Council

Wednesday, 3 June 2020
2.00 p.m.
Virtual Meeting

Rotherham
Metropolitan
Borough Council

WELCOME TO TODAY'S MEETING

GUIDANCE FOR THE PUBLIC

The Council is composed of 60 Councillors, who are democratically accountable to the residents of their ward.

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

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

Copies of the agenda and reports are available on the Council's website at www.rotherham.gov.uk. You may not be allowed to see some reports because they contain private information and these will be marked accordingly on the agenda.

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

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

Council meetings are presently being held virtually and will be live streamed for the public to view, but occasionally the Council may have to discuss an item in private. If this occurs you will be asked to leave the virtual meeting by the Governance Advisor supporting the meeting.

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

Contact:- James McLaughlin, Head of Democratic Services
governance@rotherham.gov.uk

Date of Publication:- **26 May 2020**

COUNCIL

Wednesday, 3 June 2020 at 2.00 p.m.
Virtual Meeting

THE MAYOR (Councillor Jenny Andrews)
DEPUTY MAYOR (Councillor Ian Jones)

CHIEF EXECUTIVE (Sharon Kemp)

MEMBERS OF THE COUNCIL

ANSTON AND WOODSETTS

IRELAND, Jonathan C.
JEPSON, Clive R.

BOSTON CASTLE

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

BRINSWORTH AND CATCLIFFE

BUCKLEY, Alan
CARTER, Adam
SIMPSON, Nigel G.

DINNINGTON

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

HELLABY

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

HOLDERNESS

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

HOOBER

LELLIOTT, Denise
ROCHE, David J.
STEELE, Brian

KEPPEL

CLARK, Maggi
CUTTS, Dave
HAGUE, Paul

MALTBY

BEAUMONT, Christine
RUSHFORTH, Amy L.

RAWMARSH

BIRD, Robert
MARRIOTT Sandra
SHEPPARD, David R.

ROTHER VALE

BROOKES, Amy C.
WALSH, Robert J.

ROTHERHAM EAST

COOKSEY, Wendy
FENWICK-GREEN Deborah
KHAN, Tajamal

ROTHERHAM WEST

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

SILVERWOOD

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

SITWELL

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

SWINTON

CUSWORTH, Victoria
SANSOME, Stuart
WYATT, Kenneth J.

VALLEY

ALBISTON, Kerry
REEDER, Kathleen
SENIOR, Jayne E.

WALES

BECK, Dominic
WATSON, Gordon
WHYSALL, Jennifer

WATH

ATKIN, Alan
ELLIOT, Jayne C.
EVANS, Simon

WICKERSLEY

ELLIS, Susan
HODDINOTT, Emma
READ, Chris

WINGFIELD

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

Council Meeting
Agenda

Time and Date:-
Wednesday, 3 June 2020 at 2.00 p.m.

Venue:-
Virtual Meeting

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1. ANNOUNCEMENTS

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

2. APOLOGIES FOR ABSENCE

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

3. COMMUNICATIONS

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

4. MINUTES OF THE PREVIOUS COUNCIL MEETING (Pages 1 - 42)

To receive the record of proceedings of the ordinary meeting of the Council held on 26 February 2020 and to approve the accuracy thereof.

5. PETITIONS (Pages 43 - 47)

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

6. DECLARATIONS OF INTEREST

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

7. PUBLIC QUESTIONS

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

8. EXCLUSION OF THE PRESS AND PUBLIC

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

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

9. LEADER OF THE COUNCIL'S STATEMENT

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

10. MINUTES OF THE CABINET MEETING (Pages 48 - 63)

To note the minutes of the Cabinet meetings held on 23 March and 11 May 2020.

11. RECOMMENDATION FROM CABINET - GAMBLING ACT 2005 - STATEMENT OF GAMBLING POLICY (Pages 64 - 128)

To consider a recommendation from Cabinet to adopt a Statement of Licensing Policy under the Gambling Act 2005.

12. RECOMMENDATION FROM CABINET - LICENSING ACT 2003 - STATEMENT OF LICENSING POLICY (Pages 129 - 268)

To consider a recommendation from Cabinet in respect of the adoption of the Statement of Licensing Policy under the Licensing Act 2003.

13. RECOMMENDATION FROM CABINET - RESPONDING TO THE CLIMATE EMERGENCY (Pages 269 - 300)

To consider an update from the Cabinet in respect of the authority’s response to the Climate Emergency.

14. MEMBERSHIP OF POLITICAL GROUPS ON THE COUNCIL, POLITICAL BALANCE AND ENTITLEMENT TO SEATS (Pages 301 - 306)

To report on the establishment of political groups, the political balance of the Council and the entitlement of each group to seats on the authority’s committees.

15. PROPOSED AMENDMENTS TO THE CONSTITUTION (Pages 307 - 374)

To consider proposed amendments to the Constitution to update the Council Procedure Rules and Access to Information Procedure Rules in the light of the Coronavirus Act 2020 and associated regulations published by the Secretary of State.

16. PROPOSAL TO CREATE AN HONORARY FREEWOMAN OF THE METROPOLITAN BOROUGH OF ROTHERHAM (Pages 375 - 379)

To consider a nomination to create an Honorary Freewoman of the Borough.

17. STANDARDS AND ETHICS COMMITTEE (Pages 380 - 382)

To receive and consider reports, minutes and recommendations of the Standards and Ethics Committee.

To confirm the minutes as a true record.

18. HEALTH AND WELLBEING BOARD (Pages 383 - 395)

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

To confirm the minutes as a true record.

19. PLANNING BOARD (Pages 396 - 404)

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

To confirm the minutes as a true record.

20. STAFFING COMMITTEE (Pages 405 - 423)

To receive and consider reports, minutes and recommendations of the Staffing Committee.

To confirm the minutes as a true record.

21. LICENSING BOARD AND LICENSING COMMITTEE (Pages 424 - 429)

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

To confirm the minutes as a true record.

22. MEMBERS' QUESTIONS TO DESIGNATED SPOKESPERSONS

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

23. MEMBERS' QUESTIONS TO CABINET MEMBERS AND CHAIRPERSONS

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

24. URGENT ITEMS

Any other public items which the Mayor determines are urgent.

SHARON KEMP,
Chief Executive.

The next meeting of the Council will be on
22 July 2020 at 2.00 p.m.

COUNCIL MEETING
26th February, 2020

Present:- The Mayor (Councillor Jenny Andrews) (in the Chair); Councillors Alam, Allen, Atkin, Beaumont, Beck, Bird, Buckley, Carter, Clark, Cooksey, Cowles, Cusworth, B. Cutts, D. Cutts, Elliot, M. Elliott, R. Elliott, Ellis, Hague, Hoddinott, Ireland, Jarvis, Jepson, Jones, Keenan, Khan, Lelliott, McNeely, Mallinder, Marles, Pitchley, Read, Reeder, Roche, Russell, Sansome, Senior, Sheppard, Short, Simpson, Steele, Taylor, John Turner, Julie Turner, Tweed, Vjestica, Walsh, Williams, Watson, Whysall, Wyatt and Yasseen.

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

303. ANNOUNCEMENTS

The Mayor was pleased to present her activity since the last Council meeting which was attached for information to the Mayor's Letter.

304. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Albiston, Allcock, Brookes, Ellis, Marriott, Napper and Price.

305. COMMUNICATIONS

There were no communications.

306. MINUTES OF THE PREVIOUS COUNCIL MEETING

Resolved:- That the minutes of the meeting of Council held on 22 January 2020, be approved for signature by the Mayor.

Mover:- Councillor Read Seconder:- Councillor Watson

307. PETITIONS

The Mayor introduced the report and confirmed the receipt of three petitions received since the last Council meeting which had not met the threshold for consideration by Council.

- Containing 122 signatures calling on the Council to stop Kiveton Youth Centre Demolition.

- Containing 22 signatures calling on the Council to review the process for Public questions at Council meetings.

- Containing 30 signatures calling on the Council to reinstate back to grass the tarmac driveway cutting across the communal greenspace and play area on Keppel Road.

  Mrs Ibbotson, the lead petitioner addressed Council as part of the presentation of the petition.

Resolved: -

(1) That the report be received.

(2) That the relevant Strategic Directors be required to respond to the lead petitioners as set out 11 March 2020.

308. DECLARATIONS OF INTEREST

There were no declarations of interest.

309. PUBLIC QUESTIONS

1. **"T"** asked the Leader of the Council "What training has the Leader of RMBC had in improving his understanding of the impact of CSE on victims and survivors after they have been through a trial, what type of training did he have, when did he have it, how long did it last for, and exactly what did it cover?".

   In response the Leader advised that he had not received any training on this specific aspect of CSE.

   As a supplementary question "T" asked what the Leader's opinion was of the online training provided for Council staff on CSE. The Leader in response advised that the training had been created for the Council by professionals in the field of CSE, but that if "T" had any feedback on the training that she would like to provide, then that feedback would be welcomed.

2. **Mr Peter Thirlwall** asked the Chair of the Standards and Ethics Committee "Does the Chair of the Standards and Ethics Committee believe a dangerous precedent has been set by allowing Councillor Cutts not to face any sanctions for the cavalier attitude he has taken towards completing his 'Register of Interests' and ignoring the many reminders he has been given? What sort of message does the Chair believe that sends to other Councillors?".

   In response the Chair of the Standards and Ethics Committee in advised that she didn't believe that the way in which this case had been dealt with set any precedent, as each case was dealt with on its own merits. The Chair reiterated what she had said at the previous meeting of Council, that it was not appropriate to discuss individual cases in the Council meeting (Minute No.287), and noted that Mr

Thirlwall had been previously assured in writing that the matter had been fully and properly addressed. The Chair also noted that members were regularly reminded and would continue to be reminded about the requirement for their Register of Interests to be kept up to date.

As a supplementary question Mr Thirlwall stated that he was not satisfied with the response that he had received from the Chair and noted that his complaint had only been verbally reported at, and not discussed fully at a meeting of the Standards and Ethics Committee. Mr Thirlwall stated that no sanction had been applied to Councillor Brian Cutts for his conduct on this matter and that in his opinion Councillor Cutts should no longer be a Councillor and asked whether the Chair agreed.

The Chair advised that she did not agree and referred Mr Thirlwall to her original response. The Chair noted that Mr Thirlwall was fully aware that Standards Committees had, due the provisions of the Localism Act 2011 very limited ability to apply sanctions on Councillors. The Chair referred to the Government consultation that had taken place on Standards matters and sanctions in local authorities and encouraged Mr Thirlwall to lobby the area's MP's to put pressure on the Government to move the required legislation to give more power to Standards Committees in the future.

3. **Ms Sadie Healey** asked the Cabinet Member for Adult Social Care and Health "In September 2018 I asked a question after you stated the number of people wanting to attend day centres had gone right down. In reply you said there were 84 people attending the Oaks. Now it's closed how many of those 84 have gone on to attend another day centre?".

   In response the Cabinet Member for Adult Social Care and Health advised that of that of original group, the number of people currently attending another day centre was nine, and that all of those nine service users had been assessed as having complex needs. The Cabinet Member reaffirmed that the support given to any individual was based upon their needs and aspirations, and that it had never been the Council's intention that anyone would be unable to access day care. The Cabinet Member advised that the other 75 service users had gone on to enjoy a wide range of other activities, based on their reassessments. The Cabinet Member acknowledged that any changes to provision could be worrying for service users and their families, but noted that many of the people who had now made the transition would never choose to go back, but for those people who did need day care, the council would continue to be a direct provider.

As a supplementary question Ms Healey asked that as unlike the Oaks Centre the Addison Centre was in good structural condition, could it be kept open? In response the Cabinet Member advised that as the costs involved in keeping the centre open had not been the main consideration in the decision to close the centre, that the planned closure of the centre would go ahead.

4. **Mr Liam Harron** asked the Leader of the Council "When answering a question from a member of the public in Council meetings, sometimes you appear to read out from a written prepared statement. How do you ensure that the information given to you by officers is true?".

   In response the Leader stated that the notes he used when answering questions were his own notes, but that these were informed by Strategic Directors. The Leader advised that if at any point doubt arose as to the accuracy of information provided by officers then formal processes were in place that members of public could access.

   As a supplementary question Mr Harron asked why he had not had replies to correspondence that he had sent to the Leader on two separate occasions over a period of two years and asked for an explanation of why 1,400 copies of the book "Voices of hope, voices of despair" had been returned to him. The Leader in response stated that he was in regular communication with Mr Harron and was sure that the correspondence referred to had been replied to, but that he would take steps to check that responses had indeed been sent. The Leader advised that the publication referred to had been returned as following expert advice from the Commissioners who were running the Council at the time, the publication was not deemed suitable for the use requested. The Leader emphasised that the decision had not been made by him but had been on the advice of experts.

5. **Mrs Mavis Reed** asked the Cabinet Member for Adult Social Care and Health "A cynic might view the postponement of the closure of the Addison Centre until March 2021 as an attempt to avoid a backlash at the ballot box in May. What is the reason for the delay?".

   In response the Cabinet Member for Adult Social Care in advised that he appreciated Mrs Reed's concerns about the changes that were being made, but reaffirmed that until all the reassessments and reviews had taken place, and alternative solutions found for service users, then the Addison Centre would remain open. The Cabinet Member advised that whilst the original outlined timetable had suggested Addison would close at the end of March 2020, this was now no longer practical, and that the needs of service users would come first. The Cabinet Member added that every assessment and outcome would be based on the individual needs and it would therefore be difficult to predict an actual closure date. The Cabinet Member stated that he had never set or spoken of a date of March 2021 for the closure of the centre.

As a supplementary question Mrs Reed stated that she and others were campaigning to keep the centre open and that as the local MP, Alexander Stafford also opposed the closure, asked why a Labour Council was implementing Tory cuts impacting on the borough's most vulnerable residents. The Cabinet Member in response reaffirmed that it was the Council's intention to support services users by giving each individual user the best possible day based on their individual needs and advised that carers and service users would be kept fully updated on all proposed changes. The Cabinet Member noted that the closure of The Oaks Centre had enabled excellent outcomes for the service users involved, who were in many cases were now receiving a better service than they had before.

6. **Mr Robin Symonds** asked the Deputy Leader of the Council and Cabinet Member for Children's Services and Neighbourhood Working "I welcome the good news story that RMBC will provide local children's homes for local children. Is this an acknowledgement that the decision taken in 2016 to close 2 homes to (as you put it) help the Council to meet the aspirations of children in care was a mistake?".

   In response the Deputy Leader noted that decision made to close Rotherham's children's homes in 2016 was taken appropriately in the context of the quality of the provision at that time in that Ofsted had found two of Rotherham's children's homes inadequate and the others not fit for purpose. The Deputy Leader advised that as circumstances had changed significantly, and that as the new residential provision would operate within a context of significantly improved social work practice at Rotherham that had been judged in January 2018 by Ofsted as Good, that the decision taken in 2016 to close the homes had been the right one.

   As a supplementary question Mr Symonds asked why the Council should be believed about its approach to the closure of day centres when it got the decision wrong regarding the closure of children's homes in 2016. In response the Deputy Leader stated that the decision to close the homes in 2016 had been the right decision, and referring to the answer previously given by the Cabinet Member for Adult Social Care and Health as to why the day centres were closing advised that that was the right decision at the current time.

7. **Mr Mitchell Edwards** was unable to attend the Council Meeting, so it was advised by the Mayor that his question "Rotherham was recently voted the fifth worst place to live in the UK, given this cataclysmic failure to make our town a success will RMBC put a plan in place to address the issue? If not, will they ask the Chuckle Brothers to take over administration of the Borough?" would receive a written response.

8. **Mr Marcus Wheatcroft** was unable to attend the Council Meeting, so it was advised by the Mayor that his question “Did Rotherham Council ever stop a 20-minute film called "My Dangerous Loverboy" which told the story of child sexual exploitation from being shown in schools and other locations to raise awareness around CSE? If it’s good enough for the Atlantic Film Festival in Canada in 2009 then its good enough for Rotherham” would receive a written response.

9. **“Elizabeth”** was unable to attend the Council Meeting, so it was advised by the Mayor that her question “The All-Party Parliamentary Group (APPG) for Adult Survivors of Childhood Sexual Abuse was formed in November 2018. On 11.2.20 Sarah Champion published her report looking at whether adult survivors of child sexual abuse have access to support services and the criminal justice system. Has the Leader read it? From what he has read, how does the report apply to RMBC?” would receive a written response.

10. **Mr John Smith** was unable to attend the Council Meeting, so it was advised by the Mayor that his question “My daughter was exploited and abused as a child in Rotherham. My daughter and my family have been helped enormously at Swinton Lock. Since the Jay Report, lies have been told about the Voices publication and Swinton Lock has been under attack for more than three years. Is this why only a minority of victims have come forward?” would receive a written response.

11. **Mrs Charlotte Carter** was unable to attend the Council Meeting, so it was advised by the Mayor that her question asked the Cabinet Member for Jobs and the Local Economy “Brinsworth residents feel cut off since the 208 bus replaced the previous bus service that stopped at Meadowhall Interchange. Will the council lobby the bus providers to reintroduce this vital service for residents?” would receive a written response.

12. **Mr Ged Dempsey** was unable to attend the Council Meeting, so it was advised by the Mayor that his question “Do you honestly believe it is appropriate for Cllrs Who were aware of CSE abuse who attended seminar and covered it up for years to be still a councillor, to re-stand as a candidate or to be considered as a future Mayor of Rotherham? And not to be held accountable for their failures by facing prosecution? Not fit for purpose” would receive a written response.

13. **Mr Martin Shepherd** was unable to attend the Council Meeting, so it was advised by the Mayor that his question “A FOI response stated that Jean Imray was paid three days pay to attend the RMB Council meeting on 6th September 2017, more than two years after she completed her report about Children A to O in Professor Jay’s Report. How much was the three days pay and what was the total cost to RMBC of Jean Imray’s Report?” would receive a written response.

14. **Ms Imelda Delwar** was unable to attend the Council Meeting, so it was advised by the Mayor that her question “How is RMBC monitoring the outcomes for adult survivors who are receiving a service from specialist CSE providers in Rotherham?” would receive a written response.

15. **Mr Andy Graydon** was unable to attend the Council Meeting, so it was advised by the Mayor that his question “What was the total cost of training about Child Sexual Exploitation (CSE) in Rotherham Metropolitan Borough Council (RMBC) in the financial year 2018-19, what is the estimated total cost for the financial year 2019-20 and how many employees and elected members have had formal costed training over these two years?” would receive a written response.

16. **Ms Margaret Edge** was unable to attend the Council Meeting, so it was advised by the Mayor that her question “How does Rotherham Council know which services are working for which survivors of CSE?” would receive a written response.

17. **Ms Alicia Harrison** was unable to attend the Council Meeting, so it was advised by the Mayor that her question “What training has the Chief Executive of RMBC had in improving her understanding of the impact of CSE on victims and survivors after they have been through a trial, what type of training did she have, when did she have it, how long did it last for, and exactly what did it cover?” would receive a written response.

18. **Ms Philomena Holland** was unable to attend the Council Meeting, so it was advised by the Mayor that her question “I have kept a close interest in RMBC for a few years and I am heart-broken at what I have observed from watching Council meeting webcasts. Does the Leader agree with me that victims and survivors are still being badly let down and what single action will he take to remedy so many mistakes before the Council elections in May?” would receive a written response.

19. **Ms Katie Andrews** was unable to attend the Council Meeting, so it was advised by the Mayor that her question “Page 17 of the Report from the All-Party Parliamentary Group for Adult Survivors of Childhood Sexual Abuse (published by Sarah Champion MP) recommends that resources and time should be provided so that trauma-informed responses can be delivered to those exposed to Adverse Childhood Experiences. How is the Council ensuring that trauma-informed responses can be delivered appropriately?” would receive a written response.

20. **Mr Paddy Cawkwell** was unable to attend the Council Meeting, so it was advised by the Mayor that his question “What checks or balances exist to ensure that when a Member of the Cabinet gives a commitment to do something or provide information, that its followed through in a timely manner, especially when it relates to survivors of

child sexual exploitation asking questions/for information, do you agree these issues require specific attention to ensure a swift resolution for all concerned?" would receive a written response.

21. **Mrs Mary Harron** was unable to attend the Council Meeting, so it was advised by the Mayor that her question "What services are there in Rotherham Metropolitan Borough Council (RMBC) for: 1 adult survivors of CSE; 2 the safeguarding of children: 3 the safeguarding of adults; and how do these three services relate to each other and work together in order to ensure the best possible outcomes for adult survivors of CSE?" would receive a written response.

22. **Mr John Cape** was unable to attend the Council Meeting, so it was advised by the Mayor that his question "After Jean Imray produced her report about Children A to O in Professor Jay's Report in March 2015, she was employed in a senior officer role in Children's Services, initially for six months. What rate of pay was the position advertised for and what was the actual rate of pay?" would receive a written response.

23. **Ms Marie Lear** was unable to attend the Council Meeting, so it was advised by the Mayor that her question "Which charities based in Rotherham deliver training to a range of professionals outside Rotherham about how best to support those who have suffered from CSE and which charities based in Rotherham deliver training to employees of the Council and elected members?" would receive a written response.

310. EXCLUSION OF THE PRESS AND PUBLIC

The Mayor advised that there were no items requiring the exclusion of the press and public.

311. LEADER OF THE COUNCIL'S STATEMENT

The Leader presented his update statement, referring to:

The Council's response to the recent Incidents of Severe Flooding

The Leader advised that while Storms Ciara and Dennis had not caused as severe flooding as seen in November, 2019, staff from all parts of the Council had been out in the borough helping to ensure that disruption in Rotherham had been kept to a minimum.

The Leader advised that in order to highlight the serious situation that councils across Yorkshire faced responding to the repeated flooding, officers from the Sheffield City Region Combined Authorities and the four South Yorkshire Councils had been working together to produce a programme of investment to ensure that the recent flooding events were not repeated. The Leader advised that the proposed programme of

schemes, totalling more than £270m of investment would protect over 2,800 businesses and over 10,300 homes across South Yorkshire and that Mayor Jarvis has written to the new Secretary of State for DEFRA making the case to secure this essential funding to protect local people and communities.

The South Yorkshire Devolution Consultation

The Leader advised that the public consultation on a proposed South Yorkshire deal was now taking place. The Leader noted that the proposed deal would provide £30 million a year in additional funding for economic growth locally as well as giving local control of the £35 million adult education budget as well as additional powers to local leaders covering transport, skills, and governance.

Yorkshire Day 2020

The Leader advised that Rotherham would be hosting the civic celebrations for Yorkshire Day on 1 August 2020 noting that the event would be fantastic opportunity to showcase Rotherham.

312. MINUTES OF THE CABINET MEETINGS

Resolved: - That the reports, recommendations and minutes of the meetings of the Cabinet held on 20 January and 20 February 2020, be received.

Mover: - Councillor Read Seconder:- Councillor Watson

313. RECOMMENDATION FROM CABINET - BUDGET AND COUNCIL TAX 2020-21 AND MEDIUM TERM FINANCIAL STRATEGY

Further to Minute No.120 of the meeting of the Cabinet held on 17 February 2020, consideration was given to the report that proposed the Council's Budget and Council Tax for 2020/21. This was based on the outcome of the Council's Final Local Government Finance Settlement, budget consultation process and consideration of Directorate budget proposals through the Council's formal Budget and Scrutiny processes (Overview and Scrutiny Management Board), alongside a review of the financial planning assumptions within the Medium Term Financial Strategy. It was noted in the report that since the introduction of austerity measures in 2010 the Council had been successful in making savings in excess of £200m in response to significant reductions in Central Government funding. This figure included savings of £16m that had been approved by Council in February 2019 in setting a two-year budget for 2019/20 and 2020/21 (Minute No.156, 2019/20) still to be delivered during 2020/21.

In moving the recommendations, the Leader thanked everyone who had contributed to mammoth process of pulling the budget proposals together, in particular the Strategic Director – Finance and Customer Services and her team, the Cabinet Member - Corporate Services and Finance, and Cabinet colleagues.

The Leader noted that in 2019 a two year budget had been approved in order to meet the challenges of a £30million budget gap following a £170million reduction in the Council's budget since 2010 created by cuts in Government funding, and that overall these reductions had amounted to £1,700 of cuts for every household in the borough.

The Leader noted that in 2013, the then Local Government Minister, Brandon Lewis had stated that the decentralisation of local government finance would put councils in charge and reward them for supporting local enterprise, building more homes and backing local jobs. The Leader stated that despite this statement the reality for Rotherham was, despite being one of the fastest growing local economies in the region, that in ten years over 1,800 jobs had been lost at the Council.

The Leader outlined several examples of the vital role that Council services played in supporting the elderly, disabled and children in the Council's care to have the quality of life that they deserved and were entitled to, as well as the cost of providing these essential services, noting that nearly two thirds of the Council's budget was spent on providing essential social care services. The Leader stated that it was right to say that the that the people who provided these critical, intimate services deserved more than poverty pay, and that while the number of people needing home care had risen 10% per year every year for the last three years, the Council's 800 home care staff would be paid the Real Living Wage from this April in recognition of how important that work was.

The Leader expressed his frustration that the Government had still not comprehensively reviewed how local authorities were funded, and that yet again a "sticking plaster" solution had been provided with some, but not enough extra funding, and one off funding provsion to avert a social care catastrophe. The Leader noted his concern on the Local Government Association's figures that showed another £6million could be lost from the Council's budget in future years with money being diverted to wealthier parts of the country.

The Leader advised that despite extra funding from Government the Council still faced a £5million gap in its budget for 2020/21, and as such tough choices had had to be made to ensure residents still received the services they deserved. The Leader stated that with the changes in services that had been approved in 2019, along with the proposed budget, it would mean that no additional job losses or cuts to frontline services would be required in 2020/21.

The Leader acknowledged that no one liked rises in Council Tax, but advised that the proposed overall 3% rise in Council Tax for 2020/21 would be lower than in most other parts of the country, and that for most households in the borough the proposed increased would be 58p extra a week, or 5p per week for those on the very lowest incomes because of the Council Tax support scheme. The Leader provided information on the proposed spending increases on services that were possible due to the budget decisions that had been made including ending the one day a week closure at the Household Waste Recycling Centres, increased on-street youth work provision, increased resources for tackling noise nuisance and being able to prevent further cuts to tendered bus services.

The Leader provided information on some of proposed spending activities contained in the budget including £1.7million in the Capital Programme to give the new Streetpride neighbourhood teams the equipment that they needed to keep the borough clean, a four year, £24 million programme of road resurfacing and increased investment in all of the council's libraries. The Leader also advised that the council continue its programme of investment in Rotherham town centre, seeking to secure more Government funding, and upgrading all the key car parks.

The Leader concluded in noting that five years ago when he had delivered his first budget speech the Council was in crisis, but that today ,now that Children's Services had been transformed and the Council rebuilt there was the opportunity to be able to deliver further improvements to the lives of local people
The Leader noted his determination to maintain and provide Social Care services that met the needs the most vulnerable, create a vibrant local economy, stand up against poverty pay, provide more affordable housing, better roads and a decent local environment and to work in every neighbourhood to build a better borough.

In seconding the recommendations, the Cabinet Member for Corporate Services and Finance advised that the budget showed a commitment to putting the needs of residents first in spite of cuts in funding from the Government, and thanked officers and members for their support in bringing the budget together. The Cabinet Member noted with concern that further cuts to funding were being predicted, and that the diversion of funding away from Rotherham and towards wealthier areas was both unfair and discriminatory, and as such further difficult budget decisions would need to be mad in the near future. The Cabinet Member advised that in facing the financial challenges of the future it was essential that the Council thought creatively in order to protect services for residents of Rotherham.

At this point the Mayor advised that there had been an amendment proposed to the budget and that this amendment was detailed at Appendix B of the Mayors' Letter.

It was moved by Councillor Cowles and seconded by Councillor R Elliott:

"That the Budget and Council Tax be accepted as proposed with the exception of an amendment to reserves to:

- utilise up to £500,000 of the Transformation Reserve to pay for a feasibility study to be commissioned to provide accurate and reliable information in order that we can make information based decisions in relation to the implementation of green infrastructure and transportation within the region; and

- Subsequently develop a road map detailing the steps along the way toward setting up a green business park to attract green businesses to the area with the intention of capturing as many jobs within the green economy as possible; and

- To co-locate those green businesses, as the benefits of co-location are well understood and, there are proven examples of the benefits of doing so including our own AMP."

In moving the motion Councillor Cowles stated that the Council needed to be ambitious with regards to its green agenda and that it needed to take the required actions now in order for the Council to actively pursue its green ambitions in the future. Councillor Cowles noted the challenges of emerging green technology, such as an electric cars and of the infrastructure needed in support of these innovations. Councillor Cowles advised that in order for the Council to have a clear vision on how to deliver a green future for the borough, and to transform the borough into a aspirational hub of green thinking, innovation and business from a run-down backwater, Councillor Cowles advised that to achieve this up to £500,000 of reserves should be utilised to engage consultants to create a "road map" of how the Council could reach this objective. This "road map would show how the Council could transform Rotherham into a hub of green innovation by detailing the role of the Council and that of its delivery partners, and the actions required in making Rotherham a hub of green innovation.

Councillor R Elliott then seconded the motion.

Councillor Walsh noted that the proposed amendment, while right to focus on green issues had been ill thought out with regard to the detail of the green agenda and technology. Councillor Walsh also noted his objection to the borough being described as a rundown back water as well as to comments that Councillor Cowles had made regarding the state of, and development activity in various town and village centres across the borough that he had taken to be insulting to the borough and its residents.

Councillor Roche noted his support for the green agenda and detailed many of the green initiatives and activities being carried out by the Council, including the upcoming Climate Emergency Plan. Councillor

Roche also expressed his objection to Rotherham being described as a rundown backwater, noting many of the forward-looking initiatives that were taking place across the borough.

Councillors Mallinder and Atkin noted their objection to Councillor Cowles' comments regarding Dinnington and Wath town centres respectively. Councillor Wyatt noted his agreement for the sentiments expressed in amendment and for the need to develop green infrastructure, but noted that due to the current funding uncertainties for local government it was essential that the Council's reserves were maintained in order to protect services in the future.

The Leader noted his agreement with the comments of Councillor Wyatt, and advised that while he agreed support should be given to attract green industry and to build green infrastructure, that at the current time the use of reserves to fund such speculative activity was unwise given the future threats and uncertainty surrounding local government funding.

The Mayor asked when responding to the debate on the amendment whether Councillor Cowles would like to withdraw his comments regarding the state of, and development activity in various town and village centres across the borough.

Councillor Cowles declined to withdraw the comments, noting that developers often acted in their own best interests and not in the best interests of the locations and communities that they were operating in. In responding to the issues raised in the debate on the amendment Councillor Cowles advised that Council reserves had in the past been spent on supporting poorly thought out budgets, and that spending reserves on developing the green credentials of the borough would ultimately be for the benefit of all residents and would put the Council at the forefront of activity of bringing green businesses to the borough. Councillor Cowles also reasserted that he was proposing that up to £500,000 of reserves be used, and that not all of the money would need to be utilised immediately.

On being put to the vote the motion was declared as lost.

Members then proceeded to debate the original motion.

Councillor Cusworth noted the great achievements and the political will and creativity of the administration in delivering services and initiatives, including the improved Children's Services and plans for Forge Island, against a background of Tory cuts.

Councillor B Cutts noted the political skill of the Leader's speech and its focus on Tory cuts, rather than cuts to services that were in his view, the result of the Council's own spending activities.

Councillor Beck highlighted the investment that was being in made in housing delivery programmes and the healthy position of the Housing Revenue Account, noting that politics was about choices, and that the Labour administration had chosen not to accept a reduction in the quality of housing due to cuts imposed on the Council.

Councillor Hoddinott welcomed the budget, noting that its contents showed that the administration had listened to the needs or residents and prioritised areas that mattered to them. These prioritised services included returning the opening hours of Household Waste Recycling Centres to seven days a week, investing in the borough's roads and protecting services valued by residents including the domestic abuse service and increased enforcement activity to address fly tipping.

Councillor Jepson noted his support for the revised opening times of the Household Waste Recycling Centres and asked for reassurance that officers involved in enforcement activities would be provided with the appropriate resources to keep them safe when carrying out enforcement action.

Councillor Cooksey welcomed the extension of the out of hours noise nuisance service and noted the value of the service to residents. Councillor Cooksey also expressed surprise at the change of position of the Brexit, formally UKIP group with regard to the green agenda as UKIP policy had been to withdraw the UK from the Paris agreement on climate change.

Councillor Atkin highlighted the role of volunteers working with Council staff to manage litter in the borough and noted his support for the extra staff that would now be employed to keep the borough clean and tidy. Councillor Atkin also emphasised how the administration had managed to keep to its budget commitments and at the same time protect jobs and services without raising Council Tax by the full amount allowed by the Government. Councillor McNeely expressed disappointment at the oppositions late budget amendment, noting that they could have, if they wished, submitted a full alternative budget for consideration.

Councillor Lelliott noted the wide range of initiatives to develop Rotherham and other town centres in the Borough, in particular the commencement of work at Forge Island and plans to bid for money from the Future High Streets Fund.

Councillor Allen stated that what had originally motivated her to seek election and to become a councillor was a desire to improve the lives of local residents and advised that the proposed budget would support and develop services that would help residents right across the borough. Councillor Allen highlighted the library consultation and the investment that was being made across all libraries in the borough and the increased numbers of directly employed grounds maintenance staff who would help keep the borough clean and tidy as particular areas that would positively

impact the quality of life of local residents. Councillor Allen also noted the role that Overview and Scrutiny Management Board members had had in the decision making processes that had led to the move away from the use of agency staff to directly employing seasonal grounds maintenance staff.

Councillor M Elliott noted the dirty condition of many directional signage on roads across the borough and asked if there were plans to the bollards to be cleaned. Councillor Cowles advised that he had played a full part in the consultation processes involved in setting the budget, and as such would be supporting it.

Councillor Roche noted the overspend on Adult Services for 2019/20, and that while difficult decisions had had to be made in this budget area, these decisions had however been thoroughly thought through and would enable more effective services to be delivered at a lower cost. Councillor Roche noted that due to the further pressures of continued austerity and of an ageing population, pressures in this budget area would however continue.

Councillor Watson noted the difficult choices that always had to be made in setting a budget and asked all members to vote in support of the budget, noting that if any member was considering voting against the budget then they should state their reasons for doing so. Councillor Watson noted the transformation of Children's Services over the previous four years and welcomed the extra funding for youth services that was contained in the budget.

Councillor Steele noted that while the decisions taken in the formulation of the budget had been difficult, the budget supported the delivery of Labour values by protecting services and supporting the residents of the borough. Councillor Steele noted his congratulations to the members of the Cabinet for the budget that was being proposed.

Councillor Carter advised that while he was supportive of some elements of the budget, such as the paying of the Real Living Wage to third party social care staff, he would be however be voting against the budget. Councillor Carter noted that he did not believe the budget was as bold or ambitious as it needed to be, especially with regard to the transformation of town centres and the development of brownfield sites.

Councillor Buckley welcomed the Leader of the Opposition, Councillor Cowles' statement that he would be voting for the budget, as Councillor Cowles had been involved in its development. Councillor Buckley noted his disappointment however that Councillor Carter would not be voting for the budget as well as at Councillor Carter's lack of engagement in the workings of the Council.

In responding to the debate on Leader thanked members for their comments in supporting the budget and responded to specific questions raised by members. In response to Councillor Jepson's question regarding the safety of enforcement staff carrying out their duties the Leader advised that measures, including the trialling of bodycams were in place for enforcement staff. In response to Councillor M Elliott's question on the cleaning of reflective directional signage the Leader advised that no specific budget had been available for the maintenance of central reservations, but that a programme of work on their maintenance would be starting imminently. The Leader placed on record his thanks to Councillor Cooksey for the often unacknowledged, but very valuable work that she did in support of social issues across the borough.

In response to Councillor Carter's comment that the budget was not bold or ambitious enough the Leader advised that the budget was both bold and ambitious and that it set a way for forward for a better future the borough and its residents, and as such commended it to Council for approval.

In accordance with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014 and the Council's Constitution, a recorded vote was taken for this item as follows:

For: Councillors Alam, Andrews, Allen, Atkin, Beaumont, Beck, Bird, Buckley, Clark, Cooksey, Cowles, Cusworth, D Cutts, Elliot, M. Elliott, R.Elliott, Hague, Hoddinott, Ireland, Jarvis, Jepson, Jones, Khan, Lelliott, McNeeley, Mallinder, Marles, Pitchley, Read, Reeder, Roche, Russell, Sansome, Senior, Sheppard, Short, Simpson, Steele, Taylor, John Turner, Julie Turner, Tweed, Vjestica, Walsh, Williams, Watson, Wilson, Whysall, Wyatt and Yaseen.

Against: Councillor Carter

Abstentions: Councillor B Cutts

Resolved: -

(1) That the Budget and Financial Strategy for 2020/21, as set out in the report and appendices, including the proposed budget adjustments and investments, a basic Council Tax increase of 0.99% and an Adult Social Care precept of 2.0%, be approved.

(2) That the updated Medium-Term Financial Strategy (MTFS) up to 2022/23 be approved.

(3) That the Reserves Strategy, as set out in Section 2.8, be approved, noting that the final determination of Reserves will be approved as part of reporting the financial outturn for 2019/20.

(4) That the comments and advice of the Strategic Director of Finance and Customer Services (Section 151 Officer), provided in compliance with Section 25 of the Local Government Act 2003 as to the robustness of the estimates included in the Budget and the adequacy of reserves for which the Budget provides (Section 2.12), be accepted and noted.

(5) That the feedback from the public, partners and Overview and Scrutiny Management Board, following the public consultation on the Council's budget for 2020/21 that took place from 13 December 2019 to 13 January 2020 (Section 4), be noted.

(6) That the increases in Adult Social Care provider contracts as set out in Section 2.4, be approved.

(7) That the changes to allowances for Special Guardianship Orders and Child Arrangement Orders, as set out in Paragraph 2.6.9, be approved.

(8) That the investment proposals, as set out at Section 2.7 and Appendix 2, be approved.

(9) That the Council Fees and Charges schedules for 2020/21, as detailed at Appendix 7, be approved.

(10) That in line with Government guidance, the application of the Business Rates Reliefs, as set out at Section 2.9, be approved.

(11) That the Capital Strategy and Capital Programme, as set out at Section 2.10 and in Appendices 3A to 3F, be approved.

(12) That the Treasury Management Matters for 2020/21, as set out in Appendix 4 of the report, including the Prudential Indicators, the Minimum Revenue Provision Policy, the Treasury Management Strategy and the Investment Strategy be approved.

(13) That the Flexible use of Capital Receipts Strategy 2020/21, as set out at Appendix 5), be approved.

(14) That the Statutory Resolution of Council Tax for 2020/21, as set out at Appendix 6, Incorporating the precept figures as advised from the South Yorkshire Police and Crime Commissioner, South Yorkshire Fire and Rescue Authority and the Parish Councils within the Borough, be approved.

(15) That the Capital Programme budget continues to be managed in line with the following key principles:

i. Any underspends on the existing approved Capital Programme in respect of 2019/20 be rolled forward into future years, subject to an individual review of each carry forward to be set out within

the Financial Outturn 2019/20 report to Cabinet.

ii. In line with Financial and Procurement Procedure Rules 6.17 and 13.9, any successful grant applications in respect of capital projects will be added to the Council's approved Capital Programme on an ongoing basis.

iii. Capitalisation opportunities and capital receipts flexibilities will be maximised, with capital receipts earmarked to minimise revenue costs.

314. THE ROTHERHAM (ELECTORAL CHANGES) AMENDMENT ORDER 2020

Consideration was given to a report submitted for information to ensure that all Members were aware of the final amendment to the Electoral Changes Order for Rotherham, which was scheduled to take effect in May 2020.

It was noted that the Council received the Local Government Boundary Commission for England's (LGBCE) final recommendations for the future warding of Rotherham in October 2017, which confirmed that there should be 59 councillors in the borough elected from 25 wards from May 2020. As part of the review, the LGBCE took into account parish councillor numbers and inadvertently reduced the number of parish councillors to be elected to Bramley Parish Council from 13 to seven in the order laid before Parliament in January 2018. The error by the LGBCE had now been corrected via The Rotherham (Electoral Changes) Amendment Order 2020.

Resolved: -

That the Rotherham (Electoral Changes) Amendment Order 2020, and the specific correction therein of returning the number of members of Bramley Parish Council to 13 parish councillors, be noted.

Mover: - Councillor Read Seconder: - Councillor Watson

315. CALENDAR OF COUNCIL AND COMMITTEE MEETINGS FOR THE 2020-21 MUNICIPAL YEAR

Consideration was given to the report which detailed how the Council amended the Procedure Rules in the Constitution in September 2017 to require the Calendar of Meetings to be presented for approval at the Budget Council meeting. This report was, therefore, submitted in accordance with that requirement.

Resolved: - That the Calendar of Meetings for the 2020/21 municipal year be approved.

Mover: - Councillor Read Seconder: - Councillor Watson

316. NOTICE OF MOTION - SALE AND USE OF FIREWORKS

Proposed by Councillor Simpson and seconded by Councillor Jepson: -

This Council notes that:

- Fireworks are only permitted for sale for Chinese New Year and three days prior, Diwali and three days prior, from 15 October to 10 November (for Guy Fawkes Night), and from 26 to 31 December (for New Year)

- Using or buying fireworks illegally can result in a £5,000 fine or imprisonment for up to 6 months.

- Fireworks must not be let off between 11pm and 7am, except on Chinese New Year, Diwali and New Year's Eve, when the period is extended until 1am, and on Guy Fawkes Night, when the period is extended until midnight.

- It is illegal to set off fireworks (including sparklers) in the street or public place

- Breaking these laws can result in an on-the-spot fine of £90.

This Council resolves that:

- the Cabinet liaise with South Yorkshire Fire and Rescue Authority to better control the year-round licensed sales and use of fireworks ensuring that:

    - sales should be restricted to licence holders only; and

    - a leaflet or notice should be issued by all licensed sellers, to include the times of use, to improve awareness and understanding of the law on the usage of fireworks.

On being put to the vote the motion was declared as carried.

317. NOTICE OF MOTION - DROPPINGWELL LANDFILL

Proposed by Councillor Hague and seconded by Councillor Cowles.

That this Council notes:

- Over the years, the Droppingwell site has suffered from poor administration and enforcement action by both the environment agency and RMBC and this has brought about apathy within the local community towards any local authority decision.

This Council believes that:

- by conducting consultation it would re-instate some of the confidence in the authorities administration over planning.

- this is a public amenity and therefore all efforts should be made to garner all relevant views to any alterations which could carry significant risks to the users of this public resource and it should not be a decision that should be taken by a faceless officer without public scrutiny.

This Council resolves that:

- echoing the call from the residents of Droppingwell, Kimberworth and Blackburn, the Cabinet Member for Waste, Roads and Community Safety and the Chair of the Planning Board should give a cast iron guarantee today that, prior to any further planning permission, variations or amendments in relation to the Grange Park site, including the Grange landfill site, its accesses, access lane and any alteration to entrances or junctions, a full and comprehensive consultation will be conducted. This would include all patrons of the site, the football club and all local residents.

It was proposed by Councillor Hoddinott and seconded by Councillor Watson that the motion be amended as follows.

That this Council notes:

Over the years, the Droppingwell site has suffered from poor administration and enforcement action by both the environment agency and RMBC and this has brought about apathy within the local community towards any local authority decision.

INSERT:

The situation with Droppingwell Tip is unique in the country. The planning permission that dates back to the 1950s excludes the kinds of requirements that would be expected from such a planning permission today.

The re-opening of the tip has been consistently opposed by members of this Council.

The Cabinet Member for Waste, Roads and Community Safety wrote to the then Minister of State (Department for Environment, Food and Rural Affairs) (Therese Coffey MP) on 3rd September 2019, setting out significant concerns about the site reopening and asking for urgent action to be taken.

The Chief Executive of Rotherham Council wrote to the Secretary of State for Housing Communities and Local Government (Robert Jenrick MP) in November 2019 and again January 2020, to set out the Council's concerns about the operation of the site and the Council's lack of available legislative powers to regulate it. To date, no response has been received.

The Council wrote to Grange Landfill Ltd in January 2020 to express concern about the risks associated with vehicle movements on the access road and the use of Council land as a turning circle, and to ask that appropriate action was taken by Grange Landfill to mitigate any risks. It is the council's intention to block the turning circle this month.

The Overview and Scrutiny Management Board heard the petition of residents on this subject on 28th January 2020 and have made recommendations that Cabinet will formally respond to in March.

The continued concern of local residents as to the validity of test data that is required by the Environment Agency, including data that relies on borehole samples.

This Council believes that:

- by conducting consultation it would re-instate some of the confidence in the authorities administration over planning.
- this is a public amenity and therefore all efforts should be made to garner all relevant views to any alterations which could carry significant risks to the users of this public resource and it should not be a decision that should be taken by a faceless officer without public scrutiny.

This Council resolves that:

- echoing the call from the residents of Droppingwell, Kimberworth and Blackburn, the Cabinet Member for Waste, Roads and Community Safety and the Chair of the Planning Board should give a cast iron guarantee today that, prior to any further planning permission, variations or amendments in relation to the Grange Park site, including the Grange landfill site, its accesses, access lane and any alteration to entrances or junctions, a full and comprehensive consultation will be conducted. This would include all patrons of the site, the football club and all local residents.

INSERT:

- ***the Council will continue to raise our concerns about the re-opening of the site with the Environment Agency and government including the lack of modern planning controls.***

- ***the Council will support the efforts being made by Sarah Champion MP to ensure that the Environment Agency validates the test samples from the site to ensure that these have been, and continue to be, legitimate.***

On being put to the vote the amendment to the motion was declared as carried and as such became the substantive motion.

On being put to the vote, the now substantive motion was declared as carried.

318. HEALTH AND WELLBEING BOARD

Resolved: - That the reports, recommendations and minutes of the meeting of the Health and Wellbeing Board of 22 January 2020 be adopted.

Mover: - Councillor Roche Seconder: - Councillor Mallinder

319. STANDARDS AND ETHICS COMMITTEE

Resolved: - That the reports, recommendations and minutes of the meeting of the Standards and Ethics Committee of 30 January 2020 be adopted.

Mover: - Councillor McNeely Seconder:- Councillor Clark

320. AUDIT COMMITTEE

Resolved: - That the reports, recommendations and minutes of the meeting of the Audit Committee of 6 February 2020 be adopted.

Mover: - Councillor Wyatt Seconder: - Councillor Walsh

321. PLANNING BOARD

Resolved: - That subject to a minor amendment, regarding a planning application number contained in the minutes of the 16 January meeting, the reports, recommendations and minutes of the meetings of the Planning Board of 16 January and 6 February 2020 be adopted.

Mover: - Councillor Sheppard Seconder: - Councillor Williams

322. LICENSING BOARD

Resolved: - That the reports, recommendations and minutes of the meetings of the Licensing Board, Licensing Board Sub-Committee, Licensing Committee and Licensing Sub-Committee of 13, 27 and 30 January and 3 February be adopted.

Mover: - Councillor Beaumont Seconder: - Councillor Steele

323. MEMBERS' QUESTIONS TO DESIGNATED SPOKESPERSONS

Councillor Cowles asked “We elected a PCC, to oversee the role of the police and their budget. In other places the job is combined, e.g. Manchester. He now has a staff of 24 unelected personnel; at least two earn in excess of £50k. We were not told he would need a whole department at taxpayers’ expense, what are they all doing?”.

In response, Councillor Sansome, as the Council’s Designated Spokesperson on South Yorkshire Police and Crime Panel noted that as Manchester had an elected Mayor that that role was combined with that of a Police and Crime Commissioner (PCC), with the PCC function being delegated to a Deputy PCC for Policing, but that in South Yorkshire the PCC had never appointed a Deputy.

Councillor Sansome advised that the role of the PCC in South Yorkshire was much wider than that of just overseeing the role of the police and also included responsibility for supporting the Local Criminal Justice Board and commissioning services for victims. Councillor Sansome also noted that additionally the South Yorkshire PCC had responsibility for managing 'legacy issues', including civil claims arising out of the Hillsborough disaster and CSE in Rotherham as well as for the National Crime Agency's investigation into non-recent CSE in Rotherham, an area that no other PCC had been involved in. Also, as a result of legacy issues the South Yorkshire PCC was also required to have robust ‘holding to

account' arrangements and communications in place. Councillor Sansome advised that the two officers who earned in excess of £50,000 were the Chief Executive and Chief Finance Officer, noting that these posts were a legal requirement and that their pay levels reflected the size of the police force area and their professional skills, as did the pay of the Chief Constable.

As a supplementary question Councillor Cowles asked for further information on how the increase of the Police and Crime Commissioner precept was being spent, noting cuts to police services that had been discussed in the media and advising that the increase in the precept would pay for a greater increase in police officers than that was being proposed. Councillor Cowles stated that it was his belief that the increase in the precept was being used to pay for legacy issues caused by mistakes made by South Yorkshire Police.

In response Councillor Sansome noted the lowest weekly cost to a resident in Rotherham of the increase to the precept would be seven pence, noting that he would hope most people would think that was a price worth paying for more police officers. Councillor Sansome noted that cuts that had been made to police budgets had been required due to budget pressures but had enabled smarter working practices to be used in the force.

324. MEMBERS' QUESTIONS TO CABINET MEMBERS AND CHAIRMEN

1. **Councillor Mallinder** asked the Cabinet Member for Adult Social Care and Health "Can the Cabinet Member outline for me where we are in terms of providing respite care for people with disabilities?".

   In response the Cabinet Member for Adult Social Care advised that he was pleased to note that Cabinet had agreed on 17 February to approve two brand new adapted detached properties at Conway Crescent, East Herringthorpe to become a residential respite home for up to eight people per day, and that this Council run provision would replace the existing facilities at Treefields and Quarryhill through a phased period from April 2020.

   The Cabinet Member advised that the Conway Crescent properties would enable a respite offer to be made to a wider range of people who previously could not always use Council in-house respite facilities due to access issues. The Cabinet Member advised that it was proposed that one of the Conway Crescent properties would specialise in provision for people with Autism and the other would be for people with a Learning Disabilities who also had limited mobility, although all eight beds could be utilised by anyone with a Learning Disability and/or Autism requiring care and support.

The Cabinet Member also provided details of other respite options that would be available to service users.

There was no supplementary question.

2. **Councillor Sansome** asked the Leader of the Council "Do you agree that the comments made by Cllr Hague concerning a Britain First Member "he is an ok kinda guy" are divisive given the history of Britain First, unwanted, against the fabric of community cohesion and dividing our community? Whereas the Labour Group continue to build our communities despite years of austerity and countless visits by far-right groups."

   In response the Leader noted that he had not seen the video of where the alleged comment had been made. The Leader stated that he completely agreed with Councillor Sansome's comments on the importance of building of community cohesion and that he hoped all members would concur with this sentiment, especially given the damage that far right groups like the EDL had done in Rotherham. The Leader commented if that was what passed as "OK" in the new Rotherham Democratic Party then he I didn't think the public of Rotherham would want anything to do with them.

   As a supplementary question Councillor Sansome asked whether the Leader agreed with his statement that extremism of any variety was not welcome in the Borough. The Leader noted his full agreement with this sentiment and reaffirmed that far-right groups were not welcome in Rotherham.

3. **Councillor B Cutts** asked the Leader of the Council "When in 2012 I asked for details of the number of foreign nationals registered in Rotherham, I was advised they were not kept. Subsequently, I learnt that Barnsley provided the research - 3744 in total to date. What is the annual cost to Rotherham for this registration?".

   In response the Leader advised that the Council did not collect statistics on the number of foreign nationals registered in Rotherham, however, the Council could access this information from a number of different publicly accessible sources that provided a picture of the diversity of the town including its non-British population. The Leader noted that using the most recent available official statistics, Migration Yorkshire had estimated that the local population in Rotherham was 264,700 in 2018, showing an increase of around 1,300 people [0.5%] since 2017, with the non-British population making up 4% of the community.

The Leader further advised that as the Council did register foreign nationals there was no annual cost to Rotherham Council for registration. The Leader reminded Councillor Cutts that he had asked a similar question at two previous Council meetings in May 2017 and in February 2019 and had on both occasions been provided with the publicly accessible information that was held by Migration Yorkshire.

As Councillor B Cutts' supplementary question was substantially the same as the original question the Mayor advised the Leader that no further response was required.

4. **Councillor Cowles** asked the Cabinet Member for Waste, Roads and Community Safety "A recent road survey of Spinneyfield Road produced the following statistics: There were 8,377 vehicles in the week, that's 1196 a day; there were 15% over the speed limit that's 1,256 a week that's 180 a day. Given such high numbers for an estate road will the council consider imposing speed restrictions?".

   In response the Cabinet Member for Waste, Roads and Community Safety noted that Spinneyfield was a traffic calmed road that was subject to a 30mph speed limit and that following concerns being expressed about speeding a survey had been carried out between the 9 and 15 October 2019. The Cabinet Member advised that this study had shown that the majority of motorists were found to be travelling at, or below 30.4mph, with average speeds of 26.3mph and that while 15% of recorded vehicle movements were travelling above 30mph, only 34 (0.4%) were recorded at travelling in excess of 35 mph.

   The Cabinet Member advised that despite the survey, given the concerns raised by residents, Spinneyfield had been added to the list of locations for consideration of a temporary vehicular activated sign, to be installed to target those not complying with the speed limit. The Cabinet Member noted that this issue was the type of potential scheme for which £450,000 of funding had been put aside for in 2019. The Cabinet Member urged Councillor Cowles to see if there were options within that funding that would address the concerns that had been raised by his residents.

   As a supplementary question Councillor Cowles asked that as there hadn't been a serious accident on the road and as such funding wasn't available, would the Council consider a 20mph speed limit for Spinneyfield and also for Grange Road.

   In response the Cabinet Member advised that the £450,000 of funding that had been put aside was for such requests that did not meet the criteria for the funding received from the Government. The Cabinet Member advised that Councillor Cowles should submit this request regarding a new speed limit the next time bids to the fund could be submitted.

5. **Councillor Cowles** asked the Cabinet Member for Jobs and the Local Economy "Whiston has experienced 3 floods since 2007, two serious. Residents are required to clean up the mess and pay for damage to the banks caused primarily by water from outside of Whiston. Housing developments are proposed that will exacerbate the problem. Will you guarantee to our residents that planning consent will be withheld until Whiston is adequately protected?".

   In response the Cabinet Member for Jobs and the Local Economy expressed her sympathies for the residents of Whiston who had suffered from the incidents of flooding.

   The Cabinet Member advised that there were two sites allocated in the Local Plan for housing in the Whiston area, one being a site off Lathe Road and the other being a site off Shrogswood Road. It was noted that the site off Lathe Road was the subject of a current undecided planning application, however there was no decision date for this application yet as further considerations were being given to transportation issues surrounding the site. It was noted further that to date no planning application for the Shrogswood Road site had been received.

   The Cabinet Member stated that for any schemes to be agreed, a drainage strategy would be required for both these development sites that would demonstrate that the run-off from the sites would have no greater impact on the surrounding drainage than the sites did as a green field sites. Any strategy and proposed mitigation for the sites would be assessed by the Environment Agency, Yorkshire Water and the Council's own drainage engineers as part of the approval process before any work could be started on the sites.

   The Cabinet Member urged Councillor Cowles to speak to colleagues on the Planning Board who would be directly involved with applications for these sites, as, as a Cabinet member she was not involved in in the determination of individual planning applications.

   As a supplementary question Councillor Cowles asked that as much of the water causing the flooding in the area was caused by Yorkshire Water releasing water into the brook from other areas, was it reasonable to expect residents to pay for the remedial work to remedy a situation that was out of their control. In response the Cabinet Member while expressing her sympathies with local residents, urged Councillor Cowles to discuss the issue with the Chair and members of the Planning Board.

6. **Councillor Cowles** asked the Cabinet Member for Waste, Roads and Community Safety "In Eastwood recently £400 fines galore for back yards full of rubbish and fly-tipping. In the past we have heard all kinds of excuses as to why enforcement was not possible. Why all of a sudden are we able to identify perpetrators and issue fines?".

In response the Cabinet Member for Waste, Roads and Community Safety welcomed the continued increase in the use of £400 Fixed Penalty Notices for fly-tipping. The Cabinet Member noted that the Council had increased its use of the powers relating to Fixed Penalty Notices, and that over the previous 12 months the Council had issued 53 fines for fly-tipping, compared to 20 in the previous year. The Cabinet Member advised that the improvement in performance had been of a result of changes to the way the service was managed and a greater focus by partners on fly-tipping and other environmental crime, noting that the integrated management of Council and Police resources in local areas had delivered real improvements in this area. The Cabinet Member stated that she was pleased to have overseen these improvements and would continue to ensure that the Council took all possible steps to tackle fly tipping.

Councillor Cowles noted his full support for the stronger action on fly tipping that was being taken but expressed his frustration that this action had not been taken earlier and that the Council had spent significant amounts of money cleaning up fly tipping. As a supplementary question Councillor Cowles asked whether the fencing that had been erected to the rear of properties at Grosvenor Road, Eastwood had been paid for by the Council. In response the Cabinet Member advised that she would need to look into this question and would come back to Councillor Cowles when she had the information.

7. **Councillor Cowles** asked the Cabinet Member for Cleaner Greener Communities “Early last year Councillor Allen attended Whiston Parish Council with a colleague and informed us she was doing a review of parish councils. I asked when the report would be available and was informed October. What has happened to the report?”.

   In response the Cabinet Member for Cleaner Greener Communities emphasised that that the visits she and the Council’s Parish Liaison Officer had made to meet with Parish and Town Councils over the previous 12 months had been to look at how the Borough Council worked with the Parish Councils and was not a review of Parish and Town Councils themselves. The Cabinet Member advised that this process and the ongoing discussions with Parish Councillors and Clerks had highlighted a number of key mutual concerns between the Council and the Town and Parish Councils. The Cabinet Member detailed some of these concerns and the actions that were being taken in response to them and advised that a full report on the visits and the proposed actions had been shared with Parish Councils in the September newsletter that was sent to all Parish Clerks and also at the Joint Working Group Meeting on 29 October 2019.

As a supplementary question Councillor Cowles asked to see the report and noted his concerns how Parish Councils currently operated without checks or balances. The Cabinet Member advised that Councillor Cowles was welcome to attend a future meeting of the Joint Working Group in order to share his concerns and advised that she would send the report to Councillor Cowles.

8. **Councillor Carter** asked the Cabinet Member for Waste, Roads and Community Safety "Areas such as Catcliffe, Treeton and Whiston have flooded or been close to flooding in the past few months. What solutions to prevent this from happening again is the council taking and what changes are they lobbying for.

   In response the Cabinet Member for Waste, Roads and Community Safety stated that as the Lead Local Flood Authority, the Council had a duty to investigate any flooding incident and noted that the detailed investigations into the incidents in November had not yet been concluded. The Cabinet Member advised however that the borough needed around £51m of funding to be urgently allocated to ensure that Rotherham was properly protected in the future, including flood defences along the River Don at Parkgate and Kilnhurst, and in Whiston, Catcliffe and Dinnington. The Cabinet Member noted that the Council was working with the other South Yorkshire Authorities and the Sheffield City Region Combined Authority, through the South Yorkshire Mayor, to seek this additional government funding for flood alleviation.

   As a supplementary question Councillor Carter asked whether the Cabinet Member believed that the proposed flood gate solution for Catcliffe was suitable.

   In response the Cabinet Member noted that the issue of flooding and future remediation measures had been the subject of an in depth and valuable discussion at the Overview and Scrutiny Management Board, which had Councillor Carter attended he could had used the opportunity to ask his question to the specialist officers who had been at that meeting. The Cabinet Member advised it was essential that all the South Yorkshire councils worked together regarding flooding to provide the best solution, but as she was not familiar with the technical details of specific schemes, she would ensure that an answer was sent to Councillor Carter regarding the proposed flood gates at Catcliffe.

9. **Councillor Carter** asked the Cabinet Member for Cleaner Greener Communities "New technology which allows for a library to be open without staff being present is proposed to be piloted at some libraries in the borough. How does the council see that working?".

   In response the Cabinet Member for Cleaner Greener Communities noted the widespread and nationwide use of the self-service technology that would be used to enable library services to be

available to users without staff being present. The Cabinet Member advised that entry to the libraries during self-service hours would be via a secure keypad and that security would be provided through CCTV monitoring and that an emergency phone would also be available in order to ensure safety of customers. The Cabinet Member noted further that customers who wished to access a library during self-service operating hours would need to have met all the eligibility criteria, read and agreed to the terms and conditions and have completed an induction with staff, and that in the interests of safety, unaccompanied children and young people under the age of 16 would not be permitted during these hours.

The Cabinet Member stated that contrary to any reduction in service, the self-service technology offered the potential for the weekly opening hours at libraries to significantly increase, giving customers greater choice in how and when they used the library service, with the days and times of increased opening hours being informed by the results of the current libraries consultation. The Cabinet Member highlighted the £250,000 that had been secured for a new library building at Brinsworth by the Council working in cooperation with the Parish Council and noted that Councillor Carter had not contributed to this activity.

As a supplementary question Councillor Carter asked whether the installation of self-service technology created the potential for staff reductions at libraries in the future. In response the Cabinet Member stated that she did not agree with that statement and that the changes being proposed were about creating an improved service, and not about reducing numbers of library staff.

10. **Councillor Carter** asked the Cabinet Member for Jobs and the Local Economy "Would the Cabinet Member agree with me that the proposed solution to increase the parkway to three running lanes from Catcliffe to Junction 33 is the wrong solution for both local residents and users of the parkway?.

    In response the Cabinet Member for Jobs and the Local Economy stated that she did not agree and advised she thought that most people who had been in rush hour queues at the Rotherham end of the Parkway would also disagree with Councillor Carter's statement. The Cabinet Member advised that the scheme had been carefully designed to reduce any impact on local residents, with the widening being contained within the existing highway footprint and also introducing a new 50mph speed limit that would improve air quality in the local area. The Cabinet Member acknowledged that local residents did have concerns and advised that there would be further engagement and consultation on the proposals carried out.

As a supplementary question Councillor Carter asked how the proposed scheme would enable easier travel between Sheffield and Rotherham via the motorway junction. In response the Cabinet Member for Jobs and the Local Economy advised that assessments and studies relating to the scheme were currently being carried out, but that the proposed scheme would improve traffic flow and make journeys easier, as well as improving local air quality, rather than just displacing traffic elsewhere.

11. **Councillor Carter** asked the Deputy Leader of the Council "What financial, staff, or resource support has the council provided to try and keep the Dinnington campus of Rotherham College from closing?".

    In response the Deputy Leader noted that Rotherham, North Notts College (Dinnington Campus) was outside of Local Authority control, and as an independent organisation received its funding directly from the Department for Education (DfE) (Education and Skills Funding Agency) and as such was directly accountable to the DfE. The Deputy Leader advised that the Council received no funding from the Department for Education in relation to financial, staffing and resource support for any colleges in the borough.

    The Deputy Leader noted that whilst the building was subject to consultation on its closure it was understood that it was proposed that the courses at the college be delivered in alternative locations. The Deputy Leader noted the current petition to keep the college open and provided information on the recent public meeting that he had attended regarding the proposed closure, advising that he, other local councillors and the Town Council would do everything they could to keep the site open.

    As a supplementary question Councillor Carter asked if the Council was looking at other potential accommodation for the college. In response the Deputy Leader advised that all options were being looked at as it would be a disaster if the college was lost.

12. **Councillor Carter** asked the Deputy Leader of the Council "How does the council explain its failure to provide enough foster carers in the borough for some of our most vulnerable children?".

    In response the Deputy Leader stated that he did not accept the question and stated that as of February 2020 81.4 % or 493 of Rotherham's 605 Looked After Children were placed in a family-based setting, including foster care. The Deputy Leader advised that all the foster care placements were either provided by in-house foster carers or commissioned through an Independent Fostering Agency; both options that provided a high quality of care and stability for Rotherham's Looked After Children.

The Deputy Leader noted that naturally the Council would like more of those foster parents to work directly, in-house with the council and advised that eight new fostering families had been approved to date this year who would be able to provide placements for up to 13 children and that additionally a further 13 new prospective fostering families were scheduled to be seen by Fostering Panel for approval. The Deputy Leader advised that the Council was doing as much as it possibly could to provide quality in-borough foster placements.

There was no supplementary question.

13. **Councillor Carter** asked the Cabinet Member for Jobs and the Local Economy "What is the council's current position regarding the opening of Wood Lane, off Brinsworth Road to the public?".

    In response the Cabinet Member for Jobs and the Local Economy stated that the current position was that Wood Lane was a bus only road, however a number of requests to open Wood Lane to general traffic had been received recently. The Cabinet Member advised that while opening Wood Lane to general traffic may be beneficial to some Brinsworth residents, it could also have a significant negative impact on others. The Cabinet Member noted that Sheffield City Council had commissioned a study of the wider traffic movements between the Advanced Manufacturing Park, Sheffield Business Park and the adjacent areas including Waverley, Brinsworth and Catcliffe, and that this study included Wood Lane and would provide the evidence to help to determine whether this link should remain as a bus only and pedestrian/cycle route or potentially be reopened to all traffic.

    As a supplementary question Councillor Carter asked for information on the study that was taking place. The Cabinet Member advised that she would provide Councillor Cater with the details of the study when they had been received.

14. **Councillor Cusworth** asked the Cabinet Member for Adult Social Care and Health "Last week the General Secretary of Unison, the Leader of the Council and the Cabinet Member for Adult Social Care all signed Unison's "Ethical Care Charter" – Can the Cabinet Member tell us what this means for Rotherham?".

    In response the Cabinet Member for Adult Social Care and Health thanked Unison for working with the Council on this issue and noted that signing of the Charter was a really positive step for the Council, with the Council being the 46th signatory to the charter since it had been established in 2013.The Cabinet Member noted that the Unison Ethical Care Charter committed the Council to continue working with the borough's care providers to ensure that care visits met the needs of customers, offered consistent care staff, encouraged permanent contracts, rather than zero-hour contracts and reflected travel time between home care visits in care workers' pay. As a result of this

commitment, all home care providers contracted to work with the Council would be paid at least the real living wage from April 2020. This change would give a pay rise to around 800 home care workers, who would also additionally be entitled to occupational sick pay.

The Cabinet Member advised that under the Social Value Policy agreed by Cabinet in October 2019, the Council had a commitment to promote the Real Living Wage and that activity was taking place to ascertain the feasibility of expanding this to other sectors of Adult Social Care in the future, considering available budget and market conditions. It was noted that discussions had also taken place with other key organisations in Rotherham, through the Rotherham Together Partnership to further expand the principles of the Social Value Policy beyond the Council and into other public services which would include commitments to paying staff and contractors the Real Living Wage.

There was no supplementary question.

325. URGENT ITEMS

There were no urgent items for consideration.

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CR/EJH	(01709) 822700	22770	Councillor Chris Read

'T'
by email

4 March 2020

Dear T

Council Meeting – 22nd January 2020 / 26th February 2020

Following on from my letter of 31st January and your attendance at last week's council meeting where you asked for an update on the return of the artwork that you had completed as part of the initial engagement into the review of commissioned services for adult survivors of CSE.

The Council has received correspondence from Accepe who carried out the first stage needs analysis and advised that they would be returning all the artwork to their owners with a personal letter. If this does not happen, please let me know.

Yours sincerely,

Councillor Chris Read
Leader of Rotherham Council

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Mr A Graydon

2 March 2020

Dear Mr Graydon

Council Meeting – 26th February 2020

Thank you for submitting a question for yesterday's Council meeting. It is unfortunate that you were unable to attend the meeting to receive a response. Please find below a written response for your information.

"What was the total cost of training about Child Sexual Exploitation (CSE) in Rotherham Metropolitan Borough Council (RMBC) in the financial year 2018-19, what is the estimated total cost for the financial year 2019-20 and how many employees and elected members have had formal costed training over these two years?"

Training and development of staff and officer's in relation to safeguarding and CSE remains an important activity.

To give you some figures on the money and numbers attending training I have set out a brief appraise below: -

From 2018 to 2020, 360 staff in CYPS benefitted from Signs of Safety Training which includes CSE which cost around £38,000. This included:

In 2018 – 2019 RMBC supported training on signs of safety for all CYPS practitioners and wider professionals in the council and partnership - £26,000 (240 staff)

In 2019 – 2020 RMBC supported training about Signs of safety for new CYPS Practitioners (120) and wider professionals – (£12,000)

Further to the Signs of Safety Training:
In 2018/19 210 practitioners attended face to face training from across CYPS via a Whole service event and then group based training at a cost of £1,600

In 2019 - 2020 80 practitioners from across the partnership attended face to face training in relation to risk assessment CSE and Child Criminal Exploitation at a cost of £856. This position reflects a move to support experts in practice in RMBC supporting delivery of the training, sharing best practice.

Online training is available for staff which has seen:
From 2018 to 2020, 63 CYPS RMBC staff took part in online training courses around CSE furthermore in the years

Between 2018/19 and 2019/20 1,298 staff participated in our online 'safeguarding everyone' training course of which CSE is a component.

The Council makes a contribution of £189,000 to the Local Safeguarding Children Board (now known as the RSCP Rotherham Safeguarding Children Partnership) This partnership provides oversight, guidance, and challenge on matters pertaining to all forms of child abuse, including CSE, and part of its function is to provide training to staff in the partnership.

The LSCB funded £23,798 towards training around safeguarding in 2018 – 2019

The RSCP funded £23,700 towards training around safeguarding in 2019 – 2020

In addition, the training set out, CYPS have the CSE champion model, where each service has a CSE Champion who attends bi-montly meetings with the team manager of the dedicated CSE Team "EVOLVE" to share research, tools and embed processes.

This supports a cascade model where the CSE champions then share within their service area, via Team meetings and 'bring and learn' sessions, the most update to date learning around CSE.

In terms of training for elected members:

- The Council has used the Local Government Association to deliver training for Elected Member's and there is not fee for this. As part of the induction of new Member's in 2016 53 out of 63 Members attended the sessions delivered in respect of corporate parenting and CSE. This training was provided at no cost to the authority as it was delivered through the LGA as part of the intervention support package
- Likewise, the LGA facilitated the Leadership Essentials Training for the Deputy Leader (as Cabinet Member for Children's Services) and the Chair of the Improving Lives Select Commission, which is the relevant scrutiny committee of the authority. There was no cost to the authority as this was part of the LGA's support package during the period of intervention.
- The Centre for Public Scrutiny has provided training on effective scrutiny of child safeguarding as part of the intervention package prior to 2019 and again there was no cost associated with this.
- Members have also continued to receive briefings in respect of CSE from the Leader of the Council and a twice-yearly session is held with Members to provide an update on the actions taken by multiple agencies.

- And within the last month a session was held for Members in respect of child criminal exploitation, but no information is held in respect of the number of Members present at this event

I hope this provides an overview of the types of training and development undertaken by the Council, which includes a range of activity some of which is paid and some which is received for free.

Yours sincerely,

Councillor Chris Read
Leader of Rotherham Council

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Councillor Jepson

by email

10 March 2020

Dear Clive

Council Meeting – 26th February 2020

Thank you for your comments relating to the out of hours provision which you raised as part of the budget proposals for 2020/21. I said I would write to you with regards to clothing and equipment.

The council are currently trialling body worn CCTV with officers that undertake Enforcement roles and it is hoped that these will be rolled out across the service where appropriate shortly. I'm sure that you will appreciate that the use of this type of technology wouldn't be appropriate in all circumstances. However, it is envisaged that the roll out will include officers undertaking the out of hours function.

I am advised that the use of protective clothing will be driven by a risk assessment and officers in the service have advised that if there was a risk to such an extent, they would not support advising officers to go in without Police support. It is, therefore, unlikely that the risk assessment would recommend protective clothing and more likely would recommend contact be made with the Police before attempting to enter high risk properties, which would only be in a small number of cases.

I hope that the above information is helpful.

Yours sincerely,

Councillor Chris Read
Leader of Rotherham Council

Councillor Denise Lelliott – Cabinet Member for Jobs and the Local Economy
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Councillor Cowles
c/o Rotherham Town Hall
The Crofts
Moorgate Street
ROTHERHAM
S60 2TH
by email

16 March 2020

Dear Councillor Cowles

Council Meeting – 26th February 2020

Following on from last week's Council meeting and your supplementary question relating to the Pumping Station at Whiston.

The Worrygoose Lane Pumping Station in Whiston was constructed by Yorkshire Water and it continues to be managed and maintained by them. Representatives of Yorkshire Water and the Environment Agency have confirmed that the storm water overflow from the pumping station, which discharges to Whiston Brook, was installed at the time of the construction of the pumping station. It is approved under a consent to discharge order consented by the Environment Agency (Permit NE/WRA7787/001). The public register *(https://environment.data.gov.uk/public-register/water-discharges/registration/NE-WRA7787-001?__pageState=result-water-discharge-consents)* suggests that this was granted on 26th February 2002. A copy of the Permit has been requested from the EA which I will share once I receive it.

The Council do not however have any records to confirm if any consultation took place when the pumping station was constructed to serve the residents of Whiston and the surrounding area.

Having looked back through the Council's own information, the Council did receive a petition in May 2005, objecting to the consent to discharge and to a potential variation in the permit. This suggests that the EA received a request for a variation by Yorkshire Water in December 2004. The petition was sent to the EA as the regulatory body for the Permit. The Council's response was clear that the Council had no powers to approve or reject the variation to the Permit.

The Council has confirmed Whiston Brook is classified as a main river and is therefore the responsibility of the Environment Agency to manage and regulate. Again, this is a matter of public record and can be found at https://www.gov.uk/government/collections/main-river-map-for-england-proposed-changes-and-decisions.

The river travels through a number of areas of agricultural land and private gardens. The landowners on either side of the riverbank have a responsibility to maintain the riverbed and walls to allow the uninterrupted flow of the river through their land. As riparian owners of the river the landowners should ensure they remove any debris that could affect the capacity of the river and they must ensure the structure of the river is maintained through their land. Therefore, if any walls collapse the landowner has a responsibility to arrange urgent repairs and remove any obstructions as soon as practicably possible.

Having said that, Tom Smith wrote to the EA on Friday 28th February to ask if the river is impeded/blocked by a wall or debris, whether the EA be duty bound to undertake any work. He also asked that, if the EA had such a duty, what action they now propose to take at Whiston Brook. We will happily share the response once it is received.

Yours sincerely,

Councillor Denise Lelliott
Cabinet Member for Jobs and the Local Economy

Councillor Emma Hoddinott – Cabinet Member for Waste, Roads and Community Safety
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Councillor Cowles
c/o Rotherham Town Hall
The Crofts
Moorgate Street
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S60 2TH

by email

4 March 2020

Dear Councillor Cowles

Council Meeting – 26th February 2020

Following on from last week's Council meeting and your supplementary question relating to the fencing erected at the back of properties on Grosvenor Road, Eastwood.

I can confirm that the Council has had no involvement in the fencing that has been erected on Grosvenor Road. This has been erected and paid for by South Yorkshire Housing Association in order to protect an empty property that they own on the street from fly-tipping.

