



# CABINET

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**Monday 19 June 2023**

**10.00 a.m.**

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

**Cabinet Members:-**

Leader of the Council  
Deputy Leader of the Council,  
Neighbourhood Working Portfolio  
Adult Social Care and Health Portfolio  
Children and Young People Portfolio  
Corporate Services, Community Safety and Finance Portfolio  
Housing Portfolio  
Jobs and the Local Economy Portfolio  
Social Inclusion Portfolio  
Transport and Environment Portfolio

Councillor Chris Read  
Councillor Sarah Allen

Councillor David Roche  
Councillor Victoria Cusworth  
Councillor Saghir Alam  
Councillor Amy Brookes  
Councillor Denise Lelliott  
Councillor Dave Sheppard  
Councillor Dominic Beck

**Rotherham**  
Metropolitan  
Borough Council 

## **CABINET**

**Venue:** Town Hall, The Crofts, Moorgate Street, Rotherham. S60 2TH

**Date and Time:** Monday 19 June 2023 at 10.00 a.m.

**Agenda Contact** Governance Unit – [governance@rotherham.gov.uk](mailto:governance@rotherham.gov.uk)

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

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

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

### **1. Apologies for Absence**

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

### **2. Declarations of Interest**

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

### **3. Questions from Members of the Public**

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

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

Councillors may also ask questions under this agenda item.

### **4. Minutes of the Previous Meeting (Pages 9 - 17)**

To receive the record of proceedings of the Cabinet meeting held on 24 April 2023.

## **5. Exclusion of the Press and Public**

Agenda Item 13 has an exempt appendix. Therefore, if necessary when considering the item, the Chair will move the following resolution:-

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

## **ADULT SOCIAL CARE AND HEALTH**

### **6. Scrutiny Review Recommendations - Access to Primary Care (Pages 19 - 28)**

Report from the Assistant Chief Executive.

Recommendations:

1. Cabinet approves the submission of the following recommendations to NHS South Yorkshire / Rotherham Place Board for their consideration and requests a written response to the Director of Public Health for reporting to a future Cabinet meeting.
  - a) That the principle be agreed that responsibility for patient access to primary care is shared between the primary care practices and their patients.
  - b) That consideration be given to how all Place Partners demonstrate responsibility to communicate honest wait times, where this information is available, for all health and care services system-wide.
  - c) That any trend connecting a practice or GP with excessive delays or Urgent and Emergency Care Centre attendances be analysed, and appropriate action taken.
  - d) That consideration be given to how to increase general understanding of how to recognise symptoms as needing medical attention, where to seek help, and within what timeframe.
  - e) That Place partners, including the Primary Care Networks (PCNs), consider how to expand general understanding of the wider options when seeking medical advice, with a view to expediting consultation with the most appropriate professional or service to be able to address their need.
  - f) That NHS South Yorkshire/Rotherham Place Board give due

consideration to enhanced safety-netting to mitigate risks associated with an increasingly patient-led model of care initiation and follow up.

- g) That NHS South Yorkshire/Rotherham Place Board consider how messaging and communications will figure in managing patient expectations around waits in the evolving model of care.
- h) That consideration be given to how Councillors may play an expanded role in signposting and managing expectations among Rotherham residents, as the sector works toward a new model of care which takes account of ongoing resource pressures on health services.
- i) Whereas recruitment remains a limiting factor for expansion of social prescribing, that recruitment to social prescribing roles be prioritised, and consideration given to how to make participation in social prescribing in Rotherham more attractive to professionals.

## **CHILDREN AND YOUNG PEOPLE**

### **7. SEN Resource Bases (Pages 29 - 52)**

Report from the Strategic Director for Children and Young People's Services.

Recommendations:

That Cabinet:

1. Note the activity undertaken and progress to date on SEND Sufficiency Phase 4 including changes to the original profile of provision following the expression of interest process.
2. To formally approve 140 places at the 13 schools successful in their expression of interest to host a SEN resource base as outlined in paragraph 2.6 and limited to the High Needs Safety Valve capital allocation as outlined in paragraph 6.1 subject to Department of Education approval.

### **8. Schools Accessibility Strategy (Pages 53 - 124)**

Report from the Strategic Director for Children and Young People's Services.

Recommendations:

That Cabinet:

1. Approve the School Accessibility Strategy.
2. Approve the Capital Accessibility Funding Framework and schools' accessibility application process.



3. To provide a future report to Cabinet to approve the outcome of the application for the capital funding.

## **CORPORATE SERVICES, COMMUNITY SAFETY AND FINANCE**

### **9. Finance Update (Pages 125 - 142)**

Report from the Strategic Director for Finance and Customer Service.

Recommendations:

1. That the update on the revenue budget financial outturn 2022/23 be noted.
2. That the Council's progress on the delivery of the Local Council Tax Support Top Up payment 2023/24 be noted.
3. That the Council's delivery of the Household Support Fund 2022/23 be noted.
4. That Cabinet delegates the decision to allocate and spend the £3m Feasibility Fund to the Strategic Director for Regeneration & Environment in consultation with the Leader of the Council and Assistant Director Financial Services.
5. That Cabinet approve the capital budget variations as detailed in section 2.7 of the report.

### **10. Scrutiny Review Recommendations - Modern Slavery (Pages 143 - 158)**

Report from the Assistant Chief Executive.

Recommendations:

1. That Cabinet receives the report and considers the following recommendations:
  - i. That the Safer Rotherham Partnership (SRP) gives consideration to rolling out a targeted learning and development offer/campaign to raise awareness of modern slavery, how to spot the signs, risks and how to raise concerns and make referrals:
    - a) to front-line staff across key agencies;
    - b) to elected members;
    - c) to the general public and targeted business such as letting agencies (commercial and residential).
  - ii. That the SRP gives consideration to mapping the local modern slavery landscape to identify high risk industries and hot spots

(using the example of Bristol City Council).

- iii. That consideration is given to establishing an RMBC Modern Slavery Internal Governance Group including representation from services who may encounter modern slavery (for example, Procurement, Licensing, Environmental Health, Training Standards, Neighbourhood teams, Social Care and Housing).
  - iv. That consideration is given to how young adults at risk or experiencing modern slavery are safeguarded during the transition from children to adult services and are age assessed appropriately.
  - v. That consideration is given to developing referral pathways to ensure that modern slavery victims (both adult and child) have access to appropriate support (housing, advocacy, mental health support) on a timely basis.
  - vi. That consideration is given to re-launching the Strategic Partnership information sharing group at the earliest opportunity to improve the way that agencies can share data and intelligence, including examining how IT systems can work better together.
  - vii. That consideration is given to widening the levels of investigation and auditing of contracts procured by the Council to focus on the 'layers' of sub-contractors, including binding specifications to audit or 'dip sample' contracts along the supply chain.
  - viii. That consideration is given to how the Procurement Team can engage with the South Yorkshire Mayoral Combined Authority (SYMCA) Supply Chain Advisor to improve processes, joint working and awareness.
  - ix. That consideration be given to allowing victim advocates to make representations to Housing Assessment Panels on behalf of victims of modern slavery.
2. That Cabinet formally consider its response to the above recommendations within two months of its receipt, in accordance with the Overview and Scrutiny Procedure Rules.
3. That the recommendations as approved, be submitted to the Safer Rotherham Partnership for dissemination to the South Yorkshire Modern Slavery Partnership for consideration and response.

## **JOBS AND THE LOCAL ECONOMY**

### **11. Hackney Carriage and Private Hire Licensing Policy (Pages 159 - 326)**

Report from the Strategic Director for Regeneration and Environment.

Recommendations:

1. That Cabinet approves the draft policy that should be consulted upon and authorises officers to commence consultation as outlined in this report.

### **12. Multiply Programme (Pages 327 - 348)**

Report from the Strategic Director for Regeneration and Environment.

Recommendations:

That Cabinet:

1. Approve the acceptance and planned spend of an annual Multiply grant of £408,000 from SYMCA, for each of the years 2023/24 and 2024/25.
2. Delegates authority to the Assistant Director of Planning, Regeneration and Transport in consultation with the Cabinet Member for Jobs and the Local Economy, to agree grant awards, within the terms and conditions of the funding, to colleges, community organisations and other training providers to deliver the agreed learning activity and outputs for the Programme.

### **13. 3-7 Corporation Street Compulsory Purchase Order Update (Pages 349 - 369)**

Report from the Strategic Director for Regeneration and Environment.

Recommendations:

That Cabinet:

1. Notes the progress made, next steps, and anticipated timescale to confirmation of the Compulsory Purchase Order for 3-7 Corporation Street.
2. Notes the cost of the proposed redevelopment of the site and the sources of funding currently available (as set out in Appendix 1).
3. Approves the proposed use of the Town Centre Investment Fund to ensure sufficient funding is in place for the redevelopment of the site in the event that a private sector development partner is not found and/or

further external funding is not secured.

**14. Electric Vehicle Charging Project - Drummond Street Car Park (Pages 371 - 395)**

Report from the Strategic Director of Regeneration and Environment

Recommendations:

1. That Cabinet approves the £1.29m funding into the Capital Programme for the delivery of the Electric Vehicle Charging Project at Drummond Street Car Park, subject to planning approval.
2. That Cabinet approves the procurement of a concession contract to design, install and operate the Electric Vehicle Charging systems.

**LEADER OF THE COUNCIL**

**15. Appointments to Outside Bodies (Pages 397 - 415)**

Report from the Assistant Chief Executive.

Recommendations:

That Cabinet:

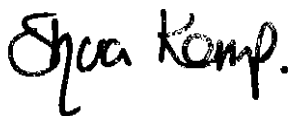
1. Agrees that councillors be appointed to serve on outside bodies, as detailed on the schedule in Appendix 1.

**16. Recommendations from Overview and Scrutiny Management Board (To Follow)**

To receive a report detailing the recommendations of the Overview and Scrutiny Management Board in respect of the above items that were subject to pre-decision scrutiny on 14 June 2023.

**17. Date and Time of Next Meeting**

The next meeting of the Cabinet will be held on Monday 10 July 2023 commencing at 10.00am in Rotherham Town Hall.



**SHARON KEMP,**  
Chief Executive.

**THE CABINET**  
**24th April, 2023**

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

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

**146. DECLARATIONS OF INTEREST**

The following declaration of interest was made:

| <b>Member</b>    | <b>Agenda Item</b>   | <b>Interest Type</b> | <b>Nature of Interest</b>   |
|------------------|--|----------------------|---|
| Councillor Roche | Agenda Item 9 (New applications for Business Rates Relief) | Personal             | Member of the Advisory Board - Manvers Lake and Dearne Valley Trust |

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

There were no members of the public present at the meeting and no questions had been submitted in writing.

**148. MINUTES OF THE PREVIOUS MEETING****Resolved:-**

That the minutes of the Cabinet meeting held on 20th March, 2023, be approved as a true and correct record of the proceedings.

