



CABINET

Monday, 20 July 2020

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: Virtual Meeting - <https://rotherham.public-tv/core/portal/home>
Date and Time: Monday, 20th July, 2020 at 10.00 a.m.
Agenda Contact James McLaughlin, Head of Democratic Services
01709 822477 or james.mclaughlin@rotherham.gov.uk

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.

Please contact the Governance Unit if you want to ask a question at this meeting – governance@rotherham.gov.uk – and you will be provided with information on how to do so. You can also submit questions in writing in advance of the meeting which can be read out by an officer.

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 - 12)

To receive the record of proceedings of the Cabinet meeting held on 15 June 2020.

5. Exclusion of the Press and Public

Agenda Item 12 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.

ADULT SOCIAL CARE AND HEALTH

6. Further Financial Support for Adult Social Care providers to mitigate the impact of the Covid-19 Pandemic (Pages 13 - 47)

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

Recommendation:

1. That the funding arrangements currently in place be extended for a further three months (backdated from 1st July 2020) until 30th September 2020 and that the costs be funded from the government grant referred to within the report.

CHILDREN'S SERVICES AND NEIGHBOURHOOD WORKING

7. Children's Commissioner Takeover Challenge Report - Hate Crime (Pages 49 - 68)

Report of the Assistant Chief Executive

Recommendations:

1. That the report and the recommendations from the review be received.
2. That, in view of the requirement for a multi-agency response to the recommendations, the Interim Strategic Director of Children and Young People's Services co-ordinate the preparation of a response to the recommendations within two months, in accordance with the Overview and Scrutiny Procedure Rules.

CLEANER GREENER COMMUNITIES

8. Rotherham Show 2020 (Pages 69 - 83)

Report of the Strategic Director of Regeneration and Environment

Recommendations:

1. That approval be given to the cancellation of the 2020 Rotherham Show in its traditional form.
2. That approval be given to the development of an alternative programme of events and activities which can be safely delivered in its place.
3. That approval be given for the Production Board to continue to plan for the safe delivery of Rotherham Show in 2021.

CORPORATE SERVICES AND FINANCE

9. Financial Outturn 2019/20 (Pages 85 - 122)

Report of the Strategic Director of Finance and Customer Services

Recommendations:

1. That the revenue outturn position be noted.
2. That it be noted that the budgeted transfer from HRA reserves was reduced by £2.7m following the HRA outturn position.
3. That the carry forward of the combined schools balance of £1.740m in accordance with the Department for Education regulations be noted.
4. That the reserves position set out in section 2.32 be noted.
5. That the capital outturn and funding position as set out in sections 2.40 to 2.57 be noted.
6. That the report be referred to Council for information and for approval of the updated Capital Programme as set out in paragraphs 2.58 to 2.66 and Appendices 1 to 4 of this report.

10. Annual Treasury Management Report and Actual Prudential Indicators 2019/20 (Pages 123 - 142)

Report of the Strategic Director of Finance and Customer Services

Recommendations:

1. That the Treasury Management Prudential Indicators outturn position as set out in section 3 and Appendices A and B of the Annual Treasury Management Report for 2019/20 be noted.

2. That the report be forwarded to Audit Committee for information.
- 11. May 2020/21 Financial Monitoring (Pages 143 - 180)**
Report of the Strategic Director of Finance and Customer Services
- Recommendations:
1. That the current General Fund Revenue Budget forecast of £6.2m overspend be noted.
 2. That it be noted that actions will continue to be taken to mitigate the forecast overspend.
 3. That the Capital Programme update be noted.

HOUSING

- 12. Strategic Acquisition of 12 New Homes at Highfield Farm, West Melton (Pages 181 - 205)**
Report of the Strategic Director of Adult Care, Housing and Public Health

Recommendations:

1. That authority to purchase six discounted Section 106 planning gain homes at Highfield Farm West Melton, using Housing Revenue Account resources, be delegated to the Assistant Director for Planning, Regeneration and Transport, in conjunction with the Assistant Director for Housing.
2. That authority to purchase six additional homes on the same development at open market value, be delegated to the Assistant Director for Planning, Regeneration and Transport, in conjunction with the Assistant Director for Housing.
3. That authority to agree additional acquisitions from this scheme should the opportunity arise, be delegated to the Assistant Director for Planning, Regeneration and Transport, in conjunction with the Assistant Director for Housing.
4. That authority to negotiate and complete the legal documentation to give effect to the Cabinet's decision be delegated to the Head of Legal Services.

JOBS AND THE LOCAL ECONOMY

13. Local Plan: Consultation on draft Supplementary Planning Documents (Pages 207 - 415)

Report of the Strategic Director of Regeneration and Environment

Recommendations:

1. That approval be given to public consultation on the draft Supplementary Planning Documents at Appendices 2 to 6.
2. That, following consultation, a further report be submitted in July 2021 regarding adoption of the Supplementary Planning Documents.

14. Community Energy Switching Scheme (Pages 417 - 428)

Report of the Strategic Director of Regeneration and Environment

Recommendations:

1. That it be noted that the previous decision to award the community energy switching scheme to Robin Hood Energy has not been able to be progressed.
2. That approval be given to the re-tendering of the community energy switching scheme contract.
3. That approval be given to the development and implementation of an internal independent community energy scheme to run during the tender process.

WASTE, ROADS AND COMMUNITY SAFETY

15. Consultation on Public Spaces Protection Orders - Town Centre and Borough Wide Dog Fouling (Pages 429 - 456)

Report of the Strategic Director of Regeneration and Environment

Recommendations:

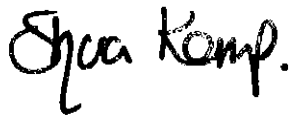
1. That approval be given to carry out a consultation in relation to a new Town Centre Public Spaces Protection Order.
2. That approval be given to carry out a consultation in relation to a Borough wide Public Spaces Protection Order specifically dealing with dog fouling.

**16. Recommendations from Overview and Scrutiny Management Board
(Pages 457 - 458)**

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 15 July 2020.

17. Date and Time of Next Meeting

The next meeting of the Cabinet will be held on Monday 21 September 2020 commencing at 10.00 a.m.

A handwritten signature in black ink, reading "Sharon Kemp". The signature is written in a cursive, flowing style.

SHARON KEMP,
Chief Executive.

This page is intentionally left blank

THE CABINET
Monday, 15th June, 2020

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

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

An apology for absence was received from Councillor Read.

8. DECLARATIONS OF INTEREST

Councillor Lelliott declared a personal interest in agenda item 12 (Covid-19 Discretionary Business Grants Scheme).

9. QUESTIONS FROM MEMBERS OF THE PUBLIC

There were no members of the public present.

10. MINUTES OF THE PREVIOUS MEETINGS

Resolved:

That the minutes of the previous meetings of the Cabinet held on 23 March and 11 May 2020 be approved as true and correct records of the proceedings.

11. 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 13 and 15 on the grounds that the appendices of the reports 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.

12. ROTHERHAM'S ALL AGE AUTISM STRATEGY AND IMPLEMENTATION PLAN 2020 -2023

Consideration was given to a report which presented Rotherham's All Age Autism Strategy and Implementation Plan 2020 -2023 for approval. It was reported that the strategy was grounded in the vision and passion expressed in the Council Plan and in the Rotherham's Integrated Health and Social Care Place Plan, which was based on the values of ensuring collaboration and co-production.

The strategy would support and progress the outcomes outlined in the Integrated Health and Social Care Place Plan and the Councils Housing Strategy, as well as using a 'whole life approach' which was referred to in the Rotherham Health and Wellbeing Strategy. Furthermore, the strategy was based on a clear co-produced vision and identified key activity focused on 5 areas:

- Starting Well: All Rotherham's autistic children and young people are healthy and safe from harm
- Developing Well: All Rotherham's autistic children and young people start school ready to learn for life
- Moving on well to independence: Rotherham's autistic children and young people are provided with the same opportunities to thrive going into adulthood.
- Living well: Autistic adults living in Rotherham will get the right support when needed
- Ageing well: Autistic adults living in Rotherham will be better supported as they grow old

It was further reported that the new All Age Autism Strategy and Implementation Plan provided an overarching framework for the Council, NHS Rotherham Clinical Commissioning Group (CCG) and partners. It identified priority areas based on the national requirements and local findings. It was proposed that both the Strategy and the accompanying Implementation Plan would be delivered over a period of three years from 2020 to 2023. The Plan would work on the principle of a strength-based approach; this meant the Strategy should encourage people to recognise their strengths to support choice and control.

Furthermore, the strategy would build on work being carried out in Rotherham and South Yorkshire by individuals, groups and communities, as well as the Council and partners to improve the lives of people with autism.

The report had been subject to pre-decision scrutiny by the Overview and Scrutiny Management Board on 10 June 2020, where Members had recommended that:

- That Cabinet be advised that the recommendations be supported.
- That a report on the implementation of the Rotherham All Age Autism Strategy and Implementation Plan 2020 -2023 be submitted to the Health Select Commission in due course.

Resolved:

1. That the content of the report be noted.
2. That approval be given to the proposed Rotherham All Age Autism Strategy and Implementation Plan.

3. That the intention to review the Plan in 2022 be noted.
4. That the recommendations of the Overview and Scrutiny Management Board be accepted, with a report on the implementation of the Rotherham All Age Autism Strategy and Implementation Plan 2020 -2023 be submitted to the Health Select Commission at an appropriate point to be agreed by the Cabinet Member, Strategic Director and Commission.

13. PUBLIC HEALTH PROPOSALS FOR RECOMMISSIONING SEXUAL HEALTH SERVICES (ADULTS AND UNDER 18S)

Consideration was given to a report requesting that the tender for sexual health services, which was due for publication in July 2020, be delayed in order to give service providers (some of which are in the NHS) time to recover from the COVID 19 crisis and furthermore to enable RMBC resources to be diverted to urgent requirements to deal with COVID 19 consequences.

The report also requested that a variation to the current contract, delivered by The Rotherham NHS Foundation Trust (TRFT) be extended for a 12month period until 31 March 2022.

Resolved:

1. That the impact of the pandemic on NHS providers and also the local authority in its role as commissioner of the Sexual Health services for Rotherham residents, as set out in the report, be noted.
2. That approval be given to the publication of the Sexual Health tender in April 2021.
3. That the current contract with TRFT be varied for a further 12-month term until 31 March 2022 to facilitate the tendering exercise.
4. That the new service be recommissioned for a period of 5 years with annual extension options after that for up to a further 5 years, making the total potential contract length 10 years.
5. That approval be given to the amendment to the service for the recommissioned contract to include the budget held by the Council for the payments to other providers across England when Rotherham residents' access Genito Urinary Medicine (GUM) services. This is to be managed by the successful provider going forwards.

14. OPERATIONAL DELIVERY OF LAC SUFFICIENCY STRATEGY – UPDATE ON THE DEVELOPMENT OF NEW RESIDENTIAL PROVISION

Consideration was given to a report which provided a progress update on the in-house children's residential development, which had previously been agreed by the Cabinet at its meeting on 17 February 2020, and detailed the financial implications for progressing to the next stage of development.

It was reported that the overall development responded directly the Council's strategic intention to reduce external residential placements and ensure more looked after children and young people were placed within borough, closer to their family and community networks. The new provision, along with foster care, third party in-borough block contracts, semi-independent provision and other family-based placements, would provide a mixed economy of arrangements which will effectively meet the Council's statutory duties, outlined in the Sufficiency Strategy 2019 - 2022. The development would enable the Council to invest in residential provision which would:

- ensure more children and young people are placed in Rotherham close to their communities, families, friends and schools.
- deliver improved outcomes for looked after children.
- develop a service model that encourages step-down to family-based placements
- provide a local response to the increasing demand for a range of residential placements.
- provide greater flexibility and control of provision.
- reduce placement costs and support the delivery of directorate savings.

The report detailed the progress made from 17 February 2020, which had been achieved within context of the COVID pandemic that had significantly impacted the internal and external working environment from the beginning of March 2020. Summary of progress is highlighted as:

- A Registered Manager and Deputy Manager had been appointed and additional internal Registered Manager capacity had been re-configured to support implementation. Recruitment campaign had been successful and was on track to recruit the required staffing for phase one.
- Two buildings were operationally ready for registration with Ofsted, including the required planning approval.
- Registration of one provision had been submitted in mid-May and the second was ready and would be submitted when newly appointed Registered Manager was in place in July 2020.

It was noted that the report and proposals had been subject to pre-decision scrutiny by the Overview and Scrutiny Management Board on 10 June 2020, where Members had recommended:

1. That Cabinet be advised that the recommendations be supported.
2. That, subject to Cabinet approving the recommendations set out in the report, the benchmarking exercise by Members of Improving Lives Select Commission be continued, with interviews with Members from other authorities being prioritised to better inform the approach for the procurement process.
3. That, in view of the individual personal circumstances of victims and survivors, the specification for the contract ensure that the re-referral process be expedited swiftly to ensure that service users receive timely support.
4. That Improving Lives Select Commission monitor the effectiveness of the service and contract arrangements on an annual basis.

Resolved:

1. That Cabinet note the progress made.
2. That approval be given to progress to phase two of the implementation plan, which incorporates the acquisition of three properties within the capped budget of £750, 000 and the recruitment of the associated staff to register and operationalise the homes.
3. That a further report be presented to Cabinet on the submission of the Ofsted registration for the homes in phase two, and any requests for permission to move to phase three of the plan which will include an update on the financial implications.
4. That the recommendations of the Overview and Scrutiny Management Board be accepted.

15. SUPPORT SERVICES FOR ADULT SURVIVORS OF CHILD SEXUAL EXPLOITATION: COMMISSIONING AND PROCUREMENT APPROACH

Consideration was given to a report which provided background information on current commissioning arrangements for support services for adult survivors of child sexual exploitation and presented the key findings from the needs analysis. Further to that needs analysis, the report also provided details of the proposed procurement arrangements, including the key features of the service specification.

It was reported that the current contracts to support adults who are survivors of child sexual exploitation would come to an end in December 2020. The report proposed that services were recommissioned for at least three more years (until April 2023) to provide ongoing support to Rotherham residents who were vulnerable due to their historic experiences. Members noted that in order to support the re-commissioning process a detailed needs analysis, including public consultation, had been prepared.

Resolved:

1. That the key findings from the needs analysis for support services for adult survivors of child sexual exploitation be noted.
2. That approval be given for services to be re-commissioned until 31 March 2023, with an option to extend until 31 March 2025, and that a formal tender is advertised.
3. That approval be given to the key features of the service specification, as set out in paragraphs 2.14 and 2.15 of this report and Option 3, to realign the funding split to increase the proportion of evidence-based interventions that are delivered as part of the overall service offer

16. FINANCE UPDATE AND BUDGET MONITORING REPORT

Consideration was given to a report which provided an update on a number of financial matters, including those related to Covid-19. The report was provided as an interim update for Cabinet, following on from the approval of the Budget and Council Tax 2020/21 report in February 2020 and in advance of the Financial Outturn 2019/20 and Financial Monitoring 2020/21 reports to be submitted to Cabinet in July 2020.

It was reported that, in common with local authorities across the country, the Council faced significant operational impacts on service delivery along with the financial impact of the Covid-19 pandemic on residents and local businesses resulting from the associated restrictions and the substantial support being provided to residents, care organisations and other organisations and businesses. The Ministry for Housing, Communities & Local Government (MHCLG) was collecting monthly financial management information from councils in order to understand the impact of the Covid-19 pandemic on local authority finances, to inform MHCLG planning purposes and to help identify where the greatest pressures are likely to be and to support an ongoing assessment of likely future costs. The total estimated cost of Covid impact to the Council, as submitted to MHCLG was £40.1m, from a combination of:

- Additional costs
- Loss of sales, fees and charges and income
- Non-delivery of budget savings

- Increased rent arrears and other costs for the Housing Revenue Account
- Loss of business rates and council tax income

The majority of the cost impact was on Adult Social Care and included dealing with additional demand, supporting the market and providing personal protective equipment (PPE). The anticipated cost of PPE, as envisaged at the time and included within the MHCLG return of 15 May, was £2.8m. Most of the impact on loss of sales, fees and charges and income was within the Regeneration & Environment Directorate, with the main areas of impact being Cultural and Related Services and Planning and Development.

It was noted that the report had been subject to pre-decision scrutiny by the Overview and Scrutiny Management Board on 10 June 2020, where Members had recommended that:

1. That Cabinet be advised that the recommendations be supported.
2. That the Leader of the Council write to all three Members of Parliament for the borough seeking their support to lobby the Government to ensure the Council is fairly funded to respond to the impact of the Covid19 pandemic.
3. That, at an appropriate time later in the year, the Leader of the Council hold an all Member Seminar on the proposals for the authority's recovery from the Covid19 pandemic and the likely financial impact of proposed changes.

In receiving the recommendations, Cabinet noted that the Leader of the Council had already encouraged the three MPs representing the borough to lobby the Government for fair funding to respond to the Covid-19 pandemic.

Resolved:

1. That the substantial costs associated with responding to the Covid-19 pandemic be noted.
2. That the funding received from Government to be used to mitigate the costs of responding to the Covid-19 pandemic be noted.
3. That approval be given to the expenditure incurred and anticipated on the Covid19 response, in accordance with the expectations and guidance from Government and the Financial and Procurement Procedure Rules contained within the Council's Constitution.
4. That approval be given to the utilisation of the Covid-19 emergency grant funding in accordance with expectations and guidance from Government and the Financial and Procurement Procedure Rules contained within the Council's Constitution.

5. That the approach taken to the distribution of 75% of the Infection Control Fund as per national guidance is noted.
6. That approval be given to the recommended approach for the allocation of the 25% discretionary element of the Infection Control Fund.
7. That the recommendations of the Overview and Scrutiny Management Board be accepted.

17. NEW APPLICATIONS FOR BUSINESS RATES DISCRETIONARY RELIEF FOR ROTHERHAM ABUSE COUNSELLING SERVICE AND ROTHERHAM CROSSROADS - CARING FOR CARERS

Consideration was given to a report which detailed the application for the award of a business rate discretionary relief for Rotherham Abuse Counselling Service and Rotherham Crossroads - Caring for Carers. The report was submitted in accordance with the Council's Discretionary Business Rates Relief Policy (approved by Cabinet on 12 December 2016).

Resolved:

1. That 20% top up discretionary relief be awarded to Rotherham Abuse Counselling Service for the period 1st April 2019 to 31st March 2021.
2. That 20% top up discretionary relief be awarded to Rotherham Crossroads – Caring for Carers for the period 1st April 2019 to 31st March 2021 on the premises at The Point, Bradmarsh Way, but declined on the premises at Bridgegate.

18. COVID-19 DISCRETIONARY BUSINESS GRANTS SCHEME

Consideration was given to a report which sets out proposals for how the Discretionary Grant Fund will be utilised by the Council, the businesses the Council aims to support, eligibility and exclusions and the application process.

On 1 May 2020 the UK government announced a new discretionary grant fund scheme that would aim to provide grant support to those businesses affected by Covid-19 who did not receive any support under the first tranche of business grants. The proposed scheme gave local authorities a degree of discretion to design their own scheme, however, it did indicate the business types that government intend the funding to be used to support.

As the report had not been included on the Forward Plan of Key Decisions for 28 days prior to the decision being taken by Cabinet, consent to the decision had been given by the Chair of the Overview and Scrutiny Management Board. As part of the pre-decision scrutiny process, the Overview and Scrutiny Management Board had considered the report and indicated its support for the proposals.

Resolved:

1. That approval be given to the operation of the Discretionary Grant Fund as set out within the report.
2. That the application process and timeframe for applications to be made be noted.
3. That authority be delegated to the Strategic Director of Finance and Customer Services in respect of the application of any surplus grant to top up the grant values paid to eligible small businesses.

19. UPDATE ON THE SITE CLUSTERS PROGRAMME

Consideration was given to a report which provided an update on progress and outcomes in respect of the Site Clusters Programme, and further explained the impact of Covid-19 on the programme, and set out the final cost position.

It was reported that the Site Clusters Programme, which would deliver 217 new homes of a range of types and tenures across seven sites in Canklow, Maltby, Dinnington and East Herringthorpe, was almost complete.

Resolved:

1. That progress with the Site Clusters Programme be noted.
2. That the anticipated final cost position of the Site Clusters Programme as set out in Appendix 4, be noted.

20. LOCAL PLAN: ADOPTION OF SUPPLEMENTARY PLANNING DOCUMENTS

Consideration was given to a report which sought approval to Cabinet approval to adopt the following 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

It was reported that Rotherham's Local Plan provided 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 help improve planning applications, which in turn could speed up the planning process and produce better outcomes for the community.

Resolved:

1. That approval be given to adopt the Supplementary Planning Documents in respect of:
 - 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

21. DISPOSAL OF SURPLUS PROPERTY ASSET - FORMER CARETAKER'S PROPERTY (THORPE HESLEY PRIMARY SCHOOL), 790 UPPER WORTLEY ROAD, THORPE HESLEY, ROTHERHAM

Consideration was given to a report which sought approval to dispose of the Council's freehold interest in the Former Caretaker's Property (Thorpe Hesley Primary School), 790 Upper Wortley Road, Thorpe Hesley, Rotherham.

The property was declared surplus to the operational requirements of the Council in November 2019. Consultations had since taken place with all relevant service areas through the Asset Management Board and no other alternative operational use had been identified. It was reported that the property was currently vacant and posed a risk to the Council in terms of ongoing security and holding costs.

It was noted that the Council regularly reviewed its property portfolio to ensure it had a "fit for purpose" estate, reduced unnecessary holding costs and where appropriate generate capital receipts.

Resolved:

1. That approval be given to the disposal of the Council's freehold interest in the Former Caretaker's Property (Thorpe Hesley Primary School), 790 Upper Wortley Road, Thorpe Hesley, Rotherham.

2. That approval be given to the Assistant Director (Planning, Regeneration and Transport) to the disposal 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 Head of Legal Services be instructed to negotiate and complete the necessary legal documentation once terms for the disposal have been agreed.

22. 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

23. DATE AND TIME OF NEXT MEETING

Resolved:-

That the next meeting of the Cabinet be held on Monday 13 July 2020 commencing at 10.00 a.m.

This page is intentionally left blank

Committee Name and Date of Committee Meeting

Cabinet – 20 July 2020

Report Title

Further Financial Support for Adult Social Care providers to mitigate the impact of the Covid-19 Pandemic

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)

Nathan Atkinson, Assistant Director of Strategic Commissioning
nathan.atkinson@rotherham.gov.uk

Ward(s) Affected

Borough-Wide

Report Summary

The Council has been allocated two un-ringfenced grants totalling £16.2m from government to support the Council in meeting additional costs associated with its response to Covid-19 and a subsequent ring-fenced grant through the Infection Control Fund of £3,008,676 specifically for Adult Social Care.

Within the Secretary of State for Health and Social Care, Matt Hancock's grant letter issued on 19th March 2020 were specific requirements to support Adult Social Care based on the guidance previously issued to local authority commissioners by the LGA, ADASS and the Care Provider Alliance. The Council has responded to the requirements set out by the Secretary of State's letter through Cabinet reports and Officer Executive Decision Records to financially support the Adult Social Care market in Rotherham. However, these measures have been time limited and are due to expire on 30th June 2020.

Lower numbers of reported Covid-19 infections and deaths have led the government to reduce the threat level from 4 to 3 with the virus no longer judged to be "high or exponentially rising". However, despite the welcome improvements nationally and locally in combatting the virus, this has not diminished the impacts on Adult Social Care providers who support the most vulnerable people in society. The people supported are in many cases at high risk should they contract Covid-19. In response to this, the Council proposes to extend the financial support measures agreed by Cabinet on 11th May 2020 and by previous Officer Executive Decision Making to the

Adult Social Care sector for a further 3-month period up until 30th September 2020. This report outlines the proposed approach to facilitate support for the sector. The measures proposed within the report are an extension of previous decisions, with one new addition in terms of proposed cash grants for Home Care and Support providers.

Recommendations

That the funding arrangements currently in place be extended for a further three months (backdated from 1st July 2020) until 30th September 2020 and that the costs be funded from the government grant referred to within the report:

1. Care Homes for Older People

- A. Continue advance additional payments of £15k to each Older Peoples' Care Home in Rotherham (a total cost of £495k).
- B. Continue provision of a £100k contingency fund for Adult Care to utilise should additional emergency funding be required for Older People's Care Homes approved by Cabinet (11th May 2020).

2. Home Care and Support Services

- A. Continue advance additional payments of £15k for each contracted Home Care and Support provider (a total cost of £195k).
- B. Continue the approach of 100% payment of planned hours to contracted Home Care and Support providers until 30th September 2020.
- C. Continue to cover the cost of suspended packages and the application of the 20% tolerance rule within the contract at 100% cost of planned care hours for the contracted Home Care and Support providers until the 30th September 2020.
- D. Continue provision of a £200k contingency fund for Adult Care to utilise should additional emergency funding be required for contracted Home Care and Support providers.

3. Learning Disability and/or Autism

- A. Continue to pay the providers for people with a Learning Disability/Autism additional costs as defined by service area in the table at paragraph 3.5.4 until the 30th September 2020.
- B. Continue the provision of a £100k contingency fund for Adult Care to utilise should additional emergency funding be required for contracted residential/supported living providers for people with a Learning Disability/Autism approved by Cabinet (11th May 2020).

4. Review

- A. That the position be will be continually reviewed on a monthly basis during the 3-month period up to 30th September and that the Council will work with Adult Social Care providers to transition from these arrangements in accordance with PPN/04 20 Supplier Relief (Recovery & Transition).

List of Appendices Included

- Appendix 1 Initial Equality Screening Assessment Form
- Appendix 2 Equality Analysis Form

Background Papers

[Government advice: Secretary of State Matt Hancock MP Letter 19th March 2020 to Local Authority Chief Executives](#)

[Report to Cabinet – 11 May 2020 – Financial Support for Older Peoples Residential Care Homes during the Covid-19 Pandemic](#)

[Report to Cabinet – 11 May 2020 – Financial Support for Learning Disability Day Opportunity Providers during the Covid-19 Pandemic](#)

[Report to Cabinet – 15 June 2020 – Finance Update and Budget Monitoring Report](#)

[Delegated Decision Record - COVID-19 - LGA Guidance on Home Care Provider Payments – 1 April 2020](#)

[Delegated Decision Record - Covid-19 Revision to approach for Home Care Provider Payments – 5 June 2020](#)

[Delegated Decision Record – COVID-19 - Payments and Support to Suppliers \(PPN02\) – 8 April 2020](#)

[Delegated Decision Record – COVID-19 - PPN/04 20 Supplier Relief \(Recovery and Transition\) – 26 June 2020](#)

Consideration by any other Council Committee, Scrutiny or Advisory Panel
None

Council Approval Required
No

Exempt from the Press and Public
No

Further Financial Support for Adult Social Care providers to mitigate the impact of the Covid-19 Pandemic

1. Background

- 1.1 The Secretary of State for Health and Social Care, Matt Hancock wrote to all local authorities on the 19th March outlining the financial support available to support the response to Covid-19. The Council has since been allocated two un-ringfenced grants totalling £16.2m. Within the grant letter were specific requirements to support Adult Social Care based on the guidance previously issued to local authority commissioners by the LGA, ADASS and the Care Provider Alliance to Adult Care commissioners entitled: Social care provider resilience during Covid-19: guidance to commissioners.
- 1.2 The Secretary of State's letter specifically reminded local authorities of the need to support the Adult care provider market, though it did not specifically reference the Care Act, the inference was strong.
- 1.3 The Council continues to work to the requirements of the Care Act duty to promote:
 - "the efficient and effective operation of the market for adult care and support as a whole."
 - "a sustainable and diverse range of care and support providers, continuously improving quality and choice, and delivering better, innovative and *cost-effective outcomes that promote the wellbeing of people who need care and support.*"Care and Support Statutory Guidance, Section 4.2

The Council therefore continues to have a legal obligation to support the adult care and support market in Rotherham to enable it to thrive, remain financially viable and most crucially deliver vital services during the on-going period of the Covid-19 threat.

- 1.4 The Secretary of State's letter specifically highlighted that the funding should be utilised to support the following activity:
 - a. Protecting [home care] providers' cashflow by accelerating payments and paying 'on plan' where appropriate. We recognise that where the support providers are able to provide is significantly below plan, commissioners may have needed to fund support elsewhere.
 - b. Helping providers deal with the costs of increased workforce pressures due to higher sickness absence caused by the outbreak, but also due to self-isolation and family caring responsibilities. Care providers will need to be able to deploy their staff flexibly. They may need to hire new staff quickly or increase use of agency staff, creating additional cost pressures. The funding could also help providers support workers on zero-hour contracts.
 - c. Facilitating arrangements for adjusting packages as required in a timely and non-bureaucratic way, especially where providers are having to operate beyond normal services in order to respond to need.

- d. Ensuring councils can adjust care packages in accordance with guidance on prioritisation and social work ethics.
- e. Helping providers to meet costs associated with enhanced infection control and the protection of staff.
- f. Ensuring there is clear and effective transfer of information between commissioners and providers on the general market picture, including the picture around self-funders.
- g. Finding supportive and creative ways to support providers in handling wider pressures caused by Covid-19.

1.5 In response to the Secretary of State's letter the Council put in place a package of financial support for three of the main Adult Social Care sectors, Care Homes for Older People, Learning Disability Day Opportunities provision and Home Care and Support services. This was facilitated through:

- Cabinet report 11 May 2020 Financial Support for Older Peoples Residential Care Homes during the Covid-19 Pandemic (Pages 21 - 43)
- Cabinet report 11 May 2020 Financial Support for Learning Disability Day Opportunity Providers during the Covid-19 Pandemic (Pages 45 - 68)
- Officer Executive Decision published on 1 April 2020 on the Council website for Home Care and Support Services (ACHPH) COVID-19 - LGA Guidance on Home Care Provider Payments

1.6 These existing arrangements are all due to expire on 30th June as this was the initial period for support in line with the original LGA guidance.

1.7 Details of total Council expenditure to support the Adult Social Care provider market were also published on the Council's website as per government requirements on 29th May 2020. This included direct financial support including cashable elements of mutual aid.

2. Key Issues

2.1 Lower numbers of reported Covid-19 infections and deaths have led the government to reduce the threat level from 4 to 3 with the virus no longer judged to be "high or exponentially rising". This has resulted in the easing of a variety of 'lockdown' measures introduced on 23rd March designed to support social distancing and prevent the spread of the virus. However, despite the welcome improvements nationally and locally in combatting the virus, this has not diminished the impacts on Adult Social Care providers who support the most vulnerable people in society. The people supported are in many cases at high risk should they contract Covid-19.

- 2.2 Adult Social Care providers have had to adapt to new ways of working that were not envisaged prior to the pandemic to mitigate the spread of the virus. These include increased usage of additional Personal Protective Equipment (PPE), enhanced infection control regimes, frequent testing of frontline social care staff and managing safe service delivery when staff have to self-isolate as a result of positive test results. Such practices have led to increased costs for providers, highlighted by the LGA, ADASS and the Care Provider Alliance in recent press releases.
- 2.3 The Infection Control Fund announced on the 14th May the Minister for Care, Helen Whatley, was designed to support Adult Social Care providers to reduce the rate of transmission in and between care homes and support wider workforce resilience. The fund was allocated to local authorities in addition to the funding already provided to support the Adult Social Care sector during the Covid-19 pandemic outlined in 1.1 above. The allocation for Rotherham was £3,008,676 and though this financial assistance was gratefully received, it was in the form of a ring-fenced grant with specific national conditions.
- 2.4 The Council has ensured that as per national guidance, 75% of allocated funding (£2,256,507) will be given to the 84 Care Quality Commission (CQC) registered care home establishments within the borough. It was agreed by Cabinet through the 15 June 2020 Finance Update and Budget Monitoring Cabinet report that the remaining 25% of the discretionary element of the allocated funding (£752,169) would be shared with all 41 eligible domiciliary care organisations registered with CQC and currently operating within the borough as per the option provided within the national guidance.
- 2.5 Under the Infection Control Fund grant fund conditions, care homes were unable to use the grant for expenditure on PPE or deep cleans of their premises, whilst domiciliary care organisations (home care and support / supported living providers) were limited to the purchase of PPE or to support the workforce to maintain effective infection control. There was therefore limited scope for providers to determine spend priorities driven by Covid-19 outside of the grant conditions. The grant did not also address support for Learning Disability Day Opportunity Providers.
- 2.6 It is therefore proposed to revisit the previously agreed recommendations to support three of the main Adult Social Care sectors, Care Homes for Older People, Learning Disability Day Opportunities provision and Home Care and Support services. The proposals would enable the extension of the period of application for a further 3-months, subject to regular review, taking the proposals up to 30th September.

3. Options considered and recommended proposal

- 3.1 In line with commitments and best practice from the original LGA guidance, it is proposed to continue payments to Older People's Care Homes and contracted Home Care and Support providers on a weekly basis for a further 3-month period (back dated to 1 July 2020 and ending on 30th September 2020). This will support their cashflow and ensure the finances are in place to maintain their workforce.

- 3.2 All Adult Social Care providers will be able to access the Council's fast track recruitment and training offer – the Rotherham Skills Academy. This can support the independent/voluntary sector and also people with direct payments to recruit ready-made applicants to supplement staff shortages as an alternative to agency staffing.

3.3 **Care Homes for Older People**

- 3.3.1 It is proposed that the Council provides further direct financial support to the 33 Independent Sector Care Homes for Older People currently operating in the Borough with a total capacity of 1,657 beds.

- 3.3.2 Options to be considered:

Option 1 (recommended option)

Cash Grants - Awarding each Care Home a fixed upfront cash payment. £15k backdated from 1st July 2020. This would support all Older People's Care Homes in Rotherham and consequently the wider Health and Social Care system, recognising the increase in the level of voids directly attributable to Covid-19 and currently running at circa 26% of total bed capacity in addition to increased PPE costs and deep cleaning costs not covered by the Infection Control Fund. This would have a total cost of £495k plus continuation of a contingency fund of £100k approved by Cabinet (11 May 2020).

Note: All care homes would receive the same level of funding, regardless of size, bed availability, bed occupancy rates and number of self-funders in care homes.

Option 2

Continue with existing contractual/payment arrangements only – this would increase the risk of care home failure due to the additional costs being incurred. (not recommended).

3.4 **Home Care and Support**

- 3.4.1 The Council currently commissions 16,289 hours of home care per week to 1208 customers. It is proposed that the Council facilitates further direct financial support to the 13 contracted independent/voluntary sector Home Care and Support providers currently operating in the Borough (Tier 1, Tier 2 and specialist).

- 3.4.2 Options to be considered:

Option 1 (recommended option)

- The Council proposes to continue the approach of 100% payment of planned hours to contracted Home Care and Support providers from 1st July until 30th September 2020, subject to monthly review. The estimated cost would be £400k-£500k assuming a three-month period.
- The Council proposes to continue to cover the cost of suspended packages and the application of the 20% tolerance rule within the contract at 100% cost of planned care hours for the contracted Home Care and Support providers from 1st July until 30th September 2020, subject to monthly review.

- Cash grants - Awarding each contracted Home Care and Support provider a fixed upfront cash payment. £15k backdated from 1st July 2020. This would support the contracted Home Care and Support providers in Rotherham and consequently the wider Health and Social Care system, recognising for example, the increase in PPE costs, but enabling more flexibility in how providers can utilise the funding to respond to Covid-19 pressures than the Infection Control Fund. This would have a total cost of £195k

Note: All contracted Home Care and Support providers would receive the same level of funding regardless of the number of weekly care hours provided

- That the £200,000 contingency fund referenced in the Officer Executive Decision record will remain open

Option 2

Continue with existing contractual/payment arrangements only – this would increase the risk of Home Care market failure due to the additional costs being incurred and a reversal of some of the LGA guidance recommendations such as 100% payment of planned hours. (not recommended).

3.5 Learning Disability Day Opportunity Providers

- 3.5.1 The Council supports 768 customers aged over 18 with a Learning Disability and/or Autism accessing 1382 placements/services. The governments guidance on social distancing enacted on 23rd March as a response to Covid-19 has led to all day opportunities providers ceasing to deliver any building or community based services to people with a Learning Disability and/or Autism, though some of them are continuing to provide a limited offer through telephone and Zoom/Skype support to individuals.
- 3.5.2 It is proposed that the Council would continue to fund directly commissioned providers during the period of enforced closure in order to keep them financially viable. This would be based on average payments and support would end when services can safely reopen and generate income again if this occurs during the proposed 3-month window as 'lockdown' restrictions are further eased.
- 3.5.3 A consequence of the closures of the day opportunities offer is significant for residential and supported living providers who have residents that normally attend day opportunities provision for up to 8 hours a day, Monday-Friday. They are currently paid a set number of hours, excluding the periods of day support and therefore will need to make a request for payment for providing additional care and support hours as a result of the closure of day opportunities services accessed by the people who they accommodate.

3.5.4 **Option 1 (recommended option):** Pay the providers additional costs as defined by service area in the table below for the period 1st July to 30 September 2020. This is the recommended option.

This approach would differentiate the type of service provision and would consider financial stability considering the nuanced funding mechanisms either through commissioned services or through the use of Direct Payments.

Cohort	Proposed Offer	Customer Numbers*	Total estimated costs (£000)**
Supported Living	To pay providers based on the contingency hours for providing additional support to people who can no longer attend day opportunities provision.	77	151.7
Residential	To pay residential providers a fixed fee of £50 for every planned session of day opportunities per week that people were due to attend (and where providers are now providing this support instead)	41	84.7
Commissioned Day Opportunities Services	To provide financial support to providers who have had to close or are now providing an alternative support service. This will be agreed on a provider by provider basis and subject to the conditions below.	130	402
Direct Payments Day Opportunities Micro Enterprises	To provide financial support to providers who have had to close or are now providing an alternative support service. This will be agreed on a provider by provider basis and subject to the conditions below.	128	295
Total			933.4

* Current service

** Based on 3 months. Estimates are based on data currently available and the actual costs may be lower e.g. depending on alternative financial support being accessed by providers. In addition, the provision of a £100k contingency approved by Cabinet (11th May 2020) in respect of any exceptional costs directly attributable to Covid-19 incurred by residential and supported living providers remains in place.

3.5.5

Option 2: Continue with existing contractual/payment arrangements only – this would increase the risk of market failure for commissioned day opportunity services as they would not be able to discharge their contractual requirements and receive payment if social distancing measures continue to apply. Further, due to the inability of some of the commissioned day opportunity organisations and micro-enterprises not being able to generate income from direct payments, there is an increased risk of financial viability being compromised. (not recommended)

3.6 The request for additional funding as set out above, must be predicated on the condition that eligible organisations who continue to receive additional support over the next 3-months:

- apply for central government support e.g. payment of 80% of staff wages if staff are unable to work
- apply for business rates relief where applicable

3.7 The Council will fund cost pressure up to the contract value (or average spend) after deducting all other financial support available.

3.8 Where organisations may be eligible for central government support but the Council could request that staff are redeployed to offer alternative support e.g. as per some of the day opportunities providers, the Council would consider funding the 80% as well where this is agreed with Commissioners that alternative work is of significant value.

3.9 It is recommended to Cabinet for approval that the funding arrangements currently in place are extended for a further three months (backdated from 1st July 2020) until the 30st September 2020 and that the costs are funded from the government grant referred to within the report:

1. Care Homes for Older People

- A. Continue advance additional payments of £15k to each Older Peoples' Care Home in Rotherham (a total cost of £495k).
- B. Continue provision of a £100k contingency fund for Adult Care to utilise should additional emergency funding be required for Older People's Care Homes approved by Cabinet (11th May 2020).

2. Home Care and Support Services

- A. Continue advance additional payments of £15k for each contracted Home Care and Support provider (a total cost of £195k).
- B. Continue the approach of 100% payment of planned hours to contracted Home Care and Support providers until 30th September 2020.
- C. Continue to cover the cost of suspended packages and the application of the 20% tolerance rule within the contract at 100% cost of planned care hours for the contracted Home Care and Support providers until the 30th September 2020.

- D. Continue provision of a £200k contingency fund for Adult Care to utilise should additional emergency funding be required for contracted Home Care and Support providers.

3. Learning Disability and/or Autism

- A. Continue to pay the providers for people with a Learning Disability/Autism additional costs as defined by service area in the table at paragraph 3.5.4 until the 30th September 2020.
- B. Continue the provision of a £100k contingency fund for Adult Care to utilise should additional emergency funding be required for contracted residential/supported living providers for people with a Learning Disability/Autism approved by Cabinet (11th May 2020).

4. Review

- A. That the position be will be continually reviewed on a monthly basis during the 3-month period up to 30th September and that the Council will work with Adult Social Care providers to transition from these arrangements in accordance with PPN/04 20 Supplier Relief (Recovery & Transition).

- 3.10 The Council will adhere to the government guidance outlined in the Procurement Policy Note, Supplier Relief Due to Covid-19 (PPN 02/20) to ensure that the principles pertaining to a transparent reconciliation processes are followed. There is a requirement that providers operate on an open book basis and the Council would be looking to recoup any unspent monies. Supplier relief is not allowed to fund profit. Any advance payments to providers should be reconciled against actual expenditure at a later date and any over provision be reimbursed to the Council.
- 3.11 For those Providers where the Council holds formal contracts, the proposals outlined in this report are in line with Cabinet Office guidance outlined in Procurement Policy Note (PPN) 02/20 (Supplier Relief Due to Covid-19) and more recently PPN/04 20 (Supplier Relief – Recovery & Transition). The most recent PPN advises for authorities to work with their providers to establish transition plans away from Supplier Relief by the end of October 2020. There is a requirement for Providers to operate on an open book basis, not profit from any relief granted and whilst multiple streams of relief can be sought and granted, they should not be for the same purpose (i.e. the Council should not be providing relief for staffing costs where staff have been furloughed through the Coronavirus Job Retention Scheme (CJRS)). This will require reconciliation processes, and any over provision reimbursed to the Council.
- 3.12 Where relief is granted, it is recommended that contract variations or grant conditions, where appropriate are entered into to formally document the agreement made.
- 3.13 For those Providers where there is no Council contract, the Cabinet Office guidance does not apply, although the recommendations outlined in this report are within the spirit of this guidance.

4. Consultation on proposal

- 4.1 The report has been produced in response to the Covid-19 pandemic and the need for the Council to ensure the financial stability of the Adult Care market. Consequently, there has been limited opportunity to consult externally on the proposals.
- 4.2 The Council has however considered written representations received from a range of Care Homes, Home Care and Support and Learning Disability providers operating in the borough and the LGA guidance to inform the approach and recommended option.

5. Timetable and Accountability for Implementing this Decision

- 5.1 It is proposed that should the recommendations be taken forward, that any payments made to Adult Social Care providers currently operating in the borough are backdated to the 1st July 2020.
- 5.2 The proposed financial support would be for an initial period of up to 3-months (30th September), effective from 1 July 2020 and subject to regular review considering the impact of the Covid-19 pandemic on the Adult Social Care providers currently operating in the borough and supported by these proposals.

6. Financial and Procurement Advice and Implications

- 6. The payment of cash grants to Care Homes for Older People would be an additional cost of up to £495k for the 3-month period, which results in a cumulative total of £1.090m when including payments already approved by Cabinet for April to June. This additional cost is over and above the existing budget.
- 6.2 The payment of cash grants to contracted Home Care and Support providers would be an additional cost of up to £195k for the 3-month period, resulting in a cumulative total of £395k when including payments already approved for the period April to June. Again, this cost is over and above the existing approved budget.
- 6.3 The Council currently pays Home Care and Support providers based on the actual hours delivered. This varies from planned hours by 10-12% on average. If paying based on 100% of planned of hours, the Council would expect to incur an additional cost of £1.5-£2m per annum. The figures in the report reflect the pro rata impact of paying based on planned hours for each option. The amount of income collected would remain unchanged as the Council can only charge for hours delivered.

- 6.4 For the proposed payments to Learning Disability and/or Autism providers, the Residential and Supported Living elements would be an additional cost of up to £638.4k for the additional 3 month period, which results in a cumulative total of £984.9k when including payments already approved for April to June. This cost is over and above the existing budget. The proposed payments for commissioned day opportunities are budgeted (£295k) but the Council may not receive a service: the payments are to ensure business continuity. Actual expenditure may be lower depending on alternative funding support accessed by providers and any reduction in costs due to the temporary closure of services.
- 6.5 Where the providers of care in the case of direct payments are not directly commissioned by the Council, the contractual relationship exists between the provider and the individual who is receiving the care. These circumstances fall outside the scope of Procurement Regulations, therefore the application of PPN 02/20 is not a mandated requirement as set by Cabinet Office. However, the Council recognises that in these circumstances the provider is delivering care to vulnerable adults in the same manner as those providers the Council directly commissions, and therefore to maintain continuity of care and ensure financial stability, the Council is seeking to adopt the principles of Supplier Relief as if they were the Council's own contracted providers.
- 6.6 In addition to the estimated cost for each option (as stated above in section 3), increasing the regularity of payments to Care Homes from fortnightly to every week would have a short-term impact on the Council's cashflow, but this would be within any one month. It would require paying c. £700k per week as opposed to c. £1.4m every 2 weeks.
- 6.7 Deferring the move to 4 weekly payments for Home Care and Support Services would have a short-term impact on the Council's cashflow but this would be within any one month. It would require paying c. £300k per week as opposed to c. £1.2m every 4 weeks.
- 6.8 This will need to be managed alongside other changes to payments and receipts as a result of impacts and decisions linked to Covid-19.
- 6.9 This report sets out recommendations which are consistent with Cabinet Office guidance and the related delegated officer decisions of 8th April and 26th June 2020 relating to supplier relief (see background documents to this report). Changes to the payment terms and reconciliation of the cash grant should be confirmed in writing with the providers through a contractual variation to the contract terms which can be enforced.
- 6.10 The costs associated with this decision would be an appropriate use and allocation of some of the Government Grant provided to manage the costs associated with the Covid-19 pandemic.

7. Legal Advice and Implications

- 7.1 Under the Care Act 2014 there is a requirement that the local authority supports the provision of services in its area and ensures, so far as it is possible, that those services are able to meet the needs of individuals in its area. The Covid-19 crisis has placed significant strain upon providers and the proposed financial support by the Council will ensure that they can continue to operate in an environment where costs have increased, amongst other things, due to illness amongst staff, higher demand for PPE and the requirement for carers to meet the needs of individuals who may have Covid-19.
- 7.2 Legal Services (in consultation with colleagues in Finance, Procurement and Adult Care, Housing and Public Health) has produced standard Grant Conditions which accompany grants of the kind described in this Cabinet Report. These Grant Conditions cover issues like payment, monitoring rights of the Council, and the right of the Council to require repayment if grant funds are either misused by the recipients or if they are unused by a specified deadline. By accepting grant funds, a recipient is deemed to have accepted the Council's Grant Conditions.
- 7.3 State aid issues have been considered. The main points:
- It is ultimately a matter for recipients to determine whether or not any funds it receives from the Council is unlawful state aid. Recipients bear the financial risk on this issue. The Council's main risk is reputational. The Council is not in a position to provide recipients with legal advice on the matter.
 - For state aid to be unlawful, there has to be some element of selectivity in the assistance (i.e. the state helps operators X and Y, but not Z). State aid is not unlawful if it helps all operators non-selectively. The grants to the care homes described in paragraph 3.3 of this report appear to be non-selective (i.e. available to all Care Homes for Older People in the borough regardless of whether they currently have contracts in place with the Council). Therefore, it appears this grant does not even meet one of the basic requirements for state aid to be unlawful.
 - Other grants described in this report (in paragraphs 3.4 and 3.5) do appear to be restricted to operators who have a contract with the Council. The grant does not appear to be available to other operators who do not currently hold Council contracts. Therefore, these grants do appear to be selective. There would be other grounds to argue that these grants are not unlawful state aid:
 - There is an argument these services are 'services of general economic interest; (or SGEIs) and is therefore exempt from state aid rules. Messages from central government suggest that central government thinks this is the case.

- Even if the services are not SGEIs, the EC has (as part of its framework for Covid-19 relief) allowed recipients to receive up to €800,000 in connection with the pandemic without breaching state aid rules. Grants from all public sources (e.g. central government, other local authorities) must be included in this calculation. Therefore, it seems likely that grants to operators who solely operate in Rotherham will comfortably fall below this threshold. However, this might not be the case for (say) national operators who are receiving similar grants from (say) 150 other local authorities across the country.

8. Human Resources Advice and Implications

- 8.1 There are no Human Resources implications for the Council as a result of the recommendations being taken forward by Cabinet as the financial support proposed is solely for the Independent Sector.
- 8.2 The proposed recommendations should have a positive impact for the independent sector in providing additional financial support with a direct aim of sustaining the businesses during the Covid-19 pandemic and ensuring that they can retain key staff delivering care and support to people with Adult Social Care support needs.

9. Implications for Children and Young People and Vulnerable Adults

- 9.1 There are no implications for Children and Young People as a result of the proposed recommendations as they apply to Adults only. Implications for Adults in receipt of Adult Social Care commissioned services are positive as the proposals ensure continuity where possible and provide for market stability of services that they access throughout the Covid-19 pandemic.

10. Equalities and Human Rights Advice and Implications

- 10.1 An Equality Analysis has been produced following the completion of the Initial Equality Screening Assessment Form. Both documents are attached at Appendix 1 and 2 to this report
- 10.2 The implications of the recommended proposals are positive in terms of financially supporting Adult Social Care commissioned services to continue to discharge their care and support duties to people with disabilities and older people throughout the Covid-19 pandemic.

11. Implications for Ward Priorities

- 11.1 The Adult Social Care services referenced in this report are situated across the whole of the borough.

- 11.2 The Council Plan has a specific vision that *Every adult is secure, responsible and empowered*. The Council want to help all adults enjoy good health and live independently for as long as possible and to support people to make choices about how best to do this. The Council wants a Rotherham where vulnerable adults, such as those with disabilities and older people and their carers have the necessary support within their community. Supporting people to continue to access services in their own home, in the community and to reside in their care home contributes to this aim at a local level.

12. Implications for Partners

- 12.1 In addition to older people directly funded by the Council permanently residing in Care Homes for Older People, the homes also play a key role in the hospital discharge pathway. Bed spaces are purchased by the Rotherham Clinical Commissioning Group (CCG) and the Rotherham NHS Foundation Trust (TRFT) to enable medically fit people to be discharged and rehabilitated prior to going home or being admitted into a Care Home of their choice. The CCG also funds Home Care and Support Services for people eligible for Continuing Healthcare funding and some provision for people with a Learning Disability and/or Autism who have additional health needs.
- 12.2 Usually spot purchase arrangements for Care Home beds are made throughout the winter period, but this has been extended by health partners as a result of the surge planning in response to the Covid-19 pandemic. The Rotherham Health and Social Care system therefore has a vested interest in the stability and financial sustainability of Care Homes and Home Care Support services, with the latter delivering the *Home First* provision. The recommended Options at 3.3 and 3.4 specifically support this aim.

13. Risks and Mitigation

- 13.1. The primary risk of not providing additional financial support, in addition to any mutual aid to the referenced Adult Social care services for people with disabilities and older people is that they become financially unsustainable and unable to effectively discharge care and support to the people they support. The Covid-19 pandemic has led to increased staff absences and an upward trajectory in ancillary costs which can further exacerbate financial risk for independent/voluntary sector providers and micro-enterprises.
- 13.2 The recommended options at 3.3, 3.4 and 3.5, if accepted by Cabinet should alleviate immediate financial pressures on independent/voluntary sector providers and micro-enterprises.

14. Accountable Officers

Nathan Atkinson, Assistant Director, Strategic Commissioning

Approvals obtained on behalf of Statutory Officers:-

	Named Officer	Date
Chief Executive	Sharon Kemp	26/06/20
Strategic Director of Finance & Customer Services (S.151 Officer)	Judith Badger	25/06/20
Head of Legal Services (Monitoring Officer)	Stuart Fletcher	25/06/20

Report Author: Nathan Atkinson, Assistant Director of Strategic Commissioning
nathan.atkinson@rotherham.gov.uk

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

This page is intentionally left blank

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: Further Financial Support for Adult Social Care providers to mitigate the impact of the Covid-19 Pandemic

Directorate: Adult Care, Housing and Public Health

Service area: Strategic Commissioning

Lead person: Nathan Atkinson, Assistant Director Strategic Commissioning

Contact number:

Is this a:

☐

Strategy / Policy

☒

Service / Function

☐

Other

If other, please specify

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

The Council has been allocated two un-ringfenced grants totalling £16.2m from government to support the Council in meeting additional costs associated with its response to Covid-19 and a subsequent ring-fenced grant through the Infection Control Fund of £3,008,676 specifically for Adult Social Care.

Within the Secretary of State for Health and Social Care, Matt Hancock's grant letter issued on 19th March 2020 were specific requirements to support Adult Social Care

based on the guidance previously issued to local authority commissioners by the LGA, ADASS and the Care Provider Alliance. The Council has responded to the requirements set out by the Secretary of State's letter through Cabinet reports and Officer Executive Decision Records to financially support the Adult Social Care market in Rotherham. However, these measures have been time limited and are due to expire on 30th June 2020.

Lower numbers of reported Covid-19 infections and deaths have led the government to reduce the threat level from 4 to 3 with the virus no longer judged to be "high or exponentially rising". However, despite the welcome improvements nationally and locally in combatting the virus, this has not diminished the impacts on Adult Social Care providers who support the most vulnerable people in society. The people supported are in many cases at high risk should they contract Covid-19. In response to this, the Council proposes to extend the financial support measures to the Adult Social Care sector for a further 3-month period up until 30th September 2020.

The aim is to ensure that the proposed package of financial support for three of the main Adult Social Care sectors, Care Homes for Older People, Learning Disability Day Opportunities provision and Home Care and Support services are effective in mitigating the financial impacts of the Covid-19 pandemic. This purpose of this Initial Equality Screening Assessment is to ensure that this proposal has considered the impact on people with protected characteristics in receipt of these services to determine whether a full Equality Analysis is required.

Care Homes for Older People

A review of the Residential and Nursing Care Homes Independent Sector (Older People) carried out in 2019/20 shows that:

- 1,666 beds are provided by 33 independent sector care homes for older people
- 611 older people are currently being financially supported by Council which equates to 37% of the current bed base (Insight 25.6.20)
- 20% of residents are self-funders
- 12% Continuing Health Care (CHC) and out of borough placements
- 3% of beds are commissioned from the independent sector by the NHS for hospital discharge services
- 28% of independent sector care beds are vacant (462 beds).
- NHS Capacity Tracker System (25.6.20) shows that there is a total of 462 vacant beds as follows:

Residential	156
Residential EMI	146
Nursing	99
Nursing EMI	61

The data above also shows that the care market is becoming less financially viable due to the higher than average bed occupancy rate which stood at 237 bed vacancy

rates (14.3%) on 18.3.20 prior to the Covid-19 pandemic taking hold.

Home Care and Support for Adults

The Council supports 1208 customers aged over 18 with 16,289 hours of directly commissioned home care and support per week. Approximately 10,700 hours are provided in the Borough by non-commissioned CQC registered services to approximately 680 people. The service provision has been impacted due to social distancing measures, people cancelling or reducing calls due to fear of contracting Covid-19 or furloughed family members taking over caring responsibilities. Staff capacity has remained stable over the Covid-19 period and none of the Providers (either commissioned or not) have reported their service becoming unstable due to staff capacity.

Under 65s Specialist Residential and Nursing Care, Supported Living and Day Opportunities

The Council supports 768 customers aged over 18 with a Learning Disability and/or Autism accessing 1382 placements/services. The services impacted by the on-going closure of Day Opportunities services in response to social distancing measures include Care Homes, Supported Living Day Opportunities building based/community provision and micro-enterprises. Services are either directly commissioned by the Council or indirectly commissioned through a Direct Payment. The Day Opportunity Services also support the respite needs for the Unpaid Carer(s) of people with disabilities, namely Learning Disabilities and/or Autism.

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?	Yes	
Could the proposal affect service users?	Yes	
Has there been or is there likely to be an impact on an individual or group with protected characteristics?	Yes	
Have there been or likely to be any public concerns regarding the proposal?		No

Could the proposal affect how the Council's services, commissioning or procurement activities are organised, provided, located and by whom?		No
Could the proposal affect the Council's workforce or employment practices?		No
If you have answered no to all the questions above, please explain the reason		
N/A		

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 proposed additional financial support to the care home market will have a positive impact to the future delivery of services during/after Covid-19 and to continue to provide support predominantly for older people with disabilities/long-term conditions, regardless of their protected characteristics.

The proposed additional financial support to Home Care and Support providers will also have a positive impact on the future delivery of services during/after Covid-19 and to continue to provide support predominantly for older people with disabilities/long-term conditions.

Day Opportunity services are specifically provided for people with disabilities or long-term health conditions, mainly Learning Disability and/or Autism.

There is a commitment within Rotherham to offer choice. This is enshrined within the Care Act 2014 and encompassed in the core principles of Valuing People (2001) and Valuing People Now (2009) for people with a Learning Disability. This promotes the rights of independence and social inclusion. The legislation and guidance reaffirm the principles of personalisation, the use of Personal Budgets and Direct Payments.

An Equality Analysis will provide an opportunity to consider in more detail the impact of the service changes and any necessary actions, taking into consideration all of the

Protected Characteristics under the Equality Act 2010.	
Actions The Equality Analysis includes an assessment of each Protected Characteristic Collate data and analyse, identify any gaps Consideration of the future monitoring of the impact of the change in service on communities/groups according to their protected characteristics	
Date to scope and plan your Equality Analysis:	24 th June 2020
Date to complete your Equality Analysis:	24 th June 2020
Lead person for your Equality Analysis (Include name and job title):	Nathan Atkinson, Assistant Director Strategic Commissioning

5. Governance, ownership and approval

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

Name	Job title	Date
Nathan Atkinson	Assistant Director Strategic Commissioning Adult Care, Housing and Public Health	24 th June 2020

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	24 th June 2020
Report title and date	Further Financial Support for Adult Social Care providers to mitigate the impact of the Covid- 19 Pandemic

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 13 th July 2020
Date screening sent to Performance, Intelligence and Improvement equality@rotherham.gov.uk	26 th June 2020

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: Further Financial Support for Adult Social Care providers to mitigate the impact of the Covid-19 Pandemic	
Date of Equality Analysis (EA): 25 June 2020	
Directorate: Adult Care, Housing & Public Health	Service area: Strategic Commissioning
Lead person: Nathan Atkinson, Assistant Director, Strategic Commissioning	Contact number:
Is this a: ☐ Strategy / Policy ☒ Service / Function ☐ 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)
Karen Smith	RMBC	Strategic Commissioning Manager
Kay Nicholes	RMBC	Strategic Commissioning Manager
Joanne Bell	RMBC	Strategic Commissioning 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)

The Council has been allocated two un-ringfenced grants totalling £16.2m from government to support the Council in meeting additional costs associated with its response to Covid-19 and a subsequent ring-fenced grant through the Infection Control Fund of £3,008,676 specifically for Adult Social Care.

Within the Secretary of State for Health and Social Care, Matt Hancock's grant letter issued on 19th March 2020 were specific requirements to support Adult Social Care based on the guidance previously issued to local authority commissioners by the LGA, ADASS and the Care Provider Alliance. The Council has responded to the requirements set out by the Secretary of State's letter through Cabinet reports and Officer Executive Decision Records to financially support the Adult Social Care market in Rotherham. However, these measures have been time limited and are due to expire on 30th June 2020.

Lower numbers of reported Covid-19 infections and deaths have led the government to reduce the threat level from 4 to 3 with the virus no longer judged to be "high or exponentially rising". However, despite the welcome improvements nationally and locally in combatting the virus, this has not diminished the impacts on Adult Social Care providers who support the most vulnerable people in society. The people supported are in many cases at high risk should they contract Covid-19. In response to this, the Council proposes to extend the financial support measures to the Adult Social Care sector for a further 3-month period up until 30th September 2020.

Overview of the Services that will benefit from the Grants

The organisations that will benefit from the grants provide Residential and Nursing Care, Home Care and Support, Supported Living and Day Opportunities services to adults over the age of 18 including unpaid carers and people with physical and learning disabilities and/or Autism.

The services are either directly commissioned by the Council, purchased using a direct payment or privately by people living in Rotherham.

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

Older People's Residential and Nursing Care

Data is available as follows

- Around 1,209 residents are living in older people's care homes in Rotherham.
- Around 611 residents are financially supported by the Council
- Around 333 residents are self-funders
- Around 221 residents are financially supported by Continuing Health Care or from another Local Authority

Age: New admission data in 2019/20 shows that 3% are aged between 65 to 69 years, 6% aged 70 to 74 years, 16% aged 75 to 79 years, 20% aged 80 to 84 years, 28% aged 85 to 89 years, 17% aged 90 to 94 years and 10% aged 95 years and over. The average age of customers entering care is 85 years of age (LAS data)

Gender: 73% are female and 27% are male residents living in older people's care homes which is mainly attributable to the higher life expectancy of females (LAS data). These types of services are available to all who meet eligibility criteria regardless of their Gender

Race: Rotherham's population aged 18 years and over comprises of 93.04% from a White British background in comparison to 6.96% of customers who are from a BAME background (Census, 2011). Around 1% of the local population living in older people's care homes are from minority ethnic backgrounds. Therefore, customers from BAME groups appear to be under-represented in this cohort.

Religion or Belief: These services are available to all who meet eligibility criteria regardless of their Religion or Belief.

Marital Status: These services are available to all who meet eligibility criteria regardless of their Marital Status.

Disability: The majority of residents accessing the services are aged 65 years and over and have been identified as having a disability or life limiting long-term condition.

Sexual Orientation: These services are available to all who meet eligibility criteria regardless of their Sexual Orientation. LAS data shows that 6% of residents are heterosexual, 43% don't know and 51% not recorded. This demonstrates a gap in officers routinely capturing the data.

Home Care and Support

Data is available for the 1208 customers that are receiving commissioned home care and support.

The provision of home care and support purchased directly by the customer is regulated by the Care Quality Commission who require that providers comply with all equalities legislation and monitor the uptake and provision of service based on the protected characteristics described in the legislation.

Age: The age range of people within the services is 22 to 103 and 16% are 18-64, 15% are 65-74, 34% are 75-84 and 35% are 85+. The services are available to all people over 18 who have an assessed need, regardless of their age.

Gender: Currently 37% of people accessing the service are male and 63% are female. No other gender is recorded. The services are available to all people over 18 who have an assessed need regardless of their gender.

Race: Currently 96% of people accessing the service identified themselves as White, 1% as Asian/Asian British, 1% as Other Ethnic Group and 2% have not provided this information.

Religion or Belief: These services are available to all who have an assessed need regardless of their Religion or Belief.

Where a Religion/Belief was captured 33% identified as Church of England, Christian or Other Christian, 3% identified as Roman Catholic, 2% as Methodist and 1% identified as Islam.

The remaining 2% is split across 8 other Religions/Beliefs.

Marital Status: These services are available to all who have an assessed need regardless of their Marital Status.

Data gathered around marital status indicated that 30% identify as widowed, 28% as married, 16% as single, 6% as divorced, 2% partnered and 1% separated. This characteristic was not recorded for 17% of the people on service.

Disability: All people accessing the services identify with a disability, which was recorded as a physical disability 82%, memory and cognition 8%, learning disability 3%, mental health 3%, substance misuse 1% and unknown 1%.

Carers: 893 unpaid carers are associated with the home care and support service provision

The ages of these unpaid carers fall between 16 and 95 year. 1 unpaid carer is under the age of 18 (0.11%) 46% are aged 18-64, 17% are aged 65-75, 14% are aged 75-84 and 5% are 85+. 17% are unknown.

64% are female and 36% are male.

Under 65s Specialist Residential and Nursing Care and Supported Living and Day Opportunities Services

Data is available for 768 customers aged over 18 in the Learning Disability/Autism client group accessing 1382 placements/services. Some customers access more than one

service. Data is captured on the Adult Care LAS system.

Age: The age range of people within the services is 18 to 95 with the majority of customers, 96% falling into the 20-69 age groups. The services are available to all who have an assessed need, regardless of their Age.

Gender: There are currently 58% males and 42% females accessing the services. No other gender is recorded. The services are available to all who have an assessed need regardless of their Gender.

Race: These services are available to all who have an assessed need regardless of their Race.

Rotherham's 18+ population is 93.04% White British (ref: Census 2011), in comparison 95.82% of the Learning Disability cohort are from this ethnic group.

Customers from Black Minority Ethnic (BME) groups appear to be under-represented in this cohort. 4.18% of the cohort are from a BME background compared with 6.96% of the total population.

The 'Asian-Pakistani' BME group has the highest number of customers - 20 (2.61% of cohort).

This could indicate that the wider BME community are not fully engaging with Adult Care Services in general.

There are 2 customers who did not divulge their Race.

Religion or Belief: These services are available to all who have an assessed need regardless of their Religion or Belief.

The data is not routinely captured. Data gathered around this characteristic informed us that 502 (65%) did not declare a Religion/Belief, had no religion or the information was not captured.

Where a Religion/Belief was captured 27% identified as Church of England, Christian or Other Christian, 3% identified as Roman Catholic and 2% identified as Islam.

The remaining 3% was split across 7 other Religions/Beliefs.

Marital Status: These services are available to all who have an assessed need regardless of their Marital Status.

Data gathered around marital status informed that 83% identify as Single, 2% identify as Married and 1% each identify as Divorced, Partnered or Widowed. This characteristic was not recorded for 13% of customers.

Disability: All people accessing the services identify with a disability, with a primary client group identified as Learning Disability and/or Autism.

Carers: The Day Opportunity elements of the services meet the assessed needs of both the people and the unpaid carer(s) of people with Learning Disabilities and or Autism.

There are approximately 432 unpaid Carers accessing Day Opportunity services to provide respite to maintain their resilience.

The **age** of these Carers is between 24 and 91. With 55% age 20-64, 37% are aged 65+. There are 36 for whom the data is not recorded or is unreliable.

The data indicates that 75% are female and 25% are male. The 2011 Census data for Rotherham, shows that 51% of the adult population are female.

The data indicates that Carers are mainly White British 76% with the second highest group being Pakistani 4%. Ethnicity is not recorded for 19%.

The data in relation to **Religion/Belief** was limited with 86% recorded as Not Declared/Not recorded/No Religion/Agnostic/Atheist. Of those where a Religion or Belief was recorded, 10% identified as Christian/Church of England, 2% as Islam.

This proposal to provide financial support to organisations will ensure that the services who support these Carers, by providing Respite, can continue to do so, where appropriate, and that the diverse range of services will still be available to both Customers and Carers in the future.

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

Data in relation to Gender Reassignment, Pregnancy and Maternity and Sexual Orientation have not been captured. The services are available to all who have an assessed need regardless of the Protected Characteristics.

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

All Services

Equality information on protected characteristics is routinely collected as part of the referral and assessment process for individuals accessing the service and recorded on LAS, which is the adult social case management system. These processes also afford an opportunity for feedback to be provided by the cared for person and unpaid carers to Adult Social Care staff on the quality of service provision they receive.

People using the services and their unpaid carers also have the option to make a formal complaint regarding the quality of the care or pertaining to issues with systems and processes aligned to it through the Council's or the Provider's complaints process.

For more serious concerns Safeguarding and Whistle Blowing policy and procedures will be implemented and followed.

The Care Quality Commission (CQC) also regulates the services and

Engagement undertaken with customers. (date and group(s) consulted and key findings)	This Equality Analysis is to support the distribution of grant monies in response to the Covid-19 Pandemic. Timescales did not allow for full consultation with customers and unpaid carers. However, the proposed intervention will provide stability within the markets and therefore positively impact the people who access the services.
Engagement undertaken with staff (date and group(s) consulted and key findings)	This Equality Analysis is to support the distribution of grant monies in response to the Covid-19 Pandemic. Timescales did not allow for full consultation with customers and unpaid carers. However, the proposed intervention will provide stability within the markets and therefore positively impact the staff within the services.

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)

These services are available to all people over the age of 18.

This proposal is in response to the Covid-19 Pandemic, the proposed financial support will have a positive impact for customers and unpaid carers as the funding will provide stability for the organisations who provide the services.

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

These services are available to all people over 18 with any of the protected characteristics.

This proposal is in response to the Covid-19 Pandemic, the proposed financial support will have a positive impact for customers and unpaid carers as the funding will provide stability for the organisations who provide the care and support services.

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

These services are available to all people over 18 with any of the protected characteristics.

The financial support provided to care homes for older people will ensure this will continue to promote choice, control and personalisation to the customer and enable them to remain in care homes of their choice in greater comfort, security, safety and warm, regardless of

any protected characteristics.

The additional financial support will provide a positive impact on all services ensuring there are adequate staffing levels and provision of PPE equipment and other supplies and helping providers to meet costs associated with enhanced infection control (including deep cleaning) and the protection of staff and customers providing, a safe and effective service for vulnerable people living in Rotherham regardless of their protected characteristics

This proposal is in response to the Covid-19 Pandemic, the proposed financial support will have a positive impact for customers and unpaid carers as the funding will provide stability for the organisations who provide the care and support services.

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

These services are available to all people with disabilities, namely Learning Disabilities and/or Autism who have an assessed need, regardless of any Protected Characteristics.

The proposed financial support will have a positive impact on Community Relations as the funding will provide stability for the providers of the services and subsequently the communities they serve.

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: Financial Support for Learning Disability Day Opportunity Providers during the Covid-19 Pandemic
Directorate and service area: Adult Care, Housing & Public Health, Strategic Commissioning
Lead Manager: Garry Parvin
Summary of findings:
The Equality Analysis has been completed to ensure that people with disabilities and long-term conditions, namely Older People, people with Physical Disabilities and Learning Disabilities and/or Autism are not negatively impacted due to any instability within the market due to the Covid-19 Pandemic. The proposed financial support for the organisations who provide these services will ensure they are able to continue to provide an increased level of support to the people who access their services during the pandemic. The Equality Analysis found that the primary focus of the proposal will be to support the organisations who provide services to people with disabilities and long-term conditions together with their Unpaid Carers as the services form part of the Council's statutory duties under the Care Act 2014. However, the process has identified that there are data gaps in terms of some of the Protected Characteristics including: Gender Reassignment, Pregnancy and Maternity and Sexual Orientation have not been routinely and accurately captured.

Action/Target	State Protected Characteristics as listed below	Target date (MM/YY)
Adult Social Care provider sustainability both in relation to current services and the impact on sustainability of provision in the future.	Primary focus on D & C A, S, GR, RE, RoB, SO, PM, CPM & O	Ongoing during the Covid-19 Pandemic

The continued provision of choice in the Adult Social Care provider market, ensuring that this continues to be as diverse as possible	A, D, S, GR, RE, RoB, SO, PM, CPM, C & O	Ongoing during the Covid-19 Pandemic
Continuation of the person's preferred care and support option.	A, D, S, GR, RE, RoB, SO, PM, CPM, C & O	Ongoing during the Covid-19 Pandemic
For the Adult Social Care services provided to people with long term conditions and disabilities, namely Older People, people with Physical Disabilities and Learning Disabilities and/or Autism, the Commissioning Team are currently appraising an approach to understand the cost of care to inform the 2021/22 Council budget for Adult Care, considering the impact of Covid-19 costs on providers. This work with providers will commence at the earliest opportunity.	A, D, S, GR, RE, RoB, SO, PM, CPM, C & O	Ongoing to embed into commissioned solutions.
A Commissioning Plan and a refreshed Market Position Statement considering the impact of Covid-19 will enable commissioning priorities to be shared with providers and ensures services meet needs of all groups.	A, D, S, GR, RE, RoB, SO, PM, CPM, C & O	Ongoing
The Adult Care Commissioning Team will continue to continue to maintain pages on the Council website dedicated to Adult Social Care providers to ensure providers are aware of any opportunities and guidance on managing the impact of Covid-19.	A, D, S, GR, RE, RoB, SO, PM, CPM, C & O	Ongoing
The Adult Care Commissioning Team will ensure that providers have adequate measures to assess and manage risk to those groups with protected characteristics that make them more susceptible to Covid-19.	A, R, S	Ongoing

***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
Nathan Atkinson	Assistant Director, Strategic Commissioning	26/06/20

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	26/6/2020
Report title and date	Further Financial Support for Adult Social Care providers to mitigate the impact of the Covid-19 Pandemic
Date report sent for publication	
Date Equality Analysis sent to Performance, Intelligence and Improvement equality@rotherham.gov.uk	

This page is intentionally left blank

Committee Name and Date of Committee Meeting

Cabinet – 13 July 2020

Report Title

Children's Commissioner's Takeover Challenge – Hate Crime

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

No

Strategic Director Approving Submission of the Report

Judith Hurcombe, Interim Assistant Chief Executive

Report Author(s)

Janet Spurling, Governance Advisor
01709 254421 or janet.spurling@rotherham.gov.uk

Ward(s) Affected

Borough-Wide

Report Summary

This report outlines the findings and recommendations following a spotlight review undertaken by Rotherham Youth Cabinet regarding hate crime, a key priority in their manifesto for 2020.

Cabinet are requested to respond formally to the recommendations and indicate agreement or otherwise and what action will be taken to implement the recommendations, together with details of timescales and accountabilities.

Recommendations

1. That the report and the recommendations from the review be received.
2. That, in view of the requirement for a multi-agency response to the recommendations, the Interim Strategic Director of Children and Young People's Services co-ordinate the preparation of a response to the recommendations within two months, in accordance with the Overview and Scrutiny Procedure Rules.

List of Appendices Included

Appendix 1 Children's Commissioner's Takeover Challenge Scrutiny Review: Hate Crime

Background Papers

Notes from Children's Commissioner's Takeover Challenge Sessions – March 2020
Rotherham Youth Cabinet Manifesto 2020
Minutes of Overview and Scrutiny Management Board - 12 March 2020

Consideration by any other Council Committee, Scrutiny or Advisory Panel

Overview and Scrutiny Management Board – 10 June 2020

Council – 22 July 2020

Council Approval Required

No

Exempt from the Press and Public

No

Children's Commissioner's Takeover Challenge – Hate Crime

1. Background

- 1.1 The Children's Commissioner's Takeover Challenge (CCTOC) is a national initiative where children and young people take over an organisation or meeting and assume management/leadership roles. As part of the Council's commitment to the CCTOC, each year the Overview and Scrutiny Management Board (OSMB) supports Rotherham Youth Cabinet (RYC) in undertaking a focused piece of work on a topic chosen by the young people.
- 1.2 RYC chose hate crime as the theme for this year's takeover challenge, as it was one of the key priorities in their manifesto for 2020 after emerging in the top three issues following the annual "Make Your Mark" consultation with young people.

2. Key Issues

- 2.1 It was evident that good work is taking place in Rotherham to raise awareness about hate crime and to challenge attitudes and behaviour, which needs to continue and develop further.
- 2.2 Similarly, with initiatives to encourage people to come forward and report incidents. It also helps to strengthen community confidence when people see clear, meaningful action has resulted following them reporting an incident. Under-reporting is still perceived to be an issue, in particular for disability-related incidents.
- 2.3 Media coverage of events and issues was a clear concern shared by participants in the scrutiny session, as it often created divisions and tensions in the community. It was recognised that this was difficult to control, certainly at national level, although there might be scope for more liaison at local level.
- 2.4 The Licensing Service had acknowledged the legitimate concerns raised in respect of hate incidents experienced by taxi drivers and their families, which had fed into the revised policy and consideration of other potential measures that could be introduced to protect drivers.

3. Options considered and recommended proposal

- 3.1 In light of their findings, RYC developed the recommendations contained in pages 10 and 11 of the review report (Appendix 1) and Cabinet is requested to develop a formal response to the recommendations.

4. Consultation on proposal

- 4.1 Several of the recommendations have a focus on enhanced and continuing engagement with young people to ensure their views are captured and considered.

5. Timetable and Accountability for Implementing this Decision

- 5.1 It is anticipated that the response to the recommendations will be presented at Cabinet in September for approval and reported back to the Overview and Scrutiny Management Board in October 2020.

6. Financial and Procurement Advice and Implications

- 6.1 None arising directly from this report, although RMBC and partners will take account of any such implications in developing their response to the review.

7. Legal Advice and Implications

- 7.1 None arising directly from this report.

8. Human Resources Advice and Implications

- 8.1 None arising directly from this report.

9. Implications for Children and Young People and Vulnerable Adults

- 9.1 The intention of the review was to impact positively on young people, as set out in the RYC manifesto aim:

"We want to ensure people understand what Hate Crime is, know how to report it and encourage reporting of Hate Crime incidents. We also want people to understand the impact Hate Crime has on victims and the potential consequences."

10. Equalities and Human Rights Advice and Implications

- 10.1 The recommendations aim to support work to address hate crimes/incidents experienced by people on the grounds of disability; race or ethnicity; religion or belief; sexual orientation and/or transgender identity.

11. Implications for Partners

- 11.1 A multi-agency approach from the Council, schools and other partners will be necessary to respond to and progress a number of recommendations in the report.

12. Risks and Mitigation

- 12.1 None identified at this stage.

13. Accountable Officer(s)

James McLaughlin, Head of Democratic Services

*Report Author: Janet Spurling, Governance Advisor
01709 254421 or janet.spurling@rotherham.gov.uk*

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

Children's Commissioner's Takeover Challenge Scrutiny Review: Hate Crime



March 2020

Rotherham Youth Cabinet Review Group:

Amaan Saqlain (Chair)
Anisah Abbass
Ashaz Abbass
Jibreel Akram
Bilal Ali
Emily Allen
Adiba Bi
Amariya Bi
Josie Brown
Iqra Chowdhary

Abi Evans
Wiktor Gimlewicz
Abdul-Raheem Hussain
Sam Jones
Omair Kasim
Molly Kayne
Martyna Lewicka
Tom Quarta
Sundas Raza
Curtis Yip

Contents

	Page No.
1. Why Rotherham Youth Cabinet wanted to undertake this review	1
2. Method	1
3. Context	
3.1 Definition of a hate crime or hate incident	2
3.2 Hate crime statistics	2
3.3 Reporting mechanisms	2
3.4 Police Hate Crime Co-ordinator	2
3.5 Local initiatives	3
4. Findings	
4.1 Speed of response and communication following an incident report	3
4.2 Training for police officers and Council staff	3
4.3 Representativeness and diversity within South Yorkshire Police	4
4.4 Education and awareness raising	4
4.5 Specific work on disability-related hate crime	5
4.6 Procedures for dealing with on-line hate incidents	6
4.7 Anonymity when reporting hate incidents	6
4.8 Media reporting	7
4.9 Distinguishing between an act of terrorism and a hate crime	7
4.10 Concerns regarding using public transport	7
4.11 Hate incidents directed at taxi drivers	8
4.12 Building relationships between communities and with the police	9
5. What young people could do to help improve the situation in Rotherham	
5.1 Reporting, challenging and engaging	9
5.2 Involving young people in awareness raising and communications	9
6. Conclusions	10
7. Recommendations	10
8. Thanks	11
9. Background papers and references	11
Appendix A Hate Reporting Pathway	12
Appendix B Third Party Reporting	13

1. Why Rotherham Youth Cabinet wanted to undertake this review

Rotherham Youth Cabinet (RYC) included hate crime as one of the four key aims in their 2020 manifesto after it emerged in the top three issues following the annual “Make Your Mark” consultation with young people. Their stated aim is as follows:

“We want to ensure people understand what Hate Crime is, know how to report it and encourage reporting of Hate Crime incidents. We also want people to understand the impact Hate Crime has on victims and the potential consequences.”

They also then selected hate crime as the theme for the Children’s Commissioner’s Takeover Challenge¹ (CCTOC) which is an annual event that the Council has supported in its various guises since 2007 when it was known as the 11 Million Takeover Day. The idea is that:

“It puts children and young people in decision-making positions and encourages organisations and businesses to hear their views. Children gain an insight into the adult world and organisations benefit from a fresh perspective about their work.”

(Children’s Commissioner for England, 2015)

2. Method

A spotlight scrutiny review was undertaken by a group of young people from RYC on 12 March 2020 when they took over an Overview and Scrutiny Management Board (OSMB) meeting. Josie Brown and Sam Jones gave a short presentation to set the context then a detailed question and answer session ensued, chaired by Amaan Saqlain. RYC explored key issues with regard to responding effectively to hate incidents and provided constructive challenge to officers, schools and partners.

As part of their evidence gathering beforehand, RYC participated in a short interactive session with the Community Safety Team. This provided them with an overview of hate crime in Rotherham, including mechanisms for reporting incidents and local initiatives to address hate crime. Discussion had also included the harms resulting from hate crime for individual victims and on the wider community. A planning meeting followed to develop the young people’s key lines of enquiry and broad questions and to determine who they wished to invite as witnesses. The Early Help and Family Engagement Team facilitated this CCTOC work with support from Cllr Steele, Chair of OSMB and the Governance Unit.

RYC and Elected Members would like to thank everyone who attended for their participation in this review and for their contributions to the debate. It was pleasing to have representation from partners and schools as well as the Council to support the Takeover Challenge and engage with young people on this important issue.

3. Context

The Safer Rotherham Partnership (SRP) is a multi-agency community safety partnership with statutory responsibilities, established under the Crime and Disorder Act 1998 to “make Rotherham safe, keep Rotherham safe and to ensure communities of Rotherham feel safe.” It has a number of core priorities; one of which is *Building Confident and Cohesive Communities*. Within this overarching priority a specific objective area is *Preventing Hate Crime*.

3.1 Definition of a hate incident or hate crime

The SRP has adopted the following definition to classify hate incidents.

“Any incident which is perceived by the victim or any other person to be motivated by hostility or prejudice based on:

- Disability
- Race or ethnicity
- Religion or beliefs
- Sexual orientation
- Transgender identity”

Any hate incident that the police can record as a crime is categorised as a hate crime. Hate-motivated crimes will result in uplifted sentences, such as longer prison terms, as they are classed as aggravated offences which have a higher maximum sentence than for the basic form of offence.

3.2 Hate crime statistics

Numbers of hate crimes and incidents are recorded disaggregated into the five equality strands outlined in the definition above. Data presented at the time of the CCTOC showed a similar overall trajectory in numbers to the previous two years. 622 crimes/incidents (2017-18) and 653 (2018-19) had been recorded and the total for the six months to September was 337. Although no real patterns may be discerned from the data, over two thirds of hate crimes/incidents over the period were racially motivated. In addition, it is noteworthy that 44 disability-related hate crimes had been recorded in the first six months of 2019-20 compared to 50 and 56 respectively in total for each of the two previous years.

Nevertheless, as under-reporting is acknowledged as an issue, the actual number of hate crimes occurring is not known, although between 40 and 60 are reported each month, plus hate incidents. Reasons for not reporting include people not feeling it was important to do so, lacking confidence to report or in the system, fear of repeats or repercussions, thinking they will not be believed, or not wanting anything to happen in relation to the incident.

3.3 Reporting mechanisms

Rotherham has a clear hate reporting pathway in place encompassing direct reports to South Yorkshire Police (SYP) and reports coming indirectly via the Council, Community Reporting Centres or Crimestoppers. Joint work between the Council and the Police takes place at neighbourhood level in the case of any repeat or vulnerable victims. Appendix A contains a flowchart summarising the pathway.

Ten partner agencies act as third party reporting centres for community signposting and reporting and link to the police through the Operation Solar email address (see Appendix B). These organisations help to encourage reporting as people may be more confident to report to a community organisation with which they are familiar rather than going directly to the police.

3.4 Police Hate Crime Co-ordinator

SYP has a dedicated officer in post whose remit includes working with schools and colleges to educate young people about the resulting harm and consequences of hate and prejudice. Another facet of the role is working to improve standards through training for

police officers and staff and provision of specialist advice, as well as gathering local intelligence and monitoring tensions.

3.5 Local initiatives

Community based action to tackle hate incidents/crimes focuses on three broad elements:

- ❖ Prevention by challenging the attitudes and beliefs that can develop into hostility and prejudice
- ❖ Increasing trust and confidence to report
- ❖ Improving support for victims

Joint work between the Police Hate Crime Co-ordinator (HCC) and community groups takes place to raise awareness about hate crime and help build community confidence to report incidents/crimes. Other specific initiatives include:

- Restorative Justice
- Independent Hate Crime Scrutiny Panel – provides challenge to the Council and SYP
- REMA Hate Crime Project – engaging the wider community
- Work in schools – Harms of Hate work/Curriculum
- Communication and events like RYC's Cultural Awareness Extravaganza in October 2019
- Rotherham United Community Sports Trust – KICKS project and educational, sport and team building sessions with young people

4. Findings

4.1 Speed of response and communication following an incident report

Reassurance was given that as a partnership issue hate crime was viewed as serious and a high level priority. SYP hoped to respond very quickly when an incident had been reported and the protocol called for a response within 24 hours, although that was not always possible. An incident log would be created, the incident allocated to an officer and a plan agreed with the victim in terms of the frequency for contacting them about what was happening (more detail on the process is in Appendix A). The desire to be kept informed on progress did vary greatly from person to person. The actual investigation may take a while if it was hard to obtain evidence, therefore at times it may be a few weeks before there was an outcome.

4.2 Training for police officers and Council staff

This was an area the RYC were keen to explore as they felt it was important that officers understood all the issues involved in order to be effective in recording and handling cases. The HCC delivered some officer training directly and confirmed that all new police officers undergo in-depth training in the early stages of their career. They received specific input on hate crime awareness, making them realise there was much more to it than people tended to think and that it went beyond racism. The intention was that officers apply their learning on a daily basis and this should manifest itself in their crime reports and the way in which officers dealt with issues.

Refreshers were also in place for long standing officers and could be via online training packages which they could complete between jobs. This was deemed quite effective as it did not take them away from the work for too long as it could be done in stages. Fairly

regular refreshers covered all aspects of policing, such as the law and legislative changes, to ensure officers remained up to date, which was important.

Within RMBC it was a similar approach with a corporate process in place for staff to report incidents, either experienced themselves or if victims reported an incident to them. The young people probed as to whether the training would draw out the distinction between hate crime and banter/a joke. The HCC was aware that people making hateful comments towards others tried to pass them off as banter and a joke when then were really not and it could be a fine line where banter overstepped the mark. Nevertheless, if someone was receiving so called banter because of their race, religion, disability or sexuality that was unacceptable and needed to be challenged as it was very different for example, to making mean comments about being either a Sheffield United or a Sheffield Wednesday fan. On this issue, the Rotherham United Community Sports Trust website featured video clips covering each of the five protected characteristics of hate crime, from the angle of banter once it became no longer funny, which was a good resource.

4.3 Representativeness and diversity within SYP

Although SYP viewed itself as a diverse organisation, it was accepted that the force needed greater representation from certain ethnic groups. The workforce included Black, Asian and Minority Ethnic (BAME) officers, lesbian, gay, bisexual and trans (LGB&T) officers and disabled officers. The key was to remain diverse and inclusive and to improve.

A follow up question asked whether measures and procedures were in place to tackle any discrimination that may already exist within the force. It was reiterated that as SYP was an all-inclusive organisation the hope was that no discrimination occurred and any that did would be challenged very quickly. No particular examples were given but it was stated that more BAME officers and female officers were on the promotion ladder and more disabled people working within the organisation than ever before.

4.4 Education and awareness raising

Recognising the importance of this both in schools and within the wider community, for example to counter any fears that people had about others who were not the same as them, the young people were keen to learn more about this area of work.

It was reported that schools could be quite difficult to get into and in part this was due to fears around Ofsted inspection outcomes if things did not look so good. However, SYP had been into approximately 40-45% of schools within the area, predominantly secondaries and colleges, rather than primaries. They offered a bespoke interactive training and awareness package specifically aimed at young people but as a Crown Prosecution Service training pack had also been distributed to schools some may elect to do that first.

The HCC was happy to go into any school, on multiple occasions if required, to work with the students but also with young people who ended up being offenders or perpetrators of hate crimes. Rather than starting to prosecute people of a young age, they could be offered one to one education sessions as part of their community resolution/restorative justice. It was important that people understood what words really meant as they did not always appreciate the effect on other people. Nevertheless, from his experience, young people tended to have greater understanding of these issues and were more accepting than people from other age groups. The key was getting people to think more deeply about what things meant.

Coordination and links were also in place between this work and that in schools around harms of hate. Work had been undertaken with young people expressing more extreme views, who were at risk of being manipulated and taken down the wrong route, before it had become a major issue, with a written remedy process.

The Chair of Rotherham Schools Forum said no incidents had been reported at her school, which was a primary, but they had a mechanism in place. In primaries issues would be covered in the Personal, Social and Health Education (PSHE) curriculum and there was also anti-bullying week, so opportunities existed to feed in about impact. Work could take place with secondary colleagues to make the links to support preventative work.

The Community Safety Officer confirmed the importance of enforcement but qualified this by saying how it needed to be appropriate and proportionate, with education and awareness raising also needed.

The young people linked education and awareness raising back to the issue of freedom of speech versus hate speech, commenting that if people's views were suppressed this could lead to them becoming shut off and that although people's opinions could not be controlled they could still be challenged.

The Assistant Director for Early Help and Family Engagement commented that policy under the legislation allowed a zero tolerance approach to discrimination but there was still a need to work with and educate people in order to create an inclusive, cohesive society. People may have displayed unacceptable behaviours but by working with them you could change people and it was how to strike the balance which was a challenge. Various skills and approaches could be utilised and everyone would have their own individual values but this would be an area he would be interested in exploring further. Good work by the voluntary and community sector was highlighted and the need to involve them in any future work. Within Children and Young People's Services, a number of specific "interest in identity groups" including LGB&T+, disability, BAME groups were established. Several of these groups created a safe space for some people in the short term, until they felt confident to challenge. It was vital to work with those groups as well because there would be significant learning from their experiences.

4.5 Specific work on disability-related hate crime

Although the figures for the year to date showed a likely increase for the year, disability was probably one of the more under-reported strands, as in many cases people did not understand that what was happening to them was hate crime. The HCC worked with many disability groups in Rotherham and delivered awareness raising with staff and service users and assured people they would be listened to if they reported. Not all disability was visible, for example autism or learning disability, hence the importance of working with the local support groups.

A new South Yorkshire wide Autism Alert card had recently been introduced for people on the autistic spectrum or awaiting diagnosis. The card included details about the person, their particular traits of autism and how best to communicate with them. People could register their card with the police who would then be aware of what would cause the person distress. For people with learning disabilities, police officers were aware of how to speak with people and would use easy read documents or diagrams to explain things and provide reassurance.

In schools, it came down to prevention and to accepting differences and diversity in education. Most primary schools had a very clear taught curriculum that addressed those issues, in addition to informal opportunities for children to debate and consider things experienced in their own lives. This would equip them with the tools and understanding of the wider world and issues that other people may experience.

An example was given by one of the young people from a talk at Winterhill School on hate crime that had included disability. This was of a blind person shopping with their carer where the staff completely ignored the customer and spoke only with the carer, even about the nature of the person's disability. Officers were asked what was in place to support people with sensory disabilities. It was agreed that overlooking somebody in the manner described was very depersonalising and even embarrassing in many cases. SYP would hope officers were suitably trained to understand that a person could have a condition that would prevent them from carrying out functions most people took for granted. Although it would be difficult to educate everybody, and more so in the private sector than the public sector, it was evident that education and awareness raising work needed to continue.

4.6 Procedures for dealing with on-line hate incidents

As many young people spent a lot of time on-line, another concern raised was with regard to the increase in very offensive "jokes" regarding race, disability and sexual orientation.

Cyber or on-line hate crime and online bullying were becoming more prevalent as people could hide behind their keyboard. Reassurance was given that on-line hate crime was treated exactly the same as other forms of hate crime and was just as serious as face to face. One difficulty was people committing these offences could be in different countries and although people believed they could not be traced IP addresses from computers and phone numbers could be traced and with social media on phones people could screen capture evidence. Where physically possible the police would follow up and deal with such incidents. Specialist departments dealt with the technological side if necessary, to interrogate systems.

4.7 Anonymity when reporting hate incidents

The young people asked what could be put in place to give them anonymity when reporting incidents, which potentially might encourage more reports. Officers confirmed that anonymity made it difficult to deal with reported incidents or crimes, for either a prosecution or an educational programme. If a crime had been committed and the person who reported did so anonymously it would never be approved by the Crown Prosecution Service to take to a prosecution without a person there making a complaint.

However, as it was appreciated that for some people anonymity was important, in Rotherham this had led to the creation of the Operation Solar email address referred to above, enabling people to email about a hate crime or incident totally anonymously. Such messages to this email address would be used as local intelligence by SYP including analysis for patterns or trends.

The Community Safety Officer issued a very simple message: "report, report, report" to help build the local picture. He referred to incidents at a public house reported anonymously which led to interventions that solved the problem without anyone being named.

4.8 Media reporting

RYC raised their concerns regarding how this varied depending on the respective personal characteristics of the victim and the perpetrator and wondered how this difference in reporting could be prevented.

The general view was that the media had a job to do to create headlines but the way they presented some of those headlines created negativity in many cases and had a knock on effect. One example cited that was used in the awareness raising sessions was how the media portrayed issues regarding ISIS in a manner that caused division and hatred. Media coverage made it harder to tackle issues but was difficult to control, although those headlines needed to be challenged. It was vital for people to think about the way in which things were written and to recognise things were not necessarily true as presented. Different media also reported issues in very differing ways, for example immigration and migration. Challenging perceptions and ensuring usage of the correct terms to describe issues was crucial.

The young people inquired if regular meetings took place with the local press, or if there had been any challenge, particularly as quite often negative stories appeared and good news tended to be less prominent. In response, it was confirmed that SYP Command Team had met with the press and challenged them as they needed to take responsibility for what they wrote but SYP also needed to build that relationship with the press.