Yours sincerely,

Councillor Emma Hoddinott
Cabinet Member for Waste, Roads and Community Safety

Councillor Emma Hoddinott – Cabinet Member for Waste, Roads and Community Safety
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Councillor Carter
c/o Rotherham Town Hall
Moorgate Street
ROTHERHAM
S60 1TH

by email

10 March 2020

Dear Councillor Carter

Council Meeting – 26th February 2020

With regards to your supplementary question at last week's council meeting where you asked for the "Council's opinion on the suitability of the holding gates on the River Rother and what improvements, if any, were proposed".

I can confirm that the Environment Agency manage the holding gates on the River Rother and therefore you may wish to re-direct your question to them to allow a response to be provided.

Yours sincerely,

Councillor Emma Hoddinott
Cabinet Member for Waste, Roads and Community Safety

Agenda Item 5

Rotherham Metropolitan Borough Council

Public Report
Council

Committee Name and Date of Committee Meeting
Council – 03 June 2020

Report Title
Petitions

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)
Katherine Harclerode, Governance Advisor
01709 254352 or katherine.harclerode@rotherham.gov.uk

Ward(s) Affected
Borough-Wide

Report Summary
This report provides Members with a list of all petitions received by Rotherham MBC since the last Council meeting held on 26 February 2020 and details which petitions will be presented by members of the public at this Council meeting.

No petitions have been submitted since the previous Council meeting that meet the threshold for consideration by the Overview and Scrutiny Management Board. Similarly, no petitions have met the threshold to require a debate at the Council meeting.

This report is submitted for Members' awareness of the items to be presented to the Council meeting.

Recommendations

1. That the report be received.

2. That the Council receive the petitions listed at paragraph 2.2 of the report and lead petitioners be entitled to address the Council for a total period of fifteen minutes in accordance with the authority's Petition Scheme.

3. That the relevant Strategic Directors be required to respond to the lead petitioners as set out by 18 June 2020.

List of Appendices Included
None

Background Papers
None

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

Council Approval Required
Yes

Exempt from the Press and Public
No

PetitionsPetitions

1. Background

1.1 The Council refreshed its Petition Scheme in May 2019, following its introduction in 2010 after legislative changes requiring local authorities to respond to petitions. Whilst the Localism Act 2011 repealed that statutory requirement, the Council has maintained its commitment to responding to issues raised by local people and communities in respect of matters within the Council's remit.

1.2 The current Petition Scheme sets thresholds for various routes that petitions can take though the decision making process:-

- Up to 20 signatures – not accepted as a petition
- 20 to 599 signatures – five minute presentation to Council by Lead Petitioner and response by relevant Strategic Director
- 600 to 1,999 signatures – five minute presentation to Council by Lead Petitioner and referral to Overview and Scrutiny Management Board for review of the issues, followed by response by the Chair of Overview and Scrutiny Management Board setting out their findings and recommendations
- 2,000 signatures and above – five minute presentation to Council by Lead Petitioner followed by a 15 minute debate of the petition by the Council, followed by response by relevant Strategic Director on behalf of the Council

1.3 This report is submitted for information to detail the number of petitions received since the previous Council meeting held on 26 February 2020 and the route that these petitions will take through the Council's decision making processes.

2. Key Issues

2.1 Since the last Council meeting held on 26 February 2020, no petitions have been received that would require a debate by the Council or referral to the Overview and Scrutiny Management Board.

2.2 The following petitions have been received which meet the threshold for presentation to the Council meeting and for a response to be issued by the relevant Strategic Director:-

Subject	Number of Valid Signatures	Lead Petitioner	Strategic Director to respond
Speeding on the B6059 in South Anston	262 signatures	Dr D. Gaubert	Regeneration and Environment

2.3 In accordance with the provisions of the Council's Petition Scheme, a response will be issued to the Lead Petitioner by 18 June 2020.

3. Options considered and recommended proposal

3.1 This report is submitted for information and Members are recommended to note the content and resolve that the petitions received be administered in accordance with the provisions of the Council's Petition Scheme.

4. Consultation on proposal

4.1 This report is submitted for information in order to detail the petitions received by the Council since the previous Council meeting held on 26 February 2020. There are no consultation issues directly associated with this report.

5. Timetable and Accountability for Implementing this Decision

5.1 Under the provisions of the Council's Petition Scheme, Strategic Directors are accountable for the provision of responses to petitions received by the authority. The scheme provides for responses to be issued to the lead petitioner following the Council meeting. As a customer service standard, the Council has committed to responding to petitions within ten working days of the Council meeting.

6. Financial and Procurement Advice and Implications

6.1 There are no financial or procurement implications directly associated with this report.

7. Legal Advice and Implications

7.1 There are no legal implications directly associated with this report.

8. Human Resources Advice and Implications

8.1 There are no human resources implications directly associated with this report.

9. Implications for Children and Young People and Vulnerable Adults

9.1 Whilst there are petitions listed for presentation that have implications for children and young people, there are no implications for either children and young people or vulnerable adults directly arising from this report.

10. Equalities and Human Rights Advice and Implications

10.1 There are no specific equalities or human rights implications directly associated with this report.

11. Implications for Ward Priorities

11.1 There are no direct implications on ward priorities arising from the petitions referred to earlier in this report.

12. **Implications for Partners**

12.1 There are no known implications for partners arising from the petitions referred to earlier in this report.

13. **Risks and Mitigation**

13.1. As this report is submitted for information, there are no risks associated with the presentation of information in respect of petitions received.

14. Accountable Officers
James McLaughlin, Head of Democratic Services

Report Author: *Katherine Harclerode, Governance Advisor*
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This report is published on the Council's website.

THE CABINET
Monday, 23rd March, 2020

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

Apologies for absence were received from Councillors Alam, Lelliott and Steele.

124. DECLARATIONS OF INTEREST

There were no Declarations of Interest to report.

125. QUESTIONS FROM MEMBERS OF THE PUBLIC

There were no members of the public present.

126. MINUTES OF THE PREVIOUS MEETING

Resolved:-

That the minutes of the previous meeting of the Cabinet held on 17th February, 2020 be approved as a true and correct record of the proceedings.

127. 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 11, 13 and 17 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.

128. IMPLEMENTING THE SOUTH YORKSHIRE DEVOLUTION DEAL

Consideration was given to the report which detailed how the Government in 2015 agreed the devolution deal which was later endorsed by RMBC by Council in March, 2016.

This economic deal involved the establishment of a directly Elected Mayor to chair the Mayoral Combined Authority (MCA), working alongside Local Authority Leaders, who would exercise powers and functions devolved from Government and receive an additional £30m “gainshare” annual funding allocation.

After a period of uncertainty, consensus had now been reached on how the deal would be progressed and the powers needed to implement the deal formed part of a governance review and "scheme" This had been subject to a public consultation exercise and this ended on 15th March, 2020.

The results of the consultation were to be analysed and, subject to the consultation and decision of the Mayoral Combined Authority, submitted to the Secretary of State, it as anticipated that a Powers Order would be produced by the end of May, 2020.

The report had been subject to pre-decision scrutiny by the Overview and Scrutiny Management Board on 18th March, 2020 where Members had indicated their support for the recommendations.

Resolved:-

That authority be delegated to the Chief Executive, in consultation with the Leader of the Council and the Monitoring Officer, to take forward and conclude the legal steps necessary to implement the devolution agreement. This will include consenting on behalf of the Council to the enabling Powers Order, provided that such Order corresponds to the proposals contained in the governance review and scheme.

129. RESPONDING TO THE CLIMATE EMERGENCY

Consideration was given to a report which detailed how the Council declared a Climate Emergency at its meeting on 30th October, 2019. Following the declaration work had been undertaken to produce a draft policy document "Rotherham Council Responding to the Climate Emergency", setting out the Council's commitment to tackle climate emergency. The draft policy document was appended to the report.

A Member Working Group had been established to consider the Council's response to the climate emergency and to propose a target for the Council's carbon reduction. Arising from this work it was proposed that the following targets were adopted:

- RMBC: Council's carbon emissions to be at net zero by 2030.
- Rotherham: Borough-wide carbon emissions to be at net zero by 2040.

The purpose of these dual targets was to recognise the borough's carbon budget (a carbon budget was the cumulative amount of carbon dioxide (CO_2) emissions permitted over a period of time to keep within a certain temperature threshold), alongside the Council's carbon budget and acknowledge the need for the Council to lead by example in securing commitments and pledges from other organisations.

Overall, the approach set out themes for the policy together with targets for 2030 and 2040 and actions for 2020/21. It was proposed that the Member Working Group would continue to develop the policy and actions for future years to meet the target outcomes.

Cabinet Members welcomed this report and the importance of taking this forward on a contingency basis and the progress would be reported into Council in due course.

The report had been subject to pre-decision scrutiny by the Overview and Scrutiny Management Board on 18th March, 2020 where Members had indicated their support for the recommendations.

Resolved:-

(1) That the progress to date following the declaration of the climate emergency be noted

(2) That the continuation of the work of the Climate Emergency Member Working Group be agreed

(3) That approval be given to set the following targets:-

a RMBC: Council's carbon emissions to be at net zero by 2030
b Rotherham: Borough-wide carbon emissions to be at net zero by 2040

(4) That the seven policy themes of Energy; Housing; Transport; Waste; Built and natural environment; Influence; and Engagement be endorsed

(5) That the 2020/21 plan of action be approved.

130. CRISIS SUPPORT - OUTCOME OF CO-DESIGN FOR PROVISION OF CRISIS SUPPORT 2020-2023

Further to Minute No. 63 of the meeting of the Cabinet held on 21st October, 2019, consideration was given to a report which detailed the decision to seek a lead organisation and co-design for Crisis Provision for the years 2020/21; 2021/22; and 2022/23, under the provisions of the Rotherham Compact. This report provided the detail of the process undertaken; the partners engaged and outcome of the co-design.

Cabinet were asked to approve the outcome of the co-design and to award a service level agreement and grants to Voluntary Action Rotherham; LASER Credit Union; and FareShare Yorkshire for Crisis Provision for three years commencing on 1st April, 2020.

Resolved:-

That the outcome of the bidding process and co-design under the provisions of the Rotherham Compact, following the Cabinet decision of 21st October, 2019, be received and approved.

131. COUNCIL PLAN MONITORING QUARTER 3 (OCTOBER TO DECEMBER 2019)

Consideration was given to the latest Council Plan updated underpinning the Council's overall vision and set out the headline priorities, outcomes and measures that would demonstrate its delivery.

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

Formal quarterly performance reports were presented in public at Cabinet meetings, with an opportunity for Scrutiny consideration if required. This report was the third report in the 2019-2020 reporting cycle covering Quarter 3 (1st October 2019 to 31st December 2019).

The Quarter 3 Performance Report provided an analysis of the Council's current performance against 13 key delivery outcomes and 69 measures.

At the end of Quarter 3, 28 measures (49%) had either met or had exceeded the target set in the Council Plan. This is the same number of measures hitting target as Quarter 2, although the percentage of measures on target was a slight reduction in performance when compared to Quarter 2 (52%). This was due to more measures having data included in this quarter than in Quarter 2. However, performance was still significantly higher than at this time last year, when only 42% of measures had hit their targets.

The direction of travel was positive for 37 (66%) of the indicators measured in this quarter. This is a significant improvement when compared to the 56% figure for the last quarter and the overall direction of travel of Council Plan measures was now very positive, even though the number of measures hitting their target had not yet accelerated.

Resolved:-

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

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

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

132. JANUARY 2020 FINANCIAL MONITORING REPORT

Consideration was given to the report which set out the financial position as at the end of January, 2020 and was based on actual costs and income for the first ten months of 2019/20 and forecast for the remainder of the financial year. Financial performance was a key element within the assessment of the Council's overall performance framework and essential to achievement of the objectives within the Council's Policy Agenda. To that end, this is the fifth 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 January 2020, the Council has a forecast year-end overspend of £3.1m on the General Fund.

The issues and reasons behind that overspend were unchanged from previous reports and all services have been continuing to improve that position with an improved position in Adult Care and work was continuing to bring the overspend within the value of the reserve.

There were also a number of changes to the capital programme with actual delivery on schemes and timing, some of which may slip into a longer time frame.

It hoped that by year-end without significant impact in the current year's position the Council would need to focus on the year ahead.

Given the current situation, additional Government funding would also be available in the next financial year, which needed to be worked through. Any additional costs were being logged and work was ongoing to analyse the latest guidance and how these hardship grants would be applied.

Resolved:-

(1) That the current General Fund Revenue Budget forecast of £3.1m overspend be noted.

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

(3) That the Capital Programme update be noted.

133. NEW APPLICATION FOR BUSINESS RATES HARDSHIP RELIEF

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

Resolved:-

That the application for hardship relief be refused.

134. NEW APPLICATION FOR BUSINESS RATES DISCRETIONARY RELIEF FOR ROTHERHAM UNITED COMMUNITY SPORTS TRUST

Consideration was given to an application for the award of a business rate discretionary relief for Rotherham United Community Sports Trust. This was in accordance with the Council's Discretionary Business Rates Relief Policy (approved by Cabinet on 12th December 2016).

Resolved:-

That 20% top up discretionary relief be awarded to Rotherham United Community Sports Trust for the period 10th September, 2019 to 31st March, 2021.

135. ROTHERHAM TOWN CENTRE MASTERPLAN IMPLEMENTATION - ACQUISITION OF THE FORMER HIGHER EDUCATION HUB (CHARTER ARMS), EASTWOOD LANE

Consideration was given to the report which sought approval to acquire the leasehold interest of the former Higher Education Hub, Eastwood Lane.

The Council owned the Freehold interest in the Higher Education Hub (formally known as the Charter Arms Public House) located on Eastwood Lane, overlooking the Markets Complex.

The Council granted a long lease (99 years) in 1976 to the Mansfield Brewery Company, which was assigned by the Brewery to Rotherham North Notts Group Further Education College (RNN) in 2014. The lease had been varied from its initial use as a Public House to its current use as the Higher Education Hub. RNN have carried out substantial improvements to the property.

RNN held the remaining 55 years of the lease paying an annual rent to the Council.

RNN no longer have a use for the building having completed the University Centre Rotherham (UCR) Campus, and the Higher Education Hub was now surplus to requirements. RNN, through agents, were now actively marketing the property for disposal on the open market and the Council were looking to acquire the long leasehold interest.

Completing this acquisition was viewed as an important step in progressing with the delivery of the Markets redevelopment as part of the implementation of the Town Centre Masterplan, building on the significant progress over recent years on a range of projects.

Resolved:-

(1) That the acquisition of the leasehold interest of the former Higher Education Hub, Eastwood Lane up to the value of the worst case scenario in appendix 3 be approved.

(2) That the Assistant Director (Planning, Regeneration and Transport), in consultation with the Strategic Director of Finance and Customer Services, negotiate the acquisition of the leasehold interest.

(3) That the Assistant Director of Legal Services be instructed to complete the necessary legal documentation once terms for the acquisition have been agreed.

(4) That the cost of the acquisition and demolition of the asset be funded from the approved Town Centre Capital Investment Fund.

136. GAMBLING ACT 2005 – STATEMENT OF LICENSING POLICY 2020 - 2023

Consideration was given to a report which detailed how under Section 349 of the Gambling Act 2005 a licensing authority was required to prepare and publish a statement of its licensing policy at least every three years.

The Council's Gambling Act Statement of Licensing Policy was last due for review and republication in 2014. However, this review did not take place due to the Council's focus on taxi and private hire licensing.

In June 2019, Cabinet took the decision to undertake a two-stage consultation process. This process had now concluded, and the outcome of the consultation had informed a finalised Statement of Licensing Policy for approval.

The revised policy contained a number of changes and the consultation had broadly supported these changes including identifying clear links between different priorities and strategies of the Council, detailing information to emphasise each individual licensing objective and how these could be promoted by applicants and further work on the creation a 'Local Area Risk Profile', which would set out the Council's position, based on available data, as to which areas of the borough may have a higher sensitivity to problem gambling.

The draft policy already included substantially more information than previously and gave advice to applicants about how they should undertake a risk assessment of their local area and what types of evidence should be included in this.

Cabinet noted that in terms of that local risk there was still a requirement in the new policy for licensed premises to undertake their own risk assessment. Licensing officers and Licensing Committee would then consider the risk to be considered prior to issuing licenses.

The report had been subject to pre-decision scrutiny by the Overview and Scrutiny Management Board on 18th March, 2020 where Members had indicated their support for the recommendations.

Resolved:-

(1) That Council be recommended to agree that the proposed Gambling Act 2005 Statement of Licensing Policy 2020-2023 be adopted.

(2) That officers work with colleagues in Public Health, alongside Licensing Committee and Health and Wellbeing Board, to produce a Local Area Risk Profile for the Borough.

137. LICENSING ACT 2003 - STATEMENT OF LICENSING POLICY

Consideration was given to the report which detailed how Section 5 of the Licensing Act 2003 required a licensing authority to prepare and publish a statement of its licensing policy at least every five years.

The Council's Statement of Licensing Policy was last published in 2011.

In December 2019, Cabinet approved the second, formal stage of consultation on a drafted policy. This consultation had now concluded, and the outcome of the consultation has informed a finalised Statement of Licensing Policy, which is presented to Cabinet for consideration and recommended for approval.

Alongside the Licensing Policy, a Cumulative Impact Policy had been drafted and consulted upon which included a Cumulative Impact Assessment for a part of Wickersley to identify whether there was sufficient evidence to implement a Cumulative Impact Zone.

In the second stage of consultation, the Council have consulted at length with Ward councillors, licensees, residents and other responsible authorities, and have concluded that there was more than enough evidence, as required by the statutory guidance, to proceed with implementing a Cumulative Impact Zone in Wickersley.

Data from the Police, the NHS and Public Health suggested that Wickersley had a high saturation of licensed premises, and that the density of these premises had a negative impact on crime and anti-social behaviour, as well as putting health at risk through an increase in ambulance call-outs directly related to alcohol consumption.

It was important that the whole area be considered in order not to displace the problems or accentuate further crime. As part of the consultation there had been a number of questions and the reasons for why the decision was made to include not just part of the Wickersley area was confirmed. The tools were, therefore, given to the Licensing Board so that they could consider the wider area rather than just a narrow view.

The report had been subject to pre-decision scrutiny by the Overview and Scrutiny Management Board on 18th March, 2020 where Members had indicated their support for the revised Statement of Licensing Policy be supported.

Furthermore, Overview and Scrutiny Management Board had indicated that further consideration be made to the geographical designation of the proposed Cumulative Impact Zone for Wickersley with the view that the designation be restricted to the area north of the A631 Bawtry Road.

Having considered this recommendation, Cabinet were not supportive of the proposal from the Overview and Scrutiny Management Board.

Resolved:-

(1) That Council be recommended to agree that the proposed Licensing Act 2003: Statement of Licensing Policy 2020-2025 be adopted.

(2) That the Cumulative Impact Policy which details a Cumulative Impact Assessment for a specific area in Wickersley be approved.

138. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY REVIEW

Consideration was given to the report which detailed how in July 2015, the Council introduced a revised Hackney Carriage and Private Hire Licensing Policy. This policy was now widely seen to be setting the standard for other Local Authorities to benchmark against in relation to Taxi and Private Hire licensing.

As this policy was due for review the Council have widely consulted on a number of proposed changes to ensure the standard of licensed drivers, vehicles and operators in Rotherham continued to be of the highest quality.

This report outlined the final changes that have been included in a proposed revised policy based on consultation and sought approval for adoption.

The changes related to helping taxi drivers with their driver medical assessments and responding to some of the concerns, DBS checks for operator staff, refresher training and making sure that drivers were aware of the latest issues with regards to safeguarding.

In addition, there were recommended changes to signage and driver ID, camera storage and around vehicle plates requiring a further discussion of how this could be implemented in 2021.

The Chair of the Licensing Board welcomed the changes, especially given the initial reluctance to install CCTV in licensed vehicles and with the Cabinet Member the Council would continue to lobby for a national scheme.

The report had been subject to pre-decision scrutiny by the Overview and Scrutiny Management Board on 18th March, 2020 where Members had indicated their support for the recommendations.

Resolved:-

(1) That the revised Hackney Carriage and Private Hire Licensing Policy 20202023 be adopted.

(2) That a further public consultation regarding changes to the issuing of vehicle plates, as described in Section 2.11 be approved.

139. REVIEW OF FLEET MAINTENANCE

The report relates to the options available for maintaining the Council's in-house vehicles and grounds maintenance machinery.

The Council currently contracts this service to a national supplier. This contract is due to end in September 2020. This presents an opportunity for the Council to consider its options for the future provision of fleet maintenance.

The report therefore assesses the historic and current position in terms of the service and outlines a number of challenges in terms of the current externalised model of delivery.

The report concludes that the preferred option for the future provision of fleet maintenance for the Council is to insource the fleet maintenance service in order to undertake a further review and to report back to Cabinet with the findings, and recommendations for the future delivery of the service, at a future date.

Resolved:-

(1) That the proposal to insource Fleet Maintenance from 7th September 2020 at the latest be approved.

(2) That the findings of the ongoing review, and recommendations for the future of the service, be brought back to Cabinet for a decision at an appropriate future date.

140. RESPONSE TO RECOMMENDATIONS FROM OVERVIEW AND SCRUTINY MANAGEMENT BOARD - PETITION IN RESPECT OF DROPPINGWELL LANDFILL

Consideration was given to the report which detailed how on 30th October, 2019, the Council received a petition from the Droppingwell Action Group calling on the Authority to take enforcement action in respect of the Grange Landfill Site.

As the petition met the threshold for consideration by the Overview and Scrutiny Management Board, a meeting was held on 28th January, 2020 to receive representations from the lead petitioner and also heard from the Cabinet Member for Waste, Roads and Community Safety, officers and representatives of the Environment Agency in respect of the site.

The Council was still opposed to the opening of this tip and would continue to try to look at every avenue possible. The Cabinet response had looked at the recommendations and some of the actions have already been completed, including information being sent through to the Environment Agency.

It was concerning how this tip could operate under a 1958 planning permission without some of the safeguards in place for a site of this nature. The Council was not ruling out any potential legal action in the future, but would continually review information being received and take action if this was viable.

The Overview and Scrutiny Management Board made eleven recommendations within this report for consideration by Cabinet.

Resolved:-

(1) That the response to the recommendations as detailed in Appendix 2 be approved.

(2) That an update report be brought back to Improving Places Select Commission in six months time.

141. 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.

142. DATE AND TIME OF NEXT MEETING

Resolved:-

That the next meeting of the Cabinet be held on Monday 15 June 2020 commencing at 10.00 a.m. in Rotherham Town Hall.

THE CABINET
Monday, 11th May, 2020

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

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

1. DECLARATIONS OF INTEREST

There were no declarations of interest at the meeting.

2. QUESTIONS FROM MEMBERS OF THE PUBLIC

As the Cabinet met virtually in accordance with the provisions of the COVID-19 pandemic lockdown regulations, members of the public were invited to email questions that would be read by an officer for the relevant Cabinet Member to answer.

Two questions were received from Mr Rodgers in advance of the meeting:-

1. When are the refunds are going to be made for the garden waste collections that have not been provided?
2. How is the council going to clear the backlog of garden waste which is piling up?

In response, the Cabinet Member for Waste, Roads and Community Safety thanked Mr Rodgers for his questions and thanked the broader public for their patience during the pandemic which had led to a six week pause of the garden waste service, however that service would be resumed on 11 May 2020 (the date of the meeting). The Cabinet Member confirmed that the details of reimbursement were being worked through by officers and the final position would be communicated to residents once that work had been completed.

With regard to the second question, the Cabinet Member indicated that she would work with officers to review the impact of the pausing of the garden waste collection service. Furthermore she recognised that it would take some time for normality to return. The Cabinet Member took the opportunity to pay tribute to the efforts of staff in the Waste service who had continued to work throughout the pandemic to provide refuse and recycling collection services in the borough.

3. EXCLUSION OF THE PRESS AND PUBLIC

The Chair reported that there were no items of business on the agenda that would require the exclusion of the press and public from the meeting.

4. UPDATE ON THE COUNCIL RESPONSE TO THE COVID-19 EMERGENCY

Consideration was given to a report submitted for information which detailed the way in which the Council had responded to the Covid-19 emergency since March 2020.

The report detailed specific workstreams which had supported the Council's response to the pandemic, with a focus on the way in which decision making and governance had continued to operate, alongside the development of the Rotherham Community Hub and other specific work streams established to assist with the management of the emergency:-

- Managing the deceased
- Housing
- Rotherham Community Hub (Humanitarian/ Voluntary)
- Communications
- Staff & Workforce
- Data Collation & Reporting
- Corporate Incident & Business Continuity
- Health & Social Care Systems
- Rotherham Pandemic Group
- PPE

The Leader and Cabinet Members provided further details on the specific activities and outcomes associated with their respective portfolios and paid tribute to the work of officers in supporting the community during the pandemic.

It was noted that work was beginning in respect of planning for recovery from the pandemic and further discussions would be held across the Council in respect of the way in which services that been stood down during the pandemic would be returned as previous or in a different way.

Resolved:-

1. That the report be noted.

5. FINANCIAL SUPPORT FOR OLDER PEOPLES RESIDENTIAL CARE HOMES DURING THE COVID-19 PANDEMIC

Consideration was given to a report which detailed the duties outlined in the Secretary of State for Health and Social Care's letter with a specific focus on care Homes for Older People covering both residential and nursing provision.

It was reported that there are 34 Care Homes for Older People in Rotherham, with a total capacity of 1,677 beds in the independent sector. Care Home sustainability was a key driver in ensuring that the social care system supported NHS hospitals in both Rotherham and Sheffield to discharge Rotherham residents within the three hour limit when they are fit for discharge safely back into the borough within a supportive environment, thereby freeing up the valuable hospital beds for other Covid-19 patients.

The Secretary of State for Health and Social Care wrote to all local authorities on 19 March 2020 outlining the financial support available to support the response to Covid-19. The Council had been allocated two un-ringfenced grants totalling £16.2m to support the Council in meeting additional costs associated with its response to Covid-19. 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.

Resolved:-

1. That approval be given to advance additional payments of £15k to each Older Peoples' Care Home in Rotherham (a total cost of £495k).

2. That approval be given to the provision of a £100k contingency fund for Adult Care to utilise should additional emergency funding be required.

3. That the costs be funded from the Government grant referred to within the report.

4. That the position be reviewed after the 12 week period (start date 1 April 2020) and any further requirements be brought back to Cabinet for decision.

6. FINANCIAL SUPPORT FOR LEARNING DISABILITY DAY OPPORTUNITY PROVIDERS DURING THE COVID-19 PANDEMIC

Consideration was given to a report which had a specific focus on the Adult Care Directorate's second largest area of spend after Older People, with a gross budget of circa £31.6m per annum on supporting people with a Learning Disability and/or Autism, in the light of a letter from the Secretary of State for Health and Social Care in respect of the Covid-19 pandemic.

It was reported that Independent and Voluntary sector provider sustainability was a key driver in ensuring that the Adult Social Care system in Rotherham continued to support people with a Learning Disability and/or Autism through the impacts of Covid-19. The impact of the Governments social distancing measures had been significant on the provision of day opportunity services for people with a Learning Disability and/or Autism, with many of the services having to close or significantly reduce their offer.

The Secretary of State for Health and Social Care, Matt Hancock wrote to all local authorities on 19 March 2020 outlining the financial support available to support the response to Covid-19. The Council had been allocated two un-ringfenced grants totalling £16.2m to support the Council in meeting additional costs associated with its response to Covid-19. 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.

Resolved:-

1. That approval be given to the adoption of the approach for each type of service as described in Option 1 of the report, with a total estimated cost of £970.1k.

2. That the position be reviewed after 12 weeks from 1 April 2020 or sooner if the government amends its guidance and any further requirements be brought back to Cabinet for decision.

3. That the additional costs be funded from the Government grant referred to in the body of the report.

7. 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.

Agenda Item 11

Rotherham Metropolitan Borough Council

Public Report
Council

Committee Name and Date of Committee Meeting
Council – 3 June 2020

Report Title
Recommendation from Cabinet – Gambling Act 2005 – Statement of Licensing Policy

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

Strategic Director Approving Submission of the Report
Paul Woodcock, Strategic Director of Regeneration and Environment

Report Author
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Ward(s) Affected
Borough-wide

Summary
At its meeting on 23 March 2020, the Cabinet considered a report in respect of the Statement of Licensing Policy under the Gambling Act 2005.

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

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

Recommendations

1. That the Gambling Act 2005 Statement of Licensing Policy 2020 - 2023 be approved and adopted.

List of Appendices Included
Appendix A Cabinet Report – Gambling Act 2005 – Statement of Licensing Policy
Appendix 1 Equality Impact Assessment
Appendix 2 Gambling Act 2005 Statement of Licensing Policy 2020-2023

Background Papers
Gambling Act 2005 – Guidance to Licensing Authorities (5th edition) Available at: https://www.gamblingcommission.gov.uk/for-licensing-authorities/GLA/Guidance-tolicensing-authorities.aspx

Gambling-related harm as a public health Issue – Available at: https://www.gamblingcommission.gov.uk/PDF/Gambling-related-harm-as-a-publichealth-issue.pdf

Cabinet Report, 10th June 2019, Review of Licensing Act 2003 Statement of Licensing Policy

Cabinet Report, 23rd December 2019, Review of Licensing Act 2003 Statement of Licensing Policy

Consideration by any other Council Committee, Scrutiny or Advisory Panel
Cabinet – 23 March 2020

Council Approval Required
Yes

Exempt from the Press and Public
No

Rotherham Metropolitan Borough Council

Public Report
Cabinet

Committee Name and Date of Committee Meeting
Cabinet – 23 March 2020

Report Title
Gambling Act 2005 Statement of Licensing Policy 2020-2023

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

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Ward(s) Affected
Borough-Wide

Report Summary
Section 349 of the Gambling Act 2005 requires a licensing authority to prepare and publish a statement of its licensing policy at least every three years.

The Council's Gambling Act Statement of Licensing Policy was last due for review and republication in 2014. However, this review did not take place due to the Council's focus on taxi and private hire licensing.

In June 2019, Cabinet took the decision to undertake a two-stage consultation process. This process has now concluded, and the outcome of the consultation has informed a finalised Statement of Licensing Policy, which is presented to Cabinet for consideration and recommended for approval.

Recommendations

1. That Cabinet recommend to Council that the proposed Gambling Act 2005 Statement of Licensing Policy 2020-2023 be adopted.

2. That officers work with colleagues in Public Health, alongside Licensing Committee and Health and Wellbeing Board, to produce a Local Area Risk Profile for the Borough.

List of Appendices Included

Appendix 1 Equality Impact Assessment
Appendix 2 Gambling Act 2005 Statement of Licensing Policy 2020-2023

Background Papers

Gambling Act 2005 – Guidance to Licensing Authorities (5th edition) Available at: https://www.gamblingcommission.gov.uk/for-licensing-authorities/GLA/Guidance-to-licensing-authorities.aspx

Gambling-related harm as a public health Issue – Available at: https://www.gamblingcommission.gov.uk/PDF/Gambling-related-harm-as-a-public-health-issue.pdf

Cabinet Report, 10th June 2019, Review of Licensing Act 2003 Statement of Licensing Policy

Cabinet Report, 23rd December 2019, Review of Licensing Act 2003 Statement of Licensing Policy

Consideration by any other Council Committee, Scrutiny or Advisory Panel
Overview and Scrutiny Management Board – 18 March 2020

Council Approval Required
Yes

Exempt from the Press and Public
No

Gambling Act 2005 Statement of Licensing Policy 2020-2023

1. Background

1.1 The Gambling Act 2005 introduced a new licensing regime for gaming and betting administered through a combination of the Gambling Commission and local licensing authorities.

1.2 The Act regulates the following sectors:

- Arcades
- Betting
- Bingo
- Casinos
- Gambling software
- Gaming machines
- Lotteries
- Remote gambling

1.3 Within the legislation, Licensing authorities are responsible for:

- Issuing gambling operators with premises licenses
- Issuing gambling operators with permits (which allow low stakes gambling in venues which are not primarily for gambling)
- Registering societies – allowing them to hold small lotteries
- Compliance and enforcement of the Gambling Act 2005 locally

1.4 Licensing authorities are required to review and publish a statement of the principles which they propose to apply when exercising their licensing functions, every three years.

1.5 The Gambling Act 2005 Statement of Licensing Policy (the Statement of Licensing Policy) was last published in 2011 and was therefore due for review and republication in 2014; however, this review did not take place due to the Council's focus on taxi and private hire licensing.

1.6 The Council has undertaken a two-stage consultation process outlined in Section 4 of this report. A revised policy has been written and consulted upon, with a final version brought before Cabinet for consideration for recommendation to Council for adoption. The proposed policy is attached to this report as Appendix 2.

2. Key Issues

2.1 The revised policy which has been subject to consultation, contained a number of changes and the consultation has broadly supported these changes.

2.2 Firstly, the Council has included a full section identifying the clear links between different priorities and strategies of the Council. For example, the Health and Wellbeing Strategy, Safer Rotherham Partnership, Planning, and Culture and Tourism all have a role to play in protecting the public from the harms of gambling, as well as promoting regeneration and an inclusive economy.

2.3 Furthermore, a section has been included in the draft policy which provides more detailed information to emphasise each individual licensing objective and how these can be promoted by applicants. This has included further detail as to the appropriate layout of gambling establishments, how to work effectively with the Council and the police when deciding on appropriate crime prevention measures, and about receiving advice regarding child exploitation from Rotherham Safeguarding Children's Board.

2.4 Finally, the Council proposed that further work should be carried out to create a 'Local Area Risk Profile', which would set out the Council's position, based on available data, as to which areas of the borough may have a higher sensitivity to problem gambling. The draft policy already includes substantially more information than previously and gives advice to applicants about how they should undertake a risk assessment of their local area and what types of evidence should be included in this. This section is based on the national guidance published in 2016 which is seen as best practice.

2.5 However, the Council have not currently completed a Local Area Risk Profile, in part due to a lack of data, both nationally and locally. However, work is ongoing with colleagues in Public Health to identify proxies that could inform this assessment, which would also include the presence of services identified through the consultation outlined in Section 4. This work will continue until the profile is published.

2.6 The Local Area Risk Profile does not form part of the policy, but instead sits alongside and gives further information to potential applications about the areas in which licences are being considered. Officers therefore propose to undertake further work to develop this profile, working alongside Licensing Committee, Health and Wellbeing Board and colleagues in Public Health.

2.7 Nonetheless, all applicants and variations to licences must complete their own risk assessment of their local area, which is shared and verified by the Licensing Authority. This puts the onus on the applicant to consider the risks that the premise poses to the community, which was a clear theme from the consultation.

3. Options considered and recommended proposal

3.1 The Council is statutorily obliged to publish a Statement of Licensing Policy, and to consult on that policy in a way that the Council deems appropriate.

3.2 The Statement of Licensing Policy has now been revised based on the second stage of consultation which was concluded in February. There are now further options for the Council to consider.

3.3 **Option 1:** The Council could agree the revised Gambling Act 2005 Statement of Licensing Policy, alongside agreeing a framework for how the Council aims to publish a Local Area Risk Profile.

3.4 **Option 2:** The Council could agree the revised Gambling Act 2005 Statement of Licensing Policy, and not undertake work to develop a Local Area Risk Profile.

3.5 **Option 3:** The Council could decide to not agree a revised policy and continue to use the currently published statement.

3.6 The preferred option is Option 1. This option takes into account the responses received to both stages of consultation and reflects the views of forums, group and boards that were attended through the consultation process, alongside the views of the public. The proposed changes in the report reflect the views of the public, the Council and its partners, and form a policy that would have a positive impact on the regulation of gambling across the Borough.

Furthermore, this option shows the Council's commitment to further understanding the potential harms of gambling and will consider the completion of a Local Area Risk Profile to allow the Council to make informed decisions related to the grant of licences.

4. Consultation on proposal

4.1 The Council have carried out a full review of the policy, through a two-stage consultation process as agreed by Cabinet in June 2019. A total of twenty weeks of consultation have been carried out by the Council to review this policy, which has informed the final policy attached as Appendix 2.

4.2 The first stage of consultation focused on the broad issues associated with problem gambling and a total of 70 responses were received. Overall, it appeared that many respondents were unsure about the problems associated with harmful gambling in Rotherham. 37 of the 70 respondents were unsure if there was a problem with gambling within their area. This rose to 54 respondents when asked about any other areas of the borough.

4.3 Although respondents were unsure if problems existed, 56 (80%) did believe that the Council has a duty to protect residents from the harms associated with gambling. There was also clear evidence to suggest that respondents believed that gambling leads to health or social problems, both for individuals and the areas where gambling takes place. 55 (79%) respondents agreed with this statement, with only two individuals disagreeing.

4.4 A draft policy was produced based on the first stage of consultation. This policy was then subject to the second stage of consultation. All licensees within the Borough were informed of the consultation and encouraged to participate in the online consultation, or to attend the drop-in sessions which were planned across the borough. Furthermore, the Council has consulted with interested forums, committees and boards to ensure that the Council's partners have also been fully engaged

4.5 The online survey received 21 responses. This appears to be a low response but may reflect the current public position which has been seen through both consultation processes; i.e. that there may not be enough information in the public domain for residents to understand whether problem gambling is a serious issue in the borough. Nevertheless, the Council may have anticipated a larger amount of responses, considering that there are approximately 260 licensed gambling premises or gambling machines across the borough.

4.6 The main theme that has emerged through the consultation is that the public believe that it should be the responsibility of the betting company or licensee to assess the risk that their premise poses, before an application is submitted

4.7 Furthermore, respondents were asked to identify services where the proximity to a gambling premise may cause risk to the public. The presence of addiction centres, schools and colleges, youth clubs, pawn brokers, as well as areas of high crime were all felt to potentially increase the risk of gambling causing harm to an area.

4.8 Rotherham's Health and Wellbeing Board welcomed that harmful gambling has been identified as a concern within the policy and supports the commitment to ensure that prevention and support is embedded within the policy.

4.9 Additionally, the Board recognised the lack of currently available measures regarding the impact of gambling on individuals and communities. Therefore, there was support for the Council to utilise Public Health data to inform decision making and identify, where possible, locations in Rotherham where gambling is more likely to be harmful.

4.10 The Board, in line with national guidance, oversee Rotherham's local approach to reducing the impact of harmful gambling. The board have requested that updates are received by the Health and Wellbeing Board regarding the enforcement of this policy at suitable timescales to ensure ongoing strategic oversight.

5. Timetable and Accountability for Implementing this Decision

5.1 If Cabinet endorse the Gambling Act 2005 Statement of Licensing Policy, this must subsequently be adopted by Council.

5.2 If Council adopt the policy, this would be implemented following the standard call-in period. It is proposed to implement the policy on 1st May 2020.

5.3 If Cabinet take a decision to agree a piece of work on developing a Local Area Risk Profile, this could be published within twelve months of the decision being taken.

6. Financial and Procurement Advice and Implications

6.1 There are no direct procurement implications associated with the recommendations detailed in this report.

6.2 The costs of undertaking its statutory duties as a licensing authority, of which this consultation process and the enforcement of this Policy forms part, are contained within the Council's approved Licensing revenue budget, the costs of which are met by fees.

6.3 Fee levels in respect of the Gambling Act 2005 are set by Statute, however, the Council has discretion over these fees up to a prescribed maximum. Fees are reviewed annually as part of the Council's budget setting process.

7. Legal Advice and Implications

7.1 Section 349 of the Gambling Act 2005 (the Act) requires the Council to prepare and publish triennially a statement of the principles it proposes to apply in exercising its function under the Act (a document commonly known as a Gambling Policy or Statement of Gambling Policy – hereafter referred to as the Policy). A licensing authority may review and revise their Gambling Policy within each three year cycle.

7.2 The form of the statement or any revision is a matter for the Council; however this is subject to Regulations 4 to 6 of the Gambling Act 2005 (Licensing Authority Policy Statement) (England & Wales) Regulations 2006, which set out the requirements for the content and form of the Policy and the procedure to be followed in preparing and then publishing it. In accordance with these Regulations a minimum of 4 weeks is required between publication and the Policy coming into effect.

7.3 Prior to publishing its Policy, the Council must undertake the statutory consultation as provided by section 349(3) of the Act and any Regulations made under it. This requires that the Council consult with:

- The Chief Officer of Police;
- One or more persons who represent the interests of gambling businesses in the Borough, and

One or more persons who represent the interests of persons who are likely to be affected by the exercise of the Council's functions under the Gambling Act

7.4 The Council must have regard to all relevant legislation and all consultation responses should be conscientiously taken into account when forming the Policy, in order to minimise the risk of legal challenge.

7.5 In accordance with the Council's constitution, the Council's Gambling Policy is formulated by Cabinet. Pursuant to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 the Council's Gambling Policy is required to be part of the Council's policy framework and adoption of that Policy falls to be made by full Council.

8. Human Resources Advice and Implications

8.1 There are no direct human resources implications associated with the recommendations detailed in this report.

9. Implications for Children and Young People and Vulnerable Adults

9.1 The protection of children and vulnerable adults is one of the Licensing objectives, and the policy makes reference to a number of measures that are introduced to protect children and vulnerable people from the harmful effects of gambling.

10. Equalities and Human Rights Advice and Implications

10.1 Section 149 of the Equality Act 2010 sets out the public sector equality duty, i.e. that all public bodies are under an obligation to have ‘due regard’ to eliminating unlawful discrimination, advancing equality and fostering good relations in the contexts of age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, sex and sexual orientation.

10.2 Section 149 (1) (b) of the Act states that: a public authority must, in the exercise of its functions, have due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. Part of the duty to have “due regard” where there is disproportionate impact will be to take steps to mitigate the impact and the Council must demonstrate that this has been done, and/or justify the decision, on the basis that it is a proportionate means of achieving a legitimate aim.

10.3 The Equality Duty must be complied with before and at the time that a particular policy is under consideration or decision is taken – that is, in the development of policy options, and in making a final decision. A public body cannot satisfy the Equality Duty by justifying a decision after it has been taken.

10.4 A full Equality Impact Assessment has been completed, as per the Council’s policy, and is attached as Appendix 1.

10.5 The Human Rights Act 1998 requires UK legislation to be interpreted in a manner consistent with the European Convention on Human Rights. It is unlawful for the Council to act in a way that is incompatible (or fail to act in any way that is compatible) with the rights protected by the Act. Any action undertaken by the Council that could have an effect upon another person’s Human Rights must be taken having regard to the principle of proportionality: the need to balance the rights of the individual with the rights of the community as a whole. Any action taken by the Council which affects another’s rights must be no more onerous than is necessary in a democratic society. The matter set out in this report must be considered in light of the above obligations.

11. Implications for Ward Priorities

11.1 This policy will apply directly and equally to all wards within the borough.

12. **Implications for Partners**

12.1 A range of partners and stakeholders were engaged through the consultation process. The Council recognise that a number of agencies work with the Council to regulate this sector, including South Yorkshire Police and the Gambling Commission.

12.2 The Council are proposing that further work is undertaken with colleagues in Public Health to develop a Local Area Risk Profile for the borough.

13. **Risks and Mitigation**

13.1. Failure to publish a Gambling Act Statement of Licensing Policy exposes the Council to legal challenge as a result of failing to comply with statutory requirements.

13.2 Failure to carry out the required consultation process would also expose the Council to legal challenge.

13.3 In addition, the absence of an up to date policy may lead to inappropriate decisions being made in relation to licence applications.

13.4 In order to mitigate this risk, it is proposed that the Statement of Licensing Policy be introduced as soon as possible (ensuring that all statutory processes are observed), particularly in relation to the consultation process.

14. Accountable Officers

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

Approvals obtained on behalf of Statutory Officers:

	Named Officer	**Date**
Chief Executive	Sharon Kemp	09/03/20
Strategic Director of Finance & Customer Services (S.151 Officer)	Judith Badger	05/03/20
Head of Legal Services (Monitoring Officer)	Bal Nahal	05/03/20

Report Author: Alan Pogorzelec, Licensing Manager
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Ben Mitchell, National Management Trainee
ben.mitchell@rotherham.gov.uk

This report is published on the Council's website.

Rotherham Metropolitan Borough Council

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: Gambling Act 2005 Statement of Licensing Policy 2020-2023	
Date of Equality Analysis (EA): 27th February 2020	
Directorate: Regeneration and Environment	**Service area:** Community Safety and Street Scene
Lead Manager: Tom Smith	**Contact number:** 01709 822025
Is this a: [x] **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)**
Ben Mitchell	RMBC	National Management Trainee
Tom Smith	RMBC	Assistant Director
Alan Pogorzelec	RMBC	Licensing Manager
Steve Eling	RMBC	Policy Officer

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

Aim/Scope (who the Policy/Service affects and intended outcomes if known)
This may include a group/s identified by a protected characteristic, others groups or stakeholder/s e.g. service users, employees, partners, members, suppliers etc.)

The Council is responsible for licensing: premises related to gambling; operators of those premises; and societies that hold small lotteries. Furthermore, the Council are required to monitor compliance and enforce the Gambling Act within the borough. Any other regulation and licensing powers sit with the Gambling Commission.

The Gambling Commission states that 'Gambling is a legitimate leisure activity that many people enjoy. It can generate income, employment and taxi revenue. However, it can also generate significant disbenefits such as working days lost through problem gambling, or the cost of treatment for ill-health caused by stress related to gambling debt'.

There is an increasing awareness of the harms associated with problem gambling. In Rotherham, estimates suggest that between 1,700 and 3,716 individuals have problems with gambling. However, evidence suggests that it is likely that these individuals affect a further 6-10 people directly through their activity.

Evidence also suggests that gambling can also adversely affect children and young people. Recent research suggests that nearly 2% of children between 11-16 are problem gamblers, and a further 2.2% are at risk of problems associated to gambling.

Through a revised policy, the Council has aimed to create a joined-up approach to tackling problem gambling, integrating the licensing policy with other key strategies across the Council and its partners. Furthermore, detailed guidance has been given to applicants to emphasise how the licensing objectives can be promoted, which includes how best to work with the Council and its partners to: prevent gambling being a source of crime or disorder; ensure gambling is conducted in a fair and open way; and protect children and other vulnerable persons from harm or exploitation by gambling.

Finally, the Council have proposed to carry out further work to create a 'Local Area Risk Profile', which would identify communities within the borough that may have a higher

sensitivity to problem gambling. The draft policy includes substantially more information and gives advice to applicants on how to carry out their own risk assessment of the local area, but currently the Council have not identified a toolkit that could be used by the responsible authorities to proactively monitor problem gambling across the borough.

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

As stated above, there is an increasing evidence base that gambling can create significant social harms, which disproportionately affect those who live in more deprived, or are vulnerable due to their age or another protected characteristic.

The Council have endeavoured to engage members of the public through a wide-range of consultation methods, including an online survey, drop-in sessions and representative forums. Consultation has been ongoing from June 2019 to February 2020, and a total of twenty weeks of consultation has been undertaken.

The first stage of consultation focused on broad issues associated to gambling premises to identity the public perception of gambling within the borough, as well as the associated harms they may pose through health, public order and crime. The Council received 70 responses to the first stage of consultation over twelve weeks. Overall, it appeared that respondents were unsure about the extent of problems associated with gambling in Rotherham. However, although respondents were unsure if problems existed, they agreed that the Council had an important role in protecting residents from the harms associated with gambling, as well as suggestions that gambling did lead to health or social problems.

Based on this response, the Council produced a revised policy, which was then subject to a further eight-week period of consultation. A further 21 responses were received in this timeframe. The main theme that emerged from this consultation was that companies and licensees should be responsible for assessing the risk that they pose to communities, and that various services such as schools, youth clubs, addiction centres and areas of high crime should be taken into account when considering any application.

Through this consultation, the Council have formulated a final policy which takes into account the views raised, and ensures that communities, those with protected characteristics and other groups who may be more vulnerable to problem gambling are protected through this policy.

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

Both nationally and locally, there is a significant lack of data regarding the problems related to gambling, how prevalent this is or specific groups who may be at a higher risk. Across Yorkshire and Humber last year, only thirty people presented at hospitals with gambling related issues, and this is the only dataset which measures health-related outcomes associated with problem gambling. However, the Council recognise that this is not normally the most appropriate way to measure health-related outcomes and that other measures need to be put in place to provide the Council with more accurate information.

Overall, any information that is available is likely to be significantly underestimating the prevalence of problem gambling, which is likely to mean that any locally available data is also underestimating the scale of the problem. Furthermore, this data does not take into account any equalities screening, so it is not possible to identify particular groups that may

be at higher risk.	
What monitoring arrangements have you made to monitor the impact of the policy or service on communities/groups according to their protected characteristics? The enforcement of the polices, as undertaken by the Licensing service, will be regularly reported to the Licensing Committee. These reports will clearly show how those with protected characteristics are being protected through the policy, specifically focusing on children and young people, and those with a disability, but having regard to all groups of people.	
Engagement undertaken with customers. (date and group(s) consulted and key findings)	A full consultation on the revised policy has been undertaken, totalling twenty weeks of consultation. This has aimed to engage a wide range of stakeholders, including licensees, members of the public and other interest parties.
Engagement undertaken with staff (date and group(s)consulted and key findings)	A full consultation on the revised policy has been undertaken, totalling twenty weeks of consultation. This has aimed to engage a wide range of stakeholders including staff, both that work for the Council and it's partner agencies, such as the Police and colleagues in Public Health.

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 adoption of this policy will support the Council and the communities it represents to have a higher level of confidence in the way that the Council considers and regulates gambling premises. A number of changes will have a positive impact on local communities, as well as children and other vulnerable groups. The Council are proposing to integrate the Licensing policy with a number of other key strategies which have an involvement with gambling related harms, through the Council and its wider partners. This includes the Health and Wellbeing Board, Safer Rotherham Partnership and Culture and Tourism. This proposal will enable the Council to deal with the harms associated with gambling in a single approach, improving the outcomes for all people in the borough, specifically those who are vulnerable to harms associated to gambling.

Furthermore, the Council has issued substantially more guidance in the new policy than was previously available to applicants. This gives information to potential licensees about the promotion of each individual licensing objective, and what to consider when submitting their application for a licence. One of the licensing objectives is:

- Protecting children and other vulnerable persons from harm or exploitation

Within this section, the Council have set out the definition of children and young people under the policy, as well as signposting to a code of practice issued by the Gambling Commission and giving information regarding Child Sexual Exploitation and wider forms of Child Exploitation of which applicants and licensees should be particularly aware. The Council also encourage applicants to work in partnership with the police and the Council's MASH team in order to sufficiently take into account these issues.

Vulnerable persons have also been defined as 'anybody that gambles more than they want to', but makes particular reference to the elderly, those with mental illnesses who may not be able to make informed choices, and those under the influence of alcohol or drugs. The Council also have regard to the Gambling Commission's code of practice which gives recommendations for policies that should be implanted by the operator to protect vulnerable people.

The policy then states the additional measures that applicants may consider necessary when applying their licence, which include CCTV, proof of age schemes, advertisements displayed in windows and entrances, self-exclusion schemes and provision of information and leaflets for helplines and support services.

Finally, the Council are proposing to undertake further work on a Local Area Risk Profile. This document is designed to assist operators undertaking their risk assessments, and would also be taken into account when considering applications or variations to existing licences. This document could include data and maps showing the distribution of gambling premises, alongside sensitive services that were identified through the consultation, such as:

- addiction centres,
- schools and colleges,
- youth clubs,
- pawn brokers and pay day loan companies,
- and areas of high crime

Although this work is ongoing, this would help to meet the needs of different groups who may be at the highest risk of problem gambling. This includes services that are designed for children and young people, those who have mental illnesses or addictions, alongside services which target and exploit areas of deprivation and vulnerable people.

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

As the policy only interacts with licensees, applicants, or decision makers, there shouldn't be any barriers for particular communities/ groups when accessing the policy. However, the Council do have regard for the fact that the overall aim of the policy is to support those at risk.

Does the Service/Policy provide any positive impact/s including improvements or remove barriers? As stated in Section 4, a number of changes to the policy will have positive impacts on vulnerable groups, including further information given to applicants on how to promote the licensing objectives and the conditions that could be applied to ensure that certain groups are protected from the harms associated to gambling, including children, the elderly and those who may be vulnerable to problem gambling.
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) When considering community relations, the Council believe that the introduction on a Local Area Risk Profile will improve relations between communities, the Council and licensees. This piece of work will enable the Council to make more informed decisions when considering applications, and only allow for new licenses to be granted in appropriate places. Therefore, communities that may have higher levels of deprivation, or a high density of existing premises, may be protected from further establishments being licensed.

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: Gambling Act 2005 Statement of Licensing Policy 2020-2023
Directorate and service area: Regeneration and Environment, Community Safety and Street Scene
Lead Manager: Tom Smith, Assistant Direct, Community Safety and Street Scene
Summary of findings:
This assessment has shown the wide ranging consultation that has been undertaken by the Council in relation to the revised Gambling Act 2005 Statement of Licensing Policy. The Council have introduced new parts of the policy that aim to have a positive impact on specific protected characteristics, including age, as well as vulnerable groups who are at risk of problem gambling. Although the Council has recognised that there is a lack of data available, both locally and nationally, which reports on the harms associated to gambling, the Council believe that socio-economic deprivation does have an impact on problem gambling and has introduced new parts of the policy that aim to minimise the risks that this group may face from the premises regulated under this policy. Finally, the Council will undertake further work on a Local Area Risk Profile, which may protect communities where there is a higher risk of problem gambling, or where the density of premises is already high. This should improve relations between communities and the Council, giving the public more confidence in the licensing process, the premises that it regulates and the protection of vulnerable residents.

Action/Target	State Protected Characteristics as listed below	Target date (MM/YY)
To undertake further work to introduce a Local Area Risk Profile for the borough	**O**	
To identify relevant data and proxies to measure the risk of problem gambling on communities and specific groups.	**ALL**	

***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 Smith	Assistant Director, Community Safety and Street Scene	28/08/20
Paul Woodcock	Strategic Director, Regeneration and Environment	04/03/20

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	27/02/20

Report title and date	Gambling Act 2005 Statement of Licensing Policy
Date report sent for publication	04/03/20
Date Equality Analysis sent to Performance, Intelligence and Improvement equality@rotherham.gov.uk	03/03/20

Rotherham Metropolitan Borough Council Gambling Act 2005 Statement of Licensing Policy

2020 - 2023

Contents

Part A – General Information **4**
1. Introduction 4
2. Declaration 5
3. Responsible Authorities 5
4. Interested parties 6
5. Exchange of information 7
6. Enforcement 7
7. Licensing authority functions 8
8. Integrating Strategies 10
   8.1 Public Health 10
   8.2 Safer Rotherham Partnership 10
   8.3 Planning 11
   8.4 Culture and Tourism 11
   8.5 Promotion of Equality 12
   8.6 Disabled access 13

Part B – Promotion of the Licensing Objectives **14**
1. Introduction 14
2. The Licensing Objectives 14
   2.1 Promoting the prevention of crime and disorder 14
   2.2 Promoting the fairness and openness 15
   2.3 Promoting the protection of children and other vulnerable persons objective 15
   2.4 Measures to protect children from harm 17

Part C - Consideration of Premise Licence Applications **20**
1. Introduction 20
2. Decision making 20
3. Definition of premises 20
4. Access Provisions 22
   4.1 Casinos 22
   4.2 Adult Gaming Centres 22
   4.3 Betting Shops 22
   4.5 Tracks 22
   4.5 Bingo Premises 22
   4.6 Family Entertainment Centre 22
5. Premises ready for gambling 23
6. Location 23
7. Planning 24
8. Duplication 24
9. Consideration of licensing objectives 25
10. Conditions 25
11. Door supervisors 26
12. Provisional statements 27
13. Reviews 28

DRAFT

14. Information relevant to specific premises 29
14.1 Adult Gaming Centres 29
14.2 Licensed Family Entertainment Centres 30
14.3 Casinos 30
14.4 Bingo Premises 31
14.5 Betting Premises 31
14.6 Tracks 31
14.7 Machines 32
14.8 Applications and Plans 32
14.9 Travelling Fairs 33

Part D - Permits and Temporary or Occasional Use Notices 34
1. Prize Gaming Permits 34
2. Unlicensed Family Entertainment Centres 35
3. Alcohol Licensed Premises 35
4. Club Gaming and Club Machine Permits 36
5. Temporary Use Notices 36
6. Occasional Use Notices 36
7. Small Society Lotteries 37

Part E – Risk Assessments and Local Area Risk Profile 38
1. Introduction 38
2. Risk Assessments 38
3. The Local Area 39
4. The Gambling Operation 40
5. The Design of the Premises 41
6. Local Area Risk Profile 41

The following documents support, but do not form part of, this policy:

Appendix A Map of the Rotherham Borough

Appendix B Details of Consultees

Appendix C Delegation of Functions

This Statement of Licensing Policy was approved by Rotherham Metropolitan Borough Council on [date to be inserted] This statement should be read in conjunction to the Gambling Commission's Guidance to Licensing Authorities, 5th Edition, published September 2015. All references to 'the guidance', refer to this document.

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PART A- General Information

1. Introduction

1.1. Licensing authorities are required by the Gambling Act 2005 to publish a statement of the principles which they propose to apply when exercising their functions throughout the area for which they are responsible.

1.2. This policy applies to the whole of the Borough of Rotherham, the extent of which is shown on the map attached as Appendix 1.

1.3. This statement must be published at least every three years. The statement must also be reviewed from "time to time" and any amended parts re-consulted upon. The statement must be then re-published.

1.4. Rotherham Metropolitan Borough Council consulted widely upon this statement before finalising and publishing. A list of those persons consulted is provided in Appendix 2. It should be noted that unsolicited comments were received from other persons but we have not listed all of these.

1.5. The Gambling Act requires that the following parties are consulted by licensing authorities:

- The Chief Officer of Police;
- One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area;
- One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Gambling Act 2005.

1.6. A list of consultees is attached at Appendix 2.

1.7. The full list of comments made and the consideration by the Council of those comments will be made available by request to: Rotherham Metropolitan Borough Council, Licensing, Riverside House, Main Street, Rotherham, S60 1AE or via the Council's website at: http://www.rotherham.gov.uk.

1.8. The policy was approved at a meeting of the Full Council on [date to be inserted once date of meeting is known] and was published via our website on [date to be inserted as appropriate]. Copies were placed in Riverside Library.

1.9. Should you have any comments as regards this policy statement please send them via e-mail or letter to the following contact:

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The Licensing Manager,
Rotherham Metropolitan Borough Council,
Licensing,
Riverside House,
Main Street,
Rotherham,
S60 1AE

Email: licensing@rotherham.gov.uk

1.10. It should be noted that this statement of licensing principles will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Gambling Act 2005.

2. Declaration

2.1. In producing the final statement, this licensing authority declares that it has had regard to the licensing objectives of the Gambling Act 2005, the Guidance to Licensing Authorities issued by the Gambling Commission, and any responses from those consulted on the statement.

3. Responsible Authorities

3.1. The licensing authority is required by regulations to state the principles it will apply in exercising its powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm. The principles are:

- the need for the body to be responsible for an area covering the whole of the licensing authority's area; and
- the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.

3.2. In accordance with the suggestion in the Gambling Commission's Guidance to Licensing Authorities, this authority designates the Rotherham Children's Safeguarding Partnership for this purpose.

3.3. The contact details of all the Responsible Authorities under the Gambling Act 2005 are available from the Licensing team or via the Council's website.

DRAFT

4. Interested parties

4.1. Interested parties can make representations about licence applications, or apply for a review of an existing licence. These parties are defined in the Gambling Act 2005 as follows:

> *"For the purposes of this Part a person is an interested party in relation to an application for or in respect of a premises licence if, in the opinion of the licensing authority which issues the licence or to which the applications is made, the person:-*
>
> *a) lives sufficiently close to the premises to be likely to be affected by the authorised activities,*
> *b) has business interests that might be affected by the authorised activities, or*
> *c) represents persons who satisfy paragraph (a) or (b)"*

4.2. The licensing authority is required by regulations to state the principles it will apply in exercising its powers under the Gambling Act 2005 to determine whether a person is an interested party. The principles are:

4.3. Each case will be decided upon its merits. This authority will not apply a rigid rule to its decision making. It will consider the examples of considerations provided in the Gambling Commission's Guidance to Licensing Authorities. It will also consider the Gambling Commission's Guidance that "has business interests" should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.

4.4. Interested parties can be persons who are democratically elected such as councillors and MPs. These parties do not need specific evidence of being asked to represent an interested person, as long as the councillor / MP represent the ward which is likely to be affected. Likewise, parish councils likely to be affected will be considered to be interested parties. Other than these however, this authority will generally require written evidence that a person/body (e.g. an advocate / relative) 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient.

4.5. If individuals wish to approach councillors to ask them to represent their views, then care should be taken that the councillors are not part of the Licensing Committee dealing with the licence application. If there are any doubts then please contact the Governance Unit at: Governance Unit, Democratic Services, Town Hall, Moorgate Street, Rotherham, S60 2TH or email: governance@rotherham.gov.uk

5. Exchange of Information

5.1. Licensing authorities are required to include in their statements the principles to be applied by the authority in exercising the functions under sections 29 and 30 of the Act with respect to the exchange of information between it and the Gambling Commission, and the functions under section 350 of the Act with the respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.

5.2. The principle that this licensing authority applies is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provision that the Data Protection Act 1998 will not be contravened. The licensing authority will also have regard to any Guidance issued by the Gambling Commission on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

5.3. Should any protocols be established as regards information exchange with other bodies then they will be made available.

6. Enforcement

6.1. Licensing authorities are required by regulation under the Gambling Act 2005 to state the principles to be applied by the authority in exercising the functions under Part 15 of the Act with respect to the inspection of premises; and the powers under section 346 of the Act to institute criminal proceedings in respect of the offences specified.

6.2. This licensing authority's principles are that enforcement will be:

- Proportionate: regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised;
- Accountable: regulators must be able to justify decisions, and be subject to public scrutiny;
- Consistent: rules and standards must be implemented fairly;
- Transparent: regulators should be open, and keep regulations simple and user friendly; and
- Targeted: regulation should be focused on the problem, and minimise side effects.

6.3. As per the Gambling Commission's Guidance to Licensing Authorities this licensing authority will endeavour to avoid duplication with other regulatory regimes so far as possible.

6.4. This licensing authority has adopted and implemented a risk-based inspection programme, based on:

- The licensing objectives
- Relevant codes of practice
- Guidance issued by the Gambling Commission,
- The principles set out in this statement of licensing policy

6.5. The main enforcement and compliance role for this licensing authority in terms of the Gambling Act 2005 is to ensure compliance with the premises licences and other permissions which it authorises. The Gambling Commission is the enforcement body for operating and personal licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines are not dealt with by the licensing authority but should be notified to the Gambling Commission.

6.6. This licensing authority also keeps itself informed of developments in relation to the regulatory functions of local authorities.

6.7. If members of the public, or interested parties, wish to complain about individual premises covered by this policy, then they should contact the Licensing Service at: licensing@rotherham.gov.uk.

7. Licensing authority functions

7.1. Licensing authorities are required under the Act to:

- Be responsible for the licensing of premises where gambling activities are to take place by issuing Premises Licences
- Issue Provisional Statements
- Regulate members' clubs and miners' welfare institutes who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits
- Issue Club Machine Permits to Commercial Clubs
- Grant permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres
- Receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines
- Issue Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines
- Register small society lotteries below prescribed thresholds
- Issue Prize Gaming Permits
- Receive and Endorse Temporary Use Notices
- Receive Occasional Use Notices
- Provide information to the Gambling Commission regarding details of licences issued

DRAFT

- Maintain registers of the permits and licences that are issued under these functions

7.2. It should be noted that licensing authorities are not involved in licensing remote gambling at all, which is regulated by the Gambling Commission via operating licences.

7.3. The Council regulates the following types of premise or machine, which are defined by the Gambling Commission below:

7.3.1. **Adult Gaming Centres:**
Persons operating an adult gaming centre (AGC) must hold a 'gaming machines general operating licence (adult gaming centre)' from the Commission and a premises licence from the relevant licensing authority. They are able to make category B, C and D gaming machines available.

7.3.2. Licensed Family Entertainment Centres:
Persons operating a licensed FEC must hold a 'gaming machine general operating licence (Family Entertainment Centre)' from the Commission and a premises licence from the relevant licensing authority. They will be able to make category C and D gaming machines available.

7.3.3. Casinos
A casino is an arrangement whereby people are given an opportunity to participate in one or more casino games. Casino games are defined by the Act to mean a game of chance which is not equal chance gaming.

7.3.4. Bingo Premises:
Bingo is not given a statutory definition in the Act although two types of bingo are commonly understood:

- cash bingo, where the stakes paid are the cash prizes won
- prize bingo, where various forms of prizes are won, not directly related to the stakes paid.

The Commission believes that all bingo is equal chance gaming and a specific advice note titled 'What constitutes bingo' has been developed by the Gambling Commission.

7.3.5. Betting Premises:
Betting premises are considered off-course betting establishments which is betting that takes place other than at a track. Licensing authorities are responsible for issuing and monitoring premises licences for all betting premises.

DRAFT

7.3.6. Tracks:
The Act defines a track as a horse racecourse, greyhound track or other premises on any part of which a race or other sporting event takes place or is intended to take place.

7.3.7. Travelling Fairs:
The Act defines a travelling fair as 'wholly or principally' providing amusements and they must be on a site that has been used for fairs for no more than 27 days per calendar year. The Act does not change the principles on which travelling fairs have been regulated under previous legislation.

8. Integrating strategies

The Licensing Authority will seek to achieve integration with the strategies set out below and will consult with the appropriate organisations to achieve this.

8.1. Public Health

8.1.1. The Licensing Authority is very conscious of the critical role that public health agendas play in delivering data and advice that informs the Council's approach to the licensing of gambling establishments.

8.1.2. Public Health have critical knowledge to inform the prevention and support strategies that might be included within the Statement of Licensing Policy.

8.1.3. The Licensing Authority will work closely with Public Health to ensure that the theme of prevention and support is embedded, and influences key conditions that might be included, such as the development of gambling awareness obligations for workers within the industry, and measures that might be introduced to help gambling establishments better mitigate the risks of harm presented by gambling.

8.1.4. In particular the Licensing Authority will utilise data from Public Health to inform decision making, to identify particular locations in Rotherham where gambling is more likely to be harmful, and to identify potential mitigations and /or conditions to reduce the harm caused by gambling in local areas.

8.2. Safer Rotherham Partnership

8.2.1. The Licensing Authority recognises its responsibility to address issues relating to crime and disorder and is committed to working together, with other partners, to make Rotherham a safe and attractive borough.

8.2.2. In making decisions, the Licensing Authority will consider the objectives of the Safer Rotherham Partnership, especially relating to:

DRAFT

- Reducing the opportunities for crime to occur
- Tackling disorder and anti-social behaviour
- Reducing the fear of crime
- Combating the use of drugs

8.3. **Planning**

8.3.1. Applications under the Gambling Act 2005 will be considered separately from other regimes such as planning and building control. This is in order to avoid duplication and inefficiency. Applications for premises licences for permanent commercial premises should normally be from businesses with the appropriate planning consent for the property concerned. However, applications for licences may be made to the Licensing Authority before relevant planning permission has been sought or granted by the planning authority.

8.3.2. Where a planning condition restricts usage of a premises to certain hours, and if these hours differ from those permitted on a premises licence, then the premises user must comply with the more restricted of the two sets of hours.

8.4. **Culture and Tourism**

8.4.1. The Council is working to develop and promote Rotherham as a good place to live and work, which means more jobs, a vibrant cultural sector and good quality green spaces.

8.4.2. It is supporting the economic growth and the regeneration of the borough through work with partners to deliver a joined-up culture, sport and tourism offer and adopting the Town Centre Masterplan, alongside supporting the Council's Local Plan.

8.4.3. The International Covenant on Economic, Social and Cultural Rights (ICESCR) which was ratified by the UK in 1976 recognises the right of everyone to take part in cultural life and requires that active steps are taken to develop cultural activity and ensure that everyone can participate in the cultural life of the community.

8.4.4. The strategy in relation to culture and tourism encompasses arts, heritage, museums, parks and green spaces, neighbourhood facilities, markets, festivals and public events, media, libraries and literature, sport, play, faith and worship, tourism, restaurants and bars and creative industries.

8.4.5. This policy will operate in the spirit of the Council's approach to improving the borough's culture and tourism offer and the International Covenant on Economic, Social and Cultural Rights (ICESCR). In doing so, it will seek to

DRAFT

maintain a balance between regulation and supporting cultural activity. It will strive to maintain a balance between the need to 'manage' any detrimental impacts of an activity in a community with the many benefits cultural activity brings to communities, in developing personal aspiration and potential, building cohesive communities, providing opportunities for young people, contributing to economic growth and regeneration and the development of sustainable communities.

8.5. **Promotion of Equality**

8.5.1. In developing this strategy, the Licensing Authority has recognised its responsibility under the Equality Act 2010, to consider the need to eliminate unlawful discrimination, harassment and victimisation and to advance equality of opportunity between different groups and foster good relations between different groups. This Policy also acknowledges the Council's Public Sector Equality Duty to:

- Eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Act;
- Advance equality of opportunity between people who share a protected characteristic and people who do not share it; and
- Foster good relations between people who share a protected characteristic and people who do not share it.

8.5.2. The Licensing Authority also recognises that this policy should promote equality and has therefore assessed the potential impact on disadvantaged groups, alongside those with a protected characteristic. It has considered and consulted with this in mind.

8.5.3. The following actions, which have been identified as being necessary to promote equality, and within the scope of the Act and supporting guidance, will be implemented by the Licensing Authority:

- The Licensing Policy and associated documents will be available on the internet, and in other formats upon request.
- The licensing objective of protecting children from harm will be promoted.
- Support will be offered to licence applicants, licence holders and potential objectors who are socially excluded.
- Account will be taken of the effect of specific applications on community cohesion, including the need to balance the benefits of cultural and community activities with limited local disturbance.
- Action will be taken to endeavour to ensure the safety of vulnerable people in licensed premises.
- Action will be taken to ensure that all applications, particularly those for disadvantaged groups, are dealt with fairly.

8.5.4. The Licensing Authority is aware that there may be particular sensitivities of

certain buildings, for example religious buildings, to certain licensable activities taking place in close proximity. Where this proximity has an impact on the promotion of one of the licensing objectives this is a matter for the Licensing Authority. Where the impact does not affect the promotion of the licensing objectives, there may be other control mechanisms, such as the planning system, that could be applicable.

8.6. **Disabled Access**

8.6.1. The guidance supporting the Act advises that conditions relating to disabled access should not be attached to licences, as this would duplicate existing statutory requirements. The Licensing Authority therefore takes this opportunity to remind operators of premises of their duties under the Equality Act 2010.

DRAFT

PART B - The Licensing Objectives

1. Introduction

1.1. In exercising most of their functions under the Gambling Act 2005, licensing authorities must have regard to the licensing objectives as set out in Section 1 of the Act. The licensing objectives are:

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime (the prevention of crime and disorder objective).
- Ensuring that gambling is conducted in a fair and open way (the fairness and openness objective).
- Protecting children and other vulnerable persons from being harmed or exploited by gambling (the protecting children and other vulnerable people objective).

1.2. It should be noted that the Gambling Commission has stated: "The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling".

1.3. This licensing authority is aware that, as per Section 153, in making decisions about premises licences and temporary use notices it should aim to permit the use of premises for gambling in so far as it thinks it:

- in accordance with any relevant code of practice issued by the Gambling Commission
- in accordance with any relevant guidance issued by the Gambling Commission
- reasonably consistent with the licensing objectives and
- in accordance with the authority's statement of licensing policy

2. The Licensing Objectives

2.1. Promoting the prevention of crime and disorder objective

2.1.1. The Gambling Commission will take the lead role in keeping gambling free from crime by vetting applicants for operator and personal licences. The council will have to be satisfied that the premises will not adversely affect the licensing objective and is compliant with the Commission's Guidance, codes of practice and this policy statement.

2.1.2. The council will expect the applicant to have a good understanding of the local area in which they either operate, or intend to operate, a gambling premises. As part of the application, the applicant will provide evidence to demonstrate that in operating the premises they will promote this licensing objective.

2.1.3. Applicants are encouraged to discuss the crime prevention procedures in their premises with the Council's Licensing Officer and South Yorkshire Police before making a formal application.

2.1.4. In considering licence applications, the Licensing Authority will particularly take into account the following:-

- The design and layout of the premises;
- The training given to staff in crime prevention measures appropriate to those premises;
- Physical security features installed in the premises. This may include matters such as the position of cash registers or the standard of CCTV that is installed;
- Where premises are subject to age restrictions, the procedures in place to conduct age verification checks;
- The likelihood of any violence, public order or policing problem if the licence is granted.

2.1.5. Whilst disorder is considered within a licensing objective, nuisance is not. Therefore, the Licensing Authority will make a distinction between disorder and nuisance and will consider factors, for example whether police assistance was required and how threatening the behaviour was to those who could see it, so as to make that distinction.

2.2. Promoting the fairness and openness objective

2.2.1. The Gambling Commission is the body primarily concerned with ensuring that operators conduct gambling activities in a fair and open way, except in the case of tracks.

2.2.2. The council will notify the Gambling Commission of any concerns about misleading advertising or absence of required game rules, or any other matters as set out in the Gambling Commission's Licence Conditions and Code of Practice.

2.3. Promoting the protection of children and other vulnerable persons objective

<u>Protection of children</u>

2.3.1. Persons under 18 cannot be admitted to many types of gambling premises. This objective means preventing children from taking part in most types of gambling.

2.3.2. Section 45 of The Act provides the definition for child and young person:

- In this Act “child” means an individual who is less than 16 years old.
- In this Act “young person” means an individual who is not a child but who is less than 18 years old.

2.3.3. Children and young persons may take part in private and non-commercial betting and gaming, but the Act restricts the circumstances in which they may participate in gambling or be on premises where gambling is taking place as follows:

- casinos, betting shops and adult gaming centres are not permitted to admit anyone under 18;
- bingo clubs may admit those under 18 but must have policies to ensure that they do not play bingo, or play category B or C machines that are restricted to those over 18;
- family entertainment centres and premises licensed to sell alcohol for consumption on the premises can admit under 18s, but they are not permitted to play category C machines which are restricted to those over 18;
- clubs with a club premises certificate can admit under 18s, but they must have policies to ensure those under 18 do not play machines other than category D machines;
- All tracks can admit under 18s, but they may only have access to gambling areas on days where races or other sporting events are taking place, or are expected to take place. Tracks will be required to have policies to ensure that under 18s do not participate in gambling other than on category D machines.

2.3.4. The council will have regard to any code of practice which the Gambling Commission issues as regards this licensing objective in relation to specific premises.

2.3.5. The council will consider whether specific measures are required at particular premises, with regard to this licensing objective. These measures may include supervision of entrances / machines, segregation of areas, etc.

