows the July 2018 original capital receipts profile:

Site	Gross Valuation	Number of Units	Transfer Receipt	Value of Discount
Hornbeam Close	£33,000	3	£15,000	£18,000
Greenwood Crescent	£40,000	2	£10,000	£30,000
Willow Close	£70,000	5	£25,000	£45,000
Craig Walk	£60,000	4	£20,000	£40,000
Total	£203,000	14	£70,000	£133,000

Table 2 shows the revised capital receipts profile:

Site	Gross Valuation	Number of Units	Transfer Receipt	Value of Discount
Hornbeam Close	£24,000	2	£10,000	£14,000
Greenwood Crescent	£50,000	2	£10,000	£40,000
Craig Walk	£40,000	2	£10,000	£30,000
Chestnut Close (adj. 7&9)	£24,000	2	£10,000	£14,000
Chestnut Close (opp. 30)	£28,000	2	£10,000	£18,000
Total	£166,000	10	£50,000	£116,000

- 6.7 The original proposal showed a capital receipt of £70k. This has reduced by £20k in the revised proposal to £50k.
- 6.8 All sites have been re-valued since the original report and the new valuations are shown in table 2. Based on the new valuations the value of discount being offered is £116k which is £17k lower than was originally approved.
- 6.9 This is still felt to represent good value for money for the HRA as it will deliver ten new affordable homes for which the Council will receive nomination rights, thus alleviating some of the pressure on the Housing Register.

7. Legal Advice and Implications

- 7.1 The Authority is, pursuant to s.123 Local Government Act 1973 obliged to achieve 'best consideration' on any disposal of land. However, this consideration does not need to be obtained in purely monetary form and can comprise achievement of other Authority aims such as the delivery of Affordable Housing. Given that the transfer at a reduced rate is required to achieve delivery of affordable housing and the anticipated receipt of the New Homes Bonus, there is no reason to consider that 'best consideration' is not being achieved by the proposed transfer.

8. Human Resources Advice and Implications

- 8.1 None.

9. Implications for Children and Young People and Vulnerable Adults

- 9.1 The bungalows will be allocated to people aged over 55 or those with an assessed medical need, therefore supporting people to live independently.
- 9.2 If Cabinet approves the proposed changes, no additional family housing will be delivered.

10. Equalities and Human Rights Advice and Implications

- 10.1 The new homes will be offered to applicants on the Council's Housing Register who can bid for the homes via the nomination process. Providing new affordable homes will increase access to suitable housing for those in need.

11. Implications for Partners

- 11.1 The transfer of Council land to housing associations contributes to stronger partnership working and diversification of the local construction industry.

12. Risks and Mitigation

- 12.1 The key risk associated with this proposal is that Arches may not build out the scheme. However, to mitigate against this there will be a clause in the land sale document with a longstop date by which the homes must be started and finished. If work does not commence Arches will be under a legal obligation to sell the sites back to the Council for the purchase price.
- 12.2 As new sites have been added there is some risk regarding their suitability for residential development as detailed investigation work has not yet been carried out, but from the assessment work carried out to date, Arches are confident of the deliverability of the preferred option.

13. Accountable Officers

Tom Bell, Assistant Director for Housing

Approvals obtained on behalf of Statutory Officers:-

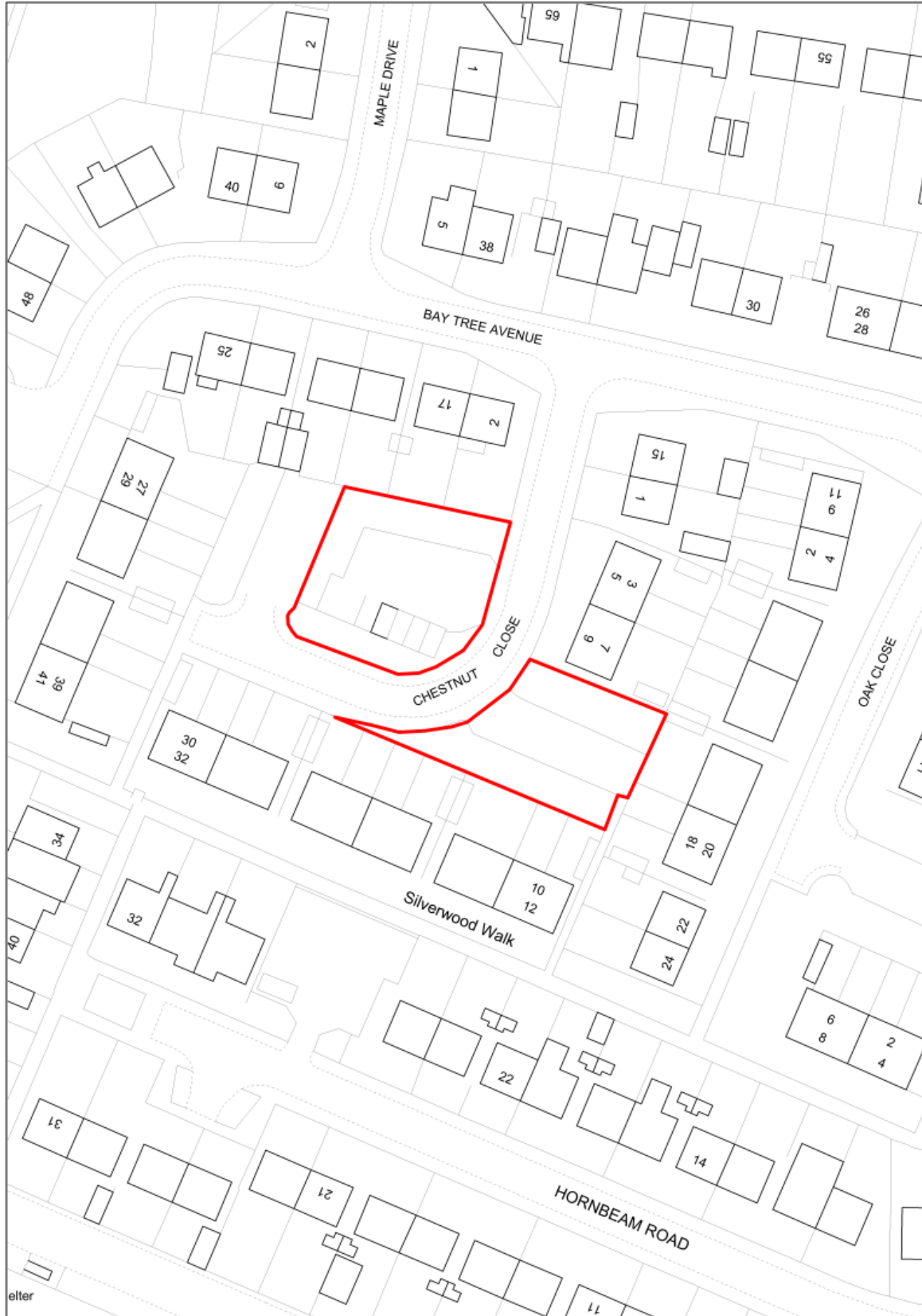
	Named Officer	Date
Chief Executive	Sharon Kemp	07/10/19
Strategic Director of Finance & Customer Services (S.151 Officer)	Judith Badger	03/10/19
Head of Legal Services (Monitoring Officer)	Bal Nahal	03/10/19

*Report Author: Jane Davies, Head of Strategic Housing and Development Service
01709 334970 or jane.davies@rotherham.gov.uk*

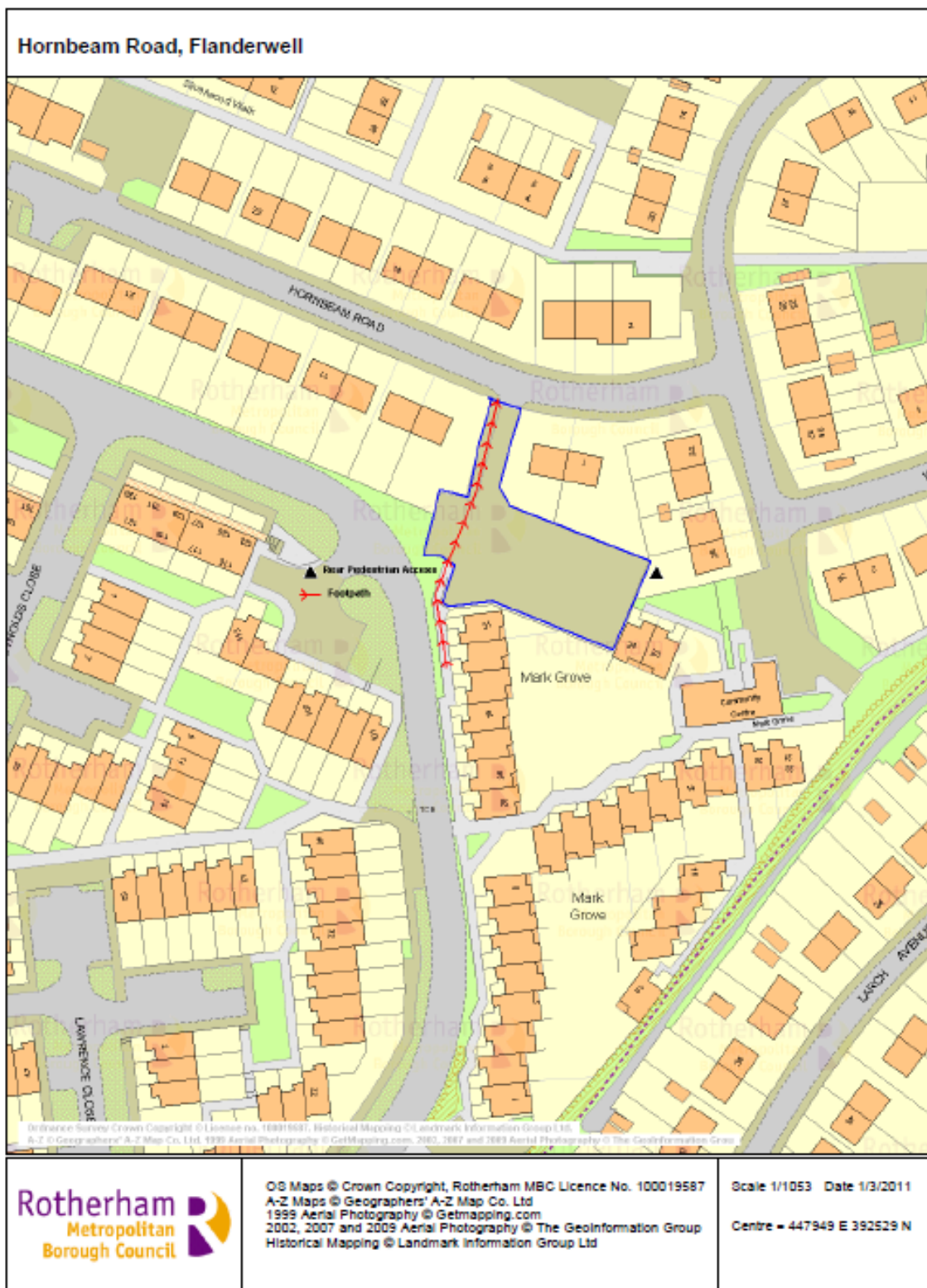
This report is published on the Council's [website](#).

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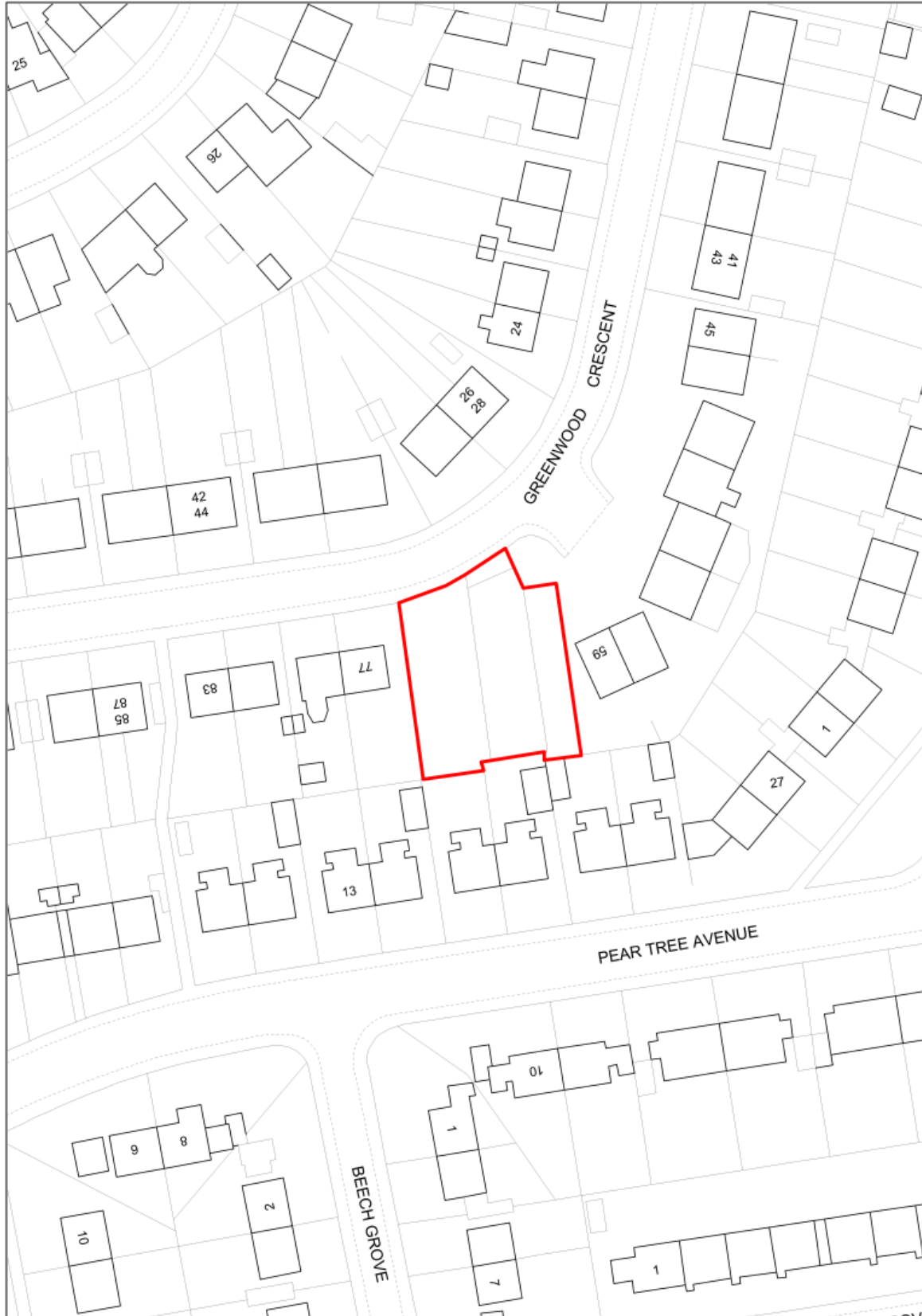
Chestnut Close



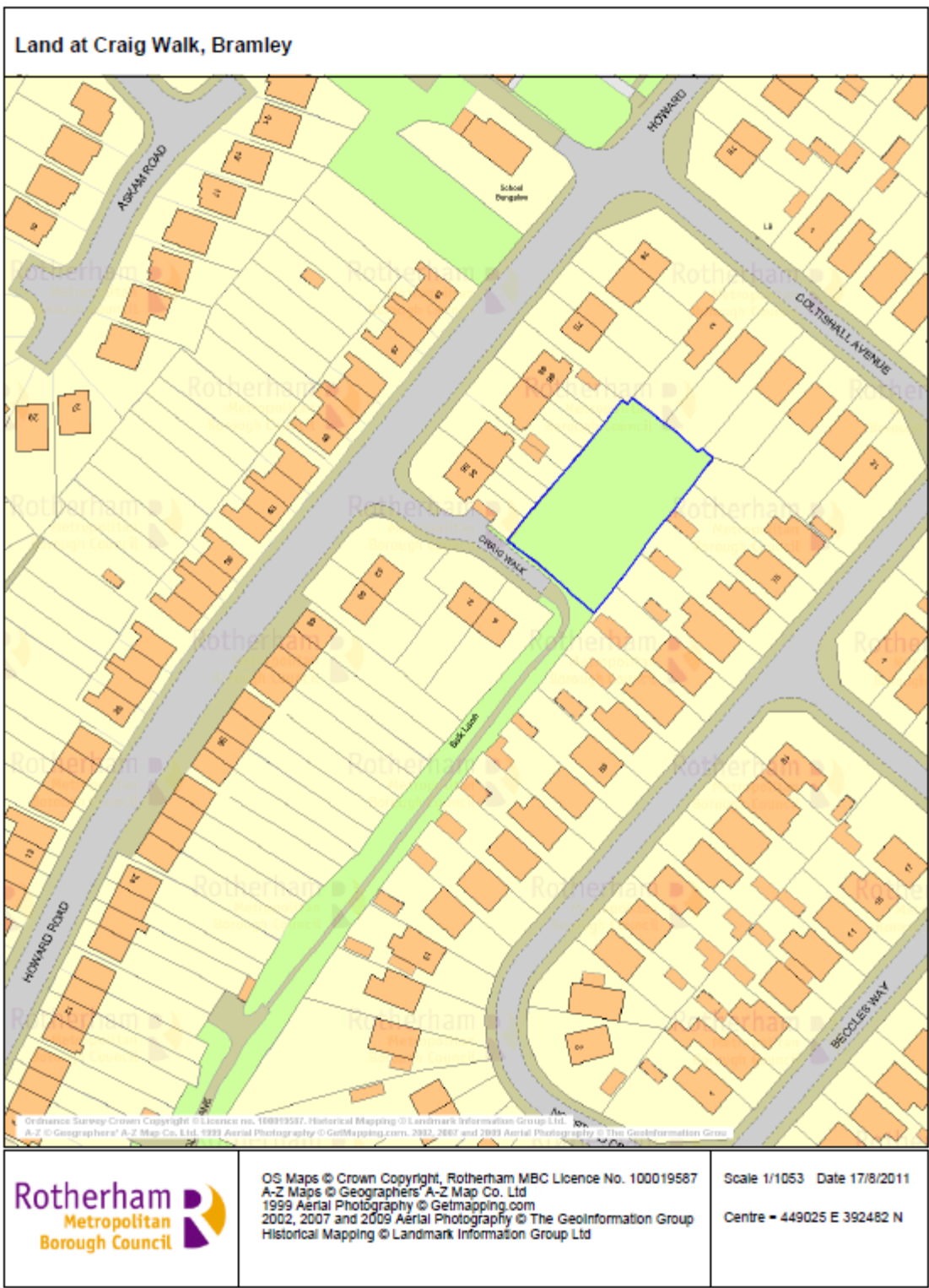
Hornbeam Road



Greenwood Crescent



Craig Walk



PART B – Equality Analysis Form

As a public authority we need to ensure that all our strategies, policies, service and functions, both current and proposed have given proper consideration to equality and diversity.

This form:

- Can be used to prompt discussions, ensure that due regard has been given and remove or minimise disadvantage for an individual or group with a protected characteristic
- Involves looking at what steps can be taken to advance and maximise equality as well as eliminate discrimination and negative consequences
- Should be completed before decisions are made, this will remove the need for remedial actions.

Note – An Initial Equality Screening Assessment (Part A) should be completed prior to this form.

When completing this form consider the Equality Act 2010 protected characteristics Age, Disability, Sex, Gender Reassignment, Race, Religion or Belief, Sexual Orientation, Civil Partnerships and Marriage, Pregnancy and Maternity and other socio-economic groups e.g. parents, single parents and guardians, carers, looked after children, unemployed and people on low incomes, ex-offenders, victims of domestic violence, homeless people etc. – see page 11 of Equality Screening and Analysis Guidance.

1. Title	
Equality Analysis title: Delivery of housing association homes on HRA sites – proposed changes	
Date of Equality Analysis (EA): 24.06.2019	
Directorate: Adult Care, Housing & Public Health	Service area: Strategic Housing & Development Services
Lead Manager: Jane Davies, Head of Strategic Housing & Development	Contact number: 01709334970
Is this a: <input type="checkbox"/> Strategy / Policy <input checked="" type="checkbox"/> Service / Function <input type="checkbox"/> Other If other, please specify 	

2. Names of those involved in the Equality Analysis (Should include minimum of three people) - see page 7 of Equality Screening and Analysis Guidance

Name	Organisation	Role (eg service user, managers, service specialist)
Liz Hunt	RMBC	Coordinator (Service Specialist)
Hannah Upstone	RMBC	Officer
Jane Davies	RMBC	Manager

3. What is already known? - see page 10 of Equality Screening and Analysis Guidance

Aim/Scope (who the Policy/Service affects and intended outcomes if known)

This may include a group/s identified by a protected characteristic, others groups or stakeholder/s e.g. service users, employees, partners, members, suppliers etc.)

This EA has been produced in support of an upcoming Cabinet report seeking to substitute a number of sites previously approved as part of a sale of Housing land to Arches Housing Association. There is no equalities impact resulting from substitution of the sites presented in this report.

The proposed bungalows, across the five sites, will be suitable for older people and those with an assessed medical need for level access accommodation. The Council will receive nomination rights as part of the agreement; this means the Council will be able to house people from the existing housing register.

Anyone registered and assessed for this type of accommodation who is living in accommodation which does not currently meet their needs will have the option to bid to move into the bungalows. This will help reduce pressure on the council housing waiting list and potentially reduce budget pressures on care and support packages.

What equality information is available? (Include any engagement undertaken)

Information from housing register applications e.g. age and disability.

The Housing Occupational Health team assess households to determine their need which leads to a priority of allocation under the current Housing Allocations Policy. A regular review of the profile of people on the housing register takes place in order to plan for the types of new homes needed, such as the bungalows proposed.

Are there any gaps in the information that you are aware of?

None identified following wider discussion with colleagues.

What monitoring arrangements have you made to monitor the impact of the policy or service on communities/groups according to their protected characteristics?

The impact of the allocation of bungalows will be monitored through the Housing

Allocations policy to understand any impact on the housing register and current applicants.	
Engagement undertaken with customers. (date and group(s) consulted and key findings)	<p>The case for developing the types and tenures of new homes is based on statistical evidence.</p> <p>Statutory consultation will be carried out with members of the public at each of the local sites identified, this forms part of the planning process for any new development.</p>
Engagement undertaken with staff (date and group(s) consulted and key findings)	<p>Ward Members, local to each of the sites, were consulted in June 2018, and discussions took place regarding the substitution of sites in February 2019. A number of other key services have had the opportunity to contribute to the report as part of the Cabinet reporting process and their comments and concerns have been addressed within the report.</p> <p>The public, members and other services are also consulted during any review of the Housing Allocations Policy.</p>

4. The Analysis - of the actual or likely effect of the Policy or Service (Identify by protected characteristics)

How does the Policy/Service meet the needs of different communities and groups? (Protected characteristics of Age, Disability, Sex, Gender Reassignment, Race, Religion or Belief, Sexual Orientation, Civil Partnerships and Marriage, Pregnancy and Maternity) - see glossary on page 14 of the Equality Screening and Analysis Guidance)

The development is specifically designed to meet the needs of older people and those with an assessed medical need for level access accommodation (Age / Disability characteristics). It will provide the opportunity to live independently for longer with less care and support.

There are no known specific property requirements for the below protected characteristics;

- sex
- gender reassignment
- race
- sexual orientation
- civil partnerships and marriage
- pregnancy and maternity
- religion and belief

Although the priority will be for age and disability related protected characteristics, others will be able to apply if there is insufficient take up from the priority groups identified.

Does your Policy/Service present any problems or barriers to communities or Groups?

The properties will be subject to a local lettings policy for over 50's or those with an assessed medical need for level access accommodation.

Although the priority will be for these protected characteristics, others will be able to apply if there is insufficient take up from the priority groups identified.

Does the Service/Policy provide any positive impact/s including improvements or remove barriers?

Based on local intelligence, there is a known shortage of level access accommodation across the borough, particularly in the locations identified. Data shows the number of bids, per new bungalow advertised via the housing register, is significantly above the borough average.

Service users living in accommodation which is not currently suitable for their needs will be assessed and may have the option to move into these properties. This will not only improve an individual's housing situation but could also contribute to reducing pressure on the council housing waiting list and potentially reduce budget pressures on care and support packages, which may be in place to ease the immediate housing issues being experienced.

What affect will the Policy/Service have on community relations? (may also need to consider activity which may be perceived as benefiting one group at the expense of another)

As the identified sites are in existing residential locations a negative impact is not anticipated. On some occasions the vacant land can be a location for anti-social behaviour, fly tipping or other nuisance so the introduction of high quality, new homes should also contribute to improvements within existing neighbourhoods.

The bungalows will also contribute to the existing communities through the promotion of intergenerational living.

Please list any **actions and targets** that need to be taken as a consequence of this assessment on the action plan below and ensure that they are added into your service plan for monitoring purposes – see page 12 of the Equality Screening and Analysis Guidance.

5. Summary of findings and Equality Analysis Action Plan

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 - See page 11 of the Equality Screening and Analysis guidance

Title of analysis: Delivery of housing association homes on HRA sites – proposed changes
Directorate and service area: Adult Care, Housing & Public Health, Housing, Strategic Housing & Development Service
Lead Manager: Jane Davies, Head of Strategic Housing and Development
Summary of findings:
No negative impacts have been identified/are anticipated. Therefore an action plan is not required.

Action/Target	State Protected Characteristics as listed below	Target date (MM/YY)

***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**

6. Governance, ownership and approval

Please state those that have approved the Equality Analysis. Approval should be obtained by the Director and approval sought from DLT and the relevant Cabinet Member.

Name	Job title	Date
Tom Bell	Assistant Director of Housing	03/10/2019
Anne-Marie Lubanski	Strategic Director of Adult Care, Housing & Public Health	03/10/2019
Councillor Dominic Beck	Cabinet member for Housing	03/10/2019

7. Publishing

The Equality Analysis will act as evidence that due regard to equality and diversity has been given.

If this Equality Analysis relates to a **Cabinet, key delegated officer decision, Council, other committee or a significant operational decision** a copy of the completed document should be attached as an appendix and published alongside the relevant report.

A copy should also be sent to equality@rotherham.gov.uk For record keeping purposes it will be kept on file and also published on the Council's Equality and Diversity Internet page.

Date Equality Analysis completed	24.06.2019
Report title and date	Delivery of housing association homes on HRA sites – proposed changes
Date report sent for publication	
Date Equality Analysis sent to Performance, Intelligence and Improvement equality@rotherham.gov.uk	

Public Report with Exempt Appendices
Cabinet

Committee Name and Date of Committee Meeting

Cabinet – 21 October 2019

Report Title

Council delivery of new homes on Rotherham town centre sites

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

Yes

Strategic Director Approving Submission of the Report

Anne Marie Lubanski, Strategic Director of Adult Care, Housing and Public Health

Report Author(s)

David Mason, Housing Development Coordinator
01709 255083 or david.mason@rotherham.gov.uk

Ward(s) Affected

Boston Castle

Report Summary

Following a report in October 2017, the Cabinet resolved that:

1. The Council act as the strategic housing enabler to develop Sheffield Road Car Park, Millfold House and the former Henley's Garage on Wellgate into residential accommodation.
2. The Assistant Director of Planning, Regeneration and Transport be authorised to purchase additional land to improve the scale of development potential.
3. Expenditure on these acquisitions be funded from resources allocated to the town centre regeneration programme.
4. Officers be authorised to explore further possible acquisitions, to maximise the regenerative impact of these residential schemes.
5. A further report be submitted setting out a detailed financial business case and development proposals.

A preferred contractor partner has been identified and proposals for 171 high quality, mixed tenure homes developed for these gateway sites, which are key to the transformation of the town centre. This report sets out the full details of the scheme, explains how it will help deliver the Town Centre Masterplan and seeks authority for the necessary budget and delegated authorities to officers.

Recommendations

1. That the contents of the report, including the delivery arrangements for and funding implications of the proposed scheme, be noted.
2. That Council be recommended to approve the scheme for inclusion in the Capital Programme.
3. That the use of Housing Revenue Account capital resources to undertake preparatory works be approved, as outlined in Section 12.6, up to the amount set out in exempt Appendix 5.
4. That the Assistant Director of Housing Services be authorised to undertake any necessary procurement and award tenders for contracts associated with the delivery of the proposed scheme within the amounts set out in exempt Appendix 5.
5. That authority be delegated to the Assistant Director of Housing Services, in consultation with the Cabinet Member for Housing, to make amendments to site boundaries and to the numbers, types and tenures of homes in the scheme.
6. That the land shown red-lined at Appendices 1, 2 and 3 be appropriated from the General Fund to the Housing Revenue Account (HRA).

List of Appendices Included

- Appendix 1 Sheffield Road Car Park
- Appendix 2 Millfold House
- Appendix 3 Former Henley's Garage
- Appendix 4 Equality Analysis
- Appendix 5 Financial Implications (Exempt)

Background Papers

Report to Cabinet: "Residential development of Millfold House, Sheffield Road car park and the former Henley's Garage site" (16 October 2017)

Report to Cabinet: "Rotherham Town Centre Masterplan" (11 September 2017)

Consideration by any other Council Committee, Scrutiny or Advisory Panel

Overview and Scrutiny Management Board – 16 October 2019

Council Approval Required

Yes

Exempt from the Press and Public

An exemption is sought for Appendix 5 under Paragraph 3 (Information relating to the financial or business affairs of any particular person (including the authority holding that information)) of Part I of Schedule 12A of the Local Government Act 1972, as this report contains sensitive commercial information regarding the Council's contracts.

It is considered that the public interest in maintaining the exemption would outweigh the public interest in disclosing the information because disclosing Council budgets could adversely affect its commercial negotiations with contractors.

Council delivery of new homes on Rotherham town centre sites

1. Background

- 1.1 In October 2017, Cabinet resolved that ‘the Council will act as the strategic housing enabler to develop Sheffield Road car park, Millfold House and the former Henley’s garage on Wellgate into residential accommodation’. The approach recommended within the report was that the Council should act as developer on these sites and the report set out the intention to procure a contractor partner for the development.
- 1.2 Procurement of a contractor partner, Willmott Dixon Construction Limited (WDCL), took place in 2018 and the Council has worked with them to develop planning applications for each of the sites, which have now been submitted. The scheme comprises 171 homes in total, including 123 affordable homes. Extensive work has been undertaken since October 2017 working through key issues including funding routes, additional site acquisition, viability, grant funding availability and mix of housetypes and tenures.

2. Key Issues

Delivering the Town Centre Masterplan and Housing Growth

- 2.1 The forthcoming transformation of Forge Island, as the culmination of a cluster of major regeneration initiatives, will help create many of the conditions for an attractive town centre residential offer as envisaged in the Masterplan, which identifies capacity for up to 2,000 new homes. The market is still relatively underdeveloped and some of the potential sites are challenging but, by bringing forward this scheme within a similar timeframe to Forge Island, the Council will demonstrate the demand for town centre living in Rotherham and provide the confidence for the private sector to invest.
- 2.2 These sites sit at strategically important, highly visible gateway locations in the town centre, adjacent to other sites with the potential to accommodate further housing development. The delivery of 171 new homes across these sites will provide a significant contribution towards Rotherham’s housing growth requirement, with further multiplier effects as anticipated above. It is also important to maximise the scheme’s contribution towards meeting the borough’s affordable housing need, with many other sites within the town centre presenting viability challenges. The provision of 72% affordable housing on this scheme will have a significant impact.

Funding the scheme

- 2.3 The nature of these ex-industrial, brownfield sites poses significant viability challenges relating to site remediation. There are also individual site specific issues including flood risk mitigation, a steeply sloping site with new and existing retaining structures, and a listed building (Wellgate Old Hall). Combined with modest sale and rental values in an emerging residential market, these sites are not currently viable propositions for private investment, hence the need for the Council to deliver directly. Public subsidy will be required to address the broad viability issues and to support the delivery of the 123 affordable homes proposed.

- 2.4 Given the high proportion of affordable housing and the availability of funding reserves, the Housing Revenue Account (HRA) is proposed as the most appropriate route for direct Council delivery of the scheme.
- 2.5 Homes England's Shared Ownership and Affordable Homes Programme (SOAHP), which is already providing grant support to deliver more than 200 new Council homes across the borough, has been identified as an appropriate grant funding route for the 123 affordable homes, combining with HRA resources. The Council would submit a bid for SOAHP funding in November 2019. The principle of investment has been provisionally agreed with Homes England, subject to further grant funding being secured from Sheffield City Region (see 2.6). The funding would be predicated on achieving starts on site by March 2020 and completions by March 2022.
- 2.6 To assist with the broader viability challenges of the scheme, including the 48 market sale properties, the Council has sought support from the Sheffield City Region (SCR) Housing Fund. The Council's Strategic Business Case was approved by the SCR in July and approval of the Full Business Case is now awaited, for a grant of £3.917m.
- 2.7 These funding streams have been factored into detailed financial modelling, identifying a tenure mix that supports the delivery of the scheme. That modelling has been further informed by extensive, intrusive site investigations and the development of the schemes into full planning applications. This has allowed a detailed pricing exercise by WDCL, providing greater cost certainty.

Tenure mix and allocations

- 2.8 The emerging private town centre residential market is dominated by private rented apartments. In order to broaden the base of the market and encourage the development of a new, sustainable, balanced community, it is necessary to introduce new house types and tenures into the mix, demonstrating demand and stimulating more variety in private developments.
- 2.9 The scheme provides apartments for Council rent aimed at singles, sharers and couples who are attracted by the concept of town centre living but are priced out of the private rented sector. It provides both houses and apartments for shared ownership suiting first time buyers, key workers and older downsizers amongst others. There are also a variety of market sale options including traditional family homes with gardens, modern back-to-back houses and flexible, dual aspect, riverside houses, suitable for families or sharers, with terraces overlooking the River Don.
- 2.10 Older people within the borough use and support the town centre in disproportionately high numbers and many would benefit from the convenience of living there. However, perceived lifestyle clashes with younger residents can discourage some older people from taking up the opportunity. A block of 23 Council rented apartments on the former Henley's Garage site is proposed to be age-banded for applicants over 50 years of age. This block, as with all of the apartments within the scheme, is completely level access.

- 2.11 In a mixed tenure scheme the short term capital receipts generated by sales are balanced against the longer term revenue streams offered by rented properties. The impact of the proposed mix has been modelled in detail.

Design and sustainability

- 2.12 WDCL subcontracted the design elements to Bond Bryan Architects to develop the designs to planning application stage. Each site features a landmark apartment building on its main frontage, making a clear statement to town centre visitors about Rotherham's regeneration and setting the tone for future developments. The architectural approach and use of materials complements existing historic buildings that neighbour the sites, and the quality of the materials used will stand the test of time.
- 2.13 Car parking provision has been kept to a level appropriate to these sustainable urban locations, and to further encourage sustainable transport it is intended to provide many of the new homes with electric vehicle charging points. This follows the installation of 30 public charging points in the town centre and continues the Council's commitment towards improving air quality, in line with the introduction of the Clean Air Zone.

Housing management and maintenance

- 2.14 The scheme includes various communal amenities including bin stores, cycle stores, landscaped areas and a private access road at Millfold House. There are also structural elements such as retaining walls requiring ongoing maintenance. It is proposed that the Housing Service maintains the scheme as a whole, levying service charges and estate fees across all tenures as appropriate, with the level of any fees and charges to be agreed by the Assistant Director of Housing.
- 2.15 The specification for the Council rented homes aligns with the standard Council specification, ensuring consistency across the stock.
- 2.16 Each house on the scheme will have allocated car parking. In order to ration the limited car parking provision for the apartments, spaces will be allocated to some apartments and not others. Rent levels will reflect the difference.

Procurement process

- 2.17 WDCL was procured using the YORbuild framework and ranked first among five bidders in a competition evaluated 50:50 on price and quality, which took into account feedback from soft market testing in 2017. Planning and Finance Officers were involved in the evaluation, along with consultants Gleeds who have since been appointed, via the Scape framework, as the Council's Employer's Agent for the scheme.
- 2.18 As part of a collaborative, two-stage process, the Council entered into a Professional Services Contract with WDCL to work up designs to planning application stage. WDCL have now submitted a final price and, subject to further detailed scrutiny of that price, a contract would be awarded to physically construct the scheme.

Scheme proposals

- 2.19 Detailed unit breakdowns are shown at Appendices 1-3. The proposed tenure mix across the three sites is as follows:

Site	Council Rent	Shared Ownership	Market Sale	Total
Sheffield Rd	44	0	34	78
Millfold House	25	0	14	39
Henley's	23	31	0	54
Total	92	31	48	171

Appropriation

- 2.20 The three sites sit as assets within the Council's General Fund, as will 74-76 Wellgate (Eastwood Domestics), which is being acquired in order to extend the Millfold House site in line with the recommendations of the October 2017 report. In order for the scheme to be delivered via the HRA, the sites shown red-lined at Appendices 1-3 would be appropriated to the HRA from the General Fund.

3. Options considered and recommended proposal

- 3.1 Having developed the scheme to planning application stage, the following options are open to the Council:

Discontinue the project (Not Recommended)

- 3.2 The Council could discontinue the project and invest HRA capital resources in other schemes. Without the public subsidy that the Council is securing, the sites remain an unviable proposition for private residential development, meaning that the sites would achieve nil value if sold with residential planning permission but without further site remediation. Therefore, discontinuing the project would result in significant abortive costs incurred in developing the scheme to this stage, with no prospect of an alternative housing scheme coming forward to regenerate the sites and deliver the masterplan.

100% Market Sale/Rent (Not Recommended)

- 3.3 A scheme without any affordable housing would, theoretically, maximise the total sale and rental income to the Council. However, it would not be eligible for the grant funding that the Council is seeking to attract and would, therefore, be unviable. It would also fail to meet the Council's own requirement for 25% affordable housing.

100% Affordable Housing (Not Recommended)

- 3.4 A scheme comprising only Affordable Housing would miss the opportunity to diversify the emerging town centre residential market by introducing new family homes for sale. It would also be unlikely to attract the necessary additional subsidy from Homes England, which promotes mixed tenure as a key element of sustainable communities.

Mixed tenure scheme (Recommended)

- 3.5 The proposed scheme outlined at 2.19 and in Appendices 1-3 strikes a sustainable balance between the provision of affordable housing, the financial deliverability of the scheme, meeting the objectives of funders and building a new town centre community.