In terms of far right and terrorist reports, there would be headlines in the news in relation to events elsewhere. If the police identified something as terrorist-related it should be reported as such and if not, it should not be, as it could have a negative, far reaching impact within local communities. Identification of issues quickly was key and making sure the right messages were sent out to communities.

4.9 Distinguishing between an act of terrorism and a hate crime

This question was prompted by the recent stabbing of a muezzin in a London Mosque which had not been classed as a terrorist act. Officers stated that the distinction came down to the mindset of the perpetrator and their intentions when they set out to do something, as a terrorist act could also be a hate crime whereas a hate crime was not necessarily a terrorist act. An act of terrorism would be recorded as a hate crime if it had targeted somebody for their specific beliefs or other characteristics.

In terms of press coverage, information needed to go out to the public, but needed to be the correct information. The incident referred to had quickly been ruled out as a terrorist attack and this conclusion would have been based on the wider information behind it. With regard to procedures for dealing with terrorist incidents compared with hate incidents, in a terrorist incident ground level police would have very little involvement, other than at the start, as it would be dealt with by specialist departments.

4.10 Concerns regarding using public transport

Although the young people raised the question of people being fearful of using public transport, SYP were not receiving many reports in this respect, although they were aware of some incidents. They worked closely with all the transport companies within South Yorkshire, who all had a training package on recognising and identifying incidents and how to deal with them and the British Transport Police had dedicated transport officers. Reference was made to an issue that had been happening on buses which had been dealt with successfully. Although the number of incident reports was low, probable under-reporting was acknowledged and young people were encouraged to report any incidents.

4.11 Hate incidents directed at taxi drivers

RYC were concerned that a number of taxi drivers had experienced hate incidents in wake of the cases of child sexual exploitation in Rotherham and inquired about available support from RMBC and the Police.

The Council had recently reviewed its private hire licensing policy and people's views on this issue had fed into the consultation around the development of that policy. Taxi drivers were very clear in relation to experiencing incidents at significant levels and in some cases their families were feeling in danger and experiencing hate crimes and victimisation as a result of their association with taxi drivers. In 2015 the policy had been changed and at that time had probably centred on protecting the public but now it would be more focused on protecting individual drivers as well as the public, after listening to feedback from the trade, family groups and another representative groups.

Other plans included potential enhancement of the camera systems within licensed vehicles and placing a duty on taxi companies that they would have to act in a manner that did not encourage any discrimination. For example, if somebody were to ring a taxi firm and ask for a driver who was White British, the expectation would be for such a request to be refused by the company. Signage within vehicles was also being looked at and possibly a warning inside the car might be appropriate to make it clear that people were being video recorded and that any behaviour in the vehicle which could be perceived as a hate crime or any other kind of crime would be referred to the police by the Council. Licensing worked closely with the police and there had been instances where camera footage had been requested and provided speedily, which allowed the apprehension of the perpetrator. Such information had been used in prosecutions and ensured convictions for offences against taxi drivers.

Taxi drivers were encouraged to report hate crime. One of the requirements of being a taxi driver was to attend safeguarding training, which included hate crime - recognising the signs of hate crime and how to report it but also how to act if you were a victim of hate crime whilst driving the taxi. Other suggestions were welcomed from the RYC but the service was confident that progress had been made.

RYC commented that in parts of the community there was a perception that taxi licensing in the Council was racist and the young people queried how this was being addressed in order to combat those perceptions. Assurance was given that action would be taken if any staff acted in this way but there was no evidence to show people had acted in a racist manner and public records existed of decisions and the reasons why they had been taken. A system of checks and balances was in place to ensure correct decision making and any decision to revoke a licence was made by a group of five Elected Members not by individual officers. Following a revocation decision there was the opportunity to go through an appeal process, with the decision reviewed by the Magistrates Court in the first instance and overturned if there was any suggestion it had been wrong.

Further assurance was provided by the Cabinet portfolio holder for equality that zero tolerance existed regarding any form of discrimination within the Council and any examples would result in strict action. Clearly there was a need to engage with the community to address these perceptions and it was important to work with the taxi trade to ensure balance, transparency and accountability. If there were any examples these should be brought forward for investigation.

4.12 Building relationships between communities and with the police

Issues within some communities and inter-group issues were acknowledged. Besides officers going into schools as described above, local community policing teams went to speak with many different community groups in Rotherham. Some people did fear and mistrust the police; therefore, the onus was on the police to ensure they were breaking down those barriers and also building bridges between Rotherham's many communities.

Proactive work had taken place at one particular school and the students had been out doing six week mini projects and workshops with Rotherham United Community Sports Trust, looking at differences, but more importantly, similarities between different community groups. In addition to sports and beat boxes, work was done around team and trust building with everybody together.

5. What young people could do to help improve the situation in Rotherham

5.1 Reporting, challenging and engagement

It was vitally important for young people who had witnessed or experienced something to come forward and report it and if not confident enough to do so directly, through one of the third party reporting centres. Another important message was "don't be a bystander – challenge" if something was not right.

As RYC had clearly identified hate crime as a priority, the young people were encouraged to tell the Licensing Service if they thought the service had got things wrong or had suggestions for how things could be done better, either directly or through the Youth Cabinet. Feedback was welcomed on issues from the community regarding licensing decisions and to build that confidence.

Cllr Alam appreciated that the focus of the young people was on social justice and equality and suggested that the RYC could potentially forge links with the Independent Hate Crime Panel and for young people's views to be captured through engagement with the police and Council.

The HCC reiterated his earlier point about young people having a good understanding of the issues and as future decision makers those attitudes and ideas would be shared with the next generation. This would be a positive longer term impact.

RYC themselves suggested that young people should speak up about it a great deal in a way that shocked people and also brought about action from organisations.

5.2 Involving young people in awareness raising and communications

RYC raised the potential merits of young people of around the same age as the target age groups going in to work with them to help get the messages across, which might have greater impact than someone who was older.

The challenges involved in having young people of a similar age who were suitably versed and knowledgeable in this complex subject to do that were debated. Overall there was a view that potentially young people could work alongside some of the adults as peer educators, having that combined experience and knowledge and adding value to the work. Support would be necessary for the young people to be able to do that, both in collaboration or until the point where they had the trust and confidence to be able to do that work themselves.

The Chair of Rotherham Schools Forum was interested in the idea of peer mentoring education in primary school, perhaps with slightly older children talking to the older primary children, with the power of hearing something from another child or a young person. If anybody who was a victim of hate crime was brave enough with support to share that information with children in her school that would deliver a far more powerful message about the impact of that behaviour than from their class teacher speaking about it.

6. Conclusions

It was evident that good work is taking place in Rotherham to raise awareness about hate crime and to challenge attitudes and behaviour and this needs to continue and develop further. Similarly, with initiatives to encourage people to come forward and report incidents. Clear pathways are in place and once an incident has been reported it is important to provide effective responses and support, in line with the wishes of the victim. It also helps to strengthen community confidence when people see clear, meaningful action has resulted following them reporting an incident. The balance to be struck between punitive action and educational intervention emerged during the scrutiny session, especially when working with young people.

Although the performance data indicates that the number of hate incident reports tends to increase following a drive to encourage reporting, the statistics show a fairly consistent numbers of hate crimes over the thirty month period. Under-reporting is still perceived to be an issue, in particular for disability-related incidents.

Media coverage of events and issues was a clear concern shared by participants in the scrutiny session, as it often created divisions and tensions in the community. It was recognised that this was difficult to control, certainly at national level, although there might be scope for more liaison at local level.

Licensing recognised the legitimate concerns raised in respect of hate incidents experienced by taxi drivers and their families, which have fed into the revised policy and other potential measures that could be introduced to protect drivers.

As RYC and partners listened to and reflected on the responses to questions as the meeting progressed, this triggered several positive ideas that could be taken forward by partners, together with potential actions for RYC to consider undertaking themselves.

7. Recommendations

1. That the Safer Rotherham Partnership continues to engage with young people in 2020-21 around improving Rotherham's response to hate crimes and ways to encourage incident reporting.
2. That the Licensing Service continues to engage with young people in 2020-21 to capture their suggestions and feedback from the community around licensing policy on taxis.
3. That liaison takes place between colleagues in primary and secondary schools to make the links to support preventative work on hate crime.

4. That the Headteachers Forum encourages all primary and secondary schools to invite the Hate Crime Co-ordinator to work with students on hate crime awareness, with a focus on work in smaller groups rather than talks at whole school assemblies.
5. That consideration is given to establishing a dedicated young person's seat on the Independent Hate Scrutiny Panel so that young people have an opportunity to input their views.
6. That consideration is given by the Safer Rotherham Partnership, Children and Young People's Services and schools to involving young people in a peer educator initiative for hate crime awareness raising.
7. That liaison takes place between South Yorkshire Passenger Transport Executive and Rotherham Youth Cabinet to discuss ways to encourage more people to report incidents on public transport.
8. That partner agencies consider working with Rotherham Youth Cabinet on a campaign to raise awareness with young people about how and where to report hate incidents.
9. That partner agencies consider working with the "interest in identity groups" established by Children and Young People's Services to incorporate the learning from their experiences in future work on hate crime.
10. That the concerns raised by Rotherham Youth Cabinet with regard to press coverage of issues that may impact more widely on communities be shared with the local media.

8. Thanks

Councillor Alam

Deborah Ball – Rotherham Schools Forum

Chris Nicholson – South Yorkshire Police Hate Crime Co-ordinator

RMBC – Sam Barstow, Sarah Bellamy, Matt Ellis, James McLaughlin, David McWilliams, Steve Parry and Alan Pogorzelec

Thanks also to other members of RYC who were involved in the preparation for the spotlight review.

9. Background papers and references

- Minutes from OSMB Children's Commissioner's Takeover Challenge 12/03/2020
- Rotherham Youth Cabinet Manifesto 2020

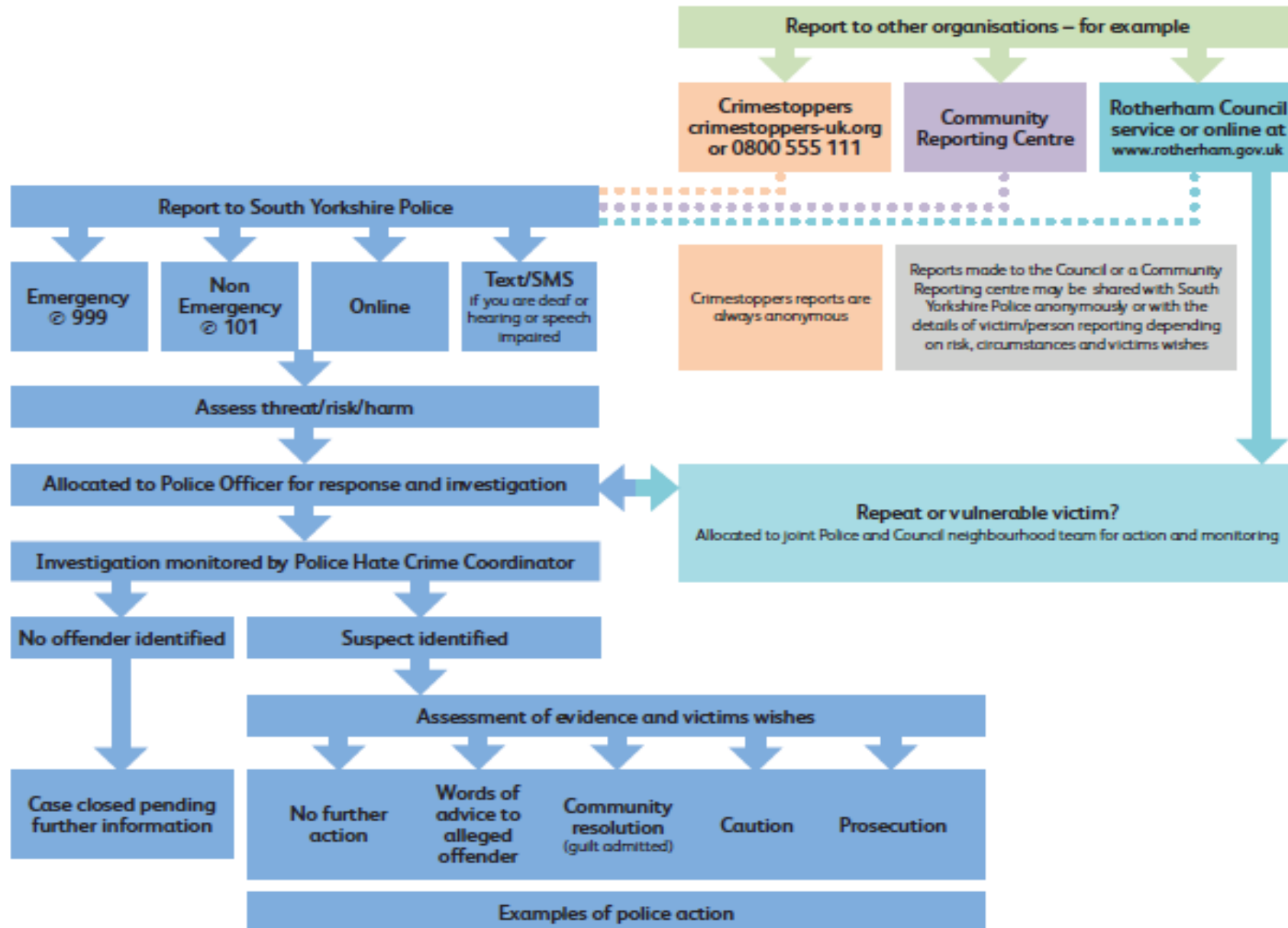
References

1 Children's Commissioner's Takeover Challenge

<http://www.childrenscommissioner.gov.uk/learn-more/takeover-challenge>

Contact

Janet Spurling, Governance Advisor, RMBC janet.spurling@rotherham.gov.uk







Rotherham Youth Cabinet

Email: rotherhamyouthcabinet@gmail.com

Facebook: [@rotherhamyouthcabinet](https://www.facebook.com/rotherhamyouthcabinet)

Twitter: [@Rotherham_YC](https://twitter.com/Rotherham_YC)

For further information please contact:
Sarah Bellamy, Participation, Voice and Influence Coordinator.
Early Help and Family Engagement

Tel: 01709 822128

Email: sarah.bellamy@rotherham.gov.uk

Public Report
Cabinet

Committee Name and Date of Committee Meeting

Cabinet – 20 July 2020

Report Title

Rotherham Show 2020

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)

Leanne Buchan, Head of Creative Programming and Engagement
leanne.buchan@rotherham.gov.uk

Polly Hamilton, Assistant Director – Culture Sport and Tourism
polly.hamilton@rotherham.gov.uk

Ward(s) Affected

Borough-Wide

Report Summary

The report sets out the implications for Rotherham Show 2020 of the Covid-19 pandemic and proposes alternative arrangements.

Recommendations

1. That approval be given to the cancellation of the 2020 Rotherham Show in its traditional form.
2. That approval be given to the development of an alternative programme of events and activities which can be safely delivered in its place.
3. That approval be given for the Production Board to continue to plan for the safe delivery of Rotherham Show in 2021

List of Appendices Included

Appendix 1 Equalities Screening

Background Papers

None

Consideration by any other Council Committee, Scrutiny or Advisory Panel

No

Council Approval Required

No

Exempt from the Press and Public

No

Rotherham Show 2020

1. Background

- 1.1 The Rotherham Show 2020 is currently scheduled to take place on 5 and 6 September 2020 and is a key 'Amazing Event' identified in the borough's Cultural Strategy.
- 1.2 Building on last year's 40th, which received very positive reviews from the public and partners, this year's Show would expect to attract around 80,000 people.
- 1.3 In keeping the Government guidelines, the COVID-19 pandemic has forced the cancellation of all major events, including the Great Yorkshire Show, Notting Hill Carnival and Edinburgh Fringe Festival. From information provided by other Council's events are being cancelled in Barnsley and Doncaster with no large-scale mass gatherings currently planned until the Christmas period.
- 1.4 Officers have been working with the Rotherham Show production board to consider the implications for this year's Show.

2. Key Issues

In considering the implications for this year's Rotherham Show, officers and the Production Board have had to take account of:

2.1 Health and Safety for the public, workers and volunteers

Current modelling would suggest that, although the peak of the crisis has been sooner and smaller than first anticipated, the length of the Covid-19 pandemic is also predicted to be longer. As of 25 June, there have been 307 deaths as a result of Covid-19 registered in Rotherham. Whilst death rates and infections have reduced, the expectation is that the virus is likely to persist until a vaccine is available and there is still a risk of a second surge. The cancellation of mass gatherings and events, combined with social distancing, are just two of the measures introduced by Government to control the infection.

In its traditional form, in order to be a success, the Show requires:

- a large number of visitors to engage – between 60,000 and 80,000
- a high-level of physical interactivity: performers spending months in each other's company, rehearsing and perfecting their shows; staff and volunteers working together to install the infrastructure, making the site ready, often within tight deadlines; children participating in hands-on arts activities, charities toting for donations; audiences singing and dancing; the sharing of food and drink; old friends and family greeting one another and enjoying one another's company.

At present, the very things that make the Show a success are a risk to public health.

2.2 Legal Implications

At present, Government regulations prohibit large groups gathering and this prevents the hosting of major events and mass gatherings. The government recently set out its plans for recovery which would see cultural attractions and events likely to be reintroduced in Phase 3 which is currently predicted to start after 4 July. These attractions still need to operate within strict social distancing guidance. In addition, the government has pledged to monitor the spread of the virus, delaying or reversing elements of the recovery plan as required.

As things stand, the Council is not empowered by law to allow the delivery of Rotherham Show.

Beyond the fact that the Coronavirus Act currently does not allow for mass gatherings, the other legal implications relate to the procurement of suppliers.

Some elements of the show were already secured such as marquee, security, and technical supplies. The Council will need to honour the deposits paid for these services.

2.3 Financial Implications

Rotherham Show costs in the region of £200,000 to deliver. The funding comes from a variety of sources including: Culture Sport and Tourism revenue budget; grant funding, from sources such as Arts Council of England; trading income, from pitch rentals, catering contracts and carparking fees; sponsorship from local businesses; in-kind support from the cultural, voluntary and community sectors.

This year, Arts Council England (who last year provided a grant of £78,000) have informed the Council and other organisations that they are prioritising emergency support to National Portfolio Organisations and individual artists: as such, they are not in a position to accept grant applications for activities such as the Show. Other partners, whose income has been affected by the pandemic and subsequent lockdown, are not now in a position to contribute. Given that some contracts, such as catering, depend on an anticipated volume of customers, it has not been possible to offer prospective suppliers the certainty they are seeking in order to make a competitive tender.

If the Show does not go ahead, the contractual obligations referred to in the section above, total £3114.50. These can be met from approved budgets in Culture Sport and Tourism.

2.4 Quality of Experience for the Public

If the Show were to continue, many of the traditional attractions would be affected, from the trading and community fundraising stalls to interactive children's activities to performances and events. It would not be possible to welcome 80,000 people to Clifton Park or any other location in a single weekend and to manage the social distancing needed to prevent the spread of the virus.

2.5 **Reputational Impact**

The Programme Board advised that there could be a reputational impact from continuing with the show, derived from the show not being able to deliver to the quality and scale as the previous year. Furthermore, there is a need to balance public disappointment in a cancelled or reduced offer, with the potential criticism that public safety is compromised if the Show goes ahead at all.

3. **Options considered and recommended proposal**

3.1 Officers have been working with the Production Board to consider the following options:

- Continue with planning the delivery of the 2020 Show
- Deliver a reduced-scale Show or postpone to later in the year
- Cancel the 2020 Show and offer the public an alternative programme of projects and activities

3.2 **Option 1: Continue with planning the delivery of a 2020 Show**

The Production Board advised that it would not be possible to plan a Show to the scale and quality of previous Shows without clarity of the legal framework, the public safety requirements or confirmed funding from partners. In addition, for performers and other suppliers, many of whom are shielding or furloughed, it has not been possible to go into production without breaking Government guidelines. Even with the current proposed easing of restrictions in July, there would not be the planning time available to deliver the Show safely. Compliance with social distancing would significantly change the kinds of activities which could be delivered, limit the numbers which can be accommodated in a single location and compromise the experience for the public.

3.3 **Option 2: Deliver a reduced scale Show or postpone to later in the year.**

A major feature of Rotherham Show is its scale and popularity. In bringing together hundreds of people to make it happen, and attracting in the region of 80,000 visitors, its magic relates to Rotherham's diverse communities coming together as a mass gathering in a single location. Attendance at the Show is heavily weather-dependent, so delaying the Show to later in the year would result in reduced numbers willing to participate, as well as compromise the kinds of activities which can be delivered.

3.4 **Option 3: Cancel the 2020 Show and offer the public an alternative programme**

This is the recommended option, in recognition of the fact that if it is not possible to create an event that is recognisable as Rotherham Show or that can bring people together safely at scale, then it is better not to compromise the reputation which has been built up over the last forty years. Although the recommendation is to cancel this year's show, partners recognise that, in the absence of the Show and in recognition of the extraordinary experience of the pandemic, there is a need for an alternative programme of projects and activities which will:

- Enable people to express and make sense of the experience of the last few months
- Create memorials/ways to remember those who have lost their lives
- Provide hope and support for grieving families, complementing clinical counselling services
- Combat loneliness and bring communities back together safely (either online, or in socially distanced household groups)
- Support, and celebrate the contribution of, staff, key workers and volunteers
- Revitalise morale, pride and confidence in Rotherham (supporting economic recovery)

In the meantime, the Production Board can continue to meet in order to plan for the 2021 Rotherham Show.

4. Consultation on proposal

4.1 Rotherham Show Production Board

A multi-agency Production Board was formed in March 2020 to oversee the development of the Show. The group includes local voluntary and community sector organisations, artists, officers of a range of Council departments and people representing sectors of the community with protected characteristics. The group made the recommendation to the Council in April that, given the need to protect public safety, the 2020 Show should be cancelled.

4.2 Rotherham Events Safety Advisory Group

Additional consultation took place with the Rotherham Events Safety Advisory Group at a meeting on 2 June 2020 which included South Yorkshire Police, Yorkshire Ambulance Service, the Hospital and officers in Emergency Planning, Community Safety and Public Health. The group endorsed the proposal to cancel and suggested that it was important for the Council to take a lead, setting an example to organisers of other major events, and prioritising public safety.

4.3 Covid-19 Emergency Response partnerships

The proposal to cancel has been discussed with and endorsed by the relevant emergency response working groups and partnerships which include representation from the emergency services, Rotherham Hospitals Trust, the CCG, public health, the business community and the voluntary and community sector.

5. Timetable and Accountability for Implementing this Decision

5.1 Subject to approval, the timetable is as follows:

- July/August 2020 – development of alternative programme and delivery of key communications to inform the public
- 5 and 6 September – installation to mark the dates of Rotherham Show and launch alternative programme

- September-December – delivery of programme of events, installations, and resources to support community recovery and celebration.
- September 2021 – delivery of Rotherham Show

5.2 This work will be led by officers in Culture Sport and Tourism, led by the Head of Creative Programming and Engagement, working closely with:

- Corporate Communications and Members on the public communications campaign
- The multi-agency Production Board on the planning of Rotherham Show 2021
- The Creative Recovery Working Group to develop and deliver the alternative programme planned for September to March.

6. Financial and Procurement Advice and Implications

6.1 The gross cost of last year's 40th Anniversary Show was £191,000. Income amounted to £172,500 with the difference found from Culture Sport and Tourism approved budgets.

An appraisal of the options finds that Option 1 is untenable for viability reasons. Even if the same level of show was planned for it is known external funding has been re-directed to other priorities and therefore the Show would prove financially unviable. Option 2 is discounted for non-financial reasons. Option 3 is the more viable option but will require firm proposals to be brought forward and agreed.

6.2 The procurement implications for this report have been identified in the main body of this report.

7. Legal Advice and Implications

7.1 There are no material legal implications arising from the contents of this report.

8. Human Resources Advice and Implications

8.1 There are no direct Human Resources implications of the proposed recommendation.

9. Implications for Children and Young People and Vulnerable Adults

9.1 The Show traditionally provides a diverse range of activities and events specifically targeting children, young people and vulnerable adults. Whilst the Show cannot be delivered this year, the alternative programme will take account of the needs of all sectors of the community and particularly those with protected characteristics.

10. Equalities and Human Rights Advice and Implications

- 10.1 The Equalities Screening is attached at Appendix 1. As part of the work to improve the impact of the Show in employing, involving and engaging people who have traditionally been less represented as performers, suppliers, partners and audiences, the Production Board includes sectors of the community with protected characteristics.
- 10.2 Although the cancellation of the Show will be disappointing for all of our communities, there will be an Equalities Impact Assessment of the alternative programme. Furthermore, cancellation of this year's event gives more planning time to enable better inclusion and representation of all of Rotherham's diverse communities in the 2021 Show: people with protected characteristics are now directly influencing the direction of travel through the Production Board.
- 10.3 The Council has a Community Reference Group which is Chaired by the Cabinet Member for Corporate Services and Finance and has representatives from different protected characteristic groups. This group will also be consulted on initial proposals and support the engagement of target neighbourhoods (alongside the Neighbourhoods Service) and communities of interest. Faith representatives will also help to co-design some of the creative content.

11. Implications for Ward Priorities

- 11.1 Whilst Rotherham Show takes place at Clifton Park in Boston Castle ward, organisations and audiences take part from across the borough.
- 11.2 The Head of Neighbourhoods is part of the working group for the alternative programme. In addition to increased online activity, which people can engage with wherever they live, a number of the projects are intended to take place in different parts of the borough, making them more accessible to people located in the north or south.

12. Implications for Partners

- 12.1 A diverse range of partners are involved in the Production Board including: Gullivers, Grimm and Co, Khula Arts, Voluntary Action Rotherham, members of the Community and Faith Leaders Forum and other community representatives. This group recommended that the Show should be cancelled and agreed to work with the Council to develop a Show for 2022.
- 12.2 Many voluntary and community sector organisations traditionally use the Show for local fundraising. Officers will continue to work in collaboration with Voluntary Action Rotherham to provide advice and support where possible.
- 12.3 A working group to develop the Creative Recovery Programme has been created which includes partners from Voluntary Action Rotherham, NHS, Rotherham United Community Sport Trust, Rotherham Ethnic Minority Association and departments from across RMBC.

13. Risks and Mitigation

13.1. The risks have been set out in Section 2 above. The recommendation to cancel Rotherham Show recognises:

- Reputation and public confidence in the Council: The public may be deeply disappointed that the Show will not take place this year. However, consultation with partners suggest that the public understand that the reasons for cancellation are beyond the control of the Council, that public health is the right priority at this time and also that the public is unwilling to engage in cultural events and mass gatherings which risk their chances of contracting the virus at present.
- Mental health and wellbeing: national research conducted by University College London suggests that the pandemic has had a significant impact on mental health. The Show is an important annual boost to morale and civic confidence.

13.2 The proposal to develop an alternative programme of projects and activities, as set out in section 3.3, combined with proactive communications will help to mitigate the above risks.

13.3 Although the alternative programme will not be able to recreate the spectacle of the annual Rotherham Show, it will offer other opportunities to engage residents, to respond appropriately and safely to the unprecedented experience of the pandemic and lockdown, as well as capture the spirit of the Show by bringing people together in new and different ways.

14. Accountable Officers

Leanne Buchan, Head of Creative Programming and Engagement
Polly Hamilton, Assistant Director, Culture, Sport and Tourism

Approvals obtained on behalf of Statutory Officers: -

	Named Officer	Date
Chief Executive	Sharon Kemp	26/06/20
Strategic Director of Finance & Customer Services (S.151 Officer)	Judith Badger	26/06/20
Head of Legal Services (Monitoring Officer)	Stuart Fletcher	26/06/20

*Report Authors: Polly Hamilton, Assistant Director of Culture, Sport & Tourism
polly.hamilton@rotherham.gov.uk*

*Leanne Buchan, Head of Creative Programming and Engagement
leanne.buchan@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: Rotherham Show 2020

Directorate:
Regeneration & Environment

Service area:
Culture, Sport & Tourism

Lead person:
Sara Hudson, Events Manager

Contact number:
01709 255755

Is this a:

☐

Strategy / Policy

☒

Service / Function

☐

Other

If other, please specify

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

Following COVID-19 and advice from national government relating to events and mass gatherings it is proposed to cancel this year's Rotherham Show. This screening assessment aims to ensure that this does not disproportionately affect protected characteristic groups.

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

Has there been or is there likely to be an impact on an individual or group with protected characteristics?

It is proposed to cancel the whole show and as such all partners and communities would be affected by this decision. Whilst groups with protected characteristic do attend the show they have been advised and consulted on the proposal which is in the interest of public safety.

Have there been or likely to be any public concerns regarding the proposal?

Many events and mass gatherings have been cancelled across the country including major national events such as Notting Hill Carnival. Consultation with Rotherham Events Safety Advisory Group (RESAG) has confirmed that locally and regionally there are no major events planned for the next three months until guidance from Government is relaxed. Although some rules and regulations are being relaxed the public appetite for events is low and the understanding of the need to protect public safety is high.

Could the proposal affect how the Council's services, commissioning or

procurement activities are organised, provided, located and by whom?

Artists, suppliers and services related to the show are commissioned in line with the Council's procurement guidelines. This work had not started for this year's show due to the lockdown and many artists and suppliers being furloughed.

Could the proposal affect the Council's workforce or employment practices?

This proposal operates within the Council's workforce and employment practices and is led by the Council's Events team.

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?**

Rotherham Show is the Council and the Borough's flagship cultural event, it brings together a diverse range of artists, performers and organisations and is the most visible celebration of diversity in the annual calendar. As such all groups will be affected by this decision.

The Production Board which support Rotherham Show has community representatives who have protected characteristics and have been consulted in the proposal. The proposal has also been discussed with Diversity Festival, which is a community led element of the Show with the largest representation of diversity. All are in agreement that under circumstances and given the high number of visitors to the show (circa 80,000) it could not go ahead this year without compromising public safety.

That said they all feel that some form of alternative is required to fill the gap left by the show and a Creative Recovery Programme is being developed which will consult with a wide range of communities. Trusted community partners such as Voluntary Action Rotherham, REMA, Rotherham United Community Sports Trust, and the Council's own Neighbourhoods and Communities teams have been involved in the development of this programme.

- Key findings**

Positive Impact

Rotherham Show is a key vehicle for building community cohesion and seeks to represent the many and diverse communities across the borough. The Creative Recovery Programme offers an opportunity to expand to this, going to where communities are and building stronger engagement ahead of next year's show.

Negative Impact

The show is a key focal point for communities and its cancellation will leave a void for community cohesion and togetherness at such a difficult time.

The Creative Recovery Programme will need to ensure that our communities are represented and have been consulted. Thought will need to be given to locality of the activities, content, representation among the artists and performers who take part in the programme and a clear comms plan for how we will ensure that the programme has visibility within communities.

Each aspect of the programme will be tested for accessibility both in terms of physical and cultural barriers, ensuring that the programme provides access points for all communities.

Actions

- We will work with communities to create space within the Creative Recovery for their own expression which would otherwise have taken place at Rotherham Show.
- We will consult with focus groups of communities who have protected characteristics and therefore face increased barriers to employment, inclusion and accessibility
- We will ensure that communication is accessible and takes place at a local grass-roots level as well having borough-wide visibility
- We will use the alternative programme to learn and develop creating a more diverse and inclusive Rotherham Show in 2021

Date to scope and plan your Equality Analysis:	1 July 2020
Date to complete your Equality Analysis: On the 'Creative Recovery' programme: On the plan for Rotherham Show 2021	15 August 2020 30 November 2020
Lead person for your Equality Analysis (Include name and job title):	Sara Hudson, Events Manager

5. Governance, ownership and approval

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

Name	Job title	Date
Leanne Buchan	Head of Creative Programming & Engagement	25 th June 2020
	Assistant Director,	

Polly Hamilton	Culture, Sport & Tourism	
Waheed Akhtar	Communities Manager Policy, Performance and Intelligence	26/6/20

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 th June 2020
Report title and date	Rotherham Show 2020
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 13 th July 2020 Publication on 29 th June 2020
Date screening sent to Performance, Intelligence and Improvement equality@rotherham.gov.uk	25 th June 2020

This page is intentionally left blank

Committee Name and Date of Committee Meeting

Cabinet – 20 July 2020

Report Title

Financial Outturn 2019/20

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

Yes

Strategic Director Approving Submission of the Report

Judith Badger, Strategic Director of Finance and Customer Services

Report Author(s)

Rob Mahon, Head of Corporate Finance
01709 254518 or rob.mahon@rotherham.gov.uk

Graham Saxton, Assistant Director – Financial Services
01709 822034 or graham.saxton@rotherham.gov.uk

Ward(s) Affected

Borough-Wide

Report Summary

The report outlines the final revenue and capital outturn position for 2019/20.

The Revenue Budget 2019/20 was approved by Council on 27 February 2019. A budget of £221.1m was set for General Fund services; this excludes schools budgets and Housing Revenue Account (HRA). The final outturn position was a balanced budget which required £2.0m less use of corporate reserves than planned for. The original budget was supported by budget contingency reserves of £3.2m. Additional funding received in year, use of earmarked reserves and flexible use of capital receipts has resulted in a reduced call on the reserves of £1.2m leaving a balance of £2.0m to support the budget in later years.

A summary of the outturn position for each Directorate is shown in the table in Section 2.1 below together with the actions and measures taken to deliver a balanced budget. The Council continues to face demand pressures, in particular in respect of social care. This coupled with the significant financial challenges the Councils response to Covid-19 will bring, as reported in detail to Cabinet in June 2020, means the outlook is very challenging.

The Council's General Fund minimum balance has been increased to £20.700m as planned and set out within the Council's Reserves Strategy reported in the Budget and Council Tax Report 2020/21. The reserve is held to protect the Council against unforeseen events and realisation of contingent liabilities.

The Housing Revenue Account had an underspend of £2.9m, however, the revenue contribution to capital outlay was increased by £0.2m. Therefore, the net budgeted use of HRA reserves reduced by £2.7m.

The schools outturn position which is funded by the ring-fenced Dedicated Schools Grant had an underspend of £1.968m.

The capital outturn shows slippage and underspend of £6.3m against the estimated spend for 2019/20 included within the Capital Programme.

Recommendations

1. That the revenue outturn position be noted.
2. That it be noted that the budgeted transfer from HRA reserves was reduced by £2.7m following the HRA outturn position.
3. That the carry forward of the combined schools balance of £1.740m in accordance with the Department for Education regulations be noted.
4. That the reserves position set out in section 2.32 be noted.
5. That the capital outturn and funding position as set out in sections 2.40 to 2.57 be noted.
6. That the report be referred to Council for information and for approval of the updated Capital Programme as set out in paragraphs 2.58 to 2.66 and Appendices 1 to 4 of this report.

List of Appendices Included

Appendices 1 to 4 Capital Programme 2020/21 to 2023/24.
Appendix 5 Equalities Screening

Background Papers

Revenue Budget and Council Tax Setting Report for 2019/20 to Council on 27th February 2019.

May Financial Monitoring Report to Cabinet 8th July 2019

July Financial Monitoring Report to Cabinet 16th September 2019

October Financial Monitoring Report to Cabinet 23rd December 2019

December Financial Monitoring Report to Cabinet 17th February 2020

January Financial Monitoring Report to Cabinet 23rd March 2020

Consideration by any other Council Committee, Scrutiny or Advisory Panel

Overview and Scrutiny Management Board – 15 July 2020

Council Approval Required

Yes

Exempt from the Press and Public
No.

Financial Outturn 2019/20

1. Background

- 1.1 This report sets out the Council revenue, capital, HRA and schools outturn position in 2019/20. It also describes the details of the Council's reserves balances as at the end of the financial year. The Council set a revenue budget of £221.1m and a capital programme of £99.689m.
- 1.2 The report illustrates the Council's financial position on a management accounts basis which is used to monitor performance throughout the financial years. The Audit Committee will consider the Council's draft unaudited Statement of Accounts 2019/20 on 18th August 2020 and will consider the final Statement of Accounts on 24th November 2020 following the audit of the accounts by the Council's external auditors Grant Thornton. These required timetables for publication of local authority accounts have been pushed back nationally in response to the additional pressures placed on public sector finance teams due to Covid-19. The Statement of Accounts are prepared in accordance with the Code of Practice on Local Authority Accounting in the United Kingdom 2019/20 and appropriate accounting standards. As such, the reporting in the Statement of Accounts is different in format to the management reporting.
- 1.3 In understanding the outturn position it is helpful to set out the financial context of the Council.
- 1.4 The Council set a two-year budget for 2019/20 and 2020/21 at the Council Budget meeting in February 2019. The two-year budget included savings to address a funding gap of £30m over those two years, those savings included £7.8m of Service Directorate savings to be delivered in 2019/20 and a further £15.8m to be delivered in 2020/21. There were no additions in the 2020/21 budget to those savings, though £8.6m of one-off additional budget support was provided in recognition that more time was required to deliver key savings in Adults and CYPS. The existing agreed savings will continue to be monitored to ensure delivery.
- 1.5 However, the challenge is significant in light of increased demand for services and funding uncertainty for the local government sector. Notwithstanding, the Council will continue to examine service change and improvement work across the Council in meeting the challenges faced.
- 1.6 In common with other local authorities across the country, there continues to be increasing demand pressures on social care services. These increased demands continued to place additional pressures on the Council's financial position, which has been closely monitored and appropriate mitigations have been implemented by management to ensure that total expenditure remained within the overall budget for 2019/20 set by Council in February 2019.
- 1.7 The Council has a programme to identify, track and deliver a savings programme over the medium term in order to maintain a balanced budget. The process draws on an approach that ensures that both investment and savings options are not considered in isolation and contribute to the principles and priorities as set out in the Council Plan and Medium Term Financial Strategy. The Council's 'Big Hearts, Big Changes' programme helps the Council to address the financial challenges.

- 1.8 The Council's Medium Term Financial Strategy was revised and updated as part of 2020/21 budget setting and supports the Council's ambition of financial sustainability over the medium term.

2. Key Issues

- 2.1 The table below provides a summary of the Revenue Outturn for 2019/20. This is followed by a summary of the position by Directorate which includes an explanation of the key variances.

Directorate	Budget 2019/20	Outturn 2019/20	Variance (over (+)/under (-))
	£'m	£'m	£'m
Children and Young People's Services	65.9	70.3	4.4
Adult Care, Housing and Public Health	77.0	77.7	0.7
Regeneration and Environment	42.2	44.7	2.5
Finance and Customer Services	18.2	17.6	-0.6
Assistant Chief Executive	6.6	6.4	-0.2
Central Services	11.2	5.6	-5.6
SUB TOTAL			
Budget Contingency	0.0	0.0	0.0
TOTAL	221.1	222.3	1.2
Actions to address budget overspend			
Use of Reserves – Budget Contingency		-1.2	-1.2
Total Actions to Address Budget Overspend	0.0	-1.2	-1.2
Net Financial Outturn			
	221.1	221.1	0.0

2.2 Children and Young People's Services

- 2.3 Children & Young People Services are implementing a two-year budget recovery plan to reduce the budget pressures from previous years (£15.7m in 2018/19) and deliver budget savings
- 2.4 The outturn position at the end of March is £4.4m with a £1.5m favourable movement since January's monitoring report to March cabinet, in the main due to £1.3m received from the DfE linked to Stovewood costs. The Looked After Children number of 595 is 5 under the budget target of 600, but the placement mix of having too many young people in residential care is the main reason for the budget overspend.
- 2.5 The direct employee budget was £39.03m and is a combination of general fund, traded and grant funded services. The staffing underspend at the end of financial year was £1.43m, of which £1.33m is a general fund underspend, with a £60k underspend on Traded Services and a £34k underspend on DSG staffing.

- 2.6 A significant element of the CYPS non-pay budgets relates to placements which has a net budget of £31.2m, the spend in 2019/20 was £37.6m, creating a financial pressure of £6.4m. The main financial pressures were Residential placements (£4.5m), Special Guardianship Payments (£1.0m), Emergency placements (£0.6m), Direct Payments (£0.4m) offset by Parent and Baby assessment savings of (£0.4m), plus a reduction in the estimated income from the Clinical Commissioning Group (£1.0m).
- 2.7 The other major budget pressures have also been incurred linked to the current number of Looked After Children this financial year. Transport overspent by £490k and section 17 & 23 payments by £543k.
- 2.8 High Needs Block
- 2.9 The High Needs Block (HNB) is £34.5m (including the £2.8m transfer from the schools block) and remains under significant pressure due to rising numbers of children supported in specialist provision and the rising costs of Education Health Care (EHC) plans. Consequently, the central DSG reserve has changed over a three-year period from a £1m reserve deficit at the end of 2015/16 to £15.1m deficit at the end of the 2018/19 financial year (£5.1m overspend in 2018/19).
- 2.10 The outturn was an overspend of £4.6m. The main pressures are due to growth in alternative provision and top up payments, plus the number of high cost external residential and independent sector placements.
- 2.10 **Adult Care, Public Health and Housing**
- 2.11 The final outturn position for the Directorate was an overspend of £0.7m. This was an improvement on the position which had been previously reported. This is based on full delivery of savings identified by implementing the new target operating model and part year savings from the reassessment programme and review of Learning Disability services.
- 2.12 Adult Care Services are overspending largely as a result of demand for services. The net reduction in people requiring the service is less than anticipated, people are presenting with increasingly complex needs and the average number of hours for a domiciliary care package is increasing.
- 2.13 The budget includes savings of £5.7m, of which £2.4m was delivered giving a shortfall of £3.3m in 2019/20.
- 2.14 Some of the forecast savings are lower than originally planned and will take longer to deliver. The reassessment savings have been re-profiled based on the reassessments delivered in 2018/19, and the forecast activity across 2019/20 to 2021/22. The outturn position includes the impact of the reassessments completed during 2019/20 which show a deficit of £0.5m against plan.
- 2.15 My Front Door has been re-profiled for the amended inhouse services timeline. Other savings are on track to be delivered as planned.
- 2.16 Neighbourhood Services' (Housing) has an underspend position due to additional fee income from the Furnished Homes scheme (-£0.4m) and additional contributions from the HRA for advocacy and appeals.

2.17 A number of mitigating actions have been identified, including maximising the use of one-off resources, which have bridged the savings shortfall this financial year and also covers some of the costs of additional demand for services, resulting in a net overall forecast of £0.7m overspend for the Directorate.

2.18 The Public Health grant has been fully utilised. A Budget saving agreed as part of the budget setting process totalling £0.1m in respect Sexual Health contract was fully achieved in year.

2.19 **Regeneration and Environment**

2.20 The Directorate has an overspend of £2.5m. This is in excess of the £2m reported to Cabinet in March 2020 but is reflective of the significant budgetary challenges that faced the Directorate during the financial year. A summary of the main budget variances are identified below.

- **Community Safety and Street Scene (CSS) - £1.1m overspend**

Street Scene services were £1.4m overspent. This included an overspend of £1.4m in the Corporate Transport Unit, which was principally made up of a £1.1m overspend in respect of Home to School transport. This is a result of demand pressures on the Service, which is affecting all local authorities. As part of the 2020/21 budget setting the Council has recognised these pressures by providing a revenue budget investment of £1.1m into this service. The Council is also working towards bringing the fleet maintenance service back inhouse from September 2020.

Network Management reported an overspend of £0.219m. Overspends of £0.197m were reported in Highway Maintenance and £0.162m in Winter Maintenance, where the budget was insufficient even for a mild winter. The Council has recognised this, with a base budget realignment of £0.181m in 2020/21. An underspend of £0.219m in Streetworks and Enforcement, largely from income over recovery, has helped to mitigate the pressures in the Network Management Service.

The overall overspend position in CSS was significantly mitigated by underspends of £0.421m in Regulation and Enforcement and £0.118m in Community Safety Resilience and Emergency Planning. This is principally as a result of staff vacancies, with some additional income.

- **Culture Sport and Tourism (CST) - £0.475m overspend**

Majority of the overspend relates to an underachievement of income (£0.8m) in Green Spaces, both at Rother Valley Country Park and Thrybergh Country Park. The shortfall is across several revenue streams, including leisure activities, café, accommodation and car-parking. The under recovery was the result of a number of factors; blue green algae in the Rother Valley lake impacted on trading at Rother Valley Country Park. Poor weather during the peak summer and autumn seasons contributed. Less than planned income led to a review of commercial traded opportunities and led to £0.400m revenue budget adjustment being applied for 2020/21 onwards. A delay to the opening of Gulliver's Valley Resort had a further knock on effect on trading conditions. It had been anticipated one off pressures would be resolved through 2020-21 until the onset of Coronavirus

Despite running a varied programme of activity, the Civic Theatre was unable to balance against planned income, recording a £0.097m overspend. The overspend position in CST was significantly mitigated by savings in Libraries of £0.287m, a combination of staff savings, reduced spend on stock and additional grant income. In addition, there was a £0.183m saving on Customer Services, largely as a result of additional income generation in Registrars. Cost restraint on non-pay budgets helped to achieve a better financial outcome

- **Planning Regeneration and Transport (PRT) - £0.952m overspend**

The principal reason for the overspend in this Service was an overspend in Facilities Management (FM) of £0.883m. Overspends were recorded in a number of FM areas, however, the largest ongoing pressure is in respect of delays to the achievement of the Council's £1m property savings, which resulted in a pressure of £0.513m. Progress has been made, but decisions to vacate buildings are subject to the completion of service reviews. Other pressures in this Service included a mixture of unbudgeted building repair and maintenance costs, building security costs, lease costs and unachievable savings from leasing out part of Riverside House (£0.16m). A number of these pressures were one-offs or have been resolved through budget realignments. Underspends in utilities partly mitigated the overall pressure in FM.

Overall the Asset Management service, of which FM is a part, overspent by £0.851m. Building Consultancy over-recovered against its surplus target by £0.171m. However, Estates overspent by £0.232m, as a result of a delay to the completion of the business units at Beighton Link. This is a one-off pressure, as the units are now covered by a rent guarantee scheme, up to the point that they are successfully let.

Elsewhere within PRT, RIDO recorded an overspend of £0.255m. The principal pressure in this Service, is the on-going under-recovery of income within the Markets Service, as a result of the difficult retail trading conditions. This has been recognised with a base revenue budget increase of £0.250m from 2020/21.

Facilities Services reported an overspend of £0.101m, as a result of lost income to the School Meals service as schools closed in late March, following Government Covid 19 lockdown restrictions. Income over recovery in the Planning and Transportation service, which reported an overall underspend of £0.196m, partly mitigated the other overspends in PRT.

As the PRT Service is heavily dependent on income to support over services, the budgetary impact of Covid 19 in 2020/21 will be significant.

2.21 Finance and Customer Services

2.22 There was an underspend of £0.6m in the Directorate, details of which are set out below.

- **Legal Services - £0.4m underspend**– Reduced challenges during the year from the demand for legal support with child protection hearings and court cases relating to Looked After Children. In addition to this staff savings generated through vacancy control have enabled a significant in year saving to be generated.

- **Customer Information and Digital Services - £0.5m underspend** – Within Customer, Information and Digital Services, there were financial pressures on Schools Connect Trading to reflect the continued loss of schools/academies subscribing to services, which is resulted in a loss of £0.1m. The service mitigated the cost pressures this year through vacancy control with plans to cease provision of the service from the new financial year.
- **Financial Services - £0.3m underspend** - within finance, the financial pressure remains from staff absence claims from the Schools Traded Service, however the pressure in-year was offset by vacancy control across the wider finance function and savings on the Council's insurance budgets.
- **Customer and Digital Programme - £0.5m overspend** – The Customer and Digital Programme aims to deliver more streamlined customer services through the use of digital ways of working for Council's services. These improved ways of working are expected to generate savings of £0.5m year on year with the FCS directorate. During 2019/20 financial year new proposals were being developed and finalised in order that they would generate full year savings from 2020/21. Some savings were achieved during 2019/20 with other work ongoing to deliver in 2020/21. The shortfall within the current year was mitigated via vacancy control across the directorate.

2.23 Assistant Chief Executive

2.24 There was an underspend of £0.2m, in the main due to vacancy control and savings from the HR restructure. Further details are:

- **Human Resources - £0.2m underspend** – this is largely due to vacancy control and the ability to capitalise salary costs relating to the implementation of the new HR and Payroll system. There were pressures in the service due to loss of income, however, these were offset by income from salary sacrifice schemes and additional income from new payroll contracts.
- **Policy and Partnerships - £0.1m underspend** – the service has been undertaking a restructure and due to this a number of posts within the service remained vacant for significant periods. In additional income was generated via a contribution from the Better Care Fund to the Performance and Quality Team.
- **Customer and Digital Programme - £0.2m overspend** – The Customer and Digital Programme aims to deliver more streamlined customer service through the use of digital ways of working for Councils services. These improved ways of working are expected to generate savings of £0.2m from the ACX directorate year on year. During 2019/20 financial year new proposals were being developed in order that they would generate full year savings from 2020/21, with the current year mitigated via vacancy control across the directorate.

2.25 Central Services

- 2.26 There was an underspend of £5.6m, this was mainly as a result of further savings identified from treasury management activity, a review of PFI funding and payment profiles, additional business rates relief grant income and savings from early payment of pension costs to SYPA.

2.27 HOUSING REVENUE ACCOUNT (HRA) OUTTURN 2019/20

- 2.28 The Housing Revenue Account (HRA) is a statutory ring-fenced account that the Council must maintain in respect of the income and expenditure incurred in relation to council dwellings and associated assets. The original approved budget included a revenue contribution to capital expenditure of £14.7m and a contribution of £12.1m from reserves to provide an overall balanced budget.

- 2.29 The overall HRA position is an underspend of £2.9m, in addition the final revenue contribution to capital was £14.9m, £0.2m more than anticipated. Overall this reduced the transfer from the HRA reserve from a budgeted £12.1m to £9.4m, a reduction in use of HRA reserves of £2.7m.

- 2.30 The forecast underspend relates to:
- additional income from rents due to a quicker turnaround of void properties and a reduction in forecast rent allowances - £0.5m;
 - additional fees and charges -£0.5m
 - £1.3m underspend on Repairs and Maintenance due to increased recovery of tenants repairs income, savings on void costs and a reduction in some cyclical repairs;
 - staff vacancies and savings on other employee costs - £0.3m;
 - -£0.2m additional interest

2.31 SCHOOLS OUTTURN 2019/20

School balances at the end of 2019/20 for the Council's maintained schools and pupil referral units was £1.740m. This is a £1.629m decrease compared to the previous year and takes account of schools that have converted to academies during 2019/20.

2.32 RESERVES

- 2.33 The Councils budget for 2019/20 included a reserves strategy that made available use of £3.2m budget contingency to support the Councils projected financial position for 2019/20.

- 2.34 However, due to the identification of additional savings from Central Services budgets, additional government funding and use of capital receipts flexibility, only £1.2m was required, leaving a balance of £2m for use in later years.

- 2.35 The total General Fund revenue reserves balances as at 31 March 2020 was £49.4m compared to £39.1m in the previous year. The most significant adjustment relating to the Councils receipt of Covid-19 response grants of £8.9m specifically for additional costs as a result of Covid-19 and £6.3m section 31 grants paid early to assist local authority cash flows.

- 2.36 Total reserves including, HRA, Schools and DSG as at 31 March 2020 was £29.5m (note DSG Reserve (£19.892m)). A summary of the balances and the movements in reserves in 2019/20 is shown in the Table 2 below.
- 2.37 The Budget and Council Tax Report 2019/20 set out the proposed Reserves Strategy, which includes a planned increase in the Council's General Fund Minimum Balance to £21m by 31st March 2020 and a move to three Corporate Reserves. The outturn position reflects the projected balances for these Corporate Reserves, as well as the General Fund minimum balance as set out in the Reserves Strategy. The Corporate Reserve balances are shown in the table below and make up the Council's total earmarked reserves.
- 2.38 The Council's General Fund minimum balance has been increased to £20.700m as planned and set out within the Council's reserves strategy reported in the Budget and Council Tax Report 2019/20.

Table 3 Total Earmarked Reserves as at 31 March 2020

	Balance as at 1 April 2019 £m	Transfer to/(from) in the year £m	Balance as at 31 March 2020 £m
General Fund Reserves			
Transformation	2.7	1.3	4.1
Insurance Fund	0.4	-0.4	0.0
Business Rates	4.0	0.0	4.0
Pensions	4.9	-4.9	0.0
PFI – Education (Schools)	3.1	-1.7	1.4
Looked After Children	0.0	0.0	0.0
Corporate Revenue Grants Reserve	2.2	-1.1	1.2
Budget Contingency	3.2	-1.2	2.0
Housing Transformation Fund	0.7	0.0	0.7
Total	21.3	-7.9	13.4
Total HRA (within grant reserve)	0.0	0.0	0.0
Total General Fund Reserves	21.2	-7.9	13.3
General Fund Minimum Balance	16.8	3.9	20.7
Total General Fund	38.0	-4.0	34.0
Covid-19 Grants Reserve	0.0	15.3	15.3
DSG Grant Reserve	-15.1	-4.8	-19.9

2.39 Capital Reserves

The total earmarked and un-earmarked capital reserve balances at the end of 2019/20 are shown in Table 4 below.

Table 4 Capital Reserves as at 31 March 2020

	Balance as at 31 March 2020 £m	Committed Resources £m	Un- earmarked as at 31 March 2020 £m
Capital Receipts			
General Fund	4.5	4.5	0.0
HRA	12.4	1.9	10.5
Sub-Total	16.9	6.4	10.5
Capital Grants – Unapplied			
General Fund (not service specific)	0.0	0.0	0.0
General Fund (service specific)	15.5	15.5	0.0
HRA	0.9	0.9	0.0
Sub-Total	16.4	16.4	0.0
Major Repairs Reserve – HRA	16.0	16.0	0.0
Total	49.2	38.7	10.5

2.40 CAPITAL OUTTURN 2019/20

- 2.41 The Capital Programme for 2019/20 was £99.854m split between the general fund £55.887m and HRA £43.967m. As at the financial year end 31 March 2020, the capital programme had expenditure of £96.985m, with underspend and slippage of (£2.869m). The breakdown of the outturn position by Directorate is shown below, together with a summary of the key variances between budget and outturn, and some key achievements in the year.

Table 4 Capital Outturn 2018/19

Directorate	2020/21 Budget £m	2020/21 Outturn £m	2020/21 Variance £m
General Fund Capital			
Children and Young Peoples Services	9.155	8.831	-0.324
Assistant Chief Executive	0.884	0.808	-0.076
Adult Care & Housing	4.529	4.278	-0.250
Finance & Customer Services	5.210	4.928	-0.282
Regeneration & Environment	34.110	33.163	-0.947
Capitalisation Direction	2.000	0.712	-1.288
Total General Fund Capital	55.887	52.720	-3.167
Total HRA Capital	43.967	44.266	0.299
Total RMBC Capital Programme	99.854	96.985	-2.869

2.42 Children and Young People's Services

2.43 The CYPS capital programme outturn had £0.324m of underspend and slippage against the approved budget of £9.155m. The main variances contributing to this position are:

- **Primary Schools: Waverley New Primary School - (£0.896m)** Building under construction, with internal and external walls underway, roof partially constructed and drainage complete. Contract. The contract has been delayed slightly by the COVID19 pandemic, with the building now expected to be handed over to the school in September 20 and the remainder of the site by November 20.
- This underspend is offset by an accelerated spend on the Schools PFI planned maintenance programme. The budgets are based on a life cycle maintenance programme, and whilst in 2019/20 the programme overspent, overall expenditure is still within the programme budget across the 30 year lifecycle.

As part of the outturn position the following key outputs have been delivered:

- Primaries: added two new classrooms at Rawmarsh Sandhill Academy and commenced building the new primary school at Waverley.
- Secondary Schools: started the design work and asbestos removal on the building at the Aston Academy site
- Special: completed work on SEND phase I at The Willows (single classroom) Newman School (10 additional places), and started design works to a number of SEND phase II projects at Wales high School, Thrybergh Rainbow academy, Kelford Academy, Maltby & Wath Victoria.

- Investment in twenty-seven schools through the capitalised enhancement programme.
- Work commenced or completed across eight careers properties, via Pathways to Care.

2.44 Adult Care & Housing

2.45 The Adult Care & Housing capital programme outturn had £0.250m of underspend and slippage against the approved budget of £4.529m. The main variances contributing to this position are:

- Assistive Technology scheme, underspend by £0.088m against budget, this is a demand led scheme, that provides technology equipment and alarms to assist in allowing vulnerable people to remain within their own home.
- Aids and Adaptations for Private Properties, underspend by £0.053m against budget, this is a demand led scheme, that provides adaptations to properties to allow vulnerable people to remain within their own home.
- Conway Fit Out, underspend by £0.040m against budget, this is to provide total fit out with furniture, fixtures, fittings and technology equipment to 2 new properties to deliver specialist care, slippage due to a delayed start on site.
- Bellows Scheme, underspend against budget by £0.068m on finalisation of all costs.

As part of the outturn position the following key outputs have been delivered:

- 239 Major Adaptations completed (Fair Access) to properties, including, but not limited to, hoists, level access showers, extensions, ramps, and stairlifts.
- In excess of 3,500 customers have benefited from assistive technology equipment been issued to vulnerable people to help them remain in their homes, including but not limited to, riser/recliner chairs, bed sensors, automatic door openers, and radio guardian monitors

2.46 Assistant Chief Executive

2.47 The Assistant Chief Executive capital programme outturn had £0.076m of underspend and slippage against the approved budget of £0.884m. Ward budgets have been re-profiled into the new financial year as a number of projects are still either being developed or going through an approval process.

- The Ward budgets were used to deliver in excess of 180 projects across the borough through both community and Council led initiatives, with budgets on commitments carried forward.
- The replacement HR system was completed and became fully operational during the year.

2.48 Finance & Customer Services

2.49 The Finance & Customer Services capital programme outturn had £0.282m of underspend and slippage against the approved budget of £5.210m.

As part of the outturn position the following key outputs have been delivered:

- Office 365 Implementation and Deployment
- Migration of our on-premise email platform to the cloud including the migration of 4000 individual user mailboxes
- Upgrade to Microsoft Office 365 from Office 2010 for 3500 computers
- The rollout of Skype for Business across the council for instant messaging, internal telephony and presence
- Implementation of enhanced security for mobile device management and data loss prevention within Office 365
- Replacement of the all contact centre and switchboard telephony
- Device deployment
 - 2000 laptops deployed
 - 330 desktop monitors replaced
 - 500 mobile phones deployed
 - Replaced 14 printers

2.50 Regeneration & Environment

2.51 The Regeneration & Environment capital programme outturn had (£0.947m) of underspend and slippage against the approved budget of £34.110m. The main variance contributing to this position was:

- **Corporate Property Unit:** Commercial Property capital investment programme has underspent by (£0.318m), this funding is for backlog maintenance. Quite a large proportion of the budget has been earmarked for particular schemes as and when they are ready to be delivered
- **Transport & Highways:** College Road Roundabout completion was put back to the Easter holidays due to the need to have the roundabout running temporarily with no signals; the Easter holidays would exhibit lower traffic flows and therefore be easier to manage causing an underspend in-year of (£0.831m).
- **Cultural Heritage & Sports:** Waleswood Caravan Park was completed during 2019/20, the project overspent by £0.305m overall, with the additional costs funded by service funded borrowing. The overspend is due to several issues relating to increased professional fees, non-planned highways works, and main contractor overspend due to specification changes. A review process is being carried out to establish some lessons learnt from the project that will enable more effective budget management on future projects.
- **Street Scene Services:** Fleet Management Vehicle Purchase underspent by (£0.544m) due to delay in agreeing specifications from with services on the required vehicle types.

As part of the outturn position the following key outputs have been delivered:

- £9.647m invested into improving the borough's Carriageways, unclassified roads.

- Fenton Road shared cycle footway is a £1m project that seeks to promote cycling between Kimberworth Park/Greasbrough and the town centre and builds on works carried out in previous years to improve cycle access to the town centre. This year Frederick Street has been opened for use by cyclists at peak times avoiding the peak shopping times of between 10am and 4pm.
- Beighton Link is a £5.5m development completed in 19/20 comprises two units of 20,000 sq ft and 29,000 sq ft respectively constructed through a design and build contract. The completed units will be let on the open market to end users – inward investors or expanding local companies. Once let, the investment will be retained and managed by the Council although there is flexibility in the Council's investment strategy and an investment sale is possible, subject to market conditions.

2.52 Transformation Programme (Capitalisation Direction)

- 2.53 The expenditure that the Council can capitalise under this direction is limited to the level of new-year Capital Receipts. A budget estimate of £2.000m of receipts is included in the Capital Programme to fund revenue expenditure that meets the criteria of being transformational spend. The Council's policy is to use new-year capital receipts to fund transformational costs that would otherwise be held within revenue expenditure accounts, releasing pressure on the revenue budget. The total receipts for 2019/20 was £0.712m.

2.54 Housing Revenue Account (HRA)

- 2.55 The HRA capital programme outturn was a £0.299m overspend against the approved budget of £43.967m. The main variance contributing to this position was:

- Site Clusters - this scheme is to deliver 217 units of new build housing across 7 sites, with a mixed tenure, including new Council Housing and private for sale properties. The scheme £1.8m overspent against the 2019/20 budget at the year end and is forecast to overspend overall by a £1.8m.

The project is funded from the Housing Revenue Account (HRA), as such the overspend on Site Clusters will be an additional cost to the approved overall HRA capital programme 2020/21 to 2023/24. However, for 2020/21 the total capital programme will not change as projected underspends/slippage will be utilised to cover the in-year requirement, with those underspends needing to be re-provided for in 2021/22.

- Asbestos – Underspend by £0.269m against budget, due to a planned reduction in spend to ease pressure on remaining projects within the capital programme and secondly due to the change in contractor the survey works for 20/21 were not completed.
- Braithwell Bungalows – Underspend by £0.649m against budget, due to issues with selected sites and further work required for costing of the project. The scheme is due to commence in 2020/21.
- Strategic Acquisitions – Underspend by £0.430m against budget, this was due to a delay in the properties being completed to RMBC specifications delaying handover and purchase.

As part of the outturn position the following key outputs have been delivered:

- 35 new units delivered for social housing, comprising of 32 houses from site clusters (Dinnington, East Herringthorpe and Canklow), 3 new purchased units under the strategic acquisitions programme.
- 495 Major Adaptations completed (Fair Access)
- 14 live environmental schemes completed within the year.
- 6,577 properties that received investment during the financial year.

2.56 Funding of the Capital Programme 2019/20

2.57 The £96.985m of capital expenditure was funded as shown in the table below:

Table 5 Funding of the Capital Programme 2019/20

Funding Stream	Outturn £m
Grants and Contributions	24.512
Unsupported Borrowing	21.625
Capital Receipts	5.696
Capital Receipts - Flexible Use	0.712
Revenue Contributions	0.175
Total Funding - General Fund	52.720
Grants and Contributions	1.460
Housing Major Repairs Allowance	15.548
Useable Capital Receipts	12.565
Revenue Contributions	14.692
Total Funding - HRA	44.265
Total	96.985

2.58 Capital Receipts Outturn 2019/20

2.59 The Council is continuing to undertake a comprehensive review of its assets and buildings portfolio with the aim of rationalising both its operational and non-operational asset holdings. This may contribute future capital receipts which are earmarked to support the revenue budget, using the capital receipts flexibilities in place until 2021/22 to fund expenditure relating to transforming Council services to generate future revenue efficiency savings.

2.60 In 2019/20 General Fund Capital receipts of £3.462m were generated as shown in the table below. Although, £2.750m of this was for loan repayments, these cannot be used to support the revenue budget as only those receipts by the disposal of property, plant and equipment can be used under the new capital receipts flexibilities introduced from the 1st April 2016.

Table 6 – General Fund Capital Receipts Received in 2019/20

Description	Total as at 31st March 2020 £m
4b Beighton Link	-0.021
Erkine Road	-0.100
Rockcliffe Road	-0.058
Treeton Youth Centre. Church Lane	-0.280
St Leonards Youth Centre	-0.091
Fitzwilliam Street, Mexborough	-0.095
40 Lady Oak Way	-0.035
Tractor	-0.026
De-minimus receipts	-0.006
Total Capital Receipts (Excluding loan repayments)	-0.712
Repayment of Loans	-2.750
Total Capital Receipts	-3.462

2.61 The useable capital receipts available to support the capital programme outturn of £0.712m, were fully utilised to support transformational expenditure within the Council.

2.62 Updated Capital Programme 2020/21 to 2023/24

2.63 The Capital Programme 2020/21 totals £171.209m split between the general fund £111.129m (higher than normal due to reflecting the Council's Future High Streets Fund bid) and HRA £58.080m, this has increased overall by £5.045m from the position reported to Cabinet on 23 March 2020. The movement is based on the latest profiles of expenditure against schemes, following the 2019/20 outturn position, factoring in slippage from 2019/20 of £4.771m and additional funding of £0.274m. The total slippage from 2019/20 was £6.384m, £4.721m moving into 2020/21 and a further £1.612m re-profiled across 2021/22 to 2023/24.

The slippage into 2020/21 is higher than the reported outturn underspend for 2019/20, as the underspend on the overall programme for that year, also factors in overspends on projects. Therefore, the overall programme underspend would have been greater, had those projects not overspent.

The additional funding of £0.274m relates to the Councils Holmes Tail GOIT pumping station and linked highway bridge. It has been agreed with the partner organisation on this scheme, that they will contribute this sum towards the delivery of the project outcomes, in recognition of the benefit they will also derive from the works.

2.64 The Site Cluster scheme overspent against the 2019/20 budget at the year end and is forecast to overspend overall by £1.8m, the details of the overspend and mitigation were covered in a report to cabinet in June 2020. Therefore, the budget for Site Clusters has

been increased for 2020/21 by £1.8m. However, for 2020/21 the total capital programme will not change as projected underspends/slippage will be utilised to cover the in-year requirement, with those underspends needing to be re-provided for in 2021/22.

On review of the HRA programme for 2021/22 the underspends and slippage identified to cover the Site Clusters overspend will not need to be re-provided in full. Therefore, the 2021/22 HRA capital programme has been increased by £0.867m, for the re-provision of budgets for those schemes used to support Site Clusters in 2020/21.

2.65 **Table 8: Updated Capital Programme 2020/21 to 2023/24**

Directorate	2020/21 Budget £m	2021/22 Budget £m	2022/23 Budget £m	2023/24 Budget £m	Total Budget £m
General Fund Capital					
Children and Young People's Services	17.817	8.618	4.508	5.573	36.516
Assistant Chief Executive	0.255	0.210	0.210	0.210	0.885
Adult Care & Housing	4.578	6.523	12.624	6.130	29.855
Finance and Customer Services	9.582	3.008	3.124	10.523	26.236
Regeneration and Environment	78.897	56.412	43.821	41.036	220.166
Capitalisation Direction	2.000	2.000	-	-	4.000
Total General Fund Capital	113.129	76.771	64.287	63.471	317.658
Total HRA Capital	58.080	55.925	44.178	43.198	201.381
Total RMBC Capital Programme	171.209	132.695	108.465	106.669	519.038

In light of the challenges that Covid-19 has brought about the Council will need to carry out a detailed review of the current capital programme, to assess the deliverability of projects to planned budgets and timescales. It is too early at this point to accurately carry out this piece of work as such the review will need to take place in the autumn when a great level of clarity is available about the impact of Covid-19 on the capital programme.

2.66 **Forecast funding position of Capital Programme 2020/21**

The £170.935m of capital expenditure is funded as shown in the table below;

Table 9: Funding of the approved Capital Programme

Funding Stream	2020/21

	Budget £m
Grants And Contributions	52.532
Unsupported Borrowing	53.386
Capital Receipts	5.032
Capital Receipts - Flexible Use & HRA Contribution	2.000
HRA Contribution	0.178
Total Funding - General Fund	113.129
Grants And Contributions	10.214
Unsupported Borrowing	-
Housing Major Repairs Allowance	29.952
Capital Receipts	3.998
Revenue Contribution	13.917
Total Funding - HRA	58.080
Total	171.209

3. Options considered and recommended proposal

3.1 This detail is set out in Section 2 above.

4. Consultation on proposal

4.1 None identified

5. Timetable and Accountability for Implementing this Decision

5.1 The Strategic Director - Finance and Customer Services is responsible for implementing any actions arising from the supported recommendations in this report. These should be actioned at the earliest opportunity to aid the monitoring of the 2020/21 Revenue Budget and Capital Programme.

6. Financial and Procurement Advice and Implications

6.1 As set out in the sections above.

6.2 There are no direct procurement implications arising from the report.

7. Legal Advice and Implications

7.1 None identified

8. Human Resources Advice and Implications

8.1 None identified

9. Implications for Children and Young People and Vulnerable Adults

9.1 None identified

10. Equalities and Human Rights Advice and Implications

10.1 None identified

11. Implications for Partners

11.1 None identified

12. Risks and Mitigation

12.1. There are increasing cost pressures associated with the rising demand for social care services. The Council will continue to closely monitor its financial position throughout the year and if required management will implement appropriate mitigations.

12.2 There is funding uncertainty for the local government sector beyond 2020/21 pending the outcomes of the Government Spending Review and the Fair Funding Review, which will implement changes to the way in which local government is currently funded. The Council's Medium Term Financial Strategy will be revised and updated later in the year to reflect the outcomes of these reviews. This will of course need to factor in the financial implications of Covid-19 and its wider impact on the short and long term sustainability of Council finances.

13. Accountable Officers

Judith Badger, Strategic Director of Finance and Customer Services

Graham Saxton, Assistant Director – Financial Services

Rob Mahon, Head of Corporate Finance

Approvals obtained on behalf of Statutory Officers:-

	Named Officer	Date
Chief Executive	Sharon Kemp	26/06/20
Strategic Director of Finance & Customer Services (S.151 Officer)	Judith Badger	26/06/20
Head of Legal Services (Monitoring Officer)	Stuart Fletcher	26/06/20

Report Author: Rob Mahon, Head of Corporate Finance
01709 254518 or rob.mahon@rotherham.gov.uk

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

This page is intentionally left blank

Capital Programme General Fund 2020/21 to 2024/25

Directorate	Current Year	2021/22	2022/23	2023/24	Total Project
	Budget (£)	Budget (£)	Budget (£)	Budget (£)	Budget (£)
Adult Care & Housing	4,578,158	6,523,000	12,624,091	6,129,512	29,854,761
Children & Young Peoples Serv	17,817,460	8,618,092	4,508,023	5,572,629	36,516,204
Finance & Customer Services	11,581,539	5,007,659	3,123,931	10,523,000	30,236,129
Assistant Chief Executive	254,558	210,000	210,000	210,000	884,558
Regeneration & Environment	78,897,460	56,411,990	43,820,915	41,035,811	220,166,176
Total	113,129,175	76,770,741	64,286,960	63,470,952	317,657,828

Funding:

Funding Stream	Current Year	2020/21	2021/22	2022/23	Total Project
	Budget (£)	Budget (£)	Budget (£)	Budget (£)	Budget (£)
Grants And Contributions	52,533,396	45,043,643	33,511,531	37,771,477	168,860,047
Prudential Borrowing	53,385,802	28,886,098	28,156,429	25,070,475	135,498,804
Revenue Contribution	2,178,000	2,173,000	176,000	179,000	4,706,000
Usable Capital Receipts	5,031,977	668,000	2,443,000	450,000	8,592,977
Total	113,129,175	76,770,741	64,286,960	63,470,952	317,657,828

Capital Programme General Fund 2020/21 to 2024/25

Directorate	Service Area	Service Area	Sub Service	Project Code	Project	Current Year	2021/22	2022/23	2023/24	Full Project Budget	
						Budget (£)	Budget (£)	Budget (£)	Budget (£)	Budget (£)	
Adult Care & Ho	Adult Services	Adult Services	Adults Grants Unallocated	CUZBUN	Adults Grants Unallocated	83,150	0	0	1,856,512	1,939,662	
			Adults Grants Unallocated			83,150	0	0	1,856,512	1,939,662	
			Assistive Technology	CU0700	Assistive Technology Equipment	680,000	680,000	680,000	680,000	2,720,000	
			Assistive Technology			680,000	680,000	680,000	680,000	2,720,000	
			REWS Equipment	CU0701	REWS Capital	190,000	190,000	190,000	190,000	760,000	
			REWS Equipment			190,000	190,000	190,000	190,000	760,000	
			Specialist Equipment	CU0107	SALSE Provision	14,000	0	0	0	14,000	
			Specialist Equipment	CU0108	Conway Crescent F&F	90,882	0	0	0	90,882	
		Specialist Equipment			104,882	0	0	0	104,882		
		Adult Services			1,058,032	870,000	870,000	2,726,512	5,524,544		
	Adult Services			1,058,032	870,000	870,000	2,726,512	5,524,544			
				CNF103	Adapts - OTHERS - Private Majr	1,028,000	0	0	0	1,028,000	
				CNF104	Adapts - LOT1 - Private Majr	384,500	0	0	0	384,500	
				CNF105	Adapts - LOT2 - Private Majr	351,500	0	0	0	351,500	
				CNF204	Adapts - LOT1 - Private Minr	200,000	0	0	0	200,000	
				CNF205	Adapts - LOT2 - Private Minr	233,000	0	0	0	233,000	
				CNFBUN	Private Adaps Bud Unall	0	2,197,000	2,197,000	2,197,000	6,591,000	
			Aids and Adaptations (Private)			2,197,000	2,197,000	2,197,000	2,197,000	8,788,000	
			Fair Access to All			2,197,000	2,197,000	2,197,000	2,197,000	8,788,000	
				Extra Care Housing	CPZBUN	Extra Care Housing Scheme	0	2,000,000	8,000,000	0	10,000,000
				Extra Care Housing			0	2,000,000	8,000,000	0	10,000,000
				Monksbridge Demolition	CP0401	Monksbridge, Dinnington	71,800	0	0	0	71,800
				Monksbridge Demolition			71,800	0	0	0	71,800
			Neighbourood Regeneration & Re			71,800	2,000,000	8,000,000	0	10,071,800	
	Neighbourhood Capital Programm				2,268,800	4,197,000	10,197,000	2,197,000	18,859,800		
	Neighbourhood Improv	Neighbourhood Improvement	Fuel Poverty Vulnerable People	CP0802	Fuel Poverty-Vulnerable People	28,733	0	0	0	28,733	
			Fuel Poverty Vulnerable People			28,733	0	0	0	28,733	
			Furnished Homes CPTL	CPA001	Furnished Homes New CPTL	1,134,000	1,134,000	1,134,000	1,134,000	4,536,000	
				CPA002	Furnished Homes Replace CPTL	72,000	72,000	72,000	72,000	288,000	
			Furnished Homes CPTL			1,206,000	1,206,000	1,206,000	1,206,000	4,824,000	
			N'bourhood Grants Unallocated	CPXBUN	N'Hoods Grants Unallocated	0	0	84,000	0	84,000	
			N'bourhood Grants Unallocated	CPD001	N'Hoods Grants Unallocated	0	250,000	250,000	0	500,000	
			N'bourhood Grants Unallocated			0	250,000	334,000	0	584,000	
			Specialist Equipment	CU0503	Specialist Equipment	16,593	0	17,091	0	33,684	
			Specialist Equipment			16,593	0	17,091	0	33,684	
		Neighbourhood Improvements Non			1,251,326	1,456,000	1,557,091	1,206,000	5,470,417		
		Neighbourhood Improvements - N			1,251,326	1,456,000	1,557,091	1,206,000	5,470,417		
Adult Care & Housing				4,578,158	6,523,000	12,624,091	6,129,512	29,854,761			
			CPC008	Capt'l Inv't Ward Anst wdsetts	12,666	10,500	10,500	10,500	44,166		
			CPC009	Capt'l Inv't-Ward - Dinnington	7,886	10,500	10,500	10,500	39,386		

Directorate	Service Area	Service Area	Sub Service	Project Code	Project	Current Year	2021/22	2022/23	2023/24	Full Project Budget
						Budget (£)	Budget (£)	Budget (£)	Budget (£)	Budget (£)
				CPC010	Capt'l Inv't-Ward - Wales	10,464	7,000	7,000	7,000	31,464
				CPC011	Capt'l Inv't-Wd-Brinwth/cattfe	12,023	0	0	0	12,023
				CPC012	Capt'l Inv't-Ward - Holderness	10,552	0	0	0	10,552
				CPC013	Capt'l Inv't-Ward - RotherVale	10,165	7,000	7,000	7,000	31,165
				CPC014	Capt'l Inv't-Ward - Keppel	10,007	10,500	10,500	10,500	41,507
				CPC015	Capt'l Inv't-Ward - Roth West	10,603	10,500	10,500	10,500	42,103
				CPC016	Capt'l Inv't-Ward - Wingfield	19,906	0	0	0	19,906
				CPC017	Capt'l Inv't-Ward - Bostn Ctle	17,820	10,500	10,500	10,500	49,320
				CPC018	Capt'l Inv't-Ward - Roth East	9,220	10,500	10,500	10,500	40,720
				CPC019	Capt'l Inv't-Ward - Sitwell	10,082	10,500	10,500	10,500	41,582
				CPC020	Capt'l Inv't-Ward - Hooper	10,003	10,500	10,500	10,500	41,503
				CPC021	Capt'l Inv't-Ward - Swinton	14,940	0	0	0	14,940
				CPC022	Capt'l Inv't-Ward - Wath	11,105	7,000	7,000	7,000	32,105
				CPC023	Capt'l Inv't-Ward - Rawmarsh	10,478	0	0	0	10,478
				CPC024	Capt'l Inv't-Ward - Silverwood	15,738	0	0	0	15,738
				CPC025	Capt'l Inv't-Ward - Valley	13,406	0	0	0	13,406
				CPC026	Capt'l Inv't-Ward - Maltby	9,903	0	0	0	9,903
				CPC027	Capt'l Inv't-Ward - Hellaby	13,686	0	0	0	13,686
				CPC028	Capt'l Inv't-Ward - Wickersley	13,905	0	0	0	13,905
				CPC029	Hellaby & Maltby West	0	7,000	7,000	7,000	21,000
				CPC030	Maltby East	0	7,000	7,000	7,000	21,000
				CPC031	Thurcroft & Wickersley South	0	7,000	7,000	7,000	21,000
				CPC032	Aughton & Swallownest	0	7,000	7,000	7,000	21,000
				CPC033	Aston & Todwick	0	10,500	10,500	10,500	31,500
				CPC034	Brinsworth	0	7,000	7,000	7,000	21,000
				CPC035	Greasborough	0	7,000	7,000	7,000	21,000
				CPC036	Dalton & Thrbergh	0	7,000	7,000	7,000	21,000
				CPC037	Wickersley North	0	10,500	10,500	10,500	31,500
				CPC038	Bramley & Ravenfield	0	7,000	7,000	7,000	21,000
				CPC039	Swinton Rockingham	0	7,000	7,000	7,000	21,000
				CPC040	Rawmarsh West	0	7,000	7,000	7,000	21,000
				CPC041	Kilnhurst & Swinton East	0	7,000	7,000	7,000	21,000
				CPC042	Rawmarsh East	0	7,000	7,000	7,000	21,000
			Democratic Services			254,558	210,000	210,000	210,000	884,558
		Democratic Services				254,558	210,000	210,000	210,000	884,558
	Democratic Services					254,558	210,000	210,000	210,000	884,558
	Assistant Chief Executive					254,558	210,000	210,000	210,000	884,558
				CED900	Adaptations - Foster Care	1,661,835	640,000	640,000	640,000	3,581,835
				CEL900	Early Education Place Grant	103,491	0	0	0	103,491
				CER001	In-House reditential	1,499,712	500,000	0	0	1,999,712
			Children & Families			3,265,038	1,140,000	640,000	640,000	5,685,038
		Other CYPS				3,265,038	1,140,000	640,000	640,000	5,685,038
				C0119N	Badsley Moor PS-Cladding&roof	157,705	0	0	0	157,705
				C0121N	Bramley S'side-Heat&Roof	5,175	0	0	0	5,175

Directorate	Service Area	Service Area	Sub Service	Project Code	Project	Current Year	2021/22	2022/23	2023/24	Full Project Budget
						Budget (£)	Budget (£)	Budget (£)	Budget (£)	Budget (£)
				CENBUN	Capitalised Enhancements Unall	1,000,000	1,000,000	1,000,000	1,000,000	4,000,000
			Schools - Capitalised Enh			1,162,880	1,000,000	1,000,000	1,000,000	4,162,880
			Schools - Prims - Major	CE1005	New Central Prim School	32,495	0	0	0	32,495
				CE1028	Waverley New Primary School	5,564,110	135,000	0	0	5,699,110
			Schools - Prims - Major			5,596,605	135,000	0	0	5,731,605
			Schools - PRUs	CE8902	Riverside (Catcliffe) PRU CPTL	79,835	0	0	0	79,835
			Schools - PRUs			79,835	0	0	0	79,835
				CE5004	Aston Acad replace classrooms	2,093,441	1,691,175	0	0	3,784,616
				CE5BUN	Secondary BUDGET UNALLOC	2,845,898	3,236,853	1,000,000	1,000,000	8,082,751
			Schools - Secs - Major			4,939,339	4,928,028	1,000,000	1,000,000	11,867,367
				CE7005	Abbey School SEND 2 add C/Room	73,732	0	0	0	73,732
				CE7006	Newman Sch- SEND 10 add places	13,995	0	0	0	13,995
				CE7008	The Willows - 1 C'room Ext	17,555	0	0	0	17,555
				CE7009	Hutton Park Pru	3,605	0	0	0	3,605
				CE7010	Milton School SEND	390,703	0	0	0	390,703
				CE7011	Wales High School SEND	393,031	0	0	0	393,031
				CE7012	Milton School SEND	250,000	0	0	0	250,000
				CE7013	Wales High School SEND	129,475	0	0	0	129,475
				CE7014	Brinsworth School SEND	21,933	0	0	0	21,933
				CE7015	Thomas Rotherham College SEND	98,147	0	0	0	98,147
				CE7016	Thrbergh School SEND	46,008	0	0	0	46,008
				CE7017	James Montgomery Academy SEND	116,121	0	0	0	116,121
				CE7018	Kelford School SEND	70,000	0	0	0	70,000
				CE7BUN	Special BUDGET UNALLOC	146,494	66,500	0	0	212,994
			Schools - Spcls - Major			1,770,799	66,500	0	0	1,837,299
			Schools PFI Life Cycle Program	CES900	Schools PFI Life Cycle Program	808,994	1,173,564	1,718,023	2,270,000	5,970,581
			Schools PFI Life Cycle Program			808,994	1,173,564	1,718,023	2,270,000	5,970,581
		Schools				14,358,452	7,303,092	3,718,023	4,270,000	29,649,567
	CYPS - RMBC					17,623,490	8,443,092	4,358,023	4,910,000	35,334,605
	DFC	DFC - RMBC	DFC - RMBC all	CEXBUN	DFCG Unallocated	193,970	175,000	150,000	662,629	1,181,599
			DFC - RMBC all			193,970	175,000	150,000	662,629	1,181,599
		DFC - RMBC				193,970	175,000	150,000	662,629	1,181,599
	DFC					193,970	175,000	150,000	662,629	1,181,599
	Children & Young Peoples Serv					17,817,460	8,618,092	4,508,023	5,572,629	36,516,204
Finance & Cust	F&CS (DUMMY)	F&CS	F&CS - REFCUS	CTR805	Transformation Projects	2,000,000	2,000,000	0	0	4,000,000
			F&CS - REFCUS			2,000,000	2,000,000	0	0	4,000,000
		F&CS				2,000,000	2,000,000	0	0	4,000,000
	F&CS (DUMMY)					2,000,000	2,000,000	0	0	4,000,000
		ICT 2	ICT 2	CTT109	EDRMS Roll Out	85,000	0	0	0	85,000
				CTT208	Finl Systms Upgrdes-ICT2	412,224	0	0	0	412,224
				CTT225	Fee Billing System Upgrade	0	0	40,000	0	40,000
				CTT286	Iken Upgrade	1,250	0	0	0	1,250
				CTT287	Planned print leased machines	2,660	0	0	0	2,660
				CTT288	Fleet of MFD printers	403,398	232,470	198,931	0	834,799

Directorate	Service Area	Service Area	Sub Service	Project Code	Project	Current Year	2021/22	2022/23	2023/24	Full Project Budget
						Budget (£)	Budget (£)	Budget (£)	Budget (£)	Budget (£)
				CTT291	Social Care IT System - CNTL C	161,437	0	0	0	161,437
				CTT294	ICT RESILIENCE	9,341	0	0	0	9,341
				CTT299	ContrOCC	75,000	0	0	0	75,000
				CTT300	Audit Management	0	30,000	0	0	30,000
				CTT301	Legal Services - Ebundles	60,000	30,000	30,000	30,000	150,000
			ICT 2			1,210,310	292,470	268,931	30,000	1,801,711
		ICT 2				1,210,310	292,470	268,931	30,000	1,801,711
		ICT Refresh	ICT Refresh	CTT218	ICT Digital Strategy	969,762	500,000	500,000	800,000	2,769,762
				CTT219	Computer Refresh	942,209	1,022,000	1,025,000	1,278,000	4,267,209
				CTT220	Network Equipment Refresh Proj	1,139,073	630,000	630,000	630,000	3,029,073
				CTT221	Replacement of server equip	519,997	235,000	235,000	0	989,997
				CTT222	Telephony System Replacement	94,209	0	465,000	1,900,000	2,459,209
				CTT223	Hybrid Cloud Computing	195,020	0	0	1,750,000	1,945,020
				CTT224	Microsoft 365 Implementation	3,556,047	0	0	4,000,000	7,556,047
				CTT296	SY superfast broadband	334,089	328,189	0	0	662,278
				CTT297	Libraries Network	620,823	0	0	135,000	755,823
			ICT Refresh			8,371,229	2,715,189	2,855,000	10,493,000	24,434,418
		ICT Refresh				8,371,229	2,715,189	2,855,000	10,493,000	24,434,418
		ICT				9,581,539	3,007,659	3,123,931	10,523,000	26,236,129
		Finance & Customer Services				11,581,539	5,007,659	3,123,931	10,523,000	30,236,129
Regeneration &	Community Safety & St	Network Management	Drainage	CGF005	Wath Flood Alleviation	14,883	0	0	0	14,883
				CGF012	Rotherham to Kilnhurst FAS	135,886	0	0	0	135,886
				CGF013	Maltby Surface Water FAS	11,274	0	0	0	11,274
				CGF014	Eel Mires Dike FAS	11,972	0	0	0	11,972
				CGF015	Flood Alleviation (ERDF)	1,319,439	1,430,800	0	0	2,750,239
			Drainage			1,493,454	1,430,800	0	0	2,924,254
			Highways Delivery	CGR001	Carriageway Resurfacing	2,824,000	2,485,850	2,485,850	2,485,850	10,281,550
				CGR008	Unclassified Rds 17/18 ? 19/20	5,618,376	6,000,000	6,000,000	6,000,000	23,618,376
				CGR010	Capitalisation Carriageways	233,257	500,000	500,000	500,000	1,733,257
				CGR011	Multi Hog vehicle	302,121	300,000	300,000	300,000	1,202,121
				CGR013	Cap Rights of way	33,888	34,000	34,000	34,000	135,888
				CGR017	A6178 Sheffield Road	800,000	0	0	0	800,000
			Highways Delivery			9,811,642	9,319,850	9,319,850	9,319,850	37,771,192
			Street Lighting	CGL005	St Lighting LTP 15/16 - 19/20	213,206	179,700	179,700	179,700	752,306
				CGL007	Capitalisation Lighting	150,000	150,000	0	0	300,000
				CGL008	Cap benches signs bollards	75,000	75,000	75,000	75,000	300,000
				CGY018	Safety Barriers Replacement	300,000	0	0	0	300,000
				CGL009	Replace Obsolete Strt Lighting	40,000	40,000	40,000	40,000	160,000
			Street Lighting			778,206	444,700	294,700	294,700	1,812,306
			Parking Services	CGP001	TownCentre CarPark Improvement	254,000	0	0	0	254,000
				CGP002	TownCentreCarParks-Pay&DisMach	130,000	0	0	0	130,000
			Parking Services			384,000	0	0	0	384,000
		Network Management				12,467,302	11,195,350	9,614,550	9,614,550	42,891,752
		Safer Neighbourhoods	Safer Neighbourhoods	CN0100	Carhill Landfill Site	45,000	0	0	0	45,000

Directorate	Service Area	Service Area	Sub Service	Project Code	Project	Current Year	2021/22	2022/23	2023/24	Full Project Budget
						Budget (£)	Budget (£)	Budget (£)	Budget (£)	Budget (£)
				CN0105	Wath Landfill Site	7,400	0	0	0	7,400
				CN0106	CCTV Investment	50,000	0	0	0	50,000
			Safer Neighbourhoods			102,400	0	0	0	102,400
		Safer Neighbourhoods				102,400	0	0	0	102,400
		Street Scene Services	Waste Management	CGY004	Bins	254,506	150,775	150,775	150,775	706,831
				CGY013	Fleet Mgt System	18,631	0	0	0	18,631
				CGY014	Fleet Mgt Vehicle Purchase	2,626,756	5,866,000	730,000	100,000	9,322,756
				CLC011	Cap damaged litter bins	8,000	8,000	8,000	8,000	32,000
				CLC012	Equipment & Bins	395,562	0	0	0	395,562
				CLC017	Litter Bin Strategic Review	968,000	100,000	100,000	42,000	1,210,000
				CLC018	Street Scene Equip / Vehicles	395,000	0	0	0	395,000
				CLC019	Street Scene - Zonal Working	87,000	31,000	0	0	118,000
			Waste Management			4,753,455	6,155,775	988,775	300,775	12,198,780
		Street Scene Services				4,753,455	6,155,775	988,775	300,775	12,198,780
		Community Safety & Street Scene				17,323,157	17,351,125	10,603,325	9,915,325	55,192,932
				CLH004	Keppel's Column Preservation	177,500	0	0	0	177,500
			Heritage Services			177,500	0	0	0	177,500
		Culture, Sport & Tourism	Cultural Heritage & Sports	CST Events	CLE001	Events Equipment	15,000	0	0	15,000
				CST Events		15,000	0	0	0	15,000
			Libraries	CLL001	Brinsworth Library	7,552	0	0	0	7,552
				CLL002	Strat Review of Libraries	34,753	298,000	2,682,000	0	3,014,753
				CLL008	Libraries & N'hood Hubs	470,000	422,000	0	0	892,000
			Libraries			512,305	720,000	2,682,000	0	3,914,305
			Cultural Heritage & Sports			704,805	720,000	2,682,000	0	4,106,805
		Leisure & Community Service	Green Spaces	CLA001	Allotments	100,000	0	0	0	100,000
				CLC014	Clifton Park Dalben Tower	53,000	0	0	0	53,000
				CLS004	Leisure PFI lifecycle	415,402	848,000	461,000	500,000	2,224,402
				CLU010	Alexandra Park Play Area	21	0	0	0	21
				CLU012	Sanctuary Fields s106	1,646	0	0	0	1,646
				CLU018	Barkers Park Changing Rooms Re	10,062	0	0	0	10,062
				CLU020	CCTV Investment	360,538	0	0	0	360,538
				CLU021	CliftonPark GardenBldg Bar-ITS	25,000	0	0	0	25,000
				CLU024	Manor Farm Rawsh Play Sec106	9,823	0	0	0	9,823
				CLC015	RVCP Automated Parking	91,000	0	0	0	91,000
				CLC016	RVCP Safety Boats	84,000	0	0	0	84,000
				CLC020	GreenSpaces CarParks/Signs	50,000	0	0	0	50,000
				CLC021	GreenSpaces CarPark Surfaces	210,000	0	0	0	210,000
			Green Spaces			1,410,492	848,000	461,000	500,000	3,219,492
		Leisure & Community Service				1,410,492	848,000	461,000	500,000	3,219,492
		Culture, Sport & Tourism				2,115,297	1,568,000	3,143,000	500,000	7,326,297
	Planning, Regen & Tra	Corp Property Unit	Corporate Property Cap Proj	CGY016	Wellgate Cpark Ret. Wall	40,200	0	0	0	40,200
				CGY017	Route Optimisation - ITS	31,500	11,700	11,700	11,700	66,600
				CLD001	Treeton St Helen Church Yard	450,000	0	0	0	450,000
				CLD002	Closed Church Yards	30,000	0	0	0	30,000