2.3.6. The Authority is committed to preventing and tackling all forms of Child Exploitation, including Child Sexual Exploitation (CSE) and Child Criminal Exploitation (CCE). Rotherham’s Children Safeguarding Board can give support, advice and training for premise operators and staff. Operators are encouraged to engage with the Safeguarding Board to include appropriate conditions and provide the necessary training to staff, covering how to deal with child protection, or perceived problems relating to children in or around the premise.

2.3.7. It is recommended that licence holders are always aware of potential Child Exploitation and report this if they see something that does not look right. This can be done through making contact with the police, or the Authority’s

Multi-Agency Safeguarding Hub (MASH). Further information on Child Exploitation awareness is available from both the Police and Licensing Authority's Licensing Services.

Protection of vulnerable people

2.3.8. It is difficult to define the term "vulnerable person". The Gambling Commission, in its Guidance to Local Authorities, does not seek to offer a definition, but will, for regulatory purposes assume that this group includes people:

"who gamble more than they want to, people who gamble beyond their means, elderly persons, and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, or because of the influence of alcohol or drugs."

2.3.9. The Gambling Commissions Code of Practice clearly describes the policies and procedures that operators should put in place regarding:

- combating problem gambling
- access to gambling by children and young persons
- information on how to gamble responsibly and help for problem gamblers
- customer interaction
- self-exclusion
- employment of children and young persons

2.4. Measures to protect children and vulnerable people from harm

2.4.1. The Council may consider any of the measures detailed below as licence conditions should these not be adequately addressed by any mandatory conditions, default conditions or proposed by the applicant:

- Operators should demonstrate their understanding of best practice issued by organisations that represent the interests of vulnerable people.
- Proof of age schemes.
- CCTV.
- Supervision of entrances/machine areas.
- Physical separation of areas.
- Location of entry to premises.
- Windows, entrances and advertisements to be positioned or designed not to entice passers-by.
- Specific opening hours.
- Self-exclusion schemes.
- Notices/signage:
    - Stickers or notices on gaming machines to identify the stakes / prizes

    - Fixed Odds Betting Terminals should clearly display the odds
- Provision of information leaflets / helpline numbers for organisations such as GamCare.
- ATMs and cash terminals located separately from gaming machines and displaying GamCare Helpline information.
- Training for staff which develops their ability to maintain a sense of awareness of how much customers are gambling, as part of measures to detect persons who are vulnerable. Training for the purpose of identifying and providing support to vulnerable persons
- Measures / training for staff on how to deal with children on the premises, for example suspected truancy from school.

2.4.2. This list is not mandatory, nor exhaustive, and is merely indicative of example measures. The Licensing Authority may consider any of the above or similar measures as licence conditions should these not be adequately addressed by any mandatory conditions, default conditions or suggestions proposed by the applicant. Any conditions attached to licences will be proportionate and follow the principles set out in this policy

2.4.3. This Authority will also ensure that where category C or above machines are on offer in premises to which children are admitted:

- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- only adults are admitted to the area where these machines are located;
- access to the area where the machines are located is supervised;
- the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
- at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

2.4.4. The Licensing Authority is aware that tracks, i.e. a horse racecourse, greyhound track or other premises on any part of which a race or other sporting event takes place or is intended to take place, may be subject to more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, this Licensing Authority will consider the impact upon the third licensing objective and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

2.4.5. The Licensing Authority will seek to ensure that operators are following conditions laid down by the Gambling Commission to provide information

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on how to gamble responsibly and how to access information about problem gambling. Information should be made available in accessible form e.g. large print.

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PART C - Premises Licences: Consideration of Applications

1. Introduction

1.1. Premises licences are subject to the requirements set-out in the Gambling Act 2005 and regulations, as well as specific mandatory and default conditions which are detailed in regulations issued by the Secretary of State. Licensing authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate.

2. Decision-making

2.1. This licensing authority is aware that in making decisions about premises licences it should aim to permit the use of premises for gambling in so far as it thinks it:

- in accordance with any relevant code of practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives; and
- in accordance with the authority's statement of licensing policy.

2.2. It is appreciated that as per the Gambling Commission's Guidance to Licensing Authorities "moral objections to gambling are not a valid reason to reject applications for premises licences" (except as regards any 'no casino resolution' - see section on Casinos) and also that unmet demand is not a criterion for a licensing authority.

2.3. The licensing authority will discharge its functions under the Act in accordance with the scheme of delegation outlined in Appendix 3.

3. Definition of "premises"

3.1. In the Act, "premises" is defined as including "any place". Section 152 therefore prevents more than one premises licence applying to any place. But a single building could be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. This approach has been taken to allow large, multiple unit premises such as a pleasure park, pier, track or shopping mall to obtain discrete premises licences, where appropriate safeguards are in place. However, licensing authorities should pay particular attention if there are issues about sub-divisions of a single building or plot and should ensure that mandatory conditions relating to access between premises are observed.

3.2. The Gambling Commission states in the fifth edition of its Guidance to Licensing Authorities that: "In most cases the expectation is that a single

building / plot will be the subject of an application for a licence, for example, 32 High Street. But, that does not mean 32 High Street cannot be the subject of separate premises licences for the basement and ground floor, if they are configured acceptably. Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances. The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter for discussion between the operator and the licensing officer. However, the Commission does not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can properly be regarded as different premises."

3.3. This licensing authority takes particular note of the Gambling Commission's Guidance to Licensing Authorities which states that: licensing authorities should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes.

3.4. The third licensing objective seeks to protect children from being harmed by gambling. This means not only preventing them from taking part in gambling, but also preventing them from being in close proximity to gambling. Therefore, premises should be configured so that children are not invited to participate in, have accidental access to or closely observe gambling where they are prohibited from participating.

3.5. Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not "drift" into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit.

3.6. Customers should be able to participate in the activities named on the premises licence.

3.7. The Guidance also gives a list of factors which the licensing authority should be aware of, which may include:

- Do the premises have a separate registration for business rates
- Is the premises' neighbouring premises owned by the same person or someone else?
- Can each of the premises be accessed from the street or a public passageway?
- Can the premises only be accessed from any other gambling premises?

3.8. This authority will consider these and other relevant factors in making its decision, depending on all the circumstances of the case.

4. Access provisions in relation to licensed premises.

4.1. Casinos

- The principal access entrance to the premises must be from a street (as defined in the Guidance)
- No entrance to a casino must be from premises that are used wholly or mainly by children and / or young persons
- No customer must be able to enter a casino directly from any other premise which holds a gambling premises licence.

4.2. Adult Gaming Centre

- No customer must be able to access the premises directly from any other licensed gambling premises

4.3. Betting Shops

- Access must be from a street (as per the Guidance to Licensing Authorities) or from another premises with a betting premises licence
- No direct access from a betting shop to another premises used for the retail sale of merchandise or services. In effect there cannot be an entrance to a betting shop from a shop of any kind and you could not have a betting shop at the back of a café – the whole area would have to be licensed.

4.4. Tracks

- No customer should be able to access the premises directly from:
    - a casino
    - an adult gaming centre

4.5. Bingo Premises

- No customer must be able to access the premise directly from:
    - a casino
    - an adult gaming centre
    - a betting premises, other than a track

4.6. Family Entertainment Centre

- No customer must be able to access the premises directly from:
    - a casino
    - an adult gaming centre
    - a betting premises, other than a track

DRAFT

Part 7 of the Gambling Commission's Guidance to Licensing Authorities contains further guidance on this issue, which this authority will also take into account in its decision-making.

5. Premises "ready for gambling"

5.1. The Guidance states that a licence to use premises for gambling should only be issued in relation to premises that the licensing authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use.

5.2. If the construction of a premises is not yet complete, or if they need alteration, or if the applicant does not yet have a right to occupy them, then an application for a provisional statement should be made instead.

5.3. In deciding whether a premises licence can be granted where there are outstanding construction or alteration works at a premises, this authority will determine applications on their merits, applying a two stage consideration process:

- First, whether the premises ought to be permitted to be used for gambling
- Second, whether appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.

5.4. Applicants should note that this authority is entitled to decide that it is appropriate to grant a licence subject to conditions, but it is not obliged to grant such a licence.

5.5. More detailed examples of the circumstances in which such a licence may be granted can be found in the Guidance.

6. Location

6.1. This licensing authority is aware that demand issues cannot be considered for the location of premises but that considerations of the licensing objectives are relevant to decision-making. As per the Gambling Commission's Guidance to Licensing Authorities, this authority will pay attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. Should any specific policy be decided upon as regards areas where gambling premises should not be located, this statement will be updated. It should be noted that any such policy does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how potential concerns can be overcome.

7. Planning

7.1. The Gambling Commission Guidance to Licensing Authorities states:

"In determining applications the licensing authority has a duty to take into consideration all relevant matters and not to take into consideration any irrelevant matters, i.e. those not related to gambling and the licensing objectives. One example of an irrelevant matter would be the likelihood of the applicant obtaining planning permission or building regulations approval for their proposal".

7.2. This authority will not take into account irrelevant matters as per the above guidance. In addition this authority notes the following excerpt from the Guidance:

"When dealing with a premises licence application for finished buildings, the licensing authority should not take into account whether those buildings have or comply with the necessary planning or building consents. Those matters should be dealt with under relevant planning control and building regulation powers, and not form part of the consideration for the premises licence. Section 210 of the 2005 Act prevents licensing authorities taking into account the likelihood of the proposal by the applicant obtaining planning or building consent when considering a premises licence application. Equally the grant of a gambling premises licence does not prejudice or prevent any action that may be appropriate under the law relating to planning or building".

8. Duplication with other regulatory regimes

8.1. This licensing authority seeks to avoid any duplication with other statutory / regulatory systems where possible, including planning. This authority will not consider whether a licence application is likely to be awarded planning permission or building regulations approval, in its consideration of it. It will though, listen to, and consider carefully, any concerns about conditions which are not able to be met by licensees due to planning restrictions, should such a situation arise.

8.2. When dealing with a premises licence application for finished buildings, this authority will not take into account whether those buildings have to comply with the necessary planning or buildings consents. Fire or health and safety risks will not be taken into account, as these matters are dealt with under relevant planning control, buildings and other regulations and must not form part of the consideration for the premises licence.

DRAFT

9. Consideration of Licensing objectives

9.1. Premises licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, this licensing authority has considered the Gambling Commission's Guidance to Licensing Authorities and some comments are made below.

10. Conditions

10.1. Any conditions attached to licences will be proportionate and will be:

- relevant to the need to make the proposed building suitable as a gambling facility;
- directly related to the premises and the type of licence applied for;
- fairly and reasonably related to the scale and type of premises; and
- reasonable in all other respects.

10.2. Decisions upon individual conditions will be made on a case by case basis, although there will be a number of measures this licensing authority will consider utilising should there be a perceived need, such as the use of supervisors, appropriate signage for adult only areas etc. There are specific comments made in this regard under some of the licence types below. This licensing authority will also expect the licence applicant to offer his/her own suggestions as to way in which the licensing objectives can be met effectively.

10.3. This licensing authority will also consider specific measures which may be required for buildings which are subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives. These matters are in accordance with the Gambling Commission's Guidance.

10.4. This authority will also ensure that where category C or above machines are on offer in premises to which children are admitted:

- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- only adults are admitted to the area where these machines are located;
- access to the area where the machines are located is supervised;
- the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and

DRAFT

- at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

10.5. These considerations will apply to premises including buildings where multiple premises licences are applicable.

10.6. This licensing authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, this licensing authority will consider the impact upon the third licensing objective and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

10.7. It is noted that there are conditions which the licensing authority cannot attach to premises licences which are:

- any condition on the premises licence which makes it impossible to comply with an operating licence condition;
- conditions relating to gaming machine categories, numbers, or method of operation;
- conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated; and
- conditions in relation to stakes, fees, winning or prizes.

11. Door Supervisors

11.1. The Gambling Commission advises in its Guidance to Licensing Authorities that if a licensing authority is concerned that a premises may attract disorder or be subject to attempts at unauthorised access (for example by children and young persons) then it may require that the entrances to the premises are controlled by a door supervisor, and is entitled to impose a premises licence to this effect.

11.2. Where it is decided that supervision of entrances / machines is appropriate for particular cases, a consideration of whether these need to be SIA licensed or not will be necessary. It will not be automatically assumed that they need to be licensed, as the statutory requirements for different types of premises vary (as per the Guidance, Part 33).

DRAFT

12. Provisional Statements

12.1. Developers may wish to apply to this authority for provisional statements before entering into a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to obtain a premises licence. There is no need for the applicant to hold an operating licence in order to apply for a provisional statement.

12.2. S204 of the Gambling Act provides for a person to make an application to the licensing authority for a provisional statement in respect of premises that he or she:

- expects to be constructed;
- expects to be altered; or
- expects to acquire a right to occupy.

12.3. The process for considering an application for a provisional statement is the same as that for a premises licence application. The applicant is obliged to give notice of the application in the same way as applying for a premises licence. Responsible authorities and interested parties may make representations and there are rights of appeal.

12.4. In contrast to the premises licence application, the applicant does not have to hold or have applied for an operating licence from the Gambling Commission (except in the case of a track) and they do not have to have a right to occupy the premises in respect of which their provisional application is made.

12.5. The holder of a provisional statement may then apply for a premises licence once the premises are constructed, altered or acquired. The licensing authority will be constrained in the matters it can consider when determining the premises licence application, and in terms of representations about premises licence applications that follow the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless:

- they concern matters which could not have been addressed at the provisional statement stage, or
- they reflect a change in the applicant’s circumstances.

12.6. In addition, the authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

- which could not have been raised by objectors at the provisional statement stage;

- which in the authority's opinion reflect a change in the operator's circumstances; or
- where the premises has not been constructed in accordance with the plan submitted with the application. This must be a substantial change to the plan and this licensing authority notes that it can discuss any concerns it has with the applicant before making a decision.

13. Reviews

13.1. Requests for a review of a premises licence can be made by interested parties or responsible authorities; however, it is for the licensing authority to decide whether the review is to be carried-out. This will be on the basis of whether the request for the review is relevant to the matters listed below:

- in accordance with any relevant Code of Practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives; and
- in accordance with the authority's statement of principles.

13.2. The request for the review will also be subject to the consideration by the authority as to whether the request is frivolous, vexatious, or whether it will certainly not cause this authority to wish to alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review.

13.3. The licensing authority can also initiate a review of a particular premises licence, or a particular class of premises licence on the basis of any reason which it thinks is appropriate.

13.4. Once a valid application for a review has been received by the licensing authority, representations can be made by responsible authorities and interested parties during a 28 day period. This period begins 7 days after the application was received by the licensing authority, who will publish notice of the application within 7 days of receipt.

13.5. The licensing authority must carry out the review as soon as possible after the 28 day period for making representations has passed.

13.6. The purpose of the review will be to determine whether the licensing authority should take any action in relation to the licence. If action is justified, the options open to the licensing authority are:

- add, remove or amend a licence condition imposed by the authority;
- exclude a default condition imposed by the Secretary of State (e.g. opening hours) or remove or amend such an exclusion;

- suspend the premises licence for a period not exceeding three months; and
- revoke the premises licence.

13.7. In determining what action, if any, should be taken following a review, the licensing authority must have regard to the principles set out in section 153 of the Act, as well as any relevant representations.

13.8. In particular, the licensing authority may also initiate a review of a premises licence on the grounds that a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.

13.9. Once the review has been completed, the licensing authority must, as soon as possible, notify its decision to:

- the licence holder
- the applicant for review (if any)
- the Commission
- any person who made representations
- the chief officer of police or chief constable; and
- Her Majesty's Commissioners for Revenue and Customs

14. Information relevant to specific premises

14.1. Adult Gaming Centres

14.1.1. This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to, for example, ensure that under 18 year olds do not have access to the premises.

14.1.2. This licensing authority may consider measures to meet the licensing objectives such as:

- Proof of age schemes
- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-exclusion schemes
- Provision of information leaflets/ helplines for organisations

14.1.3. This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

14.2. Licensed Family Entertainment Centres:

14.2.1. This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.

14.2.2. This licensing authority may consider measures to meet the licensing objectives such as:

- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-exclusion schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare.
- Measures / training for staff on how to deal with suspected truant school children on the premises

14.2.3. This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

14.2.4. This licensing authority will, as per the Gambling Commission's guidance, refer to the Commission's website to see any conditions that apply to operating licences covering the way in which the area containing the category C machines should be delineated. This licensing authority will also make itself aware of any mandatory or default conditions on these premises licences, when they have been published.

14.3. Casinos

14.3.1. This licensing authority has not passed a 'no casino' resolution under Section 166 of the Gambling Act 2005, but is aware that it has the power to do so. Should this licensing authority decide in the future to pass such a resolution, it will update this policy statement with details of that resolution. Any such decision will be made by the Full Council.

DRAFT

14.4. Bingo premises

14.4.1. Bingo is a class of equal chance gaming and is permitted in alcohol licensed premises and in clubs provided it remains below a certain prescribed threshold. If the only type of bingo to be provided is prize bingo then this may be authorised by way of a permit – see the section on prize gaming permits later in this Statement of Principles. Other types of bingo will require a bingo operating licence from the Gambling Commission and in addition a premises licence from the Licensing Authority. The holder of a bingo premises licence may make available for the use of category B machines (restricted to B3 or B4 machines) and any number of category C or D machines. Category B gaming machines must not exceed 20% of the total number of gaming machines which are available for use on the premises. Children and young persons are permitted on a bingo premises but are unable to participate in the bingo. If there are any category C or D machines made available for use on the premises, these must be separated from areas where children and young people are allowed.

14.5. Betting premises

14.5.1. This licensing authority will, as per the Gambling Commission's Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number / nature / circumstances of betting machines an operator wants to offer.

14.6. Tracks

14.6.1. At present this Authority does not have any licensed Tracks however this licensing authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, this licensing authority would especially consider the impact upon the third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

14.6.2. This authority would therefore expect the premises licence applicant to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing

takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.

14.6.3. This licensing authority may consider measures to meet the licensing objectives such as:

- Proof of age schemes
- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-exclusion schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare

14.6.4. This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

14.7. Machines

14.7.1. **Gaming Machines**: Where the applicant holds a pool betting operating licence and is going to use the entitlement to four gaming machines, machines (other than category D machines) should be located in areas from which children are excluded.

14.7.2. **Betting Machines:** This licensing authority would take into account the size of the premises and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator proposes to offer.

14.8. Applications and plans

14.8.1. The Gambling Act (s51) requires applicants to submit plans of the premises with their application, in order to ensure that the licensing authority has the necessary information to make an informed judgement about whether the premises are fit for gambling. The plan would also be used for the licensing authority to plan future premises inspection activity.

14.8.2. Plans for tracks do not need to be in a particular scale, but should be drawn to scale and should be sufficiently detailed to include the information required by regulations.

DRAFT

14.8.3. Some tracks may be situated on agricultural land where the perimeter is not defined by virtue of an outer wall or fence, such as point-to-point racetracks. In such instances, where an entry fee is levied, track premises licence holders may erect temporary structures to restrict access to premises

14.8.4. In the rare cases where the outer perimeter cannot be defined, it is likely that the track in question will not be specifically designed for the frequent holding of sporting events or races. In such cases betting facilities may be better provided through occasional use notices where the boundary premises do not need to be defined.

14.8.5. This authority appreciates that it is sometimes difficult to define the precise location of betting areas on tracks. The precise location of where betting facilities are provided is not required to be shown on track plans, both by virtue of the fact that betting is permitted anywhere on the premises and because of the difficulties associated with pinpointing exact locations for some types of track. Applicants should provide sufficient information that this authority can satisfy itself that the plan indicates the main areas where betting might take place. For racecourses in particular, any betting areas subject to the “five times rule” (commonly known as betting rings) must be indicated on the plan.

14.9. Travelling Fairs

14.9.1. This licensing authority is responsible for deciding whether, where category D machines and / or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.

14.9.2. The licensing authority will also consider whether the applicant falls within the statutory definition of a travelling fair.

14.9.3. It is noted that the 27-day statutory maximum for the land being used as a fair applies on a per calendar year basis, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. This licensing authority will work with its neighbouring authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded.

DRAFT

PART D - Permits and Temporary or Occasional Use Notices

1. Prize Gaming Permits

1.1. The Gambling Act 2005 states that a licensing authority may 'prepare a statement of principles that they propose to apply in exercising their functions under this Schedule' which 'may, in particular, specify matters that the licensing authority proposes to consider in determining the suitability of the applicant for a permit'.

1.2. The Licensing Authority requires the applicant to (a) set out the types of gaming that they are intending to offer, (b) submit a plan of the building indicating the location of the gaming and (c) be able to demonstrate:

- That they understand the limits to stakes and prizes that are set out in Regulations;
- That the gaming offered is within the law;
- Clear policies that outline the steps to be taken to protect children from harm.

1.3. In making its decision on an application for this permit the Licensing Authority does not need to, but may, have regard to the licensing objectives but must have regard to any Gambling Commission guidance.

1.4. It should be noted that there are conditions in the Gambling Act 2005 by which the permit holder must comply, but that the Licensing Authority cannot attach conditions.

1.5. The conditions in the Act are:

- the limits on participation fees, as set out in regulations, must be complied with;
- all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
- the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
- participation in the gaming must not entitle the player to take part in any other gambling.

DRAFT

2. Unlicensed Family Entertainment Centres (FEC)

2.1. Unlicensed Family Entertainment Centres will cater for families, including unaccompanied children and young persons. As they operate on a permit they will only be allowed to have Category D Gaming machines, which can be played by young people.

2.2. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use and would, therefore, exclude any premises primarily used for any other purposes, e.g. canteens, fast food takeaways, garages and petrol filling stations, taxi offices or non-arcade premises.

2.3. The Licensing Authority will, in relation to applications for unlicensed family entertainment centres, take into account the following statement of principles when determining the suitability of the applicant:

2.4. The Licensing Authority will expect the applicant to submit a plan of the building and show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits, however, they may include appropriate measures / training for staff as regards suspected truant school children on the premises, measures / training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on / around the premises.

2.5. This Licensing Authority will also expect, as per Gambling Commission Guidance, that applicants demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs; that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act); and that staff are trained to have a full understanding of the maximum stakes and prizes.

3. Alcohol Licensed Premises

3.1. Premises licensed to sell alcohol for consumption on the premises have an automatic right to have two machines of categories C and/or D. Any increase on these limits will require a permit. These applications will be considered on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harm or being exploited. The applicant will be expected to ensure that under 18s do not have access to the adult only gaming machines.

3.2. This could include being in sight of the bar or in sight of the staff who monitor that such machines are not used by those under 18. In relation to

DRAFT

vulnerable persons the applicant could consider the provision of information for support services that offer advice.

4. Club Gaming and Club Machine Permits

4.1. Members Clubs are defined as having more than 25 members and being established for purposes other than gambling and Miner's Welfare Institutes are defined as associations established for recreational or social purposes.

4.2. Members Clubs and Miners' Welfare Institutes may apply for these. A Club Gaming Permit will enable premises to provide three machines of either categories B, C or D and equal chance and other forms of gaming, as set out in regulations. A club gaming machine permit if applied for will enable premises to provide three machines of categories B, C or D only.

5. Temporary Use Notices

5.1. Temporary Use Notices allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for a Temporary Use Notice, according the Gambling Commission, would include hotels, conference centres and sporting venues.

5.2. These notices should not be used to permit regular gambling in a place that could be described as one set of premises. The Licensing Authority expects to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises, as recommended in the Gambling Commission's Guidance to Licensing Authorities.

6. Occasional Use Notices

6.1. The Licensing Authority has very little discretion with regard to these notices aside from ensuring that the statutory limit of eight days in a calendar year is not exceeded. The Licensing Authority will though consider the definition of 'track' and whether the applicant is permitted to avail him/herself of the notice.

DRAFT

7. Small Society Lotteries

7.1. The Council will adopt a risk based approach towards its enforcement responsibilities for small society lotteries. The Council considers that the following list, although not exclusive, could affect the risk status of the operator:

- submission of late returns (returns must be submitted no later than three months after the date on which the lottery draw was held)
- submission of incomplete or incorrect returns
- breaches of the limits for small society lotteries

7.2. Non-commercial gaming is permitted if it takes place at a non-commercial event, either as an incidental or principal activity at the event. Events are non-commercial if no part of the proceeds is for private profit or gain. The proceeds of such events may benefit one or more individuals if the activity is organised:

- by, or on behalf of, a charity or for charitable purposes
- to enable participation in, or support of, sporting, athletic or cultural activities.

DRAFT

PART E - The Local Risk Profile and Risk Assessments by Operators – Licensing Conditions and Codes of Practice (LCCP)

1. Introduction

1.1. The Gambling Commission publishes the general licence conditions and codes of practise which apply to licensed gambling operators in Licensing Conditions and Codes of Practice (LCCP) which is revised from time to time. The code strengthened the social responsibility code (SR) requirements. Details regarding the LCCP and SR code can be accessed at the Gambling Commission website: www.gamblingcommission.gov.uk.

1.2. The code requires operators:

- To supervise customers effectively on gambling premises and identify customers who are at risk of gambling related harm.
- To have in place schemes to allow customers to self-exclude themselves from all operators of a similar type in the area where they live and work.
- To have a range of measures with regard to marketing to ensure social responsibility that are transparent and not misleading.
- To produce a risk assessment on individual premises, and have policies and procedures and control measures in place to mitigate local risks to the licensing objectives.

2. Risk Assessments

2.1. Such risk assessments are required from new applicants, and from existing premises licence holders seeking to vary a licence. The LCCP strongly encourages all operators of Casino's, Adult Gaming Centres, Bingo Premises, Family Entertainment Centres, Betting shops and remote betting intermediaries to assess local risks to the licensing objectives, and to have policies, procedures and control measures in place to mitigate those risks.

2.2. Operators are expected by the SR code to make the risk assessment available to licensing authorities when an application is submitted either for a new premises licence or variation of a premises licence, or otherwise on request, and this will form part of the council's inspection regime and may be requested when officers are investigating complaints.

2.3. Any failure to provide a competent risk assessment will be taken into account by the Council in determining the application, and such inferences will be made about potential harm to the licensing objectives as appear appropriate.

2.4. The Council considers that these local risk assessments are a key component of the overall assessment and management of the local risks.

The code requires the Council to set out matters they expect the operator to take account of in the risk assessment in its statement of policy and the Council expects the Local Area Risk Profile and the following matters to be considered by operators when making their risk assessment:

- Information held by the licensee regarding self-exclusions and incidences of underage gambling;
- Gaming trends such as increased levels of gambling activity which, for example, correspond with pay days or benefits payments;
- Arrangement for localised exchange of information regarding self-exclusions and gaming trends;
- Urban setting such as proximity to schools, commercial environment, factors affecting footfall;
- Range of facilities in proximity to the licensed premises such as other gambling outlets, banks, post offices, refreshment, entertainment type facilities, schools, and venues that attract vulnerable adults;
- Known problems in the area such as problems arising from street drinkers, youths participating in anti-social behaviour, drug dealing activities, etc;
- The ethnicity, age, economic makeup of the local community.

2.5. The risk assessment should cover the risks and character of the local area, the gambling operation and the design of the premises.

3. The Local Area

3.1. The Council expects the following matters to be considered by operators when making their risk assessment.

3.2. Matters relating to children and young persons, including:

- The footfall in the local area, for example, does it predominately comprise residents, workers or visitors, is it a family orientated area, popular with children and young people;
- Significant presence of young children;
- Institutions, places or areas where the presence of children and young persons should be expected such as schools, youth clubs, parks, playgrounds and entertainment venues such as bowling alleys, cinemas etc.;
- Any premises where children congregate including bus stops, cafés, shops, and any other place where children are attracted;
- Areas that are prone to issues of youths participating in anti-social behaviour, including such activities as graffiti/tagging, underage drinking, etc.;
- Recorded incidents of attempted underage gambling;
- Transport links and parking facilities;

DRAFT

- Community centres;
- High crime area;
- Other gambling premises in the vicinity.

3.3. Matters relating to vulnerable adults, including:

- Information held by the licensee regarding self-exclusions and incidences of underage gambling;
- Gaming trends that may mirror days for financial payments such as pay days or benefit payments;
- Arrangement for localised exchange of information regarding self-exclusions and gaming trends;
- Proximity of premises which may be frequented by vulnerable people such as hospitals, mental health providers, residential care homes, medical facilities, doctor's surgeries, council housing offices, addiction clinics or help centres, places where alcohol or drug dependant people may congregate, etc.;
- Homeless or rough sleeper shelters, hostels and support services;
- Transport links and parking facilities;
- Community centres;
- High crime area;
- High unemployment area;
- Pawn broker / pay day loan businesses in the vicinity;
- Other gambling premises in the vicinity.

3.4. Other issues that may be considered could include:

- Matters of faith, including all religious or faith denominations including proximity to churches, mosques, temples or any other place of worship.

4. The Gambling Operation

4.1. In assessing the risk factors associated with a gambling operation the assessor should take into account the local risks which are commonly accepted by broader stakeholders and how that gambling operation may affect that risk.

4.2. The assessor may wish to consider:

- How the gambling operation will relate to how the operator conducts its business;
- What gambling products it provides in the premises;
- The facilities to enable gambling within the premises;
- The staffing levels within the premises;
- The level and requirement for staff training;

- Whether loyalty or account cards are used or not;
- The policies and procedures it has in place in relation to regulatory requirements of the Act or to comply with the LCCP;
- The security and crime prevention arrangements it has in place; • How it advertises locally and on the premises;
- The marketing material within the premises;
- The display and provision of information, etc.

5. The Design of Premises

5.1. The design and layout of the premises is a key consideration as this could have a significant impact on the risk to the licensing objectives. In assessing the risk factors associated with the premises design and layout reference is needed to the local area risks factors already identified to ensure the design doesn't add to that risk. The design, both internal and external should be considered and specific risk factors identified and noted. For example:

- The premises may have a number of support pillars which the assessor identifies as obstructing the view of the gaming machines from the cashier counter.
- The assessor may identify that the design of the entrance to the premises is not sufficiently covered by CCTV to enable the identification of offenders.
- Premises which are located within an area which has a high number of children and young people present throughout the day may identify that their standard external design means that children and young people can see into the premises and see gambling taking place.
- If the premises have a large amount of glass frontage in an area prone to criminal damage, the assessor may consider the risk of damage to the standard toughened glass to be high.

5.2. These would be identified risk factors that would need to be documented.

5.3. This list is not exhaustive and other factors not in this list that are identified may also be taken into consideration.

6. Local Area Risk Profile

6.1. The Gambling Commission guidance advises that licensing authorities provide a risk profile of their borough. This will assist operators undertaking the risk assessments of their premises, and will also be taken into account when considering applications for new and variations to licences and reviews of licences.

6.2. The Licensing Authority will endeavour to ensure an up to date Local Area Risk Profile for the Rotherham Borough is published and readily available.

6.3. Whilst not forming part of this policy, the Local Area Risk Profile for the Rotherham Borough should aim to include data and maps which show the distribution of gambling premises and sensitive locations and vulnerable communities. For example:

- Educational establishments;
- Relevant leisure facilities;
- Medical facilities, care homes, and temporary accommodation etc.;
- Places of worship;
- Hot spot areas combining the educational establishments/leisure facilities / medical facilities
- Areas of deprivation;
- Areas of unemployment;
- Areas where residents claim working age benefits;
- Areas of poor mental health;
- Violence hot spots;
- Drug and alcohol hot spots.

6.4. If an application for a new licence or variation is submitted that is within 400 metres of a sensitive building or vulnerable community, operators are encouraged to provide details of the measures to be implemented that would overcome any risks relating to one or more of the licensing objectives, namely:

- Protecting children and other vulnerable persons from being harmed or exploited by gambling.
- Being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
- Ensuring that gambling is conducted in a fair and open way.

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APPENDIX 1 – the Borough of Rotherham (the area to which this policy applies)

APPENDIX 2 – Details of Consultees

Chief Constable, South Yorkshire Police
Chief Fire Officers, South Yorkshire Fire and Rescue Service
Director of Public Health for the Authority area
Health and Wellbeing Board
Clerks to Parish Councils
Licensees within the borough
Rotherham Children's Safeguarding Board
Rotherham Adult's Safeguarding Board
RMBC Ward Councillors
Safer Rotherham Partnership Board Members
Member of Parliament for Rotherham
Member of Parliament for Rother Valley
Member of Parliament for Wentworth and Dearne

In addition, the Council will open the consultation to the public.

Consultation methods

- Use social media to inform the public about this consultation and direct them to the questionnaire
- On-line consultation
- Consultation documents at Council reception areas
- Press Releases
- Direct correspondence to statutory consultees
- Information provision to all ward members
- Public Notice in the local press
- Drop-in sessions across the borough
- Attendance at representative boards and forums.

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APPENDIX 3 - Delegation of Functions

Matter to be dealt with	Council	Cabinet	Licensing (sub) committee	Officers
Three year licensing policy	✓			
Policy not to permit casinos	✓			
Fee setting (when appropriate)		✓		
Application for premises licences			If a relevant representation made and not withdrawn	If no relevant representation made/ representations have been withdrawn
Application to vary a licence			If a relevant representation made and not withdrawn	If no relevant representation made/ representations have been withdrawn
Application for a transfer of a licence			Where representations have been received from the Commission	Where no representations have been received from the Commission
Application for a provisional statement			If a relevant representation made and not withdrawn	If no relevant representation made/ representations have been withdrawn
Review of a premises licence			✓	
Applications for club gaming /club machine permits			Where objections have been made (and not withdrawn)	Where no objections made / objections have been withdrawn
Cancellation of club gaming /club machine permits			✓	
Applications for other permits (including small society lottery registrations)				✓
Cancellation of licensed premises gaming machine permits				✓
Consideration of temporary use notice				✓
Decision to give counter Notice to a temp. use notice			✓	

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Agenda Item 12

Rotherham Metropolitan Borough Council

Public Report
Council

Committee Name and Date of Committee Meeting
Council – 3 June 2020

Report Title
Recommendation from Cabinet – Licensing Act 2003 – Statement of Licensing Policy

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

Strategic Director Approving Submission of the Report
Paul Woodcock, Strategic Director of Regeneration and Environment

Report Author
Alan Pogorzelec, Licensing Manager
alan.pogorzelec@rotherham.gov.uk

Ben Mitchell, National Management Trainee
ben.mitchell@rotherham.gov.uk

Ward(s) Affected
Borough-wide

Summary
At its meeting on 23 March 2020, the Cabinet considered a report in respect of the Statement of Licensing Policy under the Licensing Act 2003.

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

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

Recommendations

1. That the Licensing Act 2003: Statement of Licensing Policy 2020-2025 be approved and adopted.

List of Appendices Included

Annex A	Cabinet Report – Licensing Act 2003 – Statement of Licensing Policy
Appendix 1	Equality Impact Assessment
Appendix 2	Licensing Act 2003 Statement of Licensing Policy 2020-2025
	Appendix A Pool of Model Conditions
	Appendix B Mandatory Conditions
	Appendix C Entitlement to work information

Appendix D Guidance notes for applicants
Appendix E Useful Contacts
Appendix 3 Cumulative Impact Policy
Appendix 4 Summary of consultation response

Background Papers
Guidance issued under Section 182 of the Licensing Act 2003 (https://www.gov.uk/government/publications/explanatory-memorandum-revisedguidance-issued-under-s-182-of-licensing-act-2003)

The Public Health Burden of Alcohol and the Effectiveness and Cost-Effectiveness of Alcohol Control Policies An evidence review, Public Health England, 2016:

Woodhouse J., Alcohol licensing: cumulative impact assessments, House of Commons Library, Briefing Paper, Number 07269, 16 April 2019

Cabinet Report, 10th June 2019, Review of Licensing Act 2003 Statement of Licensing Policy

Cabinet Report, 23rd December 2019, Review of Licensing Act 2003 Statement of Licensing Policy

Consideration by any other Council Committee, Scrutiny or Advisory Panel
Cabinet – 23 March 2020

Council Approval Required
Yes

Exempt from the Press and Public
No

Rotherham Metropolitan Borough Council

Public Report
Cabinet

Committee Name and Date of Committee Meeting
Cabinet – 23 March 2020

Report Title
Licensing Act 2003: Statement of Licensing Policy

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

Strategic Director Approving Submission of the Report
Paul Woodcock, Strategic Director of Regeneration and Environment

Report Author(s)
Alan Pogorzelec, Licensing Manager
alan.pogorzelec@rotherham.gov.uk

Ben Mitchell, National Management Trainee
ben.mitchell@rotherham.gov.uk

Ward(s) Affected
Borough-Wide

Report Summary
Section 5 of the Licensing Act 2003 requires a licensing authority to prepare and publish a statement of its licensing policy at least every five years.

The Council's Statement of Licensing Policy was last published in 2011, and was therefore due for review and republication in 2016; however, this review did not take place due to the Council's focus on hackney carriage and private hire licensing.

In December 2019, Cabinet approved the second, formal stage of consultation on a drafted policy. This consultation has now concluded, and the outcome of the consultation has informed a finalised Statement of Licensing Policy, which is presented to Cabinet for consideration and recommended for approval.

Alongside the Licensing Policy, a Cumulative Impact Policy has been drafted and consulted upon which includes a Cumulative Impact Assessment for a part of Wickersley. This is also presented to Cabinet for consideration and recommended for approval.

Recommendations

1. That Cabinet recommend to Council that the proposed Licensing Act 2003: Statement of Licensing Policy 2020-2025 be adopted.

2. That Cabinet approve the Cumulative Impact Policy which details a Cumulative Impact Assessment for a specific area in Wickersley.

List of Appendices Included

Appendix 1 Equality Impact Assessment
Appendix 2 Licensing Act 2003 Statement of Licensing Policy 2020-2025
- Appendix A Pool of Model Conditions
- Appendix B Mandatory Conditions
- Appendix C Entitlement to work information
- Appendix D Guidance notes for applicants
- Appendix E Useful Contacts

Appendix 3 Cumulative Impact Policy
Appendix 4 Summary of consultation response

Background Papers

Guidance issued under Section 182 of the Licensing Act 2003 (https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003)

The Public Health Burden of Alcohol and the Effectiveness and Cost-Effectiveness of Alcohol Control Policies An evidence review, Public Health England, 2016:

Woodhouse J., Alcohol licensing: cumulative impact assessments, House of Commons Library, Briefing Paper, Number 07269, 16 April 2019

Cabinet Report, 10th June 2019, Review of Licensing Act 2003 Statement of Licensing Policy

Cabinet Report, 23rd December 2019, Review of Licensing Act 2003 Statement of Licensing Policy

Consideration by any other Council Committee, Scrutiny or Advisory Panel
Overview and Scrutiny Management Board – 18 March 2020

Council Approval Required
Yes

Exempt from the Press and Public
No

Licensing Act 2003: Statement of Licensing Policy

1. Background

1.1 As the licensing authority under the Licensing Act 2003 (the Act), the Council is responsible for licensing:

- the sale and supply of alcohol;
- regulated entertainment such as live and recorded music, performances of theatre, dance, cinema and indoor sports;
- the sale of hot food and drink between 11 pm and 5 am.

1.2 Under Section 5 of the Act, a licensing authority must prepare a Licensing Act 2003 Statement of Licensing Policy (a 'Statement of Licensing Policy') which sets out the principles it proposes to apply in exercising functions under the Act. This Statement of Policy must be published at least every five years.

1.3 The Statement of Licensing Policy contains a number of key objectives including:

- Providing applicants with a clear, consistent basis for submitting applications and notices in the Borough;
- Providing a clear, consistent basis for determining licensing applications in the Borough;
- Ensuring the relevant views of those affected by licensed premises are taken into consideration;
- Ensuring that local area issues are taken into account by licensed premises; and
- Supporting the wider strategies of the Council and the approach to licensed activities and premises across the Borough.

1.4 The Council's Statement of Licensing Policy was last published in 2011 and was therefore due for review and republication in 2016. However, this review did not take place due to the Council's focus on taxi and private hire licensing.

1.5 The Council has undertaken a two-stage consultation process outlined in Section 4 of this report. A revised policy has been written and consulted upon, which is brought before Cabinet to consider. A draft copy of the Statement of Licensing Policy is attached to this report as Appendix 2.

2. Key Issues

2.1 **Public Health Data**

Public Health is considered a 'Responsible Authority' under the Licensing Act 2003. As a responsible authority, Public Health have an important and meaningful contribution to make to licensing decisions. However, the impact on health is not currently mentioned as part of any licensing objective in the legislation, which makes it challenging for Public Health to fully engage with licensing decision making.

However, the Council believe that Public Health has an important role to play within Licensing and should be encouraged to influence the process within the boundaries of the available legislation. Through consultation, 67% of respondents agreed that issues related to public health should be considered when a licensing decision is being made. When asked if the Council should assess problems associated with alcohol consumption before determining a licence application, 92% of respondents agreed that this should be undertaken.

Public Health has created a 'licensing toolkit', which uses a wide range of data from a variety of responsible authorities and assigns a risk rating to neighbourhoods at a 'Lower Super Output Area' scale. These equate to neighbourhoods with around 1000 residents. Data sources have been chosen due to their relevance to the licensing objectives, alongside contextual factors such as health data. This tool could therefore be used to inform decision makers of the risk of any application for a licence within a specific area.

The Council is proposing that this toolkit is made available to all responsible authorities and members of the public through the Joint Strategic Needs Assessment website, to allow representations to be made if appropriate, with the assistance of data to evidence. The Council believes that this will not only give Public Health a meaningful role in the licensing process but will also make data about the health impacts of alcohol more easily accessible to the public when licence applications are being considered.

2.2 **Model Conditions**

As part of the Statement of Licensing Policy, the Council is able to create a document with a list of 'model' conditions, which gives guidance to applicants and responsible authorities as to the type of conditions that could be placed onto a licence. This list is not exhaustive and other conditions may be granted where appropriate. However, it is a useful tool to show the range of conditions which are considered by the Council to be examples of best practice.

The Council currently has a pool of model conditions attached as an appendix to the existing policy. Through the first stage of consultation a number of themes emerged such as:

- The Council's role in protecting residents from the harms associated with alcohol.
- The Council being seen as the key authority to take steps to prevent problem drinking.
- Residents reporting problems of excessive drinking, especially street drinking, in some areas.
- A minimum price for alcohol, or restriction of cheap alcohol in some areas.

These themes led to the Council drafting a series of new model conditions to address some of these concerns. These have now been consulted upon through the second stage of consultation.

70% of respondents believed that, in areas where there are issues with excessive, or street, drinking, a condition banning the sale of single cans of alcohol in off-licensed premises should be considered.

76% agreed that the Council should require further training for licensees, door staff and employees in some circumstances around protecting vulnerable people from harm, safeguarding and counterterrorism. 92% of respondents agreed, or strongly agreed, that staff working in licensed premises should be required to undertake safeguarding training and have a Basic Level DBS check in some circumstances, for example if children are allowed in a venue at all times.

Public Health, through their formal response to the consultation, also suggested some best practice guidance for licensed premises, predominantly on-licensed premises, to reduce the direct and indirect harms caused by the consumption of alcohol.

Through the consultation, the following model conditions are proposed to be added to the already existing pool. The full list of model conditions is contained within Appendix A of the policy.

1. The Council consider it good practice for licence holders, door supervisors and other staff to take part in a variety of training sessions, which could include but is not limited to: Safeguarding Children; Safeguarding Vulnerable Adults; Crowd Safety; and Counterterrorism

2. Single Can Sales can contribute to the harms relating to alcohol misuse, and particularly contribute to the harm caused to children and young people. Conditions may therefore be necessary to prevent sales of single cans of alcoholic drinks in areas where risk of harm is identified to be high.

3. Premises should promote and provide a good range of low alcohol and alcohol-free drinks to enable customers to choose drinks with lower alcohol volume. These should be readily available and of a similar price to alcoholic equivalents.

4. In order to promote responsible drinking, the premise will commit to not promote reduced price drinks.

5. A premise should have a process where staff can discreetly provide details and signposting to local alcohol or domestic abuse support services.

6. That the premise takes part in the ‘Ask for Angela’ scheme being rolled out by the Council and South Yorkshire Police.
7. It strongly recommended that persons employed on licensed premises, especially those providing facilities and or entertainment for children and youths, receive appropriate training covering the safeguarding of children and other vulnerable groups and, if appropriate, have the necessary DBS checks.

2.3 **Cumulative Impact Assessment (CIA) – Wickersley**

Where appropriate, the Council can identify areas within the Borough where the granting of further licences, or variations to licences, is likely to impact on the Council's obligations to the licensing objectives. The Council must then produce a CIA for each of these areas. This is an evidence-based tool which sets out the reasons why the Council believes that the cumulative impact of premises within the area specified is undermining the licensing objectives. If the CIA is implemented, it must specify a Cumulative Impact Zone (CIZ) where the CIA will apply.

Cabinet took the decision that a CIA should be drafted for Wickersley, to identify whether there was sufficient evidence to implement a CIZ. Rotherham Town Centre was also considered by the Council but has been discounted as responsible licensable activity is being promoted in this area, as part of the ongoing regeneration and Town Centre Masterplan. Furthermore, there are only a small number of residential properties in the area, meaning it is unlikely that the cumulative impact of these premises will create significant disturbance and, subsequently, undermine the licensing objectives. However, a regular review of CIAs will be undertaken to identify if any other areas of Rotherham would benefit from this piece of legislation.

In the second stage of consultation, the Council have consulted at length with Ward councillors, licensees, residents and other responsible authorities, and have concluded that there is more than enough evidence, as required by the statutory guidance, to proceed with implementing a CIZ in Wickersley. The Cumulative Impact Policy, which includes the assessment for Wickersley, is attached to this report as Appendix 3.

Data from the Police, the NHS and Public Health suggests that Wickersley has a high saturation of licensed premises, and that the density of these premises has a negative impact on crime and anti-social behaviour, as well as putting health at risk through an increase in ambulance call-outs directly related to alcohol consumption.

The Council has attended separate meetings with licensees and residents to inform them of a CIA being drafted. These groups were given an indication of what types of premises would be affected, the specific area which is currently proposed, and a summary of the evidence as to why the Council believe a CIA is needed.

Therefore, the Council is proposing to implement a CIA in Wickersley. This is currently the only area where the Council believes a CIA would be appropriate, but this position will be reviewed regularly by the Licensing Service and Public Health.

3. **Options considered and recommended proposal**

3.1 The Council is statutorily obliged to publish a Statement of Licensing Policy and to consult on that Policy.

3.2 In June, Cabinet took the decision to undertake a two-stage consultation process. Both of these stages have now been completed. The first stage focused on broad issues associated with licensed premises, whilst the second stage gave the opportunity to comment on a drafted policy, alongside consulting on whether a Cumulative Impact Policy should be implemented.

3.3 The Cumulative Impact Policy has been consulted upon and a draft is attached to this report as Appendix 3.

3.4 The Statement of Licensing Policy has now been revised based on the second stage of consultation which was concluded in February. There are now further options for the Council to consider.

3.5 **Option 1:** The Council could approve both the Licensing Act 2003 Statement of Licensing Policy and Cumulative Impact Policy, which would then be subject to endorsement by Council.

3.6 **Option 2:** The Council could approve the Licensing Act 2003 Statement of Licensing Policy, but not approve the Cumulative Impact Assessment contained within the Cumulative Impact Policy. The Statement of Licensing Policy would then be subject to endorsement by Council.

3.7 **Option 3:** The Council could decide to not approve either the Licensing Act 2003 Statement of Licensing Policy, or the Cumulative Impact assessment contained within the Cumulative Impact Policy.

3.8 The preferred option is Option 1. This option takes into account the responses received to both stages of consultation and reflects the views of forums, groups and boards that were attended through the consultation process, alongside the views of the public. The proposed changes detailed in this report reflect the views of the public, the Council and its partners, and would form a policy that had a positive impact on licensed premises across the borough.

4. Consultation on proposal

4.1 The Council have carried out a full review of the policy, through a two-stage consultation process as agreed by Cabinet in June 2019. A total of twenty weeks of consultation have been carried out by the Council to review this policy, which has informed the final policy attached as Appendix 2.

4.2 The first stage of consultation focused on the broad issues associated with licensed premises and a total of 70 responses were received. The majority of respondents were concerned with the licensing of alcohol premises, and believed the Council had a role in protecting residents from the harms associated to alcohol. 50% of all respondents cited Wickersley as an area where there were issues with excessive drinking.

4.3 Based on the first stage of consultation, a revised policy was drafted which was approved by Cabinet in December 2019. This revised policy included several proposed changes such as increasing the use of public health data when making licensing decisions, whilst also expanding the number of model conditions which are appended to the policy. These conditions included restricting the sale of single cans of alcohol in certain areas, and further training for licensees and staff around safeguarding.

4.4 Cabinet also took the decision to undertake a Cumulative Impact Assessment for Wickersley, based on the concerns of residents which were detailed in the first stage of consultation. The Council is able to publish a Cumulative Impact Policy, which allows the Council to identify areas within the borough where granting further licences, or varying existing licences, would impact on the Council's obligations to the Licensing Objectives.

4.5 The second stage of consultation received 44 responses between January and February 2020. The responses to the consultation have been considered in Section 2 of the report, and a full summary of the consultation responses can be found in Appendix 4.

In the second stage of consultation, the following boards, committees, forums and partners were also consulted:

- Licensing Committee
- Health and Wellbeing Board
- Safer Rotherham Partnership Board
- South Yorkshire Police
- South Yorkshire Fire and Rescue Authority
- Public Health

4.6 Three drop-in sessions were also arranged for members of the licensed trade and members of the public. Four members of the licensed trade attended these sessions to ask specific questions about the impacts on their premises.

4.7 A resident's meeting was also arranged in Wickersley to consult about the introduction of a Cumulative Impact Assessment. Approximately thirty residents attended this session, along with representatives of Wickersley Parish Council.

4.8 The Council attended Wickersley Licence Watch to consult with licensees in Wickersley about the introduction of a Cumulative Impact Assessment. At this meeting, the Council outlined the reasons as to why it was considering implementing a Cumulative Impact Assessment, the area that this assessment would cover, and the types of premise that the Council is currently considering.

5. Timetable and Accountability for Implementing this Decision

5.1 If Cabinet endorse the Licensing Act 2003 Statement of Licensing Policy, and Cumulative Impact Policy, these must be adopted by Council.

5.2 If Council then adopt these polices, the policies would be implemented following the standard call-in period. It is proposed that the Council implement the policy on 1st May 2020.

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

6.1 There are no procurement implications introduced as a result of this report.

6.2 The costs of undertaking its statutory duties as a licensing authority, of which this consultation process, the Cumulative Impact Assessment undertaken and the enforcement of this Policy forms part, are contained within the Council's approved Licensing revenue budget, the costs of which are met by fees.

6.3 Fee levels in respect of the Licensing Act 2003 are set by Statute, so the Council has no discretion over fee levels for the areas covered by this Act.

7. **Legal Advice and Implications**

7.1 Section 5(1) of the Licensing Act 2003 requires a licensing authority to determine its Statement of Licensing Policy with respect to the exercise of its licensing functions and to publish this before the beginning of each five-year period.

7.2 Section 5(3) of the Act lists those persons that must be consulted by a licensing authority in relation to a proposed statement of licensing principles.

7.3 Section 5(4) of the Act requires an authority to keep the statement under review and to make such revisions to it, at such times, as it considers appropriate, again subject to the same consultation requirements. The authority must publish a statement of the revisions (to the policy) or the revised statement if revisions are made and approved.

7.4 Section 5A of the Act sets out the requirements relating to any cumulative impact assessment, which must be adhered to. In particular, before publishing any cumulative impact assessment, the licensing authority must consult with those set out under Section 5(3) of the Act and for the purposes of such consultation, the licensing authority must provide those persons with the following information:

- The reasons why it is considering publishing a cumulative impact assessment;
- A general indication of the part or parts of its area which it is considering describing in the assessment;

Whether it considers that the assessment will relate to all relevant authorisations or only to relevant authorisations of a particular kind.

7.5 Where the licensing authority publishes a cumulative impact assessment, it must be kept under review.

7.6 The Council should also have regard to the statutory guidance issued under Section 182 of the Act and, in particular, Part 14 relating to Statement of Licensing Policy, which sets out the requirements in relation to the Statement

of Policy, including consultation requirements, and the relevant requirements of any cumulative impact assessment in more detail.

7.7 The Council must have regard to all relevant legislation and all consultation responses must be conscientiously considered when forming the Statement of Licensing Policy and the Cumulative Impact Policy, in order to minimise the risk of any legal challenge.

8. **Human Resources Advice and Implications**

8.1 There are no direct procurement implications arising from the recommendations detailed in this report.

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

9.1 The protection of children from harm is one of the Licensing Objectives; however, a statement of licensing policy should not seek to limit the access of children to any premises unless it is appropriate for the prevention of physical, moral or psychological harm to them.

9.2 It may not be possible for licensing policy statements to anticipate every issue of concern that could arise in respect of children in relation to individual premises and therefore the individual merits of each application should be considered in each case.

9.3 A statement of licensing policy should make clear the range of alternatives which may be considered for limiting the access of children where that is appropriate for the prevention of harm to children.

9.4 Statements of policy should also make clear that conditions which require children to be admitted in all circumstances cannot be imposed on licenses or certificates. Where the restriction of children is not appropriate, it remains a matter for the discretion of the individual licence holder, club or premises user.

9.5 The statement includes reference to model conditions that may be used to promote the protection of children from harm.

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

10.1 Section 149 of the Equality Act 2010 imposes a public sector equality duty (PSED). This duty requires the authority to eliminate discrimination, advance equality of opportunity and foster good relations when exercising any of its functions.

10.2 In order to promote inclusion and to prevent exclusion, the Policy reminds applicants of their responsibilities under the Equality Act 2010 to ensure that everyone is treated fairly, with dignity and with respect. The Equality Act 2010 specifically covers nine protected characteristics:

- Age;
- Disability;
- Gender Reassignment;

- Marriage and Civil Partnership;
- Pregnancy and Maternity;
- Race (ethnic origin, nationality, skin colour);
- Religion and Belief;
- Sex/gender;
- Sexual orientation; as well as

any other status as identified within the European Convention of Human rights and any other domestic or relevant UK or EU law.

10.3 A full Equality Impact Assessment has been completed in accordance with the Council's Policy and is contained at Appendix 1.

10.4 The Human Rights Act 1998 requires UK legislation to be interpreted in a manner consistent with the European Convention on Human Rights. It is unlawful for the Council to act in a way that is incompatible (or fail to act in any way that is compatible) with the rights protected by the Act. Any action undertaken by the Council that could impact upon another person's Human Rights must be taken having regard to the principle of proportionality: the need to balance the rights of the individual with the rights of the community as a whole. Any action taken by the Council which affects another's rights must be no more onerous than is necessary in a democratic society. The matter set out in this report must be considered in light of the above obligations.

11. Implications for Ward Priorities

11.1 This policy will apply directly and equally to all wards within the borough.

11.2 The associated Cumulative Impact Policy details an area of Wickersley which is proposed to become a Cumulative Impact Zone and takes in areas of both Wickersley and Hellaby wards. This CIZ could limit the number of new or varied licences being granted in the area, dependent on the individual merit of each application.

12. Implications for Partners

12.1 Consultation engaged a wide range of partners and stakeholders. It is recognised that enforcement and compliance is often carried out with partners such as South Yorkshire Police, HM Revenue and Customs and South Yorkshire Fire and Rescue.

12.2 Analysis and contribution to the development of the Statement of Licensing Policy and the Cumulative Impact Assessment has been obtained from colleagues in Public Health, who make an important contribution to the Licensing process.

13. Risks and Mitigation

13.1. Failure to publish a Statement of Licensing Policy exposes the Council to legal challenge as a result of failing to comply with statutory requirements.

13.2 Failure to carry out the required consultation in accordance with the legislation and guidance is also likely to open the Council up to legal challenge.

13.3 In addition, the absence of an up to date policy may lead to inappropriate decisions being made in relation to licence applications.

13.4 In order to mitigate this risk, it is proposed that the Statement of Licensing Policy be introduced as soon as possible (ensuring that all statutory processes are observed).

14. Accountable Officers

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

Approvals obtained on behalf of Statutory Officers:

	Named Officer	**Date**
Chief Executive	Sharon Kemp	09/03/20
Strategic Director of Finance & Customer Services (S.151 Officer)	Judith Badger	05/03/20
Head of Legal Services (Monitoring Officer)	Bal Nahal	05/03/20

Report Author: *Alan Pogorzelec, Licensing Manager*
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Ben Mitchell, National Management Trainee
ben.mitchell@rotherham.gov.uk
Ben Mitchell, National Management Trainee
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This report is published on the Council's website.

Rotherham Metropolitan Borough Council

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 Initiall 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: Licensing Act 2003 Statement of Licensing Policy 2020-2025	
Date of Equality Analysis (EA): 27th February 2020	
Directorate: Regeneration and Environment	**Service area**: Community Safety and Street Scene
Lead Manager: Tom Smith	**Contact number:** 01709 822025
Is this a: [x] **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)**
Ben Mitchell	RMBC	National Management Trainee
Tom Smith	RMBC	Assistant Director
Alan Pogorzelec	RMBC	Licensing Manager
Steve Eling	RMBC	Policy Officer

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

Aim/Scope (who the Policy/Service affects and intended outcomes if known)
This may include a group/s identified by a protected characteristic, others groups or stakeholder/s e.g. service users, employees, partners, members, suppliers etc.)

The Council is responsible for licensing the sale and supply of alcohol; regulated entertainment; and the sale of hot food and drink between 11pm and 5am under the Licensing Act 2003. Such premises are referred to as 'licensed premises'.

These premises have an important role in the borough's economy and can fulfil important social and community roles. There are over 700 premises licensed by the Council under this Act, showing the importance of the trade across the borough.

The Council's Statement of Licensing Policy should strike a balance between encouraging a dynamic entertainment industry, whilst ensuring that health and public disorder are effectively addressed.

There are a number of groups who may be impacted by the revised policy, including service users, licensees, employees and communities.

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

The Council have carried out a full and wide-reaching consultation to the policy, undertaken over twenty weeks between June 2019 and February 2020.

The first stage of consultation focused on broad issues attributable to licensed premises, and the harms that they may pose through health, public order and crime. The Council received 70 responses to the first stage of consultation over twelve weeks, with the majority of respondents concerned about the licensing of alcohol premises. Respondents believed the Council had a role in protecting residents from the harms associated to alcohol.

As well as an online survey, the Council arranged six drop-in sessions is different urban

centres across the borough, to identify any particular areas that may more vulnerable to alcohol-related harms, or where the density of premises was causing a negative impact. Through the consultation, 50% of respondents identified Wickersley as an area where the density of premises was having a negative impact on the community.

The Council drafted a revised policy based on the first stage of consultation, which was then consulted upon for a further eight weeks. A full consultation process was again carried out, which included drop-in sessions across the borough, forums and representative groups, and an online survey.

The second stage of consultation received 44 responses between January and February 2020, as well as formal responses from various statutory consultees. Respondents believed that public health issues and data relating to alcohol-related harm should be assessed when making licensing decisions and that in sensitive areas, the granting of further licenses may have a negative impact. Furthermore, respondents agreed that the licence holders and their staff should have better training to protect vulnerable people and those with protected characteristics from harm, and that DBS checks may be necessary in some scenarios, especially when children are involved.

Although not a protected characteristic, there is clear evidence which states that the harms of alcohol are exacerbated by socio-economic deprivation. The Council must have particular regard for this group when determining their licensing policy to ensure that these people are not indirectly impacted more than other groups by the implementation of the policy.

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

Although the Council hold equalities data for those people who hold a licence within the borough, there is currently no information regarding the people who are employed in those premises.

Furthermore, there is not any evidence as to the demography of those who use licensed premises, so it is difficult to fully understood the potential impact of the policy on different groups who may use these services.

However, the Council do have access to data surrounding deprivation and health outcomes for the borough, which identifies a clear link between deprivation and alcohol-related harm.

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

The Council is statutorily obliged to publish a Joint Strategic Needs Assessment (JSNA). This takes into account data and intelligence regarding the current and future health needs of the borough. A part of this assessment is related to alcohol and health behaviours, which assesses all of the data that the Council can access on how alcohol contributes to the health of the borough.

Through the Licensing Act 2003, the Council can review licenses where the Council consider that one or more of the licensing objectives are being undermined. The Council constantly monitor licensed premises and the conditions that they must adhere to, to ensure that the public are continually safeguarded from the harms related to the

consumption of alcohol.	
Engagement undertaken with customers. (date and group(s) consulted and key findings)	A full consultation on the revised policy has been undertaken, totalling twenty weeks of consultation. This has aimed to engage a wide range of stakeholders, including licensees, members of the public and other interest parties.
Engagement undertaken with staff (date and group(s)consulted and key findings)	A full consultation on the revised policy has been undertaken, totalling twenty weeks of consultation. This has aimed to engage a wide range of stakeholders including staff, both that work for the Council and its partner agencies, such as the Police, Fire Authority and colleagues in Public Health.

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 adoption of this policy will support the Council and the communities it's represents to have a higher level of confidence in the licensing process. A number of changes will have a positive impact on local communities, such as the creation of a 'Cumulative Impact Policy', which details how the Council can minimise the impact caused by a high density of licensed premises within certain areas.

Furthermore, a number of model conditions have been included in the revised policy which aim to tackle issues relating to gender. The Council have recommended that all premises take part in the 'Ask for Angela' scheme, which provides a discreet way for people who may be vulnerable to leave a premise if they feel uncomfortable or unsafe with the person or persons they are meeting. It is also recommended that employees can discreetly provide details and signposting to domestic abuse support services if they are required by an individual. This helps to improve gender equality within licensed premises, recognising that people may enter a vulnerable situation when in a premise, and gives responsibility to licensees to minimise the risk to these customers.

Within the policy, the Council have included a statement which commits the authority to preventing and tackling all forms of exploitation, and gives information regarding Child Sexual Exploitation and wider forms of Child Exploitation to applicants and licensees to make them more aware of these issues. The Council also encourage applicants to work in partnership with the police and the Council's MASH team in order to sufficiently take into account these issues.

Although not a protected group, the Council have also identified the link between deprivation and alcohol related harm as a key impact of the policy. To support this group

of people, the Council have introduced model conditions relating to the banning of single can sales in some areas, promoting and providing a good range of readily available low-alcohol drinks, and provide discreet information for alcohol abuse support groups. Public Health, under guidance from Public Health England, have created a 'licensing toolkit', which aims to inform licensing decision-making and allow decisions to be made with contextual information regarding health and health outcomes. This toolkit works at an LSOA level which means that individual communities and neighbourhoods can be targeted, based on the risk rating attached to it. This allows the Council to understand which communities may be at more risk of further licensed premises and may help to address issues regarding deprivation and density of premises.
Does your Policy/Service present any problems or barriers to communities or Groups? As the policy only interacts with licensees, applicants, or decision makers, there shouldn't be any barriers for particular communities/ groups when accessing the policy. However, the Council do have regard for the fact that the overall aim of the policy is to support those at risk.
Does the Service/Policy provide any positive impact/s including improvements or remove barriers? The Council hope that the revised policy will have a number of positive impacts, and will remove barriers for particularly vulnerable groups in regards to licensed premises. By improving the number of model conditions related to domestic abuse, the Council believe that those impacted by domestic abuse may find it easier to access support, or leave situations that could pose an immediate threat. The improvement in model conditions for single can sales of high strength alcohol, as well as the promotion of low-alcohol alternatives may also provide a positive impact for those at highest risk of alcohol-related harm.
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) When considering community relations, the Council believe that the introduction of a Cumulative Impact Policy could improve relations with communities where there have been issues relating to the licensed premises, or the number of licensed premises, within a specific area. The Council is currently proposing to implement a Cumulative Impact Assessment in Wickersley. It is hoped that this will improve relations between the community and the Council, as well as between residents and members of the licensed trade.

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: Licensing Act 2003 Statement of Licensing Policy
Directorate and service area: Regeneration and Environment, Community Safety and Street Scene
Lead Manager: Tom Smith, Assistant Director, Community Safety and Street Scene
Summary of findings:
This assessment has shown the wide-ranging consultation that has been undertaken by the Council in relation to the revised Licensing Act 2003 Statement of Licensing Policy. The Council have introduced new aspects to the policy that aim to have a positive impact on specific protected characteristics, including age and gender. Furthermore, the Council has recognised that socio-economic deprivation has a clear impact on alcohol-related harm and has introduced new parts of the policy that aim to minimise the risks that this group may face from licensed premises. Finally, through the introduction of a Cumulative Impact Policy, the Council believe that community relations between both the Council, and members of the licensed trade, will improve significantly, giving the public more confidence in the licensing process, and the premises that it regulates.

Action/Target	State Protected Characteristics as listed below	Target date (MM/YY)
To further assess communities where Cumulative Impact Assessments may be beneficial when considering the issues and harms related to licensed premises.	**O**	

***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 Smith	Assistant Director, Community Safety and Street Scene	28/08/20
Paul Woodcock	Strategic Director, Regeneration and Environment	04/03/20

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	27/02/20
Report title and date	Licensing Act 2003 Statement of Licensing Policy
Date report sent for publication	04/03/20
Date Equality Analysis sent to Performance, Intelligence and Improvement equality@rotherham.gov.uk	03/03/20

Rotherham Metropolitan Borough Council Licensing Act 2003 Statement of Licensing Policy

2020 - 2025

Contents

1 Introduction 4

1.1 Purpose 4
1.2 Consultation 4
1.3 Licensable Activities 5

2 Fundamental Principles 9

2.1 Background 9
2.2 The Licensing Objectives and Responsible Authorities 10
2.3 Balance 11
2.4 Relevancy 12

3 Cumulative Impact 13

4 Licensing Hours 17

5 Promotion of the Licensing Objectives 18

6 The Prevention of Crime and Disorder 19

7 Public Safety 22

8 The Prevention of Public Nuisance 24

9 The Protection of Children from Harm 27

9.1 General 27
9.2 Children and Cinemas 28
9.3 Children and Public Entertainment 28
9.4 Proof of Age Cards 28
9.5 Staffing Levels 29
9.6 Staff Training 29

10 Public Health Considerations 30
10.1 National Context 30
10.2 Local Context 30

11 Special Events in the Open Air or in Temporary Structures 32

12 Integrating strategies 33

12.1 Public Health 33
12.2 Safer Rotherham Partnership 33

DRAFT

12.3 Planning 33
12.4 Culture and Tourism 34
12.5 Building Control 35
12.6 Promotion of Equality 36
12.7 Disabled Access 36
12.8 Transport 37

13 Duplication 38

14 Standardised Conditions 39

14.1 Model Conditions 39
14.2 Mandatory Conditions 39

15 Entitlement to Work in the UK 41

16 Personal Licences 42

17 Temporary Event Notices (TENs) 43

18 Enforcement 44

19 Live Music, Dancing, Theatre, Circuses and Street Arts 45

20 Wholesale of alcohol 46

21 Delegation of Functions 47

22 Period of Validity & Review 48

Appendices

Appendix A Model conditions

Appendix B Mandatory conditions

Appendix C Right to work documentation

Appendix D Guidance notes for applicants

Appendix E Useful contacts

DRAFT

1. Introduction

1.1 Purpose

1.1.1 This Statement of Licensing Policy explains how the licensing authority will carry out its role under the Licensing Act 2003, during the next five years. During this period the licensing authority will keep the policy under review and may make revisions to the document following consultation with the bodies outlined below.

1.1.2 It will also:

- be used as a guide by members of the Licensing Authority in their decision making;
- inform applicants about how applications will be viewed and how a licensed premises is likely to be able to operate within the area of the Licensing Authority, albeit that each application will be examined and considered on an individual basis;
- inform residents and businesses about how applications will be viewed and how their needs will be addressed;
- Be used to support decisions made by the Licensing Authority when these decisions are challenged in a court of law.

1.1.3 This Policy is normally in place for five years but will be kept under review during that five year period.

1.2 Consultation

1.2.1 In developing this Statement, the Licensing Authority has consulted in accordance with section 5 of the Licensing Act 2003. This has included direct consultation with the following:

- South Yorkshire Police,
- South Yorkshire Fire and Rescue Service,
- The authority's Director of Public Health,
- Local responsible authorities identified under the Licensing Act 2003
- Persons/ bodies representative of local premises licence holders,
- Persons/ bodies representative of local club premise certificate holders,
- Persons/ bodies representative of local personal licence holders,
- Persons/ bodies representative of local business and residents,
- Local Town and Parish Councils,
- Local Ward Councillors,
- Local Members of Parliament,
- Members of the general public.

The views and any comments made by the above individuals / organisation have been considered and taken into account in the development of this policy.

1.3 **Licensable Activities**

1.3.1 The licensable activities are:

- the sale of alcohol by retail;
- the supply of alcohol by or on behalf of a club, or to the order of, a member of the club;
- the provision of late night refreshment, limited to hot food or hot drink, between 23:00 – 05:00;
- the provision of regulated entertainment.

1.3.2 Regulated entertainment requires a licence when it is performed in front of an audience and includes the following:

- a performance of a play;
- an exhibition of a film;
- an indoor sporting event;
- a boxing or wrestling entertainment (indoors and outdoors);
- a performance of live music (not incidental music, i.e. a piano in a restaurant);
- any playing of recorded music;
- A performance of dance and similar types of musical or dance related entertainment.

1.3.3 There are a number of exemptions listed in Schedule 2 to the Act namely:

- Film exhibitions solely for the purpose of demonstrating any product, advertising goods or services or providing information, education or instruction or forming part of an exhibit for any museum or art gallery.
- Live or recorded music which is incidental to some other activity which is not a licensable activity.
- Receipt and playing of live television programmes.
- Entertainment or entertainment facilities for the purpose of or incidental to religious meetings or services, or at a place of public religious worship.
- Entertainment or entertainment facilities at a garden fete or similar which is not promoted with a view to private gain.
- Morris dancing or similar or live unamplified music which is an integral part of such a performance.
- Entertainment or entertainment facilities on board a vehicle which is moving.
- Hot food or drinks which contain alcohol, or are supplied free of charge, or are supplied by a registered charity or person authorised by a registered charity or supplied on a moving vehicle.
- Hot drinks supplied by a vending machine.

1.3.4 As a result of deregulatory changes that have amended the 2003 Act, no licence is required for the following activities:

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- Plays: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500

- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.

- Indoor sporting events: no licence is required for an event between 08.00 and 23.00 on any day, provided that those present do not exceed 1000.
- Boxing or wrestling entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.

- Live music: no licence permission is required for:

    - A performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
    - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
    - A performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that does not have a licence, provided that the audience does not exceed 500.
    - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
    - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.

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- Recorded Music: no licence permission is required for:
    - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
    - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
    - any playing of recorded music between 08.00 and 23.00 on any day, at the non- residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
    - Any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
    - Any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
    - Any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
    - Any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

1.3.5 Where de-regulated activities take place on licensed premises, any licence conditions relating to ‘live’ music or entertainment will be suspended but it is possible to impose new, or reinstate existing, conditions following a review of a premises licence or club premises certificate.

1.3.6 When considering whether an activity constitutes ‘the provision of Regulated Entertainment’, each case will be treated on its own merits.

1.3.7 There will inevitably be a degree of judgement as to whether a performance is live music or not, so organisers of events are encouraged to contact the Licensing Authority to discuss whether a licence will be required.

1.3.8 It is a criminal offence under section 136 of the 2003 Act to carry on any of the licensable activities listed above other than in accordance with a licence or other authorisation under the 2003 Act. If an unauthorised activity takes place then the Police and local authorities have powers to take action.

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2. Fundamental Principles

2.1. Background

2.1.1. This Statement of Licensing Policy is the key document relied upon when delivering the requirements of the Licensing Act 2003. However, all decisions relating to licences will be made on the merits of the individual case, having regard to this policy, including any Cumulative Impact Assessment in place, as part of the decision making process.

2.1.2. All applications for new premises licences or variations need to be supported by an operating schedule. The schedule must specify (amongst other things) the steps which the applicant proposes to promote each of the licensing objectives. Each of the licensing objectives is of equal importance; therefore it is important that the applicant gives each of the four objectives paramount consideration.

2.1.3. Where appropriate, copies of the application paperwork must be provided to the agencies identified as responsible authorities under the Licensing Act 2003. Details of these agencies can be found in Appendix E to this policy.

2.1.4. Any Responsible Authority, or other person, is entitled to make a representation to the Licensing Authority in relation to applications for licenses. Any representation made by these persons must be 'relevant', meaning that the representation must relate to at least one of the licensing objectives and must not be considered frivolous, vexatious or repetitive.

2.1.5. It is for the Licensing Authority to determine whether a representation, other than those made by a Responsible Authority, is relevant. The Authority's discretion will be engaged in making this decision as to whether the representation is intending to cause annoyance without reasonable cause or displays a lack of sincerity. Representations can be made in support of, or opposition to, an application and may be made by an individual, body or business that has grounds to do so.

2.1.6. Where there are relevant representations against a license being issued, then a hearing before a licensing sub-committee will follow. After the hearing, the sub-committee must, having regard to the representations, take such steps as it considers necessary to promote the licensing objectives. These may include refusing the application or adding to or modifying conditions proposed in the operating schedule.

2.1.7. In exercising its discretion, the licensing sub-committee will have regard to (amongst other things) this licensing policy. Therefore, in drawing up their operating schedule, applicants would be well advised to read this policy carefully. Where an operating schedule complies with this policy, it is generally less likely that an interested party or responsible authority will make representations about it. Therefore, compliance with this policy is likely

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to assist the applicant to avoid delay and expense of a contested hearing, and the risk of a refusal or the addition of unwanted licence conditions.

2.1.8. This is not to say that an application which complies with the policy will necessarily be granted or that an application which does not comply with it will necessarily be refused. Where there have been relevant representations, the licensing authority will always consider the merits of the case, and interfere with the operating schedule only when, and to the extent, necessary to promote the licensing objectives. Nor will blanket or standard conditions be applied without regard to the merits of the individual case. For example, the licensing authority can only interfere with an operating schedule which does not comply with this policy, and where the steps proposed are not sufficient to meet the licensing objectives in the individual circumstances of the case.

2.2. The Licensing Objectives and Responsible Authorities

2.2.1. Where the licensing authority has discretion to deal with an application for a new licence, variation, transfer or review it will do so on the individual merits of the case and by reference to the four licensing objectives which are:

- the prevention of crime and disorder;
- public safety;
- the prevention of public nuisance and
- the protection of children from harm.

2.2.2. Where relevant representations have been made the licensing authority may have no alternative but to refuse an application or to attach further conditions unless adequate proposals for addressing these issues are included in the operating schedule. The licensing authority will, as far as possible, assist applicants on how best to adequately address these matters (if this is possible) or advise where further advice and information can be obtained. The licensing authority wishes to encourage applicants to submit fully completed applications in order to reduce unnecessary delays and costs associated with returning application forms or the attendance at hearings.