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

The Chair advised that appendices to Minute No. 154 contained exempt information, however, the meeting remained open to the public and press throughout.

**150. ADULT SOCIAL CARE STRATEGY FOR ROTHERHAM 2024 - 27**

Consideration was given to the report submitted which was to support the future delivery of adult social care, the report proposed to refresh the Adult Social Care Strategy, vision and future priorities.

The report described the changing legislative and statutory environment for adult social care since the implementation of the 2017 – 2020 Adult Social Care Strategy and identified a clear rationale for developing a new strategy.

The Adult Social Care Development Programme was agreed at Cabinet in January 2016 and set out an ambitious transformation journey for the Service. The programme included development of an Adult Social Care Strategy, to clearly articulate the vision and priorities in Rotherham for people with care and support needs, their families and carers.

The Care Act 2014 reinforced a direction of travel to move away from traditional services to more personalised approaches. The 2017 – 2020 Adult Social Care Strategy supported this direction of travel by supporting residents in a way that builds on natural supports and maximises independence rather than creating and maintaining dependencies on service.

The recommendations were then proposed and seconded.

The Leader queried what engagement would look like with service users in Rotherham. It was clarified that co-production activities that have already happened over the last 12 months along with the insights from compliments, complaints and workshops would be utilised and this would also check whether the underpinning values would be fit for purpose.

Resolved: That Cabinet:

1. Approved a refresh of the Adult Social Care vision and strategy.
2. Agreed to the refreshed Adult Social Care Strategy being presented back in early 2024 for formal approval prior to implementation.

**151. FUTURE OF THE ROWAN CENTRE PUPIL REFERRAL UNIT FOLLOWING A PERIOD OF STATUTORY CONSULTATION**

Consideration was given to the report submitted which was a follow up to reports to Cabinet on 21st November, 2022, and 20th February, 2023, where approval was granted to enter into a period of pre-statutory and statutory consultation on the proposal to close the Rowan Centre Pupil Referral Unit following the Department for Education (DfE) prescribed process.

The report outlined that Elements Academy was established under the Department for Education's (DfE) Free School presumption procedure and opened in September 2022 as a new Academy for pupils with Education, Health, and Care Plans (EHCPs) with a presenting need of Social, Emotional and Mental Health (SEMH). Elements Academy was situated on the old College site at Dinnington.

All pupils who attended the Rowan Centre Pupil Referral Unit (PRU) had transferred to Elements Academy as a special school specialising in supporting the SEMH presenting need of pupils, and this has been facilitated by amendments to individual pupils EHCPs.

Teaching, support, and ancillary staff who worked at the Rowan Centre PRU, had also transferred to Elements Academy to ensure a continuity of education and support for pupils. Subsequently Rowan Centre PRU has now been completely vacated.

The report of 20th February, 2023, gained approval to commence the statutory processes prescribed by DfE to bring forward proposals to formally close Rowan Centre PRU, following DfE Statutory Guidance for Proposers and Decision makers 2019 – Opening and Closing Maintained Schools. Should the proposal be approved, the site would become available for other educational purposes. It was noted that a period of pre-statutory and formal statutory consultation was undertaken with a wide range of stakeholders during which no representations has been made.

The recommendations were then proposed and seconded.

The Leader asked, given that no representations had been made, whether the Council could be reassured that all voices had been heard. The Cabinet heard that there had been a significant amount of consultation with stakeholders, together with public notices and coverage in the local media.

Resolved: That Cabinet:

1. Noted that there were no representations in relation to the statutory consultation or public notice.
2. Approved the proposal to close the Rowan Centre PRU.
3. Approved that the Department for Education be formally notified of the intention to close Rowan Centre PRU.
4. Delegated authority to the Strategic Director of Children and Young Peoples Services to invite formal expressions of interest to take forward long term usage of the site.

**152. DEDICATED SCHOOLS GRANT HIGH NEEDS BLOCK SAFETY VALVE PROGRAMME ANNUAL UPDATE**

Consideration was given to the report submitted which summarised that, as part of the Department of Education work to address long term challenges in the High Needs funding within the Dedicated Schools Grant (DSG), a small number of identified local authorities including Rotherham,

entered into a financial agreement known as a 'Safety Valve Agreement'. The report provided an update at the end of year one (2022/2023) of the 'Safety Valve Agreement' and the associated actions attached to the agreement and confirmed that the Council had received a substantial amount of capital investment due to positive progressions against its strategic and financial plan.

In November Cabinet supported the development of the SEND Sufficiency Phase 4 which would provide an additional 10 resource units in Rotherham based within mainstream schools. The investment would reduce the need of high-cost independent school places outside of Rotherham. The programme of activity would be delivered across the next 3 academic years.

The recommendations were then proposed and seconded.

Resolved: That Cabinet noted:

1. The annual progress of the 'Safety Valve Agreement'.
2. The key risks and areas subject to review within the DfE monitoring of Rotherham progress against the 'Safety Valve Agreement'.
3. That a further Cabinet report would be submitted when proposals for the 10 additional mainstream SEN resource basis have been further developed.

#### **153. NEW APPLICATIONS FOR BUSINESS RATES RELIEF**

Consideration was given to the report submitted to consider the applications for the award of Discretionary Business Rate Relief for the organisations listed in Section 1 of the report. This is in accordance with the Council's Discretionary Business Rates Relief Policy (approved by Cabinet on 12th December 2016).

Section 47 of the Local Government Finance Act (LGFA) 1988 conveyed power on local authorities to allow discretionary relief that would be additional to the mandatory relief. This was given when the property was used wholly or mainly for charitable purposes by a charity or other non-profit body whose main objects are charitable or benevolent, or concerned with education, social welfare, science, literature or the arts.

The recommendations were then proposed and seconded.

There were 5 applications made which were listed in Section 1 of the report.

It was noted that the Cabinet Member for Adult Social Care and Health did not vote on this item in accordance with his declaration of interest.



Resolved: That Cabinet:

1. Approved the applications for Discretionary Business Rate Relief for the organisations listed in Section 1 of the report in accordance with the details set out in Section 6 to this report for the 2022/23 and 2023/24 financial years.

**154. REGENERATION PROGRAMME: STRATEGIC LAND ASSEMBLY**

Consideration was given to the report submitted which set out the proposed use of the £1million Strategic Acquisitions Fund that was approved by Council in March 2023 as part of the Capital Programme.

The report also built upon the Strategic Acquisitions reports to Cabinet in March and September 2022 and sought the necessary approvals and delegations to enable the negotiation and subsequent acquisition of further third-party land and property as set out in exempt Appendix 1.

The recommendations were then proposed and seconded.

It was noted that Cabinet gave permission for funding to be used to purchase particular buildings or land, with the specifics being kept private for commercial sensitivity reasons, however, once those purchases were complete the information was published through the Officer Delegated Decision process.

Resolved: That Cabinet:

1. Agreed that the Assistant Director for Planning, Regeneration and Transport be authorised to negotiate the acquisition by agreement of the property interests at exempt Appendix 1, in consultation with the Council's Section 151 Officer and the Cabinet Member for Jobs and the Local Economy, and the Assistant Director of Legal Services be authorised to complete the necessary transactions.
2. Approved the use of funds including the £1m Strategic Acquisitions Fund to enable the Council to acquire properties as set out in exempt Appendix 1.

**155. COUNCIL PLAN UPDATE**

Consideration was given to the report which was the fourth progress report on the Council Plan 2022-25 and the Year Ahead Delivery Plan. As of 27 February 2023, the activities within the Year Ahead Delivery Plan are as follows:

- 65% (60) complete
- 22% (20) were on track to be delivered by original target date

- 5% (5) were delayed by less than 3 months
- 8% (7) would not be met within 3 months of original target date.

During the meeting the Leader explained the reasons why some of the actions were off target. Cabinet Members then highlighted areas of positivity from their portfolios along with any issues or concerns they had around missed or delayed actions.

- 33 fines and prosecutions had been issued for fly tipping so far this year, a significant increase on previous year
- There had been an increased take up of early years education with 96.4% of 2 year-olds utilising their place against an annual target of 80%
- The number of subscribers to the 'Rotherham Round Up' Ward bulletin had exceeded 9,000 which meant the target has been exceeded
- A Prevention and Health Inequalities Strategy and Action Plan has been completed and actions were in progress
- An evaluation report was completed for a cultural programme for residents aged 55+ and 60% of participants said their wellbeing had improved as a result of attending
- New Century Business Centre at Manvers should be completed in July which would provide support for new businesses
- Work continued to reduce the number of homeless people housed in temporary accommodation
- Progress continued on the ambitious regeneration programme despite the challenging financial situation

Performance/progress would continue to be kept under review within Directorates and reported publicly to ensure that the Council's direction of travel remained positive. The final progress report for 2022-23, covering data for quarter four and year-end performance would be presented to Cabinet on 10th July, 2023.

It was recommended that the frequency of reporting in 2023-24 moved to twice a year (December 2023 and July 2024). Due to the nature of the actions/activities in the plan, many did not significantly change each quarter and a less frequent report would enable the Council to demonstrate progress.

Quarterly reporting would remain in place internally to ensure officers remained focussed on areas that required extra attention and timely action would be taken when things were off track.

This report had been considered by the Overview and Scrutiny Management Board as part of the pre-decision scrutiny process. The Board fully supported the recommendations with the inclusion that consideration be given to how the wider take-up of ward bulletins could be promoted.

Resolved: That Cabinet:

1. Noted the overall position in relation to the Year Ahead Delivery Plan activities.
2. Noted the Quarter 3 2022-23 data for the Council Plan performance measures.
3. Agreed the revised Council Plan performance measure targets and the Year Ahead Delivery Plan for 2023-24.
4. Noted the future performance reporting timetable (see paragraphs 2.17 and 2.18).
5. That consideration be given to how the wider take-up of ward bulletins could be promoted.

**156. INDICATIVE HIGHWAY REPAIR PROGRAMME FOR 2023/2024**

Consideration was given to the report submitted that reviews the current Strategy for the management and maintenance of Rotherham's Highways and the impact of the recent Council funding on the highway network.

This report described how Rotherham's Highways were strategically managed and maintained, in accordance with the agreed Highway Asset Management Policy, Strategy and Highway Asset Management Plan (HAMP).

In addition, it described the current performance, both in terms of the condition of Rotherham's Highways and in terms of the delivery of highways maintenance services.

The Cabinet heard that the Council had made a significant investment in improving roads which has meant that they were now above the national average and claims had been reduced.

The recommendations were then proposed.

A number of schemes would benefit from the investment which also includes resurfacing pavements and new footway crossings.

Resolved: That Cabinet:

1. Noted the strategic approach to the management and maintenance of Rotherham's Highways.
2. Noted the decision of the Strategic Director of Regeneration and Environment to approve the indicative Highway Repair Programme for 2023/2024.
3. Approve that the Strategic Director for Regeneration and Environment may utilise any additional in year funding in accordance with the strategic approach to the Management and Maintenance of Rotherham's Highways as set out in this report.