4. Consultation on proposal

- 4.1 The ambition to build homes in the town centre has been informed by extensive feedback from residents and stakeholders gathered over the past four years, including Housing Strategy consultation, Local Plan and Town Centre Masterplan consultation, the current and former Strategic Housing Market Assessments for the borough, and the Council's Annual Housing Developer Summit.
- 4.2 In developing the specific proposals for these sites, consultation has taken place with local Ward Members, staff from a wide range of Council services, the Rotherham Strategic Housing Forum, Homes England, and Rotherham's Town Centre and Housing and Regeneration Board, as well as local town centre businesses. Further community consultation was carried out as part of the Planning process. The following scheme specific consultation has also taken place:

Group	Date
Rotherham Voice – Town Centre Retailers	05/02/19
Boston Castle Ward Network – Local Residents	09/04/19
Boston Castle Ward Members' Briefing	14/05/19
Town Centre Regeneration – Members' Seminar	02/10/19

5. Timetable and Accountability for Implementing this Decision

- 5.1 Building on the experience of delivering previous schemes in the Council's housing growth programme, design work on this scheme began in January 2019 with planning applications submitted in June/July 2019. This, working in partnership with Gleeds and WDCL, has allowed the development of a fully costed business case to inform this Cabinet report. Now that this work has been completed, the Council has a robust understanding of the scheme costs and delivery timescales.

Milestone	Date	Accountable Officer
Council approval: inclusion in Capital Programme	30 Oct 2019	Tom Bell
Submission of bid to Homes England	Nov 2019	Tom Bell
Enabling Contract Award	Nov 2019	Tom Bell
Confirmation of SCR funding	18 Nov 2019	Tom Bell
Confirmation of Homes England funding	Dec 2019	Tom Bell
Main Contract Award	Dec 2019	Tom Bell
Start on site	Feb 2020	Tom Bell
First completions	Q1 2021/22	Tom Bell
Final SOAHP-funded completions	Q3 2021/22	Tom Bell
Final completions	Q4 2021/22	Tom Bell

- 5.2 A dedicated Housing Development Coordinator for the scheme, based within the Strategic Housing and Development Service, is responsible for co-ordinating day-to-day client arrangements with the Contractor. The Coordinator will be supported by the Employer's Agent, Gleeds, who will also provide the Clerk of Works function.
- 5.3 Progress will be overseen by the Town Centre and Housing and Regeneration Programme Delivery Board, which is attended by the Cabinet Member for Housing and the Cabinet Member for Jobs and Local Economy, as well as the Chief Executive and Strategic Directors for Regeneration and Environment, and for Adult Care, Housing and Public Health.

6. Financial and Procurement Advice and Implications

- 6.1 The project already has an approved budget within the Council's capital programme of £592k, for the delivery of site investigations, detailed design and pricing. This report proposes to earmark the required funding for the physical delivery of the 171 new homes, and its inclusion within the Council's capital programme. The exempt Appendix 5 provides the details of the planned expenditure profile, and funding required.
- 6.2 The 171 new homes delivered will be mixed tenure, comprising 92 Council rent, 31 shared ownership and 48 market sale. Each tenure type will have a varying impact on the Council's finances. The Council rent (Affordable Rent) properties will be absorbed into the HRA, increasing the annual rental income stream for the Council by £469k per annum. The shared ownership properties will both generate an initial capital receipt to the Council for the part of the property sold, and then increase the Council's annual rental income stream by £81k per annum for the element rented to the new home owner. The market sales properties will generate a capital receipt to the Council.

Capital receipts

- 6.3 The capital receipts from market sale properties and shared ownership properties must be ring-fenced to the HRA. This step is crucial as the HRA will be subsidising the delivery of the scheme whilst the new properties are constructed, up until the point that these properties can be sold. Once sold, effectively the receipts will be used to repay the HRA contribution. If this step is not taken the Council risks the HRA cross-subsidising the delivery of sale properties. If the receipts generated are greater than the HRA contribution then the additional receipt will be used to repay the General Fund contribution.

External funding

- 6.4 A bid has been submitted to the SCR Housing Fund for a grant contribution towards the scheme, specifically to cover the site and design abnormalities. An initial Strategic Business Case has been approved by the SCR; the Full Business Case is subject to agreement by the Combined Authority on 18 November. The use of this grant would be structured to prevent any cross-subsidy of the market sale or shared ownership properties by the HRA. By using the grant to bridge the gap between expected costs per unit and expected sale prices we could ensure that the HRA contribution can be recovered by the sales receipts.
- 6.5 A separate bid will be submitted to Homes England's Shared Ownership and Affordable Homes Programme, for a contribution towards the delivery of 123 affordable homes. The principle of Homes England investment has been provisionally agreed subject to confirmation of the SCR funding outlined above. The Council will be required to sign up to a planned delivery programme, with key timescales and deliverables in order to draw down the grant.

Appropriation of Land Values

- 6.6 To enable the delivery of the project the Council will need to appropriate the three sites (Sheffield Road, Millfold House, and Henley's Garage) held within the General Fund to the HRA. The Council is also acquiring 74-76 Wellgate (Eastwood Domestics) to extend the Millfold Road site. The Council is forgoing potential capital receipts totalling £835k from the sale of the sites for their current uses.

Financial assessment

- 6.7 A financial assessment of the viability of the project has been carried out to assess the impact on the Council's finances. This is detailed in Appendix 5. The Council will not recoup its initial investment through sales receipts or future rental streams. However, the Council has defined the project as a strategic priority and the financial implications of the decision should be considered alongside the strategic importance of delivering the scheme and the impact of not doing so.
- 6.8 The delivery of the scheme will see a number of broader financial benefits as the delivery of new build housing will contribute to the Council's financial planning assumptions for Council Tax income as set out within the Medium Term Financial Strategy. In addition it is expected that this scheme will generate further financial benefits to the Council and the economy of Rotherham as the new housing helps to regenerate the town centre offer, and link in with the wider Town Centre Masterplan.

Revenue implications

- 6.9 Once all properties are fully completed and occupied there will be a net revenue benefit to the Council of £147k per annum. In addition, the HRA revenue budgets will receive 4% of sales receipts from the sale properties to support the administration costs of managing the process.

Financial risks

6.10 Aside from the funding risks above, there are a number of other financial risks facing this scheme. These risks predominantly focus around increases in project costs; they will be mitigated through regular monitoring and through the provision of an appropriate contingency budget, as disclosed in the exempt Appendix 5. These are:

- Unforeseen cost increases during the construction period, which could have an impact on the General Fund if greater resources are required for sale units.
- Increased costs due to the Council needing to or wanting to change the scope of housing delivery on the sites.
- Uncertainty in the UK economy due to EU Exit and unknown cost implications of the outcome of EU exit. For example, delays to, or difficulties in, accessing materials from or through the EU.
- Right to Buy purchases on the new Council rent properties
- Delays on site could lead to Homes England delivery targets being missed and grant withheld. However, officers will work closely with Homes England to manage this risk and reassure them of the deliverability.

6.11 Whilst the projected sales values could increase from the market sales properties, making the scheme more financially viable, there are possible risks facing these sales. Firstly, the Council is trying to create a market for housing in the town centre: there is a risk that the market sale homes don't generate the required interest. In addition there is a risk that uncertainty in the UK economy now, and post EU exit makes gaining a mortgage more difficult. For example, if the bank rate rises, and with it the cost of mortgages, this could reduce the Council's target market and the level of capital receipts generated. Mitigation of this risk is set out in Section 12.

Procurement implications

6.12 All procurement activity outlined in this report has been conducted in compliance with the Public Contracts Regulations 2015 and the Council's own Financial and Procurement Procedure Rules. Any new procurement activity that may be undertaken as a result of decisions made must also be carried out in compliance with the Rules and Regulations.

6.13 As detailed below (mitigation of risks) set out in Section 12, it is proposed that the Council enters into a Pre-Construction Services Agreement. Entering into this type of arrangement is appropriate in these circumstances to ensure successful progression of the project but does not commit the Council to enter into the final build contract, if agreement on the final proposal cannot be reached.

7. Legal Advice and Implications

- 7.1 The SCR Housing Fund grant will be used partly to support the development of the market sale homes and in certain circumstances this could be considered State Aid. Accordingly, the Council has sought external legal advice on this point. The advice is that there is a very strong argument that, because the Council is not engaged in an economic activity but is carrying out its public purpose in accordance with its strategic development plan (namely the development of mixed housing), it will not be receiving state aid in connection with any grant funding it may receive. Furthermore, there are also strong arguments that the Council is providing a local service and that its activities do not affect trade between Member States and therefore any grant funding will not involve state aid to the Council.
- 7.2 The Assistant Director of Legal Services will sign and execute sale agreements for market sale and shared ownership properties.

8. Human Resources Advice and Implications

- 8.1 Sheffield Road car park currently provides Council staff permit parking for 99 FTE equivalents. Parking Services will make alternative arrangements in other Council car parks for those staff affected. Options include, for example: Unity Place, The Statutes and Wellgate multi-storey (subject to capacity). Some of the alternatives, being closer to the town centre, are £10/month more expensive. There are no further HR implications.

9. Implications for Children and Young People and Vulnerable Adults

- 9.1 The scheme will introduce new build family housing into the town centre, encouraging families into the area. Financial contributions are anticipated via the Planning process to ensure sufficient capacity in local schools.
- 9.2 Homes for older people are included in the scheme, supporting people to live independently in their own homes.

10. Equalities and Human Rights Advice and Implications

- 10.1 The equality analysis for the scheme is attached at Appendix 4. This sets out the key equalities issues and mitigations identified.

11. Implications for Partners

- 11.1 The development of these sites will bring significant positive changes and benefits for other local businesses and partners, improving the viability of some town centre businesses and services. Regular updates have and will continue to be provided to the Rotherham Strategic Housing Forum, which brings together a range of organisations including Voluntary Action Rotherham, the CCG and local housing associations. The relevant links will also be made with the wider Rotherham Together Partnership structure.
- 11.2 The Strategic Housing and Development Service is working in close partnership with both Homes England and the Sheffield City Region, as set out in 12.5.

12. Risks and Mitigation

12.1. Four main risks require ongoing mitigation as follows:

Costs

12.2 Mitigation to date: in contrast to previous schemes in the Council's housing growth programme, an 'invest-to-save' approach has been taken to this project, with substantial work already undertaken, at risk, to provide greater cost certainty at this decision point. The Council is in receipt of a tendered price for the construction of the scheme based on detailed planning applications, themselves based on comprehensive, intrusive site investigations. This upfront investment has allowed robust cost projections, informed by expert analysis from Gleeds to identify and correct any omissions during the pricing process.

12.3 Ongoing mitigation: notwithstanding the work already undertaken to provide cost certainty, there are some costs that cannot be known until work begins on site, and there will always be unanticipated costs. Risk allocation between Council and contractor is key to mitigating these and the price submitted by WDCL is based on agreed risk sharing principles. This follows detailed, collaborative risk workshops with the contractor in which the Council has been advised by Gleeds, in order to ensure an appropriate balance of risk, where the contractor is incentivised to pursue cost-effective solutions to any issues that arise.

External funding

12.4 Mitigation to date: securing external funding for this project is essential to delivering the scheme and the Council has ensured that the strategic importance of this scheme, both to the borough and the wider City Region, is recognised by both Homes England and the SCR. Officers are working closely with both organisations regarding the broader regeneration agenda across the town centre and that is reflected in Homes England's confirmation of their intent to invest in the 123 affordable homes proposed. Further funding has been sought from the SCR Housing Fund and it is clear from the approval of our initial Strategic Business Case that this scheme represents an outstanding strategic fit with the objectives of the fund.

12.5 Ongoing mitigation: assuming the required funding is secured, grant conditions will need to be met in order to draw it down. By delaying submission of bids until planning applications had been submitted and a Cabinet decision was imminent, the Council has placed itself in an excellent position to meet all delivery milestones. Regular contract review meetings are in place with Homes England, as well as regular joint town centre meetings with them and the SCR. These provide an opportunity to monitor progress, raise any issues and resolve them flexibly and collaboratively.

- 12.6 Proposed mitigation: the grant funding from Homes England would be predicated on achieving starts on site by March 2020 and completions by March 2022. A decision on the SCR funding is expected on 18 November. However, if there were a delay in confirmation of the SCR grant funding, or in agreeing the funding agreement with the SCR, that could put the Homes England grant, and therefore the scheme, at risk. To mitigate this, it is proposed to enter into a pre-contract agreement with the contractor to undertake post-Planning design, demolition, site clearance and preparation, which would allow the project to continue pending SCR funding being secured. Whilst this investment would be made by the Council at risk, it would increase the value of the sites and place the Council in a stronger position to secure alternative grant funding, in the event that SCR funding was not approved.

Demand

- 12.7 Within the tenure mix there are 48 houses for market sale, which is not a new build product that currently exists in the town centre. At the former Henley's Garage site, 31 shared ownership homes are proposed, which for that tenure is a scale of development not seen in Rotherham until the Council's recent development at Bellows Road, a scheme just coming to completion. In both cases the Council is attempting to create a market, which carries inherent risks.
- 12.8 Mitigation to date: part of the mitigation strategy is to provide a variety of housetypes (apartments, traditional houses, back-to-backs, waterside homes) to maximise the breadth of potential sales demand. A range of market intelligence has been used to refine the mix, including the Strategic Housing Market Assessment and a specific report on shared ownership demand within the borough, commissioned from consultants Arc4. For example, the latest evidence shows that three bed houses are the most popular housetype amongst potential buyers, so the proportion of three beds has been increased accordingly.
- 12.9 Ongoing mitigation: the scheme will be marketed using the Rother Living brand that is proving successful on the Council's existing housing development schemes, and will build on the work being done to promote shared ownership as a low cost home ownership product across the borough. There will always be a risk that some properties do not sell and the fall-back position could be that these revert to Council rent. For shared ownership homes this will be subject to the agreement of Homes England. This option has been discussed with Homes England and they would assess on a case-by-case basis.

Programme

- 12.10 The delivery of the proposed scheme represents a complex and challenging programme over multiple sites. There are numerous eventualities that could lead to slippage in the programme.

- 12.11 Mitigation to date: engaging a contractor at the start of the design process has allowed any changes to be modelled by the contractor's Planning Manager who will be responsible for the delivery of the scheme, factoring in the impact of changes on the contractor's supply chain. This has allowed realistic assessment of the milestones to ensure they remain achievable. Submitting planning applications in advance of Cabinet approval will enable a prompt start on site once external funding is in place.
- 12.12 Ongoing mitigation: the project steering group meets on a fortnightly basis to assess the ongoing risk register and anticipate and mitigate any issues with the programme.

13. Accountable Officers

Tom Bell, Assistant Director of Housing Services

Approvals obtained on behalf of Statutory Officers:-

	Named Officer	Date
Chief Executive	Sharon Kemp	07/10/19
Strategic Director of Finance & Customer Services (S.151 Officer)	Judith Badger	04/10/19
Head of Legal Services (Monitoring Officer)	Bal Nahal	04/10/19

*Report Author: David Mason, Housing Development Coordinator
01709 255083 or david.mason@rotherham.gov.uk*

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

Appendix 1: Sheffield Road Car Park



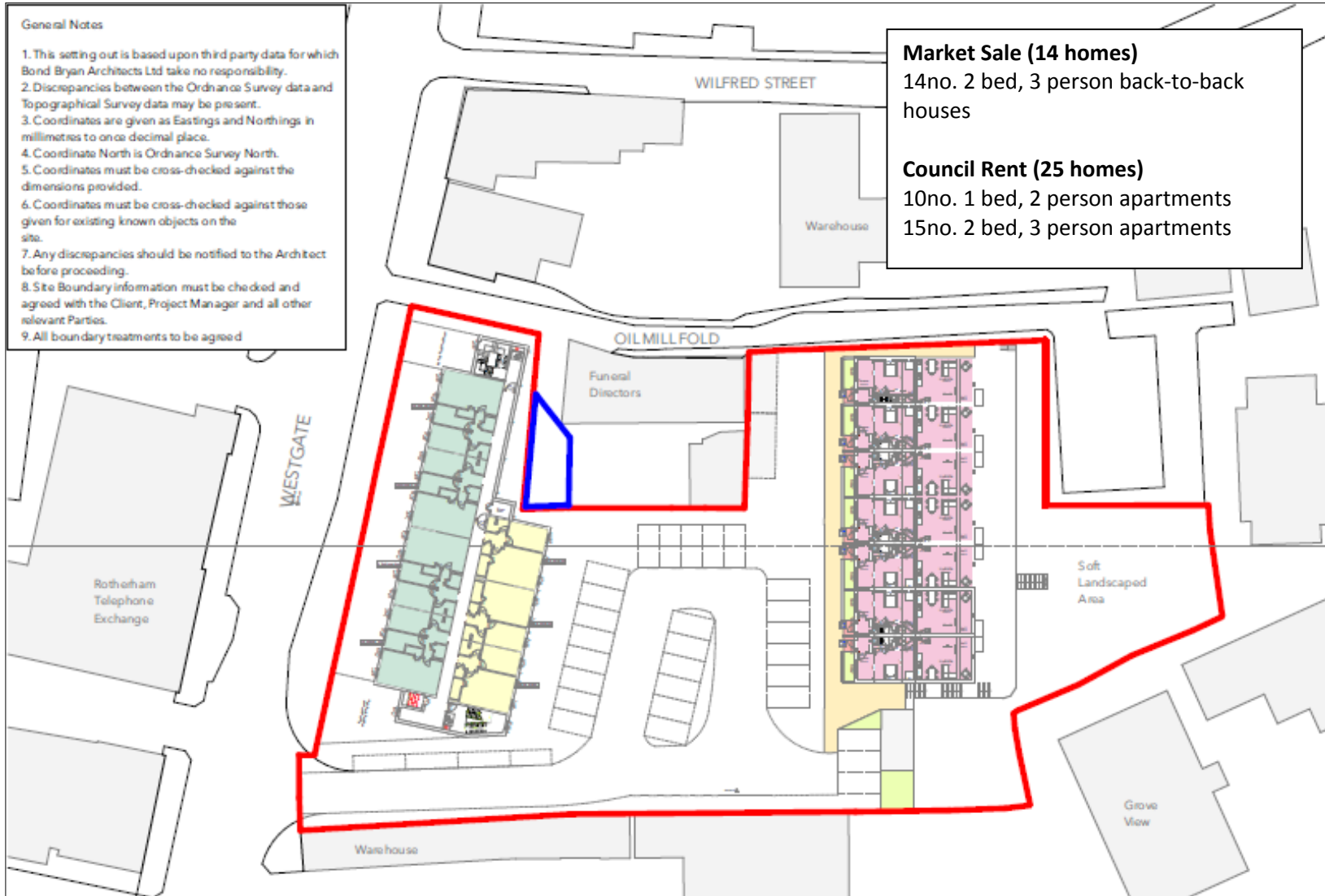
Market Sale (34 homes)

- 8no. 3 bed, 6 traditional houses
- 5no. 3 bed, 6 person riverside houses
- 8no. 2 bed, 4 person houses
- 8no. 2 bed, 3 person back-to-back houses
- 5no. 2 bed, 3 person riverside houses

Council Rent (44 homes)

- 21no. 1 bed, 2 person apartments
- 23no. 2 bed, 3 person apartments

Appendix 2: Millfold House



Appendix 3: Former Henley's Garage



- General Notes**
1. This setting out is based upon third party data for which Bond Bryan Architects Ltd take no responsibility.
 2. Discrepancies between the Ordnance Survey data and Topographical Survey data may be present.
 3. Coordinates are given as Eastings and Northings in millimetres to once decimal place.
 4. Coordinate North is Ordnance Survey North.
 5. Coordinates must be cross-checked against the dimensions provided.
 6. Coordinates must be cross-checked against those given for existing known objects on the site.
 7. Any discrepancies should be notified to the Architect before proceeding.
 8. Site Boundary information must be checked and agreed with the Client, Project Manager and all other relevant Parties.
 9. All boundary treatments to be agreed

Shared Ownership (31 homes)

- 10no. 3 bed, 6 person houses
- 10no. 2 bed, 4 person houses
- 6no. 1 bed, 2 person apartments
- 5no. 2 bed, 3 person apartments

Council Rent (23 homes)

- 12no. 1 bed, 2 person apartments
- 11no. 2 bed, 3 person apartments

PART B – Equality Analysis Form

As a public authority we need to ensure that all our strategies, policies, service and functions, both current and proposed have given proper consideration to equality and diversity.

This form:

- Can be used to prompt discussions, ensure that due regard has been given and remove or minimise disadvantage for an individual or group with a protected characteristic
- Involves looking at what steps can be taken to advance and maximise equality as well as eliminate discrimination and negative consequences
- Should be completed before decisions are made, this will remove the need for remedial actions.

Note – An Initial Equality Screening Assessment (Part A) should be completed prior to this form.

When completing this form consider the Equality Act 2010 protected characteristics Age, Disability, Sex, Gender Reassignment, Race, Religion or Belief, Sexual Orientation, Civil Partnerships and Marriage, Pregnancy and Maternity and other socio-economic groups e.g. parents, single parents and guardians, carers, looked after children, unemployed and people on low incomes, ex-offenders, victims of domestic violence, homeless people etc. – see page 11 of Equality Screening and Analysis Guidance.

1. Title	
Equality Analysis title: Analysis on impact of town centre house build programme	
Date of Equality Analysis (EA): 05/07/2019 (updated on 27/09/2019)	
Directorate: Adult Care, Housing & Public Health	Service area: Strategic Housing & Development Service
Lead Manager: Jane Davies, Head of Strategic Housing & Development	Contact number: 01709 334970
Is this a:	
<input type="checkbox"/> Strategy / Policy	<input type="checkbox"/> Service / Function
<input checked="" type="checkbox"/> Other	
If other, please specify Report seeking approval to use Housing Revenue Account capital resources to deliver 171 homes across three Council-owned sites in the town centre.	

2. Names of those involved in the Equality Analysis (Should include minimum of three people) - see page 7 of Equality Screening and Analysis Guidance

Name	Organisation	Role (eg service user, managers, service specialist)
Jane Davies	RMBC	Head of Strategic Housing and Development
Dave Mason	RMBC	Housing Development Coordinator (Delivery)
Hannah Upstone	RMBC	Housing Development Outcomes Officer

3. What is already known? - see page 10 of Equality Screening and Analysis Guidance
Aim/Scope (who the Policy/Service affects and intended outcomes if known)

This may include a group/s identified by a protected characteristic, others groups or stakeholder/s e.g. service users, employees, partners, members, suppliers etc.)

The scheme is to deliver 171 homes on three Council-owned sites in Rotherham Town Centre. The sites will be mixed tenure to include market sale, shared ownership and council rent.

It is set out in the Housing Strategy how we meet local housing need whilst ensuring our existing residents are living in safe, clean and affordable homes that meet their needs. Therefore these schemes would affect anyone looking for a new home, whether that be rented or for sale.

What equality information is available? (Include any engagement undertaken)

- Profile of applicants on Council's Housing Register (numbers of households eligible for age restricted accommodation etc)
- Local population demographic data
- Profile of existing Council tenants
- ARC4 shared ownership report which sets out demand for shared ownership
- Strategic Housing Market Assessment

Are there any gaps in the information that you are aware of?

- Limited information re. demand for new housing in the town centre as we are creating a new market
- People who own their homes and want to downsize into ownership of a smaller new build property
- People who own their homes and are seeking to move, who are disabled

<p>What monitoring arrangements have you made to monitor the impact of the policy or service on communities/groups according to their protected characteristics?</p> <p>One year after the first property completion we will conduct analysis of who is living in the new homes and demand for each site / property type</p> <p>This will be repeated annually</p>	
<p>Engagement undertaken with customers. (date and group(s) consulted and key findings)</p>	<ul style="list-style-type: none"> • Strategic Housing Market Assessment 2018 • Housing Strategy consultation – various groups and meetings including 2018 Tenant Conference, 2018 Rotherham Show etc • Town centre master plan consultation • Local Ward Members - consulted at Boston Castle Ward Network events on 9th April and 14th May 2019. • Rotherham Strategic Housing Forum (which includes RotherFed and Voluntary Action Rotherham as well as a range of housing associations and other partners) – discussed on 28th September 2018 and 11th June 2019 with brief verbal updates at intervening meetings. • Rotherham Voice – town centre businesses – 5th February 2019 (presentation on housing programme). <p>General consensus that residential development is an important part of Rotherham Town Centre’s future and that a range of people could benefit / would be interested, particularly older people who want to live close to shops, services and public transport.</p>
<p>Engagement undertaken with staff (date and group(s) consulted and key findings)</p>	<ul style="list-style-type: none"> • Rotherham Strategic Housing Forum – discussed on 28th September 2018 and 11th June 2019 with brief verbal updates at intervening meetings. • Housing Developer Summit – 21st November 2019 • Rotherham Town Centre Task and Finish Group (presentation and main focus on housing programme) – 20th June 2019. • Homes England liaison meetings - 14th November 2018, 7th May 2019. • Rotherham’s Town Centre and Housing and Regeneration Board – updates to every meeting since the Board was established in Feb 2017. • Consultation as part of the planning process <p>General consensus that residential development is</p>

	critical to the wider Masterplan for the Town Centre, its economic vibrancy, making it feel a safer place to visit and live in etc.
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4. The Analysis - of the actual or likely effect of the Policy or Service (Identify by protected characteristics)

How does the Policy/Service meet the needs of different communities and groups? (Protected characteristics of Age, Disability, Sex, Gender Reassignment, Race, Religion or Belief, Sexual Orientation, Civil Partnerships and Marriage, Pregnancy and Maternity) - see glossary on page 14 of the Equality Screening and Analysis Guidance)

The main aim of the project is to provide low cost home ownership and Council rented housing near to the town centre which will have a direct impact on disadvantaged communities.

There are no known specific property requirements for the below protected characteristics;

- Sex
- gender reassignment
- race
- sexual orientation
- civil partnerships and marriage

Some religions or beliefs may require separate living spaces for the males and females of the household e.g. living room, dining room.

There is to be a mix of house types from 1-bed apartments to 3 bedroom houses, suiting a wide variety of households including (but not exclusive to);

- Pregnancy and maternity
- parents
- single parents and guardians,
- carers,
- unemployed and people on low incomes
- Older people

There is no supported accommodation on these sites due to the number of existing support accommodation units within the town centre which could affect the below protected characteristics;

- ex-offenders,
- victims of domestic violence,
- homeless people etc.
- looked after children

However as not all of the above will require supported accommodation the council rented properties could be accessed through the normal allocations policy.

It provides Shared Ownership houses for first time buyers and key workers but also Shared Ownership apartments for older downsizers or those coming out of a relationship.

23 of the Council rented properties will be restricted to people aged over 50 or with an assessed priority need which will help older people to access new homes in the town centre.

164 of the 171 homes are designated 'visitable', in terms of accessibility, meaning they benefit from level access from the pavement or a designated accessible parking bay and have the appropriate door widths and an entrance level WC. Circulation spaces provided to access the apartments are generously sized and easy to navigate with no complex layouts. All apartment blocks benefit from lift access to all levels.

Does your Policy/Service present any problems or barriers to communities or Groups?

No

Does the Service/Policy provide any positive impact/s including improvements or remove barriers?

The scheme provides apartments for Council Rent for singles and couples who are attracted by the concept of Town Centre living but are priced out of the private rented sector. It provides Shared Ownership houses for first time buyers and key workers but these will also be accessible for older downsizers or those coming out of a relationship. It also includes 23 homes for older Council tenants (aged 50+) or tenants with an assessed medical priority need, on a level access site with excellent links to the shops and services in the town centre, which will help to support the establishment of sustainable communities.

What affect will the Policy/Service have on community relations? (may also need to consider activity which may be perceived as benefiting one group at the expense of another)

The proposed scheme will add 171 households in and around the town centre which will contribute to and grow existing communities.

Please list any **actions and targets** that need to be taken as a consequence of this assessment on the action plan below and ensure that they are added into your service plan for monitoring purposes – see page 12 of the Equality Screening and Analysis Guidance.

5. Summary of findings and Equality Analysis Action Plan

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 - See page 11 of the Equality Screening and Analysis guidance

Title of analysis: Council delivery of new homes on Rotherham town centre sites
Directorate and service area: Adult Care, Housing & Public Health, Strategic Housing and Development Service
Lead Manager: Jane Davies, Head of Strategic Housing and Development
Summary of findings:
No remedial actions required. The only action is to monitor the impact of the scheme on communities according to their protected characteristic and this will be done so via an annual report.

Action/Target	State Protected Characteristics as listed below	Target date (MM/YY)
Analysis of people living in 171 properties one year after first property completion	All	January 2022
Annual analysis thereafter	All	January 2023

*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

6. Governance, ownership and approval

Please state those that have approved the Equality Analysis. Approval should be obtained by the Director and approval sought from DLT and the relevant Cabinet Member.

Name	Job title	Date
Tom Bell	Assistant Director, Housing	04/10/2019
Anne Marie Lubanski	Strategic Director, Adult Care, Housing and Public Health	04/10/2019
Councillor Beck	Cabinet Member for Housing	04/10/2019

7. Publishing

The Equality Analysis will act as evidence that due regard to equality and diversity has been given.

If this Equality Analysis relates to a **Cabinet, key delegated officer decision, Council, other committee or a significant operational decision** a copy of the completed document should be attached as an appendix and published alongside the relevant report.

A copy should also be sent to equality@rotherham.gov.uk For record keeping purposes it will be kept on file and also published on the Council's Equality and Diversity Internet page.

Date Equality Analysis completed	05/07/2019
Report title and date	Council delivery of new homes on Rotherham town centre sites – 16 th September 2019
Date report sent for publication	
Date Equality Analysis sent to Performance, Intelligence and Improvement equality@rotherham.gov.uk	

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

Document is Restricted

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Committee Name and Date of Committee Meeting

Cabinet – 21 October 2019

Report Title

Update to the Community Asset Transfer Policy **Error! Reference source not found.**

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

Yes

Strategic Director Approving Submission of the Report

Paul Woodcock, Strategic Director of Regeneration and Environment

Report Author(s)

Lindsay Johnson, Strategic Asset Manager
01709 254016 or lindsay-costello.johnson@rotherham.gov.uk

Ward(s) Affected

Borough-Wide

Report Summary

The purpose of this report is to seek approval from Cabinet to update the existing Council policy on the Community Asset Transfer process and adopt the revised policy together with a suite of supporting documents.

Recommendations

1. That the revised Community Asset Transfer Policy documents appended to this report be approved and adopted.

List of Appendices Included

Appendix 1 Equalities Screening Appendix
Appendix 2 Updated Community Asset Transfer Policy
Appendix 3 Community Asset Transfer Flowchart
Appendix 4 Community Asset Transfer (Standard Heads of Terms)
Appendix 5 Evaluation and Scoring Matrix

Background Papers

No

Consideration by any other Council Committee, Scrutiny or Advisory Panel

Overview and Scrutiny Management Board – 16 October 2019

Council Approval Required

No

Exempt from the Press and Public

No

Update to the Community Asset Transfer Policy
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1. Background

- 1.1 The Localism Act (2011) introduced the concept of the Community Asset Transfer (CAT) process for Local Government and the Council's existing policy on this legislation was formally adopted following approval by Cabinet on 20 July 2011.
- 1.2 Since the existing policy was formally adopted the Council have granted a number of Community Asset Transfers across the Borough, many of which have proved to be very successful in empowering community organisations to deliver their own solutions to meet local needs and demands for services.
- 1.3 However, the interest in the CAT process has grown significantly in recent years, more often with multiple community groups expressing an interest in one single asset, and as such the Council now needs to have a more robust policy in place to determine how CAT applications should be assessed.

2. Key Issues

- 2.1 CAT applications are being received from multiple community groups interested in a particular asset following the standard marketing exercise for expressions of interest. As such the Council now needs to have a policy that better supports the decision making process for the granting of CAT agreements.
- 2.2 The Council needs to be more accountable in granting of any CAT agreements and all applications need to be assessed on the same basis to ensure that a consistent decision making process is applied.
- 2.3 Should the Council ever be challenged in respect of a decision to grant a CAT to a particular community group/body, if a clear, transparent and robust process is used to determine all such applications, then the Council will be able to demonstrate the rationale behind their decision making process.
- 2.4 The existing CAT policy has the requirement that all agreements shall contain a break option in favour of the Council, in the unlikely but possible event that the asset transferred is required for wider community development directly (the asset or surrounding site itself) or indirectly (for the benefit of a capital receipt). However, many community groups now rely on external funding provision for the delivery of their services and are requesting that the break clause provision is removed from their agreement to meet their funder's requirements. Funders are obviously reluctant to release grant monies for a CAT project if the agreement can be terminated by the landlord. In these circumstances, where the Council do accept that it is appropriate to remove the break clause, then further approval is required from Cabinet as the proposed agreement is not in line with the current adopted policy. It is now proposed in the updated policy, that in these circumstances, the decision to agree to any removal of the Council's break clause provision shall fall under the "Property Officer's" delegated powers under paragraph 41.5.12 of the Council's Financial and Procurement Procedure Rules.

- 2.5 It is also proposed in the updated CAT policy that there will now be a Joint Working Agreement (JWA) that will be supplemental to any CAT agreement granted. The JWA will be agreed between the parties and will clearly define and document what is expected (from both the Council and organisation) in terms of the services to be delivered from the building (or land) and to provide further surety that the services continue to meet the needs of the local community and the Council's corporate priorities. There will also be a break clause provision, in favour of the Council, that if the terms and conditions of the JWA are not being adhered to then the Council have the option to terminate the CAT agreement.

3. **Options considered and recommended proposal**

3.1 Option (1)

To continue with the existing policy currently in place to determine all applications for CAT leases. This is not the recommended option due to the number of CAT applications now being received and the need to have a clear justified decision making process in place.

3.2 Option (2)

To update the existing CAT policy in accordance with the proposals put forward in this report to make the application process/decision to award a CAT lease more accountable, robust and transparent. This is the recommended option.

- 3.2 The recommendation of this report is that Option (2) above is approved and that the updated policy is now used to determine all CAT applications. A copy of the updated CAT policy can be seen at Appendix (2) of this report, together with all the supporting documents – Appendix (3) CAT Flowchart, Appendix (4) CAT Standard Heads of Terms and Appendix (5) CAT Evaluation and Scoring Matrix.

4. **Consultation on proposal**

- 4.1 The draft policy proposals put forward in this report were circulated to all Directorates/Heads of Service for comments in May 2019. All responses received, where appropriate, have now been incorporated into the updated policy.
- 4.2 The Cabinet Member for Jobs and the Local Economy has also been consulted on the proposals and supports the proposed update to the existing policy.
- 4.3 During the drafting of the update Voluntary Action Rotherham has been fully consulted and fully supported the proposed update.

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

- 5.1 Should the proposals put forward in this report be approved by Cabinet, then the policy update shall be implemented following the call in period.

6. Financial and Procurement Advice and Implications

- 6.1 The transfer of Council assets under the CAT policy enables the Council to make revenue savings and removes from the Council the financial burden of future capital expenditure commitments in respect of the transferred buildings. In addition, voluntary and community groups are able to access capital and revenue grant funding to enhance the existing assets and to support the delivery of the services at a community level, which generally local authorities are ineligible to bid for.
- 6.2 By transferring assets under the CAT policy there is an opportunity cost to the Council through the loss of a potential capital receipt, and the loss of revenue income generated by the asset. Where possible the Council will protect its future interests through the insertion of a break clause in the CAT agreement, however, as discussed in 2.4 above, increasingly funders are requesting that such clauses are excluded from the agreement.

7. Legal Advice and Implications

- 7.1 The revised policy has been drafted to comply with relevant legislation and accordingly there are no legal implications arising from this report.
- 7.2 The inclusion of a delegation regarding future applications to remove the break clause is to be welcomed by Legal Services as the need to obtain a Cabinet authority under the present policy has caused significant delays to tenants and put their funding applications at risk.

8. Human Resources Advice and Implications

- 8.1 There are no Human Resources implications arising from this report.

9. Implications for Children and Young People and Vulnerable Adults

- 9.1 There are no such implications arising from this report.

10. Equalities and Human Rights Advice and Implications

- 10.1 There are no such implications arising from this report.

11. Implications for Partners

- 11.1 Public sector partners, where appropriate, will be fully consulted on any proposed Community Asset Transfers.

12. Risks and Mitigation

- 12.1 Upon the adoption of the updated policy the Council will be able to clearly demonstrate their justification in relation to the approval/or refusal of any CAT agreement.

12.2 The introduction of a JWA (in addition to the actual CAT agreement) will enable the Council to keep a much tighter control on the delivery of services from the asset and ensure that the continued provision is in line with the intended agreement.

13. Accountable Officers

Paul Woodcock – Strategic Director Regeneration and Environment
 Simon Moss – Assistant Director of Planning Regeneration and Transport
 Paul Smith - Head of Asset Management
 Lindsay Johnson - Strategic Asset Manager

Approvals obtained on behalf of Statutory Officers:-

	Named Officer	Date
Chief Executive	Sharon Kemp	07/10/19
Strategic Director of Finance & Customer Services (S.151 Officer)	Judith Badger	02/10/19
Head of Legal Services (Monitoring Officer)	Named officer	01/10/19

Report Author:

Lindsay Johnson, Strategic Asset Manager

01709 254016 or lindsay-costello.johnson@rotherham.gov.uk

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

PART A - Initial Equality Screening Assessment

As a public authority we need to ensure that all our strategies, policies, service and functions, both current and proposed have given proper consideration to equality and diversity.

A **screening** process can help judge relevance and provide a record of both the process and decision. Screening should be a short, sharp exercise that determines relevance for all new and revised strategies, policies, services and functions.

Completed at the earliest opportunity it will help to determine:

- the relevance of proposals and decisions to equality and diversity
- whether or not equality and diversity is being/has already been considered, and
- whether or not it is necessary to carry out an Equality Analysis (Part B).

Further information is available in the Equality Screening and Analysis Guidance – see page 9.

1. Title	
Title: Update to the Council's policy on Community Asset Transfer	
Directorate: Regeneration & Environment	Service area: Asset Management
Lead person: Lindsay Johnson	Contact number: 01709 254016
Is this a:	
<input checked="" type="checkbox"/> Strategy / Policy	<input type="checkbox"/> Service / Function
	<input type="checkbox"/> Other
If other, please specify	

2. Please provide a brief description of what you are screening
This report seeks approval from Cabinet to update the existing Council policy on the Community Asset Transfer process and adopt the revised policy together with a suite of supporting documents.