Directorate	Service Area	Service Area	Sub Service	Project Code	Project	Current Year	2021/22	2022/23	2023/24	Full Project Budget				
						Budget (£)	Budget (£)	Budget (£)	Budget (£)	Budget (£)				
				CLD003	EastH'thorpe-Crem&Cem Lighting	12,000	0	0	0	12,000				
				CSB001	LA Energy Saving Measures+ITS	435,383	100,000	0	0	535,383				
				CSB002	Customer Digitalisation - AM	120,000	0	0	0	120,000				
				CSB003	PittHouseWest RothVal-Drainage	45,200	0	0	0	45,200				
				CSB004	REACH Relocation	250,000	250,000	0	0	500,000				
				CSR003	Bailey House Condition+	59,028	0	0	0	59,028				
				CSY001	Commercial Property Cap	393,839	75,000	75,000	75,000	618,839				
				CSY002	RiversideHseRefurbishmentWorks	400,000	0	0	0	400,000				
				CSR064	Grafton/Cranworth Contact Cent	102,933	0	0	0	102,933				
				CSR076	Rowan Centre Access Rd & CP	150,000	0	0	0	150,000				
				CLS005	Herringthorpe AthleticsStadium	254,000	0	0	0	254,000				
				CSR036	Markets Imps -O16	692	0	0	0	692				
				CSR041	Vic Park-Drainage	20,000	0	0	0	20,000				
				CSR057	All Saints Square Fountain	4,000	0	0	0	4,000				
				CSR058	Various Resurfacing Works	72,284	0	0	0	72,284				
				CSR059	Bailey Hse Extnl Works &Lights	119,619	0	0	0	119,619				
				CSR062	Market Stalls Project Work	4,963	0	0	0	4,963				
				CSR066	Oaks Lane Depot Refurb	8,420	0	0	0	8,420				
				CSR067	Riverside Hse Chiller	15,924	0	0	0	15,924				
				CSR068	Clifton Museum Toilets Refurb	598	0	0	0	598				
				CSR069	Cranworth Hse Structural Works	50,000	0	0	0	50,000				
				CSR071	Market Lift Repairs	17,400	0	0	0	17,400				
				CSR075	Addison DC Lighting	1,889	0	0	0	1,889				
				CSRBUN	Ops Buildings Cap Inv	2,398,992	2,010,000	2,010,000	2,010,000	8,428,992				
				Corporate Property Cap Proj						5,488,864	2,446,700	2,096,700	2,096,700	12,128,964
				Corp Property Unit						5,488,864	2,446,700	2,096,700	2,096,700	12,128,964
				RIDO			Business Growth	CSEBUN	RIDO-BusinessCentres BldgMaint	425,000	155,000	0	0	580,000
								CSS001	Private-Twn Ctr Business Vit	45,679	0	0	0	45,679
								CSS002	RMBC-Town Ctr Business Vit	12,768	0	0	0	12,768
							Business Growth			483,447	155,000	0	0	638,447
							Inv & Economic Initiatives	CSA006	Acq. of Riverside Precinct	138,084	0	0	0	138,084
								CSA011	Land Aqu Millfold Hse&Henley G	13,000	0	0	0	13,000
								CSA012	Town Centre Masterplan Imp	125,638	0	0	0	125,638
								CSA013	Forge Island Flood Defence	2,914,447	0	0	0	2,914,447
								CSA014	Forge Island Fish Pass	250,000	0	0	0	250,000
								CSA015	Public Realm Phase 1	2,294,894	0	0	0	2,294,894
								CSABUN	Town Centre Investment	6,779,399	0	0	0	6,779,399
								CSC006	Bassingthorpe Farm	334,381	0	0	0	334,381
								CSC007	Pithouse West Investigations	11,117	0	0	0	11,117
								CSC008	Beighton Link Proj Growth Fund	277,958	0	0	0	277,958
								CSC009	Century Phase II	3,070,670	0	0	0	3,070,670
								CSC010	Bassingthorpe Farm Land Acq	908,750	0	0	0	908,750
								CSHBUN	Future High Streets Fund	1,780,000	18,807,715	26,482,440	27,028,336	74,098,491
							Inv & Economic Initiatives			18,898,338	18,807,715	26,482,440	27,028,336	91,216,829

Directorate	Service Area	Service Area	Sub Service	Project Code	Project	Current Year	2021/22	2022/23	2023/24	Full Project Budget
						Budget (£)	Budget (£)	Budget (£)	Budget (£)	Budget (£)
		RIDO				19,381,785	18,962,715	26,482,440	27,028,336	91,855,276
		Transportation & Highways	Bridges	CGBBUN	Bridges unallocated	677,091	329,450	329,450	329,450	1,665,441
			Bridges			677,091	329,450	329,450	329,450	1,665,441
			Connectivity	CGCBUN	Unallocated Connectivity	75,000	341,000	341,000	341,000	1,098,000
			Connectivity			75,000	341,000	341,000	341,000	1,098,000
			Local Safety Schemes	CGLBUN	Unallocated Local Safety S	678,000	375,000	375,000	375,000	1,803,000
				CGY015	Comm Aspects of Rd Sfty	300,000	150,000	0	0	450,000
				CGW062	Cont pedxings job3 A633 High S	120,000	0	0	0	120,000
			Local Safety Schemes			1,098,000	525,000	375,000	375,000	2,373,000
			LSTF & Smarter Choices	CGSBUN	Unallocated Smarter Choices	65,000	0	0	0	65,000
			LSTF & Smarter Choices			65,000	0	0	0	65,000
			Major Schemes	CGA012	A618 Growth Corridor Phase 2	376,892	0	0	0	376,892
				CGA013	Parkway Widening ph2	25,751,335	14,438,000	0	0	40,189,335
				CGA015	College Road NPIF	1,430,878	0	0	0	1,430,878
				CGB023	Crinoline Bridge Repairs	49,534	0	0	0	49,534
				CGC047	A630 Pool Green Roundabout	58,833	0	0	0	58,833
				CGF007	Holmes Tail Goit Pumping Str	2,860,209	0	0	0	2,860,209
				CGF016	GOIT - Highway Bridge	934,000	0	0	0	934,000
				CGN055	A630 Sheffield Parkway widenin	167,351	0	0	0	167,351
				CGS006	Traff Signal renewal Prog	722,913	0	0	0	722,913
				CGY012	Clean Air Zones Elec Chrg Pts	20,482	0	0	0	20,482
			Major Schemes			32,372,427	14,438,000	0	0	46,810,427
			Network Management	CGN078	Bawtry Rd Bramley mor to ch In	89	0	0	0	89
				CGNBUN	Unallocated Network Management	300,750	450,000	450,000	450,000	1,650,750
			Network Management			300,839	450,000	450,000	450,000	1,650,839
		Transportation & Highways				34,588,357	16,083,450	1,495,450	1,495,450	53,662,707
		Planning, Regen & Transport				59,459,006	37,492,865	30,074,590	30,620,486	157,646,947
		Regeneration & Environment				78,897,460	56,411,990	43,820,915	41,035,811	220,166,176
		Summary				113,129,175	76,770,741	64,286,960	63,470,952	317,657,828

Capital Programme General HRA 2020/21 to 2024/25

Directorate	Current Year	2021/22	2022/23	2023/24	Total Project
	Budget (£)	Budget (£)	Budget (£)	Budget (£)	Budget (£)
HRA	58,080,316	55,924,605	44,177,848	43,197,848	201,380,617
Total	58,080,316	55,924,605	44,177,848	43,197,848	201,380,617

Funding:

Funding Stream	Current Year	2021/22	2022/23	2023/24	Total Project
	Budget (£)	Budget (£)	Budget (£)	Budget (£)	Budget (£)
Grants And Contributions	10,213,678	1,957,821	0	0	12,171,499
Major Repairs Allowance	28,634,255	30,302,843	22,860,000	23,443,000	105,240,098
Revenue Contribution	13,916,864	8,045,419	4,839,240	6,077,000	32,878,523
Usable Capital Receipts	5,315,519	12,103,522	1,908,332	928,198	20,255,571
Unsupported Borrowing	0	3,515,000	14,570,276	12,749,650	30,834,926
Total	58,080,316	55,924,605	44,177,848	43,197,848	201,380,617

Capital Programme HRA 2020/21 to 2024/25

Directorate	Service Area	Service Area	Sub Service	Project Code	Project	Current Year	2021/22	2022/23	2023/24	Full Project Budget
						Budget (£)	Budget (£)	Budget (£)	Budget (£)	Budget (£)
				CJF303	Adapts - OTHERS - Public Major	549,000	0	0	0	549,000
				CJF304	Adapts - LOT1 - Public Major	766,500	0	0	0	766,500
				CJF305	Adapts - LOT2 - Public Major	773,500	0	0	0	773,500
				CJF404	Adapts - LOT1 - Public Minor	150,000	0	0	0	150,000
				CJF405	Adapts - LOT2 - Public Minor	143,000	0	0	0	143,000
				CJFBUN	Public Adapts Bud Unall	0	2,632,000	2,632,000	2,632,000	7,896,000
			Aids and Adaptations (Public S			2,382,000	2,632,000	2,632,000	2,632,000	10,278,000
		Fair Access to All				2,382,000	2,632,000	2,632,000	2,632,000	10,278,000
		Improving Council Housing & Ho	Asbestos	CJQ101	Asbestos-Testing & Removal	400,000	400,000	400,000	0	1,200,000
			Asbestos			400,000	400,000	400,000	0	1,200,000
			District Heating	CJ0602	District Heating Conversions	50,000	0	0	0	50,000
				CJTBUN	District Heating Bud Unall	0	50,000	50,000	0	100,000
			District Heating			50,000	50,000	50,000	0	150,000
			Electrical Board & Bond	CJ3301	WDP - Board and Bond	50,000	0	0	0	50,000
			Electrical Board & Bond			50,000	0	0	0	50,000
				CJEBUN	Environmental Bud Unall	800,000	1,000,000	1,000,000	0	2,800,000
			Environmental Programme			800,000	1,000,000	1,000,000	0	2,800,000
			External Insulation	CJN401	Thermal Improvments	500,000	1,000,000	1,000,000	0	2,500,000
			External Insulation			500,000	1,000,000	1,000,000	0	2,500,000
			Garage Site Investment	CJ0806	Unsustainable Garage Sites	0	250,000	250,000	0	500,000
			Garage Site Investment			0	250,000	250,000	0	500,000
			General Structures	CJM301	Capital Structural Work	750,000	750,000	750,000	0	2,250,000
			General Structures			750,000	750,000	750,000	0	2,250,000
			IHMS (IT System)	CJ1003	HIMS Computer System	1,250,000	1,250,000	0	0	2,500,000
			IHMS (IT System)			1,250,000	1,250,000	0	0	2,500,000
			Improving Council Housing	CJZBUN	Improving Council Housing	0	3,250,000	4,500,000	21,566,848	29,316,848
			Improving Council Housing			0	3,250,000	4,500,000	21,566,848	29,316,848
			Major Voids Capital Prog	CJC101	Fortem - Major Voids	1,250,000	1,250,000	1,250,000	0	3,750,000
				CJC102	Mears - Major Voids	1,250,000	1,250,000	1,250,000	0	3,750,000
			Major Voids Capital Prog			2,500,000	2,500,000	2,500,000	0	7,500,000
			Refurbishments	CJA102	Mears - Site Prelims	450,000	0	0	0	450,000
				CJA119	Aston/Org/Swall Extnals Ph 1	1,650,000	0	0	0	1,650,000
				CJA120	Thrybergh Externals Phase 1	550,000	0	0	0	550,000
				CJA122	Soil Stacks	229,331	0	0	0	229,331
				CJA123	Beeversleigh Concrete Repairs	200,000	0	0	0	200,000
				CJA124	Manor Farm Externals	620,000	0	0	0	620,000
				CJA125	Kilnhurst Externals	1,145,000	0	0	0	1,145,000
				CJA126	Broom Valley Externals	700,000	0	0	0	700,000
				CJA127	Bramley Externals	270,000	0	0	0	270,000
				CJA128	Wickersley Externals	830,000	0	0	0	830,000
				CJA129	Rotherwood Cres Externals	269,136	0	0	0	269,136
				CJA130	Hurley Croft Externals	297,167	0	0	0	297,167
				CJA730	Dinnington FSB/RWG	207,000	0	0	0	207,000
				CJA731	The Lanes Roofing	1,000,000	0	0	0	1,000,000
				CJA734	FRA & Bin stores	500,000	0	0	0	500,000

Directorate	Service Area	Service Area	Sub Service	Project Code	Project	Current Year	2021/22	2022/23	2023/24	Full Project Budget			
						Budget (£)	Budget (£)	Budget (£)	Budget (£)	Budget (£)			
				CJA401	Mears - Internal-Mears C5 1A	1,000,000	0	0	0	1,000,000			
				CJB101	Replacement Windows	300,000	0	0	0	300,000			
				CJB102	Fire Doors Replacement	2,100,000	0	0	0	2,100,000			
				CJABUN	Refurb Bud Unall	406,328	9,716,848	9,716,848	0	19,840,024			
				CJA725	Sprinkler Systems	500,000	0	0	0	500,000			
				CJA726	Communals	1,626,000	0	0	0	1,626,000			
				CJA732	Communal Walkways	200,000	0	0	0	200,000			
				CJA733	Ridgeway maisonette/shops	150,000	0	0	0	150,000			
				CJA801	Design & Appraisal	75,000	0	0	0	75,000			
				Refurbishments		15,274,962	9,716,848	9,716,848	0	34,708,658			
				Replacement of Central Heating	CJJ101	Fortem - Ad Hoc Boiler Repl'ts	1,300,000	1,300,000	1,300,000	0	3,900,000		
					CJJ105	Fortem-Boilers Scheme 1	800,000	0	0	0	800,000		
				Replacement of Central Heating		2,100,000	1,300,000	1,300,000	0	4,700,000			
				Sheltered Housing Communal Are	CJR101	Community Centre Improvements	100,000	100,000	100,000	0	300,000		
				Sheltered Housing Communal Are		100,000	100,000	100,000	0	300,000			
				Improving Council Housing & Ho		23,774,962	21,566,848	21,566,848	21,566,848	88,475,506			
				New Housing Provision	Site Clusters	CJP001	Site Cluster Braithwell	688,918	0	0	0	688,918	
						CJP002	Site Cluster Rotherview Road 1	759,574	0	0	0	759,574	
						CJP003	Site Cluster Rotherview Road 2	1,169,327	0	0	0	1,169,327	
						Site Clusters		2,617,819	0	0	0	2,617,819	
						SOAHP delivery	CJP008	Bellows Road SOAHP	838,085	0	0	0	838,085
							CJP009	Rothwell Grange SOAHP units	2,981,262	0	0	0	2,981,262
							CJP010	Braithwell Rd SOAHP Bungalows	816,893	0	0	0	816,893
							CJP012	SOAHP Bungalows - 4 units	210,000	0	0	0	210,000
							CJG003	HRA Housing Growth Programme – Ph	0	2,290,000	2,290,000	0	4,580,000
							CJG004	HRA Housing Growth Programme – Ph	0	1,526,000	8,141,000	8,989,000	18,656,000
							SOAHP delivery		4,846,240	3,816,000	10,431,000	8,989,000	28,082,240
							Town Centre Development	CJP100	Millfold House	4,550,611	3,078,177	0	0
						CJP101		Sheffield road	9,498,451	6,615,650	0	0	16,114,101
						CJP102		Henleys Site	6,155,764	2,709,173	0	0	8,864,937
						SOAHP delivery		20,204,826	12,403,000	0	0	32,607,826	
						MMC	CJP200	MMC Bungalows	1,952,014	0	0	0	1,952,014
						MMC		1,952,014	0	0	0	1,952,014	
							CJ0124	Pennypiece Lane	440,212	0	0	0	440,212
							CJH001	Phase 2 acquisitions	1,643,000	4,928,000	0	0	6,571,000
							CJH002	Phase 3 Acquisitions	0	4,860,000	9,548,000	10,010,000	24,418,000
							CJG001	Phase 2 small sites	219,243	630,757	0	0	850,000
							CJG002	Phase 2 Netherfield Eastwood	0	5,088,000	0	0	5,088,000
							Strategic Acquisitions		2,302,455	15,506,757	9,548,000	10,010,000	37,367,212
						New Housing Provision		31,923,354	31,725,757	19,979,000	18,999,000	102,627,111	
						Neighbourhood Capital Programm		58,080,316	55,924,605	44,177,848	43,197,848	201,380,617	
						HRA		58,080,316	55,924,605	44,177,848	43,197,848	201,380,617	
						Summary		58,080,316	55,924,605	44,177,848	43,197,848	201,380,617	

This page is intentionally left blank

Initial Equality Screening Assessment (Part A)

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: Finance and Customer Services	Service area: Finance
Lead person: Rob Mahon	Contact number: 01709 254518

1. Title:

Is this a:

☐

Strategy / Policy

☒

Service / Function

☐

Other

If other, please specify

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

The Council has a framework of budgetary monitoring and reporting that ensures budget management is exercised within annual cash limits.

Each month the Budget Manager receives timely information on income and expenditure to enable them to fulfil their budgetary responsibilities. Following the review of the budget information, each budget manager provides a forecast of their projected outturn position on each service. The Strategic Director subsequently provides a consolidated forecast for their directorate to the Chief Finance Officer and relevant Cabinet Member.

A budget monitoring report, which includes an up-to-date outturn forecast, information about significant variances from approved budgets and proposals for dealing with them, is submitted to Cabinet at least 6 times a year, culminating with

the Council's Financial Outturn report.

Whilst the framework described above relates to revenue budgets, the capital programme is also similarly monitored and reported alongside the Council's revenue position.

The financial monitoring position report summarises the key variances for each directorate and considers the key financial pressures and risks.

Given that the revenue and capital budgets have been approved by Council in February 2019, when equality assessments would have been considered at that time in respect of the budget proposals, there are no further issues in respect of equality and diversity.

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, 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
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 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 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 and use the prompts for guidance.

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

n/a

- **Key findings**

n/a

- **Actions**

n/a

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
Judith Badger	Strategic Director – Finance and Customer Services	26 June 2020

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	23-6-2020
If relates to a Key Delegated Decision, Executive Board, Council 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 – 20 July 2020

Report Title

Annual Treasury Management Report and Actual Prudential Indicators 2019/20

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

Yes

Strategic Director Approving Submission of the Report

Judith Badger, Strategic Director of Finance and Customer Services

Report Author(s)

Rob Mahon, Head of Corporate Finance
01709 254518 or rob.mahon@rotherham.gov.uk

Ward(s) Affected

Borough-Wide

Report Summary

The Council received an annual treasury strategy report in advance of the 2019/20 financial year at its meeting on 27th February 2019 and Audit Committee received a mid-year report at its meeting on 26th November 2019, representing a mid-year review of treasury activity during 2019/20.

The annual treasury management report is the final treasury report for 2019/20. Its purpose is to review the treasury activity for 2019/20 against the strategy agreed at the start of the year. The report also covers the actual Prudential Indicators for 2019/20 in accordance with the requirements of the Prudential Code.

The report meets the requirements of both the CIPFA Code of Practice on Treasury Management and the CIPFA Prudential Code for Capital Finance in Local Authorities.

The Council is required to comply with both Codes through Regulations issued under the Local Government Act 2003.

Recommendations

1. That the Treasury Management Prudential Indicators outturn position as set out in section 3 and Appendices A and B of the Annual Treasury Management Report for 2019/20 be noted.

2. That the report be forwarded to Audit Committee for information.

List of Appendices Included

Appendix 1 Summary Prudential Indicators for Rotherham MBC

Appendix 2 Summary Prudential Indicators for the Former South Yorkshire County Council

Background Papers

Treasury Management Strategy and Prudential Indicators report to cabinet on 17th February 2019

CIPFA – Code of Practice for Treasury Management in the Public Services Local Government Act 2003 (as updated)

CIPFA – Prudential Code (as updated)

Consideration by any other Council Committee, Scrutiny or Advisory Panel

No.

Council Approval Required

No

Exempt from the Press and Public

No.

Annual Treasury Management Report and Actual Prudential Indicators 2019/20**1. Background**

- 1.1 The Council's treasury management activities are regulated by a variety of professional codes and statutes and guidance:
- The Local Government Act 2003 (the Act), which provides the powers to borrow and invest as well as providing controls and limits on this activity;
 - The Act permits the Secretary of State to set limits either on the Council or nationally on all local authorities restricting the amount of borrowing which may be undertaken (although no restrictions were made in 2019/20);
 - Statutory Instrument (SI) 3146 2003, as amended, develops the controls and powers within the Act;
 - The SI requires the Council to undertake any borrowing activity with regard to the CIPFA Prudential Code for Capital Finance in Local Authorities;
 - The SI also requires the Council to operate the overall treasury function with regard to the CIPFA Code of Practice for Treasury Management in the Public Services;
 - Under the Act the MHCLG has issued Investment Guidance to structure and regulate council's investment activities; and
 - Under section 238(2) of the Local Government and Public Involvement in Health Act 2007 (revised) the Secretary of State has taken powers to issue guidance on accounting practices. Guidance on Minimum Revenue Provision was issued under this section on 8th November 2007.
- 1.2 The Council complied with all of the above relevant statutory and regulatory requirements which limit the levels of risk associated with its treasury management activities. In particular, the adoption and implementation of the Prudential Code and the Code of Practice for Treasury Management means that its capital expenditure is prudent, affordable and sustainable. Treasury investment practices are governed by the primary objectives of security ahead of liquidity and then yield.
- 1.3 The Council's treasury management functions have been operating within unprecedented times of uncertainty, this uncertainty impacts forecasts on borrowing and lending rates, availability of borrowing and investment options and capital programme projections. The uncertainty was initially from the outcome of EU exit but this has now transitioned to the pressures and uncertainty brought about by the UK's reaction to the Covid-19 outbreak.
- 1.4 At present the Council has been able to manage cashflow levels for the majority of the lockdown period without much difficulty. This has been due to government providing significant grants for the management of covid-19 and support to businesses, providing the Council with significant cash balances, limiting the Council's need to borrow during this period. The downturn in the UK economy and the cutting of the Bank Of England Base Rate to 0.1% actually has a beneficial outcome to the Council's treasury strategy as it reduces the cost of our short term borrowing, thus enabling interest savings to be generated against plan.

However, due to the significant level of cash balances that the Council held at various points during the lockdown period, the Council's Natwest reserve account was utilised to deposit funds rather than establish new Money Market Fund accounts, which there was no time to do. This was not felt to be a significant breach of the Council's annual investment strategy (investments with banks are limited to £5m per bank for a period not exceeding 6 months), due to the low risk involved and circumstances that lead to the need to temporarily deposit funds above this amount with the Council's own bankers.

2. Key Issues

- 2.1 Indicators are set prior to the start of the financial year and reflect the known position at that time. Approved changes to the capital programme and its funding throughout the financial year, together with variations in treasury management activity, mean that actual indicators for the year may vary from the projections made prior to the start of the financial year. However, by regular monitoring and reporting revised estimates of these indicators the Council is able to ensure the impact is known and managed through the Medium Term Financial Strategy.

The actual prudential indicators for 2019/20 for Rotherham MBC, with comparators, are shown in the attached Appendix 1. Background to these is provided in the following paragraphs.

- 2.2 **Impact of the Council's Capital Expenditure and Financing 2019/20** - the Council expends capital expenditure on long term assets. This may either be:

- Financed immediately through capital receipts, capital grants etc.; or
- Financed over the life of the asset by use of Prudential Borrowing

Part of the Council's Treasury activities is to address this borrowing need, either through borrowing from external bodies, or utilising temporary cash resources within the Council. The wider treasury activities also include managing the Council's cash flows, its previous borrowing activities and the investment of surplus funds. These activities are structured to manage risk foremost, and then optimise performance. The primary objective is security ahead of liquidity and then yield or return.

- 2.3 The Council's underlying need to borrow is called the Capital Financing Requirement (CFR). This figure is a gauge for the Council's debt position. It represents 2019/20 and prior years' net capital expenditure which has not yet been paid for by revenue or other resources. Following changes to accounting regulations in 2009/10, the CFR also includes other long term liabilities which have been brought on balance sheet, for example, PFI schemes and finance lease assets.

The Non-HRA element of the CFR (excluding PFI schemes and finance lease assets) is reduced each year by a statutory revenue charge (the Minimum Revenue Provision - MRP). The CFR can also be reduced by:

- the application of additional capital resources (such as unapplied capital receipts); or

- charging more than the statutory revenue charge (MRP) each year through a Voluntary Revenue Provision (VRP).

At the end of the financial year 2019/20 the closing CFR is £16.470m less than that approved in the revised indicator, via the Mid-Year report. The reduction is due to slippage on a number of capital schemes, that in turn reduces the Council's need to borrow at this point in time and has the knock on effect of generating savings against the treasury budget for 2020/21 as planned interest payments and minimum revenue provision payments will reduce.

2.4 Treasury Position at 31 March 2020 - whilst the Council's gauge of its underlying need to borrow is the CFR, the Strategic Director of Finance and Customer Services and the Treasury function can manage the Council's actual borrowing position by either:

- borrowing to the CFR (excluding the impact of PFI and similar contracts); or
- choosing to utilise some temporary internal cash flow funds instead of borrowing (under-borrowing); or
- borrowing for future increases in the CFR (borrowing in advance of need).

For 2019/20 provision was made for the estimated borrowing need for the year to partly reduce the Council's 31 March 2019 under-borrowed position. However, the Council has continued to take advantage of the current availability of short-term cash loans at very favourable rates and did not take out any new long-term loans in 2019/20.

There is minimal risk to the Council in following this strategy, as long-term loans can be taken out immediately at any point in time that the financial markets start to change and make long-term loans a more cost-effective option. Due to the current economic downturn the long-term borrowing rates have significantly dropped, whilst this does mean that long-term borrowing is cheaper at present, it also means the Council is able to continue to make use of short term loan benefits before moving some of its debt portfolio to longer term deals, as the longer term rates will likely stay low for some time.

Thus, at 31 March 2020, the Council's borrowing (excluding PFI and similar schemes) and investments were as follows:

2.5 **Table 1 Council's Treasury Position 2019/2020**

Net Borrowing	As At 31 March 2019 £m	As At 31 March 2020 £m
External Borrowing		
Public Works Loans Board (PWLB)	196.702	184.389
Market (e.g. Banks, Other Local Authorities)	223.000	213.000
Temporary Borrowing	167.000	239.000
	586.702	636.389
External Investments		
Debt Management Office	0.000	0.000
Money Market Funds	27.530	39.675
	27.530	39.675
Net Borrowing	559.172	596.714
Net Borrowing - Excluding Temporary Borrowing	392.172	357.714
Capital Financing Requirement (exc Other Long Term Liabilities)	695.914	715.685
Net Under-Borrowed	303.742	357.971

- 2.6 Against the Council's Capital Financing Requirement of £715.685m (excluding PFI and similar arrangements totalling £126.518m), the Council's outstanding net borrowing of £357.714m (excluding temporary loans) is lower than this requirement by £357.971m due to the Council's approach of utilising temporary cash flow funds and short term borrowing rather than taking out any new long term borrowing.

Total savings in the Treasury Management budget for 2019/20, arising from all treasury activity including cash-flow management, were £3.3m. The treasury management and capital financing decisions taken at the year end will also enable a re-profiling of MRP and interest forecasts to allow for a further £0.7m saving to be contributed towards the 2020/21 treasury management budget in addition to the £3.15m saving included as part of setting the 2020/21 budget.

2.7 **PRUDENTIAL INDICATORS AND COMPLIANCE ISSUES**

Some of the prudential indicators provide either an overview or specific limits on Treasury activity:

Net Borrowing and the CFR - in order to ensure that borrowing levels are prudent over the medium term the Council's external borrowing net of investments must only be used for a capital purpose. Net borrowing should not therefore, except in the short term, have exceeded the CFR for 2019/20 plus the expected changes to the CFR for 2019/20 and 2020/21. The Council complied with this prudential indicator throughout 2019/20.

- 2.8 **The Authorised Limit** – the Authorised Limit is the “Affordable Borrowing Limit” required by S3 of the Local Government Act 2003. The Council does not have the power to borrow above this level. The Council maintained gross borrowing within its Authorised Limit, both excluding and including the impact of bringing PFI and similar arrangements on to the Council's Balance Sheet.
- 2.9 **The Operational Boundary** – The Operational Boundary is the expected borrowing position of the Council during the year. Periods where the actual position is either below or over the Boundary is acceptable subject to the Authorised Limit not being breached. The Council maintained its borrowing position around its Operational Boundary.
- 2.10 **Actual financing costs as a proportion of net revenue stream** – This indicator identifies the trend in the cost of capital (borrowing and the cost of other long term obligations but net of investment income) against the Council's Budget Requirement (net revenue stream) for the General Fund and budgeted income for the HRA.

The General Fund shows a reduction in the actual financing costs as a proportion of net revenue stream. The General Fund ratio reduced from 6.85% (original budget) to 5.26% (actual out-turn). This was as a result of a combination of reduced borrowing costs for the year due to use of short term loans and the actual MRP charge being lower than the original budget. The HRA ratio increased from 15.75% (original budget) to 15.95% (actual out-turn). This was due increased interest costs charged to the HRA against the budgeted plan, the increase related to the spike during the year in PWLB rates.

- 2.11 **Incremental impact of Capital Investment Decisions** – these two indicators are used to highlight the trend in cost arising from changes to the Council's capital investment plans:
- the impact on Council Tax Band D levels of changes to the General Fund capital programme, and
 - the impact on weekly rent levels arising from changes in the housing capital programme

The incremental impact of capital investment decisions on the Band D Council Tax has reduced significantly from the original budget of £51.47 to £19.51. This is due to the actual borrowing required in the year (to fund capital expenditure) being substantially lower than anticipated. More capital grants have been available and these have been applied in funding the capital programme, thus replacing the need to borrow. Strategic capital financing decisions made at the financial year end also reduced borrowing by replacing planned prudential borrowing on short-life assets with use of capital receipts. The equivalent amount of prudential borrowing will then be utilised in later years on longer life assets.

None of the HRA capital investment was financed by borrowing in 2019/20 and therefore there was no incremental impact of capital investment on HRA rent levels.

2.12 TREASURY MANAGEMENT INDICATORS

2.13 Limits on Activity

Upper limits on fixed and variable interest rates as at 31 March 2019 – these indicators identify the maximum limits for fixed interest rate gross debt and for variable interest rates based upon the debt position, net of investments. The Council remained within the limits set throughout 2019/20.

Maturity structure of fixed rate borrowing during 2019/20 – These gross limits are set to reduce the Council's exposure to large fixed rate sums falling due for refinancing and are required for upper and lower limits. The Council breached the limit set for short term borrowing (less than 12 months), this was a necessary breach to allow the Council to continue to maximise savings being generated through this strategy that were vital to the Councils revenue outturn position. The treasury management strategy has increased this limit for 2020/21, though given the current economic climate it may be beneficial to review that position further.

Maximum funds invested for more than 364 days – This limit is set to reduce the need for early sale of an investment and is based on the availability of funds after each year end.

2.14 Borrowing

New and Replacement Borrowing – No new long term loans were taken up during the year as the Council continued with its strategy of utilising the temporary borrowing market to manage the cash flow position.

During the year, temporary borrowing was taken up on 54 occasions with a mix of terms (ranging from 3 months to 12 months) to manage the Council's cash flow position. Of these short-term loans, 22 have been fully repaid in the year; with 32 remaining outstanding at the year end. Included within these are four rolling deals, where the Council or lender can provide 1 months' notice, 14 days notice or 2 days notice to either change the rate or end the deal. The Councils level of short term borrowing, loans less than 365 days, has exceeded the prudential indicator, as shown in appendix 1, PI 12. The breach has enabled the Council to generate significant savings through its strategy of utilising short term borrowing rather than entering into long term loans, these savings were a crucial element of managing the Councils outturn position for 2019/20. The indicator has been increased for 2020/21 to allow the continued benefit from use of short term loans to be generated.

2.15 Table 2 Short Term Borrowing as at 31st March 2020

Start Date	Principal	Type	Term	Interest Rate %
29/09/2017	£20,000,000	Temp	1 month Notice	0.80
22/08/2018	£10,000,000	Temp	14 day Notice	0.55
18/01/2019	£10,000,000	Temp	14 day Notice	0.55
11/12/2019	£10,000,000	Temp	2 day Notice	0.75
29/11/2019	£2,000,000	Temp	5 Months	0.75
23/10/2019	£10,000,000	Temp	6 Months	0.78
02/12/2019	£5,000,000	Temp	6 Months	0.90
04/12/2019	£5,000,000	Temp	6 Months	0.90
16/12/2019	£5,000,000	Temp	6 Months	0.90
20/12/2019	£10,000,000	Temp	6 Months	0.87
12/12/2019	£5,000,000	Temp	6 Months	0.87
12/12/2019	£5,000,000	Temp	6 Months	0.85
24/01/2020	£5,000,000	Temp	6 Months	0.90
31/01/2020	£5,000,000	Temp	6 Months	0.90
20/03/2020	£5,000,000	Temp	6 Months	0.92
27/03/2020	£5,000,000	Temp	6 Months	0.90
23/08/2019	£15,000,000	Temp	8 Months	0.90
20/01/2020	£5,000,000	Temp	8 Months	0.90
05/07/2019	£8,000,000	Temp	9 Months	0.90
01/08/2019	£5,000,000	Temp	9 Months	0.90
20/08/2019	£5,000,000	Temp	9 Months	0.89
25/09/2019	£14,000,000	Temp	9 Months	0.85
23/09/2019	£5,000,000	Temp	9 Months	0.90
23/09/2019	£5,000,000	Temp	9 Months	0.90
01/10/2019	£5,000,000	Temp	9 Months	0.85
16/01/2020	£5,000,000	Temp	9 Months	0.89
20/03/2020	£5,000,000	Temp	9 Months	0.95
10/06/2019	£15,000,000	Temp	10 Months	0.90
19/07/2019	£10,000,000	Temp	10 Months	0.90
01/05/2019	£5,000,000	Temp	11 Months	1.00
01/11/2019	£5,000,000	Temp	11 Months	0.90
26/04/2019	£10,000,000	Temp	13 Months	1.10
Total Loans	£239,000,000			

2.16 Rescheduling – During 2019/20 the Council was offered an opportunity to repay early a bond held with Siemens, £10m. This opportunity was analysed in detail to ensure that the savings the Council could make from re-financing the debt with short term borrowing would outweigh the repayment premium charged. Officers worked with the Council's treasury management advisors Link to arrange the repayment terms.

Debt Repayment – Including the repayment above, loans totalling £20m matured during the year as shown in the table below. Part repayments of principal (£2.305m) continued on the Annuity and Equal Instalment of Principal (EIP) loans taken up in prior years.

2.17 Table 3 Debt Repayments 2019/20

Lender	Principal £m	Type	Interest Rate	Weighted Average rate of interest
Siemens	10.000	Fixed rate	2.66%	
PWLB	10.000	Fixed rate	3.01%	
PWLB EIP	2.000	Fixed rate	3.46%	
PWLB EIP	0.130	Fixed rate	1.89%	
PWLB Annuity	0.175	Annual repayment	Various	
Total:	£22.305	2.89%		

2.18 Investments

The Council's investment policy is governed by MHCLG Guidance, which was implemented in the annual investment strategy approved by Council on 28th February 2019. The investment activity during the year conformed to the approved strategy.

The Council maintained an average balance of £27.1m and received an average return of 0.69%. When compared to the local measure of performance the average return was higher than the average seven day LIBID rate for 2019/20 of 0.51%. This is due to the Council established use of Money Market Funds to utilise for short-term deposits. These Funds are AAA rated securities which pay a better rate of interest than the Government's Debt Management Office.

2.19 FORMER SOUTH YORKSHIRE COUNTY COUNCIL

No new borrowing or rescheduling took place during 2019/20, whilst one loan of £16.5m matured during the year. Thus, at 31 March 2020, external debt, all with the PWLB, totalled £19.7m. The average interest rate on the debt is now 5.10%.

The Former South Yorkshire County Council had no investments at 31 March 2020, the same as at 31 March 2019.

The actual prudential indicators for the Former South Yorkshire County Council are shown in the attached Appendix 2.

3. Options considered and recommended proposal

- 3.1 No options considered as the report outlines actual Treasury Management activity during 2019/20

4. Consultation on proposal

4.1 None required

5. Timetable and Accountability for Implementing this Decision

5.1 None required

6. Financial and Procurement Advice and Implications

6.1 Treasury Management forms an integral part of the Council's overall financial arrangements. This report provides an update on the performance of the treasury management functions for 2019/20 against the prudential indicators as outline in the Treasury Management Strategy for 2019/20. There were not significant breaches of prudential indicators to report and savings were generated from the treasury management strategy adopted that played vital role in enabling the Council to operate a balanced budget.

6.2 There are no direct procurement implications arising from the report.

7. Legal Advice and Implications

7.1 None, other than ensuring compliance with the Code of Practice for Treasury Management in the Public Services Local Government Act 2003 (as updated) and the Prudential Code (as updated).

8. Human Resources Advice and Implications

8.1 No direct implications.

9. Implications for Children and Young People and Vulnerable Adults

9.1 The report includes reference to the cost pressures on both Children's and Adult Social care budget.

10. Equalities and Human Rights Advice and Implications

10.1 No direct implications.

11. Implications for Partners

11.1 No direct implications.

12. Risks and Mitigation

12.1 Regular monitoring of treasury management activity throughout the financial year ensures that risks and uncertainties are addressed at an early stage and hence kept to a minimum.

13. Accountable Officers

Graham Saxton, Assistant Director – Financial Services
Rob Mahon, Head of Corporate Finance

Approvals obtained on behalf of Statutory Officers:-

	Named Officer	Date
Chief Executive	Sharon Kemp	26/06/20
Strategic Director of Finance & Customer Services (S.151 Officer)	Judith Badger	25/06/20
Head of Legal Services (Monitoring Officer)	Stuart Fletcher	25/06/20

Report Author: Rob Mahon, Head of Corporate Finance

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

APPENDIX 1

Summary Prudential Indicators: Rotherham MBC

		Actual £m	Revised Estimate £m	Original Estimate £m
1	Capital Expenditure (excluding PFI & Finance lease liabilities)	96.985	123.729	110.902
2	Capital Financing Requirement (CFR) including PFI & similar liabilities:			
	General Fund	536.332	553.597	546.017
	HRA	305.870	305.075	304.125
	Total	842.202	858.672	850.142
3	Net Borrowing compared to CFR excluding PFI & similar liabilities:			
	Total Borrowing	636.389	676.290	681.524
	Total Investments	39.675	20.000	20.000
	Net Borrowing	596.714	656.290	661.524
	CFR (excluding PFI & Similar liabilities)	715.684	732.236	723.366
	Under-borrowing	118.970	75.946	61.842
4	Net Borrowing compared to CFR including PFI & similar liabilities:			
	Borrowing (from above)	636.389	676.290	681.524
	Borrowing (PFI etc.)	126.518	126.436	126.776
	Total Borrowing	762.907	802.726	808.300
	Total Investments	39.675	20.000	20.000
	Net Borrowing	723.232	782.726	788.300
	CFR	842.202	858.672	850.142
	Under-borrowing	118.970	75.946	61.842
5	Authorised Limit for external debt			
	Assumed Borrowing	759.534	759.534	759.534
	PFI & similar liabilities	126.518	126.436	126.776
	Authorised Limit	886.052	885.970	886.310
	Total Borrowing	762.907	802.726	808.300
	Borrowing Below Limit	123.145	83.244	78.010
6	Operational boundary for external debt			
	Assumed Borrowing	743.366	743.366	743.366
	PFI & similar liabilities	126.776	126.776	126.776
	Operational Boundary	870.142	870.142	870.142
	Total Borrowing	762.907	802.726	808.300
	Borrowing Below/(Above) Boundary	107.235	67.416	61.842
7	Maximum Funds invested > 364 days	10.000	10.000	10.000
		Actual	Revised Estimate	Original Estimate

		%	%	%
8	Ratio of financing costs to net revenue stream – Non HRA	5.26	5.79	6.85
9	Ratio of financing costs to net revenue stream – HRA	15.92	15.98	15.75
		£	£	£
10	Incremental impact of capital expenditure plans on the Band D Council Tax	19.51	51.47	51.47
11	Incremental impact of capital expenditure plans on housing rents levels	0	0	0

12	Maturity Structure of Fixed Rate Borrowing	Actual %	Revised Upper Limit %	Original Upper Limit %
	Under 12 months	47.27	35	35
	12 months to 2 years	4.54	45	45
	2 years to 5 years	6.01	45	45
	5 years to 10 years	0.23	45	45
	10 years to 20 years	7.29	45	45
	20 years to 30 years	0.90	50	50
	30 years to 40 years	19.07	50	50
	40 years to 50 years	5.74	55	55
	50 years and above	8.97	60	60

13	Upper Limit on fixed interest rates based on fixed net debt	Actual %	Revised Upper Limit %	Original Upper Limit %
		85.97	100	100

14	Upper Limit on variable rates based on fixed net debt	Actual %	Revised Upper Limit %	Original Upper Limit %
		14.03	30	30

APPENDIX 2

Summary Prudential Indicators: Former South Yorkshire County Council

		Actual	Revised Estimate	Original Estimate
		£m	£m	£m
1	Authorised Limit for external debt			
	Authorised Limit	37.000	37.000	37.000
	Total Borrowing	37.000	37.000	37.000
	Borrowing Below Limit	0.000	0.000	0.000
2	Operational boundary for external debt			
	Operational Boundary	37.000	37.000	37.000
	Total Borrowing	37.000	37.000	37.000
	Borrowing Below Boundary	0.000	0.000	0.000

This page is intentionally left blank

Initial Equality Screening Assessment (Part A)

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: Finance and Customer Services	Service area: Finance
Lead person: Rob Mahon	Contact number: 01709 254518

1. Title:

Is this a:

☐

Strategy / Policy

☒

Service / Function

☐

Other

If other, please specify

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

The Council received an annual treasury strategy report in advance of the 2019/20 financial year at its meeting on 27th February 2019 and Audit Committee received a mid-year report at its meeting on 26th November 2019, representing a mid-year review of treasury activity during 2019/20.

The annual treasury management report is the final treasury report for 2019/20. Its purpose is to review the treasury activity for 2019/20 against the strategy agreed at the start of the year. The report also covers the actual Prudential Indicators for 2019/20 in accordance with the requirements of the Prudential Code.

The report meets the requirements of both the CIPFA Code of Practice on Treasury Management and the CIPFA Prudential Code for Capital Finance in Local Authorities.

The Council is required to comply with both Codes through Regulations issued under the Local Government Act 2003.

Given that the revenue and capital budgets along with the treasury management strategy have been approved by Council in February 2020, when equality assessments would have been considered at that time in respect of the budget proposals, there are no further issues in respect of equality and diversity.

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, 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
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 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 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 and use the prompts for guidance.

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

n/a

- **Key findings**

n/a

- **Actions**

n/a

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
Judith Badger	Strategic Director – Finance and Customer Services	26 June 2020

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	23-6-2020
If relates to a Key Delegated Decision, Executive Board, Council or a Significant Operational Decision – report date and date sent for publication	
Date screening sent to Performance, Intelligence and Improvement equality@rotherham.gov.uk	

Public Report
Cabinet

Committee Name and Date of Committee Meeting

Cabinet – 20 July 2020

Report Title

May Financial Monitoring 2020/21

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

Yes

Strategic Director Approving Submission of the Report

Judith Badger, Strategic Director of Finance and Customer Services

Report Author(s)

Rob Mahon, Head of Corporate Finance
01709 254518 or rob.mahon@rotherham.gov.uk

Ward(s) Affected

Borough-Wide

Report Summary

The report sets out the financial position as at the end of May 2020 and is based on actual costs and income for the first two months of 2020/21 and forecast for the remainder of the financial year. Financial performance is a key element within the assessment of the Council's overall performance framework and is essential to achievement of the objectives within the Council's Policy Agenda. To that end, this is the first in a series of monitoring reports for the current financial year which will continue to be brought forward to Cabinet on a regular basis.

As at May 2020, the Council has a forecast year-end overspend of £6.2m after taking account of the governments provision of Covid-19 support grant of £16.2m. Without this funding the projected overspend would have been £22.4m on the General Fund.

Recommendations

1. That the current General Fund Revenue Budget forecast of £6.2m overspend be noted.
2. That it be noted that actions will continue to be taken to mitigate the forecast overspend.
3. That the Capital Programme update be noted.

List of Appendices Included

Appendix 1 Council's Covid-19 Financial Monitoring return to MHCLG 19th June 2020.

Background Papers

Budget and Council Tax Setting Report 2020/21 to Council on 27th February 2020

Consideration by any other Council Committee, Scrutiny or Advisory Panel
No.

Council Approval Required

No

Exempt from the Press and Public

No.

May Financial Monitoring 2020/21**1. Background**

- 1.1 As part of its performance and control framework the Council is required to produce regular and timely reports for the Strategic Leadership Team and Cabinet to keep them informed of financial performance so that, where necessary, actions can be agreed and implemented to bring expenditure in line with the approved budget for the financial year.
- 1.2 Delivery of the Council's Revenue Budget, Medium Term Financial Strategy (MTFS) and Capital Programme within the parameters agreed by Council is essential if the Council's objectives are to be achieved. Financial performance is a key element within the assessment of the Council's overall performance framework.
- 1.3 This report is the first in a series of financial monitoring reports to Cabinet for 2020/21, setting out the projected year-end revenue budget financial position in light of actual costs and income for the first ten months of the financial year.

2. Key Issues

- 2.1 Table 1 below shows, by Directorate, the summary forecast revenue outturn position.

Table 1: Forecast Revenue Outturn 2020/21 as at May 2020

Directorate	Budget 2020/21 £m	Forecast Outturn 2020/21 £m	Forecast Variance over/under (-) £m
Children and Young People's Services	60.3	65.2	4.9
Adult Care, Housing & Public Health	79.7	88.1	8.4
Regeneration and Environment Services	43.6	51.0	7.4
Finance and Customer Services	19.0	19.0	0.0
Assistant Chief Executive	6.6	6.6	0.0
Central Services	24.1	25.8	1.7
Directorate Forecast Outturn	233.3	255.7	22.4
Covid-19 support grant			16.2
Net Forecast Outturn			6.2
Dedicated Schools Grant			0.1
Housing Revenue Account (HRA)			0.0

The Councils overspend position at this point is largely due to two overall issues

- Financial implications as a result of Covid-19 and the Councils response to the pandemic.
- Delayed delivery of savings plans as a result of Covid-19.

Government has provided the Council with a grant of £16.2m to support the Covid-19 response and financial implications, taking that into account the Councils overspend is reduced to £6.2m.

2.2 In June 2020 the Council had to provide government a view on the estimated financial impact of the Covid-19 response. The June Covid-19 return was submitted to Ministry for Housing, Communities and Local Government (MHCLG) on Friday 19th June within the MHCLG deadline and it projected an overall financial impact for the general fund in 2020/21 of £24.4m (the return is appended to this report). The full impact is made up of;

- £9.1m of additional costs
- £7.6m of income loss
- £7.7m non-delivery of savings

Therefore, the overall estimated impact of Covid-19 on the 2020/21 revenue budget as per the June return is £24.4m, less Covid-19 support grant received to date of £16.2m, leaving a net pressure of £8.2m. This net pressure differs from the Councils financial monitoring position as the June MHCLG return focuses solely on Covid-19 requirements and impacts, a net difference of £2m. There are financial pressures and savings factored into monitoring that aren't related to Covid-19.

2.3 The forecast net overspend of £6.2m will continue to be monitored closely and mitigations identified where possible to reduce the overall impact. Whilst this represents a challenge it is anticipated at present that there will be further Government funding support and that the Council will be able to bring this budget back into line before the year end. However, the more pressing concern financially is the impact of the non-delivery of savings £7.7m arising from Covid-19. This non-delivery will need to be carried forward into 2021/22 and when added to the £8.6m of savings plans that were deferred to 2021/22 as part of the Councils budget report to Cabinet in February 2020, represents a significant financial challenge for the authority, to deliver total savings of £16.3m during 2021/22.

Additionally, the Council may continue to need to commit further expenditure in its response to the impact of Covid, above the level currently forecast within this report. This would include proposals to be considered by Cabinet for the Council to provide an extension of the measures put into place to support the adult social care market in Rotherham beyond the initial timescale which was envisaged for that support to apply to the end of June.

Table 2 – Agreed Profile of Budget Savings and Cost Reductions by Directorate :

Directorate	2020/21 Savings Non-delivery £m	2021/22 Savings £m	Total Savings to be delivered in 2021/22 £m
ACHPH	2.3	4.6	6.9
CYPS	2.8	4.0	6.8
R&E	1.0	0	1.0
Customer Services (R&E)	1.6	0	1.6
Total	7.7	8.6	16.3

The following sections provide further information regarding the Councils forecast outturn of £22.4m, before taking account of Covid-19 support grant of £16.2m, the key reasons for forecast under or overspends within Directorates, and the progress of savings delivery.

Children and Young People Services Directorate (£4.9m forecast overspend)

- 2.4 Children & Young People Services continue to implement the budget recovery plan with budget savings of £10.2m phased £6.2m in 2020/21 and £4.0m in 2021/22 following the one-off additional budget of £4m provided for the 2020/21 financial year.
- 2.5 The budget pressure at the end of May is £4.9m and includes additional costs pressures due to the COVID pandemic which are estimated at £2.2m, £2.3m non-achievement of budget savings and Stovewood costs of £4.4 m. These pressures are being mitigated by the additional budget support of £4m.
- 2.6 The Looked After Children number is 606 which is behind the budget profile (592) for this period. The variance of 14 relates to 10 LAC who have no placement costs, the emergency placements is 3 above profile due to COVID placement issues and there are also variances to the fostering profile.
- 2.7 The direct employee budget is £33.9m and is a combination of general fund, traded and grant funded services. The projected overspend at the end of May is £0.95m, of which £0.74m are general fund pressures. The £0.74m budget pressure reduces to £0.34m after utilising the one-off budget support (£0.4m) and is after taking account of staffing budget savings of £3.97m in 2020/21. There were 5 agency workers in children's social care at the end of May.
- 2.8 The staffing budget reflects the work undertaken to date on delivery of the Early Help & Social Care Pathways savings proposals and other staff savings across the CYPS directorate.

- 2.9 A significant element of the CYPs non-pay budgets relates to placements which has a net budget of £26.3m with a current projected spend of £33.7m. The financial pressure is £7.4m before application of the additional budget support.
- 2.10 The main net financial pressures (£3.8m) are on the projected costs of Residential placements (£1.9m), Emergency placements (£1.0m) and Fostering placements £0.9m
- 2.11 The placement forecast assumes that from June 2020 to March 2021, the placement budget assumptions (placement reductions and transitions to lower cost placement types) will be achieved for the rest of the financial year. There are several risks linked to achievement of this placement budget profile which are:
- External residential placement admissions continue to reduce in line with the budget profile
 - Estimated admissions and discharges from care being in line with expectations
 - The increase in in-house fostering enquires and net growth in foster carers placements are in line with the estimated projections for the rest of the financial year.
 - Costs of placements increasing above inflationary expectations
- 2.12 The other major budget pressure linked to the current number of Looked After Children this financial year is transport with a forecast overspend of £420k.

Dedicated Schools Grant

- 2.13 The High Needs Block (HNB) is £40.1m (including the £3.0m transfer from the schools block) and demand remains high due to rising numbers of children supported in specialist provision and the rising costs of Education Health Care (EHC) plans. Consequently, the central DSG reserve has changed over a four-year period from a £1m reserve deficit at the end of 2015/16 to £19.8m deficit at the end of the 2019/20 financial year (£4.6m overspend in 2019/20).
- 2.14 The forecast at the end of May 2020 shows a balanced position (£103k underspend) based on the DSG recovery plan and includes anticipated growth on EHCs numbers and the implementation of new developments linked to the SEND Sufficiency Strategy.
- 2.15 Both the Early Years and the Schools' block are expected to be broadly in line with allocations in 2020/21.
- 2.16 The key areas of focus to reduce High Needs Block spend are:
- A review of high cost, external education provision to reduce spend and move children back into Rotherham educational provision.
 - Increase SEN provision in Rotherham linked to mainstream schools and academies, with further capacity becoming operational from September 2020.

- Work with schools and academies to maintain pupils in mainstream settings wherever possible.
- A review of inclusion services provided by the Council

Adult Care and Housing (£8.4m forecast overspend)

- 2.17 The overall Directorate forecast is an overspend of £8.4m on general fund services after taking account of the additional one-off budget support of £4.65m for 2020/21.
- 2.18 Covid-19 is estimated to have a cost impact of £8.4m. This includes: £1.1m for personal protective equipment; £2.1m due to delayed budget savings; and £2m of placement costs due to additional demand and the increased costs of providing care.
- 2.19 The NHS is currently funding people who are discharged from hospital. Ordinarily the cost of some of these packages would be funded by the Council. The Government has not published a date for the transfer of placements and costs to the Council. The forecast includes a contingency as the number and cost of these packages and the timing of any transfer is unknown.

Delivery of savings have been delayed as Covid-19 has diverted staff resource to support work related to the pandemic and away from planned transformational activity. Anticipated additional income has reduced as social distancing has prevented some of the tasks required from taking place.

- 2.20 Excluding the cost of Covid-19, the cost of care packages is forecast to be £0.4m underspent. This is due to savings on transforming care.
- 2.21 Staffing budgets are forecast to overspend by £0.4m due to low vacancy numbers.
- 2.22 Neighbourhood Services' (Housing) is forecast to breakeven.

Public Health

- 2.23 The latest forecast is an overall breakeven position.

Regeneration and Environment Directorate (£7.4m forecast overspend)

- 2.24 The latest outturn projections for the Directorate indicate a forecast pressure of £7.4m for this financial year. As with all areas of the Council the Directorate's financial position has been significantly impacted by the ongoing lockdown restrictions imposed by the Government. Even so, the directorate prioritises continued delivery of normal everyday services within the bounds of what is possible under 'lockdown'. In the circumstances, delivery of savings is one area where deferred activity is more likely.

- 2.25 Lockdown immediately impacted on many of the Directorate's income earning activities, leading to a rapid and sustained drop in receipts. Income from Theatres, Green Spaces, Markets and Parking amongst others, ceased almost immediately. At the timing of writing this report, lockdown restrictions have started to be eased. However, the speed and the extent of recovery of the directorate's income from fees and charges is unclear. Of the directorate's £7.4m forecast pressure, £5.5m relates to lost income. It is unclear given the crisis what the final pressure will be in 2020-21, signs are the figure could increase yet further, however work is urgently underway to identify how that can be prevented.
- 2.26 Further, the pandemic has meant that progress to achieve previously agreed revenue budget savings has been delayed. The lockdown has enabled the Council to make savings in some areas, for example by temporarily closing Council buildings, but any savings are far outweighed by the additional costs and lost income arising from the lockdown.

The forecast outturn projection includes the following specific budget issues :

- Community Safety and Street Scene (CSS) is reporting an overall pressure of £0.6m. The most significant pressure in this Service is in respect of Parking income, a £0.5m income shortfall is currently being reported. However, pressures are also arising in Community Services, Waste and Transport. The deliverability of Transport savings in 2020/21 is being reviewed, for example social distancing changes the assumptions on taxi/bus usage.
- Culture Sport and Tourism (CST) has been severely impacted by the temporary closure of facilities and is reporting an overall pressure of £2.9m. The pressure is made up of a forecast full year loss in respect of Leisure facilities (£1m), loss of income from 'Green Spaces' (£1.4m) and Theatres (£0.5m). The Green Spaces Service, which includes the Borough's Country Parks and Facilities, is forecasting a pressure of up to £1.4m. Temporary closures of parks and all other leisure sites for all of spring and into the summer has prevented any trading activities taking place. Forecasts assume an extended period of much lower income resulting in a forecast pressure of £0.8m but the final figure will be entirely dependent upon the speed and extent of the trading recovery when facilities reopen. An additional £0.5m pressure within Theatres is expected after the site closed. Losses are partly mitigated by expenditure savings, as a result of the prolonged closure but this is included in the forecast. Staff savings in Libraries of £0.2m will assist to offset overall pressure in CST.
- Planning Regeneration and Transport (PRT) is forecasting an overall pressure of £2.8m. The largest pressure in this Service is in the School Meals service of £1.3m, as a result of lost income of £2.1m resulting from school closures and significantly reduced pupil attendance where schools remain open, only partly offset by reduced expenditure on food.

- A pressure of just under £0.5m is being forecast on Markets income, arising from the closure, and the likely ongoing difficult trading conditions, as town centre footfall is expected to take several months to return to pre-lockdown levels.
- There is a delay to delivery of savings within Facilities Management (£0.6m), largely as a result of delays in the timing of property savings, i.e closure of buildings. Whilst this impacts on the overall position new savings of £0.3m are planned for in 2020-21 and are in progress to be implemented.

Finance and Customer Services (balanced forecast position)

- 2.31 The overall Directorate is forecasting a balanced budget position. Whilst there are financial pressures, as detailed below, the service will use vacancy management to control these financial pressures and deliver, at least, a balanced budget position. The service does need to deliver the remaining savings in relation to the Customer and Digital Programme, (£0.1m), work continues with the programme to identify further areas where the Council can operate more efficiently and effectively, making use of the improved digital technologies available to services.
- 2.32 Within Customer, Information and Digital Services, there are financial pressures from ceasing the Schools Connect Trading service, reflecting the loss the service was making (£0.1m overspend) due to the continued loss of schools/academies subscribing to services. The service also has a pressure within the corporate mail and print service following a centralisation of print services, the print service had an income shortfall (£0.1m). Now the budgets have been centralised the service will be better placed to control print usage and implement a strategy to minimise print whilst promoting digitalised service provision. The service will mitigate the cost pressures this year through vacancy control.
- 2.33 Whilst Legal Services faces continued demand for legal support with child protection hearings and court case costs relating to Looked After Children, legal disbursements are currently forecasting a £0.2m underspend. However, the number of cases during the year remains volatile and will continue to be monitored closely.

Assistant Chief Executive (balanced forecast position)

- 2.34 The Assistant Chief Executive's Directorate are a balanced budget position. The service does need to deliver savings in relation to the Customer and Digital Programme, (£0.2m), work continues with the programme to identify further areas where the Council can operate more efficiently and effectively, making use of the improved digital technologies available to services.
- 2.35 Though the work to deliver the savings target will continue, the service is currently able to forecast a balanced budget position due to use of vacancy control.

Central Services (£1.7m forecast overspend)

- 2.36 Within Central Services budgets there is a planned transfer of £4.3m to reserves as per the Councils reserves strategy detailed within the Councils budget report to cabinet in February 2020. At present these reserve transfers are still forecast to be carried out. There is also a budget contingency of £4m and with the ongoing uncertainties around the financial impact of Covid-19 this will be reviewed on a monthly basis. There are agreed savings to be delivered from Central Services as the £1.7m customer services saving relating to R&E services has been budgeted here. At present it is unlikely this saving will be delivered in year and as such has been forecast as an overspend.
- 2.37 Savings are being delivered from a range of activities within the treasury management strategy, including effective cash flow planning and monitoring, along with management of the loans portfolio to take advantage of the continuing low cost of short-term funds. These activities, together with a number of general efficiencies on centrally managed budgets will be monitored closely to try to mitigate the forecast overspend.

Housing Revenue Account (HRA)

- 2.38 The Housing Revenue Account is a statutory ring-fenced account that the Council has to maintain in respect of the income and expenditure incurred in relation to its council dwellings and associated assets. The overall HRA forecast is a balanced position. However, there is a forecast pressure on income (+£136k) which is being offset by an underspend on expenditure (-£136k).
- 2.39 The forecast overspend on income relates to the closure of Communal Facilities due to Covid (+£112k). There is also an anticipated reduction in income received from Aids and Adaptations (+£25k) as only emergency works are currently being undertaken due to the pandemic. This is being offset by a forecast underspend within Supervision and Management due to lower superannuation contributions and vacant posts.
- 2.40 The HRA budget includes a revenue contribution to capital expenditure of £13.387m which is forecast to budget at this stage plus a contribution from the HRA reserve of £9.324m in order to balance the overall budget.

Capital Programme Update

- 2.41 The Capital Programme 2020/21 totals £171.209m split between the general fund £111.129m (higher than normal due to reflecting the Council's Future High Streets Fund bid) and HRA £58.080m, this has increased overall by £5.045m from the position reported to Cabinet on 23 March 2020. The movement is based on the latest profiles of expenditure against schemes, following the 2019/20 outturn position, factoring in slippage from 2019/20 of £4.771m and additional funding of £0.274m. The total slippage from 2019/20 was £6.384m, £4.721m moving into 2020/21 and a further £1.612m re-profiled across 2021/22 to 2023/24.

The slippage into 2020/21 is higher than the reported outturn underspend for 2019/20, as the underspend on the overall programme for that year, also factors

in overspends on projects. Therefore, the overall programme underspend would have been greater, had those projects not overspent.

The additional funding of £0.274m relates to the Councils Holmes Tail GOIT pumping station and linked highway bridge. It has been agreed with the partner organisation on this scheme, that they will contribute this sum towards the delivery of the project outcomes, in recognition of the benefit they will also derive from the works.

- 2.42 The Site Cluster scheme had an overspend against the 2019/20 budget at the year end and is forecast to overspend overall against the 2020/21 budget profile. Therefore, the budget for Site Clusters has been increased for 2020/21 by £1.883m. However, for 2020/21 the total capital programme will not change as projected underspends/slippage will be utilised to cover the in-year requirement, with those underspends needing to be re-provided for in 2021/22.

On review of the HRA programme for 2021/22 the underspends and slippage identified to cover the Site Clusters overspend will not need to be re-provided in full. Therefore, the 2021/22 HRA capital programme has been increased by £0.867m, for the re-provision of budgets for those schemes used to support Site Clusters in 2020/21.

- 2.43 The proposed updated Capital Programme to 2023/24 is shown by Directorate in Table 3 below.

- 2.44 **Table 3: Proposed Updated Capital Programme 2020/21 to 2023/24**

Directorate	2020/21 Budget £m	2021/22 Budget £m	2022/23 Budget £m	2023/24 Budget £m	Total Budget £m
General Fund Capital					
Children and Young People's Services	17.817	8.618	4.508	5.573	36.516
Assistant Chief Executive	0.255	0.210	0.210	0.210	0.885
Adult Care & Housing	4.578	6.523	12.624	6.130	29.855
Finance and Customer Services	9.582	3.008	3.124	10.523	26.236
Regeneration and Environment	78.897	56.412	43.821	41.036	220.166
Capitalisation Direction	2.000	2.000	-	-	4.000
Total General Fund Capital	113.129	76.771	64.287	63.471	317.658
Total HRA Capital	58.080	55.925	44.178	43.198	201.381
Total RMBC Capital Programme	171.209	132.695	108.465	106.669	519.038

Funding position of Capital Programme 2020/21

2.45 The £99.689m of capital expenditure is funded as shown in the Table 4 below.

2.46 **Table 4: Funding of the approved Capital Programme**

Funding Stream	2020/21 Budget £m
Grants and Contributions	52.532
Unsupported Borrowing	53.386
Capital Receipts	5.032
Capital Receipts - Flexible Use	2.000
HRA Contribution	0.178
Total Funding - General Fund	113.129
Grants And Contributions	10.214
Unsupported Borrowing	-
Housing Major Repairs Allowance	29.952
Capital Receipts	3.998
Revenue Contribution	13.917
Total Funding - HRA	58.080
Total	171.209

Capital Receipts

2.47 The Council is continuing to undertake a comprehensive review of its assets and buildings portfolio with the aim of rationalising both its operational and non-operational asset holdings. This may contribute future capital receipts which are earmarked to support the revenue budget, in accordance with the Council's approved flexible use of capital receipts strategy.

2.48 To date no General Fund capital receipts have been generated. Although loan repayments will be received during the financial year, these cannot be used to support the revenue budget as only those receipts by the disposal of property, plant and equipment can be used in that way.

- 2.49 The detailed disposal programme is currently being updated and so coupled with the COVID19 situation, it is very difficult to forecast. Therefore, at this stage the forecast for useable capital receipts is between £0.500m & £2.000m and includes surplus property disposals which are subject to Cabinet approval. These receipts are made up of a small number of disposals and therefore any changes to these could impact on these forecasts significantly.

3. Options considered and recommended proposal

- 3.1 With regard to the current forecast net revenue budget overspend of £6.2m, further management actions continue to be identified with the clear aim of bringing expenditure into line with budgets. This includes holding back all spend, where possible and safe to do so, for the remainder of the financial year. It should again be noted that the Council has received £16.2m from government to manage the additional financial pressures that authorities are facing as a result of Covid-19. Whilst the Council has a £4m budget contingency to support the 2020/21 budget all possible actions are being undertaken to minimise any call on this provision.

4. Consultation on proposal

- 4.1 The Council consulted extensively on budget proposals for 2020/21. Details of the consultation are set out in the Budget and Council Tax 2019/20 report approved by Council on 17th February 2020.

5. Timetable and Accountability for Implementing this Decision

- 5.1 Strategic Directors, Managers and Budget Holders will ensure ongoing tight management and close scrutiny of spend this financial year.
- 5.2 Financial Monitoring reports are taken to Cabinet meetings during the year. The Financial Outturn report for 2020/21 will be taken to Cabinet in July 2021.

6. Financial and Procurement Advice and Implications

- 6.1 The Council's net overspend position is detailed within the report along with the estimated impact of Covid-19. This position will need to be monitored closely along with a strategic review of progress with the delivery of savings targets for 2020/21. If budget and planned savings and spend reductions are not delivered as intended to an extent that cannot be contained within the budget contingency reserve, there will be a further impact on the Council's reserves, as any expenditure in excess of budget impacts reserves levels. Control over spending is therefore critical to both maintaining the robust Reserves Strategy and Medium Term Financial Strategy. All savings are being closely monitored and tracked, with all areas at risk of shortfall subject to review and the identification of alternative options.

6.2 The update to the Council's Medium Term Financial Strategy, within the Budget and Council Tax 2020/21 report approved by Cabinet and Council in February 2020, indicates that a balanced budget can be maintained across the MTFS period to 2022/23, excluding the impact of Covid-19. Whilst there is some capacity within the MTFS going forward to provide for the timing impact of delivery of some budget savings, the maintenance of a balanced budget is predicated on all approved savings being delivered in full by 2021/22, either as originally approved or with approved alternative savings, together with actions completed to eradicate or mitigate against the impact of other budget pressures.

6.3 There are no direct procurement implications arising from the report.

7. Legal Advice and Implications

7.1 No direct legal implications.

8. Human Resources Advice and Implications

8.1 No direct implications.

9. Implications for Children and Young People and Vulnerable Adults

9.1 The report includes reference to the cost pressures on both Children's and Adult Social care budget.

10. Equalities and Human Rights Advice and Implications

10.1 No direct implications.

11. Implications for Partners

11.1 No direct implications.

12. Risks and Mitigation

12.1 At a time of economic difficulty and tight financial constraints, managing spend in line with the Council's budget is paramount. Careful scrutiny of expenditure and income across all services and close budget monitoring therefore remain a top priority if the Council is to deliver both its annual and medium term financial plans while sustaining its overall financial resilience

13. Accountable Officers

Graham Saxton, Assistant Director – Financial Services
Rob Mahon, Head of Corporate Finance

Approvals obtained on behalf of Statutory Officers:-

	Named Officer	Date
Chief Executive	Sharon Kemp	26/06/20
Strategic Director of Finance & Customer Services (S.151 Officer)	Judith Badger	26/06/20
Head of Legal Services (Monitoring Officer)	Stuart Fletcher	26/06/20

Report Author: Rob Mahon, Head of Corporate Finance

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

This page is intentionally left blank

Covid-19 LA financial monitoring - June

COVID-19 local authority financial management information

You are reporting on behalf of:**Billing or precepting authority:**

This is Round 3 of a data collection designed to help departments across central government understand the impact of the COVID-19 pandemic on local authority finances. This collection is for planning purposes; to help us identify where the greatest pressures are likely to be going forward and to inform our ongoing assessment of likely future costs. The information you provide will not be used for monitoring or auditing purposes. We will share a summary of the findings with you in due course. We may also publish, as a management information release, selected results at national, class-type, and potentially local authority-level. Please note that information provided could be the subject of a request under the Freedom of Information Act.

As outlined in previous rounds, we recognise that the situation your authority faces is continually changing and we will continue to repeat and refine this collection on a regular, rolling basis. For Round 3, you are asked to restate your May 2020 estimates based on actual/outturn data where available, alongside projected estimates for June 2020 and the full 2020-21 financial year (1 April 2020 to 31 March 2021).

Where full financial year estimates are requested, please estimate these assuming COVID-19 related costs up until the end of July 2020 based on the indicative timings as set out in the latest available Government advice and thereafter use your authority's own current planning assumptions for longer term annual impacts. You may wish to refer to the UK Government's COVID-19 recovery strategy at <https://www.gov.uk/government/publications/our-plan-to-rebuild-the-uk-governments-covid-19-recovery-strategy>

We appreciate that you might not have precise figures, but your estimates are extremely useful in the absence of robust data. However please ensure to exercise accurate, professional judgement when submitting your estimates. All submissions should be agreed by your authority's S151 Officer but do not require official certification.

As with previous rounds, you may need to liaise with relevant colleagues in your authority in order to complete the form.

Please submit your response though DELTA by **11pm on Friday 19 June 2020**. We cannot accept returns after the closing deadline. You must hit submit on completing the form otherwise your return will not be counted.

For enquiries, please use the contact details below:

For DELTA registration and collection access enquiries: DELTAadmin@communities.gov.uk

For general enquiries relating to this collection: lgfcoviddata@communities.gov.uk

Section A: Allocation of £3.2bn grant funding by service area

On 19 March 2020, £1.6bn emergency funding was announced to help local authorities respond to the COVID-19 pandemic. On 18 April 2020, a further £1.6bn funding for local authorities was announced. This section relates specifically to your combined allocation from this £3.2bn funding and not any other additional funding which your authority might be receiving to respond to COVID-19.

Of this £3.2bn funding, your authority has received:

Question A1: What proportion of your grant funding have you allocated to the following service areas?

We recognise that some COVID-19-related activities may be cross-cutting, and that you may not have formally allocated the additional funding separately across service areas. However, please provide updated estimates as best you can. This should be done using notional allocations to reflect your priority areas of spending pressure if you do not yet have more reliable data or formal allocation plans available. You should only populate the 'Not yet allocated' category if you are certain that your authority does not have plans to use this funding.

Please ensure the following areas of funding are recorded under 'Other' instead of specific service lines: Forgone savings and delayed or stopped projects, all Personal Protective Equipment (PPE) excluding that which falls under Adult Social Care (ASC), and Shielding.

Please provide percentage figures for each service area ensuring that they sum to 100%. If your authority does not provide a service or has not allocated any of this grant funding to a particular service area, you must enter 0%

You may wish to refer to your Round 2 May submission which can be found in the DELTA datastore.

For additional guidance and information, where available, please click the information (i) button.

The summary RAG rating asks for your assessment of the confidence you have in the accuracy of the figures provided. This uses a standard RAG rating system where red reflects estimates based on limited evidence/weak assumptions, and green reflects strong evidence and clearer assumptions.

Service Area	Estimated proportion of grant funding likely to be deployed in this area (%)
1 - Adult Social Care – additional demand	51.3 %
2 - Adult Social Care - supporting the market	19.8 %
3 - Adult Social Care - workforce pressures	1.5 %
4 - Adult Social Care - PPE	13.0 %
5 - Adult Social Care - other	0.0 %
Adult Social Care - sub total	85.6%
6 - Children's Social Care – workforce pressures	0.0 %
7 - Children's Social Care – residential care	9.8 %
8 - Children's Social Care – care leavers	0.4 %
9 - Children Social Care - other	3.0 %
Children's Social Care - sub total	13.2%
10 - Education - SEND	0.0 %
11 - Education - home to school transport	0.0 %
12 - Education - other	0.0 %
Education - sub total	

0%

13 - Highways and
Transport

0.0 %

14 - Public
Health

0.0 %

15 - Housing - homelessness
services

1.2 %

16 - Housing - rough
sleeping

0.0 %

17 - Housing - other

0.0 %

Housing - sub total

1.2%

18 - Cultural & related - Sports, leisure and community facilities

0.0 %

19 - Cultural & related - other

0.0 %

Cultural & related - sub total

0%

20 - Environment & regulatory - cremation, cemetery and mortuary services

0.0 %

21 - Environment & regulatory - waste management

0.0 %

22 - Environment & regulatory - other

0.0 %

Environment & regulatory - sub total

0%

23 - Planning & development

0.0 %

24 - Police, fire and rescue services

0.0 %

25 - Finance & corporate - ICT & remote working

0.0 %

26 - Finance & corporate - revenue & benefits

0.0 %

27 - Finance & corporate - other

0.0 %

Finance & corporate - sub total

0%

28 - Other - shielding

0.0 %

29 - Other - PPE (non-Adult Social Care)

0.0 %

30 - Other - unachieved savings/delayed projects

0.0 %

31 - Other - excluding service areas listed above

0.0 %

Other - sub total

0%

32 - Not yet allocated

0.0 %

Total Percentage Check

100%

Confidence in accuracy of allocation estimates (RAG rating)

RED

Question A2: You have allocated funding to 'Other services' or a specific service area suffixed '-other', excluding the subcategories listed (i.e. shielding, PPE, forgone savings/delayed projects), please specify what this represents.

Additional fostering placements

Section B: Additional spending pressures due to COVID-19

Question B1: Compared to what you had budgeted prior to the COVID-19 pandemic, please estimate how much additional money you have spent, and plan to spend, on the following service areas due to pressures caused by COVID-19.

Your additional spending should be reported:

1) Gross of any additional funding you have received - do not deduct any grant funding for COVID-19 costs or any other payments e.g. Clinical Commissioning Group (CCG) reimbursement

2) Net of any savings arising from changes in activity due to the COVID-19 pandemic e.g. due to use of the furlough scheme.

As in Section A, we recognise that COVID-19 activities may be cross-cutting across service areas, and it may not be possible to apportion additional spend due to COVID-19 with complete accuracy. However, please estimate as best you can.

Please ensure the following areas of expenditure are recorded under 'Other' instead of specific service lines: Forgone savings and delayed or stopped projects, all Personal Protective Equipment (PPE) related spend excluding that which falls under Adult Social Care (ASC), and Shielding.

You should report your additional spend estimates in millions, though you can provide figures to the nearest thousand pounds (up to 3 decimal places) if you are able to do so. If your authority does not provide a service or you have not spent any more as a result of COVID-19, you must enter 0 (zero).

If submitted, you may wish to view your Round 2 May form which can be found in the DELTA datastore. For Round 3, please use actual expenditure/outturn-based estimates where possible for May.

Where full financial year estimates are requested, please estimate these assuming COVID-19 related costs up until the end of July 2020 based on the indicative timings as set out in the latest available Government advice and thereafter use your authority's own current planning assumptions for longer term annual impacts. You may wish to refer to the UK Government's COVID-19 recovery strategy at <https://www.gov.uk/government/publications/our-plan-to-rebuild-the-uk-governments-covid-19-recovery-strategy>

For additional information, where available, please click the information (i) button.

Service Area	Estimated additional spending pressure due to Covid-19		
	May 2020 (£m)	June 2020 (£m)	Full financial year 2020-21 (£m)
1 - Adult Social Care – additional demand	May 2020	June 2020	Full year 2020-21
	£ 1.056 m	£ 1.056 m	£ 4.225 m
2 - Adult Social Care - supporting the market	May 2020	June 2020	Full year 2020-21
	£ 0.408 m	£ 0.408 m	£ 1.634 m
3 - Adult Social Care - workforce pressures	May 2020	June 2020	Full year 2020-21
	£ 0.031 m	£ 0.031 m	£ 0.123 m
4 - Adult Social Care - PPE	May 2020	June 2020	Full year 2020-21
	£ 0.267 m	£ 0.267 m	£ 1.067 m
5 - Adult Social Care - other	May 2020	June 2020	Full year 2020-21
	£ 0.575 m	£ 0.575 m	£ 2.300 m
ASC sub total	May 2020	June 2020	Full year 2020-21
	£ 2.337 m	£ 2.337 m	£ 9.349 m
6 - Children's Social Care – workforce pressures	May 2020	June 2020	Full year 2020-21
	£ 0.190 m	£ 0.190 m	£ 0.760 m
7 - Children's Social Care – residential care	May 2020	June 2020	Full year 2020-21
	£ 0.202 m	£ 0.202 m	£ 0.808 m
8 - Children's Social Care – care leavers	May 2020	June 2020	Full year 2020-21
	£ 0.007 m	£ 0.007 m	£ 0.029 m
9 - Children Social Care - other	May 2020	June 2020	Full year 2020-21
	£ 0.573 m	£ 0.573 m	£ 2.291 m
	May 2020	June 2020	Full year 2020-21
	£ 0.972 m	£ 0.972 m	£ 3.888 m

CSC sub total

10 - Education - SEND	May 2020	June 2020	Full year 2020-21
	£ 0.000 m	£ 0.000 m	£ 0.000 m
11 - Education - Home to school transport	May 2020	June 2020	Full year 2020-21
	£ 0.000 m	£ 0.000 m	£ 0.000 m
12 - Education - other	May 2020	June 2020	Full year 2020-21
	£ 0.032 m	£ 0.032 m	£ 0.130 m
Education sub total	May 2020	June 2020	Full year 2020-21
	£ 0.032 m	£ 0.032 m	£ 0.130 m
13 - Highways and Transport	May 2020	June 2020	Full year 2020-21
	£ 0.046 m	£ 0.046 m	£ 0.186 m
14 - Public Health	May 2020	June 2020	Full year 2020-21
	£ 0.000 m	£ 0.000 m	£ 0.000 m
15 - Housing - homelessness services	May 2020	June 2020	Full year 2020-21
	£ 0.025 m	£ 0.025 m	£ 0.100 m
16 - Housing - rough sleeping	May 2020	June 2020	Full year 2020-21
	£ 0.000 m	£ 0.000 m	£ 0.000 m
17 - Housing - other (excluding HRA)	May 2020	June 2020	Full year 2020-21
	£ 0.000 m	£ 0.000 m	£ 0.000 m
Housing sub total (excluding HRA)	May 2020	June 2020	Full year 2020-21
	£ 0.025 m	£ 0.025 m	£ 0.100 m
18 - Cultural & related - Sports, leisure and community facilities	May 2020	June 2020	Full year 2020-21
	£ 0.000 m	£ 0.000 m	£ 0.000 m
19 - Cultural & related - other	May 2020	June 2020	Full year 2020-21
	£ 0.000 m	£ 0.000 m	£ 0.000 m
Cultural & related sub total	May 2020	June 2020	Full year 2020-21
	£ 0.000 m	£ 0.000 m	£ 0.000 m
20 - Environment & regulatory - cremation, cemetery and mortuary services	May 2020	June 2020	Full year 2020-21
	£ 0.000 m	£ 0.000 m	£ 0.000 m
21 - Environment & regulatory - waste management	May 2020	June 2020	Full year 2020-21
	£ 0.013 m	£ 0.013 m	£ 0.054 m
	May 2020	June 2020	Full year 2020-21
	£ 0.076 m	£ 0.076 m	£ 0.304 m

22 - Environment & regulatory - other

Environment & regulatory sub total**May 2020**

£ 0.089 m

June 2020

£ 0.089 m

Full year 2020-21

£ 0.358 m

23 - Planning & development

May 2020

£ 0.000 m

June 2020

£ 0.000 m

Full year 2020-21

£ 0.000 m

24 - Police, fire and rescue services

May 2020

£ 0.000 m

June 2020

£ 0.000 m

Full year 2020-21

£ 0.000 m

25 - Finance & corporate - ICT & remote working

May 2020

£ 0.011 m

June 2020

£ 0.011 m

Full year 2020-21

£ 0.045 m

26 - Finance & corporate - revenue & benefits

May 2020

£ 0.002 m

June 2020

£ 0.002 m

Full year 2020-21

£ 0.009 m

27 - Finance & corporate - other

May 2020

£ 0.034 m

June 2020

£ 0.034 m

Full year 2020-21

£ 0.135 m

Finance & corporate sub total**May 2020**

£ 0.047 m

June 2020

£ 0.047 m

Full year 2020-21

£ 0.189 m

28 - Other - shielding

May 2020

£ 0.000 m

June 2020

£ 0.000 m

Full year 2020-21

£ 0.000 m

29 - Other - PPE (non-Adult Social Care)

May 2020

£ 0.003 m

June 2020

£ 0.003 m

Full year 2020-21

£ 0.011 m

30 - Other - unachieved savings/delayed projects

May 2020

£ 0.000 m

June 2020

£ 0.000 m

Full year 2020-21

£ 0.000 m

31 - Other - excluding service areas listed above

May 2020

£ 0.663 m

June 2020

£ 0.663 m

Full year 2020-21

£ 2.650 m

Other sub total**May 2020**

£ 0.666 m

June 2020

£ 0.666 m

Full year 2020-21

£ 2.661 m

TOTAL ESTIMATED SPENDING PRESSURE (General Fund)**May 2020**

£ 4.214 m

June 2020

£ 4.214 m

Full year 2020-21

£ 16.861 m

Additional Housing Revenue Account (HRA) Pressures:

32 - HRA - workforce pressures

May 2020

£ 0.002 m

June 2020

£ 0.002 m

Full year 2020-21

£ 0.010 m

33 - HRA - supplies and materials including PPE

May 2020

£ 0.000 m

June 2020

£ 0.000 m

Full year 2020-21

£ 0.000 m

34 - HRA - other

May 2020

£ 0.055 m

June 2020

£ 0.055 m

Full year 2020-21

£ 0.220 m

HRA total

May 2020

£ 0.057 m

June 2020

£ 0.057 m

Full year 2020-21

£ 0.230 m

Question B2: You have allocated spending pressures to 'Other services', excluding the subcategories listed (i.e. shielding, PPE, forgone savings/delayed projects), please specify what this represents.

The Council anticipates that increased costs will arise as a result of increased demand for services to respond to Domestic Abuse issues and increased provision of Community Support but costs are not yet quantified. Inc planned savings from a customer services/efficiency programme

Question B3: Using the RAG rating below, please assess the confidence you have in the accuracy of the additional expenditure figures provided. This uses a standard RAG rating system where red reflects estimates based on limited evidence/weak assumptions, and green reflects strong evidence and clearer assumptions.

Confidence in accuracy of spend pressure estimates (RAG rating)

RED

Question B4: Has your local authority come to an agreement with your partner CCG(s) about the reimbursement and funding of some of your additional COVID-19 related costs including those relating to hospital discharge?

Please select Yes or No

Yes

Question B5: What proportion of your total additional spending on adult social care, will be reimbursed by your partner CCG(s)?

Please express your answer as a percentage. Your additional adult social care expenditure from B1 is shown below, and the equivalent amounts reimbursed and not reimbursed by CCGs has been calculated as a guide.

Service Area

May 2020 (£m)

June 2020 (£m)

Full financial year 2020-21 (£m)

10.0 %

5.0 %

7.0 %

Proportion of total adult social care
additional spend to be funded by CCG(s)

Total adult social care additional spending	£ 2.337 m	£ 2.337 m	£ 9.349 m
Additional adult social care spending to be funded or reimbursed by CCG(s)	£ 0.234 m	£ 0.117 m	£ 0.654 m
Additional adult social care spending not funded or reimbursed by CCG(s)	£ 2.103 m	£ 2.220 m	£ 8.695 m

Question B6: What proportion of your total additional spending on adult social care (ASC) and ASC- PPE is going directly to external providers?

Please express your answers as a percentage. Your additional adult social care expenditure from B1 is shown below, and the equivalent amounts going directly to providers have been calculated as a guide.

Service Area	May 2020 (£m)	June 2020 (£m)	Full financial year 2020-21 (£m)
Proportion of total ASC additional spend going to external providers	75.0 %	75.0 %	75.0 %
Total ASC additional spending	£ 2.337 m	£ 2.337 m	£ 9.349 m
ASC additional spending going to external providers	£ 1.753 m	£ 1.753 m	£ 7.012 m
ASC additional spending not going to external providers	£ 0.584 m	£ 0.584 m	£ 2.337 m
Proportion of additional ASC PPE spend going to external providers	46.0 %	46.0 %	46.0 %
Total additional ASC PPE spending	£ 0.267 m	£ 0.267 m	£ 1.067 m
Additional ASC PPE spend going to external providers	£ 0.123 m	£ 0.123 m	£ 0.491 m
Additional ASC PPE spend not going to external providers	£ 0.144 m	£ 0.144 m	£ 0.576 m

Section C: Income reductions due to COVID-19

Question C1: Compared to what you budgeted prior to the COVID-19 pandemic, how much have the following sources of income been reduced due to pressures caused by COVID-19?

As with Spending Pressures, please provide income loss estimates as best you can. You should report your losses in millions, though you can provide figures to the nearest thousand pounds (up to 3 decimal places) if you are able to do so. Please report your loss estimates using positive figures. In all cases, losses should be reported as the difference between the actual/projected amount to be collected post COVID-19 (including the impact of the business rate measures announced at and since Budget 2020) compared to what was originally expected to be collected prior to COVID-19 and prior to Budget 2020.

If your income has not been affected by COVID-19, you must enter 0 (zero). Additionally, if you are a Precepting authority (shire county in a two-tier area), you do not have to enter your share of Business Rates and Council Tax losses as these will be reported by the respective Billing authority. Billing authorities should show all council tax and business rates losses, including those that will be attributable to preceptors and the central share.

If submitted, you may wish to view your Round 2 April form which can be found in the DELTA datastore. However, please note that the format for this section has changed. Please use actual outturn-based income losses where possible for May 2020.

Where full financial year estimates are requested, please estimate these assuming COVID-19 related costs up until the end of July 2020 based on the indicative timings as set out in the latest available Government advice and thereafter use your authority's own current planning assumptions for longer term annual impacts. You may wish to refer to the UK Government's COVID-19 recovery strategy at <https://www.gov.uk/government/publications/our-plan-to-rebuild-the-uk-governments-covid-19-recovery-strategy>

For additional information, where available, please click the information (i) button.

Note: The value of your additional Business Rates reliefs for 2020-21, as reported in the NNDR data collection published in May 2020, is shown to the right.

NNDR published BR reliefs 2020/21:

£ 30.144 m

The figure you submit below for your 2020-21 financial year business rate losses attributable to reliefs should be the same or close to this published value.

As a billing authority you should show all council tax and business rates losses, including those that will be attributable to preceptors and the central share.

Estimated income losses £m pressure due to Covid-19			
Income source	May 2020 (£m)	June 2020 (£m)	Full financial year 2020-21 (£m)
1 - Business rates losses- COVID-19 Reliefs	May 2020 £ 2.686 m	June 2020 £ 2.686 m	Full year 2020-21 £ 32.228 m
2 - Business rates losses - Deferrals	May 2020 £ 0.000 m	June 2020 £ 0.000 m	Full year 2020-21 £ 0.000 m
3 - Business rates losses - other	May 2020 £ 0.311 m	June 2020 £ 0.311 m	Full year 2020-21 £ 1.606 m
Business Rates losses subtotal (cash receipts)	May 2020 £ 2.997 m	June 2020 £ 2.997 m	Full year 2020-21 £ 33.834 m
Business rates losses subtotals (after reliefs)	May 2020 £ 0.311 m	June 2020 £ 0.311 m	Full year 2020-21 £ 1.606 m

4 - Council Tax receipt losses - working age LCTS	May 2020	June 2020	Full year 2020-21
	£ 0.131 m	£ 0.131 m	£ 1.567 m
5 - Council Tax receipt losses - payment failure	May 2020	June 2020	Full year 2020-21
	£ 0.194 m	£ 0.194 m	£ 0.777 m
6 - Council Tax receipt losses - other	May 2020	June 2020	Full year 2020-21
	£ 0.000 m	£ 0.000 m	£ 0.000 m
Council Tax receipt losses total	May 2020	June 2020	Full year 2020-21
	£ 0.325 m	£ 0.325 m	£ 2.344 m
Collection Fund Losses - Total	May 2020	June 2020	Full year 2020-21
	£ 0.636 m	£ 0.636 m	£ 3.950 m
7 - Highways and Transport Sales, Fees & Charges (SFC) - Parking services losses	May 2020	June 2020	Full year 2020-21
	£ 0.078 m	£ 0.078 m	£ 0.444 m
8 - Highways and Transport Sales, Fees & Charges (SFC) losses - other	May 2020	June 2020	Full year 2020-21
	£ 0.000 m	£ 0.000 m	£ 0.000 m
9 - Cultural & Related (SFC) - Recreation and sport losses	May 2020	June 2020	Full year 2020-21
	£ 0.000 m	£ 0.000 m	£ 0.000 m
10 - Cultural & Related (SFC) losses - other	May 2020	June 2020	Full year 2020-21
	£ 0.030 m	£ 0.030 m	£ 0.243 m
11 - Planning & Development SFC losses	May 2020	June 2020	Full year 2020-21
	£ 0.108 m	£ 0.108 m	£ 1.222 m
12 - Other SFC income losses	May 2020	June 2020	Full year 2020-21
	£ 0.765 m	£ 0.963 m	£ 5.549 m
Sales, Fees & Charges income losses total	May 2020	June 2020	Full year 2020-21
	£ 0.981 m	£ 1.179 m	£ 7.458 m
13 - Commercial income losses	May 2020	June 2020	Full year 2020-21
	£ 0.000 m	£ 0.000 m	£ 0.000 m
14 - Other income losses	May 2020	June 2020	Full year 2020-21
	£ 0.047 m	£ 0.047 m	£ 0.103 m
Non-collection Fund Losses Total	May 2020	June 2020	Full year 2020-21
	£ 1.028 m	£ 1.226 m	£ 7.561 m
TOTAL ESTIMATED INCOME LOSS	May 2020	June 2020	Full year 2020-21
	£ 1.664 m	£ 1.862 m	£ 11.511 m

Additional Housing Revenue Account (HRA) losses:

15 - HRA - residential rent arrears	May 2020	June 2020	Full year 2020-21
	£ 0.019 m	£ 0.019 m	£ 2.250 m
16 - HRA - commercial rent arrears	May 2020	June 2020	Full year 2020-21
	£ 0.000 m	£ 0.000 m	£ 0.000 m
17 - HRA - losses from voids	May 2020	May 2020	Full year 2020-21
	£ 0.000 m	£ 0.000 m	£ 0.000 m
18 - HRA - other	May 2020	June 2020	Full year 2020-21
	£ 0.000 m	£ 0.000 m	£ 0.320 m
HRA total	May 2020	June 2020	Full year 2020-21
	£ 0.019 m	£ 0.019 m	£ 2.570 m

Question C2: Your 2020-21 Business Rates loss attributable to reliefs is now different to the value of your published reliefs, please explain why.

New businesses coming forward for review who meet the relief qualifying criteria following detailed assessment. Identified post May NNDR 2

Question C3: You have recorded income reduction under 'Other' or a specific income loss line suffixed '- other' please specify what this represents.

It is too early to see how significant an impact covid-19 has on key areas of income such as fees and charges and Council Tax. Whilst the hardship fund will enable the Council to mitigate the Council Tax pressure to a degree it will not assist with increasing levels of debtors, cash flow implications and potential increases in bad debt/write offs.

Question C4: Using the RAG rating below, please assess the overall confidence you have in the accuracy of the income reduction figures provided. This uses a standard RAG rating system where red reflects estimates based on limited evidence/weak assumptions, and green reflects strong evidence and clearer assumptions.

Confidence in accuracy of income reduction estimates (RAG rating)

RED

Question C5. We are interested in understanding income losses which are irrecoverable and you know will impact on your financial position. Of the income losses specified below (and as you have reported in C1), what proportion is already known/deemed to be irrecoverable in that it will permanently impact on your financial position?

Please express your estimate as a percentage of the given source of income loss. For each income type, your loss as reported in C1 is shown below, and the equivalent amounts deemed irrecoverable and recoverable have been calculated as a guide.

Sales, fees and charges	May 2020 (£m)	June 2020 (£m)	Full financial year 2020-21 (£m)
Proportion of Sales, fees and charges income deemed irrecoverable	100.0 %	100.0 %	100.0 %
Total sales, fees and charges loss	£ 0.981 m	£ 1.179 m	£ 7.458 m
Irrecoverable sales, fees and charges losses	£ 0.981 m	£ 1.179 m	£ 7.458 m
Recoverable sales, fees and charges losses	£ 0.000 m	£ 0.000 m	£ 0.000 m
Commercial Income	May 2020 (£m)	June 2020 (£m)	Full financial year 2020-21 (£m)
Proportion of commercial income deemed irrecoverable	100.0 %	100.0 %	100.0 %
Total commercial income loss	£ 0.000 m	£ 0.000 m	£ 0.000 m
Irrecoverable commercial income losses	£ 0.000 m	£ 0.000 m	£ 0.000 m
Recoverable commercial income losses	£ 0.000 m	£ 0.000 m	£ 0.000 m
Other Income	May 2020 (£m)	June 2020 (£m)	Full financial year 2020-21 (£m)
Proportion of other income deemed irrecoverable	93.0 %	93.0 %	93.0 %
Total other income loss	£ 0.047 m	£ 0.047 m	£ 0.103 m
Irrecoverable other income losses	£ 0.044 m	£ 0.044 m	£ 0.096 m
Recoverable other income losses	£ 0.000 m	£ 0.000 m	£ 0.000 m

Confidence in accuracy of irrecoverable loss estimates (RAG rating)

RED

The government recognises that there might be a limited number of cases in which it is appropriate for local authorities to furlough workers and claim funding through the Coronavirus Job Retention Scheme (CJRS). This would be in exceptional cases: where staff salaries are largely funded by sales, fees and charges, where there is a significant reduction in these revenue streams which are not already offset by additional grant funding from central government, where these staff cannot be redeployed, and where the alternative would be redundancy.

Question C6: If you are considering, or have already furloughed staff and made a claim through the CJRS, please include an estimate of the extent to which a reduction in sales, fees and charges are expected to be offset by the CJRS funding you will receive.

You should report your figure in millions, though you can provide figures to the nearest thousand pounds (up to 3 decimal places)

£ 0.000 m

Section D: Council Tax payment plans and Local Council Tax Support (LCTS)

Question D1: How many households – if any – has your authority agreed alternative council tax payment plans with in 2020-21? Please estimate your responses in this section as best you can.

670

Question D2. If you have agreed alternative arrangements, please also provide further detail on what the alternative payments plans look like. This could include, for example, arrangements to defer payments or to vary the amounts of payments to be taken over different months.

The Council already offers residents multiple payment plans from 10 to 12 month repayments. In addition, as a reaction to Covid-19 offered a Ctax deferral scheme for households whose income has reduced by 20% or more, allowing applicants to change their payment dates or re-schedule their payments.