## **157. TRANSPORT CAPITAL PROGRAMME**

Consideration was given to the report submitted that outlined the Transport Capital Programme for 2023-24 and sets out the sources of funding. It provided an overview of the aims of the various project themes that this funding would be used for and described how projects would subsequently be managed within those themes.

Further to a similar arrangement in December 2022, this report went on to seek approval for delegation to the Strategic Director Regeneration and Environment in liaison with the Cabinet Member for Transport and Environment to identify and approve specific projects within the project themes set out.

Cabinet was informed of the various road safety improvements that would benefit from this investment which also included major projects.

The recommendations were then proposed.

Resolved: That Cabinet:

1. Noted the allocation of £72.4 million City Region Sustainable Transport Settlement (CRSTS) funding as stated in the report in section 1.2 and approve receipt of £1.2 million Local and Neighbourhood Improvement block funding, and £400,000 of Highways Capital Maintenance block funding, noting that the funding will be used to support delivery of the Council's programme of transport projects.
2. Approved the schemes and allocations for use of this funding, and changes to previously approved RMBC capital funding, as set out in paragraphs 2.1 – 2.12 (and appendices 1 and 2) for delivery under the 2023-24 Transport Capital Programme and the RMBC Structural Maintenance Programme.

3. Approved the issue of contracts between the Council and 2 public service bodies (Network Rail and Transport for the North) to enable timely completion of the Outline Business Case referenced in section 2.13.
4. Delegated responsibility to the Strategic Director, Regeneration and Environment, in consultation with the Cabinet Member for Transport and Environment, to identify projects within themes described in paragraphs 2.3 (Reserves), 2.6 (Collision Investigation and Prevention), 2.9 (Minor Works), 2.12 Major Projects (CRSTS) and 2.13 (Rotherham Mainline Station) and for the award of contracts relating to design and construction.

**158. 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.

**159. DATE AND TIME OF NEXT MEETING**

Resolved:

That the next meeting of the Cabinet be held on 15th May, 2023, commencing at 10.00 a.m. in Rotherham Town Hall.

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**Committee Name and Date of Committee Meeting**

Cabinet – 19 June 2023

**Report Title**

Scrutiny Review Recommendations – Access to Primary Care

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

No, but it has been included on the Forward Plan

**Strategic Director Approving Submission of the Report**

Jo Brown, 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 summarises the findings and recommendations of the Health Select Commission spotlight review into access to primary care. The review was prompted by insight provided by Healthwatch Rotherham, regarding continued enquiries from residents who were having difficulty accessing GP appointments.

The report seeks approval for the recommendations to be submitted to NHS South Yorkshire / Rotherham Place Board for consideration and response.

**Recommendations**

1. Cabinet approves the submission of the following recommendations to NHS South Yorkshire / Rotherham Place Board for their consideration and requests a written response to the Director of Public Health for reporting to a future Cabinet meeting.
  - a) That the principle be agreed that responsibility for patient access to primary care is shared between the primary care practices and their patients.
  - b) That consideration be given to how all Place Partners demonstrate responsibility to communicate honest wait times, where this information is available, for all health and care services system-wide.

- c) That any trend connecting a practice or GP with excessive delays or Urgent and Emergency Care Centre attendances be analysed, and appropriate action taken.
- d) That consideration be given to how to increase general understanding of how to recognise symptoms as needing medical attention, where to seek help, and within what timeframe.
- e) That Place partners, including the Primary Care Networks (PCNs), consider how to expand general understanding of the wider options when seeking medical advice, with a view to expediting consultation with the most appropriate professional or service to be able to address their need.
- f) That NHS South Yorkshire/Rotherham Place Board give due consideration to enhanced safety-netting to mitigate risks associated with an increasingly patient-led model of care initiation and follow up.
- g) That NHS South Yorkshire/Rotherham Place Board consider how messaging and communications will figure in managing patient expectations around waits in the evolving model of care.
- h) That consideration be given to how Councillors may play an expanded role in signposting and managing expectations among Rotherham residents, as the sector works toward a new model of care which takes account of ongoing resource pressures on health services.
- i) Whereas recruitment remains a limiting factor for expansion of social prescribing, that recruitment to social prescribing roles be prioritised, and consideration given to how to make participation in social prescribing in Rotherham more attractive to professionals.

**List of Appendices Included**

None

**Background Papers**

General Practice Access. Presentation.

“Accessing GP services in Rotherham: A report into how Rotherham residents access GP services.” Healthwatch Rotherham.

Appointments in General Practice. Official statistics. NHS Digital.

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

Health Select Commission – 26 January 2023

Overview and Scrutiny Management Board – 19 April 2018

**Council Approval Required**

No

**Exempt from the Press and Public**

No



## Scrutiny Review Recommendations – Access to Primary Care

### 1. Background

- 1.1 During the pandemic, Healthwatch Rotherham reported an increasing trend of inquiries from Rotherham residents who were having difficulty obtaining primary care appointments with their local General Practitioner (GP). Many residents had the ability to access appointments with their GP when they were sick or if they needed medical advice, but not all residents were able to do so. This signalled a health inequality that needed to be addressed.
- 1.2 The Council Plan includes the theme that people are safe, healthy, and live well. The ambition of this theme is to promote physical and mental wellbeing for all Rotherham residents, and to ensure that health inequalities are addressed. The Council works on these objectives with the Rotherham Place Board. This is the body with responsibility for the delivery of NHS services with the broader South Yorkshire NHS structure. Councillors are aware that GP appointments play a key role in safeguarding and in helping people live independently for longer, because GPs often help signpost people to access other services that promote physical and mental wellbeing and safety.
- 1.3 For these reasons, Health Select Commission undertook a spotlight review of access to primary care in April 2022. Participating in the review were Cllrs Atkin, Cooksey, Elliott, Griffin, Havard, Hoddinott, Keenan, McNeely, Sansome, Thompson, Wooding, and Yasseen (Chair). The review consisted of a consultation with Rotherham Healthwatch to understand the trend in inquiries received as well sample feedback obtained from Rotherham residents around access to GP appointments. Then the Councillors met with the Head of Commissioning for Rotherham Place and the Chair of Rotherham Clinical Commissioning Group to discuss the current challenges facing GPs nationally and locally.

### 2. Key Lines of Inquiry

- 2.1 **Whose responsibility is access to GP appointments?**  
Contracting with GP surgeries within the PCN was discussed. It was noted that each of the GP surgeries is an independent contractor within the PCN. The contract defines who should deliver services but does not define how the services are delivered. There are 28 practices within Rotherham and 3 different types of contract:
  - GMS is the national standard contract with no end date – a GP has to be signature to the contract
  - PMS is another form of core contract but unlike the GMS contract, is negotiated and agreed locally by CCGs. The majority of Rotherham practices are on this contract with no end dates. Again, a GP has to be signature to the contract.
  - APMS is a more flexible contract and has an end date, normally at 5 years and enables non GP led organisations e.g. third sector and private companies to undertake primary care.

- 2.2 Parity between practices was discussed. The National GP contract provides for all practices to receive the same global sum amount, there are no variations to this for Rotherham. Rotherham Place<sup>1</sup> has discretion for investment in local incentive schemes in Rotherham such as the Quality contract and Innovation Fund. The same element of multi-disciplinary team (MDT) resource is allocated to every practice. It is up to the individual practice how they use the resource. There is variation in uptake, but opportunity for access is the same across all practices.
- 2.3 General practice functions as part of the wider community with services, for example, urgent mental health care, maternity care, and diabetes support. These services can be provided from within practices based on the strong relationships across health and social care. General practice has evolved to be a prevention led service, for example, screening, immunisation, case finding, chronic disease monitoring. The Rotherham GP ratio is 0.46 per 1000 patients compared to the national ratio of 0.45.
- 2.4 **What is considered a reasonable waiting time for an appointment?**  
The Quality contract includes requirements for urgent appointments within 24 hours and routine appointments within five days.
- 2.5 **How is access being optimised and effectiveness monitored?**  
The importance of effectiveness was discussed, including the need for patients to have confidence that they will receive the right diagnosis and treatment from a single appointment, rather than attending a series of appointments each with time lapse whilst seeking a solution. A GP is a generalist, rather than a specialist. It is therefore appropriate for a GP to care navigate patients to appropriate expertise both within and outside the practice.
- 2.6 Before the pandemic, six Primary Care Networks were put in place, each PCN was a grouping of practices to deliver services sustainably, share good practice, and share the workforce for additional roles. Extended access was also put in place, with weekday and weekend services in place 365 days a year. Tele-dermatology was introduced, which enabled an image to be sent to a consultant dermatologist enabling quicker diagnosis and treatment. The Rotherham Health App was implemented providing an alternative form of contact with practices and access to medical information.
- 2.7 During the pandemic, general practice had to adapt quickly to the country locking down. All practices transitioned from minimal telephone/video consultation to wider facility with these modes of consultation. The national mandate was to cease all routine work. Practices set up a 'hot' site and 'hot' visiting to ensure practices were not continually having to close down rooms because of infection control. Extended access continued, but also moved to support, predominantly by telephone, 365 days a year. General practice in Rotherham also led the vaccination programme.

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<sup>1</sup> Rotherham Place is one of four Place Partnerships which are part of the South Yorkshire Integrated Care System [Place Partnerships :: SYB ICS \(syics.co.uk\)](https://www.syics.co.uk)

- 2.8 General access capacity was examined, showing that Rotherham's recovery of appointments compared to pre-pandemic levels was the best in South Yorkshire, a trend which has continued throughout 2022, as noted in statistics published by NHS Digital. Rotherham primary care has, since June 2021, met or exceeded pre-pandemic levels of appointments with a focus on recovery. Further focuses were sharing good practice, moving from a reactive to proactive model as the pandemic waned, and encouraging the use of the Deep Vein Thrombosis Local Enhanced Service. A breakdown of Wider Access Fund and Extended Access appointments and PCN access appointments was discussed showing that 52% of appointments were same day for the period between April 2019 and February 2022. In the early phase of the pandemic, telephone consultations made up 43% of appointments, with 54% face to face. By early 2022, roughly two-thirds of all appointments were being conducted face to face.
- 2.9 All practices except one were on hosted telephony systems to improve call waiting times and extra resources had been identified to sustain increased capacity for call answering throughout 2022, including support for demand over the winter period. Over 20,000 patients were registered for the Rotherham Health App, utilising this for booking appointments, ordering repeat prescriptions, and checking symptoms. The Primary Care Networks were well-established with many coming together to deliver areas of work, for example, vaccination arrangements, same day appointments and minor surgery. Non-clinical vaccinators were trained to support the vaccine programme enabling practices to undertake business as usual.
- 2.10 **How are options being communicated to patients?**  
There was a desire within the health and care sector to see many more clinicians enter the workforce to alleviate pressures, but this was not a realistic projection for the future of the health care sector. It was felt that people want to understand the waits, but public messaging around access needed to do a better job of highlighting the conditions and symptoms when patients need to be persistent to be seen without delay, such as when they are experiencing chest pains.
- Rotherham Place needed to inform patients that there was a much wider workforce with much more expertise than within a GP, reminding the public that the GP is a generalist. For example, physios have far more knowledge of musculoskeletal conditions. Pharmacists are much more knowledgeable to undertake medication reviews. Social prescribers have more knowledge of all the available services in place to support patients with a variety of needs, including debt, loneliness, housing, etc. Over 89 whole time equivalent roles in addition to GPs support community care.
- 2.11 **How are practices taking on board feedback from patients around access?**  
Modes of delivery were discussed, including appointments by telephone which were found to work well for some patients but not all. Some patients were better served having traditional 10-minute appointments, face to face. Practices had responded positively to the request to provide a variety of

appointment delivery modes. Tele-dermatology in particular was felt to have been an effective digital access format.