2.2.3. Various factors need to be considered when addressing licensing objectives and the weight attached to each objective will vary depending on the circumstances. Relevant factors will include the size, facilities, design or state of repair (where this may impact in public safety) of the proposed premises; the type and frequency of entertainment to be provided; the location of the premises and its proximity to such places as offices, schools, religious establishments and residential property; and access to public transport or off street parking (where this may be an issue), although this is not an exhaustive list. Applicants will only be expected to address issues that are in their direct control but encouraged to co-operate with official agencies

in establishing precautions for minimising any disturbance etc. caused by patrons away from licensed premises.

2.2.4. In most cases, where the responsible authorities and interested parties do not raise any representations about the application made to the licensing authority, the licensing authority will grant the licence or certificate subject only to conditions that are consistent with the operating schedule or club operating schedule and any mandatory conditions prescribed by the Act.

2.2.5. The 2003 Act does not require responsible authorities to make representations about applications for the grant of premises licences or to take any other steps in respect of different licensing processes. However, the licensing authority is able to act in its capacity as a responsible authority when it considers it appropriate to make a representation. Such circumstances may include occasions where other responsible authorities have failed to take action and the licensing authority is aware of relevant grounds to make a representation.

2.2.6. Each responsible authority has equal standing under the 2003 Act and may act independently without waiting for representations from any other responsible authority.

2.2.7. Although not specifically identified as responsible authorities under the Licensing Act 2003, the licensing authority will circulate certain applications to local Town and Parish Councils and invite their comments where appropriate. Such applications will include applications for the grant or variation of licences for premises situated within the in the Town / Parish Council area. Furthermore, a weekly update will be sent to all Town and Parish Councils within the borough listing all active applications.

2.2.8. The licensing authority has produced a series of guidance notes that are designed to assist applicants in relation to the licensing objectives. The guidance notes are attached to this policy as Appendix D.

2.3. **Balance**

2.3.1. The licensing authority will also seek to achieve a balance between leisure / entertainment and the needs of residents and other businesses for an acceptable environment and quality of life.

2.3.2. This Policy will not undermine the right of any individual to apply for a variety of permissions and to have any such application considered on its individual merits. Nor will it override the right of any person to make representations on an application or seek a review of a licence or where provision has been made for them to do so in the Licensing Act 2003.

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2.4. Relevancy

2.4.1. Licensing is about the control of premises and places being used for licensable activities and the vicinity of those premises and places. The terms and conditions attached to various permissions are focused on relevant matters that are within the control of the holders of those permissions. This means those matters occurring at, and in the immediate vicinity of, the premises, and the direct impact they have on nearby residents and businesses.

2.4.2. Licensing law is not a mechanism for the general control of anti-social behaviour by individuals once they are beyond the direct control of the individual, club or business holding the licence, certificate or permission concerned.

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3. Cumulative Impact

3.1. In support of the Statement of Licensing Policy, the Council is able to identify areas within the Borough where the further granting of licences or variations to licences could impact on the Council's obligations in respect of the Licensing Objectives. This would be through a 'Cumulative Impact Policy'.

3.2. This policy can outline Cumulative Impact Zones, where a Cumulative Impact Assessment has taken place, and where the evidence from that assessment shows that the cumulative impact of the licensed premises is having a negative impact one or more of the licensing objectives. A Cumulative Impact Assessment can:

> *"… limit the number or type of licence applications granted in areas where the number of licensed premises is causing problems. Such problems typically include crime and disorder or public nuisance caused by large numbers of drinkers being concentrated in one area."*

3.3. The concept of Cumulative Impact has been described in the guidance to Licensing Authorities since the commencement of the Licensing Act 2003. However, the Policing and Crime Act 2017 gave Cumulative Impact Assessments a statutory position within Section 5A of the Licensing Act 2003.

3.4. In some areas where the number, type of density of licensed premises is high, serious problems of nuisance and disorder may occur directly outside, or within the vicinity of those premises. These problems generally occur as a result of alcohol, with a large number of people under the influence of alcohol being concentrated in a small area.

3.5. A large concentration of vulnerable people may also attract criminal activities such as drug-dealing, pick pocketing and robbery. Local services cannot always meet the demand posed by the concentration of users, such as street cleaning and public transport. This can lead to issues such as littering, public nuisance, street fouling, traffic congestion and parking.

3.6. Although these problems are more likely to occur in town centres, they may also occur in other urban centres or suburb, for example smaller high streets with a high concentration of licensed premises.

3.7. There are a number of mechanisms for addressing concerns about the behaviour of those individuals within and around licensed premises which are able to work alongside the licensing policy:

- Planning control and enforcement
- Licence or pub watch
- Business Improvement Districts
- Community Protection Orders
- The use of CCTV

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- Public Space Protection Orders
- Police tasking concerning disorder and anti-social behaviour in specific areas.
- Prosecution for the offence of selling alcohol to a person who is drunk
- Late Night Levy
- Early Morning Restriction Orders
- Other licensing conditions

Cumulative Impact Assessments

3.8. A Cumulative Impact Assessment may be published by a licensing authority to limit the number or type of licensed premises granted in a specific area where there is evidence to show that they density of licensed premises is having a cumulative impact and undermining the licensing objectives.

3.9. Legislation states that a formal consultation process must take place with the following groups:

- The Chief Officer of Police for the area
- The Fire and Rescue Authority for the area
- The local authority's Director of Public Health
- Representatives of local premises licence holders
- Representatives of local club premises licence holders
- Representatives of businesses and residents in its area.

3.10. When consulting on a cumulative impact assessment, the persons listed above must be provided with the following information:

- The reasons why the licensing authority is publishing a CIA;
- a general indication of the part or parts of its area which it is considering describing in the assessment;
- whether it considers that the assessment will relate to all premises licence and club premises certificate applications and variation applications, or only to those of a particular kind described.

3.11. The Council must review any Cumulative Impact Assessment every three years, as required by legislation. The Council is able to review areas more frequently if it considers this necessary.

Cumulative Impact Zones

3.12. A Cumulative Impact Assessment has shown that the density of licenced premises granted in the following areas are having a cumulative impact and causing problems in the area which are undermining the licence objectives.

Wickersley

3.13. The Council have assessed statistics from the police, ambulance service, environmental health and public health for an area designated in Wickersley, which has determined that the zone is suffering from the cumulative impact of on-licensed, and on and off licensed premises.

3.14. The evidence contained within the Cumulative Impact Assessment can be found within the Council's Cumulative Impact Policy, alongside a map showing the exact location of the Cumulative Impact Zone.

3.15. In this area, there are problems surrounding anti-social behaviour, low-level crime, public nuisance including noise and ambulance related alcohol call outs in a mainly residential area. These problems are being suffered by the people living within this area.

3.16. It would be inconsistent with the Council's duty to promote the licensing objectives to grant new, or variations to, applications for any premises which seeks to apply for an on-premises licence, or on and off premises licence.

Applications within a Cumulative Impact Zone

3.17. Publishing a cumulative impact assessment sets a strong statement of intent about the approach that will be taken when considering applications for the grant and variation of premises licenses or club premises certificates in the area described. The Council will have regard to the assessment when determining or revising the Statement of Licensing Policy, as well as when making determinations alongside the Section 182 guidance.

3.18. Any cumulative impact assessment does not change the fundamental principles of which licensing decisions are determined and the Council reserves the right to grant an application where it is appropriate and demonstrates through the operating schedule that the applicant would not add to the cumulative impact of the area in which they are applying.

3.19. However, the Council would expect an applicant to consider the potential cumulative impact of their licence on local issues when setting out the steps that will be taken to promote the licensing objectives. An applicant must be able to demonstrate to the Council and other responsible authorities that granting a new or varied licence will not add to the cumulative impact already being experienced within the area.

3.20. This policy does not create a ban on the grant of licenses within the assessed zone and the Council can only consider cumulative impact to refuse an application if one or more relevant representations are made. Where no representation is received, the Council must grant the licence, as stated in the Licensing Act 2003.

3.21. Therefore, a cumulative impact assessment does not reduce the onus placed on responsible authorities, local residents or residents' groups in making representations where they consider this necessary in order to uphold and promote the licensing objectives. This policy gives a basis of information which can be used when making a representation; a representation can be made just on the fact that an assessment has been published. Any person making a representation must be able to demonstrate that the representation withstands the scrutiny which it will be subjected to at a Licensing Committee, or sub-committee meeting.

3.22. The obligation to demonstrate that the application is suitable for the area is placed onto the applicant. An applicant must suitably evidence that their proposal will not add to the cumulative impact within the area. To assist this process, the Council recommends early consultation with responsible authorities. This can be achieved separately with each responsible authority, or through the Council's Licensing service.

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4. Licensing Hours

4.1. In making decisions that relate to the hours for which a premise is licensed, consideration will be given to the licensing objectives of the prevention of crime and disorder and the prevention of public nuisance.

4.2. Each case will be decided on its individual merits.

4.3. It is recognised that longer licensing hours are important to help to ensure that concentrations of customers leaving licensed premises simultaneously are avoided. In turn this will reduce the potential for disorder at fast food outlets, taxi ranks and other sources of transport.

4.4. In relation to shops and other retail outlets supplying alcohol for consumption off the premises, the general policy will be to allow sales of alcohol at all times that the premises is open for business. Any decision not to allow sales of alcohol at particular times will be based on evidence of the need to prevent crime, disorder and public nuisance.

4.5. In making decisions in respect of licensing hours, consideration will be given to representations made by residents and businesses in the vicinity of the premises, their representatives, and the police as well as the applicant. This may lead to the imposition of stricter conditions on noise controls in areas having more sensitive residential accommodation such as residential care homes or sheltered housing schemes.

4.6. Fixed trading hours will not be set for particular geographical areas. It should be stressed that each case will be decided on its own merits based on whether the licensing objectives can be met.

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5. Promotion of the Licensing Objectives

5.1. The Licensing Authority is required to carry out its functions so as to promote the licensing objectives. This includes its role in:

- Granting or refusing applications for licences;
- Reviewing licences;
- Imposing conditions;
- Deciding how to integrate with other strategies of the council.

5.2. Licence applications should be accompanied by an operating schedule that includes the steps that the licensee proposes to take to promote the licensing objectives. The Licensing Authority expects that the process of developing the operating schedule will include a thorough risk assessment with regard to the licensing objectives, which will assist in identifying those steps.

5.3. Applicants for licences are urged to discuss their proposals with the responsible authorities prior to submitting an application. This will enable them to seek advice on the production of their operating schedule and may avoid the need for a hearing in response to representations made by the authorities. The relevant authorities are:

- Prevention of Crime and Disorder – South Yorkshire Police, RMBC Trading Standards, Home Office Immigration Enforcement (on behalf of the Secretary of State).
- Public Safety – South Yorkshire Police, South Yorkshire Fire and Rescue, the Council's Environmental Health Officers with responsibility for Health & Safety
- Public Nuisance – the Council's Environmental Health Officers with responsibility for Pollution Control
- Protection of Children from Harm – Children's Safeguarding Board, South Yorkshire Police, Trading Standards, and Public Health.

5.4. Further information is provided in the following sections of this policy on a variety of steps to promote the licensing objectives that the Licensing Authority will support. However, the Licensing Authority will not impose them indiscriminately. It is for the applicant to decide which of these are appropriate for inclusion in the operating schedule for the premises, based on the exact circumstances involved. The Licensing Authority will however take this policy into account when undertaking its functions under the 2003 Act.

DRAFT

6. The Prevention of Crime and Disorder

6.1. The licensing authority will have regard to the likely effect of the exercise of its licensing function on, and do all it can to prevent crime and disorder throughout the borough. In so doing the licensing authority will have regard to the likely impact of licensing and related crime and disorder in the borough when considering the location, operation and management of all proposed licence applications, reviews and variations, when its discretion has been engaged.

6.2. An applicant will be expected to demonstrate in his Operating Schedule how he intends to promote the prevention of crime and disorder. The licensing authority will only expect applicants to take such action or precautions that are in their control, but would normally expect applicants to have taken appropriate advice from the Police before making their application. All applicants are therefore advised to seek advice and guidance from South Yorkshire Police and look to the Police as the main source of advice in relation to Crime and Disorder when addressing these issues. Applicants are also advised to take account of local planning and transport policies, tourism, neighbourhood working, cultural implications and crime prevention strategies. Details of where these policies can be viewed can be found in the Guidance to Applicants.

6.3. Crime prevention measures will where appropriate include suitable training of all bar staff and security personnel to prevent the use and supply of drugs and other illegal substances within the licensed premises and to ensure that incidents of crime and disorder in the premises are reduced to a minimum.

6.4. Applicants for personal licences will be expected to have both knowledge of the relevant licensing law and also the practical implications of how this relates to their responsibilities.

6.5. Applicants for premises licences will be expected to be fully aware of their legal responsibilities for ensuring adequate supervision and management of licensed activities at all times. They will also be expected to consider issues relating to ‘designing out’ potential problems. These may, where appropriate, include provision of appropriate lighting outside the premises, installation of CCTV cameras, non-shatter glass on windows etc.

6.6. All door staff working wither under contract for a security company or employed ‘in-house’ will be required to be registered under the Private Security Industry Act 2001 and regulated by the Security Industry Authority. Door staff are defined as those responsible for security, protection, screening the suitability of persons entering the premises or conflict management in places such as pubs, clubs and other licensed premises open to the public. Further information can be found at http://www.the-sia.org.uk.

DRAFT

6.7. Applicants are also expected to address the issue of how to anticipate and minimise any potential disorder that might be caused in the vicinity of their premises. Issues concerning liaison with local bus, taxi and private hire companies should be considered both as a means of preventing public nuisance and crime and disorder on departure and also as a way of promoting the safety of their own staff. The licensing authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the area concerned when addressing the prevention of crime and disorder in their application. The licensing authority acknowledges that licensing law is not the primary mechanism for general control of nuisance and anti-social behaviour by individuals once they are away from licensed premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned, although it is a key aspect of such control.

6.8. The licensing authority expects that under normal circumstances the person responsible for any premises where alcohol is available for sale or supply and consumption on those premises will be a member of an appropriate licence watch or similar scheme which is approved by the licensing authority and South Yorkshire Police (where such a scheme exists). A full list of current schemes can be obtained from the Licensing or Police Authority on request. Such schemes are designed to discourage troublemakers from pubs and clubs throughout the borough by information sharing and are a useful body to represent licensees.

6.9. The licensing authority expects applicants to state within their Operating Schedule the occasions on which they determine the need to use toughened glass or polycarbonate glasses in their premises to limit sale and supply of bottled drinks to diners at tables. Examples of where the Licensing authority may encourage these measures can be found in Appendix A - Model Conditions.

6.10. The licensing authority expects applicants to provide secure storage for used/discarded drinks bottles to prevent their use as offensive weapons.

6.11. The licensing authority expects a risk assessment to be carried out in relation to dance floors to ensure a safe environment. The risk assessment should normally consider adequate supervision of dancers, a safe location for the DJ or band and use of special effects and lighting.

6.12. To further assist in the promotion of the crime prevention objective, further conditions may be attached to a premises licence. Such conditions will normally arise out of the applicant's operating schedule and/or be drawn from the licensing authority's model pool of conditions as may be appropriate for the particular premises.

6.13. A significant part of Rotherham town centre is the subject of a Public Spaces Protection Order (PSPO). This is an area where there is a power for the

Police to request someone to refrain from drinking to address nuisance or annoyance. Failure to comply with this request is a criminal offence. To support this, the Licensing Authority considers it appropriate for Rotherham town centre premises to adopt a policy of prohibiting open containers of alcohol being taken from the premises. This approach will also prevent the use of these containers as offensive weapons.

6.14. The Licensing Authority will support an approach to the marketing of alcohol and the management of licensed premises that promotes the responsible consumption of alcohol. Irresponsible promotions are against the law and the Policy imposes a mandatory condition that staff must not carry out, arrange or participate in any irresponsible promotions.

6.15. Determining whether a drinks promotion is irresponsible or not will require a subjective judgement. The sale of alcohol to persons who are already drunk is an offence under the Act. The incidence of drunken people present at premises may provide an indication that the marketing and sale of alcohol at the premises is not being approached in a responsible way.

6.16. There are a wide range of other steps which may be appropriate in particular circumstances including:

- Prohibiting the sale of alcohol in bottles for consumption on the premises, to prevent their use as weapons
- Requiring drinking vessels to be plastic or toughened glass
- Requiring the provision of retail radio's to connect premises supervisors in town centres to the police
- Appropriate measures to prevent overcrowding in parts of the premises
- The provision of staff to control admission and to control customers inside the premises.
- The adoption of an age determination policy such as Challenge 25 to prevent underage sales

6.17. The Council also recommend licence holders put in place measures to reduce gender-based violence, intimidation and harassment for all staff and customers. This may include 'Ask for Angela' and/or specific training for staff.

DRAFT

7. Public Safety

7.1. The licensing authority recognises that different types of premises will present differing issues of public safety. For example, the safety considerations of public houses, nightclubs, restaurants, hotels (with entertainment), theatres and cinemas will raise issues peculiar to them. However, there are also many common themes. The licensing authority will work with South Yorkshire Fire and Rescue and other agencies to secure consistency and a standardised method of carrying out risk assessments which may be used where appropriate.

7.2. However, the prime responsibility for securing the safety and wellbeing of their customers and staff is placed on those providing entertainment, refreshment or events. Operating schedules are therefore expected to identify both the risks and precautions that will need to be taken to minimise or eliminate these. Guidance notes to assist applicants can be found in the appendices to this Policy.

7.3. Any conditions the licensing authority may need to attach to licences to address safety issues will seek to secure the most cost effective solution without prejudicing public safety, taking account of the nature of the premises and the scale or type of entertainment to be provided.

7.4. The licensing authority recognises that there are five key areas to address in ensuring the environment for a dance event is safe:

- Prevention of overcrowding
- Air conditioning and ventilation
- Availability of drinking water
- Further measures to combat overheating
- Overall safety

7.5. Applicants who intend to promote dance events are expected to give details of how they intend to address each of the following areas:

- Prevention of overcrowding
- Air conditioning and ventilation
- Availability of drinking water
- Further measures to combat overheating
- Overall safety

7.6. Further information and advice on dance events can be obtained from the publication “Safer Nightlife”. This guide can be viewed at: http://newip.safernightlife.org/pdfs/digital_library/uk_safer_nightlife_guideline.pdf

DRAFT

7.7. Applicants are also expected to address positively the need to secure reasonable access and safety for people with disabilities who wish to visit their premises. In this regard licensees are reminded of their obligations under equalities legislation.

7.8. Specific types of adjustments licensees should consider in order to comply with their obligations under equalities legislation, depending on the type of premises concerned include:

- Making adjustments to the premises such as improving access routes and ensuring that they are free of clutter or redecorating part of their premises to provide better to contrast to someone with a visual impairment;
- Providing appropriate or additional training for staff who may come into contact with customers to help them provide services for people with different types of disabilities;
- Acquiring or using modified equipment, for example a telephone with text display for use by deaf customers; and
- Making service literature and instructions more accessible for example providing a Braille version for blind customers and ensuring service, reception and payment points are designed to facilitate ease of use by all;
- Accessible sanitary provisions

7.9. Where relevant representations have been received, the licensing authority may require evidence that items in respect of the building structure included have been considered by a suitably qualified person. In order to avoid relevant representations, applicants may consider the provision of relevant safety certificates such as Electrical Safety Certificates, Gas Certificates, Fire Safety Certification, appropriate Risk Assessments and/or policy documentation including safe capacities appropriate for the type of premise and its usage.

7.10. The licensing authority encourages adequate numbers of appropriately trained first aid staff to be on the premises. Where first aiders are employed they must be qualified to a standard recognised by a voluntary service organisation such as St Johns Ambulance, if they are to treat members of the public. Arrangements must be in place for ongoing first aid training and adequate medical supplies to be available.

7.11. Where its discretion is engaged the licensing authority may attach conditions to licences to promote the Public Safety Objective. These conditions will be based on the applicant’s operating schedule and/or drawn from the model pool of conditions relating to this objective.

DRAFT

8. The Prevention of Public Nuisance

8.1. The licensing authority will have regard to the likely effect of the exercise of its licensing function on, and all it can do to prevent public nuisance.

8.2. The licensing authority accepts that different people may have differing levels of tolerance to the unavoidable ordinary activity involved in the provision of entertainment or refreshment. The licensing authority also acknowledges the role that a vibrant and varied entertainment scene can have in promoting tourism, leisure opportunities, and on the local economy.

8.3. The licensing authority will however, look carefully at the impact of licensed premises and events with regards to potential noise and disturbance to nearby local residents or businesses. It is also recognised that the later the entertainment takes place, the greater will be the need to take steps to ensure that activities do not cause unreasonable disturbance.

8.4. Applicants are therefore expected to consider such factors as noise insulation, noise attenuation measures, the positioning of amplification equipment etc. Advice on such issues can be obtained from the licensing authority's Community Protection Officers. The licensing authority considers that prevention is better than the cure and it may be possible to design measures for minimising disturbance and therefore complaints about noise pollution.

8.5. Applicants will also be expected to address the issue of encouraging orderly conduct of customers leaving their premises. Properly trained door and other staff can assist in this and may be required by condition of licence. Appropriate announcements or reminder notices may also be of assistance. The establishment of good working relationships with transport operators can also often assist in encouraging clientele to leave their premises in an orderly manner.

8.6. The licensing authority strongly recommends that operators establish good communication links with the Police to ensure that where difficult situations develop inside premises and are likely to cause disturbances outside, that preventative action can be taken before the problem arises.

8.7. Where its discretion is engaged the licensing authority will seek to balance the rights of local residents and others with those wishing to provide entertainment or other activities. Conditions will be attached and, where necessary, tailored to address public nuisance issues that may arise in particular premises.

8.8. In determining licence applications where relevant representations have been received, the licensing authority will consider the adequacy of measures proposed to deal with the potential for undue disturbance, public nuisance and / or anti-social behaviour having regard to all the circumstances of the application (including the combinations of licensable

activities). The licensing authority will particularly consider the steps taken or proposed to be taken by the applicant to prevent noise and vibration escaping both from the premises and from external sources under the control of the licensee. Such noise sources may include:

- Amplified and non-amplified levels;
- Singing and speech;
- Disposal to waste and bottle bins;
- Plant and machinery;
- Food preparation, the cleaning of premises and equipment;

8.9. Measures to combat such noise / vibration sources may include the installation / adoption of soundproofing, air conditioning, to allow windows to be kept closed, sound limitation devices, cooling down periods with reduced music levels at the end of the night and adopting hours of operation appropriate to the activities in question and the location.

8.10. The licensing authority will expect applicants and licence holders to have due regard to the following:

- The use of gardens, play areas, car parks, access roads, other open-air areas and temporary structures.
- The steps taken or proposed to be taken by the applicant to prevent disturbance by customers arriving or leaving the premises, including the consideration of the cumulative effect of this might have in areas with other licensed premises nearby. This will be of greater importance between 11 pm and 7 am than at other times of the day.
- The steps taken or proposed by the applicant to prevent queuing (either by pedestrian or vehicles). If some queuing is inevitable then they should be formed away from neighbouring premises or be otherwise managed to prevent disturbance or obstruction, for example, making provision for queuing inside the premises;
- The steps taken or proposed by the applicant to ensure staff leave the premises quietly;
- The arrangements made or proposed for parking by patrons and the effect of parking by patrons on local residents including the slamming of vehicle doors, vehicle horns, vehicle stereos, noise from engines idling, and vehicle exhaust fumes;
- The arrangements for liaising with providers of public transport during the proposed hours of opening (including taxis and private hire vehicle operators);
- Whether the licensed taxi or private hire vehicles serving patrons are likely to disturb local residents and the measures proposed by the applicant to prevent disturbance from this source;
- The installation of any special measures where licensed premises are or are proposed to be located near sensitive premises such as nursing homes, hospitals, hospices or places of worship;

DRAFT

- The suitability of delivery and collection areas and the times, frequency and method of operation, to the extent that these facilities are in the control of the licensee;
- The location of external lighting (including security lighting that is installed inappropriately) and the siting and operation of internal or external illuminated displays or illuminated advertising;
- Whether the premises would lead to increased refuse storage or disposal problems, including additional litter (e.g. fly posters, illegal placards, food waste and food packaging, cans, bottles, advertising 'flyers') in the vicinity of the premises and the measures proposed by the applicant to control this;
- The steps taken to prevent the release of odours passing to neighbouring premises.

8.11. Where the considerations apply to late-night refreshment premises, they shall only be taken to apply to their operation between the hours of 11 pm and 5 am when a premises licence would be required.

8.12. Applicants are advised to seek guidance from a suitably competent noise consultant.

8.13. Where its discretion is engaged the licensing authority may attach conditions to licences to prevent public nuisance. These conditions will be based on the applicant's operating schedule and drawn from the model pool of conditions relating to this objective.

DRAFT

9. The Protection of Children from Harm

9.1. General

9.1.1. The Licensing Authority will carry out its responsibilities so as to promote the licensing objective of protection of children from harm. In doing so it will take into account representations made by the Children's Safeguarding Board on each application.

9.1.2. The Authority is committed to preventing and tackling all forms of Child Exploitation, including Child Sexual Exploitation (CSE) and Child Criminal Exploitation (CCE). Rotherham's Children Safeguarding Board can give support, advice and training for premise operators and staff. Operators are encouraged to engage with the Safeguarding Board to include appropriate conditions and provide the necessary training to staff, covering how to deal with child protection, or perceived problems relating to children in or around the premise.

9.1.3. It is recommended that licence holders are always aware of potential Child Exploitation and report this if they see something that does not look correct. This can be done through making contact with the police, or the Authority's Multi-Agency Safeguarding Hub (MASH). Further information on Child Exploitation awareness is available from both the Police and Licensing Authority's Licensing Services.

9.1.4. Licences will be sought from a wide variety of premises including theatres, cinemas, restaurants, concert halls, cafes, late night takeaways, pubs, bars and nightclubs. It is not possible for a licensing policy to anticipate every situation where children are at risk. The Licensing Authority will not therefore impose general conditions that apply to all premises, but will consider how the licensing objectives can be best promoted in each particular case.

9.1.5. The Authority have regard to the ambition for Rotherham to be a child-friendly borough, creating a great place to grow up in; where children, young people and their families have fun and enjoy living, learning and working. The licensing policy is just one tool which can be used to influence this and can ensure that all licensed activities within the borough sufficiently take the needs of young people into account.

9.1.6. The Licensing Authority will not seek to limit the access of children to licensed premises unless it is necessary to protect children from harm.

9.1.7. The following areas would give rise to particular concern in respect of children:

- Where entertainment or services of an adult or sexual nature are commonly provided;

DRAFT

- Where there have been convictions of members of the current staff at the premises for serving alcohol to minors or with a reputation for underage drinking.
- Where there has been an association with drug taking or dealing.
- Where there is a strong element of gambling on the premises (but not, for example, the simple presence of a small number of cash prize gaming machines or of bingo).

9.1.8. Conditions will not be imposed that require the admission of children. This will remain a matter for the discretion of the licensee.

9.1.9. The range of options available to limit the access of children to licensed premises that may be imposed by the Licensing Authority include:

- Limitations on the hours where children may be present;
- Age limitations (below 18);
- Limitations or exclusions when certain activities are taking place;
- Limitations on the parts of premises to which children might be given access;
- Requirements for an accompanying adult;
- In exceptional cases, exclusion of people under the age of 18 from the premises when any licensable activities are taking place.

9.2. **Children and Cinemas**

9.2.1. Licensees will be expected to prevent children from viewing films that are unsuitable because of the age classification of the film that has been imposed by the British Board of Film Classification or other film classification board approved by the licensing authority. Children will not be permitted to view un-certificated films.

9.3. **Children and Public Entertainment**

9.3.1. The Licensing Authority will expect that where a significant number of unaccompanied children will be present during a public entertainment event, the licensee will ensure that an adequate number of adult staff are present to control the access, egress and safety in and around the premises. The licensee should take into account the number of children to be present, the type of entertainment, the age of the children, the characteristics of the premises and any other relevant factor.

9.4. **Proof of Age Cards**

9.4.1. The Licensing Authority supports the adoption of proof of age cards as a means of preventing underage drinking. It recommends that any premises licensed to sell alcohol adopts a policy of requiring proof of age from any

DRAFT

person where there is any doubt as to whether they are over 18. The authority would suggest as best practice, that proof of age could be in the form of a passport, photographic driving licence, or a proof of age card complying with the Proof of Age Standards Scheme (PASS) launched in January 2003 by the British Retail Consortium.

9.4.2. The Licensing Authority supports the 'Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks.' It will seek to ensure that premises licensed for the sale of alcohol comply with the code.

9.5. **Staffing Levels**

9.5.1. Where any regulated entertainment is taking place, when that entertainment is provided wholly or mainly for children, the number of attendants to assist persons entering or leaving the premises (excluding the licensee and/or the premises supervisor) must be stated in the operating schedule and must be of a level to ensure the safety of those attending the premises. Numbers of attendants required is stated in the Guidance as 1 per area occupied by the children + 1 per exit. In addition the licensing authority would normally expect a minimum ratio of 1 attendant to 30 children or part thereof.

9.5.2. The licensing authority may attach conditions to licences to protect children from harm, where its discretion has been engaged. These conditions will be based on the applicant's operating scheme and / or drawn from the model pool of conditions relating to this objective.

9.6. **Staff Training**

9.6.1. The licensing authority is particularly mindful of the prevalence of Child Sexual Exploitation and the grooming of children. There are apparent links between these activities and licensed premises.

9.6.2. As a result, the licensing authority would expect all staff working or present in licensed premises to be aware of the basic principles of child protection and to be able to identify and appropriately respond to any risks to children on or around licensed premises. There is an expectation that licence holders / applicants will make their staff available for appropriate training where this is required, and co-operate with any voluntary schemes promoted by the local authority to safeguard children and vulnerable adults.

DRAFT

10. Public Health Considerations

10.1. National Context

10.1.1. The Licensing Authority recognises harms associated with public health, particularly relating to public safety and protection of children from harm.

10.1.2. Harms associated with excessive alcohol consumption, obesity and poor diet can impact on individuals, families and wider society, and it is imperative to an effective Statement of Licensing Policy that public health considerations are at the core of the approach taken.

10.1.3. It is essential that relevant Public Health advice, data and agendas, are considered as part of licensing applications to ensure that these are informed and relevant to the local and national picture.

10.1.4. The Licensing Authority will have regard to the impacts of licensing decisions on Public Health and will actively use Public Health data when making licensing decisions, such as the Public Health Alcohol Toolkit.

10.1.5. Reducing harmful drinking is one of seven priority areas for Public Health England where improvement is being sought. Alcohol misuse is the biggest risk factor for death, ill-health and disability among 15-49 year olds in the UK, and the fifth biggest risk factor across all ages. Alcohol is considered a casual factor in more than sixty medical conditions.

10.1.6. Alcohol-related harm is determined by the volume of alcohol consumed and the frequency of drinking occasions. In January 2016, the Chief Medical Officer issued revised guidance on alcohol consumption which states that in order to keep a low level of risk of alcohol related harm, adults should not drink in excess of fourteen units of alcohol a week.

10.2. Local Context

10.2.1. The following statistics show the wide-ranging impacts that problem drinking has in Rotherham:

- 129 deaths attributed to alcohol in 2018
- 1,687 years of life lost (based on premature deaths under 75 years old in 2018)
- 6,827 hospital admissions related to alcohol in 2018/19
- 30% of adults drinking over 14 unites of alcohol per week
- 370 adults were in treatment at specialist alcohol misuse services (2017/18).

10.2.2. Of the eight alcohol-related indicators included in the Council's Joint Strategic Needs Assessment (JSNA), three are significantly worse than England for the latest period which are classified as 'a red risk'. These are:

- Admission episodes for alcohol-related conditions (broad)
- Admission episodes for alcoholic liver disease
- Successful completion of alcohol treatment

10.2.3. A further four indicators are broadly similar to the average across England, which are classified as ‘an amber risk. These are:

- Adults drinking over 14 units of alcohol per week
- Alcohol-related mortality
- Years of life lost due to alcohol-related conditions
- Mortality from chronic liver disease

10.2.4. One indicator is significantly better than the average across England, which is ‘Under 18s admissions for alcohol-specific conditions. This is ‘a green rating’ in the Council’s JSNA.

10.2.5. When comparing Rotherham to nearest neighbouring authorities (based on CIPFA guidance), three indicators are significantly worse than average:

- Adults drinking over 14 units of alcohol per week
- Admission episodes for alcoholic liver disease
- Successful completion of alcohol treatment

10.2.6. When comparing to the borough’s nearest neighbours, the other five indicators are better than average, with ‘Under 18s admissions for alcohol-specific conditions’ second best when compared to 15 similar local authorities.

10.2.7. Data at a ward level indicates that there is a strong link between deprivation and the measures of alcohol harm related hospital admissions. The most deprived seven wards of the borough have the highest values and are all significantly worse than the England average.

DRAFT

11. Special Events in the Open Air or in Temporary Structures

11.1. The success of open air events, or those in temporary structures, depends on the quality, levels of safety, and consideration for the rights of people who live or work in the vicinity as well as the standard of facilities for those coming to enjoy the event.

11.2. It is essential that a comprehensive event management plan is developed well in advance of any planned event. General guidance on planning such events is available to organisers from the various agencies, and it may be appropriate for the event to be considered by the Rotherham Event Safety Advisory Group (RESAG). The licensing authority would expect the applicant / licence holder to fully engage with RESAG and take into account advice / guidance that is provided by the group.

11.3. In particular, the following issues should normally be addressed:

- A detailed risk assessment identifying all inherent risks concerned with the event and the precautions that will be put in place to address these.
- A contingency plan to deal with any emergency situations that may arise during the event.
- A central location for all safety and insurance certificates and other documents relevant to the promotion of the event and equipment used, so that they can be readily produced if required by an authorised officer.
- Ticketing arrangements and estimation of maximum number of visitors to the event. Appropriate levels of trained stewards and security staff will also to be considered.
- Detailed planning of sanitary conveniences, first aid provision, temporary structures, temporary road closures, parking arrangements and any banners or signs to be used.
- At an early stage there should be liaison and discussion with local residents on how to minimise disturbance and disruption to them.
- Positive proposals for ensuring the access, safety and comfort of people with disabilities who may wish to enjoy the event.
- Arrangements for reuniting children who may have become separated from their guardians.
- Properly trained security staff should be used who have been trained and registered in accordance with the Securities Industries Act.
- Ensure first aid and or medical provision meet minimum requirements laid down in the HSE Guide to Health and Safety and welfare at music and similar events.

11.4. Applicants for premises licences are expected to state in their Operating Schedule the precise nature of all entertainment proposed to take place, and to have carried out risk assessments for each entertainment type.

DRAFT

12. Integrating strategies

The Licensing Authority will seek to achieve integration with the strategies set out below and will consult with the appropriate organisations to achieve this.

12.1. Public Health

12.1.1. The Licensing Authority recognises the key role that Public Health delivers in respect of Licensing Objectives and in particular those relating to public safety and protection of children from harm in relation to issues relating to alcohol.

12.1.2. Public Health has a critical role in providing advice and data in respect of Licensing Objectives, providing essential information upon which to ensure that considerations of harms are enshrined within the approach the Council takes to licensable activities.

12.1.3. In considering decisions and the delivery of the Statement of Licensing Policy, the Licensing Authority will consider Public Health objectives, advice and data.

12.2. Safer Rotherham Partnership

12.2.1. The Licensing Authority recognises its responsibility to address issues relating to crime and disorder and is committed to working together, with other partners, to make Rotherham a safe and attractive borough.

12.2.2. In making decisions, the Licensing Authority will consider the objectives of the Safer Rotherham Partnership, especially relating to:

- Reducing the opportunities for crime to occur
- Tackling disorder and anti-social behaviour
- Reducing the fear of crime
- Combating the use of drugs

12.3. Planning

12.3.1. Applications under the Licensing Act 2003 will be considered separately from other regimes such as planning and building control. This is in order to avoid duplication and inefficiency. Applications for premises licences for permanent commercial premises should normally be from businesses with the appropriate planning consent for the property concerned. However, applications for licences may be made to the Licensing Authority before relevant planning permission has been sought or granted by the planning authority.

DRAFT

12.3.2. The planning and licensing regimes involve consideration of different matters. For example, licensing takes into account the four licensing objectives:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

12.3.3. Whereas planning considers a range of issues such as:

- Public nuisance
- Loss of privacy
- Highway safety
- Design
- Nature conservation
- Adequacy of parking
- Amenity
- Layout & Density
- Sustainability

12.3.4. Where a planning condition restricts usage of a premise to certain hours, and if these hours differ from those permitted on a premises licence, then the premise owner must comply with the more restrictive of the two sets of hours.

12.4. **Culture and Tourism**

12.4.1. The Council is working to develop and promote Rotherham as a good place to live and work, which means more jobs, a vibrant cultural sector and good quality green spaces.

12.4.2. It is supporting the economic growth and the regeneration of the borough through work with partners to deliver a joined-up culture, sport and tourism offer alongside adopting both the Town Centre Masterplan and the Local Plan.

12.4.3. The International Covenant on Economic, Social and Cultural Rights (ICESCR) which was ratified by the UK in 1976 recognises the right of everyone to take part in cultural life and requires that active steps are taken to develop cultural activity and ensure that everyone can participate in the cultural life of the community.

12.4.4. The strategy in relation to culture and tourism encompasses arts, heritage, museums, parks and green spaces, neighbourhood facilities, markets, festivals and public events, media, libraries and literature, sport, play, faith and worship, tourism, restaurants and bars and creative industries.

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12.4.5. This licensing policy will operate in the spirit of the Council's approach to improving the borough's culture and tourism offer and the International Covenant on Economic, Social and Cultural Rights (ICESCR). In doing so, it will seek to maintain a balance between regulation and supporting cultural activity. It will strive to maintain a balance between the need to 'manage' any detrimental impacts of an activity in a community with the many benefits cultural activity brings to communities, in developing personal aspiration and potential, building cohesive communities, providing opportunities for young people, contributing to economic growth and regeneration and the development of sustainable communities.

12.4.6. In order to maintain this balance the Licensing Authority will:

- monitor the impact of licensing on the provision of regulated cultural activities and entertainment, such as live music, theatre, dance and festivals
- create a dialogue with the cultural sector about the impact of the licensing policy and work with our partners to balance different interests
- seek to ensure that conditions attached to licences do not deter live music, festivals, theatre, sporting events etc. by imposing unnecessary restrictions
- seek to ensure that conditions attached to licences do not deter new or small scale groups/ activities in communities by imposing conditions which will lead to a cost disproportionate to the size of the event
- Seek to create an environment which minimises nuisance and anti-social behaviour connected to cultural activity and events but without undermining our commitment to increase access to cultural participation as a fundamental human right.

12.5. **Building Control**

12.5.1. The Building Regulation process is a separate system to the licensing regime but complementary in terms of some shared objectives.

12.5.2. Where a licence is applied for, or exists, and any Building Regulated work is carried out, either as a material alteration, change of use or new build to a licensed premises, the owner / licensee should ensure that before opening to the public, Building Regulations consent has been granted in full and that completion certificates have been issued.

12.5.3. Two separate and distinct certificates are issued on a commercial or work place premises. The first confirms compliance with Building Regulations in general and the second confirms compliance in terms of fire precautions, including means of escape in case of fire. A copy of this second certificate is sent to the Fire Service, which triggers their responsibilities under the Work Place Regulations and enforcement of risk assessments.

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12.6. **Promotion of Equality**

12.6.1. In developing this strategy, the Licensing Authority has recognised its responsibility under the Equality Act 2010, to consider the need to eliminate unlawful discrimination, harassment and victimisation and to advance equality of opportunity between different groups and foster good relations between different groups.

12.6.2. The Licensing Authority also recognises that this policy should promote equality in a wider sense and has therefore assessed the potential impact on disadvantaged groups in general.

12.6.3. The following actions, which have been identified as being necessary to promote equality, and within the scope of the Act and supporting guidance, will be implemented by the Licensing Authority:

- The Licensing Policy and associated documents will be available on the internet, and in other formats upon request.
- The licensing objective of protecting children from harm will be promoted.
- Support will be offered to licence applicants, licence holders and potential objectors who are socially excluded.
- Account will be taken of the effect of specific applications on community cohesion, including the need to balance the benefits of cultural and community activities with limited local disturbance.
- Action will be taken to endeavour to ensure the safety of vulnerable people in licensed premises.
- Action will be taken to ensure that all applications, particularly those for disadvantaged groups, are dealt with fairly.

12.6.4. The Licensing Authority is aware that there may be particular sensitivities of certain buildings, for example religious buildings, to certain licensable activities taking place in close proximity. Where this proximity has an impact on the promotion of one of the licensing objectives this is a matter for the Licensing Authority. Where the impact does not affect the promotion of the licensing objectives, there may be other control mechanisms, such as the planning system, that could be applicable.

12.7. **Disabled Access**

12.7.1. The guidance supporting the Act advises that conditions relating to disabled access should not be attached to licences, as this would duplicate existing statutory requirements. The Licensing Authority therefore takes this opportunity to remind operators of premises of their duties under the Equality Act 2010.

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12.8. **Transport**

12.8.1. Rotherham's Transport Strategy is set out in the South Yorkshire Local Transport Plan (SYLTP).

12.8.2. The SYLTP policies seek to ensure that alternatives to the use of the private car are available; these alternatives include walking, cycling and public transport (bus, rail and taxi). They are operated in conjunction with land use policies to seek to ensure that development takes place in locations where these alternatives can be best provided; the Town Centre is naturally one of these locations, particularly with regard to public transport.

12.8.3. A high level of bus services is provided commercially between the hours of 7am and 7pm Monday to Saturday. Lower levels of services are provided up to 11pm and on Sundays, and the transport plan will continue to seek ways of improving the provision of bus services at these times and later at night to assist in getting people away from the Town Centre quickly, safely and efficiently.

12.8.4. Licensed vehicles provide a useful role in transporting people, particularly at times when bus services are not well provided. Taxi ranks are provided where demand is identified, and include both 24 hour ranks and ones which operate only at night. The Council's Transport Strategy will continue to seek to ensure that the demand for rank provision is satisfied and that their locations are amended as demand alters, subject to competing demands for use of kerbside space.

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13. Duplication

13.1. The authority will avoid duplication with other regulatory regimes (e.g. the Health and Safety at Work Act) insofar as attaching conditions to premises licences and club premises certificates.

13.2. Conditions will only be attached where they are necessary for the promotion of the licensing objectives. If matters are already provided for in other legislation they cannot be considered necessary in the context of licensing law.

13.3. As has been referred to elsewhere in this policy, licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned.

13.4. Nonetheless, it is a key aspect of such control and licensing law will always be part of a holistic approach to the management of the evening and night-time economy in Rotherham.

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14. Standardised Conditions

14.1. The Licensing Authority will only attach to premises licences, and club premises certificates, those conditions that are tailored to the individual style and characteristics of the premises and the events concerned, and where they are necessary for the achievement of one or more of the four licensing objectives.

14.2. Model Conditions

14.2.1. To aid administration a pool of model conditions is attached to this statement (but not form part of it). The authority may draw appropriate and proportionate conditions from this pool to cover particular circumstances. This is not intended to be an exhaustive list and other specific conditions may be appropriate.

14.2.2. The model conditions will be informed through consultation. There are elements of the model conditions, which are indicated, that will be entirely dependent upon the findings of the consultation.

14.2.3. The pool of model conditions is attached as Appendix A to this policy.

14.3. Mandatory Conditions

14.3.1. A number of conditions are mandatory and are required to be applied to licences.

14.3.2. Mandatory conditions are provided by the 2003 Act, amended by the (Mandatory Licensing Conditions) (Amendment) Order 2014 and should be included in every Licence and/or Club Premises Certificate.

14.3.3. The Mandatory Conditions are attached to this Policy at Appendix B. These need to be adhered to and complied with by the Premises Licence Holder.

14.3.4. For premises with ON sales the Mandatory Conditions will include the following requirements:

- The need for a Designated Premises Supervisor to be registered on the Licence.
- Alcohol needs to be sold or authorised by a Personal Licence Holder.

14.3.5. Mandatory Conditions also refer to:

- Permitted price of alcohol
- Age verification Policy
- Irresponsible promotions
- No drinking games (encouraging people to drink too much or within specific time limits).

- Free access to drinking water
- Measures of alcoholic drink
- Exhibition of films
- Door Supervision

14.3.6. For premises with OFF sales the Mandatory Conditions will include the following requirements:

- The need for a Designated Premises Supervisor to be registered on the Licence.
- Alcohol needs to be sold or authorised by a Personal Licence Holder.

14.3.7. Mandatory Conditions also refer to:

- Permitted price of alcohol
- Age verification Policy

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15. Entitlement to work in the UK

15.1. Section 36 of and Schedule 4 to the Immigration Act 2016 (the 2016 Act) amended the 2003 Act and introduces immigration safeguards in respect of licensing applications made in England or Wales on or after 6 April 2017. The intention is to prevent illegal working in premises licensed for the sale of alcohol or late night refreshment.

15.2. The statutory prevention of crime objective in the 2003 Act includes the prevention of immigration crime and the prevention of illegal working in licensed premises. Licensing authorities should work with the Home Office (Immigration Enforcement) as well as the police, in respect of these matters.

15.3. The Home Secretary (in practice Home Office Immigration Enforcement) is added to the list of responsible authorities in the licensing regime, which requires Home Office (Immigration Enforcement) to receive premises licence applications (except regulated entertainment only licences), and in some limited circumstances personal licence applications, and permits Home Office (Immigration Enforcement) to make appropriate representations and objections to the grant of a licence.

15.4. Individuals applying for a personal licence and / or a premises licence for the sale of alcohol or late night refreshment must be entitled to work in the UK. This includes applications made by more than one individual applicant. An application made by an individual without the entitlement to work in the UK must be rejected. This applies to applications which include the sale of alcohol and the provisions of late night refreshment, but does not include applications which apply to regulated entertainment only.

15.5. Applicants must provide copies of Identification documents to verify their entitlement to work within the UK. The documents, which may be relied on in support of an application demonstrating an entitlement to work in the UK, are the same for the personal licence (see section 13) shown in Appendix C.

15.6. Individuals applying for a personal licence must be entitled to work in the UK. The Immigration Act 2016 amended the Licensing Act 2003, with effect from April 6 2017. Applications made on or after this date by someone who is not entitled to work in the UK must be rejected.

15.7. Licences must not be issued to people who are illegally present in the UK, who are not permitted to work, or who are permitted to work but are subject to a condition that prohibits them from doing work relating to the carrying on of a licensable activity.

15.8. In order to carry out this duty licensing authorities must be satisfied that an applicant has the right to work in the UK. They require applicants to submit an identification document, to show that they have permission to be in the UK and to undertake work in a licensable activity. Acceptable documents are listed in Appendix C to this policy.

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16. Personal Licences

16.1. The Licensing Authority recognises the important role that personal licence holders have to play in the promotion of the licensing objectives at premises selling alcohol. For this reason personal licence holders are required to have prescribed training and not have relevant convictions that would indicate their unsuitability.

16.2. The Policing and Crime Act 2017 gives licensing authorities the power to revoke or suspend personal licences, with effect from 6 April 2017.

16.3. When a licensing authority has granted a personal licence and becomes aware that the licence holder has been convicted of a relevant offence or foreign offence or been required to pay an immigration penalty, a licensing authority may revoke the licence or suspend it for a period of up to six months. This applies to convictions received and civil immigration penalties which a person has been required to pay at any time before or after the licence was granted, as long as the conviction was received after 6 April 2017, or the requirement to pay the civil penalty arose after 6 April 2017.

16.4. Every sale of alcohol at licensed premises is required to be authorised by a personal licence holder. Because of the importance of their role, the Licensing Authority considers it to be good practice for personal licence holders to have significant operational involvement in the sale of alcohol rather than to undertake a remote, periodic authorisation of other staff. In practical terms this would mean authorisation on at least a daily basis, and to be available on the premises throughout most of the day to deal with circumstances requiring their expertise and authority.

16.5. When applying for a personal licence, the Licensing Authority would expect applicants to produce an up to date Disclosure Barring Service certificate. All applicants would also be expected to make a clear statement as to whether or not they have been convicted outside England and Wales of a relevant offence or an equivalent foreign offence.

16.6. In accordance with the Secretary of State's advice the Licensing Authority will normally refuse applications where the police have issued an objection notice unless there are, in the opinion of the Licensing Authority, exceptional and compelling reasons which justify granting the application.

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17. Temporary Event Notices (TENs)

17.1. Part 5 of the Licensing Act allows licensing activities to be carried out in specified circumstances on a temporary basis, subject to a temporary event notice being served on the Licensing Authority, with a copy to the chief officer of police and Environmental Health services for the area no less than ten working days before the event. The chief officer of police or Environmental Health services may object to the event if satisfied that that any of the four licensing objectives would be undermined.

17.2. “Late” TENs are intended to assist premises users who are required for reasons outside their control to, for example, change the venue for an event at short notice.

17.3. Late TENS can be given at any time as long as the limits specified, within guidance issued under section 182 of the Licensing Act 2003, are not exceeded. Late TENs can be given up to five working days but no earlier than nine working days before the event is due to take place and, unless electronically given to the licensing authority, must also be sent by the premises user to the police and Environmental Health Services. A late TEN given less than five days before the date of the event to which it relates will be returned as void and the activities to which it relates will not be authorised.

17.4. The Licensing Authority considers that it is important that the police and Environmental Health services have sufficient time to properly evaluate the likely impact of a temporary event. Where insufficient notice of the event is given this may lead to objections being made that may have been unnecessary if a fuller evaluation had been possible. Equally, if notice of an event is given too far in advance it may be difficult to evaluate because of future uncertainty.

17.5. The Licensing Authority would therefore suggest as best practice that a temporary event notice is served between one and two months ahead of the event taking place.

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18. Enforcement

18.1. The Licensing Authority will carry out its responsibilities for enforcement so as to promote each of the four licensing objectives.

18.2. The Licensing Authority will develop and review enforcement protocols in agreement with the police.

18.3. Enforcement activities will be targeted in terms of risk and so as best to promote the licensing objectives. In addition account will be taken of the general enforcement policy of the licensing authority, which aims to ensure that enforcement is open, fair, reasonable and proportionate.

18.4. Enforcement activities will include operations designed to:

- Ensure compliance with conditions attached to licences, operating schedules, requirements specified in the this Statement of Policy, and the requirements of the Licensing Act itself;
- Protect public safety;
- Prevent nuisance;
- Prevent crime and disorder;
- Protect children from harm;
- Identify unlicensed activities;
- Respond to complaints and representations from relevant individuals and responsible authorities;
- Prevent the sale of alcohol to minors
- Prevent the sale of alcohol to people who are drunk
- Identify the keeping of smuggled goods
- Prevent drug misuse

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19. Live Music, Dancing, Theatre, Circuses and Street Arts

19.1. The Licensing Authority will ensure that when it considers applications for licences for entertainment involving live music, dancing, theatre, circuses and street arts it will act so as to promote the licensing objective of preventing public nuisance.

19.2. The Licensing Authority recognises that there is a need to encourage and promote a broad range of entertainment, particularly those activities identified above, because of the wider cultural benefits to communities. The potential for limited disturbance will therefore be balanced against these wider benefits.

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20. Wholesale of alcohol

20.1. Since 1 April 2017, businesses which sell alcohol (for example, retailers of alcohol and trade buyers) need to ensure that the UK wholesalers that they buy alcohol from have been approved by HMRC under the Alcohol Wholesaler Registration Scheme (AWRS). They will need to check their wholesalers Unique Registration Number (URN) against the HMRC online database. This is an ongoing obligation and if a business is found to have bought alcohol from an unapproved wholesaler, they may be liable to a penalty or could even face criminal prosecution and their alcohol stock may be seized. Any trader who buys alcohol from a wholesaler for onward sale to the general public (known as a 'trade buyer') does not need to register unless they sell alcohol to other businesses.

20.2. Examples of trade buyers would be pubs, clubs, restaurants, cafes, retailers and hotels. However, they will need to check that the wholesaler they purchase alcohol from is registered with HMRC. Further information may be found at: https://www.gov.uk/guidance/the-alcohol-wholesalerregistration-scheme-awrs

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21. Delegation of Functions

21.1. The following matters will be determined by either the Licensing Committee or one of its sub-committees:

- Application for a personal licence where there are relevant unspent convictions;
- The review of a premises licence or club premises certificate;
- Decision to object when the local authority is the consultee and not the relevant authority considering the application;
- Determination of a police objection to a temporary event notice.

21.2. The following matters will be determined by either the Licensing Committee or one of its sub-committees where a relevant representation has been made:

- Application for a personal licence;
- Application for a premises licence or club premises certificate;
- Application for a provisional statement;
- Application for variation to a premises licence or club premises certificate;
- Application to vary a designated premises supervisor
- Application for transfer of a premises licence
- Application for interim authority
- Determination of a temporary event notice.

21.3. The Licensing Manager will determine all other matters.

21.4. Variations to premises licences or club premises certificates that could not impact adversely on the licensing objectives are subject to a simplified ‘minor variations’ process. There is clear guidance as to what constitutes a “minor variation” contained on the Government’s website.

21.5. Councillors are now considered as “interested parties” and can make representations on any application as such, even if they do not live in the vicinity, or may represent persons living or working in the vicinity of the premises in question.

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22. Period of Validity & Review

22.1. This statement of licensing policy will come into force on 1st May 2020 and be valid until 2025. The policy will then be reviewed and reissued for a period of 5 years.

22.2. The policy will be kept under review during the period of validity and if necessary amendments made.

22.3. Before a new policy is adopted or amendments made to the existing one the Licensing Authority will undertake consultation in accordance with Section 5 of the Licensing Act 2003.

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Appendix A

Licensing Act 2003 Statement of Licensing Policy 2020-2025

Pool of Model Conditions

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Introduction:

When deciding to grant or vary a premises licence under the Licensing Act 2003, the Licensing Authority may do so subject to conditions which it considers are appropriate in promoting the licensing objectives.

Conditions should be individual to a premise and tailored to meet the individual circumstances of the premise, area and other contextual factors. Standardised conditions often do not reflect the individual aspects of applications and should be avoided.

Conditions which are appropriate to promote the licensing objectives should emerge from the application process and form part of the operating schedule of the premise. The Pool of Model Conditions has been produced to assist applicants to consider and promote the licensing objectives, within the context of their application.

Rotherham consists of a variety of neighbourhoods and communities and the Council encourage applicants to use model conditions, or alternative measures, to ensure that the Licensing Objectives are being promoted, whilst minimising any impact that could be caused by a licensed premise. Applicants should have an understanding of the area where their application is based and should tailor their application to consider any issues that are apparent in that area; model conditions are just one way to do this.

The Pool of Model Conditions is also available to assist any Responsible Authority, and other person, who may consider making a representation to the applicant. These conditions should form a consistent approach in proposing conditions on a premises licence.

The Pool of Model Conditions is not an exhaustive list and it does not restrict applicants, responsible authorities or other persons from proposing alternative conditions. It also does not restrict any reasonable condition on a licence being imposed where it considers it appropriate for the promotion of the licensing objectives.

Whilst it is not a Licensing Objective, Public Health is also considered to be a key issue within Rotherham when determining licensing matters and the Council consider it good practice for Public Health to be taken into account when applications are being made. Applicants are encouraged to take into account any relevant data regarding Public Health and amend their application accordingly.

CONDITIONS RELATING TO PREVENTION OF CRIME AND DISORDER

It should be noted that certain matters are offences under the Licensing Act 2003. For example it is an offence to be party to the following:-

- Selling or supplying alcohol to a person who is drunk
- Knowingly allow disorderly conduct on licensed premises
- Being the holder of a premises licence or a designated premises supervisor to knowingly keep or to allow to be kept on licensed premises any good that have been imported without payment of duty or which have otherwise been unlawfully imported
- Sale of alcohol to under 18's
- Allowing the presence of children under 16 who are not accompanied by an adult between midnight and 5am at any premises licensed for the sale of alcohol for consumption on the premises, and at any time in premises used exclusively or primarily for the sale and consumption of alcohol.

Conditions dealing with these matters are therefore not necessary and will not be attached to licences. Applicants should note that the absence of such conditions on any licence does not authorise the commission of such acts as a defence to such offences.

General

Communication between premises

Communication devices, connecting premises licence holders, designated premises supervisor's, managers of premises and clubs to local police can provide for rapid response by the police to situations of disorder which may be endangering the customers and staff on the premises.

Such devices could provide two-way communication, enabling licence holders, managers, designated premises supervisors and clubs to report incidents to the police, and enabling the police to warn those operating a large number of other premises of potential trouble makers or individuals suspected of criminal behaviour that are about in a particular area. Licence holders, door supervisors, managers, designated premises supervisors and clubs can warn each other of the presence in an area of such people where these systems are used.

Where a condition requiring the text/radio pager which links the police is attached to a licence it will include the following:-

- The text/pager equipment is kept in working order at all times;
- The pager link is activated, made available to and monitored by a designated premises supervisor or by a responsible member of staff at all times that the premises are open to the public;
- Any police instructions/directions are complied with whenever given; and

- All instances of crime and disorder are reported via the text/radio [ager link by the DPS or responsible member of staff agreed to an agreed police contact point.

In relevant circumstances conditions may be imposed requiring the use and maintenance of such systems.

Door Supervisors

Conditions relating to the provision of door supervisors and security teams may be valuable in:

- Preventing the admission and ensuring the departure from the premises of the drunk and disorderly, without causing further disorder;
- Keeping out excluded individuals (subject to court bans or imposed by the licence holder);
- Searching and excluding those suspected of carrying illegal drugs, or carrying offensive weapons; and
- Maintaining orderly queuing outside of venues prone to such queuing.

Where door supervisors conducting security activities are required as a condition of licence, they are required to be registered with the Security Industry Authority, and conditions will also be imposed dealing with the number of such supervisors, the displaying of name badges, the carrying of proof of registration, where and at what times door staff should be stationed on the premises, and whether at least one female supervisor should be available (for example, if female customers are to be the subject of body searches).

Door supervisors also have a role to play in ensuring public safety.

Training of licence holders, door supervisors, and other workers

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

The Council consider it good practice for license holders, door supervisors and other staff to take part in a variety of training sessions, which could include but is not limited to:

- Safeguarding Children
- Safeguarding Vulnerable Adults
- Crowd Safety
- Counter-terrorism

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

Sexual Violence and Vulnerability

All premises are highly recommended toe engage with South Yorkshire Police and the Council to implement the 'Ask for Angela' scheme. Appropriate training should be given to staff on the way in which this will be delivered at a premise level.

It is also recommended that licensed premises are able to provide information and signposting to local domestic abuse support services in a discrete and supportive way to those who may need this.

Single Can Sales

Single Can Sales can contribute to the harms relating to alcohol misuse, and particularly contribute to the harm caused to children and young people. Conditions may therefore be necessary to prevent sales of single cans of alcoholic drinks in areas where risk of harm is identified to be high.

Bottle bans

Bottle may be used as weapons inflicting more serious harm during incidents of disorder. Conditions may therefore be necessary to prevent sales of drinks in their bottles for consumption on the premises. However, the Council notes evidence that many women consider that drinking from bottles to be safer as it is easier for them to prevent the possible spiking of drinks with drugs in bottles the openings of which may be readily covered. These issues will therefore need to be carefully balanced when specifying such conditions.

Plastic containers and Toughened Glass

Glasses containing drinks may be used as weapons during incidents of disorder and can cause serious injuries. Consideration should therefore be given to conditions requiring either the use of plastic containers or toughened glass, that inflict less severe injuries. The location and style of the venue and the activities carried on there will be particularly considered in assessing whether such a condition is necessary. For example, the use of glass containers on the terraces of outdoor sports grounds may obviously be of concern, but similar concerns may also apply to indoor sports events such as boxing matches. Similarly, the use of such plastic containers or toughened glass during the televising of live sporting events, such as international football matches, when high states of excitement and emotion fuelled by alcohol might arise, may be a necessary condition. The use of plastic or paper drinks containers may also be relevant as measures to promote public safety.

CCTV

The presence of closed circuit television cameras can be an important means of deterring and detecting crime at and immediately outside licensed premises. Where such conditions are necessary there will also requirement to maintain cameras in working order, and to retain recordings for an appropriate period time. The approval of the police will be required as to the type and positioning of the equipment to be used.

Open containers not to be taken from the premises

Drinks purchased in licensed premises or clubs may be taken from those premises for consumption elsewhere. Where premises are licensed for the sale of alcohol for consumption off the premises that would be entirely lawful. However, consideration may be given to a condition preventing the taking of alcoholic and other drinks from the premises in open containers (e.g. glasses and opened bottles). This may be necessary to prevent the use of these containers as offensive weapons in surrounding streets after individuals have left the premises.

Restrictions on taking open containers from the premises may also be a relevant necessary measure to prevent public nuisance.

Restrictions on drinking areas

It may be necessary to restrict the areas where alcoholic drinks may be consumed in the premises after they have been purchased from the bar. An example would be a sports ground where it may be necessary to prevent the consumption of alcohol on the terracing of sports grounds during particular sports events. Such conditions will not only specify these areas, but indicate the circumstances in which the ban would apply and times at which it should be complied with.

Restrictions on drinking areas may also be relevant necessary measures to prevent public nuisance.

Capacity limits

Although most commonly considered as a condition of a licence on public safety grounds, consideration may also be given to conditions that set capacity limits for licensed premises or clubs where it may be necessary to prevent overcrowding which can lead to disorder and violence, Where such a condition is considered necessary, consideration may also be given to appropriate door supervisors needed to ensure that the numbers are appropriately controlled.

Proof of Age Cards

It is unlawful for children under 18 to attempt to buy alcohol just as it is unlawful to sell or supply alcohol to them. To prevent such crimes, it may be necessary to require a policy to be applied at certain licensed premises requiring the production of “proof of age” before such sales are made. Such a condition may also make provision for the production of other proof, such as photo-driving licences, student cards and passports to be acceptable.

The wording of any condition requires careful thought. For example many premises have adopted the “Challenge 21” or “Challenge 25” or other similar initiatives. Under Challenge 21/Challenge 25 those premises selling or supplying alcohol require sight of evidence of age from any person appearing to be under the age of 21/25 and who is attempting to buy alcohol.

Proof of age may also be relevant and necessary to protect children from harm.

Crime prevention notices

It may be necessary at some premises for notices to be displayed that warn customers of the prevalence of crime that may target them. For example, in certain areas, a condition attached to a premises licence or club premises certificate might require the displaying of notices at the premises which warn customers about the need to be aware of pickpockets or bag snatchers, and to guard their property. Similarly, it may be necessary for notices to be displayed, which advise customers not to leave bags unattended because of concerns about terrorism. Consideration may also be given to a condition requiring a notice to display the name of a contact for customers if they wish to report concerns.

Drinks promotions

Standard conditions will not be attached to premises licence or club premises certificates which promote fixed prices for alcoholic drinks. Conditions tailored to the individual circumstances of particular premises, which address irresponsible drinks promotions, may be considered where it is considered this is necessary for the promotion of the licensing objectives.

Irresponsible promotions are addressed through mandatory licensing conditions. The licensing authority however will be objective when considering whether a promotion is responsible or irresponsible within the context of the licensing objectives.

Signage

It may be necessary for the normal hours under the terms of the premises licence or club premises certificate at which licensable activities are permitted to take place.

Similarly, it may be necessary for any restrictions on the admission of children to be displayed on or immediately outside the premises so that the consequences of breaches of these conditions would also be clear and to deter those who might seek admission in breach of those conditions.
Furthermore, signage promoting the responsible consumption of alcohol is encouraged to be added across the venue. For example, Drink Aware publicity material would be encouraged across a venue to promote responsible drinking habits.

Large Capacity Venues used exclusively or primarily for the “vertical” consumption of alcohol (HVVDs)

Large capacity “vertical drinking” premises, sometimes called High Volume Drinking Establishments (HVVDs) are premises which have exceptionally high capacities, used primarily or exclusively for the sale and consumption of alcohol and little or no seating for patrons.

Where necessary and appropriate conditions can be attached to licences for these premises which require adherence to:

- A prescribed capacity

- An appropriate ratio of tables and chairs to customers based on the capacity; and
- The presence of security staff holding the appropriate SIA licence or exemption to control entry for the purpose of compliance with the capacity limit.

CONDITIONS RELATING TO PUBLIC SAFETY

General

The following options will be considered as measures that, if necessary, would promote public safety. It should be recognised however that special issues might arise in connection with outdoor and large-scale events.

Whether or not any risk assessment shows any of the measures to be necessary in the individual circumstances of any premises will depend on a range of factors including the nature and style of the venue, the activities being conducted there, the location of the premises and the anticipated clientele of the business involved.

Necessary conditions of the licence or certificate will also depend on local knowledge of the character and vicinity of the premises.

In addition, to considering the points made in this Annex, those preparing operating schedules or club operating schedules, and responsible authorities should consider:

- Model National and Standard Conditions for Place of Public Entertainment and Associated Guidance ISBN 1 904031 11 0 (Entertainment Technology Press – ABTT Publications)

- The Event Safety Guide – A guide to health, safety and welfare at music and similar events (HSE 1999)("The Purple Book ") ISBN 0717624536

- Managing Crowds Safely (HSE 2000) ISBN 9780717618347

- Guide to Safety at Sports Grounds (The Stationery Office, 2008) ("The Green Guide 5th Edition") ISBN 978 0 11 702074 0

- Safety Guidance for Street Arts, Carnival, Processions and Large Scale Performances published by the Independent Street Arts Network, copies of which may be obtained though http://www.streetartsnetwork.org.uk/

- Fire Safety Risk Assessment – Small and Medium Places of Assembly ISBN 978185112820-4

- Fire Safety Risk Assessment – Large Places of Assembly ISBN 978185112821-1

- The Fire Safety (Regulatory Reform) Order 2005

- The following British Standards should also be considered:

    - BS 9999 : 2008
    - BS 5839 : Part 1 : 2002 (Fire Detection/Fire Alarms)

    - BS 5266 : Part 1 : 2005 (Emergency Lighting)

Harms associated to alcohol

It is well evidenced that the excessive consumption of alcohol can have significant harms on individuals and that licensees have an important role in promoting responsible drinking. Consideration will be given to conditions which ensure that:

- Premises promote a good range of low-alcohol or alcohol-free drinks to enable customers to choose drinks with a lower alcohol volume. These should be readily available and of a similar price to alcoholic equivalents.

- The premise does not promote any reduced drink price through a promotion, to promote responsible drinking.

- A premise has a process to provide details of local alcohol support services to customers in a discrete and supportive way.

Disabled People

Consideration will also be given to conditions that ensure that:

- When disabled people are present, adequate arrangements exist to enable their safe evacuation in the event of an emergency: and

- Disabled people and all employed staff on the premises are made aware of those arrangements.

Escape routes

It may be necessary to include conditions relating to the maintenance of all escape routes and exits including external exists. These might be expressed in terms of the need to ensure that such exits are kept unobstructed, in good order with non-slippery and even surfaces, free of trip hazards and clearly identified. In restaurants and other premises where chairs and tables are provided this might also include ensuring that internal gangways are kept unobstructed.

In certain premises where existing legislation does not provide adequately for the safety of the public, consideration might also be given to conditions that ensure that:

- All exits doors are easily opened without the use of a key, card, code or similar means;

- Doors at such exits are regularly checked to ensure that they function satisfactorily and a record of the check kept;

- Any security fastenings are removed prior to the premises being open to the public;

- All fire doors are maintained effectively self-closing and shall not be held open;

- Fire resisting doors to ducts, service shafts, and cupboards shall be kept locked shut; and

- The edges of the treads of steps and stairways are maintained so as to be conspicuous.

Safety checks

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- Safety checks are carried out before the admission of the public; and

- Details of such checks are kept in a Log Book.

Curtains, hangings, decorations and upholstery

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- Hangings, curtains and temporary decorations are maintained in a flame-retardant condition;

- Any upholstered seating meets on a continuous basis the pass criteria for smouldering ignition source 0, flaming ignition source 1 and crib ignition source 5 when tested in accordance with section 5 of BS 5852:1990;

- Curtains, hangings and temporary decorations are arranged so as not to obstruct exits, fire safety signs or fire-fighting equipment; and

- Temporary decorations are not used without the prior written consent of the licensing authority.

Accommodation limits

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that:

- Arrangements are made to ensure that any capacity limit imposed under the premises licence or club premises certificate are not exceeded; and

- The licence holder, a club official, manager or designated premises supervisor are aware of the number of people on the premises and required to inform any authorised person on request.

Fire action notices

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that:

- Notices detailing the actions to be taken in the event of fire or other emergencies, including how the fire brigade should be summoned, are prominently displayed and protected from damage and deterioration.

Outbreaks of fire

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that:

- The fire brigade service must be called at once to any outbreak of fire, however slight, and the details recorded in a Fire Log-book.

Loss of water

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that:

- The local Fire Control Centre are notified as soon as possible if the water supply to any hydrant, hose reel, sprinkler, drencher or other fire extinguishing installation is cut off or restricted.

Access for emergency vehicles

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that:

- Access for emergency vehicles is kept clear and free from obstruction.

First Aid

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that:

- Adequate and appropriate supply of first aid equipment and materials is available on the premises.

- If necessary, at least one suitably trained first aider shall be on duty when the public are present; and if more than one suitably trained first aider that their respective duties are clearly defined.

Lighting

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that:

- In the absence of adequate daylight, the lighting in any area accessible to the public, members or guests shall be fully in operation when they are present.

- Fire safety signs are adequately illuminated.

- Emergency lighting is not to be altered without the written consent of the licensing authority

- Emergency lighting batteries are fully charged before the admission of the public, members or guests.

- In the event of the failure of normal lighting, where the emergency lighting battery has a capacity of one hour, arrangements are in place to ensure that the public, members or guests leave the premises within 20 minutes unless within that time normal lighting has been restored and the battery is being re-charged; and if the emergency lighting battery has a capacity of three hours, the appropriate period by the end of which the public should have left the premises is one hour.

Temporary electrical installations

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that:

- Temporary electrical wiring and distribution systems are not provided without notification to the licensing authority at least ten working days before the commencement of the work.

- Temporary electrical wiring and distribution systems shall comply with the recommendations of BS 7671 or where applicable BS 7909.

- Temporary electrical wiring and distribution systems are inspected and certified by a competent qualified person before they are put to use.

Ventilation

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that:

- The premises are effectively ventilated and verified as such by the licensing authority.

- Where the ventilation system is designed to maintain positive air pressure within part of the premises, that pressure is maintained whenever the public, member or guests are present in that part of the premises.

- Ventilation ducting is kept clean.

- Air filters are periodically cleaned and replaced to maintain air supply.

Indoor Sports Entertainments

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that:

- If necessary, an appropriately qualified medical practitioner is present throughout a sports entertainment involving boxing, wrestling, judo, karate or other sports entertainment of a similar nature.

- Where a ring is involved, it is constructed and supported to the satisfaction of the licensing authority and any material used to form the skirt around the ring is flame-retardant.

- At any wrestling or other entertainments of a similar nature members of the public do not occupy any seat within 2.5 meters of the ring.

- At water sports entertainments, staff adequately trained in rescue and life safety procedures are stationed and remain within the vicinity of the water at all material times (see also *Managing Health and Safety in Swimming Pools* issued jointly by the Health and Safety Commission and Sport England)

Conditions Relating to Theatres and Cinemas

In addition to the points made above, there are particular matters in the context of public safety and fire safety, which should be considered in connection with theatres and cinemas. The points, which follow, are examples of the types of specialised conditions that may be necessary for these premises.

Premises used for Closely Seated Audiences

Attendants

a) The number of attendants on each floor in a closely seated auditorium be required in accordance with the following formula:

Number of members of the audience present on a floor	Minimum number of attendants required to be present on that floor
1 – 100	One
101 – 250	Two
251 – 500	Three

201 – 750	Four
751 – 1000	Five
And one additional attendant for each additional 250 persons (or part thereof)	

b) Attendants shall not be engaged in any duties that would hinder the prompt discharge of their duties in the event of an emergency or entail their absence from that floor or auditorium where they are on duty.

c) Any attendant shall be readily identifiable to the audience (but this need not entail the wearing of a uniform).

d) The premises shall not be used for a closely seated audience except in accordance with seating plan(s), a copy of which is available at the premises and shall be shown to any authorised person on request.

e) No article shall be attached to the back of any seat, which would reduce the clear width of gangways or cause a tripping hazard or obstruction.

f) A copy of any certificate relating to the design, construction and loading of any temporary seating shall be kept available at the premises and shall be shown to any authorised person on request.

Standing and Sitting in Gangways etc

a) Sitting on floors shall not be permitted except where authorised in the premises licence or club premises certificate.

b) Waiting or standing shall not be permitted except in areas designated in the premises licence or club premises certificate.

c) In no circumstances shall anyone be permitted to

i) sit in any gangway
ii) stand or sit in front of any exit; or
iii) stand or sit on any staircase including any landings

Drinks

Except as authorised by the premises licence or club premises certificate, no drinks shall be sold to or be consumed by a closely seated audience except in plastic and paper containers.

Balcony Fronts

Clothing or other objects shall not be placed over balcony rails or upon balcony fronts.

Special effects

Any special effects or mechanical installation should be arranged and stored so as to minimise any risk to the safety of the audience, the performers and staff. Special effects include:

- Dry ice machines and cryogenic fog
- Smoke machines and fog generators
- Pyrotechnics, including fireworks
- Real flame
- Firearms
- Motor vehicles
- Strobe lighting
- Lasers (see HSE Guide Safety of lasers used for display purposes [HS(G)95] and BS EN 60825: Safety of laser products)
- Explosives and highly flammable substances

In certain circumstances, it may be necessary to require that certain special effects may only be used with the prior consent of the licensing authority.

Scenery

Any scenery should be maintained flame-retardant.

Safety Curtain

Where a safety curtain is necessary, it should be arranged so as to protect the audience from the effects of fire or smoke on stage for sufficient time to enable the safe evacuation of the auditorium.

Where a stage with a proscenium arch is not equipped with a safety curtain, any curtains provided between the stage and the auditorium should be heavyweight and be made of non combustible material or inherently or durably treated flame-retarded fabric.

Ceilings

All ceilings in those parts of the premises to which the audience are admitted should be inspected by a suitably qualified person every five years and a certificate concerning the condition of the ceilings forwarded to the licensing authority.

Seating

Where the potential audience exceeds 250 all seats in the auditorium should, except in boxes accommodating not more than 8 persons, be either securely fixed to the floor or battened together in lengths of not fewer than four or more than twelve.