The following question relates to your Local Council Tax Support (LCTS).

Question D3. Please estimate the total number of working age LCTS caseload and compare this against the authority's expectations for 2020-21, as set out in pre-COVID -19 budget calculations.

As at 31 May 2020

As at 30 June 2020

Average of quarterly snapshots across the full Financial Year 2020-21

Total number of working age LCTS caseload

13,881

14,404

14,404

12,998

12,998

12,998

Total expectation of working age LCTS caseload (as set out in budget calculations pre COVID-19)

Confidence in accuracy of LCTS caseload estimates (RAG rating)

AMBER

Section E: Allocation of £500m Covid-19 Council Tax hardship fund

Please estimate your responses in this section as best you can. However, if for any question in the section you are unable to provide a rough working estimate, you can leave the box blank and continue to the next question.

The Government has made COVID-19 Hardship Fund payments totalling £500m to local authorities.

As stated in the Hardship Fund guidance, published on 24 March 2020, it is expected that billing authorities will use the fund to provide all recipients of working age local council tax support ('LCTS') during the financial year 2020-21 with a further reduction of £150 in their annual council tax bill.

Where a taxpayer's liability for 2020-21 is, following the application of council tax support, less than £150, then their liability would be reduced to nil. Where a taxpayer's liability for 2020-21 is nil, no reduction to the council tax bill will be available.

Having allocated grant to reduce the council tax bill of working age LCTS recipients by a further £150, billing authorities should establish their own local approach to using any remaining grant to assist those in need.

Of this funding, your local authority allocation is:

£ 2.864 m

Question E1: To date, how many Hardship Fund discounts have been applied to council tax liabilities of Working Age LCTS claimants?

14,404

Question E2: What proportion of your working age Local Council Tax Support caseload does your answer to E1 represent?

Please express as a percentage.

100.0 %

Question E3: To date, how much of your council's allocated hardship fund has been earmarked to current recipients of LCTS?

Please express in £m, up to 3 decimal places.

£ 1.538 m

As a percentage of your allocation, this accounts for:

53.7 %

Question E4: What proportion of your grant funding have you allocated towards other council tax reductions or support outside of the council tax system?

Please express as percentage.

0.0 %

Question E5: How many households have received support as set out in E4 in this way to date?

0

Question E6: If you would like to provide some additional commentary on your authority's use of the Hardship Fund, please do so here.

he Council decided to award up to £200, towards reducing the bills of LCTS claimants. The level of new applicants coming forward so far is less than we initially anticipated, however, we expect another spike in applications over the next few months due to continued impact of covid. The remaining balance will be used to provide wider support packages but only after we have a clearer picture on the volume of LCTS claimants.

Section F: Availability of reserves and cashflow difficulties due to Covid-19

In order to help us understand the impact of COVID-19 on financial sustainability, and on the basis of the funding provided to date, we would like you to provide us with some information on how you anticipate the shock will affect your authority's reserve levels and wider financial strategy.

Please provide information that is consistent with your input on income and expenditure.

Question F1: Please provide a provisional estimate of your unringfenced reserves balance as of 31st March 2020? Please separate between unallocated and earmarked reserves.

Note: The fields below have been pre-populated with estimates of your unringfenced reserves balance from the 2019/20 Revenue Account data, please update with provisional outturn data if available

You should report your estimates in millions, though you can provide figures to the nearest thousand pounds (up to 3 decimal places) if you are able to do so, with a RAG rating for confidence in estimates.

Unallocated financial reserves - 19/20 RA

£ 16.812 m

Other earmarked reserves - 19/20 RA

£ 16.081 m

Unallocated financial reserves

£ 20.700 m

Other earmarked reserves

£ 13.400 m

Confidence in accuracy of reserves estimates (RAG rating)

GREEN

Question F2: What percentage of your unringfenced reserves as reported in F1 are programmed for expenditure within the next three to four years within your Medium Term Financial Strategy and are therefore internally seen as unavailable for unforeseen circumstances?

Please separate between unallocated and earmarked reserves.

	Percentage of unringfenced reserves as at 31st March 2020 seen as unavailable for unforeseen circumstances	Unringfenced reserves as at 31st March 2020 seen as unavailable for unforeseen circumstances
Unallocated financial reserves	0 %	£ 0.000 m
Other earmarked reserves	100 %	£ 13.400 m

Confidence in accuracy of reserves estimates (RAG rating)

AMBER

Question F3: If, in the event, you are required to deploy reserves to meet COVID-19 pressures in 2020-21, what impact would using unallocated reserves and/or other earmarked reserves have on your wider financial strategy?

Please select all that apply

- ☒ It would require you to add to reserves in 2021-22
- ☒ It would delay planned savings/improvement plans
- ☐ Other

Question F4: If you have selected Other, please specify.

Question F5: Do you anticipate any difficulties in meeting cash flow requirements over the next three months as a result of pressures caused by Covid-19?

We are interested in any difficulties in meeting ongoing costs from your existing resources or through normal treasury management activity such as short-term borrowing. Please use the drop-down list provided.

No

Section G: Additional commentary

Question G1. If you would like to provide some additional commentary on how the COVID-19 pandemic is impacting your authority's finances and how you are responding, please do so here.

At this point, it is too early for the Council to provide financial implications on anything other than an estimate basis. As the situation progresses the Council will be able to provide greater clarity on the cost pressures, and how it intends to manage them. The financial implications above do not include any capital implications. The Council expects to incur significant additional costs on schemes underway prior to the impact of covid19 lockdown.

These figures do not include the £4.6m per year of additional costs that the Council is incurring as a result of Operation Stovewood

The Council's 2020/21 budget also includes £16m of new savings to be delivered in the current year. Progress in delivering these cost reductions within the year is significantly impacted by Covid 19, particularly service transformation savings within Children's and Adults services, with that impact expected to continue for some time even if there is a relatively quick return to normal circumstances

Many thanks for completing this form, please remember to click submit when you have finished each section and have S151 officer agreement.

This page is intentionally left blank

Initial Equality Screening Assessment (Part A)

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: Finance and Customer Services	Service area: Finance
Lead person: Rob Mahon	Contact number: 01709 254518

1. Title:

Is this a:

☐

Strategy / Policy

☒

Service / Function

☐

Other

If other, please specify

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

The Council has a framework of budgetary monitoring and reporting that ensures budget management is exercised within annual cash limits.

Each month the Budget Manager receives timely information on income and expenditure to enable them to fulfil their budgetary responsibilities. Following the review of the budget information, each budget manager provides a forecast of their projected outturn position on each service. The Strategic Director subsequently provides a consolidated forecast for their directorate to the Chief Finance Officer and relevant Cabinet Member.

A budget monitoring report, which includes an up-to-date outturn forecast, information about significant variances from approved budgets and proposals for dealing with them, is submitted to Cabinet at least 6 times a year, culminating with

the Council's Financial Outturn report.

Whilst the framework described above relates to revenue budgets, the capital programme is also similarly monitored and reported alongside the Council's revenue position.

The financial monitoring position report summarises the key variances for each directorate and considers the key financial pressures and risks.

Given that the revenue and capital budgets have been approved by Council in February 2020, when equality assessments would have been considered at that time in respect of the budget proposals, there are no further issues in respect of equality and diversity.

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, 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
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 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 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 and use the prompts for guidance.

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

n/a

- **Key findings**

n/a

- **Actions**

n/a

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
Judith Badger	Strategic Director – Finance and Customer Services	26 June 2020

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	23-6-2020
If relates to a Key Delegated Decision, Executive Board, Council or a Significant Operational Decision – report date and date sent for publication	
Date screening sent to Performance, Intelligence and Improvement equality@rotherham.gov.uk	

Public Report with Exempt Appendices
Cabinet

Committee Name and Date of Committee Meeting

Cabinet – 20 July 2020

Report Title

Strategic Acquisition of 12 New Homes at Highfield Farm, West Melton

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)

Lindsey Castle, Housing Development Coordinator
Lindsey.castle@rotherham.gov.uk

Ward(s) Affected

Hoover

Report Summary

This report seeks approval to purchase 12 new homes at Highfield Farm, West Melton from Persimmon Homes as part of the Council's Housing Development Programme.

Six of the new homes are Section 106 planning gain homes which will be acquired at approximately 67% of the open market value, and the remaining six homes are opportunity acquisitions which will be purchased at market value.

The new homes will be brought into the Council's social housing stock to address waiting list demand and replace homes lost through the Right to Buy. It is projected that the new homes will be ready for hand-over to the Council in November 2020.

Recommendations

1. That authority to purchase six discounted Section 106 planning gain homes at Highfield Farm West Melton, using Housing Revenue Account resources, be delegated to the Assistant Director for Planning, Regeneration and Transport, in conjunction with the Assistant Director for Housing.
2. That authority to purchase six additional homes on the same development at open market value, be delegated to the Assistant Director for Planning, Regeneration and Transport, in conjunction with the Assistant Director for Housing.

3. That authority to agree additional acquisitions from this scheme should the opportunity arise, be delegated to the Assistant Director for Planning, Regeneration and Transport, in conjunction with the Assistant Director for Housing.
4. That authority to negotiate and complete the legal documentation to give effect to the Cabinet's decision be delegated to the Head of Legal Services.

List of Appendices Included

Appendix 1 Equalities initial screening
Appendix 2 Equalities full assessment
Appendix 3 Confidential financial information (exempt)
Appendix 4 Highfield Farm site layout

Background Papers

None

Consideration by any other Council Committee, Scrutiny or Advisory Panel

No

Council Approval Required

No

Exempt from the Press and Public

An exemption is sought for Appendix 3 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 with regards to the Council's contracts.

Strategic Acquisition of 12 New Homes at Highfield Farm, West Melton

1. Background

- 1.1 Highfield Farm is a private sector development of 66 new homes being built by Persimmon Homes in Wath (Hoover ward), which is due to be completed in November 2020. As part of the 'Section 106' affordable housing planning policy provisions, the Council has an opportunity to acquire six two-bedroom bungalows at a discount from full open market value (OMV).
- 1.2 Section 106 (S106) refers to the applicable section of the Town and Country Planning Act 1990 which is intended to provide mitigation against the impact of the proposed housing development on the local community. This is often referred to as planning gain. Securing affordable housing is a common use of S106 provisions, and the resulting homes are then offered at a discount to registered providers of housing, including the Council. The Council's current planning policy is that, on sites of 15 homes or more, developers are required to provide up to 25% affordable housing provision, subject to viability constraints.
- 1.3 In addition to the six discounted homes available through S106 provisions, the developer has offered the Council the opportunity to purchase an additional six, three-bedroom houses at open market value.
- 1.4 Strategic acquisitions have formed a significant part of the Council's housing delivery in recent years, with 130 new homes having been acquired and brought into the Council's social housing stock through this process.
- 1.5 The Housing Strategy (2019-22) sets out the requirement for more new homes across the borough, including the ongoing need to replace existing Council stock which is being lost through the Right to Buy (there were 151 RTB sales in 2019/20), and the 2020/21 HRA Business Plan, approved by Cabinet December 2019 and full Council January 2020, makes budgetary provision for strategic acquisitions as part of the Housing Development Programme.
- 1.6 Housing needs data shows that there is a healthy level of demand for both Council bungalows and three-bedroom houses in West Melton. The Council has not built or purchased any new homes in West Melton since 2012.
- 1.7 The bungalows will be let to those over 50 years of age or with an assessed medical need, in line with the Council's allocation policy, and any specific client-led adaptations will be incorporated into the contract negotiation process. The additional six houses will be available as general needs homes, again in line with the Council's allocation policy.

2. Key Issues

- 2.1 There are over 6000 households on the waiting list for Council housing in Rotherham. These households are likely to be in homes unsuitable for their needs in some way, such as homes which are too small, affected by issues such as damp and disrepair, or inappropriate for someone who is elderly or has a disability.
- 2.2 The proposed acquisitions form part of the 2020/21 Housing Development Programme, for which budgetary provision has already been approved through the HRA business plan, and is due to be presented to Cabinet in September 2020, however there is a more urgent need to make a decision on these acquisitions in advance of September's Cabinet meeting because:
- The Council is in competition for the S106 acquisitions with at least four other housing associations and the developer was in direct negotiations with at least one of these, although Persimmon has expressed a preference for the Council's bid.
 - Contract negotiations to date have been conducted at risk pending formal Cabinet approval to enter into contract with Persimmon. Whilst a budget exists to cover potentially abortive costs, Persimmon may be less inclined to work with the Council in future if it was not possible to conclude the deal.
 - The scheme is due to be completed by November 2020 and the developer needs surety that the Council is in a position to be able to proceed with the acquisitions.
- 2.3 The S106 acquisitions will provide the following key benefits for the Council:
- Excellent value for money (due to discount).
 - Replaces stock lost through the Right to Buy.
 - Helps discharge demand from the Council's waiting list.
 - Brand new homes with lower maintenance costs and high energy efficiency standards.
 - 12 month defect liability period and ten year warranty to safeguard against any structural defects.
 - Helps to strengthen communities by providing more affordable homes and homes which are suitable for older people.
- 2.4 The market value acquisitions provide many of the same benefits and are an efficient way to acquire new property. This is because the developer is managing the scheme and all associated risks, not the Council.
- 2.5 There is an immediate pressure to discharge Right to Buy 'one-for-one' receipts and acquiring the additional six market value homes in addition to the discounted S106 homes presents the most feasible opportunity to do this. If the additional homes are not acquired, then there is a risk that the Council will have to repay the receipts back to Central Government, amounting to more than £400k to be returned once compound interest is taken into account.

3. Options considered and recommended proposal

3.1 Option 1 (Recommended) – The Council to purchase all 12 new homes

This is an opportunity to replace Council houses sold through the Right to Buy process with 12 new, high quality homes which will have lower maintenance costs than existing stock and represent good value. This option also maximises the use of RTB receipts, reducing the risk that money will have to be returned to central government

This is the recommended option.

3.2 Option 2 – The Council to purchase the six ‘S106’ discounted homes only

Whilst representing excellent value for money in its own right, this would be a missed opportunity to replace more Council houses sold through the Right to Buy. The Council would also miss the opportunity to discharge more Right to Buy ‘one-for-one’ receipts against the scheme, meaning that monies may be returned to central Government.

This option is not recommended.

3.3 Option 3 – Not to acquire any new homes from the Highfield Farm development

This would be a lost opportunity to the Council to purchase much needed homes at a discounted rate as well as the additional homes at fair market value. The Council would also miss the opportunity to discharge any Right to Buy ‘one-for-one’ receipts against the scheme, meaning that monies may be returned to central Government.

This option is not recommended.

4. Consultation on proposal

4.1 The local community has been consulted on the overall scheme as part of the planning process.

4.2 The Cabinet Member for Housing was briefed on the proposal to acquire new homes from the development on 12th March 2020, and Hoover ward members were briefed on 28th April 2020.

4.3 A briefing was further presented to the Housing and Regeneration Programme Delivery Board (HARPDB) on 4th May 2020.

5. Timetable and Accountability for Implementing this Decision

5.1 Based on the developer’s projected build programme the scheme is due to be completed in November 2020 and the acquisitions will be handed over to the Council at that point.

5.2 The overall accountable officer is the Assistant Director for Housing.

6. Financial and Procurement Advice and Implications

- 6.1 The purchase costs are set out in exempt Appendix 3. Expenditure can be accommodated within the existing budget; the HRA capital programme (approved by Council in February 2020) contains sufficient budget to purchase all twelve properties.
- 6.2 S106 Properties – 6 properties: The potential weekly rent for these properties is £83.22. The rents on these new acquisitions would realise a potential annual income of £25,965. This generates a positive return after accounting for the cost of capital, running costs and other overheads, e.g. Right to Buy, that may impact the future cash flows.
- 6.3 Open Market Value properties – 6 additional properties: The average potential weekly rent for these properties is £93.51. The rent on these new acquisitions would realise a potential annual income of £29,175. Unlike the discounted properties, the open market value properties do not generate sufficient income to cover the full cost of capital, running costs and other overheads over the life of the asset according to current appraisal modelling. This is due to the level of rent generated as this is lower as social housing stock compared to private sector rents. However, the overall cost is lower than if the Council were to directly build the homes and constitutes a more cost-effective way for the Council to replace stock being lost through the Right to Buy.
- 6.4 There are no procurement implications arising from this report.

7. Legal Advice and Implications

- 7.1 The Council's Legal Services will undertake the purchase process. The Council will own the homes and they will be added to Council's stock. There are no significant legal implications arising from the contents of this report.

8. Human Resources Advice and Implications

- 8.1 None identified.

9. Implications for Children and Young People and Vulnerable Adults

- 9.1 The six bungalows are suitable for older people or those with an assessed medical need such as a physical disability. Therefore this acquisition will help older and disabled people to continue to live independently for longer in homes that suit their needs

10. Equalities and Human Rights Advice and Implications

- 10.1 The bungalows are specifically designed to meet the needs of older people and those with an assessed medical need for level access accommodation (age / disability characteristics), providing the opportunity for people to live independently for longer with less care and support. The new houses are

expected to suit a variety of households with protected characteristics or within defined groups, including (but not exclusive to):

- pregnancy and maternity
- parents
- single parents and guardians
- carers
- unemployed and people on low incomes

11. Implications for Ward Priorities

- 11.1 The acquisition of the homes will support the Hoover ward priorities of improving the local environment, addressing social isolation and loneliness and providing more facilities and activities for young people and families.

12. Implications for Partners

- 12.1 None identified.

13. Risks and Mitigation

- 13.1. Value for Money: The main risk is that the Council may not receive value for money, specifically with the forecasted reduction in house prices following the Covid-19 pandemic. However, there is a healthy interest from buyers and eight reservations have recently been secured, so this risk is considered to be low. The Affordable Housing Coordinator has carried out a desktop benchmarking exercise to ensure that the open market values correspond with other sales values per m2 of new homes in the area. The Council's Asset Management Team will also carry out a valuation of the units as part of the purchase process.
- 13.2 Right to Buy: The new homes will not be exempt from Right to Buy applications, however Right to Buy sales are protected by a 'cost floor' which means that properties cannot ordinarily be sold for less than the Council has spent on them in the preceding 15 years, including the acquisition cost. This means that the Council's capital investment will be recovered in the event of a later Right to Buy sale. An exception is where the open market value (OMV) is lower than the cost floor, in which case the Council will be obliged to sell the home at the OMV. As the Council is acquiring the additional homes at market value, it is less likely that this situation will arise.
- 13.3 Quality: To ensure that the quality of the units is in line with other Council new builds, the following mitigating actions will be put in place:
- a. The developer must legally give the Council at least ten days' notice prior to completion of the new homes, however the Council will work with the developer as the scheme progresses and generally agree a one month notice period before handover.
 - b. Prior to the scheduled handover date, Council Technical Officers will inspect the properties in conjunction with a representative from the Strategic Housing and Development Service and any identified issues will be fed back to the developer for rectification.

- c. The developer will inform the Council once defects have been rectified, at which point a further inspection will take place – this process may be repeated a number of times where the Council remains dissatisfied and, where necessary, the handover date will be delayed until the Council is willing to accept the properties.
- d. Following handover, a 12-month defect liability will then apply, during which the developer remains responsible for any repairs, replacement and modifications that are reported.
- e. Before the 12 month defect liability period elapses, the Council will telephone and write to all tenants requesting information about any problems or issues they have – returns are then passed onto the developer and dates agreed between the developer and tenants to conduct any remediation that is required.
- f. The properties will also be subject to a ten-year NHBC (National House-Building Council) structural warranty certificate.

13.4 Reputation: To ensure the opportunity to acquire the new homes was not missed, contract negotiations to date have been conducted at risk pending formal Cabinet approval to enter into contract with Persimmon. The Strategic Housing and Development Service has entered into similar negotiations at risk previously, and a budget already exists to cover potentially abortive revenue costs associated with bringing new homes forward. The main non-cost related risk for the Council, should it not be possible to conclude the deal, would be reputational, specifically that Persimmon would be less inclined to work with the Council in future.

13.5 Scheme delay or non-completion: There are no significant implications for the Council if the scheme is delayed or does not reach completion as the Council is not directly involved in the development of the new homes.

14. **Accountable Officers**

Tom Bell, Assistant Director for Housing

Approvals obtained on behalf of Statutory Officers:-

	Named Officer	Date
Chief Executive	Sharon Kemp	26/06/20
Strategic Director of Finance & Customer Services (S.151 Officer)	Judith Badger	25/06/20
Head of Legal Services (Monitoring Officer)	Stuart Fletcher	25/06/20

Report Author:

*Lindsay Castle, Housing Development Coordinator
lindsay.castle@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: Strategic Acquisition of 12 new homes at Highfield Farm, West Melton

Directorate: Adult Care, Housing & Public Health

Service area: Strategic Housing and Development

Lead person: Liz Hunt / Lindsey Castle

Contact number: 01709 255043

Is this a:

☐

Strategy / Policy

☐

Service / Function

☒

Other

If other, please specify:

Cabinet report seeking approval to acquire (purchase) 12 new homes to increase the Council's social housing stock and help address waiting list demand.

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

The potential impact on individuals and groups with protected characteristics following the acquisition of 12 new homes from the Highfield Farm development in West Melton. Six of the new homes will be two bedroom bungalows and six will be three bedroom houses.

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)

The proposal forms part of the Council's Housing Development Programme, which has been developed to support the aims of the Housing Strategy 2019-22.

The Housing Strategy is underpinned by analysis of housing need and demographic data. Many areas of the strategy focus on increasing a specific housing type so homes can meet local needs. This is often where a particular group of people have been disadvantaged by the local housing market i.e. they cannot afford, or do not have choice in where/how they live. The strategy aims to make housing accessible to all regardless of their income and need. This includes taking a role in increasing the supply to meet local need, as well as enabling and encouraging other stakeholders to increase supply in the private market.

- **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)

The acquisition of 12 new homes will increase the provision of affordable housing within the borough and be available to a wide demographic.

There are no known property specific requirements for the following 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.

The new bungalows are expected to suit individuals and groups with the following protected characteristics:

- age (older people)
- disability

The new houses are expected to suit a variety of households with protected characteristics or within defined groups, including (but not exclusive to):

- pregnancy and maternity
- parents
- single parents and guardians
- carers
- unemployed and people on low incomes

- **Actions**

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

Allocation to the new homes will be managed through the Council's established allocation policy.

Date to scope and plan your Equality Analysis:	8 th June 2020
Date to complete your Equality Analysis:	8 th June 2020
Lead person for your Equality Analysis (Include name and job title):	Lindsey Castle, Housing Development Coordinator

5. Governance, ownership and approval

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

Name	Job title	Date
David Bagnall	Housing Development Manager (Resources)	29 th May 2020
Jane Davies	Head of Service, Strategic Housing & Development	5 th June 2020

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 th May 2020
Report title and date	Strategic Acquisition of 12 units at Highfield Farm, West Melton 13th July 2020
If relates to a Cabinet, key delegated officer decision, Council, other committee or a significant operational decision – report date and date sent for publication	13th July 2020
Date screening sent to Performance, Intelligence and Improvement equality@rotherham.gov.uk	5 th June 2020

This page is intentionally left blank

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: Strategic Acquisition of 12 new homes at Highfield Farm, West Melton	
Date of Equality Analysis (EA): 9 th June 2020	
Directorate: Adult Care, Housing & Public Health	Service area: Strategic Housing and Development
Lead person: Liz Hunt / Lindsey Castle	Contact number: 01709 255043
Is this a: ☐ Strategy / Policy ☐ Service / Function ☒ Other	
If other, please specify Cabinet report seeking approval to acquire (purchase) 12 new homes to increase the Council's social housing stock and help address waiting list demand.	

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	Rotherham Council	Affordable Housing Coordinator (service specialist)
Dave Bagnall	Rotherham Council	Housing Delivery Manager
Jane Davies	Rotherham Council	Head of Service, Strategic Housing & Development

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 acquire 12 units (six bungalows and six houses) as strategic acquisitions on a new development in West Melton. The acquisition of 12 new homes will increase the provision of affordable housing within the borough and be available to a wide demographic.

The bungalows will be suitable for older people and those with an assessed medical need for level access accommodation. 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.

The new houses are expected to suit a variety of households and will be available as general needs homes, again in line with the Council's allocation policy.

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). 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.
- Local population demographic data
- Profile of existing Council tenants
- Strategic Housing Market Assessment

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 the units 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)

The case for acquiring units from new build developments is based on statistical evidence.

The local community has been consulted on the overall scheme as part of the planning process.

Engagement undertaken with staff (date and group(s) consulted and key findings)

The Cabinet Member for Housing was briefed on the proposal to acquire new homes from the development on 12th March 2020, and Hoover ward members were briefed on 28th April 2020.

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.

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 bungalows are 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.

The new houses are expected to suit a variety of households with protected characteristics or within defined groups, including (but not exclusive to):

- pregnancy and maternity
- parents
- single parents and guardians
- carers

- unemployed and people on low incomes

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

The bungalows 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.

There is also a shortage of affordable rent, family homes across the borough. The Council has not built or purchased any new homes in West Melton since 2012. These additional homes will also contribute to reducing pressure on the council housing waiting list and improve several families housing situations.

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 units are part of a wider development scheme, a negative impact is not anticipated.

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: Strategic Acquisition of 12 new homes at Highfield Farm, West Melton
Directorate and service area: Adult Care, Housing & Public Health. Strategic Housing & Development Service
Lead Manager: David Bagnall, Housing Development Manager (Resources)
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	
Anne-Marie Lubanski	Strategic Director of Adult Care, Housing & Public Health	
Councillor Dominic Beck	Cabinet member for Housing	

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	8 th June 2020
Report title and date	Strategic Acquisition of 12 new homes at Highfield Farm, West Melton. 13 July 2020
Date report sent for publication	
Date Equality Analysis sent to Performance, Intelligence and Improvement equality@rotherham.gov.uk	

This page is intentionally left blank

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

Document is Restricted

This page is intentionally left blank

Appendix 4 - Site Plan

The units to be purchased are shown in the site plan below.

Unit numbers 14 to 16 and 36 to 38 are the bungalows.
Units 8 to 13 and 17 to 20 are the houses.



This page is intentionally left blank

Public Report
Cabinet

Committee Name and Date of Committee Meeting

Cabinet – 20 July 2020

Report Title

Local Plan: Consultation on draft Supplementary Planning Documents

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)

Helen Sleigh, Senior Planning Officer
01709 823831 or helen.sleigh@rotherham.gov.uk

Ward(s) Affected

Borough-Wide

Report Summary

Approval is sought to undertake public consultation on the following draft Supplementary Planning Documents (SPDs):

- Draft Affordable Housing SPD
- Draft Development Viability SPD
- Draft Natural Environment SPD
- Draft Transport Assessments, Travel Plans and Parking Standards SPD
- Draft Safeguarding Community Facilities SPD

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

Recommendations

1. That approval be given to public consultation on the draft Supplementary Planning Documents at Appendices 2 to 6.

2. That, following consultation, a further report be submitted in July 2021 regarding adoption of the Supplementary Planning Documents.

List of Appendices Included

- Appendix 1 PART A - Initial Equality Screening Assessment
- Appendix 2 Draft Affordable Housing SPD
- Appendix 3 Draft Development Viability SPD
- Appendix 4 Draft Natural Environment SPD
- Appendix 5 Draft Transport Assessments, Travel Plans and Parking Standards SPD
- Appendix 6 Draft Safeguarding Community Facilities SPD

Background Papers

Rotherham Local Plan 2013 – 2028:

<https://www.rotherham.gov.uk/planning-development/guide-local-plan/1>

Adopted Statement of Community Involvement:

<https://www.rotherham.gov.uk/downloads/download/80/statement-of-community-involvement>

Consideration by any other Council Committee, Scrutiny or Advisory Panel

No

Council Approval Required

No

Exempt from the Press and Public

No

Local Plan: Consultation on draft Supplementary Planning Documents

1. Background

- 1.1 Rotherham's Local Plan provides the framework for determining planning applications. Supplementary Planning Documents (SPDs) provide additional detail and guidance to support Local Plan policies. Once adopted they are a material consideration which can be taken into account when determining planning applications. The documents also offer further assistance and clarification to applicants when preparing planning applications. SPDs provide detailed guidance to householders, planning agents and developers to help improve the quality of submitted planning applications, which in turn can speed up the planning process and produce better outcomes for the community.
- 1.2 Following adoption of the Local Plan Core Strategy (2014) and Sites and Policies documents (2018), the Council is in the process of updating a number of existing planning guidance documents and preparing new guidance.
- 1.3 Priority was initially given to preparing guidance which supports the delivery of new homes and other development, and to updating existing guidance regularly used in the consideration and determination of planning applications. This led to a first suite of SPD's that have now been through consultation and were approved for adoption by Cabinet on 15 June 2020.

This report brings forward the second suite of SPD's, appended to this report, which are now at final draft stage to be taken forward for public consultation.

- 1.4 This report seeks approval to consult on the following draft Supplementary Planning Documents (SPDs):
 - Affordable Housing
 - Development Viability
 - Natural Environment
 - Transport Assessments, Travel Plans and Parking Standards
 - Safeguarding Community Facilities

2. Key Issues

- 2.1 The draft SPDs proposed for consultation cover a range of issues. A summary of the key elements of each document is provided below:

Affordable Housing	Supports the delivery of affordable housing negotiated through S106 Planning Obligations. • Affordable housing should be provided that reflects local housing needs, informed by the Council's recently published Strategic Housing Market Assessment.

	• New SPD updates the earlier Interim Affordable Housing Guidance to reflect the National Planning Policy Framework and adopted Local Plan.
Development Viability	Establishes over-arching principles in the determination of planning applications where challenges to viability of the delivery of policy compliant affordable housing are made. • Provides additional guidance on the appraisal methodology, information requirements and review procedures that the Council will apply when evaluating submitted evidence. • The accompanying evidence to the SPD has tested a cross-section of sites allocated in the Local Plan, to ensure that development is not made unviable by the Plan's affordable housing and other planning policy requirements. • Details the approach the applicant shall follow if they contest viability; enabling the Council to evaluate the accuracy and relevance of such challenges in informing its decision-making.
Natural Environment	Provides guidance to support developers in considering the natural environment, particularly wildlife habitats and species, and geology, within development proposals. • Provides clarity on when ecological and/or geological surveys are required to support planning applications, how to report on the outputs from such surveys and essential mitigation required. • Establishes the procedure for the discharge of relevant planning conditions. • Sets out that the natural environment should be considered at each stage in the planning process.

Transport Assessments, Travel Plans and Parking Standards	Sets out detailed guidance on the way the Council expects parking and travel plan policies in the Local Plan to be applied in specific circumstances or localities. • Provides guidance on the preparation of transport assessments, travel plans and sustainable transport opportunities to support the submission of planning applications. • Establishes the general principles applicable to parking and sustainable transport, including cycling and cycle storage, and how these are considered through the planning process. • Provides a methodology for the analysis of transport impacts of development proposals and their mitigation through the prioritisation of sustainable transport. • Sets out that the impacts of transport on climate change including air quality and carbon emissions, are of utmost importance and are a priority for the Council.
Safeguarding Community Facilities	Sets out the information or evidence that an applicant is expected to provide in order to demonstrate compliance with relevant Local Plan policies. • Provides clarity on what is a reasonable range of services and facilities and whether new facilities are required as part of development proposals. • Explains the exceptions to this requirement where applicants can robustly demonstrate that such provision would not be viable or would threaten the viability of the overall scheme. • Clarifies those facilities that are considered to serve a community need and provides clear guidance on the route to satisfying Local Plan policy.

- 2.2 In line with The Town and Country Planning (Local Planning) (England) Regulations 2012 the Council is required to undertake public consultation on a draft SPD for a minimum of four weeks, and to take account of any comments received in preparing final documents. Once adopted by the Council these documents can then be considered when determining planning applications.

3. Options considered and recommended proposal

3.1 Option 1: carry out public consultation on the draft SPDs

Taking forward the documents will provide guidance to applicants, helping speed up the planning process by minimising amendments or negotiations often necessary following submission of planning applications. Subsequent adoption of the documents as SPD will ensure that they have more weight in planning decision-making and enable the Council to refuse non-compliant planning applications. This will give more certainty for the community and prospective developers on the Council's preferred approach to the subjects covered by SPDs.

3.2 Option 2: do not carry out public consultation

If no public consultation is undertaken, then the final documents could still be used by the Council as informal guidance but cannot be adopted as SPD. The documents would have limited weight when determining planning applications, which would be much less than if they were adopted as SPD.

3.3 Option 3: decline to take forward the SPDs

Whilst the SPDs provide further guidance to assist those preparing and determining planning applications, there is no requirement that the Council must produce them. However, they provide valuable additional guidance to applicants by providing clarity on Local Plan policy requirements and enable the Council to refuse non-compliant planning applications.

3.4 Option 1 is the recommended option.

4. Consultation on proposal

4.1 Preparation of the draft SPDs has been undertaken by, or in conjunction and consultation with other relevant services. The Council's Development Management Service within the Planning Service have reviewed all the draft SPDs. Members will also be provided the opportunity to raise any queries regarding the draft SPDs through a presentation that will be circulated. It is anticipated that further member engagement will be arranged during the consultation period to allow members to raise any specific questions and provide feedback on the detail of the draft SPDs subject to any restrictions arising from the Covid-19 situation.

4.2 Consultation will be undertaken in line with the Council's adopted Statement of Community Involvement. This Statement sets out how the Council involves the public and stakeholders in producing planning policy documents and consulting on planning applications.

4.3 Consultation will be undertaken via the Council's planning consultation website. This notifies interested parties (including statutory consultees, members of the public and other stakeholders) on the Local Plan consultation database and allows and encourages comments to be submitted online. A summary of the consultation plan is set out below.

Where will the draft SPDs be available to view?	The draft SPDs will be available to view on the Council's planning consultation website, with links from the Planning Policy webpage and from the corporate consultations webpage. Printed copies of the draft SPDs will be available to view at the Council's main offices at Riverside House during normal office hours, subject to suitable advance booking arrangements to meet health and safety requirements under the Covid-19 situation.
How will people know about the draft SPDs?	The Council's Planning Service maintains a database of those interested in preparation of the Local Plan and other planning documents. They will be notified by email of the consultation. Notification will also be sent to any relevant stakeholders identified whose details are not currently held on the consultation database. The Council's Planning webpages will be updated to provide details of the consultation and how to provide comments. A notice publicising the consultation will be placed in the local press and a press statement will be issued.

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

- 5.1 Subject to approval by Cabinet, it is proposed to undertake public consultation over a four-week period later in 2020, subject to the Covid-19 situation and any restrictions on public accessibility to these draft SPDs.
- 5.2 Following consultation, any comments received will be considered in producing final versions of the SPDs and a consultation feedback report prepared detailing the main issues raised and how these have been addressed.
- 5.3 A further report will be brought to Cabinet in July 2021 seeking adoption of these SPDs. The timing of this report will be dependent on the timing of the consultation and the volume and nature of the consultation response to the draft SPDs.

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

- 6.1 This proposed consultation will be carried out via the Council's planning consultation website and any additional costs associated with this consultation will be limited to minimal printing and advertising costs. These costs will be managed within the Service's existing approved revenue budget.

6.2 There are no direct procurement implications in this report.

7. Legal Advice and Implications

7.1 Public consultation on the draft SPDs is mandatory if they are to be adopted. SPDs are material planning considerations. Properly drafted SPDs (that are adopted after public consultation) usefully ensure that decision-making is more robust by providing detail and guidance to support existing policies in the Local Plan. They are also helpful for applicants in the pre-application stage, making the process more transparent and open.

8. Human Resources Advice and Implications

8.1 There are no Human Resources implications associated with undertaking consultation on the draft SPDs.

9. Implications for Children and Young People and Vulnerable Adults

9.1 The SPDs are intended to assist in delivering the Council's strategy and policies set out in the Local Plan. These include promoting and delivering sustainable patterns of development and sustainable communities, reducing pollution and conserving and enhancing the quality of the built and natural environment.

10. Equalities and Human Rights Advice and Implications

10.1 The SPDs are intended to assist in delivering the Council's strategy and policies set out in the Local Plan. These include promoting and delivering sustainable patterns of development and sustainable communities for all and conserving and enhancing the quality of the built and natural environment.

11 Implications for Ward Priorities

11.1 The SPDs, if adopted following consultation and reporting to a future Cabinet, will apply borough-wide, so will be of overarching benefit to the priorities of all wards. In particular, some of the SPDs should also support the specific priorities of certain wards as highlighted below:

Supplementary Planning Document	Wards
Draft Affordable Housing	All wards
Draft Development Viability	All wards
Draft Natural Environment	All wards Rawmarsh
Draft Transport Assessments, Travel Plans and Parking Standards	All wards Keppel Silverwood Wickersley
Draft Safeguarding Community Facilities	All wards Rotherham East

12. Implications for Partners

- 12.1 The implications for partners or other directorates are mainly associated with consultation on the draft SPDs and to ensure partners and directorates are fully engaged in the process.

13. Risks and Mitigation

- 13.1 The Council may be open to legal challenge should the SPDs not be produced in accordance with The Town and Country Planning (Local Planning) (England) Regulations 2012. Legal advice will be sought as necessary.

14. Accountable Officers

Simon Moss, Assistant Director of Planning, Regeneration & Transport

Approvals obtained on behalf of Statutory Officers: -

	Named Officer	Date
Chief Executive	Sharon Kemp	26/06/20
Strategic Director of Finance & Customer Services (S.151 Officer)	Judith Badger	18/06/20
Head of Legal Services (Monitoring Officer)	Stuart Fletcher	25/06/20

*Report Author: Helen Sleigh, Senior Planning Officer
01709 823831 helen.sleigh@rotherham.gov.uk*

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

This page is intentionally left blank

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: Draft Supplementary Planning Documents

Directorate:
Regeneration & Environment Services

Service area:
Planning Policy Team
Planning, Regeneration and Transport

Lead person:
Helen Sleight
Senior Planning Officer

Contact number:
823831

Is this a:

☒

Strategy / Policy

☐

Service / Function

☐

Other

If other, please specify

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

Consultation is to be undertaken on draft Supplementary Planning Documents (SPDs) which provide additional guidance for implementing a range of adopted Local Plan policies. Integrated Impact Assessment (which included Equalities Impact Assessment) was completed to support the adoption of the Core Strategy and Sites and Policies Document which together form the Rotherham Local Plan. The SPDs will be used by applicants submitting planning applications across the borough. The

outcome will be planning decisions which comply with relevant planning policies and which will have an impact on residents, workers, visitors or other users of any future development.

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

The draft SPDs are intended to provide further assistance to all applicants applying for planning permission as to how Local Plan policies will be implemented and planning decisions made. As such the documents will provide assistance to all, regardless of their protected characteristic(s).

The draft SPDs are independent of the protected characteristics of a person. There is no evidence that there will be a differential impact based on the protected characteristics of a person.

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
Andy Duncan	Planning Policy Manager	9 April 2020

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.

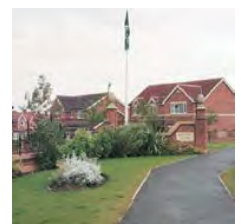
A copy of **all** screenings should also be sent to equality@rotherham.gov.uk For record keeping purposes it will be kept on file and also published on the Council's Equality and Diversity Internet page.

Date screening completed	9 April 2020
Report title and date	Consultation on Draft Supplementary Planning Documents
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 – 13 July 2020
Date screening sent to Performance, Intelligence and Improvement equality@rotherham.gov.uk	14 April 2020

DRAFT

Rotherham local plan

Affordable Housing Supplementary Planning Document



Prepared by Professor Stephen Walker

June 2020

www.rotherham.gov.uk

EXECUTIVE SUMMARY

Improving Understanding of Affordable Housing Policy

- This Supplementary Planning Document [SPD] sets out **additional guidance on the delivery of affordable housing to assist developers**, amplifying and clarifying Rotherham's adopted *Core Strategy* [RMBC 2014] and *Sites and Policies Local Plan* [RMBC, 2018].
- In addition to the Council's own housing delivery efforts, **the Council will work with other housing providers** to deliver an appropriate range of new affordable homes in accordance with its Housing Strategy, including Registered Providers, private developers, charitable agencies and other public sector partners and local housing groups.

National Policy Context

- National planning policy requires local planning authorities to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities. **The Council** is working to achieve this by identifying housing needs and **has set policies in its adopted Local Plan to meet these needs in full by securing a wide range of new homes**.
- The National Planning Policy Framework [NPPF] seeks to significantly boost the supply of housing to achieve healthy, inclusive and safe places. **Specifically, paragraph 62 of the NPPF requires local planning authorities to identify where affordable housing is needed and set policies for meeting this need on site**, unless off-site provision or a financial contribution can be robustly justified and that this leads to creating mixed and sustainable communities.
- At the time of writing, the **current guidance defines different types of affordable housing** including affordable housing for rent, starter homes, discount market sales housing and other routes to home ownership such as shared ownership homes. As guidance develops the Council shall follow national guidance in its practice.

Local Policy Context

- In order to create and sustain mixed and balanced communities, in accordance with national planning policy, **The Borough Council's Core Strategy CS7 "Housing Mix and Affordable Housing" requires affordable housing to be provided as part of housing developments over a certain size as set out in the table immediately below:**

Thresholds and Affordable Housing Contributions			
	Location	Threshold ¹	Contribution
Residential Developments, including Mixed Uses	All Housing Market Areas in Rotherham [i.e. Borough-wide]	10 or more [gross] dwellings <u>or</u> site area of 0.5 hectares or more [gross] irrespective of the number of dwellings <u>or</u> more and greater than 1,000m ² [total gross] floor-space	25% on-site, subject to vacant building credit [14% being Affordable for Rent & 11% being Affordable for Sale Products]

¹ This reflects the changes to the site capacity threshold in government guidance

Affordable Housing Supplementary Planning Document [SPD] **2020**

- CS7 specifies that 25% of all homes on qualifying sites affordable housing will be sought by negotiation from developers. **Of these, the Council will require at least 56% of these homes to be for rent, to meet needs in the borough; the other 44% of these homes to be affordable homes for sale.** Developments that seek to avoid the requirements of this policy with unacceptably low density by failing to make efficient use of land or by artificially subdividing land into smaller sites shall not be permitted. The full requirement for the cumulative policy requirement of all the sites shall be required otherwise planning permission shall be refused.
- Overall, Rotherham planning authority has been **shown to be delivering its affordable housing policy requirement over the last decade.** This evidence also shows that the **planning authority has been flexible and respectful of market conditions and site specific matters** that can affect both viability and the ability of a site to deliver its quotient of affordable housing in accordance with local plan policy.
- The Council's Housing Strategy 2019-2022 [RMBC, 2019] has **identified a number of priorities it is pursuing including the provision of affordable housing, and improving and increasing the overall stock of housing in both Council ownership as well as in the private sector.** Complementary priorities relate to the building of more council homes and where appropriate releasing sites in the Council's ownership for new uses and additional housing provision.
- As set out in CS7, the **affordable homes should be provided on site**, and dispersed across the development scheme to provide for mixed communities. Whilst CS7 requires provision of affordable housing on-site, in exceptional circumstances the Council may consider off-site provision or a payment in lieu of on-site provision. In these circumstances, the developer shall contact the Affordable Housing Officer in all cases.

Growing Housing Need and Worsening Affordability

- The 2019 SHMA indicates that **716 additional households per year will require support in meeting their housing needs** in Rotherham Metropolitan Borough area.
- It also concludes that **affordability has significantly worsened** over the period since 2012. Indeed, households living in inadequate housing in Rotherham register an even lower level of affordability, which clearly limits their options regarding future housing choices largely to renting.

Working with the Council

- **Developers** are advised to **contact the Council's Affordable Housing Officers to discuss the size and type of affordable homes needed in any particular area**, and to ensure that a registered provider of rented housing with a local presence in the management of affordable homes is involved.

Contesting Viability

- **The Borough Council has prepared a specific Supplementary Planning Document on Viability [RMBC, 2020]. Any applicant/developer who intends to contest the viability of their proposed development should in the first instance contact the Planning Officer and carefully read and follow the viability review procedures that the Council shall be following in evaluating a submitted Financial Viability Appraisal [FVA].**

- **The Viability SPD also provides advice and support for applicants** regarding the kinds of questions the Council shall be asking, and it stresses that the process of review and evaluation involves an open-book approach. This is **to ensure transparency, equity and consistency for all applicants** and an appropriate oversight by decision-makers and relevant third-parties.
- **The approach adopted by the Council is in accordance with national planning and viability guidance, and given the existence of its recently adopted Local Plan, there is a presumption that that all developments are viable.** It is important for applicants to recognise that **the process of contesting viability will need to demonstrate the existence of special or exceptional circumstances to justify departure from the Council's extant planning and affordable housing policy requirements. In the absence of these, the Council shall be minded to refuse planning permission.**

Contents

Executive Summary

Preamble	6
National and Local Planning Policy Context	6
Affordable Housing Delivery in Rotherham [2011 and end of 2019]	8
What is Affordable Housing?	9
Housing Need	15
Viability	17
Vacant Building Credit and Abnormal Development Costs	18
Financial contributions in lieu of on-site affordable housing provision	18
Contesting Viability	19
Qualifying developments for affordable housing provision	20
Rural Exception Housing	20
Sustainable design and construction	22
Community Participation	23
How affordable housing is delivered in Rotherham	23
Implementation of Policy	23
Monitoring and Review	28
Bibliography	30

Appendices:

1. Glossary.
2. List of Registered Providers in Rotherham.
3. Worked Example of Commuted Sum in Lieu of on-site Affordable Housing.
4. Rotherham Metropolitan Borough Council's Key Negotiation Principles: Planning Obligations, including Affordable Housing.
5. Heads of Terms - Model Legal Agreement.
6. Affordable Housing Delivery in Rotherham 2011-2019.

Affordable Housing Supplementary Planning Document

Preamble

1. This Supplementary Planning Document [SPD] sets out additional guidance on the delivery of affordable housing to assist developers, amplifying and clarifying Rotherham's adopted *Core Strategy* [RMBC 2014] and *Sites and Policies Local Plan* [RMBC, 2018].
2. A strategic priority of the Council's Corporate Plan is to provide a range of housing to meet the current and emerging needs. In addition to the Council's own delivery efforts, the Council will work with other housing providers to deliver an appropriate range of new affordable homes in accordance with its Housing Strategy, including Registered Providers, private developers, charitable agencies and other public sector partners and local housing groups [e.g. community land trusts; self-builders; and custom-builders].

National and Local Planning Policy Context

3. National planning policy requires local planning authorities to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities [NPPF, MHCLG, 2019a]. The Council is working to achieve this by identifying housing needs and has set policies in its adopted Local Plan to meet these needs in full by securing a wide range of new homes.
4. In order to create and sustain mixed and balanced communities, in accordance with national planning policy, Core Strategy CS7 "Housing Mix and Affordable Housing" requires affordable housing to be provided as part of housing developments over a certain size [see overleaf for a full explanation].
5. The definition of affordable housing for planning purposes is provided in the National Planning Policy Framework [NPPF] glossary [MHCLG, 2019a], and is included within the glossary to this SPD. This is important, as it defines what homes the Council will accept as an affordable housing contribution.
6. The National Planning Policy Framework (NPPF) provides the overarching national requirements for planning policy; local planning documents must be in conformity with these policy requirements.
7. The NPPF defines affordable housing as:

"Housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers) as defined in the NPPF Glossary²."
8. The NPPF seeks to significantly boost the supply of housing³ to achieve healthy, inclusive and safe places⁴. Specifically, paragraph 62 of the NPPF requires local planning authorities to identify where affordable housing is needed and set policies for meeting this need on site, unless off-site provision or a financial contribution can be robustly justified and that this leads to creating mixed and sustainable communities.

² This is likely to include "First Homes", a new affordable housing product being currently developed by MHCLG in January 2020.

³ See paragraph 59 of NPPF, 2019.

⁴ See paragraph 91 of NPPF, 2019

Housing mix and affordability Policy CS7

- a. Proposals for new housing will be expected to deliver a mix of dwelling sizes, type and tenure taking into account an up to date Strategic Housing Market Assessment for the entire housing market area and the needs of the market, in order to meet the present and future needs of all members of the community.
- b. The Council will seek the provision of affordable housing on all housing development according to the targets set out below, subject to this being consistent with the economic viability of the development:
 - i. Sites of 15 dwellings or more or developments with a gross site area of 0.5 hectares or more; 25% affordable homes on site
 - ii. Sites of less than 15 dwellings or developments with a gross site area of less than 0.5 hectares; 25% affordable homes on site or a commuted sum of £10,000 per dwelling to contribute towards provision off site. Any agreed commuted sums would be subject to the provision of a payment scheme agreed between the Council and the applicant.

Where it can be demonstrated that these targets would prevent the delivery of a viable scheme, the precise level of provision will be negotiated, based on a viability assessment. Any viability assessment shall be carried out at the expense of the applicant, according to the principles set out below:

The applicant will raise any viability issues with the Council during the pre-application stage. If a third party appraisal is required the applicant, the Council and the third party consultant will meet to scope the details of the appraisal.

An “open book” approach is required, whereby development finances and their underlying assumptions are subject to appraisal in order to support a claim.

At the very least the applicant will need to provide evidence for the following items:

- Projected Gross Development Value (GDV) (e.g. rents, prices, yields; discounted values)
- Construction costs and programme (e.g. £/m², unit size (m²), build period)
- Finance, fees and all other associated costs (e.g. rate of interest, fee rates, lump sums)
- Gross Profit margins (e.g. % on costs; % of GDV)
- Residual Land Value (i.e. the budget to buy the land) or Land Price (if already purchased)

New self-build homes will be exempt from the requirement to provide affordable housing. This exemption will apply to homes built or commissioned by individuals, families or groups of individuals for their own use and that will be owner-occupied.

- c. Where the need for affordable housing has been identified in local service centres and Green Belt villages, which cannot be met on infill sites or in nearby larger settlements small scale rural exception sites will be supported either within the village or as small extensions to the village, as a means of providing affordable housing.

The Council will seek every opportunity to work positively with developers and other partners to deliver affordable housing and a mix of housing types to meet local needs through use of its own land, all available funding opportunities, innovative development models and other available means. Detailed implementation guidance will be laid out in an Affordable Housing Supplementary Planning Document. When considering the mix of house types to be included in any proposal, regard shall be given to the identified needs of people with special requirements including disabled people, older people and people from minority ethnic backgrounds.

Extract from Rotherham Local Plan, Core Strategy 2013-2028, RMBC, June 2014, pp.76-79

Affordable Housing Supplementary Planning Document [SPD] 2020

9. To encourage re-use of brown-field land, any affordable housing contribution due will be off-set by the amount of existing gross floor space, in accordance with the vacant building credit instrument.
10. On qualifying sites⁵ at least 10% of the affordable homes planned for on the site should be available for affordable home ownership as part of the overall quantity of affordable housing being sought on the site, although there are some exceptions to this⁶.

Affordable Housing Delivery in Rotherham [2011 to end of 2019]

11. Overall, Rotherham planning authority has been shown to be delivering its affordable housing policy requirement over the last decade. Any deviations from the policy requirement were justified by specific site matters, whether this relates to a lack of viability or where the planning authority has negotiated a different housing mix or an off-site commuted sum that had been judged to be equivalent in planning policy terms. It also reveals that the planning authority has been flexible and respectful of market conditions and site specific matters that can affect both viability and the ability of a site to deliver its quotient of affordable housing in accordance with local plan policy.

AH Policy Compliance	Number of Qualifying Schemes	Comments
Higher than Policy	3	e.g. With aid of HCA grant; agreed different AH housing mixes that generate additional AH units.
Policy Compliant	29	i.e. 25%
Compliant, but with alternative housing mix	2	e.g. Bungalows taken on a 1: 2 ratio
Compliant, but with compensatory Commuted Sums	4	
Compliant, but with compensatory Overage payments	1	
Lower, as a result of claiming Vacant Building Credit	3	
Total	42	

12. Of the 42 agreements to deliver affordable housing on qualifying sites over the period 2011 to 2019, no fewer than 36 of these delivered the planning authority's affordable housing policy requirement either directly through delivery on site, by accepting a different housing mix, or commuted sums which were deemed to provide equivalent compensation for a number of actual units that would normally be delivered on-site.
13. It is worth noting that the AH policy could not be delivered because Vacant Building Credits have been claimed on 3 sites, which reduced the provision of affordable housing on these sites.
14. Interestingly, there are three other sites where a higher proportion of affordable housing has been achieved [one because of public subsidy, the other 2 because of agreements with the developers to deliver a different mix of affordable units].

⁵ Specifically, these are sites with a capacity of 10 or units and/or of 0.5 or more hectares.

⁶ See paragraph 64 of NPPF, 2019.

15. The full report on Affordable Housing Delivery in Rotherham, 2011-2019 is located in Appendix 6.

What is affordable housing?

16. Affordable Housing is formally defined in the NPPF to provide different types of housing to meet the needs of those who cannot afford to buy on the open market or rent privately.
17. At the time of writing, the NPPF (MHCLG, 2019a) defines different types of affordable housing including affordable housing for rent, starter homes, discount market sales housing and other routes to home ownership such as shared ownership homes.

Affordable and Social Rented Homes

18. For households on the lowest incomes and those to whom the Council owes a re-housing duty [including households on the Council's Housing Register], the Council requires an element of affordable housing to be provided as social rent and/or affordable rented housing. Affordable and social rented housing is housing let by Affordable Housing Providers to eligible households via the Council's Housing Register, Key-Choice.
19. The Council accepts both social rent and affordable rented homes owned and managed by Affordable Housing Providers as meeting this need.
20. Social rented housing is owned and managed by Affordable Housing Providers including the Council, for which guideline target rents are determined through the national rent regime and should be made available in perpetuity. Properties in Council ownership are subject to Right to Buy by tenants, except those affordable dwellings secured through planning obligations in accordance with the Council's local plan policy requirements.
21. Affordable rent must not exceed 80% of the local market rent, inclusive of service charges and must not exceed the Local Housing Allowance (LHA) for the relevant property type in the relevant location and should be made available in perpetuity.
22. The Valuation Office Agency (VOA) is responsible for calculating the LHA. They apply a list of rents that are paid for private sector tenancies across the broad rental market area for each property category.
23. The Council generally welcomes new Affordable Housing Providers working in the area. However, due to the need to achieve viable developments and reflecting the geographical position of Rotherham, the Council's preference is for one of Rotherham Council's Preferred Affordable Housing Providers to be appointed, unless the Council wishes to take over ownership itself. Please refer to Appendix 2 for the list of the Council's preferred Registered Providers.
24. Should a new Affordable Housing Provider wish to work in Rotherham, the Council will typically seek additional requirements for the delivery of rented housing as follows:
- Be registered as an Affordable Housing Provider with Homes England [or its successor];
 - Be eligible to bid for and receive housing subsidy;
 - Have experience of managing the relevant or a similar tenure type;

- Where a RP does not have an existing local management presence, it can demonstrate how an effective local housing management service will be provided; and
- Be willing to enter into nomination arrangements or let their homes in accordance with Rotherham Council's Key Choice register, to ensure homes are provided for the benefit of the local community.

25. For these reasons, the Council shall use planning obligations to provide a mechanism for the Council to approve an Affordable Housing Provider against the above criteria.

Starter Homes/First Homes

26. Starter Homes⁷ are designed to meet the housing needs of young first time buyers by being offered to buyers at a minimum of 20% below their open market value and less than the price cap set for the Local Authority which for Rotherham is presently £250,000. The properties are expected to be offered to people who have not previously owned their own home and are between the ages of 23 and 40. Provisions regarding eligibility have been introduced through the Housing and Planning Act 2016 and secondary legislation is awaited regarding detailed eligibility criteria. Further guidance will be provided accordingly when secondary legislation comes into force, particularly relating to restrictive covenants and protecting the discount so that it is available to future owners.

Discount Market Sales Homes

27. Discount markets sales housing is a route to affordable home ownership where the property is discounted by at least 20% below local market levels. It is essential to ensure that homes are genuinely affordable to local people, based on local incomes and local house prices or rents.

28. To ensure discount market homes are affordable and remain so, **a restriction on the disposal price to an amount not exceeding a specified percentage of the market value will be imposed, together with an obligation requiring any subsequent purchaser to enter into a similar restriction.** This is achieved through the S106 agreement which will effectively require subsequent purchasers to enter a deed of adherence to the terms of the S106 agreement. **A note shall also be registered on the title of the property at the Land Registry requiring a certificate from the Council that the relevant terms of the S106 agreement have been satisfied before a new owner's interest can be registered.**

29. **Eligible households for first and future purchasers of Discount Market sales homes must be registered and eligible on the Help to Buy North register, or any successor organisation,** being the register of low cost home-ownership maintained by the Zone Agent.

30. **The Council will also seek to ensure that Discount Market Homes are the only residence of the applicant** and are not normally sub-let⁸. **Discount Market Homes are not available to assist buy-to-let investors or those who will own any property other than their Discount Market Home after completing their purchase.** If the applicant is a homeowner, they will need to have a sale in place before they can reserve on the Discount Market scheme and the home must be sold at the time of completion of their purchase. Discount percentages from open market will be set in S106 agreements rather than as a fixed price to ensure that future owners benefit from this affordable housing product on a consistent and equivalent basis.

⁷ This affordable housing product may become First Homes. RMBC will follow national guidance in its practice.

⁸ Presently, the First Homes consultation guidance allows sub-letting for specific periods of times and in certain circumstances. RMBC will follow national guidance in its future practice.

31. Developers are encouraged to consider the level of discount necessary to ensure affordability at an early stage in the development process and advice in this aspect can be provided at pre-application planning stage by the Council's Affordable Housing Officer. The officer shall advise the developer of the required maximum price of a property on a site-by-site basis in accordance with national guidance. Presently the minimum discount is 20%, while for First Homes' products it is suggested that the discount will be 30%.
32. For avoidance of doubt, a discounted price does not include properties merely because they are at the cheaper end of the market or because they are otherwise sold at less than market value, as generally they would still be more than expensive than those in housing need can afford .

Private Intermediate Rented Homes [including Build-to-Rent & Rent-Plus schemes]

33. Intermediate⁹ rented homes can be provided by private sector housing, including Build-to-Rent. Such homes should be made available in a form which is equivalent to Affordable Rented homes provided by Affordable Housing Providers in terms of affordability. The monthly rent is typically above social housing rent levels but below those of open market rent; so that it is capped at 80% of the market rent or the Local Housing Allowance, whichever is the lowest in perpetuity.
34. Build-to-Rent is purpose-built housing that is typically 100% rented out can form part of a wider multi-tenure development comprising either flats or houses, but should be on the same site and/or contiguous with the main development. Schemes will usually offer longer tenancy agreements of three years or more, and will typically be professionally managed stock in single ownership and management control. Affordable rented homes provided by Affordable Housing Providers remains the Council's preference for meeting the needs of households seeking rented housing, as this provides long term assured tenancies and the administration and management arrangements are transparent and subject to national government regulations setting minimum standards.
35. Under the NPPF [MHCLG, 2019a], private sector providers are able to deliver affordable private rented homes. Schemes proposing private intermediate rent may be supported by the Council. Please contact the Council's Affordable Housing Officer who will be able to explain the Council's preferred approach to securing and managing private intermediate rented homes. The mechanism for delivery will be secured through S106 agreements.

Shared Ownership

36. There are a number of shared ownership products delivered by Affordable Housing Providers and private developers.
37. Shared ownership enables the occupant to purchase an equity share in their home, starting at 25% of the equity, via a conventional mortgage. Rent will then be charged upon the unsold equity and shall not exceed 2.5% of value as specified by Homes England. This is so that parity is maintained between the value and the rent of the property. Purchasers are able to acquire

⁹ For further explanation see the glossary in the NPPF [MHCLG, 2019a]

additional shares up to 100% of the equity. However, in some locations¹⁰, this will be limited to 80% of the equity, unless the Affordable Housing Provider covenants to repurchase the home.

38. Given the imbalance between typical local income levels of prospective purchasers in Rotherham and the relatively high open market values for shared ownership properties, the Council will seek to establish the total monthly costs, including the rent element. Shared Ownership homes must be genuinely affordable based on local incomes. The mechanism for delivery will be secured through S106 agreements.

Shared Equity

39. Shared equity enables the occupant to purchase an equity share in their home via a conventional mortgage. The Affordable Housing Provider retains a mortgage or charge on the property for the remaining equity and there is no rent or interest charged on this share. If so desired, purchasers are able to staircase to 100% ownership.
40. Upon resale, if the purchaser has not chosen to staircase to 100% ownership, the equity loan is repaid to the Affordable Housing Provider in relation to the percentage share retained. For example, if 75% share purchased and 25% Equity Charge to the Affordable Housing Providers, 25% of the resale value at the time of the sale, would be payable to the Affordable Housing Provider.

Older Persons and Specialist Housing

41. The Council is required to meet the needs of residents who require specialist forms of housing as well as general needs housing. For example, fully adapted accommodation for wheelchair users, housing for older people including Extra Care and supported housing for young people.
42. Proposals for types of specialist and age-targeted housing, for example sheltered or Extra Care will generally [but not always] fall within Use Class C3 as set out below and will be subject to affordable housing requirements and should:
- *Be individual self-contained units of accommodation;*
 - *Have individual occupancy rights as tenant or leaseholder;*
 - *Provide housing management services to all residents;*
 - *Provide communal facilities within the development;*
 - *Provide access to 24 hour care and support services available to meet the need of the individual resident;*
 - *Be based on housing needs and demographic data indicating an increasing requirement for housing suitable for older people, including those with physical disabilities.*
43. The Council's Housing Strategy 2019-2022 [RMBC, 2019] identifies that for meeting the needs of older people is to provide housing based solutions across all tenures. These are often the most cost-effective solutions to meet individual aspirations to remain in their own home. Specialist housing may be in the form of supported housing schemes where homes are provided together with additional communal space and facilities or self-contained general needs homes and should be able to be adapted to the changing needs of the occupants including accommodating a wheelchair consistent with Part M of the Building Regulations, or successor regulations. The form and level of provision will vary through negotiation with the Affordable Housing Officer.

¹⁰ Applicants should contact the Affordable Housing Officer for further information.

Retirement dwellings

44. Schemes which provide self-contained accommodation for older people with an age restriction, for example retirement flats for those persons over 50 years of age, shall be required to contribute towards affordable housing as are all forms of Use Class C3 residential homes.
45. The Council reserves the right to seek on-site provision in the first instance. However, it is recognised that such developments may not be viable for on-site affordable homes due to factors such as high service charges, management arrangements and communal facilities. In these circumstances, the Council may, at its discretion, negotiate off-site commuted financial contributions from retirement schemes to put towards affordable housing provision elsewhere.

Extra-care Housing

46. To meet the growing needs of an older population and provide a choice of care for those with particular care requirements, Extra-care housing schemes may be the most appropriate way of meeting those requirements.
47. Extra-care schemes will be subject to planning obligations under S106 depending on the specific characteristics of the relevant scheme. The obligation to make an affordable housing contribution will depend upon the Use Class the scheme is judged to be by the Council. A change of use application to C3 Use, at a later date, might become subject to the provisions within Core Strategy CS7 in relation to affordable housing.
48. The Council shall take all the attributes of a scheme into account in determining the Use Class and will not consider any one factor as the defining criterion. Applicants are recommended to contact the Affordable Housing Officer in the first instance to ensure that they understand and identify the factors that distinguish the differences between Use Classes C2 and C3.
49. The composition of the affordable housing will be the subject of negotiations and may be Extra-care housing or general needs housing or a mixture of both. The Council shall ensure that demand for proposed Extra-care facilities can be demonstrated as part of this negotiation.
50. Core Strategy CS7 seeks on-site provision of affordable housing except in exceptional circumstances where an equivalent off-site contribution can be justified. In assessing suitability of such sites for the provision of affordable housing, the Council will take into account the size, suitability and the economics of provision. However, there may be circumstances in which the Council seeks off-site provision, or a broadly equivalent financial contribution in lieu of on-site provision in respect of Extra-care housing schemes.
51. The Council encourages Extra-care proposals to adhere to the Government's latest guidance on design and resilient principles. Such principles embrace the need for good light, ventilation, room to move around, storage etc. and for such properties to be able to adapt to the occupants' changing needs over time.
52. The Government recommends that developments that provide affordable housing incorporate the above design principles where funding for Extra-care schemes is applied.

Self-build and custom-build housing

53. The Self-Build and Custom Housebuilding [Time for Compliance and Fees] Regulations 2016 came into effect which places a duty upon local planning authorities to grant

"suitable development permission in respect of enough serviced plots of land to meet the demand for self-build and custom house-building in the authority's area"¹¹.

54. The Council keeps a formal register of individuals or interested associations that are seeking a plot of land in the Metropolitan Borough to construct a self-build or custom-build house as a sole or main residence. The Council will explore options to grant suitable development permissions to meet this demand. To be considered suitable, a plot needs to have access to, or be provided with, road access, connections to electricity, water and waste water. Currently, to be accepted on the Self-build and Custom House-building Register you need to be over 18 years old, a British Citizen, a national of an EEA state or Switzerland, be seeking the plot to occupy as sole or main residence, meet a local connections test, and meet a financial viability test.
55. The Council expects self-build or custom-build plots to be provided within larger strategic development sites, but it may also negotiate the provision of plots on smaller housing sites on a case-by-case basis. The Council's approach is set out in the Site and Policies Local Plan [RMBC, 2018]. See in particular, policy SP11 Development in Residential Areas, pages 47 and 48 of the Sites and Policies Document, RMBC, June 2018.
56. The Council keeps a self-build and custom house-building register of individuals and associations of individuals who are looking for serviced plots of land in Rotherham. Eligibility for entry on the register is set out in the Government's Planning Practice Guidance on self-build and custom build housing¹².
57. Government policy does not distinguish between self-build and custom-build, however, the Housing and Planning Act states that:

"Self-build and custom house-building' means the building or completion by -

- Individuals,
- Associations of individuals, or
- Persons working with or for individuals or associations of individuals, of houses to be occupied as homes by those individuals."

58. Self-build housing involves the selection of a site and the commissioning of the building of a home by an individual. Much of the work may be done by the owners or may be arranged through an architect/ contractor to manage the construction process. Self-build may be a route to more affordable home ownership for some families. **Self-build plots will not be accepted as an eligible form of housing in lieu of affordable housing as sought or delivered according to planning policies, but in addition to the required amount of affordable dwellings.**
59. Custom-build housing differs from self-build in that the individual may work with a developer to build their home. Custom-build is a more straightforward delivery process than self-build as

¹¹ See Housing and Planning Act 2016.

¹² See Self-build and Custom House-building Act 2015 [as amended by the Housing and Planning Act 2016]

the developer usually finds the plot, offers one-off designs, manages the build through their own contractual processes and arranges development finance.

Housing Need

60. Rotherham Metropolitan Borough Council's Housing Strategy 2019-2022 [RMBC, 2019] has identified a number of priorities it is pursuing including the provision of affordable housing, and improving and increasing the overall stock of housing in both Council ownership as well as in the private sector. Complementary priorities relate to the building of more council homes and where appropriate releasing sites in the Council's ownership for new uses and additional housing provision. The Housing Strategy has been informed by Rotherham's 2015 Strategic Housing Market Assessment [SU, 2015] and its recently completed 2018 Strategic Housing Market Assessment [SHU, 2019], and recent statistics from the Council's housing needs register. Importantly, these datasets are informed by responses from households across the borough to a questionnaire asking them about all aspects of their current housing situation and future housing options.
61. The reason for a high level of affordable housing need in the borough is the high cost of buying homes on the open market in relation to local incomes. The relationship between the cost of homes and wages is termed "affordability".
62. The Council's 2018 Strategic Housing Market Assessment (SHU, 2019) assesses future needs for both market and affordable housing, the type and mix of homes required and the needs of specific groups across the six Housing Market Areas comprising Rotherham. It has been prepared in accordance with the planning policy guidance, including the modified guidance on calculating affordable housing need. A key finding is that "overall there is an annual shortfall in affordable units of 716 in Rotherham" [SHU, 2019, p119].
63. The 2018 SHMA [SHU, 2019] indicates that 716 additional households per year will require support in meeting their housing needs in Rotherham Metropolitan Borough area. It concludes that affordability has significantly worsened over the period since 2012. Indeed, households living in inadequate housing in Rotherham register an even lower level of affordability, which clearly limits their options regarding future housing choices. It found that most of these households [73%] in housing need would only be able to afford rented housing¹³. Of the remaining 27%, a smaller number of households can afford shared ownership with low percentages of equity purchase and residual rent on the outstanding equity, although they may not be able to get a mortgage.
64. Unless specifically agreed with the Council's Affordable Housing Policy Officers, the Council therefore require affordable housing provision to be split 56 per cent rented and 44 per cent shared ownership or other intermediate tenures. In accordance with Rotherham's 2019 Housing Strategy 2019 - 2022, affordable rented housing may be provided at up to 80% of market rent, provided it is under the maximum Local Housing Allowance. The Council are likely to need to change this split once details of starter homes'/first homes' requirements are set out in secondary legislation.
65. The Council's recently published SHMA reveals that the routes to the delivery of affordable housing units **cannot only rest on their delivery through new private housing developments.**

¹³ Based on a 2 bedroom property

Indeed, the Council recognises this challenge has it harnesses delivery through other mechanisms as set out and demonstrated by the Council's Housing Strategy, 2019-2022.

66. Developers are advised to contact the Council's Affordable Housing Officers to discuss the size and type of affordable homes needed in any particular area, and to ensure that a registered provider of rented housing with a local presence in the management of affordable homes is involved. Contact details for Registered Providers operating in the borough are listed in Appendix 2.
67. The addition of affordable rent to the government's definition of affordable housing in 2012 and the reduction in public subsidy for developers to provide affordable housing has resulted in a reduction in provision of social rented housing. The additional rent achieved with affordable rent helps to enable the delivery of affordable housing without government grant.
68. Affordable rented housing is defined nationally as rent at no more than 80 per cent of market rents. However, in Rotherham this difference between market and social rent levels is relatively small. Thus, for households seeking to become homeowners, the provision of affordable housing for rent or shared ownership remains challenging; for the latter a lack of savings/deposit is the main reason.
69. The government has been changing the definition of affordable housing resulting in a wider choice of housing products that can count as affordable housing. Starter/First homes will provide for broadly the same market as shared ownership housing. Currently the national planning definition of affordable housing includes starter homes [i.e. low cost market homes], with a requirement for 10% of homes on a qualifying site to be starter homes. **The Borough Council shall require all other affordable housing to be rented housing [i.e. 15%], available to those on the council's Housing Register.**
70. Core Strategy CS7 "Housing Mix and Affordable Housing" [RMBC, June 2014] sets out the Council's policy requirement for housing developers of schemes of 15 or more dwelling units¹⁴ to provide 25% of all housing on their developments as affordable homes. In negotiating affordable housing provision on development sites, the Council will use planning obligations to secure the homes as "affordable" homes for successive occupiers; a requirement of CS7 and of the national definition of affordable housing [NPPF, MHCLG, 2019a].
71. CS7 specifies that 25% [see section on viability below] of all homes on qualifying sites affordable housing will be sought by negotiation from developers.
72. As explained above, the Council will require at least 56% of these homes to be for rent, to meet needs in the borough; the other 44% of these homes to be affordable homes for sale. **Developments that seek to avoid the requirements of this policy with unacceptably low density by failing to make efficient use of land or by artificially subdividing land into smaller sites shall not be permitted. The full requirement for the cumulative policy requirement of all the sites shall be required otherwise planning permission shall be refused.**

¹⁴ NPPF paragraph 63 has amended this threshold; currently the threshold relates to sites with a capacity of more than 10 dwelling units or of 0.5 hectares or more.

73. As set out in CS7, the affordable homes should be provided on site, and dispersed across the development scheme to provide for mixed communities. Whilst CS7 requires provision of affordable housing on-site, in exceptional circumstances the Council may consider off-site provision or a payment in lieu of on-site provision. In these circumstances, the developer shall contact the Affordable Housing Officer in all cases.
74. **In such exceptional circumstances, the Council may accept provision of affordable housing contributions off-site, or by a payment in lieu of on-site provision. In both cases, the Council must be satisfied that:**
- **the contribution is sufficient to provide for the construction of at least the same number, type and size of dwellings on a suitable different site (including the value of the land) and the financial contribution does not result in less affordable housing being provided overall;**
 - **appropriate arrangements are in place identifying the alternative site on which the affordable housing is to be provided;**
 - **any off-site provision or payment is of broadly equivalent value relative to on-site provision, taking into account that land for affordable housing should be provided at nil value.**

Viability

75. The Refresh Affordable Housing Study 2019 tested, and confirmed that qualifying housing developments across the borough can generally provide 25% of homes as affordable¹⁵, which is the proportion set out in the Council's Core Strategy (CS7)[RMBC, 2014]. The changes in the definition of affordable housing, including introduction of affordable rented housing, potentially including Starter Homes, and Help To Buy scheme in recent years have significantly improved viability for the developer, notwithstanding that there is now rarely any government funding available to developers. In respect of the latter, the Refresh Affordable Housing Study [RMBC, 2019], published as the evidence base to support this SPD, tested viability with nil public grant. Indeed, this position has coincided in developers booking super-normal profits [See FAME, 2019], which are substantially higher than those typically assumed in contestable viability cases [which normally cite blended rates of profits of around 17.5% of gross development value].
76. The Council will maintain the approach from the Interim Planning Statement on Affordable Housing [RMBC, 2010] on the contribution percentage of affordable housing. **Having regard to the demonstrable housing need within the borough, developers will be normally be required to make a 25% provision for affordable housing, unless there are clear, substantiated reasons why this is not deliverable. The Council will take into account the specifics of the site, the type of housing, and other considerations in reaching a policy requirement for each individual site. In accordance with national guidance, the Council expect this requirement to have been taken into account in the site's residual land value.**
77. As affordable housing is a positive planning policy requirement rather than mitigation, the Council calculate affordable housing requirement from the gross number of homes proposed. In calculating the number of affordable homes to be provided on a site, fractions of homes will sometimes result. **In order to avoid requirements for fractions of homes the Council will**

¹⁵ See Appendix 6 of this SPD for further information on Rotherham's record on its Affordable Housing Delivery.

therefore round up any part requirement of an affordable housing dwelling in line with common convention at 0.5 of a home, and round down at 0.4 or less. A replacement home would not therefore make any contribution.

- 78. Should a developer demonstrate that rounding up from half a dwelling or more would result in the development being unviable, the Council will, in the first instance, negotiate a variation in tenure of some affordable homes, or fewer affordable homes.**

Vacant Building Credit and Abnormal Development Costs

79. On previously used [i.e. brown field] land where existing vacant [but not abandoned] buildings are being re-used or demolished and rebuilt, the Council shall deduct the existing gross floor-space from the affordable housing requirement in line with the national vacant building credit policy. This is currently based on calculating the relevant vacant floor-space as a proportion of total new development, and applying this proportion to the proposed development.¹⁶

- 80. There may be some circumstances where abnormal development costs¹⁷ would make the scheme unviable to deliver. Where developers demonstrate to the Council's satisfaction that providing the amount of affordable housing required by this policy would not be economically viable, the Council will follow the following cascade mechanism to assist with delivering a viable scheme:**

- **Vary the tenure mix of the affordable housing [e.g. more intermediate homes and fewer rented homes], size, and/or type of homes to be provided;**
- **Reduce the overall number of affordable homes;**
- **To negotiate a commuted sum in lieu of on-site delivery.**

Financial contributions in lieu of on-site affordable housing provision

81. As explained above, the Borough Council will only accept a financial payment in lieu of on-site provision in exceptional circumstances. The Council use a standardised method for calculating contributions in lieu of affordable housing provision, based on an equivalence approach. This involves calculating the financial benefit to the developer of not including affordable housing on the development site. **The Council will use this equivalence methodology when it accepts that the scheme may make a financial contribution rather than provide affordable housing required on the development site, or exceptionally, on a different site.** This money will be ring-fenced to assist in delivery of more affordable housing.

82. The calculation is based on the additional value to the developer of not providing affordable housing on-site [i.e. the difference between 0% and 25%, or other required proportion, with a transfer value of 40% to a Private Registered Provider]. If the scheme was to provide on-site affordable housing, the developer would receive about 40% of the market value on transfer of these homes to a Registered [Housing] Provider. If Starter/First homes are involved, developers will receive 80% of the market value although this percentage may change in the future following revisions to Central Government guidance.

¹⁶ The Council will require documented evidence regarding the status and use of the site and buildings in determining the applicability of the vacant building credit.

¹⁷ The Council shall need to be convinced that these are reasonable and proportionate and be based on documented evidence.

83. To calculate the payment in lieu that should be provided, the Council will multiply the total number of affordable homes required under the policy by the floor-space of the market homes proposed. This calculation generates the total floor-space of the affordable homes required to have been provided on site. This will be multiplied by the gross development value per square metre (£/m²) at the time of viability is being contested to calculate the required commuted sum. See Appendix 3 which illustrates the calculation with a worked example.
84. For each application, the Council will consider whether it needs to include an “overage” clause if the sales value of market homes increases significantly before the housing is first occupied, or the size of homes on the development site is subsequently changed.

Contesting Viability

85. The Borough Council has prepared a specific Supplementary Planning Document on Viability [RMBC, 2020]. Any applicant/developer who intends to contest the viability of their proposed development should in the first instance contact the Planning Officer and carefully read and follow the viability review procedures that the Council will be following in evaluating a submitted Financial Viability Appraisal [FVA].
86. The Viability SPD also provides advice and support for applicants regarding the kinds of questions the Council shall be asking, and it stresses that the process of review and evaluation involves an open-book approach. This is to ensure transparency, equity and consistency for all applicants and an appropriate oversight by decision-makers and relevant third-parties.
87. The approach adopted by the Council is in accordance with the NPPF [MHCLG, 2019a] as well as the NPPG for Viability [MHCLG, 2019b] and given the existence of its recently adopted Local Plan, there is a presumption that that all developments are viable. It is important for applicants to recognise that the process of contesting viability will need to demonstrate the existence of special or exceptional circumstances to justify departure from the Council’s extant planning and affordable housing policy requirements. In the absence of these, the Council shall be minded to refuse planning permission.
88. In short the Council’s **Viability Review Mechanisms** can be summarised as follows:
- Where schemes do not comply with the Council’s Local Plan policy requirements for affordable housing and related mitigation measures arising from schemes [for viability reasons following an independently evaluated open-book appraisal of the costs and revenues], a review mechanism [or re-appraisal of scheme viability] shall be incorporated in a planning obligation [Section 106 legal agreement] to ensure that any uplift in a scheme’s net value is shared with the Council in the form of an improved affordable housing contribution.
 - As such, these reviews are required prior to near completion or at agreed phases or trigger points during development. The review mechanisms will typically set out a clear, simple and certain method and will include a Council’s expectations for additional homes on-site or off-site, or for receiving an equivalent financial contribution in the form of a commuted sum.

Affordable Housing Supplementary Planning Document [SPD] **2020**

- The circumstances where such a review is required include:
 - Where there is a delay in starting on site [e.g. of at least 12 months];
 - On submission of reserved matters' applications;
 - Where a large site is to be built out in phases;
 - At the end of a development, which after consideration of and accounting for the developer's risk, it is appropriate for the Council to take a commuted sum to support the delivery of affordable housing.

89. For the above kinds of circumstances the Council shall require these are incorporated into a legal agreement prior to the consideration of the planning application by the Council's planning board.

Qualifying developments for affordable housing provision

90. Affordable housing provision will generally be required from residential developments within the C3 Use Class¹⁸ over the site size threshold in CS7 and the NPPF (2019). This generally includes retirement homes, as well as self-contained studio flats for single-person households, and other self-contained flats, whether specifically aimed at students or not. Assisted living and or Extra Care flatted developments, and other sui generis residential developments, such as cluster flats for students may be required to make provision; these will be considered on a case-by-case basis, and in some cases, an off-site contribution may be considered more suitable. CS7 does not apply to residential institutions within C2 use class, such as care homes and nursing homes.

Thresholds and Affordable Housing Contributions			
	Location	Threshold ¹⁹	Contribution
Residential Developments, including Mixed Uses	All Housing Market Areas in Rotherham [i.e. Borough-wide]	10 or more [gross] dwellings <u>or</u> site area of 0.5 hectares or more [gross] irrespective of the number of dwellings <u>or</u> more and greater than 1,000m² [total gross] floor-space	25% on-site, subject to vacant building credit [14% being Affordable for Rent & 11% being Affordable for Sale Products]

Rural Exception Housing

91. People who cannot afford to access market housing that meets their needs, either to rent or to buy, need affordable homes. In many rural areas of borough, Green Belt, landscape and environmental designation policies restrict opportunities for development of affordable homes.

92. Core Strategy CS7 [RMBC, 2014] and Sites and Policies 8 infilling Development within the Green Belt [Sites and Policies Document [RMBC, 2018] allows for the development of small-scale affordable housing schemes inside or outside of existing settlements as an exception to other Local Plan policies, subject to stringent criteria, including requirement for a local connection

¹⁸ Town and Country Planning (Use Classes) Order 1987

¹⁹ This reflects the changes to the site capacity threshold in government guidance

and the affordable housing to be secured in perpetuity. In determining whether a site is suitably small-scale, consideration will be given to identified local affordable housing needs and to previous applications for rural exception housing. The sustainability of windfall proposals will be assessed against Policy CS3 Location of New Development.

- 93. Rural Exception Housing, which is affordable housing for local needs, provided in perpetuity, will be secured where there is recent evidence of need for affordable housing within the Borough's rural areas. Rural exception housing is usually delivered on small sites by Registered Providers, the Council, and by private developers. Affordable housing on these sites in the Borough shall be exempt from the right to buy or acquire, but may also be possible to be delivered without a government grant, via a mechanism which ensures the homes will remain affordable in perpetuity.**
94. To ensure that the housing is secured permanently to meet local affordable housing needs, the Council will require the affordable housing provider to enter into a planning obligation with cascade provisions, to provide for situations where there may not be local need for that size of accommodation in the Borough at the time.
- 95. The Council's cascade allocation approach to allocation of rural exception housing generally requires the housing to be allocated to :**
- **people with a local connection to the parish (through residence, employment or close family), followed by**
 - **those people with a local connection to adjacent parishes within the borough who meet the criteria, and finally**
 - **those people with a connection to the metropolitan borough of Rotherham in accordance with its published scheme Rotherham Key Choices [or equivalent scheme].**
96. The Council will consider the specifics of each area's needs at the time of the application, and will use its discretion to ensure that the planning obligation includes the most appropriate allocation cascade for that development site.
97. Despite relatively higher land values across the borough, occasionally a developer may consider that a proposed rural exception scheme would be unviable without public subsidy. In these situations where there is no public subsidy available, and where there are no alternative sites available to provide the identified housing needs, as required by national policy, the Council may consider permitting the minimum number of market homes to make the scheme viable, but not at the expense of raising land values. The Council may also consider allowing at least one market home where this would result in a significant improvement in the housing mix (tenure, type or size) or rent levels.
98. The inclusion of market housing must serve to benefit the rural affordable housing stock and not inflate the "threshold land value". This is the "minimum land value requirement to incentivise a reasonable landowner"²⁰ to sell the land. To ensure that developers take into account the policy requirements of land potentially suitable for rural exception housing, where a developer proposes that at least one market house needs to be included to make the rural

²⁰ See NPPG for Viability, MHCLG, 2019b.

exception scheme viable, the Council will require submission of a development viability appraisal in accordance with the Council's SPD on Viability [RMBC, 2020].

99. In considering the appraisal, the Council will limit the threshold land value for small rural exception sites. It is convention that these sites' land values **exclude any hope value arising from gaining planning permission**²¹. Where agreement cannot be reached, external consultants will be appointed at the developer's cost to provide an independent assessment of the scheme's viability. Any market housing must improve the mix of market housing in the village, and must be integrated into the rural exception development.

Sustainable design and construction

100. Sustainable development is central to land use planning. The overall aim of the Core Strategy [RMBC, 2014] and the Sites and Policies Local Plan [RMBC, 2018] are to promote development that meets the needs of the present without compromising the ability of future generations to meet their own needs.
101. Climate change presents a number of challenges for the Council. In order to address these challenges and to deliver national policy and the Council's aspirations for sustainable communities and buildings through the local planning system, the Council will amplify its approach in the forthcoming Supplementary Planning Document on Planning Contributions in 2020. This SPD shall be setting minimum sustainability standards for new build residential and non-residential developments in the borough in accordance with adopted Local Plan policy requirements and aspirations.
102. The forthcoming local guidance expects residential developments, including all affordable homes, to achieve:
- a water efficiency standard of 110 litres per occupant per day;
 - a 'Good' Building for Life standard; and
 - to reduce carbon emissions through the provision of on-site low and zero carbon technologies.
103. The Council recognise that developers or householders may wish to use alternative sustainable design and construction assessment methods, or for large-scale developments "BREEAM for Communities". A planning condition will allow for a developer to use an acceptable alternative standard.

Thresholds and Contributions for Sustainable Design and Construction			
	Location	Threshold	Requirement
Residential Homes, including Affordable Homes	Borough Wide	1 or more [gross] dwellings	A water efficiency of 110litres per occupant per day A 10% reduction in carbon emissions through the use of low or zero carbon technologies

²¹ Presently, the Existing Use Value of Agricultural Land in Rotherham is around £22,500 per hectare [see "Land Value Estimates for Policy Appraisal", MHCLG, 2018].

Affordable Housing Supplementary Planning Document [SPD] **2020**

Community Participation

104. The Council places importance in the engagement of local communities in the process of bringing forward suitable housing sites at the pre-application stage. Proper engagement by Developers with local residents at pre-application stage is important to develop public confidence in the house building industry, as well as to dispel misunderstanding or preconceptions. Recent changes to the planning system have emphasized the importance of public participation accordingly the Borough Council has refreshed and recently published its Statement of Community Involvement [2019].
105. Also, it is important to encourage effective practice at pre-application stage and in the provision of information to support applications. Developers are encouraged to enter into pre-application discussions with the Council. This will facilitate the expeditious determination of planning applications. See Appendix 4 regarding the Borough Council's Key Negotiating Principles.

How affordable housing is delivered in Rotherham

106. The following diagram sets out and summarises how affordable housing is delivered in Rotherham and the roles of the various partners involved.

Delivery of New Affordable Homes	
Developers and House Builders	▪ The majority of affordable homes are delivered by developers on private sites through S106 Agreements. ▪ Private house builders therefore have a crucial role to play in ensuring affordable homes are delivered alongside market homes. ▪ In rural settlements and exceptionally, the development of market housing can cross-subsidise the delivery of affordable homes, without relying on public subsidy.
Rotherham Metropolitan Borough Council	▪ Provide affordable housing advice to applicants. ▪ Negotiate affordable housing level, tenure and type in accordance with policy. ▪ Advise on the location of the affordable housing on the site to ensure the homes are integrated and pepper-potted [i.e. tenure blind] throughout the site. ▪ Enabling role to bring forward delivery.
Affordable Housing Providers [RPs]	▪ Independent housing associations, charitable organisations and companies. ▪ Provide and manage affordable housing, particularly affordable rent products and shared ownership.
Help to Buy North	▪ Hold a register for people seeking to buy an affordable home. ▪ Advertise all affordable homes for sale. ▪ Checks eligibility of applicants and approve those eligible.
Planning Department	▪ Advise applicants of planning issues and obligations. ▪ Determine planning applications.
Elected Members	▪ Consulted on planning applications and comment on negotiations for Deeds of Variations.

Implementation of Policy

107. Decisions regarding the type of affordable housing to build on suitable sites should reflect the local housing needs and the individual site's attributes. This, therefore, will be a matter of negotiation and agreement between the Borough Council and the Landowner/Developer, but should contribute to satisfying the needs identified in the most recent Strategic Housing Market Assessment [SHU, 2019] and other relevant local housing needs evidence.

- 108. In entering into a voluntary legal agreement with the Borough Council, all reasonable legal costs incurred by Legal Services of the Borough Council will be reimbursed by the developer.**
109. Though the delivery of affordable housing is a high priority in Rotherham, the Borough Council recognises occasionally a full policy compliant scheme cannot be delivered due to concerns about viability. In these cases, the Council will examine the balance of all planning and policy requirements so that schemes can proceed toward delivering viable schemes.
110. In establishing the appropriate level of affordable housing for individual development proposals, the Borough Council shall apply a number of planning criteria to assess the appropriateness of each planning application. The following summarise the issues that shall be used in this regard:
- a) Location of Affordable Homes
 - b) Alternative Provision
 - c) Tenure Preference and Tenure-Blind
 - d) S106 Legal Agreements to secure Affordable Housing through Planning Obligations
 - e) Planning Practice Guidance on Obligations
 - f) Site Suitability:
 - 1. Abnormal Development Costs and Competing Uses
 - 2. Other Considerations
 - g) Integration of Affordable Housing Units
 - h) Scheme Quality
 - i) Sheltered Housing/Retirement Communities
 - j) Timing of Affordable Housing Provision within Development Schemes
 - k) Social Housing Provision: using Registered Social Landlords [RSLs]
 - l) Public Subsidy

These are briefly explained in turn below.

a) Location of Affordable Homes

111. On-site provision of affordable homes is the preferred option of the Borough Council, which is in accordance with NPPF and other planning practice guidance, and on-site provision shall be sought in the first instance in all cases.

b) Alternative Provision

112. Off-site provision shall only be considered where there are sound planning reasons that on-site provision is not possible or appropriate. The Borough Council will also wish to be assured that any off-site provision is actually deliverable.
113. The provision of financial contributions in lieu of on-site or off-site provision is the Borough Council's least preferred option. As such, it will only be considered in exceptional circumstances. The Borough Council will need to be satisfied that this approach will result in the required provision of affordable housing.

c) Tenure Preference and Tenure-Blind

114. On any site where affordable housing is provided the tenure split should reflect the findings of the Strategic Housing Market Assessment or latest Housing Needs Survey in terms of the most

appropriate tenure, mix, type and size of new affordable homes. Any assessment of housing need in relation to an individual site will also include:

- Current information of the Borough's Housing Register.
- Information from Parish/Town Council surveys or appraisals.
- Evidence on recent availability of affordable housing opportunities throughout the Borough.
- The number of right-to-buy sales that have taken place in the Borough.
- Evidence from the Office of National Statistics [e.g. demographic, local economy]
- Current priorities set out in the Borough's Housing Strategy [2019-2022] and subsequent strategies.

115. If planning or other circumstances affect the Developers' ability to provide exactly what is requested, an alternative mix of dwellings will be considered, as long as this meets identified local needs. This approach is informed by, as well as accords with, the latest central Government guidance. The current tenure preference is set out in the table in paragraph 88 in this SPD.

d) S106 Legal Agreements to secure Affordable Housing through Planning Obligations

116. Central Government guidance advises that both Planning Conditions and Planning Obligations will be used to ensure that the affordable housing built is occupied only by people that fall within the identified categories of need for affordable housing. The Borough Council recognizes that Planning Conditions and/or Planning Obligations, S106 and nomination agreements should be flexible to enable and encourage the scheme to proceed.

e) Planning Practice Guidance on Obligations

117. Where planning obligations are used they should be consistent with current national planning practice guidance on planning obligations. This makes it clear that affordable housing elements of residential or mixed use developments required by local plan policies on mixed communities and provided through planning obligations should be provided in kind and on-site. Borough Council Officers will expect the Heads of Terms of S106 Agreements to be agreed by the time a planning application is taken to Planning Board. This will ensure the effective delivery, occupancy and future management of the affordable housing. See also Appendix 5.

f) Site Suitability:

1. Abnormal Development Costs and Competing Uses

118. Abnormal development costs are those that could not have been reasonably foreseen in advance. Where policy indicates that affordable housing be included, its provision should be a fundamental part of any site appraisal and viability study. Thus, in itself, the provision of affordable housing does not represent an abnormal development cost.

119. Within a site viability study, it is recognised that there are likely to be differentials between the development costs of [and the income from] a market home when compared to the costs of providing [and any income from] an affordable home. Any differential in costs will not be treated as an abnormal development cost.

120. The Borough Council shall consider any legitimate abnormal development costs associated with development proposals when assessing the proportion of affordable housing sought, but this does include the impact of standard development costs such as demolition,

contamination, landscaping costs, as well as archaeological, ecological and other technical surveys.

- 121. In a circumstance where a Developer wishes to highlight legitimate abnormal development cost concerns as reasoning for reducing the proportion of affordable housing, or for its exclusion altogether, those proposals must be substantiated by comparative scheme feasibility studies that demonstrate viability with:**

- **The exclusion of affordable housing [i.e. all-market scheme]; and**
- **The inclusion a range of affordable housing [between 0% and 25%].**

Crucially, none of the costs in the viability appraisal should presume the availability of public grant or subsidy.

- 122. Given that there are different ways in which affordable housing can be provided, comparative scheme viability studies must consider all possible options. All evidence must be provided in a form that can be assessed independently.**

123. Other than abnormal development costs, there may also be instances where affordable housing provision renders a site's redevelopment for residential purposes less viable than a competing alternative use²². Where a developer wishes the Borough Council to consider such a situation, financial evidence, to be treated confidentially by the Council, shall be required to support such a claim. The Borough Council will appoint an independent professional when viability issues are raised of this nature whose will be paid for by the applicant.