**2.12 What are the local and national pressures?**

As noted, the PCNs are currently composed of 28 practices, following mergers. Each clinician sees 40 to 50 patients a day. It was noted that new recruits usually want to work 3.5 days per week, which means it takes two recruits to replace a full-time GP who retires. The recent closing of one local surgery due to quality issues was an example of how small, single-handed practices can suffer if something happens to the GP. Single points of failure can make a practice difficult to run well.

2.13 Workforce challenges were discussed including, morale, vacancy, retention, and turnover within the workforce that provides primary care. Staff pressures in the UECC were noted, resulting in people going to their own GP rather than the walk-in centre. The Additional Roles (ARRS) supported general practices, for example, paramedics who supported home visiting, trainee nurse associates, health and wellbeing workers, physios, pharmacists, and social prescribers. The available resource had to be used effectively, as demand continues to rise year on year.

2.14 PCNs also had funding for additional roles, including physios, mental health professionals, and clinical pharmacy professionals. There was a general practice training scheme which had no vacancies. The challenge was to retain trainee doctors by making Rotherham an attractive place to work. Many trainees make the decision to leave Rotherham based on belief that there may be better working conditions elsewhere, but the shortages and pressures experienced by Rotherham are experienced everywhere else also.

**2.15 How are local providers responding to national changes, including those ushered in by the Health and Care Act 2022?**

Recognising the complication of long COVID and chronic fatigue, a service had been developed to respond. Outcomes from this service were shared with Health Select Commission members.

2.16 The effects of deconditioning and maturing chronic disease were discussed. Many patients received less attention and routine follow-up during the pandemic. Meanwhile, people did not have a good lifestyle, resulting in deconditioning. This applies to children as well as adults. Services would be responding to this in the coming years.

2.17 Potential impacts on the PCNs associated with the formation of the ICS were discussed. It was felt by GPs that the formation of the ICS could bring additional advantages or could be on par with previous system. There was a need to make the most of the existing national funding during the window when it is available, acknowledging that, if the Secretary of State gives access to national moneys, these will require working within new parameters of success. Some prevention work, such as social prescribing, could later fall out of favour, requiring Rotherham Place to seek out other ways of funding. For this reason, efforts to maximise funding were ongoing.

- 2.18 As regards funding for specific prevention work, Rotherham were among the national leaders on social prescribing. Social prescribing takes routine nonclinical work away from doctors and empowers people to manage conditions using various services. However, investing in community-based services was required for success of social prescribing. Recruitment had become a limiting factor where there were good ideas but no available staff.
- 2.19 **What further steps are being taken to improve access?**  
Education of patients becomes more important as pressures on the current model of care make evolution necessary. As part of the digitisation objectives of the strategy, the future of the Rotherham Health app involves transitioning into the South Yorkshire App. This app must be responsive to the needs of the patients, promoting equity of care for families. The app is designed to prevent the GP from becoming a bottleneck to accessing care. Further steps being taken were development of a communication strategy that involves digitisation, implementation of patient-initiated follow-up, and a Joint Place Communications Lead between the Council and ICB.
- 2.20 Care navigation was in place, which enables patients to self-refer into a number of services, either through the Rotherham Health App or, if not conversant with technology, via the practice receptionist. This approach helped residents to have good information around whom to speak to about their situation. Sometimes, this may be a pharmacist or other professional other than a GP, nurse, or AHP (Allied Health Professional). Many people who are experiencing loneliness, for example, end up requesting a GP appointment. The app can help join up efforts across many available services to meet people's needs, alleviate pressures, and release needed capacity. There is then a knock-on effect releasing capacity at hospitals.
- 2.21 **Findings**  
There was a need to manage expectations, to be honest about how long waits are, and options that are available to patients. Councillors can assist in helping keep people informed as providers work toward a new model of care that responds to the pressures that are being experienced within all areas of the health sector, locally and nationally. This model of care will build on learning from digitisation during the pandemic and linked up community-based care, in which social prescribing plays a significant role in prevention. It was felt that people have a desire to understand the reality of waits, and to be empowered to make decisions about the best place to go for advice or care. Public messaging around access needed to highlight when patients should be more persistent in certain cases where a patient needs to be seen in person, without delay, such as when there are chest pains. To accomplish this will require a shift in culture in which residents share more of the decision-making responsibility about their own care. This introduces risks that must be mitigated by excellent partnership working and excellent access to good information. This evolution is necessary to ensure a resilient model of primary care delivery continues to provide the right care for all to access at the point of need.

**3. Options considered and recommended proposal**

- 3.1 Members are recommended to approve the recommendations.

**4. Consultation on proposal**

- 4.1 Councillors were cognisant of the findings and recommendations contained in the recent Healthwatch report “Accessing GP services in Rotherham: A report into how Rotherham residents access GP services,” published April 2022. This report considered the views of a sample of 227 Rotherham residents. Recommendations issued by Healthwatch Rotherham in respect of Access to GP services address the need for greater flexibility and choice as well as accessibility for residents.
- 4.2 Therefore, this spotlight review by Health Select Commission builds on without duplicating the findings and recommendations of Healthwatch. It is important to credit Healthwatch Rotherham for producing this key background document which gave insight into the experiences of Rotherham residents.
- 4.3 By reporting on the continued enquiries from members of the public relating to difficulty accessing GP services, Healthwatch Rotherham was instrumental in bringing to the attention of Health Select Commission members the need for this spotlight review. This is exemplary of strong partnership working which makes effective scrutiny possible.

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

- 5.1 Implementation of any recommendation made to a partner organisation is at the discretion of the relevant partner organisation. Timescales associated with response to recommendations by partner organisations will be determined in liaison with the relevant commissioning partners, with any updates reported to members of Health Select Commission.
- 5.2 Implementation of recommendations addressed to a directorate of the Council is a matter reserved to the relevant directorate. Timescales for Council directorates responding to scrutiny recommendations are outlined in the Overview and Scrutiny Procedure Rules contained in the Constitution of the Council.

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

- 6.1 There are no financial or procurement implications directly arising from this report.

**7. Legal Advice and Implications**

- 7.1 There are no legal implications directly arising from this report.

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

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

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

9.1 There are no implications for children and young people and vulnerable adults directly arising from this report.

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

10.1 Members of Health Select Commission have due regard to equalities and human rights in developing recommendations. The aim of this review is to support achievement of the Council Plan objective to address health inequalities.

## **11. Implications for CO2 Emissions and Climate Change**

11.1 There are no implications for CO<sub>2</sub> emissions and climate change directly arising from this report.

## **12. Implications for Partners**

12.1. The implications for NHS partners, including Primary Care Networks, are described in the main sections of the report. Members have regard for the logistical implications associated with making recommendations to outside bodies, as this review does to Rotherham's Primary Care Networks and Hospital Trusts. Implementation of any recommendation is at the discretion of the relevant partner organisation. The recommendations contained in this report are offered respectfully, acknowledging the contributions that have been made by GPs and all health professionals, especially throughout the pandemic.

## **13. Risks and Mitigation**

13.1 There are no risks directly arising from this report.

## **14. Accountable Officers**

Emma Hill, Head of Democratic Services and Statutory Scrutiny Officer  
Katherine Harclerode, Governance Advisor

Approvals obtained on behalf of Statutory Officers: -

|  | <b>Named Officer</b> | <b>Date</b> |
|--|----------------------|-------------|
| Chief Executive  | Sharon Kemp          | 05/06/23    |
| Strategic Director of Finance & Customer Services<br>(S.151 Officer) | Judith Badger        | 01/06/23    |
| Assistant Director, Legal Services<br>(Monitoring Officer)           | Phil Horsfield       | 01/06/23    |

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*01709 254352 or [katherine.harclerode@rotherham.gov.uk](mailto:katherine.harclerode@rotherham.gov.uk)* This  
report is published on the Council's [website](#).



**Committee Name and Date of Committee Meeting**

Cabinet – 19 June 2023

**Report Title**

SEN Resource Bases

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

Yes

**Strategic Director Approving Submission of the Report**

Nicola Curley, Strategic Director of Children & Young Peoples Service

**Report Author(s)**

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**Ward(s) Affected**

Borough-Wide

**Report Summary**

The report provides an update in respect of SEND Sufficiency Phase 4 delivery of the SEND Resource base education provisions in mainstream schools following the SEND Sufficiency Phase 4 approved by Cabinet paper in October 2022.

The report details the key activities undertaken in completing an expression of interest process for schools to host a SEND resource base, with updates on the selection process, due diligence undertaken to date and next steps in relation to delivering the roll out of Rotherham SEND Sufficiency Strategy Phase 4.

**Recommendations**

That Cabinet:

1. Note the activity undertaken and progress to date on SEND Sufficiency Phase 4 including changes to the original profile of provision following the expression of interest process.

2. To formally approve 140 places at the 13 schools successful in their expression of interest to host a SEN resource base as outlined in paragraph 2.6 and limited to the High Needs Safety Valve capital allocation as outlined in paragraph 6.1 subject to Department of Education approval.