Premises used for Film Exhibitions

Attendants – premises without a staff alerting system

Where the premises are not equipped with a staff alerting system the number of attendants present should be as set out in the table below:

Number of members of the audience present on the premises	**Minimum number of attendants required to be on duty**
1 – 250	Two
And one additional attendant for each additional 250 members of the audience present (or part thereof)	
Where there are more than 150 members of an audience in any auditorium or any floor	At least one attendant shall be present in any auditorium or on any floor

Attendants – with a staff alerting system

a) Where premises are equipped with a staff alerting system the number of attendants present should be as set out in the table below:

Number of members of the audience present on the premises	Minimum number of attendants required to be on duty	Minimum number of staff on the premises who are available to assist in the event of an emergency
1 – 500	Two	One
501 – 1000	Three	Two
1001 – 1500	Four	Four
1501 or more	Five plus one for every 500 (or part thereof) persons over 2000 on the premises	Five plus one for every 500 (or part thereof) persons over 2000 on the premises

b) Staff shall not be considered as being available to assist in the event of an emergency if they are:

i) the holder of the premises licence or the manager on duty at the premises; or
ii) a member of staff whose normal duties or responsibilities are likely to significantly affect or delay his response in an emergency situation; or
iii) a member of staff whose usual location when on duty is more than 60 metres from the location to which he is required to go on being alerted to an emergency situation.

c) Attendants shall as far as reasonably practicable be evenly distributed throughout all parts of the premises to which the public have access and keep under observation all parts of the premises to which the audience have access.

d) The staff alerting system shall be maintained in working order.

Minimum Lighting

The level of lighting in the auditorium should be as great as possible consistent with the effective presentation of the film; and the level of illumination maintained in the auditorium during the showing of films would normally be regarded as satisfactory if it complies with the standards specified in BS CP 1007: Maintained Lighting for Cinemas.

Flammable films

No flammable films should be allowed on the premises without the consent of the licensing authority.

CONDITIONS RELATING TO THE PREVENTION OF PUBLIC NUISANCE

It should be noted that provisions of the Environmental Protection Act 1990 and the Noises Act 1996 provide some protection to the general public from the effects of noise nuisance. In addition, the provisions in Part 8 of the Licensing Act 2003 enable a senior police officer to close down instantly for up to 24 hours licensed premises and premises carrying on permitted temporary activities that are causing noise nuisance resulting from noise emanating from the premises. These matters will be considered before deciding whether or not conditions are necessary for the prevention of public nuisance.

General

When applicants for premises licences or club premises certificates are preparing their operating schedules or club operating schedules and responsible authorities are considering such applications the Council, as licensing authority is considering following the receipt of relevant representations from a responsible authority or interested party, the following options may be considered as necessary, would promote the prevention of public nuisance.

Whether or not any risk assessment shows them to be necessary in the individual circumstances of any premises will depend on a range of factors including the nature and style of the venue, the activities being conducted there, the location of the premises and the anticipated clientele of the business involved.

Necessary conditions for licences and certificates will also depend on local knowledge of the character and the vicinity of the premises.

Hours

The hours during which the premises are permitted to be open to the public or to members and their guests may be restricted (other than where they are protected by the transitional provisions of the Licensing Act 2003) to less than those applied for by the imposing of conditions of a premises licence or a club premises certificate for the prevention of public nuisance. But this will be balanced by the potential impact on disorder that could result from artificially early fixed closing times.

Restrictions may be necessary on the times when certain licensable activities take place even though the premises may be open to the public at such times. For example, the playing of recorded music after a certain time might be prohibited, even though other licensable activities are permitted to continue.

Restrictions may be necessary on the parts of premises that might be used for certain licensable activities at certain times. For example, while the provision of regulated entertainment might be permitted while the premises is open to the public or members and their guests, regulated entertainment might not be permitted in garden areas of the premises after a certain time.

Noise and vibration

In certain premises where existing legislation does not provide adequately for the prevention of public nuisance, consideration may be given to conditions that ensure that:

- Noise or vibration does not emanate from the premises so as to cause a nuisance to nearby properties. This might be achieved by a requirement to keep doors and windows at the premises closed, or to use noise limiters on amplification equipment used at the premises.
- Prominent clear and legible notices are displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly.
- The use of explosives, pyrotechnics and fireworks of a similar nature which could cause disturbance in surrounding areas being restricted or prohibited.
- The placing of refuse – such as bottles – into receptacles outside the premises takes place at times that will minimise the disturbance to nearby properties.

Noxious smells

In certain premises where existing legislation does not provide adequately for the prevention of public nuisance, consideration may be given to conditions that ensure that:

- Noxious smells from licensed premises are not permitted so as to cause a nuisance to nearby properties and the premises are properly vented.

Light pollution

In certain premises where existing legislation does not provide adequately for the prevention of public nuisance, consideration may be given to conditions that ensure that:

- Flashing or particularly bright lights on or outside licensed premises do not cause a nuisance to nearby properties. The need for any such condition will be balanced against the benefits to the prevention of crime and disorder of bright lighting in certain places.

Litter

In certain premises where existing legislation does not provide adequately for the prevention of public nuisance, consideration may be given to conditions that ensure that:

- Litter is properly controlled through a waste management strategy agreed with the licensing authority, and that conditions to prevent unlawful advertising in relation to those premises are imposed.

CONDITIONS RELATING TO THE PROTECTION OF CHILDREN FROM HARM

It should be noted that it is unlawful under the 2003 Act to permit unaccompanied children under the age 0f 16 to be present on premises exclusively or primarily used for the supply of alcohol for consumption on those premises under the authorisation of a premises licences, club premises certificates or a temporary event notice when open for the purposes of being used for the supply of alcohol for consumption there.

In addition, it is an offence to permit the presence of children under 16 who are not accompanied by an adult between midnight and 5am at all premises supplying alcohol for consumption on those premises under the authorisation of any premises licence, club premises certificate or temporary event notice. Conditions duplicating these provisions are therefore unnecessary.

Requirements for safeguarding measures relevant to licence holders and workers

It is strongly recommended that persons employed on licensed premises, in particular those providing facilities and or entertainment for children and youths, or late night takeaways that attract young people, receive appropriate training covering the safeguarding of children and other vulnerable groups and, if appropriate, have the necessary DBS checks.

Access for children to licensed premises – in general

Restrictions on the access of children under 18 to premises where licensable activities are being carried on will be considered where it is necessary to protect children from harm.

For any premises with known associations (having been presented with evidence at a hearing) with underage drinking, drugs, significant gambling, or any activity or entertainment (whether regulated entertainment or not) of a clearly adult or sexual nature, there will be a strong presumption against permitting any access at all for children less than 18 years.

Applicants wishing to allow access for children to premises where these associations may be relevant, when preparing operating schedules or club operating schedules or variations of those schedules for the purposes of obtaining or varying a premises licence or club premises certificate should:

- Explain their reasons; and
- Outline in detail the steps that they intend to take to protect children form harm on such premises.

For any premises, not serving alcohol for consumption on the premises, but where the public are allowed on the premises after 10pm in the evening, there will be a presumption against the presence of children under the age of 12 unaccompanied by adults after that time.

Applicants wishing to allow access when preparing operating schedules or variations of those schedules or club operating schedules for the purposes of obtaining or varying a premises licence or club premises certificate should:

- Explain their reasons; and
- Outline in detail the steps that they intend to take to protect children from harm on such premises.

In any other case, subject to the premises licence holder or club's discretion, the expectation would be for unrestricted access for children of any age to premises. Where an applicant intends to exclude children totally from the premises then this should be made clear on the operating schedule.

The Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks

The Portman Group operates on behalf of the alcohol industry a Code of Practice on the naming, packaging and promotion of alcoholic drinks. The code seeks to ensure that drinks are packaged and promoted in a socially responsible manner and only to those who are 18 years or older. Complaints about products under the code are considered by the Independent Complaints Panel and the Panels decisions are published on the Portman Groups website, in the trade press and in annual report. If products packaging or point of sale advertising is found to be in breach of the Code the Portman Group may issue a Retailer Alert Bulletin to notify retailers of the decision and ask them not to replenish stocks of any such product until the decision has been complied with. The Code is an important mechanism in protecting children from harm because it addresses the naming, marketing and promotion of alcoholic products sold in licensed premises in a manner which may appeal to or attract minors.

Consideration may be given to attaching conditions to premises licences and club premises certificates that require compliance with the Portman Groups Retailer Alert Bulletins.

Age Restrictions – specific

Under the 2003 Act a wide variety of licensable activities could take place at various types of premises and at different times of the day and night. It may be appropriate to allow children unrestricted access at particular times and when certain activities are not taking place. However, following representations made by responsible authorities and interested parties it may be necessary to consider a range of conditions that are tailored to the particular premises and their activities where these are necessary. The following will b expected to be considered:

- The times of during when age restrictions should and should not apply. For example, the fact that adult entertainment may be presented at premises after 8pm does not mean that it would be necessary to impose age restrictions for earlier parts of the day. Any conditions imposed would clarify the position.
- Types of event or activity in respect of which no age restrictions may be needed, for example;

- Family entertainment; or
- Non-alcohol events for young age groups such as under 18s dances

- Similarly, types of event or activity which give rise to a more acute need for age restrictions than normal, for example;

  - During “Happy Hours” or on drinks promotion nights
  - During activities outlined above.

Age Restrictions – cinemas

The Secretary of State considers that, in addition to the mandatory condition imposed by virtue of section 20, (requiring the admission of children to films to be restricted in accordance with recommendations given either by a body designated under section 4 of the Video Recordings Act 1984 or by the licensing authority itself), conditions restricting the admission of children to film exhibitions should include:

- A condition that where the licensing authority itself is to make recommendations on the admission of children to films, the cinema or venue operator must submit any film to the authority that it intends to exhibit 28 days before it is proposed to show it. This is to allow the authority time to classify it so that the premises licence holder is able to adhere to any age restrictions then imposed.
- A condition that when films are classified, by either the film classification body as specified in the licence or the licensing authority, they should be classified in the following way;

  - U Universal – suitable for audiences aged four years and over
  - PG – Parental Guidance – some scenes may be unsuitable for young children
  - 12A – Passed only for viewing by persons aged 12 years or older or persons younger than 12 when accompanied by an adult
  - 15 – Passed only for viewing by persons aged 15 years and over
  - 18 – Passed only for viewing by persons aged 18 years and over.

- That conditions specify that immediately before each exhibition at the premises of a film passed by the British Board of Film Classification there shall be exhibited on screen for at least five seconds in such a manner as to be easily read by all persons in the auditorium a reproduction of the certificate of the Board or, as regards a trailer advertising a film, of the statement approved by the Board indicating the classification of the film.
- A condition that when a licensing authority has made a recommendation on the restriction of admission of children to a film, notices are required to be displayed both inside and outside the premises so that persons entering can readily be made aware of the classification attached to any film or trailer. Such a condition might be expressed in the following terms:

"Where a programme includes a film recommended by the licensing authority as falling into the 12, 12A, 15 or 18 category no person appearing to be under the age of 12, under 12 and unaccompanied, 15 or 18 as appropriate shall be admitted to any part of the programme; and the licence holder shall display in a conspicuous position at each entrance to the premises a notice in the following terms –

PERSONS UNDER THE AGE OF [INSERT APPROPRIATE AGE] CANNOT BE ADMITTED TO ANY PART OF THE PROGRAMME

Where films of different categories form part of the same programme, the notice shall refer to the oldest age restriction.

This condition does not apply to members of staff under the relevant age provided that the prior written consent of the person's parents or legal guardian has first been obtained".

Theatres

The admission of children to theatres, as with other licensed premises, is not expected to normally be restricted unless it is necessary to promote the licensing objective of the protection of children from harm. However, theatres may be the venue for a wide range of activities.

The admission of children to the performance of a play is normally expected to be at the licence holder and no condition restricting the access of children to plays should be attached. However, theatres may also present entertainment including, for example, variety shows, incorporating adult entertainment. A condition restricting the admission of children in such circumstances may be necessary. Entertainment may also be presented at theatres specifically for children (see below).

In this circumstance consideration will be given to whether a condition should be attached to premises licences, which requires the presence of a sufficient number of adult staff on the premises to ensure the wellbeing of children present on the premises during any emergency.

Entertainment especially for children

Where performances are presented especially for children in theatres, cinemas or other places of entertainment (e.g. children's disco) conditions are anticipated to be needed which require:

- An attendant to be stationed in the area(s) occupied by the children, in the vicinity of each exit, provided that on each level occupied by children the minimum number of attendants on duty should be one attendant per 50 children or part thereof.

The licensing authority will, having regard to any representations made by the responsible authorities on the issue, also consider whether or not standing should be

allowed. For example, there may be reduced risk for children in the stalls than at other levels or areas in the building.

Children in performances

There are many productions each year that are one-off shows where the cast is made up almost entirely of children. They may be taking part as individuals or as part of a drama club, stage school or school group. The age of those involved may range from 5 to 18.

The Children (Performances) regulations 1968 as amended set out requirements for children performing in a show. Conditions will not duplicate those regulations. However, if it is necessary to consider imposing conditions, in addition to these requirements, for the promotion of the protection of children from harm then the matters outlined below will be considered:

- Venue – the backstage facilities should be large enough to accommodate safely the number of children taking part in any performance.
- Fire safety – all chaperones and production crew on the show should receive instruction on the fire procedures applicable to the venue prior to the arrival of the children.
- Special effects – it may be inappropriate to use certain special effects, including smoke, dry ice, rapid pulsating or flashing lights, which may trigger adverse reactions especially with regard to children.
- Care of children – theatres, concert halls and similar places are places of work and may contain a lot of potentially dangerous equipment. It is therefore important that children performing at such premises are kept under adult supervision at all times including transfer from stage to dressing room and anywhere else on the premises. It is also important that the children can be accounted for at all times in case of an evacuation or emergency.

Appendix B

Licensing Act 2003 Statement of Licensing Policy 2020-2025

Mandatory Conditions

Mandatory Conditions applicable to all Premises Licences & Club Premises Certificates under the Licensing Act 2003

Supply of Alcohol

1. No supply of alcohol may be made under the premises licence:

(a) at a time when there is no designated premises supervisor in respect of the premises licence, or

(b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Exhibition of Films

3. Where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.

4. Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children must be restricted in accordance with any recommendation made by that body.

5. Where-

(a) The film classification body is not specified in the licence, or

(b) The relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question, admission of children must be restricted in accordance with any recommendation made by that licensing authority.

6. In this section “Children” - means persons aged under 18; and “Film classification body” means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c.39) (authority to determine suitability of video works for classification).

Door Supervision

7. Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, that licence must include a condition that each such individual must:

(a) Be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001;

(b) Be entitled to carry out activity by virtue of section 4 of the Act.

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8. But nothing in subsection (1) requires such a condition to be imposed:

(a) In respect of premises within paragraph 8(3)(a) of Schedule 2 to the

Private Security Industry Act 2001 (c.12) (premises with premises licences authorising plays or films); or

(b) In respect of premises in relation to:

(i) Any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or

(ii) Any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).

9. For the purposes of this section:

(a) “Security activity” means an activity to which paragraph 2(1)(a) of that Schedule applies, and which is licensable conduct for the purposes of that Act.

(b) Paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

Age Verification

10.The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

11.The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

12.The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either:

(a) a holographic mark, or

(b) an ultraviolet feature.

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Permitted Price

13.A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

14.For the purpose of this condition set out in paragraph 1:

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(a);

(b) "permitted price" is the price found by applying the formula

P = D + (D X V)

Where:

(i) P is the permitted price,

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) 'relevant person" means, in relation to premises in respect of which there is in force a premises licence -

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994(b).

15.Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

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16. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Irresponsible Drink Promotions (applicable to 'on' & 'off' sales)

17.The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

18.In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises:

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to:

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise).

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

(d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

19.The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

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Alcoholic Drink Measures

20.The responsible person must ensure that:

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—

(i) beer or cider: ½ pint;

(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

(iii) still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available."

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Immigration Act 2016: Entitlement to Work Identification Documentation

Immigration Act 2016- Entitlement to Work Identification Documentation

Applicants may be asked to demonstrate that they have the right to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They can do this by providing with their application, copies or scanned copies of the documents listed below (which do not need to be certified). The documents that demonstrate an entitlement to work in the licensing regime are based on existing prescribed document lists for checks undertaken by employers. They are set out in the following regulations: The Immigration (Restrictions on Employment) Order 2007 and the Immigration (Restrictions on Employment) (Codes of Practice and Amendment) Order 2014.

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK. See note below about which sections of the passport must be provided.

- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of an European Economic Area country or Switzerland.

- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.

- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.

- A current Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.

- A current passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.

- A current Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, when produced in combination with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

- A full birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents or adoptive parents, when produced in combination with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

DRAFT

- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland, when produced in combination with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

- A certificate of registration or naturalisation as a British citizen, when produced in combination with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

- A current passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.

- A current Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relating to the carrying on of a licensable activity.

- A current Residence Card issued by the Home Office to a person who is not a national of an European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.

- A current Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity, when produced in combination with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

- A Certificate of Application, less than 6 months old, issued by the Home Office under regulation 17(3) or 18A(2) of the Immigration (European Economic Area) Regulations 2006, to a person who is not a national of an European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.

- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office, such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.

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- Reasonable evidence that a person who is not a national of an European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:

    - evidence of the applicant's own identity – such as a passport,
    - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
    - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:

        a) working e.g. employment contract, wage slips, letter from the employer,
        b) self-employed e.g. contracts, invoices, or audited accounts with a bank,
        c) studying e.g. letter from the school, college or university and evidence of sufficient funds, or
        d) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

Original documents must not be sent to licensing authorities.

If the document copied is a passport, a copy of the following pages should be provided:-

- any page containing the holder's personal details including nationality;
- any page containing the holder's photograph;
- any page containing the holder's signature;
- any page containing the date of expiry; and
- any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

If the document is not a passport, a copy of the whole document should be provided.

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GUIDANCE FOR APPLICANTS

Guidance notes on when a licence is needed and how to make an application are available from the Licensing Office on request.

PUBLIC SAFETY GUIDANCE NOTE

Applicants are required to satisfy the Council that appropriate measures have been taken to ensure the safety of the public whilst on the premises. Details of the steps taken to achieve this objective must be contained within the operating schedule submitted with the application for a premises licence.

Public safety issues to be considered in drawing up operating schedules will vary according to the types of activities to be held on the premises but will generally include the following matters:

- Fire safety issues including:
- Means of escape in case of fire
- Travel distances
- Alarms
- Detection capabilities
- Emergency lighting
- Fire suppressing systems
- First aid/fire fighting equipment
- Enclosure of escape routes
- Fire doors
- Exit signage
- Facilities for disabled evacuation
- Layouts for temporary seating
- Access and facilities for fire fighting
- Fire resisting enclosures to high risk rooms
- Operation of fire safety systems within the premises
- Surface spread of flames ratings to walls and ceilings
- Fire retardant treatments for drapes, furnishings and decorations etc
- General fire precautions

Management arrangements including:

- Personal emergency and evacuation plans and disabled evacuation
- Evacuation procedures
- Entry/egress control
- Staff training
- Equipment testing and records
- General housekeeping
- Incident logs
- Checking availability of exit routes and final exit doors prior to occupation of the building

General structural safety including:

- Stability of external and internal walls
- Condition of floors, roof members, beams, mezzanine floors, stairs, lintels, ceilings and any other structural elements.

Fire resistance of the same

Safety of fixed appliances:

- Guarding to fires in public places

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- Boiler flues and combustion air

Safety of stairs, ramps etc:

- Guarding to stairs, landings, ramps and changes in level
- Robustness of guarding to areas subject to crowd loading
- Condition of stairs and ramps
- Headroom to stairs, ramps and escape routes
- Steepness of stairs – rise and going of treads
- Clear indication of floor surfaces
- General condition of floor surfaces (e.g. trip hazards, non slip surfaces)
- Provision of safety glazing in critical locations

Access and facilities for disabled people, elderly/infirm, parents with children:

- Provision of reasonable access
- Provision of reasonable facilities
- Adequate signage, lighting contrasts
- Provision of communication

Certification by a suitably qualified person may be required in respect of any of the above items.

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HEALTH AND SAFETY GUIDANCE

Licensing Applications

Applicants are required by law to protect the health and safety of their employees and anyone on their premises. The following information has been produced to help you to fulfil your duties. Leaflets providing further detailed guidance are enclosed. A list of useful further reference guides is provided overleaf.

- As an employer or self-employed person you are responsible for carrying out a risk assessment. This involves identifying any hazards in your workplace that may affect anyone (e.g. members of the public, visitors and employees) and taking suitable precautions to prevent them causing harm. The enclosed leaflet gives guidance on the five steps to carrying out a suitable risk assessment.

Where you have five or more employees, you are required to record the findings of your risk assessment.

You must consider all hazards in your risk assessment, including those affecting public safety. The following are examples of issues that should be considered as part of your risk assessment if they are applicable to your premises/work activities:

- Adequate guarding to stairs, landings, ramps and changes in level
- The provision of handrails to staircases
- Non-slip coverings to floors, stairs and ramps
- Floor coverings, stairs, external grounds and ramps in good condition
- Adequate headroom to stairs, ramps and escape routes
- Steepness of stairs
- Clear indication in changes in floor level and changes in floor coverings
- Provision of safety glazing where appropriate
- Safety and maintenance of electrical installations and appliances
- Guarding to fires in public places
- First aid and accidents

FACT: Slips and trips are one of the most common causes of injuries in work places and you must do all you can to prevent them (see enclosed leaflet).

- If you will be holding events at your premises, a risk assessment must be carried out for each event. The Health and Safety Executive produces a guidance document on Event Safety (see references).

- If you have five employees or more you are required by law to produce a written health and safety policy statement. The organisation and arrangements for carrying out the policy should be included in the statement and it must be brought to the attention of all employees. A guidance leaflet is enclosed.

DRAFT

Useful Free Information leaflets

An introduction to Health and Safety (INDG259)

Take a fresh look at Health and Safety (INDG385)

1 Steps to Risk Assessment (INDG163)

Managing Health and Safety – 5 Steps to Success (INDG275)

Starting your business – Guidance on preparing Health and Safety Policy Document for small firms (INDG324)

Electrical Safety and You (INDG231)

Electrical Safety for Entertainers (INDG247)

Gas Appliances – Get them checked – Keep them safe (INDG238)

Preventing Slips and Trips at Work (INDG225(rev1))

Getting to grips with manual handling (INDG143(rev2))

Other Useful Guidance: The following publications can be obtained from HSE Books, PO Box 1999, Sudbury, Suffolk, CO10 2WA (Tel: 01787 881165).

The Event Safety Guide (HSG95) ISBN: 0 7176 2453 60

Working Together on Firework Displays (HSG123) ISBN: 0 7176 2478 1

Giving your own Firework Display (HSG124) ISBN: 0 7176 0836 0

Managing Crowds Safely (HSG154) ISBN: 0 7176 1834 X

Electrical Safety at Places of Entertainment (GS50) ISBN: 0 7176 1387 9

The Radiation Safety of Lasers used for Display Purposes (HSG95) ISBN: 0 7176 0691 0

Essentials of Health and Safety at Work ISBN: 0 7176 0716 X

Guidance on writing a Health and Safety Policy for the Licensed Trade is available from Federation of Licensed Victuallers Associations, Brighouse, 01484 710534

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GUIDANCE NOTE FOR APPLICANTS IN RELATION TO NOISE FROM LICENSED PREMISES

These notes should be read in conjunction with Rotherham Council's Licensing Policy.

What is noise? Noise is, quite simply, unwanted sound. What is music to one person may be noise to another. Music and sound being played and generated in your premises may be enjoyed by your customers but is unlikely to be enjoyed by your neighbours.

Why do I need to be concerned about noise? Because the prevention of public nuisance is one of the objectives of the Licensing Policy and the minimisation of noise transmission from any licensed premises is fundamental to this objective.

Do I need the services of a Noise Consultant? Under normal circumstances no, however where noise control has been a problem in the past or is likely to be, and the solution to the problem is not easily resolved, you may require expert help and advice. Officers for the Community Protection Team will be able to undertake a comprehensive assessment of the problem. In situations where substantial changes or new build is being undertaken, it is recommended that a consultant be employed at the design stage.

The following issues should be considered when making an application for a licence.

The type of structure in which the entertainment is performed. If, for example, amplified music from either a live band or recorded music played by a DJ or karaoke is proposed, then it will be more intrusive to neighbours if residential properties or other noise sensitive properties, are attached or in close proximity. Sound is transmitted both through the air and via the structure of buildings, so if buildings are attached to your premise then noise may be transmitted by both these paths. If you occupy a public house in a row of terraced properties and wish to play amplified music it is highly likely your neighbours will be affected by the noise and consideration will have to be given to reducing the noise level, location of the speakers, and restriction of the hours of entertainment. Whereas if you occupy a public house which is detached and has no properties in the immediate vicinity you may not have to impose as many restrictions.

Doors and windows. Open doors and windows can be a particular problem in warmer weather when they are opened for ventilation. Windows may have to be kept closed when entertainment is taking place and an alternative form of ventilation such as air conditioning may have to be considered. Alarms may be fitted to windows to warn of customers opening windows. Secondary glazing may have to be installed, particularly if windows face noise sensitive property. Premises which have conservatories can be problematic where amplified music is played and consideration may have to be given to the provision of patio doors to the access to reduce noise emission. External doors may have to be provided with a lobby and a second set of doors to minimise noise emissions.

Extractor fan outlets and air bricks. Any holes in the fabric of the building can transmit noise and consideration needs to be given to the location of ventilation ducts and air grates in relation to noise sensitive properties. Silencers may have to be fitted to the outlets of ventilation ducts and acoustic louvers may have to be fitted to air grates.

Location and orientation of speakers. Speakers should be located away from party walls and orientated away from neighbouring properties. Where noise is transmitted to the structure, the speakers could be placed on a foam mat, or if they are suspended, hanging the speakers on spring hangers.

Level of the music. Music being played too loud is the most common reason for complaint with regard to entertainment. If the music is reduced to a level, which cannot be heard in

adjacent premises, then it will not be a problem. Sound limiting devices can be installed in premises to prevent the sound level within premises to prevent the sound level within premises exceeding a pre-determined level.

Restricting the hours of entertainment. There may be some events, which give rise to noise levels which can be heard in adjacent properties. These are likely to be the one off events, held infrequently and in outdoor locations, such as pop concerts. In these circumstances, as well as reducing the noise level to an acceptable level, restricting the hours of entertainment will be necessary.

Outdoor sources of noise. The hours of use of outdoor children's play areas, garden areas, balcony areas which are adjacent noise sensitive properties, may have to be restricted in the evening, to prevent undue disturbance. Use of such areas after 21.00 is not recommended.

Useful documents

Good Practice Guide on Control of Noise from Pubs and Clubs – Institute of Acoustics 2003.

Code of Practice on Environmental Noise at Concerts – Noise Council 1995.

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PROTECTION OF CHILDREN FROM HARM

Example Risk Factors and Potential Control Measures Table

Risk Factors		Potential Control Measures
1.	Any entertainment or services (regulated or otherwise) that are/include that of an adult or sexual nature.	• People under 18 not admitted or taking part in the entertainment/services (including staff if under 18). • Action to be taken if a person under 18 is discovered on the premises, which help ensure their protection from harm. • Measures for ensuring non-admission such as door supervision, age checks (including staff). • Sufficient screening of the relevant entertainment/services from view of those under 18 (including staff) e.g. smoked windows, doors closed. • Clear signage that entertainment/services are occurring which are not suitable for under 18s. • Specify type of entertainment that will be provided (e.g. Lap Dancing Clubs)
2.	Entertainment or services include strong and offensive language.	• People under 18 not admitted (including staff). • People under 18 not within hearing distance. Soundproofing may be required. • Measure for ensuring non-admission such as door supervision, age checks (including staff). • Clear signage that entertainment/services are occurring which are not suitable for under 18s.
3.	Convictions for underage sales of alcohol	• People under 18 not admitted (including staff). • Evidence of suitable staff training and age identification scheme in place and followed. • Signs provided informing customers that sales will not be made to under 18s and that age identification may be required.
4.	Known reputation for underage drinking.	• People under 18 not admitted (including staff). • Evidence of suitable staff training and age identification scheme in place and followed. • Signs provided informing customers that sales will not be made to under 18s and that age identification may be

DRAFT

		required.
5.	Known association with drug taking or dealing.	• People under 18 not admitted (including staff). • Evidence of measures taken to prevent drug taking and dealing.
6.	Strong element of gambling on the premises.	• People under 18 not admitted (including staff). • Measures to screen the gambling activity off from children.
7.	Children and performances	• Suitability and number of supervisors including care of children as they move from stage to dressing room etc. and to ensure that all children can be accounted for in case of an evacuation or emergency. • Suitability of the venue, for example, to ensure it can accommodate safely the numbers of children intended. • Fire safety, for example, that all chaperones and crew receive instruction on the fire procedures applicable to the venue prior to the arrival of the children. • Special effects, as some may be inappropriate and may trigger adverse reactions in children, particularly e.g. flashing lights, dry ice, smoke, etc. • Note: See The Children (Performances) Regulations 1968 as amended, but do not duplicate provisions.
8.	Entertainment aimed at children	• Suitability and number of supervisors (see Statutory Guidance Annex F and also Appendix D of this document). • Measures to ensure that seating/standing arrangements for children are suitable.
9.	Concerns regarding admitting children to films that have been classified as beyond suitability for children's age.	• Staff training and age identification procedures. • Signage to explain that children will not be admitted to film showings which are not suitable for their age group, and that adults should not purchase tickets on children's behalf in this respect (see Appendix D of this document).
10.	Previous known concerns about danger to children at the premises.	• Measures to counter these specific dangers. • State whether there have been any previous concerns about danger to

DRAFT

		children on your premises and specify these concerns. • What action have you taken to counteract them.
11.	Child-orientated premises located close to adult-orientated premises.	• Identification of any risks and control measures in place.
12.	History of lack of suitability of age-identification procedures used on the premises.	• People under 18 not admitted. • Evidence of suitable staff training and age identification scheme in place and followed. • Signs provided informing customers that sales will not be made to under 18s and that age identification may be required.
13.	Potential concerns regarding proposed staff customer and/or staff: children ratios.	• Measure to address these concerns
14.	Potential concerns regarding qualifications of staff employed to look after children.	• Requirement for Criminal Records Bureau (CRB) checks for staff employed to look after children. • Evidence of suitable training/experience.
15.	Risk of children visiting the premises unaccompanied.	• Evidence of training and procedures to deal with such situations where they are deemed to be of potential harm to children.
16.	Living accommodation for children on the premises.	• Assessment of potential risks and control measures in place.
17.	Likelihood of premises attracting extremes of age groups.	• Assessment of potential risks and control measures in place.
18.	Close proximity of premises to 'child sensitive' properties.	• Assessment of potential risks and control measures in place.
19.	Lack of appropriate welfare facilities for children on premises (e.g. First Aid, toilets)	• Welfare facilities provided.
Risk Factors		Potential Control Measures
20.	There is a risk of physical, moral or psychological harm to children.	• Assessment of potential risks and control measures in place.
21.	Children under 18 employed on premises where there is evidence of binge/underage drinking, drug dealing/taking, significant gambling or entertainment/services of an adult/sexual nature provided.	• Restriction of that employment • Persons under 18 not admitted.
22.	Concerns regarding child abuse on premises.	• Staff are familiar with reporting concerns to line manager who in turn should (if appropriate) contact The Children's Social Care Access Team on 01709 823987.

DRAFT

APPENDIX E – Useful Contacts

Licensing Act 2003 Statement of Licensing Policy 2020-2025

USEFUL CONTACTS

General Contact for Licensing matters and address for all applications:

Rotherham MBC – Licensing Service
Community Safety and Street Scene
Riverside House
Main Street
Rotherham
S60 1AE

Email: licensing@rotherham.gov.uk
Website: www.rotherham.gov.uk

Responsible Authorities

Please ensure you send a full & complete copy of all your forms and documents, including any premises licence already held, to all the Responsible Authorities when you make any type of application.

If you fail to submit a correct application to the Responsible Authority they may consider the application to be incorrectly served and the application may not be accepted. In this case the process including the payment of all fees may need to be re-started.

South Yorkshire Police
Police Licensing Department
Force Headquarters
Carbrook House
5, Carbrook Hall Road
Sheffield
S9 2EH

Telephone : 0114 252 3948 or 0114 252 3617
Fax: 0114 252 3688
Email: rotherham_licensing@southyorks.pnn.police.uk

South Yorkshire Fire and Rescue
Business Fire Safety
Barnsley Fire Station
Broadway
Barnsley
S70 6RA

Email: Tfs.cs@syfire.gov.uk

Health and Safety
The Principal Officer for Food Health and Safety
Rotherham MBC Neighbourhood Standards
Floor 3 Wing A
Riverside House
Main Street
Rotherham
S61 1AE
Email: food.health&safety@rotherham.gov.uk

Planning
The Principal Planning Officer
Rotherham MBC Planning
Riverside House
Main Street
Rotherham
S60 1AE

Email: DevelopmentControl@rotherham.gov.uk

Environmental Health
Community Protection
Rotherham MBC
Riverside House
Floor 2 Wing B
Main Street
Rotherham
S60 1AE

Email: Env.Health@rotherham.gov.uk

Child Protection

The Operations Manager
Rotherham Safeguarding Children Board
Rotherham MBC Child Protection Unit
2nd Floor Wing A
Riverside House
Main Street
Rotherham
S61 1AE

Email: childprotection@rotherham.gov.uk

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Weights and Measures
Trading Standards Team
Rotherham MBC Neighbourhood Standards
Floor 2 Wing A
Riverside House
Main Street
Rotherham
S60 1AE
Email: trading.standards@rotherham.gov.uk

Rotherham Public Health
Director of Public Health
Rotherham Metropolitan Borough Council
Riverside House
Main Street
Rotherham
South Yorkshire
S60 1AE
Telephone: 01709 255840
Fax: 01709 255795

Email: publichealthadmin@rotherham.gov.uk

Home Office
Alcohol Licensing Team
Lunar House
40 Wellesley Road
Croydon
CR9 2BY

Email: alcohol@homeoffice.gsi.gov.uk

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Rotherham Metropolitan Borough Council

Cumulative Impact Policy 2020-2023

Licensing Act 2003

Background

The concept of Cumulative Impact has been included within Section 182 Licensing Guidance issued by the Home Office since the implementation of the Licensing Act 2003.

The Licensing Act regulates the sale of alcohol, late night refreshment and the provision of entertainment. Section 5 of the Act requires licensing authorities to publish a Statement of Licensing Policy every five years (amended by the Police Reform and Social Responsibility Act). This Statement of Policy sets out the Council's framework in regulating the trade.

The Council's Statement of Licensing Policy has been reviewed and consulted upon between June 2019 and March 2020. A reviewed policy was introduced subsequently in March 2020.

The Policing and Crime Act 2017 gave Cumulative Impact a statutory basis and this is now included in primary legislation. A licensing authority may publish a 'cumulative impact assessment' stating that it considers that the number of premises licenses or club premises certificates is at such a level that it would be inconsistent with the promotion of the licensing objectives to grant any further licences or certificates in that area and restrict changes to licensable activities of existing licenses.

The inclusion of cumulative impact within primary legislation gives licensing authorities a prescribed method for implementing cumulative impact assessments and provides guidance for the level of evidence required for an assessment to be successfully included and upheld. This part of the Act was commenced in April 2018, alongside revised Section 182 Guidance issues to licensing authorities.

Prior to this change in legislation, the Council had not published a Cumulative Impact Policy. However, as this is now part of primary legislation, the Council believes this is the correct time to identify any areas that may benefit from the introduction of a Cumulative Impact Assessment.

Any cumulative impact assessment must set out the evidence for the authority's opinion, must be consulted upon before it is published, must be reviewed every three years as a minimum, and any review must be consulted upon and any revisions must be published alongside an evidence base.

Implementing a Cumulative Impact Assessment

Publishing a cumulative impact assessment sets a strong statement of intent about the approach that will be taken when considering applications for the grant and variation of premises licenses or club premises certificates in the area described. The Council will have regard to the assessment when determining or revising the Statement of Licensing Policy, as well as when making determinations alongside the Section 182 guidance.

Any cumulative impact assessment does not change the fundamental principles of which licensing decisions are determined and the Council reserves the right to grant an application where it is appropriate and demonstrates through the operating schedule that the applicant would not add to the cumulative impact of the area in which they are applying.

However, the Council would expect an applicant to consider the potential cumulative impact of their licence on local issues when setting out the steps that will be taken to promote the licensing objectives. An applicant must be able to demonstrate to the Council and other responsible authorities that granting a new or varied licence will not add to the cumulative impact already being experienced within the area.

This policy does not create a ban on the grant of licenses within the assessed zone and the Council can only consider cumulative impact to refuse an application if one or more relevant representations are made. Where no representation is received, the Council must grant the licence, as stated in the Licensing Act 2003.

Therefore, a cumulative impact assessment does not reduce the onus placed on responsible authorities, local residents or residents' groups in making representations where they consider this necessary in order to uphold and promote the licensing objectives. This policy gives a basis of information which can be used when making a representation; a representation can be made just on the fact that an assessment has been published. Any person making a representation must be able to demonstrate that the representation withstands the scrutiny which it will be subjected to at a Licensing Committee, or sub-committee meeting.

The obligation to demonstrate that the application is suitable for the area is placed onto the applicant. An applicant must suitably evidence that their proposal will not add to the cumulative impact within the area. To assist this process, the Council recommends early consultation with responsible authorities. This can be achieved separately with each responsible authority, or through the Council's Licensing service.

Evidencing a Cumulative Impact Assessment

This Cumulative Impact Assessment has been carried out in accordance with Section 5a of the Licensing Act 2003.

A large variety of data has been included for analysis within this policy, to evidence the need for a Cumulative Impact Assessment. The following methods and data have been included in this policy:

Public Health Licensing Toolkit:

As a responsible authority, Public Health has a meaningful contribution to make to licensing decisions. However, as health is not explicitly mentioned as part of any licensing objective, it is challenging for Public Health to fully engage with licensing decision making. However, the Council believe that Public Health has an important role to play within Licensing and should be encouraged to influence the process, within the boundaries of the legislation.

One way in which Public Health are now able to input into licensing decisions is through a 'toolkit', which uses a wide range of data from responsible authorities, including public health. This toolkit has created a rating system of each Lower Super Output Area (LSOA) within the borough to inform decision makers of the 'risk rating' associated to the location of any application.

The data sources included have been chosen due to their relevance to the licensing objectives, alongside contextual factors such as health data which allows decision-makers to understand the wider implications of granting an application within certain areas. All responsible authorities, as well as the public, will have access to this toolkit and can use it when deciding to make a representation against a licence, or when negotiating appropriate licensing conditions.

This toolkit is in-line with recommendations made by Public Health England.

Police and Crime Data:

South Yorkshire Police publish crime data monthly through the police data portal (data.police.gov.uk). This data has been used alongside confidential intelligence reports shared between the police and its partner agencies, including the Council. These reports focus on specific areas and give further information and analysis around particular areas and its associated crime.

All crime data records offence type, location, date and time which has been used to analyse crime statistics within the borough. Although a borough-wide assessment

has been undertaken, only relevant information to the Cumulative Impact Assessments undertaken has been included within this report. This is partly due to the sensitive nature of some crime statistics and some of these are not able to be published. Further information is available through the Licensing Service if needed.

Community Protection and Regulation Data:

Data provided by the Community Protection and Regulation service was focused on noise complaints which are recorded by the Environmental Health unit. This data stores information regarding every noise complaint which is sent to the Council, alongside the case information which is updated as and when the Council assess the complaint received.

Public Consultation:

In June 2019, the Cabinet took the decision to undertake a two-stage consultation process in reviewing the Licensing Act 2003 Statement of Licensing Policy. The first stage of this consultation focused on broad issues to help guide the focus of the revised policy and gauge the local position in terms of licensing issues.

As part of the first stage of consultation, members of the public were invited to engage with the Council to highlight particular areas where the number or density of licensed premises were causing an issue which may undermine the licensing objectives. Officers also attended six drop-in sessions across the borough in areas where there are a high number of premises and statistically, higher levels of issues associated to licensed premises such as anti-social behaviour. This consultation survey received 70 responses whilst approximately 50 residents attended drop-in sessions, although 80% of those residents attended the session in Wickersley.

A further consultation period occurred between January and February 2020 which asked specific questions regarding Cumulative Impact Assessments and the issues associated to a large number of licensed premises. The survey received 41 responses whilst approximately 40 residents attended drop-in sessions, although all but two of these residents attended the session in Wickersley.

The data above brought to attention two main areas of interest in regards to Cumulative Impact. These are:

1. Rotherham Town Centre
2. Wickersley

These became areas of focus after the first stage of consultation and other areas should be considered out of scope for the remainder of this policy. However, this could be reviewed at a later stage if further evidence became apparent.

Town Centre:

Rotherham Town Centre is the largest urban centre within the borough.

The data provided through the consultation process shows that crime, anti-social behaviour and environmental health rates are at their highest in this area and that there could be links between these statistics and licensed premises, although this does reflect the town centre being the largest urban centre in the borough.

The Council is looking to encourage responsible licensable activity within the Town Centre to create a thriving and bustling historic market town as part of its ambition set out in the Town Centre Masterplan. This vision relies on diversifying the offer within the Town Centre, creating new leisure and entertainment venues incorporating places to eat out, as well as bars and cafes. Currently, the density of licensed premises in the centre is decreasing, meaning that CIA may have very little use.

The focus on improving licensed premises in the town centre should focus on those premises that are already licensed. There are a number of measures in place to improve the centre, including a Public Space Protection Order, alongside significant resource deployed by responsible authorities.

Currently, the Council believe that the Town Centre would not benefit from a Cumulative Impact Zone. Taking a decision to implement a zone may detract from the overarching ambition of regenerating the Town Centre and attracting new businesses, increasing footfall and diversifying the current offer. However, this decision will be regularly reviewed and amended if the licensing objectives are being undermined within the town centre.

The Town Centre Masterplan also focuses on improving the residential offer which could mean that a Cumulative Impact Assessment may be relevant in the future.

Wickersley:

Wickersley is a village which is situated on the urban fringe of Rotherham town centre. Although the village is well served by road, with direct links to the M1, M18 and A1(M) motorways, it is a settled, residential community with distinct heritage and associated characteristics. It has a population of approximately 8,000 people, with 23% of people aged over 65 (compared to an average of 19.4%), whilst having significantly less young people than the borough average, at just 26% aged under 24, compared to an average of 29.2%.

There are currently nineteen premises within Wickersley. In total, sixteen premises are located along a 300 metre section of Bawtry Road, with all nineteen located within a 350 metre radius of one another. Of these nineteen premises, ten are on-licensed drinking establishments.

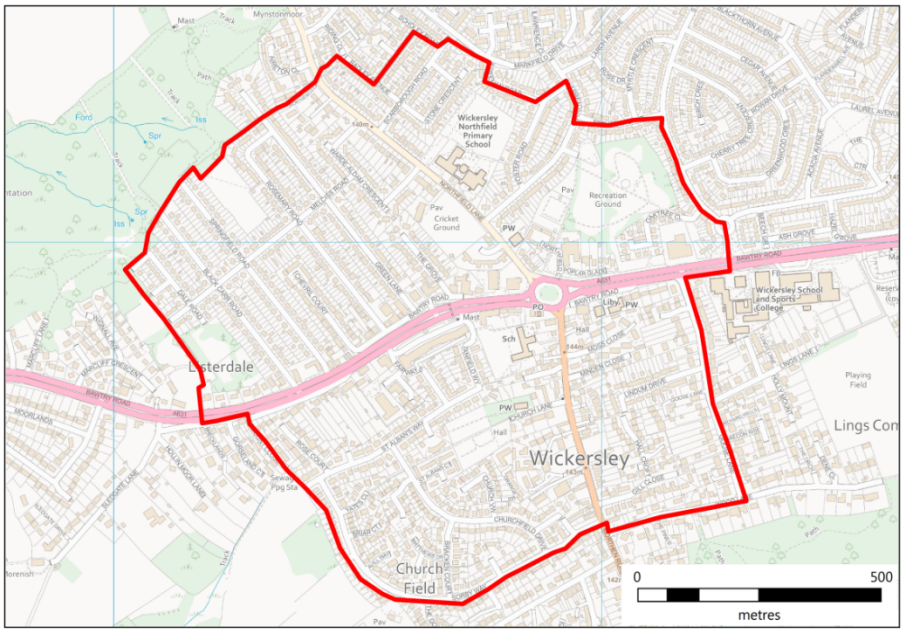
In recent years, Wickersley has become an urban centre with a significantly increased range and number of licensed premises. The area attracts a large amount of people from across the borough and surrounding areas of South Yorkshire. Currently, the density of premises within Wickersley West LSOA is 37.6 premises per square kilometre (pkm^2). Across the broader Middle Super Output Area (MSOA) of Bramley and Wickersley, the average density is 12.7 pkm^2, whilst the average across the borough is 2.2 pkm^2. The MSOA covering Rotherham Town Centre has a density of 23.6 pkm^2, which suggests that proportionately, Wickersley's evening economy is the busiest within Rotherham.

However, the centre does not have the required infrastructure to deal with a large and sustained night-time economy, and the current number of licensed premises is negatively impacting the largely residential properties that are in close proximity to designated retail space.

There are less resources designated to Wickersley currently by the responsible authorities to deal with the impacts of licensed premises, which maximises the impact of these premises on those who live there.

The Council believes that the number of licensed premises within Wickersley is at such a level that it would be inconsistent with the promotion of the licensing objectives to grant any further licenses or certificates in the area, and restrict any changes to licensable activities of existing licences.

Wickersley Cumulative Impact Assessment



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The Wickersley Cumulative Impact Zone (CIZ) is situated in the centre of Wickersley and covers parts of both the Wickersley and Hellaby wards. Bawtry Road acts as a boundary between the two wards and this runs throughout the zone. The CIZ is related to the sale of alcohol for consumption on, or on and off the premises, including premises such as, but not limited to, pubs, bars, late night opening restaurants and clubs. The CIZ is saturated with premises of these types.

This zone has been selected by overlaying current premises, LSOA boundaries, local plan data, crime, anti-social behaviour, noise complaints and areas which were raised by residents through consultation. The zone is the outcome of this analysis.

Whilst each individual premise may comply with their licence conditions, and where problems are found they can be dealt with through action plans, or subsequently a review of the licence, this particular zone has become saturated as new businesses open, or existing businesses vary the use of a particular premise.

The Council considers the number of premises licences or club premises certificates is at such a level that it would be inconsistent with the promotion of the licensing objectives to grant any further licences or certificates in the Wickersley Cumulative Impact Zone, and to restrict changes to licensable activities of existing licenses.

Therefore, it is the Council's policy on receipt of relevant representations that applications for the sale of alcohol for consumption on, or on and off, the premises will be refused, unless the applicant can show that their licensed premise would not increase the impact of such premises on the zone, as described in this assessment.

To set out the Council's opinion, evidence has been gathered from the responsible authorities and residents. This data has been divided into the four licensing objectives.

1. **Public Safety**

The Public Safety licensing objective concerns the physical safety of people whilst within the vicinity of licensed premises. This includes both the prevention of accidents and the immediate harms that can result from alcohol consumption, such as alcohol poisoning.

Alcohol-related ambulance call-outs are ranked a 'medium' risk within Wickersley West LSOA (where 16 of the 19 licensed premises within Wickersley are located). Between 2016 and 2018, there were 50 ambulance call-outs which were directly related to alcohol. The high level of alcohol-related call outs indicates that those who come to the area can drink excessive amounts, sometimes across a number of premises which leads to a medical emergency such as alcohol poisoning. Wickersley West is in the top quartile of LSOAs across Yorkshire and the Humber which does not reflect the demography of the area.

Furthermore, the Council believe that the setting of Wickersley centre on either side of the A631 (Bawtry Road) should also be considered when assessing public safety, as this is a busy road which links the M1 and M18, as well as Rotherham town centre with outlying urban areas. The density of premises within the area often leads to people, who may be intoxicated, walking between multiple premises within an evening, which is dangerous due to the proximity of this A-road. Between 2018 and 2019, three road traffic collisions were recorded within the Cumulative Impact Zone. Two of these incidents happened at a weekend whilst the other occurred at 22:15, which broadly matches what would be expected from a night-time economy.

Public safety also concerns the safe departure of those using the premises. Currently, there is one agreement in place between a licensed premise and a private hire operator, which has an operator base within its car park. Apart from this, there are not any permanent transport options in Wickersley which would meet the demand of a night-time economy such as a taxi rank, late night bus network or railway station. Although individual premises may advertise private hire companies to their customers, as well as a small number of Hackney Carriages who may ply for hire on side streets, this does not give an adequate and sustainable capacity to move people from the area when premises close. This correlates to the temporal analysis of crime which shows a peak between the hours of 2300-0200. This trend, especially when dealing with offences categorised as anti-social behaviour, suggests that when people are leaving premises, they are not leaving the area immediately, which may be due, in part, to a lack of suitable transport.

2. Prevention of public nuisance

When considering the licensing objectives, the Council and responsible authorities should focus on the effect of licensable activities on any person living and working in the area around the premises, which may be considered disproportionate and unreasonable. This will usually concern noise nuisance, light pollution, noxious smells and litter.

Although not given a statutory definition in the Licensing Act 2003, it covers anything which may be considered to reduce the living and working amenity and environment of persons living and working in the proximity of premises. It may also cover the impacts of licensed premises where they are prejudicial to the health of residents.

Within Wickersley, there are two key areas of concern which fall under this licensing objective. Many residents cited noise nuisance from premises as a key issue in the area, alongside issues with street scene such as broken glass, fouling and vomiting.

The Council's Environmental Health team record noise complaints and those concerning licensed premises within Wickersley between January 2016 and present have been analysed below:

Complaint Month	Number of Complaints
January	1
February	1
March	3
April	2
May	7
June	3
July	3
August	19
September	1
October	0
November	2
December	0
Total	**42**

Complaint Type	Number of Complaints
Bank Holiday	4
Music	27
Noise	11
Total	**42**

Complaint Day	Number of Complaints
Monday	4
Tuesday	1
Wednesday	1
Thursday	0
Friday	4
Saturday	15
Sunday	2
Total	**27**

From 2016, forty-two noise complaints were made about licensed premises within Wickersley. Of these, twenty-seven related to a particular date, of which twenty-one occurred between Friday night and Sunday night. A further four issues were identified on a Bank Holiday Monday. The number of complaints was highest in summer months, with August being the peak month for reports of noise nuisance.

Levels of noise complaints have decreased between 2016 and 2019. 2016 saw a peak of complaints (17), followed by two static years (11, 11). However, complaints decreased sharply in 2019 (3). Although this clearly shows that some premises are dealing with real concerns from residents, it also reflects that residents do not feel empowered to report noise complaints against licensed premises as they do not feel

as though these complaints have been remedied in the past. This view was aired multiple times through meetings with residents, who believed that their concerns were not being dealt with seriously.

In a resident's session in October 2019, noise was still the largest concern of residents, but many said that they did not feel that the current systems in place could deal with noise issues from premises. Residents cited three main areas of concern:

1. Outside drinking and live music in gardens and terraced areas in summer months
2. Noise from customers leaving premises and staying in the area after licensed times
3. Noise from premises staff after licensed hours, such as continuing to play loud music or emptying glass bins outside.

Although the Council understand that these issues are not breaching individual licence conditions, the impact of the noise of several premises to residential properties within close proximity has a detrimental and consistent negative impact. This is intensified in summer months when multiple events happen in the same evening, or when multiple premises clean the outside of premises after licensable hours. This means that residents are not only being impacted to the early hours of the morning by the noise of a licensed premise, but also by other activities related to the running of a licensed premise through the night.

Another key issue raised under this licensing objective is the negative impact of licensed premises on the overall cleanliness and appearance of the community. Residents are very concerned at the amount of litter that is left in and around premises, which often includes broken glass. Further concern was raised around urine and vomit being present on streets, especially at a weekend, both of which are clearly linked to the use of licensed premises.

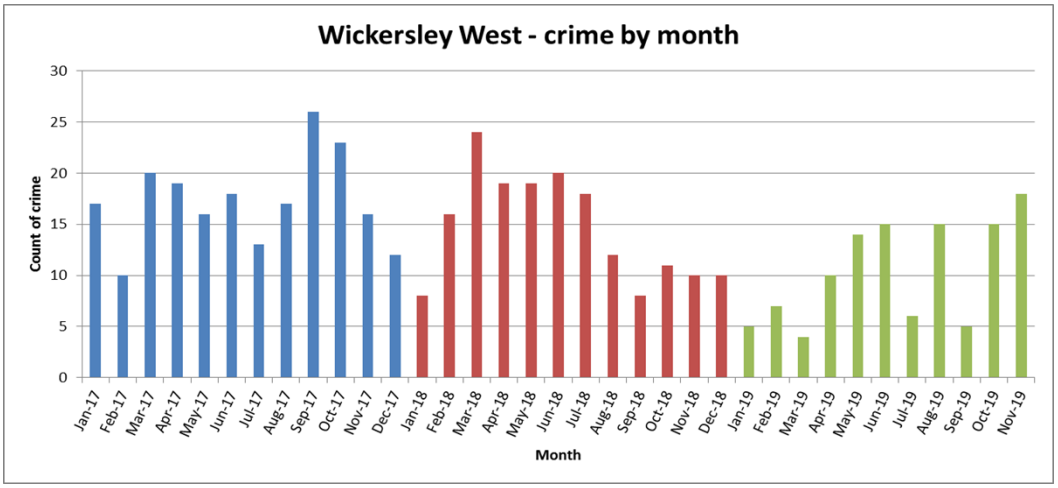
The Parish Council litter pick the centre of Wickersley daily and have been doing this for many years. Two 'handymen' are employed directly by the Parish to maintain the the village and although they cover the whole Parish, work is concentrated on the Tanyard area. Overall, three commercial waste bins are filled weekly.

"There is a lot of waste which is particularly noticeable at the weekend. Our personnel work seven days a week and although they have been in post for several years, more litter has certainly been noticed in recent years"
Wickersley Parish Council Clerk

Nine residents of Wickersley cited litter, especially glass, as their largest concern and stated that "glass bottles or glasses are always left on walls outside" and that "establishments do not think they are responsible for picking up broken glass in the environment around them". One resident cited that glass had been "thrown at their house and driveway by drinkers".

3. Prevention of Crime and Disorder

This licensing objective relates to any disorder which takes place on or around premises, including offences such as anti-social behaviour, drug-dealing, theft and assault. South Yorkshire Police is the main partner agency who advises on these matters, although the Council also have teams in place to deal with anti-social behaviour and community protection. Data from both of these sources has been used when evidencing this section.



The previous three years of crime data for Wickersley West LSOA indicates that crime rates were consistently high in both 2017 and 2018. September 2017 had the highest number of crimes recorded within a month (26), followed by March 2018. There were sixteen months across the three year period where more than fifteen crimes were committed. In the six month period between February-July 2018, the crime rate stayed above this level continuously. On average, spring and summer months have higher levels of recorded crime across the period, although July 2019 does not correlate with this pattern. Winter months have much lower crime rates with January recording the lowest rate of crime in 2018, and second lowest in 2019. However, in 2017, this was not the case.

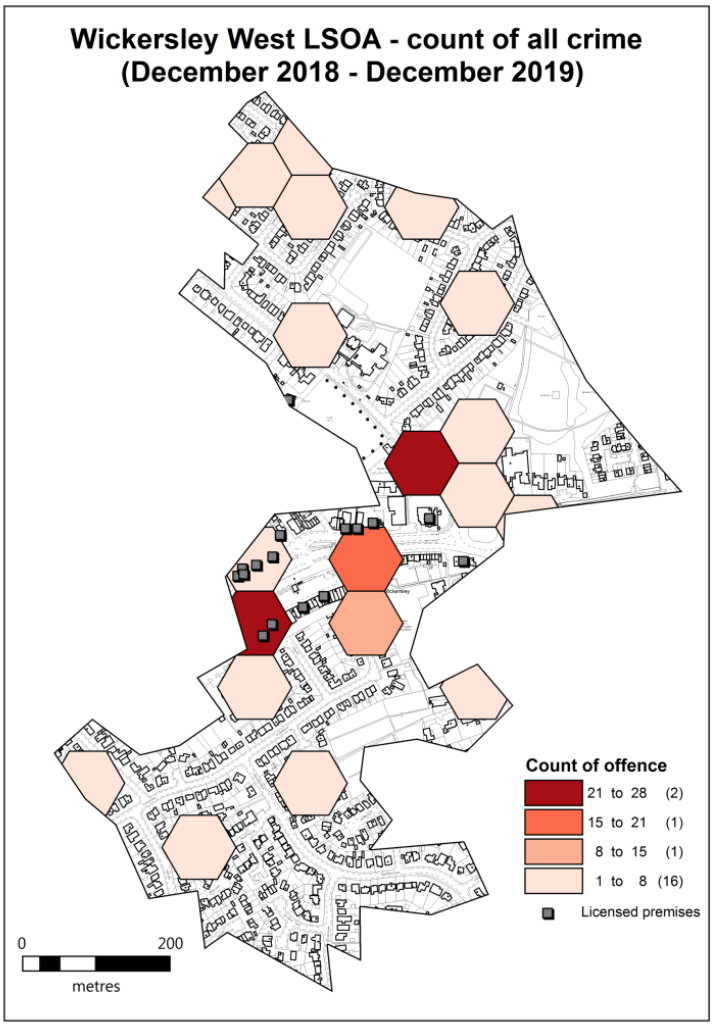
It is also of note that October and November 2019 have recorded significantly higher levels of crime than the same months in 2018 and that crime levels has increased since September, which has not been seen previously over the period.

The most common crime committed between December 2018 and December 2019 were offences of a violent or sexual nature, which includes offences such as violence against the person, grievous bodily harm and sexual assault. This was followed by anti-social behaviour which consists of personal and environmental issues, as well as nuisance behaviour. Both of these offence types have a clear link to a night-time economy, or to those people who have visited a licensed premise before committing an offence.

Offence	Count
Violence and sexual offences	33
Anti-social behaviour	23
Shoplifting	14
Other theft	11
Criminal damage and arson	10
Public order	10
Vehicle crime	10
Burglary	8
Drugs	2
Other crime	1
Robbery	1
Theft from the person	1

Other offences listed which could be associated to a night-time economy are theft, public order, drugs and theft from the person. Taking all of these offences into account, 65% of all crime recorded in Wickersley West could be linked to the night-time economy within the area.

Further analysis of these crimes looks at the temporal and spatial distribution within Wickersley West, which is shown below.



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The hexagonal map divides the LSOA into 50 metre segments. There are three segments where more than fifteen offences took place within the past calendar year (December 2018 – December 2019). These are all situated alongside Bawtry Road within close proximity to licensed premises. The most prevalent hotspot is located just north of the junction where Northfield Lane joins Bawtry Road, where a total of 28 offences took place. There is a licensed premise located on this junction which may signify that a number of these offences were attributable to this premise.

Location	Count
On or near Willow Court	28
On or near Supermarket	24
On or near Pedestrian Subway	15
On or near Tanfield Way	12

To assess the spatial distribution of offences further, street level data has been provided by the police. This shows that Willow Court, a large, age restricted housing scheme, located directly behind the largest capacity premises within the centre, has the highest recorded level of crime within the area. Each of the three other streets which had a count higher than 10 are all located on or perpendicular to Bawtry Road and are all within 75 metres of a licensed premise.

Hour	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Total
0000	7	2	3	6	3	6	8	35
0100	2	1	2	0	1	2	5	13
0200	2	2	0	1	2	4	2	13
0300	1	0	2	0	1	1	0	5
0400	0	1	0	0	0	0	0	1
0500	0	0	0	0	0	1	1	2
0600	1	0	0	2	0	1	0	4
0700	1	0	0	0	0	0	1	2
0800	1	2	0	1	0	1	0	5
0900	2	4	4	2	1	0	1	14
1000	3	2	1	2	1	2	2	13
1100	0	1	3	2	4	0	11	21
1200	5	2	4	6	5	2	1	25
1300	4	5	0	5	5	1	2	22
1400	1	3	0	3	2	3	1	13
1500	1	3	1	5	4	7	3	24
1600	5	8	2	3	1	4	1	24
1700	1	3	6	1	3	3	4	21
1800	3	3	4	4	1	2	4	21
1900	1	4	2	5	2	3	4	21
2000	2	4	1	2	1	1	3	14
2100	7	1	5	1	3	5	2	24
2200	3	4	7	2	5	4	2	27

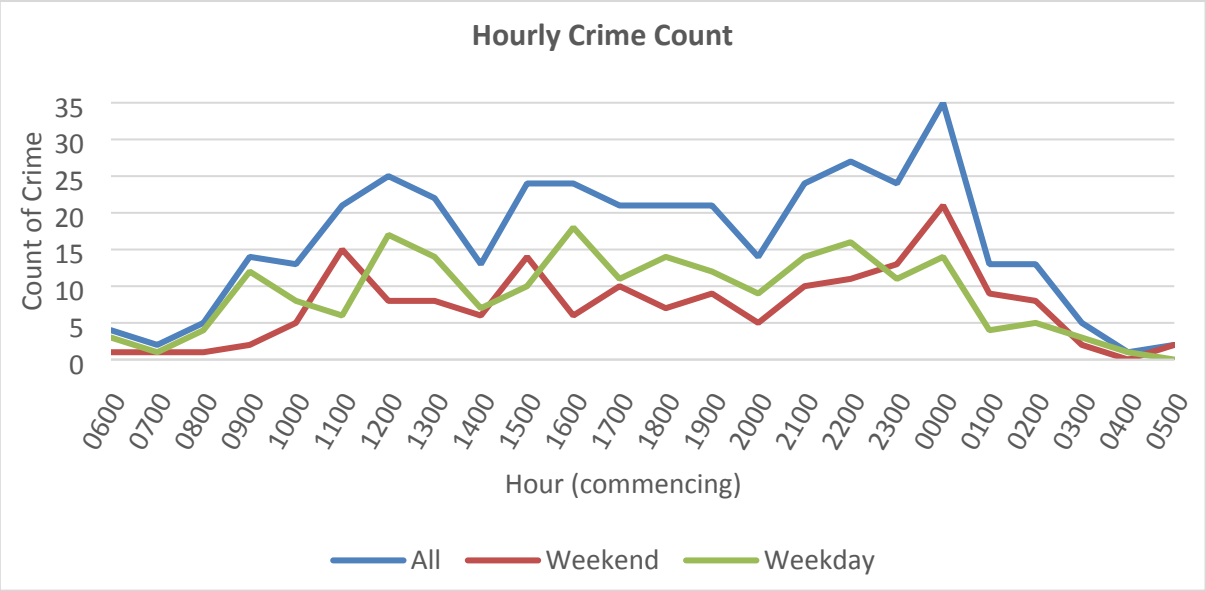
2300	6	1	1	3	2	1	10	24
Total	59	56	48	56	47	54	68	388

Temporal Analysis: Crime figures for Wickersley West and Wickersley South between January 2016 and December 2019. *Included with the permission of South Yorkshire Police.*

Highest risk	
Moderately high risk	
Moderate risk	
Low Risk	

The temporal analysis above also shows a clear correlation to the night-time economy in Wickersley, with the main peak of offences taking place between 2100-0100. Within this four hour period, 28.3% of all crimes occurred. An increase of crime during these hours is common within an area that has a large night-time economy and coincides with the variety of licensing hours within the centre. Furthermore, the peak seen between these hours is magnified over the weekend (Friday 0600 – Monday 0600) which sees higher and more consistent peaks between 00:00 and 01:00, with a slower return to a base level, which takes until 03:00. The graph below demonstrates this point.

Seven of the eight 'highest risk' hours identified by the police are either between 2100-0100, or at a weekend. This also shows the impact of licensed premises and can be apportioned, at least in part, to the number of drinking establishments within the centre of the area.



The temporal analysis undertaken only includes reported crimes. Although unaudited, ASB data was also made available to the Council by the police which further exacerbated the peaks seen over the weekend, with peak levels of offending occurring again between 2100-0100 across the weekend. Although this data cannot be made available in this document, further information can be requested from the Licensing Service if required.

Although the Council recognise that crime levels have decreased in 2019, offences can have a disproportionate impact on the residents of Wickersley due to the large amount of residential areas within very close proximity to licensed premises. Furthermore, the demographic of Wickersley shows that there are more people aged 65 and older compared to the borough average, which increases the impact felt by residents due to crime and anti-social behaviour, especially for disturbance that takes place within the hours of a night-time economy.

The concerns of residents were expressed through an online survey and residents meeting and some of these responses focused on feeling unsafe in the area where they live.

"People of all ages are scared to go out in the evening due to the amount of people drinking outside".

"I would never go into the village from late-afternoon onwards. I do not feel safe".

Furthermore, in its formal written response to the consultation, Wickersley Parish Council expressed a number of concerns, including the perception that residents are excluded from the night-time economy, partly due to crime.

"Wickersley has become out-of-bounds for many residents at weekends".

4. **Protection of Children from Harm**

There is no evidence to show that this licensing objective is being undermined within the Cumulative Impact Zone.

Conclusion

The assessment has been carried out in accordance with Section 5(a) of the Licensing Act 2003. The assessment has been published as the Council believe that the number of licensed premises within the area described in the assessment is such that granting any further licences, or varying existing licenses, would be inconsistent with the Council's duty under the Act to promote the licensing objectives.

Factors considered when granting applications in a Cumulative Impact Zone

When considering the presumption against grant in a CIZ, the Council must be satisfied that the applicant will not impact any further on the cumulative impact of existing licensed premises.

Applicants may suggest measures which they believe will demonstraee there will be no further impact from their premise. Examples that the Council may consider as demonstrating that there will be no further impact include:

- Small premises who operate outside of the peak hours of disruption, as described in the CIA.
- Premises which are not alcohol-led and operate during the day-time economy.
- Instances where a business is relocating to a new premise but retaining the same style of business.
- Conditions which ensure the premise will operate in a particular manner, such as a minimum number of waiting staff to secure a food-led premise.

Examples of factors the Council will not consider include:

- That the premise will be well managed and well run.
- That the premise will be constructed to a high specification
- That the applicant operates similar premises in other areas without complaint.

Any representation made which supports the grant of a licence within a Cumulative Impact Zone will also be taken into account by the Council.

Appendix 4

Summary of Consultation responses

Breakdown of consultation responses

Online Survey:

- Members of the public: 38
- Landlord/ licence holder: 2
- Member of staff within a licensed premise: 4
- Total: 44

The Council received responses from the following groups:

- Health and Wellbeing Board
- Licensing Committee
- Public Health
- South Yorkshire Fire and Rescue

Three drop-in sessions were planned across the borough for licensees and members of the public. Three licensees attended these meetings to ask specific questions about the impact of the new policy on their licence. No comments were received on the changes to the policy itself.

The following sections outline the response to the consultation for each question asked on the online consultation. A brief summary of the written responses is then outline below.

1. **Cumulative Impact**

The consultation asked for a response to the statement:

There is a need for Cumulative Impact Assessments in a part, or parts, of the borough

Row Labels	Need for CIA	%
Strongly agree	24	55
Agree	9	20
Disagree	1	2
Strongly disagree	3	7
Unsure	7	16
Grand Total	**44**	**100**

If a respondent agreed, or strongly agreed, the consultation asked for a further response to the following question:

Which area, or areas, of the borough would benefit from a Cumulative Impact Assessment?

Area	Total	%
Anston and Woodsetts	1	3
Boston Castle	2	6
Brinsworth and Catcliffe	2	6
Rotherham East	1	3
Rotherham West	1	3
Sitwell	1	3
Wath	1	3
Wickersley	23	72
Total	**32**	**100**

All respondents were asked the following statement:

The number of licensed premises in Wickersley have a negative impact on the area, including higher levels of crime, disorder and anti-social behaviour.

Row Labels	Count	%
Strongly agree	15	36%
Agree	7	17%
Disagree	10	24%
Strongly disagree	5	12%
Don't know	5	12%
Total	**42**	100%

Public Health: With respect to whether Wickersley would benefit from a Cumulative Impact Assessment, it appears clear that residents have raised significant concerns particularly in respect to public nuisance and crime and disorder that require addressing. I support a Cumulative Impact Zone covering the appropriate area and continued work with existing license holders to try to resolve the issues raised by residents.

In addition, whilst I acknowledge that a Cumulative Impact Zone might hinder the desired redevelopment of the Town Centre, given the high risk rating of this area flagged by the Alcohol tool, I suggest that some consideration is given to the process by which Town Centre license applications are considered. This should include consideration about whether the venue type is in-keeping with the desired vision for the Town Centre.

Finally, although other localities of concern have not been raised by residents to the same extent as Wickersley, it is important to be mindful of the impact of alcohol harms on health inequalities. Lower socioeconomic status is associated with higher mortality for alcohol related causes, despite lower socioeconomic groups often reporting lower levels of alcohol consumption. This is described as the alcohol harm paradox. Given a number of studies have found areas of greater deprivation to have greater concentrations of alcohol outlets, it will be important to keep open the option of further Cumulative Impact Zones in areas of higher deprivation so as to reduce the potential to further exacerbate alcohol-related harm in deprived neighbourhoods.

Health and Wellbeing Board: One of the biggest priorities of the Health and Wellbeing Board is reducing health inequalities between our most and least deprived neighbourhoods. The board would therefore, support health inequalities being taken into consideration as part of the cumulative impact assessment process.

Licensing Committee: The Committee were in favour of such an inclusion in the Statement to prevent certain areas being adversely affected and any new applications needing to be proactive in providing supporting information. The Committee were mindful this would not mean new applications in a Cumulative Impact Zone would be refused, but any valid objections considered. They supported Wickersley being a designated Cumulative Impact Zone. As this is a new initiative the Committee will seek training about this issue. The Committee welcomed further guidance around the issue and asked that further training be provided.

2. Additional Model Conditions

Respondents were asked to respond to the following statements:

Public Health issues such as alcohol-related harms and obesity are important when making licensing decisions

Row Labels	Count
Strongly agree	12
Agree	15
Disagree	7
Strongly disagree	5
Unsure	4
Grand Total	**43**

Licensing Committee: The Committee welcomed the idea of a 'Public Health Licensing Toolkit, as this would enable Licensing Officers to assess the prevalence of alcohol related problems in local areas and to advise Licensing Committee as to the potential health impacts of a licensing decision on a local area. The Committee were in full support of using the Public Health toolkit.

Public Health: I am pleased to note that the Council are proposing some new requirements through this policy such as using public health data to assess licensing decisions, and expanding the Council's model conditions to include the prevention of single can sales in some areas, accredited training for door staff and annual training for licensees and employees.

I can confirm that a Public Health Alcohol Licensing tool will be available on the Rotherham Data Hub site as part of the Rotherham Joint Strategic Needs Assessment1. This tool will be annually updated with any data more recently available and expanded should further indicators become available.

Licensing officers should assess the prevalence of alcohol related problems (such as crime and disorder, noise, antisocial behaviour, etc.) in a community when considering an alcohol-related licensing application

Row Labels	Count
Strongly agree	21
Agree	18
Disagree	2
Strongly disagree	2
Grand Total	**43**

In sensitive locations, granting further licences might have a negative impact on the area

Row Labels	Count
Strongly agree	19
Agree	14
Disagree	4
Strongly disagree	4
Unsure	3
Grand Total	**44**

Restricting the sale of single cans of alcohol would reduce related harm and nuisance

Row Labels	Count
Strongly agree	8
Agree	13
Disagree	3
Strongly disagree	6
Unsure	13
Grand Total	**43**

Public Health: As well as restricting sales of single cans, I suggest that other best practice model conditions could be suggested for license holders who would like to demonstrate their intent to promote responsible drinking, such as through commitments to not promote reduced price drinks, offer a good range of low alcohol and alcohol-free drinks, and to discretely provide details of local alcohol support services.

Licence holders, door supervisors and staff should undertook training such as counter-terrorism, protecting vulnerable people from harm and children's safeguarding

Row Labels	Count
Strongly agree	24
Agree	11
Disagree	2
Strongly disagree	1
Unsure	6
Grand Total	**44**

Safeguarding measures relevant to the premises should be required for license holders and staff, such as criminal record checks any appropriate training

Row Labels	Count
Strongly agree	25
Agree	16
Disagree	2
Strongly disagree	1
Grand Total	**44**

Health and Wellbeing Board: The board are particularly supportive of:

- Greater use of public health data to inform licensing decisions;
- The prevention of single can sales of alcohol and the acknowledgment that this may contribute towards alcohol-related harm, particularly for children and young people;
- That persons employed on licensed premises receive appropriate training covering safeguarding of children and vulnerable adults and, if appropriate, have the necessary DBS checks.

Agenda Item 13

Rotherham Metropolitan Borough Council

Public Report
Council

Committee Name and Date of Committee Meeting
Council – 3 June 2020

Report Title
Recommendation from Cabinet – Responding to the Climate Emergency

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

Strategic Director Approving Submission of the Report
Judith Hurcombe, Interim Assistant Chief Executive

Report Author
Jackie Mould, Head of Policy, Performance and Improvement
jackie.mould@rotherham.gov.uk

Ward(s) Affected
Borough-wide

Summary
At its meeting on 23 March 2020, the Cabinet considered a report in respect of responding to the Climate Emergency, which had followed on from the resolution of the Council at its meeting om 30 October 2019. In accordance with the provisions of that motion, the report to Cabinet is submitted for information. The original report providing detail to the proposals is appended

Recommendations

1. That the report in respect of responding to the Climate Emergency be noted.

List of Appendices Included
Appendix A Report to Cabinet – Responding to the Climate Emergency
Appendix 1 Rotherham Council: Responding to the Climate Emergency
Appendix 2 Initial Equality Screening Assessment.

Background Papers
Set out on the report to Cabinet found at Appendix A

Consideration by any other Council Committee, Scrutiny or Advisory Panel
Cabinet – 23 March 2020
Overview and Scrutiny Management Board – 18 March 2020

Council Approval Required
Yes

Exempt from the Press and Public
No

Rotherham Metropolitan Borough Council

Public Report
Cabinet

Cabinet – 23 March 2020

Report Title
Responding to the Climate Emergency

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

Strategic Director Approving Submission of the Report
Shokat Lal, Assistant Chief Executive

Report Author(s)
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Ward(s) Affected
Borough-Wide

Report Summary

The Council declared a Climate Emergency at its meeting on 30 October 2019. Following the declaration work has been undertaken to produce a draft policy document "Rotherham Council Responding to the Climate Emergency", setting out the Council's commitment to tackle climate emergency. The draft policy document is attached (Appendix 1) to this report.

A Member Working Group has been established to consider the Council's response to the climate emergency and to propose a target for the Council's carbon reduction. Arising from this work it is proposed that the following targets are adopted:

- RMBC: Council's carbon emissions to be at net zero by 2030
- Rotherham: Borough-wide carbon emissions to be at net zero by 2040.

The purpose of these dual targets is to recognise the borough's carbon budget (a carbon budget is the cumulative amount of carbon dioxide (CO_2) emissions permitted over a period of time to keep within a certain temperature threshold), alongside the Council's carbon budget and acknowledge the need for the Council to lead by example in securing commitments and pledges from other organisations.

Overall, the approach sets out themes for the policy together with targets for 2030 and 2040 and actions for 2020/21. It is proposed that the Member Working Group will continue to develop the policy and actions for future years to meet the target outcomes.

Recommendations

1. That the progress to date following the declaration of the climate emergency be noted

2. That the continuation of the work of the Climate Emergency Member Working Group be agreed

3. That approval be given to set the following targets:

   a RMBC: Council's carbon emissions to be at net zero by 2030
   b Rotherham: Borough-wide carbon emissions to be at net zero by 2040

4. That the seven policy themes of Energy; Housing; Transport; Waste; Built and natural environment; Influence; and Engagement be endorsed

5. That the 2020/21 plan of action be approved.

List of Appendices Included
Appendix 1 Rotherham Council: Responding to the Climate Emergency
Appendix 2 Initial Equality Screening Assessment.