3. Relevance to equality and diversity

All the Council's strategies/policies, services/functions affect service users, employees or the wider community – borough wide or more local. These will also have a greater/lesser relevance to equality and diversity.

The following questions will help you to identify how relevant your proposals are.

When considering these questions think about age, disability, sex, gender reassignment, race, religion or belief, sexual orientation, civil partnerships and marriage, pregnancy and maternity and other socio-economic groups e.g. parents, single parents and guardians, carers, looked after children, unemployed and people on low incomes, ex-offenders, victims of domestic violence, homeless people etc.

Questions	Yes	No
Could the proposal have implications regarding the accessibility of services to the whole or wider community? <i>(Be mindful that this is not just about numbers. A potential to affect a small number of people in a significant way is as important)</i>		X
Could the proposal affect service users? <i>(Be mindful that this is not just about numbers. A potential to affect a small number of people in a significant way is as important)</i>		X
Has there been or is there likely to be an impact on an individual or group with protected characteristics? <i>(Consider potential discrimination, harassment or victimisation of individuals with protected characteristics)</i>		X
Have there been or likely to be any public concerns regarding the proposal? <i>(It is important that the Council is transparent and consultation is carried out with members of the public to help mitigate future challenge)</i>		X
Could the proposal affect how the Council's services, commissioning or procurement activities are organised, provided, located and by whom? <i>(If the answer is yes you may wish to seek advice from commissioning or procurement)</i>		X
Could the proposal affect the Council's workforce or employment practices? <i>(If the answer is yes you may wish to seek advice from your HR business partner)</i>		X
If you have answered no to all the questions above, please explain the reason		

If you have answered **no** to all the questions above please complete **sections 5 and 6**.

If you have answered **yes** to any of the above please complete **section 4**.

4. Considering the impact on equality and diversity

If you have not already done so, the impact on equality and diversity should be considered within your proposals before decisions are made.

Considering equality and diversity will help to eliminate unlawful discrimination, harassment and victimisation and take active steps to create a discrimination free society by meeting a group or individual's needs and encouraging participation.

Please provide specific details for all three areas below using the prompts for guidance and complete an Equality Analysis (Part B).

- **How have you considered equality and diversity?**

(think about the scope of the proposal, who is likely to be affected, equality related information, gaps in information and plans to address, consultation and engagement activities (taken place or planned) with those likely to be affected)

- **Key findings**

(think about any potential positive and negative impact on different equality characteristics, potential to promote strong and positive relationships between groups, potential to bring groups/communities into increased contact with each other, perception that the proposal could benefit one group at the expense of another)

- **Actions**

(think about how you will promote positive impact and remove/reduce negative impact)

Date to scope and plan your Equality Analysis:

Date to complete your Equality Analysis:

Lead person for your Equality Analysis
(Include name and job title):

5. Governance, ownership and approval

Please state here who has approved the actions and outcomes of the screening:

Name	Job title	Date
Lindsay Johnson	Strategic Asset Manager	23.8.2019
Marcus Rudkin	Principle Estates Surveyor	23.08.2019
Zaidah Ahmed	Performance Intelligence & Improvement	04.09.2019

6. Publishing

This screening document will act as evidence that due regard to equality and diversity has been given.

If this screening relates to a **Cabinet, key delegated officer decision, Council, other committee or a significant operational decision** a copy of the completed document should be attached as an appendix and published alongside the relevant report.

A copy of **all** screenings should also be sent to equality@rotherham.gov.uk For record keeping purposes it will be kept on file and also published on the Council's Equality and Diversity Internet page.

Date screening completed	
Report title and date	Update to the Council's policy on Community Asset Transfer
If relates to a Cabinet, key delegated officer decision, Council, other committee or a significant operational decision – report date and date sent for publication	Report Date – 21 st October 2019
Date screening sent to Performance, Intelligence and Improvement equality@rotherham.gov.uk	



Community Asset Transfer Policy

Updated July 2019

Community Asset Transfer Policy

Purpose Of The Policy

This policy outlines Rotherham Council's approach to Community Asset Transfer. It sets out a transparent and positive framework to enable and manage, where appropriate, asset transfers from the Council to the voluntary and community sector and promote their long term success.

What Is Community Asset Transfer

Community Asset Transfer is the transfer of management and/or ownership of public land and/or buildings to a community organisation usually at less than market value to achieve an economic, social or environmental benefit.

Policy Statement On Community Asset Transfer

A core principle of Rotherham Council is to help people to help themselves. An effective way of achieving this is to empower community organisations so that they may deliver their own solutions to meet local needs and demands. As part of this, the Council is committed to using its land and property assets to effect positive change and noticeable benefits to local communities by entering in to partnerships with community and voluntary organisations.

Community Asset Transfer will not be suitable for all property assets or all organisations, and the Council will continue to work with local organisations to ensure that a range of initiatives are in place to support the development of strong and sustainable communities.

National Policy Context

In 2006 the Local Government White Paper –“Strong and Prosperous Communities” introduced a new approach to managing public assets and delivering public services. It gave Council's greater freedom to work with other public sector providers, third sector organisations and local citizens, and explored the opportunities for communities to manage and own local land and property assets.

The publication of the 2007 Quirk Review – “Community Management and Ownership of Public Assets” further promoted this new attitude to delivering community assets and services by investigating options of increased community management and ownership of assets. In particular it looked at ways to overcome potential barriers to asset transfer and ways to manage associated risks.

A number of subsequent government documents have further recognised the significant potential benefits that may be realised through Council's creating and supporting community partnerships. The Localism Act (2011) devolves decision making powers to neighbourhood level and advocates new rights and powers for communities and individuals such as the “Community Right to Challenge” and “Community Right to Bid”.

There is now high level support and recognition from Government that asset transfer can create more confident and empowered communities and increase the number of sustainable community/third sector groups. The Government wish to see Local Authorities empowering local people and organisations to transform land and buildings into vibrant community spaces and support a thriving third sector.

Local Policy Context

This refreshed policy is in keeping with the Council's Thriving Neighbourhoods Strategy 2018 - 2025, which sets out how the Council intends to support communities to find solutions to local issues.

Legal Framework & Enabling Powers:

Section 123 of the Local Government Act 1972 requires that all disposals to be at the best consideration reasonably obtainable under the circumstances. This applies to the disposal of any interest in land and property.

However this was subsequently amended under the Local Government Act 1972 General Disposal Consent Order (England) 2003, which gave Council's wider powers to dispose of land and property assets at less than market value where it could be demonstrated that they promoted the economic, social and environmental well-being of the area; and provided that the unrestricted undervalue of the asset to be disposed of and the consideration for the disposal does not exceed £2,000,000 (two million pounds).

Potential Benefits Of Community Asset Transfer

- Supporting the delivery of the Council's corporate aims and objectives.
- Improved relationships with the local community.
- Facilities and services which are more responsive to local needs.
- For the Council there is likely revenue and capital spend savings.
- Improved management of buildings.
- Additional investment as community groups and third sector organisations may access funding streams not accessible to local authorities.
- Provide a catalyst for regeneration of local areas.
- Greater ownership and pride in facility by local community.
- Improves the economic and environmental wellbeing of the area.
- Empowered local communities
- Decision making devolved to a neighbourhood level
- Encourages community participation in activities

Potential Risks Of Community Asset Transfer

- Potential loss of revenue income, capital receipt or future opportunity cost for the Council.
- The asset transferred will not be used in the public interests or inclusive to the wider community.
- Expectations of the Council and the community organisation may differ.
- Competing applications between different community organisations.

- The community organisation taking ownership of the asset lacks adequate experience or financial means to deliver the service.
- Lack of control of the future of the asset by the Council.
- Council requires the asset for its own future requirements.
- Not transferring assets to a community based organisation may result in local communities missing out on services/facilities that improve the social well-being.

In order to minimise potential risks and achieve a successful Community Asset Transfer, the Council will appoint an internal working group that brings together the essential skill base required to assess potential transfers. As a minimum this group will include officers from Asset Management, Neighbourhoods, Safeguarding, Legal and Finance. With a suitably qualified working group established it is much more likely that the potential risks will be avoided or managed, and the success of the transfer be realised.

Community Asset Transfer Officer Working Group

The purpose/remit of the group will be:

- To engage with local community organisations to understand the needs of the local area and determine if these align to the corporate aims of the Council.
- Brief local ward members on proposals.
- Advertise suitable available assets to the wider community.
- Consider applications for the transfer of assets and ensure the applicant has adhered to and submitted the relevant documentation and evidence in order that their application may be fully assessed.
- Review the group's application and evaluate them on the agreed criteria. Having standard and transparent criteria will be essential in appraising applications, especially where there may be competing applications.
- If the application is considered to adequately meet the criteria, to implement the transfer based on the principles within this policy.
- To determine the appropriate means of transfer and agree the terms of the joint working agreement with the successful applicant.
- To provide the appropriate level of support and advice to the successful applicant in moving the project forward to conclusion.
- Where there has been competing applications, to inform the unsuccessful applicant(s) on why they were not successful.
- To determine the level of subsidy the transfer represents to the Council i.e. potential loss of revenue income or capital receipt.

Organisations Eligible For Community Asset Transfer

Applications will be considered from community and voluntary sector groups and other third sector not for profit organisations. All applicant groups should be able to demonstrate good governance and an appropriate legal structure.

The Applicant must:

- Be non-profit distributing – no applications will be accepted from private companies, private individuals or other organisations that do not fulfil the criteria. Any applicants that are profit making must reinvest any surpluses to further its social aims/community benefits.

- Be a community or voluntary sector organisation – i.e. it must be a legal entity which is non-governmental or part of the statutory sector. However applications will be considered from Town and Parish Council's provided they are not part of the Government or statutory sector.
- Exist for community, social and/or environmental benefit of the community
- Be appropriately constituted – for example a registered charity, a community interest company or a charitable incorporated organisation, a not for profit company or co-operative. Such constitution which can allow for the management/ownership of buildings and/or provision of services.
- Demonstrate good governance – by operating through open and accountable co-operative processes, with adequate monitoring, evaluation and financial management systems and be able to provide copies of the accounts of the organisation on request.
- Have well defined community benefit objectives - and can demonstrate that it has the skills and capacity within, or available to its managing body, to effectively deliver services and manage the asset.
- Have experience and knowledge of property management - and can demonstrate that it understands health and safety issues and compliance with legislation/statutory requirements arising from ownership or management of the asset.
- Demonstrate community engagement - by proactive involvement in economic, environmental or social regeneration in Rotherham or be providing a service of community benefit in line with the Council's core purposes. The Applicant must also provide evidence of the need and demand for the activities being proposed within the local community.
- Prove community cohesion - and embrace diversity and work to improve community cohesion and reduce inequalities. The proposed use will ensure extensive reach into the community and will be open to all.
- Demonstrate sustainability – the Applicant will need to establish how the proposed use can maximise opportunities to ensure sustainability, for example through income generation, social enterprise and the hiring of space and facilities.

Assets Suitable For Community Asset Transfer

Firstly the asset must be in the freehold ownership of the Council and by way of the Community Asset Transfer should assist in delivering the corporate aims of the Council.

Potentially suitable assets may include the following:-

- Ownership - An asset is either land or buildings or both in the ownership of the Council. The policy should not specifically include or exclude any type of asset from potential transfer to a community group, allowing each case to be considered on its own merits in consideration of the exclusions below.
- Proposed Use - The applicant and asset will assist in delivering the core purpose and corporate outcomes of the Council
- Service Delivery - An asset that is not currently required or used for direct service delivery will be considered for transfer. Should the applicant be able to

deliver the same service from the asset in question, then this asset should not be precluded from an asset transfer.

Assets That Are To Be Excluded From Community Asset Transfer

The Council will not support the transfer of an asset transfer whereby any of the following apply:-

- Service delivery – the asset is required for service delivery.
- Capital receipt or revenue income –
 - the asset has been identified within the capital receipts programme,
 - the asset is held for revenue income,
 - the asset is held for long term future capital appreciation,
 - the estimated capital receipt from the asset could make a contribution to the overall capital receipts programme.
- Opportunity costs – any asset where the market value or development value is greater than its existing use value at the time of application will be excluded from the Community Asset Transfer policy and transferred to the Estates team to manage the capital receipts programme. This applies to assets on their own or where they form part of an amalgamated site.
- Housing development – any asset that can contribute to the Council's housing development programme.
- Assets that are not fit for purpose and/or require significant investment will generally be excluded from the policy. Exceptions may be made where the community organisations can secure the financial resources available to bring the property back into a state of repair.
- Corporate Priority - Any asset that has been identified to implement a Corporate Priority and hence service delivery which can only be delivered by the Council is to be excluded from the transfer policy.
- The Council reserves the right to exclude Community Asset Transfer where the proposal only relates to part of an asset.

Community Asset Transfer Process

Although a number of steps are involved in Community Asset Transfer, there are three key stages:

- Stage 1 - Expression of Interest
- Stage 2 - Full Application and Business Case
- Stage 3 - Agree Heads of Terms for the transfer and basis for a Joint Working Agreement with the Council

The process may be started by the Council or by an organisation making a speculative request to manage a specific asset. In both cases it is the Council who will determine whether an asset is to be made available for Community Asset Transfer or not.

If an asset is available for Community Asset Transfer the Council will advertise the fact via a number of sources including (but not limited to):-

- Council website
- Voluntary Action Rotherham e-newsletter
- Council approved social media sources

Stage 1 - Expression Of Interest

Interested parties are asked to complete and Expression of Interest form by a specific date outlined in the advertisement. This form should outline a summary of how the organisation proposes to use the asset.

All Expressions of Interest will be presented to the Council's Asset Management Board for consideration. Any interested group will be informed on the outcome of the Asset Management Boards recommendation. Should the board in principle support the initial expression of interest, the group(s) will be notified of the next stage.

Stage 2 – Full Application And Business Case

The next stage in the process is for the organisation to submit a Full Application together with a Business Case which will be used to assist the Council in assessing the financial and operational viability of the proposal, and as a minimum requirement should address the following points:-

- an executive summary of why the organisation requires the proposed asset; what difference it will make to the organisation
- a statement of the aims and objectives of the organisation
- a description of who the organisations clients/users are, i.e. its target group
- details of what activities, services, events and uses the asset will be required for, and how the organisation intend to deliver these; it should also identify any new/additional activities/services will be delivered as a result of managing the asset
- which of the Council's strategic objectives the organisation deliver against and what outcomes will be delivered as a result of their managing the asset
- a community need statement outlining the community need and any community benefits from the organisation managing the asset (the how, the who, how many) and this will be measured, including details of stakeholders and evidence of community involvement and consultation
- what improvements, both physical and cosmetic the organisation intends to make to the asset (if any), including indicative costs and how these are to be financed
- a cash flow forecast and budget detailing the financial viability and sustainability of the organisation. This should demonstrate their ability to manage the asset and all costs resulting from their use and operation including (as a minimum); ongoing repairs and maintenance liabilities, all insurance costs including cover for public liability, and statutory compliance responsibilities
- details of the organisations safeguarding policy and demonstration of how it meets the Council's own safeguarding principles – *Rotherham Council*

believes that every child, young person and adult, regardless of their background, age, culture, sexual orientation, gender identity, disability, ethnicity or religious believe, should be able to participate in a safe society without any fear, violence, abuse, bullying, discrimination or exploitation.

The Council will specify to the organisation the deadline for submission of their business case after which it will be evaluated by cross-service panel and the Community Asset Transfer Matrix will be used to record the assessment. A recommendation will then be made to the Council's Asset Management Board as to whether or not the proposal should be supported.

Stage 3 – Heads of Terms and Joint Working Agreement

The final stage of the process would be to agree heads of terms for the asset transfer and would be subject to the organisation entering in to a joint working agreement with the Council to ensure that the services proposed continue to meet the requirements of the Council and the wider community in the long term.

There may be additional legal issues which may arise in context of the Community Asset Transfer for example (including but not limited) – public procurement/State Aid, transfer of undertakings (protection of employment “TUPE”) etc. Each asset will be considered on a case by case basis and the Council will advise applicants on their legal responsibilities, but it is advised that applicants seek their own independent professional advice.

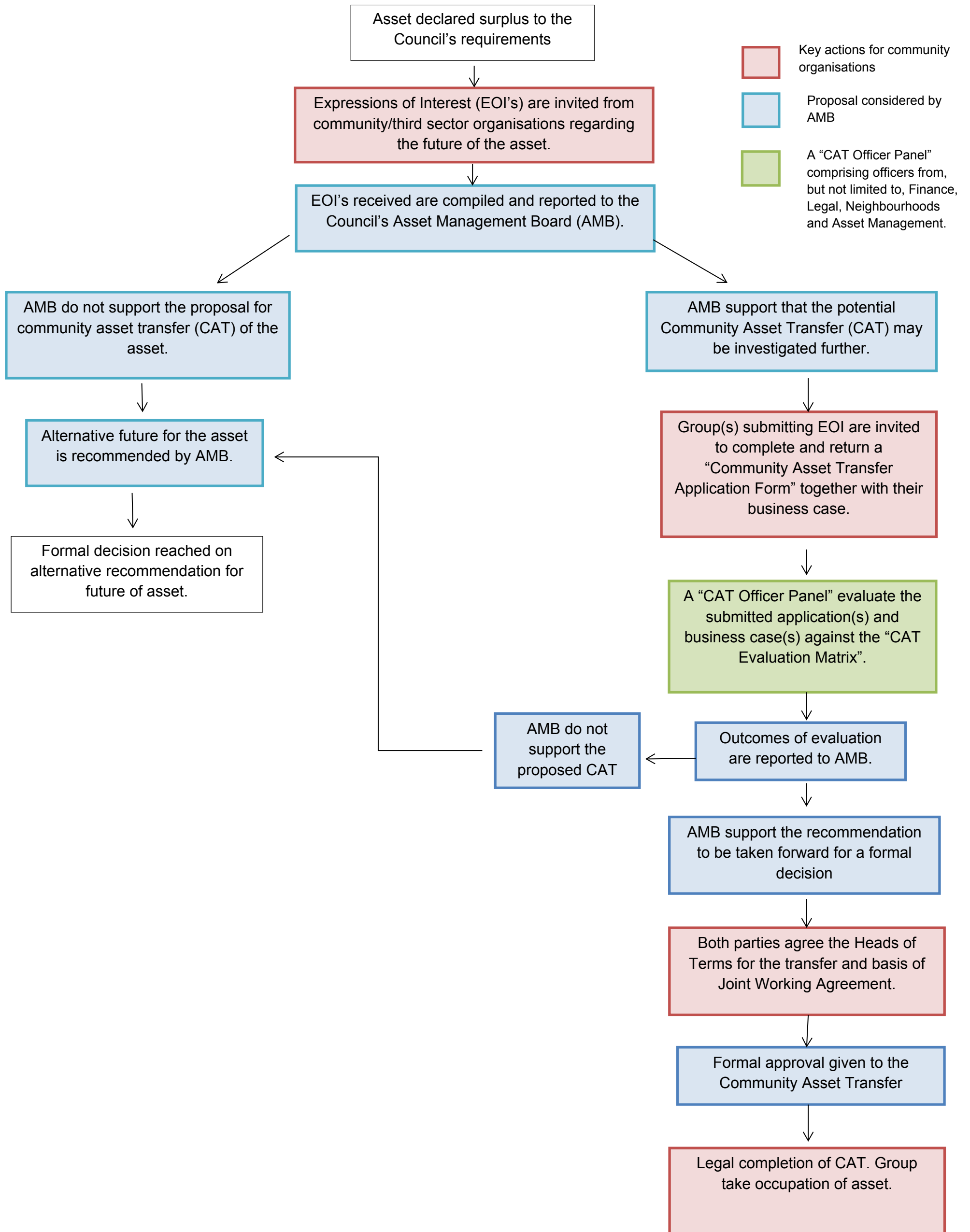
Once the Community Asset Transfer is completed, the organisation acquiring the asset become responsible for:-

- Operation of the asset in accordance to the terms of the lease/licence agreement, along with all other legal and statutory requirements.
- Compliance with the Joint Working Agreement and any other transfer agreements.
- Delivery of the agreed outcomes.
- Submitting an Annual Report to the Council's agreed representative which should demonstrate that the agreed outcomes have been delivered.
- Providing proof on demand that all statutory and legal requirements are complied with.

Failure to comply with the agreement could result in the Council terminating the lease/licence agreement and the organisation having to hand back the asset to the Council.

Please note all Community Asset Transfers will be subject to approval under the Property Officer's Delegated Powers under paragraph 41.5.12 of the Council's Financial and Procurement Procedure Rules (or any such amendment thereof).

Community Asset Transfer Flowchart - Draft



Please note that any application returned to the Council does not give any certainty that the property will be transferred to your organisation. All applications made will be considered by the Council's Asset Management Board on their own merits and a decision will be made at future meetings if any particular proposal will be supported and progressed.

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The terms below are provided to give the applicant an indication of responsibilities which will be formulated in a Community Asset Transfer Lease agreement. This document will be completed once the application and supplemental business case has been supported by the Asset Management Board. Once agreed, formal approval will then be sought.

**HEADS OF TERMS FOR A COMMUNITY
ASSET TRANSFER LEASE**

GENERAL INFORMATION

PROPERTY

The premises known as;

As shown edged red for identification purposes only on the attached plan

TENANTS (ORGANISATION) NAME

CONTACT NAME WITHIN ORGANISATION / AUTHORISED SIGNATORY

COMPANY / REGISTERED CHARITY NUMBER if applicable

ORGANISATION REGISTERED ADDRESS (address of the premises to be let is not accepted)

Telephone number: _____

Mobile number: _____

Email address(s): _____

TENANTS SOLICITOR (please Give name of specific solicitor as well as firm)

Solicitor address

Telephone number: _____

Mobile number: _____

Email address: _____

NOTIFICATION: (delete as appropriate) :-

I WILL be legally represented in this transaction

I WILL NOT be legally represented in this transaction

See also the note on LEGAL REPRESENTATION below.

TERMS OF LEASE

Term	xxxx Years to commence xxxx
Joint Working Agreement (JWA)	It will be an absolute requirement of the lease that the community organisation (the Tenant) enter into a Joint Working Agreement (JWA) with the Council (the Landlord) for the delivery of the agreed community services from the subject premises. Such document shall be reviewed from time to time for the purpose of ensuring that the services provided continue to meet the needs of the local community.
JWA Break Clause	Both parties shall have the benefit of a break clause within the lease if the terms of the JWA cannot be agreed on any review or if it is found that the terms of the JWA are breached.
Landlord's Break Clause	The lease agreement shall include a break clause in favour of the Landlord, in the event that the Council require the asset (or any part thereof) for wider community development or for the generation of a capital receipt. In operating this Break Option the Council acknowledges that it may have to compensate the applicant where they are legally obliged to repay any grants that have been secured on the premises for purposes of delivering the agreed community service.

Tenant's Break Clause	The lease agreement shall include a break clause in favour of the Tenant to break the lease at any time, subject to the Tenant providing the Landlord with 6 months' notice in writing. In such an event, the Landlord WILL NOT be obligated to compensate the Tenant for any financial obligations that may be due to be repaid as a result of terminating the lease.
Rent	£ xxxxx per annum (if appropriate) exclusive of rates and all other outgoings.
Rent payment dates	Payable monthly by direct debit (where appropriate)
VAT	To be charged/not charged
Any Rent Free Period	Purpose e.g. fitting out etc. or discounted rent period – include reason for rent free.
Landlord and Tenant Act1954	Contracted Out
Rent Review	On the xxxx dates (if appropriate)
Permitted Use	To use the premises as a xxxxxxxx as defined by class D1/D2 of The Town and Country Planning (Use Classes) (Amendment) (England) Order 2015 and for no other reason whatsoever without prior written consent from the Council. The Tenant to be responsible for any change of use required under the Town & Country Planning Act 1990 in connection with the proposed use if required.
Rights Granted	xxxx
Rights Reserved	xxxx
Repairing Obligations	The Tenant shall be responsible for all internal and external repairs to the property.
Dilapidations	A Photographic Schedule of Condition to be attached to the Lease
Decoration	The Tenant must paint and decorate in a workmanlike manner the interior walls, ceilings and painted woodwork and the exterior of the said premises with two coats of good quality paint in a colour to be approved by the Council if different to that already, every xxx (suggest no more than once every 5 years and only in the final year if the lease is 5 years or less)

years and final year of the said term howsoever determined.

Drainage		The Tenant to bear the full cost of repair and maintenance of the drain connecting the said premises to the common sewer and to pay a fair proportion (which is to be determined by the Director of Environment and Development Services) of the expense payable in respect of clearing and repairing of the said sewer.
Electrical Installation		The Tenant shall be responsible for the maintenance and certification, on a three yearly basis by a recognised contractor, of the whole electrical installation within the demised premises and shall have records available for inspection at any given time. An appropriate test certificate must be provided to the Landlord at termination of the tenancy. If no certificate is provided then the Landlord may pass the cost of obtaining a certificate to the Tenant even if the lease has expired
Gas Installation		The Tenant shall be responsible for the maintenance and certification, on an annual basis by a recognised contractor (Gas Safety Register Contractor), of any gas installation and appliance within the demised premises and shall have records available for inspection at any time. An appropriate gas safety test certificate must be provided to the Landlord at termination of the tenancy. If no certificate is provided then the Landlord may pass the cost of obtaining a certificate to the Tenant even if the lease has expired
EPC		An EPC will be provided by the Council as Landlord at commencement of the tenancy. The Tenant shall provide to the Landlord at their own cost an up to EPC during the term should the Tenant make such alterations to make the existing EPC invalid.
Permitted Alterations		No structural alterations should be made to the demised premises without the Landlord's prior written consent. Any structural alterations must be carried out in line with the relevant planning permission or building regulations.
Alienation		The Tenant shall not assign the premises in whole or part.
Sub-letting		The Tenant shall not sublet the premises in whole or part.
Insurance	- Landlord	Against loss or damage by fire lightning explosion aircraft damage riot malicious damage (other than thieves) earthquake storm

damage flood damage burst water pipes third party impact damage and any other risks against which the Council decide to insure against from time to time

The Tenant to pay to the Council by way of an additional charge such sums as may be expended by the Council from time to time in effecting and maintaining a policy of insurance in accordance with its covenant on that behalf contained in the above clause in respect of the demised premises such sums to be paid upon demand

- Tenant Responsibility for Public Liability to prevailing minimum cover requirement

Business Rates / Taxes The Tenant shall be responsible for the payment of rates, taxes and all other outgoings in respect of the demised premises

Consents and Permissions The Tenant shall be responsible for obtaining any planning permission or Building Regulation approval that may be necessary.

Arrears Should the rent become more than twenty one days in arrears then interest shall be charged on the outstanding balance at a rate of 4% over the current base rate of the Co-operative Bank Plc.

Costs The Landlord shall charge a reasonable fee for dealing with assignments, changes of use etc. whether or not consent is eventually granted.

Service charge If relevant

Fire Safety The Tenant is responsible for obtaining a fire risk assessment for the demise. The Landlord reserves the right to request sight of the assessment at reasonable written notice – not less than 24 hours.

Asbestos For the purposes of asbestos management the Tenant shall be deemed to be the “dutyholder” under the Control of Asbestos Regulations 2012 and as such shall be solely responsible for full compliance with the dutyholder’s legal obligations under the said regulations (and any subsequent regulations that may come into force in relation to the control and management of asbestos). It is the dutyholder’s responsibility to have an effective Asbestos Management Plan in place for the demised premises and maintain/update the document throughout the tenancy of the premises in accordance with above legislation.

Other clauses As are usually contained within similar Council leases.

Legal / Surveyors costs The Tenant shall pay £xxx towards/be responsible for the Council's reasonable legal costs / and surveyors fees in dealing with the lease.

Nothing in these Heads of Terms shall constitute a contract.

LEGAL REPRESENTATION - IMPORTANT:

Rotherham Metropolitan Borough Council strongly recommends that you seek your own legal representation in the consideration of these heads of terms and generally through the process of taking business premises by way of lease. You have the right at any time to seek legal representation.

I agree to the above Heads of Terms and I confirm that I have read and understand my right to seek my own legal representation in the agreement of a lease for RMBC owned premises;

Signed.....

Date.....

Community Asset Transfer Evaluation Matrix

Date application received	
Name of applicant	
Details of asset	

Eligibility Checklist

Answering 'no' to any of the following questions may result in the application being declared ineligible and the application rejected.

Eligibility Criteria	Yes/No	Comments
Is the subject asset classed as potentially suitable for Community Asset Transfer?		
Is the applicant non-profit distributing?		
Is the applicant a community/voluntary sector organisation?		
Does the proposed use for the asset provide community, social and/or environmental benefit for the wider community?		
Does the proposed use assist in delivering the Council's corporate priorities?		

Information Checklist

Answering 'no' to any of the following questions may result in the application being declared ineligible and the application rejected.

Have the following documents been attached to the application?	Yes/No	Comments
Completed copy of the		

'Community Asset Transfer Application Form'.		
Business case, including cash flow forecast demonstrating the viability and sustainability of the organisation.		
Copy of the organisation's governing documents.		
Copy of minutes or letter confirming authority of signatory to submit Application Form on behalf of the organisation.		

Assessors will evaluate responses/information provided by applicant and award a score to each criteria. Please note if the information is deemed inadequate to any of the specified criteria, the Council reserves the right to reject the application.

Inadequate 1 ← → 5 Acceptable ← → 10 Strong

The Applicant		
Criteria	Score	Comments
Has the legal standing of the organisation been clearly defined and established?		
Is organisation eligible for Community Asset Transfer as defined in the Council's adopted policy?		
Does the organisation demonstrate good governance i.e. can it demonstrate effective, open and ethical process that adhere to legal scrutiny?		
Are the group fully aware of the statutory and legal requirements necessary for the delivery of the proposal?		
Does the group accept the need to work jointly with the Council and agree to enter into a Joint Working Agreement that will be reviewed periodically?		
Has the group demonstrated prior experience of delivering community projects and/or the required skill set to deliver the proposed?		
Section total	/60	

The Proposal		
Criteria	Score	Comments
Does the executive summary clearly define why the organisation requires the asset and what difference it will make to the organisation?		
Are the aims and objectives of the organisation clearly defined in		

the applicant's proposal?		
Are the organisations prospective clients/users a priority group for the Council?		
Does the proposal assist with the delivery of the Council's Corporate Objectives?		
Has the group identified a wide range of users for the facility and are the services to be offered inclusive of the wider community?		
Has the group clearly demonstrated the need for the proposed service? Is the service offered replicated by a similar group/facility in the local area?		
Can the group demonstrate that they have engaged/consulted with the local community and that the community support their proposal?		
Section total	/70	

The Asset		
Criteria	Score	Comments
Is the asset suitable for the organisations proposed use?		
Does the group intend to carry out any improvements/alterations to the asset? If so have comprehensive details of the proposed improvements/alterations been provided, together with indicative costs and means of funding?		
Has the group demonstrated a full understanding of the issues affecting the asset, including (but not limited to) – condition, suitability, planning restrictions, health & safety, accessibility and environmental issues?		
Section total	/40	

Financial Implications		
Criteria	Score	Comments

Has the organisation submitted a detailed and realistic cash flow forecast and budget detailing the financial viability and sustainability of the organisation?		
Proposed level of subsidy required from the Council (contribution expressed as a percentage reduction from the market rent): Sliding score to be applied e.g. - up to 25% reduction in market rent = score of 10 - up to 50% reduction in market rent = score of 5 - up to 100% reduction in market rent = score of 1		
Have any capital costs, such as improvement works, been adequately accounted for?		
Section total	/30	

Summary

Section	Score	Comments
The Applicant	/60	
The Proposal	/70	
The Asset	/40	
Financial Implications	/30	
Total score	/200	

Recommendation:

Evaluation Panel Members:

Date:

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Committee Name and Date of Committee Meeting

Cabinet – 21 October 2019

Report Title

Adoption of a revised Statement of Community Involvement

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

Yes

Strategic Director Approving Submission of the Report

Paul Woodcock, Strategic Director of Regeneration and Environment

Report Author(s)

Ryan Shepherd, Senior Planning Officer
01709 823888 or ryan.shepherd@rotherham.gov.uk

Ward(s) Affected

Borough-Wide

Report Summary

The Statement of Community Involvement (SCI) sets out how the Council involves local communities in planning for the future of the Borough, through the preparation of the Local Plan and other planning policy documents, and the determination of planning applications. It is a legislative requirement that the Council has a Statement of Community Involvement for planning-related consultations and reviews it every five years.

The report outlines the outcome of consultation on a draft revised Statement of Community Involvement. Under Article 3 of the Constitution, the SCI forms part of the policy framework. As such, only a meeting of the Council can adopt a revised SCI. Cabinet approval is therefore sought to recommend to Council that the current Statement of Community Involvement is withdrawn and the revised document is adopted.

Recommendations

1. That Council be recommended to withdraw the current Statement of Community Involvement (2015).
2. That Council be recommended to adopt the revised Statement of Community Involvement (2019).

List of Appendices Included

- Appendix 1 Equality Analysis Screening
- Appendix 2 Equality Analysis Form
- Appendix 3 Draft SCI Consultation Statement
- Appendix 4 Revised Statement of Community Involvement

Background Papers

Statement of Community Involvement (adopted June 2015)

https://www.rotherham.gov.uk/info/200074/planning_and_regeneration/893/a_guide_to_how_you_can_influence_planning_decisions

Consideration by any other Council Committee, Scrutiny or Advisory Panel

Overview and Scrutiny Management Board – 16 October 2019

Council – 30 October 2019

Council Approval Required

Yes

Exempt from the Press and Public

No

Adoption of revised Statement of Community Involvement

1. Background

- 1.1 Section 18 of the Planning and Compulsory Purchase Act 2004 (as amended) requires the Council to produce a Statement of Community Involvement (SCI). The SCI sets out how and when stakeholders can influence new planning policy documents covering Rotherham, how information will be communicated and the ways in which individuals and organisations can comment on planning applications. It is critical in encouraging engagement in the planning process with the communities and stakeholders of Rotherham and a range of other statutory consultees.
- 1.2 The Council's current SCI was adopted in June 2015. Following adoption of the Local Plan Sites and Policies document in June 2018, this effectively completes the current cycle of Local Plan production in Rotherham. As such, it is an appropriate and timely point to review and revise the current SCI and fulfil the duty of reviewing the SCI within the five years required.
- 1.3 Public consultation on a draft revised SCI was approved by Cabinet on 20 May 2019 (minute 153 refers), and took place between 10 June and 8 July 2019. Representations were received from nine individuals or organisations. Further detail of the consultation process, including a summary of the representations received and the Council's response, is set out in the consultation statement at Appendix 3.

2. Key Issues

- 2.1 The main issues raised in the representations were:
- Seeking further detail on consultation activities and methods, contact details, guidelines for community consultation and petitions.
 - Appendix A should include reference to geodiversity interest, and loss of property value and loss of a view should be identified as "Material Considerations".
 - The Joint Radio Company Limited should be consulted on any planning application involving wind turbines.
 - For planning applications, it does not identify who and when the Council will consult and involve.
 - Concerns about the SCI consultation process.
 - Concerns about the Council decision making process and other consultations.
 - The "Digital First" approach excludes those without access to those services.
 - Consultations should be advertised in local newspapers and libraries with a paper copy of the document.
 - Consultation forms should include more open ended free text options.
 - Concern regarding health and safety issues in relation to wireless telecommunications technology.

2.2 In response to the representations received a number of changes to the document have been made. These are set out in the Consultation Statement at Appendix 3. In summary the changes:

- Provide further detail regarding pre-application community consultation.
- Refer to applicants providing information on how they carry out pre-application public consultation.
- Provide further detail regarding consultation with statutory and non-statutory consultees.
- Include reference to geodiversity in relation to material planning considerations.

2.3 In addition, reference has been made to joint working agreements with town and parish councils and a separate protocol which provides further specific guidance on how parish and town councils are involved in consultation on planning applications.

2.4 The text of the revised SCI incorporating the above amendments is included at Appendix 4. The final version published on the Council's website may include minor formatting and presentational changes.

3. **Options considered and recommended proposal**

3.1 **Option 1: adopt the SCI without incorporating the proposed changes**
The Council could adopt the SCI without incorporating the proposed changes. This option is not recommended, as it does not reflect an appropriate response to issues raised by consultees during the public consultation exercise.

3.2 **Option 2: adopt the SCI incorporating the proposed changes**
The Council could adopt the SCI incorporating the proposed changes. This is the recommended option, as it ensures an appropriate response to the representations received during the consultation period and would result in the adoption of an up to date and fit for purpose document.

3.3 Option 2 is the recommended option.

4. **Consultation on proposal**

4.1 The main body of this report summarises the consultation process, responses and the Council's proposed changes. The detail of the consultation process is provided in Appendix 3 Draft SCI Consultation Statement.

4.2 In addition to this, internal consultation has taken place with the Council's Development Management team who have provided input into the assessment of representations received, the Council's response and the proposed changes. The Council's Customer Information & Digital Services Manager was also consulted on the draft SCI and approach to public consultation.

5. Timetable and Accountability for Implementing this Decision

- 5.1 Subject to approval by Cabinet, the revised SCI at Appendix 4 would be recommended to Council for adoption at the next available meeting.
- 5.2 On adoption, the current SCI would be withdrawn and the revised SCI would be made available on the Council's website. The Council would then be required to carry out future planning consultations in accordance with the revised SCI.

6. Financial and Procurement Advice and Implications

- 6.1 The consultation was carried out via Planning Policy's on-line consultation portal, therefore the printing and advertising costs incurred of approximately £500, were managed within the Service's existing approved revenue budget. The adopted SCI will primarily be made available on the Council's web-site, so any costs associated with the adoption of this document will also be managed within the Service's existing approved revenue budget.
- 6.2 There are no direct procurement implications within this report.

7. Legal Advice and Implications

- 7.1 The Council has already sought to encourage engagement in the planning process and the second option at 3.2 incorporates the outcome of the consultation and representations received.
- 7.2 There may be a legitimate expectation from the representatives to this effect.

8. Human Resources Advice and Implications

- 8.1 There are no Human Resources implications associated with the adoption of the revised SCI.

9. Implications for Children and Young People and Vulnerable Adults

- 9.1 There are no implications for children and young people and vulnerable adults associated with adoption of the draft revised SCI. The SCI establishes how all of Rotherham's communities can be involved in plan making and decisions on planning applications. This works alongside other Council strategies to deliver local priorities for development and promote effective and worthwhile community involvement.