**List of Appendices Included**

Appendix 1 Part A - Initial Equality screening Assessment form  
Appendix 2b Part B - Equality Analysis Form final  
Appendix 3 Carbon impact FINAL Template

**Background Papers**

Safety Valve Cabinet annual update report - 24<sup>th</sup> April 2023 - [REPORT TEMPLATE FOR CABINET & COMMISSIONER \(rotherham.gov.uk\)](#)  
SEND Sufficiency Phase 4 Cabinet paper - October 2022 - [REPORT TEMPLATE FOR CABINET & COMMISSIONER \(rotherham.gov.uk\)](#)  
SEND Sufficiency Phase 3 Cabinet Report - November 2020 - [REPORT TEMPLATE FOR CABINET & COMMISSIONER \(rotherham.gov.uk\)](#)  
SEND Sufficiency Phase 2 Cabinet Report May 2019 - [REPORT TEMPLATE FOR CABINET & COMMISSIONER \(rotherham.gov.uk\)](#)  
SEND Sufficiency Phase 1 Cabinet Report – February 2018 - [REPORT TEMPLATE FOR CABINET & COMMISSIONER \(rotherham.gov.uk\)](#)

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

**Council Approval Required**  
No

**Exempt from the Press and Public**  
No

## SEN Resource Bases

### 1. Background

- 1.1 In Rotherham 19.7% of pupils have a statutory plan of Special Educational Need or Disability (SEND) with an Education Health Care Plan (EHCP) or are receiving SEND support (previously known as school action and school action plus). This compares to an average of 17.4% across all English Metropolitan Boroughs. In order that the educational needs of children and young people in the Borough with SEND can continue to be met, the Council has a responsibility to create a sufficiency of education provision to meet the needs of all pupils.
- 1.2 As part of the Rotherham involvement within the Department of Education (DfE) – Dedicated Schools Grant (DSG) – High Needs Deficit – Safety Valve Agreement, the Council has worked closely with the DfE to share and develop our strategic planning in order that the sufficiency of SEND places in the Borough is aligned to a sustainable financial plan to support the DSG High Needs budget moving to a balanced position across the lifespan of the Safety Valve Agreement.
- 1.3 In March 2022, following Cabinet approval, Rotherham entered into a Safety Valve Agreement with the DfE. As part of this agreement, additional SEND Capital of £4.32m was provided to Rotherham to support the development of SEND provision in the Borough and enact its strategic plans as set out in the Safety Valve Agreement. This funding is in addition to the £3.16m High Needs Provision 2022-2023 and £3.04m 2023/24 capital allocations that are proportionally awarded to all local authorities.
- 1.4 The key strategic aim set out within the Safety Valve Agreement is to enhance mainstream SEND capacity to meet a wider level of need across all schools and mitigate the need for children, young people, and young adults to be educated in settings outside the Borough and promote inclusive practice. Specialist SEND education provision placement for children and young people in Independent Special Schools outside Rotherham has a higher cost base and consistently does not provide stronger educational outcomes.
- 1.5 The proposed focus of SEND Sufficiency phase 4 aligned to our Safety Valve Agreement is to work closely with schools within the Borough and the DfE to create 10 additional SEND resource bases within mainstream education settings which would create a minimum of 100 additional SEND places over the next 3 academic years.
- 1.6 The proposed profile of provision informed by current SEND needs and provision mapping would be to create the following:
  - 2 Primary phase Social Emotional Mental Health resource base provisions (20 places in total)
  - 2 Secondary phase Social Emotional Mental Health resource base provisions (20 places in total)
  - 2 Primary phase Communication and interaction resource base provisions (20 places in total)

- 2 Secondary phase Communication and interaction resource base provisions (20 places in total)
  - 2 Secondary Moderate Learning Difficulty resource base provisions (20 places in total)
  - Total minimum places (100 places)
- 1.7 From 2018 onwards, Cabinet has approved three previous phases of SEND Sufficiency, each targeted at addressing incremental rises in SEND cohorts and creating or improving specialist education provision:
- In 2018, phase one of the Sufficiency Programme focused on increasing special school places in the Borough as indicated by the rapid growth in demand for all specialist provision. These plans led to increases in places at The Willows School (including post-16 provision), Kelford School and Abbey School. Initial development of resource provision places at Wales and Waverley were also included within phase 1.
  - The second phase of SEND Sufficiency focused on the need for more targeted provision for children with Autism Spectrum Disorder (ASD) and led to the development of new units at Wath Victoria Primary School, Brinsworth Academy and increased places at Milton School. There was also investment identified for post-16 provision at Thomas Rotherham College. As a consequence of this investment Rotherham has been better able to meet the needs of local children with autism and to place them in local schools.
  - Phase three created specialist provision for children and young people with Social Emotional Mental Health (SEMH) needs who were previously placed in Pupil Referral Units. Through the DfE Free School Presumption Process, Elements Academy opened in September 2022. This phase also looked at redeveloping an existing special school in the Borough through significant investment in rebuilding the upper part of Newman Special School which is no longer fit for the purpose of the current education delivery and will be complete in July 2023.

## **2. Key Issues**

- 2.1 A resource base provision is attached to a mainstream school providing specialist therapeutic input and support for pupils with a specific SEND need type. Pupils access support from the resource provision based on their individual need whilst also accessing mainstream classes and curriculum.
- 2.2 In November CYPS completed an Expression of Interest process to identify schools who are interested in hosting a resource provision as part of SEND Sufficiency Phase 4. In total 15 schools completed EOI's which was matched well with the profile of provision developed in this phase of SEND Sufficiency and in some cases exceeded the intended schedule of provision.
- 2.3 As part of the selection process a period of due diligence has been undertaken across schools submitting applications, selection has included assessment against the capital required to adapt or build a suitable teaching space, teaching

and curriculum model identified by the school in delivering high quality SEND provisions and wider information such as existing inclusive practice, and geographical/location factors.

- 2.4 The EOI process identified an increase in demand from schools for Social Emotional Mental Health resource provisions across both Primary and Secondary phases. This aligns to increased needs for this cohort as reported by schools and partners across the SEND system at both a local and national level.
- 2.5 Initial selection processes have provided further scrutiny and oversight through our established SEND Sufficiency Board with all schools that successfully complete due diligence being required to seek approval from the DfE's Advisory Board to undertake a formal significant change of their school profile to allow them to have a SEND resource base.
- 2.6 The following schools were selected for initial due diligence as part of the selection process. Due Diligence has been undertaken since January 2023.

| School                       | Phase     | Need Type                     | Number of places |
|------------------------------|-----------|-------------------------------|------------------|
| Thrybergh Academy            | Secondary | SEMH                          | 10               |
| Winterhill Academy           | Secondary | SEMH                          | 10               |
| Dinnington Academy           | Secondary | SEMH                          | 10               |
| St Pius Catholic High School | Secondary | MLD                           | 10               |
| Wales High                   | Secondary | Communication and Interaction | 20               |
| Brinsworth Academy           | Secondary | MLD                           | 10               |
| Dalton Foljambe              | Primary   | SEMH                          | 10               |
| Bramley Sunnyside            | Primary   | SEMH                          | 10               |
| Meadow View                  | Primary   | SEMH                          | 10               |
| Highfield Farm               | Primary   | SEMH                          | 10               |
| Thurcroft Junior Academy     | Primary   | Communication and Interaction | 10               |
| Maltby Manor Academy         | Primary   | SEMH                          | 10               |
| Brinsworth Whitehill         | Primary   | Communication and Interaction | 10               |
|                              |           | Total potential places        | 140              |

- 2.7 The total potential places available across all expressions of interest exceed the minimum requirement of 100 places for phase 4. The additionality provides assurance against the risk identified under 13.3. The delivery of this round of SEND Sufficiency supports wider spread of SEND provision across the Borough. A number of schools that sit in geographical areas where no SEND resource bases currently exist have bid into this round of SEND Sufficiency and this will support a Borough wide development of accessible SEND provision.
- 2.8 As part the expressions of interest received by the Council. Wales High School and Brinsworth Academy who have existing resource base provision which has been running successfully for a sustained period of time put forward plans to extend their existing provision and further develop the SEND offer at both schools. Other successful resource bases including Wath Victoria Primary

Schools have indicated they would like to consider growth of their SEND resource base provision in the future.

- 2.9 The first additional places are scheduled to be available from September 2023 with a phased rollout over the following two academic years to create the 100 resource provision places. Performance management and quality assurance frameworks are in the process of being implemented for both new resource base provisions and those developed in previous rounds of SEND Sufficiency.
- 2.10 The interest from schools in hosting a resource base provision meets the initial requirement for SEND Sufficiency Phase 4 with the additional interest shown providing additional capacity to support future phases of SEND Sufficiency particularly in relation to additional SEMH places.
- 2.11 The next phase of SEND Sufficiency Phase 4 will see finalisation of capital requirements for schools, place planning and contracting prior to the establishment of additional school places from September 2023.

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

- 3.1 **Option 1:** Consideration has been given to not creating additional SEND resource base provision places. This option of doing nothing would place a significant financial risk on the Dedicated Schools Grant High Needs Budget as those pupils with identified SEND needs would still need specialist education support. Should this provision not be available in the Borough then education provision would need to be accessed outside of Rotherham.
- 3.2 **Option 2 (preferred option):** The proposal to create a minimum of 10 additional SEND resource base provisions in mainstream education and thus creating a minimum of 100 additional SEND places with Primary need as identified in 1.6. This preferred option also provides an opportunity to increase SEMH provision in line with the increased interest for this need type as identified in 2.6.
- 3.3 The preferred proposal includes the opportunity to increase places at 8 existing resource provisions developed during previous rounds of Sufficiency. This will provide opportunities to increase provision to meet need at identified contractual review points.

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

- 4.1 All appropriate updates have been provided by RMBC ahead of this phase of SEND Sufficiency, key updates have also been provided to Schools Forum, School leaders forums, and associated partners including SEND Partnership Board and the Department of Education.
- 4.2 Further formal consultation would be undertaken with key stakeholders for all new resource bases that open at individual schools as part of DfE significant change applications and would lead to adaptations to academy funding agreements. This would be overseen by individual schools as part of their application to the DfE to host a SEND resource base provision.

- 4.3 As part of work that the Council undertakes as part of the wider SEND place based partnership, a series of listening events are held with Parent and Carers across key areas of development across SEND. Previous listening events have included development of the Social, Emotional, Mental Health Free School, SEND Local Area Inspection, and Newman School development. Plans are in place for a listening event for SEND Sufficiency Phase 4, in order that parents and carers are fully involved in appropriate consultation and are able to support co-producing this phase of SEND Sufficiency in the Borough.
- 4.4 Ongoing updates linked to SEND Sufficiency and performance data are provided to Improving Lives Select Committee. This phase of SEND Sufficiency will also have oversight from improving Lives Select Committee.

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

- 5.1
- SEND Sufficiency Phase 4 Cabinet Report – October 2022
  - SEND Sufficiency Phase 4 EOI process – November – December 2022
  - Due Diligence and Selection Process – January – June 2023
  - First new resource provision places – September 2023

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

- 6.1 The creation of these Resource Units will be funded from the High Needs Capital allocation with £3.3m earmarked for this programme of works. The creation of an additional 10 Resource Units forms part of Rotherham's DSG Management Plan and Safety Valve Agreement, to enable Rotherham to operate within its annual DSG funding allocations by the end of 2025/26.
- 6.2 A Resource Unit provides a value for money solution and avoids a pupil having to leave a Resource Centre on a mainstream site which costs £14k compared to being placed in a Special School which averages £22k or an ISP which averages at £65k.
- 6.3 There have been no procurement implications in the work undertaken to date. In the next phase of activity, if there is a need for the Council directly to engage third party Contractors to deliver the works this must be undertaken in compliance with the Public Contracts Regulations 2015 (as amended) and the Council's own Finance and Procurement Procedure Rules. However, if the school(s) is to directly contract for the works, there are no procurement implications for the Council.