Background Papers

A number of reference documents and reports have been considered as part of the development of this policy report:

- Met Office's "State of the UK Climate" report 2017
- IPCC Special Report on Global Warming 2018

For background on carbon budgets on net zero targets:
- The Tyndall Centre's report for Rotherham (https://carbonbudget.manchester.ac.uk/reports/E08000018/)

For sustainable development as a principle:
- The UN's 2030 Agenda for Sustainable Development (2015)

For documents relevant to the actions:
- SCR's Transport and Energy Strategies
- Barnsley, Doncaster and Rotherham Joint Waste Plan
- BDR's 2016 Carbon Assessment for reference to current emissions from waste
- The Core Strategy and Sites and Policies document of the local plan for how some environmental considerations are already made in Rotherham's planning framework

For additional context:

- The draft national Environment Bill
- The current 25 Year Environment Plan.

Consideration by any other Council Committee, Scrutiny or Advisory Panel
Overview and Scrutiny Management Board – 18 March 2020

Council Approval Required
No

Exempt from the Press and Public
No

Responding to the Climate Emergency

1. Background

1.1 National government has set a target for the UK to be at net zero carbon emissions by 2050, and are considering policy and legislative changes to support this. This concern is reflected locally with many councils acknowledging the need for meaningful action against climate change and declaring "climate emergencies" as platforms to initiate interventions for carbon emission reduction.

1.2 Rotherham Metropolitan Borough Council (RMBC) has already made headway in its carbon emission reduction and over the past decade has been in the top 20% of councils in the Yorkshire & Humber region for carbon reduction. However, in recognition of the need for further action, the Council joined other local authorities in declaring a climate emergency on 30 October, 2019. A Member Working Group was established to develop an informed Council carbon reduction target and supporting carbon action plan to meet these goals.

2. Key Issues

2.1 A policy direction statement has been developed which is attached (Appendix 1). This sets out three components; the proposed carbon reduction targets for the Council and the borough, the seven themes for carbon reduction action and the plan of actions for 2020/21.

2.2 The high-level targets for the policy are:

- RMBC: Council's carbon emissions to be at net zero by 2030
- Rotherham: Borough-wide carbon emissions to be at net zero by 2040.

2.3 The purpose of these dual targets is to recognise the borough's carbon budget (a carbon budget is the cumulative amount of carbon dioxide (CO_2) emissions permitted over a period of time to keep within a certain temperature threshold), alongside the Council's carbon budget and acknowledge the need for the Council to lead by example in securing commitments and pledges from other organisations.

2.4 The seven themes are outlined below. Further detail about the kind of actions that could be considered and how these would be measured are included in Appendix 1:

- **Energy** focuses on the energy used in Council operations and services provided, and energy used by contractors

- **Housing** refers to emissions associated with domestic energy usage. This may be social housing or private housing

- **Transport** includes emissions from the Council's fleet and "grey fleet", and from public and private transport usage across the borough

- **Waste**, working across the South Yorkshire authorities through the South Yorkshire Waste Strategy, RMBC will explore extending sustainable waste processing and reducing waste

- **Built and natural environment** incorporates considerations of CO2 typically associated with planning and the urban environment, as well as CO2 capture by green infrastructure (i.e. trees)

- **Influence** recognises that to have a meaningful impact on borough-wide emissions, the Council must work alongside other organisations operating in the Borough to secure commitments on reduction and specific pledges to act on this. Alongside this work is a commitment to lobby regionally and nationally to inform policy developments

- **Engagement**, this recognises that the overwhelming majority of emissions from Rotherham are not related to Council activities. Therefore an effective engagement strategy is required to commit residents to climate reduction.

2.5 Action for 2020/21 is based around the following, as set out in section 7 of the policy document appended:

- Produce carbon impact assessments for all significant Cabinet decisions
- Address gaps in data collection regarding CO2 emissions
- Explore feasibility of renewable energy self-generation
- Commit to requiring efficiency standards for private housing developers that is in line with net zero targets
- Carry out assessment of Council's operational buildings to determine feasible energy efficiency upgrades
- Develop timeline for EV fleet conversion
- Develop awareness training for the Council's work force around energy use behaviours
- Promote sustainable transport across the workforce including cycling and ULEV leasing
- Strengthen South Yorkshire partnership commitments to reduce emissions associated with waste
- Complete energy efficiency improvements to street lighting.

2.6 Any action will, in the first instance, focus on direct emissions from council activities and emissions associated with the authority's energy consumption. Consideration will also to be given to how the operations of the local authority's suppliers and contractors are addressed. Emissions associated with other items and commodities that the authority consumes may be considered at a later point.

2.7 The Council will lobby national government and use its influence with external and partner organisations to secure a shared commitment to Borough–wide emission reduction.

2.8 The RMBC target is ambitious and will require commitment across the organisation however it will build on firm foundations. The aim is to accelerate current activities such as the roll out of energy switching schemes and integrate carbon reduction into everyday business activities, ensuring that climate impact assessments are undertaken as part of Council decisions and emissions associated across all activities are accounted for.

Monitoring progress and reporting

2.9 In order to ensure effective monitoring of the climate response actions, it is proposed that the Member Working Group for climate action continues. Chaired by a Cabinet Member, the group will monitor progress, investigate the feasibility of further action, and report on an annual basis to Council.

2.10 The group will be supported by a dedicated climate action co-ordinator and a team of climate action champions, one for each of the themes.

3. Options considered and recommended proposal

3.1 Following the review of existing practice and the approach adopted by other councils, the recommended option is to adopt the “Responding to the Climate Emergency” policy and planned actions.

3.2 Option 2 would be to take no action, which would not be compliant with the Council’s declaration.

4. Consultation on proposal

4.1 In order to develop realistic actions to curb carbon within the Rotherham context, consultation has taken place with colleagues across services with relevant expertise to gather information.

4.2 Should approval be given further consultation will be undertaken with service providers and key partners such as the Rotherham Together Partnership and Health and Well-Being Board to inform the implementation and delivery of actions.

4.3 As part of the wider engagement strategy, residents and organisations operating in Rotherham will be consulted and involved in the production and implementation of a comprehensive sustainable carbon reduction strategy.

5. Timetable and Accountability for Implementing this Decision

5.1 The implementation of the “Responding to Climate Emergency” policy and planned actions will be overseen by the Member Working Group.

6. Financial and Procurement Advice and Implications

6.1 The recommended plan of action for 2020/21 can be delivered within the Council's approved budget.

6.2 Over the medium to longer term there will be budgetary implications, both revenue and capital in order to meet the 2030 target. The details of the budgetary commitments for future years action plans will be defined as part of the "Responding to Climate Emergency" policy work. These financial implications will need to be considered as part of the Council's Medium Term Financial Strategy (MTFS) and longer term financial planning before any significant financial commitments are made.

6.3 There are no direct procurement implications associated with the recommendations detailed in this report. Where procurement activity is required to deliver against the commitments agreed, The Corporate Procurement Team will support services to ensure this activity is undertaken in compliance with the Public Contracts Regulations 2015 and the Council's own Financial and Procurement Procedure Rules.

7. Legal Advice and Implications

7.1 The Environment Bill (currently passing through Parliament) will strengthen the legislative powers and duties placed upon the Council, especially in relation to services covering waste and air quality. The Bill proposes a number of amendments to existing legislation, including to the Clean Air Act 1993, as well as new provisions relating to burning fuels with enforcement duties placed upon the Council. The composting of food waste is also included in the Environment Bill.

7.2 The Council also has existing duties to plan and act in relation to flooding, arising from the Flood and Water Management Act 2010 (c. 29), as a result of the impact of climate change.

7.3 In the absence of other legislation, other actions or policies that the Council may pursue in order to effectively deal with climate change can be undertaken using the General Power of Competence under section 1 of the Localism Act 2011 (c.20).

8. Human Resources Advice and Implications

8.1 In order to reduce emissions relating to staff transport usage, it may be necessary to review related policies and practices.

8.2 It is proposed that energy-use behaviours of all staff are targeted through awareness training which will require HR input.

9. Implications for Children and Young People and Vulnerable Adults

9.1 Children, young people and vulnerable adults are more at risk from the health impact of climate change which is expected to increase the magnitude and frequency of extreme events like floods, droughts, and heatwaves. This includes vulnerabilities to dehydration, heat stress and respiratory disease during persistent hot episodes as well as experiencing profound effects on mental health and well-being. The potential impact and mitigations will be considered as part of the implementation and delivery of actions.

9.2 Engagement of young people is central to this agenda. Young voices have been central to international environmental movements so far, and it is the youngest generations who will inherit the future, which will be shaped by the success of our response to the climate emergency.

10. Equalities and Human Rights Advice and Implications

10.1 An Initial Equality Screening Assessment has been undertaken, which is attached (Appendix 2).

11. Implications for Ward Priorities

11.1 The draft policy document “Rotherham Council Responding to the Climate Emergency” applies borough wide.

12. Implications for Partners

12.1 As part of its response to the climate emergency, the Council has begun communicating its priorities and potential avenues of action to other organisations through the Rotherham Together Partnership. In order to drive progress towards the 2040 Borough-wide net zero target, RMBC should consolidate and expand its partnerships around environmental issues.

13. Risks and Mitigation

13.1. There is a risk that climate emergency commitments will be made but not delivered upon. To mitigate this, it will be important that the Council effectively monitors progress and uses all tools available to secure meaningful and effective change.

13.2 The debate about climate emergency is constantly evolving and the Council’s response must be dynamic and reactive as new ideas and technologies develop, and potential actions become subsequently more or less feasible. The climate report must therefore be treated as a “living document”, which identifies key priorities and potential strategies but can be adapted as necessary. Equally, the climate emergency report is currently still a work in progress, intended to provide information regarding the actions currently being considered and the principles guiding these actions.

14. Accountable Officers

Jackie Mould, Head of Policy, Performance and Intelligence

Approvals obtained on behalf of Statutory Officers:-

	Named Officer	**Date**
Chief Executive	Sharon Kemp	09/03/20
Strategic Director of Finance & Customer Services (S.151 Officer)	Judith Badger	04/03/20
Head of Legal Services (Monitoring Officer)	Bal Nahal	04/03/20

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This report is published on the Council's website.

Rotherham Metropolitan Borough Council

Rotherham Metropolitan Borough Council Policy Statement Responding to the Climate Emergency

2020

1 Introduction

1.1 The Council meeting on the 30th October 2019 agreed a motion to declare a climate emergency. It noted that the most recent State of the UK Climate 2017 report identified:

- We will be experiencing summers that are 2.5ºC warmer;
- Our winters will be milder with the average temperatures being 2.2°C warmer;
- There may be a 16% decrease in summer rainfall making our summers much drier but more variable;
- Winters will be wetter with an average of 14% more rainfall;
- Mean sea levels around the UK have risen by about 16 cm since the start of the 20th Century.

The Council resolved to:

1) Join other local authorities in declaring a climate emergency;
2) Create a member working group to propose an informed target for the Council's carbon reduction by 2025 and to review it every five years thereafter, and to develop a "Carbon Action Plan" towards these goals, and that this working group should report back to the Council no later than March 2020;
3) Develop a strategy for RMBC to play a leadership role in promoting community, public and business partnerships in reducing carbon emissions;
4) Mandate officers to lobby government for additional resources to support this strategy where these are required;
5) Pledge to produce, in January of each year, a Rotherham Climate Emergency Annual Report, detailing the Council's progress against the Carbon Action Plan;
6) Pledge to ask our partner organisations across Rotherham to support us by making clear commitments to dealing with this climatic crisis;
7) Require all officer reports from April 2020 to Cabinet and Full Council to contain impact assessments in relation to climate change."

2 Climate Emergency Action – scope and underpinning principles

2.1 This report sets out the Council's commitment to tackling the climate emergency. It provides information about the work undertaken by the Member Working Group since 30th October 2019. The report also proposes ambitious and informed targets for the Council's carbon reduction and the key action themes that will form the basis of the Council's climate emergency response.

2.2 Any action will, in the first instance, focus on direct emissions from Council activities and emissions associated with the authority's energy consumption. Consideration will also be given to how the operations of the local authority's suppliers and contractors are addressed. Emissions associated with other items and commodities that the authority consumes may be considered at a later point.

2.3 The Council will lobby national government and use its influence with external and partner organisations. This is important because the authority produces only a small percentage of emissions in the borough and so in order to secure shared commitments to borough-wide emission reduction, the Council's influence on other organisations will form an essential aspect of carbon governance.

2.4 The climate emergency report and developing actions will aim to work to the principles of sustainable development. This means that any climate actions should contribute to the triple bottom line of human well-being/social equity, economic prosperity/development, and environmental protection and stewardship.

2.5 The debate about climate emergency is constantly evolving, as scientific research around the issue develops, the political landscape within which local authorities can act shifts, and innovation continues to advance the available avenues for action. Therefore the Council's response must be dynamic and reactive as new ideas and technologies develop, and potential actions become subsequently more or less feasible.

This climate report must therefore be treated as a "living document", which identifies key priorities and potential strategies but can be adapted as necessary. Equally, the climate emergency report is currently still a work in progress, intended to provide information regarding the actions currently being considered and the principles guiding these actions.

2.6 The continuing development of a response to the climate emergency must also incorporate a long-term adaptation strategy, alongside mitigation measures. This is in order to minimise the threat to livelihoods and growth across Rotherham from climate change's effects such as flooding and other extreme weather variations. An effective adaptation strategy must be informed by a comprehensive appraisal of likely impacts to the borough; this will be informed by utilising internal and external expertise as well as insight gained from the community.

3 "The Big Ask"

3.1 It is recognised that the reduction of carbon emissions is not something the Council can achieve alone and it is therefore necessary to create open and collaborative dialogue with others who share these goals. As such the Council is committed to taking a proactive approach around public engagement, communication and lobbying.

3.2 When identifying the actions needed, the Council will focus on what can be delivered immediately as well as aspiration for future years. It is recognised that some of the proposed actions will require further investment and support from national government.

3.3 However many of the proposed actions will, over time, result in savings for the Council through introducing more efficient energy supply and usage. In addition many of the actions will contribute to the well-being of Rotherham residents by reducing energy costs, providing better designed homes and communities and improving health.

4 The Council's leadership role

4.1 The Council has a key role to play as a place shaper and in leading the pace and scale of change needed. In addition to the action taken by the Council, its partners, suppliers and residents, the Council will also seek to influence national government and lobby for the resources and capacity needed to tackle climate change.

4.2 The Council will continue to play an active role in the Sheffield City Region, contributing to the emissions targets that are being developed at a sub-regional level and using its influence to secure any appropriate investments. There are significant opportunities to contribute to the refresh of the strategic economic plan to ensure that sustainable development is reflected. Rather than viewing climate change and economic growth as competing agendas, the local authority can support opportunities for greater integration across sectors to support innovation driven growth, for example by promoting green business parks and encouraging green industries.

4.3 In addition we will work with other local authorities and national and regional networks (including the Local Government Association, Solace and the New Local Government Network) to formulate our climate action proposals to inform national government policy.

4.4 Crucially the Council, through its climate action, will promote the principles of sustainable development and benefits of carbon reduction. The Council will also link carbon action with wider priorities such as social value, the skills and employment strategy, neighbourhood working, inclusive growth and social

justice.

5 Proposed Targets

5.1 It is proposed that the following targets are adopted.

RMBC: Council's carbon emissions to be at net zero by 2030
Rotherham: borough-wide carbon emissions to be at net zero by 2040

The purpose of these dual targets is to recognise the borough's carbon footprint alongside the Council's carbon budget and acknowledge the need for the Council to lead by example in securing commitments and pledges from other organisations.

5.2 The RMBC target is ambitious and will require commitment across the organisation, however we are not starting from scratch. The aim is to accelerate current activities such as the roll out of energy switching schemes and integrate carbon reduction into everyday business activities, ensuring that climate impact assessments are undertaken as part of Council decisions and emissions associated across all activities are accounted for.

5.3 In addition the Council has considered analysis undertaken by the Tyndall Centre looking at industrial, commercial and domestic carbon emissions for Rotherham and used this to inform the setting of targets for the borough.

5.4 Net zero or zero carbon?

The Council considered whether to have a 'net zero' carbon target or a 'zero carbon' target. Zero carbon requires there to be no emissions at all, whilst net zero carbon means that an organisation is responsible for removing as much CO_2 as it emits, so that the two figures are offset. As this allows emissions to continue for some operations, net zero is considered to be a more realistic aim.

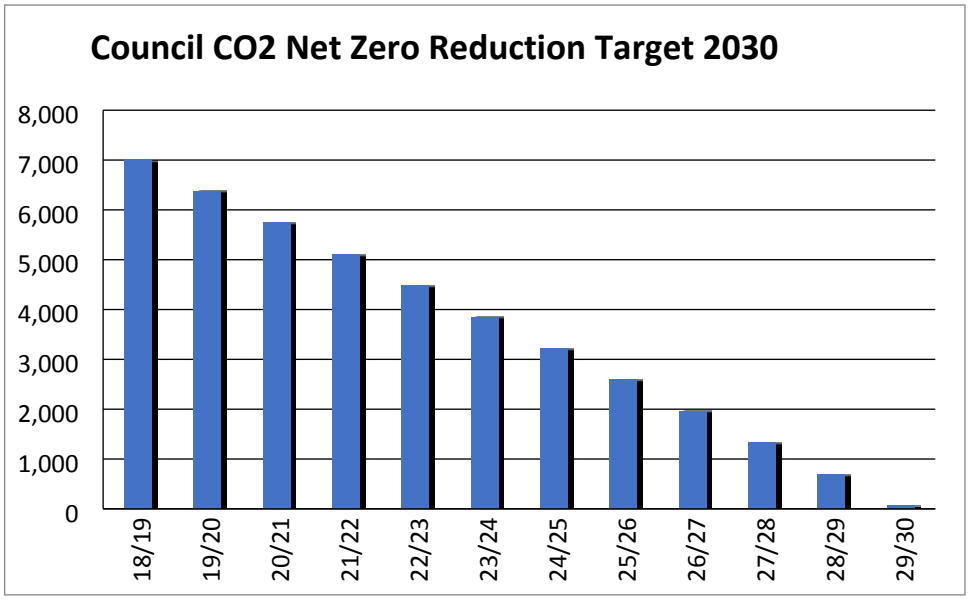
In setting a target for the reduction of carbon emissions, the Council has undertaken detailed analysis to understand and establish its current baseline position. This analysis of the Council's carbon emissions includes looking at operational energy, waste and transport (both fleet and grey). This has also helped to identify the data gaps in the organisation which include:

- No regular formal integration or analysis of collected emission data;
- Issues with reliability of social housing emissions data, based on estimations from asset management software;
- No reliable carbon capture data for trees and other green infrastructure;
- No procurement-related emissions data.

It is proposed that these data gaps are addressed as part of the delivery and monitoring of actions.

5.5 Scale of the challenge

Since 2012, the Council has actively reduced energy consumption and CO_2 emissions in operational buildings and street lighting. Audited annual reports show a reduction of 51.98% since the 2014/15 reporting period. Based on 2018/19 emissions (7005 tonnes of CO_2) from operational buildings and street lighting, the Council would need to reduce CO_2 emissions by an average of 9% (630.5 tonnes CO_2) each year to 2030.



6 Developing a carbon action plan

6.1 The aim is to develop a portfolio of realistic actions based on scientific evidence, as well as reflecting local political, economic and social priorities. Wherever possible, actions will be drawn from examples of best practice both nationally and internationally. The Council will endeavour to address both mitigation actions (which will address the causes of climate change) and adaptation actions (which will address the impact of climate change). Even with mitigating actions in place the effects of climate change will continue due to emissions already released in previous decades and although adaptation is more difficult to quantify it is essential that the borough is prepared for the future.

6.2 Audits on emissions have shown significant gaps in data collection, and in order to monitor effective progress towards these goals, significant internal reviews are required on data collection and management and the sharing of monitoring responsibilities across directorates and services.

6.3 Service deliverers must also be engaged in the development of any carbon reduction actions, in order to utilise the total expertise available to the Council

to develop meaningful actions that can be implemented. For this reason this climate report is a working document which details planned actions for 2020/21. However the working group is also considering potential future actions which require more extensive cross-service review and research before implementation.

6.4 Curbing emissions will require significant ambition and commitment. In line with the principle of sustainable development, many of the planned and potential actions will have significant social and/or economic co-benefits or lead to long-term financial savings for the Council. However some will necessitate financial investment and may be reliant on investment from national government. To this end the Council is committed to working with national government to develop national policy frameworks and lobby for additional investment. This will be important if the Council and the borough as a whole are able to curb emissions and thus contribute to the national carbon target.

6.5 In developing the carbon action plan, it is proposed that actions are identified under seven themes. These are: Energy, Housing, Transport, Waste, Built and Natural Environment, Influence and Engagement. These are considered in further detail below.

6.6 **Energy**

6.6.1 This refers to the energy that is used across all Council operations and concerns where energy comes from (i.e. the use of non-renewables vs renewables), how efficiently energy is used (such as the energy efficiency of physical capital) and personal behaviours. Potential actions could include investing into energy efficiency improvements of operational buildings and using (and potentially generating) renewable energy, and targeting energy usage behaviours. Such measures will typically necessitate some financial investment however will generally lead to medium and long term cost savings for the Council as well as stimulation of sustainability and renewable energy markets, and job creation within these.

6.6.2 The Council has already been improving efficiency of its energy usage, most recently improving the energy efficiency of street lighting, saving an approximate £430,000 per annum and achieving a 63% per annum reduction of emissions here since 2012. In order to further improve energy efficiency, an assessment of the Council's operational buildings will be required in order to determine potential efficiency upgrades for each building (this will account for cost of measures, carbon savings and long-term financial savings). Alongside improving material efficiency, it is recommended that energy-use behaviours of all staff are targeted through awareness training.

6.6.3 In order to reduce emissions to a meaningful extent, the Council will consider what steps it can take to decarbonise its energy source. Two options exist here:

the first is to switch to a renewable energy provider; the second option would be to explore the potential for investment into renewable energy generation. This latter option would allow the Council to reduce its emissions, while saving energy costs to all operations (approximately £5 million per year) and providing additional revenue through excess energy exported to the national grid. Both options would require significant investment and further exploration of funding and investment opportunities. In addition the Council will continue to support the development of the new Templeborough heat network.

6.7 Housing

6.7.1 As with the above, this considers the sourcing of energy and the efficiency of its use, for both social and private housing (i.e. carbon that is emitted as a consequence of energy use within the home). Potential actions include measures to upgrade the efficiency of new and existing housing, and utilising sustainable energy solutions. Improving energy efficiency in housing generates social co-benefits in reduction of both energy bills and vulnerability to fuel poverty, as well as economic development of sustainable housing markets, and increased employment associated with these.

6.7.2 In order to monitor social housing decarbonisation progress towards the 2030 net zero goal, all available data on social housing must be regularly collected and held by the Council. Data for borough-wide domestic emissions is collected by national government.

6.7.3 In order to stay within carbon budgets, new social housing should be built to the best possible energy efficiency standards. Passivehaus (regarded as one of the most energy efficient building methods and standards) is one possible choice for this, however further review is required to determine the best achievable standard.

6.7.4 At this time local authorities are able to set energy efficiency requirements of new developments higher than national building regulations require (currently EPC E) and it is suggested that the Council should pursue the option of requiring private developers to adopt high energy efficiency standards (e.g. EPC of A or B) .

6.7.5 Whilst it is more financially viable to build energy efficiency into new housing, according to ONS projections in 2041 83% of housing will have been built before 2016 which will require retrofitting to cut domestic emissions in line with national net zero goals. The Council would be keen to work with national government to determine the feasibility of retrofitting Rotherham's housing stock, including a thorough assessment of housing standards and to ascertain the material and financial requirements of retrofitting that would be necessary.

6.8 **Transport**

6.8.1 This refers to the means by which people and materials move across the borough. The focus and scope of this theme is centred on vehicles involved with RMBC's fleet and private vehicles used for work ("grey fleet") as well as a potential way to decarbonise wider transport use and reduce unnecessary car travel. Actions to curb transport emissions include electric vehicle (EV) conversion of the Council's own fleet, and measures to decarbonise wider public and private transport usage, both independently as a local authority and by working with Sheffield City Region (SCR).

6.8.2 Rotherham Council has already begun introducing measures conducive to decarbonising transport across the borough. Active transport has been facilitated by the development of cycling infrastructure, and schemes that provide training and bike loans. Public transport improvements have been pursued through participation in the South Yorkshire Passenger Transport Executive, and SCR, where public transport is a key economic and environmental priority.

6.8.3 The Council has already begun building its Electric Vehicle (EV) charging infrastructure; using this infrastructure to support EV fleet conversion will be essential to curbing internal transport emissions in line with 2030 net zero goals. Consensus suggests that the cost gap between EV and combustion vehicles will continue to close, allowing a gradual conversion to take advantage of falling purchase costs, as well as the lower running costs of EVs. If charged from the national grid, EV conversion is estimated to cut a vehicle's emissions by approximately 43%.

6.8.4 "Grey fleet" emissions should also be addressed to contribute to reducing the Council's overall transport emissions. This would involve a review of the spatial coordination of staff in order to reduce unnecessary travel during regular working patterns, as well as amending the Council's business mileage reimbursement policy with the expectation that staff prioritise the use of public transport for work-related travel (unless prevented by reasonable circumstances). Based on the most recent internal data available, significant financial savings and emission reductions could be achieved for the Council. The Council is already committed to reviewing its fleet and producing plans for possible conversions to electric vehicles. This work should be completed by early 2021 and will be reported back to members as part of the annual climate report.

6.8.5 The Council also has the capacity to reduce borough-wide transport emissions by acting as an enabler in several key areas:

- Expanding promotion of active travel through cycling infrastructure, training, and bike provision (Transport For Life recommends an investment of £12,000,000 per annum into active travel, with a potential

saving of 13,000 tonnes of CO_2 per annum and a health benefit of up to £5,000,000 (Dept. of Transport figures).

- Work with transport partnerships to improve public transport services, encouraging a shift from private transport use;
- Explore community transport options in areas where public transport services are unlikely to be profitable for private operators;
- Facilitate borough-wide switch to EVs and Ultra Low Emission Vehicles (ULEVs) through continuing to expand charging infrastructure.

6.8.6 Transport is also a key economic and environmental priority for SCR, and is included in the Combined Authority's extended powers and responsibilities as part of its Devolution Deal. RMBC can therefore support transport systems and infrastructure by providing input into and collaborating with the development and implementation of a sustainable transport strategy across the region. This will be a particularly important endeavour in Rotherham's context, where a significant proportion of borough-wide emissions are from journeys through M1 or M18 motorways, which may have little to do with the borough's residents. RMBC officers are working with the SCR and their Active Travel Commissioner and Director, in working to influence the SCR Active Travel Implementation Plan to ensure this maximises the opportunity for evidence-led investment in low/zero carbon transport in the borough.

6.9 **Waste**

6.9.1 Waste is an area where the Council has already done significant work, both in terms of recent improvements to recycling services across the borough and alongside Barnsley and Doncaster, to reduce the emissions associated with processing waste through the BDR Waste PFI Partnership. This theme therefore represents commitments to continue to collaborate with this partnership to minimise emissions associated with the processing of waste.

6.9.2 Working across the South Yorkshire authorities through the South Yorkshire Waste Strategy, RMBC can explore extending sustainable waste processing (e.g. reuse and recycling/upcycling and organic waste processing) and reducing waste generally (and specifically non-recyclable waste) through work with industry, awareness-raising and community engagement. The Council will continue to review its approach to recycling and waste collections to mitigate the impact of waste on the environment. Education regarding waste will be particularly important as processing of waste is responsible for 4% of all of the UK's emissions. Given that the majority of UK-wide emissions are indirect emissions associated with the consumption of goods, emission savings here have significant potential. The Council is also exploring opportunities to expand its contractual arrangements with schools to enable schools to access recycling collections that mirror those of Rotherham households.

6.10 **Built and natural environment**

6.10.1 This refers to how the Council utilises the carbon capture potential of green infrastructure (e.g. green spaces, trees, woodlands) and manages/coordinates developments and planning to reduce emissions associated with both the development/construction process, and the use of urban space after completion. Potential actions include reviews of planning policies and increasing the capacity of Trees and Green Spaces services.

6.10.2 RMBC's annual tree removals are currently higher than planting, not taking into account that new smaller trees are unable to capture as much carbon as older trees. It is also expected that over the next decade "Ash Dieback" disease will kill many thousands of trees across woodlands, privately owned and Council lands. In order to maintain its green infrastructure, RMBC must allocate an annual planting budget at least sufficient to capture the equivalent carbon to trees lost. It is advisable to support this by conducting an i-Tree survey to establish current carbon capture levels across the borough and enable effective monitoring of these. Strategic tree planting and further expansion of green infrastructure will also be essential to borough-wide climate emergency adaptation measures, for example by providing natural drainage to protect against flooding.

6.10.3 The Council can also reduce emissions associated with the urban environment through planning policy and services. Rotherham's Local Plan already makes provision for climate change and related issues, both in the protection of green infrastructure and in its strategic priorities and land use planning. It may be advisable to review the framework for site allocation at the next available opportunity in order to ensure continued emphasis on carbon reduction. This could be further supported with a Supplementary Planning Document on low carbon developments and planning, to clarify climate-based planning priorities to inform developers' planning applications.

6.10.4 Consideration should be given to introducing specific local planning policies to reduce carbon associated with the urban environment at the earliest opportunity. Two examples proposed so far include:

- The use of Section 106 agreements to require developers to pay into a carbon reduction fund. The amount to be paid would be calculated based on the number of dwellings or m^2 of commercial floor space, with additional amounts based on carbon lost from the removal of green infrastructure (i.e. trees);
- Requiring developers to include emission estimates in their planning applications and monitoring emissions during development;
- The Woodland Trust has been commissioned to create the 'Northern Forest' which would see 50 million trees planted across Northern

England. The land for this has not been identified yet and meetings are taking place with land owners to start discussions about what land is available and appropriate for this type of planting in different towns and cities across the north. The Council is working with the Woodland Trust to explore options for Rotherham.

6.11 **Influence**

6.11.1 This will consider actions through which the Council can secure commitments and pledges from other organisations to reduce carbon. This may include other public sector organisations, private partners, or through lobbying central government to shape the national legislative context.

6.11.2 **Rotherham Together Partnership**

As part of its response to the climate emergency, the Council has begun communicating its priorities and potential avenues of action to other organisations through the Rotherham Together Partnership. In order to drive progress towards the 2040 borough-wide net zero target, RMBC should consolidate and expand its partnerships around environmental issues.

By engaging with partners in public, private and voluntary sectors, as well as expert groups the Council can:

- Collaborate on specific carbon reduction projects;
- Share knowledge and best practice;
- Support sustainable development and the decarbonisation of Rotherham's economy;
- Secure pledges and commitments from organisations across the borough towards net zero emission goals.

6.11.3 **Influencing National Government**

Working with partners, other local authorities and SCR, RMBC should also establish key lobbying lines in order to influence government. These will include, but are not limited to:

- Call on government to create the national legislative and policy context in which local authorities, businesses and citizens are best able to act on climate change;
- Investment for essential interventions as described above (e.g. housing, transport infrastructure);
- Related to the above, join other authorities in asking government to give local authorities a statutory duty in low carbon energy and the associated introduction of a Sustainable Energy Investment Fund;
- Call on government to set net zero standards across all UK developments;
- Call on government to create the fiscal and financial conditions to

stimulate decarbonisation (e.g. tax systems that favour low carbon solutions, an effective financial regime to support innovation, etc.);

- Request direct government support for a thorough assessment of the extent and ways that climate change is likely to impact Rotherham, and then for direct support in implementing appropriate adaptation measures.

6.11.4 The Council will, through its social value policy, commit to securing additional social value from its procurement and commissioning processes. This includes a commitment to work with suppliers and providers to support measures designed to improve outcomes for Rotherham residents and communities as well as measures around greater environmental sustainability, including accessible green public spaces

6.12 **Engagement**

6.12.1 Through engagement, the Council will aim to secure the active participation of residents in the design and implementation of strategies to reduce borough-wide emissions and raise awareness of climate change.

6.12.2 To stimulate a borough-wide response to the climate emergency, members and officers have begun to develop a community engagement strategy to implement alongside agreed actions. This strategy will encourage active participation of residents in borough-wide carbon reduction, by relating emission saving to its various co-benefits including cost saving. Engagement of young people will be central to this, as young voices have been central to international environmental movements so far, and it is the youngest generations who will inherit the future, which will inevitably be shaped by the success of our response to the climate emergency.

6.12.3 An internal engagement strategy will also be developed and implemented. This is to encourage Council staff and service providers to be actively involved in identifying areas of high energy consumption and/or emission output that can be acted on. Additionally, service providers and relevant expertise within the Council are to be further involved in the further development and implementation of themed based actions. In addition, once agreed, this climate report will be turned into a strategy document which can be shared with the partners and the public.

7 Summary of planned actions 2020/21

The Council	The Borough
Produce carbon impact assessments for all cabinet decisions	Engage with the public, community organisations and young people to build support for climate action.

Address gaps in data collection regarding CO_2 emissions	Adopt climate change action as part of the new Rotherham Together Partnership Plan
Explore feasibility of renewable energy self-generation	Work alongside other local authorities and the Sheffield City Region to address shared climate change goals including affordable and accessible public transport.
Commit to requiring efficiency standards for private housing developers that is in line with net zero targets	Lobby national government to influence national government policy and secure appropriate investment towards climate change actions.
Carry out assessment of Council's operational buildings to determine feasible energy efficiency upgrades	Work with national government to deliver on any commitments that may come through the environment bill.
Develop timeline for EV fleet conversion	Work with transport providers, SCR, and relevant organisations to encourage borough-wide EV fleet transitions
Develop awareness training for Council workforce around energy use behaviours	Promote EV charging across the borough
Promote sustainable transport across the workforce including cycling and ULEV leasing	Continue development of plans for Templeborough biomass heat network
Strengthen South Yorkshire partnership commitments to reduce carbon emissions associated with waste	
Complete energy efficiency improvements to street lighting	
Develop a tree planting policy	

8 Management, Monitoring and Development

8.1 In order to ensure effective monitoring of the climate response actions, it is proposed that a member working group for climate action continues. Chaired by a Cabinet Member, the group will monitor progress, investigate the feasibility of further action, and report on an annual basis to Council.

8.2 The group will be supported by a dedicated climate action co-ordinator and a

team of climate action champions, one for each of the action plan themes.

END

Rotherham Metropolitan Borough Council

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: Responding to the climate emergency	
Date of Equality Analysis (EA): 05/02/2020	
Directorate: Assistant Chief Executive	**Service area:** Policy, Performance and Intelligence
Lead Manager: Jackie Mould	**Contact number:** 01709 823618
Is this a: [X] **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)**
Sam Blakeborough	RMBC	Service Specialist
Steve Elling	RMBC	Policy Officer
Jackie Mould	RMBC	Manager

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

Aim/Scope (who the Policy/Service affects and intended outcomes if known)
This may include a group/s identified by a protected characteristic, others groups or stakeholder/s e.g. service users, employees, partners, members, suppliers etc.)

The scope of the intended outcomes is likely to impact all individuals across the Borough, as all individuals regardless of their characteristics are likely to be effected by climate change. However, differences between individuals and communities will mean that some individuals are affected disproportionately by impacts of climate change. Additionally, potential approaches to climate change are far reaching and encompass various service areas and issues, therefore responses may impact people differently depending upon their characteristics.

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

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

No risk assessment has yet been completed for how climate change is likely to impact Rotherham specifically. Therefore information of how climate change impacts individuals is hypothesised based on wider research.

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

One of the central proposals here is the inclusion of a monitoring group to track progress towards carbon reduction targets as well as implementation. Given that sustainable development is a guiding principle of this policy, a core role of the monitoring group will be to note any social or economic impacts across all people, including the impacts on groups according to protected characteristics.

Engagement undertaken with customers. (date and group(s) consulted and key findings)	Engagement strategy to be developed.
Engagement undertaken with staff (date and group(s)consulted and key findings)	Informal discussions have been ongoing with relevant staff (e.g. Planning, Transport, Housing, etc.) from November 2019 onwards. This has been used to provide greater depth of understanding of the Rotherham context in which decarbonisation will occur, as well as potential actions and barriers to action. Further cross-service engagement is required in order to utilise expertise in services for the development of a comprehensive Environment & Climate strategy

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? By aiming to curb predicted environmental disaster associated with the "climate emergency", this policy meets the ends of all individuals across communities and groups, as all would be effected by resulting conditions (e.g. increasingly extreme temperature variability, increasing rainfall variability). Those who face physiological vulnerabilities (e.g. older or younger people, or those with particular physical disabilities) are likely to be more vulnerable to the effects of climate change; therefore the recommendations stand to significantly improve future scenarios for these groups. This is especially significant in the context of Rotherham's aging population.
Does your Policy/Service present any problems or barriers to communities or Groups? Decarbonisation is inherently tied to the availability of capital, due to investment required in new modes of activity (e.g. production methods, transport technologies). Therefore, when decarbonisation is encouraged through solely regulatory or punitive measures, without interventions intended to provide active support in decarbonisation, those with limited access to financial assets (i.e. low income groups) will be disproportionately burdened and disadvantaged. This potential issue has informed the recommended adoption of the guiding principle of sustainable development. This principle points to the necessity of balancing the priorities

of economic growth and social equity alongside environmental protection. Therefore actions which would disproportionately and arbitrarily disadvantage those with limited financial assets (e.g. zones around the Borough where charges are levied on combustion vehicles) have not been considered. Additionally, this should inform an ongoing engagement strategy, to involve individuals and communities in the design and implementation of a comprehensive Environment & Climate strategy. This will allow individuals and groups to represent their own interests.
Does the Service/Policy provide any positive impact/s including improvements or remove barriers? Decarbonisation is typically associated with long term cost savings (e.g. reduced energy bills). Therefore the measures suggested here offer scope to relieve a financial burden from low income groups, and reduce vulnerability to fuel poverty. Additionally, low income groups are statistically more likely to be vulnerable to the effects of climate change (e.g. exposure to flooding), therefore these stand to benefit from the long-term curbing of the impacts of climate change.
What affect will the Policy/Service have on community relations? By engaging communities and individuals with the development and implementation of carbon reduction, it is hoped that any strategy will improve community relations by giving these the opportunity to identify and express their interests and see these incorporated in strategy. However, the National Centre for Social Research in the UK points out that climate change is predominantly a concern for younger age groups and less of a concern for older age groups. It is therefore plausible that some would have the perception that the declaration of a climate emergency, the response to this and any associated investment, represents the interest of younger people. The recent 2020 budget consultation reaffirms this possibility, as most respondents allocated little priority to environmental protection. However, this sentiment may be avoided by emphasising the cost-reductions and other co-benefits that are associated with recommended measures, as well as communicating the scientific evidence of the threat posed by climate disaster.

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: Responding to the climate emergency
Directorate and service area: Assistant Chief Executive's Directorate; Policy, Performance and Intelligence
Lead Manager: Jackie Mould
Summary of findings:
The effects of climate change will be felt by all; these are likely to disproportionately exacerbate the vulnerability of already physically and materially disadvantaged groups. Actions to curb and adapt to the impacts of climate change, as proposed here, are likely to limit the effects of climate change felt by all groups, including those who would be particularly affected. A positive equalities impact will be assured by the setting up of a cross-service monitoring group.

Action/Target	State Protected Characteristics as listed below	Target date (MM/YY)
Utilise climate change monitoring group to track the impacts (either of climate change or associated actions) on communities or groups according to their protected characteristics.	All (particularly age and disability)	N/A

***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**
Jackie Mould	Head of Policy, Performance and Improvement	07/02/2020
Shokat Lal	Assistant Chief Executive	07/02/2020
Cllr Chris Read	Leader of Council	20/02/2020

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	07/02/2020
Report title and date	Responding to the climate emergency; 23/03/2020
Date report sent for publication	09/03/2020
Date Equality Analysis sent to Performance, Intelligence and Improvement equality@rotherham.gov.uk	07/02/2020

Agenda Item 14

Rotherham Metropolitan Borough Council

Public Report
Council

Committee Name and Date of Committee Meeting
Council – 03 June 2020

Report Title
Membership of Political Groups on the Council, Political Balance and Entitlement to Seats

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

Ward(s) Affected
Borough-Wide

Report Summary

The Proper Officer is required to notify the Council of any change in the political balance of the authority or the operation of new political groups under the Local Government (Committees and Political Groups) Regulations 1990. Since the last Council meeting on 26 February 2020, the Proper Officer has received notification of the operation of a new political group.

With effect from 1 March 2020, there are two political groups in operation on the Council, with the former Brexit Party Group becoming the Rotherham Democratic Party Group (11 Members). Since 1 May 2020, the Labour Group's membership has reduced to 44 Members with the resignation of former Councillor Richard Price, the application of the six-month attendance rule removing former Councillors Allcock and Wilson and the decision of Councillor Evans to sit as a non-aligned Member. Within the reduced membership of 60 councillors, there are now five non-aligned Members, who are not in a political group.

There are 149 seats available on committees, boards and panels and under the calculation the Labour Group is entitled to 109 seats and the Rotherham Democratic Party Group is entitled to 27.This leaves 12 seats which cannot be given to members of the political groups and should be allocated to the five non-aligned councillors.

Recommendations

1. That the operation of two political groups on the Council and the detail of their designated Leaders be noted.

   (a) Labour Group – Councillor Chris Read (Leader of the Council)
   (b) Rotherham Democratic Party Group – Councillor Allen Cowles (Leader of the Majority Opposition Group)

2. That the entitlement of the membership of the political groups and non-aligned Members be agreed and such entitlements be reflected in Council's appointments of members to committees.

3. That, subject to the changes required from the previous municipal year's entitlement, the appointments made by the Council in the 2019/20 municipal year to committees, boards and panels and joint committees be continued for the 2020/21 municipal year

List of Appendices Included
None

Background Papers
The Constitution of Rotherham Metropolitan Borough Council

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

Council Approval Required
No

Exempt from the Press and Public
No

Membership of Political Groups on the Council, Political Balance and Entitlement to Seats

1. Background

1.1 Section 15 of the Local Government and Housing Act 1989 places on local authorities the duty to allocate seats to political groups and sets out the principles to be followed when determining such allocation. The main principles, which must be satisfied sequentially, include:

(a) That the number of seats on ordinary Committees/Bodies … which are allocated to each political group bears the same proportion to the total of all the seats on the ordinary Committees of that Authority, as is borne by the Members of that group to the membership of the Authority (i.e. the allocation of the total number of seats available must mirror the political composition of the council).

(b) That the number of seats on the Body (Committee, etc.), which are allocated to each political group, bears the same proportion to the number of all the seats on that Body as is borne by the number of Members of that group to the membership of the Authority (i.e. the allocation of seats on individual committees must mirror the political composition of the council).

1.2 Local authorities are able to depart from the statutory provisions where there is unanimous agreement to do so.

1.3 Those members not in a political group are entitled to a due share of seats, although the council will decide how to allocate seats to non-aligned councillors.

2. Political Groups

2.1 The Proper Officer has received formal notification, under the provisions of the Local Government (Committees and Political Groups) Regulations 1990, of the establishment of a new political group in operation. The Brexit Party Group has become the Rotherham Democratic Party Group, with effect from 1 March 2020. The Labour Group has reduced by four members following a resignation, the disqualification of two councillors for not attending a meeting of the Council for more than six months and the decision of Councillor Evans to sit as a non-aligned Member. The effect of this change means that the political balance of the Council is:

Name of Group	Designated Leader (number of Members)
Rotherham Democratic Party	Councillor Allen Cowles (11 Members)
Labour	Councillor Chris Read (44 Members)

2.2 In addition to the changes in political groups, whilst Councillor Adam Carter is affiliated to the Liberal Democrats and Councillors Jepson, Short and Simpson are unaffiliated to a political party, none of these Members belong to a political group. For the purpose of this report, Councillors Carter, Evans, Jepson, Short and Simpson are regarded as non-aligned councillors.

3. Allocation of Seats

3.1 The allocation process must be applied 'so far as is reasonably practicable' to achieve a balanced outcome. The allocation of the 149 seats to the two political groups is determined by the following formula:

$$\frac{\text{Number of Members of Political Group}}{\text{Total Number of Members of Council (60)}} \times \text{Number of Seats to be allocated}$$

For the 149 seats available in applying principle (a) in paragraph 1.1, this gives:

Political Group	**Seat Entitlement**
Labour	109
Rotherham Democratic Party	27
Non-aligned	12
TOTAL	**148**

3.2 Application of principle (b) in paragraph 1.1 of this report, relating to the number of seats on individual committees, gives the following:

	Seats Available	**Labour**	**Rotherham Democratic Party**	**Non-aligned**
Regulatory Committees/Boards				
Audit Committee	5	4	1	0
Licensing Board	21	15	4	2
Licensing Committee	15	11	3	1
Planning Board	15	11	3	1
Staffing Committee	5	4	1	0
Standards and Ethics Committee	8	6	1	1
Overview and Scrutiny				
Overview & Scrutiny Management Board	12	9	2	1
Health Select Commission	18	13	3	2
Improving Lives Select Commission	18	13	3	2
Improving Places Select Commission	18	13	3	2
Other Bodies				
Corporate Parenting Group	5	4	1	0
Introductory Tenancy Review Panel	4	3	1	0
Joint Consultative Committee	5	4	1	0
TOTAL	**149**	**109**	**27**	**12**

3.2.1 This calculation reflects the entitlement to seats from the calculation under principle (a).

3.2.2 Under the application of both principle (a) and principle (b) the non-aligned councillors have an entitlement of 12 seats

3.2.3 The effect of the change in political balance is a reduction of five seats for the Labour Group from the Licensing Board, the Overview and Scrutiny Management Board and the Select Commissions. The seats are now allocated to non-aligned councillors.

3.2.4 As the non-aligned councillors are not a group under the provisions of the Local Government (Committees and Political Groups) Regulations 1990, there is no requirement to appoint those members to those seats. The Council has the discretion to appoint the non-aligned councillors to none, some or all of the seats available. The Council may not appoint members of other political groups to fill those seats.

3.3 Under the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020, the Council has the discretion not to hold an Annual Meeting during the 2020/21 municipal year. On this basis, it is proposed that, subject to the foregoing updates in respect of entitlement to seats, that appointments to committees, boards and panels, as well as joint committees, be extended from the previous 2019/20 municipal year until such a time as the Council holds an Annual Meeting either during the current municipal year or for the commencement of the 2021/22 municipal year.

4. Timetable and Accountability for Implementing this Decision

4.1 Any changes agreed by the Council will be effective immediately from the date of the meeting on 3 June 2020.

5. Financial and Procurement Advice and Implications

5.1 There are no financial and procurement implications directly arising from this report.

6. Legal Advice and Implications

6.1 The legislative requirements in respect of political balance and entitlement to seats are set out earlier in this report. In addition to this, the report has confirmed that the authority to appoint a representative to the South Yorkshire Police and Crime Panel will transfer from the authority to the Home Secretary in the event of the Council failing to appoint a Member to serve on that joint committee.

7. Human Resources Advice and Implications

7.1 There are no human resources implications arising from this report.

8. Implications for Children and Young People and Vulnerable Adults

8.1 The appointment of members to serve on committees and other bodies of the council will indirectly impact on children and young people and vulnerable adults through the activities and decisions of those bodies. There are no apparent direct implications at the time of writing this report.

9. Equalities and Human Rights Advice and Implications

9.1 There are no equalities implications arising from the report. Political groups are required to have regard to the provisions of the Equality Act 2010 when nominating Member appointments to committees and other offices.

10. Implications for Partners

10.1 The appointment of councillors to serve on external bodies and partnerships is designed to have a positive impact on the council's relationship with those organisations and enhance the relationship through the presence of accountable and elected representatives.

11. Risks and Mitigation

11.1 By having regard to the detail of the report above in respect of meeting statutory requirements, any risk implications will have been mitigated. Consequently, there are no risks to be borne in mind in respect of the recommendations.

12. Accountable Officer(s)

James McLaughlin, Head of Democratic Services

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

This report is published on the Council's website.

Rotherham Metropolitan Borough Council

Public Report
Council

Committee Name and Date of Committee Meeting
Council – 03 June 2020

Report Title
Proposed Amendments to the Constitution

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

Ward(s) Affected
Borough-Wide

Report Summary

Members will be very aware of the multitude of issues caused by the current Covid-19 emergency and the subsequent social distancing and lockdown. One of the consequences of this is that the Council has not been able to hold face to face meetings. In response to this issue, Government has laid Regulations to enable Councils to hold meetings remotely. The Council's Constitution is therefore in need of amendment to recognise the changes introduced through the regulations. In addition, the Constitution is need of clarification in respect of the quorum for committees and sub-committees.

This report introduces changes to the Constitution which are necessary to meet the challenges posed by the Covid-19 pandemic and enable the Council to hold remote meetings effectively.

Recommendations

1. That the provisions of The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 be noted.

2. That the proposed amendments to Appendix 4 of the Constitution (Council Procedure Rules), as set out in Appendix 1 of this report, be approved.

3. That the proposed amendments to Appendix 3 of the Constitution (Access to Information Procedure Rules), as set out in Appendix 2 of this report, be approved.

4. That the Constitution Working Group review the implementation and effectiveness of the changes after six months of operation and report back to Council by no later than January 2021 on any further changes required.

List of Appendices Included
Appendix 1 Proposed Amendments to the Council Procedure Rules
Appendix 2 Insert title here

Background Papers
Section 78, Coronavirus Act 2020

The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 No 392

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

Council Approval Required
Yes

Exempt from the Press and Public
No

Proposed Amendments to the Constitution

1. Background

1.1 The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 make provision for remote attendance at, and remote access to, Council meetings held on or before 7 May 2021.

1.2 The key points from the regulations are as follows:

- Councils can hold and alter the frequency and occurrence of meetings without requirement for further notice
- Councils can determine not to hold an annual meeting, which was a requirement under the Local Government Act 1972
- Current appointments will continue until the next annual meeting or when the local authority determines
- Meetings, including any annual meetings, can be held remotely, including by (but not limited to) telephone conferencing, video conferencing, live webcast, and live interactive streaming
- Requirements for public and press access to meetings and documents can also be complied with through similar remote access
- Councils can make procedure rules in respect of remote meetings, and will not be constrained by any existing restrictions.

1.3 The Regulations make provision for authorities to make changes to their procedure rules, at a remote meeting convened under this new power, to enable them to deal with the practicalities of holding remote meetings. Such practicalities include voting, member and public access to documents and remote access of public and press. The power to make procedure rules also provides an opportunity for the Council to establish protocols for use by Members and the public and implement measures to prevent abuse. This report sets out the necessary changes require to the Constitution of Rotherham MBC to enable democratic decision making, deliberation and oversight to continue during the Covid-19 pandemic.

2. Key Issues

Annual Meeting

2.1 Among other things, regulation 6 of the section 78 regulations removes the requirement for an annual meeting to be held. In the normal course of events there is a desire by the Council to elect a Mayor who, in addition to formal roles within the Council, is the first citizen of the Borough. His or her election forms the centre point of the civic annual meeting. However there is now no legal requirement to hold such a meeting in 2020.

2.2 Following consultation with the Mayor and the political group leaders, this report proposes that the Annual Meeting in 2020 should be held on a date decided by the Mayor following consultation with the political group leaders and the Chief Executive. It is not possible to be specific about the date at this stage as it is not known when the Government will lift restrictions on movement and social

distancing measures in response to the COVID-19 outbreak. However if those restrictions are not lifted in time for the Annual Meeting to be held before 30 September 2020, then there would be no Annual Meeting in 2020 and office-holders etc would continue in office until May 2021. In practice, this means that the annual meeting – if it is possible to hold one – would be on the date of the Council meeting in either July or September. The consequence is that (with appropriate amendments to the Constitution) the Mayor and Deputy of the Council will continue in office for the time being, until an annual meeting is held. Likewise Chairs and Vice Chairs of Committees will continue in office until that point. This is subject in all cases to the ability of a member to resign his or her office at any time, as normal, and if that scenario arose the Council would have to agree a fresh appointment to fill the vacancy. In addition, appointments to joint committees and external bodies that are made by the Council would continue until the annual meeting is held.

Council Procedure Rules

2.3 Changes are required to the Council Procedure Rules so that they operate successfully in circumstances where councillors, officers and members of the public are taking part in meetings remotely, using web-enabled conferencing. It is envisaged that the selected technology will enable members of the public to hear and see councillors and officers and should also allow only preregistered speakers to be able to address a meeting as set out in the Council Procedure Rules.

2.4 Council is invited to approve the changes which are incorporated in the revised Procedure Rules set out in Appendix 1, which recognise the provisions of the Coronavirus Act 2020 and the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020. The main changes (in addition to the timing of the Annual Meeting) relate to:

a) how members participate and vote in meetings that are being held remotely;
b) how members of the public can exercise their right to speak at meetings;
c) clarifying arrangements for quorum at committees and sub-committees

Responsibility for Functions – Scheme of Delegation

2.5 It is not proposed to amend the Scheme of Delegation and any responsibility for functions at this time in view of the progress that the authority has made to enable virtual meetings of Cabinet, committees and sub-committees. This should be kept under review by the Constitution Working Group, which is a cross party Member body with responsibility for proposing amendments to the Constitution.

Access to Information Procedure Rules

2.6 In light of the fact that the Council's offices are closed to the public, The Access to Information Procedure Rules are proposed to be varied so that references to documents being available for inspection will be to documents available on the Council's website; and requests for copy documents, where the Rules allow

them to be provided, will be provided only be e-mail and only where electronic copies are already available at the time of the request.

3. Options considered and recommended proposal

3.1 The Cabinet and a number of the Council's committees and sub-committees have already met remotely using digital technology during April and May 2020. Those meetings were legitimately convened and held in accordance with the Coronavirus Act and the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020

3.2 This report formalises the new legislative provisions within the Council's Constitution and, in the case of the Council Procedure Rules, provides further clarity on the application of procedure rule 7 in respect of quorum at committees and sub-committees of the Council.

4. Timetable and Accountability for Implementing this Decision

4.1 The proposed amendments to the Constitution will take effect immediately after approval is given by the Council at its meeting on 3 June 2020.

5. Financial and Procurement Advice and Implications

5.1 Meetings held by remote participation will reduce some associated costs, such as printing of papers for committee meetings as Members will use laptops or tablets to read papers. No other implications arising from this report or the section 78 regulations have been identified at this time.

6. Legal Advice and Implications

6.1 The proposed changes comply with the requirements of local government legislation such as the Local Government Act 1972 and the Local Government Act 2000 as amended by the section 78 regulations. The legal implications of the recommendations are detailed in the main body of this report.

7. Human Resources Advice and Implications

8.1 There are no HR implications associated with this report.

8. Implications for Children and Young People and Vulnerable Adults

8.1 There are no implications for children and young people or vulnerable adults arising from this report.

9. Equalities and Human Rights Advice and Implications

9.1 Remote participation in meetings using web-enabled technology means that members of the public who do not have internet access will not be able to see or hear what has happened at a meeting. It is the Government's social distancing measures that restrict the ability to hold meetings that members of the public may attend in person and therefore no reasonable adjustment can be

made. Reports and minutes of meetings will continue to be publicly available, at present only on the Council's website: again this will continue to be the case until public access to buildings can be restored and people will then be able to view paper copies of documents if they wish.

10. Implications for Partners

10.1 There are no implications for partners arising from this report.

11. Risks and Mitigation

11.1 The risk of not adopting these changes is that the Council would not be able to make effective and timely decisions, to protect the financial and legal position of the Council and to act in the best interests of residents and businesses in the borough. The regulations published by the Government provide a statutory basis for the Council to use digital and virtual means to conduct its democratic business during the pandemic whilst social distancing measures remain in place.

12. Accountable Officer(s)

Bal Nahal, Head of Legal Services and Monitoring Officer
James McLaughlin, Head of Democratic Services

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This report is published on the Council's website.

ROTHERHAM BOROUGH COUNCIL

COUNCIL PROCEDURE RULES

PART I
COUNCIL MEETINGS

Annual meeting etc

1 Annual Meeting and other Council meetings
2 Timing and Business of the Annual Council Meeting
3 Ordinary Council Meeting
4 Budget Council Meeting
5 Extraordinary Council Meetings
6 Declarations of Interest
7 Quorum for Council Meetings
8 Appointment of Mayor and Deputy Mayor of the Council
9 Leader's Statement

Council minutes and questions at Council meetings

10 The minutes of Council meetings
11 General questions by members at Council meetings
12 General questions by members of the public at Council meetings
13 Petitions
14 Report of the Chairperson of the Overview and Scrutiny Management Board

Motions

15 Notices of motions, order of motions, consideration of motions and unconnected business
16 Motions that may be moved without notice
17 Previous Decisions and Motions

Rules of debate and voting

18 Rules of debate for Council Meetings
19 Voting

Misconduct or disruption at Council meetings

20 Misconduct by a member at a Council meeting
21 Disruption of a Council meeting by a member of the public

Miscellaneous provisions

22 The Council in committee
23 Recording Council meetings
24 Members' record of attendances

PART II
ELECTION OF THE LEADER AND APPOINTMENT OF COMMITTEES OF THE COUNCIL

Cabinet and committees

25 Election of the Leader
26 Appointment of committees
27 Appointment of the chairperson and vice-chairperson of the Cabinet and each committee

Meetings etc of the Cabinet and committees

28 The summoning of meetings of the Cabinet and committees
29 Procedure Rules in Part I to apply to committees
30 Attendance by a non-member of the Cabinet or a committee at the invitation of the chairperson of the Cabinet or committee

PART III
MISCELLANEOUS PROVISIONS

31 Suspension of Procedure Rules
32 Variation, revocation or supersession of Procedure Rules
33 Interpretation of Procedure Rules

PART IV
PROCEDURE RULES FOR THE APPOINTMENT OF COUNCIL REPRESENTATIVES TO EXTERNAL ORGANISATIONS AND PARTNERSHIPS

34 Scope of Rules
35 Determination of Outside Bodies to which an appointment should be made
36 The Appointment Procedure
37 Support for Appointees

PART V
PETITION SCHEME

PART I
COUNCIL MEETINGS

Annual meeting etc

1. Annual Meeting and other Council meetings

(1) Dates and times of Council meetings will be agreed by the Council at the Annual Meeting. Additional meetings will be agreed by the Council as required. They will start at 2.00pm, unless otherwise determined by the Mayor and can be held remotely in accordance with Section 78 of the Coronavirus Act 2020 and associated regulations

(2) There will be an Annual Meeting (other than where the Mayor determines not to hold the Annual Meeting after consulting with the Political Group Leaders and Chief Executive in accordance with the regulations published by the Secretary of State under Section 78 of the Coronavirus Act 2020), a Budget Council meeting and no fewer than six further ordinary meetings of the Council in each municipal year.

2. Timing and Business of the Annual Council Meeting

(1) In the year when there is an ordinary election of councillors, the Annual Meeting will take place within 21 days following the retirement of the outgoing councillors. At this meeting, the Council will elect a Leader to serve for a four-year term or until the next Annual Meeting after ordinary whole Council elections.

(2) In 2020 the Annual Meeting shall be held on a date decided by the Mayor, in consultation with the political group leaders and the Chief Executive, such date not to be before the lifting of restrictions on movement and social distancing measures in response to the COVID-19 outbreak; and subject to there being no Annual Meeting in 2020 if those restrictions are not lifted in time for the Annual Meeting to be held by 30 September 2020. Where the Annual Meeting is not held during the 2020/21 municipal year, all appointments shall continue from the 2019/20 municipal year until the next Annual Meeting of the Council.

(3) In any other year, the Annual Meeting will take place at a time of the Council's determination in April or May and will consider the following business:-

- (i) Elect a person to preside if the Mayor or Deputy Mayor of the Council are not present;
- (ii) Elect the Mayor of Rotherham as Chairperson of the Council
- (iii) Elect the Deputy Mayor of Rotherham as Vice-Chairperson of the Council
- (iv) Approve the minutes of the last meeting
- (v) Receive any announcement from the Mayor, as chairperson of the meeting

(vi) Note the decision of the Leader as to the number of Members of the Executive; who he/she has appointed to those roles; the scope of their respective portfolios and the terms of delegation to them and officers;
(vii) Appoint Members to all committees, boards and panels, as appropriate, to deal with matters which are neither reserved to the Council nor are executive functions;
(viii) Agree the scheme of delegation (*Responsibility for Functions*); and
(ix) Consider any urgent business requiring consideration at the meeting.

(4) The Council will:-

(i) decide which member level bodies to establish for the municipal year;
(ii) decide the size and terms of reference for those bodies;
(iii) decide the allocation of seats to political groups in accordance with the political balance rules;
(iv) receive nominations of Members to serve on committees and joint committees; and
(v) appoint to those committees and joint committees, except where appointment to those bodies has been delegated by the Council or is exercisable only by the Executive.

3. Ordinary Council meetings

(1) Ordinary meetings of the Council will take place in accordance with the calendar of meetings decided at the Budget Council Meeting and may be held virtually in accordance with the regulations published by the Secretary of State under section 78 of the Coronavirus Act.

(2) The order of business at ordinary meetings will be as follows:-

(i) elect a person to preside if the Mayor and Deputy Mayor are not present;
(ii) Mayor's announcements;
(iii) to approve as a correct record and sign the minutes of the last meeting of the Council;
(iv) receive any declarations of interest from councillors;
(v) to deal with any business required by statute to be done before any other business;
(vi) to receive and consider any petitions received in accordance with the Council's Petition Scheme
(vii) to deal with any other business expressly required by statute (not required under (v) above) or specified in the summons including reports from the Executive, Proper Officers, Overview and Scrutiny Committees or Joint Committees and Partners;
(viii) to answer questions asked under Procedure Rule 11;
(ix) to consider motions; and
(x) other business, if any, specified in the summons

4. Budget Council Meetings

(1) A meeting of the Council will take place before 10 March each year in order to calculate the budget requirement and set the Council Tax.

(2) This meeting will be deemed to be a Budget Council meeting, but will operate within the meaning of an Ordinary meeting, as set out at Procedure Rule 3, and may be held virtually in accordance with the regulations published by the Secretary of State under section 78 of the Coronavirus Act 2020.

(3) The Calendar of Meetings for the forthcoming municipal year, including dates of Council and Committee meetings, will be submitted for approval to this meeting annually.

5. Extraordinary Council Meetings

(1) Those listed below may request the Chief Executive to call extraordinary Council meetings:-

(i) the Council by resolution;
(ii) the Mayor, on advice from the Chief Executive and/or Monitoring Officer;
(iii) the Monitoring Officer;
(iv) any five members of the Council if they have signed a requisition presented to the Mayor and he/she refused to call a meeting or has failed to do so within seven days of the presentation of the requisition.

(2) The business to be carried out at an extraordinary meeting shall be restricted to those items referred to in the notice convening the meeting unless the Mayor decides otherwise and may be held virtually in accordance with the regulations published by the Secretary of State under section 78 of the Coronavirus Act 2020.

6. Declarations of interests

(1) In discharging his/her duties as a councillor, a Member of the Council shall abide by the guidance contained in the Council's *Code of Conduct for Members and Co-opted Members and the Member/Officer Protocol.*

(2) Officers of the Council must abide by the provisions of the Council's *Code of Official Conduct* and any guidance issued from time to time by the Council's Standards and Ethics Committee.

(3) At the start of a Council meeting, or upon reaching the relevant item in the agenda, Members and officers shall make any declarations of interests that they are required to make in accordance with this procedure rule.

(4) On and after the coming into force of the provisions in relation to disclosable

pecuniary interests in Chapter 7 (standards) of Part 1 of the Localism Act 2011, except where the Monitoring officer or the Standards and Ethics Committee, as the case may be, has granted a Member a dispensation in relation to an item of business of which the Member has a disclosable pecuniary interest, the Member must not take part in the discussion or vote on the item and must withdraw from the meeting room or virtual meeting, including the public gallery, before the item is considered by the meeting.

(5) In the case of personal interests under the Code of Conduct, except where the Monitoring Officer or Standards and Ethics Committee as the case may be, has granted a Member a dispensation in relation to an item in which a Member has a personal interest, the Member must not take part in the discussion or vote on the item and consider whether the interest is of such significance that it warrants withdrawal from the meeting.

(6) Declarations of interests by Members shall be recorded in the minutes of the meeting at which the interest is declared.

(7) The Assistant Director of Legal Services shall keep a Register of Members' Interests.

7 Quorum for Council meetings

(1) The quorum for any meeting of the Council (including committees and sub-committees) is at least one third of the total number of Members of that body.

(2) No business will be considered at a meeting of the Council unless there is a quorum present. If during any meeting the Mayor, after counting the number of councillors present, declares the meeting to be inquorate, the meeting will be adjourned. Any business not carried out will be adjourned to a time fixed by the Mayor at the time the meeting is adjourned, or, if he/she does not fix a time, to the next ordinary meeting of the Council.

(3) If a during a virtual meeting a quorum is not present, the Mayor or Chairperson may adjourn the meeting for a period of up to 15 minutes to enable Members to reconnect to the virtual meeting to enable a quorum to be present.

8 Appointment of Mayor and Deputy Mayor of the Council

(1) The members of the Council shall, other than in the 2020/21 municipal year, elect annually a chairperson and vice-chairperson of the Council (the Mayor and Deputy Mayor), who shall hold office on the terms and conditions set down in the Local Government Act 1972 and preside at Council meetings.

(2) Consideration will be given to the designation of a Mayor-Elect and Deputy Mayor-Elect at the final Council meeting of a municipal year. Nominations will be invited to be proposed in accordance with Council Procedure Rule 15(5), with notice having been provided by 12noon on the sixth clear day before a Council meeting. The members designated as Mayor-Elect and

Deputy Mayor-Elect will be nominated for election as Mayor and Deputy Mayor at the Annual Meeting of the Council.

(3) In the absence of the Mayor and Deputy Mayor, another Member of the Council, who is chosen by the Members of the Council present at the meeting, shall preside and exercise the powers and duties conferred on the Mayor by these Procedure Rules.

9. Leader's Statement

(1) The Leader of the Council may make a report or statement to the meeting providing an update on any matters relating to the Borough or the Council.

(2) There will be an opportunity for questions to be put to the Leader of the Council by any Member for a period of up to 10 minutes.

10 The minutes of Council meetings

(1) The minutes of the proceedings of Council meetings shall be drawn up and entered in a book or books kept for that purpose, which will be published on the Council's website, and a copy sent to Members by email with the summons for the next following Council meeting.

(2) The minute books for each Council meeting shall comprise the Council Minute Book and the Orange Book. Minutes within the Council Minute Book shall be submitted to the Council meeting for consideration. Minutes within the Orange Book shall be circulated to Members for information by email, but not considered at the Council meeting.

(3) The Council Minute Book shall contain:–

- the minutes of meetings of the Council;
- the minutes of meetings of the Cabinet;
- the minutes of delegated powers meetings of Members of the Cabinet;
- the minutes of meetings of the Audit Committee;
- the minutes of meetings of the Licensing Board and Licensing Board Sub-Committee;
- the minutes of meetings of the Planning Board;
- the minutes of meetings of the Standards Committee.

(4) The Orange Book shall be available electronically and contain the minutes of the Appeals Panel, Staffing Committee and Select Commissions.

(5) The Mayor shall put the question that the minutes of the preceding Council meeting be approved as a correct record.

(6) Except upon the question of their accuracy, the minutes of a Council meeting shall not be debated.

(7) A question on the accuracy of a minute or minutes shall be raised by motion.

(8) If the minutes are approved without question, or any question on their accuracy is resolved, the Mayor shall certify and sign them as a true record of the Council meeting on the specified date.

(9) Where an extraordinary meeting of the Council is called between programmed Council meetings, the next programmed meeting of the Council shall be treated as a suitable meeting for the purposes of certifying and signing the minutes of the extraordinary meeting.

(10) At the invitation of the Mayor, members of the Council may ask questions regarding items of business referred to in the minutes of Cabinet meetings or committee meetings which are included within the Council agenda. Where questions are put, the Mayor will invite the Leader of the Council, the relevant Cabinet Member or Chairperson of a committee to:-

(a) respond directly to the question put;
(b) refer the Member to a publication of the Council; or
(c) undertake to provide a written answer for circulation to the Members of the Council.

11 General questions by Members at Council meetings

General questions to Members of the Cabinet and committee chairpersons

(1) A Member may, subject to Procedure Rule 11(7), ask a general question of a Member of the Cabinet (or his/her representative) or the chairperson (or his/her representative) of a committee that is relevant to the affairs of the Council or the Borough.

(2) A general question asked under Procedure Rule 11(1) must not exceed 60 words in length and –

(a) must not relate to an individual case; and

(b) must not, without the Mayor's consent, repeat or substantially repeat any question that has been asked and answered in the preceding three Council meetings.

(3) Following the reply to a question put under Procedure Rule 11(1), the Member who asked the question may ask a supplementary question of the Member of the Cabinet (or his/her representative) or the chairperson of the committee (or his/her representative) who responded to the question.

(4) A supplementary question under Procedure Rule 11(3):–

(a) must relate to the subject matter of the original question and answer; and

(b) must be fair and reasonable.

Questions to be put to representatives nominated to joint authorities and other bodies

(5) On the conclusion of questions asked under Procedure Rule 11(1) and (3), a Member may, subject to Procedure Rule 11(7), ask a question of a Member (or his/her representative) who –

(a) sits as a member of one or more of the joint authorities or other bodies specified in Procedure Rule 11(6); and

(b) who has been nominated by the authority concerned to answer questions on the discharge of the functions of the authority;

and following the reply to a question put under this procedure rule, the Member who asked the question may ask the member who responded to the question a supplementary question in accordance with Procedure Rule 11(4).

(6) The authorities and bodies referred to in Procedure Rule 11(5) are –

(a) the South Yorkshire Police and Crime Panel;

(b) the South Yorkshire Fire and Rescue Authority;

(c) the South Yorkshire Passenger Transport Authority;

(d) the South Yorkshire Pensions Authority; and

(e) the Sheffield City Region Combined Authority.

Notice of questions

(7) A Member must submit a question to be put at the Council meeting, in writing to the Chief Executive or by email to governance@rotherham.gov.uk by 10.00am three working days before the day of the Council meeting (ordinarily by 10.00am the Friday preceding a Council meeting the following Wednesday),

(a) to a Member of the Cabinet or the chairperson of a committee; or

(b) to a Member who is both a representative of the Council and the nominee of a joint authority specified in Procedure Rule 11(6).

(8) There shall be no limit to the number of questions that a Member may submit, but the number of questions to be put verbally by a Member at the Council meeting until Procedure Rule 11(1) will be limited to ten. Members who submit more than ten questions will be required to indicate which questions they wish to submit verbally to the Council meeting. Written responses will

be provided by the Leader of the Council, relevant Cabinet Member or Chairperson of a committee for any outstanding questions which were not put by the Member after their tenth verbal question at the Council meeting. A record of the response provided will be reported with the minutes of the meeting to the next Council meeting.

(9) (a) The Assistant Chief Executive, or the officer delegated by him/her to carry out this task, shall draw up a list of questions, and may group together questions addressed to the same Member of the Cabinet or chairperson of a committee that relate to the same subject matter. If a question from a Member substantially duplicates a question of which another Member has already given notice, the Assistant Director of Legal Services may exclude the latter question after consulting the member who submitted it.

(b) If a question is determined to substantially duplicate a question from another Member and is excluded from the agenda, the original Member asking the question is allowed to ask a supplementary question that relates to the subject of his/her original question.

Manner of answering questions

(10) In accordance with this procedure rule, a question and reply shall be put and answered without debate, but the Member to whom a question has been addressed may decline to answer.

(11) Questions may be answered by:–

(a) responding directly to the question put;

(b) referring the Member to a publication of the Council; or

(c) undertaking to provide a written answer for circulation to the Members of the Council.

Absence of member

(12) In the absence of a member who gave notice of a question and who has submitted his or her apologies, the question will receive a written answer.

(13) In the absence of either a Cabinet Member or Committee Chair, the Leader of the Council or the Vice-Chair of the relevant committee will answer a question on behalf of the absent Member.

(14) If an emergency issue or event occurs in the period between the deadline for submission of questions and 12.00pm on the day of the Council meeting, a Member may approach the Chief Executive to ask that a question relating to the event can be asked to a Member of the Cabinet, the chair of a committee or to a Member who is both a representative of the Council and the nominee of a joint authority or other body specified in Procedure Rule 11(6).

12 General questions by members of the public at council meetings

General questions to the Mayor, Members of the Cabinet and committee chairpersons

(1) A member of the public may ask one general question of the Mayor, a Member of the Cabinet or the chairperson of a committee.

Notice of questions

(2) A member of the public must submit a question to be put to the Mayor, a Member of the Cabinet or the chairperson of a committee, in writing to the Chief Executive or by email to governance@rotherham.gov.uk by 10.00am three working days before the day of the Council meeting, (ordinarily by 10.00am the Friday preceding a Council meeting the following Wednesday)

(3) The notice must contain the text of the question and the question must not exceed 60 words in length.

Acknowledgement of receipt of notices etc

(4) The Chief Executive shall date and number the notice on receipt and enter it in a book kept for that purpose in his/her office.

(5) The Mayor, after taking such advice from the Assistant Director of Legal Services that he/she considers appropriate, may:–

(a) exclude a question from the order of business for the meeting on the ground that the question concerns a matter which is outside the Council's area of responsibility or influence or is offensive or unlawful; or

(b) make clerical amendments to a question in order to render it fit for adding to the order of business for the meeting.

Manner of answering questions

(6) The Mayor shall invite the member of the public to read aloud any question submitted in accordance with this procedure rule and invite the appropriate Member of the Cabinet or chairperson of the appropriate committee to reply.

(7) In accordance with this procedure rule, a question and reply shall be put and answered without debate, but the Member to whom a question has been addressed may decline to answer.

(8) A question may be answered by:–

(a) responding directly to the question put;

(b) referring to a publication of the Council; or

(c) undertaking to provide a written answer and to circulate the answer to the Members of the Council.

Supplementary questions

(9) If a question put in accordance with this procedure rule is answered, the member of the public may ask with the Mayor's permission one supplementary question, which must relate to the initial question or response received to the initial question. They will not be permitted to make a statement and the Mayor's discretion will be applied to determine whether a question or statement has been made.

(10) The Member to whom a supplementary question has been put may decline to answer, may reply in one of the ways specified in Procedure Rule 12(8), or may nominate another member of the Council to reply on his/her behalf.

Questions by members of the public at the Annual Council Meeting

(11) A member of the public may submit a written question prior to the Annual Meeting in accordance with this procedure rule. Any such questions will not be considered at the Annual Meeting or listed upon the agenda. However a written response will be provided in accordance with Procedure Rule 12(8)(c).