10. Equalities and Human Rights Advice and Implications

- 10.1 The SCI establishes how all of Rotherham's communities can be involved in plan making and decisions on planning applications. Whilst the SCI strongly encourages a digital first approach, alternative arrangements to ensure access may be made on a case by case basis.

11. Implications for Partners

- 11.1 The implications for partners or other directorates are mainly associated with how stakeholders can engage with the Council in the preparation of planning documents or decision making in relation to planning applications.

12. Risks and Mitigation

- 12.1 It can be difficult to ensure compliance with the Government's desire for extensive community participation whilst also achieving timely processing of planning applications and quicker Local Plan preparation. The revised SCI resolves this contradiction by setting out an appropriate approach to public consultation on planning documents and planning applications.
- 12.2 The Council has a statutory duty to prepare and keep up to date a Statement of Community Involvement under The Planning and Compulsory Purchase Act (2004) and The Town and Country Planning, (Local Planning) (England) Regulations 2012.
- 12.3 When a Development Plan Document is subject to independent examination it is subject to a legal "test of soundness". To pass this test, the Council must demonstrate the Development Plan Document has been consulted on in accordance with the adopted SCI. It is equally important that consultation on planning applications is carried out in accordance with the SCI so that decisions are not subject to legal challenge.

13. Accountable Officers

Bronwen Knight, Head of Planning and Transport

Approvals obtained on behalf of Statutory Officers:-

	Named Officer	Date
Chief Executive	Sharon Kemp	07/10/19
Strategic Director of Finance & Customer Services (S.151 Officer)	Judith Badger	02/10/19
Head of Legal Services (Monitoring Officer)	Bal Nahal	01/10/19

*Report Author: Ryan Shepherd, Senior Planning Officer
01709 823888 or ryan.shepherd@rotherham.gov.uk*

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

PART A - Initial Equality Screening Assessment

As a public authority we need to ensure that all our strategies, policies, service and functions, both current and proposed have given proper consideration to equality and diversity.

A **screening** process can help judge relevance and provide a record of both the process and decision. Screening should be a short, sharp exercise that determines relevance for all new and revised strategies, policies, services and functions.

Completed at the earliest opportunity it will help to determine:

- the relevance of proposals and decisions to equality and diversity
- whether or not equality and diversity is being/has already been considered, and
- whether or not it is necessary to carry out an Equality Analysis (Part B).

Further information is available in the Equality Screening and Analysis Guidance – see page 9.

1. Title	
Title: Adoption of a revised Statement of Community Involvement	
Directorate: Regeneration & Environment Services	Service area: Planning Policy Team Planning, Regeneration and Transport
Lead person: Ryan Shepherd, Senior Planning Officer	Contact number: 823888
Is this a:	
<input checked="" type="checkbox"/> Strategy / Policy	<input type="checkbox"/> Service / Function
	<input type="checkbox"/> Other
If other, please specify	

2. Please provide a brief description of what you are screening
The Statement of Community Involvement sets out how the Council involve local communities in planning for the future of the Borough through the preparation of the Local Plan and other planning policy documents, and the determination of planning applications.

Appendix 1

3. Relevance to equality and diversity

All the Council's strategies/policies, services/functions affect service users, employees or the wider community – borough wide or more local. These will also have a greater/lesser relevance to equality and diversity.

The following questions will help you to identify how relevant your proposals are.

When considering these questions think about age, disability, sex, gender reassignment, race, religion or belief, sexual orientation, civil partnerships and marriage, pregnancy and maternity and other socio-economic groups e.g. parents, single parents and guardians, carers, looked after children, unemployed and people on low incomes, ex-offenders, victims of domestic violence, homeless people etc.

Questions	Yes	No
Could the proposal have implications regarding the accessibility of services to the whole or wider community? <i>(Be mindful that this is not just about numbers. A potential to affect a small number of people in a significant way is as important)</i>	✓	
Could the proposal affect service users? <i>(Be mindful that this is not just about numbers. A potential to affect a small number of people in a significant way is as important)</i>	✓	
Has there been or is there likely to be an impact on an individual or group with protected characteristics? <i>(Consider potential discrimination, harassment or victimisation of individuals with protected characteristics)</i>	✓	
Have there been or likely to be any public concerns regarding the proposal? <i>(It is important that the Council is transparent and consultation is carried out with members of the public to help mitigate future challenge)</i>	✓	
Could the proposal affect how the Council's services, commissioning or procurement activities are organised, provided, located and by whom? <i>(If the answer is yes you may wish to seek advice from commissioning or procurement)</i>		✓
Could the proposal affect the Council's workforce or employment practices? <i>(If the answer is yes you may wish to seek advice from your HR business partner)</i>		✓
If you have answered no to all the questions above, please explain the reason		

If you have answered **no** to all the questions above please complete **sections 5 and 6**.

If you have answered **yes** to any of the above please complete **section 4**.

4. Considering the impact on equality and diversity

If you have not already done so, the impact on equality and diversity should be considered within your proposals before decisions are made.

Considering equality and diversity will help to eliminate unlawful discrimination, harassment and victimisation and take active steps to create a discrimination free society by meeting a group or individual's needs and encouraging participation.

Please provide specific details for all three areas below using the prompts for guidance and complete an Equality Analysis (Part B).

- **How have you considered equality and diversity?**

The SCI has been prepared having regard to relevant legislation and Council strategies including Equality and Diversity Policy, the Community Engagement Framework, the Customer Access Strategy, and the Digital Strategy. It has been prepared in consultation with relevant services including Customer, Information and Digital Services, and has been subject to public consultation.

- **Key findings**

Overall, Rotherham's communities will benefit from having an up-to-date SCI. They will have a better understanding of the consultation processes involved in planning applications and preparing planning documents. It promotes efficient plan making and decision making which lead to wider community benefits, in that planning is undertaken in the public interest and sets the context for the delivery of sustainable development that is the foundation of sustainable communities.

The delivery and implementation of the SCI is not determined by any individual protected characteristic.

In line with the Digital Strategy and Customer Access Strategy, the SCI strongly encourages on-line consultation on planning matters; while ensuring that customers, regardless of their circumstances, have access to the information, advice and help they need. This will in turn facilitate a move towards more efficient and modern ways of working and communicating.

For those who are not digitally enabled, the Council will continue to use other forms of communication such as making documents available the Council's offices and publicity through the local press. For example, if for reasons of age or disability a person is unable to view documents online or at the Council's offices, then alternative arrangements may be made on a case by case basis. Assisted access is available from libraries.

It is recognised that there may be challenges in engaging all racial groups due to language barriers, or cultural differences and that alternative arrangements may be required on a case by case basis. For example, provision of documents or summaries of information in alternative languages.

- **Actions**

Monitor the implementation of the Statement of Community Involvement

Appendix 1

Date to scope and plan your Equality Analysis:	18/7/2019
Date to complete your Equality Analysis:	22/7/2019
Lead person for your Equality Analysis (Include name and job title):	Ryan Shepherd, Senior Planning Officer

5. Governance, ownership and approval

Please state here who has approved the actions and outcomes of the screening:

Name	Job title	Date
Andy Duncan	Acting Head of Service, Planning and Building Control	18/7/2019

6. Publishing

This screening document will act as evidence that due regard to equality and diversity has been given.

If this screening relates to a **Cabinet, key delegated officer decision, Council, other committee or a significant operational decision** a copy of the completed document should be attached as an appendix and published alongside the relevant report.

A copy of **all** screenings should also be sent to equality@rotherham.gov.uk For record keeping purposes it will be kept on file and also published on the Council's Equality and Diversity Internet page.

Date screening completed	18/7/2019
Report title and date	Adoption of a revised Statement of Community Involvement
If relates to a Cabinet, key delegated officer decision, Council, other committee or a significant operational decision – report date and date sent for publication	Cabinet – 21 October 2019
Date screening sent to Performance, Intelligence and Improvement equality@rotherham.gov.uk	23/7/2019

PART B – Equality Analysis Form

As a public authority we need to ensure that all our strategies, policies, service and functions, both current and proposed have given proper consideration to equality and diversity.

This form:

- Can be used to prompt discussions, ensure that due regard has been given and remove or minimise disadvantage for an individual or group with a protected characteristic
- Involves looking at what steps can be taken to advance and maximise equality as well as eliminate discrimination and negative consequences
- Should be completed before decisions are made, this will remove the need for remedial actions.

Note – An Initial Equality Screening Assessment (Part A) should be completed prior to this form.

When completing this form consider the Equality Act 2010 protected characteristics Age, Disability, Sex, Gender Reassignment, Race, Religion or Belief, Sexual Orientation, Civil Partnerships and Marriage, Pregnancy and Maternity and other socio-economic groups e.g. parents, single parents and guardians, carers, looked after children, unemployed and people on low incomes, ex-offenders, victims of domestic violence, homeless people etc. – see page 11 of Equality Screening and Analysis Guidance.

1. Title	
Equality Analysis title: Adoption of a revised Statement of Community Involvement	
Date of Equality Analysis (EA): 19/7/2019	
Directorate: Regeneration & Environment Services	Service area: Planning Policy Team Planning, Regeneration and Transport
Lead Manager: Ryan Shepherd, Senior Planning Officer	Contact number: 823888
Is this a: <input checked="" type="checkbox"/> Strategy / Policy <input type="checkbox"/> Service / Function <input type="checkbox"/> Other	
If other, please specify	

Appendix 2

2. Names of those involved in the Equality Analysis (Should include minimum of three people) - see page 7 of Equality Screening and Analysis Guidance		
Name	Organisation	Role (eg service user, managers, service specialist)
Andy Duncan	RMBC	Acting Head of Service, Planning and Building Control
Helen Sleight	RMBC	Senior Planning Officer
Ryan Shepherd	RMBC	Senior Planning Officer

3. What is already known? - see page 10 of Equality Screening and Analysis Guidance
<p>Aim/Scope (who the Policy/Service affects and intended outcomes if known) This may include a group/s identified by a protected characteristic, others groups or stakeholder/s e.g. service users, employees, partners, members, suppliers etc.)</p> <p>The Statement of Community Involvement (SCI) sets out the Council's approach to consulting the local community and other stakeholders on planning matters. The production of a SCI is a requirement of the Planning & Compulsory Purchase Act 2004, and should explain how the Council will engage local communities and other interested parties in producing their Local Plan and determining planning applications. It is a legal requirement that any consultation on Local Plans is undertaken in accordance with the adopted SCI.</p>
<p>What equality information is available? (Include any engagement undertaken) Information on the protected characteristics of planning applicants or consultees (either in relation to planning applications or to the preparation of planning documents) is not collected by the Council.</p>
<p>Are there any gaps in the information that you are aware of? No</p>
<p>What monitoring arrangements have you made to monitor the impact of the policy or service on communities/groups according to their protected characteristics?</p> <p>The Local Plan is subject to an annual monitoring report prepared by the Council: https://www.rotherham.gov.uk/info/200074/planning_and_regeneration/729/monitoring</p>

Appendix 2

<p>Engagement undertaken with customers. (date and group(s) consulted and key findings)</p>	<p>This is a revision of a document which was adopted in 2015. It was previously subject to community consultation prior to it being finalised and subsequently adopted in 2015. Comments received during the public consultation were taken into account in finalising the SCI.</p> <p>The revised SCI was also subject to public consultation from 10 June to 8 July. Further details including the main issues raised, the Council's response and changes to the document are set out in the Consultation Statement which will accompany the Cabinet Report.</p> <p>The main issues raised in the representations were:</p> <ul style="list-style-type: none"> • Seeking further detail on consultation activities and methods, contact details, guidelines for community consultation and petitions. • Appendix A should include reference to geodiversity interest, and loss of property value and loss of a view should be identified as "Material Considerations". • The Joint Radio Company Limited should be consulted on any planning application involving wind turbines. • For planning applications it does not identify who and when the Council will consult and involve. • Concerns about the SCI consultation process. • Concerns about the Council decision making process and other consultations. • The "Digital First" approach excludes those without access to those services. • Consultations should be advertised in local newspapers and libraries with a paper copy of the document. • Consultation forms should include more open ended free text options. • Concern regarding health and safety issues in relation to wireless telecommunications technology.
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<p>Engagement undertaken with staff (date and group(s) consulted and key findings)</p>	<p>The revised draft SCI has been prepared following internal consultation with other colleagues within the planning service and in Information Management.</p> <p>As a result of comments received from Customer, Information and Digital Services (31 March 2019) the SCI was amended to clarify that:</p> <ul style="list-style-type: none"> • All customers, regardless of circumstance will have access to the information, advice and help they need. • Internet access in libraries is free for members but that there is a nominal charge for non-members. • In relation to Local Plan consultations the Council will not normally send letters by post, unless it is a legal requirement or justified by special circumstances considered on a case by case basis.
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4. The Analysis - of the actual or likely effect of the Policy or Service (Identify by protected characteristics)

How does the Policy/Service meet the needs of different communities and groups? (Protected characteristics of Age, Disability, Sex, Gender Reassignment, Race, Religion or Belief, Sexual Orientation, Civil Partnerships and Marriage, Pregnancy and Maternity) - see glossary on page 14 of the Equality Screening and Analysis Guidance)

Overall Rotherham's communities will benefit from having an up-to-date SCI. They will have a better understanding of the consultation processes involved in planning applications and preparing planning documents. It promotes efficient plan making and decision making which lead to wider community benefits, in that planning is undertaken in the public interest and sets the context for the delivery of sustainable development that is the foundation of sustainable communities.

Does your Policy/Service present any problems or barriers to communities or Groups?

The delivery and implementation of the SCI is not determined by any individual protected characteristic. The SCI would allow increased electronic communication (such as email or use of the Council's website) in the notification and consultation process. This would in turn facilitate a move towards more efficient and modern ways of working and communicating.

Age - Under the revised SCI, there is greater emphasis on notification via email, rather than letter. There is potential that this may affect older age groups who may have lower digital skills. In Rotherham 2011 Census data indicates that 16.4% of the population were aged over 65. For those who are not digitally enabled, the Council will continue to use other forms of communication such as making documents available at the Council's offices and publicity through the local press. If for reasons of age a person is unable to view documents online or at the Council's offices, then alternative arrangements may be made on a case by case basis.

Appendix 2

Disability – It is recognised that persons with disabilities may have difficulty accessing information digitally or at the Council’s offices. Where this is the case then alternative arrangements may be made on a case by case basis. Assisted access is available from libraries.

Race - It is recognised that there may be challenges in engaging all racial groups due to language barriers, or cultural differences and that alternative arrangements may be required on a case by case basis. For example, provision of documents or summaries of information in alternative languages.

Does the Service/Policy provide any positive impact/s including improvements or remove barriers?

Overall Rotherham’s communities will benefit from having an up-to-date SCI. They will have a better understanding of the consultation processes involved in planning applications and preparing planning documents. It promotes efficient plan making and decision making which lead to wider community benefits, in that planning is undertaken in the public interest and sets the context for the delivery of sustainable development that is the foundation of sustainable communities.

What affect will the Policy/Service have on community relations? (may also need to consider activity which may be perceived as benefiting one group at the expense of another)

See response to question above.

Please list any **actions and targets** that need to be taken as a consequence of this assessment on the action plan below and ensure that they are added into your service plan for monitoring purposes – see page 12 of the Equality Screening and Analysis Guidance.

5. Summary of findings and Equality Analysis Action Plan

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 - See page 11 of the Equality Screening and Analysis guidance

Title of analysis: Adoption of a revised Statement of Community Involvement
Directorate and service area: Planning Policy Team, Planning, Regeneration and Transport, Regeneration & Environment Services
Lead Manager: Ryan Shepherd, Senior Planning Officer
Summary of findings:
<p>Overall, Rotherham’s communities will benefit from having an up-to-date SCI. In line with the Council’s Digital Strategy and Customer Access Strategy, the SCI strongly encourages on-line consultation on planning matters; while ensuring that customers, regardless of their circumstances, have access to the information, advice and help they need. This will in turn facilitate a move towards more efficient and modern ways of working and communicating.</p> <p>For those who are not digitally enabled, the Council will continue to use other forms of communication such as making documents available at the Council’s offices and publicity through the local press. For example, if for reasons of age or disability a person is unable to view documents online or at the Council’s offices, then alternative arrangements may be made on a case by case basis. Assisted access is available from libraries.</p> <p>It is recognised that there may be challenges in engaging all racial groups due to language barriers, or cultural differences and that alternative arrangements may be required on a case by case basis. For example, provision of documents or summaries of information in alternative languages.</p>

Action/Target	State Protected Characteristics as listed below	Target date (MM/YY)
Monitor the implementation of the Statement of Community Involvement	All	12/21

*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

6. Governance, ownership and approval

Please state those that have approved the Equality Analysis. Approval should be obtained by the Director and approval sought from DLT and the relevant Cabinet Member.

Name	Job title	Date
Paul Woodcock	Strategic Director – Regeneration & Environment	
Councillor Lelliott	Cabinet Member for Jobs and the Local Economy	

7. Publishing

The Equality Analysis will act as evidence that due regard to equality and diversity has been given. If this Equality Analysis relates to a **Cabinet, delegated officer decision, Council, other committee or a significant operational decision** a copy of the completed document should be attached as an appendix and published alongside the relevant report.

A copy should also be sent to equality@rotherham.gov.uk For record keeping purposes it will be kept on file and also published on the Council's Equality and Diversity Internet page.

Date Equality Analysis completed	22/7/2019
Report title and date	Adoption of a revised Statement of Community Involvement
Date report sent for publication	Cabinet – 21 October 2019
Date Equality Analysis sent to Performance, Intelligence and Improvement equality@rotherham.gov.uk	23/7/2019

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Draft Statement of Community Involvement

Consultation Statement

October 2019

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Introduction

1. Councils are required to prepare a Statement of Community Involvement (SCI), which sets out how and when people can influence new planning documents.
2. The Council's first Statement of Community Involvement was adopted in 2006. Following changes to relevant legislation and regulations this was revised and a new SCI adopted in 2015. Councils are now required by Government to review their SCI every five years.
3. The Council has reviewed the current SCI and adopted a revised version. This consultation statement sets out who was consulted on the draft SCI, the main issues raised in response to the consultation, and how those issues were addressed in finalising the SCI.

Consultation

4. The Council's Cabinet approved public consultation on the draft SCI at its meeting on 20 May 2019.
5. The table below sets out more detail regarding the consultation exercise.

Table 1: Consultation Plan

When was the consultation undertaken?		Consultation took place over a four week period, from 10 June to 8 July 2019.
What documents were published?		The following documents were made available as part of the consultation: <ul style="list-style-type: none"> • Draft SCI 2019 • A representation form
Where were documents published?	Website	The draft SCI was available to view on the Council's consultation website: https://rotherham-consult.objective.co.uk/portal/ (see appendix 2). Links were also provided from the main Planning Policy webpage and the Council's corporate consultation webpage: https://www.rotherham.gov.uk/localplan https://www.rotherham.gov.uk/consultations
	Printed copies	A printed copy of the draft SCI was available to view at the Council's main offices at Riverside House.

How was the consultation publicised?	Notifications	<p>Notification of the consultation was targeted to individuals and organisations who have previously expressed an interest in being involved with the preparation of the Local Plan.</p> <p>The Council's Planning Policy team maintain a database of those interested in preparation of the Local Plan and other planning documents including statutory consultees, all town and parish Councils, consultants, developers, bodies and organisations, and the general public. Utilising this database notification was sent to 1,304 general and specific consultees.</p> <p>The Council also notified 12 agents identified as regularly involved in submitting planning applications.</p> <p>Consultees were notified of the consultation by email (see appendix 4).</p>
	Press notice	<p>Notices publicising the consultation were placed in local newspapers in the week beginning 3 June 2019 (see appendix 3):</p> <ul style="list-style-type: none"> • Rotherham Advertiser • Dinnington Guardian
	Press release	<p>The Council issued a press release to support the consultation exercise (see appendix 5).</p>
How could people comment?	Website, email and post	<p>Consultees were encouraged to view and respond to the document online. The Council provides internet access at all libraries (free for members or with a nominal charge for non-members). The Council provided a brief guide to registering with and using the Council's consultation website to submit comments.</p> <p>Where consultees did not wish to respond through the consultation website a response form was made available which could be completed and returned via email or post.</p>

Consultation responses

- In response to the consultation the Council received representations from nine individuals or organisations. Appendix 1 sets out a summary of the representations, the Council's response, and any subsequent changes to the SCI.
- The main issues raised in the representations were:
 - Seeking further detail on consultation activities and methods, contact details, guidelines for community consultation and petitions.

- Appendix A should include reference to geodiversity interest, and loss of property value and loss of a view should be identified as “Material Considerations”.
- The Joint Radio Company Limited should be consulted on any planning application involving wind turbines.
- For planning applications it does not identify who and when the Council will consult and involve.
- Concerns about the SCI consultation process.
- Concerns about the Council decision making process and other consultations.
- The ‘Digital First’ approach excludes those without access to those services.
- Consultations should be advertised in local newspapers and libraries with a paper copy of the document.
- Consultation forms should include more open ended free text options.
- Concern regarding health and safety issues in relation to wireless telecommunications technology.

8. In summary, changes made to the SCI following consultation are:

- Amend paragraph 38 to provide further detail regarding pre-application community consultation.
- Amend bullet point 2 of paragraph 39 to refer to providing consultation methodologies.
- After paragraph 43 insert further detail regarding consultation with statutory and non-statutory consultees.
- Amend bullet point 17 on page 12 to include reference to geodiversity.

9. In addition to changes as a result of representations received, the Council also considers it appropriate to include reference existing and proposed arrangements with parish and town Councils. As such the following changes have been made:

- Insert after paragraph 20:
“A Joint Working Agreement between the Council and Rotherham’s parish and town councils sets out best practice and how they aim to work together to benefit local people, and provides further information regarding Neighbourhood Planning.”
- Insert after paragraph 45:
“The Council has a protocol which provides further guidance on how parish and town councils are involved in consultation on planning applications. This is maintained as a separate working document to allow more frequent amendment as necessary in the light of operational experience and any changes to the planning regulations.”

Adoption

10. Following the consultation process a final version of the SCI has been prepared incorporating the changes set out at appendix 1 and paragraph 11 above.
11. The SCI was adopted by the Council at its meeting of xxx, and is available on the Council’s website: www.rotherham.gov.uk/localplan.

Appendix 1: Summary of representations received and the Council’s response

Consultee & summary of representation	Council response	Changes to SCI
Historic England		
No comments	Noted	None
Natural England		
Unable to comment of individual SCIs but are supportive of the principle of meaningful and early engagement of the general community, community organisations and statutory bodies in local planning matters, both in terms of shaping policy and participating in the process of determining planning applications.	Noted.	None
Highways England		
<p>In relation to Local Plans it is identified who and when the Council will consult and involve, however it is not identified for planning applications. Could you please provide clarification on this.</p> <p>We would point out ‘A guide to working with Highways England on planning matters’ is of relevance for the need to consult and work with us on planning applications, with specific reference to paragraph 93 relating to pre-application stage.</p>	<p>Planning practice guidance helpfully identifies when statutory consultees will be consulted on proposals. It also provides guidance regarding consultation with non-statutory consultees. An amendment to clarify the process is considered appropriate.</p>	<p>After paragraph 43 insert:</p> <p>Planning law identifies when certain statutory consultees must be consulted on particular types of development proposals. Where this is the case these organisations are under a duty to respond to the local planning authority within a set deadline and must provide a substantive response to the application in question.</p> <p>Depending upon the nature of the proposal the local planning</p>

Consultee & summary of representation	Council response	Changes to SCI
		authority may also consult non-statutory consultees likely to have an interest in a proposed development and identified in national planning policy and guidance.
Sheffield and Rotherham Wildlife Trust		
Request more detail on how sections 5,6 and 7 works in practice; i.e. use of social media, use of existing community infrastructure and groups.	The Council may utilise social media or existing community infrastructure or groups where it is considered appropriate and where privacy and data protection requirements are adhered to. However the means of engagement will vary depending upon the particular circumstances of each case. As such the SCI is a high-level document which is not intended to be overly prescriptive, but which establishes the principles which will be adhered to rather than providing specific detail of individual means of engagement. Flexibility must be allowed to deliver what is appropriate on a case by case basis.	None
Do you have one person in the planning department who is trained/experienced in inclusive community engagement who can be the initial point of contact for people?	Whilst the SCI provides general contact details it is inappropriate to identify individual officers as these details may change over time.	None
How have you ensured this consultation has been wide-reaching?	The Council has undertaken consultation in line with the statutory requirements set out in relevant planning legislation and regulations. Refer to the consultation plan at table 1 above.	None
Concerned that residents close to allocated sites knew nothing about the allocations until planning applications submitted.	The Local Plan Sites and Policies document was subject to a number of public consultations including a variety of means of	None

Consultee & summary of representation	Council response	Changes to SCI
	engagement. The Inspector examining the Plan did not identify any concerns regarding the consultation undertaken.	
It is unclear exactly what consultation/engagement techniques are carried out for housing allocations that will ultimately affect people's lives. How will people be engaged for substantial allocations of land for development? What are the triggers for neighbour notifications and drop in events?	<p>The SCI is a high-level document which is not intended to be overly prescriptive, but which establishes the principles which will be adhered to rather than providing specific detail of individual means of engagement.</p> <p>It is inappropriate to identify specific actions or triggers in relation to consultation methods as these will vary depending upon the circumstances of individual cases and flexibility must be allowed to deliver what is appropriate on a case by case basis.</p>	None
Section 25: People can register for updates on the Local Plan which is helpful but it does not say how you have publicised this 'service'.	<p>The SCI sets out how people may register on the Council's Local Plan database; however it is not considered appropriate for the SCI to set out how this service will be publicised.</p> <p>The Council will give further consideration to how the service may be publicised, for example through the website, inclusion within correspondence and / or via social media.</p>	None
<p>Concerns identified regarding:</p> <ul style="list-style-type: none"> • The reference number for sites changing between plan consultations • The content and purpose of consultation workshops / meetings. 	<p>The Local Plan Sites and Policies document was subject to a number of public consultations including a variety of means of engagement. The Council has also provided comprehensive consultation feedback through its consultation website and through consultation statements. The Inspector examining the Plan did not identify any concerns regarding the consultation undertaken.</p> <p>The Council retained consistent site</p>	None

Consultee & summary of representation	Council response	Changes to SCI
	references throughout consultation and these have been included where appropriate in the adopted document to aid cross reference to previous consultations.	
Can you include the email address of the Case Officers associated with individual planning applications on your planning portal?	This comment is beyond the scope of the SCI consultation; however the issue will be raised with the relevant department for consideration.	None
We encourage RMBC to provide guidelines on how to conduct fair, inclusive consultation exercises to avoid unbiased results (e.g. from leading questions). Whoever is undertaking the consultation exercise needs to include their detailed methodologies as well as the results in their report.	Paragraphs 37 to 39 set out the Council's expectations regarding pre application consultation. It is agreed that some additional guidance would be helpful.	<p>Insert within paragraph 38: "Consultation methods should provide reasonable opportunity for a wide cross section of the community to provide comments. Any publicity, presentation material and questionnaires should concentrate on facts about the proposed scheme and avoid any bias or leading questions."</p> <p>Amend bullet point 2 of paragraph 39 to read: "• The methods and timing of consultation (including methodologies adopted)."</p>
Appendix A: The Trust thinks this is a useful list, although most members of the public who do submit comments do not refer to policies as it is our experience that many people do not know how to without support. It is also worth including here what weight you give to petitions, especially	Petitions are treated the same as any other representation submitted on a proposal. The weight to give to representations, including petitions, is a matter for the decision maker. The Council has no further specific guidance	None

Consultee & summary of representation	Council response	Changes to SCI
if it is none, so the public know best how to submit their opinions.	regarding petitions and as such it is not considered necessary to refer specifically to petitions in the SCI.	
Mr & Mrs Stamp		
Appendix A - Loss of Property Value and Loss of a View should be identified as "Material Considerations" as they cannot be separated from "Loss of sunlight" and "Loss of Privacy".	National Planning Practice Guidance notes that: "The scope of what can constitute a material consideration is very wide and so the courts often do not indicate what cannot be a material consideration. However, in general they have taken the view that planning is concerned with land use in the public interest, so that the protection of purely private interests such as the impact of a development on the value of a neighbouring property or loss of private rights to light could not be material considerations." (Paragraph: 008 Reference ID: 21b-008-20140306. Revision date: 06 03 2014) As such it is not accepted that loss of property value and loss of view are material planning considerations.	None
Joint Radio Company Ltd		
The Joint Radio Company Limited should be consulted on any planning application involving wind turbines as it represents the UK Gas & Electricity supply organisations and manages many of their radio communication links.	The Joint Radio Company are already identified by the Council as a consultee in relation to wind turbine planning applications.	None
Name withheld at the request of the consultee		
The process for consultation on this document was difficult as it would only let you comment if you registered with the website. This is not a way that will encourage participation.	Providing comments via the consultation website requires that respondents are registered. However a copy of the consultation representation form was also provided on the consultation website which enabled comments to be provided by email, or by post without registering. The	None

Consultee & summary of representation	Council response	Changes to SCI
	consultation website (appendix 2) made clear reference to the availability of the response form.	
Comments provided on the Council decision making process including that the Transportation Group meeting is not webcast.	The comments are not relevant to the Statement of Community Involvement. The Council's Constitution sets out how the Council operates and how decisions are made in a way that is efficient, transparent and accountable to local people.	None
<p>The 'Digital First' approach excludes those without access to those services.</p> <p>Consultations should be advertised in local newspapers (including contact details), and advertised in libraries with a paper copy of the document.</p>	<p>Online consultation is encouraged in line with Council policy (set out at paragraph 7 of the SCI) and recognising that the Council provides access to the internet free in all libraries for members, or at a nominal charge for non-members. This provides opportunities for those without, or with limited access to the internet elsewhere to view planning information online.</p> <p>The SCI sets out the approach to newspaper notices at paragraphs 31 and 43.</p> <p>The use of libraries to assist in planning consultations (including provision of hard copies of documents or other information) may be appropriate depending upon specific circumstances; however the use of this approach for all consultations would not be feasible given the resource implications. We ensure that libraries and other locations where information is available are briefed regarding the consultation material</p>	None
Reference is made to other Council consultations and the need to check facts carefully.	The consultation referred to is not related to the planning service or relevant to the SCI. The Council endeavours to ensure that consultation material is accurate.	None

Consultee & summary of representation	Council response	Changes to SCI
<p>Consultation forms should include more open ended free text options so that residents' answers are not influenced by what the Council actually wants.</p>	<p>The Council has no template or format in which comments on planning applications must be provided. In relation to Local Plan consultations, response forms & questions allow free text entry wherever appropriate.</p>	<p>None</p>
Mr J Harwood		
<p>Expresses concern regarding health and safety issues in relation to wireless telecommunications technology</p>	<p>The issue raised is beyond the remit of the SCI, which sets out how people can be involved in preparing Local Plan documents and decision making in respect of planning applications. It is not the role of the document to address the detail of specific uses or proposals. Relevant planning considerations will be taken into account in preparing planning documents or determining planning applications.</p> <p>Paragraph 183 of National Planning Policy Framework clarifies that "The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively."</p>	<p>None</p>
Sheffield Area Geology Trust		
<p>Does SAGT fall within the scope of paragraph 25?</p> <p>In Appendix A, 5th bullet from bottom, biodiversity is mentioned without including geodiversity.</p>	<p>SAGT are included in the Local Plan consultation database.</p> <p>It is considered reasonable to amend the wording of the bullet point to include reference to geodiversity.</p>	<p>Amend bullet point 17 on page 12 to read: "Adverse impact on nature conservation interests and biodiversity / geodiversity opportunities."</p>

Planning policy



The Local Plan

The Council's local plan provides a long-term development strategy for the Rotherham area.



Current Consultation

Have your say on the draft Statement of Community Involvement



Community Infrastructure Levy

The Community Infrastructure Levy is a new way of securing contributions from developers towards infrastructure.

Home ▶ Closed consultations

Closed consultations

Closed consultations

After a consultation finishes, the responses will be considered by Council leaders before a final decision is made.

2019 Consultations

Proposed Public Spaces Protection
Order for Fitzwilliam Road

Proposals to relocate the town
centre library

Review of polling districts and
places - 2019

Regulation and licensing of sex
establishments

Revised Statement of Community
Involvement

Appendix 3: Press notice

PLANNING AND COMPULSORY PURCHASE ACT 2004

DRAFT STATEMENT OF COMMUNITY INVOLVEMENT

NOTICE OF PUBLIC CONSULTATION

Notice is hereby given that Rotherham Metropolitan Borough Council has published a draft Statement of Community Involvement for public consultation in line with Regulation 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012 under the Planning and Compulsory Purchase Act (2004).

The following provides information about the consultation process.

Statement of Community Involvement (SCI): The draft revised SCI sets out the Council's policy for involving the community in the preparation of Local Plan Documents and in the consideration of planning applications. The SCI is effective for the whole of the Borough of Rotherham.

Consultation period: The Council is seeking your comments from **Monday 10 June until 5pm on Monday 8 July 2019**. Representations received after this deadline will not be taken into consideration.

Representations should be made using the Council's consultation website at <https://rotherham-consult.objective.co.uk>

This is the council's preferred method for receiving representations, as it helps to speed up the management of the process. Alternatively comments clearly marked 'SCI Consultation' can be submitted by email to planning.policy@rotherham.gov.uk

or in writing to: Rotherham Metropolitan Borough Council, Planning Policy, Regeneration and Cultural Services, Riverside House, Main Street, ROTHERHAM, S60 1AE

A consultation response form is available upon request from Planning Policy.

Representations must be received by 5pm on Monday 8 July 2019.

Representations cannot be treated as confidential.

INSPECTION OF DOCUMENTS

The consultation document can be viewed at the following locations:

- On the Council's consultation website at <https://rotherham-consult.objective.co.uk>
- At the Council's offices at Riverside House, Main Street, Rotherham, S60 1AE during normal working hours.

The Council will consider all representations received during the consultation period. The Council will publish a statement which summarises the main issues raised during the consultation period, the Council's response to these issues, and details of the changes to the SCI as a result of comments made.

Further information is available on the Council's website at ww.rotherham.gov.uk/localplan

Bronwen Knight

Acting Assistant Director, Planning, Regeneration and Transport,
Regeneration and Environment, Rotherham Metropolitan Borough Council
Riverside House, Main Street, Rotherham S60 1AE

Appendix 4: Consultation notification email

Dear Sir/Madam

A revised Statement of Community Involvement (SCI) has been produced which sets out how and when you can influence new planning documents covering Rotherham and the ways in which you can comment on planning applications, as well as other forms of consent such as listed building consent or telecommunications applications.

How can I comment on this document?

The Council is now seeking your views on this document during the consultation period which runs from **10 June 2019 to 8 July 2019**.

You can view and comment on the draft document using our online consultation website at <https://rotherham-consult.objective.co.uk> Paper copies are also available during normal opening hours at the Council’s principal offices at Riverside House, Main Street, Rotherham S60 1AE.

Comments should be made via our consultation website. Alternatively you can submit your comments by email to planning.policy@rotherham.gov.uk using the representation form (available from the consultation website or on request from Planning Policy). Please clearly mark your email as “SCI consultation”.

Following this consultation, a statement will be prepared setting out how comments received have been taken into account in preparing the final SCI.

Comments should be received by **5pm on 8 July 2019**.

For any further information please contact the Council using the details below:

Phone:	01709 823869	Post: Rotherham MBC Planning Policy Planning, Regeneration & Cultural Services Riverside House Main Street ROTHERHAM S60 1AE
Email:	planning.policy@rotherham.gov.uk	
Web:	www.rotherham.gov.uk/planningpolicy https://rotherham-consult.objective.co.uk	

Yours faithfully

Andy Duncan
Acting Head of Service
Planning and Building Control
 Planning, Regeneration and Transport
 Regeneration & Environment Services
 Rotherham Metropolitan Borough Council
 Riverside House, Main Street
 Rotherham, S60 1AE



Before printing, think about the environment

Appendix 5: Press release

TELL US HOW YOU WOULD LIKE TO GIVE YOUR VIEWS

Rotherham people have an opportunity to have their say on how they can be involved in shaping the future development of the borough.

Whenever Rotherham Council is considering a planning application, or producing policies for the borough area, it is required to consult and engage with people and organisations to gain their views.

How the Council does this is set out in the Statement of Community Involvement. The Statement helps ensure that there is active, meaningful and continued involvement of local communities and stakeholders throughout the process.

The Statement of Community Involvement needs to be updated every five years, and it is now time to review the Statement. The Council is therefore seeking people's views on how it should continue to engage with people and organisations.

Councillor Denise Lelliott, Cabinet Member for Jobs and the Local Economy said: "Since the last time we reviewed how we consult with people and organisations, we have found better ways to communicate and seek feedback, and there have been advances in technology which have changed the way people want to interact with us.

"We therefore need to continually review how we engage to ensure that anyone who wants to have their say can be involved – getting people's preferences on how they would like to do that is key."

The consultation runs until 5pm on 8 July. You can take part in the consultation at www.rotherham.gov.uk/localplan. The public consultation closes at 5pm on 8 July 2019.

Rotherham local plan

Statement of Community Involvement



October 2019

www.rotherham.gov.uk

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Introduction

1 This Statement of Community Involvement (SCI) sets out how and when you can influence Local Plan documents covering Rotherham and the ways in which you can comment on planning applications, as well as other forms of consent such as listed building consent or telecommunications applications.

2 The Council's approach to community involvement

3 This document is arranged in three sections:

Section 1 – Introduction

Section 2 – Influencing the Local Plan

Section 3 – Getting involved in planning decisions

4 The Introduction sets out in general terms the Council's approach to consultation on planning matters. Government requirements for consultation on Local Plan documents and planning applications differ in some respects. Section 2 sets out how the Council will consult on Local Plan documents and Section 3 covers the requirements for planning applications.

5 When the Council consults you on planning matters it will endeavour to:

- **Keep the process simple** by writing in plain English and explaining any planning terms that we need to use.
- **Make it easy for you to get involved** by setting out when and how you can provide your comments.
- **Be inclusive** by providing information in an accessible format and giving clear advice on how the planning system works, and encourage involvement from those groups that are not usually involved in the planning process.
- **Share information with you** using the Council's website, and other methods where appropriate and effective.
- **Make sure your involvement is effective** by assessing your comments and taking them into account when they raise relevant planning considerations.
- **Meet our timetable** for the preparation and review of the Local Plan and also meet Government targets for deciding on planning applications.