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

- 7.1 Section 14 of the Education Act 1996 places a general duty upon a local authority to secure sufficient schools to provide primary and secondary education in their area and they should have particular regard to securing special education provision.

- 7.2 Following the enactment of The Children and Families Act 2014, the Local Authority retains responsibility for commissioning services for children and young people with SEN or a disability. The Local Authority is required to keep the provision for children and young people with SEN or disabilities under review, including its sufficiency (Section 315 of the Education Act 1996), and to promote wellbeing and improve quality, working in conjunction with parents, young people and providers. This Act and its associated guidance is clear that, when considering any re-organisation of provision, decision makers must be clear how they are satisfied that the proposed alternative arrangements will lead to improvements in the standard, quality and/or range of educational provision for children with SEN or a disability.
- 7.3 In order to minimise the risk of legal challenge, the Local Authority should ensure that it is fully compliant with all relevant legislation in this area and that it continues to satisfy its statutory duties through its decision making. Furthermore, the Council should also ensure that it continues make decisions that satisfy the terms of the Safety Vale Agreement.

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

- 8.1 There is no direct HR implication within this report.

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

- 9.1 Additional Special Educational Needs and Disability (SEND) places created within the Borough give more children and young people the opportunity to access high quality provision to meet their educational needs and in line with parental wishes.
- 9.2 Key considerations are referenced within the report.

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

- 10.1 Children and Young People with SEND are disproportionately represented across a range of education and inclusion measures. The SEND sufficiency phase 4 aims to provide specialist education provision that supports identified cohorts with SEND needs to have enhanced education opportunities and provide support in order that all children and young people have the strongest possible preparation for Adulthood.

## **11. Implications for CO2 Emissions and Climate Change**

- 11.1 All areas of SEND Sufficiency, student placed planning (inclusive of circa at least 100+ additional SEND places), and educational placements have a direct environmental impact, consideration of this element is informed in provision development and provision enhancement in the Borough due to the direct impact this will have to limiting students travelling outside the Borough. This would support reduced emissions of CO<sub>2</sub>.
- 11.2 Wider consideration of indirect implications or unintended consequence of work in this area has on CO<sub>2</sub> Emissions and Climate Change is considered across all



partners as the Council are committed to long term targets to mitigate these areas of concern in the Borough. An environmental impact assessment has been completed and is an appendix to this report.

## 12. Implications for Partners

- 12.1 Ongoing updates are provided to key stakeholders including Parent/carers forum, health leaders, school leaders, Schools Forum, and other associated stakeholders.
- 12.2 Development of specialist SEND provision in the Borough will enhance SEND practice for all SEND need types in the Borough and will support areas of focus to enhance SEND capacity across education system in Rotherham enhancing SEND provision in Rotherham schools.

## 13. Risks and Mitigation

- 13.1 Across all areas of this phase of SEND Sufficiency the council will adhere to guidance and advisory outline provided to Local Authorities by DfE in relation to significant changes or changes of designation for schools. Regular update meetings are held with DfE, and this will support forward planning across this phase of SEND Sufficiency.
- 13.2 Across all key decisions and internal processes, decision making has had oversight of SEND Sufficiency Board which involves all key internal parties including legal, assets, HR, procurement, transport, finance, commissioning, and education specialists.
- 13.3 There is a risk that changes to schools OFSTED rating, inclusive practice, national SEND guidance or required capital allocation results in schools listed under 2.6 being unable to successfully complete due diligence or receive DfE approval to host a resource provision.

## 14. Accountable Officers

Nathan Heath – Assistant Director, Education & Inclusion  
Neil Hardwick – Head of Finance CYPS

Approvals obtained on behalf of Statutory Officers: -

|  | Named Officer  | Date     |
|--|----------------|----------|
| Chief Executive  | Sharon Kemp    | 05/06/23 |
| Strategic Director of Finance & Customer Services<br>(S.151 Officer) | Judith Badger  | 01/06/23 |
| Assistant Director, Legal Services<br>(Monitoring Officer)           | Phil Horsfield | 30/05/23 |

*Report Author: Nathan Heath Assistant Director, Education & Inclusion*

*Nathan.heath@rotherham.gov.uk*

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

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## Appendix 1

### PART A - Initial Equality Screening Assessment

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

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

Completed at the earliest opportunity it will help to determine:

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

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

#### 1. Title

**Title:** SEND Sufficiency Phase 4

**Directorate:**  
CYPS

**Service area:**  
Education and Inclusion

**Lead person:**  
Mark Cummins

**Contact:**  
mark.cummins@rotherham.gov.uk

Is this a:

☒ **Strategy / Policy**
☐ **Service / Function**
☐ **Other**

**If other, please specify**

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

To seek Cabinet approval to move forward with Phase 4 of the Rotherham Special Education Needs and Disability (SEND) programme of activity. Proposals are to: Create 10 additional SEND resource bases in mainstream education and providing a minimum of 100 additional SEND places across this phase of SEND sufficiency

### 3. Relevance to equality and diversity

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

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

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

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

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

|  |
|--|
|  |
|--|

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

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

#### 4. Considering the impact on equality and diversity

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

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

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

- How have you considered equality and diversity?**

Equality and diversity has been considered at all key stages of the SEND sufficiency programme (SEND sufficiency 1, 2 and 3) and will continue to be considered across phase 4

- Key findings**

In Rotherham 19.7% of pupils have a statutory plan of SEND (Education Health Care plan) or are receiving SEN support (previously school action and school action plus). This compares to an average of 17.4% across all English metropolitan boroughs. In order that the educational needs of children and young people in the borough with SEND can continue to be met, the council has a responsibility to create a sufficiency of education provision to meet the needs of all pupils. The send sufficiency phase 4 programme will further enhance and support the statutory duty placed on the Local Authority to meet the needs of children with SEND needs in schools / settings.

- Actions**

Wide ranging consultation has taken place across SEND Sufficiency phases 1,2 and 3 and this work has informed and also highlighted the requirements for SEND sufficiency phase 4 programmes work to further enhance opportunities for pupils.

|   |  |
|---|--|
| Date to scope and plan your Equality Analysis:                          | March-April 2023                                 |
| Date to complete your Equality Analysis:                                | May 2023   |
| Lead person for your Equality Analysis<br>(Include name and job title): | Mark Cummins<br>SEND Transformation Project Lead |

#### 5. Governance, ownership and approval

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

| Name           | Job title                                     | Date           |
|----------------|---|----------------|
| Nathan Heath   | Assistant Director<br>Inclusion and Education | April-May 2023 |
| Helen Sweatton | Joint Assistant Director                      | April-May 2023 |

|           |   |                  |
|-----------|---|------------------|
|           | Commissioning,<br>Performance and Quality |                  |
| Julie Day | Head of Service - SEND                    | April – May 2023 |

## 6. Publishing

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

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

A copy of **all** screenings should also be sent to [equality@rotherham.gov.uk](mailto: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.

|  |                    |
|--|--------------------|
| <b>Date screening completed</b>  | 05/05/2023         |
| <b>Report title and date</b>   | SEN Resource Bases |
| <b>If relates to a Cabinet, key delegated officer decision, Council, other committee or a significant operational decision – report date and date sent for publication</b> | 26/06/2023         |
| <b>Date screening sent to Performance, Intelligence and Improvement</b><br><a href="mailto:equality@rotherham.gov.uk">equality@rotherham.gov.uk</a>                        | 05/05/2023         |

## Appendix 2

### 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  |   |
|---|---|
| <b>Equality Analysis title: SEN Resource Bases</b>  |   |
| <b>Date of Equality Analysis (EA): 05/05/2023</b>   |   |
| <b>Directorate:</b><br>CYPS   | <b>Service area:</b><br>Education and Inclusion |
| <b>Lead Manager:</b><br>Mark Cummins  | <b>Contact number:</b><br>01709 807123          |
| <b>Is this a:</b><br><input checked="checked" type="checkbox"/> <b>Strategy / Policy</b> <input type="checkbox"/> <b>Service / Function</b> <input type="checkbox"/> <b>Other</b> |   |
| <b>If other, please specify</b><br><br>   |   |

## 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<br>(eg service user, managers, service specialist)                 |
|------------------------|------------------------------|---|
| Nathan Heath           | RMBC                         | Director Education and Inclusion  |
| Helen Sweaton          | RMBC                         | Joint Assistant Director<br>Commissioning, Performance<br>and Inclusion |
| Julie Day              | RMBC                         | Head of Service - SEND  |
| SEND Partnership Board | Multi-agency Strategic Board |   |

## 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.)

To seek Cabinet approval to move forward with Phase 4 of the Rotherham Special Education Needs and Disability (SEND) programme of activity: To create 10 additional SEND resource bases in mainstream education creating a minimum of 100 additional SEND places across this phase of SEND sufficiency.

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

As part of developing proposals for SEND sufficiency programmes phases 1,2 and 3 equalities impact assessments were completed in line with DfE requirements aligned to the free school presumption process for SEND phase 3 and in line with RMBC requirements for SEND sufficiency phases 1 and 2. The Equality impact assessments were appendix's to subsequent cabinet reports.

There has been wide reaching and ongoing consultation with stakeholders since the development of SEND sufficiency phase 1.

Parents/carers

Parents / Carers Forum

Community engagement

Schools

Pupil Referral Units

Elected Members

DfE

Ofsted

Staff

Equality information is collated as part of our statutory returns on our SEND cohort to the Department for Education and for internal monitoring as part of the EHCP process. This includes pupil level data such as name, DOB, address, SEND Primary need type, Ethnicity and Gender. Information will be updated through performance management arrangements with the schools approved to host a resource provision.



|  |   |
|--|---|
| <b>Are there any gaps in the information that you are aware of?</b><br><br>None identified   |   |
| <b>What monitoring arrangements have you made to monitor the impact of the policy or service on communities/groups according to their protected characteristics?</b><br><br>A multi – agency SEND Strategic Board retains oversight of proposals, implementation and impact. |   |
| <b>Engagement undertaken with customers. (date and group(s) consulted and key findings)</b>  | There has been ongoing engagement across SEND Sufficiency phases 1,2 and 3 which has continued to develop proposals for phase 4. This has included continuous sessions with stakeholders such as:<br>Sponsors / schools<br>Staff<br>Elected members<br>Local residents<br>Parent/carer forum<br>Parents/children who will be attending the schools / settings<br>Neighbouring schools across the authority<br>Wider community engagement<br>Transport<br>Ofsted<br>DfE<br>Schools Forum<br>Education Consultative Committee<br>Rotherham Education Strategic Partnership<br><br>The ongoing engagement has been used as part of the process to bring about the proposals for SEND Sufficiency phase 4 development |
| <b>Engagement undertaken with staff (date and group(s) consulted and key findings)</b>   | Staff in both the LA and schools/settings have been involved (as above) and where necessary / appropriate this has also included involvement from wider staffing including RMBC HR, legal, Finance, Asset Management, planning and RMBC Education and Inclusion   |

#### 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)

In Rotherham 19.7% of pupils have a statutory plan of SEND (Education Health Care plan) or are receiving SEN support (previously school action and school action plus). This compares to an average of 17.4% across all English metropolitan boroughs.