2. Other Considerations

In assessing site suitability, the Borough Council will take into account all relevant planning considerations.

g) Integration of Affordable Housing Units

- 124. In pursuit of tenure-blind developments, affordable homes should be distributed throughout developments and integrated with open-market homes to promote social mix and inclusion on the street scene, rather than being segregated in discrete and often peripheral areas.** The Borough Council prefers small clusters of affordable housing units; however the Council will agree the location of the affordable housing units on a site-by-site basis so that they will be in locations across the development. **The external design of the affordable homes should also be compatible with the open-market homes, in terms of elevation detail and materials, to enable them to be integrated visually within the development. Affordable housing proposals should comply with all relevant local planning policies and national guidance and standards.** See also paragraphs 98-101 regarding Sustainable Design and Construction in this SPD.

h) Scheme Quality

- 125. New affordable homes should be built to achieve 'Good' Building for Life standard and embrace carbon-saving technologies.** This will improve the quality of the design and

²² This requires that legitimate alternative [permitted by planning] uses shall be subject of a viability appraisal at the same time as the testing of the housing scheme's viability.

construction of these homes and will reduce running costs in line with the requirements for the provision of sustainable development outlined in NPPF [MHCLG, 2019a].

i) Sheltered Housing/Retirement Communities

126. The Borough Council acknowledges that innovative models of housing provision for older people have emerged including retirement villages. Key features include high levels of care available, 24hour on-site staffing and extensive facilities. Good practice is contained in a recent JRF research report²³. Such housing can directly or indirectly contribute to meeting affordable and special needs housing. The Borough Council will therefore seek an affordable housing contribution in meeting the 25% affordable housing quota. The economics of provision of the whole scheme, the availability of public subsidies and other site specific factors shall be material to how much housing can be reserved for those with lower incomes or for which nominations can be offered to the housing authority.

j) Timing of Affordable Housing Provision within Development Schemes

127. In accordance with the Borough Council's tenure-blind objectives, **the Borough Council wishes to encourage the integration of affordable homes with open-market homes, the former delivery will be phased as the development is completed, but in all circumstances shall not be any later than 70% of the sale of open market units.** This approach assists social integration and the establishment of mixed communities at an early stage.

k) Social Housing Provision - Use of Registered Providers [RPs]

128. The Borough Council considers the involvement of RPs and the Homes England's preferred non-RP Developer partners, to be the preferred practicable suppliers of social housing, due to the long-term security offered to tenants and the maintenance of affordable rents and management services.
129. RPs develop a range of different forms of affordable homes both for rent and forms of home ownership, both with and without public subsidy. Whether subsidy is applied or not, RPs are obliged to meet 'Good' Building for Life standards in terms of construction and performance. Therefore, applicants will need to take account of this requirement in the planning and delivery of affordable homes in which RPs are to be partners in provision.
130. The Borough Council works with a range of RPs in partnership with neighbouring Local Authorities. These arrangements [i.e. Programme Partnership Agreements] include an agreed mechanism to deliver nominations for those people who are eligible and in need of affordable housing. Such eligibility for accessing all new affordable and intermediate homes in the Borough is determined by the households' acceptance on the Council's Housing Register. Where a developer proposes to meet obligations to supply affordable housing in partnership with a RP, they are strongly advised to contact Rotherham's Affordable Housing Officer at an early stage to discuss the most appropriate arrangements.
131. A list of RP partners and non-partners is listed in Appendix 2.

l) Public Subsidy

132. Public subsidy [i.e. social housing grant or other public subsidy] to provide affordable housing is limited, and cannot be expected or assumed in any developers' proposals for the provision of

²³ Joseph Rowntree Foundation, 2006, "A Guide to Planning for Continuing Care Retirement Communities".

affordable housing. Homes England has adopted this position in recognition of the fact that indiscriminate use of public subsidy merely serves to inflate the cost of land.

133. As a result, **developers and landowners should calculate the cost of planning contributions to affordable housing on the basis that public subsidy shall not be available.** However, according to changing priorities and need Homes England, from time-to time, does provide public subsidy for proposals involving provision of affordable homes for BME and for older persons. Developers should, in the first instance, liaise with the Borough Council's Affordable Housing Officer to obtain more specific information on this matter.
134. Developers should also be aware that the policy of delivering affordable housing without public subsidy was supported by the First Secretary of State in a landmark appeal decision.²⁴ Where a social housing grant is secured, it would be limited to the amount that would be necessary to convert the scheme from financially non-viable to financially viable.²⁵ Social Housing Grant will always be dependent upon certain building, design and energy efficiency standards being achieved.
135. **Failure to provide any information to justify any viability issues or alternatively to provide the required amount and type of affordable housing at an affordable cost, shall justify the refusal of planning permission.** Applicants are strongly advised to contact the Council's Affordable Housing Officer and read the Borough Council's forthcoming SPD on Viability [RMBC, 2020].

Monitoring and Review

136. The Borough Council will monitor the supply and delivery of affordable housing units in the Borough. This will be in relation to its Local Plan policies and other Council initiatives set out in its 2019-2022 Housing Strategy. The Council is obligated to provide details of affordable Housing delivery to National Government. To achieve this, an obligation will be placed on Developers within the S106 agreements to submit details of affordable housing delivery to the Council as and when requested.
137. It will also monitor the housing requirements through future housing needs surveys and strategic housing market assessments.
138. The Borough Council will also monitor and report on the delivery of the Section 106 Obligations and requirements to ensure that the terms are met and that any commuted payments have been utilized within the specified period.
139. The Borough Council will also monitor and report on the delivery of its Community Infrastructure Levy receipts and spending to ensure that their terms are met.
140. Other indicators that the Borough Council shall consider monitoring encompass:
- Local house price and rent data indexed against local income levels.
 - Progress in reducing the number of vacant properties.
 - Progress in reducing waiting lists, homelessness and those in temporary accommodation.

²⁴ Appeal decision, dated 22nd July 2004, following a Call-in Inquiry, Hinckley and Bosworth Borough Council.

²⁵ For an explanation of viability, see Viability SPD, RMBC, 2020 and The Affordable Housing Refresh Study, RMBC, 2019.

- Change in the number of social housing units in the Borough of Rotherham.
- Progress in improving the quality of the housing stock [e.g. energy efficiency, unfitness, disrepair].

END

Bibliography

- BCIS [2019] *Average Build Prices and Tender Price Index*, Building Cost Information Services: RICS
- Colenutt, R., Cochrane, A. & Field, M [2015] "The Rise and Rise of Viability Assessment", *Town and Country Planning*, 84 [10], pp.453-458
- Crosby, N. [2019] *Development Viability Assessment and the provision of affordable housing*, University of Reading
- The Environmental Information Regulations 2004, UK Statutory Instruments No. 13391
- Freedom of Information Act 2000
- FAME [2019] *Financial Ratios*, Financial Analysis Made Easy: Bureau van Dijk
- Grayston, A. [2016] "Slipping through the viability loophole", *Shelter*.
- Havard, T. [2014] *Financial Feasibility Studies for Property Development: Theory and Practice*, Routledge.
- London Borough Development Viability Protocol* [2017], prepared by the London Borough Viability Group
- MHCLG [2019a] *National Planning Policy Framework*, HMSO, February 2019
<https://www.gov.uk/government/collections/planning-practice-guidance>; also see for changes to NPPF relating to open space, sports and recreation facilities, public rights of way and local green space <https://www.gov.uk/guidance/open-space-sports-and-recreation-facilities-public-rights-of-way-and-local-green-space>
- MHCLG [2019b] *Planning Practice Guidance for Viability*, Ministry of Housing, Communities & Local Government, May and September, 2019
- MHCLG [2018] *Land Value Estimates for Policy Appraisal*, Ministry of Housing, Communities & Local Government, May.
- NAO [2019] *Help to Buy: Equity Loan Scheme – progress review*, Report of the Comptroller and Auditor General, National Audit Office, HC 2216, Session 2017-2019, 13th June 2019.
- Planning and Compulsory Purchase Act 2004
- Ratcliffe, J, Stubbs, M. & Keeping, M [2009] *Urban Planning and Real Estate Development*, London: Routledge Press [3rd Edition].
- RICS [2020] *Financial Viability Assessment Guidance*, The Royal Institution of Chartered Surveyors, [draft, January 2020]
- RMBC [2020] *Challenging Development Viability Supplementary Planning Document*, Public Consultation Version, Rotherham Metropolitan Borough Council, forthcoming
- RMBC [2019] *Affordable Housing Refresh Study*, Rotherham Metropolitan Borough Council, July
- RMBC [2018] *Sites and Policies Local Plan*, Rotherham Metropolitan Borough Council, June
- RMBC [2016a] *Community Infrastructure Levy*, Instalment Policy, Rotherham Metropolitan Borough Council, December
- RMBC [2016b] *Community Infrastructure Levy*, Charging Schedule, Rotherham Metropolitan Borough Council, December
- RMBC [2014] *Core Strategy*, Rotherham Metropolitan Borough Council, September
- SHU [2019] *Sheffield and Rotherham Strategic Housing Market Assessment 2018*, Centre for Regional Economic and Social Research, Sheffield Hallam University, February 2019 version.
- SU [2015] *Sheffield and Rotherham Strategic Housing Market Assessment 2014*, Sheffield University

Appendices

1. Glossary.
2. List of Registered Providers in Rotherham.
3. Worked Example of Commuted Sum in Lieu of on-site Affordable Housing.
4. Rotherham Metropolitan Borough Council's Key Negotiation Principles: Planning Obligations, including Affordable Housing.
5. Heads of Terms - Model Legal Agreement.
6. Affordable Housing Delivery in Rotherham 2011-2019.

Affordable Housing Supplementary Planning Document [SPD]

2020

Appendix 1: Glossary

Types of Affordable Housing²⁶	Social rented, affordable rented and intermediate housing , provided to eligible households whose needs are not met by the market. Eligibility is determined with regard to local incomes and local house prices. Affordable housing should include provisions to remain at an affordable price for future eligible households or for the subsidy to be recycled for alternative affordable housing provision.
	Social rented housing is owned by local authorities and Registered Providers [as defined in section 80 of the Housing and Regeneration Act 2008], for which guideline target rents are determined through the national rent regime. It may also be owned by other persons and provided under equivalent rental arrangements to the above, as agreed with the local authority or with Homes England.
	Affordable rented housing is let by local authorities or Registered Providers of social housing to households who are eligible for social rented housing. Affordable Rent is subject to rent controls that require a rent of no more than 80% of the local market rent [including service charges, where applicable].
	Intermediate housing is homes for sale and rent provided at a cost above social rent, but below market levels subject to the criteria in the Affordable Housing definition above. These can include starter homes, shared equity (i.e. shared ownership and equity loans), other low cost homes for sale and intermediate rent, but not affordable rented housing. Homes that do not meet the above definition of affordable housing, such as “low cost market” housing, may not be considered as affordable housing for planning purposes.
Affordability	Affordability of housing is generally reported using the ratio of lower quartile house price to lower quartile earnings. This is the government’s favoured indicator for affordability, as affordability is most likely to be an issue for people such as first time buyers, whose wages are lower. The higher the ratio, the less affordable housing becomes; it is in effect how many times a person’s salary would be needed to buy a home. Data sources that are typically used to determine affordability are the Annual Survey of Hours and Earnings [ASHE, ONS] and HM Land Registry.
Registered Providers [RP]	Registered Providers (RPs) are independent housing organisations registered with Homes England under the 1996 Housing Act. Most are housing associations, but there are also trusts, co-operatives and companies.
Existing or Current Use Value [EUV/CUV]	This is the market value that specifically reflects the current use of the property only and disregards any prospect of development other than for continuation/expansion of the current use [www.rics.org.uk]. Each use class [in planning terms] thus generates its own derived value according to local market conditions. On an equivalent basis, situation [i.e. location] rather than site [i.e. the physical capacity of the site] determines EUV or CUV.
Land Value	Prior to any transaction/exchange, this is ultimately a guess-estimate. But what a site might be worth must take explicit cognisance of and be informed by (local) market conditions and evidence, site specific attributes, and local planning policies and requirements [see National Planning Policy Framework, MHCLG, 2019a]. Indeed, at the point of a viability review, the agreed land value in the original appraisal should be used, unless the site has been acquired since and evidence is provided of the purchase price. Yet, any purchase price used shall be benchmarked against both market values and sale prices of “comparable” sites in the locality. Any significant overbid for the site at the point of review shall be disregarded.

²⁶ The Borough Council are aware that other affordable housing products [e.g. First Homes] may be developed and thus shall respond accordingly.

Affordable Housing Supplementary Planning Document [SPD]

2020

	Where market value is used, it should have regard to the Local Plan policies and all other material planning considerations, including planning and affordable housing obligations and disregarding that which is contrary to the Local Plan, whilst providing the “minimum requirement to incentivise a reasonable landowner” to enable the development to be deliverable. As both purchase price and market value address landowner profit, the latter should <u>not</u> otherwise be included in the appraisals. Crucially, the Council’s approach will be to use a site’s existing use value [EUV] plus an appropriate premium to evaluate a site’s viability position.
Land Price: “offers” and “transactions”	“Offer” prices are expressions of worth or value; they are expressions of expectation and not a product of a transaction or an exchange. On the other hand, prices relate to actual transactions, where the seller and buyer through negotiation and bargaining come to agree a price where exchange [and hence a transaction] can occur. Depending upon market conditions and position on the property cycle, offer prices tend to be higher than transaction prices: in a depressed market these can be 8% to 10% difference; in a rising market, the difference is likely to be much smaller; and in times of extreme competition for land, the difference not only disappears, but a price war can occur to secure ownership rights in the land/property markets.
Local Housing Allowance [LHA]	LHA is the housing benefit for tenants of privately rented accommodation. LHA is a flat rate allowance towards rent costs, calculated based on the circumstances of the tenant [such as family size] and the broad area they live in. If a household’s rent is less than the 'Valuation Office determined' LHA for the type of property, their claim will be assessed on their rental liability, not the LHA amount. If their rent is more than the LHA they will normally have to pay the extra themselves.
Residual Land Value [RLV]	This is the land bid budget available to a developer or a prospective owner. It is the residual left over after “all” costs [i.e. build costs, fees, finance, planning obligations, CIL payments and provision of affordable housing] and profits are subtracted from the gross development value. Thus, it reveals the Developer’s maximum budget available to buy the land. See Ratcliffe, J, Stubbs, M. & Keeping, M. [2009] Urban Planning and Real Estate Development, Routledge [3rd Edition], especially Chapter 13.
Rural Exception Housing or Sites	Small sites used for affordable housing in perpetuity where sites would not normally be used for housing. Rural exception sites seek to address the needs of the local community by accommodating households who are either current residents or have an existing family or employment connection. Small numbers of market homes may be allowed at the local authority’s discretion, for example where essential to enable the delivery of affordable units without grant funding.
Housing Register	Rotherham Metropolitan Borough Council housing register of persons who qualify to be allocated housing accommodation under the 1996 Housing Act.
Supplementary Planning Document [SPD]	These planning documents provide further information and guidance on the implementation of policies in the development plan. Prepared with public consultation, although they do not form part of the development plan and are not subject to independent examination.
Viability/Viable	The test for viability is that the evidence indicates that the current cost of building out the entire site (at today’s prices) is at a level that would enable the developer to sell all the market units on the site (in today’s market) at a rate of build out evidenced by the developer, and make a competitive return to a willing developer and a willing landowner. In other words, a scheme is said to be viable if the developer has enough money to BUY the land, build out the scheme and achieve its target/hurdle rate of capital profit. Critically, the test of viability does not seek to confirm the land price paid by the developer. Thus the viability test simply seeks to find the site’s value/worth at the time of the valuation [i.e. now at the point/date of contestability or Appeal] and not the price paid by the developer at some other time.

Appendix 2: List of Registered Providers [RP] Partners and Non-Partners Operating in Rotherham

ROTHERHAM COUNCIL RP PARTNERS

1. South Yorkshire Housing Association, 43-47 Wellington Street, Sheffield S1 4HF; Telephone: 0114 290 8354; Contact Natalie Newman – email: n.newman@syha.co.uk
2. Together Housing Group, Harrison Street, Wakefield, WF1 1PS; Telephone: 01924 206990; Contact: Graham Wingfield – email: Graham.Wingfield@togetherhousing.co.uk
3. The Guinness Partnership, 20 Westfield Terrace, Sheffield, S1 4GH; Telephone: 0114 228 8456; Contact: Tim Morton –email: Tim.Morton@guinness.org.uk
4. Johnnie Johnson Housing, Head Office, Astra House, Spinners Lane, Poynton, Cheshire, SK12 1GA; Telephone: 01625 870117; Contact: James Bromfield – email: James.Bromfield@JJHousing.co.uk
5. Arches Housing Limited, 122 Burngreave Road, Sheffield, S3 9DE; Telephone: 0114 228 810; Contact Christine Boucher – email; chrib@archeshousing.co.uk
6. Great Places Housing Group, Southern Gate 729 Princess Road, Manchester, M20 2LT; Telephone: 0161 447 5077; Contact Peter Lyas – email: peter.Lyas@greatplaces.org.uk

NON-PARTNER RPs OPERATING IN ROTHERHAM

1. Wakefield District Homes; Contact: David Boyes-Watson, Telephone: 01977 724648 - Email: dboyes-watson@wdh.co.uk
2. Stonewater; Contact: Martin Fox, Telephone: 01422 313782 – Email: martin.fox@stonewater.org.uk
3. ACIS Housing; Contact: Ruth Barnett, Development Coordinator Acis Group, Telephone: 01427 675767 – Email: ruth.barnett@acisgroup.co.uk
4. Yorkshire Housing; Contact: Sian Grindley, Telephone: 0113 825 6116 – email: sian.grindley@yorkshirehousing.co.uk
5. Equity Housing Group; Contact: Scott Grayson, Business Development Manager; Telephone: 0330 123 4460 – Email: scottg@equityhousing.co.uk
6. Action Housing; Contact David Palmer, Head of Housing & Asset Development; Telephone: 01709 821251 [ex. 202] – Email: David.Palmer@action.org.uk

Appendix 3: Worked Example of Commuted Sum in Lieu of on-site Affordable Housing

Example of the Commuted Sum payable in lieu of on-site Affordable Housing provision in Rotherham Metropolitan Borough Council.				
Planning Application for 16 apartments				
	Total	Market	Affordable	
Number of Dwellings	16	12	4	
Size of Dwellings [gross m2/unit]	60	60	60	
Total Floor space [gross m2]	960	720	240	
RMBC AH Policy requirement	25.00%	75.00%	25.00%	
	Total [£/unit]	£/m2		
Market Value of Dwellings [£]	£124,950	£2,082.50		
Commuted Sum Payable	% of Market Value	£/unit	£/m2	Total to be paid
Rate applied	40.00%	£49,980.0	£833.00	
Total Commuted Sum Payable				£199,920.0

Applicants are advised to contact the Council's Affordable Housing Officer, who shall provide further advice and guidance.

Affordable Housing Supplementary Planning Document [SPD] **2020**

Appendix 4: Rotherham Metropolitan Borough Council's Key Negotiation Principles: Planning Obligations, including Affordable Housing

	Key Negotiation Principles
1.	The need for a planning obligation and the Borough's likely requirements should be identified and relayed to a potential developer at the earliest possible stage. Normally, this would be at the pre-application stage [or very shortly after a planning application has been submitted if it has not been discussed in advance]. Exceptionally, the need for a planning obligation may be identified later in the process, e.g. following the identification of some obstacle to the granting of consent or where a significant issue arises following public consultation on the planning application.
2.	The Borough Council can only insist on contributions that are necessary but it can accept contributions that are desirable providing they serve a demonstrable planning purpose.
3.	Different contributions must not be sought from different developers and Council Officers must follow the same approach when dealing with developers of Council-owned sites as they would with developers of privately-owned sites.
4.	Obligations that are not essential cannot be used to justify proposals that would otherwise be unacceptable [i.e. can't make a "bad" application "good"].
5.	In an appeal situation, the Secretary of State has indicated that he will only support obligations which are necessary , even though it can be lawful for a planning authority to receive obligations which are only desirable .
6.	The Borough Council is required to notify the Secretary of State of certain categories of "departure applications" and where the Borough Council itself has an interest in the application it is required to notify the Secretary of State of its own applications. The Council's legal team will need to advise whether a S106 planning agreement from which the Borough Council benefits constitute an "interest", thereby triggering the fuller notification requirement.
7.	Planning obligations can only be required where the Borough Council considers that specific improvements are necessary to the granting of planning permission.
8.	The Borough Council can legitimately receive [and hence negotiate] benefits which go beyond Local Plan policy and NPPF advice and guidance so long as a clear distinction is maintained between what is essential and what is desirable.
9.	Where there is concern that the viability of a scheme is becoming critical, Council Officers shall ask the applicant to adopt an open book valuation, whereby independent consultant or District Valuer advice is obtained in order to test viability and ensure reasonableness. Where this cannot be negotiated, the Council's Planning/Affordable Housing Officer will commission the necessary information and seek reimbursement of costs from applicants. Otherwise, planning permission will be refused.
10.	Written confirmation that the applicant has agreed to the matters to be included in the planning obligation should be obtained from the applicant as soon as it secured.

Source: Extract from Interim Planning Statement, Affordable Housing, 2010, RMBC

Appendix 5: Heads of Terms - Model Legal Agreement

In delivering affordable housing, reference should be made to *Planning Obligations: Practice Guidance and Model Planning Obligation (Section 106) Agreement [2006]*, which can be accessed from: www.communities.gov.uk. In particular, see Annex A to the Model Agreement: *Affordable Housing Drafting Notes*. Check current guidance and reference.

With regard to Rotherham's approach, Heads of Terms must be agreed at an early stage and certainly prior to consideration of a planning application by the Borough Council's Planning Board. The following details will be required for the drafting of the legal agreement:

- Name of the owner and evidence of title to the application site
- Name and contact details of any mortgagee, who shall be required to enter into the agreement

The owner shall be required to covenant in the agreement:

- To construct on site the required percentage or number of affordable housing units of a particular size/type and to an appropriate standard, in accordance with the Council's policy outlined in this document.
- Not to occupy more than a given percentage of market housing units until the affordable housing units have been transferred to a Registered Provider [RP] or other body approved by the Council.
- The transfer price to the RP shall be reflected in rent levels or shared lease prices obtainable by the RP, based on local incomes and local house prices.
- That all affordable housing units shall be used in perpetuity for the provision of affordable housing subject to safeguards for a mortgagee in possession either of the RP or of an individual purchaser.
- That the affordable housing units shall not be disposed of other than by an assured tenancy or a shared ownership lease or other approved form of tenure, again subject to safeguards for mortgagees.
- That the affordable housing units shall not be occupied other than by persons meeting the specified eligibility criteria.

The legal agreement shall contain appropriate safeguards for the owner, in the event that a PRP or other approved body cannot be found to take a transfer of the affordable housing units.

A fee will be payable to cover the cost of the preparation, completion and registration of the legal agreement, which will be registered on the Register of Local Land Charges.

Affordable Housing Supplementary Planning Document [SPD] **2020**

Appendix 6: Affordable Housing Delivery in Rotherham 2011-2019

Affordable Housing Delivery in Rotherham 2011-2019

Based on individual planning applications covering the period 2010 to July 2019, it has been possible to track and record the extent to which RMBC's affordable housing policy requirement is being met.

Rotherham's Affordable Housing Policy

It is important to note that the planning authority's affordable housing policy has undergone some changes, based on refreshed data on viability and in response to changes in national policy. In the decade 2000 to 2010, the affordable housing policy pursued a two-tier approach. In Rotherham's Housing Market Renewal areas the affordable housing requirement was set at 7.5% and in the rest of Rotherham the policy was set at 15% of a scheme's total number of dwellings. After viability appraisal studies had been conducted in 2010 and 2011, the evidence supported a change in the affordable housing policy and after public consultation the planning authority raised the affordable policy requirement to 25% for sites of 15 or more dwellings. For smaller sites [of fewer than 15 units] the planning authority sought commuted sums equivalent to £10,000 per unit which were to be spent to deliver off-site affordable housing. As a result of changes in national policy, the affordable housing policy for smaller sites [of 10 units or fewer] was abolished and this is the national policy position presently.

Planning Applications and Pace of Delivery

Of all the planning applications examined, forty two were granted with a requirement to deliver affordable housing. Of these, fifteen separate applications relate to Waverley; and two other permissions relate to another large residential development scheme at Sawn Moor [which was built out by Barratt/David Wilson Homes and Persimmon between 2013 and 2017]. The remaining permissions are individual schemes. The table below summarises the above permissions according to the number of dwellings being delivered.

Total Number of Dwellings	Number of Permissions
1-14	1
15-30	7
31-50	6
51-75	5
76-125	13
126-200	6
201-300	3
301-400	1
Total	42
Total Number of Dwellings	4,046

Of the 4,046 dwellings that have been granted planning permission, 617 are affordable housing units; which crudely represents a 15.24% percentage. However, not all of these dwellings have been built out yet. Indeed, data shows that of the original 655 affordable housing units to be delivered, 356 have been built and the remainder [i.e. 263] are scheduled to be built out in the future; it is difficult to be specific as delivery is dependent upon the pace of delivery of market homes.

The pace of delivery is a key factor in residential development, and this obviously has a strong effect on the delivery of the affordable housing units. Broadly, delivery depends on a number of factors including:

- Nationally, the state of the general economy;
- Locally, the position in the local housing market cycle;
- The scale and complexity of any proposed residential development; and

Affordable Housing Supplementary Planning Document [SPD] 2020

- The specific constraints/opportunities arising from the site and its situation.

Examining the planning applications where affordable housing is legitimately sought by the planning authority, it is clear that the larger sites are built out in phases, often over four or more years. Some of these sites have been built out more quickly because market confidence has been high and rising. Some sites have been built at a slower rate simply because of market context and this is well exemplified by the record of delivery at Waverley; in more recent years at Waverley the pace of delivery has been much improved.

Affordable Housing Delivery

Of the 655 affordable housing units, 388 units have been delivered over the period 2011 to the end of 2019. The annual rate of delivery of the affordable units is revealed below:

Year	2011	2012	2013	2014	2015
AH Units	16	15	56	26	64
Year	2016	2017	2018	2019	TOTAL
AH Units	45	10	13	112	356

The remaining affordable units [i.e. 263 units] are planned to be delivered in the coming years alongside their market homes.

A key issue involves whether these numbers indicate that the planning authority's affordable housing policy is being met. The data below shows the policy position:

AH Policy Compliance	Number of Qualifying Schemes	Comments
Higher than Policy	3	e.g. With aid of HCA grant; agreed different AH housing mixes that generated additional AH units.
Policy Compliant	29	i.e. 25%
Compliant, but with alternative housing mix	2	e.g. Bungalows taken in a 1: 2 ratio
Compliant, but with compensatory Commuted Sums	4	
Compliant, but with compensatory Overage payments	1	
Lower, as a result of claiming Vacant Building Credit	3	
Total	42	

Of the 42 agreements to deliver affordable housing, no fewer than 36 of these delivered the planning authority's affordable housing policy requirement either directly through delivery on site, by accepting a different housing mix, or commuted sums which were deemed to provide equivalent compensation for a number of actual units that would normally be delivered on-site. It is worth noting that the AH policy could not be delivered because Vacant Building Credits have been claimed on 3 sites, which reduced the provision of affordable housing on these sites. Interestingly, there are three other sites where a higher proportion of affordable housing has been achieved [one because of public subsidy, the other 2 because of agreements with the developers to deliver a different mix of affordable units].

There are **eight other residential schemes** where presently their planning status is uncertain. Specifically:

- **Four schemes are not proceeding; three** of these were judged to be **unviable; and another scheme** is unlikely to proceed **as the applicant has been declared bankrupt;**
- **One** is proceeding, though rather slowly, however a **commuted sum** has been agreed instead of on-site provision; and
- There are **three other applications where their planning status remains undetermined**, though there are **agreements in principle to deliver the affordable housing policy requirements** [i.e. 25%].

If the **three above schemes do proceed**, these will deliver 482 dwellings, of which 120 will be affordable, meaning that the planning authority's policy of seeking 25% affordable housing [or equivalent] on these sites is also being met.

Concluding Remark

Overall, the planning authority has been **shown to be delivering its affordable housing policy requirement over the last decade**. Any deviations from the policy requirement were justified by specific site matters, whether this relates to a lack of viability or where the planning authority has negotiated a different housing mix or an off-site commuted sum that had been judged to be equivalent in planning policy terms. **It also reveals that the planning authority has been flexible** and respectful of market conditions and site specific matters that can affect both viability and the ability of a site to deliver its quotient of affordable housing in accordance with local plan policy.

Prepared by Professor Stephen Walker on behalf of Rotherham Planning Authority
9th December 2019

Filename: SWK_NOTE_AH_DELIVERY_REFRESH_09DEC2019.docx

DRAFT

Rotherham local plan

Development Viability Supplementary Planning Document



Prepared by Professor Stephen Walker

June 2020

www.rotherham.gov.uk

EXECUTIVE SUMMARY

1. This Supplementary Planning Document [SPD] sets out over-arching principles that Rotherham Metropolitan Borough Council, as the local planning authority, shall apply in evaluating development viability, as part of the planning decision process, in accordance with national guidance.
2. This SPD does not alter the Council's existing planning policies, but provides additional advice on the appraisal methodology, information requirements and review procedures that the Council intends to apply when evaluating submitted viability evidence. Importantly, its purpose is to provide greater clarity to developers and third party interests, including members of the public, and should be read alongside the Local Plan and the planning authority's other associated planning guidance.
3. The Council's adopted *Core Strategy* [RMBC, 2014] and its *Sites and Policies Local Plan* [RMBC, June 2018] are further supported by an *Affordable Housing Refresh study of Viability* [RMBC, June 2019a] which has sought to update the viability position of residential development in Rotherham. This study has tested a cross-section of the sites that are included in the Council's adopted plan to ensure that development is not rendered unviable by the plan's affordable housing and other planning policy requirements. Accordingly, and in conformity with national guidance, the Council expects all planning applicants to deliver full policy compliant schemes, especially as the vast bulk of the sites included in its recently adopted plan are green field sites that have been released from green belt designation.
4. The Affordable Housing Refresh study also demonstrates that the Council has been successful in delivering affordable housing in accordance with its extant policies, and where this has not been possible, for example because of site conditions, the Council has been flexible in accepting a different mix or numbers regarding on-site affordable housing provision or commuted sums that have been judged to be of equivalence.
5. This SPD details the approach applicants shall follow if they elect to contest viability [see Section 4]. It reveals the evidence that must be presented and the format in which this must be submitted in order that the Council [and where necessary its advisors] can evaluate its accuracy and relevance in informing its decision-making [see Section 3].
6. To support this process of review and evaluation, Section 2 of the SPD provides guidance on the appraisal methodologies that are typically used in carrying out development viability appraisals, the kind of evidence and assumptions that are to be adhered to in its assessment and it proffers a number of questions that the

Council's officers will be posing. Consistency and equity are the goals that the Council is seeking in all applications that are subject to viability and review.

7. Thus, this SPD is presented to applicants in a spirit of support as well as openness/transparency that the Council wishes to embrace and for which all applicants shall reciprocate. Further advice and support is provided in Appendix 2; the Council strongly recommends that applicants read its contents prior to making a decision to proceed.
8. The viability review process, which is set out in Section 4, shall focus on the principal variables determining the residual land value estimate generated by the appraisal methodology. In this regard, the key variables of values and costs will be scrutinised; it shall be expected that applicants present their evidence base where it shall be robustly examined including the site's existing use value. The existing use value [plus a premium] is used to determine an acceptable land value benchmark which, in accordance with guidance, shall reflect the minimum required to incentivise a reasonable landowner. The Council shall expect the applicant to demonstrate the site's current use value by confirming the existence of an operational business otherwise the Council shall discount its worth accordingly. Land prices shall not be accepted by the Council.
9. In situations where developments are unable to achieve policy compliance, applicants shall be subject of a subsequent viability review mechanism, which shall be secured through a planning obligation. The viability review mechanism will depend on a number of factors, especially relating to the scale and the phasing of development. The viability review mechanism that is set out in Section 4 and supported by the information in Appendix 4 shall be evaluated by the Council to confirm if applicants are able to deliver further policy requirements based on the evidence submitted by the applicant.
10. The Council's position is one that the sites in its Local Plan are able to deliver full policy compliant schemes. The Council recognises that, exceptionally, there may be circumstances where this is not possible and, thus, the viability review mechanisms contained in this SPD shall be embraced, otherwise applications seeking planning permissions shall be refused.

CONTENTS

EXECUTIVE SUMMARY	2-3
<u>Section 1: Preamble</u>	6-8
Scope of the Document	
Status and Use of this Document	
<u>Section 2: Development Viability and Negotiation</u>	9-16
Preamble	
Summary of Viability Appraisal Requirements	
Transparency of evidence	
Development Appraisal Methodology	
Benchmark land values	
Assessing Existing Use Value/Alternative Use Value	
Market Value Approach	
<u>Section 3: Information Requirements – Evidence, Variable Inputs and Assumptions</u>	17-29
Required Information and Evidence Base	
Inputs Template: Variable Inputs and Assumptions	
Outputs Template: Viability Appraisal Outputs	
<u>Section 4: Viability Review Procedures</u>	30-38
Preamble	
The approach to viability review	
Additional provisions capped based on extant policy requirements	
Timing of viability reviews	
Viability review process	
Pre-Implementation Viability Review	
Mid-term Viability Review	
Advanced Stage Viability Review	
Considering Changes in Values and Costs at Planning Application Stage	
Material Changes	
<u>Bibliography</u>	39
<u>Appendices</u>	40-68
1. Glossary of Terms	
2. Advice to Applicants and Council Officers	
3. An example of Inputs Template	
4. Financial weights applied in conducting a static Residual Land Valuation Estimate	
5. An example of Outputs Templates 1 and 2	
6. Formulae: Viability Review Mechanisms - A, B, C and D	
7. Active spreadsheets containing Formulae [A, B, C and D]	

Acronyms

AH	Affordable Housing
ADC	Abnormal Development Costs
ARY	All Risk Yield
BC	Build Costs
CF	Cash Flow
CRI	Compound Rate of Interest
CP	Capital Profit
DF	Development Finance
DY	Development Yield
DCF	Discounted Cash Flow
DRI	Discounted Rate of Interest
EUV or CUV	Existing or Current Use Value
GDV	Gross Development Value
IRR	Internal Rate of Return
LP	Land Price –offer/transaction
LV/RLV	Land Value/Residual Land Value
NPV	Net Present Value
RLVE	Residual Land Value Estimate
PRP	Private Registered Provider
V	Viable/Viability
YP	Year's Purchase

Section 1: Preamble

1. Development viability is an important aspect in the planning process being underpinned by the National Planning Policy Framework [MHCLG, 2019a] and the accompanying Planning Practice Guidance for Viability [MHCLG, 2019b]. Appraising viability is undertaken when local planning authorities produce Local Plans. As part of the planning application process, the core purpose of contesting viability is to confirm that developments are deliverable, while explicitly taking into account Local Plan policy requirements, such as the provision of affordable housing, infrastructure and delivery of environmental policies, site specific attributes and local market context and sentiment. Rotherham Metropolitan Borough Council's [RMBC] adopted Core Strategy [RMBC, 2014] and Sites and Policies Local Plan [RMBC, 2018] require developers seeking to challenge planning policy requirements to provide development [viability] appraisals to demonstrate that each scheme is not fully policy compliant, especially in respect in the provision of affordable housing.
2. A recently prepared research paper demonstrates the degree to which RMBC's affordable housing policies has been met [RMBC, 2019b]. Of the 43 qualifying development schemes [2011-2019] where there was an agreement to deliver affordable housing¹, no fewer than 36 of these delivered the planning authority's affordable housing policy requirement either directly through delivery on site, by accepting a different housing mix, or commuted sums which were deemed to provide equivalent compensation for a number of actual units that would normally be delivered on-site. **Applicants need to be aware that overall, the evidence confirms that the planning authority is successfully delivering its affordable housing policy requirement.** Any deviations from the policy requirement can be explained as being due to specific site matters, whether this related to a lack of viability or where the planning authority had to negotiate a different housing mix or an off-site commuted sum that were judged to be equivalent in planning and housing policy terms. Importantly, it also reveals that the planning authority has been flexible and respectful of market conditions and site specific issues that affect both viability and the ability of a site to deliver its quotient of affordable housing in accordance with local plan policy.
3. Currently there is a range of different guidance relating to viability. The focus of this Supplementary Planning Document [SPD] is the guidance that serves site-based development viability appraisals² and the rigorous approach that shall be taken by the local planning authority in evaluating development viability appraisals. This SPD sets out over-arching principles that the local planning authority shall apply in evaluating development viability, as part of the planning decision process, in accordance with national guidance. Indeed, it is prescient to stress to applicants that current national guidance states:

"Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be

¹ In the early part of this period, Rotherham had a two tiered affordable housing policy, which were significantly lower than the current rate of 25% on qualifying sites.

² Rather than whole plan strategic housing viability assessments.

viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force. All viability assessments, including any undertaken at the plan-making stage, should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available.” [Paragraph 57, p.16, NPPF, MHCLG, February, 2019]

4. Proposals should be designed in a way that accords with Local Plan policies, including for the provision of affordable housing taking account of the overall Local Plan requirements with a policy compliant tenure mix and split.
5. The Council is aware that in some exceptional circumstances, a proposal may generate insufficient value to support the full range of developer contributions [for example on sites with known contamination or remediation requirements].
6. In instances where, in the opinion of the applicant, a scheme cannot meet policy requirements, applicants are required to robustly demonstrate that the site is clearly unviable by submitting a Financial Viability Appraisal [FVA].
7. The SPD proffers greater clarity to developers and third party interests, for example, members of the public, and should be read alongside the Local Plan and the Council's other associated guidance. Crucially, it does not alter existing policies, but provides additional advice on the appraisal methodology, information requirements and review procedures that the Council intends to apply when evaluating the submitted viability evidence.
8. **In the spirit of openness and to further help applicants fully understand the Council's approach, applicants are strongly advised to read Appendix 2. This explains the Council's approach in evaluating a contested viability appraisal, particularly setting out key issues and principles of the appraisal methodologies, and transparency with regard to the generation and presentation of evidence by applicants, and the kinds of questions that are likely to arise in conducting the evaluation. If an applicant is in any doubt as to whether they should contest viability, they should contact the planning officer dealing with their application.**

Scope of this document

9. This SPD provides guidance on:
 - What is expected of applicants submitting viability appraisals in support of applications, including the process involved and required information;
 - How the Council will consider submitted viability appraisals; and

- Guidance on future viability review mechanisms in cases where the affordable housing target or other policy requirements are not met following the consideration of a submitted viability appraisal.

10. Of course, there is no need for applicants to submit a viability appraisal if they are willing to meet all planning policy requirements in respect of their proposal.

Status and use of this document

11. In accordance with relevant legislation, this SPD has been subject to consultation, review of feedback received and then formally adopted by the Council. It supplements the Council's Core Strategy [RMBC, 2014] and its Sites and Policies Local Plan [RMBC, 2018] and forms a material consideration in the determination of planning applications. Thus the SPD should be taken into account during the preparation of proposals for residential and mixed-use or non-residential development from the inception stages and when undertaking development viability and negotiating site acquisitions. The rest of the SPD is organised as follows:

Section 2: Provides detailed guidance on the viability appraisal process.

Section 3: Provides guidance for applicants on the typical information requirements that they will be expected to provide to support their viability appraisals and the Council's review procedures.

Section 4: Provides guidance on the use of future viability review mechanisms for all applications where policy requirements are not met in full at the time planning permission is granted.

12. Further supporting information is presented in the following appendices:

Appendix 1: Glossary of Terms

Appendix 2: Advice to Applicants and Council Officers

Appendix 3: An example of an Inputs Template

Appendix 4: An explanation of financial weights used in a static Residual Land Valuation Estimate.

Appendix 5: An example of the Outputs Templates

Appendix 6: Formulae used in the Viability Review Mechanisms

Appendix 7: Links to active spreadsheets containing the Formulae used in the Viability Review Mechanisms

13. Finally, in the event of any doubt, applicants are urged to contact the relevant Planning Officer handling their planning application in the first instance.

Section 2: Development Viability and Negotiation

Preamble

14. The economic viability of development is important in terms of supporting delivery in both plan making and when determining planning applications [MHCLG, 2019a].
15. The Council has accounted for the cumulative impact of its policy requirements on development viability as part of the evidence base supporting the independent examination of its Core Strategy [RMBC, 2014] and Sites and Policies Local Plan [RMBC, 2018] and its recently published Affordable Housing Refresh study covering site-based viability [RMBC, 2019].
16. It is the Council's role to determine the most appropriate approach to be taken in each viability case. This SPD sets out guidance on the approach and appraisal methodology considered appropriate in the context of supporting delivery of the Local Plan and making sure that the maximum possible provision of necessary planning obligations is achieved on the particular site, and reflecting scheme circumstances, bearing in mind that this relates to the land and to planning; and is not an approach that is tailored or responsive to the applicant's particular circumstances in any way.
17. All Financial Viability Appraisals [FVA] shall be submitted in a clear and accessible format with full supporting evidence to substantiate the inputs and assumptions used [as set out in this SPD] and shall be submitted alongside a planning application in order for it to be validated. Section 3 provides templates of the data/evidence sources [i.e. inputs] and expected outputs from the viability appraisal [see pp.23-28].
18. The FVA will be scrutinised and evaluated by the Council's planning officers [and when appropriate] with advice from a suitably qualified external consultant and the cost of this external consultant is to be borne by the developer/applicant. The evaluation will consider whether the approach adopted and variable inputs and assumptions used are appropriate and adequately justified by evidence and will determine whether the level of planning obligations and other Local Plan requirements proposed by the applicant are the maximum that can be viably supported or whether further obligations and/or a greater level of policy compliance can be achieved. During evaluation, the Council may request clarification or additional information. Where appropriate, the Council will be prepared to consider reasonable compromise but will expect applicants to present FVAs that demonstrate the nearest to policy compliant proposals possible, having demonstrated satisfactorily that full compliance cannot be achieved. If a FVA is not agreed by the Council and follow-up/negotiation is appropriate, the Council will expect that further review costs are also paid by the applicant.
19. The cost of the Council's review of the FVA and any other associated costs [for example related to any follow-up or negotiation requiring the Council's further review or additional support by its external consultant] will be paid in advance by the applicant – before the review or follow-up work proceeds. In some instances it may be necessary also for the Council or applicant to commission additional specialist services to enable the

Council to properly assess the scheme, depending on the nature of the proposals and the dialogue on the information supplied.

20. On completion of the FVA [or any follow-up review FVA], the Council will indicate if additional planning obligations are required over and above those proposed by the applicant through their FVA. Heads of Terms will be included in the Council's Planning Report, reflecting the outcome of the viability process. An application will be recommended for refusal of planning permission if terms cannot be agreed.
21. Where reductions in affordable housing provision are agreed on viability grounds the Council will include the estimated scheme Gross Development Value [GDV] and build costs at the time of planning permission in a planning obligation. Additionally, potential affordable housing units will also be identified³ in planning obligations where affordable housing is not being provided in full or in part on viability grounds. This will enable affordable units to be provided at a later stage if there is an improvement in viability and it subsequently proves possible to provide such units. [See Section 4 which sets out in detail the Council's Viability Review mechanism].
22. NPPF guidance encourages transparency of evidence wherever possible. The Council requires that the FVA must be open and transparent and that it adopts an "open book" approach [MHCLG, 2019b].
23. To ensure openness and transparency in the planning process, all viability evidence will be made publicly available on the public planning register alongside other planning application documentation. Redaction of any information will only be allowed in exceptional circumstances, and any justification provided as to the extent of harm that would occur if the information was disclosed will be placed on the public planning register, whether or not accepted.
24. If a FVA submitted to the Council is to be relied on for the purposes of determining a planning application [the Submission VA], the Council will expect that this appropriately represents the viability of the development and is consistent with corresponding information that an applicant has themselves relied upon to inform commercial decisions.
25. The Council will not accept viability arguments where it is not given the ability to properly assess the validity of the appraisal that is relied on. It is essential the Council is provided with a full working electronic version of the viability appraisal methodology that can be fully tested and interrogated. All assumptions shall be accessible and capable of variation to observe the impact on the appraisal methodology's outputs⁴.

³ This will include a site plan showing the layout of the final approved scheme plan, which will be integral to a S106 planning obligation.

⁴ The Council will generally not make the live working version of a viability appraisal methodology accessible to third parties, other than to those who have a specific role in advising the Council on viability matters. These advisors will be required not to release the appraisal methodology to any third party.

Summary of Viability Appraisal Requirements

26. The minimum requirements for a FVA and the submission of supporting information are set out in Sections 2 and 3 but the following shall be noted:

- A FVA should contain:
 - A summary of the main viability appraisal assumptions;
 - A detailed appraisal containing the information required by Section 3 as a minimum, with supporting evidence;
 - A summary clearly setting out the exceptional reasons that make the development proposal unviable; and
 - A request to vary usual affordable housing requirements and or any planning obligations that have been deemed necessary to mitigate the scheme's development impacts.
- Assumptions used in the FVA shall be generally evidenced from an independent expert or publicly accessible source.
- The applicant shall provide a written statement that the FVA appropriately represents the viability of the development and is consistent with corresponding information that the applicant has themselves relied upon to inform commercial decisions; and that the costs and values applied in the FVA submitted to the Council are consistent with current costs and values within [or used as a starting point for] FVAs that the developer or responsible body is relying on for internal or financial purposes⁵.
- A statement that the agency or consultant undertaking the FVA has not been instructed on the basis of performance related pay or incentivised in any other way according to the outcome of the viability process and the level of planning obligations that the applicant is required to provide.
- The applicant must clearly demonstrate, with reference to viability evidence, that the proposed level of planning obligations is the maximum that can be provided and that the scheme is deliverable with this level of provision; and a statement that the scheme as proposed to be deliverable is based on the information provided to the Council.
- Where the applicant does not intend to build out the scheme themselves, they may be expected to provide evidence from a developer with experience of delivering schemes of a similar type and scale to demonstrate that the scheme is capable of being delivered on the basis of the evidence presented in the VA.
- The financial viability of schemes will change over time due to the prevailing economic climate and changing property values and construction costs. On large sites with extended build out times and particularly in cases for schemes granted in outline, a

⁵ If 'outturn' values and costs are applied within an appraisal presented to the Council, these should also be consistent with those relied on by the applicant - see Section 3.

Review FVA is likely to be required for each phase and/or updated when each reserved matter application is made.

27. Where the Council is satisfied that developer contributions cannot be met in full due to financial viability, the Council will choose to:

- Negotiate the affordable housing requirement in accordance with Local Plan Policy CS7 [RMBC, 2014]. This could include:
 - Modifying the phasing of the delivery of affordable housing requirements, but only in appropriate circumstances where justified;
 - Reduced or revised affordable housing requirements [including adjustments to tenure mix and split]; and/or
 - A Review VA for the claw back of an affordable housing financial contribution in the event that the completed development proves to be more financially viable than anticipated in the submitted FVA.
 - The Council will not engage in a Review of VA which leads to lower provision at subsequent stages.
- Negotiate other planning obligations. This could include:
 - As a priority, the provision of site specific infrastructure in phases or with deferred timing or trigger points;
 - Reducing the scope of contributions or in-kind requirements provided the scheme would still remain acceptable in planning terms. This could be through altering the scope or specification of a particular piece of infrastructure or negotiating reduced commuted sums;
 - Mechanisms for the Planning Authority to claw back a financial contribution in the event that the completed development proves to be more financially viable than anticipated in the FVA⁶.

Transparency of evidence

28. To ensure openness and transparency in the planning process, all viability information will be made publicly available on the public planning register alongside other planning application documentation. Redaction of any information will only be allowed in exceptional circumstances, and any justification provided as to the extent of harm that would occur if the information was disclosed will be placed on the public planning register, whether or not accepted.

29. It is common practice for applicants to seek to place confidentiality restrictions on viability information, normally as a request for exemption from disclosure under the Environmental Information Regulations 2004 and the Freedom of Information Act 2000, on the basis that this would adversely affect the confidentiality of commercial information which protects a legitimate economic interest.

⁶ So long as these particular planning obligations are not necessary to make a development acceptable in planning terms.

30. However, the Council recognises the importance of public participation and the availability of viability information in the planning process to inform local Councillors, officers and consultees. The Council considers that disclosure would not cause an 'adverse effect' which would outweigh the public benefit of such an action; and that information submitted as a part of, and in support of a FVA should be treated transparently and be available for wider scrutiny. In submitting information, applicants should do so in the knowledge that this will be made publicly available alongside other application documents and in accordance with current national guidance on viability.
31. The Council will allow exceptions in very limited circumstances and only in the event that disclosure of an element of a FVA would clearly cause harm to the public interest to an extent that is not outweighed by the benefits of disclosure. Applicants wishing to make a case for exceptional circumstances shall provide full justification as to the extent to which disclosure of a specific piece of information would cause an 'adverse effect' and harm to the public interest, that is not outweighed by the benefits of disclosure.
32. The Council will consider this carefully, with reference to the 'adverse effect' and overriding 'public interest' tests in the Environmental Information Regulations, as well as the specific circumstances of the case. Such issues should be raised at an early stage within the pre-application process.
33. The Council has the right to provide information to external parties advising it on viability matters to fulfil its statutory function as Local Planning Authority. Regardless of any decision not to make specific elements of an appraisal publicly available information will be made available, on a confidential basis, to Planning Committee members or any other Council member who has a legitimate interest in seeing it.
34. The Council may also need to release information to a third party where another body has a role in providing public subsidy; or where the application is subject to a planning appeal. Any decision not to disclose information will be subject to the Council's obligations under the Freedom of Information Act 2000 and the Environmental Information Regulations 2004.

Development Appraisal Methodology

35. The Residual Land Value [RLV] appraisal methodology is a tool to determine whether a scheme will proceed or not. It determines the 'residual' value that is left available to pay a landowner for their land, once the costs of development [and a reasonable capital profit for the developer] are deducted from the gross development value [GDV] generated by the development. If a proposal generates sufficient positive land value after also supporting a suitable level of profit as well as necessary development costs and planning obligations, it will generally be capable of implementation from a viability point of view. If not, the proposal may not go ahead, unless there are alternative funding sources to 'bridge the gap' or other compelling drivers for it to progress. In all cases, the Council will always seek to mitigate the development impacts arising from the development [in addition to affordable housing] to ensure that applicants pay, as far as practicable, the true and full cost of their proposals and so minimise any spill-over costs on those not directly involved in the development decisions.

36. Any additional land value provided by a development over and above the value of the site in its existing use [inclusive of a premium], or an accepted policy compliant alternative use, is dependent on the grant of planning permission and be in compliance with the Local Plan⁷.
37. The RLV appraisal methodology is the most appropriate to use in this context and is consistent with the longstanding principle that policy requirements associated with securing planning permission are development costs that influence the level of any uplift in land value from the grant of planning permission or change of use of land for development. Applied properly this appraisal methodology and approach is therefore appropriate for appraising viability as part of the planning process given that the purpose of the planning system is to achieve sustainable and resilient development.
38. Landowner expectations and speculation on land values need to be balanced against the legitimate needs of communities accommodating new development, including the provision of affordable housing and infrastructure. Ultimately, the landowner will make a decision on implementing a scheme or selling on the basis of return and the potential for market change, and whether an alternative development might yield a higher value. The landowner's 'bottom line' will be achieving a residual land value at a premium above the 'existing use value' a reasonable landowner would expect to make development worthwhile. Further details on the application of existing use value are set out below on pages 15-16.
39. It is not considered appropriate to apply a fixed land value as an input within a development appraisal based on price paid for land or on an aspirational sum sought by a landowner. In such cases the developer's capital profit rather than the land value, would become the output of the residual valuation. This can result in a high fixed land value which is inconsistent with the outcome of the FVA which shows an unviable scheme. Other changes to a scheme, such as an increase or reduction in density [which can increase or decrease residual (land) value] may not be reflected in an appraisal where the site value has been fixed and is not the output of the appraisal methodology.

Benchmark land values

40. National guidance confirms that current or existing use value provide an appropriate basis for comparison with a residual land value to determine whether this incentivises a reasonable landowner to release a site and achieve a competitive return⁸.
41. Benchmark land values, based on the existing use value or alternative use value of sites, are key considerations in the appraisal of development viability as they indicate the threshold for determining whether a scheme is viable or not. A development is deemed to be viable if the residual land value is equal to or higher than the benchmark land value. At

⁷ Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that "where in making any determination under the planning Acts, regard is to be had to the Local Plan the determination shall be made in accordance with the plan unless material consideration indicates otherwise.

⁸ Planning Practice Guidance for Viability, MHCLG, May and September, 2019b

this level, it is considered that a reasonable landowner will receive a competitive, yet minimum return and it is assumed will willingly release the land for development.

Assessing Existing Use Value/Alternative Use Value

42. Existing use value is defined as the value of the site⁹ in its existing use, assuming that it remains in such use. It does not include any hope value¹⁰ to reflect development on the site for alternative uses. Existing use values can vary significantly depending on the demand for the type of buildings or land uses relative to other areas. For instance, open green field land or other forms of previously undeveloped land or unused land have significantly lower existing use values.
43. It is important that any reference to existing use value is fully justified with comparable evidence specific to its current use. It excludes any 'hope value' associated with proposed development on the site or potential alternative uses.
44. Development, particularly residential, generates significantly higher land values and landowner expectations. In accordance with new national guidance [MHCLG, 2019b], the Council will expect benchmark land values for green field sites to provide a "minimum return" to a "reasonable landowner". Thus the premium on the EUV is likely to be around seven times¹¹, which is sufficient to allow policy compliant developer contributions¹² to be provided. In these circumstances, the developer makes a satisfactory level of profit and the landowner gets their windfall. It is a common approach to utilise an Alternative Use Value, or an Existing Use Value plus a premium to determine the benchmark land value and assess whether the residual land value provides a competitive return for the landowner.
45. The Alternative Use Value or an Existing Use Value plus a premium approach may be informative in establishing the benchmark land value. This method reflects the need to ensure that development is sustainable [by taking into account site specific circumstances and complying with policy requirements] and should reflect the value of the landowners' existing interest [prior to grant of consent] and the need to provide a relevant incentive for the landowner to release the land for future development.
46. Any Alternative Use Value, or Existing Use Value plus a premium should be limited to those uses which have an existing implementable permission for that use in that there is an observable operational "business". The Council will need to be convinced that this kind of evidence used in the viability appraisal is robustly sourced and authenticated.

⁹ Market transactions used to justify an existing use value must be genuinely comparable to the application site, and should relate to sites and buildings of a similar condition and quality, or otherwise be adjusted accordingly and shall **exclude a land value uplift relating to future changes in uses** derived through the grant of planning permission.

¹⁰ This is an element of market value that reflects the prospect of some more valuable future use or development in excess of the existing use value.

¹¹ However, there is no standard premium; for each site, definitive evidence needs to be provided to support the premium relating to risk profiles of the use of the site.

¹² This includes affordable housing and other developer contributions sought in the Council's extant Local Plan.

47. An Alternative Use Value approach to the benchmark land value will only be accepted where the alternative use would comply with the Local Plan. Sufficient information should be submitted to allow the principle of the alternative use to be assessed on a “without prejudice” basis to any future application that might be submitted.
48. In all cases, land or site value should reflect the site characteristics and conditions, planning policies including affordable housing, planning obligations and the appropriate Community Infrastructure Levy [CIL] rates. Such an approach significantly reduces inflated land values arising from the grant of planning permission, based on assumptions which do not adequately reflect planning policy and would likely make these unviable. This is in accordance with the internal logic of the appraisal methodology used in conducting development viability.

Market Value Approach

49. There is no single threshold land value at which land will come forward for development and there are a number of potential difficulties in the analysis of land market transaction to inform the benchmark exercise in FVAs. Such issues might be:
- Overall – comparability of sites, schemes and circumstances, particularly across different planning authorities.
 - Potential overestimates of value based on past transactions [“market comparables”].
 - Potential for other transactions [“market comparables”] to not fully reflect current planning policy requirements such as those relating to affordable housing and density within the planning authority.
 - Differences in existing use value depending on observable business operations and any income generating existing uses.
 - Land transactions are speculatively based on assumptions of growth in values.
 - Transactions may relate to sites of different sizes, densities, mix of uses and costs to facilitate development.
50. Reliance on transactions that are not comparable may therefore lead to inappropriate views on a site’s land value or worth. This restricts the ability to secure development that is viable, sustainable and consistent with the Local Plan.
51. Comparable, market-based evidence can be used to inform the Alternative Use/Existing Use Value plus Premium, but should always be appropriately adjusted to ensure that transactions are genuinely comparable, reflect current policy requirements and have not been inflated through assumptions of growth in values. If this is not possible, limited weight can be given to this and any benchmark land value that is reliant on them and the Council will rely on the Existing Use Value plus a Premium approach applying the guidance set out in this SPD.

Section 3: Information requirements – Evidence, Variable Inputs and Assumptions

Required Information and Evidence base

52. The submitted FVA should contain as a minimum the following information and data, which is set out in Table 1 below. The following information informs how a viability appraisal is generated.

Table 1: Viability Appraisal: Required Information and Variable Inputs

Information and data required		Notes
Appraisal format	- Printed and electronic version of appraisal in format that can be fully tested and interrogated. - Appraisal methodology utilised for the appraisal including details of any appraisal software or toolkits used. - The unit of measurement must be metric.	
Scheme details	- Gross and net site area and densities. - Residential unit numbers, sizes and types of units including the split between private and affordable tenures. - Floor space areas: - Residential: Gross Internal Area [GIA] and Net Saleable Area [NSA]. - Commercial & other Uses: Gross Internal Area [GIA] and Net Internal Area [NIA]. - Proposed specification for each component of development, consistent with assumed costs and values, and target market or occupiers.	
Development programme	- Project plan, including land acquisition, pre-build, construction and marketing periods and phasing. - Viability cash flow where possible the timing and phasing of cost and revenue inputs [including interest rates, capitalisation rates; loan costs; residential sales rates with reference to project or build out plans and contracts and land or development or letting agreements as relevant].	
Gross Development Value	- Anticipated residential sales values, ground rents, sales rates [per month], and assumptions regarding forward sales and supporting evidence. - Anticipated rental values, yields and supporting evidence. - Details of likely incentives. - Rent-free periods, voids for any commercial element. - Anticipated value [and timing of payments] of affordable units based on evidence including details of	- Assumptions relating to development values should be justified with reference to up to date transactions and market evidence relating to comparable new build properties within a reasonable distance from the site, and, where relevant, arrangements with future occupiers where possible. - Information relevant to comparable properties should be fully analysed to demonstrate how this has been interpreted and applied to the application scheme. - Development appraisals should be informed by discussions with a RP of

	discussions with Registered Providers [RP] & RP offers. ▪ Substitution values and revenues for less or no affordable housing. ▪ Where house prices have been transformed, reference to its source is essential. The Council will draw on the ONS New House Price Index to verify such transformations.	affordable housing – providers may be able to indicate their likely offer prices. ▪ Affordable housing values assumed within a FVA should reflect the offer/s made by RPs for purchasing the affordable housing element of the development. Where input is not available, information on rents, management and repair costs, voids, yields /payback period requirements should be submitted. For Shared ownership - % share and rent level on retained equity. Estimated % of market value (MV) and £/m² indications are also useful benchmarks helping inform a view on the revenue assumptions. ▪ Evidence of calculations underpinning affordable housing values, including details of rental and capital receipts [including, where relevant, stair-casing], ▪ Discussions with RPs and subsidies should be provided.
Build Costs	▪ Build costs [£/m²] based on Build Cost Information Service [BCIS], with values correctly reflecting the specific proposal, and justified to show that an appropriate and reasoned approach has been taken in estimating the costs. ▪ BCIS data are building prices. It will be expected that applicants extract the contractor's rate of profit [equivalent to 5% of prices] to arrive at a baseline build cost, which is inclusive of preliminaries. ▪ Abnormal or exceptional costs not reflected in the land value/price, providing underlying details. ▪ Where applicants seek to rely	▪ Development costs adopted within FVAs are typically determined based on current day figures at the point of the planning permission. ▪ The BCIS is a publicly available source of cost information which can be used in FVAs. The selection of BCIS values must correctly reflect the specific nature, location and size of proposal, and be justified to show that an appropriate and reasoned approach has been taken in estimating the costs. In such instances where costs are agreed by the Council, this would be an acceptable basis of cost inputs as part of a review mechanism, linked to the Tender Price Index [TPI]. ▪ Abnormal costs should come with an explanation of the need/relevance and cost estimate information / reasoning for the assumed cost

	on a specific assessment of build costs rather than a recognised publicly available source of information [likely to be the case for larger schemes]: expected build cost and supporting evidence including a fully detailed elemental cost plan demonstrating the basis of cost estimations and evidence of contractor costs. Disaggregated abnormal costs [if relevant] that can be benchmarked against BCIS data. ▪ Details of other costs such as demolition and supporting evidence including clarity on any additional assumptions such as relating to external/site works.	levels. ▪ It should not be assumed that abnormal costs would necessarily be borne exclusively at the expense of compliance with the Local Plan, as a site involving abnormal development costs is likely to attract a lower land value than could be achieved on a site where this was not the case. ▪ Where a specific assessment of build costs is relied on, rather than standardised costs from a recognised source, or where any abnormal costs are applied, build costs will be reviewed on an open book basis as a part of a viability review. Costs should be provided for different components of the scheme including market and affordable housing. ▪ The Council will expect a clear correlation to be evident between a development's specification, assumed build costs and development values.
Fees	▪ Sales and letting and professional fees and relevant supporting evidence	▪ Build sales and marketing costs. These should be expressed based on unit costs rather than as global percentages.
Developer's Capital Profit	▪ Profit <u>on</u> all Costs or <u>of</u> GDV. ▪ Supporting evidence from applicants to justify proposed target rates of profit taking account of the individual characteristics of the scheme. ▪ For a policy compliant scheme a blended rate should be revealed based on different rates according to the risks associated with market housing units and those being delivered as affordable housing units.	▪ In accordance with the national PPG for Viability [MHCLG, 2019b] the Council will avoid a rigid approach to profit levels. The Council will consider the individual characteristics of each scheme when determining an appropriate profit level and will require supporting evidence from applicants and lenders to justify why a particular return is appropriate, having regard to site specific circumstances, market conditions and the scheme's risk profile. ▪ The appropriate level of developer profit will vary from scheme to scheme. This is determined by a range of factors including property

		market conditions, individual characteristics of the scheme, comparable schemes and the development's risk profile. The lower the scheme's risk profile, the lower the level of required profit and vice versa. ▪ Profit requirements for affordable housing are generally much lower than those for market sale units given the lower levels of risk associated with securing occupation of affordable units compared with the sale of market units and a more certain exit route. ▪ Assumptions made must be balanced and internally consistent. In line with this, it should be made clear how the profit level has been adjusted taking into account the other assumed inputs within an appraisal. For example, where a high build cost contingency or other costs at the upper end of typical parameters are adopted as means of mitigating risk, this would equally be expected to influence the assumed profit target. ▪ The Council expect that the actual developer return that is produced as part of the applicant's FVA should form the profit threshold [rather than any higher figure] or be regarded as a reasonable return for the applicant. ▪ The most common approach to calculating developer's capital profit in FVAs submitted as part of the planning decision process is either as a factor of GDV or on all the costs of building out the site.

Development Viability Supplementary Planning Document [SPD] 2020

Benchmark Land Value	- Existing Use Value (EUV) based on evidence including existing income, comparable data and details of condition of existing site. Justification for any alternative use value or the EUV plus premium, taking account of circumstances of site and planning policy together with this SPD. - Freehold/leasehold titles. - Tenancy schedule - to include lease summaries [where appropriate]. - Details of income that will continue to be received over the development period [where appropriate]. - Arrangements between the landowner and developer, including any land transfer, sale, development or tenancy agreements [where appropriate]. - Evidence on how benchmark land value reflect extant planning policy	- See Section 3 [above]. - Land value should reflect extant policy requirements, planning obligations and CIL charges. - The current application of a 'market value' approach has raised concerns which can inappropriately reduce planning obligations. Where these concerns are evident the Council will rely on the Existing Use Value plus a premium approach applying the guidance set out in this document. - Lower levels of affordable housing should only be tested where warranted by genuine site specific viability constraints [including where an acceptable benchmark land value cannot be achieved] as defined under the terms of this guidance. - An Alternative Use Value benchmark land value will only be accepted where there is a valid consent for the alternative use or if the alternative use would clearly fully comply with the Council's extant Local Plan. - In any event bearing in mind that land can be overpaid for – a historic or actual site purchase is not an appropriate indicator of current site value.
Planning Obligations and other Development Contributions	- Planning obligation [or S106] costs. - Community Infrastructure Levy [CIL] rates.	- Likely S106 & CIL costs shall be included as a development cost in a FVA. - The timing and level of planning obligations that can be supported as a part of the VA process will be considered. Where these are necessary to make development acceptable in planning terms however, where these cannot be secured, planning permission will not be granted. - Any CIL instalment policy should be reflected in assumed timings of payments or in accordance with the Council's payments' schedule [RMBC, CIL Instalments Policy, 2016].

Development finance	Finance costs appropriate to the type of proposal, reflecting that finance costs vary throughout the development period, with the majority of interest costs typically incurred during construction and bearing in mind the assumed land purchase timing[s].	- A standardised approach will generally be adopted to finance costs which should be appropriate to the type of proposal. - The viability appraisal methodology should reflect that finance costs vary throughout the development period, with the majority of interest costs typically incurred during construction.
Other Fees and Costs	- A statement to verify accuracy of information submitted [see Inputs Template for further information, pp.22-25]. - Other information requested by the Council having regard to the specific application. - Depending on individual site circumstances further information may be required, this may include: - Developers market analysis report; - Details of company overheads; - Copy of financing offer letter; - Copy of cost plan; - Board report on scheme; - Letter from auditors concerning land values and write offs; - Sensitivity analysis showing different assumption options e.g. low, medium and high scenarios [see in particular Outputs Templates 2 and 3 on pp.28-29].	

Additional Notes:

- A. **Gross Development Value** [GDV] is determined by assessing the total value of a development based on the value of the individual uses within the development. This is derived from the sales values of any units to be sold and the rental value of any units to be rented which are capitalised using a 'yield', to give an overall capital value [including ground rents]. Development values adopted within FVAs are typically determined based on current day figures at the time of determination. The ONS New Build House Price Index is an appropriate base on which to update new build house prices to the datum point of a FVA [when relevant].
- B. **Building Costs:** The Building Cost Information Service [BCIS] is a publicly available [subscription] source of cost information which can be used in FVAs. The selection of BCIS inputs must correctly reflect the specific nature, location and size of proposal, and be justified to show that an appropriate and reasoned approach has been taken in estimating the costs. In such instances where costs are agreed by the Council, this would be an acceptable basis of cost inputs as part of a review mechanism, linked to the Tender Price Index [TPI], as a measure of the movement of baseline building costs.

Inputs Template: Variable Inputs and Assumptions

53. In submitting a FVA, an inputs' template has been prepared to illustrate the way the variable inputs can be summarised to give the Council a convenient way of checking inputs and understanding the primary variables used in generating the submitted viability appraisal [see Table 2 below]. All applicants will be required to utilise this template in their submitted FVA. Applicants may wish to supplement these to reflect the specific attributes of their scheme.

Table 2: INPUTS TEMPLATE: Variable Inputs and Assumptions			
Variable	Description		£/unit; £/m ² ; £/week
Prices [Market Homes]	List house types e.g. Detached		£k/£m ²
	Semi-detached		£k/£m ²
	Terraced		£k/£m ²
	Apartments		£k/£m ²
Prices [Affordable Homes]	Detached		£k/£m ²
	Semi-detached		£k/£m ²
	Terraced		£k/£m ²
	Apartments		£k/£m ²
Rents [Affordable Homes]	Detached [£/week]		£/week
	Semi-detached [£/week]		£/week
	Terraced [£/week]		£/week
	Apartments [£/week]		£/week
	Yield to capitalise Affordable rents [%pa]		X%
Rents [Market Homes]	Detached [£/week]		£/week
	Semi-detached [£/week]		£/week
	Terraced [£/week]		£/week
	Apartments [£/week]		£/week
	Yield to capitalise Market rents [%pa]		X%
Commercial Uses	Use Class	Rent	All Risk Yield
	Offices	£/m ² /pa	%
	Retail	£/m ² /pa	%
	Industrial/Warehousing	£/m ² /pa	%
	Others	£/m ² /pa	%

Build Prices [cite date], rebased to the Council's local cost adjustment factor	Residential [illustrative]	Build Prices	Floor space/unit [m²]
	Detached Homes]	£/m ²	m ²
	Semi-detached Homes	£/m ²	m ²
	Terraced	£/m ²	m ²
	Apartment	£/m ²	m ²
	Commercial Use Class [illustrative]	Build Prices	Floor space [m²]
	Offices	£/m ²	X
	Retail	£/m ²	X
	Industrial/Warehousing	£/m ²	X
	Others	£/m ²	X
	Others	£/m ²	X
Infrastructure and Abnormal Developments Costs [ADC]	Infrastructure Costs [lump sum]		£x
	ADC1 [lump sum]		£x
	ADC2 [lump sum]		£x
	ADC3 [lump sum]		£x
	ADC4 [lump sum]		£x
Developer's Target Rate of Profit	Market Homes [% of GDV]		X%
	Affordable Homes [%of GDV]		Y%
	Specific rates for Commercial Uses		Z%
Fees and Other Relevant Costs	Professional Fees [%]		X%
	External Works [%]		X%
	Contingency [%]		X%
	Preliminaries [%]		X%
	NHBC [£/unit]		£x
	Planning Fees		prescribed
	Marketing Fees]		£/unit or £/m ²
	Estate Agents' fees [%]		X%
	Legal Fees on site acquisition [%]		X%
	Legal Fees on Sales [%]		X%

Development Viability Supplementary Planning Document [SPD]

2020

	Stamp Duty Land Tax	prescribed
	Bank Fees : Valuation and Monitoring [£]	£x
	If BCIS price data used, specify Extracted Contractor's rate of profit [%]	%
Time & Interest Rate	Total Development Period [months]	X
	Total Build-out period [months]	X
	Void Periods [months]	X
	Build out Rates	Units/month
	Sales Rates	Units/month
	Debit Rate of Interest [%pa]	X%
	Credit Rate of Interest [%pa]	X%
	Discount Rate [%pa]	X%
RMBC Planning Policy Requirements to deliver a Compliant Scheme	AH Provision Policy Requirement [%]	%
	AH For Sale [%]	%
	AH For Rent [%]	%
	CIL - Market Homes only [£/m ²]	£x
	CIL for other Use Classes [£/m ²]	£x
	S106 Costs [£/m ²]	£x
Dwelling Unit Sizes	Detached [m ²]	X
	Semi-detached [m ²]	X
	Terraced [m ²]	X
	Apartments [m ²]	X
Scheme Totals - Residential	Residential Land Area [Hectares]	X
	Number of Dwellings	X
	Total Floor space [m ²]	X
	Average size of dwelling units [m ²]	X
Scheme Totals - Other Uses	Other Uses Land Area [Hectares]	X
	Total Floor space [m ²]	X

Development Viability Supplementary Planning Document [SPD]

2020

Overall Scheme Gross Site Area	Total Land Area [Hectares]	x
	Residential [ha]	x
	Green Spaces [ha]	x
	Agriculture [ha]	x
	Commercial/Mixed Uses [ha]	x
	Highways [ha]	x
	Others.....specify [ha]	x
Development Appraisal	Appraisal Methodology & name of proprietary software if relevant	Cash Flow Residual Land Valuation
	Residual Land Value Estimate	an output [£/ha]

54. The variable inputs recorded in the above template will need to be supported by documentation relating to the sources used and written explanation regarding any transformation of the data inputs submitted. This will enable the Council to authenticate inputs and proceed to evaluate outputs.

Outputs Template: Viability Appraisal Outputs

55. The Council requires that the submitted FVA adopts a standardized style and format for presenting the main outputs stemming from carrying out a FVA for contesting the viability of the proposed scheme. There are two templates that will need to be prepared. Of course applicants may wish to supplement these.

Outputs Template 1

56. The template [in Table 3] covers standardised outputs for the appraised scheme, specifically the main elements of gross development value, build costs, fees, finance, capital profit and lastly the residual land value, including the benchmark land value applied to judge the status and position of viability.

Table 3: Outputs Template 1: Standardised Viability Appraisal Outputs				
Planning Application Number: RB2020/XXXX				
Site Name:				
Gross Site Size [hectares]				
Total Number of Dwellings				
Summary Outputs	All Market Scheme	% of GDV	Policy Compliant Scheme	% of GDV
Gross Development Value (GDV)	£x	100%	£x	100%
Building Costs, External Works & Extra Works	£x	x%	£x	x%
All Professional Fees, including Bank Fees & Stamp Duty Land Tax	£x	x%	£x	x%
Planning Obligations and Other Contributions	£x	x%	£x	x%
Interest Charges	£x	x%	£x	x%
Developer's Capital Profit	£x	x%	£x	x%
Residual Land Value Estimate [RLVE]	£x	x%	£x	x%
Residual Land Value Estimate [RLVE] £/hectare	£x	void	£x	void
Benchmark Land Value [£/hectare]	£/ha		£/ha	
Capital Profit as a % on All Scheme Costs	x%		x%	
Capital Profit as a % of Gross Development Value	x%		x%	
Cash Flow discount rate [%pa]	x%		x%	

Outputs Template 2

57. Table 4 covers iterations of a policy compliant scheme [as set out in Table 3 above] by applying sensitivity testing of the key variable inputs, which are selected in accordance with the internal logic of the appraisal methodology [see Ratcliffe, et al, 2009, p.422]. If relevant, applicants are advised to provide additional iterations to reflect other specific circumstances relating to the proposed scheme under review.

Table 4: Outputs Template 2: Standardised Sensitivity Outputs of A Policy Compliant Scheme

Planning Application Number: RB2020/XXXX

Site Name:

Iteration [Cash Flow Discounted at X%pa]	RLVE [£/hectare]	% change in RLVE from Policy Compliant Scheme	Benchmark Land Value = (EUV + (EUV*Premi um)) [£/hectare]	Is Scheme Viable?
RLVE - All Market	£x	VOID	£X	VOID
Base-line RLVE - AH Policy Compliant	£x	x%	£X	TRUE/FALSE
Base-line + Fall in House Price by 5%	£x	x%	£X	TRUE/FALSE
Base-line + Rise in House Price by 5%	£x	x%	£X	TRUE/FALSE
Base-line+ Fall in Building Costs by 5%	£x	x%	£X	TRUE/FALSE
Base-line + Rise in Building Costs by 5%	£x	x%	£X	TRUE/FALSE
Base-line + Fall in Interest Rates by 2% points pa.	£x	x%	£X	TRUE/FALSE
Base-line + Rise in Interest Rates by 2% points pa.	£x	x%	£X	TRUE/FALSE
Base-line + Extend Build period by 6 months	£x	x%	£X	TRUE/FALSE

*The above iterations can be changed in the active spreadsheets so long as these are declared to the Council.

58. Sensitivity analysis provides evidence to the Council of the relative power of the key variables affecting the status of viability for the contested scheme. It is important that there is consistency in the outputs displayed in Table 3: Outputs Template 1 and those displayed in Table 4: Outputs Template 2. Applicants are also encouraged to tailor the sensitivity analysis in accordance with the particular attributes of their proposed scheme.

59. It is seldom that a development project can be evaluated adequately on the basis of a single set of figures reflecting a single set of assumptions. The concept of a sensitivity analysis is a simple yet effective one, whereby each of the key variables [value (i.e. price/rents/yields), build costs, interest rates, time] is altered in turn in an informed and realistic way, so that the developer can test how sensitive the proposed land bid is to possible changes in these variables [see Ratcliffe et al 2009:422].

60. Accordingly, and a priori, small changes in any one of the [above] principal variables can often exert a disproportionate effect on the residual land valuation sum.

61. The applicant/developer should appraise any scheme with zero AH so as to provide a baseline against that the policy rate of AH% can then be compared. Indeed the developer should also set out the impact of applying various rates of AH% [i.e. from zero up to the Local Plan policy requirement]. The sensitivity analysis should then subject each of those sets of data to say +/- 5%, 10%, 15%, 20% fluctuations in each of the key variables but especially baseline prices (i.e. values, yields and rents) and baseline build costs.
62. The numbers and mix of AH for rent and sale will have different impacts on viability [with AH for rent having the most negative impact on the RLV] and so re-appraising the mix of these AH units may help render the development scheme viable.
63. Changes in the cash profiles should also be considered, particularly the payment received by the developers from RPs regarding the part-purchase of the affordable homes or involving CIL payments or planning obligations.
64. Equally, consideration shall be given to phasing planning obligations arising so as relieve the cash flow without compromising the integrity of the development in planning terms and the Council's Local Plan.

Appendix 5 contains illustrations of completed Output Templates for Tables 3 and 4.

Section 4: Viability Review Process

Preamble

65. The assessment of viability at planning application stage [Submission VA] may have had the effect of reducing the policy requirements that a development would otherwise have to meet. One potential outcome could be a reduced provision of affordable housing. Figure 1, overleaf, displays the routes that a planning application can follow. The normal route simply illustrates that all fully policy compliant schemes are most likely to gain planning permission. All other applications will be required to follow the Viability Tested route.
66. The purpose of this section of the SPD is to explain the route and the triggers involved in the viability review mechanism.
67. In order to ensure that the maximum reasonable level of affordable housing is provided in line with Core Strategy Policy CS7 [RMBC, 2014, p.76], and that other plan requirements are met, the Council will require viability review through planning obligations on all residential/mixed use applications which do not meet the affordable housing requirement and or policy requirements in full at the time planning permission is granted.
68. Property markets have experienced significant changes in recent years at a local and national level. The recently completed refresh study [RMBC, 2019] attests to the continuing viability of the Council's planning and affordable housing policy requirements. However, the Council understands that the viability of a scheme may be notably different by the time of implementation due to changes in market conditions; and uncertainties in relation to aspects of a VA at the application stage. Development values adopted within viability appraisals are typically determined and based on current day values at the point of the planning permission. However there is usually a time lag between the planning stage and delivery of the development with applicants normally having up to three years to implement a development and the construction period further delaying the point at which values are realised. During this time significant changes can occur to the viability of a development. As such, the practice of viability review to ensure that proposals are based on an accurate assessment of viability at the point of delivery has become increasingly well established.
69. The purpose of the viability review mechanism, once development on-site has commenced¹³, is to ascertain whether additional policy compliance can viably be achieved at the point of delivery. The viability review mechanisms should not result in a reduction in policy compliance which is likely to affect the acceptability of a development proposal. At any point in time, of course, the applicant can submit an entirely new planning application.
70. A viability review will determine whether a development is capable of providing additional affordable housing or meeting other unmet planning policy requirements, deemed unviable at planning application stage through the Submission VA.

¹³ This is triggered by the issue of a commencement notice in relation to CIL Regulation 67.

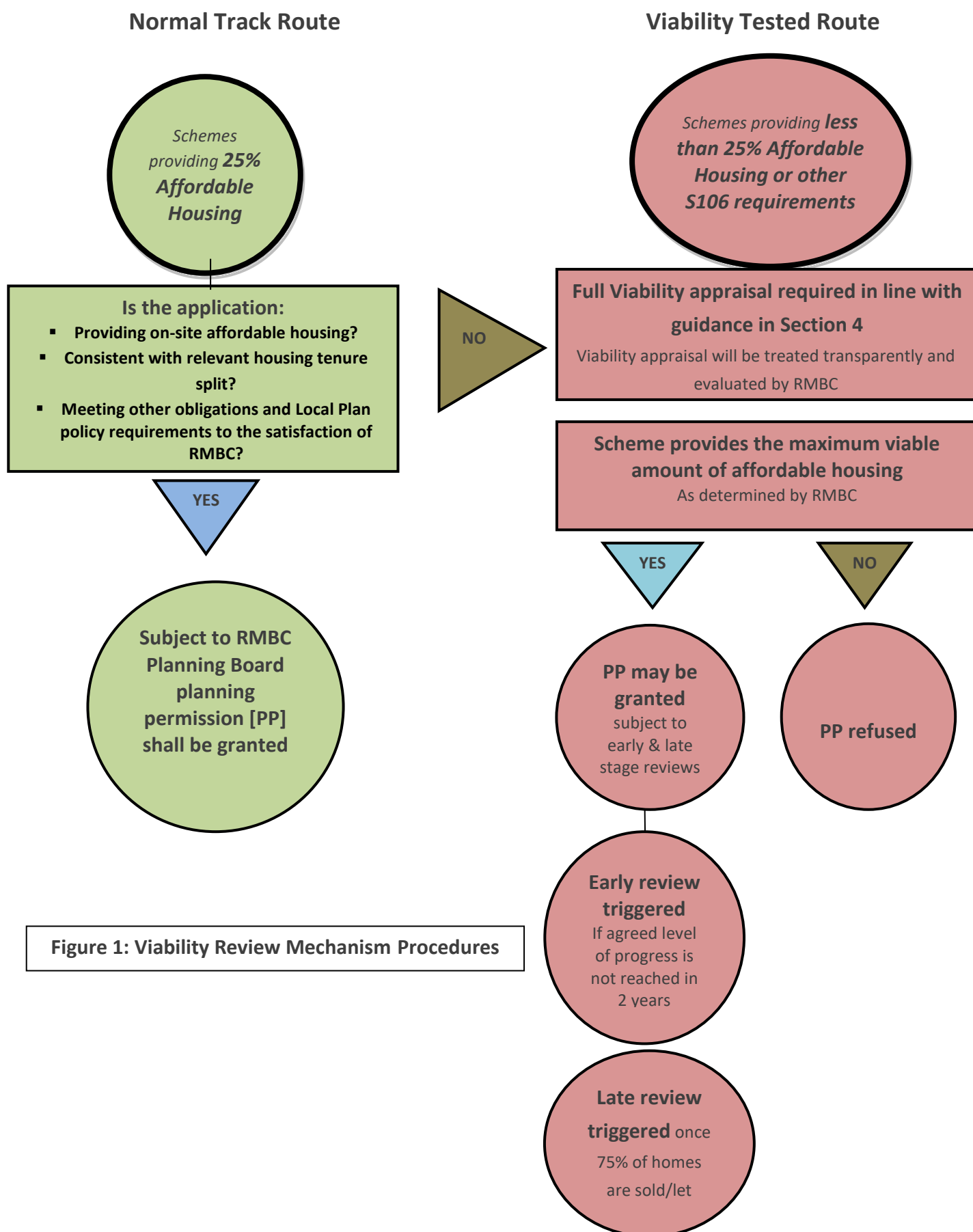


Figure 1: Viability Review Mechanism Procedures

The approach to viability review

71. In order to ensure that the maximum reasonable level of affordable housing is provided in accordance with the Council's Core Strategy Policy CS7, and other plan requirements are met, viability review mechanisms are required to be secured through planning obligations. Figure 2 [overleaf] summarises the procedures and the actions stemming from the particular viability review triggered. In particular, the role of using planning obligations as an integral aspect of securing possible affordable housing and other planning requirements if a scheme's viability position has improved since the date at which the planning permission had been granted. In the spirit of openness, both applicant and the planning authority shall be committed to following these procedures to ensure consistency and fairness in the process.

Additional provision capped based on policy requirements

72. The purpose of a viability review is to determine whether greater or full compliance with the Council's Local Plan can be achieved to accord with the Council's duty to deliver and implement its Local Plan. Therefore any additional obligations will be capped based on the policy terms of the Local Plan [including the Council's Local Plan affordable housing target] with the aim of securing the provision of policy requirements that were previously determined not to be deliverable.
73. Where a 'surplus' revenue or profit is generated over and above the 'target' or 'base' profit level [which is necessary to ensure a viable development], this will be prioritised for a greater level of policy compliance [capped by relevant policy requirements]. In most instances the Council shall deem it appropriate for a developer to receive a share of surplus revenue or profit to incentivise the developer to maximise value.
74. Thus, after any outstanding policy requirements are met, any additional 'surplus revenue' will be retained in its entirety by the developer as additional profit. Further details on the Council's approach to determining the cap and additional developer profit are set out below in the remaining parts of this section of the SPD and in Appendices 6 and 7 which contain the relevant formulae that shall be applied on a case-by-case basis.

Timing of viability reviews

75. Where affordable housing and other policy requirements are not met at application stage due to viability considerations, the Council will require applicants to enter into review mechanisms with integral Section 106 agreements. These will enable a re-assessment of viability to determine whether additional affordable housing and other planning obligations can be provided at a later date [see Figure 1].
76. Reviews may take place prior to or at an early stage of development enabling additional on-site affordable housing to be provided, or at a later stage based on actual values and costs that will generally result in an additional financial contribution. On phased schemes viability reviews may be required at different stages of the development process.

Figure 2: Early and Late Stage Viability Appraisal Review Procedures

Stage 1: Planning Permission granted at lower level of affordable housing provision than required by Local Plan policy.

The S106 Planning Agreement will require a layout plan showing the location of a full policy compliant Affordable Housing scheme, to be appended to it.

The layout plan will also highlight those affordable housing properties to be delivered at grant of planning permission stage and all appropriate details associated with the type (according to the NPPF glossary) of affordable housing provision to be provided.

Stage 2: Pre-implementation Stage Viability Review

Route 1:	Route 2:
Community Infrastructure Levy Regulation 67 Commencement Notice Issued	Community Infrastructure Levy Regulation 67 Commencement Notice Issued
No necessity to Review if implementation expected within 12 months of Regulation 67 commencement.	If implementation will not be substantially complete within twelve months of Regulation 67 commencement then within three months of the start date a pre-implementation stage review of viability will be required.
No substantial changes to market conditions and to viability have occurred since the signing of the S016 Planning Agreement.	If Viability has improved then it is expected that further affordable housing units will be provided on site.
Build out completed.	S106 Planning Agreement – amendments to schedule and layout plan signed and added to Planning Register.

Stage 3: Mid-Stage Viability Review when development is to be delivered on site in phases

Viability Assessment of development on whole site taking into account values, build costs and surplus realised in initial stages of development and estimates for future stages.

If Viability has improved then it is expected that further affordable housing units will be provided on site.

S106 Planning Agreement – amendments are made to the schedule and layout plan signed and added to Planning Register.

Repeat this stage at three yearly intervals (or to be agreed with the LPA) until full policy compliance achieved or 75% of market residential units are completed on site.

Stage 4: Advance Stage Viability Review

This is triggered when 75% of the market residential units have been completed, or within three months of practical completion of other schemes, where the Advance Stage Review enables the viability assessment to be based on up-to-date, accurate and robust information.

If a surplus has been achieved to date through actual delivery of a scheme on site, then financial contributions will be sought towards off-site affordable housing provision or other policy requirements, capped to the level required by Local Plan policy.

77. Viability reviews carried out at an early stage in the development or prior to the implementation of later phases have the benefit of increasing the likelihood that additional affordable housing can be provided on site. The advantage of undertaking viability reviews towards the end of a development on the other hand is that better, robust, and up-to-date values and costs can be taken into account; and is based on up-to-date and accurate viability evidence, all of which will go towards supporting the delivery of the Local Plan.

78. The Council will therefore require viability reviews to take place at the following stages.

- For **all schemes** requiring a Submission VA at planning application stage: At an advanced stage of development [**Advanced Stage Review VA**], a review will ensure that viability is accurately assessed and up-to-date;
- On **phased developments**¹⁴: In view of the priority given to on-site delivery of affordable housing¹⁵, an additional viability review will be required prior to substantial implementation of the development [**Pre-implementation Review VA**] where this does not occur after 12 months of the Commencement Notice, which is required by Community Infrastructure Levy Regulation 67; and
- For **large phased schemes**¹⁶: A further review will be required at a mid-point stage in the development [prior to implementation of the second half or later phases of the development] [**Mid-term Review VA**].

Viability review process

79. The applicant is required to submit updated information consistent with this SPD, as per that submitted at initial planning application stage [Submission Viability Appraisal] including any necessary supplementary information following a review of this by the Council. The review will assess changes to gross development value and build costs¹⁷, the key variables most likely to change. This will apply to the development as a whole [incorporating all uses] and be based on formulas [which are displayed in Appendix 6] to be included in the planning obligation.

80. These formulae will be used to determine whether 'surplus revenue or profit' will be generated over and above required developer returns¹⁸. A proportion of any additional value generated as a result of increased values or reduced costs will be retained by the developer as an additional profit allowance to ensure that they also gain from the

¹⁴ Typically sites of 100 or more residential units 10,000 m² or greater commercial schemes or mixed use schemes – however, to be assessed by the Council based on circumstances of individual schemes.

¹⁵ See Core Strategy CS7: Housing Mix and Affordable Housing

¹⁶ Threshold for 'large phased developments': 200 or more residential units [or 4 hectares or more] or 20,000m² or greater for commercial/mixed use.

¹⁷ See Radcliffe et al [2009], especially p.422.

¹⁸ The starting point for the review is that, it was determined that the approved scheme is deliverable at application stage (see Sections 2 and 3).

improved scenario¹⁹. This allowance will be higher for mid-term and advanced stage reviews to ensure that a developer remains incentivised to maximise values and minimise costs prior to the review.

81. In the event of a 'surplus' being identified on viability review, this is used to determine the level of additional affordable housing that can be provided [capped by the strategic affordable housing policy requirement i.e. 25%] based on the opportunity cost to the developer of converting market housing into affordable housing as determined by the difference in value of market housing compared to its value as affordable housing. For other planning obligations that were not fully addressed at application stage, the level of any additional financial contribution [capped at a policy compliant level] will be determined by the initial formula at each stage, as set out below.
82. In order to increase the likelihood of additional affordable housing being provided on site following a review at any stage, potential affordable units will be identified in planning obligations where affordable housing is not being provided in full or in part on viability grounds through an Additional Affordable Housing Schedule²⁰ to be appended to the planning obligation. This will enable affordable units to be provided at a later stage if there is an improvement in viability and it subsequently proves possible to provide such units.

Pre-Implementation Viability Review

83. For phased developments, where a development has reached 'substantial implementation' within 12 months of the Commencement Notice [as triggered by CIL Regulation 67], market conditions and the viability of a scheme remains relatively unchanged, a Pre-Implementation Viability Review would not normally be required. If substantial implementation occurs after 12 months of the Commencement Notice [as triggered by CIL Regulation 67], at which point the initial VA will be deemed to be out of date]. As a result, a Pre-Implementation Viability Review will be required and this shall take place within no more than 3 months after this trigger point.
84. Reviews which take place prior to implementation of a phased development should deliver additional on-site affordable housing in accordance with an Additional Affordable Housing Scheme to be appended to the planning obligation. This should identify the units to be converted to affordable housing in line with the Council's required tenure split. Where there is remaining surplus which does not amount to the provision of one whole affordable housing unit, this surplus amount should be used as a contribution for off-site affordable housing [i.e. in the form of a financial commuted sum] or to provide any further planning obligations that were required, but found to be unviable at application stage. The same applies in the case of Mid-Term Viability Reviews.

¹⁹ This is calculated as a factor of value and costs to ensure that the developer potentially stands to gain in either scenario.

²⁰ The potential affordable housing units will be detailed in an Additional Affordable Housing Schedule. This will comprise a site plan identifying the potential housing units together with a table stating their plot numbers, unit types and sizes.

85. In the case of Pre-Implementation Viability Reviews prior to substantial implementation, the developer will receive a share of any surplus in line with typical profit requirements. The majority of sales and rental income will be received at a later date and so the developer will remain incentivised to maximise value after the review has taken place.
86. The Pre-Implementation Viability Review formula is displayed in Appendix 6. This review operates in two stages:
- **Firstly**, by using **Formula A**, calculate the level of any surplus profit or revenue available for on-site affordable housing or other policy requirements; and then
 - **Secondly**, by using **Formula B**, determine the level of additional affordable housing floor space deliverable from any surplus profit or revenue.
87. Any surplus will be used to determine those units identified in the Additional Affordable Housing Schedule that will be converted to affordable housing up to the affordable housing policy requirement cap. For other policy requirements which take the form of a financial contribution, only Formula A will apply. Appendix 6 contains the formulae and associated explanations that applicants shall use to evaluate their scheme.
88. An active spreadsheet will be made available to review applicants; a link is provided in Appendix 7. The variable inputs relating to GDV and Build Costs will be extracted from an applicant's original and updated viability appraisal calculations which must be prepared and presented in accordance with the review procedures set out in this SPD.
89. The above approach sets out a clear basis for calculating the level of any additional requirements that could viably be provided while recognising that in some instances adjustments to the calculations may be warranted according to the circumstances of a specific proposal. For example, in circumstances where the conversion of different tenures would be appropriate, such as intermediate housing to social rented housing, the Council may apply an alternative formula which takes into account the difference in values of the relevant tenures.

Mid-term Viability Review

90. In the case of 'large phased developments', a Mid-Term Viability Review will be required which takes place prior to implementation of later phases of a development²¹. These should deliver additional on-site affordable housing in later phases in accordance with an Additional Affordable Housing Schedule to be appended to the planning obligation.
91. Mid-Term [and Advanced Stage] Viability Reviews shall assess the development as a whole, taking into account values, build costs and surplus that have been realised in the initial stages of the development as well as estimates for the subsequent phases. This is necessary to ensure that affordable housing provision is maximised and that other policy requirements that were not achievable at application stage, are met where viable. Where

²¹ At a mid-point stage in the development (prior to implementation of the second half/ later phases of the development).

build costs were based on BCIS build costs in the application stage appraisal, these will be index linked from the date of the previous review using the BCIS Tender Price Index [TPI].

92. The Mid-term Viability Review will operate in two stages:

- **Firstly**, by using **Formula C**, calculate any surplus based on the approach set out below in the **Advanced Stage Viability Review**; and **then**
- **Secondly**, by using **Formula B**, calculate the surplus to determine the level of additional affordable housing that can be provided on-site in accordance with an Additional Affordable Housing schedule to be appended to the planning application [see section on **Pre-implementation Reviews** above].