Who will the Council involve?

6 The Council is committed to doing everything reasonably possible to ensure that community involvement is inclusive. This means that the Council aims to give everyone in Rotherham an opportunity to be involved in the decisions that are made. The Council's Equality and Diversity Policy explains our approach to inclusion and the Community Engagement Framework seeks to ensure that community engagement underpins and is built into everything that the Council does. Allied to this, the Customer Access Strategy gives clear and simple advice on what you should expect from the Council.

7 The Council's Digital Strategy sets out the ambition, to increase digital services to improve service to customers and be more efficient and cost-effective. In line with the Digital Strategy and Customer Access Strategy, the Council strongly encourages on-line consultation on planning matters; while ensuring that customers, regardless of their circumstances, have access to the information, advice and help they need.

The role of planning officers

8 The Council's planning officers work in two teams within the Planning Service, which is based at Riverside House:

- The Planning Policy Team produces the planning documents that make up the Local Plan and can be contacted for advice on planning policy. They organise and lead the consultations on draft planning documents and consider relevant consultation responses, making changes to draft documents where appropriate.

Web: <https://www.rotherham.gov.uk/localplan>

Tel: 01709 823869

Email: planning.policy@rotherham.gov.uk

- The Development Management Team assesses planning applications in accordance with the policies of the statutory Development Plan for Rotherham, the National Planning Policy Framework (NPPF) and any other material considerations including consultation responses and other comments. They offer a paid pre-application service for all types of development and other advice on planning issues.

Web: <https://www.rotherham.gov.uk/planning>

Tel: 01709 823835

Email: development.management@rotherham.gov.uk

9 The planning officers from both teams work closely together in preparing planning policies, in the assessment of planning applications and in providing specialist professional planning advice on key development projects with land-use implications.

The role of councillors

10 Locally elected councillors have a key role in the planning process in the following ways:

- The Council is responsible for approving and adopting key statutory planning policy documents such as the Local Plan.
- The Council's Planning Board is made up of councillors who make decisions on the more major or controversial planning applications.

- Councillors represent their respective wards and listen to residents' concerns on planning issues (at ward surgeries or public meetings and consultations).
- Councillors can voice their support or make objections to planning applications in writing and speak at Planning Board on behalf of their constituents.

11 The role of locally elected councillors in representing the views and concerns of residents in the planning process is very important. However, your views can only be formally taken into account when you make them in writing within the specified time period for a particular consultation. There are existing rules for the way that councillors and council officers conduct their activities, which ensure that any potential conflicts of interest are resolved in a transparent way.

Planning Aid England

12 Planning Aid England is a voluntary organisation linked to the Royal Town Planning Institute (RTPI). Through its network of volunteers, who are chartered town planners, it can provide independent and impartial advice and support for Neighbourhood Planning and other planning matters. Further information is available at <https://www.rtpi.org.uk/planning-aid>

Influencing the Local Plan

The planning system

13 The Government's national planning policies are set out in the National Planning Policy Framework. The Framework must be taken into account by local planning authorities when preparing Local Plans. The Framework is accompanied by web-based Planning Practice Guidance, which provides further detailed guidance on a range of planning topics.

14 Planning legislation also places a 'duty to co-operate' on local planning authorities. This legal requirement sets out how local planning authorities, national park authorities, county councils and a number of other public organisations must work with one another in a collaborative manner when preparing their local plans.

Rotherham Local Plan

15 The Local Plan is the statutory Development Plan for Rotherham Borough. It sets out the spatial policies, guidance, land use designations and site allocations against which all planning applications and other development proposals in the borough are assessed.

16 It provides the formal statutory framework for sustainable development and lays the foundations for regeneration and economic growth, while protecting the most valuable built and natural environmental assets.

17 The Local Plan is made up of the following documents:

Core Strategy – this sets out the vision and strategic objectives for Rotherham up to the year 2028. It includes local targets for housing, employment and retail development and sets out the broad locations and amount of development for the settlements across the borough.

Barnsley, Doncaster and Rotherham Joint Waste Core Strategy – provides a detailed planning framework to manage all types of waste in the three boroughs, including commercial and industrial waste, construction, demolition and excavation waste, hazardous waste and agricultural waste. It allocates sites to manage waste, safeguards existing waste facilities of strategic importance and sets out criteria for assessing waste management proposals.

Sites and Policies document – this supports the delivery of the Core Strategy by allocating land for a variety of uses, including development for new housing and employment. It also sets out detailed policies to guide decisions on planning applications.

Community Infrastructure Levy (CIL) – this is a tariff-based charging schedule. When planning permission is granted for certain types of development (e.g. housing) the developer is required to pay a financial contribution. This will be used towards providing and maintaining the strategic and local infrastructure identified by the Council to support the growth proposed by the Local Plan. Infrastructure can be road improvements, schools, green spaces etc.

Supplementary Planning Documents (SPDs) – these are prepared to provide further detailed guidance on Local Plan policies where necessary. Although they do not have the same weight as

development plan documents they can still form a material consideration in determining planning applications.

In preparing and reviewing the Local Plan the Council also publish on the website:

- Local Development Scheme (LDS) – setting out what planning documents the Council will produce and the timetable for their production.
- Annual Monitoring Report – setting out the progress made in producing Local Plan documents and performance in implementing planning policies and proposals.

Neighbourhood Plans

18 Local communities can prepare plans for their local areas themselves if they wish to do so. Any community initiated neighbourhood plans will form part of the statutory Development Plan for those areas of the borough, once they have passed through independent examination and a local community referendum.

19 The local planning authority does not prepare Neighbourhood Plans. The Council does have a duty to provide advice and technical assistance to community groups engaged in neighbourhood planning, particularly in relation to the initial designation of neighbourhood areas and neighbourhood forums, as well as the examination process and holding referendums. The strategic policies in the Local Plan provide the context for Neighbourhood Plan preparation.

20 The National Planning Policy Framework states that Neighbourhood Plans should support the delivery of strategic policies contained in local plans, and one of the 'basic conditions' that neighbourhood plans must meet is that they are in general conformity with the strategic policies. The Council has produced a note identifying the strategic policies in Rotherham for the purposes of neighbourhood planning, available at <https://www.rotherham.gov.uk/localplan>

21 A Joint Working Agreement between the Council and Rotherham's parish and town councils sets out best practice and how they aim to work together to benefit local people, and provides further information regarding Neighbourhood Planning.

22 Further information can be found on the Government's website by searching for "neighbourhood planning" on <https://www.gov.uk>

Preparing the Local Plan

When will the Council involve you?

23 There are a number of key stages involved in preparing documents for the Local Plan. These stages are required by Government planning legislation and regulations and are designed to ensure that the process is open and transparent. More information is available under the Local Plans category at <https://www.gov.uk/government/collections/planning-practice-guidance>

24 Typically, the Council will consult on one or more drafts of Local Plan documents before they are finalised and submitted to Government. Getting involved at the earliest stages of preparation will ensure your views have the most opportunity of being taken into account. The final stage in the process to adopt Local Plan documents includes an independent examination by a

Government-appointed Planning Inspector. It is essential that you have made formal representation on the final, "publication" stage of the Local Plan if you wish to take part in the independent examination.

Publication of documents

25 At key stages of preparing and reviewing the Local Plan the Council will make reference copies of relevant documents available at our principal office at Riverside House, Main Street, Rotherham S60 1AE. All relevant planning documents will be available to download from our website <https://www.rotherham.gov.uk/localplan>

How will the Council involve you?

26 Government regulations list the organisations and other bodies that the Council is legally required to consult and involve in the preparation of Local Plan documents. This is set out in the Town and Country Planning (Local Planning) (England) Regulations 2012. In addition to these groups, the Council will also seek to involve and consult a wide range of other interest groups and organisations, developers and consultants, as well as local residents and businesses. If you would like to register on the Council's consultation database, or need to amend your existing contact details, you can do so via <https://www.rotherham.gov.uk/localplan>

27 The Council, as a part of modernisation, strongly encourage electronic communication. This is embodied by the Council's Digital First approach. This has multiple benefits around user convenience, reducing costs and helping the environment by saving paper. It also allows 24 hour access to information. The Council helps communities get to information online by providing free internet access at all libraries for library members, with a minimal charge for non-members.

Website

28 The Council has specific planning policy pages on the website, which will be regularly updated.

29 The Council must balance the need to provide easily understandable information with the need to ensure a transparent process by publishing all relevant documents, some of which may be technical in nature to meet statutory requirements. Wherever possible, the Council will ensure that the information provided through the website is concise, easily accessible and easily navigable.

30 The Council provides a consultation website available via <https://www.rotherham.gov.uk/localplan> to enable comments online during periods of public consultation. The Council strongly encourages online consultation comments as this ensures that comments are focussed on the parts of the document you are interested in and can therefore be linked to particular areas of interest or concern.

Direct contact

31 For environmental, efficiency and cost reasons, the Council will contact you by email. The Council will not normally send letters by post, unless it is a legal requirement or justified by special circumstances considered on a case by case basis.

Press notices and statutory notices

32 Local newspaper notices are less personal but they can help to ensure that the Council communicates information as widely as possible. Although it is not a requirement in Government regulations, in some cases the Council may use newspaper notices regarding Local Plan consultations.

Public drop-in sessions

33 The Council may hold public exhibitions depending on the nature of the document, the local areas affected, and the stage of the Local Plan process. These give people the chance to look at plans and proposals and speak to planning officers in an informal setting. They are an effective way to engage people who want to give their views or just gather information.

Using the results of consultation

34 All comments received will be recorded, read carefully and relevant planning considerations taken into account in preparing and reviewing Local Plan documents. A summary of comments and the Council's response to the main issues raised will be published on the website.

Timescales

35 The Council will endeavour to keep the Local Plan up to date, to support the planned development of housing and other priorities within the borough. To do this the Council will aim to carry out all our planning consultations in line with our community involvement policies and the timetable set out in the Local Development Scheme (LDS).

Getting involved in planning decisions

36 The Council deals with approximately 2,000 planning applications each year. These range from simple house extensions to large retail or office developments. Most types of applications require some level of public consultation.

Pre-application process

37 In line with national planning policy the Council places a strong emphasis on early engagement and aim to work with applicants in a positive and pro-active manner.

38 Depending upon the scale, nature and potential impact of the development proposal on the local community, it is advised that developers carry out their own pre-application public consultation. For instance, it is considered best practice that major planning applications be accompanied by their own Statement of Community Involvement. A major planning application is 10 or more dwellings (or a site larger than 0.5 hectares) or 1,000 or more square metres floorspace (or a site larger than 1 hectare).

39 These consultations should be carried out at an early stage in the design process, to enable community views to be incorporated into the submitted proposal. The form of consultation will need to be tailored to suit the particular circumstances of the site, the proposal and location. Consultation methods should provide reasonable opportunity for a wide cross section of the community to provide comments. Any publicity, presentation material and questionnaires should concentrate on facts about the proposed scheme and avoid any bias or leading questions.

40 The Council can provide advice on what level of pre-application consultation would be appropriate, for example through a public meeting, an exhibition, or other forms of community involvement. To ensure that decisions are taken in a fair and open manner, the Council's planning officers would not normally take part in pre-application public meetings or exhibitions other than to provide background information. Further information and advice is available at <https://www.rotherham.gov.uk/planning>

41 As a minimum, the consultation statement submitted with the planning application should include:

- The houses, businesses and local community groups consulted.
- The methods and timing of consultation (including methodologies adopted).
- Feedback and information on how the views were addressed in the development proposal.

42 To aid potential applicants in this process, the Council offers a paid pre-application service to help resolve issues at any early stage.

Planning applications

43 The Development Management Team is responsible for assessing all planning applications for development, making recommendations to the Council's Planning Board for those applications referred to the Board (under the Council's Scheme of Delegation), determining all other planning applications, and other application types such as adverts and listed building consent proposals, providing advice on development proposals and dealing with any unauthorised development in the borough.

44 All decisions taken on planning applications must be made in accordance with the statutory Development Plan unless any other material considerations indicate otherwise, including national planning guidance or site specific matters relevant to a particular case. Please refer to 'Appendix A: Material planning considerations' to find out what a "material consideration" is.

Getting involved in planning applications

45 The publicity procedures that the Council follows on planning applications are laid down by Government legislation and regulations, including Planning Practice Guidance. Depending on the type of application they may include:

- An individual letter to adjacent occupiers/residents (neighbour notification).
- Posting of a site notice at or near the site.
- A local newspaper notice.

The Council also publishes a "weekly list" of planning applications on its website.

46 Planning law identifies when certain statutory consultees must be consulted on particular types of development proposals. Where this is the case these organisations are under a duty to respond to the local planning authority within a set deadline and must provide a substantive response to the application in question.

47 Depending upon the nature of the proposal the local planning authority may also consult non-statutory consultees likely to have an interest in a proposed development and identified in national planning policy and guidance.

48 The applications that the Council receive, including supporting documents and corresponding plans and elevation drawings, can be viewed online at <https://www.rotherham.gov.uk/planning>. These are documents, submitted by the applicant for consideration by the Council as part of a planning application, so are made available in the website as part of the publicity process.

49 Most planning applications received are granted subject to planning conditions which specify the detail of development, and can include requirements that must be met prior to, or as part of undertaking any works. In Rotherham in 2018/2019, 91.2% of planning applications received were granted permission, the majority of which were subject to conditions.

50 The Council has a protocol which provides further guidance on how parish and town councils are involved in consultation on planning applications. This is maintained as a separate working document to allow more frequent amendment as necessary in the light of operational experience and any changes to the planning regulations.

51 When commenting on planning applications consideration should be given to what conditions might alleviate any concerns identified, taking account of national planning policy which requires conditions to be necessary, relevant to planning and to the development permitted, enforceable, precise, and reasonable.

52 Comments on planning applications should be made in writing within 21 days from the date of the notification letter or within 21 days from the date of a press notice or site notice appearing. Comments submitted after the 21 day publicity period has expired may not be considered because a decision may have already been made on the application. If an application has not been determined and representations are received after the statutory period, they may still be taken into account prior to the determination of the application where possible.

You can make comments online at: <https://www.rotherham.gov.uk/planning>

By e-mail to: development.management@rotherham.gov.uk

By post to: Development Management, RMBC, Riverside House, Main Street, Rotherham S60 1AE

Decision making and Planning Board

53 Most planning applications are determined under delegated powers as set out in the Council's Scheme of Delegation. The Council's Planning Board makes decisions in certain other circumstances as detailed in the Council's Constitution. These circumstances include where more than five written representations against a development proposal have been made which conflict with the planning officer's recommendation.

54 For those applications determined by Planning Board, the Council allows public speaking at the meeting to give the public an opportunity to put their views forward as part of the decision making process. Members of the public who wish to speak at Planning Board must clearly state this when commenting on an application so they can be informed of the date of the relevant meeting. Guidance relating to speaking at Planning Board is distributed to those who formally request to speak.

55 Planning Board agendas are published on the Council's website, five clear working days before the meeting, followed by the publication of the minutes of the meeting.

56 As part of the Council's commitment to an open and transparent planning process, the Council's Constitution includes codes of conduct for members and officers. More information about the structure of the Council and the Constitution is available via <https://www.rotherham.gov.uk/council>

Notification after a decision

57 The Council compiles a weekly list of planning decisions which is available to view at <https://www.rotherham.gov.uk/planning>

Planning Appeals – written representations, informal hearings and public inquiries

58 Notifications are sent direct to those people who were consulted on the original application (as well as any other people who submitted comments on the application) giving notice of an appeal being lodged against the Council's decision. A site notice will be posted in the case of a public inquiry.

Planning enforcement

59 The Development Management Team also investigates alleged breaches of planning control, and details of this process are set out in the Council's Planning Enforcement Plan. Further information is available on the Council's website at <https://www.rotherham.gov.uk/planning> by following the link to "Report a planning problem" or by calling Planning Enforcement for advice on 01709 823835.

Appendix A: Material planning considerations

What is a material consideration?

When a decision is made on a planning application, only certain issues are taken into account; these are often referred to as “material planning considerations”.

Material considerations can include (but are not limited to):

- Local, strategic, national planning policies and policies in the statutory Development Plan.
- Emerging new plans which have already been through at least one stage of public consultation.
- Pre-application planning consultation carried out by, or on behalf of, the applicant.
- Government and Planning Inspectorate requirements – circulars, orders, statutory instruments, guidance and advice.
- Previous appeal decisions and planning inquiry reports.
- Principles of case law held through the courts.
- Loss of sunlight (based on Building Research Establishment guidance).
- Overshadowing/loss of outlook to the detriment of residential amenity (though not loss of a view as such).
- Overlooking and loss of privacy.
- Highway issues: traffic generation, vehicular access and highway safety.
- Noise or disturbance resulting from a use, including proposed hours of operation.
- Smells and fumes.
- Capacity of physical infrastructure, e.g. in the public drainage or water systems.
- Deficiencies in social facilities, e.g. school capacity.
- Storage and handling of hazardous materials and development of contaminated land.
- Loss or effect on trees.
- Adverse impact on nature conservation interests and biodiversity / geodiversity opportunities.
- Effect on listed buildings and conservation areas.
- Incompatible or unacceptable uses.
- Layout and density of building design, visual appearance and finishing materials.
- Inadequate or inappropriate landscaping or means of enclosure.

The weight attached to material considerations in reaching a decision is a matter of judgement for the decision-taker. However the decision-taker is required to demonstrate that in reaching that decision that they have considered all relevant matters.

Generally, greater weight is attached to issues raised which are supported by evidence rather than solely by assertion. If an identified problem can be dealt with by means of a suitable condition the local planning authority is required to consider this as an alternative to refusing an application.

What is not a material planning consideration?

The following issues are not relevant to the decision (there are further non-material planning considerations not included in this list):

- Matters controlled under building regulations.
- Private issues between neighbours.
- Opposition to the principle of development when this has been determined by an outline planning permission or appeal.
- The applicant's personal circumstances (unless exceptionally and clearly relevant e.g. provision of a facility for someone with a physical disability).
- Previously made objections/representations regarding another site or application.
- Factual misrepresentation of the proposal.
- Opposition to business competition.
- Loss of property value.
- Loss of a view.

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Committee Name and Date of Committee Meeting

Cabinet – 21 October 2019

Report Title

Food and Feed Service Plan 2019/20

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

No, but it has been included on the Forward Plan

Strategic Director Approving Submission of the Report

Paul Woodcock, Strategic Director of Regeneration and Environment

Report Author(s)

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Janice Manning, Manager, Food, Health & Safety
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Ward(s) Affected

Borough-Wide

Report Summary

The Food Standards Agency requires all Competent Authorities to have an up-to-date, documented Food and Feed Service Plan, which is readily available to food and feed business operators and consumers. This plan must be subject to regular review and clearly state the period of time for which the plan has effect.

Following audit by the Food Standards Agency in May 2010, the Agency confirmed that the format of the Council's Food Service Plan was in line with the Service Planning Guidance in the Framework Agreement. The Food and Feed Service Plan for 2019/20 follows this outline.

The Food and Feed Service Plan details the Council's performance during 2018/19 and identifies expected performance for 2019/20. Performance is reported nationally to the Food Standards Agency through the Local Authority Enforcement Monitoring System.

Recommendations

1. That the Food and Feed Service Plan for 2019/20 and the accompanying Food and Feed Sampling Protocol for 2019/20 be approved.

List of Appendices Included

- Appendix 1 Food and Feed Service Plan 2019/20
- Appendix 2 Food and Feed Sampling Protocol 2019/20
- Appendix 3 Equalities Analysis Initial Screening

Background Papers

- Food Safety Act 1990
- Food Law Code of Practice (England), March 2017
- Food Law Practice Guidance (England), November 2017
- Feed Law Code of Practice (England) currently out in draft form for consultation
- Localism Act 2011
- Regulators' Code 2014

Consideration by any other Council Committee, Scrutiny or Advisory Panel

Overview and Scrutiny Management Board – 16 October 2019

Council Approval Required

No

Exempt from the Press and Public

No

Food and Feed Service Plan 2019/20

1. Background

- 1.1 The Food and Feed Law: Codes of Practice (England), are statutory Codes of Practice requiring 'Competent Authorities' to have up-to-date, documented Food and Feed Service Plans which are readily available to food and feed business operators and consumers, and which reflect paragraph six of the Regulator's Code. The Codes also require the Authority to have a Food and Feed Sampling Protocol in place.
- 1.2 The Service Plan must be available to food business operators and consumers, and the Council should review the Plan regularly.
- 1.3 The Council's Food and Feed Service Plan follows the format of the Service Planning Guidance contained within the Food Standards Agency's Framework Agreement.¹
- 1.4 The Service Plan must cover all areas of food and feed law that the Council has a duty to enforce and set out how the Council intends to deliver 'Official Controls' within its area. It must include imported food responsibilities and the control arrangements that are in place. The Service Plan must also include reference to the Council's approach to enforcement including its 'Alternative Enforcement Strategy' for dealing with those premises rated as low risk under the Food Establishment Intervention Rating Scheme.
- 1.5 The Food and Feed Service Plan:
 - Explains the purpose of the Food and Feed Service;
 - Links to the Food Standards Agency Framework Agreement;
 - Matches current resources against existing service levels;
 - Sets targets against which the performance of the service can be measured;
 - Provides a performance management framework to ensure continuous improvement.

2. Key Issues

- 2.1 The Food and Feed Service Plan for 2019/20 is attached at Appendix 1 and provides detail of performance against the targets set in the 2018/19 Plan as summarised in the following tables:

¹ Food Standards Agency, *Framework Agreement on Official Feed and Food Law Controls*, April 2010

Table 1 - percentage of inspections in each programme achieved.

Category	Food Hygiene		Food Standards		Feed	
	2018/19 Target	2018/19 Outcome	2018/19 Target	2018/19 Outcome	2018/19 Target	2018/19 Outcome
A	100%	100%	100%	100%	100%	100%
B	100%	100%	100%	95%	Not applicable	Not applicable
C	100%	100%	Not set**	58%	Not applicable	Not applicable
D*	Not set*	100%	Not applicable	Not applicable	Not applicable	Not applicable
E*	Not set**	53%	Not applicable	Not applicable	Not applicable	Not applicable
U	100%	100%	Not applicable	Not applicable	Not applicable	Not applicable

Key

* To be undertaken as resources allow

**Alternative enforcement arrangements allowed

Table 2 - number of inspections in each programme for 2018/19 for which an intervention is due.

Category	Food Hygiene		Food Standards		Feed	
	2018/19 Target	2018/19 Outcome	2018/19 Target	2018/19 Outcome	2018/19 Target	2018/19 Outcome
A	6	6	2	2	8	8
B	84	84	190	181	Not applicable	Not applicable
C	359	359	Not set** (525)	305	Not applicable	Not applicable
D*	Not set* (772)	772	Not applicable	Not applicable	Not applicable	Not applicable
E*	Not set** (907)	484	Not applicable	Not applicable	Not applicable	Not applicable
U	13	13	Not applicable	Not applicable	Not applicable	Not applicable

Key

* To be undertaken as resources allow

**Alternative enforcement arrangements allowed

- 2.2 Performance is reported nationally on an annual basis through the Food Standards' Local Authority Enforcement Monitoring System. The interim data for 2018/2019 shows that Rotherham undertook 97.68% of all inspections that were due, compared to 83% in Doncaster and 70% in Sheffield. Nationally, the average performance was at 88%.
- 2.3 The 2019/20 Food and Feed Service Plan provides details of the expected performance for the current year. The table below shows the number of inspections which are due an intervention in each risk category. Categories A and B are the higher risk premises. Category U is the unrated premises and is generally new businesses or premises which have changed.

Table 3 - Number of inspections which are due an intervention in each risk category

Risk Category	Food Hygiene	Food Standards	Feed	
	2019/20 Target	2018/19 Target	Category	2018/19 Target
A	14	6	Inland inspections	27
B	104	145	PP FEED inspections	4
C	239	Not set** (130)		
D*	Not set* (381)	Not applicable		
E*	Not set** (164)	Not applicable		
U	14	Not applicable		

Key

* To be undertaken as resources allow

**Alternative enforcement arrangements allowed

- 2.4 The Food and Feed Service Plan also describes arrangements for:
- Sampling which contributes to Public Health England initiatives;
 - Complaints received relating to food and feed;
 - Promotional activity and advice to business;
 - Control and investigations of outbreaks of infectious disease;
 - Food Safety Alerts, incidents and food fraud.
- 2.5 The Food and Feed Sampling Protocol 2019/20, which is attached at Appendix 2, sets out the general approach to food and feed sampling for Rotherham Council. Rotherham Council is committed to monitoring the safety and quality of food and feed, which is either manufactured, sold or supplied within its area, by carrying out sampling.
- 2.6 Suitably qualified, trained and authorised Officers will be responsible for undertaking the food and feed sampling functions of the Council. Samples are taken in compliance with the Food Law Code of Practice (England) 2017 and the Feed Law Code of Practice England (currently in draft) and following internal procedures.
- 2.7 The Food and Feed Service Plan sets out the resources available for sampling, the resources available to undertake sampling are finite, therefore in order to maximise the impact which sampling can have it is our protocol to direct resources to those areas where we believe the greatest overall benefit can be achieved.

2.8 The Food Standards Agency has provided information that details the provisions in relation to food law in the event of the EU exit. In particular, the Agency detail that the European Union (Withdrawal Act) 2018, converts European food legislation into domestic law. In addition, the Agency will update guidance documents to change EU references, institutions, processes and systems, to appropriately reference to UK law.²

2.9 Where, following a food hygiene or standards inspection, a premise closes voluntarily or through enforcement action, this will be publicised via the Council's website, subject to all legal requirements being met.

3. **Options considered and recommended proposal**

3.1 The Council is obliged by statute to have a Food and Feed Service Plan in place. No other options have therefore been considered.

4. **Consultation on proposal**

4.1 No consultation is required in respect of the Food and Feed Service Plan and no public consultation has been undertaken. The Food and Feed Sampling Plan has been to the Public Analyst and Food Examiner for comments.

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

5.1 If agreed, the Food and Feed Service Plan 2019/20 and Food and Feed sampling Protocol 2019/20 will be effective immediately.

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

6.1 The Food and Feed Service Plan 2019/2020 will be delivered within existing budgets.

6.2 Each year National Trading Standards (NTS) awards the local authority funding from the government to support the delivery of its work stream. In 2019/20 Rotherham received a grant of £7,179 to undertake 31 Feed Inspections.

7. **Legal Advice and Implications**

7.1 Section 40 of the Food Safety Act 1990 provides the Secretary of State the power to issue Codes of Practice in relation to the execution and enforcement of the 1990 Act. Any Competent Authority that does not have regard to the Code of Practice may find their decisions or actions successfully challenged. In addition, the Food Standards Agency, can give a Competent Authority a direction requiring them to carry out specified steps in order to comply with the Code of Practice, such specified steps are enforceable against a Competent Authority. There is a corresponding Code of Practice for Feed Law.

² Food Standards Agency, Statement for Local Authorities: The FSA will be updating enforcement documentation produced while the UK was in the EU, 11th July 2019

- 7.2 Under the Codes of Practice, each Competent Authority must have an up-to-date, documented Food and Feed Service Plans and a Sampling Protocol for food and feed business operators and consumers. The Plan must be subject to regular review and clearly state the period of time for which it has effect. The Plan should reflect the requirements set out in the relevant Regulators' Code and must cover all areas that the Competent Authority has a duty to enforce and set out how the Authority intends to deliver official controls within its area.
- 7.3 Any failure by the Council to implement the Plans may result in the Food Standards Agency making a direction for compliance, which would be done in consultation with the Secretary of State.
- 7.4 Section 42 of the Food Safety Act 1990 provides default powers. Where the Secretary of State is satisfied that a Competent Authority has failed to discharge a duty imposed upon it by the Food Safety Act 1990 and the authority's failure affects the general interests of consumers of food, he may order another competent authority or the Food Standards Agency to discharge that duty in place of the Authority in default. The substitute Authority will also be permitted to recover any expenses reasonably incurred from the Authority in default.

8. Human Resources Advice and Implications

- 8.1 There are no direct HR implications arising from this report.

9. Implications for Children and Young People and Vulnerable Adults

- 9.1 The young, the elderly and those with compromised immune systems are particularly vulnerable to failures in food safety and consequent infectious disease. The activities as outlined in the Service Plan and Sampling Protocol therefore contribute directly to the well-being of Children and Young People, and Vulnerable Adults.

10. Equalities and Human Rights Advice and Implications

- 10.1 There are no equalities or human rights implications for this report.
- 10.2 An Equalities Screening Assessment is attached at Appendix 3.

11. Implications for Partners

- 11.1 There are no implications for partners or other directorates.

12. Risks and Mitigation

- 12.1 Failure to have due regard to the provisions of the Code of Practice, presents a risk of decisions or actions being successfully challenged, and evidence gathered during a criminal investigation being ruled inadmissible by the Court.

12.2 Failures to comply with the Code of Practice can result in the Food Standards Agency, after consultation with the Secretary of State, giving direction to a Competent Authority, to take any specified measures to comply with the Codes.

13. Accountable Officers

Lewis Coates, Enforcement and Regulatory Services Manager

Janice Manning, Manager, Food, Health & Safety

Approvals obtained on behalf of Statutory Officers:-

	Named Officer	Date
Chief Executive	Sharon Kemp	07/10/19
Strategic Director of Finance & Customer Services (S.151 Officer)	Judith Badger	02/10/19
Head of Legal Services (Monitoring Officer)	Bal Nahal	01/10/19

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

**REGENERATION &
ENVIRONMENT SERVICES**

COMMUNITY SAFETY & STREET SCENE

**Food and Feed Service Plan
2019/20**

Contents

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Introduction

Community Safety and Street Scene Services are part of the Regeneration and Environment Services Directorate. It is a diverse service area that touches every household and business in the Borough. Its aim is to set high standards to promote, regulate and protect the quality of life in Rotherham. However, in addition the Council realise that our work can affect people and businesses outside the Borough.

Services relating to Food Hygiene, Food Standards and Feed Services are part of the Council's Community Safety and Regulatory Service within Community Safety and Street Scene, and are collectively known as the Food, Health and Safety Team. The Service plays both an enforcing and educating role whilst also providing services directly. The Food and Feed Service Plan links to the priorities as set out in the Council Plan 2019/20:

In delivering the Food Hygiene, Food Standards and Feed Services the Council will work towards:

The Council's Vision and Priorities

The Council's Vision is defined as:

Rotherham is our home, where we come together as a community, where we seek to draw on our proud history to build a future we can all share. We value decency and dignity and seek to build a town where opportunity is extended to everyone, where people can grow, flourish and prosper, and where no one is left behind.

The Council Plan sets out what the Council plans to do in order to deliver against the Vision and priorities. The Council's four priorities are:

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

Underpinning these four priorities, to support better outcomes and an enhanced quality of life for Rotherham's residents, is a further priority to make sure the organisation is capable of delivering this vision through being a "modern, efficient Council".

In terms of service-based priorities, within the Community Safety and Street Scene Service Plan, the Food, Health and Safety Team contribute to:

- A strong community in a clean, safe environment
- Running a modern, efficient Council

The Regulation and Enforcement team has a suite of performance measures which are reported through quarterly performance monitoring, with monthly reports from the Food, Health and Safety Team submitted to the Head of Service, Regulation and Enforcement.

The key performance measure which applies to the Food, Health and Safety Team is:

- Food establishments compliant with food hygiene law

The Food Service Plan provides a framework for employees within Food, Health and Safety, and a framework against which our customers and other stakeholders can assess our performance.

The Team Objectives of the Food, Health and Safety Team are:

- to provide safe food and feed; and
- to safeguard public health.

The Food Service Plan provides a focus for improvements within Food, Health & Safety for 2018/2019. It also seeks to ensure that the aims and methods of service delivery are consistent with, and contribute significantly to the Council's corporate priorities.

The Plan:

- explains the purpose of the Food Hygiene and Standards Service;
- explains the purpose of the Animal Feed Service;
- links to the Food Standards Agency Framework Agreement;
- matches current resources against existing service levels;
- sets targets against which the performance of the Unit can be measured;
- provides a performance management framework to ensure continuous improvement.

1 Priorities – Aims and Objectives

Staff in the Food, Health & Safety Team will be:

- Honest - Open and truthful in everything we say and do
- Accountable – We own our decisions, we do what we say and we acknowledge and learn from our mistakes
- Respectful - We show regard and sensitivity for the feelings, rights and views of others
- Ambitious - We are dedicated, committed and positive, embracing change with energy and creativity
- Proud - We take pride in our borough and in the job that we do

The Service is organised with a focus on business regulation. Food hygiene, food standards, animal feed and animal health work is integrated to provide a 'farm to fork' approach, which ensures effective enforcement and advice. It will deliver excellent standards and improve the quality of life for our customers. Service provision includes:

- Programmed food hygiene, food standards and feed inspections, in accordance with the frequency determined under the inspection rating system set out in the relevant legislation, Food Law and Feed Law Codes of Practice and guidance targeting high risk inspections. Lower risk premises will be targeted via different interventions such as questionnaires;
- Participating in the Food Standards Agency's Food Hygiene Rating Scheme in accordance with the Brand Standard and Food Law Code of Practice and Practice Guidance;
- Inspection, approval, and registration of relevant premises in accordance with the relevant legislation, Codes of Practice, guidance, etc.;
- Production of food/feed sampling programmes and annual reports on sampling activities;
- Investigation of food/feed complaints and infectious disease referrals within service request initial response times and initiating appropriate actions in accordance with Codes of Practice and guidance;
- Having regard to the Primary Authority Scheme with respect to certain premises in Rotherham and carrying out enquiries referred from other agencies;

- Supporting the annual inspection programme with targeted advice, press releases and proactive investigations and surveys;
- Provide education, advice and information on food and feed safety to food and feed businesses and consumers;
- Maintenance and implementation of databases of food/feed premises which are accurate and up to date. All reasonable security measures are in place to prevent access and amendment by unauthorised persons;
- Respond to Food/Allergy Alerts and Feed Alerts and have procedures in place to notify the Food Standards Agency of any serious localised incident or a wider food/feed safety problem.
- Deal with imported and exported food/feed.

2 Profile

Rotherham Metropolitan Borough Council has a population of around 260,000 and covers an area of 28,277 hectares.

As a Metropolitan Borough Council the Authority is responsible for the full range of food service and feed service delivery.

Food Hygiene, Food Standards and Feeding Stuffs are dealt with by staff in the Food, Health and Safety team.

The offices are currently located at:

Community Safety and Street Scene
Floor 3, Wing A
Riverside House
Main Street
Rotherham
S60 1AE

Tel: (01709) 823164

Fax: (01709) 371149

Website: www.rotherham.gov.uk

E.mail: food.health&safety@rotherham.gov.uk

Reception Opening Hours: 08.30-17.30 Monday to Friday

Out of hours messages can be left on an answer machine (01709) 823161 which is checked daily Monday to Friday.

Organisational Structure

Rotherham has a Cabinet Model to enable an open and efficient decision making process.

Councillor Hoddinott is the Lead Cabinet Member for Food, Health and Safety Team services.

Community Safety and Street Scene Services are part of the Strategic Directorate of Regeneration and Environment Services which is reportable to the Chief Executive.

Staff who perform food hygiene, food standards and animal feed services inspections are part of the Food, Health and Safety Team which is in Community Safety & Street Scene.

The Manager of this section reports to the Enforcement and Regulatory Services Manager, who reports to the Head of Service Community Safety and Regulatory Services and the Assistant Director of Community Safety & Street Scene.

Provisions for specialist services:

- The Authority has appointed Duncan Campbell as the Public Analyst and Agricultural Analyst.
- Microbiology Department, Leeds General Hospital, Great George St, Leeds LS1 3EX examines faecal samples and Public Health England (PHE), Food, Water and Environmental Microbiology Network (Leeds Laboratory), Block 10, FERA, Sand Hutton, York, YO41 1LZ acts as the food examiner.
- Other specialist service providers are used as necessary.
- The Local Authority has appointed Nachi Arunachalam as one of the Proper Officers; he is a Consultant in Communicable Disease Control (CCDC). The CCDC for Rotherham is currently on paternity leave; Will Morton will transfer into the substantive CCDC post on 5 August 2019.

Scope of the Food and Feed Services

As a Metropolitan Borough Council the Authority is responsible for the full range of food and feed service delivery.

The Enforcement and Regulatory Services Manager has overall managerial responsibility for the services.

Food hygiene and food standards inspections are undertaken in accordance with the Code of Practice. A food hygiene intervention will include the structure and hygiene of the premises. Officers will also check the food safety management system and procedures as well as taking into account of the type of food provided and the customer base. Food standards inspections cover other aspects such as labelling, composition, colourings, allergens etc.

Services relating to Food Hygiene, Food Standards and Feeding stuffs are delivered by the Food, Health and Safety Team. The following regulatory and enforcement functions are also delivered:

- Health and safety;
- Water quality;
- Private water supplies;
- Infectious diseases;
- Animal health;
- Advisory services;
- Public health, including smoke-free legislation;
- Health promotion;
- Registration and licensing functions, e.g. tattooists, acupuncturists, etc.
(NB: this is not an exclusive list).

The Council occasionally uses external contractors to carry out food hygiene inspections to support the service. It is not envisaged that this will occur during this financial year. If contractors are employed, measures are taken to monitor the quality of their work.

Demands on the Food and Feed Services

External Factors

A minority of food handlers within the district speak languages other than English. These include: Arabic, Bengali, Cantonese, Greek, Gujerati, Hindi, Mirapuri, Kurdish, Surami, Turkish, Persian, Polish, Slovak, Punjabi, Urdu, etc. The Directorate has access to translators where needed.

Other external factors which are expected to impact on service delivery include:

- Outbreaks of various illnesses
- Planned events, e.g. festivals, concerts, etc.
- Unplanned incidents
- New legislation, guidance, etc.

The area contains a mix of manufacturing, retail and catering premises, with catering and retail being the dominant sectors. Businesses are predominantly small to medium enterprises.

The premises profile for all the food premises in Rotherham on 1st April 2019 was:

Premises Type	Number
Primary Producers	9
Manufacturers/Packers	24
Importers/Exporters	2
Distributors/Transporters	29
Supermarket/Hypermarket	57
Small Retailers	116
Retailer Other	311
Restaurant/Cafe/Canteen	328
Hotel/Guest House	14
Pub/Club	203
Take Away	260
Caring Premises	256
School/College	136
Mobile Food Unit	87
Restaurants and Caterers Other	198
Total	2130

There are 177 businesses registered with the Authority for feeding stuffs.