In order that the educational needs of children and young people in the borough with SEND can continue to be met, the council has a statutory responsibility to create a sufficiency of education provision to meet the needs of all pupils.

The work to create new education places across the previous SEND sufficiency programme phases 1,2 and 3 and proposals for phase 4 support the LA's statutory duty to meeting the needs of pupils impacted.

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

No – places created under the SEND sufficiency strategy are for pupils with identified SEND needs. The SEND sufficiency strategy aims to create additional local places to support pupil needs.

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

Yes – the SEND sufficiency programme creates more specialist provision meaning children who will attend are able to access specialist provision in borough in line with their needs.

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

As part of the ongoing SEND sufficiency strategy work, wider community consultation and parent/carer representation is sought when developing sufficiency plans. The SEND sufficiency strategy and phase 1, 2 and 3 programmes to create additional capacity have been received and supported positively as they create resources for children with specific needs within borough. The ongoing work has helped to identify the additional capacity required to further enhance this work in SEND sufficiency phase 4. There has been ongoing consultation with all stakeholders since the commencement of SEND Sufficiency phase 1 to ensure any concerns have been addressed in advance of development and implementation of the previous phases. This work will continue across SEND sufficiency phase 4.

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

|  |
|--|
| <b>Title of analysis: School's Accessibility Strategy</b>  |
| <b>Directorate and service area: CYPS. Commissioning, Performance and Quality</b>  |
| <b>Lead Manager: Mark Cummins</b>  |
| <b>Summary of findings:</b>  |
| SEND Sufficiency Phase 4 will create 10 additional SEND resource bases in mainstream education creating a minimum of 100 additional SEND places across this phase of SEND sufficiency. |

| Action/Target  | State Protected Characteristics as listed below | Target date (MM/YY) |
|--|---|---------------------|
| <p>The proposed profile of provision informed by current SEND needs and provision mapping would be to create the following:</p> <ul style="list-style-type: none"> <li>• 2 Primary phase Social Emotional Mental Health resource base provisions – 20 places in total</li> <li>• 2 Secondary phase Social Emotional Mental Health resource base provisions – 20 places in total</li> <li>• 2 Primary phase Communication and interaction resource base provisions - 20 places in total</li> <li>• 2 Secondary phase Communication and interaction resource base provisions - 20 places in total</li> </ul> | A, D, S, GR, RE,                                |                     |

|  |  |  |
|--|--|--|
| <ul style="list-style-type: none"> <li>• 2 Secondary Moderate Learning Difficulty resource base provisions -20 places in total</li> </ul> <p>Total minimum places – 100 places</p> |  |  |
|--|--|--|

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

## 6. Governance, ownership and approval

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

| Name                   | Job title   | Date     |
|------------------------|---|----------|
| Nathan Heath           | Assistant Director Education and Inclusion                      | May 2023 |
| Helen Sweaton          | Joint Assistant Director Commissioning, Performance and Quality | May 2023 |
| Cllr Victoria Cusworth | Cabinet Member for Children and Young People                    |          |

## 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](mailto: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.

|   |                                 |
|---|---------------------------------|
| <b>Date Equality Analysis completed</b> | April-May 2023                  |
| <b>Report title and date</b>            | SEND Sufficiency Phase 4 update |
| <b>Date report sent for publication</b> | June 2023                       |

|   |          |
|---|----------|
| <b>Date Equality Analysis sent to Performance,<br/>Intelligence and Improvement</b><br><a href="mailto:equality@rotherham.gov.uk">equality@rotherham.gov.uk</a> | May 2023 |
|---|----------|

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# Appendix 3 – SEN Resource Bases

| Will the decision/proposal impact...                          | Impact         | If an impact or potential impacts are identified   |   |   |  |
|---|----------------|--|---|---|--|
|   |                | Describe impacts or potential impacts on emissions from the Council and its contractors.   | Describe impact or potential impacts on emissions across Rotherham as a whole.  | Describe any measures to mitigate emission impacts  | Outline any monitoring of emission impacts that will be carried out  |
| <b>Emissions from non-domestic buildings?</b>                 | No change      | Emissions will remain at similar levels to current across the borough. The proposed new SEND resources will be a mixture of repurposed existing space in existing school buildings and small extensions to existing buildings.                           | Emissions overall will remain at similar levels as the pupils will remain in Rotherham.   | Adaptations to existing buildings / extensions to existing buildings to create the additional SEND capacity across the borough will be completed to current building code and overseen by asset management service. | Monitoring of transitions of pupils will be facilitated and monitored via EHCP process / SEND protocols. The local governing bodies will also hold oversight of the establishment and running of the new provisions. |
| <b>Emissions from transport?</b>                              | Impact unknown | There may be some variations to journey travel for children with SEND to enable them to attend the new provisions. Some journeys may increase, and others decrease. Transport journeys will be evaluated by RMBC Corporate Transport Unit and EHCP team. | Pupils travel to school in line with their EHCP / travel to school plan.<br><br>Any changes to school placement are determined via the EHCP process / placement in a SEND resource and transport implications considered at that point. | Mitigating measures are considered via the individual pupils travel to school plan and monitored by the Transport team.   | Transport to school arrangements is kept under review by the Corporate Transport Unit.<br><br>Ongoing monitoring / assessment by Transport Unit.   |
| <b>Emissions from waste, or the quantity of waste itself?</b> | No change      | There will be no change in the overall amount of waste generated by schools overall compared to present.   | Waste levels across the borough will remain at similar levels to present.   | Schools have a waste management process   | Impact will be monitored by the school governing body and LA.  |
| <b>Emissions from housing and domestic buildings?</b>         | N/A            | N/A  | N/A   | N/A   | N/A  |

|  |                |  |   |  |   |
|--|----------------|--|---|--|---|
| <b>Emissions from construction and/or development?</b>   | Impact unknown | The proposed new SEND resources will be a combination of refurbished existing school space and small school expansions and designed to existing building code. | There will be some short term impact during development phase. This will be overseen by Asset Management Service. | Work will be planned and overseen by Asset Management Service. | Asset Management Service and Governing Bodies will coordinate monitoring. |
| <b>Carbon capture (e.g. through trees)?</b>  | No change      | N/A  | N/A   | N/A  | N/A   |
| <b>Identify any emission impacts associated with this decision that have not been covered by the above fields:</b><br>None |                |  |   |  |   |

**Please provide a summary of all impacts and mitigation/monitoring measures:**

Transport implications of school transport arrangements is kept under review by Corporate Transport Unit.  
Emissions overall will remain at similar levels.

**Supporting information:**

|  |  |
|--|--|
| <b>Completed by:<br/>(Name, title, and service area/directorate).</b>  | Mark Cummins<br>SEND Transformation Project Lead |
| <b>Please outline any research, data, or information used to complete this [form].</b>   |  |
| <b>If quantities of emissions are relevant to and have been used in this form please identify which conversion factors have been used to quantify impacts.</b> |  |
| <b>Tracking [to be completed by Policy Support / Climate Champions]</b>  |  |



**Committee Name and Date of Committee Meeting**

Cabinet – 19 June 2023

**Report Title**

Schools Accessibility Strategy

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

Yes

**Strategic Director Approving Submission of the Report**

Nicola Curley, Strategic Director of Children & Young Peoples Service

**Report Author(s)**

Nathan Heath Assistant Director, Education & Inclusion

[Nathan.heath@rotherham.gov.uk](mailto:Nathan.heath@rotherham.gov.uk)

Helen Sweaton Assistant Director, Commissioning, Performance and Quality

[Helen.sweaton@rotherham.gov.uk](mailto:Helen.sweaton@rotherham.gov.uk)

Neil Hardwick Head of Finance CYPS

[Neil.hardwick@rotherham.gov.uk](mailto:Neil.hardwick@rotherham.gov.uk)

**Ward(s) Affected**

Borough-Wide

**Report Summary**

All schools have a statutory duty to provide 'reasonable adjustments' for their pupils to make sure disabled students are not discriminated against. There are three main categories of adjustment that schools are expected to make for children: Improving access to the curriculum, improving physical access to buildings including providing specialist equipment and improving access to information.

The updated Rotherham School's Accessibility Strategy identifies all schools' statutory responsibilities to support their pupils and the support available to schools from the Council in relation to their own Accessibility planning.

**Recommendations**

That Cabinet:

1. Approve the School Accessibility Strategy.

2. Approve the Capital Accessibility Funding Framework and schools' accessibility application process.
3. To provide a future report to Cabinet to approve the outcome of the application for the capital funding.

**List of Appendices Included**

- Appendix 1 School Accessibility Policy
- Appendix 2 School Accessibility funding framework
- Appendix 3 School Accessibility application process, guidance, timeline, and shortlisting model
- Appendix 4a Part A - Initial Equality screening Assessment form
- Appendix 4b Part B - Equality Analysis Form final
- Appendix 5 Carbon impact FINAL Template

**Background Papers**

- [\(Public Pack\)Agenda Document for Cabinet, 25/04/2022 10:00 \(rotherham.gov.uk\)](#) – Safety Valve Agreement.
- [REPORT TEMPLATE FOR CABINET & COMMISSIONER \(rotherham.gov.uk\)](#) – SEND Sufficiency Phase 4

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

None

**Council Approval Required**

No

**Exempt from the Press and Public**

No

## Schools Accessibility Strategy

### 1. Background

- 1.1 As part of the Rotherham Safety Valve Agreement between the Department of Education (DfE) and Rotherham Metropolitan Borough Council there is a commitment to deliver improved Special Education Needs and Disability (SEND) education provision across Rotherham. This includes supporting both mainstream and special schools to improve their site accessibility to enhance outcomes for their pupils.
- 1.2 To support the delivery of improved school accessibility, Rotherham School Accessibility Policy, a statutory requirement, has been updated along with a clear funding and application process for schools to seek to apply for capital investment to enhance their school site to be able to support a wider level of SEND need in their schools.
- 1.3 The clear strategic intent of Schools Accessibility Funding is to support schools to meet a wider level of SEND need in their setting through adaptations to existing buildings. This supports the Council SEND sufficiency strategy which is focused on meeting children and young people's SEND needs within the borough. Included within the Safety Valve Agreement capital application is a Capital Accessibility Funding envelope inclusive of both mainstream and special schools. An allocation of £375k for the next 4 years for both mainstream and special schools was approved by Council in October 2022 as part of SEND Sufficiency phase 4.
- 1.4 To support the development of Accessibility Funding agreed by Cabinet the Council School Accessibility Strategy has been updated with input from across Rotherham SEND partnership including Specialist Inclusion Services, Education services/partners and wider stakeholders such as Health Colleagues, SENDIASS, Guiding Voices and Rotherham Parent Carer Forum.
- 1.5 The School Accessibility Strategy identifies the support available to schools from the Council whilst also identifying schools statutory responsibilities in relation to their own Accessibility planning.
- 1.6 The Strategy identifies support for SEND pupils three core areas:
  - To increase the extent to which SEND and/or disabled pupils can participate in the curriculum
  - To improve the physical environment of schools to increase the extent to which disabled pupils can take advantage of education
  - To improve the delivery of information to disabled pupils and their parents/carers through the Rotherham Local Offer
- 1.7 Included within the School Accessibility Strategy is a clear action plan which details outcomes against each core area identified above. This will be tracked and reported over time to measure progress in order that all Rotherham Schools follow best practice against providing the most accessible school sites for all pupils.