13 Petitions

(1) A member of the public may present a qualifying petition and speak for a maximum of five minutes. A period of not longer than 15 minutes will be allocated for the presentation of petitions, which allows for three petitions to be presented to a Council meeting.

(2) A member of the public may ask a Member to present a qualifying petition on his/her behalf, and the Member may speak for a maximum of five minutes in presenting the petition.

(3) A petition will not be considered if it meets the criteria set in paragraphs 3.1 and 3.3 of the Council's Guidance on Petitions and/or it has not been received by the Council at least ten days before the date of the next Council meeting.

(4) A qualifying petition with signatures meeting the threshold set out in paragraph 1.1 of the Council's Guidance on Petitions will automatically trigger a debate of the Council, except where the petition is asking for a senior Council officer to give evidence at a public meeting.

(5) A petition meeting the criteria set out in Procedure Rule 13(4) may be debated at the meeting at which it is presented, or at a later meeting.

(6) There shall be a guillotine on the debate of a petition of 15 minutes, after which the vote will be put, unless the Mayor at his/her discretion extends the debate.

(7) The Council shall decide how to respond to the petition and shall decide either:–

(a) to take the action the petition requests;

(b) not to take the action the petition requests for reasons stated in the debate;

(c) to commission further investigation into the matter, which may include reference to a particular committee for its views, prior to consideration at a future meeting of the Council; or

(d) to refer the petition to the Cabinet where it relates to an executive function, in which case the Council may make recommendations to the Cabinet, but Cabinet will not be bound by those recommendations in discharging its executive functions.

14 Report of the chairperson of the Overview and Scrutiny Management Board

(1) At alternate meetings of the Council, the chairperson of the Overview and Scrutiny Management Board ("OSMB") (or his/her representative) shall make a written report to the Council on the work currently being undertaken by the OSMB and the Select Commissions since the previous meeting at which he/she last addressed the council meeting.

(2) Questions upon the chairperson's report may be asked by any Member of the Council and shall be answered by him/her.

15 Notices of motions, order of motions, consideration of motions and unconnected business

Notice of motion

(1) A notice of motion must be signed by the proposer and seconder and given in writing to the Assistant Chief Executive, or the officer delegated by him/her to carry out this task, who shall date and number the motion on receipt and enter it in an electronic database or book kept for that purpose in his/her office.

(2) The book shall be open for inspection by every Member during office hours. The book will not be available for inspection during office closures required during the Covid-19 pandemic.

(3) Every motion shall relate to the authority's powers or duties or an issue that affects the Borough.

(4) The Mayor, after taking such advice from the Assistant Director of Legal Services that he/she considers appropriate, may:–

(a) exclude a motion from the order of business for the meeting on the ground that the proposal is offensive or unlawful; or

(b) make clerical corrections to the motion, in order to render it fit for adding to the order of business for the meeting.

Order of motions

(5) In each summons for a Council meeting, the Assistant Chief Executive, or the officer delegated by him/her to carry out this task, shall add to the order of business –

(a) in the case of a Council meeting on Wednesday, motions for which notice has been received before 12 noon on the Monday of the preceding week; and

(b) in other cases, motions for which notice has been received before 12 noon on the day preceding the day for summoning the meeting.

(6) Motions for which the Assistant Chief Executive, or the officer delegated by him/her to carry out this task, has duly received notice, shall be considered by the Council in the order in which they were received.

(7) Such motions may be submitted by email and the identification of the proposer and seconder in the email (or any form of Motion attached to the email) shall be deemed to satisfy the requirements of Procedure Rule 15(1) above.

*Consideration of motion*s

(8) If a motion set out in the summons is not moved and seconded, either by a Member who gave notice or by some other Member, it shall, unless postponed by consent of the Council, be treated as withdrawn and shall not be moved without fresh notice.

Limit on number of motions

(9) A Member shall not give more than two notices of motion in all, at any one meeting of the Council.

16 Motions that may be moved without notice

The following motions may be moved without notice:–

- A motion to appoint a chairperson at the meeting at which the motion is made.

- A motion to use the electronic voting system for the whole of the meeting or for an item of business on the agenda for the meeting.
- A motion relating to the accuracy of the minutes.
- A motion that an item of business specified in the summons should take precedence.
- A motion that an item of business should be referred to the Cabinet or a particular committee or a council meeting.
- A motion to appoint a committee or working party (comprising members or officers or both) to deal with an item on the agenda for the meeting.
- A motion to amend the recommended minutes being discussed.
- A motion to adopt the reports and recommendations of the Cabinet, committees or officers and any consequent resolutions.
- A motion that leave be given to withdraw a motion.
- A motion that another motion be amended.
- A motion that the Council proceed to the next item of business.
- A motion that the motion being debated be put to a vote.
- A motion that the debate be adjourned.
- A motion that the Council meeting be adjourned.
- A motion that a procedure rule be suspended, in accordance with Procedure Rule 31(Suspension of Procedure Rules).
- A motion to exclude the press and public from the meeting or part of the meeting.
- A motion that a Member named under Procedure Rule 19 (Misconduct by a Member at a Council meeting) be not further heard or must leave the meeting.
- A motion that the consent of the Council be given, where the consent of the Council is required.

17 Previous Decisions and Motions

(1) A motion or amendment to rescind a decision made at a meeting of the Council within the past six months cannot be moved unless the notice of

motion is signed by at least five Members.

(2) A motion of amendment in similar terms to one that has been rejected at a meeting of the Council in the past six months cannot be moved unless the notice of motion or amendment is signed by at least seven Members. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

18 Rules of debate for Council meetings

Respect for the chairperson

(1) If the Mayor rises during the meeting, any Member then standing will resume his seat and the Members of the Council shall be silent. Only one Member may rise at one time

(2) A Member must rise and address the Mayor when speaking.

(3) If two or more Members simultaneously rise to their feet, the Mayor will call on one to speak and the other or others to return to their seats.

(4) Except where a Member rises to a point of order or to give a personal explanation, Members must remain seated when one of their number rises to speak.

(5) Members must address each other by their formal titles when transacting Council business.

Motions and amendments

(6) Motions and amendments must be formally moved and seconded as set out on the agenda. If a motion or amendment is not moved and seconded, it is treated as withdrawn and cannot be moved without fresh notice.

(7) The proposer of a motion may, with the permission of the meeting, withdraw the motion. If a motion is withdrawn, a Member cannot speak on it.

(8) Usually only one motion may be discussed at a time but the Mayor may allow two or more motions to be discussed together if this is conducive to the efficient conduct of business.

(9) An amendment to a motion must be in writing and contain the names of the proposer and seconder. It must be delivered to the Assistant Director of Legal Services at least four hours before the start of the meeting (no later than 10.00am). Amendments will be listed for each agenda item in the order in which they were received. Copies of every amendment received will be made available to every Member at the meeting.

(10) An amendment must directly relate to the subject matter of the motion and may:-

(i) Refer the motion to a committee or sub-committee for consideration.
(ii) Leave out words.
(iii) Add words.
(iv) Leave out words and add words.

(11) Amendments must not have the effect of nullifying the motion before the meeting.

(12) An amendment may be moved and seconded either by the Members who submitted it or other members on their behalf.

(13) The proposer of an amendment may withdraw it with the permission of the meeting. If the proposer asks to withdraw an amendment, there shall be no discussion on the amendment until the vote has been taken.

(14) The proposer of a motion may, with the consent of the mover of an amendment, incorporate the amendment into the motion. If this happens, unless the motion and amendment stand in the same name, the proposer of the amendment will still have the same speaking rights as if the amendment had been dealt with separately.

(15) Amendments will be discussed together unless the Mayor decides to discuss each one separately.

(16) Amendments will be put to the vote in the reverse of the order in which they were moved at the meeting. The first amendment to be carried will become the substantive motion and other amendments will not be put to the vote.

(17) The order of speeches on a motion and any amendment shall be:-

(i) Proposer of the motion.
(ii) Proposer of the first amendment.
(iii) Proposer of the second amendment and so on until all movers of amendments have spoken.
(iv) Any member who has not already spoken under paragraphs (i) to (iii) above.
(v) Right of reply of movers of amendments in reverse order until right of reply of proposer of second amendment.
(vi) Right of reply of proposer of first amendment.
(vii) Right of reply of proposer of motion.

(18) A Member may only speak once on a motion except:-

(i) In reply at the conclusion of the debate.
(ii) On a point of order.
(iii) On a point of personal explanation.
(iv) If the first speech was formally to move or second a recommendation or amendment.

(19) A Member may nominate another Member to exercise any of the above rights to speak.

(20) When a motion is being debated, the only motions that may be moved are to:-

(i) Put the question to the vote immediately.
(ii) Move immediately to the reply of the chairperson of the committee or sub-committee about whose work the motion is concerned, then the reply of the proposer of the motion, then to the vote.
(iii) Refer the matter to the next ordinary meeting or to the Executive, a committee or sub-committee.
(iv) Move to the next business.
(v) Adjourn the debate or the meeting.
(vi) Exclude the public.

Seconder's speech

(21) In seconding a motion or an amendment to a motion, a Member may declare his/her intention to reserve his/her speech on the motion or amendment until a later part of the debate.

Length and contents of speeches

(22) A Member must restrict his/her comments to the matter being discussed.

(23) The following time limits shall apply to speeches:–

- a proposer of a motion or an amendment to a motion must restrict his/her speech proposing the motion or amendment to a maximum of ten minutes;

- a seconder of a motion or an amendment to a motion must restrict his/her speech seconding the motion or amendment to a maximum of ten minutes;

- a Member who speaks to a motion or an amendment to a motion must restrict his/her speech to a maximum of five minutes.

When a Member may speak again

(24) Having spoken to a motion, a Member must not speak again to the motion while it is being debated, except –

(a) to speak once on an amendment to the motion moved by another Member;

(b) to move a further amendment if the motion has been amended since he/she last spoke;

(c) to speak to the motion if his/her first speech was on an amendment moved by another Member (regardless of whether the amendment to which he/she first spoke was carried);

(d) to exercise a right of reply in accordance with Procedure Rule 18(22);

(e) to speak once on a point of order; or

(f) to give a personal explanation to the meeting.

Alteration of a motion

(25) With the consent (given without discussion) of the Members of the Council, a Member may:–

(a) alter a motion of which he/she has given notice, or

(b) alter with the consent of his/her seconder a motion which he/she has moved;

providing that the alteration is one which could be made as an amendment to the motion.

Withdrawal of a motion

(26) With the consent of his/her seconder and the Members (given without discussion), a Member may withdraw a motion or an amendment to a motion.

(27) Where the Members have consented to the withdrawal of a motion, a Member may not speak to the motion or propose its amendment.

Right of reply of the proposer of a motion

(28) Immediately before a motion is put to a vote, the proposer of the motion has the right of reply at the close of the debate. The right of reply will be permitted for ten minutes.

(29) Where an amendment to a motion is moved, the proposer of the original motion has the right of reply at the close of the debate on the amendment but must not otherwise speak to the amendment.

(30) Once an amendment has been determined, the proposer of an amendment does not have the right of reply at the conclusion of the debate on the original or substantive motion.

Closure of motions

(31) At the conclusion of a Member's speech, another member may move without comment:–

- that the question be put;
- that the meeting proceed to the next item of business;
- that the debate be adjourned; or
- that the meeting be adjourned.

(32) Unless he/she is of the opinion that the item of business being considered by the meeting has been insufficiently discussed, on the seconding of a motion under Procedure Rule 18(31) the Mayor shall –

(a) put to a vote a motion that the question be now put or that the meeting proceed to the next item of business, then if the motion is passed, give the proposer of the original motion the right of reply under Procedure Rule 18(28) before putting the motion to a vote; or

(b) put to a vote a motion to adjourn the debate or the meeting without giving the proposer of the original motion the right of reply.

Points of order

(33) A Member may only raise a point of order at the end of the speech to which it relates. A point of order may only relate to an alleged breach of these Council Procedure Rules or the law. The Member must indicate the rule or law and the way in which he/she considers it has been broken. The Members' speech will be limited to one minute, with any additional time to be agreed at the discretion of the Mayor. The ruling of the Mayor on the matter will be final.

Personal explanation

(34) A Member may only make a point of personal explanation at the end of a speech to which it relates. A personal explanation may only relate to some material part of the earlier speech by the Member, which may appear to have been misunderstood in the present debate. The Member's speech will be limited to one minute, with any additional time to be agreed at the discretion of the Mayor. The ruling of the Mayor on the admissibility of a personal explanation will be final.

19 Voting

(1) The method of voting at Council meetings shall be by a show of hands or, where requested or required by law, a recorded vote. Where the Council meets virtually, the method of voting will be determined by the Mayor or Chairperson which may involve a virtual show of hands or a roll call. If the result of a vote conducted through a virtual show of hands through Microsoft Teams is not clear, the Mayor or Chairperson may require a vote to be undertaken by roll call by the Head of Democratic Services.

(2) Before a vote is taken, a Member may request a recorded vote. That Member must be supported by five other Members who show their support by standing in their places, or during a virtual meeting, indicate to the Mayor using a virtual hand signal to speak and request a recorded vote. The Mayor will have the discretion to refuse a recorded vote if he/she considers the request to be unreasonable to impede the proper discharge of the business of the meeting. The vote will then be recorded in the minutes of the meeting to show how each Member present voted (or whether they abstained from voting). The Mayor will announce the numerical result as soon as it is known.

(3) In the case of an equality of votes, the Mayor shall have a second or casting vote.

(4) Subject to Procedure Rule 19(5), where a Member present at a Council meeting requires the manner in which he/she cast his/her vote or abstained from voting to be recorded in the minutes of the meeting, immediately after the vote is taken the Clerk to the meeting (Head of Democratic Services) shall record in the minutes of the meeting whether that Member cast his/her vote for the question or against the question or whether he/she abstained from voting.

(5) For the purpose of Procedure 19(4), the leader of the majority opposition group may indicate to the Clerk to the meeting (Head of Democratic Services) how his/her colleagues had cast their votes for or against the question put to the vote or abstained from voting.

(6) Where the Council votes to set its budget and on any decision relating to the making of a calculation in respect of setting the level of Council Tax, the names of those voting for or against the decision or who abstained from voting will be recorded in the minutes of the meeting by means of a recorded vote in accordance with Procedure Rule 19(2) above.

(7) For the avoidance of doubt, the rule detailed in Procedure Rule 19(2) above applies to proposed amendments, as well as to a substantive motion.

20 Misconduct by a Member at a Council meeting

Misconduct

(1) No Member shall impute unworthy motives to, or use offensive or unbecoming words about another Member or be guilty of tedious repetition.

Member not to be heard further

(2) If a Member persistently disregards the ruling of the Mayor by behaving improperly or offensively or deliberately obstructs business, the Mayor may move that the Member be not heard further. If seconded, the motion will be

voted on without discussion.

Member to leave the meeting

(3) If the Member continues to behave improperly after such a motion is carried, the Mayor may move that either the Member leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.

General disturbance

(4) If there is a general disturbance making orderly business impossible, the Mayor may adjourn the meeting for as long as he/she thinks necessary.

21 Disruption of a Council meeting by a member of the public

(1) If a group or an individual member(s) of the public interrupts the proceedings at any meeting, the Mayor shall warn the person(s) concerned. If the interruption continues, the Mayor shall order their removal from the meeting room or virtual meeting.

(2) In case of general disturbance in any part of the room open to the public, or of the premises or virtual platform where the meeting is being held, the Mayor will order that part to be cleared. If in the Mayor's view, this is not practicable and it is not possible to continue the meeting in the light of the disturbance, he/she may rule that the meeting should be reconvened in a different venue or with the public being removed from the meeting whilst the meeting continues to be viewable through a livestream on the Council's website.

22 The Council in committee

(1) The Council may by vote resolve itself into a committee of the whole Council.

(2) While sitting as a committee of the whole Council, the restriction on the number of times a Member may speak to a question will not apply.

23 Recording Council meetings

(1) In accordance with the Openness of Local Government Bodies Regulations 2014 the filming and recording of the public sessions of any Council, Cabinet, committee or panel meetings through any audio, visual or written methods will be allowed, providing this does not disturb the conduct of the meeting.

(2) The Chairperson of the relevant meeting will have the power to withdraw this permission should it prove necessary due to the nature of the meeting or if the conduct of the meeting is disturbed, for example, through flash photography, intrusive camera or lighting equipment, noise interrupting the

meeting or those observing the meeting or the behaviour of the person filming the meeting.

(3) Subject to Procedure Rule 23(1) and (2) above, reasonable facilities will be provided for anyone wishing to record or film at a meeting. Whilst notice is not formally required, anyone intending to film or record at a meeting is asked to contact the relevant Governance Advisor from Democratic Services in advance of the meeting so that the Chairperson, other Members and any members of the public present can be informed and the necessary arrangements made.

(4) All those visually recording a meeting must remain in designated areas within the meeting room and are requested to only focus on recording Members, officers and the public directly involved in the conduct of the meeting. Should any member of the public participating in the meeting object to being filmed then the Chairperson will, wherever possible, make arrangements for that individual to be excluded from the recording.

(5) Covert recording/filming at meetings will not be permitted and the person filming will be asked to provide an assurance that:-

(a) recordings will include sound and vision;

(b) the original version will be available to the Council on request; and

(c) that recordings will not be edited in a potentially misleading way.

(6) If a meeting passes a motion to exclude the press and public then all right to record the part of the meeting to which the exemption applies will be removed.

24 Members' record of attendances

(1) The Assistant Chief Executive, or the officer delegated by him/her to carry out this task, shall keep a record of the attendances of each Member of the Council at meetings of the Council, the Cabinet, a committee of the Cabinet or a committee.

PART II
ELECTION OF THE LEADER AND APPOINTMENT OF COMMITTEES OF THE COUNCIL

25 Election of the Leader

(1) At any Annual Meeting held on a day when the Leader's term of office is to end, or any ordinary meeting where the Leader's term of office is not co-terminous with the Annual Meeting, the Members of the Council shall elect a Leader.

(2) The Leader may announce at the Annual Meeting of the Council the names of the Members he/she has appointed to the Cabinet, their portfolios and any amendments made to the Council's *Responsibility for Functions* in relation to executive functions. If the Leader does not do this at the Annual Meeting of the Council, he/she must notify such appointments, portfolios and changes to the Assistant Chief Executive directly when they are made. The Assistant Director of Legal Services will amend the Council's *Responsibility for Functions* in relation to executive functions accordingly, notify all Members of the Council of such appointments, portfolios and changes and formally report these to the next ordinary meeting of the Council.

(3) The process outlined in Procedure Rule 25(2), with any necessary modification, will apply on any other occasion when the Leader:-

- removes a Member of the Cabinet from office;
- appoints another Member of the Council as a Member of the Cabinet;
- makes any changes to the portfolios of Members of the Cabinet; or
- makes any changes to the Council's *Responsibility for Functions* in relation to executive functions.

26 Appointment of committees

(1) At the Annual meeting of the Council, the Members of the Council shall determine:–

(a) the committees that they consider necessary to discharge the Council's non-executive functions for the municipal year;

(b) the terms of reference of each committee; and

(c) the delegation arrangements as set out in the Council's *Responsibility for Functions* in relation to Council committees and officers in relation to non-executive functions.

(2) A committee of the Council shall continue in being until the next following annual meeting of the Council, unless the committee is dissolved by resolution of the Council at an earlier date.

(3) A Member of a committee shall hold that position until the next following Annual Meeting of the Council, unless before that date the Member is removed from that position by resolution of the Council or he/she retires or resigns from office or is suspended from being a Member or is disqualified from holding the office of councillor.

27 Appointment of the Chairperson and Vice-Chairperson of the Cabinet and each committee

(1) The Leader shall be the chairperson of the Cabinet and the Deputy Leader shall be the vice-chairperson.

(2) The chairperson and vice-chairperson of each committee shall be appointed at the Annual Council meeting, failing which the members of each committee shall choose a chairperson and vice-chairperson at the first meeting of the committee, who shall hold office until such time as appointments to those positions are made or ratified at a subsequent meeting of the Council.

(3) In the absence of the chairperson, the vice-chairperson shall preside, and in the absence of both the chairperson and vice-chairperson, the Members of the Cabinet or the particular committee shall appoint a chairperson for the meeting.

(4) The chairperson and vice-chairperson of a committee will hold those positions until the next following Annual Meeting of the Council unless, as the case may be, the chairperson or vice-chairperson –

(a) retires or resigns from office or is suspended from being a councillor or is otherwise disqualified from being a Member of the Council or removed from that position by resolution of the Council; or

(b) the particular circumstances make it impractical for him/her to perform his/her duties in that position.

(5) In the event of the office of chairperson or vice-chairperson of a committee becoming vacant during the municipal year for any reason, the Council shall make an appointment to that position at an ordinary meeting of the Council.

28 The summoning of meetings of the Cabinet and committees

(1) The Assistant Chief Executive, or the officer delegated by him/her to carry out this task, shall summon a meeting of the Cabinet, a committee of the Cabinet or a committee at the request of the chairperson or, in the absence of the chairperson, the vice-chairperson.

29 Procedure Rules in Part I to apply to committees

(1) Procedure Rules 3 (Ordinary Council Meetings), 7 (Quorum), 17 (Previous Decisions and Motions), 18 (Rules of debate for Council meetings), 19 (Voting), 20 (Misconduct by a Member at a Council meeting), 21 (Disruption of a Council meeting by a member of the public), 23 (Recording Council meetings) and 24 (Members' record of attendances), in Part I, shall apply with any necessary modification to meetings of the Cabinet and committee meetings.

30 Attendance by a non-Member of the Cabinet or a committee at the invitation of the Chairperson of the Cabinet or committee

(1) A Member invited to attend a meeting of the Cabinet or a committee shall not be entitled to vote on any matter before the Cabinet or the committee.

PART III
SUSPENSION ETC AND INTERPRETATION OF PROCEDURE RULES

31 Suspension of Procedure Rules

(1) Procedure Rules 1 to 9 and 19 may not be suspended.

(2) Subject to Procedure Rule 31(1), a Member may request the Mayor's permission to move the suspension of a procedure rule for a stated purpose.

(3) On the granting of permission under Procedure Rule 31(2), the question shall be put immediately and without amendment or debate to a vote of the Members.

(4) If on the question being put or a division being taken it appears that not less than two-thirds of the Members present and voting are in favour of the request, the motion for the suspension of the procedure rule shall be put immediately and without amendment or debate to a vote.

32 Variation, revocation or supersession of Procedure Rules

(1) These procedure rules shall not be altered, revoked or superseded without the prior recommendation of the Cabinet.

33 Interpretation of Procedure Rules

(1) The ruling of the Mayor on the construction or application of any of these Procedure Rules, or on any proceedings of the Council, shall be final and not challenged at any Council meeting.

(2) Except for the powers and duties conferred or imposed on the Strategic Director of Finance and Customer Services and the Assistant Director of Legal Services, any power or duty conferred or imposed on a director of service, in accordance with these Procedure Rules, may be exercised by the Strategic Director for the directorate concerned or the Chief Executive.

(3) A reference in these Procedure Rules to the masculine gender includes the feminine and, where the context requires, the singular includes the plural and vice-versa.

(4) The term "committee" includes a joint committee or joint authority and a sub-committee.

PART IV
PROCEDURE RULES FOR THE APPOINTMENT OF COUNCIL REPRESENTATIVES TO EXTERNAL ORGANISATIONS AND PARTNERSHIPS

34 Scope of Rules

(1) These Procedure Rules relate to those external organisations and partnerships (referred to as Outside Bodies) which have requested the Council to appoint an Elected Member (or suitable nominee) to them

(2) For the avoidance of doubt, these Procedure Rules do not apply to appointments to Joint Committees/authorities which are reserved to Council.

(3) Additionally it is recognised that, often at a local level, individual Elected Members may be personally approached to attend meetings of a variety of organisations in their personal capacity rather than in their capacity as a Councillor. Such instances are not covered within the scope of these Procedure Rules

35 Determination of Outside Bodies to which an appointment should be made

(1) The Head of Democratic Services will maintain a list of all Outside Bodies to which the authority appoints an Elected Member.

(2) Each year the Cabinet will review the list of notified Outside Bodies and will determine whether the authority should make/continue to make an appointment to those bodies.

(3) Determination will be based on one or more of the following criteria being met:

(a) the proposed appointment is a statutory requirement
(b) the proposed appointment would be consistent with the Council's policy or strategic objectives; and/or
(c) the proposed appointment would add value to the Council's activities.

(4) Requests to make an appointment received after such an annual review will be similarly referred to the Cabinet for determination by reference to the same criteria.

36 The Appointment Procedure

(1) In April each year (and after elections have taken place every fourth year after 2016), the Head of Democratic Services will circulate the list of positions on outside bodies to the political groups of the Council for nominations to be submitted to the first Cabinet meeting of the new municipal year.

(2) The Cabinet will be responsible for making any appointment. In doing Cabinet should have regard to a Member's current interests prior to making any appointment. Whilst not being bound by the requirements of political balance, a key consideration for the Cabinet in appointing representatives will be to ensure appropriate representation of the Council's views and policies.

(3) The Cabinet will be responsible for making any appointment. In doing Cabinet should have regard to a Member's current interests prior to making any appointment. The Cabinet will also have regard to, but not be bound by, the principle of securing an overall allocation of places which reflects the proportion of Members from each Political Group on the Council as a whole.

(4) All appointments will be subject to annual change unless otherwise stated in the constitution of the external organisation. Each appointment (including in-year replacements) runs for the municipal year, ending at the next Annual Council Meeting.

(5) Elected Members will fill all available appointments but it is recognised that Political Groups may not wish to take up vacancies which are made available to them. In such circumstances vacancies will be notified to the Cabinet and a decision sought as to whether the vacancy will be filled.

(6) A vacancy occurring during the municipal year will normally be referred to the Cabinet for an appointment to be made, having regard to the principles as described above.

37 Support for Appointees to Outside Bodies

(1) Lead officer: A lead officer will be identified by the Head of Democratic Services in consultation with the relevant Strategic Director for all relevant appointments. This officer will work closely with the appointed Member(s) to provide briefings and support. Further advice will also be offered by the Chief Finance Officer and/or the Monitoring Officer, as appropriate.

(2) Briefings: For organisations which are community focussed and/or about encouraging local engagement, a lead officer will not be allocated unless the Strategic Director and/or relevant Cabinet Member for the service area deem that this will be beneficial. However, the representative may still seek support and briefings from Council officers.

(3) Induction: External organisations are expected to provide an induction into their affairs for newly appointed Council representatives. In the case of those organisations that are of a strategic interest to the Council, it is the lead officer's responsibility to ensure that an induction is arranged.

PART V
PETITION SCHEME

ROTHERHAM BOROUGH COUNCIL

PETITION SCHEME

1. Guidelines for submitting a petition
2. How the petition will be dealt with
3. Matters excluded from the petition scheme
4. The Council's response to petitions
5. Review
6. E-petitions

1. Guidelines for submitting a petition

1.1 Petitions to the Council must include:

- A clear and concise statement covering the subject of the petition. It should state what action the petitioners wish the Council to take. The petition should be directed at the Council, not to specific Members or officers.
- The subject matter of the petition must relate to a function of the Council, or its partner authorities if the petition relates to an improvement in the economic, social or environmental well being of the borough which a partner authority could contribute to. Petitions may also
  relate to matters which are sub-regional and cross-authority.
- The petition should contain the name, address and signature of at least 20 people who either are resident, work or study in the borough of Rotherham. This includes under 18 year olds.

1.2 Petitions should be accompanied by the contact details of the lead petitioner, including an address and/or telephone/email details. This is the person the Council will contact to explain the process for considering petitions. The contact details of the lead petitioner or any of the petitioners will not be published by the Council. If the petition does not identify a lead petitioner, we will contact signatories to the petition to agree who should act as the lead petitioner.

1.3 If the petition does not follow the guidelines set out above a letter will be sent to the lead petitioner explaining that the guidelines have not been met and that the petition has been forwarded to the appropriate Strategic Director for consideration.

2. How the petition will be dealt with

2.1 The petition will normally be acknowledged in writing within 5 working days of receipt although there may be a delay if it is not clear from the petition who the lead petitioner is.

2.2 The lead petitioner will need to confirm how he/she would prefer the petition to be dealt with and assistance will be provided by Democratic Services to help the lead petitioner decide which is the most appropriate route. Petitions will be progressed in one of the following ways:

Officer (relevant Strategic Director)
On receipt the petition will be forwarded to the relevant Strategic Director who has responsibility for the subject matter of the petition. The Strategic Director will nominate a Named Senior Officer to deal with the petition and the Named Senior Officer will contact the lead petitioner within 3 weeks to inform them of what action will be taken on the petition. As a lead petitioner you will be informed within the 3 week period if action has already been taken on the matter before the petition was received, or is in the process of being taken.

The Named Senior Officer will consult with the councillor who is the Member of the Cabinet holding the relevant portfolio for the service area, and if the subject matter of the petition is concerned with a particular locality, the ward councillors, to determine the action to be taken. The lead petitioner will be notified of the outcome in writing. However, it may be appropriate for the Named Senior Officer to take a report to a meeting of the Cabinet or another council committee. The lead petitioner and local ward councillors will be informed of the date of the meeting with an invitation to attend. After the meeting the Named Senior Officer will confirm the outcome to the lead petitioner, local ward councillors and any other relevant Member in writing within 10 working days.

Meetings of Full Council
Petitions can be presented to a meeting of Council. All Councillors on the Metropolitan Borough Council of Rotherham are Members of Council, so attending one of these meetings will provide the opportunity for the views in the petition to reach all Councillors.

The ordinary meetings of Council are held approximately every six weeks, and as a limit of 5 petitions are considered at each meeting, the lead petitioner should contact Democratic Services at the earliest opportunity. If there are more than 5 petitions then it will be necessary to consider the petitions that were received latest at the next meeting. At the Council meeting, a representative of the petitioners may speak on the subject matter of the petition for 5 minutes after presenting their petition to the Mayor. Council will not debate the petition but can refer the petition to the appropriate committee, panel or officer for response.

Full Council debates
If a petition contains more than 2,000 signatures it will be debated at a meeting of Council. Normally the petition will be considered at the next ordinary meeting of the Council, although on some occasions this may not be possible and consideration will then take place at the following meeting. A representative of the petitioners will be given 5 minutes to present the petition at the meeting and the petition will then be discussed by councillors for a maximum of 15 minutes. The Council will then decide how to respond to the petition at this meeting. They may decide to take the action the petition requests, not to take the action requested for the reasons put forward in the debate, or to commission further investigation into the matter, for example by a relevant committee. Where the issue is one on which the Council's Cabinet is required to make the final decision, the Council will decide whether to make recommendations to inform that decision. The petition organiser will be sent written confirmation of this decision within 10 working days. This confirmation will also be published on the Council's website.

Consideration by Overview and Scrutiny Management Board

If the petition contains at least 600 signatures, the call for action will considered by the Overview and Scrutiny Management Board. The Overview and Scrutiny Management Board may decide to call a relevant councillor to attend the meeting such as the member of the Cabinet who holds the portfolio for the service mentioned in the petition.

A report will be presented to a meeting of the Overview and Scrutiny Management Board setting out the background to the matter. The lead petitioner will be able to attend the meeting to present the petition for up to 5 minutes. At the meeting the relevant councillor and/or senior officer will be questioned by the Committee members. If the public is to be excluded during any part of the meeting under the provisions of Schedule 12A of the Local Government Act 1972 this will be set out in the attendance notification to the lead petitioner. The Committee will then make recommendations in accordance with the Council's Constitution to the relevant decision making body. It may be necessary for the Committee to defer making the recommendations to a future meeting, for instance, if further information is requested. When the Committee has finalised its recommendations written notification will be sent to the lead petitioner within 10 working days and be published on the Council's website.

3. Matters excluded from the Petitions Scheme

3.1 A petition cannot be dealt with through this scheme if it addresses or includes:

- a planning or licensing application for which other arrangements are in place.
- Matters subject to prescribed statutory requirements, e.g. an elected mayor.
- Matters where there is already an existing right of appeal, such as council tax banding and non-domestic rates, where other procedures apply.
- Repetitive or vexatious correspondence
- Potentially libellous, false or defamatory statements.
- Material which is commercially sensitive
- Material generated by local political parties
- The names of individuals in relation to criminal accusations or information which easily identifies an individual
- Statements which contravene equalities and anti-discrimination legislation
- Matters subject to appeal processes or legal actions, e.g. enforcement action, investigation by a public body, court cases or tribunals.
- Refers to a particular official of a public body

  Material which is vexatious, abusive or is deemed otherwise inappropriate by the Monitoring Officer. A petition will be deemed to be vexatious where it is manifestly unjustified, inappropriate or improper use of a formal procedure.

3.2 Where a petition raises issues of possible competence or misconduct by an officer, the petition will be considered under the Council's complaints and/or disciplinary procedures, and not under this petitions scheme.

3.3 If the petition contains any of the above the lead petitioner will be informed of the reason for not accepting the petition in writing.

3.4 If the petition is about a matter over which the Council has no direct control your petition will be forwarded to the relevant organisation. However, if the petition relates to a partner organisation the Council will consider making representations on behalf of the community to the relevant body. The Council works with a large number of local partners and where possible will work with these partners to respond to your petition. The lead petitioner will be informed of any action the Council has taken to progress the petition.

Please consult with Democratic Services if clarification is required.

4. The Council's response to petitions

4.1 The Council's response to a petition will depend upon what the petition is asking for and which of the options is taken for dealing with the petition, but the response will include one or more of the following:

- Writing to the lead petitioner and relevant Ward Councillors setting out the Council's views about the request in the petition
- Taking the action requested in the petition
- Commissioning research on the matter
- Holding a consultation
- Holding a meeting with petitioners
- Holding a public meeting
- Undertaking a referendum in a locality
- An inquiry
- Referring the petition for consideration by the Cabinet or relevant Scrutiny Committee (committees responsible for scrutinising the work of the Council and holding the decision makers to account)
- Discussing the petition with other relevant organisations
- Publish notification on the Council's website on how the petition is being dealt with.

5. Review

5.1 There is no right of review to the response of the Council in respect of petitions. Where a lead petitioner is dissatisfied with the response provided by the Council, they may submit a complaint and it will be considered under the Council's complaints procedures, and not under this petitions scheme.

6. E-petitions

6.1 The Council welcomes petitions which are created and submitted through the Council's website. E-petitions must follow the same guidelines as paper petitions as outlined above. The petition organiser will need to provide the Council with their name and email address. They will also need to decide how long they would like their petition to be open for signing.

6.2 When an e-petition is created, it may take five working days before it is published online. This is because the Council has to check that the content of the petition is suitable before it is made available for the public to sign. If the Council feels it cannot publish the petition for some reason, they will contact the petition organiser within this time to explain why. The petition organiser will then be able to change and re-submit their petition if they wish.

6.3 When an e-petition has closed for signing, it will automatically be submitted to Democratic Services in the same way as a paper petition and the petition organiser will receive an acknowledgement within five working days. It will ask them how they prefer to progress the petition in line with the Council's petition

scheme. Assistance will be provided to help them decide which is the most appropriate route.

APPENDIX 3

ROTHERHAM BOROUGH COUNCIL

ACCESS TO INFORMATION RULES

1. Introduction

PART I
BEFORE THE MEETING

2. Right of access to meetings and exceptions
3. Notice of meetings
4. Public access to agenda and connected reports
5. Members additional rights of access to documents

PART II
THE MEETING AND AFTER THE MEETING

6. Exclusion of the public and press from public meetings
7. Inspection of minutes and other documents after public meetings
8. Inspection of minutes and other documents after executive meetings held in private, etc.
9. Overview and scrutiny members right of access to executive documents
10. Fee for inspecting or copying documents

PART III
RECORDING OF DECISIONS MADE BY OFFICERS

12. Recording of decisions made by officers

PART IV
SUMMARY OF THE RULES

13. Summary

APPENDIX – Schedule 12A of the Local Government Act 1972

THE APPENDIX
SCHEDULE 12A TO THE LOCAL GOVERNMENT ACT 1972

Para. 1 Information relating to any individual

Para. 2 Information which is likely to reveal the identity of an individual

Para. 3 Information relating to the financial or business affairs of any particular person (including the authority holding that information)

Para. 4 Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the Council or a Minister of the Crown and employees of, or office holders under, the Council

Para. 5 Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

Para. 6 Information which reveals that the Council proposes

(a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or

(b) to make an order or direction under any enactment.

Para. 7 Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime

Para. 7A Information which is subject to any obligation of confidentiality.

Para. 7B Information which relates in any way to matters concerning national security.

Para. 7C The deliberations of a Standards Committee or of a Sub-Committee of a Standards Committee established under the provisions of Part 3 of the Local Government Act 2000 in reaching any finding on a matter referred under the provisions of section 60(2) or (3), 64(2), 70(4) or (5) or 71(2) of that Act.

1. Introduction

(1) These Rules concern the right of the public to have access to meetings of the full Council, its committees and sub-committees and to documents submitted to the meeting for consideration by the councillors present at the meeting.

(2) The Rules apply to all meetings of the full Council and to –
   (a) public and private meetings of the executive;
   (b) the Council's regulatory committees;
   (c) the Council's overview and scrutiny committees; and
   (d) the Council's Standards and Ethics Committee.

(3) The Rules do not affect any more specific rights of the public to information by virtue of the Constitution or the law.

PART I
BEFORE THE MEETING

2. Right of access to meetings and exceptions

Right of access to full council and committee meetings and executive meetings held in public

(1) In general full council and committee meetings and executive meetings held in public are open to the public, subject to the provisions of the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020, but the public:-

(a) must be excluded from a virtual full council or virtual committee meeting or virtual executive meeting held in public where it is likely that if they were allowed to stay confidential or exempt information would be disclosed to them;

(b) may be excluded from a virtual executive meeting held in public (if the members of the executive present pass a resolution to that effect) where there is an item of business on the agenda for the meeting that, in view of the nature of the item, is likely to result in the advice of a political adviser or assistant being disclosed to the public if they were allowed to stay.

Executive meetings concerning key decisions must be held in public

(2) An executive meeting may be held in public or in private, but the meeting or part of the meeting must be held in public by way of streaming through the Council's website (unless there is an item of business on the agenda for the meeting, or that part of the meeting, which is likely to result in confidential or exempt information being disclosed to the public if the public were to be allowed access to the meeting or allowed to stay for that part of the meeting) where the Leader of the Council or anyone else chairing the meeting reasonably believes that –

(a) a decision to be made at the meeting or part of the meeting will be a key decision;

(b) a matter is likely to be discussed at the meeting or part of the meeting which relates to a key decision included in the executive's current forward plan or which is the subject of a notice under procedure rule 2(3); and:–

(i) the decision is likely to be made at a meeting of the executive within 28 days of the meeting, and
(ii) an officer (other than a political adviser or assistant) will be

present at that meeting or the part of the meeting at which the item is discussed,

but a virtual meeting need not be held in public if the principal purpose of the officer's presence is to brief the executive decision-maker on matters connected with the making of the decision;

(c) a matter relating to a key decision to be made by the executive is to be discussed with an officer (other than a political adviser or assistant) present; or

(d) a decision is to be made at the virtual meeting or part of the virtual meeting in relation to which notice has been given in accordance with procedure rule 2(3).

General exception to key decision to be made in public

(3) Where it has been impracticable to include a matter on the plan of key decisions and the matter would be a key decision, the executive must only make the decision if the Head of Democratic Services has –

(a) notified in writing the chair of the Overview and Scrutiny Management Board or, if there is no chair, each member of the Board by notice in writing of the matter about which the decision is to be made,

(b) placed a copy of the notice on the Council's website, and

5 clear days have elapsed since the notice was given and made available for public inspection via the Council's website.

Exception to key decision to be made in public on ground of special urgency

(4) If the date by which a key decision must be made makes it impracticable to comply with procedure rule 2(3), the key decision can only be made if the decision-maker has obtained the agreement of –

(a) the chair of the Overview and Scrutiny Management Board, or

(b) if there is no chair of the Overview and Scrutiny Management Board or the Chair is unable to act, the Mayor, or

(c) if there is no chair of the Overview and Scrutiny Management Board or Mayor or they are both unable to act, the Deputy Mayor

that the making of the key decision is urgent and it cannot reasonably be deferred.

Meaning of "information"

(5) "Information" includes an expression of opinion, any recommendation and any decision made.

Meaning of "confidential information"

(6) "Confidential information" means –

(a) information given to the Council by a government department on condition that it is not made available to the public; and

(b) information which must not be made available to the public because an Act of Parliament or a court order prohibits its disclosure to the public.

Meaning of exempt information

(7) "Exempt information" means information which falls into one or more of the categories of information specified in Schedule 12A to the Local Government Act 1972 (please see the Appendix).

(8) Information is exempt if the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

(9) The Secretary of State may vary the categories of exempt information, in accordance with parliamentary procedures.

Meaning of "key decision"

(10) A key decision means:-

(a) any recommendation to Council to approve or vary the revenue or capital budget, being outside approved virement limits.

(b) any executive decision which is likely –

to result in the relevant local authority incurring expenditure which is, or the making of savings which are, significant having regard to the relevant local authority's budget for the service or function to which the decision relates; or

to be significant in terms of its effects on communities living or working in an area comprising two or more wards or electoral divisions in the area of the relevant local authority.

(c) with the exception of:-

(i) decisions which are a direct consequence of implementing a previous key decision and were contemplated by the decision maker when the original key decision was made.
(ii) bids by the Council for funding of £400,000 or more where, if the bid should be successful, a further report seeking approval of the scheme will be submitted to Cabinet.
(iii) expenditure for the day to day provision of services that was in the contemplation of the Council when the revenue budget was approved and is in the opinion of the Strategic Director of Finance and Customer Services inevitable.
(iv) expenditure that must be incurred to comply with the terms of contracts won by the Council in competition.

(11) The Council has determined that decisions that will result in expenditure or savings with a gross effect of £400,000 are to be considered significant.

3. Notice of meetings

Notice of full council and committee meetings and executive meetings held in public

(1) The public must be given notice of full council and committee meetings and executive meetings to be held in public; the Head of Democratic Services will post the notice of the meeting on the Council's website –

(a) at least 5 working days before the meeting; or

(b) at the time it is convened, if the meeting is called at shorter notice.

Meaning of "working days"

(2) "Working days" means the day on which the notice is given and the day of the meeting are excluded in calculating the period of 5 days' notice.

4. Public access to agenda and connected reports

Copies of agenda and connected reports

(1) The Head of Democratic Services will ensure that a copy of the agenda and the reports that will be debated in the open part of a committee meeting or executive meeting held in public are available for inspection by the public on the Council's website:–

(a) at least 5 working days before the meeting; or

(b) at the time it is convened, if the meeting is convened at shorter notice.

(2) Where a decision making body (Cabinet, a committee of Cabinet, a Joint Committee, a sub committee of a joint committee or an area committee) is to meet in private:-

(a) a notice of the meeting, including the reasons why the meeting is to be held in private, must be published at least 28 clear days before the meeting;

(b) a notice including the reasons why the meeting is to be held in private, together with any representation made as to why the meeting should be open to the public and a statement of the Council's response, shall be published at least 5 clear days before the private meeting;

(c) where compliance with the rules 4(2)(a) and 4(2)(b) is impracticable agreement must be sought from the chair of the Overview and Scrutiny Management Board or if the chair of the Overview and Scrutiny Management Board is unable to act, the Mayor, that the meeting is urgent and cannot reasonably be deferred; and

(d) as soon as is reasonably practicable after obtaining the agreement described in rule 4(2)(c) a notice must be published on the Council's website setting out the reasons why the meeting is urgent and cannot reasonably be deferred.

Reports not for publication

(3) Copies of reports that:–

(a) contain or may contain confidential information, or

(b) contain or are likely to contain exempt information, or

(c) contain or are likely to contain, in the case of an executive meeting, the advice of a political adviser or assistant,

must be marked “not for publication”.

(4) On every copy of the whole or part of a report containing confidential information there must be stated that it contains confidential information.

(5) On every copy of the whole or part of a report likely to contain exempt information must be stated the reason, by reference to Schedule 12A to the 1972 Act, why the public is likely to be excluded from the meeting while the report is debated.

(6) On every copy of the whole or part of a report containing the advice of a political adviser or assistant there must be stated that it contains political advice.

Copies of agenda and reports for use of public

(7) The Head of Democratic Services will ensure that a reasonable number of copies of the agenda and reports to be discussed in the open part of a full council or committee meeting or executive meeting held in public are available for the use of the public at the meeting by linking the live-stream of the meeting to the electronic of the agenda on the Council’s website.

Extra items added to the agenda

(8) Subject to procedure rule 4(9), from the time when an extra item of business is added to the agenda for a full council or committee meeting or an executive meeting held in public, the Head of Democratic Services will make available for inspection by the public a copy of the revised agenda and copies of any reports on extra items added to the agenda to be debated during the open part of the meeting.

(9) Members of the public will not be entitled to inspect a copy of the revised agenda and copies of extra items until they are available, as the case may be, to full council or committee members or executive members.

Failure to comply with rule 3 (notice of meetings) and this rule
In respect of full council and committee meetings

(10) A full council or committee meeting cannot consider an item of business unless –

(a) Procedure rule 3 (notice of meetings) and this rule have been complied with, or

(b) the chair of the meeting is satisfied that there are special circumstances justifying consideration of the item at the meeting as a matter of urgency.

(c) the minutes of the meeting must specify the special circumstances upon which the chairman exercised his discretion to allow consideration of the item at the meeting.

Failure to comply with rule 2.3 or 2.4 in respect of key decisions

(11) An executive meeting convened at short notice cannot consider an item of business that requires a key decision unless procedure rules 2(3) or 2(4) (exceptions to key decisions being made in public) has been complied with, and the Head of Democratic Services has made available a copy of the agenda including the item for inspection by the public from the time that the meeting was convened.

5. Members' additional rights of access to documents

Members' general right to inspect council documents

(1) A member of the Council has the right to inspect documents held by the Authority.

(2) The right stems from the general duty of a member of the Council to keep himself or herself informed of council business as an elected representative on a "need to know" basis.

Limitations on general right of inspection

(3) Members have a general right to inspect documents to undertake their various roles as an elected member of the Council. The right does not, however, entitle a member to inspect council documents for an improper motive.

Members' specific right to inspect council documents

(4) In relation to reports to be considered at full council or committee meetings or executive meetings held in public, a member of the Council has, subject to procedure rule 5(5), the right to inspect any document that:–

(a) contains material that relates to an item to be considered at a full council or committee meeting, or

(b) is in the possession or under the control of the executive and contains material relating to any business to be transacted at an executive meeting held in public,

whether or not he or she is a member of the particular committee or the executive.

(5) The right mentioned in rule 5.4 does not extend to a document or part of a document that in the opinion of the Assistant Director of Legal Services –

(a) contains confidential or exempt information (please see the Appendix), or

(b) discloses advice provided by a political adviser or assistant to the executive,

but this procedure rule 5(5) does not apply –

(i) to exempt information that falls within paragraph 3 (information relating to the financial or business affairs of any particular person (including the Council)) of Schedule 12A to the Local Government Act 1972, except to the extent that the information relates to any terms proposed or to be proposed by or to the Council in the course of negotiations for a contract, or

(ii) to exempt information that falls within paragraph 6 (information which reveals that the Council proposes to serve a notice on a person or to make an order or direction under any enactment) of Schedule 12A.

PART II
THE MEETING AND AFTER THE MEETING

6. Exclusion of the public and press from public meetings

Public and Press not to be excluded from meeting open to public

(1) The Council must not exclude members of the public or the press, who must be given facilities for reporting the proceedings at their own expense, from a meeting which is open to the public. During the 2020/21 municipal year where virtual meetings are held, there will be no requirement to provide facilities for the reporting of proceedings.

Content of resolution excluding public from meeting

(2) A resolution to exclude members of the public from a full council or committee meeting or executive meeting held in public must identify the proceedings or the part of the proceedings to which it applies, and describe the exempt information in terms of Schedule 12A to the 1972 Act (please see the Appendix) and confidential information.

(3) Council Procedure Rule 18 (Appendix 4 of the Constitution) details the rules regarding the filming and recording of Council and committee meetings.

Chairman's powers to control meeting

(4) If a group or an individual member(s) of the public interrupts the proceedings at any meeting (virtual or physical), the Mayor or Chair shall warn the person(s) concerned. If the interruption continues, the Mayor or Chair shall order their removal from the meeting room or virtual meeting platform.

(5) In the case of general disturbance in any part of the room open to the public, or of the premises where the meeting is being held or virtual meeting platform, the Mayor or Chair will order that part to be cleared. If in the Mayor or Chair's view, this is not practicable and it is not possible to continue the meeting in the light of the disturbance, he/she may rule that the meeting adjourn and/or that the meeting should be reconvened in a different venue or at a different time on the virtual meeting platform.

6. Inspection of minutes and other documents after public meetings

Documents available for public inspection after meetings

(1) For a period of six years, beginning with the date of a council or committee meeting or an executive meeting held in public, there must be open to public inspection, via the Council's website –

(a) the minutes, or a copy of the minutes of the meeting, which have been edited to remove any minutes relating to the closed part of the meeting, and which would result in the disclosure of confidential or exempt information if the removed minutes were made available for public inspection;

(b) a summary prepared by the Head of Democratic Services (without disclosing confidential or exempt information or the advice of a political adviser or assistant) of the whole or part of the meeting, if the edited minutes do not give a reasonably fair and coherent record of the whole or part of the meeting;

(c) a copy of the agenda for the meeting; and

(d) a copy of the reports prepared for the open part of the meeting.

Inspection of background papers

(2) For four years beginning with the date of the meeting, the Head of Democratic Services will keep –

(a) copies of a list of the background papers relating to the reports or parts of the reports open to public inspection, and

(b) make available for public inspection at least one copy of each of the papers included in that list,

on the Council's website

Meaning of "background papers", etc

(3) "Background papers" for a report means those documents other than published documents which relate to the subject matter of the report or a part of the report (as the case may be) and which in the opinion of the Head of Democratic Services:–

(a) disclose facts or matters on which the report or an important part of the report is based; and

(b) were relied on to a material extent in preparing the report.

(4) Background papers are considered to be open to public inspection if available as soon as reasonably practicable after a member of the public has requested sight of them.

7. Inspection of minutes and other documents after executive meetings held in private, etc.

Executive meetings, etc.

(1) As soon as practicable following –

(a) the date of an executive meeting held in private,

(b) the date on which an individual member of the executive made an executive decision, or

(c) the date on which an officer made an executive decision that was a key decision,

the Head of Democratic Services will arrange for the documents mentioned in procedure rule 8(2) to be available for public inspection on the Council's website.

Documents available for public inspection

(2) The documents are –

(a) in the case of –
(i) an executive meeting, the minute or a copy of the minute of the meeting,
(ii) an executive decision made by an individual member, the statement or a copy of the statement recording the decision, and
(iii) a copy of any report or part of a report relevant to the particular minute or statement, except where the report or part of the report contains confidential or exempt information or the advice of a political adviser or assistant.

Copies of documents supplied for use of media

(3) At the request of a newspaper, the Head of Democratic Services will supply copies of the documents mentioned in rule 8.2 on payment of postage or any other necessary forwarding charge.

Inspection of background papers

(4) Where in accordance with this rule a report or part of a report for an executive meeting held in private is made available for inspection by the public at the same time as the agenda and other connected reports for the meeting are made available to the public in accordance with rule 4 (public access to agenda and connected

reports), the Head of Democratic Services will ensure that –

(a) the report or part of the report contains a list of the background papers to the report; and

(b) as soon as reasonably practicable following a request by a member of the public to see the background papers to the report, a copy of each of the documents in the list is available for inspection by the public through the Council's website.

Private meeting of executive, etc.

(5) On the conclusion of a private meeting of the executive or immediately after an executive decision has been made by an individual member or a key decision made by an officer, members of the Council have the right to inspect any of the documents specified in procedure rule 8(6).

(6) The documents referred to in procedure rule 8(5) are the documents that are in the possession or under the control of the executive and contain material relating to –

(a) any business transacted at the private meeting of the executive;

(b) any decision made by the individual member of the executive; or

(c) any key decision made by the officer in accordance with executive arrangements.

(7) The right mentioned in procedure rules 8(4) and 8(5) does not extend to a document that in the opinion of the Head of Democratic Services –

(a) discloses confidential or exempt information (please see the Appendix); or

(b) discloses advice provided by a political adviser or assistant to the executive,

but this procedure rule 8(7) does not apply –

(i) to exempt information that falls within paragraph 3 (information relating to the financial or business affairs of any particular person (including the Council)) of Schedule 12A to the Local Government Act 1972, except to the extent that the information relates to any terms proposed or to be proposed by or to the Council in the course of negotiations for a contract, or

(ii) to exempt information that falls within paragraph 6 (information which reveals that the Council proposes to serve a notice on a person or to make an order or direction under any enactment) of Schedule 12A to the 1972 Act.

9. Overview and scrutiny members right of access to executive documents

(1) Members have a general right to inspect documents to undertake their various roles as an elected member of the Council. A member of an overview and scrutiny committee has, subject to procedure rule 9(2), the right to a copy of any document which is in the possession or under the control of the executive and which contains material relating to –

(a) any business that has been transacted at a public or private meeting of the executive,

(b) any decision made by an individual member of the executive; or

(c) any key decision made by an officer in accordance with executive arrangements.

(2) The right mentioned in rule 9(1) does not extend to a document or part of a document that in the opinion of the Assistant Director of Legal Services:–

(a) contains confidential or exempt information unless that information is relevant to –

(i) an action or decision that the member is reviewing or scrutinising,
(ii) any review contained in a programme of work of the committee or subcommittee of which he is a member; or
(iii) contains the advice of a political adviser or assistant.

10. Fee for inspecting or copying documents

(1) The Council may charge a member of the public wishing to inspect background papers under procedure rules 7 or 8 (inspection of minutes and documents) a reasonable fee for doing so.

(2) Subject to copyright, the Council may charge a member of the public or member of the Council wishing to make a copy of the whole or part of a document available for inspection under these Rules a reasonable fee for doing so or for the Council itself supplying him with a copy.

PART III
RECORDING OF DECISIONS MADE BY OFFICERS

11. Recording of decisions made by officers

(1) Where an officer makes a decision which is not an executive decision, including under specific delegation from a meeting of a decision-making body, the effect of which is

(a) to grant a permission or licence,
(b) to affect the rights of an individual; or
(c) to award a contract or incur expenditure which, in either case, materially affects the Council's financial position,

the decision-making officer must produce a written record of the decision as soon as reasonably practicable after the decision has been made which must contain the following information –

- the date the decision was taken
- a record of the decision taken along with reasons for the decision;
- details of alternative options, if any, considered and rejected; and
- where the decision was made under specific delegation from a decision-making body, the names of any member of the relevant body who has declared a conflict of interest in relation to the decision.

(2) The Council has determined that where the effect of an officer decision is to award a contract or incur expenditure, the value of the contract or expenditure above which it is to be considered as materially affecting the Council's position is to be £250,000.

(3) The duty imposed by Procedure Rule 11(1) above is satisfied where, in respect of a decision, a written record, containing the date the decision was taken and the reasons for the decision, is already required to be produced in accordance with statute, and the duty does not require administrative and operational decisions to be recorded.

(4) All written records produced in accordance with Procedure Rule 11(1) above, together with any background papers, must as soon as reasonably practicable after the record is made, be made available for inspection by members of the public:–

- at all reasonable hours, at the offices of the Council; and
- on the Council's website,

(5) All written records produced in accordance with Procedure Rule 11(1) above must be retained and made available for inspection by the public for a period of six years beginning with the date on which the decision, to which the record relates, was made.

(6) Any background papers must be retained and made available for inspection by the public for a period of four years beginning with the date on which the decision, to which the background papers relate, was made.

(7) Nothing in Procedure Rules 11(1) to 11(6) requires the disclosure of exempt or confidential information.

PART V
SUMMARY OF THE RULES

12. Summary

The Access to Information Rules are summarised as follows –

BEFORE THE MEETING

(1) The public has a general right of access to meetings of the full Council and to committee meetings and executive meetings held in public.

(2) A full council or committee or executive meeting (or part of the meeting) must not be held in public where the item for discussion contains confidential information.

(3) The public may be excluded from a full council or committee or executive virtual meeting (or part of the virtual meeting) by resolution of the members present if an item to be discussed is likely to contain exempt information.

(4) The categories of exempt information are set out in Schedule 12A to the Local Government Act 1972 (a summary of the provisions of Schedule 12A is appended to these Rules).

(5) The public may be excluded from a committee or executive virtual meeting (or part of the virtual meeting) by resolution of the members present if an item to be discussed is likely to contain the advice of a political adviser or assistant.

(6) An executive meeting (or part of an executive meeting) may be held in private but, subject to procedure rule 12(7), must be held in public if –

(a) a key decision is to be made;

(b) a matter is likely to be discussed that relates to a key decision included in the current plan and the executive is likely to make the decision within 28 days of the meeting, and an officer will be present at that meeting or part of the meeting when the matter is discussed;

(c) a key decision is to be discussed with an officer other than a political adviser or assistant.

(7) A key decision may be made in private if but only if –

(a) the decision relates to a matter that it was impracticable to include on the plan and appropriate notice has been given and 5 working days have elapsed since the publication of the notice; or

(b) the date by which the decision must be made makes it impracticable to comply with the notice requirements set out in procedure rule 12(7)(a) and certain members of the Council have agreed to the decision being made on the ground of special urgency.

(8) The public must be given at least 5 working days' notice of a committee or executive meeting or part of a meeting to be held in public, unless the meeting is called at shorter notice when the notice must be given at the time the meeting is convened.

(9) Copies of the agenda and reports to be debated in the open part of a full council or committee or executive meeting (or part of the meeting) must be available for inspection by the public at least 5 working days before the meeting, unless the meeting is called at shorter notice when they must be available at the time the meeting is convened.

(10) Reports or parts of reports containing confidential or exempt information or the advice of a political adviser or assistant must be marked "not for publication", and the reason must be stated on the face of the report or part of the report.

(11) Copies of the agenda and the open reports or the open parts of reports prepared for a full council or committee meeting or an executive meeting held in public must be available for inspection by the public before the meeting.

(12) Members of the Council have certain general and additional rights of access to council documents forming the basis of a report to members or the executive.

THE MEETING AND AFTER THE MEETING

(13) Members of the public cannot be excluded from the open part of a meeting unless they are disruptive when the chairman may exclude them.

(14) The resolution excluding the public from a full council or committee or executive meeting (or part of the meeting) must satisfy certain criteria (see procedure rule 6(2)).

(15) The minutes, a summary of the meeting (if the minutes are not a fair and coherent record of the meeting after editing to remove confidential or exempt information or the advice of a political adviser or assistant), the agenda and the reports of the open part of a full council or committee or executive meeting must be available for public inspection for at least 6 years after the meeting.

(16) Background papers relating to the open part of a full council or committee or executive meeting must also be available for public inspection for at least 4 years after the meeting.

PRIVATE MEETINGS OF THE EXECUTIVE, ETC.

(17) Following an executive meeting held in private, the making of an executive decision by a member of the executive or the making of a key decision by an officer, the Head of Democratic Services will make available for public inspection –

(a) the minute or a copy of the minute of the meeting;

(b) the statement or a copy of the statement recording the executive decision made by the member, or

(c) the statement or a copy of the statement recording the key decision made by the officer, and

(d) a copy of any report or part of a report that relates to the minute or statement,

which have been edited to remove confidential or exempt information or the advice of a political adviser or assistant.

(18) The Head of Democratic Services will ensure that any report made available for public inspection under procedure rule 12(17) contains a list of background papers to the report and copies of the documents listed are available for public inspection.

(19) Following –

(a) a private meeting of the executive, or

(b) the making of an executive decision by an executive member

members of the Council have the right to inspect any documents containing material relating to the business transacted at the meeting or relating to the decision or key decision, which have been edited to remove confidential or exempt information or the advice of a political adviser or assistant.

OVERVIEW AND SCRUTINY

(20) A member of an overview and scrutiny committee has the right to a copy of any document containing material relating to –

(a) any business transacted at a public or private meeting of the executive,

(b) any decision made by an executive member,

which has been edited to remove confidential or exempt information or the advice of a political adviser or assistant.

APPENDIX
SCHEDULE 12A OF THE LOCAL GOVERNMENT ACT 1972

1. Information relating to any individual

Exemption

(1) A report contains exempt information if it contains information relating to any individual – paragraph 1 of Part I of Schedule 12A.

Qualification

(2) The information is exempt if and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

2. Information which is likely to reveal the identity of an individual

Exemption

(1) A report contains exempt information if it contains information which is likely to reveal the identity of an individual – paragraph 2 of Part I of Schedule 12A.

Qualification

(2) The information is exempt if and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

3. Information relating to the financial or business affairs of any particular person (including the Council)

Exemption

(1) A report contains exempt information if it contains information relating to the financial or business affairs of any particular person (including the Council) – paragraph 3 of Part I of Schedule 12A.

Qualification

(2) The information is exempt if and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

(3) The information is not exempt if it is required to be registered under –
(a) the Companies Act 1985;
(b) the Friendly Societies Act 1974;
(c) the Friendly Societies Act 1992;
(d) the Industrial and Provident Societies Acts 1965 to 1978;
(e) the Building Societies Act 1986; or
(f) the Charities Act 1993.

(4) The information is not exempt if it relates to proposed development for which the Council, in its capacity as local planning authority, may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992.

(5) For the purposes of this exemption –

(a) "financial or business affairs" includes contemplated, as well as past or current, activities;
(b) "registered" in relation to information required to be registered under the Building Societies Act 1986, means recorded in the public file of any building society (within the meaning of that Act).

4. Information relating to any consultations or negotiations, or contemplated negotiations, in connection with any labour relations matter

Exemption

(1) A report contains exempt information if it contains information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the Council or a Minister of the Crown and employees of, or office holders under, the Council – paragraph 4 of Part I of Schedule 12A.

Qualification

(2) The information is exempt if and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

(3) For the purposes of this exemption –

(a) "employee" means a person employed under a contract of service;
(b) "labour relations matter" means –

(i) any of the matters specified in paragraphs (a) to (g) of section 218 (1) of the Trade Union and Labour Relations (Consolidation) Act 1992 (matters which may be the subject of a trade dispute, within the meaning of that Act), or
(ii) any dispute about a matter falling within the preceding paragraph (i),

and for the purposes of this definition the enactments mentioned in paragraph (a) above, with the necessary modifications, shall apply in relation to office-holders under the Council as they apply in relation to employees of the Council;

(4) "office-holder", in relation to the Council, means the holder of any paid office appointments to which are or may be made or confirmed by the Council or by any joint board on which the Council is represented or by any person who holds any such office or is an employee of the Council.

5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings

Exemption

(1) A report contains exempt information if it contains information in respect of which a claim to legal professional privilege could be maintained in legal proceedings – paragraph 5 of Part I of Schedule 12A.

Qualification

(2) The information is exempt if and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

6. Information which reveals that the Council proposes to serve a notice on a person or to make an order or direction under any enactment

(1) A report contains exempt information if it contains information which reveals that the Council proposes (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment – paragraph 6 of Part I of Schedule 12A.

Qualification

(2) The information is exempt if and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime

Exemption

(1) A report contains exempt information if it contains information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime – paragraph 7 of Part I of Schedule 12A.

Qualification

(2) The information is exempt if and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Agenda Item 16

Rotherham Metropolitan Borough Council

Public Report
Council

Committee Name and Date of Committee Meeting
Council – 03 June 2020

Report Title
Proposal to Create an Honorary Freewoman of the Metropolitan Borough of Rotherham

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

Strategic Director Approving Submission of the Report
Sharon Kemp, Chief Executive

Report Author(s)
James McLaughlin, Head of Democratic Services
01709 822477 or james.mclaughlin@rotherham.gov.uk

Ward(s) Affected
Borough-Wide

Report Summary
Under the Local Government Act 1972, the Council has the power to grant the title of Honorary Freewoman and Honorary Freeman of the Borough to persons of distinction who have rendered eminent service to the Borough.

The Council is asked to consider a proposal endorsed by the Mayor and the Political Group Leaders, in accordance with the authority's protocol in respect of the award of te freedom of the borough, to create a new Honorary Freewoman.

Recommendations

1. That in pursuance of the provisions of Section 249(5) of the Local Government Act 1972 and in recognition of her outstanding service as a major employer in the borough, services to industry and charitable works within Rotherham and South Yorkshire, Dame Julie Ann Kenny CBE DL HonD FRSA be admitted as an Honorary Freewoman of this Borough at an extraordinary Council meeting.

2. That the authority be delegated to the Chief Executive, in consultation with the Mayor, to determine the date of the Extraordinary Meeting of the Council to admit Dame Julie Kenny as an Honorary Freewoman of the Metropolitan Borough of Rotherham.

List of Appendices Included
None

Background Papers
Protocol for the Award of the Freedom of the Borough of Rotherham

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

Council Approval Required
Yes

Exempt from the Press and Public
No

Proposal to Create an Honorary Freewoman of the Metropolitan Borough of Rotherham

1. Background

1.1 The origin of the Freedom of the Borough goes back to early medieval times, when with the growth of the great English towns, there emerged a class of citizen known as Freemen, who enjoyed important privileges in the government of their own and in the matter of corporate property, as against strangers and the rest of the inhabitants.

1.2 With the passing of the Honorary Freedom of the Boroughs Act 1885 the dignity attached to the Office of Freeman was revived and enhanced. This act conferred upon all Municipal corporations the power to admit as Honorary Freeman of the Borough "persons of distinction and any persons who have rendered eminent services to the Borough". This can only be achieved by the Council voting at a specially called meeting.

1.3 The Freedom of the Borough is the highest Civic Award the Council can bestow.

2. Key Issues

2.1 In 2018, the Council approved a protocol detailing the decision-making process for making the award of the Freedom of the Borough. A nomination for the award must be received and supported by at least ten Members of the Council prior to it being considered by the Mayor and Political Group Leaders, who will determine whether to recommend the award to the Council.

2.2 A nomination to admit Dame Julie Ann Kenny CBE DL HonD FRSA as a Honorary Freewoman of the Borough of Rotherham was submitted by the Mayor of Rotherham, Councillor Jenny Andrews, with the support of ten other councillors. The nomination set out the various outstanding works and achievements of Dame Julie on behalf of the borough and South Yorkshire.

2.3 In accordance with the protocol, the Chief Executive arranged for the Mayor and political group leaders to review the nomination, however the Mayor declared an interest in the matter having made the nomination and took no part in determining whether the nomination should proceed to Council.

2.4 Following consideration of the nomination by Councillors Cowles and Read, as political group leaders, this report has been prepared recommending the award to Dame Julie Kenny.

3. Options considered and recommended proposal

3.1 It is recommended that, in pursuance of the provisions of Section 249(5) of the Local Government Act 1972 and in recognition of her outstanding service as a major employer in the borough, services to industry and charitable works within Rotherham and South Yorkshire, Dame Julie Ann Kenny CBE DL HonD FRSA be admitted as an Honorary Freewoman of this Borough at an extraordinary Council meeting.

4. Consultation on proposal

4.1 The protocol detailing the decision-making process for the award of the Freedom of the Borough sets out how the Chief Executive should consult the Mayor and Political Group Leaders prior to any recommendation being submitted to Council. This process has been followed in enabling this report to be presented to the Council.

5. Timetable and Accountability for Implementing this Decision

5.1 Subject to the Council approving the recommendation to make the award of Freedom of the Borough, an extraordinary Council meeting will be arranged, following consultation with the Mayor, to pass the formal resolution when it is hoped that Members and the public will be physically present at meetings.

5.2 The Head of Democratic Services will be accountable for the implementation of the Council's decision and for establishing arrangements for the award of the Freedom of the Borough.

6. Financial and Procurement Advice and Implications

6.1 Section 249(9) of the Local Government Act 1972 allows a relevant authority to spend such reasonable sum as it thinks fit for the purpose of presenting an address or a casket containing an address to a person on whom the authority has conferred the title of Honorary Freewoman or Freeman under subsection (5).

6.2 Freedom Scrolls currently cost £855.50 each and it costs approximately £100 to have them framed. These costs can be met from the budget.

6.3 It is proposed to hold a small Civic Reception will be held following the Extraordinary Meeting of the Council, as recommended under the Freedom of the Borough protocol. The costs will be met through the budget for the Civic Office.

7. Legal Advice and Implications

7.1 In accordance with Section 249 (5) of the Local Government Act 1972, the Council may by a resolution passed by not less than two-thirds of the Members voting thereon at a meeting of the Council specifically convened for the purpose with notice of the purpose, admit to be Honorary Freewomen and Honorary Freemen of the place or area for which it is the authority persons/organisations of distinction and persons/organisations who have in its opinion rendered eminent services to the Borough.

8. Human Resources Advice and Implications

8.1 There are no human resources implications associated with this report.

9. Implications for Children and Young People and Vulnerable Adults

9.1 There are no implications for children and young people or vulnerable adults associated with this report.

10. Equalities and Human Rights Advice and Implications

10.1 There are no equalities or human rights implications associated with this report.

11. Implications for Partners

11.1 There are no implications for partners arising from this report.

12. Risks and Mitigation

12.1 There are no risks directly associated with this report.

13. Accountable Officer(s)

James McLaughlin, Head of Democratic Services

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

This report is published on the Council's website.

STANDARDS AND ETHICS COMMITTEE
Thursday, 12th March, 2020

Present:- Councillor McNeely (in the Chair); Councillors Clark, Cooksey, D. Cutts, Sheppard, Simpson, Vjestica, Mr. D. Bates, Mr. D. Rowley and Mr. R. Swann and also Mrs. M. Evers and Mrs. J. Porter.

Apologies for absence were received from Councillors and Mrs. A. Bingham, Mr. P. Edler and Mrs. K. Penney.

67. DECLARATIONS OF INTEREST

There were no declarations of interest.

68. EXCLUSION OF PRESS AND PUBLIC

Whilst there were no members of the press or public present at the meeting; it was

Resolved:

That, under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for agenda item 6 (Concerns raised pursuant to the Whistleblowing Policy) and agenda item 7 (Consideration of Complaints) on the grounds that it involves the likely disclosure of exempt information as defined in Paragraphs 1 and 2 of Part I of Schedule 12A to the Local Government Act 1972.

69. MINUTES OF THE PREVIOUS MEETING HELD ON 30 JANUARY 2020

Resolved:-

That the minutes of the meeting of Standards and Ethics Committee held on 30 January 2020 be approved as a true and correct record of the proceedings.

70. SOCIAL MEDIA GUIDANCE

Consideration was given to a report submitted by the Deputy Monitoring Officer, providing guidance around Members' engagement with social media.

The report cautioned Members against making any statements on social media in their capacity as councillors that could be found to be defamatory, untrue, or in other ways contrary to the Code of Conduct.

It was noted that the Council and the Standards and Ethics Committee had a statutory duty to promote and maintain high standards of conduct. The information set out in the report re-iterated that Members should comply with the Code of Conduct when using Social Media, thereby contributing to the promotion and maintenance of high standards of conduct.

Toward this end, Members were referred to further guidance as to the risks, benefits, and safe approaches to social media use in the Local Government Association's "Councillor's Guide to Handling Intimidation."

In discussion, it was suggested that this guidance be provided to all Members and included as part of induction training for New Members in future.

Members also discussed some possible ways the Standards and Ethics Committee might in future effectively hold Members to account in respect to upholding the Code of Conduct in their social media use. It was noted that upcoming legislation will inform the way we handle future suspected violations of the Code of Conduct with respect to social media use.

Resolved:-

1. That the report be noted.

2. That the Monitoring Officer be requested to organise appropriate Social Media training for councillors as part of New Member Induction following the municipal elections.

3. That the Monitoring Officer issue guidance to Members on their use of Social Media via the Members Update, based on the content of this report.

71. CONCERNS RAISED PURSUANT TO THE WHISTLEBLOWING POLICY

Consideration was given to the report and appendix presented by the Deputy Monitoring Officer which provided an overview of Whistleblowing cases received over the past year.

Particular reference was made to the appendix to the report which set out clearly the description of the concerns received and action taken.

Resolved:-

That the Whistleblowing concerns raised over the previous year and the actions taken to address these matters be noted.

72. CONSIDERATION OF COMPLAINTS

Consideration was given to the report presented by the Deputy Monitoring Officer, detailing the progress with the handling of complaints relating to breaches of the Council's Code of Conduct for Members and Town and Parish Councillors. The report listed the current cases of complaint and the action being taken in respect of each one. Reference was made to each related case and recommended outcomes/actions identified were highlighted.

Resolved:-

1. That the report be received and the contents noted.

2. That the progress in respect of each case be noted pursuant to the Standards and Ethics Committee Complaints Procedure

73. URGENT BUSINESS

Consideration was given to the membership of the Committee, especially regarding upcoming reappointment of the independent, co-opted Members and reselection of Parish Councillors who serve on the Committee. It was noted that the membership of two of the Committee's independent Members had been extended through the end of the 2019-2020 municipal year.

Resolved:-

1. That the proposed renewal of the membership of the Committee's independent, co-opted Members and Parish Councillors be considered at the next meeting of the Standards and Ethics Committee and recommended to Council for determination.

74. DATE AND TIME OF NEXT MEETING

Resolved:-

That the next meeting of the Standards and Ethics Committee be held on Thursday 18 June 2020 in Rotherham Town Hall.

HEALTH AND WELLBEING BOARD
Wednesday, 11th March, 2020

Present:-

Councillor David Roche	Cabinet Member, Adult Social Care and Health **(in the Chair)**
Steve Chapman	South Yorkshire Police (representing Una Jennings)
Dr. Richard Cullen	Strategic Clinical Executive, Rotherham CCG
Chris Edwards	Chief Operating Officer, RCCG
Councillor Rob Elliott	Health Select Commission
Shafiq Hussain	Chief Executive, Voluntary Action Rotherham
Sharon Kemp	Chief Executive, RMBC
Vivienne Knight	TRFT (representing Angela Wood)
Anne Marie Lubanski	Strategic Director, Adult Social Care, Housing and Public Health
Councillor J. Mallinder	Improving Places Select Commission
Michael Wright	TRFT

Report Presenters:-

Gilly Brenner	Public Health, RMBC
Ruth Fletcher-Brown	Public Health, RMBC
Jo Hinchcliffe	Adult Social Care
Garry Parvin	Adult Social Care

Also Present:-

Gavin Jones	South Yorkshire Fire and Rescue (representing Steve Adams)
Lesley Cooper	Healthwatch, CAB

Apologies for absence were received from Steve Adams (South Yorkshire Fire and Rescue Service), Sally Hodges, (Children and Young People's Services), Una Jennings (South Yorkshire Police), Carole Lavelle (NHS England), Dr. Jason Page (RCCG), Terri Roche (Public Heath), Kathryn Singh (RDaSH), Angela Wood (TRFT) and Paul Woodcock (Regeneration and Environment, RMBC).

79. DECLARATIONS OF INTEREST

There were no Declarations of Interest made at the meeting.

80. QUESTIONS FROM MEMBERS OF THE PUBLIC AND THE PRESS

There were no members of the public and the press present at the meeting.