Internal Factors

Internal Factors which can affect food hygiene performance include:

- Changes in legislation;
- Staff training;
- Holiday/flexi-time/sickness/maternity leave;

- Vacant EHO posts in Health and Safety and Food Hygiene and also Customer and Admin Support Officer.

Enforcement Policy

The Council has adopted a General Enforcement Policy which is periodically reviewed to reflect current legislation and guidance, which provides an overarching Policy through which principles of regulation and enforcement are detailed. A number of internal procedures and policies are in place which reflect the principles of the General Enforcement Policy and also support the work undertaken by the service.

The work undertaken by the Service:

- Gives priority to inspecting high risk non-compliant premises;
- Priority is also given to high risk visits. Where possible the service uses questionnaires for low risk businesses as part of the Alternate Enforcement Strategy;
- Combines food hygiene and food standards inspections where appropriate.
- Feed visits are combined with animal health visits where appropriate.

Premises Profile by Risk Category for Food Hygiene Inspections

Officers from the Food, Health and Safety Team use the Code of Practice issued under Section 40 of the Food Safety Act 1990, and the guidance in the Brand Standard for the Food Hygiene Rating Scheme, to determine the risk rating of food premises in terms of food hygiene and food standards inspections. The Authority inspects, approves and registers premises in accordance with the relevant legislation and Code of Practice made thereunder.

The risk assessment profile for food hygiene inspections produced on 3rd May 2019 which determines the inspection programme for 2019/20 was:

Category A	14
Category B:	104
Category C:	239
Category D:	381
Category E:	164
Category U:	14
Total	961

The expected frequency of inspections relating to each risk category is as follows:

Category	Minimum intervention frequency
A	At least every 6 months
B	At least every 12 months
C	At least every 18 months
D	At least every 24 months
E	A programme of alternative enforcement strategies or interventions every three years

Officers undertaking food hygiene inspections also carry out other functions as previously described. Generally one FTE officer undertakes reactive work, including service requests relating to premises and food, as well as undertaking food sampling. Resources are targeted to achieving 100% of category A to C inspections. Unrated premises are also prioritised. Category D and E premises are inspected when resources are available. Compliant category D and E premises may be subject to alternative enforcement measures.

Staff are working towards increasing their knowledge of food standards and health and safety, and the inspection regime has been amended to ensure employees cover a wider remit of inspections, to broaden their knowledge and deliver greater flexibility. At the same time as undertaking the core work, focussing on food, assessments of the impact of allergens and waste, and compliance with smoke-free legislation, are also undertaken.

The Service achieved 100% of the high risk category A – B inspections due in 2018/19, and 100% of the category C and D inspections. Category E premises were mainly subject to alternative enforcement means, such as self-assessment questionnaires. However, these questionnaires were all looked at by an officer and inspections were targeted at premises where there may be alterations in activities, such as pubs only selling beer and premises which did not respond to letters, questionnaires and telephone calls.

The Service aims to achieve 85% of food establishments in the area to be broadly compliant with food hygiene law. In 2018/2019, 90.23% were broadly compliant, which is just above the national average of 90%.

Premises Profile by Risk Category for Food Standards Interventions

The number of inspections in the food standards programme for 2019/2020 is as follows:

	High / Medium Risk
Total number of premises to Inspect	A 6 B 145
Number of inspections to achieve target	149 (100%)
Number of Officers available to carry out inspections (FTE)	2

The frequency of the food standards inspection programme is determined by the Food Standards Agency scoring system as follows:

Category	Minimum intervention frequency
A	At least every 12 months
B	At least every 24 months
C	Alternative enforcement strategy

There are 130 category C premises due for an intervention which will be subject to Alternative Enforcement Strategy if they are compliant.

In 2019/20 there are 6 category A premises due for inspection, and 145 category B premises. Resources will be focused on achieving the target of inspecting 100% of high and medium risk premises (category A and B).

Premises rated as low risk need not be included in the planned inspection programme but they must be subject to an Alternative Enforcement Strategy, such as a questionnaire or self-assessment, at least once in every 5 years. There are 130 category C premises. These are inspected at the same time as the food hygiene inspection where appropriate.

When fully staffed there are sufficient resources within the team to undertake 100% of category A and B inspections. There are 2 FTE staff who undertake food standards inspections and revisits as well as other interventions. Any vacant posts or sickness impacts upon service delivery.

In 2018/19 the Service inspected 100% of category A and 95% of category B premises. In addition 58% of category C premises were inspected.

The Service will monitor and evaluate any new legislation and trade trends and prioritise or target inspections appropriately.

Imported Food and Feed

There are a number of companies in Rotherham who import a wide range of food and feed. The Authority works closely with the ports and airports to ensure any problems found are followed up. The government is liaising with local authorities to put in place

appropriate measures to ensure that businesses are able to import and export food and feed. Rotherham currently charges for export certificates to non EU countries.

Animal Feed

There are 2 officers qualified to undertake feed inspections and they inspect the premises in accordance with the programme set in accordance with the feed grant payments which are aligned to the annual desk top exercise to assess which premises need inspecting or are subject to alternate enforcement strategy. The Authority was awarded £1,655.52 from National Trading Standards to undertake 8 feed inspections in 2018/19. There were some changes in the categories inspected but they were all undertaken and 8 additional visits were carried out. The allocation of the feed grant for 2019/20 is shown in the table. It is anticipated that these will all be inspected.

Activity	No.	Cost
Inland inspections	27	£6,489
PP FEED inspections	4	£690
PP FOOD inspections	0	£0
Total	31	£7,179

The feed premises profile on 31st March 2019 was:

Type	Number
Manufacturers	26
Co-product producers	4
Stores	13
Distributors	10
Transporters	3
On Farm Mixers	20
Pet Food Manufacturers	3
Placing former foodstuffs on the market	25
Livestock farms	27
Arable Farms	34
Total	165

3 Plans

The following plan is designed to support the delivery of our strategic objectives and deliver step change improvements that are specific, measurable, achievable and realistic and are linked to both Government and Corporate agendas. They are outcome based and have lead officers who are responsible for their delivery.

Food and Feed Complaints

It is the Authority's policy to respond to all service requests within 5 working days of receipt. Demand upon the service is unpredictable and dependent on many factors not least of which is the introduction of new legislation and media-driven issues. Each complaint is assessed and appropriate action is taken in accordance with the relevant Code of Practice and using appropriate guidance.

In 2018/19, 380 service requests were received for food complaints and regarding premises. The current estimate is that the number of food and feed complaints for 2019/20 will be around 400 by year end. Customers can contact the service by a variety of means outlined on page 6.

Primary Authority Scheme

Rotherham Metropolitan Borough Council Officers have regard to the Primary Authority Scheme.

The Service acknowledges the importance of the Primary Authority Scheme in enforcement and advisory work. The Food, Health and Safety Team do not have statutory partnerships for Primary Authorities. We do however provide advice and information about several large businesses based in Rotherham such as: KP Snacks, Greencore Prepared Meals, Greens Desserts UK Ltd, Maple Leaf Foods Ltd, Rainforest Foods, Staniforth's and Tommy Tucker Ltd. to other local authorities. We have regard to advice and inspection plans by routinely accessing the Primary Authority Scheme's secure ICT system.

Advice to Business

It is the aim of the Service to respond to service requests for advice in 5 working days. A significant proportion of officer time is spent giving advice to potential and existing businesses.

Advice is provided during the course of inspections and other interventions to assist businesses. Follow up letters and reports contain recommendations and advisory leaflets where necessary. There is a fee for detailed advice which is specific to a business. We signpost customers to a range of food safety publications. We advise local businesses on food hygiene training available locally. We respond to requests from trade organisations. We work closely with other agencies such as Customs and Excise, Border Agency and the Police and officers have acted as Lead Officers in a number of visits under warrants to retail premises looking for counterfeit and illicit cigarettes and alcohol.

Sampling

Food samples are submitted to the Public Health England (PHE) and the Public Analyst. The Authority contributes to conference calls and attends regional feed meetings to target the resources for sampling. The Authority includes Food Standards Agency initiatives and PHE surveys in the sampling undertaken.

The Food, Health and Safety sampling budget for 2019/20 is £8,375 and this is allocated for samples submitted to the public analyst and food examiner but also includes water sampling.

In 2018/19, 72 samples were submitted to the laboratory. The Service participated in a number of co-ordinated surveys looking at items such as bakery products, soil bearing vegetables and meat, several premises and equipment were also swabbed. In addition a number of milk samples from an approved dairy were examined to ensure the pasteurisation process was operating effectively. The Authority also participated in a comprehensive survey into tattooists looking at green soap and tattoo ink. The Authority did not submit any feed samples in 2018/2019.

In 2019/20 it is estimated that Food, Health and Safety will submit 150 food samples to the food examiner/food analyst. The estimated number of hours to be devoted to sampling is 400. The Authority is not intending submitting any feed samples, unless problems are identified.

In certain circumstances the Authority may use other specialists/experts such as Campden and Chorleywood Food Research Association.

Promotional Activity

Throughout the year the Food, Health and Safety team raise awareness by:

- Promoting food hygiene courses provided by other agencies;
- Providing press releases on relevant food issues;
- Providing information regarding Safer Food, Better Business packs on the FSA website;
- Promoting the Food Information Regulations resources;
- Providing advice on food safety, as appropriate.

Control and Investigation of Outbreaks and Food Related Infectious Diseases

Food, Health and Safety work closely with Public Health England (PHE), in particular the Consultant in Communicable Disease Control (CCDC) and other agencies to investigate cases of food poisoning and other notifiable and communicable diseases. Rotherham has adopted a range of standard forms, letters and advice sheets to assist in the investigation of food poisoning notifications and outbreaks which have been agreed and developed across the four South Yorkshire Authorities and Public Health England. The Authority however uses the standard questionnaires produced

by Public Health England for diseases such as *Cryptosporidia/E.coli* O157. Staff undertook training upon Shiga toxin producing *E.coli* (STEC) in 2019 and training on *Listeria* is planned for 2019/20.

There were 466 people notified as cases/contacts between April 2018 and March 2019. This is a reduction of 45 from the previous year. It is estimated that around 500 cases will be investigated in the 2019/20 financial year based on the current levels of reporting.

Food Safety Alerts / Incidents / Food Fraud

Rotherham Borough Council has regard to the Food and Feed Law Codes of Practice in relation to the handling of Food Alerts, Food Safety Incidents and information from Rapid Alert System for Food & Feed (RASSF).

Food, Health and Safety staff ensure that the Food and Feed Alerts are actioned and the information is disseminated, where appropriate.

In addition, the Service received numerous notifications regarding allergens in certain foods, product withdrawals and product recalls. The Authority works with the Food Standards Agency and other authorities to investigate problems.

The Authority will share any suspicions of food fraud, including historic cases with the National Food Crime Unit.

Liaison with Other Organisations

The Authority participates in the following liaison groups related to food and feed issues in order to ensure that enforcement action taken within Rotherham Metropolitan Borough Council is consistent with that of the neighbouring local authorities:

- Food and Feed Liaison Groups
- Food, Water and Environmental Microbiology Regional Network
- PHE Liaison meetings / telephone conference calls
- Control of Infection meetings
- Yorkshire Water/Severn Trent
- Liaison meeting with Public Health

Resources

Financial Allocation

The Food Safety Service financial costs are contained within the Community Safety and Street Scene, Food, Health and Safety Team cost centre.

Staff Budget for Food, Feed and Infectious Diseases 2019/20

- Direct Employee Expenses: £411,445
- Indirect Employees Expenses £197
- Transport Related Expenses: £3,200
- Supplies and Services: £16,445
- Total Expenditure 434,933
- Income: £7,149 (NTS grant)

The Net Budget for food and feed is: £427,784

Staffing Allocation

The staff also cover activities such as health and safety, licensing, water quality, infectious diseases and health promotion.

There are two Principal Officers with one taking the lead for food and feed, and the other for health and safety. Staff total 6.8 FTEs undertaking food and feed activities and 1.4 FTEs deal with health and safety. There is a full-time Animal Health Inspector and part-time Assistant Animal Health Inspector. There is 1 clerical support member of staff of which 50% is allocated to support food safety/infectious diseases. Staff resources are targeted at the higher risk non-compliant premises. One FTE undertakes reactive work, including service requests, sampling, etc. Currently 3.5 FTEs undertake food hygiene and 2 FTEs carry out food standards inspections. The Principal Officer and 0.3 of a member of staff undertake feed inspections. Revisits and other interventions are included in this breakdown. Any vacant posts and sick leave will negatively impact on service delivery.

Staff Development Plan

Performance and Development reviews are carried out annually, and reviewed every six months, to enable performance standards to be set and to contribute to the training undertaken.

It is the policy of Rotherham Metropolitan Borough Council to comply fully with the requirements of the statutory Food and Feed Codes of Practice in relation to staff training and the qualification of Authorised Officers. Each officer is required to have at least 10 hours of Continuous Professional Development (CPD) each year.

Ad hoc training will also be carried out throughout the year to inform officers of new legislation and emerging issues such as Listeria. Training is also undertaken jointly with the other South Yorkshire authorities to address consistency issues and provide updates.

Quality Assessment

Quality Assessment

The performance of the Food Safety Service is monitored by interrogation of the AUTHORITY computer database and reports upon the compliance figures to the Enforcement and Regulatory Services Manager.

Performance for 2018/19

The Food Service Plan projected that 100% of high risk food hygiene premises and 100% of high risk food standards premises would be inspected during 2018/19. The outcome for the year end was that 100% of category A and B food hygiene and 100% of Category C and D inspections were carried out. The Service carried out 100% of category A and 95% of category B food standards inspections. There were 58% of the category C food standards inspections also undertaken.

- 90.23% of food establishments in the area were broadly compliant with food hygiene law. Those premises which were not broadly compliant were awarded 0, 1 or 2 ratings attracting further enforcement action to bring them to compliance. Such low ratings can have a significant impact on individual businesses as public perceptions of the scores and promotion through social media, can adversely affect the business of those with poor hygiene.
- 16 feed visits were undertaken, which meant that the service delivered all grant funded work.
- The service submitted 72 food samples and participated in a number of regional sampling initiatives.
- 380 service requests were received.
- 466 people were notified as cases/contacts of suspected and actual cases of infectious / notifiable diseases from April 2017 to March 2018.
- All Food Alerts were assessed, however none required any action with the Alerts being dealt with between the Food Standards Agency's Incident Branch and the company.

Review against the Service Plan

The Food Service Plan will continue to be reviewed annually, with the next review taking place in May 2021, prior to the 2020/21 Plan being submitted to Members.

The Local Authority Enforcement Monitoring System (LAEMS) and Feed return are submitted annually.

Areas for Improvement

During the 2019/20 financial year the Service will be examined in accordance with the Food Standards Agency Framework Agreement. Any gaps will be identified and measures introduced to improve the Service. The areas which will be focussed on will include:

- Continued production and revision of policies and procedures in accordance with changes in the legislation and guidance from agencies such as the FSA
- CPD training and internal training where necessary in order to maintain officer competence Lead Food Officers and authorised officers must obtain a minimum of 20 hours CPD per year, split into:
 - A minimum of 10 CPD hours on relevant core food matters directly related to the delivery of official controls for which the Officer is authorised;
 - 10 hours on other professional matters. This could include training needs identified by the Lead Food Officer during competency assessments/ appraisals.
- Documented process for recording CPD and compliance with statutory Codes of Practice
- Review of the procedures for complying with the Brand Standard and making any required changes.
- Work with businesses to promote understanding of the Food Information Regulations.
- Implementing any necessary changes as a result of Brexit.

Action Plan for 2019/2020

To provide safe food

- To undertake 100% of the category A – C food hygiene inspections.
- To undertake 100% of the category A – B food standards inspections
- To achieve broad compliance with food hygiene law of **85%** of the food establishments in the area and improve business satisfaction with the local authority.
- To produce a food sampling programme
- To respond to Food Alerts issued by the Food Standards Agency within 4 working days and to take any necessary actions.
- To undertake training to ensure staff complete their 20 hours Continual Professional Development and comply with the Framework Agreement set by the Food Standards Agency.

To safeguard public health

- To respond to service requests regarding food premises and food.
- To take appropriate enforcement action.
- To investigate food poisoning outbreaks and incidents.

	SMART Objective	Actions	PIs and Measures	Responsibility	Resources	Risks
1.	To deliver 100% of category A-C food hygiene inspections in the programme for 2019/20 to ensure the priority of providing safe food to consumers is met.	To devise a food hygiene programme for 2019/20 in accordance with the Code of Practice.	Food Standards Agency (FSA) LAEMS Return	Lewis Coates Janice Manning Denise Fedyszyn Adrian Monkhouse	Food, Health and Safety team	Failure to meet the FSA targets set in the Framework Agreement could result in loss of the food hygiene service by the Local Authority. The Authority would be required to meet the cost of an external agency performing this function.
2.	To meet the local target of 85% of the food establishments in the area which are broadly compliant with food hygiene law.	To inspect food establishments in the area, and take appropriate action to encourage them to become broadly compliant with food hygiene law.	Food Standards Agency (FSA) Return	Lewis Coates Janice Manning Denise Fedyszyn Adrian Monkhouse	Food, Health and Safety team	The Authority submits a return to the FSA on risk rating of premises.

Community Safety & Street Scene
Food & Feed Service Plan 2019/20

	SMART Objective	Actions	PIs and Measures	Responsibility	Resources	Risks
3.	To deliver 100% of high risk food standards inspections in the programme for 2019/20 to ensure the priority of providing safe food to consumers is met.	To devise a food standards programme for 2019/20 in accordance with the Code of Practice.	FSA Return	Lewis Coates Janice Manning Denise Fedyszyn Adrian Monkhouse	Food, Health and Safety team	Failure to meet the FSA targets set in the Framework Agreement could result in loss of the food standards service by the Local Authority. The Authority would be required to meet the cost of an external agency performing this function.
4.	To deliver the food and feed sampling programmes by 2019/20 to ensure the priority of providing safe food to consumers is met.	To devise food and feed sampling programmes for 2019/20 in accordance with the Code of Practice.	FSA Returns	Lewis Coates Janice Manning Denise Fedyszyn Adrian Monkhouse	Food, Health and Safety team	Failure to meet the FSA targets set in the Framework Agreement could result in loss of the food hygiene/standards services by the Local Authority. The Authority would be required to meet the cost of an external agency performing this function.
5.	To assess all food / feed alerts issued by the FSA during 2019/20 for relevance to safeguard animal / public health and provide safe food / feed within 4 working days.	To assess and implement any necessary actions to protect animal / public health or safeguard the food and feed chain.	FSA Framework Agreement	Lewis Coates Janice Manning Denise Fedyszyn	Food, Health and Safety team	Failure to respond to food / feed alerts could have serious consequences on the health of the public / animals and may result in death or serious illness of a number of people/ animals. It could also compromise food and feed safety.

Community Safety & Street Scene
Food & Feed Service Plan 2019/20

	SMART Objective	Actions	PIs and Measures	Responsibility	Resources	Risks
6.	To respond to all requests for service regarding food / feed within 5 working days in 2019/20.	To assess and implement any necessary actions to protect public health or safeguard the food /feed chain.	FSA Framework Agreement	Lewis Coates Janice Manning Denise Fedyszyn Adrian Monkhouse	Food, Health and Safety team	Failure to respond to certain service requests could jeopardise the health of the public or may result in unsafe food/ feed.
8.	To deliver a regime to ensure all food poisoning outbreaks and incidents are recorded in 2019/20. An initial response will be made within 4 working days.	Ensure that 100% food poisoning outbreaks and incidents are actioned.	FSA Framework Agreement	Lewis Coates Janice Manning Denise Fedyszyn Adrian Monkhouse	Food, Health and Safety team	Failure to respond to food poisoning outbreaks could have serious consequences on the health of the public and may result in death or serious illness of a number of people. It could also compromise food safety.
9.	To ensure all staff are competent in the delivery of their food / feed enforcement duties in 2019/20.	Deliver a programme of education and a training plan for all EHOs/food enforcement officers carrying out the food /feed functions.	FSA Framework Agreement	Lewis Coates Janice Manning Denise Fedyszyn Adrian Monkhouse	Food, Health and Safety team	Failure to have trained staff could have substantial and significant effects; both financially and on public health in the event of an officer closing premises or making an inappropriate judgement regarding fitness or recalling a product.

Appendix 2

Rotherham Metropolitan Borough Council

FOOD AND FEED SAMPLING PROTOCOL 2019/20 **(Food, Health and Safety)**

Rotherham Metropolitan Borough Council (RMBC) recognises the important contribution that sampling makes to the protection of public and animal health, consumers and other interests in relation to food and feed, and the food and feed law enforcement responsibilities of the Authority. The Council will provide the necessary resources to carry out its food and feed sampling programme which will be reviewed annually in the Food and Feed Service Plan.

The Council has appointed Dr Duncan Campbell of The Public Analyst Service Ltd as its Public Analyst and Agricultural Analyst. Its Food Examiners are employed by Public Health England (PHE), based at their Food, Water and Environmental Microbiology Laboratory, Sand Hutton, York,

For the purposes of this Protocol, sampling activities are classed as either reactive (arising from requests for service) or pro-active (arising from the Food/Feed Sampling Programme).

This document sets out the general protocol for food and feed sampling for Rotherham Metropolitan Borough Council.

1.0 Purpose of sampling

Sampling has a role to play supporting the work in relation to food hygiene, food standards and animal feeding-stuffs. It is used to:

- detect and deter fraudulent activity and target resources to priority areas set out in the National Enforcement Priorities.
- assist in the protection of consumers/animals through the enforcement of food and feed legislation.
- assess the quality of food/feed manufactured, sold or supplied in Rotherham.
- assist the evaluation of food/feed hygiene practices in businesses and to help determine if advice or enforcement action is appropriate in premises where it is suspected poor practices and procedures exist.
- support the food/feed law surveillance functions of the Authority and to help identify any contraventions of food/feed legislation and to take corrective action as necessary.

2.0 Scope

Food and feed samples are primarily taken for monitoring or surveillance purposes or because of a complaint. Food samples may be submitted to the Food Examiner for microbiological examination (general hygiene, food poisoning bacteria) or to the Public Analyst for chemical analysis (allergens, authenticity, additives, nutrition, labelling claims). Feed samples are submitted to the Agricultural Analyst.

This protocol applies to all food and feed samples (including water that comes into contact with food) which are procured by Authorised Officers from premises within the Borough whether they are purchased or taken using statutory powers. Food and feed samples which are received by the Authority as a result of a request for service are also covered by the protocol.

This protocol applies to all food and feed samples whether they are classified as formal or informal.

3.0 General Protocol

RMBC is committed to monitoring the safety and quality of food and feed, which is either manufactured, sold or supplied within its area, by carrying out sampling.

Suitably qualified, trained and authorised Officers will be responsible for undertaking the food and feed sampling functions of the Council. Samples are taken in compliance with the Food Law Code of Practice (England) 2017 and the Feed Law Code of Practice England (currently in draft) and following internal procedures.

The Food and Feed Service Plan sets out the resources available for sampling, the resources available to undertake sampling are finite, therefore in order to maximise the impact which sampling can have it is our protocol to direct resources to those areas where we believe the greatest overall benefit can be achieved.

In order that we show equality and independence it is our protocol to always offer payment for food/feed samples.

4.0 Reactive Sampling

It is our protocol to consider all “reactive” samples that are referred to the Food, Health & Safety Section and actioned where appropriate. “Reactive” samples are those which occur as a result of a request for service being made. Requests for service predominantly arise from one of the following sources:

- **Food and Feed Complaints**

We will assess food and feed complaints brought to our attention and any information about premises and determine any necessary action and if food/feed samples are required for submission to the Food Examiner/Public Analyst/other laboratory/expert.

- **Food poisoning cases/food borne cases, illness in animals and outbreak investigations.**

The investigation of food poisoning outbreaks may require food samples to be submitted to the Food Examiner or Public Analyst. Samples may include environmental samples/swabs in addition to the food samples. The investigation of illness in animals may require feed samples to be submitted to an analyst, although generally referrals will be made to the Primary Authority/Originating Authority of the feed mill.

- **Responding to local or national food/feed alerts, hazard warnings, and contamination incidents.**

The Authority may submit samples as a result of information or intelligence relating to contamination incidents and alerts/warnings issued by the Food Standards Agency or other Agencies.

- **Imported Food/Feed**

The Authority may submit imported food and feed samples in the event of problems being highlighted, to assist businesses or for surveillance purposes. In the event of the country leaving the EU, the local authorities will be advised of the changes in the reporting mechanisms for receiving notifications and intelligence which support the sampling activity.

5.0 Pro-Active Sampling

The majority of food samples procured by authorised officers will be informal samples undertaken as part of our monitoring and surveillance activities, this is generally risk based or as a result of information/intelligence. It is our protocol to conduct this activity in a planned way and to this end a Sampling Programme is drawn up on a quarterly basis by the Principal Officer in consultation with the Food Examiner and Public Analyst.

The Programme may be amended during the quarter to accommodate new surveys and other situations.

The Food and Feed Sampling Programme will have regard to:

- **The nature of food businesses in the Borough -**

The Programme may target approved premises or those selling particular types of food from certain types of premises, for example the Public Health cross-regional survey XR39 is looking at soil bearing vegetables and is focussing on premises such as supermarkets, farm shops markets etc.

The Authority has not applied for a feed sampling grant in 2019/20 but if the feed profile of the premises changes to include high risk activities set in the national enforcement priorities sampling would be considered.

- **The likely customer base –**

The programme may target supporting vulnerable groups such as young people and protecting people with disabilities or feed for particular animals. It will give consideration to the social and environmental well-being of the community.

- **Premises risk rating, previous inspection history from inspections, complaints, etc –**

The programme may include premises because of their risk profile, eg premises with poor management control or if a problem is highlighted as a result of an inspection. Food/feed complaints or complaints about premises may also warrant sampling at the premises.

- **Inter-agency co-ordinated sampling surveys -**

The Authority is generally supportive of cross regional surveys because they enable Rotherham Council to work in partnership with other local authorities, agencies and laboratories. Resources can be targeted more effectively and the results provide information that is more detailed. The Authority considers participating in initiatives from the following agencies and groups:

- EC co-ordinated sampling programmes
- Food Standards Agency (FSA) co-ordinated sampling programmes
- National Trading Standards co-ordinated sampling programmes
- PHE liaison group initiatives
- Regional and local liaison group initiatives

National Enforcement Priorities and Bulletins from the National Food Crime Unit, however, co-ordinated programmes may also be carried out in conjunction with other organisations.

- **Primary Authority, Home and Originating Authority Premises -**

It is our protocol to include some limited sampling at local manufacturers. Sampling may be carried out where authorised officers deem necessary to help these businesses and assist other agencies, local authorities, etc.

- **Process Monitoring -**

The Authority does not generally undertake process monitoring. The Authority will usually sample finished products i.e. at the point of sale, unless it is necessary to identify whether a specific stage of preparation e.g. pre-cooking, storage, slicing etc. may compromise food safety. Process monitoring would generally be undertaken when problems have been identified and require further investigation.

6.0 Special Investigations

Occasionally because of food and feed sampling or other enforcement activities, we identify serious problems, which require special investigation. In such circumstances, resources may need to be redirected to this.

7.0 References

[Food Safety Act 1990](#)

[Food Safety and Hygiene \(England\) Regulations 2013](#) as amended
[The Framework Agreement on Official Feed and Food Controls by local authorities, Amendment Five, April 2010](#)

[The Animal Feed \(Hygiene, Sampling etc. and Enforcement\)\(England\) Regulations 2015](#)

[Food Safety \(Sampling and Qualifications\)\(England\)Regulations 2013](#)
[Agriculture Act 1970](#)

[Food Law Code of Practice \(England\) 2017 March 2017](#)

[Food Law Practice Guidance \(England\) Nov 2017](#)

Feed Law Code of Practice (England) and Practice Guidance are currently in draft

[The Code for Crown Prosecutors](#)

[The Regulators' Code](#)

[National Enforcement Priorities for animal feed and food hygiene](#)

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PART A - Initial Equality Screening Assessment

As a public authority we need to ensure that all our strategies, policies, service and functions, both current and proposed have given proper consideration to equality and diversity.

A **screening** process can help judge relevance and provide a record of both the process and decision. Screening should be a short, sharp exercise that determines relevance for all new and revised strategies, policies, services and functions.

Completed at the earliest opportunity it will help to determine:

- the relevance of proposals and decisions to equality and diversity
- whether or not equality and diversity is being/has already been considered, and
- whether or not it is necessary to carry out an Equality Analysis (Part B).

Further information is available in the Equality Screening and Analysis Guidance – see page 9.

1. Title

Title: Food and Feed Service Plan

**Directorate:
Regeneration and Environment**

**Service area:
Community Safety and Street Scene**

**Lead person:
Lewis John Coates**

**Contact number:
01709 823117**

Is this a:

Strategy / Policy

Service / Function

Other

If other, please specify

2. Please provide a brief description of what you are screening

The report reviews the Food and Feed Service Plan 2019/20 and Food and Feed Sampling Protocol 2019/20. These are written in accordance with the Food and Feed Law: Codes of Practice (England), which are statutory Codes of Practice requiring 'Competent Authorities' to have up-to-date, documented Food and Feed Service Plans and a Sampling Protocol which are readily available to food and feed business operators and consumers.

3. Relevance to equality and diversity

All the Council's strategies/policies, services/functions affect service users, employees or the wider community – borough wide or more local. These will also have a greater/lesser relevance to equality and diversity.

The following questions will help you to identify how relevant your proposals are.

When considering these questions think about age, disability, sex, gender reassignment, race, religion or belief, sexual orientation, civil partnerships and marriage, pregnancy and maternity and other socio-economic groups e.g. parents, single parents and guardians, carers, looked after children, unemployed and people on low incomes, ex-offenders, victims of domestic violence, homeless people etc.

Questions	Yes	No
Could the proposal have implications regarding the accessibility of services to the whole or wider community? <i>(Be mindful that this is not just about numbers. A potential to affect a small number of people in a significant way is as important)</i>	✓	
Could the proposal affect service users? <i>(Be mindful that this is not just about numbers. A potential to affect a small number of people in a significant way is as important)</i>	✓	
Has there been or is there likely to be an impact on an individual or group with protected characteristics? <i>(Consider potential discrimination, harassment or victimisation of individuals with protected characteristics)</i>		✓
Have there been or likely to be any public concerns regarding the proposal? <i>(It is important that the Council is transparent and consultation is carried out with members of the public to help mitigate future challenge)</i>		✓
Could the proposal affect how the Council's services, commissioning or procurement activities are organised, provided, located and by whom? <i>(If the answer is yes you may wish to seek advice from commissioning or procurement)</i>		✓
Could the proposal affect the Council's workforce or employment practices? <i>(If the answer is yes you may wish to seek advice from your HR business partner)</i>		✓

If you have answered no to all the questions above, please explain the reason

If you have answered **no** to all the questions above please complete **sections 5 and 6**.

If you have answered **yes** to any of the above please complete **section 4**.

4. Considering the impact on equality and diversity

If you have not already done so, the impact on equality and diversity should be considered within your proposals before decisions are made.

Considering equality and diversity will help to eliminate unlawful discrimination, harassment and victimisation and take active steps to create a discrimination free society by meeting a group or individual's needs and encouraging participation.

Please provide specific details for all three areas below using the prompts for guidance and complete an Equality Analysis (Part B).

- **How have you considered equality and diversity?**

The Food and Feed Service Plan 2019/20 sets out the work which is planned for this financial year. The service recognises the importance of equality and diversity. The services provided are available for all residents, businesses and visitors to the Borough.

The work undertaken by the staff by inspecting all food and feed businesses benefits the whole of Rotherham. The premises inspected include: schools, restaurants and takeaways, care homes, manufacturers, retail shops and child-minders.

The service deals with service requests and complaints and investigate cases of food poisoning and infectious diseases. Staff deal with confidential information and understand the importance of carrying out their duties taking into account individuals. The service collects information which can include personal data; however this is to look at disease trends and statistical analysis by Agencies such as Public Health England.

(think about the scope of the proposal, who is likely to be affected, equality related information, gaps in information and plans to address, consultation and engagement activities (taken place or planned) with those likely to be affected)

- **Key findings**

The Food and Feed Service Plan 2019/20 covers the work undertaken by the Service. It is a diverse service area that touches most households and businesses in the Borough. Its aim is to set high standards to promote, regulate and protect the quality of life in Rotherham. In addition the work can affect people and businesses outside the Borough. The service takes into account people's different backgrounds, knowledge skills and experience.

The businesses which are inspected include a wide range of premises, these employ people staff of different backgrounds cultures and profiles. The advice given is tailored to each business.

Some businesses cater for particular groups of people for example vulnerable people in care homes or nurseries. The inspection programme considers vulnerable people and

the number of people the premises sells food to; a hospital will be inspected on a more frequent basis to a corner shop selling food.

The service takes into consideration the needs of individuals, for example providing translation and interpretations as required for food hygiene advice which is appropriate to that sector, such as the Safer, Food Better Business Pack for childminders, caterers and retailers.

The questionnaires used may require personal information to be given but this is to enable stool samples to be submitted or to try and identify the sources of an outbreak.

(think about any potential positive and negative impact on different equality characteristics, potential to promote strong and positive relationships between groups, potential to bring groups/communities into increased contact with each other, perception that the proposal could benefit one group at the expense of another)

• **Actions**

The Food and Feed Service Plan and Food and Feed Sampling Protocol set out the work undertaken by the Environmental Health Officers in the food team for 2019/20. Most of the work undertaken is set out by the Food Standards Agency in Codes of Practice and Practice Guidance. These have all been consulted on and responses from businesses the public when issuing these documents.

A lot of the work we undertake is governed by the food premises which are in the borough. We liaise with many different groups to support the work they undertake.

All the staff endeavour to treat the businesses and their staff according their individual needs, for example the Food Business Operator may require certain information but the workforce require it in totally different forms as they may have different languages, literacy levels and understanding.

Staff are trained to take into account many different needs as we deal with vulnerable people particularly when we deal with infectious disease investigations.

All residents and businesses in the borough are able to see the information about the food hygiene inspections undertaken in Rotherham by viewing the Food Hygiene Rating website; which gives information to customers to help them make informed choices of where to eat. Any person who does not have access to the internet can enquire via the telephone or in writing.

The sampling approach takes into account intelligence about food and feed fraud for example the presence of illicit alcohol identified in a particular geographical area or contaminated food entering the country from a port. Officer's ensure that the health of individuals is protected by taking appropriate actions if such problems are identified. Sampling can be directed to look at certain sectors for example schools, nurseries, care homes.

Sampling may also focus on aspects such as meat speciation and the findings from surveillance can impact on certain communities for example if Halal beef has been

substituted by other meat.

(think about how you will promote positive impact and remove/reduce negative impact)

Date to scope and plan your Equality Analysis:

Date to complete your Equality Analysis:

Lead person for your Equality Analysis
(Include name and job title):

5. Governance, ownership and approval

Please state here who has approved the actions and outcomes of the screening:

Name	Job title	Date
Tom Smith	Assistant Director, Community Safety & Streetscene	21/08/2019

6. Publishing

This screening document will act as evidence that due regard to equality and diversity has been given.

If this screening relates to a **Cabinet, key delegated officer decision, Council, other committee or a significant operational decision** a copy of the completed document should be attached as an appendix and published alongside the relevant report.

A copy of **all** screenings should also be sent to equality@rotherham.gov.uk For record keeping purposes it will be kept on file and also published on the Council's Equality and Diversity Internet page.

Date screening completed

12 August 2019

Report title and date

Food and Feed Service Plan
2019/20

If relates to a Cabinet, key delegated officer decision, Council, other committee or a significant operational decision – report date and date sent for publication

Cabinet Decision date:
16th September 2019

Date screening sent to Performance,

[insert date sent to PII]

Intelligence and Improvement equality@rotherham.gov.uk	
---	--

Committee Name and Date of Committee Meeting

Cabinet – 21 October 2019

Report Title

House to House Collection 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, Strategic Director of Regeneration and Environment

Report Author(s)

Lewis Coates, Enforcement and Regulatory Services Manager
01709 823117 or lewis.coates@rotherham.gov.uk

Ward(s) Affected

Borough-Wide

Report Summary

The report details the findings of a public consultation carried out to seek views on key elements of a proposed House to House Collections Policy. In particular, the Council was keen to understand what levels of returns to charities the public expected when making donations, and in addition, the times at which collections might be considered to be reasonable.

The proposed House to House Collections Policy reflect the findings of the consultation and is presented with this report for consideration for adoption.

Recommendations

1. That the outcomes of the consultation on the proposed House to House Collections Policy be noted.
2. That the revised House to House Collection Policy be adopted and approved.

List of Appendices Included

- Appendix 1 House to House Collection Policy
- Appendix 2 Consultation Analysis and Comments Received
- Appendix 3 Equalities Screening Assessment

Background Papers

None

Consideration by any other Council Committee, Scrutiny or Advisory Panel

Overview and Scrutiny Management Board – 16 October 2019

Council Approval Required

No

Exempt from the Press and Public

No

House to House Collection Policy

1. Background

- 1.1 The House to House Collections Act 1939 requires all charitable collections, which collect door to door, to be licensed in the form of a permit from the Local Authority.
- 1.2 On 23 April 2018, the Licensing Board considered proposals to introduce a House to House Collection Policy, making a number of recommendations which have been included in the draft Policy presented to Cabinet.
- 1.3 On 22 October 2018, the Cabinet recommended that views should be sought around key aspects of the Council's proposed House to House Collections Policy, through a public consultation.
- 1.4 The House to House Collections Policy provides for a clear approach to the licensing of house to house collections, setting out the Council's expectations to both collectors and the public.

2. Key Issues

- 2.1 House to house collections involve the collection of either money or items directly from a person's property. They are a vital source of funds for many charities as they offer a positive opportunity for the public to support charities.
- 2.2 Recent years have seen an increase in the number of house to house collections taking place in the Borough. It is considered essential that permits are only issued to legitimate applicants, and that the application process is sufficiently robust to ensure that the public can be confident that collections are appropriately regulated and an adequate proportion of their donations are being given to the relevant charity.
- 2.3 Whilst legislation prescribes the process for licensing of house to house collections, it does not provide clear information in relation to the application process or guidance in relation to the interpretation of the legislation at a local level. This deficiency could be addressed by way of a local policy, however at the current time Rotherham Metropolitan Borough Council has not adopted a Policy.
- 2.4 The absence of a policy in relation to house to house collections may lead to a lack of transparency in relation to the application process and increase the likelihood of inconsistent decision making in relation to applications that are received.
- 2.5 A clear policy that defines the Council's expectations when applying for a permit to collect will ensure that key areas of concern such as the amount that is donated to charity from collections and the reasonableness of collection times can be highlighted and considered consistently. This will provide reassurance to the public and clarity to collectors.