Advanced Stage Viability Review

93. Advanced Stage Viability Reviews will be required on all residential/mixed-use applications which do not meet the Local Plan affordable housing target and or all policy requirements at the granting of planning permission on the basis of an agreed Submission VA [and any subsequently provided information]. For residential-led schemes, Advanced Stage Viability Reviews should be undertaken on sale of 75% of market residential units, and for other schemes, within a three month period prior to practical completion. This enables the assessment to be based on up-to-date, accurate and more robust information, while also retaining the ability to secure the additional provision of policy requirements²².

94. The outcome of this review will typically be a financial contribution towards off-site affordable housing provision or other policy requirements. In the event that a surplus is generated, any contribution payable will be capped according to the level of contribution required by policy and associated guidance. For affordable housing contributions, this will be based on the level of surplus required to provide additional affordable housing to meet the overall affordable housing target. The contribution and cap will be calculated in accordance with Formulae C and D that are set out in Appendix 6.

95. Again, in some instances adjustments to the calculations may be warranted according to the circumstances of a specific proposal. For example, where market and affordable housing values were clearly distinguished in the original appraisal calculation, it may be appropriate to allow for differential costs when determining the Advanced Stage Affordable Housing Cap.

Considering Changes in Values and Costs at Planning Application Stage

96. In line with NPPG²³, the Council will always consider development viability based on current costs and values at application stage. The NPPG envisages that for phased schemes, however, it may be appropriate to consider projected changes in values or costs

²² This will normally be achieved through a restriction on occupation of market units and or payment into a secure account determined by the Council.

²³ National PPG for Viability: Key principles in understanding viability in plan making and decision taking: see <https://www.gov.uk/guidance/viability>.

at planning application stage. This is distinct from viability review which considers changes in values and costs at the point of delivery.

97. If a VA assumes projected changes in development values and build costs, these should be fully justified, reasonable and consistent with long-term new build trends, current market conditions and market expectations.

98. Whether or not projected values and costs are applied, viability reviews will be necessary to assess actual changes in values and costs.

Material Changes

99. Where material changes are proposed that would make the scheme less compliant²⁴ with the Local Plan, this would require a new planning permission and could not be addressed through a VA review. The information and data set out in Table 5 should be provided on an open book basis for evaluation as part of a review.

Table 5: Information required for Viability Review Mechanisms in relation to Material Changes		
Required Information & Data	Notes	Comments
Gross Development Value [GDV]	GDV [all gross receipts or revenue received] supported by evidence, including but not limited to: - Audited company accounts detailing all sold/ let transactions. - Certified sales contracts or completion certificates detailing the purchase price for each sale. - Land Registry records showing sale price information. - Other receipts [e.g. income from ground rents].	
Estimated GDV	Estimated GDV for the unsold or un-let components of the development at the point of review using detailed comparable information taking into account: - Any sales/ lettings that have taken place on the development [see also Section 3]. - Income from any other sources.	
Average residential values [£/m ²]	Average residential values [£/m ²] for market and affordable housing across the scheme based on the information provided above.	
Actual build costs incurred	Payments made or agreed to be paid in the relevant building contract, including receipted invoices, or costs certified by the developer's quantity surveyor, costs consultant or employer's agent.	This is not required at application stage where build costs are based on relevant [index linked] BCIS figures.
Estimated Build Costs	Estimated Build Costs to be incurred for the remainder of the development based on agreed building contracts or estimation provided by the developer's quantity surveyor or cost consultants [see Section 3].	This is not required at application stage where build costs are based on relevant [index linked] figures.

END

²⁴ Whether for the remainder of a site [once started] or if the development of the scheme has failed to start.

Bibliography

- BCIS [2019] *Average Build Prices and Tender Price Index*, Building Cost Information Services: RICS
- The Environmental Information Regulations 2004, UK Statutory Instruments No. I 3391
- Freedom of Information Act 2000
- FAME [2019] *Financial Ratios*, Financial Analysis Made Easy: Bureau van Dijk
- Havard, T [2008] *Contemporary Property Development*, London: RIBA Publishing [2nd Edition].
- H M Treasury [2018] *The Green Book: Appraisal and Evaluation in Central Government*, Her Majesty's Treasury, Crown Copyright
- HCA [2009] *Investment and Planning Obligations*, Responding to the Downturn, Good Practice Note, London: Homes and Communities Agency [now Homes England], July.
- Hometrack [2019] *Housing Market Transactions in Rotherham: New Build House Prices*, Lower Super Output Clusters, Hometrack.
- MHCLG [2019a] *National Planning Policy Framework*, HMSO, February 2019
<https://www.gov.uk/government/collections/planning-practice-guidance>; also see for changes to NPPF relating to open space, sports and recreation facilities, public rights of way and local green space <https://www.gov.uk/guidance/open-space-sports-and-recreation-facilities-public-rights-of-way-and-local-green-space>
- MHCLG [2019b] *Planning Practice Guidance for Viability*, HMSO, May and September, 2019
- NAO [2019] *Help to Buy: Equity Loan Scheme – progress review*, Report of the Comptroller and Auditor General, National Audit Office, HC 2216, Session 2017-2019, 13th June 2019.
- Planning and Compulsory Purchase Act 2004
- Ratcliffe, J, Stubbs, M. & Keeping, M [2009] *Urban Planning and Real Estate Development*, London: Routledge Press [3rd Edition].
- RMBC [2019a] *Affordable Housing Refresh Study*, Rotherham Metropolitan Borough Council, July
- RMBC [2010b] *Affordable Housing Delivery in Rotherham 2011 to 2019*, Rotherham Metropolitan Borough Council, December
- RMBC [2018] *Sites and Policies Local Plan*, Rotherham Metropolitan Borough Council, June
- RMBC [2016a] *Community Infrastructure Levy*, Instalment Policy, Rotherham Metropolitan Borough Council, December
- RMBC [2016b] *Community Infrastructure Levy*, Charging Schedule, Rotherham Metropolitan Borough Council, December
- RMBC [2014] *Core Strategy*, Rotherham Metropolitan Borough Council, September
- Stern, N [2007] *The Economics of Climate Change: The Stern Review*, Cambridge University Press

Appendix 1

Glossary/Acronyms

AH	Affordable Housing	These comprise social rented, affordable rented, intermediate housing for sale or rent, including Starter Homes, provided to eligible households whose needs are not met by the market. Eligibility is determined with regards to local incomes and local house prices. Affordable housing should include provisions to remain at an affordable price for future eligible households or for the subsidy to be recycled for alternative affordable housing provision. Homes that do not meet the above definition of affordable housing, such as “low cost market” housing, may not be considered as affordable housing for planning purposes. For additional explanation of each type of affordable housing see National Planning Policy Framework [MHCLG 2019a].
<i>A Priori</i>	A Priori	An “a priori” argument is one where certain basic principles or hypotheses are assumed to be true. Therefore, it is not necessary to use empirical evidence but rely on the axioms being true [www.economicshelp.org]
	Abnormal Development Costs	Abnormal development costs are dependent on site specific circumstances and may include decontamination, land stabilisation and land forming or raising. Any abnormal costs identified since the original appraisal may be included in the appraisal, and the applicant should provide site specific evidence [cost estimates or invoices], benchmarked against comparable evidence, where relevant and available. These may need to be verified by independent consultants. In some cases these shall be reflected in market value and costs, and care will need to be taken to avoid double counting.
BC	Build Costs	Cost estimate data is likely to be drawn from roughly similar schemes. These or known tender price evidence may need to be updated if the baseline appraisal is dated. Site specific evidence based on reported cost estimates or invoices should be provided by the appellant and assessed against comparable market evidence. Where comparability is at issue, these can be benchmarked against the most detailed possible sections of Building Costs Information Service [BCIS] or other appropriate data sets or verified by independent cost consultants. BCIS data is expressed as cost per sq m of Gross Internal Area [GIA] requiring adjustment to Net Internal Area (NIA) used to estimate Gross Development Value. While BCIS data excludes the cost associated with the provision of external areas [car parking, landscaping etc], preliminaries and contractor’s profit rate are included so be watchful that these are extracted and certainly not double counted. Additionally, Fees connected with Professional Services and Finance Costs [i.e. interest charges] will also be triggered. The cost impacts of any changes to legislation and Building Regulations [Part L] since the baseline appraisal scheme can be taken into account.
	Cash Flow	The cash flow of an appraisal, particularly for larger schemes, is fundamental. It determines both a significant input (finance costs) and a key output measure (i.e. return on capital employed which is the relationship of capital invested to profit generated). Costs for a typical project are front loaded with a time gap between costs (land, infrastructure and building works) and income (say dwelling sales). The duration of this period and magnitude of the gap between costs and income will determine the finance costs incurred. A key point to examine is how the movement of costs or incomes can reduce finance costs – for example by bringing forward part of a grant to fund early infrastructure [e.g. from Housing Infrastructure Fund] or delaying an ‘up front’ land receipt or S106 obligation until the project begins to generate income. The opportunity to improve viability through this sort of approach is significant and applicants shall be required to demonstrate that these matters have been attempted.
CRI	Compound Rate of Interest	Interest that accrues on the initial principal and the accumulated interest of a principal deposit, loan or debt. Compounding of interest allows a principal amount to grow at a faster rate than simple interest, which is calculated as a percentage of only the principal amount [www.investopedia.com]. The cost of borrowing money and related

Development Viability Supplementary Planning Document [SPD] 2020

		arrangement fees to fund the site acquisition, site preparation, land holding costs, construction and all major capital costs and fees may be included. Some developers fund these costs in whole or part from their own capital reserves. Supporting evidence from the appellant will be required to justify either the known borrowing costs and/or any assumed costs, when the developer intends to finance the scheme from their own funds. Debt finance costs can include incurred loan arrangement costs, if evidenced. Any differences from the original appraisal should be demonstrated and explained. Typically, it is assumed at all costs are funded 100% [whether from a third party or from own funds].
	Development Finance	An optimum cash flow minimises the quantity of development finance needed. The other driver of finance costs is the interest rate applied, for example 6.5 per cent. Considerations which a bank funder may make in setting this rate include the debt to equity ratio (how much of the scheme is being funded by the bank compared to the equity partners of the development e.g. the developer), the loan to value ratio (how the loan value compares to the value of any security offered such as the land) and other measures which give confidence as to the robustness of the proposals. The extent of public sector funding and any guarantees of the bank's capital will have a significant effect. The Council recognises that the financial status of the applicant will ultimately dictate the terms and conditions attached to development finance; whatever its rate, the appraisal methodologies assume that these are funded 100% from own funds or an external source.
DY	Development Yield	This can only be computed from developments owned or occupied on a lease [e.g. typically for commercial activities]. Rental income is divided by actual cost incurred in realizing the development. [www.rics.org.uk]. An investor would select those projects with the highest DY, everything else remaining equal.
DCF	Discounted Cash Flow	As firms operate by raising finance from various sources which is then usually invested in real assets [e.g. land and property], such investment spending involves outflows [payments] of cash causing inflows of cash. Typically these cash flows do not occur all at the same time i.e. the pattern and the size of the cash flows trigger the need for third party financing which accrue interest charges. Arising from the fact that investment involves opportunity cost, then the need to adjust the cash flow purely to take account of the time value of money, requires that a discount rate be applied to all future cash flows to adjust them back to present day values. It is only at today's values [i.e. Now] that projects net benefits can be compared and appraised. As most development projects take more than 1 year to complete and exit the site with a known profit receipt, the need for discounting exists.
DRI	Discounted Rate of Interest	There is NOT a unique rate of discount. However, guidance can be sought from HM-Treasury's Green Book, which identifies the Government's rate for underpinning its investment decisions [i.e. 3.5%pa] for projects with a life expectancy of up to 30years. For longer periods, the discount rate is lower [see HM Treasury, 2018, 26]. Other discount rates are used commonly in evaluation projects, For example, The Economics of Climate Change: The Stern Review [2007] assumed a discount rate, $r=1.4\%$. This is controversial, but in essence applies a greater weighting to future costs/benefits. See: HM Treasury [2018] The Green Book: Appraisal and Evaluation in Central Government; also: http://www.cbabuilder.co.uk/Discount1.html. Since private individuals and businesses are <u>much more impatient</u> than Governments, the rate to be applied is likely to be higher than these two rates. In the absence of known discount rates used by private developers, Havard [2008] argues that it is acceptable to apply the <u>market rate of interest or the opportunity cost of capital</u> being used in the appraisal. The chosen interest rate used in discounted cash flow analysis will determine the present value of future cash flows. The discount rate takes into account the time value of money (the idea that money available now is worth more than the same amount of money available in the future because it could be earning interest) and the risk or uncertainty [i.e. of loss] of the anticipated future cash flows [which might be less than expected].

Development Viability Supplementary Planning Document [SPD] 2020

EUV or CUV	Existing (or Current) Use Value	This is the market value that specifically reflects the current use of the property only and disregards any prospect of development other than for continuation/expansion of the current use [www.rics.org.uk]. Each use class [in planning terms] thus generates its own derived value according to local market conditions. On an equivalent basis, situation [i.e. location] rather than site [i.e. the physical capacity of the site] determines EUV or CUV.
	Fees [relating to Land, Build Costs and Sales]	These may include agents' fees, legal fees, site promotion, sales and other costs and fees where appropriate. Incurred relevant costs and fees, evidenced by reference to invoices, receipts, and other sources, are to be preferred but clear justification will be required if they exceed evidence on standardised figures.
GDV	Gross Development Value	This is the aggregate Market Value of the proposed development assuming that the development is complete at the date of valuation in the market conditions prevailing at that date [www.rics.org.uk]. In the viability appraisal, this is almost certainly the largest sum to be calculated. Therefore, any changes to its value will have the greatest impact on the RLV. Thus, providing affordable housing, which by necessity involves a reduction in value, means that the RLV [the budget to buy the land] will be sensitive to any planning policy requiring the delivery of affordable housing. Hence, it is important for sensitivity analysis to have been conducted and the results presented in a clear and easily read format. For market sales and private rented housing, viability appraisals should be supported by scheme specific evidence from comparable development schemes, taking into account type of property, location and delivery. Appraisal comparables should be "achieved", rather than "asking" prices and exclude marketing incentives [e.g. fit out, payment of stamp duty]. Rents should be passing rents from recent letting and exclude service charges. Where comparability is at issue, these can be benchmarked against published sources e.g. Land Registry, Hometrack or agents' market reports. For affordable housing [including all types of schemes], the appraisal should, where relevant, include the lump sum payment to the developer by the landlord [typically a housing association or a RP] that is the capitalised net rent. Evidence should be provided to support this figure. Where the affordable housing is not going to be sold to a registered provider [i.e. a housing association or RP] or no evidence of sale price can be provided, gross development value of the affordable housing should be appraised, to compare capitalised net rent with development cost. Sales prices for market housing, equity sharing and discount market sales in the revised appraisal should be those current at the time of the appraisal and assumed to remain static throughout all phases of the development programme.
IRR	Internal Rate of Return	The discount rate that drives the Net Present Value [i.e. of all the cash flows relating to revenues minus costs] to ZERO is also known as the Internal Rate of Return [IRR] for that particular cash flow. Importantly, each cash flow will have its own particular IRR. The IRR is found by trial and error ²⁵ by applying present values at different rates of interest in turn to the net cash flow. It is sometimes called the discounted cash flow rate of return. In development financial viability appraisals the IRR is commonly, although not always, calculated on a without-finance basis as a total project IRR [See also www.rics.org.uk].
	Land Price: "offers" and "transactions"	"Offer" prices are expressions of worth or value; they are expressions of expectation and not a product of a transaction or an exchange. On the other hand, prices relate to actual transactions, where the seller and buyer through negotiation and bargaining come to agree a price where exchange [and hence a transaction] can occur. Depending upon market conditions and position on the property cycle, offer prices tend to be higher than transaction prices: in a depressed market these can be 8% to 10% difference; in a rising market, the difference is likely to be much smaller; and in times of extreme competition for land, the difference not only disappears, but a price war can occur to secure ownership rights in the land/property markets.

²⁵ If using Microsoft Excel© this can be easily calculated

Development Viability Supplementary Planning Document [SPD] 2020

	Land Value	Prior to any transaction/exchange, this is ultimately a guess-estimate. But what a site might be worth must take explicit cognisance of and be informed by (local) market conditions and evidence, site specific attributes, and local planning policies and requirements [see National Planning Policy Framework, MHCLG, 2019a]. Indeed, at the point of a viability review, the agreed land value in the original appraisal should be used, unless the site has been acquired since and evidence is provided of the purchase price. Yet, any purchase price used shall be benchmarked against both market values and sale prices of “comparable” sites in the locality. Any significant overbid for the site at the point of review shall be disregarded. Where market value is used, it should have regard to the Local Plan policies and all other material planning considerations, including planning and affordable housing obligations and disregarding that which is contrary to the Local Plan, whilst providing the “minimum requirement to incentivise a reasonable landowner” to enable the development to be deliverable. As both purchase price and market value address landowner profit, the latter should <u>not</u> otherwise be included in the appraisals. Crucially, the Council’s approach will be to use a site’s existing use value [EUV] plus an appropriate premium to evaluate a site’s viability position.
NPV	Net Present Value	The sum of the discounted values of a prospective cash flow, where each receipt/payment is discounted to its present value at a discount rate equal to a target rate of return or opportunity cost of capital.
CP	Capital Profit	A developer’s capital profit has two elements: the return for undertaking a project and a compensation for the risk involved. (Myers, 2019) Profit is treated as a “cost” in the Residual Land Value [RLV]. In this regard, Ratcliffe et al [2009] argues that the development industry seek a target rate of profit of between <u>15% and 25% on costs</u> [the equivalent in value terms is <u>13.04% and 20% of value</u> respectively]. Capital Profit levels [developers’ return] vary significantly between projects to reflect the size and risk profile of the developer and the risks related to the development project. Any changed assumptions on developer profit (before interest and tax) since the baseline appraisal will need to be justified and evidenced from comparable schemes or data sources such as IPD Development Return Index and other supporting indices [e.g. FAME], However, the local planning authority and Planning Inspectorate may also want to reference existing financial appraisal guidance where it provides ranges for typical profit level
RLV	Residual Land Value	This is the land bid budget available to a developer or a prospective owner. It is the residual left over after “all” costs [i.e. build costs, fees, finance, planning obligations, CIL payments and provision of affordable housing] <u>and</u> profits are subtracted from the gross development value. Thus it reveals the Developer’s maximum budget available to buy the land. See Ratcliffe, J, Stubbs, M. & Keeping, M. [2009] <i>Urban Planning and Real Estate Development</i> , Routledge [3rd Edition], especially Chapter 14.
RP	Registered Social Landlord or Registered Provider	Also known as a Housing Association, a Local Council or a charitable association [e.g. a Community Land Trust].
	Sensitivity analysis	This is a means by which a scheme’s inherent risks and uncertainties are evaluated. Typically the four prime variables of value/rent, yield, cost, time are appraised understand how they affect a scheme’s development’s viability.
	Preliminaries [i.e. Site Investigation, security; preparation and Infrastructure Costs]	These costs may include demolition; ecological, geotechnical, archaeological and other site investigations (including those undertaken before site purchase or for planning); basic on-site infrastructure and services. Site specific evidence (reported cost estimates or invoices) should be provided by appellant and benchmarked against comparable market evidence, where relevant. These may need to be verified by independent cost consultants. In some cases these will be reflected in market value and care will need to be taken to avoid double counting.

Development Viability Supplementary Planning Document [SPD]

2020

	Viable	The test for viability is that the evidence indicates that the current cost of building out the entire site (at today's prices) is at a level that would enable the developer to sell all the market units on the site (in today's market) at a rate of build out evidenced by the developer, and make a competitive return to a willing developer and a willing landowner. In other words, a scheme is said to be viable if the developer has enough money to BUY the land, build out the scheme and achieve its target/hurdle rate of capital profit. Critically, the test of viability does not seek to confirm the land price paid by the developer. Thus the viability test simply seeks to find the site's value/worth at the time of the valuation [i.e. now at the point/date of contestability or Appeal] and not the price paid by the developer at some other time.
YP	Year's Purchase	It is the reciprocal of the yield [i.e. initial year]. The amount that is yielded by the annual income of property; used in expressing the value of development in the number of years required for its income to yield its purchase price, in reckoning the amount to be paid for annuities, etc. (www.dictionary.reference.com). As such it tells you how many years' rental income is needed to achieve the break-even point. The shorter the better!
ARY	All Risk Yields	The ARY is the risk of not collecting rent. As applied to different commercial elements of a scheme (i.e. office, retail, etc.) and is usually calculated as a year's rental income as a percentage of the value of the property (www.rics.org.uk)
	ARY [yield] moving in	<u>Yield % is falling.</u> It represents the "tone" of the market at a particular point in time. Thus stems from an in-balance in the market, where the stock of property in the short run is fixed [as are their use classes] and so if demand for the space and use of the stock is rising, the risks of not collecting the rents by investor is falling. The attributes in such a market are exemplified by continued growth and buoyant economy; increased competition; lower risks and greater rewards [rising values].
	ARY [yield] moving out	<u>Yield % is rising.</u> As above, but where demand for the existing stock of buildings/land is now falling. The risks of not collecting the rents by the investor are rising. The attributes in such a market are exemplified by economic recession; over supply or contracting demand; rising voids and vacancies; greater risks and lower rewards [falling values].

Appendix 2: Advice to Applicants and Council Officers

Preamble

In reviewing a submitted FVA, the Council wants applicants to fully understand the process and the factors that the Council will focus on in evaluating a contested viability appraisal. Therefore, the Council believes it is important to re-iterate these in the form of questions and raising issues relating to viability principles and the internal logic of the appraisal methodologies. Indeed, these same issues will be central in the Council's officers' approach in evaluating the submitted FVA.

The following commentary is provided to clarify that an open and transparent approach to viability is being sought by the Council. Consistency and equity are the goals that the Council is seeking in all applications that are subject to viability and review.

Headlines for Applicants and Council Officers

Key questions and issues of principle

- What are the main differences in the applicant's offer regarding affordable housing [and other relevant planning requirements] in respect of the planning authority's policy requirements?
- It is important to identify the appraisal methodology used and be aware of its relative strengths and weaknesses. This means: is it a cash flow appraisal or an appraisal where more basic assumptions have been applied regarding the calculation of interest charges?
- How much a developer may have paid for land is not the key test of viability and its appraisal. Rather, it is what the land is worth by reference to up-to-date market evidence of costs and values now that is important, inclusive of site conditions and extant planning and affordable housing policy requirements.
- So be clear on whether a residual land value estimate or a land price is being used.
- Changes to the GDV will have the most powerful effect on the RLV and ultimately on the site's viability position.
- Be clear of the existence of different ways of representing the developer's profit. It is a target rate of profit set by the developers. Thus it is an input alongside the other major costs to be covered by the value created from building out the scheme. Though capital profit is welcome, it is not much use in decision-making, if it is expressed simply as an absolute sum.
- Capital profit is best expressed as a proportion [%] on all the Costs or of the GDV so that different schemes can be compared on an equal basis.
- Additionally, it is normal to apply different rates of profit to cover the different levels of risk in the real estate sectors. Thus, affordable housing attracts a lower target rate of profit, typically around 6% on Costs [or 5.66% of GDV] because there is a more certain

exit strategy relating to a known ending owner. Market homes attract a higher rate of profit, typically between 15% and 25% on Costs [or 13% to 20% of GDV], as most of these are built but without a known end occupier and owner. Other asset classes are likely to have different target rates of profit according to their risk profiles and market sentiment.

- In respect of the input profit rates, the Council will draw on guidance from case law where relevant.
- Using the sensitivity analysis as a starting point, test whether the assumptions made about the key variables [value (i.e. price/rents/yields)], build costs, interest rates, and time] are evidence-based and that they are robust, reasonable and justifiable.
- Small changes in any one of the [above] prime variables often exert a disproportionate effect on the residual land valuation, with value and cost being the most powerful of these variables.
- The numbers and mix of AH for rent and sale will have different effects on viability [with AH for rent having the most negative impact] and so re-appraising the numbers and/or mix of these may help render the development scheme to become viable.

Development Viability Appraisal Methodologies

Restating the principles underpinning appraisal methodologies

- By definition a viability appraisal is a snapshot, being a direct product of current market prices and costs that are set within known and declared development assumptions; it is an appraisal at today's prices and costs [i.e. now]. But we know that viability is a relative and thus a dynamic concept, and so with sensitivity analysis appraisals can be easily and conveniently updated to take account of changes in the policy environment, as well as market uncertainties and future changes in the key variables that shape a scheme's viability.
- Viability appraisals are typically conducted in a controlled spreadsheet environment. Since there is no single or agreed preferred approach, it is important that those reading the results from spreadsheets have confidence in their structure and that they take into account all the usual variable inputs and project parameters associated with the proposed development scheme. The critical issue is not the medium in which the viability appraisal is conducted but the assumptions and variable inputs applied in conducting the viability appraisal. In short, the spreadsheets utilised should be active and fit-for-purpose in that the results from them can be thoroughly reviewed and subject to [public] scrutiny by the relevant interested parties [e.g. The Council, The Planning Inspectorate; as well as other consultees].

- Viability appraisal is simply the practical application of economic theory tailored to a number of different development sites [and where appropriate other uses] conducted within a spreadsheet environment, where critical assumptions are known and made explicit.
- Efficient market hypothesis contends that markets ought to reflect all the relevant costs and values, so that a developer's land bid offer-price reflects in a clear and obvious manner the full and true costs of providing affordable housing and other local planning policy requirements [that are typically secured through S106 and other legal agreements]. However, because of imperfect knowledge and skills, landowners' price expectations may be higher than the offer prices being made by applicants and developers. In the context of affordable housing requirements [with/without public grant/subsidy] *a priori*, it is contended that these requirements will lead to lower land values. In fact the central purpose of a viability appraisal is to ascertain the relative land values that reflect alternative development scenarios, especially those shaped by variations in the proportion of affordable housing. As a general principle there is an inverse relationship between the level of affordable housing and the outturn land value; as the requirements for the former increase the latter decrease.
- Once the RLV appraisal calculations have been made, these values simply denote the maximum budget available to buy the land. Viability is confirmed if the developer is found to have a sufficiently large enough budget to buy the land in current market conditions compared to the site's Existing Use Value [plus a premium]²⁶.

Viability Appraisal Methodologies

Some guidance on the likely appraisal methodologies

It is a requirement of this SPD that applicants declare their appraisal methodology from the outset.

In practice there are two basic methods that can be adopted to conduct a viability appraisal:

- A static Residual Land Valuation Estimate; and
- A cash flow Residual Land Valuation Estimate.

A static Residual Land Valuation Estimate [RLVE]

This appraisal methodology is a relatively coarse valuation. It is based on a methodology that assumes:

- All the building and sales occur at the same time, instantaneously [i.e. NOW].

²⁶ Further explanation of EUV is provided in Section 3 of this SPD [i.e. pp. 15-16]

- All funds are borrowed from a third party [i.e. opportunity cost of capital].
- A market rate of interest is applied.
- Financial weights²⁷ are applied in accordance with industry norms, to ensure that not all funds are borrowed from day one and accrue at a compound rate of interest and then paid back at the end from sales' receipts.

Despite the above adjustments [i.e. finance charge weights] the main criticism of the “static” appraisal method is that it is not precise enough in the way it reflects the incidence of time and money payments during the period of development, according to Ratcliffe et al [2009, p.410]. However, the quality of the valuation is as good as the assumptions applied. The valuation is not invalidated, it just means that in adopting this approach, one has to recognise and, importantly, understand the implications and [some would say] the limitations if this method is used.

A cash flow Residual Land Valuation Estimate

The cash flow appraisal methodology is a more dynamic method as it better reflects reality whereby an applicant/developer can appraise the pace and phasing of the scheme with cash flows of income and expenditure taking place at (ir)regular intervals throughout the development period that reflect the actual characteristics of the project being appraised. Thus the pattern of sales and costs dictate the financing requirements and so unlike a static appraisal methodology financial weights are not required as the cash flows are under the direct management of the applicant/developer. These will ordinarily appraise different scenarios according to acceptable or required cash flow profiles, in this way the applicant/developer can accelerate development if markets are viewed to be rising, and slowdown construction or even stop development if demand is weak or dramatically falls.

The cash flow appraisal methodology gives explicit prominence and thus control over the pattern and timing of costs and values, which is how house builders and developers actually appraise potential development opportunities and options.

In the cash flow appraisal methodology, if the developer's discounted rate of interest is not known, it is normal to apply the market rate of interest or the opportunity cost of capital.²⁸

The cash flow approach generates all the same kinds of output as the static appraisal methodology [i.e. in that it identifies the budget available to the developer to buy the land]. Remember, this is not the same as the price of land, which would only be recorded and/or known if a transaction had been made.

Both appraisal methods should generate the required outputs. In summary form:

- Gross development value in total; £/unit or £/m²;

²⁷ See Appendix 2 which displays typical financial weights used in a static development appraisal methodology

²⁸ Havard, T. [2008] *Contemporary Property Development* London: RIBA Publishing [2nd Edition]

- Build Costs, including preliminaries, external works, abnormal development costs, professional fees;
- Interest Charges;
- Capital Profit; total, % on costs or % of GDV;
- Other Fees and Charges, including S106 agreements, Community Infrastructure Levy [CIL], Stamp Duty Land Tax [SDLT], planning & National House Building Council [NHBC] fees, etc.,
- RLVE – baseline [without Affordable Housing], but providing other planning policy requirements;
- RLVE – Local Plan Policy Affordable Housing Provision, including other planning policy requirements;
- RLVE – sensitivity analysis using changes to the key variable inputs [i.e. prices (rents; yields); build costs; interest rates and time];
- Existing Use Value [plus a Premium] or Alternative Use Value for the site

This SPD requires applicants who choose to contest viability to submit their evidence in a standardized format using the Input and Output Templates that are presented in Section3 [above].

A priori, any changes in variables that affect the computation of value [the worth of the development now] will have the greatest impact on the residual [land] value; equally any changes that affect variables and elements near the top of the valuation [e.g. in prices or rents or build costs] will affect the residual [land] value the greatest.²⁹

Viability Scrutiny and Review

In reading any appraisal, there are a number of obvious questions that shall be posed. Equally, the applicant needs to understand that their submitted appraisal will be scrutinised using these kinds of questions by the Council. The following questions/issues [see below] are presented as illustrative of the Council's approach prior to formally evaluating a submitted VA.

Questions to ask/consider

- ☐ What methodology has been used: static appraisal or cash flow appraisal?
- ☐ Using a static appraisal, what financial weights have been applied and are these reasonable or industry standard norms? [See Appendix 3 of this SPD for further information.]
- ☐ Are the data inputs and outputs expressed or presented as £/ft² or £.m²? Beware that some valuers/surveyors do not stick to one common unit of measurement. The conversion factor between

²⁹ See Ratcliffe, J, Stubbs, M. & Keeping, M. [2009] *Urban Planning and Real Estate Development*, Routledge Press [3rd Edition], especially Chapter 14, p.422.

ft² and m² is 10.76391042ft²=1m².

- ☐ Using a cash flow appraisal, what is the justification for the pace and phasing of the development being such that it is? The Homes England guidance stresses the importance that this is declared and justified as the outturn price may have to be discounted to generate higher sales' rate.³⁰
- ☐ Using a cash flow appraisal, what discounted rate of interest has been applied? Why this amount? [Is it the amount shown in the company accounts?] If not, does the rate mimic the market rate of interest?
- ☐ Irrespective of the method, are the reporting outputs [cited in the Output Templates in Section 4] presented in the format requested by the Council and is it reasonably easy to connect the results to the key underlying assumptions and evidence provided by the applicant?

Key components of the Viability Appraisal

This section covers the primary components of the residual land valuation estimate.

A: Gross Development Value

GDV is the largest sum in the appraisal equation and therefore changes to it have the most powerful effects on the residual land valuation estimate [RLVE] and thus ultimately on the viability of a scheme.

Check the assessment of different elements that comprise the GDV [in the Glossary of Terms], particularly as Affordable Housing attract substantially lower transfer values. For example, if a market home is £100; then affordable homes for sale [Intermediate/Starter Home] is expected to be £80, while an affordable rented home could be close to £40 to £45. It is vital that the evidence for setting these values is clearly referenced to current and local market conditions and that these can be clearly verified by the Council as part of the viability review.

A land's or property USE determines its land or property VALUE. The use class order, and hence planning, has an integral role in determining, holding, and reducing both relative and absolute land values.

In accordance with national guidance, whatever an applicant or developer has paid for land is not a key factor in a test of viability appraisal. The true test of viability is what the land is worth NOW, in today's market of values and costs, respecting the site's condition and, of course, the Council's extant affordable housing and other planning policy requirements set in its Local Plan.

As markets are typically subject to cyclical fluctuations [i.e. they change as a result of both internal as well as external factors], officers and applicants need to be aware that any land valuation estimates shall only remain valid for a relatively short period of time.

³⁰ HCA [2009] *Investment and Planning Obligations, Responding to the Downturn*, Good Practice Note, London: Homes and Communities Agency [in 2018 it was renamed Homes England].

It is vital to know if land values or land prices are being used and it is important to test whether these are evidence-based and that they are a good reflection and representation of up-to-date local market conditions [i.e. at the time of the appraisal].

The basic equation to identify the Developer's land budget ($GDV - (BC + P) = RLV$) can also be re-arranged to calculate other elements providing certain values are known [as shown in the Table 3 below].

Table 3: Key components of the appraisal methodology

$GDV - (BC + P) = RLV$	Here the Land Value is a residual. This is the maximum amount that can be paid for the land by the developer.	Vital for those who are seeking to sell or buy land.
$GDV - (BC + LP) = P$	Here, with a known Land Price, the Profit is a residual in this equation.	This shows the amount of profit that might be achieved by the developer having bought the land.
$GDV = (BC + P + RLV)$	Here the GDV is made up of the three main "cost" elements which explicitly include the developer's profit.	This reveals the three basic "costs" that comprise the Value of the completed development.
Explanatory Notes		
GDV= Gross Development Value, inclusive of all known income streams		
BC = Building costs, inclusive of preliminaries, external costs, abnormal development costs, fees and finance, SDLT, Local Plan policies requirements, etc.		
P= Developer's target rate of profit for market and affordable housing units		
RLV = Residual Land Value, which represents the budget to buy the land		
LP = Land Price declared to have been paid by the applicant/developer		

Questions to ask/consider

- ☐ Does the evidence of current/existing use land values stem from reliable sources?
- ☐ How recent is it? [up to 3 - 6 months old can be considered 'recent']
- ☐ Does the data evidence reasonably reflect the market NOW?
- ☐ Does it represent local market conditions?
- ☐ Have the calculated land value[s] taken into account the Council's extant planning policies, including affordable housing, site conditions and local market conditions?
- ☐ Does the review of values compare what is currently achieved in the area to the maximum that could be achieved given the project proposals?
- ☐ Are things which drive value (e.g. parking spaces or overlooking a park) been identified and the additional benefit of these quantified?
- ☐ Who retains the freehold for apartments and where is the capitalised sum of this future ground rent income stream included? Is there a future income stream from on-site energy generation and does operation of this concession generate a capitalised sum?
- ☐ What rates of sale / letting are assumed within the programme? Do these conform to industry norms of 3 units per month?
- ☐ Has a robust assessment of the demand for, and income from, all potential commercial uses been undertaken?
- ☐ What yield, rental income and assumptions such as sales incentives have been used for commercial uses? For example, sales' incentives could include rent-free periods.

B: All Costs

These costs are the second most powerful variable in explaining any changes in the RLV and hence viability [after GDV].

In general build costs will be the second largest sum, comprising site preparations and preliminaries [e.g. 10%]; direct build costs of creating the asset [e.g. 60%]; professional fees [e.g. between 8%-10%]; external costs and landscaping [e.g. 20%]. Known site conditions will ultimately dictate the array of costs that will need to be audited.

Abnormal development costs and remedial works can often cover a multitude of things and so may need to be unpicked and each component tested to see if the cost is reasonable, e.g. drawing on specialist, scientific or environmental reports.

Demolition costs can be a very expensive item; particularly where heavy fixed plant has been installed, special foundations or superstructure provided, or the site is tightly positioned in a busy urban area. Likewise, in older central locations where existing redundant underground services are present, or in fresh situations where the ground lacks stability or access to infrastructure, normal site preparation costs can rise substantially, according to internal specialist reports available to the Council.

To aid the accurate spread of building costs throughout the construction period, most experienced developers have drawn up cost profiles for the various sectors of the property development industry, but these are only used in an indicative way in the static based appraisal method, as opposed to a cash flow appraisal method where they can be employed in a more direct and explicit manner with reference to known or controlled cash flow profiles [see Ratcliffe et al 2009:402].

The developer's capital profit is a "cost" input in the calculation of land value. This cost is set by the developer as a target rate of profit. Of course, all developers will seek to maximize their profits. Interestingly, the actual profit received is only known once the developer has exited the site and final accounts agreed³¹. Data shows that, as with other aspects of the economy, the profit rate of return [%] is cyclical in nature; and on some occasions developers make losses. In assuming a target rate of profit, the developer will not trade-in the profit, but will seek to manipulate costs [down], raise prices, alter mix and density of development so that the budget available to them is sufficient to compete in the land market and buy the land. Of course, we also know that at times developers pay too much for land or do not do sufficient research to ensure that their target rates of profits are not compromised.

Questions to ask/consider

- ☐ Are the above costs justified by reference to comparable projects, priced work or published sources?
- ☐ If abnormal costs are cited are these justified and based on actual or verifiable cost bases?
- ☐ Are items such as preliminaries, design fees, statutory fees and the like clearly identified and the

³¹ FAME provides publicly available evidence on the booked profits of all house-builders.

method of calculation clear (e.g. are preliminaries and design percentages added to build costs in a simple or compound form)?

- ☐ Is the link between costs and values clear – how has the specification and design been optimised to generate value?
- ☐ Has the land already been purchased or is this a variable cost?
- ☐ Where the land has already been purchased what is the current (residual) value of the land? [To clarify, the Council in accordance with national guidance will always apply the residual land values in assessing viability.]
- ☐ What are the existing use values (EUV³²) and alternative use values (AUV) of the site? How have these values been generated and have their sources been declared?
- ☐ In situations where a public body is the landowner, have the land payments been timed sensibly to maximise benefit by, for example, deferring receipts to later in the development?

C: Capital Profit

There is no such thing as too much risk so long as capital profit can be set which is commensurate with it.

Capital profit depends on risks, including, amongst other things:

- Time to complete the development
- Financial size [of developer]
- State of market
- Certainty of information – costs, ground conditions etc
- Pre-sales and pre-lettings
- Competition

Expressing capital profit as a total sum [£], though revealing, is not much use to decision-makers.

For evaluation purposes, capital profit should be expressed on a percentage basis [% on costs or % of GDV].

Speculative house-builders typically seek two elements of profits in building out a development: they seek to take a profit on build costs and they seek to take a profit of the price they pay for land,

House builders will normally assign different levels of profit to reflect risks in the different real estate markets, including Affordable Housing. Where affordable housing is constructed with an agreed purchase price from a RP the risk is minimal, consequently the margin will be relatively low and akin to that of a contractor's rate of profit, which is typically 6% on costs including overheads. This is substantially lower than the more risky elements of a development that is dependent on competition and market sales. The difference between the

³² Further commentary on these is located on pp.23-24 of this SPD.

different profit margin levels is risk and it follows that different risk-sharing arrangements will use different margins. Applicants need to understand that the Council will adopt the above convention as described above in evaluating all contested appraisals.

Where land acquisition costs cannot be ascertained and are likely to be the result of the valuation, then a proportion of the GDV is taken, usually 10-20%. Where land costs are known, and can be included as part of the total costs, then a proportion of that total cost is adopted, normally 15-20%. In terms of profit 20-25% is a benchmark that many developers aspire to. In reality, 15% is acceptable for many developers and, where a pre-let has been secured, even 10% will do (Ratcliffe et al 2009: 406).

Questions to ask/consider

- ☐ What rate of capital profit has been attached to market housing and what to AH?
- ☐ What rate of capital profit has been attached to non-residential elements of the proposal?
- ☐ Are these different rates of capital profit reasonable as well as being representative of industry norms and current national guidance?

D: Sensitivity analysis

It is seldom that a development project can be evaluated adequately on the basis of a single set of figures reflecting a single set of assumptions [Ratcliffe et al 2009:422]. The concept of a sensitivity analysis is a simple yet effective one, whereby each of the key variables [value (i.e. price/rents/yields), build costs, interest rates, time] is altered in turn in an informed and realistic way, so that the developer can test how sensitive the proposed land bid is to possible changes in these variables [see Ratcliffe et al 2009:422].

Accordingly, and a priori, small changes in any one of the [above] principal variables can often exert a disproportionate effect on the residual land valuation sum.

The applicant/developer should appraise any scheme with zero AH so as to provide a baseline against that the policy rate of AH% can then be compared. Indeed the developer should also set out the impact of applying various rates of AH% [i.e. from zero up to the Local Plan policy requirement]. The sensitivity analysis should then subject each of those sets of data to say +/- 5%, 10%, 15%, 20% fluctuations in each of the key variables but especially baseline prices (i.e. values, yields and rents) and baseline build costs.

The numbers and mix of AH for rent and sale will have different impacts on viability [with AH for rent having the most negative impact on the RLV] and so re-appraising the mix of these AH units may help render the development scheme viable.

Changes in the cash profiles should also be considered, particularly the payment received by the developers from RPs regarding the part-purchase of the affordable homes or involving CIL payments or planning obligations.

Equally, consideration shall be given to phasing planning obligations arising so as relieve the cash flow without compromising the integrity of the development in planning terms and the Council's Local Plan.

Questions to ask/consider

- ☐ Are the assumptions made about the key variables [i.e. value (price/rents/yields), build costs, interest rates, and time] evidence-based and are they robust and reasonable?
- ☐ Is the (revised) AH% in terms of tenure numbers/mix acceptable to the Local Planning Authority and to relevant RP Partners?
- ☐ If CIL payments can be re-scheduled has this been implemented?
- ☐ Similarly, could payments or the costs associated with planning obligations be delayed without compromising the integrity of the development?
- ☐ For the last question, has this been considered by all parties regarding viability of the scheme?

Appendix 3**Typical Financial Weights**

FINANCE CHARGE WEIGHTING	
Building Costs	0.50
Professional Fees	0.75
Marketing/Advertising Fees	1.00
Planning/survey Fees	1.00
Land Acquisition Legal Fees	1.00
Estate Agents Fees	0.00
Stamp Duty Land Tax	1.00
Planning Obligations & Community Infrastructure Levy	1.00
Legal Fees on Sales	0.00
NHBC Fees & Bank Fees	1.00

In a static Residual Land Value Estimate the above weights are attached to the compound rate of interest accrued to each of the above lines of cost. Some may view these as crude or approximate, but for schemes that can be built out within 2 years, the adjustments that are generated by applying these kinds of weights are reasonable and acceptable.

A financial weight of 1 means that interest charges will accrue from day 1 until completion of the development and paid by the value created from the proposed development.

A financial weight of 0 means that no interest charges accrue and these lines of cost will be paid from the income generated at the point of sale.

A financial weight of 0.5, which is typically attached to build costs, means that only half of the accrued interest charges will be applied. With build costs, if a weight of 1 is applied this implies that the developer will be borrowing all the money needed to build out the scheme from day 1; this will simply over-estimate the accrued interest charges. In most schemes, the cost profile is similar to a cumulative frequency curve or ogive where costs rise from a low base and then progresses at an increasing rate to completion. Calculus informs us that the area under the ogive is about 0.5! As such, it follows that inferences can be easily drawn when other financial weights are applied.

If applicants apply different financial weights from those cited above, they will need to provide written explanation for this in their submitted FVA.

Appendix 4: An Example of a completed Inputs Template

INPUTS TEMPLATE			
Variable Inputs and assumptions: ILLUSTRATIVE ONLY		£	£/m2
GDV	Market House Prices-2 bed Semi-detached [£/unit]	£245,000	£3,602.94
	Market House Prices-3 bed Terraced [£/unit]	£330,000	£3,975.90
	Market House Prices-3 storey Townhouse [£/unit]	£360,000	£3,829.79
	Affordable House Prices-2 bed Semi-detached [£/unit]	£196,000	£2,882.35
	Affordable House Prices-3 bed Terraced [£/unit]	£264,000	£3,180.72
	Affordable House Prices-3 storey Townhouse [£/unit]	£288,000	£3,063.83
	Affordable House Rents-2 bed Semi-detached [£/week]	£135.00	£1,524.71
	Affordable House Rents-3 bed Terraced [£/week]	£162.00	£1,498.99
	Affordable House Rents-3 storey Townhouse [£/week]	£184.50	£1,507.40
	Gross ³³ Yield to capitalise affordable rents [%]	6.25%	
Build Costs	BCIS Median, August 2018-Semi-detached [£/m2]	£1,380	
	BCIS Median, August 2018-Townhouse & Terraced [£/m2]	£1,278	
	Professional Fees [%]	10.00%	
	External Works [%]	15.00%	
	Abnormal Development Costs [£lump sum]	£45,000	
	Contingency [%]	5.00%	
Profit	Developer's Target Rate of Profit - Market Housing [%of GDV]	20.00%	
	Developer's Target Rate of Profit-Affordable Housing (% of GDV)	5.66%	
Other Fees	Marketing [£/unit]	£1,500	
	Estate Agents' fees [%]	1.50%	
	Legal costs on site sale/acquisition [%]	0.50%	
	Legal costs on Sales [%]	0.50%	
	NHBC [£/unit]	£1,200	
	Planning Fees [£]	prescribed	
	Stamp Duty Land Tax [£]	prescribed	
	Planning Obligation Costs [£/m2]	£45.00	
	Community Infrastructure Levy [Market Homes only] [£/m2]	£55.00	
	Extracted Contractor's rate of OHP [%]	5%	
Time periods & Interest	Total Development Period [months]	13.00	
	Build-out period [months]	9.00	
	Void Period [months]	3.0	
	Debit Rate of Interest [%]	6.00%	
	Credit Rate of Interest [%]	0.00%	
	Bank Valuation and Monitoring Fees [£]	£15,000	
	Build rate [units/months] starting in month 3	3.0	
	Sales Volume rate [units/months] starting in month 7	3.0	
	Void Period [months]	0.0	

³³ If applicants use the net yield, then the net rent will need to be cited.

INPUTS TEMPLATE [continued]		
Scheme numbers & Housing Mix	Number of 2 bed Semi-detached	4
	Number of 3 bed Terraced	6
	Number of 3 storey Townhouses	8
Unit sizes [m2]	2 bed Semi-detached [m2]	68
	3 bed Terraced [m2]	83
	3 storey Townhouse [m2]	94
Land & Scheme Totals	Total Number of Units	18
	Site Area [m2]	4600
	Gross Built Floor space [m2]	1522.00
AH Policy Requirements	Affordable Housing Policy Requirements [%]	25.00%
	Affordable Housing for Rents [%]	14.00%
	Affordable Housing For Sale [%]	11.00%
	On-site Open Space Requirement [% of Site Area]	20.00%
Appraisal Methodology	Land Value Estimate [£ and £/ha]	an output
	Capital Profits [£ and %]	an input
	Appraisal Methodology	RLV Cash Flow
	Discount Rate [%pa]	6.00%

It is expected that applicants shall provide a comprehensive list of the variable inputs and assumptions, but these must be tailored to the specific attributes of their proposed scheme of development. It is important that applicants cite the root sources of the information contained in the Inputs Template.

Appendix 5: An example of the Outputs Templates 1 and 2

Outputs Template 1: Standardised Viability Appraisal Outputs				
Planning Application Number: RB2020/YYYY				
Site Name:				
Gross Site Size [Hectares]	1.2			
Total Number of Dwellings	54			
RMBC AH Policy Requirement	25% of total dwelling Units			
Summary Outputs	All Market Scheme	% of GDV	RMBC Policy Compliant Scheme	% of GDV
Gross Development Value (GDV)	£10,000,000	100%	£9,010,000	100%
Building Costs, External Works & Extra Works	£5,500,000	55%	£5,500,000	61%
All Professional Fees, including Bank Fees & SDLTax	£920,000	9%	£880,000	10%
Planning Obligations and Other Contributions	£275,000	3%	£224,000	2%
Interest Charges	£360,000	4%	£355,000	4%
Developer’s Capital Profit	£2,000,000	20%	£1,600,000	17.76%
Residual Land Value Estimate [RLVE]	£945,000	9%	£451,000	5%
Residual Land Value Estimate [RLVE] £/hectare	£787,500	void	£375,833	void
Benchmark Land Value [£/hectare]	£180,000		£180,000	
Capital Profit as a % on All Scheme Costs	25.00%		21.59%	
Capital Profit as a % of Gross Development Value	20.00%		17.76%	

Outputs Template 2: Standardised Sensitivity Outputs of A Policy Compliant Scheme				
Planning Application Number: RB2020/YYYY				
Site Name:				
Gross Site Size [Hectares]	1.2			
Total Number of Dwellings	54			
EUV of Greenfield Site (£/hectare)	£22,500			
Iteration [Cash Flow]	RLVE [£/hectare]	% change in RLVE from Policy Compliant Scheme	Benchmark Lane Value = (EUV + (EUV*7)) [£/hectare]	Is Scheme Viable?
RLVE - All Market	£787,500		£180,000	Void
Base-line RLVE - AH Policy Compliant	£375,833	0.00%	£180,000	TRUE
Base-line + Fall in House Price by 5%	£416.67	-99.89%	£180,000	FALSE
Base-line + Rise in House Price by 5%	£751,250	99.89%	£180,000	TRUE
Base-line+ Fall in Building Costs by 5%	£605,000	60.98%	£180,000	TRUE
Base-line + Rise in Building Costs by 5%	£146,667	-60.98%	£180,000	FALSE
Base-line + Fall in Interest Rates by 2% points pa.	£390,625	3.94%	£180,000	TRUE
Base-line + Rise in Interest Rates by 2% points pa.	£361,042	-3.94%	£180,000	TRUE
Base-line + Extend Build period by 6 months	£355,125	-5.51%	£180,000	TRUE

Appendix 6: Formulae

FORMULA A: This will be used to calculate the 'policy surplus' available for on-site affordable housing [or other policy requirements] at **Pre-implementation Review Stage**.

FORMULA A: To Calculate the Policy Surplus at Pre-implementation Review Stage				
SCHEME DETAILS: INPUTS:	Notation	Illustrative Only [1]	Illustrative Only [2]	Illustrative Only [3]
Assumed Number of Housing Units	W	50	50	50
Average size of homes [m2] - assumed for illustrative purposes only	Z	80.0	80.0	80.0
Assumed Total Floor space [m2]	$Y=Z*W$	4000	4000	4000
Assumed Total amount of Social/Affordable Rented housing Units [14%] floor space [m2]	$V=Y*0.14$	560	560	560
Assumed Total amount of Intermediate/Starter Homes Affordable housing Units [11%] floor space [m2]	$U=Y*0.11$	440	440	440
RMBC: AH For Rent Policy Proportion [expressed as a decimal]	0.14			
RMBC: AH For Sale Policy Proportion [expressed as a decimal]	0.11			
Transfer Value of social/affordable rented units [% of Market Value Homes] [expressed as a decimal]	0.45			
Transfer Value of Intermediate/Starter Homes For Sale [% of Market Value Homes] [expressed as a decimal]	0.8			
Average Market Values Homes [£/m2]	G	£3,000	£2,750	£2,625
Average Social/Affordable For Rent values [£m/2]	$H=G*0.45$	£1,350	£1,238	£1,181
Average Intermediate/Starter Homes For Sale values [£m/2]	$I=G*0.8$	£2,400	£2,200	£2,100
Updated Gross Development Value [GDV]	A	£12,000,000	£11,000,000	£10,500,000
GDV determined as part of the assessment of viability at application stage	B	£10,812,000	£9,911,000	£9,460,500
Updated Build Costs [BC]	C	£6,500,000	£6,800,000	£5,800,000
BC determined as part of the data inputs for assessment of viability at application stage	D	£6,000,000	£6,000,000	£6,000,000
KEY OUPUTS				
Additional Net Value	$P=((A - B) - (C - D))$	£688,000	£289,000	£1,239,500
Additional Profit Allowance [%]	APA	17.50%	17.50%	17.50%
Additional Profit	$Q=((A - B) - (C - D))*APA$	£120,400	£50,575	£216,913
POLICY SURPLUS REVENUE	$=(P - Q)$	£567,600	£238,425	£1,022,588

Explanatory Notes for FORMULA A	
(A - B)	This is the change in GDV at the point of the viability review.
(C - D)	This is the change in Build Costs at the point of viability review, which is subtracted from the change in GDV to establish whether there is additional value generated as a result of increased values or reduced costs.
APA	This (i.e. 0.825) calculates the reduction in the additional value available for on-site affordable housing, accounting for the proportion of additional value to be retained by the applicant as an additional profit allowance [i.e. a 17.5% of GDV for the developer], which is a “blended” rate.
Illustrative Examples [W & Z]	These simply provide examples of how the balance of changes in GDV and Build Costs generate different levels of Policy Surplus Revenue.

The figures contained in the above Formula A table are provided to simply illustrate how the calculation of the “policy surplus” is derived given different scheme details. The inferences that can be drawn are as follows:

- Scheme 1 shows that after review, the relative change in GDV and costs generates a positive policy surplus.
- Relative to scheme 1, scheme 2 has a lower GDV and higher costs after review and thus the policy surplus is lower for scheme 2 relative to scheme 1.
- Scheme 3 has lower GDV but on review it is relatively higher, while, costs after review are marginally lower. Overall, the policy surplus for scheme 3 is higher relative to both Schemes 1 and 2.

If a policy surplus is generated, then Formula B calculates the additional AH floor space [m²] to be delivered and this can be transformed into number of units based on average unit sizes [m²]. Equally, this sum can be paid as a commuted sum in respect of both AH and other planning obligations that must be in accordance with the Council’s adopted Local Plan policies. See Formula B [below] for further details and explanations.

Development Viability Supplementary Planning Document [SPD] 2020

FORMULA B: This is used to determine the amount of additional on-site affordable housing floor space [or equivalent affordable homes] at **Pre-implementation Review Stage**.

FORMULA B: to determine the amount of additional on-site affordable housing floor space					
SCHEME DETAILS: INPUTS		Notation	Illustrative Only [1]	Illustrative Only [2]	Illustrative Only [3]
POLICY SURPLUS REVENUE [from Formula A Table]		=(P - Q)	£567,600	£238,425	£1,022,588
Average Size of Homes [m²] - assumed for illustrative purposes only		Z	80.0	80.0	80.0
Average Market Values Homes [£/m²]		G	£3,000	£2,750	£2,625
Average Social/Affordable For Rent values [£/m²]		H=G*0.45	£1,350	£1,238	£1,181
Average Intermediate/Starter Homes For Sale Values [£/m²]		I=G*0.8	£2,400	£2,200	£2,100
RMBC: AH For Rent Policy Proportion [expressed as a decimal]		0.14			
RMBC: AH For Sale Policy Proportion [expressed as a decimal]		0.11			
Transfer Value of Social/Affordable For Rent units [% of Market Value Homes] [expressed as a decimal]		0.45			
Transfer Value of Intermediate/Starter Homes For Sale [% of Market Value Homes] [expressed as a decimal]		0.8			
KEY OUPUTS					
Policy Surplus Revenue x 0.56 [% of surplus to be used for social/affordable rented homes]		E=(P - Q)*(14/25)	£317,856	£133,518	£572,649
Policy Surplus Revenue x 0.44 [% of surplus to be used for Intermediate/Starter homes]		F=(P - Q)*(11/25)	£249,744	£104,907	£449,939
Additional Social/Affordable For Rent Floor space [m²]		L=E/H	235.45	107.89	484.78
Additional Intermediate/Starter Homes For Sale Floor space [m²]		M=F/1	104.06	47.69	214.26
Total Floor space [m²]		=L+M	339.51	155.58	699.04
TOTAL NUMBER OF ADDITIONAL AFFORDABLE UNITS		=(L+M)/Z	4.24	1.94	8.74
Explanatory Notes for FORMULA B					
(G – H)	This is the loss in value arising from transferring a market home to a social/affordable rented homes				
(G – I)	This is the loss in value arising from transferring a market home to an intermediate/starter home				
E	The proportion of the surplus revenue to be used for social/affordable rented homes [i.e. 56%]				
F	The proportion of the surplus revenue to be used for intermediate/starter homes [i.e. 44%]				
E and F	Both are divided by H and I respectively to establish the floor space available for additional affordable housing [or equivalent dwelling units]				
G	This sum is to be determined as an integral part of the viability review				
H	This sum to be determined as an integral part of the viability review. For illustrative purpose this is assumed to be 80% of market value. Such percentages are subject to change.				
I	This sum to be determined as an integral part of the viability review. For illustrative purpose this is assumed to be 45% of market value. Such percentages are subject to change.				
Comment/Advice	The additional social/affordable rented and intermediate/starter homes’ floor space will be used to determine those dwelling units in the Affordable Housing Schedule to be converted to affordable housing to be secured through a clause in a planning obligation [S106].				
Illustrative Examples [Z & G]	These simply provide examples of how the balance of different changes in GDV and Build Costs generate different levels of Policy Surplus Revenue to provide additional affordable floor space.				

Development Viability Supplementary Planning Document [SPD]

2020

FORMULA C: To calculate the additional financial contribution payable to the Council at **advanced review stage** towards affordable housing **or** other policy requirements deemed not viable **at application stage**.

FORMULA C: To calculate the additional financial contribution				
SCHEME DETAILS: INPUTS	Notation	Illustrative Only [1]	Illustrative Only [2]	Illustrative Only [3]
RMBC: AH For Rent Policy Proportion [expressed as a decimal]	0.14			
RMBC: AH For Sale Policy Proportion [expressed as a decimal]	0.11			
Transfer Value of Social/Affordable For Rent units [% of Market Value Homes]	0.45			
Transfer Value of Intermediate/Starter Homes For Sale [% of Market Value Homes]	0.8			
Average Market Values Homes [£/m ²]	G	£3,000	£3,100	£2,900
Average Size of Homes [m ²] - assumed for illustrative purposes only	Z	80.0	75.0	82.5
Assumed Total Floor space [m ²]	Y	20000	22500	28875
Assumed Number of Housing Units	W	250	300	350
Assumed Total amount of Social/Affordable For Rent units [14%] floor space [m ²]	$V=Y*0.14$	2800	3150	4043
Assumed Total amount of Intermediate/Starter Homes For sale [11%] floor space [m ²]	$U=Y*0.11$	2200	2475	3176
Gross Development Value [GDV] achieved on sale of 75% of residential units and GDV from other parts of the development sold or let and other income receipts	A	£40,545,000	£47,133,563	£56,585,616
Estimated GDV for parts of the development that are yet to be sold or let and other income receipts or sources [of A]	B	£12,163,500	£14,140,069	£16,975,685
GDV determined as part of the appraisal of viability at application stage [or for phased schemes as determined in previous review]	C	£50,681,250	£58,916,953	£70,732,020
Actual Build Costs incurred at point of review [of B]	D	£24,327,000	£28,280,138	£33,951,369
Estimated Build Costs for remainder of the development [of B]	E	£7,298,100	£8,766,843	£10,185,411
Total Build Costs determined as part of the appraisal of viability at application stage [or for phased schemes as determined in previous review]	F	£30,408,750	£35,350,172	£42,439,212
KEY OUPUTS				
Additional Gross Financial Contribution	$P = ((A + B - C) - (D + E - F))$	£810,900	£659,870	£1,131,712
Additional Profit Allowance [%]	APA	22.50%	22.50%	22.50%
Additional Profit [%]	$Q = ((A + B - C) - (D + E - F)) * APA$	£182,453	£148,471	£254,635
ADDITIONAL NET FINANCIAL CONTRIBUTION	R = (P - Q)	£628,448	£511,399	£877,077

Explanatory Notes for FORMULA C	
(A + B – C)	This is the change in GDV* at the point of review.
(D + E –F)	This is the change in Build Costs** at the point of review.
Additional Gross Financial Contribution [P]	This calculates the additional value that has been generated as a result of increased outturn values or reduced costs.
PA	The enhancement in the profit allowance is applied to incentivise the developer to maximise value. The profit rate is set at 22.5% of GDV, which is <u>5% points higher than the normal profit allowance of 17.5% of GDV in Formula A [see above]</u> .
Additional Net Financial Contribution [R = (P – Q)]	This calculates the reduction in the financial contribution required, accounting for the percentage of additional value to be retained by the applicant as an additional profit allowance.
*	These are to be determined as part of the review.
**	These are to be determined as part of the review, or, where based on application BCIS build costs and agreed by the Council, linked to the Tender Price Index [TPI] and for phased schemes, linked to TPI from the date of the previous review.
Illustrative Examples [Z & W]	These show three different schemes in terms of number of housing units, but also different level of estimated changes in both GDV and build costs from the original values at application stage.

The figures presented in Formula C table [above] are illustrative only. There are three differently sized schemes in terms of total number of dwellings to be delivered on site. As well, the average size of each dwelling unit is different, so generating a different overall floor space [m²] for each scheme and thus a different policy threshold of AH arising. As with the earlier formulae [A and B], the three schemes demonstrate different changes in both GDV and build costs at review [at the point of 75% delivery of units], and these relative changes generate different policy surpluses. A key point to stress is that the developer is incentivised to get the highest outturn values as the target profit rate to be received by the developer is higher than normally allowed – from 17.5% to 22.5%.

Any policy surplus shall be paid as an off-site commuted sum that can be used to deliver off-site AH or contribute towards mitigating the development impacts as allowed by the Council's Local Plan.

FORMULA D: To calculate the maximum additional affordable housing contribution [in terms of floor space (m²)] payable at the **advanced stage review**.

FORMULA D: To calculate the maximum additional affordable housing contribution [m2] at advanced stage review				
SCHEME DETAILS: INPUTS	Notation	Illustrative Only [1]	Illustrative Only [2]	Illustrative Only [3]
Assumed Number of Housing Units	A	250	300	350
Average Size of Homes [m2] - assumed for illustrative purposes only	C	80.0	75.0	82.5
Assumed Total Floor space [m²]	B = C * A	20000	22500	28875
Assumed Total amount of Social/Affordable For Rent Units [14%] floor space [m²]	0.14	2800	3150	4043
Assumed Total amount of Intermediate/Starter Homes For Sale Units [11%] floor space [m²]	0.11	2200	2475	3176
Scheme at Review Stage [at 75% of scheme]	0.75			
Remaining Scheme Proportion [25%]	0.25			
Transfer Value of Social/Affordable For Rent units [% of Market Value Homes] expressed as a decimal	0.45			
Transfer Value of intermediate/Starter Homes For Sale[% of Market Value Homes] expressed as a decimal	0.8			
KEY OUPUTS				
25% [RMBC Policy Compliant] of total residential floor space x 0.75	G=B*0.25*0.75	3750	4219	5414
Total Social/Affordable For Rent floor space determined at application stage [or for phased schemes as determined in earlier reviews [i.e. 14%]	H	2800	3150	4043
25% [RMBC Policy Compliant] of total residential floor space x 0.25	I=B*0.25*0.25	1250	1406	1805
Average size of homes [m2] - assumed for illustrative purposes only	A	80.0	75.0	82.5
Average Market Housing value [£/m²]	K	£3,000	£3,100	£2,900
Average Social/Affordable Housing For Rent value [£/m²]	L=0.45*K	£1,350	£1,395	£1,305
Average Intermediate/Starter Homes For Sale value [£/m²]	M=0.8*K	£2,400	£2,480	£2,320
ADVANCED STAGE AFFORDABLE HOUSING CAP	S = ((G-H) x (K-L)) + ((I-J) x (K-M))	£997,500	£1,159,594	£1,392,136
Additional Affordable Housing for Rent units [based on average size and values]		5.172	6.21	7.24
Additional Affordable Housing for Sale units [based on average size and values]		2.286	2.74	3.20
Total Additional Affordable Housing units [based on average size and values]		7.46	8.95	10.44

Explanatory Notes for FORMULA D	
G	This is the percentage of affordable housing floor space to be social/affordable rented on policy split [i.e. 14%]
I	This is the percentage of affordable housing floor space to be intermediate/Starter Homes units on policy split [i.e. 11%]
G - H	This is the additional social/affordable rented housing floor space cap based on overall 25% affordable housing provision
I - J	This is the additional intermediate/Starter Homes floor space cap based on overall 25% affordable housing provision.
K - L	This is the loss in value of converting a market housing unit to social/affordable rented housing
K - M	This is the loss in value of converting a market housing unit to intermediate/Starter housing
Affordable Housing Cap [S]	This is the maximum additional financial contribution which can be converted into actual affordable housing units based on their average size of units [m2] and their value [£/m2].
Values	Determined as part of t review
Build Costs	Determined as part of t review, or, where based on application BCIS build costs and agreed by the Council linked to Tender Price Index [TPI] and for phased schemes linked to TPI from the date of the previous review.
Illustrative Examples [A & C]	These show three different schemes in terms of number and average size of the housing units as well as different average market prices [£/m2] which generate different Advanced Stage Affordable Housing Caps.

The figures in the Formula D table [above] are simply illustrative. They follow the same logic of Formula C, but in this case, the policy surplus generated [at the review point of 75% delivery of schemes] is converted into actual number of additional AH units, which are in compliance with the Council's planning policies. Depending on the average size of units being delivered, the policy surpluses displayed above generate a different number of AH units.

For all the Formulae set out above, it is stressed that in some instances adjustments to the calculations may be warranted according to the circumstances of a specific proposal. For example, where market and affordable housing values were clearly distinguished in the original appraisal calculation, it may be appropriate to allow for differential costs when determining the Advanced Stage Affordable Housing Cap.

Appendix 7: Spreadsheets for the Formulae [A, B, C and D]

The active spreadsheets will be provided on request.

END

DRAFT

Rotherham local plan

Natural Environment Supplementary Planning Document



June 2020

www.rotherham.gov.uk

Introduction	2
Background	7
Part 1: Opportunities for biodiversity mitigation and enhancement	11
Part 2: Geodiversity	18
Contacts	20
Appendix 1: Suggested plant species lists	21
Appendix 2: Ecological survey requirements	23
Appendix 3: Ecological survey calendar	25
Appendix 4: References, advice and best practice guidance	26
Appendix 5: Glossary	29

Introduction

Background and purpose

1 This Supplementary Planning Document (SPD) is designed to support developers when considering the natural environment, particularly wildlife habitats and species and geology, within development proposals. A core planning principle is the conservation and enhancement of the natural environment. Under the Natural Environment and Rural Communities Act 2006 the Council has a duty to have regard to the purpose of conserving biodiversity. A key aim of this duty is to make biodiversity conservation a natural and integral part of policy and decision making. Furthermore, under the Conservation of Habitats and Species Regulations 2010 the Council must have regard to the requirements of the Habitats Directive in the exercise of its functions.

2 This guidance is structured as follows:

- The background section provides details of key strategies and initiatives, over-arching principles, survey, assessment and planning application requirements, and wildlife legislation.
- Part 1 is focused on biodiversity; and
- Part 2 is focused on geodiversity.
- The Appendices provide additional information, including references and links to relevant documents, advice and best practice methods.

3 The information in this SPD is collated from a range of design guides, best practice standards and conservation group advice. Links are provided for further details on much of the content (Appendix Four). The information covers the planning application process and detailed development design. The information can be used by developers, agents or consultants throughout the planning process and can apply to single dwellings or larger developments.

4 The aim of the guidance is to provide general advice and to support the principle of biodiversity and geodiversity protection and gain. It will help applicants to prepare and submit proposals that are mindful of biodiversity and geodiversity, and that support the delivery of relevant objectives and policies. Site specific and detailed advice can be obtained on request within the planning process.

Status

5 This SPD has been prepared in line with national planning policy and relevant legislation and regulations. The National Planning Policy Framework (NPPF) identifies that SPD add further detail and guidance to the policies in the development plan. They are capable of being a material consideration in planning decisions.

6 As required by The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) consultation on a draft of this SPD took place between **xx** and **xx**. The accompanying Consultation Statement sets out further detail on this consultation, including who was consulted, a summary of the main issues raised and how these have been addressed in the SPD. It also contains an adoption statement, confirming that this SPD was adopted by Rotherham Council on **xxxxx**.

Planning policy

National planning policy

7 The National Planning Policy Framework (NPPF) states that the purpose of planning is to contribute to the achievement of sustainable development – making economic, environmental and social progress for this and future generations. The natural environment is an essential element of sustainable development and design.

8 Amongst other things paragraph 170 of NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by:

- protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils;
- recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
- preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability;
- remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate; and
- minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;

9 Planning Practice Guidance provides further detailed guidance on the natural environment which recognises that:

- Information on biodiversity and geodiversity impacts and opportunities needs to inform all stages of development (including, for instance, site selection and design including any pre-application consultation as well as the application itself).
- An ecological survey will be necessary in advance of a planning application if the type and location of development could have a significant impact on biodiversity and existing information is lacking or inadequate.
- Local planning authorities should require ecological surveys where clearly justified, for example if there is a reasonable likelihood of a protected species being present and affected by development. Assessments should be proportionate to the nature and scale of development proposed and the likely impact on biodiversity.

- Consideration should be given to opportunities to restore or enhance local ecological networks; and
- There are opportunities to secure net gains for biodiversity and geodiversity as part of green infrastructure provision.

Local planning policy

10 Rotherham's Local Plan consists of the Core Strategy (adopted in September 2014) and the Sites and Policies Document (adopted in June 2018), alongside the Barnsley, Doncaster and Rotherham Joint Waste Plan (adopted in March 2012). These are available from our website: <https://www.rotherham.gov.uk/localplan>

11 Rotherham's Local Plan contains strategic objectives and policies that relate specifically to the conservation of the natural environment; these are supported by development management policies that set out expectations for the conservation and enhancement of the natural environment within the planning system. This guidance provides additional detail to, and should be read in conjunction with, the following policies:

CS19 Green Infrastructure	sets out a range of considerations for planning proposals that support Rotherham's Green Infrastructure network, including that a net gain is to be realised through measures including promoting biodiversity.
CS20 Biodiversity and Geodiversity	establishes that the Council will conserve and enhance Rotherham's natural environment, and that biodiversity and geodiversity resources will be protected and measures will be taken to enhance these resources.
Policy SP32 Green Infrastructure and Landscape	sets out a range of measures applicable to new development.
Policy SP 33 Conserving and Enhancing the Natural Environment	sets out guidance for planning proposals on how development should conserve and enhance existing and create new features of biodiversity and geodiversity value, and where it is not possible to avoid negative impact on a feature of biodiversity or geodiversity value through use of an alternate site, development proposals will be expected to minimise impact through careful consideration of the design, layout, construction or operation of the development and by the incorporation of suitable mitigation measures.
SP 34 Sites Protected for Nature Conservation	sets out specific guidance for planning proposals in relation to statutorily and non-statutorily protected sites.

Policy SP 35 Protected and Priority Species

establishes how development likely to have a direct or indirect adverse impact on protected and/or priority species will be considered.

12 The Policies Map accompanying the Sites and Policies Document shows Statutorily Protected Sites and Non-Statutorily Protected sites and green infrastructure corridors, these include areas of biodiversity and geodiversity interest. However areas of interest are also found within other locations and therefore sites must be considered on a case by case basis.

13 Chapter 5 of the Sites and Policies Document provides site development guidelines for local plan allocation sites. These provide site specific guidance regarding biodiversity and geodiversity requirements when preparing planning applications.

Emerging Legislation and National Guidance

14 Recent documents on the Government position and emerging and proposed future legislation regarding nature conservation are detailed below.

15 HM Government: A Green Future: Our 25 Year Old Plan to Improve the Environment: was published in 2018 and sets out the Government's commitment to improving the natural environment over the next 25 years. The term 'development' is mentioned 90 times in the document and is clearly crucial to delivering on the Governments targets.

16 Conservation 21. Natural England's Conservation Strategy for the 21st Century published in 2016: sets out Natural England's current conservation strategy.

17 The Environment Bill was presented to Parliament in January 2020. The Government sets out its commitment to a two-yearly review of the significant developments in international environmental legislation. It is anticipated these changes will be factored into the Environmental Improvement Plan and environmental target setting process. This is to ensure environmental legislation stays in line with developments.

18 The Bill also introduces a requirement for current and future Ministers to make a statement to Parliament identifying environmental impacts of all new environmental primary legislation.

19 The Environment Bill sets out a legally-binding target setting process and establishes a new independent Office for Environmental Protection to scrutinise environmental policy and law, investigate complaints and take enforcement action against public authorities. The Bill proposes that Biodiversity net gain will also be mandated for development. The Council has been working with the South Yorkshire Local Nature Partnership on the possible development of separate planning guidance (including a metric) on Biodiversity Net Gain.

20 It is well known that the UK exited the EU on 31 January 2020 and we are now following a transition period until the end of the year during which EU legislation and national changes to policy will be followed in practical application. As the UK position develops through the various legislative changes to address environmental protection and governance in Westminster and the Devolved Nations. The council will keep abreast of the latest position and reflect appropriate changes within

any draft SPD prior to its formal adoption. Thereafter any changes to local designations will be notified on the Planning Policy web page.

21 The UK Government and Statutory Nature Conservation Bodies have provided further advice on environmental legislation and standards following our exit from the European Union. For England, amendments to the Habitats Regulations will be largely limited to changes that will ensure the regulations can continue to have the same working effect as now after the transition period.

22 Natural England reiterated in October 2019 that as the UK leaves the European Union (EU):

- The UK government is committed to maintaining environmental standards, and will continue to uphold international obligations.
- All European protected sites and species retain the same level of protection once the UK leaves the European Union.
- The environmental assessment regimes that inform planning decisions Strategic Environmental Assessment/ Environmental Impact Assessment Habitat Regulation Assessment (SEA/EIA/HRA) continue to apply post EU exit.
- All permits and licences issued by UK regulatory bodies continue to apply.
- The legal framework for enforcing environmental regulations through regulatory bodies and the courts is unaffected by leaving the EU and continues to apply.
- The UK Government has produced further general advice on the transition period that may be of interest to individuals and businesses.

Background

Key strategies and initiatives

Nature Improvement Area

23 The Dearne Valley Green Heart 'Nature Improvement Area' (NIA), includes parts of Rotherham, Barnsley and Doncaster boroughs. NIAs are large, discrete areas where a local partnership has been set-up to deliver benefits for the natural environment and community. NIAs were established to help address ecological restoration at a landscape-scale to improve biodiversity, ecosystems and our connections with the natural environment identified by the Natural Environment White Paper (2011) and taking forward recommendations identified in the *Lawton Review: Making Space for Nature (2010)*. The Interactive Policies Map (Policies Map Sheet 1 PDF) is prepared to accompany the Sites & Policies Local Plan, shows the extent of the NIA in Rotherham.

24 The vision of the NIA partnership is to restore and enhance the ecological network in the valley. At its core will be areas of reedbeds, fen, wet grassland, wet woodland and woodland buffered by areas of farmland, amenity grasslands, parklands and reclaimed industrial areas whose biodiversity value will be enhanced. 'Stepping stone' sites exist along the river corridor where habitat should be enhanced and specific measures put in place for species such as eels, otters and water voles. The NIA area will support an even richer diversity of wildlife, including nationally-important numbers of wintering waterbirds and breeding farmland birds.

25 Plans are in hand to designate part of the NIA area a Site of Special Scientific Interest which should impinge on Rotherham and this designation will help continue to protect a valuable wildlife site and help the site to continue to provide a high value biodiversity resource for the Wath and wider Dearne area in particular.

Rotherham Biodiversity Action Plan

26 The Rotherham Biodiversity Action Plan (BAP) was produced in 2012 and is reviewed periodically. The BAP lists the key species and habitats targeted for specific conservation action in the borough and draws from national BAP targets. The BAP indicates conservation actions which should be taken to help protect the species and habitats and/ or allow them to recover. Rotherham Council has adopted the BAP as part of the evidence-base supporting Local Plan decisions and will continue to use the BAP.

Biodiversity Net Gain

27 Biodiversity Net Gain (BNG) is an approach to development that aims to leave biodiversity in a better state than before. Where a development has an impact on biodiversity it encourages developers to provide an increase in appropriate natural habitat and ecological features over and above that being affected in such a way it is hoped that the current loss of biodiversity through development will be halted and ecological networks can be restored.

28 Defra has recently consulted on making biodiversity net gain a mandatory element of the English planning system however many developers are already designing net gain into their development projects and national planning policy frameworks already encourage the net gain approach. Nationally,

a policy of no net loss has not worked and there is a need to do something different if we are to make any progress towards reaching our biodiversity targets. This text was written whilst UK policy and standards on biodiversity net gain was rapidly developing and it seems very likely that it will become an increasingly important tool to create, enhance or protect wildlife and wildlife sites in the development process. Consequently, as with other local authorities, Rotherham MBC are likely to increasingly use biodiversity net gain (BNG) in the future.

29 Biodiversity net gain still relies on the application of the mitigation hierarchy to avoid, mitigate or compensate for biodiversity losses. It is additional to these approaches, not instead of them. Put simply, it involves the use of a metric as a proxy for recognising the negative impacts on habitats arising from a development and calculating how much new or restored habitat, and of what types is required to deliver sufficient net gain.

30 CIEEM in December 2016 published the first UK Principles on delivering biodiversity net gain through development. In February 2019 they published new guidance on how to deliver net gain in practice. These publications are available free online. A British Standard on Biodiversity Net Gain is also in preparation.

Great Crested Newt District Licensing

31 Great crested newts are widely distributed throughout the UK. However 50% of the UK's ponds were lost in the 20th century and 80% of those left are in poor condition. As a result there have been enormous declines in the range and abundance of GCN and they are now strictly protected by law. Despite this protection GCN continue to decline. The current system has focused on management to prevent harm on development sites rather than addressing the wider enhancement of their remaining habitat. Currently developers commission field surveys and put in place measures to reduce the impact on newts within development sites which can be time consuming and costly. As a result, the Government has been rolling out a new scheme where surveys and population distribution models are developed across local authority areas in advance in order to identify areas where action can be directed. The approach enables developers to buy into a scheme to develop and manage compensation habitat offsite, thereby freeing up the development footprint.

32 The Council is currently considering whether to join this scheme. If it decides not to join the scheme, it could still be implemented in the Borough by Natural England. Therefore prospective developers and others should be aware of the existence of the scheme and its possible implementation in Rotherham in the future.

Avoid – Reduce – Mitigate – Compensate – Enhance

33 Rotherham has eight biological or geological Sites of Special Scientific Interest (SSSIs) six of which are either entirely within the Borough and two of which straddle the border with Nottinghamshire, nine Local Nature Reserves (LNRs), and nearly one hundred Local Wildlife Sites (LWSs), several candidate Local Wildlife Sites and one Nature Improvement Area (NIA). Rotherham also has twenty six designated Regionally Important Geological Sites (RIGS). Details of the statutory sites (SSSIs and LNRs); and Ancient Woodlands can be found on the MAGIC website whilst statutory and non-statutory sites are all shown on the Policies Map within the Rotherham Local Plan. In the future, when new local wildlife sites, regionally important geological sites, and local nature reserves

are designated and approved by the Council, an up to date map of the borough showing all designations, will be maintained on the Council's web site.

34 The NERC Act 2006 legislates for Priority Habitats of Interest a list of habitats of priority interest, sites, and species that should be protected. There are no SACs (Special Areas of Conservation) / SPAs (Special Protection Areas) or NNRs (National Nature Reserves) in this Borough.

35 Planning decisions should prevent harm to biodiversity and geological conservation interests. Where granting planning permission would result in significant harm to those interests the local planning authority will need to be satisfied that the development cannot reasonably be located on any alternative sites that would result in less or no harm.

36 Where it is impossible to avoid negative impact on a feature of biodiversity or geodiversity value through use of an alternate site development should minimise impact by changing the design, layout, size or operation of the development and by the incorporation of suitable mitigation measures.

37 Where, despite mitigation, there will be residual adverse impact on biodiversity or geodiversity value or on wider ecological networks development should provide an adequate level of compensation. The aim of mitigation and compensation should be to respond to impact or loss with something of greater value; the minimum requirement will be to maintain 'no net loss'.

38 In addition, development will be requested to make a positive contribution to the natural environment by incorporating biodiversity gain, sustainable design, renewable energy technology and, where appropriate, direct contribution to the green infrastructure network and biodiversity opportunity areas.

Survey and Impact Assessment

39 The responsibility lies with the developer to demonstrate that proposals identify and consider their effect on the natural environment by the provision of ecological and geodiversity impact assessment, including the submission of detailed, timely and up to date survey, evaluation and records relevant to the proposed development. Survey work should be undertaken by suitably experienced consultants; the provision of outline development proposals in advance of survey work will allow all potential impacts to be assessed and will enable adequate levels of mitigation, compensation and gain to be established. All recommendations arising from survey and impact assessment should be incorporated into detailed design plans and highlighted within the submitted Design and Access Statement. It is important that survey work is completed in advance of application submission in order to inform the detailed development proposals. The submission of survey and impact assessment enables full evaluation of development proposals against all relevant development management policies. In cases where protected species may be affected it is essential that survey work is undertaken and submitted with the planning application.

40 Standard procedures for survey and reporting as detailed for example by the Bat Conservation Trust (Collins 2016), Chartered Institute of Ecology and Environmental Management (CIEEM) and British Standard BS42020 should be followed.

41 The Council does not support the netting of trees and shrubs by prospective developers to dissuade or prevent birds from nesting in these. This issue was recently (June 2019) debated by

Central Government, although no further decisions from Central Government on the legality and appropriateness of netting trees and shrubs, has been forthcoming. Our stance reflects that of respected environmental organisations: RSPB, Woodland Trust, Wildlife Trusts and other organisations as well as many members of the public who have identified valid reasons why netting should not be allowed.

42 Appendix Two contains details of expected survey remit and report content. The aim of survey and impact assessment work can be summarised as follows:

1. Identify likely impacts on the natural environment.
2. Identify measures to avoid, reduce or mitigate for the identified impacts.
3. Identify measures to demonstrate additional enhancement.
4. Demonstrate understanding and incorporation of the recommendations.

43 There are optimal times for completing ecological survey work; survey work for certain species groups may be limited to particular months and will require a certain level of survey effort to be demonstrated. A survey calendar is included as Appendix Three to highlight survey opportunities; links to best practice guidance for survey methodologies are also provided. The ability to undertake adequate survey work needs to be considered at an early stage in order to ensure all necessary information is able to be submitted with an application. It is important to note however that the survey calendar is being affected by other factors such as for instance changes to the climate. For example, birds are nesting earlier and other species breeding at different times to previous norms.

Planning Process

44 The natural environment should be considered at each stage in the planning process:

- Pre-application – identification of current site status, the extent of survey and impact assessment needed, timings for survey work
- Application – submission of ecological survey and impact assessment work, inclusion in the Design & Access Statement of the ecological survey results and demonstration of how ecological recommendations have affected or been incorporated into the proposals
- Planning Agreement – inclusion of conditions to agree biodiversity recommendations
- Delivery – Information to support the discharge of any relevant conditions, demonstration of measures incorporated, results of any agreed monitoring, demonstration of long-term maintenance of features

45 The level of biodiversity mitigation, compensation and gain proposed should be appropriate to the size and impact of the proposed development. These guidelines include a range of elements that can be incorporated to development proposals to demonstrate measures taken to conserve and enhance the natural environment.

Wildlife Legislation

46 The protection afforded to protected sites and species under UK and EU legislation is irrespective of the planning system and developers should therefore ensure that any activity undertaken, regardless of the need for any planning consent, complies with the appropriate wildlife legislation.

Part 1: Opportunities for biodiversity mitigation and enhancement

47 Development proposals vary widely in size and design, and their individual circumstances will determine which types of biodiversity action are most applicable. Developers should identify existing biodiversity interest and key features, and the potential to enhance these as part of development and management of site. The following sections highlight actions which can be taken to enhance biodiversity in new development proposals.

General principles to support nature conservation

- Creating habitats appropriate for the relevant character area; Identifying and retaining any (semi) natural habitat present within the site, including mature trees and hedgerows;
- Reducing reliance on herbicides, insecticides, fertilisers and other chemicals that may be toxic to non-target organisms and could alter soil conditions that do not reflect the underlying geology;
- Not importing topsoils, i.e. using only subsoils in areas for biodiversity and concentrating the use of existing soils to areas for tree planting;
- Use of tree planting only if the existing soil conditions are sufficient;
- Using mixed native species hedgerows for boundary features and to connect open areas;
- Providing areas of bare ground where habitats can generate naturally;
- Identifying locally suitable plant species mixes and using locally sourced seed / plant materials;
- Creating basic grassland habitats on the understanding that they can be left to develop naturally into more complex grasslands, scrub and possibly eventually woodland;
- Identifying nearby biodiversity assets that can inform and connect to new schemes;
- Using ornamental species planting in limited amounts only and selecting non-native species for their nectar / food source or longer flowering period benefits to supplement the native habitats;
- Agreeing long-term management plans that have biodiversity as an overriding objective;

Landscaping, Planting and Open Spaces

48 There are significant opportunities to retain existing natural habitats within new landscaping and to create new habitats and features that benefit biodiversity. In residential developments new garden provision will add to biodiversity gain but any structural landscaping and areas of open space should include native species, natural habitat creation and, where possible, areas that are allowed to regenerate or colonise naturally. Boundary features, shelter belts and other linear features can help to place new sites into the wider landscape and setting. Development adjacent to sites of importance to nature conservation will almost certainly need to incorporate buffer areas (typically 15 metres following Natural England's Standing Advice) of native planting to protect the sites from adverse impact; such areas should be distinct from the development and should be maintained in the long-term to benefit nature conservation. Development should aim to create or maintain connections and corridors that have been identified in green infrastructure strategies or landscape scale projects. The following opportunities should be incorporated, wherever possible, into landscaping proposals to enhance biodiversity value. Suitable plant species lists are provided in Appendix One. Advice on planting and growing native wildflowers is available from many organisations including the Royal Horticultural Society, Plantlife, Woodland Trust, Soil Association, etc.

Hedgerows

49 Hedges provide shelter, nesting and foraging sites for a wide variety of species and act as wildlife corridors if they are dense and wide enough. They are a Priority Habitat under the NERC Act (2006). The following principles should be considered:

- Plant hedges consisting of a number of wildlife friendly species so that fruit, seed and nectar will be provided throughout most of the year; a minimum of four species is recommended.
- Provide space for dense hedges to grow to at least 2 metres wide with a wide margin on each side for long grasses to grow at their base.
- Locate new hedges so that they will contribute towards forming a local wildlife habitat network with neighbouring hedges, trees, shrubs, scrub, wildflower rich grassland and watercourses.
- Plant native hedges, such as hawthorn, blackthorn and holly, along boundaries where security is important.
- Ensure adequate access and resources are provided for long-term maintenance
- Hedgerows should not be managed by flailing which is very damaging to the hedgerow and to the species it supports. Any hedgerow management regime shall be undertaken outside of bird nesting season

Trees and shrubs

50 Native trees and shrubs provide shelter, nesting sites and fruit for birds. Their flowers provide nectar for bees and other insects. Provision of dead and decaying wood is valuable to a range of invertebrates which depend upon it to complete all or part of their life cycles. Dense scrub provides good cover and food for birds, insects and reptiles. The following principles should be considered:

- Provide native, wildlife friendly tree and shrub species of varying height and structure. A variety of species will also provide a protracted supply of pollen, nectar and fruit.
- Locate trees and shrubs so that they provide continuity with nearby existing habitat.
- Retain trees with holes and dead wood as these are particularly valuable for wildlife such as bats, birds, insects and fungi. Also retain woody cuttings, stumps and fallen branches on site.
- Herbaceous plants and/or long grass in front of shrub/tree areas will provide additional wildlife interest and maintain moisture beneath.

Climbing plants

51 Climbing plants such as ivy, clematis and honeysuckle provide nesting, shelter and berries for birds and nectar for insects. They provide habitat for invertebrates, berries for birds and small mammals, and late nectar for pollinating insects. They are not ecologically perceived as a parasite. The following principles should be considered:

- Locate climbing plants so that they cover otherwise bare walls, fences and gabion baskets.
- Locate climbing plants close to existing hedges, trees, shrubs and flowering grassland, so they will help to connect the local wildlife habitat network.

Wildflower rich grass

52 Wildflower rich grassland is attractive and provides cover for small mammals and invertebrates and the wildflowers supported are a nectar source for insects. Short grass can be enhanced by adding flowering species tolerant of frequent mowing and trampling. Maintenance involving cutting and collecting will be required at appropriate intervals to achieve optimum results. Maintenance that creates a range of vegetation height, from bare ground to tall grasses will provide the most benefit; cutting different areas on a rotational 2-3 year cycle is recommended.

53 The following principles should be considered:

- Provide wildflower rich grassland as part of informal landscaping, on areas of poor soil or areas of poor drainage, under trees and hedgerows; temporary wildflower areas can be created on empty plots where development will be phased.
- Embed spring flowering bulbs and plugs of nectar rich flowering plants.
- Maintain patches of long grass, enabling plants to flower and seed, and providing habitat for grasshoppers and other invertebrates, and a food source for birds, amphibians and mammals.
- Always remove and compost cuttings from grassland and wildflower areas.
- Retain patches of bare earth for invertebrates to bask, nest and forage.
- Consider generating scrub habitat adjacent to existing wildlife rich habitat. Irregular micro-topography such as hollows, banks and slopes are better than homogeneous flat ground, especially if significant they are south or south-east facing.

Watercourses, wetlands and their banks

54 Streams, wet ditches, seasonal watercourses and their banks are important wildlife habitats but many are degraded in urban areas. The following principles should be considered:

- Enhance and restore the naturalness of any existing water course by removing culverts, restoring water channels with soft contouring and suitable wetland planting. Where possible hidden streams and rivers should be "daylighted" and brought into the open.
- A vegetated buffer should be created between the top of the bank and any development; a minimum of 5 metres is recommended, 2 metres is essential. (A minimum 8 metres will be required in some circumstances where statutory agency maintenance occurs.)
- Avoid development and hard landscaping adjacent to the watercourse; development should not involve the culverting of existing watercourses.
- Where appropriate, create new wildlife-friendly ponds and wetland areas, especially where existing ponds are to be affected by the development.
- Incorporate elements of sustainable urban drainage that permanently or temporarily hold water, ensuring pollution controls are incorporated.

Living roofs and walls

55 Living roofs and walls can mitigate for loss of habitat at ground level, particularly open mosaic habitats and where non-developed land is limited. Green bridges may also be appropriate. The following principles should be considered:

- Incorporate green or brown roofing wherever appropriate.
- A range of roof and wall styles can be considered depending on heating / cooling requirements, structural design, aspect and irrigation.

Biodiversity in the Built Environment

56 Development should include opportunities to incorporate biodiversity features into the built environment. A range of bird nesting features can be provided, depending on the type, size, scale and location of a development. Nesting features can cater for common species but, wherever possible those species that rely on buildings should be provided for; bird nesting provision can offset the lack of nesting opportunities provided by modern building design. Bat roosting features are also easily incorporated into many building types. Individual property developments should be encouraged to incorporate at least one feature; multiple dwelling and major developments should be encouraged to incorporate features on a good proportion of properties, ideally 20% or greater. Redevelopment of buildings that will involve the reduction or destruction of existing nest or roost features will be required to replace any lost provision and provide additional features; total provision of at least 125% of the original number is recommended.

Amphibians and reptiles

57 Detailed advice is available from the Amphibian and Reptile Group (ARG) UK, Froglife and the Natural England website. The following principles should be considered:

- Creating links to other habitats.
- Creating new habitat such as ponds and wetland areas.
- Improving existing habitat.

Common swift

58 The following principles should be considered:

- Incorporate multiple, internal swift boxes at soffits/eaves level.
- Any suitable buildings, proximity of an existing colony reinforces need for new nest sites.
- At least five metres above ground level with unimpeded access.
- A northerly or well shaded aspect is essential; avoid southerly elevations and the immediate vicinity of windows.

House martin

59 The following principles should be considered:

- Incorporate multiple, pre-formed house martin nest cups at soffits/eaves level.
- Suitable for buildings with wide soffits/eaves in close proximity to open space or other green infrastructure, particularly where there are standing or running water features near by.
- At least five metres above ground level. Adequate shelter from sun and prevailing weather, avoid direct south elevations.
- Avoid fixing directly over doors and windows.

Barn swallow

60 The following principles should be considered:

- Incorporate pre-formed swallow nest cups and purpose built ledges inside appropriate open access buildings, such as car ports, porches, storage areas.
- Suitable for buildings in close proximity to open space or other green infrastructure, particularly where there are standing or running water features near by.
- Avoid locations where droppings might become a nuisance.

House Sparrow

61 The following principles should be considered:

- Incorporate multiple boxes / terraces at soffits/eaves level, preferably a minimum of six features in close proximity.
- At least two metres above ground level with somewhere to perch in the immediate vicinity.
- Needs to be shaded; easterly aspect is best, avoid direct south-facing elevations.

Starling

62 The following principles should be considered:

- Incorporate multiple boxes at soffits/eaves level leaving at least 1.5m between each box.
- At least three metres above ground level with somewhere to perch in the immediate vicinity.
- Needs to be shaded, an easterly aspect is best, avoid direct south-facing aspect.
- Starlings can be noisy so their nests are best sited where they won't be a nuisance.

Garden birds

63 The following principles should be considered:

- Install appropriate nest boxes on buildings, retained or new trees, fences or other boundary features, as high as possible to deter predators.
- Locations should be sheltered from direct sunlight and the prevailing weather.
- A mix of boxes with entry holes of different sizes or open fronts should be used to attract a range of species.