81. MINUTES OF THE PREVIOUS MEETING

The minutes of the previous meeting of the Health and Wellbeing Board

were considered.

Resolved:- That the minutes of the previous meeting held on 22nd January, 2020, be approved as a correct record.

82. COMMUNICATIONS

Shaping Places Funding Bid
The Chair reported that the Expression of Interest submitted to the above Fund had successfully passed through the first stage. The deadline had now been extended to 23rd April, 2020.

The focus of Rotherham's bid was on physical activity in green spaces which in particular related to Aim 3 of the Health and Wellbeing Strategy. If successful in the second stage, a grant would be received to help develop a Strategy together with expert advice.

Resolved:- That should the bid be successfully in the second phase, that the Working Group attend a meeting of the Board to inform members of the detail of the bid.
ACTION:- Becky Woolley

Coronovirus
Chris Edwards, RCCG, gave a brief update on the processes in place within Rotherham to deal with the current Coronovirus outbreak.

Public Health England was the lead and with whom organisations were working in accordance with. The messages being conveyed by Public Health England were the ones that partner organisations were reiterating.

83. AUTISM STRATEGY - UPDATE

Garry Parvin, Commissioning, gave the following powerpoint presentation:-

Our Vision
- To work towards making Rotherham an autism friendly place to live. This means a place where you can get a timely diagnosis with support, meet professionals with a good understanding of Autism, find services, organisations and employers that make reasonable adjustments when required, where people can feel safe, have aspirations and fulfil their potential and become a full member of the local community

Key Activity – Children and Young People
- Working with partners, our voluntary organisations and community groups, we have identified 5 priority areas on which to focus our implementation plan. Some examples of the operational activity that is underway are:-
  A digital diagnostic pathway has been commissioned from Healios

who will support local CAMHS service
Planning is underway to redesign our C&YP pathway in 2020-21
Education settings have engaged in training licensed by Autism Education Trust
New specialist education places have been created, at primary and secondary, for children with Autism
Rotherham Opportunities College offers local post-19 education provision
Project Search offers supported internships
Rotherham Partner Carers Forum are commissioned by Rotherham CCG to offer regular drop-in sessions to support families on the diagnostic pathway

Key Activity Areas - Adults

- Planning to introduce a Rotherham based adult diagnostic and post-diagnostic service from Q1 2020/21
- Will maintain existing capacity in Sheffield service for one year to ensure waiting list is managed
- Launched Autism Alert Card – this was done in partnership between South Yorkshire Police, the Police and Crime Commissioner, the Council, NHS and Rotherham NAS
- Parent Carer Forum and VOICE co-chair the Autism Partnership Board

Priority 1: Starting Well

- All Rotherham's autistic children and young people are healthy and safe from harm

Priority 2: Developing Well

- All Rotherham's autistic children and young people start school ready to learn for life

Priority 3: Moving on well to Independence

- All Rotherham's autistic children and young people are ready for the world of work

Priority 4: Living Well

- Autistic adults living in Rotherham will get the right support when needed

Priority 5: Ageing Well

- Autistic adults living in Rotherham will be better supported as they grow old

Transforming Care

- Since 2015, Rotherham has been working on a national programme with Sheffield, Doncaster and North Lincolnshire to reduce the numbers of people with a learning disability who are detained in specialist hospitals – Transforming Care

- Rotherham currently has 8 people detained in specialist hospitals – 4 people in hospital beds commissioned by Rotherham CCG and 4 people in hospital beds commissioned by NHS England
- Rotherham has successfully discharged 5 people back into the community over the last 2 years
- Rotherham will discharge a further 4 people in 2020/21. The population has changed in that 3 people have Autism and not a learning disability. A specialised housing and care support offer is required and this had taken time to develop

Autism Alert Card

- Rotherham Council, South Yorkshire Police and Rotherham CCG have worked together to develop the Autism Alert Card
- This will ensure the needs of autistic people are known by the Police and criminal justice system – previously a significant gap

Ongoing Challenges

- Supporting services and the community to be open to support people with Autism: for the community to celebrate neurodiversity
- Diagnosis and post-diagnostic offer for Children and Young People and Adults
- Rotherham CCG and RDaSH are working to create 'all age' solutions to address the diagnosis waiting list issues and develop a local post-diagnostic offer for adults
- Ensuring that the right support is available and is cost effective

Autism Strategy Progress and Timeline

- A draft version of the Strategy has been created and was in the process of editing
- A workshop with the Autism Partnership Board was planned for 18th March to revise the online version of the Strategy
- The Strategy would be built around people's stories
- The Strategy would be presented to Cabinet in June 2020
- It was planned that the Strategy would be formally launched in July 2020

Discussion ensued with the following issues raised/clarified:-

- The Strategy had taken longer that originally anticipated but confident that it was the right and effective Strategy
- There was a need to make it clear what the governance arrangements were
- The need for clear milestones and outcomes year on year should be discussed in the forthcoming workshops
- How was the training accessed by children and young people?
- How many specialist education places were they and where were they?
- The Strategy would link into Rotherham's Employment Strategy to ensure there were job opportunities for those with Autism

Garry was thanked for his presentation.

Resolved:- (1) That the presentation be noted.

(2) That Garry Parvin supply the member concerned with the answers to their questions.
ACTION:- Garry Parvin

(3) That liaison take place with Becky Woolley with regard to submitting an update to the Board.
ACTION:- Garry Parvin/Beck Woolley

84. ROTHERHAM LONELINESS ACTION PLAN 2020 - 2022

Further to Minute No. 68 of the meeting held on 22nd January, 2020, Ruth Fletcher-Brown presented the final version of the above action plan for Board endorsement.

The document had been considered by the Health Select Commission at its February meeting and comments/amendments incorporated therein.

It was noted that the membership of the multi-agency group would be reviewed; it was hoped to include representation from the South Yorkshire Fire and Rescue Service and South Yorkshire Police.

It was a priority in the ICP Communications and Engagement Group plan to deliver high level communication messages around issues of loneliness.

Resolved:- (1) That the Rotherham Loneliness Action Plan 2020-2022 be endorsed.

(2) That all partners take the document to their relevant governing bodies and notify Becky Woolley of any issues/comments.
ACTION:- All Board Members/Becky Woolley

(3) That a summary of any governance issues arising be submitted to the 10th June Board meeting.

(4) That annual updates be submitted to the Board.
ACTION:- Ruth Fletcher-Brown/Beck Woolley

85. INTEGRATED CARE PARTNERSHIP PLACE PLAN 2020-2022

Sharon Kemp, RMBC, and Chris Edwards, RCCG, presented the final version of the Health and Social Care Integrated Place Plan for Board endorsement.

Rotherham's first Integrated Health and Social Care Place Plan was

published in November, 2016 with a refresh taking place in 2018. Following the publication of the NHS Long Term Place in January 2019, partners took the decision to refresh the second Place Plan which they had agreed at their meeting in February 2020.

The final version attached addressed all comments received from partners, however, it should be noted that the milestones and key performance indicators for each of the priorities were still to be finalised; they would form the performance report for the Place Plan from April 2020.

Resolved:- (1) That the Board endorse the Rotherham Integrated Health and Social Care Place Plan 2020-22.

(2) That the Executive Summary be circulated to the Board.
ACTION:- Chris Edwards/Becky Woolley

86. CARERS FRAMEWORK FOR THE FUTURE 2020-21

Jo Hinchcliffe, Service Improvement and Governance Manager, gave the following powerpoint presentation:-

- Carer Assessment and Eligibility Policy Guidance for Carers finalised on 4th January, 2019 – due review date July 2019
- Carers Action Plan 2018-2020 – Department of Health and Social Care

Carers Survey July, 2019
- No joined up working and lack of liaison between Services/Departments
- Services contradict each other and budget cuts were impacting on Services with lengthy waiting lists
- Carers feel isolated, frustrated, undervalued and unheard
- Carers feel passed around between Services and the transition from Children to Adults is not a smooth process
- Not clear of who to contact and where to go for advice
- Carers want a designated person to assist with all aspects of support

Things to Do
- Update the carer profile including young carers
- Review of the current Strategy – Impact Assessment/focus group work
- Assistive technology offer – carers embedded within
- Assessment process reviewed and recommendations made
- Carer journey mapped
- Carers Centre – Impact Assessment
- Partnership Board – review Terms of Reference
- Information offer – scope it out
- Carer Services – asset mapping of what is out there

- Activity and events planned
- Training prospectus

Things to aim for
- We will commit to improving how carers are involved in the production and design of services
- We will make sure carers feel informed about and involved in the conservations surrounding the person they care for
- We will look at how to widen personal budgets
- We will work with employers to raise awareness of flexible working policies
- We will support carers taking a break from caring
- We will make it easy for carers to get the right information at the right time
- We will ensure carer assessments incorporate solutions that include friends, family and the wider community

Proposed High Level Implementation Plan 2020-21
Quarter 1
- Governance Review – Partnership Board's Terms of Reference refreshed
- Review of the Carer Strategy
- Adult Social Care Pathway: Process mapping/assessments consistency checks
- Carers Centre – Review/Impact Assessment
- Information Officer – scoping work partner conversations

Quarter 2
- Quarterly highlight report into Health and Wellbeing Board
- Co-production work for the Strategy
- Assistive Technology – requirement for carers
- Carer journey mapping (with partners)
- Information Officer - co-production (digital channels)

Quarter 3
- Quarterly highlight report into Health and Wellbeing Board
- Consultation work for the Strategy
- Feed into the Digital Solutions Programme
- ASC Pathway – Refresh Policy Guidance for Carers
- Carers Centre – future options/consultation
- Information Officer – consultation linked to Strategy work

Quarter 4
- Quarterly highlight report into Health and Wellbeing Board
- Refreshed Carer Strategy 2021-25
- ASC Pathway consistently applied
- Carer Centre offer re-profiled
- Information, advice and guidance offer refreshed

Proposed Timeline of Activity 2020-21
Start-up Activity February-March, 2020

- Scoping work (reported into SMT 5th March)
- Business case to DLT (10th March)
- Health and Wellbeing Board update 11th March
- Project Group set up (reports into Project Assurance Meeting from 19th March)
- Programme-Implementation Plan (signed off at Project Assurance Meeting 19th March)

Discussion ensued on the presentation with the following issues raised/clarified:-

- The requirement of sign off by other organisations involved with carers needed to be included within the timetable for signoff of the Strategy
- Ensure the scoping exercise included other carer groups within Rotherham
- Identification of young carers
- Apps for carers particular for those of the younger generation
- Use of technology would provide data which could be use for the Joint Strategic Needs Assessment

Resolved:- (1) That the update on the Carers Framework 2020-21 be noted.

(2) That the Board receives updates on a 6 monthly basis.
Action:- Jo Hinchcliffe

87. NHS OPERATIONAL PLANNING AND CONTRACT GUIDANCE 2020/21

Chris Edwards, RCCG, gave the following powerpoint presentation on the planning and contract guidance for the NHS Long Term Plan:-

The People Plan 'package' including

- 50,000 WTE nurses
- Maintenance grants/university expansion
- International recruitment
- Retention and return to practice
- 6,000 WTE GPs
- 4,000 training places
- International graduates
- 26,000 other primary care professionals
- Pensions Tax Reform

ICSs and System Planning
Two Core Roles

- System transformation
- System performance

through

- Population health management, service redesign and digitisation
- Capital and estates plans at a system level

Mental Health

- Additional funding in 2020/21 for Community Mental Health provision for adults and older adults
- By March 2021, all MH should work with their Primary Care Networks to organise and deliver services together

Learning Disabilities and Autism

- Support for people with learning disabilities and/or autism in the community rather than in hospital

Elective Care

- On 31st January, 2021, waiting lists should be lower than that on 31st January, 2020 (ICS Level)
- In 2020/21 additional choice at 26 weeks
- Rotherham historically performed strongly in this area

Urgent and Emergency Care

- Material improvement in A&E performance against a 2019/20 benchmark
- All to reduce general and acute bed occupancy to a maximum of 92%

Outpatient Transformation

- Planned reduction by a third in unnecessary outpatients activity
- Providers income maintained through payments for advice and guidance and uptake of non-face to face consultations
- In 2020/21, video consultations in major outpatient specialties

Cancer

- Additional funding in 2020/21 to support roll out of rapid diagnostic centres and the targeted lung health checks programme
- 28 day faster diagnosis standard will be challenging

Prevention

- The guidance places significant emphasis on measures to improve population health
- Alcohol Care Teams and Smoking Cessation support will be expanded in selected sites
- Low calorie diets will be piloted in 10 systems to support people with Type 2 Diabetes to achieve remission
- Department of Health and Social Care is considering making flu vaccination mandatory for NHS staff

Climate Change

- NHS to develop a national de-carbonisation and climate change plan

- Ending business travel reimbursement for domestic flights within England, Wales and Scotland
- Purchasing 100% renewable electricity by April 2021
- Replacing lighting with LED alternative during routine maintenance

Primary and Community Services
- Overall spending by CCGs on primary medical care, community services and continuing healthcare, should continue to increase
- Primary Care Networks' (PCNs) development will need to accelerate through 2020/21
- CCGs will support to:-
  Redesign workforce and recruit to new roles
  Improve patient access and waiting times
  Set up online consultation systems
  Provide information about A&E attendances by the PCNs patient population
- In addition PCNs will need to:-
  Work with community providers (including pharmacies)
  Provide crisis response services, guaranteed 2 hour home response appointments

Primary Care Networks
- Major enhancements to the additional roles
- Reimbursement Scheme
  6,000 extra staff will be funded under the Scheme
  More roles will be added to the Scheme from April 2020 in addition to those previously agreed: pharmacy technicians, care co-ordinators, health coaches, dieticians, podiatrists and occupational therapists. Mental health professionals will be added from April 2021
  Reimbursement for the 26,000 roles increases from 70% to 100%
  PCNs are encouraged to take immediate action to recruit

Increasing the Number of GPs
- A raft of measures to aid GP training, recruitment and retention to help meet the target of 6,000 extra doctors in Primary Care
- GP trained numbers will increase from 3,500 to 4,000 a year from 2021
- A 2 year Fellowship in General Practice will now be offered as a guaranteed right to all GP trainees on completion of their training
- A new national Mentors Scheme will offer highly experienced GPs the opportunity to mentor GPs in return for a minimum time commitment
- The New to Partnership Payment guarantees first-time partners a £20,000 one off payment, plus £3,000 funding for business training
- The Induction and Refresher Scheme will be expanded and enhanced to provide more support to GPs returning to general practice
- A new Locum Support Scheme will provide greater support to locum GPs in return for a minimum time contribution

Primary Care

- A renewed focus in improving access including a new GP Access Improvement Programme which will initially seek to cut the longest waits for routine appointments. More people working in General Practice will help achieve 50M more appointments in General Practice. An improvement appointments dataset will be introduced in 2020, alongside a new, as close to real time as possible, measure of patient experience. At least £30M of the £150M PCN Investment and Impact Fund in 2021/22 will support improved access for patients, rising to at least £100M of the £300M Fund in 2023/24

Primary Care

- Vaccination and immunisation payments will be overhauled to support improved vaccination coverage
- Further improvements to QOF including significant reforms to the asthma, COPD and heart failure QOF domains
- A universal post-natal check for new mothers introduced backed by £12M of additional funding
- The Structured Medication Review and Medicines Optimisation, Enhanced Health in Care Homes and Supporting Early Cancer Diagnosis PCH Service specifications will be introduced in 2020/21. The remaining 4 – CVD diagnosis and prevention, tackling inequalities, personalised care and anticipatory care – will be introduced in 2021/22. From April 2020 every PCN will offer a Social Prescribing Service
- Incentives under the new Investment and Impact Fund introduced in 2020/21 to increase update of LD health checks, seasonal flu jabs, Social Prescribing referrals and improve specific aspects of prescribing

A full version of the Guidance could be found at
www.england.nhs.uk/wp-content/uploads/2020/01/2020-21-NHS-Operational-Planning-Contracting-Guidance.pdf

Discussion ensued with the following issues raised/clarified:-

- Climate Change was a big feature currently as well as how CCGs worked and operated and had policies and practices which were carbon neutral – future issue for the Board to consider
- The Council had a draft Climate Change action plan which, if approved, would commit the Council to be carbon neutral by 2030. There was a commitment to work with other partners
- The Primary Care Networks were in their infancy
- The success of any international recruitment drive was an unknown factor at the present time
- Early feedback from the Rotherham Health App was very promising but consideration should be given to a promotional launch

Resolved:- That the presentation be noted.

88. PHARMACEUTICAL NEEDS ASSESSMENT - UPDATE

Gilly Brenner, Public Health Consultant, reported that, in accordance with the Health and Social Care Act 2012, the Health and Wellbeing Board had a statutory duty to develop and publish a Pharmaceutical Needs Assessment (PNA). Legislation required that the Board publish revised Assessments at least every 3 years; Rotherham would need to publish a revised Assessment by 1st April, 2021.

The PNA was a commissioning tool to ensure that areas had high quality pharmaceutical services that met local needs. It set out the community pharmaceutical services that were currently provided and made recommendations to address any identified gaps taking into account future needs.

Taking a similar approach to the previous PNA, it was intended to work together across South Yorkshire and, with the support of Public Health England, to make the production of the PNA more efficient. This approach retained local oversight in that there would still be a Rotherham specific PNA but also maximised the efficient use of resources. Each Health and Wellbeing Board retained the duty to sign off the PNA for its area.

The process included formal consultation with specific stakeholders for at least 60 days. In addition key stakeholders would be informed and included in the production of the report including representatives from the Local Pharmaceutical Committee, CCGs, NHS England, Healthwatch, Local Medical Committees and pharmacy (community and hospital).

The first phase was the collation of information detailing the services provided by community pharmacies. The draft PNA would be available on the Council's website over the winter (November to January). Statutory consultees would be sent details together with local stakeholders e.g. RCCG, Yorkshire Ambulance Service and Voluntary Action Rotherham. It would be hosted on the JSNA.

It was noted that the refresh of the PNA coincided with the new pharmacy contract by NHS England. However, everyone was subject to the same timetable for the refresh so would be facing the same difficulties.

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

(2) That the final document be submitted to the Board in March 2021.
ACTION:- Gilly Brenner/Becky Woolley

89. TERMS OF REFERENCE

Consideration was given to the annual refresh of the Board's Terms of Reference.

It was noted that key changes were proposed:-

- The 'role of the Board' section had been expanded to improve clarity around the focus of the Board
- Reference to the Pharmaceutical Needs Assessment had been included under the section around the responsibilities of the Board
- Further detail had been included regarding the relationship of the Board with the Health Select Commission
- Relevant updates had been made in line with the refreshed Place Plan

Resolved:- That the revised Terms of Reference be supported and referred to the May Council meeting for approval.
Action:- Becky Woolley/James McLaughlin

90. ISSUES ESCALATED FROM ICP PLACE BOARD

There were no issues to report.

91. INTEGRATED CARE PARTNERSHIP PLACE BOARD MINUTES

The Board noted the minutes of the Rotherham Integrated Care Partnership Place Board held on 4th December, 2019.

92. ICP PLACE PLAN Q3 PERFORMANCE

The Board received for information the Rotherham Integrated Care Partnership Quarter 3 performance report for the ICP Place Plan.

It was noted that performance was very similar to that in Quarter 2.

Resolved:- That the report be noted.

93. DATE AND TIME OF NEXT MEETING

Resolved:- That a further meeting be held on Wednesday, 10th June, 2020, commencing at 9.00 a.m. at Oak House, Bramley.

PLANNING BOARD
27th February, 2020

Present:- Councillor Sheppard (in the Chair); Councillors Atkin, Bird, D. Cutts, M. Elliott, Jarvis, McNeely, Sansome, Short, Steele, Walsh, Whysall and Williams.

Apologies for absence:- Apologies were received from Councillors John Turner and Tweed.

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

79. DECLARATIONS OF INTEREST

There were no Declarations of Interest to report.

80. MINUTES OF THE PREVIOUS MEETING

Resolved:- That the minutes of the previous meeting of the Planning Regulatory Board held on Thursday, 6th February, 2020, be approved as a correct record of the meeting.

81. DEFERMENTS/SITE VISITS

There were no site visits or deferments recommended.

82. DEVELOPMENT PROPOSALS

Resolved:- (1) That, on the development proposals now considered, the requisite notices be issued and be made available on the Council's website and that the time limits specified in Sections 91 and 92 of the Town and Country Planning Act 1990 apply.

In accordance with the right to speak procedure the following people attended the meeting and spoke about applications listed below:-

- Outline application for the erection of up to 35 No. dwellinghouses including details of access at land rear of 166 Swinston Hill Road, Dinnington for Messrs. T and J. Wilkinson (RB2019/1943)

  Ms. J. Hodson (on behalf of the Applicant)
  Mrs. N. Fieldsend (Objector)
  Mrs. D. Harper (Objector)

- Erection of 237 No. dwellinghouses with associated access road, car parking and landscaping at land at Oldgate Lane, Thrybergh for Engie Regeneration Limited (RB2019/1967)

  Mr. R. Levin (Applicant)

- Creation of local centre comprising of 6 No. units (use class A1, A3 and A5), car parking, landscaping and associated works at land off Harding Avenue, Rawmarsh for Mumbles 1 Ltd. (RB2019/1968)

  Mr. J. Carr (Objector)
  Mr. D. Campbell (Objector)
  Mr. S. Campbell (Objector)
  Mrs. S. Brenan (Objector)

- Demolition of existing buildings, erection of 14 No. dwellinghouses and a four storey building comprising 31 No. apartments and demolition of funeral directors garage/storage building and erection of single storey four car garage building at Millfold Works, Westgate, Rotherham Town Centre for RMBC (RB2020/0088)

  Mr. D. Mason (Applicant)

- An additional letter of representation in support of the applications RB2019/1865 and RB2019/1866 (siting of containers A-F and G-M with brick cladding at J. E. James Cycles, Erskine Road, Eastwood) was read out from Councillor D. Fenwick-Green, Eastwood Ward Member.

(2) That application RB2019/0951 be withdrawn for consideration.

(3) That applications RB2019/1865, RB2019/1866 and RB2019/1968 be granted for the reasons adopted by Members at the meeting and subject to the relevant conditions listed in the submitted report.

(4) That, with regard to application RB2019/1943:-

(a) subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990 with the developer for the purposes of securing:-

- Financial contribution of £500 per dwelling towards sustainable travel measures to support the development
- An amended financial contribution of £2,369 towards improvements to bus stop 35841 controlled by South Yorkshire Passenger Transport Executive to support the development.
- Financial contribution of £750 towards the installation of a kissing gate on adjacent footpath (Dinnington Footpath No. 13)
- Financial contribution of £460.69 per dwelling in respect of the installation of equipped play on the adjacent green space (Swinston Hill Recreation Ground) and towards ongoing maintenance costs.
- Establishment of a Management Company to manage and maintain the areas of Greenspace on site.

(b) subject to the satisfactory securing of such an agreement, the Council resolves to grant planning permission for the proposed development subject to the reasons for grant and conditions listed in the submitted report.

(c) That an amendment be made to the as yet unsigned Section 106 legal agreement relating to the proposed residential development on the adjoining site (RB2019/0837) to include financial contribution of £10,625 towards improvements to bus stop 35841 controlled by South Yorkshire Passenger Transport Executive to support the development.

(5) That, with regard to application RB2019/1967:-

(a) subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990 with the developer for the purposes of securing:-

- Green Space Contribution of £57,600.
- Sustainable Travel contribution £500 per dwelling house - 237 x £500 = £118,500.

(b) subject to the satisfactory securing of such an agreement, the Council resolves to grant planning permission for the proposed development subject to the reasons for grant and conditions listed in the submitted report and the minor amendments to the following conditions as agreed at the meeting:-

Condition 2. The permission hereby granted shall relate to the area shown outlined in red on the approved site plan and the development shall only take place in accordance with the submitted details and specifications as shown on the approved plans (as set out below)

Site Location Plan 3EN6-MHA-FS-XX-DR-A-01000 S2 Rev P4
Existing Site Layout 3EN6-MHA-FS-XX-DR-A-01001 S2 Rev P4
Proposed Site Layout 3EN6-MHA-FS-XX-DR-A-01012 S2 Rev P11
Proposed Site Layout 3EN6-MHA-FS-XX-DR-A-01010 S2 Rev P26
Proposed Site Layout Plan Presentation 3EN6-MHA-FS-XX-DR-A-01011 S2 Rev P11
Proposed Boundary Treatment Plan 3EN6-MHA-FS-XX-DR-A-01-013 S2 Rev P9
Proposed Site Layout Tenure 3EN6-MHA-FS-XX-DR-A-01014 S2 Rev P5
Proposed Site Layout Material Identification 3EN6-MHA-FS-XX-DR-A-01015 S2 Rev P5
Proposed Site Allocation Layout 3EN6-MHA-FS-XX-DR-A-01030 S2 Rev P6
Proposed Boundary Details 3EN6-MHA-XX-XX-DR-A-05-001 S2 Rev P6
Landscape Details 3EN6-MHA-FS-XX-DR-A-05002 S2 Rev P1
Sigma Housetype 1 G.A. (Sheet 1 of 2) 3EN6-MHA-00-101 S2 Rev P2
Sigma Housetype 1 G.A. (Sheet 2 of 2) 3EN6-MHA-00-102 S2 Rev P2
Sigma Housetype 2 G.A. (Sheet 1 of 2) 3EN6-MHA-00-201 S2 Rev P2

Sigma Housetype 2 G.A. (Sheet 2 of 2) 3EN6-MHA-00-202 S2 Rev P2
Sigma Housetype 3 G.A. (Sheet 1 of 2) 3EN6-MHA-00-301 S2 Rev P2
Sigma Housetype 3 G.A. (Sheet 2 of 2) 3EN6-MHA-00-302 S2 Rev P2
Sigma Housetype 4 G.A. (Sheet 1 of 2) 3EN6-MHA-00-401 S2 Rev P2
Sigma Housetype 4 G.A. (Sheet 2 of 2) 3EN6-MHA-00-402 S2 Rev P2
Sigma Housetype 5 G.A. (Sheet 1 of 2) 3EN6-MHA-00-501 S2 Rev P2
Sigma Housetype 5 G.A. (Sheet 2 of 2) 3EN6-MHA-00-502 S2 Rev P2
Sanctuary Housetype A G.A. (Sheet 1 of 2) 3EN6-MHA00-A01 S2 Rev P2
Sanctuary Housetype A G.A. (Sheet 2 of 2) 3EN6-MHA00-A02 S2 Rev P2
Sanctuary Housetype B G.A. (Sheet 1 of 2) 3EN6-MHA00-B01 S2 Rev P2
Sanctuary Housetype B G.A. (Sheet 2 of 2) 3EN6-MHA00-B02 S2 Rev P2
Sanctuary Housetype C G.A. (Sheet 1 of 2) 3EN6-MHA00-C01 S2 Rev P2
Sanctuary Housetype C G.A. (Sheet 2 of 2) 3EN6-MHA00-C02 S2 Rev P2
Sanctuary Housetype D G.A. (Sheet 1 of 2) 3EN6-MHA00-D01 S2 Rev P2
Sanctuary Housetype D G.A. (Sheet 2 of 2) 3EN6-MHA00-D02 S2 Rev P2
Sanctuary Housetype E G.A. (Sheet 1 of 2) 3EN6-MHA00-E01 S2 Rev P2
Sanctuary Housetype E G.A. (Sheet 2 of 2) 3EN6-MHA00-E02 S2 Rev P2
Great Places Housetype E G.A. (Sheet 1 of 2) 3EN6-MHA00-E01 S2 Rev P2
Great Places Housetype E G.A. (Sheet 2 of 2) 3EN6-MHA00-E02 S2 Rev P2
Great Places Housetype N G.A. (Sheet 1 of 2) 3EN6-MHA00-N01 S2 Rev P2
Great Places Housetype N G.A. (Sheet 2 of 2) 3EN6-MHA00-N02 S2 Rev P2
Great Places Housetype O G.A. (Sheet 1 of 2) 3EN6-MHA00-O01 S2 Rev P2
Great Places Housetype O G.A. (Sheet 2 of 2) 3EN6-MHA-O02 S2 Rev P2
Great Places Housetype P G.A. (Sheet 1 of 2) 3EN6-MHA00-P01 S2 Rev P2
Great Places Housetype P G.A. (Sheet 2 of 2) 3EN6-MHA00-P02 S2 Rev P2
Great Places Housetype Q G.A. (Sheet 1 of 2) 3EN6-MHA00-Q01 S2 Rev P2
Great Places Housetype Q G.A. (Sheet 2 of 2) 3EN6-MHA00-Q02 S2 Rev P2
Great Places Housetype Q2 G.A. (Sheet 1 of 2) 3EN6-MHA 00-Q201 S2 Rev P1
Great Places Housetype Q2 G.A. (Sheet 2 of 2) 3EN6-MHA00-Q202 S2 Rev P1
Great Places Housetype R G.A. (Sheet 1 of 2) 3EN6-MHA00-P01 S2 Rev P1
Great Places Housetype R G.A. (Sheet 2 of 2) 3EN6-MHA00-P02 S2 Rev P1
Proposed Phasing Plan 3EN6-MHA-FS-XX-FR-A-01016 P3
Proposed Street Section3EN6-MHA-FS-ZZ-DR-A-04011-SO Rev P2
Soft Landscaping Proposals – Planting Plan 13338_LD_02 Rev D
Soft Landscaping Proposals – Planting Plan 13338_LD_03 Rev D
Soft Landscaping Proposals – Planting Plan 13338_LD_04 Rev G

Soft Landscaping Proposals – Planting Plan 13338_LD_05 Rev E
Soft Landscaping Proposals – Planting Plan 13338_LD_06 Rev F
Soft Landscaping Proposals – Planting Plan 13338_LD_07 Rev E
Soft Landscaping Proposals – Planting Plan 13338_LD_08 Rev F
Soft Landscaping Proposals – Planting Plan 13338_LD_09 Rev E
Plant Schedule 13338_LD_10 Rev H
Outline Specification 13338_LD_11 Rev A
Maintenance Schedule 13338_LD_11 Rev A

Condition 7. The proposed development will be carried out in accordance with the Tree Survey, Arboricultural Impact Assessment and Arboricultural Method Statement (dated February 2020, V1.6) unless otherwise agreed in writing by the Local Planning Authority. All tree protection measures detailed in this document shall not be removed, temporarily or otherwise, until all works including external works have been completed and all equipment, machinery and surplus materials have been removed from the site, unless the prior approval of the Local Planning Authority has first been sought and obtained.

Within three months of first use of the development hereby approved, a report containing the following details shall be submitted to and approved by the Local Planning Authority:-

- Results of site visits undertaken by the lead arboriculturist with photos attached.
- Assessment of the retained and planted trees including any necessary remedial action as a result of damage incurred during construction.

Reason - To ensure appropriate tree protection in the interests of protecting the visual amenity of the area, contributing to the quality and character of Rotherham's environment, air quality and adapting to and mitigating climate change in accordance with Rotherham's Core Strategy Policies CS3: Location of New Development, CS19: Green Infrastructure, CS20 Biodiversity and Geodiversity, Policy CS21 Landscape, Policy CS28 Sustainable Design.

Condition 8 – DELETED.

Condition 9 (renumbered to Condition 8) The proposed development will be carried out in accordance with the approved landscaping details unless otherwise agreed in writing by the Local Planning Authority.
Landscape Details 3EN6-MHA-FS-XX-DR-A-05002 S2 Rev P1
Soft Landscaping Proposals – Planting Plan 13338_LD_02 Rev D
Soft Landscaping Proposals – Planting Plan 13338_LD_03 Rev D
Soft Landscaping Proposals – Planting Plan 13338_LD_04 Rev G
Soft Landscaping Proposals – Planting Plan 13338_LD_05 Rev E
Soft Landscaping Proposals – Planting Plan 13338_LD_06 Rev F
Soft Landscaping Proposals – Planting Plan 13338_LD_07 Rev E
Soft Landscaping Proposals – Planting Plan 13338_LD_08 Rev F

Soft Landscaping Proposals – Planting Plan 13338_LD_09 Rev E
Plant Schedule 13338_LD_10 Rev H
Outline Specification 13338_LD_11 Rev A
Maintenance Schedule 13338_LD_11 Rev A

Reason - To ensure appropriate tree protection in the interests of protecting the visual amenity of the area, contributing to the quality and character of Rotherham's environment, air quality and adapting to and mitigating climate change in accordance with Rotherham's Core Strategy Policies CS3: Location of New Development, CS19: Green Infrastructure, CS20 Biodiversity and Geodiversity, Policy CS21 Landscape, Policy CS28 Sustainable Design.

Condition 15 (was Condition 14) The proposed development shall be carried out in accordance with the approved Framework Travel Plan (dated December 2019) unless otherwise agreed in writing with the Local Planning Authority.

Reason - In the interest of highway safety.

Condition 16 (now Condition 15) The construction of the proposed development shall be carried out in accordance with the approved Construction Environmental Management Plan (dated 02.12.2019 Revision 1) unless otherwise agreed in writing by the Local Planning Authority.

Reason - In the interest of highway safety.

Condition 18 (now Condition 17) Prior to construction on site an Ecological Lighting Strategy and Biodiversity Enhancement Plan will be produced and submitted to the Local Planning Authority. The developer will implement the recommendations and mitigation measures and these should be undertaken prior to completion of the development and agreed in writing by the Local Planning Authority.

Reason - To ensure that there is no detrimental impact on a Protected Species in accordance with the Local Plan.

Condition 19 (now Condition 18) The development shall not begin above slab level until an Affordable Housing schedule for the provision of at least 25% of the dwellings to be affordable housing on the site hereby approved has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be complied with in full thereafter. The affordable housing shall be provided in accordance with the approved scheme and its Phasing. The Affordable Housing scheme shall include:-

(i) The arrangements to ensure that such provision is affordable for both initial and subsequent occupiers of the affordable housing; and
(ii) The occupancy criteria to be used for determining the identity of prospective and successive occupiers of the affordable housing, and the means by which such occupancy shall be enforced; and
(iii) The details of the standards to which the affordable housing shall be constructed

Reason - In the interests of securing affordable housing, having regard to Policy CS7 'Housing Mix and Affordability, coupled with the requirements of paragraph 174 and the definition in Annex 2 of the National Planning Policy Framework.

(c) That any other minor amendments to the conditions to be agreed with the Chair and Vice-Chair of the Planning Regulatory Board.

(6) That, with regard to application RB2020/0088:-

(a) subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990 with the developer for the purposes of securing:-

- Financial contribution of £22,500 towards sustainable travel measures to support the development
- Financial contribution of £17,581 towards improvements to green infrastructure in the town centre area and the adjacent public open space.
- Financial contribution of £35,294 towards Secondary Education provision at Oakwood High
- Financial contribution of £29,306 towards improvements to bus stops 30494 and 30493 controlled by South Yorkshire Passenger Transport Executive to support the development.

(b) subject to the satisfactory securing of such an agreement, the Council resolves to grant planning permission for the proposed development subject to the reasons for grant and conditions listed in the submitted report.

83. PROPOSED TREE PRESERVATION ORDER NO 10, 2019 - STONEHAVEN, THE YEWS, FIRBECK

Consideration was given to a report of the Assistant Director of Planning, Regeneration and Transport which detailed an enquiry to the Council's Trees and Woodlands Service from the owner of the property Stonehaven asking for several broad leaf trees to be protected under a Tree Preservation Order.

The Council's Trees and Woodlands Service visited the site and found that a number of the trees (12 in total) qualified for a Tree Preservation Order to be placed upon them. Accordingly, the Tree Services Manager recommended that 2 x Cherry; 1 x Ornamental Plum; 1 x Maple; 1 x Silver Birch; 2 x Horse Chestnut; 3 x Sycamore and 2 x Willow standing on either the western boundary of the site or to the south of the property, be covered by a Tree Preservation Order on the grounds that:-

- The trees concerned provide valuable and important amenity to the area.
- The trees are mature in age and outwardly appear in reasonable to good condition with reasonable to good future prospects.
- The trees are considered to be suitable species in relation to their setting and contribute to the leafy character of Haven Hill.
- The trees are likely to provide associated wildlife and environmental benefits.
- Following a request by the land owner it was expedient that these trees are protected as a precaution.

The report detailed the objections to the making of this Tree Preservation Order from a nearby neighbour on the grounds of the impact of trees on satellite/Sky TV signal.

The report detailed the comments by the Tree Service Manager who had considered the objection raised and concluded that the trees in question stood within the boundary of The Yews, Stonehaven, some of which were contained within the Order and others that were not. There were Conifers within the boundary that did not form part of the Tree Preservation Order, nor do they stand within a conservation area and as such no consent from the Council would be required to prune/fell the Conifers. However, consent from the landowner would be required should any pruning works be deemed necessary.

In respect of those trees on the boundary that would fall within the proposed Tree Preservation Order, the Order would not prevent tree pruning works being undertaken. It would, however, prevent any unnecessary pruning works being undertaken that could possibly have a detrimental effect on the trees and the amenity that they provided to the surrounding area.

The objections to the Order have been carefully considered and the Order had been made in accordance with Government guidelines. In this instance, it is recommended that the Order be confirmed without modification.

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

(2) That the serving of Tree Preservation Order No. 10 2019 be confirmed without modification with regard to the tree(s) subject of this report, situated at Stonehaven, The Yews, Firbeck under Section 198 and 201 of the Town and Country Planning Act 1990.

84. UPDATES

The following update information was provided:-

(a) Probity in Planning

It was noted that a comprehensive training package for Planning Board Members would be arranged as part of Member Induction following the election in May, 2020.

(b) Statistics and Data Comparisons

Further information on applications not built out and comparative data across the borough would be submitted to the Planning Board in due course.

Resolved:- That the information be noted.

85. DATE OF NEXT MEETING

Resolved:- That the next meeting of the Planning Board take place on Thursday, 19th March, 2020 at 9.00 a.m.

STAFFING COMMITTEE
2nd March, 2020

Present:- Councillor Alam (in the Chair); Councillors Cowles, Read and Watson.

20. DECLARATIONS OF INTEREST

There were no declarations of interest.

21. TO CONSIDER WHETHER THE PRESS AND PUBLIC SHOULD BE EXCLUDED FROM THE MEETING DURING CONSIDERATION OF ANY PART OF THE AGENDA

The Chair advised that there were no items of business on the agenda which would require the exclusion of the press and public from the meeting.

22. TO DETERMINE ANY ITEM WHICH THE CHAIR IS OF THE OPINION SHOULD BE CONSIDERED AS A MATTER OF URGENCY

The Chair reported that there were no urgent items of business requiring the consideration of the Committee.

23. SECONDMENT TO THE ROLE OF ASSISTANT CHIEF EXECUTIVE

Consideration was given to the report of the Chief Executive that proposed a fixed term secondment of an officer from the Local Government Association to the role of Assistant Chief Executive up until the end of the 2020 following the resignation, effective from May 2020 of the current post holder, Shokat Lal. It was noted that Mr Lal was leaving the authority in order to take up the post of Executive Director of Core Services at Barnsley Metropolitan Borough Council. The report also detailed a proposed approach to the recruitment of a permanent Assistant Chief Executive later in the year.

It was noted that the post of Assistant Chief Executive was a key role in the Council's strategic leadership team that provided strategic management of key corporate and support services that were integral in driving improvement across the authority. The role also provided strategic support to the Leader of the Council, Cabinet and to the Overview and Scrutiny function of the Council. It was noted that recruitment process to fill the position would take approximately six months and that given the important work due to be undertaken by the postholder in the period that followed the Borough elections in May 2020 it was proposed that a secondment from the Local Government Association be approved to fill the post at this important time with the recruitment process for a permanent appointment taking place later in the year.

The report noted that during the period of the Commissioner-led Government intervention the Council had received support from Judith Hurcombe, Programme Manager at the Local Government Association, and given Ms Hurcombe's extensive experience of working with the Council, along with her varied experience of corporate governance, policy, performance and improvement working with local authorities across the country it was proposed that Ms Hurcombe be seconded to the role of Assistant Chief Executive until the end of the calendar year. It was noted that the Leader of the Council and the Leader of the Opposition had been consulted and were fully supportive of the proposed secondment and the process for recruiting to the post permanently.

Resolved: -

(1) That, in accordance with Officer Employment Procedure Rule 6.1, Judith Hardcombe be seconded from the Local Government Association to the role of Assistant Chief Executive for the period 20 April - 31 December 2020.

(2) That authority be delegated to the Senior Officer Appointments Panel to undertake the recruitment and selection process for the permanent appointment of a new Assistant Chief Executive later in the year.

(3) That the thanks of the Staffing Committee be conveyed to the outgoing Assistant Chief Executive, Shokat Lal, for his service to the Council and the borough of Rotherham since 2016.

24. PAY POLICY STATEMENT 2020/21

Consideration was given to the report of the Assistant Chief Executive requesting that the Staffing Committee comment on the Council's Pay Policy Statement for 2020-21 in advance of it being submitted to Council for approval.

It was noted that the Localism Act 2011, Chapter 8 Pay Accountability, made it a legal requirement for authorities to produce and publish a Pay Policy Statement by 31 March each year that this must be agreed by Council and detail the remuneration of its Chief Officers.

The Pay Policy Statement for 2020-21 was attached as an appendix to the officer's report.

Resolved: - That the Pay Policy Statement for 2020-21, as attached at Appendix 1 of the officer's report be noted and recommended to Council for approval.

25. GENDER PAY GAP REPORTING 2019

Consideration was given to the report of the Assistant Chief Executive that met the Council's obligations under the Gender Pay Reporting Legislation that had been introduced in 2017 requiring employers with 250 or more employees to publish annually statutory calculations showing how large the pay gap was between their male and female employees. It was noted that the Council had up to 12 months following the annual snapshot date of 31 March to publish this information on the Council and Government websites, with the deadline for public sector employers to report for the snapshot date of 31 March 2019 being 30 March 2020. It was noted that a positive pay gap indicated that men were paid more than women and a negative pay gap indicated that women were paid more than men.

The full Gender Pay Gap report for 2019 was attached as an appendix to the officer's report. The report stated that over the last seven years the Council had seen significant reductions it its Gender Pay Gap, with the mean positive pay gap reducing from 18.2% to 10.6%. It was noted that while this reduction in the gap was welcome, whilst evert there was a gap work would continue to address the imbalance.

The report highlighted key issues from the report for the Committee's consideration including:

- The median gender pay gap for the Council at the end of March 2019 was almost the same as the previous year, increasing from 13.3% to 13.4%. The mean pay gap had also increased from 9.9% to 10.6% after falling from 11.5% the previous year. It was noted that an analysis of the underlying data had not identified any specific cause that could explain these changes.

- The Council's pay gap showed that overall men were still paid more than women, however, the figures compared favourably with the average UK gap 17.3%.

- In Black and Minority Ethnic (BAME) employees the Council had a negative 8.2% median pay gap and negative 4.3% mean pay gap. For disabled employees there was a negative 6.6% median and a negative 2.6% mean. The negative pay gap indicated that both BAME and disabled employees were paid more than non-BME/disabled employees.

It was noted that as no other Council in the region had published data for 2019, benchmarking was only available for 2019, with the benchmarking that had been carried out on the 2018 figures showing that the Councils gender pay gap median figure compared favourably with that of neighbouring authorities.

I

t was noted that the report was scheduled to be discussed at the meeting of the Overview and Scrutiny Management Board on 4 March 2020.

Resolved: -

That the Gender Pay Gap report for 2019, as attached at Appendix 1 of the officer's report be noted and approved for publication.

Rotherham Metropolitan Borough Council

Public Report
Staffing Committee

Committee Name and Date of Committee Meeting
Staffing Committee – 02 March 2020

Report Title
Pay Policy Statement 2020-21

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

Strategic Director Approving Submission of the Report
Shokat Lal, Assistant Chief Executive

Report Author(s)
Ian Henderson, Senior Employee Relations Officer
01709 822467 or ian.henderson@rotherham.gov.uk

Ward(s) Affected
Borough-wide

Report Summary
This report provides detail of the Pay Policy Statement for 2020-21 that the Council is obliged publish under Chapter 8 of the Localism Act 2011.

Recommendations
Staffing Committee is asked to:-

1. Accept the Pay Policy Statement for 2020-21 (Appendix 1)

2. Recommend approval of the statement by Council.

List of Appendices Included
Appendix 1 Pay Policy Statement

Background Papers
Local Government Association
CIPFA Best Value Accounting Code of Practice
Freedom of Information
Localism Act 2011
Hutton Review of Fair Pay in the Public Sector: Final Report March 2011
Previous Staffing Committee Reports
Local Government Transparency Code 2015List here any papers which have informed the recommendation or are connected to the subject matter – e.g. previous reports to Cabinet, Council or committees, legislation or statutory guidance. Members of the public are entitled to inspect them and take copies.

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

Council Approval Required
Yes

Exempt from the Press and Public
No

Pay Policy Statement 2020-21

1. Background

1.1 The Localism Act 2011, Chapter 8 Pay Accountability, made it a legal requirement for authorities to produce and publish a Pay Policy Statement by the 31st March each year. This must be agreed by Council and detail the remuneration of its Chief Officers.

1.2 The Council must then comply with the Pay Policy Statement for the financial year in making any determination.

1.3 The statement must state:

- Policies relating to remuneration of Chief Officers (definition includes Directors)
- Remuneration of its lowest paid employees
- Relationship between remuneration of Chief Officers and employees who are not Chief Officers
- The remuneration of its Chief Officers
- Remuneration of Chief Officers on appointment
- Increases and additions to remuneration for each Chief Officer
- Use of performance related pay for Chief Officers
- Use of bonuses for Chief Officers
- Benefits in kind to which the Chief Officer is entitled
- Any increase of enhancement to Chief Officer pension entitlement
- Approach to payment of Chief Officers and their ceasing to hold office
- Any amounts payable upon the Chief Officer ceasing to hold office other than that payable by virtue of any enactment
- Approach to publication and access to information relating to remuneration of Chief Officers

1.4 In addition Council should be offered the opportunity to approve salary packages offered for new appointments and exit packages for leavers where the value of either is £100,000 or more.

1.5 The Council's Scheme of Delegation has empowered the Staffing Committee to determine conditions of service, employment policies and procedures and remuneration relating to the Chief Executive and Chief Officers, in line with the Pay Policy Statement.

1.6 In line with usual practice, Staffing Committee is asked to review the Pay Policy Statement for 2020-21 (Appendix 1) and make recommendation to Council.

2. Key Issues

2.1 It is a legal requirement for the Council to publish a Pay Policy Statement each year which has been agreed by Council.

3. Options considered and recommended proposal

3.1 The format and content of the Pay Policy is in in accordance with guidance previously issued by the regional Local Government Employers Association and has been updated to reflect good practice examples.

4. Consultation on proposal

4.1 Consultation has taken place with Councillor Alam.

5. Timetable and Accountability for Implementing this Decision

5.1 Staffing Committee's recommendation will go to Council at the meeting scheduled for the 25 March 2020.

6. Financial and Procurement Advice and Implications

6.1 The financial implications of the pay policy have been factored into the Councils budget position for 2020/21. This ensures that the Council's budgets overall and at a service level are appropriate to support the cost implications of the pay policy statement 2020/21.

6.2 There are no direct procurement implications associated with the details contained in the report.

7. Legal Advice and Implications

7.1 The report complies with the legislative requirements. Failure to provide this information could result in the Council being subject to court orders and fines.

8. Human Resources Advice and Implications

8.1 The policy statement sets out the arrangements for the salary and related allowances paid to Chief Officers of the Council which have been negotiated and agreed through appropriate collective bargaining mechanisms (national or local) or as a consequence of authority decisions, which are incorporated into contracts of employment.

9. Implications for Children and Young People and Vulnerable Adults

9.1 There are no implications for children and young people or vulnerable adults

10. Equalities and Human Rights Advice and Implications

10.1 In making any decision the Council is required to have due regard to its equalities duties and in particular with respect to the Equality Act 2010, section 149, part 11 of the public sector duty:

a) eliminate discrimination, harassment, victimisation and eliminate any other conduct that is prohibited by or under the Act,
b) advance equality of opportunity between persons who are a protected characteristics and persons who do not share it and to

c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

10.2 The recommendation before the Council will not have any adverse impact on anyone with one or more protected characteristics, namely age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

11. Implications for Partners

11.1 There are no implications for partners.

12. Risks and Mitigation

12.1 There is a risk that the authority would face legal action if it failed to comply with legislative requirements to publish the pay policy statement.

13. Accountable Officer(s)
Shokat Lal, Assistant Chief Executive

Report Author: *Ian Henderson, Senior Employee Relations Officer*
01709 822467 or ian.henderson@rotherham.gov.uk

This report is published on the Council's website.

Assistant Chief Executive's Human Resources

Pay Policy Statement 2020-21

Introduction & Scope

This policy statement sets out the arrangements for the salary and related allowances paid to Chief Officers of the Council, meeting the requirements the Localism Act 2011, and also meeting the requirements of guidance issued by the Secretary of State for Communities and Local Government to which the authority is required to have regard under section 38 to 43 of the Act.

It does not cover teaching staff, whose salaries and terms of conditions of employment are set by the Secretary of State or Academy schools as they are an entirely separate employer covered by the Academies Act 2010 and are responsible for setting salaries for their employees.

The authority is required to publish Chief Officer salaries and disclose details of salaries over £50,000 on an annual basis as part of the Statement of Accounts which is available on the Council's website (http://www.rotherham.gov.uk/).

The Council is committed to and supports the principle of equal pay for all its employees.

Equal pay between men and women is a legal right under both United Kingdom and European Law. The Equality Act 2010 requires employers not to discriminate on grounds of sex, gender reassignment, race and disability and similar rules apply to sexual orientation, religion, pregnancy and maternity and age.

The authority applies terms and conditions of employment that have been negotiated and agreed through appropriate collective bargaining mechanisms (national or local) or as a consequence of authority decisions, which are incorporated into contracts of employment.

Chief Executive and Chief Officers conditions of service are in line with the Joint Negotiating Committees for Chief Executives and Chief Officers. Local agreements and remuneration are determined by Council on recommendation made by the authority's Staffing Committee.

This also applies to shared management arrangements with partner organisations, where the job continues to be filled by an employee of the Council.

Definition of officers covered by the Pay Policy Statement

This policy statement covers the following posts:

1. Head of the Paid Service, which in this authority is the post of:

    - Chief Executive

2. Statutory Chief Officers, which in this authority are the posts of:

    - Strategic Director Children and Young People's Services (Director Children's Services)
    - Strategic Director Adults Care, Housing and Public Health (Director Adult Social Services)
    - Strategic Director Finance and Customer Services (Section 151 Chief Finance Officer)
    - Director of Public Health (Director Public Health)
    - Assistant Director Legal Services (Monitoring Officer)

3. Non-statutory Chief Officers, which in this authority are the posts of:

    - Strategic Director Regeneration and Environment
    - Assistant Chief Executive
    - Assistant Director Children's Social Care
    - Assistant Director Human Resources and Organisational Development
    - Assistant Director Financial Services
    - Assistant Director Customer Information and Digital Services
    - Assistant Director Culture, Sport and Tourism
    - Assistant Director Regeneration, Planning and Transport
    - Assistant Director Community Safety and Streetscene
    - Assistant Director Strategic Commissioning
    - Assistant Director Independent Living
    - Assistant Director Housing
    - Assistant Director Education
    - Assistant Director Early Help and Family Engagement
    - Assistant Director Joint Commissioning CCG, Performance and Inclusion

Policy on remunerating Chief Officers

The authority's policy on remunerating Chief Officers is set out on the schedule that is attached to this policy statement at Appendix A. It is the policy of this authority to establish a remuneration package for each Chief Officer post that is sufficient to attract and retain staff of the appropriate skills, knowledge, experience, abilities and qualities that is consistent with the authority's requirements of the post in question at the relevant time.

Policy on other aspects of remuneration of Chief Officers

Other aspects of the remuneration of Chief Officers are appropriate to be covered by this policy statement. These other aspects are defined as recruitment, pay increases, additions to pay, performance related pay, earn back, bonuses, termination payments, transparency, re-employment when in receipt of a Local Government pension or a redundancy/severance payment and pension legislation. These matters are addressed in the schedule attached to this policy statement at Annex B

.

Pay Relationship

The lowest pay rate in the authority (excluding apprentice rates) equates to a full time equivalent annual salary of £17,711 and can be expressed as an hourly rate of pay of £9.18. This pay rate and salary was determined by the authority as part of a pay scale for employees employed on the National Joint Council Local Government Services Terms and Conditions.

The highest paid salary in this authority is £168,129 which is paid to the Chief Executive.

The ratio between the two salaries, the 'pay multiple' is 9.5 to 1. Against the median salary of £20,541 this multiple reduces to 8 to 1 and against the average salary of £24,881 to 7 to 1.

The Hutton review considered the multiple should be no greater than 20 to 1 (lower is better) and based on the current situation the Council falls well below this threshold. The authority does not have a policy on maintaining or reaching a specific 'pay multiple', however the authority is conscious of the need to ensure that the salary of the highest paid employee is not excessive and is consistent with the needs of the authority.

These pay rates may increase in accordance with any pay settlements which are reached through the respective national negotiating bodies.

Salary Packages over £100,000

The authority will ensure that before an offer of appointment is made, any salary package for any post that is in excess of £100,000 is considered by Council following recommendation by Staffing Committee.

Flexibility to address recruitment issues for vacant posts

In exceptional circumstances where there are recruitment difficulties; there may be a requirement to consider the payment of temporary market supplements such as 'golden hellos', retention payments or regular monthly payments.

In situations where a market supplement is being considered a report detailing the business case is considered by the Assistant Director of Human Resources & Organisational Development who makes the final decision as to whether a supplement is payable, the amount and the frequency of review. For Chief Officer graded posts where this would result in a pay package in excess of £100k the case will be considered by Council on recommendation made by the Staffing Committee.

Supplements can be reviewed at any time but a review must be undertaken on an annual basis.

Policy Amendment

The Council may seek to change elements within the pay policy as part of any necessary efficiency review or as other circumstances dictate.

This policy statement is reviewed annually and is presented to Council each year for consideration in order to ensure that a policy is in place for the authority prior to the start of each financial year.

Exit Payment Cap and Pension Reforms

It is expected that legislative changes will be implemented in the following areas, in which case the authority will apply changes as appropriate:

- The fixing of a cap on exit payments made to employees departing the public sector
- Recovery of exit payments made to high earners who leave the public sector on or after the implementation date if they return to the public sector within 12 months of leaving.
- Other associated reform of redundancy payment limits and related pension scheme provisions

Pay Policy References

- Agency workers directive 2011
- Hutton Fair Pay in the Public Sector Final Report (March 2011)
- Joint Negotiating Committee for Local Authority Chief Executives
- Joint Negotiating Committee for Chief Officers of Local Authorities
- Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006
- Local Government Pension Scheme (Benefits, Membership & Contributions) Regulations
- Localism Act 2011
- National Joint Council for Local Government Services
- Representation of the People Act 1983
- Rotherham Borough Council Scheme of Delegation
- The Accounts and Audit (England) Regulations (2011)
- The Equality Act 2010
- The Secretary of State for CLG Code of Recommended Practice for Local Authorities on Data Transparency
- Local Government Transparency Code 2015
- HM Treasury Recovery of Public Sector exit payments

Appendix A – Policy on Remunerating Chief Officers 2020/21

Head of Paid Service and Statutory Officers

Post	Salary Ceiling	Additional Allowances	Bonus	Profit Related Pay	Earn Back	Pension Enhancement
Chief Executive	£168,129	None	The authority does not operate bonus schemes	The authority does not operate performance related pay systems	The authority does not operate earn-back pay systems	It is not Council policy to award additional pension entitlement (regulation 31)
Strategic Director Children and Young People's Services	£147,900	None	The authority does not operate bonus schemes	The authority does not operate performance related pay systems	The authority does not operate earn-back pay systems	It is not Council policy to award additional pension entitlement (regulation 31)
Strategic Director Adults Care, Housing and Public Health	£130,176	None	The authority does not operate bonus schemes	The authority does not operate performance related pay systems	The authority does not operate earn-back pay systems	It is not Council policy to award additional pension entitlement (regulation 31)
Strategic Director Finance and Customer Services	£120,336	None	The authority does not operate bonus schemes	The authority does not operate performance related pay systems	The authority does not operate earn-back pay systems	It is not Council policy to award additional pension entitlement (regulation 31)
Director of Public Health	£100,825	None	The authority does not operate bonus schemes	The authority does not operate performance related pay systems	The authority does not operate earn-back pay systems	It is not Council policy to award additional pension entitlement (regulation 31)
Assistant Director Legal Services	£87,791	None	The authority does not operate bonus schemes	The authority does not operate performance related pay systems	The authority does not operate earn-back pay systems	It is not Council policy to award additional pension entitlement (regulation 31)

Non-statutory Chief Officers

Post	Salary Ceiling	Additional Allowances	Bonus	Performance Related Pay	Earn Back	Pension Enhancement
Strategic Director Regeneration and Environment	£120,336	None	The authority does not operate bonus schemes	The authority does not operate performance related pay systems	The authority does not operate earn-back pay systems	It is not Council policy to award additional pension entitlement (regulation 31)
Assistant Chief Executive	£102,948	None	The authority does not operate bonus schemes	The authority does not operate performance related pay systems	The authority does not operate earn-back pay systems	It is not Council policy to award additional pension entitlement (regulation 31)
Assistant Director Children's Social Care	£96,000	None	The authority does not operate bonus schemes	The authority does not operate performance related pay systems	The authority does not operate earn-back pay systems	It is not Council policy to award additional pension entitlement (regulation 31)
Assistant Director Human Resources and Organisational Development	£87,791	None	The authority does not operate bonus schemes	The authority does not operate performance related pay systems	The authority does not operate earn-back pay systems	It is not Council policy to award additional pension entitlement (regulation 31)
Assistant Director Financial Services	£87,791	None	The authority does not operate bonus schemes	The authority does not operate performance related pay systems	The authority does not operate earn-back pay systems	It is not Council policy to award additional pension entitlement (regulation 31)
Assistant Director Customer Information and Digital Services	£87,791	None	The authority does not operate bonus schemes	The authority does not operate performance related pay systems	The authority does not operate earn-back pay systems	It is not Council policy to award additional pension entitlement (regulation 31)
Assistant Director Culture, Sport and Tourism	£87,791	None	The authority does not operate bonus schemes	The authority does not operate performance related pay systems	The authority does not operate earn-back pay systems	It is not Council policy to award additional pension entitlement (regulation 31)
Assistant Director Regeneration, Planning and Transport	£87,791	None	The authority does not operate bonus schemes	The authority does not operate performance related pay systems	The authority does not operate earn-back pay systems	It is not Council policy to award additional pension entitlement (regulation 31)
Post	**Salary**	**Additional**	**Bonus**	**Profit Related Pay**	**Earn Back**	**Pension**

	Ceiling	Allowances				Enhancement
Assistant Director Community Safety and Streetscene	£87,791	None	The authority does not operate bonus schemes	The authority does not operate performance related pay systems	The authority does not operate earn-back pay systems	It is not Council policy to award additional pension entitlement (regulation 31)
Assistant Director Strategic Commissioning	£87,791	None	The authority does not operate bonus schemes	The authority does not operate performance related pay systems	The authority does not operate earn-back pay systems	It is not Council policy to award additional pension entitlement (regulation 31)
Assistant Director Independent Living	£87,791	None	The authority does not operate bonus schemes	The authority does not operate performance related pay systems	The authority does not operate earn-back pay systems	It is not Council policy to award additional pension entitlement (regulation 31)
Assistant Director Housing	£87,791	None	The authority does not operate bonus schemes	The authority does not operate performance related pay systems	The authority does not operate earn-back pay systems	It is not Council policy to award additional pension entitlement (regulation 31)
Assistant Director Education	£87,791	None	The authority does not operate bonus schemes	The authority does not operate performance related pay systems	The authority does not operate earn-back pay systems	It is not Council policy to award additional pension entitlement (regulation 31)
Assistant Director Early Help and Family Engagement	£87,791	None	The authority does not operate bonus schemes	The authority does not operate performance related pay systems	The authority does not operate earn-back pay systems	It is not Council policy to award additional pension entitlement (regulation 31)
Assistant Director Joint Commissioning CCG, Performance and Inclusion	£87,791	None	The authority does not operate bonus schemes	The authority does not operate performance related pay systems	The authority does not operate earn-back pay systems	It is not Council policy to award additional pension entitlement (regulation 31)

Appendix B - Policy on other aspects of remuneration of Chief Officers 2020/21

Aspect of Chief Officer Remuneration	Authority Policy
Recruitment	Posts are advertised and appointed to at the appropriate approved salary for the post unless there is evidence that a successful appointment of a person with the required knowledge, experience, skills, abilities and qualities cannot be made without varying the remuneration package. In such circumstances a variation to the remuneration package is appropriate under the Authority's policy. Any changes will be approved through the Authority's appropriate decision making process. Salary packages over £100,000 require Council approval.
Pay Increases	The authority applies any pay increases that are agreed by relevant national negotiating bodies and/or any pay increases that are agreed through local negotiations.
Additions to Pay	The Authority does not make additional payments beyond those specified in the contract of employment.
Performance Related Pay	The Authority does not operate a performance related pay system for Chief Officers as it believes that it has sufficiently strong performance management arrangements in place to ensure high performance from its senior managers. Any areas of under-performance would be addressed through capability procedures.
Earn-Back (withholding an element of base pay related to performance)	The authority does not operate an earn-back pay system whereby a proportion of the employee salary is held back and only paid if specific targets are achieved as it believes that it has sufficiently strong performance management arrangements in place to ensure high performance from its senior managers. Any areas of under-performance would be addressed through capability procedures.
Bonuses	The authority does not have or intends to introduce any bonus schemes.
Termination Payments	The authority's normal redundancy payment arrangements apply to all staff including Chief Officers and the Chief Executive. The authority also applies the appropriate Pensions regulations in circumstances where employees qualify for release of pensions. Council will also be given the opportunity to vote on any severance package with a cost in excess of £100k. The components of any such package will be clearly set out and will include pay in lieu of notice, redundancy payment, pension release costs, settlement payments, holiday pay and any fees or allowances paid.
Transparency	The Authority meets its requirements under the Localism Act, the Local Government Transparency

	Code 2015 and the Accounts and Audit Regulations in order to ensure it is open and transparent regarding senior officer remuneration.
Re-employment of staff in receipt of a Local Government Pension or a redundancy/severance payment	The authority is under a statutory duty to appoint on merit and has to ensure that it complies with all appropriate employment and equalities legislation. The authority will always seek to appoint the best available candidate to a post who has the skills, knowledge, experience, abilities and qualities needed for the post. If a candidate is a former employee in receipt of a Local Government pension, or received a redundancy payment, this will not rule them out from being re-employed by the authority. Clearly where a former employee left the authority on redundancy terms then the old post has been deleted and the individual cannot return to that post as it will not exist. The authority will apply the provisions of the Statutory Redundancy Payments Modification Order regarding the recovery of redundancy payments if this is relevant and appropriate. Pensions Regulations also have provisions to reduce pension payments in certain circumstances to those who return to work within the local government service. The authority will apply the reforms to exit payments in the public sector, which includes the recovery of exit payments, a cap on exit payment value and associated reforms of redundancy payment limits and related pension scheme provisions, as they become law.
Election Fees	The duties of Electoral Registration Officer are undertaken by the authority's Chief Executive, the remuneration for which is included in their annual salary. The authority's Chief Executive is also the Returning Officer for elections, referendums and other polls. The Returning Officer may appoint deputies and by convention, has chosen to appoint the Director of Legal Services as a Deputy Returning Officer. For national elections, referendums or other polls which may be required by statute, fees are paid in accordance with the amounts specified for each poll by the statutory order issued by the Secretary of State. For local Borough and Parish elections a local scale of fees, which has not increased since 2008, is approved by Council

STAFFING COMMITTEE
Thursday, 14th May, 2020

Present:- Councillor Alam (in the Chair); Councillors Cowles, Read and Watson.

26. DECLARATIONS OF INTEREST

There were no declarations of interest.

27. MINUTES OF THE MEETING HELD ON 2 MARCH 2020

Resolved: - That subject to a minor text amendment, the Minutes of the meeting of the Staffing Committee held on 2 March 2020 be approved as a correct record of proceedings.

28. TO CONSIDER WHETHER THE PRESS AND PUBLIC SHOULD BE EXCLUDED FROM THE MEETING DURING CONSIDERATION OF ANY PART OF THE AGENDA.

There were no items that required the exclusion of the press or public.

29. TO DETERMINE ANY ITEM WHICH THE CHAIRMAN IS OF THE OPINION SHOULD BE CONSIDERED AS A MATTER OF URGENCY.

There were no urgent items.

30. RECRUITMENT OF STRATEGIC DIRECTOR, CHILDREN AND YOUNG PEOPLE'S SERVICES

The Assistant Chief Executive submitted a report seeking approval to start the recruitment process to fill the vacant post of Strategic Director Children and Young People's Services for the process to be referred to the Senior Officer Appointments Panel to make the appointment.

It was noted that following the ill health of the Council's previous Strategic Director of Children and Young People's Services an interim Strategic Director had been appointed in November 2019. The report confirmed that following confirmation of the Strategic Director's ill health retirement, formal arrangements now needed to be made in order to fill the post on a permanent basis prior to the interim arrangements ending in October 2020. The officer's report provided an overview of the proposed recruitment process and it was noted that in response to the to COVID-19 pandemic that a modified recruitment protocol had been agreed and would be utilised if required that included the option to conduct the assessment stages of the recruitment process virtually.

Resolved: - That the request to fill the vacant post of Strategic Director Children and Young People's Services and to refer the process to the Senior Officer Appointments Panel to make the appointment, be approved.

LICENSING BOARD-SUB-COMMITTEE
17th February, 2020

Present:- Councillor Beaumont (in the Chair); Councillors Buckley, Clark, Reeder and Vjestica.

43. EXCLUSION OF THE PRESS AND PUBLIC

Resolved:- That, under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in the Police Act 1997 and Paragraphs 3 and 7 of Part I of Schedule 12A to the Local Government Act 1972 (business affairs and prevention of crime).

44. APPLICATIONS FOR THE GRANT/RENEWAL/REVIEW OF HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS' LICENCES

The Sub-Committee of the Licensing Board considered a report of the Licensing Manager relating to applications for the review/renewal of hackney carriage/private hire drivers' licences in respect of Messrs. A.F., B.P., T.O.C. and N.S.

Messrs. B.P., T.O.C. and N.S., together with representatives, attended the meeting and were interviewed by the Sub-Committee.

Applicant Mr. A.F. had requested that his application for the review of a hackney carriage/private hire driver licence be deferred to enable him to seek legal advice.

Resolved:- (1) That consideration of the review of a hackney carriage/private hire driver's licence in respect of Mr. A.F. be deferred and he be afforded the opportunity of attending a future meeting of the Licensing Board Sub-Committee.

(2) That the application for a hackney carriage/private hire driver's licence in respect of Mr. B.P. be approved.

(3) That the private hire operator's licence in respect of Mr. T.O.C. be revoked.

(4) That, as a consequence of the review of the hackney carriage/private hire driver's licence in respect of the hackney carriage/private hire driver's licence in respect of Mr. N.S., he be suspended until such time as he satisfactorily completes a Safeguarding course, the details of which would be provided by the Council.

LICENSING BOARD-SUB-COMMITTEE
24th February, 2020

Present:- Councillor Ellis (in the Chair); Councillors Beaumont, McNeely, Russell and Steele.

45. EXCLUSION OF THE PRESS AND PUBLIC

Resolved:- That, under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in the Police Act 1997 and Paragraphs 3 and 7 of Part I of Schedule 12A to the Local Government Act 1972 (business affairs and prevention of crime).

46. APPLICATIONS FOR THE GRANT/RENEWAL/REVIEW OF HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS' LICENCES

The Sub-Committee of the Licensing Board considered a report of the Licensing Manager relating to applications for the review/renewal of hackney carriage/private hire drivers' licences in respect of Messrs. A.F. and A.B.

Mr. A.F., together with his representative, attended the meeting and was interviewed by the Sub-Committee.

Resolved:- (1) That the private hire operator's licence in respect of Mr. A.F. be revoked.

(2) That consideration of the renewal application for a hackney carriage/private hire driver's licence in respect of Mr. A.B. be deferred and he be afforded the opportunity of attending a future meeting of the Licensing Board Sub-Committee.

47. APPLICATION FOR THE REVIEW OF A PRIVATE HIRE OPERATOR LICENCE

Consideration was given to a report of the Licensing Manager, relating to an application for the review of a private hire operator's licence in respect of Mr. C.W. (Crystal Private Hire).

Mr. C.W. attended the meeting and was interviewed by the Sub-Committee.

Resolved:- That the private hire operator's licence in respect of Mr. C.W. be revoked.

LICENSING SUB-COMMITTEE
3rd March, 2020

Present:- Councillor Ellis (in the Chair); Councillors Clark and Jones.

8. LICENSING ACT 2003 - CONSIDERATION OF AN APPLICATION (MADE IN ACCORDANCE WITH S.51 OF THE LICENSING ACT 2003) TO REVIEW THE PREMISES LICENCE IN PLACE AT THE RUSTIC TAP, NORTH VIEW, MUGLET LANE, MALTBY, ROTHERHAM.

Consideration was given to an application for the review of a Premises Licence in accordance with the provisions of Section 51 of the Licensing Act 2003, in respect of the premises known as The Rustic Tap, North View, Muglet Lane, Maltby, Rotherham.

Various attempts were made to contact the license holder, Nicola Bell, by telephone. She was not in attendance.

The Licensing Authority received representations made by South Yorkshire Police (as a responsible authority), which had not been withdrawn and the Sub-Committee considered those representations.

The premises had the benefit of a Premises Licence issued under the Licensing Act 2003 that was originally granted in 2005 when the premises were operating as an Indian Restaurant.

The current licence holder applied to transfer the licence into their name on 5thJuly, 2018. The licence permitted the sale of alcohol for consumption on or off the premises, but stated that “alcohol shall not be sold or supplied except to persons taking table meals at the premises and for consumption by such persons as ancillary to a meal”.

On 11th July 2018, the licence holder submitted an application to vary the licence to remove the requirement to sell alcohol only with a table meal. The application to vary the licence triggered a representation from the Licensing Authority and on 22nd August, 2018, the licence holder contacted the Council to confirm that they wished to withdraw their application and were “proceeding as a restaurant”.

On 12th December 2019, the Council received an application from South Yorkshire Police for a review of the licence. This application followed a test purchase by Police Officers who were able to purchase alcohol at the premises without also purchasing a table meal. The application outlined concerns regarding the sale of alcohol in breach of the license conditions.

The Sub-Committee heard the representations from South Yorkshire Police and their key issues around the history of these premises with a previous failure to comply with the requirements of the license, anti-social behaviour connected with the premises (of which South Yorkshire Police had no evidence) and operating in breach of planning consent.

Details of the test purchase, which led to the application for a review of the license, was provided and witness statements were included as part of the pack bundle. The license holder, Nicola Bell, had not been present. Various information currently available on social media were indicative of the premises running as a public house and selling alcohol rather than a restaurant.

South Yorkshire Police had not been made aware nor called to incidents of noise nuisance, fighting or urinating in the street that had involved the premises which were referred to in the Licensing Authority's representations.

The Licensing Authority had also received three representations from Rotherham MBC Licensing Team, Rotherham MBC Environmental Health and Rotherham MBC Food, Health and Safety Team.

The Sub-Committee made reference to the representations from the Licensing Authority and Environmental Health where it was evident the premises were being run as a vertical drinking bar without food resulting in this being in breach of planning consent. The chronology of concerns highlighted a lack of compliance.

The representation from the Food, Health and Safety Team also indicated the premises were operating without a valid food registration certificate.

The Sub-Committee considered the application for the review of the premises licence and the representations made specifically in light of the following Licensing objectives (as defined in the 2003 Act):-

- The prevention of crime and disorder.
- Public safety.
- The prevention of public nuisance.
- The protection of children from harm.

Resolved:- That, after due consideration of the application for review and to the representations submitted, the premises licence for the premises known as The Rustic Tap, North View, Muglet Lane, Maltby, Rotherham, be revoked with immediate effect.

LICENSING BOARD-SUB-COMMITTEE
Monday, 16th March, 2020

Present:- Councillor Ellis (in the Chair); Councillors Beaumont, Buckley, Napper and Reeder.

48. EXCLUSION OF THE PRESS AND PUBLIC

Resolved:- That, under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in the Police Act 1997 and Paragraphs 3 and 7 of Part I of Schedule 12A to the Local Government Act 1972 (business affairs and prevention of crime).

49. APPLICATIONS FOR THE GRANT/RENEWAL/REVIEW OF HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS' LICENCES

The Sub-Committee of the Licensing Board considered a report of the Licensing Manager relating to applications for the review/renewal of hackney carriage/private hire drivers' licences in respect of Messrs. A.A., A.B., A.T. and K.H.

Mr. A.A. and K.H., together with their representative, attended the meeting and were interviewed by the Sub-Committee.

Although in attendance, due to illness, consideration of Mr. A.B.'s case did not take place.

Resolved:- (1) That a written warning be issued to Mr. A.A. enforcing his responsibility for the health and wellbeing of his passengers.

(2) That consideration of the renewal application for a hackney carriage/private hire driver's licence in respect of Mr. A.B. be deferred and he be afforded the opportunity of attending a future meeting of the Licensing Board Sub-Committee.

(3) That consideration of the review application for a hackney carriage/private hire driver's licence in respect of Mr. A.T. be deferred and he be afforded the opportunity of attending a future meeting of the Licensing Board Sub-Committee.

(4) That the applications for the grant of a private hire/hackney carriage driver's licence in respect of Mr. K.H. be refused.

50. APPLICATION FOR THE GRANT OF A PRIVATE HIRE OPERATOR LICENCE

Consideration was given to a report of the Licensing Manager, relating to an application for the grant of a private hire operator's licence in respect of Mr. K.L. (OLA UK Private Hire Ltd.).

Mr. G.L. attended the meeting and was interviewed by the Sub-Committee.

Resolved:- That the application for a private hire operator's licence in respect of Mr. G.L. be approved subject to the following additional/amended conditions:-

(1) That condition 3(a) be amended to include the following method of storage in relation to operator records;

An authorised electronic storage method – the use of which has been specifically agreed in writing by the Council's Licensing Service. This includes storage of data on remote servers, cloud storage and other similar storage methods.

(2) That condition 3(b) be amended as follows:-

The name and address of the hirer (or in the case of app based bookings, the mobile phone or email address of the person making the booking).

(3) That a local office be situated within the district controlled by Rotherham Metropolitan Borough Council (although the office did not necessarily need to be permanently staffed or accessible to members of the public);

(4) That the app include information informing passengers which licensing authority their driver was licensed by;

(5) All data stored within the app be retained for a period of 12 months;

(6) Removal of condition 1(b) (in relation to the display of the licence in such a way as to be visible to members of the public) and condition 2(d) (in relation to a waiting area accessible by members of the public);

(7) That journeys only be accepted that started and finished within the Rotherham area.