2.6 Of the responses received to the public consultation the majority felt that collections should donate at least 80% of generated monies to the charities that the collection has been conducted for. In addition, it is important to note that many local and national charitable organisations rely upon the funding gained as a result of house to house collections. The policy must therefore strike the correct balance between ensuring that permits are only granted in appropriate circumstances, and proportionate application criteria, that do not introduce unnecessary barriers for legitimate and well-meaning individuals and organisations.

2.7 Key aspects of the proposed policy are summarised below:

2.7.1 The application process

The policy makes it clear that applications for a licence should be made as early as possible, and at least one month prior to the date that the proposed collection is planned to take place.

In order to be considered a complete application, the applicant must provide all required information to the Council – this is specified on the application form and accompanying notes, and includes a basic disclosure relating to the promoter, details of the way that the proceeds of the collection will be allocated, as well as the dates and times that the collection will take place.

A template form is included within the policy – all applications for a licence must be made using this form.

2.7.2 Obligations on those that are granted a licence

Collections must not take place unless the appropriate authorisation is in place.

The collections must not be undertaken in a way that causes inconvenience or annoyance to any person. The policy is clear that the Council expects that collections should not take place after 7pm and collectors will not deliver bags to households that clearly state they do not wish to receive house to house collections. The Council also expects collectors to adhere to the Code of Fundraising of Practice, and any deviations from the Code will be referred through to the Fundraising Regulator.

All collectors must wear a standard ID badge (approved by the Council) and carry a Certificate of Authority with them at all times. These documents must be available for inspection on demand by an authorised officer of the Council, a police officer or the occupant of a house where the collection is being attempted.

The policy outlines a series of requirements that apply after the collection has taken place; these generally relate to the provision of prescribed returns forms giving details of the proceeds of the collection.

2.7.3 Circumstances that may lead to the refusal of an application

The legislation details a number of factors that may result in the Council refusing an application for a licence. These factors are expanded upon in the policy, and include matters such as excessive remuneration, previous convictions or failure to ensure compliance with statutory requirements.

One key aspect of the policy is the expectation that at least 80% of the proceeds of the collection will be provided to the good cause / charitable purpose. The applicant must provide sufficient information to allow this to be calculated, a failure to do this will also lead to a refusal of the application.

2.7.4 Consideration of financial information

As has been referred to above, the amount of the proceeds of the collection that are allocated to the good cause is a central principle of the policy. When making the application, the applicant must provide sufficient financial and other information so that it is clear how and the allocation of the proceeds has been calculated.

The policy also makes it clear that a failure to furnish financial returns following previous collections will result in refusal of subsequent applications.

2.7.5 Administration / Enforcement

The application process is administered by the Council's Licensing Service – however the decision to grant or refuse an application will be made by a sub-committee of the Council's Licensing Board.

Enforcement of the statutory requirements, and the requirements of the Council's policy, rests with the Assistant Director of Community Safety and Street Scene. The Assistant Director has authorised licensing officers to discharge the enforcement functions on his behalf.

2.8 The policy also provides an extract from the legislation related to the control of house to house collections; these are mandatory obligations in relation to all collections / applications and will apply in all cases.

2.9 The proposed policy is attached to this report as Appendix 1; the effectiveness of the policy will be reviewed one year after its introduction to determine its impact, and whether the aim of the policy is being achieved.

3. **Options considered and recommended proposal**

3.1 Option 1 – the Council is not required to introduce a House to House Collection Policy, albeit the Council is required to licence such activities. The Council might decide not to introduce a Policy and instead rely on the statutory text. This option would likely limit the clarity of the process and Council expectations, including the value of collections that is returned to charities, and the times at which collections might be considered to be unreasonable.

- 3.2 Option 2 –the Council might decide to adopt the House to House Collection Policy to include minimum values to be returned to charities and the times that would be reasonable for collection. In addition, this option will establish clarity and transparency to the process of licensing collections, and strengthen the Council's influence on what is acceptable.
- 3.3 The preferred option is Option 2, and the suggested House to House Collection Policy is attached at Appendix 1.

4. **Consultation on proposal**

4.1 Public Consultation began on 3 June 2019 and closed on 28 July 2019.

4.2 A total of 29 responses were received to the consultation, with a significant majority supporting the principle that at least 80% of the value of donations should be made to the charity. Key responses to the consultation included:

- 89.66% of respondents agreed or strongly agreed that the Council should ensure that charities benefit appropriately from house to house collections
- 96.55% of respondents agreed or strongly agreed that those who donated to house to house collections expected the majority of those donations to go to charity
- 79.31% of respondents agreed or strongly agreed that 80% of the value of collected items should go to charities
- 89.66% of respondents agreed or strongly agreed that it would not be reasonable to undertake collections after 8 pm

Although the majority of respondents supported 8pm, a number thought that 8 pm was too late for house collections, therefore it is recommend that 7pm and this be reviewed after one year.

- 4.3 It should be noted that ten respondents also indicated that the minimum value to be returned to charities should preferably be higher than 80%. This particular aspect is perhaps worthy of consideration at the point of the first review of the Policy.
- 4.4 The full analysis of the consultation responses is attached at Appendix 2 which in addition also lists the further comments returned by fourteen respondents.
- 4.5 The House to House Collections Policy attached at Appendix 1 reflects the findings of the consultation.

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

- 5.1 If adopted, the revised Policy will become effective immediately.
- 5.2 If adopted the Policy will be published on the Council's website and all collectors will be written to advising that the new Policy is implemented.

6. Financial and Procurement Advice and Implications

6.1 In budgetary terms there are no financial or procurement implications directly associated with this report. A fee cannot be charged for the activity as the Council has a statutory obligation for this service with no legal provision to charge a fee. The Policy will inform work currently undertaken and be contained within existing budgets.

7. Legal Advice and Implications

7.1 The House to House Collections Act 1939 lays down the requirement in relation to House to House Collections.

7.2 Section 4 of the Act provides for the Secretary of State to prescribe regulations regarding the manner in which collections may be carried out, including the conduct of promoters and collectors. There is no opportunity for local authorities to prescribe additional regulations or attach additional licence conditions.

7.3 The Secretary of State published the House to House Collections Regulations 1947, subsequently amended by the House to House Collections Regulations 1963, which took effect from 29th December 1947. These regulations, included as Appendix A to the Policy, apply to all licences issued by the Council under the House to House Collection Act 1939.

7.4 Application for a licence must be made in the prescribed manner. The Licensing Authority cannot grant a licence for a period longer than twelve months and may refuse a licence, or where granted, may revoke it, only in circumstances specified in Section 2(3) of the Act.

7.5 When an application for a licence is refused or the decision made to revoke an existing licence, a written notice should be issued to the applicant or holder of the licence stating upon which one or more of the grounds set out in Section 2(3) of the Act the licence has been refused or revoked.

7.6 There is no right of appeal through the courts against a decision to refuse or revoke an application. However, there is a right of appeal to the Secretary of State whose decision is final and that right must be set out within the written notice issued. Additionally, any decision must be reasonable as any decision could also be subject to a complaint to the Local Government Ombudsman or through a judicial review.

7.7 The Council's House to House Collection Policy refers to requesting a written assurance from collectors that they will not deliver bags to households that clearly state they do not wish to receive house to house collections. It should be noted that in the event an applicant refuses to provide a written assurance, this is not a ground for refusal and nor is it a ground for revocation should there be a failure to comply with any such assurance previously provided. In addition such an assurance would likely be the subject of legal challenge based upon interpretation.

- 7.8 The Council's Policy also states that the times of collections must not be later than 7pm. This is not something that is prescribed by the Act or the Regulations and therefore if an applicant refuses to set out the times of a collection this will not be a reason to refuse the application. However should a collection take place outside of the agreed times set out within the licence issued then the collection will have taken place without a valid licence in place.
- 7.9 The Act sets out a number of offences in respect of both those who promote a collection and those who act as a collector. The Act also makes it an offence to contravene or fail to comply with the provisions set out within the Regulations. In the event that a complaint is made to the Licensing Authority regarding the manner in which collections have been carried out or the conduct of promoters or collectors, the Council's Enforcement Policy will be adhered to and consideration given to instigating a prosecution.
- 7.10 In October 2019 the Fundraising Regulator will publish a revised Code of Fundraising Practice. This is not statutory guidance and is a voluntary code only. The Licensing Authority does not have the ability to attach additional conditions to a licence and in any event as the code is voluntary it would be unreasonable to do so as any such condition would be unenforceable by the Licensing Authority. The Council will refer any alleged breach / complaint in respect of the Code to the Fundraising Regulator for investigation.
- 7.11 As the determination of applications for House to House Collection permits is the responsibility of the Council's Licensing Board.

8. Human Resources Advice and Implications

- 8.1 There are no HR implications arising from this report.

9. Implications for Children and Young People and Vulnerable Adults

- 9.1 There are no additional implications for Children, Young People or Vulnerable Adults.

10. Equalities and Human Rights Advice and Implications

- 10.1 There are no implications for equalities or human rights as the proposed amendment will be within existing legal frameworks.
- 10.2 An Equalities Screening Assessment is attached at Appendix 3.

11. Implications for Partners

- 11.1 There no implications envisaged from this report for partners.

12. Risks and Mitigation

- 12.1. The policy is a fundamental element of consistent decision making which subsequently, if it was not fit for purpose, would increase the risk of judicial challenge.

12.2 Consequently, it is essential that the Policy takes into account the views of decision makers, enforcement officers, the general public and those that may be affected by the introduction of this policy.

13. Accountable Officers

Tom Smith, Assistant Director of Community Safety and Street Scene

Paul Woodcock, Strategic Director of Regeneration and Environment

Approvals obtained on behalf of Statutory Officers:-

	Named Officer	Date
Chief Executive	Sharon Kemp	07/10/19
Strategic Director of Finance & Customer Services (S.151 Officer)	Judith Badger	02/10/19
Head of Legal Services (Monitoring Officer)	Bal Nahal	01/10/19

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

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

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Appendix 1: House to House Collection Policy

Rotherham Metropolitan Borough Council
HOUSE TO HOUSE COLLECTIONS POLICY
October 2019

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DRAFT

1. Introduction

Aim of this Policy

This policy aims to ensure that residents in the Rotherham Borough boundary area who want to donate to a charitable or good cause through house to house collections are able to do so secure in the knowledge that an adequate proportion of what they donate will directly benefit the named charity or good cause.

The effectiveness of the policy will be reviewed one year after its introduction to determine its impact, and whether the aim of the policy is being achieved.

General Information Regarding House to House Collections

House to house collections involve the collection of either money or items directly from a person's property. They are a vital source of funds for many charities as they offer a positive opportunity for the public to support charities. However, they need to be carried out for the benefit of the charity and in accordance with the law.

There has been an increase in the number of house to house collectors in the Borough over the last few years and as such it is vital that permits are issued to legitimate applicants. This can give the public confidence that if the collection is licensed an adequate proportion of their donations are being given to the appropriate charity.

House to house collections are currently regulated by the House to House Collections Act 1939 and the House to House Collections Regulations 1947. Permits for collections that are carried out within the Rotherham Borough boundary are issued by the Council. There are National Exemption Orders that are available to charities who have undertaken a high number of collections across local authority areas nationally in the preceding two years. These are issued to the charity by the Cabinet Office directly.

The intention of this policy is to give clear guidance to members of the Licensing Board, applicants and officers, on the factors to be taken into account when determining applications for a House to House Collection permit.

All decisions regarding the implementation of the House to House Collections Policy (such as determination of applications) are made by the Licensing Board, although the Licensing Board may delegate this to officers if the Board considers this to be necessary or appropriate. The Policy itself is a decision for Cabinet.

Any applicant that is aggrieved by a decision of the Council may appeal to the Secretary of State/Minister for the Cabinet Office, Cabinet Office, 70 Whitehall, London, SW1A 2AS, within 21 days of being given notice of the decision.

The Regulatory Framework for House to House Collections

House to house collections, as defined by the House to House Collections Act 1939, are required to be licensed by local authorities. House to house collections are 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'. They include, therefore, collections of money, or any other items that may be sold for money, where the proceeds are given to

any charitable, benevolent or philanthropic purpose (for example, charity clothing collection bags).

For the purpose of the House to House Collection Act 1939, the term 'house' also includes places of business. This provision, therefore, also covers collections made within places such as shops, offices and public houses where the collectors go from premises to premises collecting money, or other property, and the proceeds of such collections are given to charity (for example, rose sellers in public houses and restaurants).

Unless those who wish to conduct a collection possess an Exemption Certificate issued by the Secretary of State, it is an offence for any person to promote or make collections from door to door for charitable purposes without the promoter first obtaining a licence from this Council to do so.

Some larger charities (particularly those that operate nationally) have secured Exemption Certificates from the Secretary of State; however, most of the smaller charities operating locally do not have Exemption Certificates and, therefore, they need to apply for, and be granted, a permit before they can collect money door to door within the Borough boundary of Rotherham. There is no application fee associated with an application for a house to house collection permit.

There are two circumstances where the need for a permit from the Council can be waived following the intervention of other authorities.

1. If the Secretary of State is satisfied that a person pursues a charitable purpose throughout the whole of, or a substantial part of, England and Wales, and wants to promote collections for that purpose, he/she may then direct by Order that the promoter shall be exempt from the requirement to obtain licences from this Council. All collections exempt from licensing requirements would be described in the Order.
2. Where the chief constable for a police area is satisfied that the purpose of a collection is local in character and that the collection is likely to be completed within a short period of time, he/she may grant the promoter of the collection a certificate in the prescribed form. Where such a certificate is granted, a permit from the Council is not required and the provisions of the Regulations shall not apply to a collection made in conformity with such certificate. An example of this would be where the collection is taking place as part of an event occurring in a clearly defined locality over a short period of time (a maximum of a few days).

Any applications made for a permit will be processed and considered in accordance with Section 2 of this policy.

2. Applications for a House to House Collection Permit

The application process

Applicants are advised to contact the Council at their earliest opportunity, preferably before an application is made. This will allow Council Officers to provide appropriate advice, as well as clarifying any areas of uncertainty.

All applications must be made on the Council's prescribed application form (see Appendix A).

Applications should normally be made at least two calendar months before the first proposed collection date, the application will not be considered as complete unless the applicant provides all of the information that is specified on the application form and accompanying notes.

Any application received with less than one calendar months' notice prior to the first proposed collection date is unlikely to be considered, save for exceptional circumstances at the Council's discretion.

In addition to completing the Council's application form, the applicant must also supply information relating to:

1. Whether the collection beneficiary is a registered charity (with charity number), and the objectives of the charitable cause as supplied to the Charity Commission. The collection beneficiary is the term used to describe the organisation on whose behalf the collection is being undertaken.
2. A statement of the collection beneficiary's aims, and any literature to support this.
3. Full details of the collection beneficiary – this must include date of formation, names of trustees, directors etc.
4. If the collection is being undertaken by an individual or organisation other than the beneficiary of the collection then full details of this individual / organisation must be provided – this will include details of directors / trustees / owners (in the case of an organisation).
5. Relevant accounts and financial statements of the promoter, collection company / agent and the charity (if different)
6. The details of how the amounts to be allocated to the charity, collectors and promoter are calculated. The following must be clear from the information provided:
 - 6.1. The expected value of the money / items collected before any expenses are deducted ('the gross collection amount').
 - 6.2. Full details of any deductions that will be applied to the 'gross collection amount' and how these will be calculated.

7. A written agreement between the applicant and the charity as required by the Charities Act 1992.
8. Declaration of any previous refusals for House to House Collections
9. A basic Disclosure Certificate relating to the promoter or the director of the collection company / agent if different (this must be dated within the last six months).
10. It must be clear from the application how much the collection beneficiary will receive as part of the collection, the proportion of this as a percentage of the cost of running the collection and a clear set of returns if the organisation has operated collections before. Although each case will be considered individually, the Council considers it reasonable that a charity can expect to receive at least 80% of the total proceeds from a collection (i.e. before any deductions are made for expenses associated with the collection).
11. The times that collections are expected to take place (the Council's default position is that collections will not take place before 8am or later than 7pm).
12. Written assurance from collectors that they will not deliver bags to households that clearly state they do not wish to receive house to house collections.

All applications for a House to House Collection Permit will be referred to the Council's Licensing Board for consideration. The applicant will have the opportunity to address the Board should they wish to do so, they may also provide a written submission to the Licensing Board for consideration along with their application.

Licensing Officers and / or the Licensing Board may request additional information from applicants in order to fully consider applications that are received by the Council. In cases where additional information is requested, the application will not be processed by the Council until such time as the requested information has been provided.

Grant of a House to House Collection Permit

If the Licensing Board are satisfied that it would be appropriate to issue a permit for a House to House Collection then one will be issued for the times and dates specified on the application. The Council will issue a Certificate for the Information of the Stationery Office under the House to House Collections Act 1939. This document will allow the promoter to obtain the prescribed badge and prescribed Certificate of Authority. These documents must be carried by all collectors involved in the House to House Collection.

If the dates specified on the application have passed, then the permit will run from the date that the Licensing Board make the decision to issue the permit.

In any event, a permit authorising a house to house collection will not be valid for a period longer than twelve months.

Permits will not be issued retrospectively, therefore a permit must be in place before the collection commences. Collections undertaken without a valid permit or exemption will be unlawful and the promoter of such a collection risks prosecution by the Council.

The House Collections Act 1939 and the House to House Collections Regulations 1947 specify the obligations of all those involved in house to house collections. A copy of the House to House Collections Regulations 1947 is appended to this policy as Appendix B.

Key obligations placed on the person / organisation to whom a permit is issued are as follows:

1. the necessary written permission has been obtained from the Council;
2. no collection must be undertaken in a manner which will inconvenience or annoy any person such collections taking place at an unreasonable hour. The Council would consider that collections taking place later than 7pm would be unreasonable;
3. every collector must wear a standard badge and carry a Certificate of Authority;
4. collectors must produce their badge, on demand, to the occupant of any house, any police officer or authorised officer of the Council;
5. all collectors must be aged sixteen years or more;
6. must only collect between the hours that are specified on the permit;
7. if a collector is carrying a collecting box, it must be sealed, numbered and clearly display the name of the charity or fund which is to benefit.

The key obligations following a collection are as follows:

1. collectors must not be given access to the contents of collection boxes prior to their being returned to the promoter for opening and counting;
2. boxes should only be opened in the presence of the promoter and another responsible person. Once the boxes have been opened, the contents should be counted immediately and the amount collected in each box recorded;
3. after the collection the promoter must complete a prescribed returns form and return it to the Council within one month of the expiry of the permit. The promoter must certify the return and have it countersigned by a qualified accountant.

The prescribed forms are detailed in Regulation 6 of the House to House Collections Regulations 1947 (as amended by the House to House Collections Regulations 1963) – an extract of these Regulations is attached as Appendix B to this policy.

The “combined badge and certificate of authority for collector performing house to house collection” (ISBN 9780113407422) is available from The Stationery Office (www.tsoshop.co.uk). Further information is available from the licensing office.

Refusal to issue a House to House Collection Permit

The statutory reasons why a licensing authority may refuse to grant a permit, or where a permit has been issued may revoke it, if it appears to the authority that:

1. The total amount likely to be applied for charitable purposes as the result of the collection (including any amount already so applied) is inadequate in proportion to the value of the proceeds likely to be received (including any proceeds already received);
2. Remuneration which is excessive in relation to the total amount aforesaid is likely to be, or has been, retained or received out of the proceeds of the collection by any person;
3. The grant of a Licence would be likely to facilitate the commission of an offence under Section Three of the Vagrancy Act 1824, or that an offence under that section has been committed in connection with the collection;
4. The applicant or the holder of the Licence is not a fit and proper person to hold a Licence by reason of the fact that he has been convicted in the United Kingdom of any of the relevant offences specified below, or has been convicted in any part of Her Majesty's dominions of any offence conviction for which necessarily involved a finding that he acted fraudulently or dishonestly, or of an offence of a kind the commission of which would be likely to be facilitated by the grant of a Licence. The relevant offences referred to above are as follows:
 - 4.1. Offences under sections 47 to 56 of the Offences against the Person Act 1861
 - 4.2. Robbery, burglary or blackmail
 - 4.3. Offences in Scotland involving personal violence or lewd, indecent, or libidinous conduct, or dishonest appropriation of property
 - 4.4. Offences under the Street Collections Regulation (Scotland) Act 1915
 - 4.5. Offences under section 5 of the Police, Factories etc. Miscellaneous Provisions) Act 1916
5. The applicant or the holder of the Licence, in promoting a collection in respect of which a Licence has been granted to him, has failed to exercise due diligence to secure that persons authorised by him to act as collectors for the purposes of the collection were fit and proper persons, to secure compliance on the part of persons so authorised with the provisions of regulations made under this Act, or to prevent prescribed badges or prescribed certificates of authority being obtained by persons other than persons so authorised; or

6. The applicant or holder of the Licence has refused or neglected to furnish to the Authority such information as they may have reasonably required for the purpose of informing themselves as to any of the matters specified in the foregoing paragraphs.

Where a House to House Collection Permit has previously been granted, the Council will ordinarily revoke the permit if it is of the opinion that any of the circumstances listed above subsequently apply.

Consideration of financial information

All financial information provided as part of an application for a House to House Collection Permit will be handled in accordance with the Council's Information Security Policy.

The proportion allocated to the collection beneficiary must be clearly detailed by the applicant, this includes the calculations that have been used to determine the way that funding is allocated to each party involved in, or benefiting from, the collection.

The Council must be satisfied that the amount to be given to the charity is adequate in relation to the proceeds received. The cost of collection needs to be taken into account and balanced against the perception of the public that all of the items or money they donate will be given to charity.

It is common practice for collectors to be paid by organisations to collect money and products. When determining the remuneration and whether this is excessive the nature of the business and the overheads should be taken into account and balanced against the amount being given to the charity. The remuneration received by individuals involved in the collection process at all levels, should also be considered as part of this assessment.

It is anticipated that in most cases, the amount allocated to the collection beneficiary should exceed 80% of the total amount collected (i.e. the amount collected before the deduction of any expenses and / or running costs).

If no previous returns have been supplied to the Council after previous licensed collections by the same organisation or individual within the Council's area then the application should be refused. In addition, any action taken as a result of not complying with regulations on operating House to House collections would also be grounds for refusal unless there are extenuating circumstances.

3. Enforcement

Enforcement activity available to the Council is prescribed in legislation and is limited to the criteria for refusals or revocations of licences, and breaches of conditions, described in section 2 of the Policy. Failure to comply with this Policy in itself is not an offence, however, the Policy clearly identifies the issues that are prescribed as offences.

The Council considers that collections should be undertaken in accordance with the Fundraising Regulator's Code of Fundraising Practice. Where the Council believes that a collector has not adhered to this Code, the Council will refer the matter(s) to the Fundraising Regulator who will then pursue the breach via their own processes.

It is recognised that well-directed enforcement activity by the Council benefits not only the public but also those responsible for organising charitable collections. In implementing this Policy, the Council will operate in accordance with the General Enforcement Policy and any other service specific enforcement policies or processes.

The provisions of this policy are discharged by the Council through the Licensing Board.

The responsibility for enforcement of the House to House Collections Act (and associated Regulations) has been delegated to the Assistant Director of Community Safety and Street Scene. The Assistant Director has authorised officers to enforce the requirements of the legislation relevant to House to House Collections.

Appendix A: House to House Collection Permit Application Form

APPLICATION FOR A HOUSE TO HOUSE COLLECTION PERMIT

This application must be completed by the individual or organisation that is promoting the collection ('the promoter'). The role and obligations of the promoter are outlined in the Council's House to House Collection Policy, and all applicants are advised to consult this document prior to making an application for a permit within the Rotherham Borough boundary.

The information below (including that which is detailed in the notes at the end of this form) is the MINIMUM that must be provided in order to make an application for a permit within the Rotherham Borough boundary. You may provide additional information in support

Name of Promoter	
Address and daytime telephone number of Promoter.	
Details of charitable purpose to which proceeds of the collection are to be applied (full details are to be enclosed with this application, including a copy of the authorisation from the charity to whom the proceeds will be sent). The additional information referred to in the notes below must also be included.	
Dates and times on which you are wish to undertake the collection(s) (Please include alternative dates should your first choice not be available)	

<p>Payments to an organisation (other than the charitable purpose for which the collection is being undertaken):</p> <p>Payments to the charitable organisation:</p>	
<p>Are you intending to apply for House to House Collection Permits from other local authorities?</p> <p>If so, please list the other authorities to which applications have been or will be made (attaching a separate sheet if required).</p>	
<p>Has the applicant or anyone associated with the promotion or undertaking of the collection, ever has an application under the Act refused or revoked?</p> <p>If so, please give full details.</p>	
<p>Is it proposed to promote the collection in conjunction with a street collection?</p>	
<p>If so, is it desired that the accounts of this collection should be combined wholly or partly with the accounts of the street collection?</p>	
<p>If the collection is for a War Charity, state if such a charity has been registered or exempted from registration under the War Charities Act 1940, and give the name of the registration authority and the date of registration or exemption.</p>	
<p>Please state if your charity holds an Order of Exemption under Section 3 of the House to House Collections Act 1939, as issued by the Secretary of State.</p> <p>If so, please enclose a copy of the Order.</p>	

<p>Please provide any additional information in support of your application (enclosing additional sheets if required).</p>	
<p>Declaration</p>	<p>I / we declare that to the best of my / our knowledge and belief that the foregoing information is correct and, if a permit is granted, I / we undertake to comply strictly with the Council's House to House Regulations as listed in the Council's House to House Collections Policy.</p> <p>I / we consent to the Council sharing this information with regulatory partners for the prevention and / or detection of crime.</p> <p>I / we confirm that we have reviewed the Council's House to House Collection Policy and the important notes and the end of this form, and have taken this information into consideration when making my / our application.</p>
<p>Signature of person(s) making this application</p>	
<p>Name(s) of person(s) making this application</p>	
<p>If you are not the promoter then please state the capacity in which you are making this application and provide confirmation of your authority to make this application on behalf of the promoter.</p>	
<p>Date of signature(s)</p>	

Please tick to confirm inclusion of the following information (see notes at the end of this form)

Details of the objectives of the charitable cause.	
A statement of the collection beneficiary's aims, and any literature to support this.	
Full details of the collection beneficiary.	
Full details of this individual / organisation making the application.	
Relevant accounts and financial statements.	
Details of how the amounts to be allocated to the charity, collectors and promoter are calculated.	
A basic Disclosure Certificate relating to the promoter.	

Your application will not be considered to be complete if any of the above information or anything detailed in the Important Notes is missing or unclear.

IMPORTANT NOTES:

1. All sections of this application form must be completed – if any section is not relevant to your circumstances then please state 'not applicable' or 'n/a'.
2. The following information must also be provided with the application:
3. Whether the collection beneficiary is a registered charity (with charity number), and the objectives of the charitable cause as supplied to the Charity Commission.
4. A statement of the collection beneficiary's aims, and any literature to support this.
5. Full details of the collection beneficiary – this must include date of formation, names of trustees, directors etc.
6. If the collection is being undertaken by an individual or organisation other than the beneficiary of the collection then full details of this individual / organisation must be provided – this will include details of directors / trustees / owners (in the case of an organisation).
7. Relevant accounts and financial statements of the promoter, collection company / agent and the charity (if different)
8. The details of how the amounts to be allocated to the charity, collectors and promoter are calculated. The following must be clear from the information provided:
 - 8.1. The expected value of the money / items collected before any expenses are deducted ('the gross collection amount').
 - 8.2. Full details of any deductions that will be applied to the 'gross collection amount' and how these will be calculated.
9. A written agreement between the applicant and the charity as required by the Charities Act 1992.

10. Declaration of any previous refusals for House to House Collections
11. A basic Disclosure Certificate relating to the promoter or the director of the collection company / agent if different (this must be dated within the last six months).
12. It must be clear from your application how much the collection beneficiary will receive as part of the collection, the proportion of this as a percentage of the cost of running the collection and a clear set of returns if the organisation has operated collections before.
13. You are advised to review and consider Rotherham MBC's House to House Collection Policy and the legislative extract prior to submitting your application.

Appendix B: Extract from the House to House Collections Regulations 1947 (as amended by the House to House Collections Regulations 1963) forming the Regulations for House to House Collection Licences pursuant to section 4 of the House to House Collections Act 1939

1. Title and extent

1.1 These regulations may be cited as the House to House Collections Regulations 1947, and shall come into operation on the twenty-ninth day of December 1947.

1.2 These regulations shall not extend to Scotland.

2. Interpretation

2.1 In these regulations, unless the context otherwise requires: '*The Act*' means the House to House Collections Act 1939;

2.1.1 '*chief promoter*', in relation to a collection, means a person to whom a licence has been granted authorising him to promote that collection or in respect of whom an order has been made directing that he shall be exempt from the provisions or subsection (2) or section 1 of the Act as respects that collection;

2.1.2 '*collecting box*' means a box or other receptacle for monetary contributions, securely closed and sealed in such a way that it cannot be opened without breaking the seal;

2.1.3 '*licence*' means a licence granted by a licensing authority under section 2 of the Act;

2.1.4 '*order*' means an order made by the Secretary of State under section 3 of the Act;

2.1.5 '*prescribed badge*' means a badge in the form set out in the Fourth Schedule to these regulations;

2.1.6 '*prescribed certificate of authority*' means a certificate in the form set out in the Third Schedule to these regulations;

2.1.7 '*receipt book*' means a book of detachable forms of receipt consecutively numbered with counterfoils or duplicates correspondingly numbered;

2.1.8 '*street collection*' means a collection or sale to which regulations made under section 5 of the Police, Factories, etc (Miscellaneous Provisions) Act 1916 apply;

2.1.8.1 A mark shall for the purposes of these regulations be deemed to have been made on a collecting box if it is made on a wrapper securely gummed to the collecting box.

2.1.8.2 The Interpretation Act 1889 applies to the interpretation of these

regulations as it applies to the interpretation of an Act of Parliament.

3. Local collections of a transitory nature

- 3.1. Every certificate granted under subsection (4) of section 1 of the Act shall be in the form set out in the First Schedule to these regulations, and sections 5 and 6 and subsections (4) and (5) of section 8 of the Act shall be set forth on the back of every such certificate.
- 3.2. Where such a certificate is granted as aforesaid, the provisions of these regulations shall not apply, in relation to a collection made for the purpose specified on the certificate, within the locality and within the period so specified, to the person to whom the certificate is granted or to any person authorised by him to act as a collector for the purposes of that collection.

4. Applications for licences and orders

- 4.1 An application for a licence shall be in the form set out in the Second Schedule to these regulations, and shall give the particulars there specified.
- 4.2 An application for a licence or for an order shall be made not later than the first day of the month preceding that in which it is proposed to commence the collection.

5. Responsibility of promoters as respects collectors

- 5.1 Every promoter of a collection shall exercise all due diligence:
 - 5.1.1 to secure that person authorised to act as collectors for the purposes of the collection are fit and proper persons; and
 - 5.1.2 to secure compliance on the part of persons so authorised with the provisions of these regulations.

6. Certificates of authority, badges, collecting boxes and receipt books

- 6.1 No promoter of a collection shall permit any person to act as a collector, unless he has issued or caused to be issued to that person:
 - 6.1.1 a prescribed certificate of authority duly completed (except as regards the signature of the collector) and signed by or on behalf of the chief promoter of the collection;
 - 6.1.2 a prescribed badge, having inserted therein or annexed thereto a general indication of the purpose of the collection; and
 - 6.1.3 if money is to be collected, a collecting box or receipt book marked with a clear indication of the purpose of the collection and a distinguishing number, which indication and number shall, in the case of a receipt book, also be marked on every receipt contained therein in addition to the

consecutive number of the receipt.

6.2 Every promoter of a collection shall exercise all due diligence to secure:

6.2.1 that no prescribed certificate of authority, prescribed badge, collecting box or receipt book is issued, unless the name and address of the collector to whom it is issued have been entered on a list showing in respect of any collecting box or receipt book the distinguishing number thereof; and

6.2.2 that every prescribed certificate of authority, prescribed badge, collecting box or receipt book issued by him or on his behalf is returned when the collection is completed or when for any other reason a collector ceases to act as such.

6.3 In case of a collection in respect of which a licence has been granted:

6.3.1 every prescribed certificate of authority shall be given on a form obtained from Her Majesty's Stationery Office, and every prescribed badge shall be so obtained; and

6.3.2 every prescribed certificate of authority shall be authenticated, and the general indication on every prescribed badge of the purpose of the collection shall be inserted therein or annexed thereto, in a manner approved by licensing authority for the area in respect of which the licence was granted.

7. Duties of collectors in relation to certificates and badges

7.1 Every collector shall:

7.1.1 sign his name on the prescribed certificate of authority issued to him and produce it on the demand of any police constable or of any occupant of a house visited by him for the purpose of collection;

7.1.2 sign his name on the prescribed badge issued to him and wear the badge prominently whenever he is engaged in collecting; and

7.1.3 keep such certificate and badge in his possession and return them to a promoter of the collection on replacement thereof or when the collection is completed or at any other time on the demand of a promoter of the collection.

8. Age Limits

8.1. No person under the age of sixteen years shall act or be authorised to act as a collector of money.

9. Importuning

9.1. No collector shall importune any person to the annoyance of such person, or remain in, or at the door of, any house if requested to leave by any occupant thereof.

10. Collecting of Money

- 10.1. Where a collector is collecting money by means of a collecting box, he shall not receive any contribution save by permitting the person from whom it is received to place it in a collecting box issued to him by a promoter of the collection.
- 10.2. Where a collector is collecting money by other means than a collecting box, he shall, upon receiving a contribution from any person, forthwith and in the presence of such a person enter on a form of receipt in a receipt book issued to him by a promoter of the collection and on the corresponding counterfoil or duplicate the date, the name of the contributor and the amount contributed, and shall sign the form of receipt, the entries and signature being in ink or indelible pencil, and shall hand the form of receipt to the person from whom he received the contribution.

11. Duty of collectors to return boxes and books

- 11.1. Every collector, to whom a collecting box or receipt book has been issued, shall:
- 11.1.1. when the collecting box is full or the receipt book is exhausted, or
 - 11.1.2. upon the demand of a promoter of the collection, or
 - 11.1.3. when he does not desire to act as a collector, or
 - 11.1.4. upon the completion of the collection, return to a promoter of the collection that collecting box with the seal unbroken or that receipt book with a sum equal to the total amount of the contributions (if any) entered therein.

12. Examination of boxes and books

- 12.1. Subject as provided in paragraph (2) of this regulation, a collecting box when returned shall be examined by, and, if it contains money, be opened in the presence of, a promoter of the collection and another responsible person.
- 12.2. Where a collecting box is delivered unopened to a bank, it may be examined and opened by an official of the bank in the absence of a promoter of the collection.
- 12.3. As soon as a collecting box has been opened, the contents shall be counted and the amount shall be entered with the distinguishing number of the collecting box on a list, which shall be certified by the persons making the examination.
- 12.4. Every receipt book when returned and all sums received therewith shall be examined by a promoter of the collection and another responsible person, and the amount of the contributions entered in the receipt book shall be checked with the money and entered with the distinguishing number of the receipt book on a list, which shall be certified by the persons making the examination.

13. Provision for envelope collections

- 13.1. Where the promoter of a collection to whom an order has been granted informs

the Secretary of State that he desires to promote an envelope collection, and the Secretary of State is of opinion that the collection is for a charitable purpose of major importance and is suitably administered, the Secretary of State may, if he thinks fit, give permission for the promotion of an envelope collection.

13.2. Where an envelope collection is made in accordance with this regulation:

- 13.2.1. every envelope used shall have a gummed flap by means of which it can be securely closed;
- 13.2.2. no collector shall receive a contribution except in an envelope which has been so closed; and
- 13.2.3. these regulations shall have effect subject to the following modifications:
 - 13.2.3.1. sub-paragraph (c) of paragraph (1) of regulation 6 shall not apply;
 - 13.2.3.2. regulation 10 shall not apply;
 - 13.2.3.3. regulations 11 and 12 shall have effect as if each envelope in which a contribution is received were a collecting box;
 - 13.2.3.4. in regulation 11 for the words 'with the seal unbroken' there shall be substituted the word 'unopened';
 - 13.2.3.5. in paragraph (3) of regulation 12 for the words 'As soon as a collecting box has been opened' there shall be substituted the words 'As soon as the envelope has been opened' and the words 'with the distinguishing number of the collecting box' shall be omitted.
- 13.2.4. In this regulation 'envelope collection' means a collection made by persons going from house to house leaving envelopes in which money may be placed and which are subsequently called for.

14. Promoters to furnish accounts

- 14.1. The chief promoter of a collection in respect of which a licence has been granted shall furnish an account of the collection to the licensing authority by which the licence was granted within one month of the expiry of the licence:
- 14.2. Provided that if licences are granted to the same person for collections to be made for the same purpose in more than one licensing area a combined account of the collections made in all or any of those licensing areas may, by agreement between the chief promoter and the respective licensing authorities be made only to such of the respective licensing authorities as may be so agreed.
- 14.3. The chief promoter of a collection in respect of which an order has been made shall furnish an account annually to the Secretary of State so long as the order remains in force, and if the order is revoked a final account shall be furnished

within three months of the date of the revocation of the order.

- 14.4. The licensing authority or the Secretary of State may extend the period within which an account is required to be furnished to the authority or to him, as the case may be, if satisfied that there are special reasons for so doing.
- 14.5. The chief promoter of a collection which is made in connection in whole or in part with a street collection of which an account is required to be furnished to a licensing authority by regulations made under section 5 of the Police, Factories, etc (Miscellaneous Provisions) Act 1916, may, if the said licensing authority agrees, combine the accounts of the house to house collection, in so far as it is made in connection with the street collection, with the accounts of the street collection, and the amount so included in the combined account shall not be required to form part of the account required to be furnished under paragraph (5) or, as the case may be, paragraph (2) of this regulation, so, however, that in the case of an account furnished under said paragraph (2) the account shall show, in addition to an account in respect of moneys received from house to house collections not made in connection with a street collection, a statement showing the total proceeds of all combined collections, the total expenses and the balance applied to charitable purposes.