Birds of Prey

64 The following principles should be considered:

- Incorporate on sites in suburban and urban – countryside interface sites, where there is direct access to suitable hunting grounds.
- Features for diurnal or nocturnal species can be considered.
- Will be suitable on sites where ecological recommendations have specified mitigation or enhancement for these species.

Bat Species

65 The following principles should be considered:

- Provide features, spaces and access points dependant on the species found locally and the style of structure:
 - Crevice dwelling species (includes Pipistrelles, Brandt's and Whiskered) – create spaces in walls, cladding, eaves, tiles and ridge-tiles; install integrated or external ready-made bat boxes
 - Void dwelling species (includes Noctule, Serotine, Leisler's, Daubenton's) – create access points under eaves or tiles, leave joists or beams exposed, ensure toxic materials are not used and that insulation etc does not create a risk of entanglement
 - Species needing flight space (including Natterer's, Brown long-eared and Grey long-eared) – create open untrussed roof space of at least 2.5m x 5m x 5m (H x W x L)
- Access points should be 4-7m above ground level.
- No artificial lighting should interfere with the access points.
- Roost features can be either north-facing to support male roosts and winter hibernation or south / west facing to support maternity roosts.
- Access points should be accessible from open space; the location of bat features close to hedgerows, watercourses and trees is beneficial for commuting and foraging use by bats.
- Follow Bat Conservation Trust guidance on lighting i.e. using cowls and hoods, using the shortest possible poles, directing lighting inwards and downwards into development sites rather than outwards, avoid directing lighting at habitats such as woodland and hedgerows, lights triggered by human movement rather than being left on permanently, etc.

Hedgehogs

66 Hedgehogs themselves are partially protected from being taken or killed under Schedule 6 of the Wildlife and Countryside Act 1981. Appropriate enhancement might include:

- Cutting holes at suitable points in all new fences and walls to provide access for hedgehogs to all areas of the site.
- Planting of native hedgerows across the development.
- Providing log piles to increase nesting options for the hedgehogs.

Nature Improvement Area

67 Within the NIA (Nature Improvement Area) we require specific biodiversity enhancements with developments over and above the minimum mitigation/ compensation measures. A Planning Advice Note has been produced by the three Dearne Valley Local Authorities including Rotherham to ensure that the aims and objectives of the NIA are incorporated into development proposals. The guiding principle of the Dearne Valley NIA is to restore and enhance the ecological network of the Dearne Valley, reconnect people in local communities with their natural environment and create a high value environment that will provide a setting for future investment.

68 The NIA would welcome applications that seek to provide improvement for the focal species of the NIA which are: lapwing, redshank, snipe, wintering teal, wintering wigeon, wintering bittern, barn owl, willow tit, water vole, brown hare, noctule bat, grass snake, dingy skipper and wild flowers.

69 The NPPF recommends Local Plans consider specifying the types of development that may be appropriate within NIAs.

70 Opportunities for biodiversity enhancement in small scale commercial and industrial buildings in the NIA might include:

- Native species hedgerow planting
- Insect boxes/bee hotel
- Bird boxes
- Tree planting
- Woodpiles/log shelter
- Ponds and soak-a-ways
- Living roofs
- Swift bricks/internal nest boxes
- SuDS
- Use of native tree and shrub species in landscaping
- Green walls/habitat walls, willow fence/hedge
- Introduce wildflowers into verges

71 Opportunities for biodiversity enhancement in large scale development including residential and commercial in the NIA might include:

- SuDS
- Incorporate habitats/features within green space to create green corridors
- Habitat creation and restoration of existing habitats
- Use of nectar rich species and food plants in landscaping
- Buffer strips along watercourses and ditches
- Use show home garden or demonstration area on industrial site to demonstrate wildlife gardening
- Develop a site/company Biodiversity Action Plan (BAP)

Part 2: Geodiversity

The geology of Rotherham

72 The bedrock that forms the foundations of Rotherham includes the Coal Measures of late Carboniferous age and the Magnesian Limestone of Permian age. This produces the two contrasting landscapes of the Yorkshire Coalfield and the South Yorkshire Magnesian Limestone Ridge that forms the eastern part of Rotherham Borough.

73 The Coal Measures include alternating sandstones and mudstones with siltstones and coal seams. The contrasting resistance to erosion of the sandstones and mudstones produces the distinctive edges and variable slopes on the sides of the valleys. Most of the sandstones have been quarried for local building stone, including the distinctive Rotherham Red sandstone. The Carboniferous mudstones have historically been used for brick manufacture. Most of the thicker coal seams have been mined for coal for domestic use and coking.

74 The Magnesian Limestone produces a slightly undulating plateau to the east around Anston, Lindrick and Maltby, with valleys and steep sided gorges with crags cutting across the plateau. The Magnesian Limestone is a distinctive limestone rock type that in places has been eroded to produce caves, sinkholes and fissures which form part of the landscape. Magnesian Limestone has been quarried locally as a building stone and for other purposes.

Supporting positive development proposals

75 Geodiversity resources are protected through Local Plan Policies. Areas designated for geodiversity are shown on the Local Plan Policies Maps. These are: Statutorily Protected Sites for geodiversity, those Sites of Special Scientific Interest (SSSI) which have been designated for earth heritage value and Non Statutorily Protected Sites for geodiversity in Rotherham Local Plan, which are currently represented by Regionally Important Geological Sites (RIGS).

76 RIGS are a local planning designation that recognises the geological conservation interest of a site. Benefits of RIGS include:

- Conserving areas with recognised geological interests;
- Contributing to local and national geodiversity and biodiversity targets;
- Adding to the local character and distinctiveness of an area; and
- Contributing to the quality of life.

77 However it is also recognised that there may be assets which are not identified within the above designations. In these circumstances criterion d. of Policy CS20 Biodiversity and Geodiversity clarifies that priority will be given to conserving and enhancing sites and features which have demonstrable biodiversity and geodiversity value, including woodland, important trees, hedgerows, watercourse, glacial features, (overflow channels, moraines) gorges (Anston Stones) caves, (Anston Stones), crags and structures, but which are not included in designated sites.

78 Geodiversity will be considered on a case by case basis; however where proposed developments are likely to have a detrimental impact on a geodiversity site or asset(s) further geological investigation will be required prior to the submission of a planning application. All relevant geodiversity datasets

should be gained. The most up to date information on geodiversity in Rotherham is held in the Rotherham Geological Records Centre, this is administered by Sheffield Area Geology Trust (SAGT), to whom enquiries for records should be made. The Geodiversity Scoping Study (2015) assessed and provides generic planning advice for 28 possible allocation sites in Rotherham and will also be a useful source of information for relevant sites.

79 The planning application shall be supported by a Geodiversity Survey and Report, which assesses the impact of the specific development proposals on the geodiversity asset(s). The assessment should identify and describe potential development impacts likely to harm designated sites and or geodiversity features, including both direct and indirect effects both during and after construction. Where harm is likely, evidence must be submitted to show how:

- Alternative designs or locations have been considered;
- Adverse effects will be avoided wherever possible;
- Unavoidable impacts will be mitigated or reduced;
- Impacts that cannot be avoided or mitigated will be compensated, ensuring that development decisions will safeguard the natural environment.

80 This may require desk study, field exploration, the drilling of boreholes and excavations for the necessary data to be acquired. Where a site is not designated, data collection and analysis shall enable an assessment of the site for its suitability for designation as a local site or a site of special scientific interest .

81 All data should be recorded and assessed by an appropriate expert using nationally recognised survey guidelines/methods where available. A copy of the Geodiversity Survey and Report should be deposited in the Rotherham Geological Records Centre.

82 When proposed development lies within an area which is likely to contain features of geodiversity interest, the planning authority may advise that any excavations into bedrock carried out in the course of development works should be examined by a competent geoscientist so that any features of geodiversity interest that may be present can be recorded. This provision is not intended to delay the development process, nor would it further disturb the site, but is simply to record geodiversity present - for the benefit of increased geodiversity knowledge. Sheffield Area Geology Trust (subject to capacity) can advise on geodiversity features that are expected to be present, their documentation and conservation.

Contacts

If you have any questions regarding this Supplementary Planning Document please contact Planning Policy:

Submit an enquiry to Planning Policy online:

https://www.rotherham.gov.uk/forms/200074/planning_and_regeneration

Email: planning.policy@rotherham.gov.uk
 Telephone: 01709 823869
 Website: <https://www.rotherham.gov.uk/localplan>
 Post: Planning Policy Team, Planning, Regeneration and Transport, Regeneration & Environment Services, Rotherham Metropolitan Borough Council, Riverside House, Main Street, Rotherham, S60 1AE

For planning application and pre-application advice, please contact Development Management:

Submit an enquiry to Development Management online:

https://www.rotherham.gov.uk/forms/200074/planning_and_regeneration

Email: development.management@rotherham.gov.uk
 Telephone: 01709 823835
 Website: <https://www.rotherham.gov.uk/planning>
 Post: Development Management, Planning, Regeneration and Transport, Regeneration & Environment Services, Rotherham Metropolitan Borough Council, Riverside House, Main Street, Rotherham, S60 1AE

Biological records

The Rotherham Biological Records Centre can be contacted using this online form:

https://www.rotherham.gov.uk/forms/form/487/en/make_a_biological_records_report_or_enquiry

Geological records and Sheffield Area Geology Trust

The Sheffield Area Geology Trust maintain the Rotherham Geological Records Centre.

Further information on The Sheffield Area Geology Trust (SAGT) can be found on their website: www.sagt.org.uk

The Trust can be contacted by email at sageologytrust@gmail.com

Appendix 1: Suggested plant species lists

83 The lists provided include common and indicative species for the different habitats; these are based on the Rotherham Local Wildlife Site selection criteria. Many horticultural suppliers can create mixes to suit individual requirements or will stock mixes suitable for a range of soils and conditions that may reflect the species listed here. Native planting supports local biodiversity; whilst ornamental species provide food and shelter for wildlife they are unlikely to be good as food plants for phytophagous insects or pollinating insects, which have evolved to pollinate native flowers .

Table 1 Suggested species list: trees and woodlands

Trees and woodlands			
Hedgerow Species	Woodland: Coal Measures Area	Woodland: Limestone Area	Wet Woodlands
<i>Acer campestre</i>	<i>Betula pendula</i>	<i>Acer campestre</i>	<i>Alnus glutinosa</i>
<i>Cornus sanguinea</i>	<i>Corylus avellana</i>	<i>Corylus avellana</i>	<i>Betula pendula</i>
<i>Corylus avellana</i>	<i>Ilex aquifolium</i>	<i>Fraxinus excelsior</i>	<i>Betula pubescens</i>
<i>Crataegus monogyna</i>	<i>Malus sylvestris</i>	<i>Quercus robur</i>	<i>Fraxinus excelsior</i>
<i>Fraxinus excelsior</i>	<i>Quercus petraea</i>	<i>Sorbus torminalis</i>	<i>Quercus petraea</i>
<i>Ilex aquifolium</i>	<i>Quercus robur</i>	<i>Tilia cordata</i>	<i>Quercus robur</i>
<i>Ligustrum vulgare</i>	<i>Sorbus aucuparia</i>	<i>Tilia platyphyllos</i>	<i>Salix Spp. particularly caprea, cinerea & fragilis</i>
<i>Malus sylvestris</i>		<i>Taxus baccata</i>	
<i>Prunus spinosa</i>		<i>Ulmus glabra</i>	
<i>Ulmus glabra</i>			
<i>Rosa canina</i>			
<i>Viburnum opulus</i>			

Table 2 Suggested species list: grasslands

Grasslands			
Woodland Ground Flora	Acid – Neutral (Coal Measures Area)	Calcareous (Magnesian Limestone Area)	Wet grassland, pond & stream edges
<i>Ajuga reptans</i>	<i>Agrostis capillaris</i>	<i>Brachypodium pinnatum</i>	<i>Alopecurus pratensis</i>
<i>Anemone nemorosa</i>	<i>Anthoxanthum odoratum</i>	<i>Briza media</i>	<i>Alopecurus geniculatus</i>
<i>Carex sylvatica</i>	<i>Cynosaurus cristatus</i>	<i>Bromus erectus</i>	<i>Alopecurus pratensis</i>
<i>Conopodium majus</i>	<i>Deschampsia flexuosa</i>	<i>Festuca ovina</i>	<i>Anthoxanthum odoratum</i>

Grasslands			
<i>Fragaria vesca</i>	<i>Festuca ovina</i>	<i>Agrimonia eupatoria</i>	<i>Deschampsia cespitosa</i>
<i>Galium odoratum</i>	<i>Ajuga reptans</i>	<i>Aquilegia vulgaris</i>	<i>Festuca pratensis</i>
<i>Geum urbanum</i>	<i>Centaurea nigra</i>	<i>Campanula rotundifolia</i>	<i>Festuca rubra</i>
<i>Hyacinthoides nonscripta</i>	<i>Daucus carota</i>	<i>Carlina vulgaris</i>	<i>Holcus lanatus</i>
<i>Lamium galeobdolon</i>	<i>Galium saxatile</i>	<i>Centaurea scabiosa</i>	<i>Holcus mollis</i>
<i>Myosotis sylvatica</i>	<i>Geranium pratense</i>	<i>Centaureum erythraea</i>	<i>Caltha palustris</i>
<i>Oxalis acetosella</i>	<i>Hypericum maculatum</i>	<i>Conopodium majus</i>	<i>Cardamine pratensis</i>
<i>Primula vulgaris</i>	<i>Lathyrus pratensis</i>	<i>Dactylorhiza fuchsia</i>	<i>Carex Spp.</i>
<i>Ranunculus ficaria</i>	<i>Leontodon autumnalis</i>	<i>Fragaria vesca</i>	<i>Cirsium palustre</i>
<i>Scrophularia nodosa</i>	<i>Leucanthemum vulgare</i>	<i>Galium verum</i>	<i>Filipendula ulmaria</i>
<i>Stellaria holostea</i>	<i>Lotus corniculatus</i>	<i>Helianthemum</i>	<i>Galium palustre</i>
<i>Veronica Montana</i>	<i>Lychnis flos-cuculi</i>	<i>nummularium</i>	<i>Geum rivale</i>
<i>Viola riviniana</i>	<i>Lysimachia nummularia</i>	<i>Leontodon hispidus</i>	<i>Hypericum tetrapterum</i>
Climbing Plants	<i>Primula vulgaris</i>	<i>Leontodon saxatilis</i>	<i>Iris pseudacorus</i>
<i>Clematis vitalba</i>	<i>Rumex acetosella</i>	<i>Primula veris</i>	<i>Juncus effuses</i>
<i>Hedera helix</i>	<i>Rhinanthus minor</i>	<i>Hypericum montanum</i>	<i>Juncus inflexus</i>
<i>Humulus lupulus</i>	<i>Stellaria graminea</i>	<i>Hypericum perforatum</i>	<i>Lathyrus pratensis</i>
<i>Lonicera periclymenum</i>	<i>Trifolium medium</i>	<i>Knautia arvensis</i>	<i>Lythrum salicaria</i>
	<i>Trifolium pratense</i>	<i>Lotus corniculatus</i>	<i>Mentha aquatica</i>
	<i>Valeriana officinalis</i>	<i>Orchis mascula</i>	<i>Myosotis scorpioides</i>
		<i>Origanum vulgare</i>	<i>Persicaria amphibian</i>
		<i>Sanguisorba minor</i>	<i>Ranunculus flammula</i>
		<i>Scabiosa columbaria</i>	<i>Ranunculus sceleratus</i>
		<i>Succisa pratensis</i>	<i>Scrophularia auriculata</i>
		<i>Thymus praecox</i>	<i>Valeriana dioica</i>
			<i>Veronica anagallis-aquatica</i>
			<i>Veronica beccabunga</i>

Appendix 2: Ecological survey requirements

From a planning perspective the information required to be submitted in relation to a proposed development should include:

- Results of consultation with Rotherham Biological Records Centre, and / or other likely holders of biological data,
- Details, with appropriate mapping, of habitats occurring and present vegetation status.
- The presence of or potential for protected and priority species and priority habitats on the site. Including identification of any features that may be used by or support protected fauna (e.g. roosts, nest sites etc).
- Details of the survey methodology employed, including identifications of limitations and recommendations for further survey work if necessary.
- Key factors resulting from the development that are likely to affect the ecological interest identified by the survey work. Including the expected timing, phasing and duration of works.
- Opinion as to whether the site, either in whole or in part, is suitable for development as proposed.
- Details of measures to safeguard features of ecological interest and recommendations for ecological enhancement of the proposed development site.
- Details of direct mitigation measures to be incorporated for ecological interest to be lost or reduced as a result of the proposed development.

Where there is the potential for protected species the following requirements should also be included:

- Details of survey methodology used including survey dates, times, conditions, comparison of survey work undertaken to established best practice methodology, identification of limitations and recommendations for further survey work if necessary;
- Details of evaluation methodology used to assess the survey results;
- Survey staff involved in the survey work, including an outline of their training and experience;
- Description of the need for and the objectives of the survey;
- Description of the site and any structures surveyed including evaluation of potential features of interest, use of images where appropriate;
- Results of site and structure assessment, i.e. details of any evidence of protected species or potential found during survey;
- Evaluation of the survey results including confirmation of protected species presence / absence, estimated species population size, key features of importance;
- Key factors resulting from the development / proposed works that are likely to affect the ecological interest identified by the survey work. Including the expected timing, phasing and duration of works;
- Opinion as to whether the site / structure, either in whole or in part, is suitable for development / works as proposed;
- Details of measures needed to safeguard features of ecological interest and recommendations for ecological enhancement of the proposed works;
- Details of direct mitigation measures to be incorporated for ecological interest to be lost or reduced as a result of the proposed works;

- Opinion as to whether a European Protected Species Licence will be required from Natural England and what measures are likely to be required to meet Natural England's licensing application process;
- Provision of a detailed working method statement to be followed throughout the proposed works to ensure that harm or disturbance to any protected species not found during the survey work is minimised.

Appendix 3: Ecological survey calendar

Species	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Habitats / vegetation	Phase 1 only (sub-optimal)			Phase 1 and NVC								
Badgers	Limited sett / bait surveys	Bait marking and sett surveys			Limited bait marking and sett surveys			Sett surveys				
	Inspection of hibernation roosts		Limited activity	Survey for summer roosts and activity surveys possible for all areas with suitable habitat			Limited activity		Inspection of hibernation roosts			
Bats	Potential roosts and internal surveys are possible all year round; trees are best surveyed in winter											
Birds	Surveys for Winter Species, i.e. Wintering waders	Breeding bird surveys, and those for migrant species		Breeding bird surveys		Low activity; surveys not recommended		Surveys for migrant species		Surveys for Winter Species, i.e. Wintering waders		
	Gnawed hazel nut search		Nest tube survey from April to November. Gnawed hazel nut search (best from September to December)									
Dormice												
Great crested newts	Newts hibernating; no survey possible	Pond surveys for adults, terrestrial survey, egg surveys April to mid-June, larvae surveys from mid-May		Survey for habitat suitability and the presence of larvae		Survey possible to determine habitat suitability		Newts hibernating; no survey possible				
	There are no distinct seasonal constraints to otter survey; however they may be affected by vegetation cover and weather conditions.											
Reptiles	Reptiles hibernating; no survey possible	Peak survey months are April and May			Reduced basking time lowers effectiveness of refugia survey		Peak survey month		Limited activity		Reptiles hibernating; no survey possible	
Water voles	Low activity	Surveys for habitat suitability	Habitat and field signs / activity surveys. May be limited by vegetation cover and weather.			Surveys for habitat suitability						
	Low activity											
White-clawed crayfish	Low activity; no survey possible		Searching; Torching; Trapping		Where present likely to have young, hence avoid survey		Substrate search by hand. Torchlight and trapping surveys.			Low activity; no survey possible		
:Key:	Surveys recommended				Sub-optimal survey period				Surveys not possible			

Appendix 4: References, advice and best practice guidance

Amphibian and Reptile Groups of the United Kingdom. November 2006. Advice Note 1 Engaging with the Planning System. <https://www.arguk.org/info-advice/advice-notes>

Barn Owl Trust. <http://www.barnowltrust.org.uk/>

Bat Conservation Trust. <http://www.bats.org.uk/index.php>

British Standard BS 42020:2013 Biodiversity – Code of practice for planning and development. 2013. British Standards Institute (BSI).

Chartered Institute of Ecology & Environmental Management (CIEEM): Biodiversity Net Gain. Good Practice Principles for Development. 2016.

<https://cieem.net/i-am/current-projects/biodiversity-net-gain/>

Chartered Institute of Ecology & Environmental Management (CIEEM): Guidelines for Ecological Report Writing. 2nd Edition. December 2017.

<https://cieem.net/resource/guidelines-for-ecological-report-writing/>

Chartered Institute of Ecology & Environmental Management (CIEEM): Guidelines for Preliminary Ecological Appraisal. 2nd Edition. December 2017.

<https://cieem.net/resource/guidance-on-preliminary-ecological-appraisal-gpea/>

Chartered Institute of Ecology & Environmental Management (CIEEM): Guidelines for Ecological Impact Assessment in the UK and Ireland. September 2018.

<https://cieem.net/resource/guidelines-for-ecological-impact-assessment-ecia/>

Chartered Institute of Ecology & Environmental Management (CIEEM), CIRIA & IEMA: Biodiversity Net Gain. Good Practice Principles for Development. A Practical Guide. February 2019.

<https://cieem.net/i-am/current-projects/biodiversity-net-gain/>

Collins, J. et al (2016) Bat Surveys for Professional Ecologists. Good Practice Guidelines (3rd Edition).

Dearne Valley Green Heart Partnership: Development in the Dearne Valley NIA. [No date]

<https://www.rspb.org.uk/our-work/conservation/landscape-scale-conservation/sites/dearne-valley-green-heart/>

DEFRA. Natural Environment White Paper. 2011.

<https://www.gov.uk/government/publications/the-natural-choice-securing-the-value-of-nature>

Exeter City Council. Residential Design Guide Supplementary Planning Document. 2010.

<https://exeter.gov.uk/planning-services/planning-policy/supplementary-planning-documents/>

Freshwater Habitats Trust. <http://www.freshwaterhabitats.org.uk/>

Froglife (1998) The Planning System and Site Defence. Froglife Advice Sheet 9.

Great crested newts: district level licensing schemes.

<https://www.gov.uk/government/publications/great-crested-newts-district-level-licensing-schemes>

Johnston, J. & Newton, J. Plants for Roofs and Walls 2004 Greater London Authority

Joint Nature Conservancy Committee (JNCC) UK and international nature conservation advice.

<https://jncc.gov.uk/>

Lawton Review Making Space for Nature (2010)

MAGIC MAP website. <https://magic.defra.gov.uk/MagicMap.aspx>

MHCLG. National Planning Policy Framework.2019.

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

MHCLG. Planning Practice Guidance. 2019.

<https://www.gov.uk/government/collections/planning-practice-guidance>

Natural England guidance. <https://www.gov.uk/government/organisations/natural-england>

Natural England – Standing Advice for Protected Species.

<https://www.gov.uk/guidance/protected-species-how-to-review-planning-applications>

Natural Environmental Research Council. <https://nerc.ukri.org/>

Natural Environment and Rural Communities Act. 2006.

<http://www.legislation.gov.uk/ukpga/2006/16/contents>

Plantlife: Advice on planting and growing native wild flowers.

https://plantlife.love-wildflowers.org.uk/wildflower_garden

Rotherham Biodiversity Forum. Rotherham Biodiversity Action Plan. 2012.

<https://www.rotherham.gov.uk/downloads/download/79/evidence-base-downloads>

Rotherham Metropolitan Borough Council. Local Wildlife Site Framework & Selection Criteria. 2010.

<https://www.rotherham.gov.uk/downloads/download/54/natural-environment-documents>

Rotherham Metropolitan Borough Council & Sheffield Area Geology Trust. Regionally Important Geological Sites in Rotherham - methodology. 2010.

<https://www.rotherham.gov.uk/downloads/download/54/natural-environment-documents>

Sheffield Area Geology Trust. Geodiversity Scoping Study. 2015.

<https://www.rotherham.gov.uk/downloads/file/654/geodiversity-scoping-study-2015>

Royal Horticultural Society. Plants for Pollinators.

<https://www.rhs.org.uk/science/conservation-biodiversity/wildlife/plants-for-pollinators>

<https://www.rhs.org.uk/science/conservation-biodiversity/wildlife/plants-for-pollinators>

Sheffield Area Geology Trust. Geodiversity Scoping Study. 2015.

<https://www.rotherham.gov.uk/downloads/file/654/geodiversity-scoping-study-2015>

Sheffield & Rotherham Wildlife Trust. <http://www.wildsheffield.com/>

Swift conservation. <http://www.swift-conservation.org/>

Town & Country Planning Association. Planning for a healthy environment: good practice for green infrastructure and biodiversity. 2012.

<https://www.tcpa.org.uk/Handlers/Download.ashx?IDMF=34c44ebf-e1be-4147-be7d-89aaf174c3ea>

Wildlife Trust Sheffield & Rotherham. <http://www.wildsheffield.com/>

Yorkshire Wildlife Trust. <http://www.ywt.org.uk/>

Appendix 5: Glossary

In addition to the entries below, reference should be made to the glossaries provided at Appendix C of the Core Strategy, Appendix 4 of the Sites and Policies Document, and Annex C of the National Planning Policy Framework.

Ancient Woodland: An area that has been wooded continuously since at least 1600 AD.

Biodiversity: is the whole variety of life on earth; all species of plants and animals and the ecosystems of which they are part.

Biodiversity Net Gain (BNG): Biodiversity Net Gain is an approach to development that leaves biodiversity in a better state than before. Where a development has an impact on biodiversity it encourages developers to provide an increase in appropriate natural habitat and ecological features over and above that being affected in such a way it is hoped that the current loss of biodiversity through development will be halted and ecological networks can be restored.

Coal Measures: Rocks of the Upper Carboniferous Period, around 310 million years old. The Coal Measures comprises sandstones, siltstones and other sedimentary rocks interspersed with coal measures which initially formed in deltaic environments.

Core Strategy: sets out the long-term spatial vision for the local planning authority area, the spatial objectives and strategic policies to deliver that vision. The core strategy has the status of a development plan document.

Dearne Valley Green Heart: The Dearne Valley Green Heart Partnership is a coalition of local organisations including Rotherham, Barnsley and Doncaster councils, the RSPB & Yorkshire Wildlife Trust who are committed to improving the natural environment of the Dearne Valley for the benefit of the local population and wildlife.

District Level Licensing (DLL): If you are a developer proposing to develop land, you can pay to join a district level licensing scheme. If you join a scheme, you do not need to carry out your own surveys; plan and carry out mitigation work; District level licensing schemes operate in certain parts of England to better protect great crested newt populations. Schemes are operated by either: Natural England; a local planning authority (LPA); a third party on behalf of the LPA.

Ecological networks: The connections and interactions between the organisms and components of an ecosystem that conserve the ecosystem and provide ecosystem services that may also have social and economic values.

Geodiversity: The variety of rocks, fossils, minerals, landforms and soils, and all the natural processes that shape the landscape.

Great Crested Newts (GCN): The great crested newt (*Triturus cristatus*) is the largest and least common of the three newt species in the UK, with the larger females growing up to 16cm. Since the 1940s, populations of crested newts have declined in most of Europe due to loss of habitat. In England, Wales and Scotland it is a protected species under Schedule 5 of the Wildlife & Countryside Act 1981. It is also a European Protected Species and it has additional protection in the UK under

Regulation 39 of the Conservation (Natural Habitats etc.) Regulations 1994 (the Habitats Regulations) as amended by the Conservation (Natural Habitats etc) (Amendment) Regulations 2007. It is an offence to:

- Intentionally kill, injure or take a northern crested newt somewhere else from its own habitat
- Possess or control any live or dead specimen or anything derived from a northern crested newt
- Intentionally or recklessly damage, destroy or obstruct access to any structure or place used for shelter or protection by a northern crested newt (in practice this means both its breeding sites and its terrestrial habitat)
- Intentionally or recklessly disturb a northern crested newt while it is occupying a structure or place which it uses for that purpose

Green infrastructure: the network of multi-functional green space, both new and existing, both rural and urban, which supports the natural and ecological processes and is integral to the health and quality of life of sustainable communities.

Habitats Directive: The Habitats Directive (more formally known as Council Directive 92/43/EEC on the Conservation of natural habitats and of wild fauna and flora) is a European Union directive adopted in 1992 as an EU response to the Berne Convention. It is one of the European Union's directives in relation to wildlife and nature conservation, another being the Birds Directive. The Habitats Directive requires national governments to specify areas that are expected to be ensuring the conservation of flora and fauna species. This led to the setting up of a network of protected areas across the EU, special areas of conservation which together with the existing Special Protection Areas, became the so-called Nature 2000 network established to protect species and habitats.

Habitats and Species of Principle Importance for Biodiversity: The habitats and species in England that have been identified via the Natural Environment and Rural Communities Act 2006 as requiring action in the England Biodiversity Strategy and which Local Authorities have a duty to protect and enhance.

Irreplaceable habitat: Habitats which would be technically very difficult (or take a very significant time) to restore, recreate or replace once destroyed, taking into account their age, uniqueness, species diversity or rarity. They include ancient woodland, ancient and 68 veteran trees, blanket bog, limestone pavement, sand dunes, salt marsh and lowland fen.

Local Nature Reserves (LNR): A statutory designation made under section 21 of the National Parks and Access to the Countryside Act 1949, and amended by Schedule 11 of the Natural Environment and Rural Communities Act 2006

Local Wildlife Sites (LWS): Non-statutory areas of of local importance for nature conservation that complement nationally and internationally designated geological and wildlife sites. Local Sites are protected within the planning framework.

Magnesian Limestone: A traditional name for rocks of Permian age, consisting largely of limestones composed of calcium-magnesian carbonate. The Magnesian Limestone strata in Rotherham are about 250 million years old. The Magnesian Limestone is a suite of calcareous rocks in north-east England

and the East Midlands dating from the Permian period (i.e. following the Coal Measures or the Carboniferous period). The outcrop stretches from Nottingham northwards through Yorkshire and into County Durham where it is exposed along the coast. Much of the Magnesian Limestone is dolomite which is limestone with a high magnesium content. As with other limestones, it often supports habitats of high nature conservation value due to the thin infertile soils associated with it and which prevent competitive plants from dominating.

National Planning Policy Framework (NPPF): The National Planning Policy Framework sets out the Government's planning policies for England and how these are expected to be applied. Council's must take account of the NPPF when preparing their Local Plans.

Nature Improvement Area (NIA): Nature Improvement Areas (NIAs) are a network of large scale initiatives in the landscape of England to improve ecological connectivity and improve biodiversity. They were launched in 2012. The NIAs form part of the UK Government's response to Sir John Lawton's 2010 report 'Making Space for Nature'. They were then implemented via the Natural Environment White Paper, the first natural environment government White Paper in 20 years. The NIAs run with the aid of Local Nature Partnerships and around local volunteers.

Priority habitats and species: Species and Habitats of Principal Importance included in the England Biodiversity List published by the Secretary of State under section 41 of the Natural Environment and Rural Communities Act 2006.

Regionally Important Geological Sites (RIGS): Non-statutory areas of of local importance for nature conservation that complement nationally and internationally designated geological and wildlife sites. Local Sites are protected within the planning framework.

Sites & Policies Development Plan Document: This shows specific development sites and contain policies to guide the release of land and design of new development.

Sites of Special Scientific Interest (SSSI): Representative examples of nationally important wildlife and geology. SSSIs are notified by Natural England under section 28 of the Wildlife and Countryside Act 1981 as being of special value for nature conservation and are legally protected under the Wildlife and Countryside Act, as amended by the Countryside and Public Rights of Way Act (CROW) 2000 and the Natural Environment and Rural Communities (NERC) Act 2006.

Supplementary Planning Document (SPD): provide supplementary information in respect of the policies in development plan documents. They do not form part of the development plan and are not subject to independent examination.

Sustainable Urban Drainage Systems (SuDS): Water management practices and control systems designed to drain surface water in a more sustainable way than conventional systems. Different techniques, such as infiltration and retention, are used which mimic runoff from the site in its natural state.

Rotherham local plan

DRAFT Transport Assessments, Travel Plans and Parking Standards Supplementary Planning Document



July 2020

Transport Assessments, Travel Plans and Parking Standards

Introduction	2
Transport Assessments	5
Travel Plans	9
Parking	17
Contact Information	22

Appendices

Appendix A: Transport Assessments	23
Appendix B: Vehicle Parking Standards	29
Appendix C: Cycle Parking Standards	32
Appendix D: Indicative guidance for planning conditions and obligations	35

Introduction

1 The aim of this document is to set out detailed guidance on the way the Council expects parking and travel plan policies in the Development Plan to be applied in particular circumstances or areas. It is also intended to inform the operation of the Development Management process and to provide a guide for developers and land use managers about the general principles applicable to parking and sustainable transport and how these are considered through the planning process.

2 The purpose of this document is to provide a methodology for the analysis of transport impacts of development and their mitigation through the prioritisation of sustainable transport. The impacts of transport on climate change are of utmost importance and are a priority for the Council. Application of appropriate parking standards will help to reduce the level of car use in the borough, encourage sustainable transport choices and improve the safety of the highway. The key objectives of the document can be summarised as:

- To provide guidance on the development of transport assessments for planning applications.
- To provide advice and guidance on the formulation of travel plans for all types of developments.
- To provide advice and guidance on the type and level of car/cycle parking required in new developments.
- To provide guidance on the level and standards of parking provision for disabled drivers.
- To demonstrate the methodology by which policies and standards are arrived at, particularly considering air quality and carbon emissions.

3 The document is part of the Council's overall approach to reducing congestion and pollution whilst providing better, more sustainable access to development and facilities. It has been produced with regard to National Planning Guidance, the Local Plan, the Rotherham Plan and drawing upon best practice elsewhere. It also forms part of Rotherham's response to the climate change crisis. The Council declared a Climate Emergency at its meeting on 30 October 2019. Arising from this the Council has produced a draft policy document "Rotherham Council Responding to the Climate Emergency", setting out the Council's commitment to tackle climate emergency. It sets targets for the Council's carbon emissions to be at net zero by 2030, and for borough-wide carbon emissions to be at net zero by 2040.

4 In implementing the policies covered by this document the authority will actively consider a number of strategies, including The Sheffield City Region Transport Strategy and the South Yorkshire Local Transport Plan (the transport strategy for South Yorkshire) and the use of conditions and planning obligations.

Status

5 This Supplementary Planning Document (SPD) has been prepared in line with national planning policy and relevant legislation and regulations. The National Planning Policy Framework (NPPF) identifies that SPD add further detail and guidance to the policies in the development plan. They are capable of being a material consideration in planning decisions.

6 As required by The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) consultation on a draft of this SPD took place between **xx** and **xx**. The accompanying

Consultation Statement sets out further detail on this consultation, including who was consulted, a summary of the main issues raised and how these have been addressed in the SPD. It also contains an adoption statement, confirming that this SPD was adopted by Rotherham Council on **xxxxxx**.

Policy Context

National Policy

7 National guidance on parking and travel plans is principally set out in the National Planning Policy Framework (2019) which offers guidance but leaves some considerable discretion for authorities to take decisions on what to require of developers based on local considerations

8 Further guidance on the use of Transport Assessments/Statements and Travel Plans is summarised in Planning Practice Guidance:

<https://www.gov.uk/guidance/travel-plans-transport-assessments-and-statements>

9 This guidance builds on a large body of evidence of the effectiveness of travel plans which has been accumulated over more than 20 years.

Regional Policy

10 Regional policy on sustainable transport is expressed in the Sheffield City Region Transport Strategy . The City Region Mayor's vision is:

By 2040 we will be a City Region with comprehensive, effective and integrated transport connections, which support economic growth and improves quality of life for all.

11 The vision is supported by a range of policies; whilst they are strategic policies, they have informed the development of local transport policy and its application in Rotherham. The most important and relevant to this document are:

- 4. Improve air quality across our City Region to meet legal thresholds, supporting improved health and activity for all, especially in designated AQMAs and CAZs .
- 5. Lead the way towards a low carbon transport network, including a zero-carbon public transport network.
- 6. Work in tandem with the planning and development community to create attractive places.
- 8. Enhance our multi-modal transport system which encourages sustainable travel choices and is embedded in the assessment of transport requirements for new development, particularly for active travel.

Local Policy

12 Rotherham's Local Plan consists of the Core Strategy (adopted in September 2014) and the Sites and Policies Document (adopted in June 2018), alongside the Barnsley, Doncaster and Rotherham Joint Waste Plan (adopted in March 2012). These are available from our website:

<https://www.rotherham.gov.uk/localplan>

13 This guidance provides additional detail to, and should be read in conjunction with, the following policies and objectives:

Core Strategy Objective 3	which seeks development in sustainable locations.
Core Strategy Objective 7	which seeks to improve local transport connections.
Policy CS3 Location of New Development	which establishes factors for consideration in new development, including access to public transport routes and the frequency of services.
Policy CS13 Transforming Rotherham Town Centre	which supports proposals which improve and enhance transport infrastructure and public transport connections.
Policy CS14 Accessible Places and Managing Demand for Travel	which sets out how accessibility will be promoted through the proximity of people to employment, leisure, retail, health and public services.
Policy CS15 Key Routes and the Strategic Road Network and Policy SP 28	which sets out how the Key Route and Motorway network will provide efficient access between the main Rotherham Urban Area, Principal Settlements and the regional and national road network.
Development Affecting Key Routes and the Strategic Road Network	
Policy CS32 Infrastructure Delivery and Developer Contributions	which sets out how the Council will support the delivery of infrastructure including transport related infrastructure.
Policy SP 26 Sustainable Transport for Development	which prioritises the need for sustainable transport infrastructure for walking, cycling, public transport or other non-car transport and access.
Policy SP 55 Design Principles	which sets out key design principles including the legibility and permeability of development proposals.
Policy SP 56 Car Parking Layout	which seeks to ensure that the visual impacts of parking are reduced and assist in the efficient operation of the highway network and the safety of pavements for pedestrians.

Transport Assessments

14 Transport Assessments (and statements) consider the impact of developments on roads in the surrounding area and explain how these impacts will be dealt with. A Transport Assessment provides information on transport conditions and transport issues before, (and through modelling) during and after a development's completion. A Transport Assessment must demonstrate to the Council's satisfaction that the development will not have a negative impact on safety, cause congestion or lead to illegal or additional parking near the site of the proposed development. It must also show how it is likely to improve, provide and promote travel by public transport, cycling and walking and minimise travel by car. The preparation of a Transport Assessment is likely to require the services of a transport professional with the necessary skills/ knowledge particularly in assessing the traffic generated by the proposed development and the impact of the proposed development on the surrounding roads.

15 The assessment of traffic generated by the proposed development should consider all journeys, not just car trips. The Transport Assessment should consider the positive and negative effects of drivers, cyclists, pedestrians and users of public transport on each other and also the impacts of any proposed improvements. New development should promote walking, cycling, buses, trains and other forms of public transport. The Transport Assessment should therefore show how walking and cycling will be encouraged in new developments and how these will reduce journeys by car. Developments should contribute to more direct and safe walking and cycling routes that fit in with the surrounding transport network.

16 The following hierarchy of road users was introduced in the first South Yorkshire Local Transport Plan and this will be used to resolve conflicts or competing demands between road users or different types of transport.

- Pedestrians
- People with disabilities
- Cyclists and Public Transport users
- Commercial vehicles
- Private cars

The Transport Assessment will be used to determine whether the proposed development:

- Meets current guidance from central government and complies with Rotherham's Local Plan policies.
- Conflicts with any existing development proposals with planning permission.
- Will be safe and acceptable.
- Promotes walking, cycling and public transport.
- Has an acceptable transport impact.
- Complies with the parking standards currently imposed on new development by the council, including disabled and cycle parking.
- Complies with national and local design standards for vehicular and pedestrian access.
- Will require mitigation measures to reduce the traffic impact to an acceptable level.

17 Any planning application the Council considers might have a significant impact on traffic congestion, transportation, or parking will need to be accompanied by a Transport Assessment. The Council may require a Transport Assessment for lesser developments rather than a Transport Statement. The tables of thresholds are reproduced as Appendix A.

18 The Transport Assessment must contain all the relevant information which is relied upon in carrying out the assessment. It would not be acceptable for instance to quote a TRICS^{©(1)} trip rate without appending the relevant data set from which it had been derived. To make the assessment as understandable as possible for members of the public [accessing it through the planning portal], the use of jargon and assumption of specialist knowledge should be avoided. Terms with a specific meaning in the context of transport assessments should be referenced in a glossary.

19 The following lists show the information that should be presented in the transport assessment:

Description of the proposal

- Location plan(s) at an appropriate scale.
- Schedule of proposed use classes on the site with the area in m² for each.

Details of existing uses

- Table of existing uses on the site
- Details of existing site access, parking etc.
- Description of the local highway network with details of key junctions.
- Details of public transport serving the site
- Cycle/pedestrian routes and facilities
- Parking availability, both on and off street in the locality
- Baseline data; traffic counts, public transport capacity etc.
- Details of committed developments in the area along with predicted transport impacts.
- Traffic generation and impact on the surrounding highway network
- Full details of all sites used for comparison and derivation of trip rates, preferably using the TRICS[©] database.
- Details of mode share assumptions used along with justification
- Detail and justification for service vehicle trip assumptions
- Clearly presented diagrams showing turning movements etc. for generated trips.
- Assumptions and justification regarding primary, pass-by, linked and transferred trips associated with the development.
- The extent of the highway network affected by the traffic generated by the development.
- Models of the existing and proposed traffic should be clearly presented for peak periods. These may be for single junctions or the whole area. They must include details of traffic flows, queue lengths, ratios of flow to capacity, reserve capacity and impacts on public transport as appropriate.

1 Trip Rate Information Computer System (TRICS) is a UK database of trip rates for developments used to quantify the trip generation of new developments. <http://www.trics.org/>

Design, access and servicing

- Details of proposed access and circulation arrangements for vehicles, cyclists and pedestrians including servicing, refuse collection and emergency vehicles
- Accompanying plans at an appropriate scale showing site layout, access, visibility splays, sight lines and swept paths to demonstrate the adequacy of service areas and access arrangements.
- Details of the amount and location of disabled parking.

Walking, cycling and public transport

- Details of proposals to improve or encourage access by walking, cycling and public transport. This may contain details of proposed offsite works where these are deemed necessary

Parking provision

- Details of proposed parking for cars, bicycles and people with disabilities. Other forms of parking provision such as for motorcycles, car sharers and parent and child spaces should also be detailed here.
- Suitably scaled plans showing the layout of all parking areas
- A rationale for the level of parking proposed with reference to the council's parking standards. It may be necessary to include a parking accumulation study to demonstrate the adequacy of the parking provision.

Road safety considerations

- Analysis of accidents in the surrounding area.
- Road safety audit
- Proposals to address the identified safety issues and improve security for all modes of travel

Travel Plan

- A full explanation of the Council's requirements for a Travel Plan is given later in this document. The plan must be closely integrated with the data presented in the Transport Assessment.
- Modal split figures relied upon by the Transport Assessment to demonstrate the acceptability of the development must be used in the formulation of the travel plan as a baseline.

Mitigation proposals

- Details of the impacts of the development on traffic congestion and related problems such as air pollution, noise and community severance.
- Detailed proposals for measures to mitigate these negative effects.

Construction management plan

- Where the proposed development is likely to have an effect on the local highway network during the construction phase, a construction management plan will need to be submitted with the Transport Assessment.
- The plan will need to contain information on the number of construction vehicle trips, hours of operation and suitable means of mitigation of negative impacts.

20 Depending on the scale and type of development, the Council's Highways Development Control Team may require additional information. In most cases it is advisable to arrange a scoping meeting with the Transportation & Highway Design Unit to determine the issues that need to be addressed.

21 Development proposals that are likely to have a traffic impact on the Motorway network should be discussed with Highways England as part of pre-application discussions.

22 Further information on the preparation of a Transport Assessment can be found in Appendix A of this document.

Travel Plans

23 This guidance sets out the Council's requirements for Travel Plans and identifies when they are required in support of a planning application. Parts of this guidance may also be used by organisations taking up Travel Plans on a voluntary basis. Travel Plans are one of the key elements to achieving improved accessibility for all in the community and helping to meet sustainability and social inclusion objectives. Travel Plans must be site specific i.e. tailored the local circumstances and needs of the development and its vicinity.

24 This guidance sets out:

- The circumstances in which a planning application for a development is likely to require the submission of a Travel Plan.
- The most appropriate type of Travel Plan.
- The content of that Travel Plan as required by the Council.
- How the Travel Plan shall be monitored and reviewed.
- Advice on how the Travel Plan should be secured.

25 It contains practical advice on how to prepare and submit a Travel Plan in order to minimise the risk of delays in the planning process.

A Travel Plan is a package of measures to manage access to a development or institution to reduce the impacts of vehicular transport on local roads and the environment and promotes sustainable modes of travel to and from the site.

- An effective Travel Plan will include measures to increase travel choice and reduce dependency on the car (for example offering discounted bus tickets or implementing a car share scheme) and measures to discourage unnecessary car use (for example through site design).
- Travel Plans primarily address the issue of commuter journeys, but may also be used to manage access to visitor destinations, schools and other institutions (particularly hospitals) and residential development. In addition consideration should be given to other travel to and from the site, such as deliveries of raw materials and despatch of finished products. The plan should also consider business travel by staff using their own or works vehicles.
- A Travel Plan is an ongoing process that does not end with the production of a "document". The plan should be monitored and altered over time to match the changing circumstances of the site and achieve the targets which are set; this flexibility needs to be built into the process from the beginning.

26 Travel Plans can bring a range of benefits and address a range of issues, which include:

- Reducing the need to travel.
- Reducing congestion and peak time conflicts.
- Cutting emissions harmful to local air quality and health
- Reducing the carbon footprint of a business/development.

- Cutting the costs of providing and maintaining car parking.
- Releasing car park space for expansion.
- Addressing car park shortages and local congestion on the site.
- Improving access to the site and travel choice.
- Tackling social exclusion through improved access to employment and services
- Increasing demand for improved public transport

27 Workplace Travel Plans offer additional benefits by cutting the costs of business travel, fleet operation and logistics and improving staff retention. The enhanced understanding of local transport networks helps to focus recruitment campaigns and reduce ineffective advertising. The benefits of a Travel Plan help companies to become better corporate neighbours.

28 School and residential Travel Plans offer further benefits such as increasing safety and creating healthier environments for vulnerable people. Residential travel plans also support mixed development, housing, and social inclusion objectives through improvement of accessibility to and from new development by means other than the private car.

29 Travel Plans, together with transport assessments, provide a mechanism for assessing and managing access to sites. Travel Plans are a key requirement (on a par with highways improvements) for any development likely to result in traffic impacts.

30 A Travel Plan should be developed alongside the Transport Assessment to address the transport impact of the development. Unacceptable development should never be permitted because of the existence of a Travel Plan; however it may help provide evidence of measures which help mitigate the impact of proposed development. Paragraph 54 of NPPF states that: *"Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations"*.

When is a Travel Plan required?

31 Some developments possess characteristics that indicate a Travel Plan is required. It is essential that applicants consult with the Council at an early stage, before submission of a detailed (or outline) planning application, to determine whether a travel plan is required and what type/content may be appropriate. This consultation is important as it may influence the design of any final scheme and because a joint approach [between the applicant and the Council] has been found to help achieve the delivery of effective travel plan measures. Travel Plans should be submitted with planning applications which are likely to have significant transport implications (see Appendix A for thresholds):

- **All major developments** comprising jobs, shopping, residential, leisure, education and services, using the criteria that relate to their impact rather than their precise threshold size. The Council will consider the likely cumulative impact of a development where other nearby sites are likely to be developed.
- **Smaller developments** comprising jobs, shopping, residential, leisure, education and services which would generate significant amounts of travel in, or near to, air quality management areas, and in other locations where there are local initiatives or targets set out in the Rotherham Local Plan or local transport plan for the reduction of road traffic, or the promotion of public transport, walking and cycling.

- **Where a Travel Plan would help address a particular local traffic problem** associated with a planning application, which might otherwise have to be refused on local traffic grounds.
- **All new and expanded school facilities** should be accompanied by a school travel plan which promotes safe cycle and walking routes, restricts parking and car access at and around schools, and includes on-site changing and cycle storage facilities. In those cases where a school travel plan has been produced in the past (most schools in Rotherham), a review of targets and facilities submitted alongside the plan may suffice, though this should be discussed with council officers first.

32 Where an extension is proposed for an existing use, there will normally be a requirement (through a planning condition or S106 agreement) to produce and operate a Travel Plan where:

- The development is above the threshold for a Travel Plan but no existing Travel Plan condition or S106 agreement exists on the site.
- The existing development is below the threshold, but the proposed extension would take it above that threshold.
- There are other reasons why a Travel Plan may be deemed necessary; although the extension would not push the size of the development over the threshold (e.g. the site is in or adjacent to an air quality management area.)
- Any proposal to increase the amount of car parking on a site is made. [This should not be construed as indicating that a travel plan would entitle the applicant to expand car parking.]

33 Travel Plan requirements should be clarified during the pre-application discussions, and the Travel Plan submitted with the planning application. This will facilitate timely determination of the application within current required time periods. The pre-application discussions should ensure that the travel plan addresses all of the relevant issues and policies. There will be a number of additional requirements according to the type of development:

- **Multi occupancy of one site:** several small developments on one site (or speculative developments of small units for unknown end-users) may not individually require a travel plan based on their individual Gross Floor Area (GFA). However, the cumulative transport impacts may justify a "framework" or "umbrella" Travel Plan for the entire site. This should be administered by the agent of the developer / site manager. Additional 'subsidiary' Travel Plans may be required in respect of sub-areas, depending on circumstances.
- **Speculative developments:** A Travel Plan should be specifically tailored to the needs of the site for which it is written and the travel characteristics of the occupiers/employees. In the case of speculative developments, a full Travel Plan may not be possible prior to commencement of development, as information available regarding the end user and their travel patterns is limited. The Travel Plan should include as much detail as possible at the earliest stage. The Transport Assessment may allow the setting of targets in conjunction with maximum parking standards. Site layout and design can anticipate travel needs and some measures can be implemented prior to occupation. It is important to reduce any delay in implementing the Travel Plan after occupation in order to reduce the opportunity for less sustainable travel habits to develop.

Where the full Travel Plan must be phased, an 'interim' or 'framework Travel Plan' should be submitted with the planning application, with a requirement that a 'final (full) Travel Plan' will

be submitted either before occupation commences, or at a specified time subject to detailed schedules in respect of key elements.

The 'framework' Travel Plan should specify which measures will be implemented before development and occupation (for example, improvements to the pedestrian network and cycle parking facilities), and a firm commitment and timetable for production and implementation of the final approved Travel Plan. It is important that travel plan measures are in place from the day of first occupation as far as possible so that the intended travel patterns are encouraged from the start.

The developer will be responsible for passing the requirement for a Travel Plan on to occupiers of the site (whether the occupier rents, leases or buys all or part of the development) through a clause in the rental/lease/purchase agreement, with handover and management arrangements agreed as part of the Travel Plan. The responsibility for final implementation of a Travel Plan would then pass to the occupier. Where the travel plan is a condition of planning permission this automatically passes to the new occupier, responsibility for making this clear rests with the developer.

- **End occupier(s) known, new development:** The occupier should produce a full Travel Plan for submission with the planning application. This is because a decision usually cannot be made on the planning application until the local planning authority is satisfied with the provisions made within the Travel Plan. It should subsequently be implemented upon occupation.
- **Existing occupier extending on site / constructing new premises in borough:** The organisation requiring the development should ideally have an established travel plan, or develop one prior to submitting the planning application. It should subsequently be implemented upon occupation of the new site / extension. It is essential for applicants to discuss travel plan requirements with the Council well in advance.
- **Residential:** Travel Plans for residential developments differ from workplace and other institutional Travel Plans in that they deal with a more varied pattern of journeys from the place of origin. They also generally require that an ongoing Travel Plan management organisation and structure needs to be put in place, as there is often no single company or institution to continue or coordinate Travel Plan implementation. The type and content of residential Travel Plan that is required and deliverable will be dependent on the type, location and scale of the residential development and whether it is part of a mixed use development. Residential Travel Plans can vary from a package of measures (including site layout and design measures) up to a formal and comprehensive Travel Plan or framework Travel Plan where there are subsidiary plans for different uses. Generally residential Travel Plans would be secured through the planning process with a Section 106 Planning Agreement likely to include provisions that facilitate the securing of maintenance payments and contributions to relevant but larger Travel Plan schemes or Travel Plan funds.

Producing a Travel Plan

34 When producing a Travel Plan there are several factors that must be taken into account. All Travel Plans should address national, regional and local policies, the Local Transport Plan and the Transport Assessment for the site (if applicable). The production of Travel Plans will ideally take a partnership approach; the applicant, Council, the Council's Travel Plan Officer and public transport

providers will form the core of such a partnership but other parties may also participate in its development. There are some differences in approach depending on the end user of the Travel Plan.

35 For workplaces there is a recognised procedure for producing and implementing a Travel Plan, starting with the transport assessment (if required), an assessment of current travel patterns of all users, current transport provision, and identification of measures. This can be summarised as follows:

- A site audit is a means of gathering data about transport provision for each mode to the site. It should look at pedestrian access (is the pedestrian network well-lit, clear of overgrown bushes, etc.), cyclist access and parking, public transport provision (services, frequencies and the quality of the waiting environment), and car park provision (number of spaces for disabled, visitors, car sharers, employees, etc.).
- A survey of users of the site (usually employees but should include visitors, deliveries, etc.) to be undertaken to ascertain where people are travelling from and how. The Council also expects the organisation to fill in an organisational survey to establish the range of facilities and policies relevant to travel to the site.
- The information gathered can then be used to decide which measures should be included in the Travel Plan, which should then be submitted in draft form to the Council Travel Plan Officer for comment.
- The Travel Plan should be submitted with the planning application and will be approved as part of the determination of the application.
- A Travel Plan is an evolving process, rather than a one off document. Consequently, it should be monitored on an annual basis, and evaluated regularly to assess its effectiveness.

36 For residential developments the Travel Plan will take a slightly different form. Guidance on travel plans in new residential development was published in 2005 ("Making Residential Travel Plans Work: Good Practice Guidelines for New Development"⁽²⁾) and builds on earlier Travel Plan guidance. The structure of the Travel Plan should be similar to that for workplaces but the guidance provides a framework for addressing the issues that are particular to residential Travel Plans. The stages undertaken in developing a residential Travel Plan are similar to those conducted whilst producing a workplace Travel Plan. However, there are some differences:

- The location of the development in relation to facilities and services, the site layout and design, and uses provided within the development will be particularly crucial to the success of a residential Travel Plan and must be considered early in the process.
- A wide range of data on the likely needs and travel patterns of the occupiers of the development will be needed in order to prepare the Travel Plan; this will necessitate the use of accessibility audits and other baseline data (e.g. Census or travel to work surveys). Future travel patterns may also be predicted using analogous information about similar nearby developments.
- Targets need to demonstrate positive change over what would be seen if there was no Travel Plan, generally based on the Transport Assessment process.

2 <https://webarchive.nationalarchives.gov.uk/+/http://www.dft.gov.uk/pgr/sustainable/travelplans/rpt/mrtpw.pdf>

- Mechanisms to encourage sustainable travel patterns and to ensure the long term delivery of the travel plan need to be built into the Travel Plan from the beginning.
- The draft Travel Plan is likely to have a wide range of measures and possibly more 'contingency' arrangements in order to allow for future flexibility as occupiers change. It is particularly useful to analyse the likely demographic of residents with respect to patterns of car ownership and use.

37 Submission, monitoring and review should follow the same format as for other travel plans.

38 All Travel Plans will comprise a 'package' of measures and actions. Use of this guidance in the preparation of the plan in conjunction with Government guidance published online will result in a Travel Plan that is 'fit for purpose'. The following general points should be noted: Plans should identify clearly which organisations are responsible for all elements of the plan, where the financing will come from, and how targets have been developed.

- Plans should set realistic but stretching targets, which reflect Local Plan and Local Transport Plan policies and the likely make-up of new occupiers/inhabitants. The Transport Assessment for the site may have used the travel plan to assess predicted trip rates, this should be reflected in the targets. Targets should take account of previous experience of people adopting sustainable transport choices (e.g. in response to travel plans or personalised journey planning).
- Plans should only include measures which developers and partners in the process are capable of delivering and which are likely to have a positive impact on transport behaviour. Lists of measures that lack the means of implementation and a clear plan of action will not be acceptable.
- Plans need clear commitment from the developer for the period of their implementation. This can be demonstrated, for example, by the appointment of a travel coordinator and the setting aside of funding to take the plan forward.
- The commitments established in the Plan need to be enforceable by local authorities under the terms of any planning condition or accompanying S106 agreement. This demands precision and clarity in the way measures are set out in the travel plan.
- Plans need to demonstrate how they will be managed in the longer term. This includes specifying arrangements for the transition of responsibility for the plan from developer to occupiers, residents or other organisations and continuing sources of funding for the plan. This is important as evidence shows that due to staff/resident turnover once targets have been achieved it is still necessary to operate measures to maintain, or improve on the status quo.

39 'Framework' Travel Plans for speculative developments may not need to go into as much detail. However, they should include the background, draft objectives and targets and measures to be put in place during the construction of the development, as well as an undertaking to produce a final Travel Plan at an agreed time. In addition the framework plan should show how responsibility for production of the plan is going to be passed on to the occupiers of the site. It may be that some form of bond secured by a legal agreement might be the best way of approaching this problem.

40 The setting of targets is essential. These need to be linked to the objectives of the plan and reflect policies and the transport assessment. There are two types of target; modal share (for example, reduce the number of people driving to work alone by 10% of the modal share by a future date) and milestones (for example, provide cycle parking for 20 bicycles by end of year 1). Targets should be approved by the Council and link into the Transport Assessment. It should be noted that

the Transport Assessment will not be deemed acceptable if it uses trip rates that are unlikely to be achieved under the Travel Plan and measures proposed therein.

41 Where measures include external bodies such as public transport operators, they should be consulted as early in the process as possible, to ensure that they are able to provide the measures that are required and to the best possible standard.

Implementing, Monitoring and Reviewing Travel Plans

42 The occupier must supply to the Council the name of the appointed person/s responsible for the implementation of the Travel Plan. The Council must also be informed immediately if this contact changes. The Travel Plan Co-ordinator is an essential point of contact for employees. They must be of sufficient seniority to implement the action plan included in the travel plan. The post does not necessarily need to be a new one – smaller organisations may be able to extend the job profile of an existing employee. However, larger organisations (those with more than 500 employees) may need to consider a dedicated post. The Travel Plan Co-ordinator will be responsible for managing, delivering and promoting the travel plan, liaising with the Council, and providing monitoring information as agreed.

43 Issues around management of residential Travel Plans once the developer's representative is no longer on site must be agreed with the Council at an early stage. A number of management structures may be incorporated such as steering groups, management companies and community trusts.

44 Monitoring is critical in determining the success of all Travel Plans, especially where specific targets have been agreed and to help identify necessary adjustments. Monitoring of the Travel Plan will be required to be carried out on a regular basis for an agreed period after approval of the Travel Plan.

45 In straightforward cases, it will be possible to secure a Travel Plan by use of a planning condition, the wording of which will follow a form similar to that below:

"Prior to the development first being occupied, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include clear and unambiguous objectives, modal split targets together with a time bound programme of implementation, monitoring and regular review and improvement. The Local Planning Authority shall be informed of and give prior approval in writing to any subsequent improvements or modifications to the Travel Plan following submission of progress performance reports as time tabled in the programme of implementation."

46 Measures for implementation before the site is occupied (for example the provision of cycle parking) may also be secured in such a way.

47 Where a planning condition is used, it will comply with the policy guidance in:

<https://www.gov.uk/guidance/use-of-planning-conditions>

48 In more complex cases a Travel Plan may be embodied in a Section 106 Agreement of the Town and Country Planning Act 1990. This illustrates the applicant's commitment to achieving the

provisions and targets set out within the travel plan, and will give the Council greater confidence in what has been agreed. Furthermore, planning obligations offer greater flexibility and allow more complex arrangements that allow money to be paid to the Council and reciprocal arrangements.

49 The Section 106 Agreement needs to state precisely the requirements of the Travel Plan; clear monitoring arrangements; and explicit actions identified in the case of default or failure to reach targets. Care in drafting is needed to ensure that the Agreement is enforceable. For example:

"Development shall not be commenced until a Travel Plan has been submitted to and approved in writing by the Council."

50 Where a planning obligation is used to secure a Travel Plan, it will comply with the law as expressed in the Town and Country Planning Act 1990. In order to promote sustainable transport a sum of £500 per dwelling (to be reviewed at regular intervals) is proposed to fund a range of measures which might include, but not be limited to:

- Provision of a subsidised public transport ticket
- A discount voucher for a pedal cycle
- Cycle hire scheme
- Regular Dr Bike visits to the site or convenient nearby location
- Individual or family cycle training
- Provision of an enhanced bus service (larger developments)
- Membership of a car club (where available)
- Provision of a car share group
- Mechanisms to deliver real time public transport information
- Personal journey planning
- Improvements to infrastructure which, when provided, will improve pedestrian accessibility, in particular to services and facilities

51 Examples of wording for Section 106 Obligations can be found in Appendix D. Regardless of the article used to secure the Travel Plan, the monitoring and review process needs to be clearly defined.

52 Enforcement may be required where:

- Non-compliance with a Section 106 requirement or condition occurs e.g. to implement a Travel Plan or a particular measure.
- Travel Plan measures have not met the agreed outcomes or targets and some remedy is necessary.
- Some aspect of the travel plan has not operated as intended and needs to be reviewed and revised.

53 Sanctions may be applied to the extent permitted by law in the event of non-compliance with either a S106 agreement or a planning condition, however the Council would view this as a last resort only to be used in the event of a failure to achieve a negotiated resolution.

Parking

54 Paragraph 105 of NPPF states:

"If setting local parking standards for residential and non-residential development, policies should take into account: a) the accessibility of the development; b) the type, mix and use of development; c) the availability of and opportunities for public transport; d) local car ownership levels; and e) the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles."

The Council's parking standards are set out in Appendix B Vehicle Parking Standards, and Appendix C Cycle Parking Standards. In town, district and local centre locations, car parking requirements for individual developments will be judged against the overall level of publicly available car parking in the locality. The Council will also secure the provision of electric vehicle charging infrastructure in new developments in order to assist in mitigating and adapting to climate change.

55 It is evident that car parking is intimately related to both Transport Assessments and Travel Plans. Over-provision of car parking is likely to undermine attempts to promote sustainable travel; where this [sustainable travel] has been relied upon for the prediction of development traffic in the Transport Assessment it could have serious consequences for the local highway network.

Residential parking provision

56 The positioning of parking provision is probably as important as the quantity. The issue of parking design in relation to residential developments is addressed in the South Yorkshire Residential Design Guide⁽³⁾ which has been agreed by all the South Yorkshire local authorities.

57 Residential parking standards have been the subject of considerable debate and research. There have been arguments for a reduction in parking provision where development is close to a public transport hub. However, research conducted in the West Midlands showed no relationship between car ownership levels and proximity to a major public transport facility or town centre for a given size of dwelling. On the basis of this evidence, applications for low or no parking provision will be subject to a greater level of scrutiny and require a high level of justification.

58 To be acceptable the development would have to be:

- Highly accessible by public transport
- Have good access to local facilities by walking and cycling (e.g. schools, shops, health facilities, workplaces and leisure opportunities)
- Within a controlled parking zone
- Provide access to car club cars (or other such measures)

3 <https://www.rotherham.gov.uk/planning-development/planning-guidance/1>

59 The table below outlines the process of calculating the amount of parking that must be provided in a residential development.

Order	Operation	Comment
1	Calculate the minimum parking requirement	Refer to Council standards
2	Adjust according to local circumstances	Look at location factors
3	Adjust to take account of garages provided	Justify figure based on likely use*
4	Calculate unallocated parking requirement	
5	Calculate disabled parking provision	Must conform with standards
6	Calculate cycle parking provision	Refer to Council standards
7	Calculate operational parking requirements	Include provision for visitor parking
8	Agree provision with Highways Development Control	It is important that an agreed figure is used as input to the Transport Assessment / Travel Plan
* Research in the West Midlands indicate only 40% of people with access to a garage use it for parking		

60 With respect to residential developments the Council expects developers to conform to the minimum vehicle parking standards defined in Appendix B. Several other conditions apply specifically to residential development:

- The minimum length of a parking bay between the highway boundary and a garage door to be 5.5 metres.
- Visitor parking on shared surface streets within new housing estates will be required in addition to curtilage parking at the ratio of 1 space per 4 dwellings.
- Where the size of the development warrants a large number of visitor parking bays, accessible parking bays will be provided following agreement with Highways Development Control.

61 Whilst the provision of car parking is unlikely to promote sustainable modes of transport, the likelihood of on street/pavement parking is greatly reduced, leading to a better environment for walking and cycling.

62 In town centre and local shopping centre locations, car parking requirements for individual developments will be judged against the level of overall publicly available car parking space in the locality.

63 Rotherham town centre has a number of public car parks, both long and short stay and as such it may not be necessary to provide additional parking as part of the development. In the other town and suburban centres in the borough, the parking supply is variable and consideration will be given to local conditions when parking requirements are agreed for developments. Where development is proposed in town or local shopping centre locations sustainable access will be a consideration in the process of agreeing car park provision.

Non-residential parking provision

64 Vehicle parking standards for land use classes other than residential are also laid out in Appendix B. It should be noted that these are maximum standards which represent the highest level of parking provision that will be allowed for each use class. Since the Council wishes to encourage sustainable development these levels of parking provision should not be seen as obligatory, however a low level of parking provision that may lead to off-site parking will be challenged and the proposals cross-referenced against the data provided in the transport assessment, as well as the assumptions made in the Travel Plan.

65 The required level of parking provision for people with impaired mobility is set out in the council's parking standards. Parking bays for disabled people should be located at the closest suitable point to an accessible entrance to the facility. In any instance the bays should be no more than 50 metres from an accessible entrance (which is considered the maximum distance for people with walking difficulties). As above, where parking facilities are not possible on site, consideration should be given to providing an entrance that is accessible from within 50 metres of a blue badge bay off site. Alternatively a drop off point should be considered where it is on level ground and close to an accessible entrance. In multi-storey car parks the parking provision for disabled people should on the same level as the pedestrian access point to the facility, or where this is not possible a lift should be provided nearby that is suitable for wheelchair users.

66 Steep gradients often present challenges for designing access arrangements, and this is particularly so in parts of Rotherham. As far as possible the route from the bay to the entrance should be level. Where this is not possible a ramp should be installed to enable the lowest practical gradient. British Standard BS8300⁽⁴⁾ provides details on the limits to the length, height and gradient of different options for ramps. Dropped kerbs with tactile paving should be provided at any crossing points on the way to the entrance to the facility. Where footways are level with the carriageway there should also be tactile paving provided to demarcate them.

67 Signs should be provided to direct drivers to the designated bays. Where the route to the entrance is not immediately obvious signing should also be provided accordingly.

68 It is essential that parking bays are of an appropriate size to enable people to operate wheelchair lifts or other equipment from the side or the rear of the vehicle. The required dimensions are provided in BS8300. Bays should be marked clearly with a wheelchair symbol and if the car park is not under cover a raised sign should be placed at the head of the bay as surface markings may be obscured by snow fall or leaf litter.

Cycle parking provision

69 Parking for cycles should be provided in line with the Council standards at Appendix C. Developers will be expected to demonstrate that excellent cycle parking facilities are to be provided. In designing cycle parking the following should be considered:

4 BS8300 - a British Standard that sets out how buildings should be designed, constructed and maintained to create an accessible and inclusive environment for disabled people. It is in two parts: Part 1: External environment – code of practice and Part 2: Buildings – code of practice.

- Is it overseen and close to a building's entrance? Being visible to passers-by increases the level of security of the parking.
- Is the parking provision distributed correctly? Although a centralised location may be suitable for some sites, distributed parking may be more appropriate for large sites with several entrances.
- Is the parking easy to locate? Clear signage, both directional to the site and on the site of the parking itself, will enable the cycle parking to be found easily.
- Does the site feel secure to use? Good levels of lighting will encourage use at different times of day and closed circuit television (CCTV) cameras maybe appropriate in some locations, especially when parking is in long term use.
- The type of parking provision should be appropriate to its function. Ideally short stay provision should be in the form of Sheffield stands covered by some form of canopy. Long stay provision may take the form of secure lockers or a secure covered cage. In all cases parking that only allows part of the bike to be secured should be avoided
- Cycle parking should be incorporated into the design from the start, rather than added on as an afterthought.

70 The current cycle parking standards will be applied to all new developments, however some discretion will be applied to avoid over or under supply where the nature of the development warrants it.

Powered two-wheeler parking provision

71 Powered two-wheeler (motorcycle and scooter) parking should be provided in all developments to encourage the use of smaller vehicles which reduce congestion on the roads. Many powered two-wheelers also produce lower levels of harmful exhaust emissions than cars.

72 The type and location of parking for powered two-wheelers has not been the subject of Council guidance in the past, however this document provides advice to developers on what the Council considers to be best practice.

73 Motorcyclists enjoy the accessibility that their motorcycles can provide. The size and manoeuvrability of a motorcycle often allows the rider to park closer to their final destination than would otherwise have been possible with a private car. This is an important factor that needs to be taken into account when planning motorcycle parking. Well-designed motorcycle parking bays located away from riders' typical destinations will not be used if a rider can find somewhere else to park that provides better accessibility.

74 Given that motorcycles are prone to theft, riders are more confident parking in locations that are overlooked, e.g. at the front of buildings next to a busy entrance. The greater the number of motorcycles parked, the greater the turnover of spaces and riders returning to their motorcycle providing casual surveillance for other riders.

75 Motorcycles, scooters and mopeds can vary considerably in size. The larger the motorcycle, the larger the footprint and demand for parking space. An individual parking bay, large enough to accommodate even the largest motorcycles should ideally measure 2.8 x 1.3 metres. These dimensions should be used when individual parking bays are being marked out within a site.

76 Where demand for motorcycle parking is high, it is recommended that the site is marked out, but individual bays are not. This allows space to be used more efficiently, each motorcycle, whatever its size, occupies a space no more than is absolutely necessary. Ideally, motorcycle parks should have dedicated closed circuit television. Similarly, motorcycle parks should have dedicated security lighting. This can help reduce theft and provide the rider with greater personal security. Where this is not feasible, motorcycle parks should be located in well-lit areas. Motorcycle parks are also generally more secure in locations where people frequently pass by providing casual surveillance. Wherever possible, motorcycle parking bays should also be covered.

77 The risk of theft can most effectively be reduced through the provision of anchor points. Anchor points provide the rider with something robust for them to chain their motorcycle to. Anchor points can be either upright or at ground level. A ground level anchor point is positioned either below, or level with, the hard-standing surface often concealed by a hinged steel plate. The plate is raised by the user, allowing the loop to be lifted up and the rider's own lock to be passed through. When deciding the design of a ground level anchor point, consideration should be given to whether they may present a tripping hazard especially if damaged or left upright by a rider. Ground level anchor points are more complicated in their design - as a result they are more prone to failure.

78 Upright anchor points consist of a horizontal bar placed about 30-60 cm above ground level. For on-street parking this would be parallel to the kerb, in off-street locations this could be either attached to a wall or free standing. Freestanding bars can present a trip hazard, though this can be overcome if provided as an integral part of pedestrian railings or similar.

79 The number and type of powered two-wheeler parking spaces should be agreed with officers at an early stage. If powered two-wheeler use forms part of the Travel Plan, the target levels should inform the volume of parking provision.

Electric Vehicle Charging Points

80 As part of the Council's response to mitigating and adapting to climate change it is supporting the introduction of electric vehicle charging infrastructure. Electric vehicles can play an important part of meeting climate change goals, by reducing emissions and the use of fossil fuels. Ensuring that new development is equipped with appropriate charging infrastructure will help ensure that Rotherham's residents and businesses are well placed to make use of electric vehicles as the Government moves forward its plans to phase out the sale of petrol, diesel and hybrid powered vehicles.

81 The Council will secure provision of electric vehicle charging infrastructure, via planning condition, as follows:

- Residential developments: A minimum of 1 charging point per dwelling and 1 charging point per parking space for flats (including changes of use to dwellings).
- Non residential developments: Provision of vehicle charging point infrastructure to serve every car parking space and a minimum of 20% of parking spaces to have charging points (for proposals with 5 or more parking spaces).

Contact Information

If you have any questions regarding this Supplementary Planning Document please contact Planning Policy:

Submit an enquiry to Planning Policy online:

<https://www.rotherham.gov.uk/xfp/form/535>

Email: planning.policy@rotherham.gov.uk

Telephone: 01709 823869

Website: <https://www.rotherham.gov.uk/localplan>

Post: Planning Policy Team, Planning, Regeneration and Transport, Regeneration & Environment Services, Rotherham Metropolitan Borough Council, Riverside House, Main Street, Rotherham, S60 1AE

For planning application and pre-application advice, please contact Development Management:

Submit an enquiry to Development Management online:

<https://www.rotherham.gov.uk/xfp/form/216>

Email: development.management@rotherham.gov.uk

Telephone: 01709 823835

Website: <https://www.rotherham.gov.uk/planning>

Post: Development Management, Planning, Regeneration and Transport, Regeneration & Environment Services, Rotherham Metropolitan Borough Council, Riverside House, Main Street, Rotherham, S60 1AE

Appendix A: Transport Assessments

Thresholds for requirement of Transport assessments, Statements and Travel Plans Part One, (Land Use Class A)

Key: GFA – Gross Floor Area; TS – Transport Statement; TA – Transport Assessment; TP – Travel Plan

	Land Use Class	Description	Size	None	TS	TA/TP
1	A1 Food Retail	Retail sale of food goods to the public – Food superstores, supermarkets, convenience food stores.	GFA	<250 m ²	>250 m ² <800 m ²	>800 m ²
2	A1 Non-food Retail	Retail sale of non-food goods to the public, but includes sandwich bars – sandwiches or other cold food purchased and consumed off the premises, internet cafes.	GFA	<800 m ²	>800 m ² <1500 m ²	>1500 m ²
3	A2 Financial and Professional services	Financial Services – Banks, Building Societies and bureaux de change, professional services (other than health or medical services) – Estate agents and employment agencies, other services – betting shops, principally providing services to visiting members of the public.	GFA	<1000 m ²	>1000 m ² <2500 m ²	>2500 m ²
4	A3 Restaurants and Cafes	Restaurants and Cafes –use for the sale of food for consumption on the premises.	GFA	<300 m ²	>300 m ² <2500 m ²	>2500 m ²
5	A4 Drinking Establishments	Use as a public house, wine bar or other drinking establishment	GFA	<300 m ²	>300 m ² <600 m ²	>600 m ²
6	A5 Hot Food takeaway	Use for the sale of hot food for consumption on or off the premises	GFA	<250 m ²	>250 m ² <500 m ²	>500 m ²

Thresholds for requirement of Transport assessments, Statements and Travel Plans Part Two, (Land Use Class B)

Key: GFA – Gross Floor Area; TS – Transport Statement; TA – Transport Assessment; TP – Travel Plan

	Land Use Class	Description	Size	None	TS	TA/TP
7	B1 Business	(a)Offices other than in use within class A2 (Financial and Professional services) (b)Research and development- Laboratories, studios (c) Light industry	GFA	<750 m ²	>750 m ² <1500 m ²	>1500 m ²
8	B2 General Industrial	General Industry (other than classified as in B1) Former "special industrial" use classes (B3-B7 are now encompassed in B2)	GFA	<1250 m ²	>1250 m ² <2500 m ²	>2500 m ²
9	B8 Storage or distribution	Storage or distribution centres – wholesale warehouses, distribution centres and repositories	GFA	<3000 m ²	>3000 m ² <5000 m ²	>5000 m ²

Thresholds for requirement of Transport assessments, Statements and Travel Plans Part Three, (Land Use Class C)

Key: TS – Transport Statement; TA – Transport Assessment; TP – Travel Plan

	Land Use Class	Description	Measure	None	TS	TA/TP
10	C1 Hotels	Hotels, Boarding Houses and Guest Houses, development falls within this class if "no significant element of care is provided"	Bedroom	<75	>75 <100	>100
11	C2 Residential Institutions – hospitals, Nursing Homes	Used for the provision of residential care and accommodation to people in need of care	Beds	<30	>30 <50	>50
12	C2 Residential Institutions – residential Education	Boarding Schools and Training Centres	Student	<50	>50 <150	>150
13	C2 Residential Institutions – Institutional Hostels	Homeless shelters, accommodation for people with learning difficulties and people on probation.	Resident <i>Staff</i>	<250 <25	>250 <400 >25 <50	>400 >50
14	C3 Dwelling Houses	Dwellings for individuals, families or not more than six people living together as a single household. The latter includes students or young people sharing a dwelling and small group homes for disabled people living in the community.	Dwelling unit	<30	>30 <50	>50

Thresholds for requirement of Transport assessments, Statements and Travel Plans Part Four, (Land Use Class D)

Key: GFA – Gross Floor Area; TS – Transport Statement; TA – Transport Assessment; TP – Travel Plan

	Land Use Class	Description	Measure	None	TS	TA/TP
15	D1 Non-residential institutions	Medical and health services – clinics and health centres, creches, day nurseries, day centres and consulting rooms (not attached to the doctor's or consultant's house). Museums, public libraries, art galleries, exhibition halls, non-residential education and training centres, places of worship, religious instruction and church halls.	GFA	<500 m ²	>500 m ² <1000 m ²	>1000 m ²
16	D2 Assembly and Leisure	Cinemas, dance and concert halls, skating rinks, gymnasiums, bingo halls and casinos, other indoor and outdoor sports and leisure uses not involving motorised vehicles or firearms.	GFA	<500 m ²	>500 m ² <1500 m ²	>1500 m ²

**Thresholds for requirement of Transport assessments, Statements and Travel Plans Part Five,
(Land Use Class Other)**

	Land Use Class	Description	Measure / requirement
17	Others	For example, stadium, retail warehouse clubs, amusement arcades, launderettes, petrol filling stations, taxi businesses, car/vehicle hire businesses, motor sales and display, nightclubs, theatres, hostels, builders yards, garden centres, Post Offices, travel and ticket agencies, hairdressers, funeral directors, hire shops and dry cleaners.	To be determined. Request pre-application advice from Local Authority.

Thresholds for requirement of Transport Assessments and Travel Plans based on other considerations.

Key: TA – Transport Assessment; TP – Travel Plan

	Consideration	TA	TA & TP
A	Development not in conformity with the adopted Local Plan		✓
B	Any development generating 30 or more two-way vehicle movements in any hour	✓	
C	Development generating 100 or more two-way vehicle movements a day		✓
D	Development proposing more than 30 parking spaces		✓
E	Any development that is likely to increase accidents or conflicts among motorised and non-motorised road users, particularly vulnerable users such as the elderly, children and disabled people		✓
F	Any development generating significant HGV movements per day or abnormal loads per year.	✓	
G	Any development proposed in a location where the local transport infrastructure is inadequate – for example substandard roads, poor pedestrian/cyclist facilities and inadequate public transport provision.	✓	
H	Any development proposed in a location within or adjacent to an Air Quality management Area (AQMA)	✓	

Appendix B: Vehicle Parking Standards

Maximum Parking Standards

Land Use Class	Threshold	Gross Floor Area unless otherwise stated
A1 Food Retail	None	1 space per 14 m ² plus accessible parking - see note
A1 Non-food Retail	None	1 space per 25 m ² plus accessible parking - see note
A2 Financial and Professional services	None	1 space per 35 m ² plus accessible parking - see note
A3 Restaurants and Cafes	None	1 space per 3 m ² (net floor space) of public area or 1 space per 3 seats plus accessible parking - see note
A4 Drinking Establishments	None	
A5 Hot Food takeaway	None	1 space per resident staff plus 1 space per 2 non-resident staff.
B1 Business / Offices	None	1 space per 30 m ² plus accessible parking - see note
B1 Light Industry	None	1 space per 50 m ² plus accessible parking - see note
B2 General industrial	None	1 space per 50 m ² plus accessible parking - see note
B8 Storage or distribution	None	1 space per 200 m ² plus accessible parking - see note
C1 Hotels	None	1 space per bedroom, +public drinking / dining areas same as A3, plus accessible parking - see note
C2 Residential Institutions	None	1 space per 2 staff, +1 space per 3 visitors, plus accessible parking - see note
C3 Dwelling Houses (minimum standards)	1 or 2 bedrooms	1 space per dwelling
	3 or 4 bedrooms	2 parking spaces per dwelling
	5 or more bedrooms	3 parking spaces per dwelling
	Flats	1 space per flat plus 50% allocated for visitors
	The minimum internal floor area for a garage or car port to qualify as a parking space is 6.5 metres x 3 metres. Whilst the above are minimum requirements, consideration will be given to accepting fewer parking spaces if it can be demonstrated that the site is in the vicinity of good public transport links, public car parking, safe and convenient on street parking etc.	

Land Use Class	Threshold	Gross Floor Area unless otherwise stated
D1 Non residential institutions	None	1 space per 2 staff, +1 space per 15 students, plus accessible parking - see note
D2 Assembly and leisure	None	1 space per 22 m ² plus accessible parking - see note
D2 Assembly and leisure - cinemas and conference centres	None	1 space per 5 seats plus accessible parking - see note
D2 Assembly and leisure - stadia	None	1 space per 15 seats plus accessible parking - see note
Doctors, dentists, vets etc	None	1 space per patient consulting, 1 space per patient waiting, 2 parking spaces per consulting room, plus accessible parking - see note

Note

1. Accessible parking bays are required in addition to the above as follows:
 - Employees and visitors to business premises - individual bays for each disabled employee plus 2 bays or 5% of total capacity (whichever is greater)
 - Shopping, recreation and leisure - 3 bays or 6% of total capacity (whichever is greater)
 - Non-residential institutions & medical premises - 3 bays or 6% of total capacity (whichever is greater)
 - Stadia - 1 bay per 300 seats
2. A Travel Plan will be required whenever a Transport Assessment is required, also in association with developments which involve the employment of more than 25 people or more than 50 visitors per day.
3. Parking bays to be 5 metres x 2.5 metres with a manoeuvring aisle of minimum of minimum width 6 metres unless echelon parking is proposed. Accessible parking bays should be a minimum of 3.6 metres wide or 2.4 metres wide with a 1.2 metres wide access / transfer area on at least one side of each parking space and at the same level as the space (or 6.6 metres long and at least 2.4 metres wide if in line spaces are provided).
4. The minimum length of a parking bay between the highway boundary and a garage door to be 6 metres.
5. Visitor parking on shared surface streets within new housing estates will be required in addition to curtilage parking on the ratio of 1 space per 4 dwellings.
6. For stadia, sufficient coach parking / manoeuvring space will be required within the site for the maximum number of vehicles likely to serve the development at any one time.
7. In town centre and local shopping centre locations car parking requirements for individual developments will be judged against the level of overall publicly available car parking space in the locality.
8. The above are maximum standards except for C3 residential and accessible parking which are minimum standards.

9. Employees and student numbers refer to full time equivalents.
10. Long and short term cycle parking should be provided in accordance with the Council's 'Cycle Parking Guidelines for New Developments'. all cycle parking should be within 30 metres of the entrance to the building and should be sited where they are under continuous observation while in use.

Appendix C: Cycle Parking Standards

Land Use Class	Cycle parking spaces to be provided:	
	Short Stay	Long Stay
A1 shops		
Food / non food up to 200 m ² gross floor space	1	1
Food / non food 200 - 750 m ² gross floor space	2	1
Non food above 750 m ² gross floor space	1 per 500 m ² gross floor space	1 per 500 m ² gross floor space
Food 750 - 2000 m ² gross floor space		
Food >2000 m ² gross floor space		
A2 Financial and Professional Services		
Offices	1 per 200 m ² gross floor space	1 per 20 staff
A3 Restaurants and Cafes		
Restaurants	1 per 200 m ² gross floor space	1 per 20 staff
A4 Drinking Establishments		
Public houses	1 per 200 m ² gross floor space	1 per 20 staff
A5 Hot Food Takeaway		
Hot food takeaways	1 per 200 m ² gross floor space	1
B1 Business		
Offices	1 per 200 m ² gross floor space	1 per 20 staff
Light industry		
B2 General industrial		
General industry	1 per 1000 m ² gross floor space	1 per 20 staff

Land Use Class	Cycle parking spaces to be provided:	
	Short Stay	Long Stay
B8 Storage and distribution		
Storage and distribution	1 per 1000 m ² gross floor space	1 per 20 staff
C1 Hotels		
Hotels	1 per 15 beds	1 per 15 beds
C2 Residential Institutions		
Residential homes	1 per 20 residents	1 per 20 staff
Other institutions		
C3 Dwellings		
Houses up to 3 bedrooms		2 per dwelling
Houses with 4 bedrooms and above		2 per dwelling
Flats	1 per 10 flats	1 per flat
D1 Non residential institutions		
Primary schools	1 per 100 pupils	1 per 20 pupils / staff
Secondary schools / colleges		
Creche / nursery	1 per 50 children	1 per 20 staff
Clinic / health centre	1 per 3 consulting rooms	1 per 3 consulting rooms
Libraries	1 per 200 m ² gross floor space	1 per 20 staff
Places of worship	1 per 200 m ² gross floor space	1
Museums and art galleries	1 per 200 m ² gross floor space	1 per 20 staff
Public / exhibition halls		
Hospitals	1 per 20 beds	1 per 20 staff

Land Use Class	Cycle parking spaces to be provided:	
	Short Stay	Long Stay
D2 Assembly and Leisure / Sui Generis		
Cinemas / concert halls / theatres	1 per 80 seats	1 per 20 staff
Bingo halls and casinos		
Disco's and dance halls	On merit	1 per 20 staff
Bowling alleys	1 per 200 m ² gross floor space	1 per 20 staff
Indoor sports halls	1 per 200 m ² gross floor space	1 per 20 staff
Swimming pools and ice rinks		
Sports ground and stadia	1 per 200 seats	1 per 20 staff
Health clubs	1 per 200 m ² gross floor space	1 per 20 staff

Notes

1. Long stay cycle parking spaces - generally covered, secured and lockable e.g. a cycle locker.
2. Short stay cycle parking spaces - generally uncovered, lockable with own lock and within surveillance of passers by / staff.
3. References to staff refer to staff employed / using the building.
4. References to seats refer to public seats.
5. In town and local shopping centre locations, cycle parking requirements for individual developments will be judged against the overall level of formal public cycle parking space available in the locality and in the context of wider planned provision contained in the Cycling Strategy. Where ready access to available cycle parking arrangements cannot be demonstrated individual developments will be assessed against the standards in the above table.
6. All developments must have at least 1 long stay cycle parking space and 1 short stay cycle parking space. Parking should normally be provided within the development (see below) but the provision of, or contribution towards, public communal parking facilities nearby is acceptable. Calculations for cycle parking space to be rounded up to the nearest whole numbers.
7. Long stay cycle parking should be covered and secure and may be provided indoors or outdoors – for example cycle lockers, lockable cycle sheds and cycle stores. It should be available to the general public. Short stay parking should preferably be covered and should provide suitable locking points for cycles such as the "Sheffield Stand". All cycle parking should be provided within 20 metres of a building in an area where there is full surveillance by cyclists, passing public and building users. Usually this will be at the front of a building. If there is any doubt about the security of short stay cycle parking, cycle lockers should be provided instead. Where CCTV surveillance is available, this should be able to monitor all cycle parking installations.

Appendix D: Indicative guidance for planning conditions and obligations

Source: 'Using the Planning Process to Secure Travel plans – Best Practice Guide (July 2002).
Department for Transport.

The detailed texts of the conditions and clauses below are not necessarily recommended. Rather they are intended to demonstrate some of the general approaches that can be considered when drafting conditions and obligations. Independent legal advice should be sought in relation to specific implementation. What follows is for guidance only.

Indicative phrasing for conditions and planning obligations – non-speculative proposals

Where the travel plan has been submitted with the planning application and agreed by the local authority

Condition/section 106 obligation:

No part of the development shall be occupied prior to implementation of the approved travel plan [or implementation of those parts identified in the approved travel plan as capable of being implemented prior to occupation]. Those parts of the approved travel plan that are identified therein as being capable of implementation after occupation shall be implemented in accordance with the timetable contained therein and shall continue to be implemented as long as any part of the development is occupied.

Where the travel plan has not been agreed at the time of determination of the planning application but information for preparing the travel plan is available

Condition/section 106 obligation:

The development shall not be commenced until a travel plan has been submitted to and approved in writing by the Council, such travel plan to include [list of required elements] together with a timetable for the implementation of each such element.

No part of the development shall be occupied prior to implementation of the Approved Travel Plan [or implementation of those parts identified in the Approved Travel Plan as capable of being implemented prior to occupation]. Those parts of the Approved Travel Plan that are identified therein as being capable of implementation after occupation shall be implemented in accordance with the timetable contained therein and shall continue to be implemented as long as any part of the development is occupied.

This assumes that Approved Travel Plan is a defined term.

Note: May include requirement to inform the Council when development commences.

This assumes that the contents of the travel plan are themselves within the scope of section 106(1) of the Town and Country Planning Act 1990.

Indicative approach for planning obligations – speculative proposals

Staged approach: adopted because the final travel plan cannot be agreed at the time of determination of the planning application

Planning obligations can achieve a staged process:

- **Stage 1:** no occupation until developer submits interim travel plan (covering key elements for the final travel plan and proposals for surveys) and the interim plan has been approved by the council
- **Stage 2:** first occupier carries out surveys within agreed timescale (or makes a financial payment in default)
- **Stage 3:** submission and approval of final travel plan to agreed timescale
- **Stage 4:** implementation of final travel plan or financial payment if final travel plan not implemented

Future occupiers

Section 106 obligation:

In the event that the Site is occupied by a New Occupier within [5] years from the date hereof the New Occupier shall pay the sum of £[X] (the 'Sum') to the Council on the second, third, fourth, fifth and sixth anniversaries of the first occupation by the New Occupier unless it shall have submitted a Travel Plan to the Council for its approval and shall have implemented the provisions of the Travel Plan in accordance with the timetable set out therein in the previous 12 month period.

This assumes that the terms Site, New Occupier, Travel Plan, Implemented and Council are all defined elsewhere in the agreement. It also assumes that the obligations in the Travel Plan and the timetable for their compliance are drafted sufficiently precisely for it to be clear whether the obligations have been Implemented.

Indicative phrasing for particular travel plan elements

Travel plan co-ordinator

The Developer shall pay to the Council the sum of £[] (the 'Sum') on the first day of [month] each year for the first [10] years from the date hereof unless by the first day of [2 months preceding the first mentioned month] the Developer has appointed a Travel Plan Co-ordinator and has supplied to the Council written details of the name, office, address and telephone number of the said person.

The Sum shall not be spent otherwise than upon measures that could have been performed by a Travel Plan Co-ordinator [or that will otherwise reduce vehicle trips to the Site and/or encourage walking, cycling and the use of public transport].

This assumes that the term Travel Plan Co-ordinator is defined so as to describe that person's functions.

Shuttle bus/works bus service

The Developer shall pay to the Council the sum of £[] index linked (the 'Bus Payment') on the anniversary hereof for the following [10] years unless in the 12 months preceding the date hereof it shall have provided or procured the Shuttle Bus/Works Bus Service.

The Bus Payment shall not be spent otherwise than upon the provision or procurement of the Shuttle Bus/Works Bus Service.

- 82** This assumes that the terms Shuttle Bus Service or Works Bus Service have been defined.

Monitoring

The Developer shall pay to the Council the sum of £[] (the 'Monitoring Payment') on the anniversary hereof for the following [] years.

The Monitoring Payment shall not be spent otherwise than upon the monitoring of the developer's compliance with the terms of this agreement.

Rotherham local plan

DRAFT Community facilities

Supplementary Planning Document



July 2020

www.rotherham.gov.uk

Rotherham
Metropolitan
Borough Council



Community Facilities

Introduction 2

Background 4

Providing community facilities 5

Safeguarding Community Facilities 8

Contact information 15

Appendix A: Case study 16

Introduction

Introduction

1 This Supplementary Planning Document (SPD) has been produced to add further detail to policies in Rotherham's Local Plan. The overall objectives of the SPD are to:

- Provide more detailed guidance on the application of policies within the Core Strategy and Sites and Policies Local Plan documents;
- Assist applicants when preparing and submitting planning applications; and
- Minimise the risk of delays in subsequent decision making.

2 The SPD will assist applicants when preparing planning applications for proposals:

- within land allocated for community facilities in the Local Plan, or
- involving the provision of new community facilities, or
- involving the loss of premises allocated for other uses but which are currently or were last used to provide community facilities.

Status

3 This SPD has been prepared in line with national planning policy and relevant legislation and regulations. The National Planning Policy Framework (NPPF) identifies that SPD add further detail and guidance to the policies in the development plan. They are capable of being a material consideration in planning decisions.

4 As required by The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) consultation on a draft of this SPD took place between xx and xx. The accompanying Consultation Statement sets out further detail on this consultation, including who was consulted, a summary of the main issues raised and how these have been addressed in the SPD. It also contains an adoption statement, confirming that this SPD was adopted by Rotherham Council on xxxxx.

Policy context

National planning policy

5 The delivery of sustainable development lies at the heart of planning. This is established in National Planning Policy Framework (NPPF) and the accompanying Planning Practice Guidance (PPG), and is expressed at a local level through Rotherham's Local Plan.