15. Form and certification of accounts

15.1. The account required by the preceding regulation:

- 15.1.1. where money has been collected, shall be furnished in the form set out in the Fifth Schedule to these regulations and, where property has been collected and sold, shall be furnished in the form set out in the Sixth Schedule to these regulations, and in either case shall be certified by the chief promoter of the collection and by an independent responsible person as auditor; and
- 15.1.2. where property (other than money) has been collected and given away or used, shall be furnished in the form set out in the Seventh Schedule to these regulations and shall be certified by the chief promoter and by every person responsible for the disposal of the property allocated.

16. Vouching of accounts

- 16.1. Every account furnished under paragraph (a) of regulation 15 of these regulations shall be accompanied by vouchers for each item of the expenses and application of the proceeds and, in the case of a collection of money, by every receipt book used for the purposes of the collection and by the list referred to in paragraph (2) of regulation 6 of these regulations and the list referred to in regulation 12 of these regulations.
- 16.2. Paragraph (1) of this regulation shall not apply to an account certified by an auditor who is a member of an association or society of accountants incorporated at the date of these regulations or is on other grounds accepted as competent by the authority to which the account is submitted, but where in such case the vouchers, receipt books and lists mentioned in the said paragraph (1) are not

submitted with an account, the chief promoter shall ensure that they are available for three months after the account is submitted and shall, if the authority to which the account was submitted so requires at any time within that period, submit them to that authority.

17. Disposal of disused certificates of authority, etc

17.1. The chief promoter of a collection shall exercise all due diligence to secure that all forms of prescribed certificates of authority and prescribed badges obtained by him for the purposes of the collection are destroyed when no longer required in connection with that collection or in connection with a further collection which he has been authorised to promote for the same purpose.

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Appendix 2 Consultation Analysis and Comments Received

Consultation and response analysis

Q1. The Council should ensure that charities benefit appropriately from collections made house to house for charity	Strongly agree	24	82.76%
	Agree	2	6.90%
	Neither agree or disagree	0	0.00%
	Disagree	0	0.00%
	Strongly disagree	3	10.34%
	<i>no response</i>	0	0.00%
	Total	29	100.00%
Q2. Collectors should not benefit from house to house collections more than the charities that they are collecting for	Strongly agree	26	89.66%
	Agree	1	3.45%
	Neither agree or disagree	1	3.45%
	Disagree	0	0.00%
	Strongly disagree	1	3.45%
	<i>no response</i>	0	0.00%
	Total	29	100.00%
Q3. People who give to charity through house to house collections expect that the charity will receive most of the money raised	Strongly agree	27	93.10%
	Agree	1	3.45%
	Neither agree or disagree	0	0.00%
	Disagree	0	0.00%
	Strongly disagree	1	3.45%
	<i>no response</i>	0	0.00%
	Total	29	100.00%
Q4. The Council should set a minimum amount that the charity, on whose behalf collections are undertaken, should benefit	Strongly agree	14	48.28%
	Agree	4	13.79%
	Neither agree or disagree	7	24.14%
	Disagree	1	3.45%
	Strongly disagree	2	6.90%
	<i>no response</i>	1	3.45%
	Total	29	100.00%
Q5. The charities who benefit from house to house collections should receive at least 80% of the value of the items collected	Strongly agree	17	58.62%
	Agree	6	20.69%
	Neither agree or disagree	2	6.90%
	Disagree	1	3.45%

	Strongly disagree	2	6.90%
	<i>no response</i>	1	3.45%
	Total	29	100.00%
Q6. The charities who benefit from house to house collections should receive less than 80% of the value of the items collected	Strongly agree	6	20.69%
	Agree	0	0.00%
	Neither agree or disagree	2	6.90%
	Disagree	6	20.69%
	Strongly disagree	14	48.28%
	<i>no response</i>	1	3.45%
	Total	29	100.00%
	Q7. House to house collectors should only undertake collections at reasonable times	Strongly agree	17
Agree		8	27.59%
Neither agree or disagree		2	6.90%
Disagree		0	0.00%
Strongly disagree		1	3.45%
<i>no response</i>		1	3.45%
Total		29	100.00%
Q8. It would not be appropriate for house to house collections to be undertaken after 8pm in the evening		Strongly agree	24
	Agree	2	6.90%
	Neither agree or disagree	1	3.45%
	Disagree	2	6.90%
	Strongly disagree	0	0.00%
	<i>no response</i>	0	0.00%
	Total	29	100.00%

Comments Received

<p>Would prefer charities NOT to be allowed to be cold callers at my door.</p>
<p>I should like to see the distribution of plastic bags for these collections end completely. On average I find 2-3 bags every week posted in my letterbox. It's inconceivable that households have items to contribute on such a frequent basis.</p> <p>I am not against charitable giving, but surely there is a better way. Perhaps a paper handbill/leaflet listing all participating charities could be made available to each home, with a freephone contact to request collection. This would also be a great saving to the charities involved, reducing the many thousands of bags being distributed with nil result, as well as the operational cost of driving around the area with on guarantee of anything being collected.</p> <p>The level of plastic bag waste seems to be in direct conflict with the current thinking on reducing plastic.</p>
<p>I think the 8pm cut off for collections is too late. Especially on darker evenings having a stranger calling can be worrying. I also found this too late when i had a young child. they were usually in bed by 7pm and we frequently had people knocking on the door later.</p>
<p>Roadside collections can contribute to littered streets. The amount of distributed plastic bags not used add to the amount of non-recyclable plastic going into waste locally.</p>
<p>I think 8pm is to late for door to door collections it should be no later than 6 pm because between 6 & 8pm that's when family's are get children settled in bed.</p>
<p>I would ban them as they use and waste plastic. They should be held accountable and houses should opt in to receive such plastic bags from charities.</p>
<p>These companies should be limited to one empty bag drop each street per month. I get a bag nearly every day!</p>
<p>As long as the charity is happy with the donation percentage, I don't see a problem.</p>
<p>It should be a condition of the licence that collectors take notice of households displaying no cold callers</p>
<p>There are far too many bags being delivered. Thinking of the waste of plastic bags, maybe the amount of charities could be cut down.</p>
<p>Charities should receive most of the money for the house to house collection - that's what the public leave it out for - say RSPCA sends a bag - I expect RSPCA to receive most of the money. Also be aware that people steal the bags left out for charity to either keep for themselves or sell on. People also use the charity bags to get rid of unwanted waste/poor/soiled clothing to avoid taking to skip</p>

I would like to bring to your attention something which has opened my eyes to how these ""charity bags"" operate. I was looking for a storage unit and went to Junction 1 storage Rotherham. When I entered the compound I saw 3 huge units open inside they were stuffed full of full charity bags. Outside on the floor was a huge pile of these bags and some foreign women opening them and obv sorting through the items. A white plain transit van pulled up and that was crammed full of full collection bags. The men looked eastern European and were scruffy in dirty tracksuits unload the bags in a big pile for the women to sort and then went obv to collect more. This all looked suspicious. Obv they are making Alot of money to afford to pay for 3 units! Where does the rest go.? I asked the man showing me around an empty unit what were they doing and he just said they send it all abroad. There are loads of storage units around and if this is happening all over they are making alot of money. None of which properly goes to charity in the UK or any charity for that matter! This needs urgently looking I to. As people are leaving out bags thinking its going to a good cause.

Councils have no right to regulate this industry. Excessive use of powers and exceptionally authoritarian.

I don't think that there is any reason why they should call house to house I don't answer my door to anyone I don't know there are too many bogus callers and there's plenty of ways to give to a charity which means something to you

Appendix 3: Equalities Screening Assessment



Initial Equality Screening Assessment

As a public authority we need to ensure that all our strategies, policies, service and functions, both current and proposed have given proper consideration to equality and diversity.

A **screening** process can help judge relevance and provide a record of both the process and decision. Screening should be a short, sharp exercise that determines relevance for all new and revised strategies, policies, services and functions.

Completed at the earliest opportunity it will help to determine:

- the relevance of proposals and decisions to equality and diversity.
- whether or not equality and diversity is being/has already been considered, and
- whether or not it is necessary to carry out an equality analysis.

Directorate: Regeneration and Environment	Service area: Regulation and Enforcement
Lead person: Lewis Coates	Contact number: 01790 823117

1. Title: House to House Collections Policy		
Is this a:		
<input checked="" type="checkbox"/> Strategy / Policy	<input type="checkbox"/> Service / Function	<input type="checkbox"/> Other
If other, please specify		

2. Please provide a brief description of what you are screening

The report details the formulation of a House to House Collection Policy to ensure that collectors and public alike have a clear and transparent document from which to refer. The Policy adds clarity to the way that the Council will deliver against the requirements of the House to House Collection Act 1939 and the House to House Collections Regulations 1947

Consultation undertaken demonstrates that a significant majority of respondents to the consultation agreed that it would be appropriate for the Council to ensure a minimum of 80% of the value of collections to be returned to charities, and that it would be unreasonable to carry out collections after 7pm in the evening

3. Relevance to equality and diversity

All the Council's strategies/policies, services/functions affect service users, employees or the wider community – city wide or more local. These will also have a greater/lesser relevance to equality and diversity.

The following questions will help you to identify how relevant your proposals are.

When considering these questions think about age, carers, disability, gender reassignment, race, religion or belief, sex, sexual orientation and any other relevant characteristics (for example socio-economic status, social class, income, unemployment, residential location or family background and education or skills levels).

Questions	Yes	No
Does the activity have implications regarding the accessibility of services to the whole community?		X
Is there an impact for an individual or group with protected characteristics? (Discrimination, harassment or victimisation of individuals with protected characteristics)		X
Have there been or likely to be any public concerns about the policy or proposal?		X
Could the proposal affect how the Council's services, commissioning or procurement activities are organised, provided, located and by whom?		X
Could the proposal affect the Council's workforce or employment practices?		X

If you have answered **no** to all the questions above please complete **sections 5 and 6**.

If you have answered **yes** to any of the above please complete **section 4**.

4. Considering the impact on equality and diversity

If you have not already done so, the impact on equality and diversity should be considered within your proposals prior to carrying out an **Equality Analysis**.

Considering equalities and diversity will help to eliminate unlawful discrimination, harassment and victimisation and take active steps to create a discrimination free society by meeting a group or individual's needs and encouraging participation.

Please provide specific details for all three areas below and use the prompts for guidance.

- **How have you considered equality and diversity?**

(**think about** the scope of the proposal, who is likely to be affected, equality related information, gaps in information and plans to address, consultation and engagement activities (taken place or planned) with those likely to be affected)

- **Key findings**

(**think about** any potential positive and negative impact on different equality characteristics, potential to promote strong and positive relationships between groups, potential to bring groups/communities into increased contact with each other, perception that the proposal could benefit one group at the expense of another)

- **Actions**

(**think about** how you will promote positive impact and remove/reduce negative impact)

Date to scope and plan your Equality Analysis:	
--	--

Date to complete your Equality Analysis:	
--	--

Lead person for your Equality Analysis (Include name and job title):	
---	--

5. Governance, ownership and approval

Please state here who has approved the actions and outcomes of the screening:

Name	Job title	Date
Lewis Coates	Regulatory Services Manager	29 th July 2019

6. Publishing

This screening document will act as evidence that due regard to equality and diversity has been given. If an Equality Analysis is not required the screening document will need to be published.

If this screening relates to a **Key Delegated Decision, Executive Board, full Council** or a **Significant Operational Decision** a copy should be emailed to Corporate Governance (**to include contact**) and will be published along with the relevant report.

A copy of **all** screenings should also be sent to Zaidah.ahmed@rotherham.gov.uk For record keeping purposes it will be kept on file (but not published).

Date screening completed	29 th July 2019
If relates to a Key Decision - date sent to Cabinet	Not a key decision
Date screening sent to Equalities Officer zaidah.ahmed@rotherham.gov.uk	29 th July 2019

Committee Name and Date of Committee Meeting

Cabinet – 21 October 2019

Report Title

Street Works Permit Scheme – All Streets

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

Yes

Strategic Director Approving Submission of the Report

Paul Woodcock, Strategic Director of Regeneration and Environment

Report Author(s)

Colin Knight, Head of Highway Services
01709 822828 or colin.knight@rotherham.gov.uk

Ward(s) Affected

Borough-Wide

Report Summary

This report proposes the expansion of the Council's Permit Scheme to every street across the Council's adopted highway network to increase levels of controls over road and streets works, influence how works are undertaken and subsequently reduce the disruption caused to highway users along with an associated benefit in terms of minimising noise and air pollution.

Recommendations

1. That approval be given to the expansion of the current Street Works Permit Scheme from 304 of Rotherham's busiest streets to every street in the Borough's adopted road network.
2. That the Head of Legal Services be authorised to conclude and execute all necessary legal documentation.

List of Appendices Included

Appendix 1 - Equality Screening Assessment
Appendix 2 - Fee Structure
Appendix 3 - Consultation Responses
Appendix 4 - Draft Rotherham Council Permit Scheme Order 2019

Background Papers

The Traffic Management Act 2004

The Traffic Management Permit Scheme (England) Regulations 2007

The Traffic Management Permit Scheme (England) (Amendment) Regulations 2015

Permit Scheme Order 2015

Consideration by any other Council Committee, Scrutiny or Advisory Panel

Overview and Scrutiny Management Board – 16 October 2019

Council Approval Required

No

Exempt from the Press and Public

No

Street Works Permit Scheme – All Streets

1. Background

- 1.1 Road and street works are a major cause of delay and disruption for road users, resulting in significant costs to the economy and society. Previous studies estimate that the national cost of congestion resulting from street works is £4.3 billion a year and successive governments have taken steps to support the effective management and coordination of roadworks.
- 1.2 These steps have included the ability for local highway authorities to introduce permit schemes. Such schemes provide the authority with the ability to proactively manage all works as a way to reduce and control the associated disruption. This increased control is achieved by requiring all works promoters to seek permission before undertaking works and for those works to comply with conditions which are applied by the local highways authority.
- 1.3 The key deliverable benefits of the permit scheme are to:
- Support the local authority to manage the coordination of works, a way to reduce traffic disruption.
 - provide increased levels of local authority control over all works.
 - provide a lever, which can influence the way that works are undertaken.
 - generate a positive return for our residents.
- 1.4 Rotherham, along with five other Yorkshire authorities, implemented a permit scheme in 2012 which was authorised by the Department for Transport (DfT) for operation on type 0, 1, 2 and Traffic Sensitive (TS) streets. The decision to operate a permit scheme only on the busiest streets came under direction from DfT, as two major all street schemes had previously gone live six months beforehand in Kent and London. The DfT were keen to measure the performance and impact of different types of schemes and encouraged the Yorkshire region to implement a common permit scheme across all local authorities targeting type 0, 1, 2 and TS streets.
- 1.5 The government deregulated permit schemes through The Traffic Management Permit Scheme (England) (Amendment) Regulations 2015, removing DfT control and regulation. This resulted in the majority of new schemes throughout the country becoming all street schemes. An Order implementing the changes required by these Regulations, but not extending the Permit Scheme to all streets in the Borough was made (the “The Traffic Management (Rotherham Borough Council) Permit Scheme Order 2015”) and was sealed by the Council on 7th September 2015.
- 1.6 Rotherham Council has successfully operated a permit scheme on its 304 busiest roads since June 2012, with two full time equivalent officers required to undertake the permit tasks. The existing scheme is estimated to have reduced highway occupation in Rotherham by approximately 1,800 days per annum over the first 6 years of operation, with the expanded scheme estimated to further reduce occupation by 6,200 days per annum.

- 1.7 Through a detailed cost benefit analysis exercise, the Council estimates that an expanded scheme will save road users and businesses £570,000 within the first year of operation and an expected £16,750,000 over a 25 year period. The assessment considers the cost of road and street works to road users (travel time costs, fuel and other vehicle operating costs), accident and fuel carbon emission costs.
- 1.8 In an average year the Council receives approximately £150,000 in income from the existing permit scheme. It is estimated that the proposal to expand the scheme to all streets will generate £238,000 of additional permit fee income, providing a total income of £388,000 of ring fenced income that must only be used to cover the operational costs of the scheme.
- 1.9 Expanding the remit of the scheme will see approximately 4,500 additional utility and internal works promoter applications being submitted for analysis and approval. It is estimated that along with the initial permits there will be a further 1,040 secondary permit applications submitted to vary start times, request for extensions, or for permits that are resubmitted following initial refusal.
- 1.10 It has been estimated that four additional staff will be required to operate an expanded scheme. The staff will be recruited in a phased approach over the initial stages of the extended scheme of operation. The scheme is not intended to make a profit, and fees are set at a level to cover the actual costs and grades of the staff operating the scheme in Rotherham.
- 1.11 The fee levels have been set through a robust cost benefit analysis. Within the scheme there are maximum fee levels and Rotherham's actual costs and associated fees remain within this threshold. Rotherham's fees are comparable with those set by Doncaster MBC who have operated a Permit Scheme for all streets since April 2019. A copy of the fee structure is attached at Appendix 2.
- 1.12 The fees and charges which relate to the existing scheme will still apply and vary from £41 for a "Minor Activity discounted permit" to £213 for a "Major Permit over 10 days duration or requiring a Traffic regulation order."
- 1.13 Following an eight week consultation period no major concerns in operating an expanded scheme were raised, other than one utility company questioning the requirement to pay permit fees. The consultation also highlighted the need to undertake minor amendments to the permit scheme documentation, which has been completed.

2. Key Issues

- 2.1 Permit schemes provide a way to reduce the disruption caused by works. The current scheme is estimated to have reduced highway occupation in Rotherham by approximately 10,600 days over its first 6 years of operation.
- 2.2 The extra sustainable resource required to operate an expanded permit scheme will allow the Council to improve the coordination of works on all streets and increase joined up working between all works promoters. This will be achieved through encouraging collaboration between works promoters working within the same street or area and greater controls over the timings of work through advance coordination.
- 2.3 The additional staff resource for increased scrutiny of all proposed works in the Borough, will enable activities to be challenged requiring works promoters to complete works more speedily. The amount of time taken by Utilities maintaining their apparatus and reinstating any excavations will reduce, to avoid penalty charges. Thereby reducing the perception of no activity taking place between works phases.
- 2.4 Reducing the disruption caused by street works contributes to the Council's Corporate Plan Priority "A strong community in a clean, safe environment". By decreasing the amount of highway occupation caused by street works, it makes it both safer and easier for road users to access services whilst having the added benefit of reducing fuel carbon emissions.
- 2.5 Permit schemes generate a positive return for residents in terms of offering a saving to the wider economy of Rotherham and subsequently support the Council's Corporate Plan Priority "Extending opportunity, prosperity and planning for the future". It has been estimated by an independent transportation consultant through a detailed cost benefit analysis exercise (CBA) that the expanded scheme will save road users and businesses £570,000 within the first year of operation and an expected £16,750,000 over a 25 year period. The assessment considers the cost of road and street works to road users (travel time costs, fuel and other vehicle operating costs), accident and fuel carbon emission costs. The cost of vehicles diverting onto alternative diversion routes as a result of road closures or excessive delays approaching the works is included. It is estimated that the expanded scheme will reduce the occupation of road and street works across the highway by 6,200 days per annum.

3. Options considered and recommended proposal

- 3.1 Option 1: Revoke the current permit scheme and return to the noticing regime.

A failure to operate a permit scheme may result in a Utility company's planning resources being allocated to focus on the authorities that are operating a permit scheme. This may result in poor planning and coordination of works in Rotherham, along with a loss of network coordination personnel, whose salaries are recovered through the permit scheme income. This would leave the Council under-resourced and lessen the control available to

reduce the impact that these organisations' works have on our strategic road network. The overall benefits to the travelling public would not be achieved in terms of reduced travel time, vehicle operating costs, accident and fuel carbon emission costs.

3.2 Option 2: Remain with the current permit scheme.

The Council is currently operating inconsistently; coordinating works on the borough's busiest roads, but not doing so on less busy roads across the adopted highway network. There are insufficient staff resources available to challenge works durations on all streets, or to issue directions to works promoters planning works on the non-permit streets. Subsequently, there is scope to further reduce average highway occupation and disruption through the provision of additional staff resource.

3.3 Option 3 and Recommended Proposal: Expand the permit scheme to an all streets scheme.

It is estimated that 6,200 days per year of highways occupation will be avoided per year through the introduction of an all streets scheme due to the extra resource made available to coordinate the works. The income generated from the scheme will cover the costs of the additional staff required to facilitate the operation of the expanded scheme.

4. **Consultation on proposal**

4.1 From 11 March to 5 May 2019 (eight weeks), Rotherham Council invited over 47 consultees (statutory and local) to comment on the proposal to expand the current permit scheme.

4.2 In total, five comments or questions were received from Utility companies, one of which was unsupportive of the proposal. The negative response related to the additional work and costs the promoter would sustain through the Council's operation of an expanded scheme, and in particular concerns from a commercial point of view in relation to the roll out of major projects for G-Fast and Superfast Broadband in Rotherham.

4.3 The remaining comments or questions sought to clarify points within the permit scheme document and procedures. One sought to clarify the volume of highway works and utility works, along with the impact that the charging for permit variations would have on the level of overall income the scheme would generate.

4.4 Minor changes have been made to the permit scheme document following the consultation. These changes can be found in Appendix 3 highlighted in green text along with a copy all of the consultation responses and Rotherham Council's reply.

- 4.5 Through regional Yorkshire Joint Authority Group (YJAG) meetings, proposals to implement expanded schemes have been discussed. A number of Yorkshire and Humber Local Authorities are currently working towards the implementation of an all street scheme. Both Bradford and Doncaster Councils have already implemented all street schemes.

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

- 5.1 The Strategic Director for Regeneration and Environment will be accountable for implementing the decision to expand the current Street Works Permit Scheme from Rotherham's busiest streets to every street in the Borough's adopted road network.
- 5.2 It is proposed to commence operation of the expanded scheme from March 2020.

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

- 6.1 The existing permit scheme for street works generates income to the Council of up to £150,000 per annum, which covers the costs associated with the operation of the scheme.
- 6.2 Under the terms of the Regulations, it is intended that the scheme is self-financing. After overheads are included, a balanced budget is set and should not generate any excess surplus for the Council.
- 6.3 It is estimated that the proposal to expand the scheme to all streets will generate additional annual income of £238,000. Further, it is estimated that an additional 4 FTEs will be required to manage the expansion of the scheme. The modelling that underpins the assumptions is based on an industry standard methodology. The additional staff will be recruited on the basis of a phased approach, to facilitate a smoothed implementation.
- 6.4 There are no direct procurement implications arising from this report.

7. **Legal Advice and Implications**

- 7.1 As set out in the body of the report, the permit scheme is made pursuant to and in compliance with Part 3 of the Traffic Management Act 2004, the Traffic Management Permit Scheme (England) Regulations 2007 and the Traffic Management Permit Scheme (England) Amendment).
- 7.2 The proposed new Order, if and when implemented will revoke the 2015 Order, and extend the application of the Permit Scheme to all of the adopted roads in the Borough. A new Order has been drafted entitled 'the Rotherham Borough Council Permit Scheme Order 2019' which is attached at Appendix 4, and will be implemented if the recommendation within the report is approved.

8. Human Resources Advice and Implications

- 8.1 Should the recommendations be accepted, it will be necessary to increase the staffing establishment (as outlined within the main body of report) to facilitate the successful operation of the expanded scheme.

9. Implications for Children and Young People and Vulnerable Adults

- 9.1 Permit schemes bolster the requirement for works promoters to consider the accessibility and pedestrian safety for vulnerable road users. Through an expanded scheme, there will be increased opportunities to specifically benefit the diverse pedestrian traffic within the Borough, for example, through the avoidance of planned road and street works in proximity to schools during school term time, and the opening hours of doctors' surgeries.

10. Equalities and Human Rights Advice and Implications

- 10.1 An "Initial Equality Screening Assessment" has been undertaken in support of this report and the proposals outlined within it (Appendix 1).
- 10.2 Through the operation of an expanded scheme there will be the opportunity for the Council to further promote consultation/engagement prior to the commencement of any road and street works activities within the Borough, thereby addressing both the need for service accessibility and usage prior to the commencement of any works within the highway.

11. Implications for Partners

- 11.1 None

12. Risks and Mitigation

- 12.1. As a consequence of either terminating the operation of the current permit scheme or not expanding it to an all streets scheme could result in government intervention through the network management duty intervention powers of the Traffic Management Act 2004. By not utilising this key tool to combat delay and ensure the efficient movement of traffic on our and our neighbours' networks, government intervention could be enforced, leading to the government appointing a Traffic Manager team to guide the Council out of the crisis. However, this is only one element of the intervention criteria and therefore the threat of intervention for this risk in isolation is low.
- 12.2 A failure to fully resource and restructure the Highway Inspection and Street Works Team within Highway Services to support the function and processing of the additional permit applications will risk the integrity of the scheme and potentially impact on the level of success achieved. This could lead to intervention from the Department for Transport, however, this is only one element of the intervention criteria and therefore the risk of intervention for this risk in isolation is low.

13. Accountable Officers

Tom Smith, Assistant Director Community Safety and Streetscene
Colin Knight, Head of Highway Services

Approvals obtained on behalf of Statutory Officers:-

	Named Officer	Date
Chief Executive	Sharon Kemp	07/10/19
Strategic Director of Finance & Customer Services (S.151 Officer)	Judith Badger	03/10/19
Head of Legal Services (Monitoring Officer)	Bal Nahal	01/10/19

Report Author: Colin Knight, Head of Highway Service
01709 822828 or colin.knight@rotherham.gov.uk

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

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PART A - Initial Equality Screening Assessment

As a public authority we need to ensure that all our strategies, policies, service and functions, both current and proposed have given proper consideration to equality and diversity.

A **screening** process can help judge relevance and provide a record of both the process and decision. Screening should be a short, sharp exercise that determines relevance for all new and revised strategies, policies, services and functions.

Completed at the earliest opportunity it will help to determine:

- the relevance of proposals and decisions to equality and diversity
- whether or not equality and diversity is being/has already been considered, and
- whether or not it is necessary to carry out an Equality Analysis (Part B).

Further information is available in the Equality Screening and Analysis Guidance – see page 9.

1. Title		
Title: Street Works Permit Scheme – All Streets		
Directorate: Regeneration and Environment	Service area: Community Safety and Street Scene	
Lead person: Colin Knight	Contact number: 01709 822828	
Is this a:		
<input type="checkbox"/> Strategy / Policy	<input checked="" type="checkbox"/> Service / Function	<input type="checkbox"/> Other
If other, please specify		

2. Please provide a brief description of what you are screening
The proposal for Cabinet to approve the expansion of the current Street Works permit Scheme from Rotherham's busiest streets, which represents approximately 25% of all streets in Rotherham, to every street in the Borough's adopted road network.

3. Relevance to equality and diversity

All the Council's strategies/policies, services/functions affect service users, employees or the wider community – borough wide or more local. These will also have a greater/lesser relevance to equality and diversity.

The following questions will help you to identify how relevant your proposals are.

When considering these questions think about age, disability, sex, gender reassignment, race, religion or belief, sexual orientation, civil partnerships and marriage, pregnancy and maternity and other socio-economic groups e.g. parents, single parents and guardians, carers, looked after children, unemployed and people on low incomes, ex-offenders, victims of domestic violence, homeless people etc.

Questions	Yes	No
Could the proposal have implications regarding the accessibility of services to the whole or wider community? <i>(Be mindful that this is not just about numbers. A potential to affect a small number of people in a significant way is as important)</i>	✓	
Could the proposal affect service users? <i>(Be mindful that this is not just about numbers. A potential to affect a small number of people in a significant way is as important)</i>	✓	
Has there been or is there likely to be an impact on an individual or group with protected characteristics? <i>(Consider potential discrimination, harassment or victimisation of individuals with protected characteristics)</i>		✓
Have there been or likely to be any public concerns regarding the proposal? <i>(It is important that the Council is transparent and consultation is carried out with members of the public to help mitigate future challenge)</i>		✓
Could the proposal affect how the Council's services, commissioning or procurement activities are organised, provided, located and by whom? <i>(If the answer is yes you may wish to seek advice from commissioning or procurement)</i>		✓
Could the proposal affect the Council's workforce or employment practices? <i>(If the answer is yes you may wish to seek advice from your HR business partner)</i>		✓

If you have answered no to all the questions above, please explain the reason

If you have answered **no** to **all** the questions above please complete **sections 5 and 6**.

If you have answered **yes** to any of the above please complete **section 4**.

4. Considering the impact on equality and diversity

If you have not already done so, the impact on equality and diversity should be considered within your proposals before decisions are made.

Considering equality and diversity will help to eliminate unlawful discrimination, harassment and victimisation and take active steps to create a discrimination free society by meeting a group or individual's needs and encouraging participation.

Please provide specific details for all three areas below using the prompts for guidance and complete an Equality Analysis (Part B).

- **How have you considered equality and diversity?**

The key deliverable benefits of the proposal which is expected to have a positive impact upon all users of the highway are;

- Permit schemes provide a way to reduce the disruption caused by works;
- Permit schemes provide increased levels of control over all works;
- Permit schemes provide a lever, which can influence the way that works are undertaken;
- Permit schemes generate a positive return for society.

Through the operation of the expanded scheme there will be the opportunity for the Council to further promote consultation/engagement prior to the commencement of any road and street works activities within the Borough, thereby addressing both the need for service accessibility and usage prior to the commencement of any works within the highway.

- **Key findings**

The increased scrutiny for all proposed road and street works activities through the expanded scheme will assist the Council in ensuring that access to services such as schools and places of worship is maintained during the course of the works, and where achievable avoided.

- **Actions**

Prior to the commencement of any road and street works activities, the proposed expanded scheme will enable the Council to build upon its requirement for works promoters to undertake a specific consultation/publicity exercise, where identified, thereby taking account of the accessibility to services and the needs of service users.

Date to scope and plan your Equality Analysis:	
Date to complete your Equality Analysis:	
Lead person for your Equality Analysis (Include name and job title):	

5. Governance, ownership and approval

Please state here who has approved the actions and outcomes of the screening:

Name	Job title	Date
Colin Knight	Head of Highway Services	20 th June 2019

6. Publishing

This screening document will act as evidence that due regard to equality and diversity has been given.

If this screening relates to a **Cabinet, key delegated officer decision, Council, other committee or a significant operational decision** a copy of the completed document should be attached as an appendix and published alongside the relevant report.

A copy of **all** screenings should also be sent to equality@rotherham.gov.uk For record keeping purposes it will be kept on file and also published on the Council's Equality and Diversity Internet page.

Date screening completed	20 th June 2019
Report title and date	
If relates to a Cabinet, key delegated officer decision, Council, other committee or a significant operational decision – report date and date sent for publication	Cabinet Decision date: 21 October 2019
Date screening sent to Performance, Intelligence and Improvement equality@rotherham.gov.uk	20 th June 2019

Appendix 2 – Fee Structure

Fee levels per Permit or Provisional Advance Authorisation		
Road Category 0, 1, 2 and 3 & 4 Designated Traffic Sensitive		
	Rotherham Council Permit Fee	Maximum allowable fee (DfT)
Provisional Advance Authorisation	£95	£105
Major activity permit (1 to 3 days duration)	£58	£65
Major activity permit (4 to 10 days duration)	£118	£130
Major activity permit (11 days or more duration) and all major activities requiring a traffic regulation order	£213	£240
Standard activity permit	£118	£130
Minor activity permit	£58	£65
Immediate activity permit	£54	£60

Fee levels per Permit or Provisional Advance Authorisation		
Category 3 & 4 Designated Non-Traffic Sensitive		
	Rotherham Council Permit Fee	Maximum allowable fee (DfT)
Provisional Advance Authorisation	£63	£75
Major activity permit (1 to 3 days duration)	£41	£45
Major activity permit (4 to 10 days duration)	£66	£75
Major activity permit (11 days or more duration) and all major activities requiring a traffic regulation order	£118	£150
Standard activity permit	£66	£75
Minor activity permit	£41	£45
Immediate activity permit	£37	£40

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Appendix 3 – Consultation Responses

Number	Feedback Type	Document Section	Consultee Response	RoPS Reply
1	Comment	2.6.1 (Forward Planning Information)	STW would like to bring to RMBC attention that currently the Forward Planning capability has been delayed indefinitely in the Street Work Manager Projects proposed specification at introduction. RMBC may wish to highlight this point in this section i.e. Street Work Manager capabilities may restrict this expectation	Agreed. The first paragraph in section 2.6.1 has been amended as follows: "Forward planning information on long term programmes from all activity promoters will help the Permit Authority to co-ordinate activities, however, Street Work Manager capabilities may restrict this expectation".
2	Question	5.7 & 7.5 (Conditions & Statutory Requirements for Immediate Activities)	The document states "Promoters carrying out immediate activities on streets designated as requiring early notification are required to contact the Permit Authority, by telephone immediately". This is not a National Condition and has such cannot be enforced. But if as RMBC state it is a requirement then it would become a condition by default which has stated would not be able to be enforced. The statutory requirement is to serve a Permit within 2 hours of work starting as per the ETON Specification & Court Case on this subject. Based on these points STW would respectfully requests the telephone call references in the document be removed to stop any future interpretation issues.	Agreed. Rotherham Council believes that this method of communication is best practice and should be adhered to where practicable by the works promoter to aid with coordination and allow the permit authority as much time as possible to coordinate these works with other works promoters, public transport and other road users. Therefore, paragraphs within section 5.7 and 7.5 have been amended as follows; for 5.7: "The Permit Authority therefore requests that activity promoters contact them by telephone prior to carrying out any activity in any streets so designated. Promoters should check for the appropriate designation and obtain the relevant telephone number from the Permit Authority's website"; for 7.5: "It is requested that promoters carrying out immediate activities on streets designated as requiring early notification contact the Permit Authority, by telephone, immediately, notwithstanding the duty to submit a permit application within two hours".
3	Comment	General	Para 3.3 of the DfT Advice Note for local highway authorities developing new or varying existing permit schemes states "unless there is a very strong benefit case otherwise; it is strongly recommended that permit fees are only applied to the more strategically significant roads: Category 1, 2 roads and Traffic Sensitive Street roads. This will mean that although permits would still be required for works on non-strategic routes, it should be very unlikely that these works would attract a permit fee. These permit applications would receive only 'notice' equivalent treatment by the authority."	It is important that the full benefits of Permitting works, in terms of co-ordination of activities, controlling traffic managements activities and reducing occupancy of the highway can be delivered across the network. Many Category 3 and 4 Non-TS streets connect to or are close to the primary road network. Works on these streets can have an impact on the adjacent primary road network. The decision to apply permit fees to the authorities entire adopted highway network was taken following careful consideration and planning in line with a robust cost benefit analysis. To ensure that the extension of the scheme did not become purely a paper based exercise, while at the same time staying true to the schemes objectives and benefits, the only option available to Rotherham Council was to charge reasonable fees on type 3 & 4 Roads.
4	Comment	General	By setting the fees to the proposed levels Openreach would have to seriously consider future projects for G-Fast and Superfast Broadband rollout in Rotherham to be not commercially viable. An alternative is for consumer prices to be increased to cover the increase in permit fees. Openreach therefore do not support Rotherham's proposal to charge for all permits. Openreach believe whilst permits may still be applied for and agreed on category 3, 4 and non TS routes; the equivalent of noticing treatment should be given to these permits. As a balanced view Openreach would support an increase in fees on strategically significant streets i.e. cat 0-2 and traffic sensitive streets if this will help the authority cover the costs of running a permit scheme. Openreach, however, do not support the introduction of fees on the lower category of streets	Permit fees have been calculated using the Department for Transport Fees Matrix spreadsheet. Fees are set to recover only the cost of undertaking the additional tasks associated with processing permit applications submitted by utilities.
5	Question	General	Openreach would also like further clarification/discussion around the volume of highway works compared to utility works and what the impact of charging for permit variations would have on the overall profitability of the scheme.	In the first year of the Scheme, it is expected that the Council will be submitting permit applications for approximately 462 notifiable works compared with approximately 5,348 applications for notifiable utility company works, of which 289 and 4,224, respectively, would be on Category 3 and 4 Non-Traffic Sensitive streets. The forecast is based on permit and noticing records recorded last year, during the period November 2017 to November 2018. Four years of data records were reviewed and identified relatively consistent number of works recorded in each year. An allowance for permit variations has been included in the Fees Matrix - an additional 10%-15% of permit applications plus an allowance of 10% to 15% for phased working. The additional time (cost) to process variation applications and the fee charged is included in the overall estimated fee income of around £380,000.

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Appendix 4 – Draft Rotherham Council Permit Scheme Order 2019

**ROTHERHAM BOROUGH COUNCIL
TRAFFIC MANAGEMENT ACT 2004
ROTHERHAM BOROUGH COUNCIL PERMIT SCHEME ORDER 2019**

ROTHERHAM BOROUGH COUNCIL (hereinafter referred to as "the Council") hereby makes an order under Part 3 of the Traffic Management Act 2004 ('the Act') whereby acting as Local highway Authority it revokes the Permit Scheme known as 'the Rotherham Borough Council Permit Scheme Order 2015' made on the 7th. September 2015 in exercise of the powers conferred by the Act and makes a new order to be known as 'the Rotherham Borough Council Permit Scheme Order 2019' (hereinafter referred to as "the Order")

Interpretation

In the Order:-

'the Rotherham Borough Council Permit Scheme Order 2019' means the permit scheme prepared in accordance with Section 33A of the Traffic Management Act 2004 (as amended) set out in the Schedule to the Order in terms commonly known as 'the Rotherham Borough Council Permit Scheme' which has been approved by the Council

'Specified Streets' has the meaning given by Regulation 8 of the Traffic Management Permit Scheme (England) Regulations 2007 as amended)

The Order is made on the XXX day of XXX 2019 and may be cited as 'the Rotherham Borough Council Permit Scheme Order 2019' comes into effect in relation to the Specified Streets within the Rotherham Borough Council Permit Scheme on the XXX day of XXX 2019

Application of Part 8 of the Traffic Management Permit Scheme (England) Regulations 2007 (as amended)

Part 8 of the Traffic Management Permit Scheme (England) Regulations 2007 (as

amended) shall apply to the Specified Streets within the Rotherham Borough Council Permit Scheme

GIVEN under the Common Seal of
Rotherham Borough Council this
XXX day of XXX 2019

THE COMMON SEAL of)
Rotherham Borough Council)
was hereunto affixed)
in the presence of:-)

Duly Authorised Officer