6 NPPF indicates that Local Plans should set out a strategy for a range of uses, including provision of community facilities. It goes on to make clear (at paragraph 92) that local planning authorities should plan positively for the provision and use of community facilities and other local services to enhance the sustainability of communities and residential environments, and guard against the unnecessary loss of valued facilities and services.

Local planning policy

7 Rotherham's Local Plan consists of the Core Strategy (adopted in September 2014) and the Sites and Policies Document (adopted in June 2018), alongside the Barnsley, Doncaster and Rotherham Joint Waste Plan (adopted in March 2012). These are available from our website:

<https://www.rotherham.gov.uk/localplan>

8 The Local Plan includes policies which seek to enhance the quality of life, improve health and well-being and serve the changing needs of all of Rotherham's communities by:

- supporting the retention, provision and enhancement of a range of community and social facilities, as well as
- safeguarding land allocated for community use in the Local Plan, and buildings currently used or last used for community purposes, including sport and recreational facilities.

9 This guidance provides additional detail to, and should be read in conjunction with, the following policies:

Policy CS 29 Community and Social Facilities

which sets out how the Council will support the retention, provision and enhancement of a range of community and social facilities.

Policy SP 62 Safeguarding Community Facilities

which sets out how the Council will consider proposals involving the loss of land allocated for community facilities, and land and buildings currently or last used as community facilities, including sports and recreational buildings.

Policy SP 63 Loss of Public Houses

which establishes the criteria against which proposals for the redevelopment or change of use of public houses to other uses will be considered.

Policy SP 64 Access to Community Facilities

which sets out that residential development should have good access to a range of shops and services.

Background

What are community facilities?

10 Community facilities are an essential feature of any area, and key to delivering sustainable communities. They help meet the needs of residents and visitors, through access to facilities and services used on a daily basis, and to those used less frequently. They help ensure that neighbourhoods have access to emergency services, and that social and health care needs can be met. They can provide spaces to help bring the community together, through meeting rooms or spaces for community events, and can also provide facilities for local civic functions such as parish halls or local government offices.

11 The Local Plan (paragraph 4.371 of the Sites and Policies document) provides a definition of community facilities, although emphasises that this is not an exhaustive list:

- public services;
- community centres and public halls;
- arts and cultural facilities;
- policing, fire and ambulance services;
- health and education facilities;
- public houses;
- public toilets;
- youth centres;
- nurseries;
- libraries;
- social care facilities including day centres;
- leisure centres (including swimming pools, sport and recreational facilities);
- places of worship and services provided by the community and voluntary sector e.g. scout and guide premises; and
- local shops.

12 The Local Plan allocates land for community use. These tend to be existing sites which include educational, health or civic facilities. However given the nature of the range of different community facilities identified above, many uses are also found in areas allocated for other uses in the Local Plan (for example, in residential areas).

13 In applying Local Plan policies regard will be had to the above definition. Where it is unclear whether a use falls within the definition then cases will be considered on an individual basis.

Submission of evidence

14 This SPD sets out the information or evidence that an applicant is expected to provide in order to demonstrate compliance with relevant policies. In all cases sufficient robust evidence will need to be provided by applicants to demonstrate how relevant policy has been met. This evidence will vary depending on each individual case. The Planning Policy team can provide more guidance on the requirements of Local Plan policies.

Providing community facilities

15 On residential sites of 10 homes or more Policy SP 64 Access to Community Facilities identifies that at least 80% of new homes should have safe pedestrian access to a local convenience shop and a reasonable range of other services or community facilities within 800 metres reasonable walking distance.

16 This recognises the contribution that compact neighbourhoods with a range of facilities and services can play in creating sustainable communities. The Council has allocated new housing development sites across Rotherham based upon a hierarchy of settlements and their ability to accommodate new development. There will also be new residential developments which come forward on other sites. In many cases new developments will be close to existing services and facilities; however where this is not the case, or where new development may place unacceptable burdens upon existing facilities, Policy SP64 identifies that new development proposals shall include the provision of new services or facilities. The exception to this is where applicants can provide robust evidence to demonstrate that such provision would not be viable or would threaten the viability of the overall scheme.

What is a 'reasonable range' of services and facilities?

17 Rotherham consists of settlements of differing character; including rural and urban settings and locations with differing geographical and topographical characteristics. As such it is not practical to specify the range of services and facilities which every community should have access to. Therefore what constitutes a 'reasonable range' of facilities and services will vary on a case by case basis depending upon a number of factors including the location of the site, the site context, and the details of the proposed development including its scale. However Paragraph 4.381 of the Sites and Policies document does identify, for the purposes of this policy, a subset of community uses which includes, but is not limited to, shops including post offices or their services, banking facilities or cash points, public houses, health and education facilities, places of worship, leisure uses (including swimming pools, sport and recreational facilities), community centres and public halls and services provided by the community and voluntary sector.

Measuring reasonable walking distance

18 Each site is different in its relationship with its surroundings. Road and rail networks may create barriers, as might topography or other natural features. As such in calculating the services and facilities within 800 metres via a safe pedestrian route a degree of flexibility will be required. Walking distances may be shortened where, for example, sites are particularly steep or the facility would serve older or disabled people), or lengthened, for example in rural locations and green belt villages where appropriate. In these circumstances applicants should prepare clear evidence to demonstrate those facilities and services available within the 800 metres walking distance, and justify any variation in distances with reference to particular site characteristics or circumstances.

19 It is recognised that development sites come in a range of shapes, sizes and layouts, with different site boundary treatments and pedestrian and vehicle access points. Recognising this, and to ensure consistency in calculating distances from existing facilities and services, measurements should be taken to the centre of the site via safe pedestrian access and taking into account barriers.

20 However where measurement from the centre of the site is inappropriate (for example due to the layout of the site) alternative approaches may be taken to demonstrate that at least 80% of proposed homes are within 800 metres of a reasonable range of facilities. This could include measurements taken from proposed dwellings furthest from any existing facilities and services.

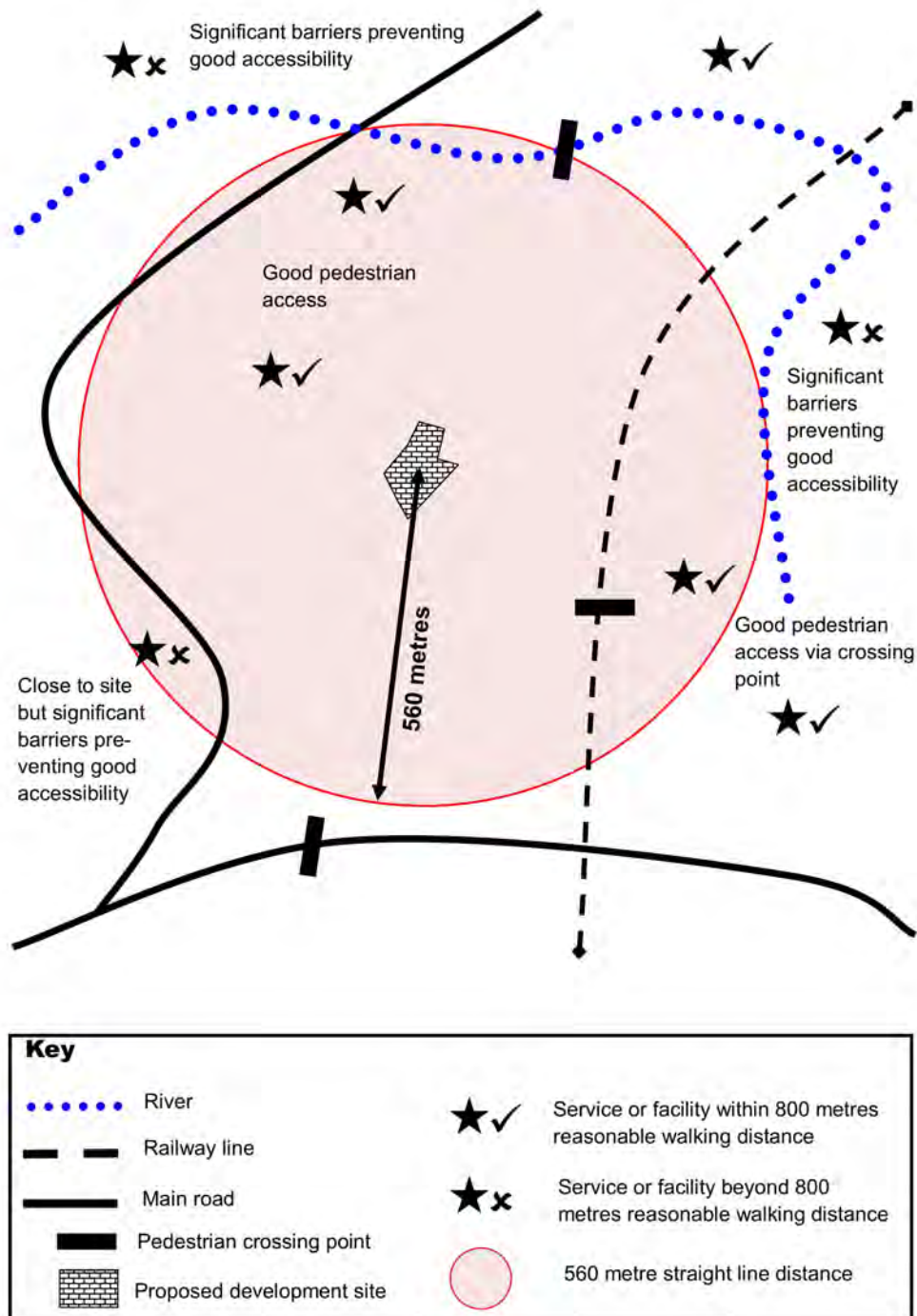
21 A broad rule of thumb can be adopted in converting walking distance to straight line distance. The Council's Green Space Audit ⁽¹⁾ adopted an assumption that for every 400 metres of walking distance 120 metres can be deducted to estimate a straight line distance. A walking distance of 800 metres can therefore be converted to a 560 metres straight line distance. This may be a useful starting point when assessing sites; however as indicated above any assessment should take account of the site's specific context and any barriers to access.

22 The diagram overleaf illustrates how the straight line distance approach could be used to assist in identifying services and facilities within reasonable walking distance of a proposed site. It highlights:

- How facilities may be close to a site but would not be within 800 metres walking distance due to barriers which prevent pedestrian access.
- How facilities may be beyond barriers but remain within 800 metres walking distance via pedestrian crossing points.

1 Green Spaces Audit for Rotherham. 2005. Prepared by Scott Wilson

Identifying facilities and services within reasonable walking distance



Safeguarding Community Facilities

23 The Local Plan has two policies relevant to proposals involving the loss of community facilities: SP62 Safeguarding Community Facilities, and Policy SP63 Loss of Public Houses. Whilst public houses are included in the definition of community use it is intended that proposals which involve the loss of public houses would be considered against Policy SP63 rather than SP62. For clarity:

Policy SP62 Safeguarding Community Facilities will apply:

- To proposals which fall within land allocated on the Local Plan Policies Map for 'Community Facilities', and
- to proposals on land allocated for other uses on the Policies Map but which would involve the loss of land or premises currently used or last used for community purposes, including sport and recreational facilities.

Policy SP63 Loss of Public Houses will apply to proposals for the redevelopment or change of use of public houses to other uses.

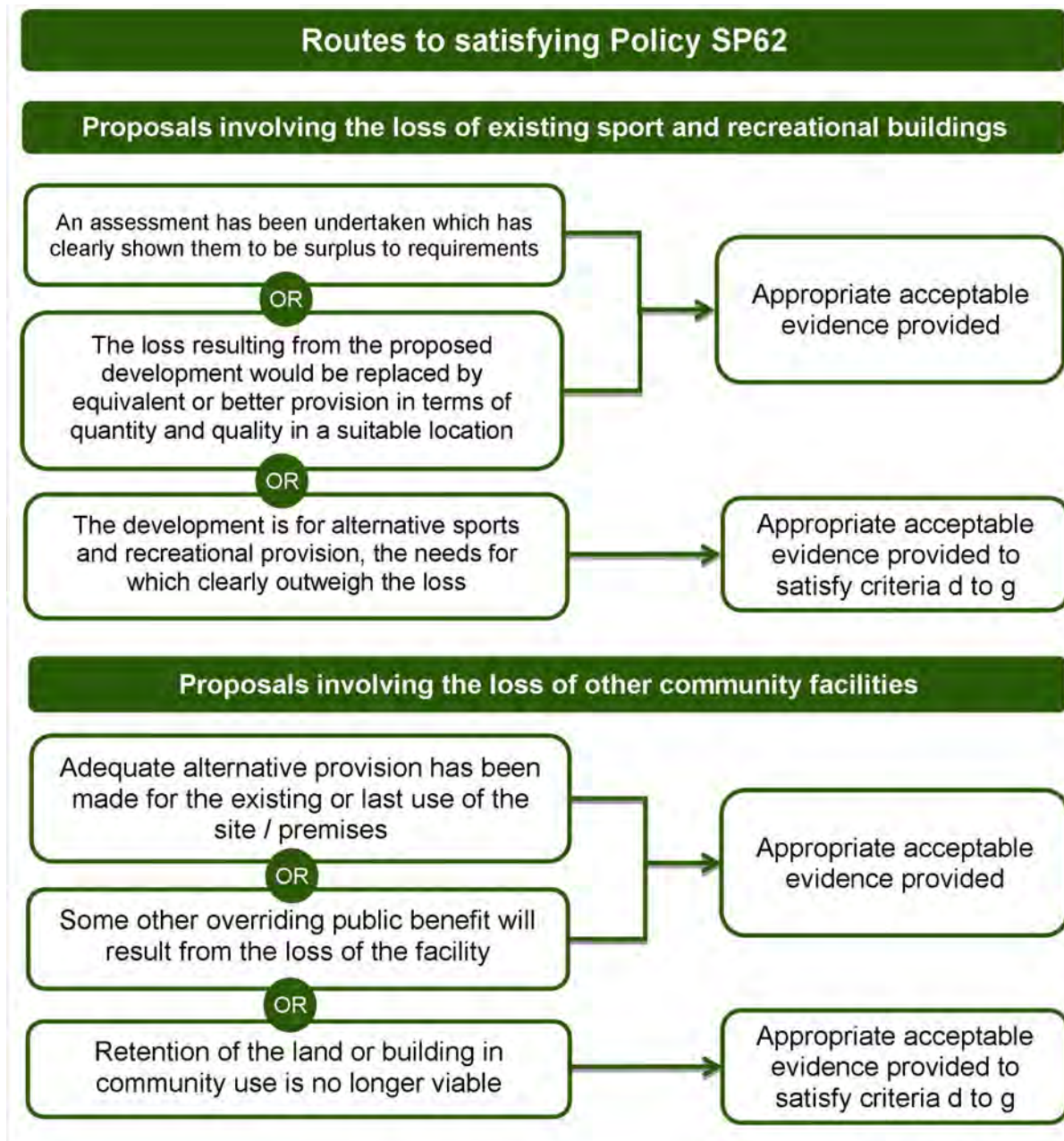
24 The policy will apply equally to land or premises within both the public and private sectors. The definition of community facilities includes education and social care facilities and public services, which could encompass a range of sites and buildings used by the public sector (such as buildings / offices with public access). As such it is expected that Policy SP62 will apply in many cases where proposals are seeking a change of use or redevelopment of public sector sites and premises.

25 For clarity Local Plan policies will only apply where planning permission is required. In some instances, depending on the specific use in question, there may be permitted development rights enabling a change of use which would not require planning permission.

26 The diagram overleaf illustrates how Policy SP62 will be applied and how it is expected that requirements will be satisfied.

27 The remainder of this section sets out in more detail how Policies SP62 and SP63 will be applied, and the evidence that will be required from applicants in order to satisfy policy requirements.

Applying Policy SP62 Safeguarding Community Uses



Applying the policy to sport and recreational uses

28 Where proposals involve the loss of sport and recreational buildings (buildings were last used for these uses) evidence will need to be provided to show how criteria a, or b, or c are met, to demonstrate that:

- an assessment has been undertaken which has clearly shown them to be surplus to requirements; or
- the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

29 Assessments and evidence submitted should be based on current good practice guidance. They should provide a robust and transparent assessment of the supply of, and current and future demand for the uses proposed to be lost. The assessment should be based on an appropriate and justified catchment area, and should take into account the quantity, quality, accessibility and availability of provision. Sport England provide a number of planning tools which may assist in undertaking assessments:

<https://www.sportengland.org/facilities-and-planning/planning-for-sport/planning-tools-and-guidance/>

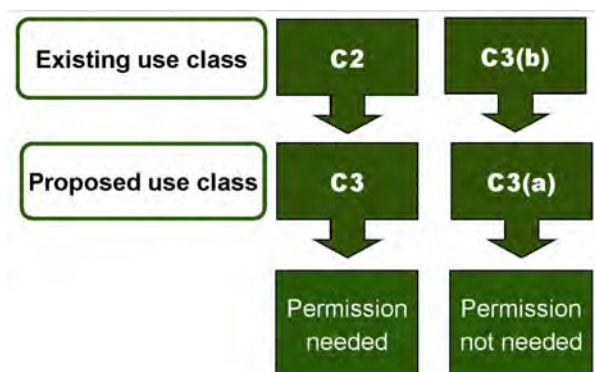
Applying the policy to other community facilities

30 For other community facilities the second part of policy SP62 is relevant. The following sections clarify how the policy will be applied in a number of specific circumstances relating to care homes, buildings and offices with public access, and local shops, before setting out how applicants will be expected to satisfy relevant policy criteria.

Care homes

31 A number of care homes and children's homes fall within existing residential areas and in many cases redevelopment proposals are likely to focus on re-use for more traditional housing uses. Most care homes fall within Use Class C2 (residential institutions) or Use Class C3(b) (up to six people living together as a single household and receiving care e.g. supported housing schemes such as those for people with learning disabilities or mental health problems.)

32 Changes of use within the sub-classes of Use Class C3 (for example from Use Class C3(b) to another residential use) would not require planning permission. However a change of use from a C2 use to a residential C3 use would require planning permission. The critical question will be in determining whether care homes fall within Use Class C2 or C3(b).



33 With regard to Use Class 3(b), previous decisions⁽²⁾ have held that it is unrealistic to expect children to look after themselves in a single household. To fall within this use class carers must also reside on site and have no other permanent address, to form a proper functioning household. As such a children's home run on shift patterns would not be considered to fall within Use Class 3(b), but to fall within Use Class C2.

34 Where a property is, or was, run as a care home for adults then the key consideration is whether the residents form a single household. Previous judgement⁽³⁾ noted a reluctance to consider that those who suffer from disability or are in need of care can never constitute a household, and that a judgement needs to be made based on the nature of the disability and the degree of care required. Therefore, depending on the circumstances of the specific case, homes may fall either within Use Class C2 or Use Class C3(b).

35 The case study at Appendix A provides an example of how the policy would be applied to a proposed change of use of a children's home to residential use.

Buildings and offices with public access

36 Buildings or offices (including depot sites) which do not include any element of public access are not considered to fall within the definition of community facilities. However where buildings or offices do include public access to services or facilities (such as libraries, pay-points or other services), then any planning application to change their use will be considered against Policy SP62.

Local shops

37 The reference in the definition of community facilities to local shops, post offices and banking facilities / cash points is not intended to apply where these uses are within an existing town, district or local centre as defined in the Rotherham Local Plan. It is intended to apply where these uses are serving local communities in other locations (for example shops within housing estates or residential areas, or within villages). The policy seeks to maintain such facilities for the benefit of local communities.

What criteria do proposals need to satisfy?

38 Applicants will need to demonstrate that either:

- adequate alternative provision has been made, or
- there is some other overriding public benefit that will result from the loss of the facility, or
- the retention of the land or building in community use is no longer viable.

39 Applicants only need to satisfy one of the bullet points above. For example, if appropriate evidence demonstrates that alternative provision has been made there is no requirement to also demonstrate a public benefit or that the site is no longer viable for community use. It is only if applicants are seeking to show that community use is no longer viable that criteria d to g will be applicable (these criteria relate to marketing of the site).

² North Devon District Council v First Secretary of State [2003]

³ R (on the application of Crawley Borough Council) v FSS and Eve Helberg [2004]

40 In all cases sufficient robust evidence will need to be provided by applicants to demonstrate how the policy has been met. This evidence will vary depending on each individual case.

Adequate alternative provision

41 Where an applicant contends that alternative provision has been made then evidence is expected to demonstrate:

- the level of need for the particular service or facility in question;
- the location(s) where alternative provision has been made, and
- how this alternative provision meets the identified needs.

42 It is expected that the alternative provision will be in the form of built development rather than undeveloped land; because there is no guarantee that alternative provision will be provided on this land the Local Planning Authority will not be in a position to agree that alternative provision sufficient to meet identified needs has been provided.

43 Adequate alternative provision will be dependent on the specific circumstances of each case; submitted evidence should clearly establish:

- the use and need the site is meeting at present (including the geographical area of this need), or the previous use and need if the site is no longer in use;
- projections of this need in the future; and
- how this need will be met in the absence of the site or premises.

44 It will be important for any application to clearly establish the relevant geographical area within which to assess the provision currently available. The defined area in which the need is considered will vary from case to case. For some community facilities need could be borough-wide and appropriately met through one or a small number of facilities; for others it could be that the need facilities and services is at a smaller scale such as ward, parish or smaller community area and met by a network of facilities across the borough.

45 Having established the geographic area for consideration, applicants should demonstrate the nature and location of comparable facilities and how these would meet the need in question, whilst having regard to future projections of need based on anticipated growth in the locale.

46 In considering whether the alternative provision is appropriate, regard will be had to Policy CS29 and supporting provision in locations accessible by public transport, cycling or on foot. This approach enhances the quality of life, improves health and well-being and serves the changing needs of all of Rotherham's communities. Supporting evidence could be provided by reference to relevant plans, strategies, and funding programmes, and their status.

Over-riding public benefit

47 If it is argued that an over-riding public benefit will result from the development, evidence will need to clearly demonstrate the public benefits arising from the development, and explain how this is considered to outweigh the loss of the facility in question. For example, it is recognised that the redevelopment of sites and premises in community use can raise funds to improve or replace existing

facilities, either on the existing site, or at an alternative location. Where this is the case it should be demonstrated that any receipts from redevelopment would be used for the specific improvements identified. Equally, if it is proposed to redevelop the site for other uses then the Local Planning Authority will need to be satisfied that the alternative use is deliverable and will deliver sufficient public benefits which outweigh the need to retain the existing use.

Community use no longer viable

48 Finally, if it is considered that retention of the land or premises in community use is no longer viable then evidence to demonstrate this shall be provided which shows how criteria d to g of the policy have been met. The policy wording is clear that all of the criteria must be satisfied.

49 In addition to the marketing information, other relevant evidence could be provided, such as:

- the current and projected trading performance (where the use is a business);
- the current patterns of use and projections of this use in the future;
- the nature and condition of the building or site and the cost of repairs, renovations or improvements needed to allow the facility to continue in operation.

Applying Policy SP63 Loss of public houses

50 It is recognised that public houses can play an important role within the local community, offering residents a meeting place for food, drink, entertainment and functions. They can help bring communities together, promoting social cohesion and integration and are considered an important element in maintaining vitality and vibrancy within the area.

51 Policy SP63 seeks to ensure that these important community facilities are retained wherever possible, whilst recognising that where pubs are no longer economically viable or do not provide an important community function, alternative uses of the site may be considered.

52 Where proposals involve the loss of a public house then the Council will expect applicants to demonstrate that all criteria in Policy SP63 are met, supported by the submission of appropriate and robust evidence regarding:

- the economic viability of the public house use;
- efforts made to explore opportunities to re-let premises (in particular through an existing or formation of a new social enterprise or charitable group);
- how the premises have been marketed to meet the requirements of criterion c;
- that there is not an identified need for the public house based on the requirements of criterion d(i) and d(ii).

53 To demonstrate compliance with criterion d, applicants will be required to identify (preferably on a map) whether there are alternative licensed premises within 800 metres reasonable walking distance of the public house. Where the existing public house provides a wider variety of ancillary uses, such as function rooms or meeting rooms, then this evidence should also demonstrate that there are alternative premises which offer similar facilities within 800 metres reasonable walking distance of the public house. Depending upon the nature of these ancillary functions then there is no requirement that any alternative provision should be met within another public house. It is

acknowledged that meeting or function rooms may be provided for community use in other types of premises.

54 A broad rule of thumb can be adopted in converting walking distance to straight line distance. The Council's Green Space Audit ⁽⁴⁾ adopted an assumption that for every 400 metres of walking distance 120 metres can be deducted to estimate a straight line distance. A walking distance of 800 metres can therefore be converted to a 560 metres straight line distance. This may be a useful starting point when assessing sites; however any assessment should take account of the site's specific context, including barriers and constraints such as topography, road and rail infrastructure or other features.

4 Green Spaces Audit for Rotherham. 2005. Prepared by Scott Wilson

Contact information

If you have any questions regarding this Supplementary Planning Document please contact Planning Policy:

Submit an enquiry to Planning Policy online:

<https://www.rotherham.gov.uk/xfp/form/535>

Email: planning.policy@rotherham.gov.uk

Telephone: 01709 823869

Website: <https://www.rotherham.gov.uk/localplan>

Post: Planning Policy Team, Planning, Regeneration and Transport, Regeneration & Environment Services, Rotherham Metropolitan Borough Council, Riverside House, Main Street, Rotherham, S60 1AE

For planning application and pre-application advice, please contact Development Management:

Submit an enquiry to Development Management online:

<https://www.rotherham.gov.uk/xfp/form/216>

Email: development.management@rotherham.gov.uk

Telephone: 01709 823835

Website: <https://www.rotherham.gov.uk/planning>

Post: Development Management, Planning, Regeneration and Transport, Regeneration & Environment Services, Rotherham Metropolitan Borough Council, Riverside House, Main Street, Rotherham, S60 1AE

Appendix A: Case study

Case study example: Change of use of operational children's home to residential use

Policy requirements: In the first instance the Local Planning Authority will need to determine whether planning permission is required. If the use of the site falls within Use Class C3(b) then planning permission would not be required as there are permitted development rights which allow changes to other residential uses within Use Class C3.

If the use of the site falls within Use Class C2 then planning permission would be required, and the applicant would need to satisfy Policy SP62, along with other relevant policies.

Where Policy SP62 applies there are three routes for applicants to satisfy its requirements:

- If the application is seeking to demonstrate that alternative provision is made elsewhere, then it should be accompanied by evidence showing what the need for children's homes is (current and projected). It should clarify what area the need relates to (i.e. is it borough-wide? Is it at a smaller geographical level?) The application should make clear how the need is to be met in alternative sites and premises and show how these sites are appropriate in terms of the geographical area of need.
- If the application is seeking to demonstrate that there would be an over-riding public benefit, then evidence would need to show how the proposed housing use would deliver substantial benefits for the community. The applicant would need to show how this would be of wider benefit to the public than retaining the existing children's home use. It is unlikely that delivery of traditional market housing would be considered to provide an over-riding benefit unless it was shown to be an irreplaceable catalyst for a wider regeneration scheme (the Local Planning Authority would need to be convinced that the regeneration scheme is viable and will be delivered.) If the proposal was for more specialised housing to meet specific needs then consideration would be given to whether the need for the proposed use would outweigh the existing use.
- If the application seeks to demonstrate that the existing use is no longer viable, then evidence will need to show why this is the case. Policy SP62 recognises that the site or premises could potentially be used by other providers to meet other community needs. The application therefore needs to show how it has been appropriately marketed for a period of not less than 12 months.

The Local Planning Authority would need to be satisfied that appropriate marketing methods have been used. This is likely to include targeting of other community service providers and show that opportunities for premises to be taken on by local co-operatives, social enterprise or charitable groups have been explored. Where reasonable offers have been made this is likely to indicate that the site / premises remain viable for community uses, therefore evidence should also be provided of any offers received, to satisfy the Local Planning Authority that no reasonable offers have been turned down/ refused and the reasons why. The applicant may also wish to provide other supporting evidence regarding viability, for example details regarding the nature and condition of the building or site and the cost of repairs, renovations or improvements needed to allow the facility to continue in operation.

This page is intentionally left blank

Public Report
Cabinet

Committee Name and Date of Committee Meeting

Cabinet – 20 July 2020

Report Title

Community Energy Switching Scheme

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)

David Rhodes, Environment, Energy and Data Manager
01709 254017 or david.rhodes@rotherham.gov.uk

Ward(s) Affected

Borough-Wide

Report Summary

Following an Official Journal of the European Union (OJEU) procurement process to identify a potential partner to develop a Community Energy Switching Scheme, Cabinet approved the contract award to Robin Hood Energy (RHE) 16th September 2019. Since RHE was awarded the contract a new management team has been enlisted and their business model reviewed and changed. As a result, RHE could not agree to the specification under the terms of the procurement process and so the contract could not be awarded.

The recent tender process has provided a valuable insight into market conditions, and this learning has been taken forward into a revised proposal to re-tender the community energy switching scheme contract and to run an internal switching scheme in parallel with the procurement process to support Rotherham residents and gain essential market data. This report therefore covers the proposed activity for 2020/21 which includes:

- a market engagement and tender process for a new community energy switching scheme;
- an internally delivered switching scheme to run during the tender process; and,

- a Smart Meter project funded by National Energy Association (NEA) which will help to support the switching scheme

Recommendations

1. That it be noted that the previous decision to award the community energy switching scheme to Robin Hood Energy has not been able to be progressed.
2. That approval be given to the re-tendering of the community energy switching scheme contract.
3. That approval be given to the development and implementation of an internal independent community energy scheme to run during the tender process.

List of Appendices Included

Appendix 1 Equalities Initial Impact Assessment

Background Papers

None

Consideration by any other Council Committee, Scrutiny or Advisory Panel

None

Council Approval Required

No

Exempt from the Press and Public

No

Community Energy Switching Scheme

1. Background

- 1.1 At its meeting on 17th December 2018 Cabinet approved the OJEU procurement process to identify a potential partner to develop a community energy switching scheme.

The community energy switching scheme would be open to all Rotherham residents and the aim of the scheme is to reduce the number of households paying high tariffs for gas and electricity, and consequently to reduce fuel poverty. Although the scheme would be open to all residents, it should be particularly beneficial in assisting vulnerable tenants to change to a cheaper tariff. Residents could save up to £300 per year in an average 3-bedroom semi-detached house.

- 1.2 At its meeting on 16th September 2019 Cabinet approved the development of a community energy switching scheme in partnership with Robin Hood Energy. Since RHE was awarded the contract, a new management team has been enlisted and their business model reviewed and changed. As a result of their review, RHE could not agree to the specification and terms & conditions set out in the procurement process and so the contract could not be awarded.

2. Key Issues

- 2.1 Changes to the contract and terms & conditions to comply with RHE requirements would necessitate a material change, which would not comply with procurement regulations and could result in a legal challenge from other organisations that considered submitting a bid.
- 2.2 However, the challenge of fuel poverty remains, and tendering a community energy switching scheme still represents a key opportunity to offer cheaper tariffs to a higher number of residents.
- 2.3 The recent tender process has provided a valuable insight into market conditions, and this learning has been taken forward into a revised proposal.

3. Options considered and recommended proposal

- 3.1 There are two fundamental options that have been considered to take forward the community energy switching scheme:
- 3.2 **Option 1** – Amend the specification and terms & conditions following a market engagement process to attract bids and re-tender the community energy switching scheme contract.
- 3.3 **Option 2** – Develop and run an internal independent community energy scheme based on assisting residents to change tariffs through comparison website approved by OFGEM.

3.4 Recommended proposal and activity for 2020/21

3.4.1 The recommended proposal is to take forward both options, re-tendering a revised contract community energy switching scheme contract for the longer term, and in the shorter term running an internal switching scheme in parallel with the procurement process. This will enable further market testing to see whether a contract which is beneficial for residents is able to be procured and also develop in-house expertise to provide support to residents in the immediacy and which, if further market testing is not successful, could be considered for expansion.

3.4.2 Market engagement and tender process

Re-tendering the contract will provide financial support, marketing support, market expertise and experience, and achieves the aim of securing cheaper utility tariffs for residents.

In preparation for the tender process, a market engagement is underway to ask potential bidders specific market question to ensure the specification is attractive to potential bidders and provides the necessary service to Rotherham residents. The engagement will run for one month and the information gathered will inform further development of the specification.

3.4.3 Internally delivered switching scheme

An internal switching scheme is being developed to run alongside the procurement process. This shorter-term activity will provide immediate support to Rotherham residents and will gain essential market data, networks and reputation in order to inform and test the quality of the tender process.

- 3.4.4 - The scheme would be communicated and promoted through the council's communication channels including staff briefings; Council newsletters; void property information packs; social media and Council website.
- Support would be provided to help households understand their invoice; compare with potential offers and assist in direct switching.
 - Resources used would include comparison sites such as Money Supermarket, U-switch or other comparison tools recommended by Ofgem.
 - Customers would be informed that any contract is between the supplier and the household, not the Council. A record will be maintained on numbers switched, type of house etc. to provide essential market information for a future partnership scheme.
 - Events would be arranged to promote the scheme (subject to Covid-19 guidelines).

3.4.5 Smart Meter Projects

The Council has also secured a National Energy Association (NEA) grant to fund a scheme that communicates the benefits of smart meters to residents aged 65 and over in Rotherham. The project will run 1st August to 1st December 2020. The data, networks, contacts and reputation from the scheme will also support any future community energy switching scheme.

4. Consultation on proposal

- 4.1 No additional consultations have been carried

5. Timetable and Accountability for Implementing this Decision

- 5.1 If approval is given to the recommendation as presented above, this will be actioned immediately through:

1. Completion of market analysis in July 2020.
2. Final Amendment of T&Cs, Specification and final consultation with legal, procurement and Finance 31st July 2020.
3. Procurement process and contract award 1st August 2020 – February 2021.
4. Cabinet report for award approval February 2021.
5. Award of contract February 2021.
6. Initial inception meeting; contract / service development February 2021 – March 2021.
7. Contract commencement and scheme launch April 2021.

All dates are projected and circumstances may accelerate or delay the development of the scheme.

6. Financial and Procurement Advice and Implications

- 6.1 In the report presented to Cabinet in September 2019 it was explained that, based on the procurement exercise undertaken, the development of a community energy switching scheme was not financially self-supporting. The analysis at that time demonstrated that the proposal would result in a small financial deficit over a 3 year period (less than £5k, in year one and unlikely to exceed £16k in any one year) if the projected take-up figures were achieved. The deficit would increase if take up is lower and decrease if take up is higher than the projected figures. It was explained that if a small deficit did arise it would be contained within the overall Directorate budget.
- 6.2 The new proposal means that delivering the scheme will cost £81,000 over a three year period requiring a Community Energy Officer and a small marketing, communication and administration budget. Funding is available from NEA Smart Energy GB grant (£14k), supplier referral income and approved budget within Asset Management. In the intervening period since the original procurement exercise the funding conditions have become less favourable resulting in a potentially higher deficit, changing from £23k net to £39k net (with up to a £18k deficit in year one but unlikely to exceed £11k in any of the other two years). This plan is based on prudent assumptions. Expectations of further NEA style funding is high but any deficit funding will be contained within the overall Directorate budget
- 6.3 The Procurement Service will support the re-tendering process and the results of the market engagement activity currently underway will be incorporated into a full procurement business case to ensure a robust plan is in place for this project and that all risks have been assessed and routes to

market appraised to ensure the replacement contract will be successful and deliver against expectations. The replacement tender will also include a social value assessment against the Themes, Outcomes and Measures within the Social Value Policy.

- 6.4 All procurement activity will be carried out in accordance with UK Public Contract Regulations 2015 and the applicable EU public procurement law.

7. Legal Advice and Implications

- 7.1 As with the previous exercise, any re-procurement should be conducted as a concession opportunity. If the value to the successful operator is over £5m, then the Council would need to comply with the Concession Contracts Regulations 2016. If the value is below that threshold, those regulations would not apply. However, the procurement procedure would still need to meet normal public procurement requirements of transparency, equal treatment etc. As with the previous procurement exercise, Legal Services should be instructed to prepare a suitable contract for this procurement exercise.

- 7.2 In relation to the temporary internally delivered switching scheme, the Council would have the power to operate this scheme non-commercially under its charging powers under the section 93 of the Local Government Act 2003.

8. Human Resources Advice and Implications

- 8.1 The recruitment of a Community Energy Officer is complete and the revenue gained from the scheme helps to fund the post.

9. Implications for Children and Young People and Vulnerable Adults

- 9.1 The scheme should benefit households to reduce the cost of energy and reduce fuel poverty.

10. Equalities and Human Rights Advice and Implications

- 10.1 An initial Equalities Impact Assessment has been carried out and will be updated as more data, information and actions are obtained.

11. Implications for Ward Priorities

- 11.1 The energy supply offer will be made available to all households in Rotherham.

12. Implications for Partners

- 12.1 The implications for partners are positive with a service for residents and the reduction of fuel poverty.

- 12.2 The success of the scheme will require support from all relevant Council directorates to communicate and engage with hard to reach and vulnerable tenants, to identify and change to a cheaper tariff.

13. **Risks and Mitigation**

- 13.1. The Council or supplier cannot guarantee that a given tariff will always be the cheapest. Online comparison sites may (but not always) provide the best saving, however, a community energy switching scheme is aimed at residents that are unable or not confident enough to switch energy providers. The energy supply market is volatile and the cheapest market price can be superseded the next day by another provider.
- 13.2 There is a reputational risk for the Council if there are complaints about billing and the Council may receive criticism for any price increases set by the supplier. Customer service and customer retention performance would be regularly monitored.
- 13.3 There is a financial risk to the Council if the number of residents that sign up to the scheme is insufficient to cover the staff, marketing and administration costs. The energy cap introduced by the Government/OFGEM will increase the risk and householders may believe the cap results in the best saving. Marketing and communication will address this.
- 13.4 This will be a concession contract, so the majority of the risk is with the supplier.

14. **Accountable Officers**

David Rhodes, Environment, Energy and Data Manager
Jonathon Marriott, Head of Asset Management

Approvals obtained on behalf of Statutory Officers:-

	Named Officer	Date
Chief Executive	Sharon Kemp	29/06/20
Strategic Director of Finance & Customer Services (S.151 Officer)	Judith Badger	29/06/20
Head of Legal Services (Monitoring Officer)	Stuart Fletcher	29/06/20

Report Author: David Rhodes, Environment, Energy and Data Manager
01709 254017 david.rhodes@rotherham.gov.uk

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

This page is intentionally left blank

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: Community Energy Switching Scheme

Directorate: Regeneration and Environment

Service area: Asset Management

Lead person: David Rhodes

Contact number: 01709 254017

Is this a:

☐

Strategy / Policy

☒

Service / Function

☐

Other

If other, please specify

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

A community energy switching scheme which aims to reduce the cost of living for people by getting a fair price on gas and electricity.

The community energy switching scheme would be open to all Rotherham residents and the aim of the scheme is to reduce the number of households paying high tariffs for gas and electricity, and consequently to reduce fuel poverty. Although the scheme would be open to all residents, it should be particularly beneficial in assisting vulnerable tenants to change to a cheaper tariff.

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

A community energy switching scheme aims to reduce the cost of living for people by getting a fair price on gas and electricity, which will be open to all communities and groups which will have a positive financial impact upon consumers.

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
David Rhodes	Environment, Energy and Data Manager	29.06.2020
Jonathan Marriott	Head of Asset Management	29.06.2020

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	29 June 2020
Report title and date	Community Energy Switching Scheme Cabinet – 13 July 2020
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 13 July 2020 – Date sent for publications 29 June 2020
Date screening sent to Performance, Intelligence and Improvement equality@rotherham.gov.uk	29 June 2020



Public Report
Cabinet

Committee Name and Date of Committee Meeting

Cabinet – 20 July 2020

Report Title

Consultation on Public Spaces Protection Orders – Town Centre and Borough Wide Dog Fouling

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, Service Manager Regulation and Enforcement
01709 823117, lewis.coates@rotherham.gov.uk

Ward(s) Affected

Dog Fouling – Borough Wide
Town Centre – Boston Castle

Report Summary

The current Town Centre Public Spaces Protection Order and the transitioned borough-wide dog fouling Public Spaces Protection Order expire in September and October 2020 respectively. This report proposes to undertake consultation to establish views in relation to Public Spaces Protection Orders and support a future decision about these Public Spaces Protection Orders. Views will be sought about the conditions that might be included within both Orders at the same time.

Recommendations

1. That approval be given to carry out a consultation in relation to a new Town Centre Public Spaces Protection Order.
2. That approval be given to carry out a consultation in relation to a Borough wide Public Spaces Protection Order specifically dealing with dog fouling.

List of Appendices Included

- Appendix 1 Dog Fouling Complaints and Fines
- Appendix 2 South Yorkshire Police Anti-Social Behaviour Analysis
- Appendix 3 Public Spaces Protection Orders Consultation Plan
- Appendix 4 Initial Equality Screening Assessment

Background Papers

Cabinet and Commissioners' Decision Making Meeting – 11 September 2017
(<https://moderngov.rotherham.gov.uk/documents/s111846/Introduction%20of%20a%20Public%20Spaces%20Protection%20Order%20PSPO%20for%20Rotherham%20Town%20Centre.pdf>)

Anti-social Behaviour, Crime and Policing Act 2014: Anti-social behaviour powers
Statutory guidance for frontline professionals, Home Office, August 2019

Anti-social Behaviour, Crime and Policing Act 2014

Consideration by any other Council Committee, Scrutiny or Advisory Panel
None

Council Approval Required
No

Exempt from the Press and Public
No

Consultation on Public Spaces Protection Orders – Town Centre and Borough Wide Dog Fouling

1. Background

- 1.1 The Anti-Social Behaviour, Crime and Policing Act 2014 created powers to introduce Public Spaces Protection Orders (PSPOs) in order to prevent individuals or groups committing anti-social behaviour in public spaces.
- 1.2 The introduction of these powers superseded previous legislation, such as Dog Control Orders, contained within the Clean Neighbourhoods and Environment Act 2005. This allowed that the Council's existing Dog Control Order, which prohibited the fouling of land by dogs, was transitioned into a PSPO. This PSPO will expire on 19th October 2020.
- 1.3 On 11th September 2017, Cabinet and Commissioners Decision Making Meeting agreed the implementation of a new Public Spaces Protection Order from 1st October 2017, prohibiting a number of behaviours in the town centre that are considered to be anti-social behaviour. This is effective until the Order expires on 30th September 2020.

2. Key Issues

- 2.1 The Anti-Social Behaviour, Crime and Policing Act 2014 provides for PSPOs, including those that are transitioned: to be extended by three years; to be varied; and to be discharged, alongside the powers to introduce new Orders.
- 2.2 The Act requires that, where Orders are to be introduced or extended, consultation must be undertaken with:
 - The Chief Officer of Police, and the local policing body, for the police area that includes the restricted area;
 - Whatever community representatives the local authority thinks it appropriate to consult;
 - The owner or occupier of land within the restricted area.
- 2.3 In addition, the Act also stipulates that necessary publicity must be undertaken which means:
 - In the case of a proposed order or variation, publishing the text of it
 - In the case of a proposed extension or discharge, publicising the proposal.
- 2.4 Moreover, the Council is obliged to notify the parish council or community council, of the proposed order, extension, variation or discharge.
- 2.5 Enforcement of the transitioned Order for dog fouling has been by Council officers and through Service Level Agreement arrangements with Doncaster Council. Whilst South Yorkshire Police are authorised to undertake dog fouling enforcement, they do not currently undertake this activity. The Town Centre Order has been enforced by South Yorkshire Police and Council Officers.

- 2.6 Incidents of Anti-Social Behaviour (ASB) in the town centre and complaints of dog fouling across the Borough have been declining since 2016. Whilst this is encouraging, it is important to recognise that the issues remain and suitable tools and powers still need to be in place to tackle the problems as they arise. Complaints relating to rowdy or inconsiderate behaviour remain significant as a proportion of anti-social behaviour incidents recorded by South Yorkshire Police in the town centre and Public Spaces Protection Orders provide the tools for officers to tackle the problems.
- 2.7 The Council and partners continue to receive complaints relating to the town centre from business, Councillors and visitors alike. In addition, the town centre is a priority for crime reduction across the partnership. Moreover, the Barnsley and Rotherham Chamber of Commerce have raised concerns around activities in the town centre that affect business and the attractiveness of the town to visitors.
- 2.8 The town centre is a mixed area, including residential, with regeneration and development projects planned and completed, together with the implementation for the town centre masterplan already underway. A key part of the masterplan implementation is additional residential developments in and around the town centre. It is important that the Council and partners support residents and improvements through robust measures to tackle anti-social behaviour.
- 2.9 Although the reports made to the Council of dog fouling have reduced over the years, the issue remains an important issue to local communities where both risks to health and physical repulsion are significant. Complaints from Councillor, Parish and Town Councils and residents continue to highlight areas of concern. Appendix 1 provides details of the complaints received by the Council and the fines issued over the past five years. In addition, the spread of complaints demonstrated in the data, shows that this is not a localised problem but rather occurs throughout the Borough.
- 2.10 South Yorkshire Police Data, attached at Appendix 2, provides analysis of the overall trends in ASB in the town centre across time. This analysis shows a reduction in the number of incidents since the PSPO was introduced. However, issues remain, with rowdy/inconsiderate behaviour being the most significant categorisation of problems and accounting for 62% of all complaints. The next most prevalent problems are begging/vagrancy at 9% and nuisance vehicles at 7% of all complaints.
- 2.11 It is important to note that Public Spaces Protection Orders guidance states that they:

“... should not be used to target people based solely on the fact that they are homeless or rough sleeping, as this in itself is unlikely to mean that their behaviour is having an unreasonably detrimental effect on the community’s quality of life which justifies imposing restrictions using a PSPO. ... These Orders should be used only to address any specific behaviour that is causing a detrimental effect on the community’s quality of life which is within the control of the person concerned. Councils should therefore consider carefully the nature of any potential Public Spaces Protection Order that may impact on

homeless people and rough sleepers ... The council should also consider consulting with national or local homeless charities when considering restrictions or requirements which may impact on homeless people and rough sleepers."

- 2.12 Since the measures were introduced a total of 168 fines for breaches of the Town Centre Public Spaces Protection Order have been issued to 106 individuals. Six cases have progressed to court with successful convictions resulting in penalties and costs imposed of £2,180. The most common behaviours which have attracted penalties include use of foul and offensive language, street drinking, urinating, and causing alarm and distress.
- 2.13 Over the duration of the transitioned Dog Fouling PSPO, since October 2019, 39 fines have been issued to individuals who have allowed their dogs to foul on land open to the public and have not cleared up after.
- 2.14 The Town Centre PSPO has been regularly reviewed by Councillors through the Council's Improving Places Select Commission, initially in January 2019 and subsequently in March 2020. The latest review made the following recommendations and as a result, the committee will be engaged within the consultation process:
 1. That the report be noted.
 2. That the results of the upcoming analysis in summer 2020 be submitted to Improving Places Select Commission for scrutiny with the goal of making recommendations about a possible further order in the Town Centre.

3. Options considered and recommended proposal

- 3.1 The Council could take the view that the town centre PSPO and the transitioned dog fouling Public Spaces Protection Order have served their purpose and that the downward trend in reported ASB and dog fouling is sufficient to negate the need to have PSPOs in place. It is not however considered that this would be a preferred option given that the issues remain, albeit on a downward trend, and the lack of a PSPO could have a negative impact on the positive trajectory. In addition, the PSPO offers the Council and partners tools to tackle very specific problems, without which effective responses to these types of behaviours are limited.
- 3.2 The consultation process is a statutory requirement prior to implementation of a PSPO. The consultation process will enable the Council to collate information about the nature and impact of ASB and to make an informed decision as to whether a PSPO is appropriate and proportionate in the circumstances. The consultation will form part of the evidence gathering in order to establish whether the conditions set out in the legislation, which are to be satisfied, before making a PSPO, are met. It will guide the Council as to the types of measures that should remain in place as part of a new PSPO and what, if any, new measures should be introduced.

4. Consultation on proposal

4.1 It is proposed that the consultation will commence on Monday 27th July 2020 and end on Sunday 23rd August 2020.

4.2 Consultees will include amongst others, South Yorkshire Police, Police and Crime Commissioner, Ward Members, relevant RMBC teams, voluntary, faith and community organisations, businesses, and the public.

4.3 The consultation will focus on the existing conditions, together with identifying any emerging issues that may be of concern to partners and the public. The following issues will be consulted upon:

- **Town Centre PSPO**

- Acting in a way that causes or may cause harassment, alarm or distress
- Approaching people for marketing or fund-raising purposes, without a license
- Dropping litter
- Keeping dogs on a lead (other than in the designated dog exercise areas in Clifton Park)
- Urinating or defecating in public
- Spitting
- Drinking alcohol when not within the boundaries of a licenced premise

- **Borough Wide Dog Fouling PSPO**

- Failing to remove and appropriately dispose of dog faeces

4.4 A consultation plan is attached at **Appendix 3**.

5. Timetable and Accountability for Implementing this Decision

5.1 It is proposed that the consultation will begin on 27th July 2020 and end on 23rd August 2020.

5.2 Following consultation, a report will be presented to Cabinet in September 2020 detailing the findings of the consultation and any recommendations that may be required.

5.3 Tom Smith, Assistant Director Community Safety and Street Scene, and Sam Barstow, Head of Service Community Safety and Regulatory Services, will be accountable for implementing this decision.

6. Financial and Procurement Advice and Implications

6.1 The majority of this proposed consultation exercise will be undertaken on-line, so costs associated with this process will be limited to IT costs and minimal printing and postage costs. The overall cost of this consultation exercise is estimated to be no higher than £2k and will be contained within the Service's approved revenue budget.

7. Legal Advice and Implications

- 7.1 The power to introduce a Public Spaces Protection Order is set out in the Anti-Social Behaviour, Crime and Policing Act 2014. The Act gives the Council the authority to draft and implement a Public Spaces Protection Order in response to particular issues affecting the community, provided it is satisfied on reasonable grounds that two conditions are met.

The first condition is that:

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

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

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

- 7.2 The Council will need to weigh up the all evidence in order be satisfied that the above conditions are met and to be satisfied that the Public Spaces Protection Order is necessary and proportionate in the circumstances.

- 7.3 The Act itself sets out the ability to challenge the validity of any Order and so it is vital the Council follows the correct process in terms of the implementation of the Order and this includes the requirement to consult. The Council must carry out the necessary consultation and the necessary publicity, and the necessary notification (if any), before:

- (a) making a public spaces protection order,
- (b) extending the period for which a public spaces protection order has effect, or
- (c) varying or discharging a public spaces protection order.

The Council must consult with:

- (a) the chief officer of police, and the local policing body, for the police area that includes the restricted area;
- (b) whatever community representatives the local authority thinks it appropriate to consult;
- (c) the owner or occupier of land within the restricted area (this does not apply to land that is owned and occupied by the local authority and applies only if, or to the extent that, it is reasonably practicable to consult the owner or occupier of the land).

- 7.4 The Council must also comply with the necessary publicity and notification requirements set out in the Act. The necessary publicity means

- (a) in the case of a proposed order or variation, publishing the text of it;
- (b) in the case of a proposed extension or discharge, publicising the proposal;

The necessary notification requirements means notifying the following authorities of the proposed order, extension, variation or discharge:

- (a) the parish council or community council (if any) for the area that includes the restricted area;
- (b) in the case of a public spaces protection order made or to be made by a district council in England, the county council (if any) for the area that includes the restricted area.

7.5 Any Order can last for a maximum of 3 years, unless extended under the provisions of the Act, and any such Order can be varied and/or discharged at any time.

7.6 The Council will need to consider the potential impact of a Public Spaces Protection Order on different sections of the community. Any Order should comply with the requirements of the public sector equality duty under the Equalities Act 2010. Although not contained with the legislation, the Council should carry out an Equalities Impact Assessment to establish whether any proposed Public Spaces Protection Order will have a disparate impact on groups with protected characteristics. The Council will need to ensure that any such groups are properly consulted where possible.

8. **Human Resources Advice and Implications**

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

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

9.1 There are no Children and Young People or Vulnerable Adults implications contained within or arising from the report.

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

10.1 There are no Equalities and Human Rights Advice implications contained within or arising from the report.

10.2 An Initial Screening Assessment has been included at **Appendix 4**. A full Equality Impact Assessment will be undertaken prior to support the decision in the light of the consultation results.

11. **Implications for Ward Priorities**

11.1 The consultation touches on key Ward priorities relating to safe and clean agendas and subsequently it is likely that the consultation proposed will generate interest in most Wards and in particular Boston Castle and those Wards with Parish or Town Councils.

11.2 Ward Members, Parish and Town Councils, will be consulted in accordance with the requirements of the Anti-Social Behaviour, Crime and Policing Act 2014, following the attached Consultation Plan at **Appendix 3**.

12. **Implications for Partners**

12.1 South Yorkshire Police are a key partner in delivery of the requirements of Public Spaces Protection Orders.

- 12.2 Businesses, particularly those within the town centre are likely to have some interest in ensuring that any impacts on the town centre from unacceptable behaviours, are made known to the Council, and in particular where these behaviours might affect the attractiveness of Rotherham as a place to do business or visit.
- 12.3 South Yorkshire Police, the Police and Crime Commissioner, and Barnsley and Rotherham Chamber of Commerce will be consulted under the provisions of the Anti-Social Behaviour, Crime and Policing Act 2014, following the attached Consultation Plan at **Appendix 3**.

13. **Risks and Mitigation**

- 13.1. The consultation may highlight further problems that may need to be addressed beyond what the consultation includes. Consequently, there will be a need to review such issues and consider them as part of the later proposed consultation report to Cabinet.
- 13.2 The findings from consultation must be considered in the context of the staff and resources available to enforce any provisions that are suggested in order to ensure that any measures that may be desired can be included in a meaningful way.

14. **Accountable Officers**

Tom Smith, Assistant Director Community Safety and Street Scene
Sam Barstow, Head of Service, Community Safety and Regulation

Approvals obtained on behalf of Statutory Officers:-

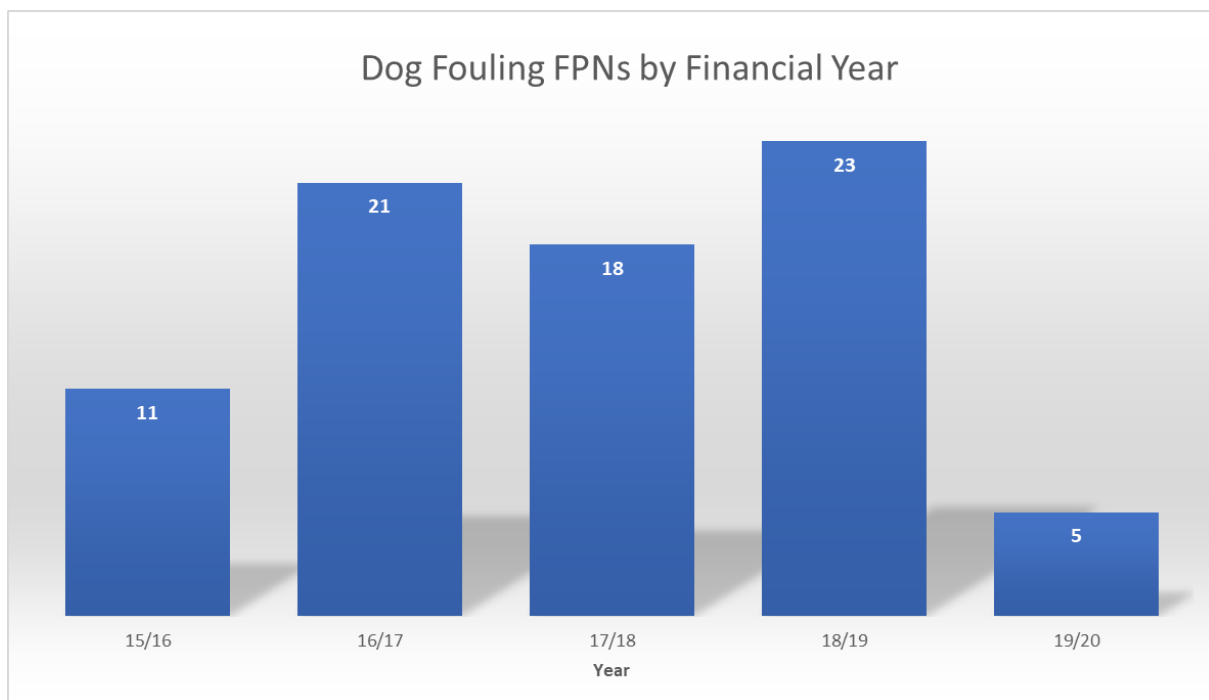
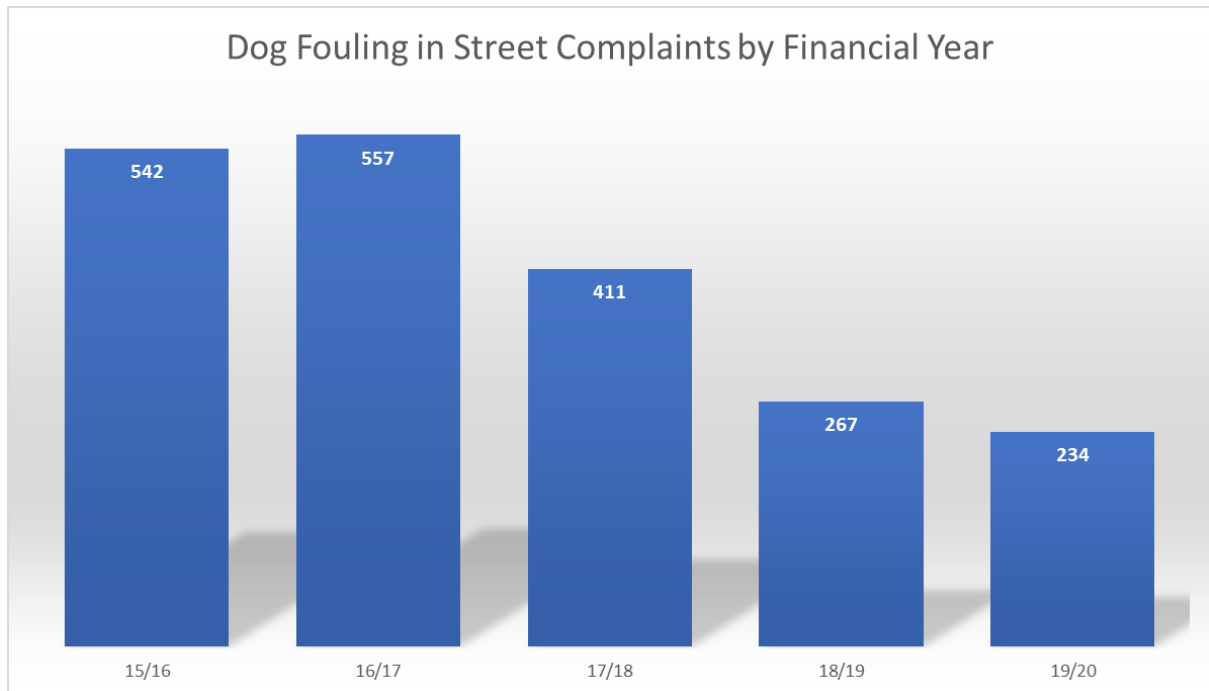
	Named Officer	Date
Chief Executive	Sharon Kemp	03/07/20
Strategic Director of Finance & Customer Services (S.151 Officer)	Judith Badger	03/07/20
Head of Legal Services (Monitoring Officer)	Stuart Fletcher	03/07/20

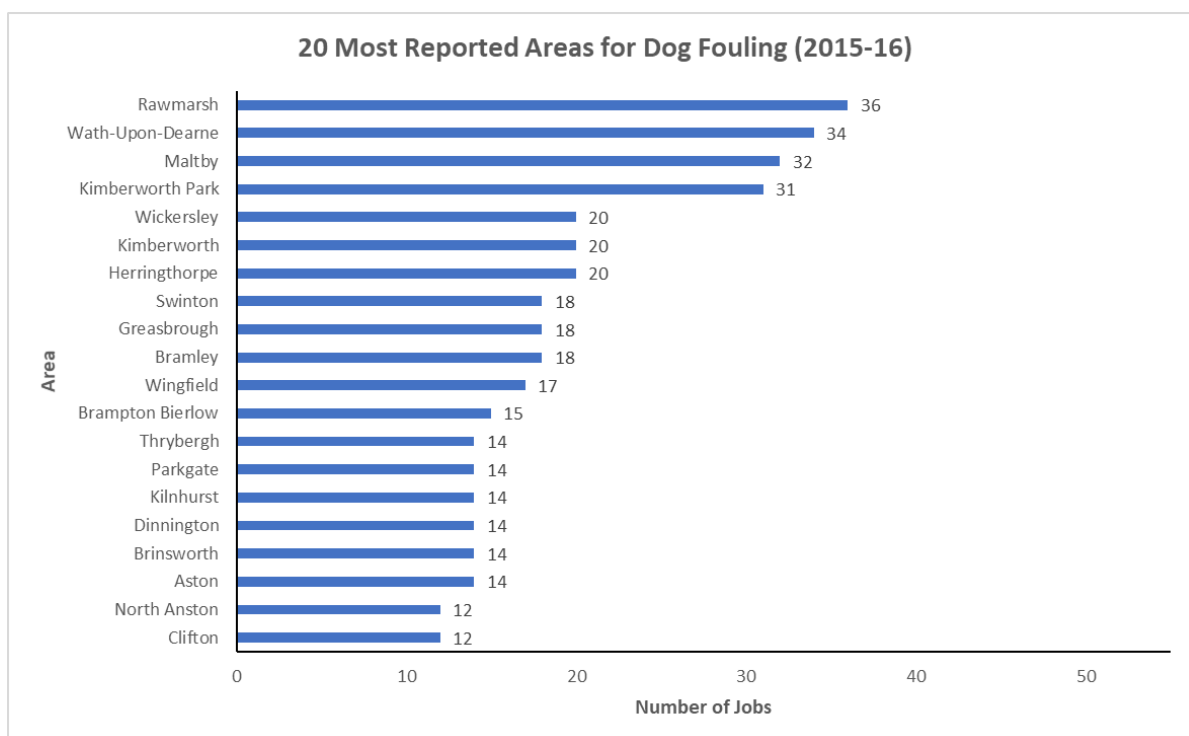
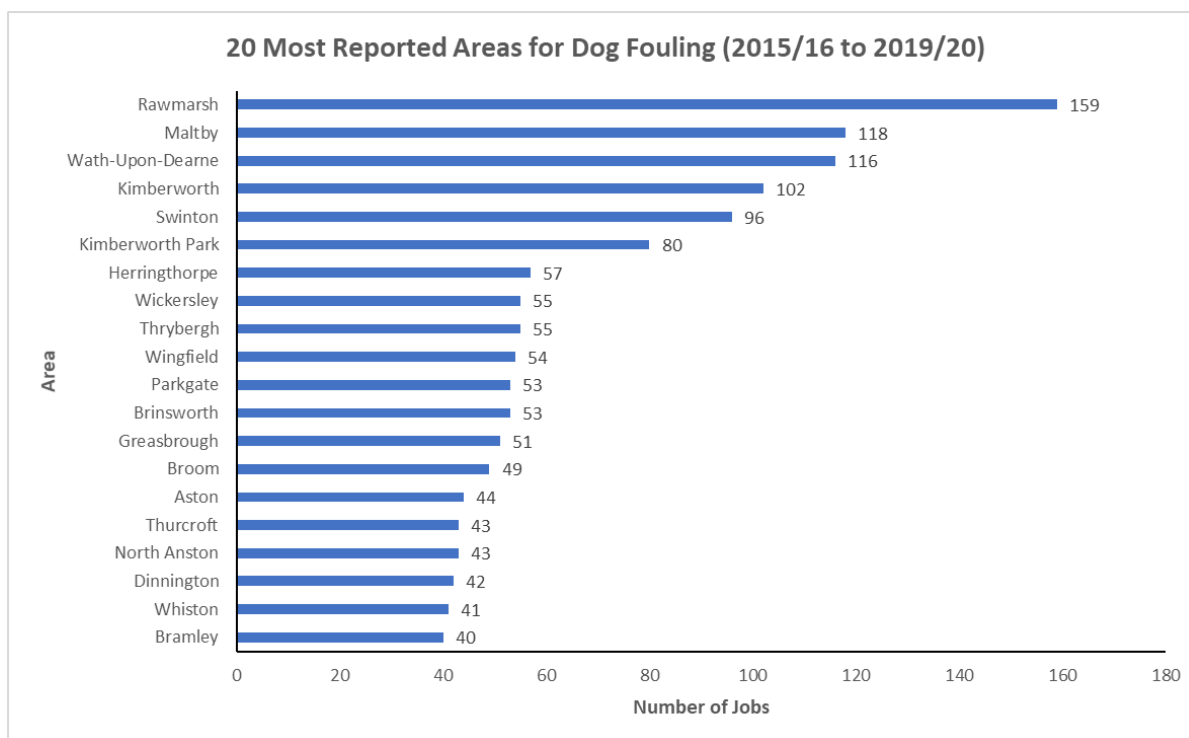
Report Author: *Lewis Coates, Service Manager Regulation and Enforcement*
 01709 823117, lewis.coates@rotherham.gov.uk

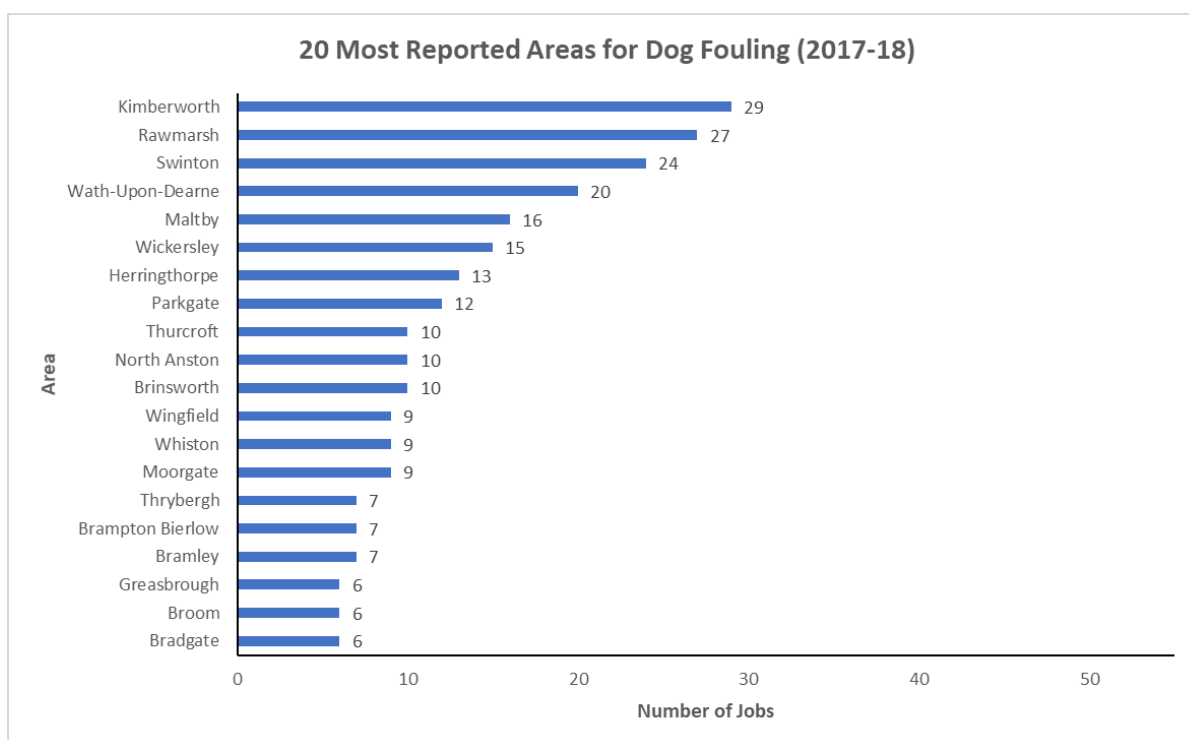
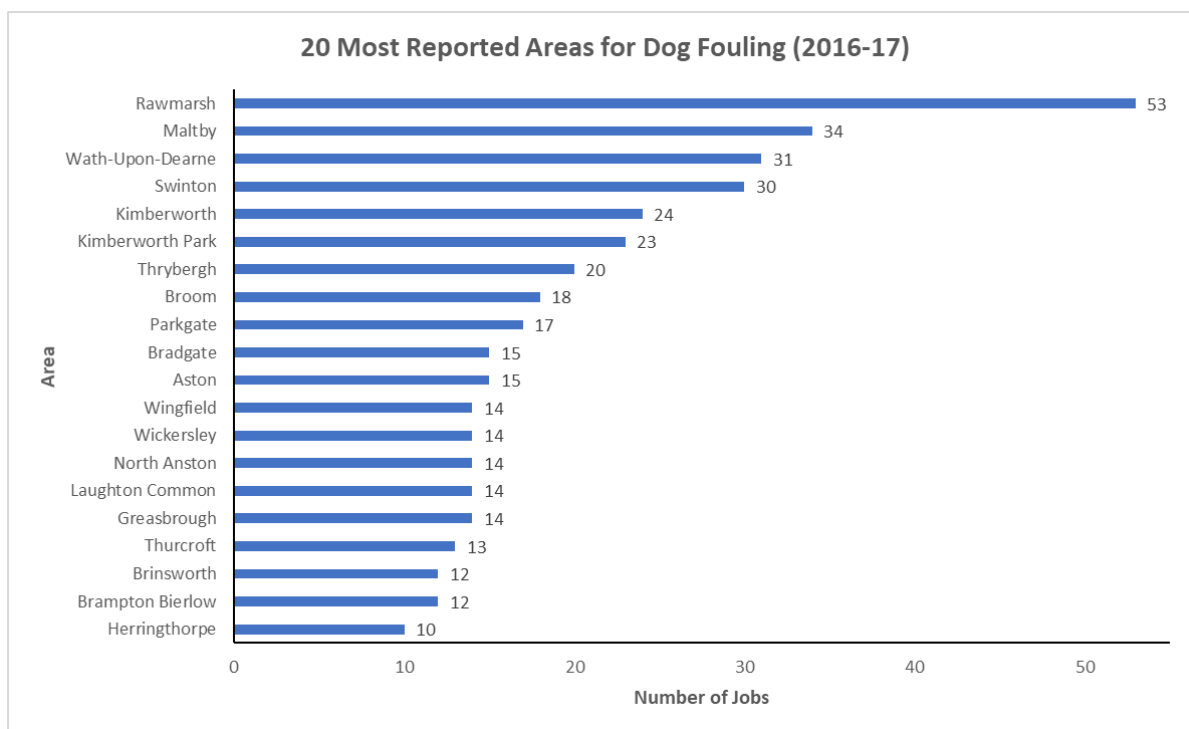
This report is published on the Council's [website](#).

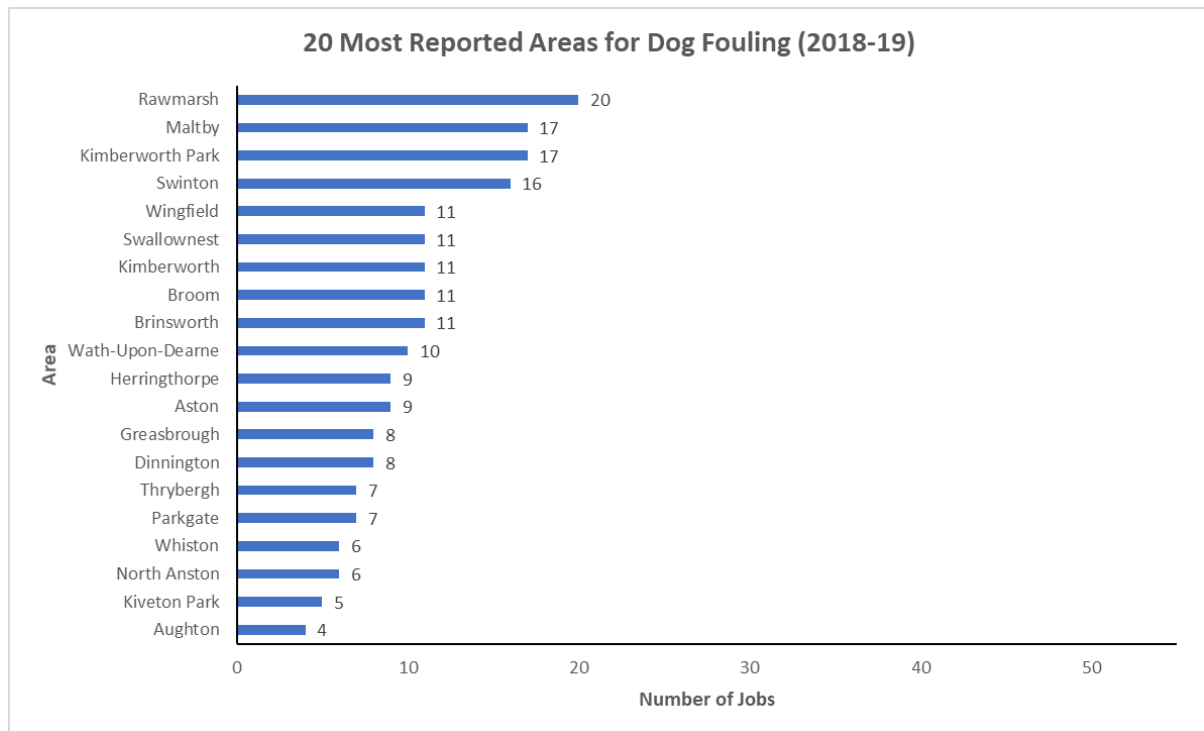
This page is intentionally left blank

Appendix 1 - Dog Fouling Complaints and Fines









Appendix 2: South Yorkshire Police Anti-Social Behaviour Analysis

OFFICIAL



Force Intelligence Analyst Unit

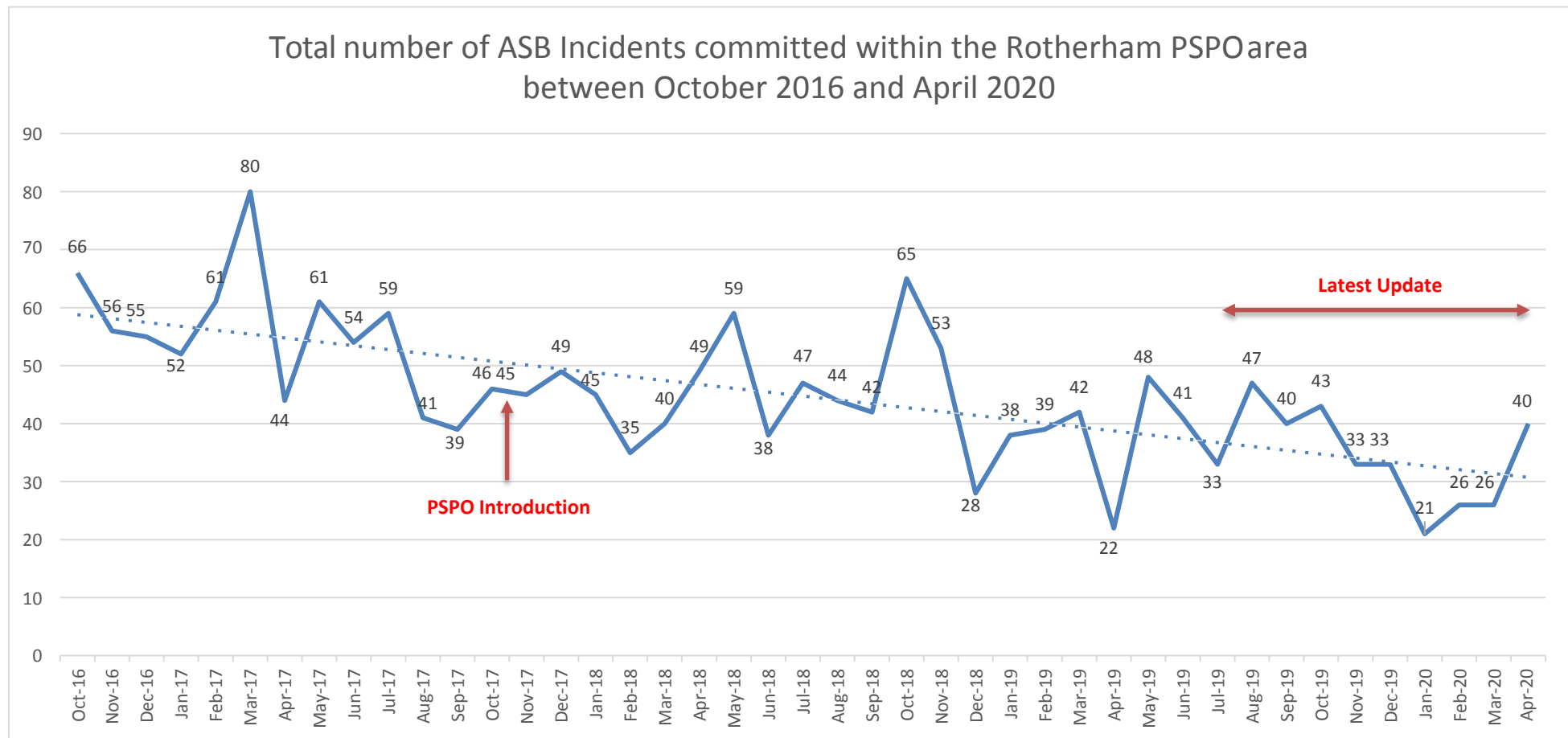
Rotherham Town Centre PSPO Update

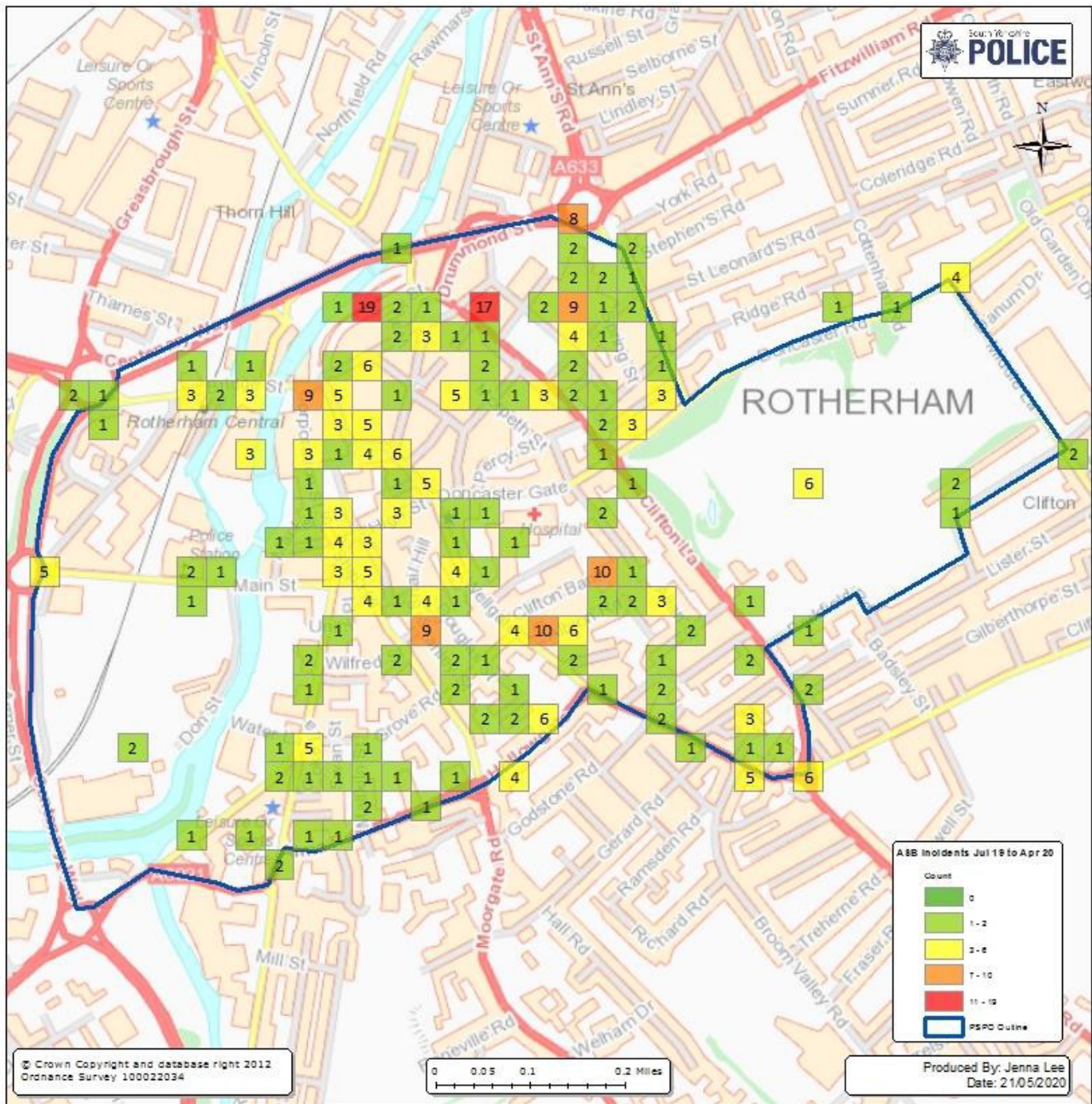
Compiled by	Jenna Lee	Owner	Sam Barstow (RMBC)
EXT	01709 832653	Ref	AN20MAY24
Data Period	01/10/2016 – 30/04/2020	Protective Marking & Handling Instructions	Official
Aim & Purpose	The aim is to provide an update of ASB incidents committed within the Town Centre PSPO area since the last review updated up to 28 th July 2019.		
Sources & Parameters	Data is extracted from Procad and Smart Contact and processed through ArcGIS/ESRI software.		
Limitations	Due to the methods of data extraction and anomalies with the geocoding of data, any figures provided within this report should be treated as unaudited. The force has a clear policy on the issuing of unaudited data externally and should you wish to share this data externally you take full responsibility for doing so. This report is the position of the South Yorkshire Police as of 21st May 2020. Any data prior to 13th November 2018 was sourced from Procad. The latest data used within this report was sourced from Smart Contact and extracted on 21st May 2020. Any changes to the data used following this date will not be captured within the report. Therefore if the data held within the report is required for use elsewhere in the future due to the Retain, Review, Delete requirements of MOPI additional checks may be required to ensure accuracy of the information. All the maps within this document, original representations or otherwise, are reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. SYP Licence No. PA 0103. Geocoding is not always accurate and as such there may be anomalies in the data.		

PSPO Overview

The PSPO was introduced on 20th October 2017 and has been in force since this date. Therefore, to analyse its effectiveness, ASB incidents between 1st October 2016 to 31st October 2018 were initially extracted for analysis. The previous update included ASB data between 1st November 2018 to 28th July 2019. The latest update includes ASB data between 1st July 2019 (to ensure the full month was covered) to 30th April 2020. Since 1st July 2019, there have been 342 ASB incidents in the Town Centre PSPO area.

Please note that since the COVID-19 pandemic first case to public notice, there have been notable changes in anti-social behaviour across the country. This has been further impacted by the enforcement of the 'stay home' policy implemented by the government on 23rd March 2020, with notable increases seen in ASB. Therefore, the impact of COVID-19 should be considered when considering any changes in ASB volumes, particularly for March and April 2020.



Grid Map - July 2019 to April 2020¹

The above map highlights key areas of note for ASB incidents, particularly at the Rotherham Interchange and Tesco, Drummond Street as well as Albion Road/Wellgate area, Bridgegate/Corporation Street/Frederick Street area, Spring Walk area, William Street, The Crofts, and College Street.

¹ Please note that 42 offences were captured within the edge of the grid area but occurred outside of the PSPO outline. Whilst this does not affect the incident figures provided for the PSPO area, please be aware when reviewing the above grid map.

Incident Types July 2019 – April 2020

The most common incident type was rowdy/inconsiderate behaviour, which accounts for 62% of all incidents recorded in the Town Centre PSPO area between July 2019 and April 2020.

Incident Title	Count
ROWDY/INCONSIDERATE	211
BEGGING/VAGRANCY	30
VEH NUISANCE/INAPP USE	24
NUISANCE NEIGHBOUR	16
FIREWORKS	15
ABND VEH NOT STOLEN	14
ANIMAL PROBLEM	7
STREET DRINKING	6
NOISE	6
NUISANCE ²	6
LITTER/DRUGS TRAPPINGS	3
OFF ROAD BIKE/QUAD	2
TRESPASS	2
Total	342

2- Year Comparison

This 2-year comparison shows that ASB incidents between May 2019 and April 2020 have decreased by 17% compared to the previous 12-months. The only notable increase is in April 2020, which is likely due to the impact of COVID-19 and the 'stay home' policy implemented.

Month	May 18 - Apr 19	May 19 - Apr 20	Change	% Change
May	59	48	-11	-19%
Jun	38	41	3	8%
Jul	47	33	-14	-30%
Aug	44	47	3	7%
Sep	42	40	-2	-5%
Oct	65	43	-22	-34%
Nov	53	33	-20	-38%
Dec	28	33	5	18%
Jan	38	21	-17	-45%
Feb	39	26	-13	-33%
Mar	42	26	-16	-38%
Apr	22	40	18	82%
Total	517	431	-86	-17%

² There are a small number of incidents where there was no specific incident type recorded and were recorded under the ASB categories of Environmental, Nuisance or Personal only.

This page is intentionally left blank

Appendix 3: Public Spaces Protection Orders Consultation Plan

Public Spaces Protection Orders

Consultation Plan

Introduction and Overview

Following analysis, consultation with stakeholders and a broad public consultation, a Public Spaces Protection Order (PSPO) was introduced in Rotherham town centre and Clifton Park in October 2017. Following a period of three years, the process must once again be followed in order to consider the making of a further order. This process requires a period of consultation to be carried out with appropriate Organisations, Groups and Community Representatives.

Previously the Council had in place a Dog Control Order issued in November 2009 that transitioned to a PSPO through the provisions of the Anti-Social Behaviour, Crime and Policing Act 2014, which gave powers to the Council to issue fines across the Borough to individuals who were witnessed not clearing up after their dogs had defecated.

PSPO's are intended to deal with a nuisance or problem in a specific area that is detrimental to the local community's quality of life, by imposing appropriate and proportionate conditions on the use of that area which apply to everyone.

Current Town Centre PSPO Prohibitions

- Acting in a way that causes or may cause harassment, alarm or distress
- Approaching people for marketing or fund-raising purposes (unless licensed to do so)
- Dropping litter
- Dogs must be on a lead (other than in the designated dog exercise areas in Clifton Park)
- Urinating or defecating in public
- Spitting
- Drinking alcohol (other than within a licensed premise)

Current Dog Fouling Transitioned PSPO Prohibitions

- Failing to remove and appropriately dispose of dog faeces

Issues to be consulted upon

- **Town Centre PSPO**
 - Acting in a way that causes or may cause harassment, alarm or distress
 - Approaching people for marketing or fund-raising purposes, without a license
 - Dropping litter
 - Keeping dogs on a lead (other than in the designated dog exercise areas in Clifton Park)
 - Urinating or defecating in public
 - Spitting
 - Drinking alcohol when not within the boundaries of a licenced premise

- Borough Wide Dog Fouling PSPO
 - Failing to remove and appropriately dispose of dog faeces

Consultation Period

The consultation period will commence on Monday 27th July 2020 and end on Sunday 23rd August 2020.

Who will be consulted?

- South Yorkshire Police – Inspector Chris Blake
- Police Crime Commissioner – Dr Alan Billings
- South Yorkshire Fire and Rescue
- Communities and Communities of Interest:-
 - Any identified Community Groups or Residents Associations
 - Voluntary and Community Sector Organisations
 - Groups representing protected characteristics and especially visually impaired for conditions related to dogs
- All Ward Councillors
- RMBC departments:
 - Early Help – Kirsty Woodhead
 - Youth Offending Service – Emma Ellis
 - Community Protection – Craig Cornwall, Richard Bramall, Chris Stone
 - Housing – Paul Walsh
 - Homelessness Team – Jill Jones/Kim Firth
 - Neighbourhoods – Martin Hughes
 - Greenspaces – Andy Lee
 - Highways – Colin Knight
 - Rotherham Youth Cabinet
- Transport
 - Travel South Yorkshire – Rotherham Interchange
 - National Rail – Rotherham Railway Station
- Schools and Colleges
 - Rotherham College
- Community Organisations
 - REMA – Emma Sharp
 - Friends of Clifton Park Community Group
- Businesses
 - Rotherham Voice (all town centre businesses) – Simeon Leach
 - Barnsley and Rotherham Chamber of Commerce – Simeon Leach
 - Rotherham Markets – Dean Thurlow
- Parish and Town Councils
 - Anston Parish Council
 - Aston cum Aughton Parish Council

- Bramley Parish Council
- Brampton Bierlow Parish Council
- Brinsworth Parish Council
- Catcliffe Parish Council
- Dalton Parish Council
- Dinnington St. John's Town Council
- Firbeck Parish Council
- Gildingwells Parish Council
- Harthill with Woodall Parish
- Hellaby Parish Council
- Hooton Levitt Parish Council
- Hooton Roberts Parish Council
- Laughton en le Morthen Parish Council
- Letwell Parish Council
- Maltby Town Council Council
- Orgreave Parish Council
- Ravenfield Parish Council
- Thorpe Salvin Parish Council
- Thrybergh Parish Council
- Thurcroft Parish Council
- Todwick Parish Council
- Treeton Parish Council
- Ulley Parish Council
- Wales Parish Council
- Waverley Community Council
- Wentworth Parish Council
- Whiston Parish Council
- Wickersley Parish Council
- Woodsetts Parish Council

Methods of consultation

- In writing (Partners/Organisations)
- Online survey (RMBC Website)

Communication

- RMBC Website
- Safer Rotherham Partnership Website
- Social media
- Posters/leaflets in local community
- Neighbourhood Communications, working alongside Councillors

Consultation Calendar
Monday 27th July 2020 – Sunday 23rd August 2020

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
27 Consultation starts	28 Online survey goes live Launch on social media	29	30 Consultation letters out Email shots sent out to any relevant networks	31	1 Public Stand/Engagement in Town Centre (Covid 19 restrictions permitting)	2
3 Update Social media (To Be Confirmed) Briefing Ward Cllrs (by email or Members' Seminar if possible)	4	5	6	7	8	9 Public Stand/Engagement in Clifton Park (Covid 19 restrictions permitting)
10 Update Social media	11	12	13	14	15	16
17 Update Social media	18	19	20	22	22	23 Consultation ends

Appendix 4: Initial Equality Screening Assessment



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	
Public Spaces Protection Orders consultation for the town centre and, for dog fouling Borough wide	
Directorate: Regeneration and Environment	Service area: Regulation and Enforcement
Lead person: Lewis Coates	Contact number: 01709823117
Is this a:	
☐ Strategy / Policy	☒ Service / Function
☐ Other	
If other, please specify	

2. Please provide a brief description of what you are screening
To undertake statutory and public consultation in relation to developing Public

Spaces Protection Orders for Rotherham Town Centre and dog fouling across the Borough.

It is not anticipated that the undertaking of a consultation will require an assessment to be undertaken. However, if after consultation it is deemed appropriate to consider introducing Public Spaces Protection Orders, then an assessment will be undertaken.

The consultation plan includes consulting with the public including hard to reach groups

3. Relevance to equality and diversity

The consultation is specifically required to seek the views of statutory consultees in relation to the benefits of introducing Public Spaces Protection Orders.

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 proposal is in relation to carrying out a statutory consultation with defined consultees.

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

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

- **Key findings**

- **Actions**

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	Service Manager – Regulation and Enforcement	

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	10 th June 2020
Report title and date	Public Spaces Protection Orders – Town Centre and Borough Wide Dog Fouling
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 13 th July 2020 Publication date to be confirmed
Date screening sent to Performance, Intelligence and Improvement equality@rotherham.gov.uk	First draft 10 th June 2020



Name of Committee and Date of Committee Meeting

Cabinet – 20 July 2020

Report Title

Recommendations from Overview and Scrutiny Management Board

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

No

Strategic Director Approving Submission of the Report

Judith Hurcombe, Assistant Chief Executive

Report Author(s)

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

Ward(s) Affected

Borough-wide

Summary

- 1.1 Overview and Scrutiny Management Board met on 15 July 2020 to scrutinise the following three reports that would be considered at the Cabinet meeting on 20 July 2020.
- Financial Outturn 2019-20
 - Community Energy Switching Scheme
 - Consultation on Public Spaces Protection Orders – Town Centre and Borough Wide Dog Fouling
- 1.2 Having reviewed the papers and the recommendations, the Board resolved as follows in respect of each item: -

Item	Recommendations

Item	Recommendations
Financial Outturn 2019-20	1. That Cabinet be advised that the recommendations be supported. 2. That the Overview and Scrutiny Management Board hold a dedicated workshop to consider the financial and service implications of the Covid-19 pandemic.
Community Energy Switching Scheme	1. That Cabinet be advised that the recommendations be supported. 2. That a report on further developments in respect of the Community Energy Switching Scheme be submitted to the Improving Places Select Commission in due course.
Consultation on Public Spaces Protection Orders – Town Centre and Borough Wide Dog Fouling	1. That Cabinet be advised that the recommendations be supported.

Recommendation

That Cabinet has regard to the views of the Overview and Scrutiny Management Board when making decisions in respect of the above matters.

List of Appendices Included

None

Background Papers

Minutes of Overview and Scrutiny Management Board – 15 July 2020