- 1.8 To support core areas of the School Accessibility Strategy, a funding framework has also been developed to support the delivery of the Strategy and to meet outcomes detailed within the original Safety Valve application approved by Cabinet in April 2022.
- 1.9 The Accessibility Funding framework (appendix 2) proposes three distinct areas. These are:
- Targeted work across mainstream and special schools linked to accessibility requirements for individual pupils and cohorts which will support more pupils' needs being met in these schools
  - Requests and contributions for individual pupils linked to established equipment panel
  - A small capital grant programme for schools open through application and assessment in line with schools own accessibility planning

## **2. Key Issues**

- 2.1 School's Accessibility Funding rolled forward from 2022/23 academic year will be available within the 2023/24 academic, consequently there is an additional allocation for both mainstream and special schools in 23/24 which support increased delivery of this programme of activity.
- 2.2 In order to inform the targeted schools accessibility work across special schools, capacity assessment work has been completed by external consultant Shared Agenda. This has identified capacity gaps across the SEND estate which could be mitigated through Accessibility Funding. Where sufficient capacity does not exist it is proposed Accessibility Funding will contribute to the development of off-site provision for specific pupil cohorts who are struggling to access the existing curriculum offer within our special schools.
- 2.3 New requests and contributions associated with individual pupils will be facilitated through the established Equipment Panel. Where new requests and contributions fall outside of the remit of Equipment Panel these will be escalated for consideration for targeted accessibility funding. Targeted work with the Council Education Health Care Planning Team is planned to identify pupils who require adaptations to school buildings in order for their needs to be met in mainstream. Scoping will include key transition points and ensuring a spread of accessible provision across the Borough.
- 2.4 In addition to this a small Capital Grants Programme proposes to fund projects across mainstream sites in an initial funding round with grants being capped at £50,000. Contributions will be sought from schools through the application process to maximise value for money. Depending on applications received and interest further funding rounds could be rolled out from September 2023.
- 2.5 To support implementation there is a clear application process, guidance, timeline and shortlisting model (Appendix 3). This is supported by performance measures which will track impact over time against successful applications.

- 2.6 To ensure capacity within Asset Management the grant funding process will include a mixed model of procurement including direct award of grants to schools to complete any capital works following officer delegated decision.
- 2.7 The School Accessibility Strategy and associated Accessibility Funding Strategy will be monitored by a dedicated sub-group feeding into the established CYPs SEND Sufficiency Board. The sub-group will be responsible for monitoring the action plan within the over-arching strategy and implementing the funding strategy. All cross Council stakeholders are represented at this board. Improving Lives Select Commission will continue to receive regular updates on SEND Sufficiency and SEND improvement.

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

- 3.1 All 'Safety Valve' monitoring arrangements sit within the defined DfE process and can become more regular if the Safety Valve Agreement outcomes are not met. Rotherham's does not have an accessibility funding framework associated with the implementation of its current Accessibility Strategy.
- 3.2 Approving the implementation of the Accessibility Strategy and the proposed delivery of the Capital Accessibility Funding previously agreed by cabinet will support the delivery of Safety Valve Agreement and will support Rotherham schools to meet a wider level of SEND need through adaptations to existing buildings. This supports our SEND sufficiency strategy and SEND Improvement plan which is held within the Rotherham Written Statement of Action. The strongest possible outcomes for Rotherham children and young people remain the key focus of these plans.

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

- 4.1 Market engagement has been undertaken to establish interest in a grants programme linked to improving access to the school curriculum for SEND pupils in both mainstream and special schools. This has established strong levels of interest, particularly around developing vocational curriculum models to support Social Emotional Mental Health SEND cohorts within Secondary mainstream schools.
- 4.2 A presentation has also taken place at SENCO network event, this has encouraged schools to update their Accessibility Plans to support with identifying existing Accessibility gaps and trends ahead of future funding rollout.

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

- 5.1
- Application form and process map for schools to apply for funding to be circulated to schools in June 2023.
  - Applications considered and due diligence to take place in mid July 2023.
  - Funding Award notifications to be provided to schools in late July onwards.

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

- 6.1 The creation of Accessibility capital funding streams as outlined in the report forms part of Rotherham's DSG Management Plan and Safety Valve Agreement, to enable Rotherham to operate within its annual DSG funding allocations by the end of 2025/26.
- 6.2 The annual average revenue cost of a EHC plan in a mainstream setting is £8k compared to being placed in a Special School which averages £22k or an ISP which averages at £65k. As can be seen from these costs it is financially beneficial to make schools more accessible for pupils to attend.
- 6.3 The creation of mainstream and special school Accessibility Capital schemes is part of the DSG Management Plan and capital funding has been provided by the DfE linked to Rotherham's Safety Valve capital allocation and High Needs capital annual allocation. The capital funding earmarked is £3m over the duration of the Safety Valve Agreement, with £1.5m for mainstream and £1.5 for special schools.
- 6.4 The use of the external consultant Shared Agenda (referred to at 2.2) has been procured via a Framework Agreement, in compliance with the Council's Financial and Procurement Procedure Rules.
- 6.5 In response to delivering the future works, where the Council is to directly procure contractors, this must be undertaken in compliance with the Public Contracts Regulations 2015 (as amended) and the Council's own Financial and Procurement Procedure Rules. If we are providing the school with grant agreements for them to procure the works, there will be no procurement implications for the Council.

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

- 7.1 Section 14 of the Education Act 1996 places a general duty upon a local authority to secure sufficient schools to provide primary and secondary education in their area and they should have particular regard to securing special education provision.
- 7.2 Following the enactment of The Children and Families Act 2014, the Local Authority retains responsibility for commissioning services for children and young people with SEN or a disability. The Local Authority is required to keep the provision for children and young people with SEN or disabilities under review, including its sufficiency (Section 315 of the Education Act 1996), and to promote wellbeing and improve quality, working in conjunction with parents, young people and providers. This Act and its associated guidance is clear that, when considering any re-organisation of provision, decision makers must be clear how they are satisfied that the proposed alternative arrangements will lead to improvements in the standard, quality and/or range of educational provision for children with SEN or a disability.
- 7.3 In order to minimise the risk of legal challenge, the Local Authority should ensure that it is fully compliant with all relevant legislation in this area and that it

continues to satisfy its statutory duties through its decision making. Furthermore, the Council should also ensure that it continues make decisions that satisfy the terms of the Safety Vale Agreement.

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

- 8.1 There is no direct HR implication within this report.

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

- 9.1 The School Accessibility Strategy and associated funding will have a direct impact on the SEND strategy and provision development to meet SEND needs across education settings within the Borough.
- 9.2 Key considerations are referenced within the report.

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

- 10.1 Key considerations are referenced within the report. An equalities impact assessment has been completed and is an appendix to this report.

## **11. Implications for CO2 Emissions and Climate Change**

- 11.1 All areas of SEND Sufficiency, student place planning and educational placements have a direct environmental impact, consideration of this element is informed in provision development and provision enhancement in the Borough due to the direct impact this will have to limiting students travelling outside the Borough. This would support reduced emissions of CO<sub>2</sub>.
- 11.2 Wider consideration of indirect implications or unintended consequence of work in this area has on CO<sub>2</sub> Emissions and Climate Change is considered across all partners as the Council are committed to long term targets to mitigate these areas of concern in the Borough. An environmental impact assessment has been completed and is an appendix to this report.

## **12. Implications for Partners**

- 12.1 The Dedicated Schools Grant is subject to oversight of Schools Forum and the wider education system in the Borough, all updates across the 'Safety Valve' progress have been provided to Schools Forum, the High Needs Sub-Group which is part of Schools Forum receives regular and detailed updates in relation to the Safety Valve Agreement.
- 12.2 Ongoing updates are provided to key stakeholders including Parent/carers forum, health leaders, school leaders, Schools Forum, and other associated stakeholders. The SEND Executive and SEND Partnership board involve all Key Stakeholders and SEND is a Place Priority for Rotherham.

**13. Risks and Mitigation**

- 13.1 The key risk is the growth of SEND cohorts within the Borough grow outside the trajectories. This would be exaggerated by ineffective use of capital investment from DfE to support Rotherham to deliver its sufficiency planning.

**14. Accountable Officers**

Nathan Heath – Assistant Director, Education & Inclusion

Neil Hardwick – Head of Finance CYPS

Approvals obtained on behalf of Statutory Officers: -

|  | <b>Named Officer</b> | <b>Date</b> |
|--|----------------------|-------------|
| Chief Executive  | Sharon Kemp          | 05/06/23    |
| Strategic Director of Finance & Customer Services<br>(S.151 Officer) | Judith Badger        | 01/06/23    |
| Assistant Director, Legal Services<br>(Monitoring Officer)           | Phil Horsfield       | 30/05/23    |

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



## School Accessibility Strategy 2023 - draft

### Our Inclusion Vision

#### Our Inclusion Vision is:

Our vision for our children and young people with SEN and disabilities (SEND) is the same as for all our children and young people; that they be safe, happy, healthy, confident, and successful, contributing to a thriving, inclusive community that is welcoming to all.

Children and young people (aged up to 25) with special educational needs and disabilities can have significantly greater difficulties or barriers to learning than the majority of others of the same age. If we are to achieve our vision, we need to work together to personalise our approaches to improve their experiences and outcomes. We aim to:

- **Lift aspirations and build on existing strengths**
- **Increase Personalisation – such that provision and support is designed and delivered in collaboration with children, young people and their families so that it is person centred, responsive and better matched to need**
- **Focus on and improve outcomes that are important to, and for, our children, young people, families and communities**
- **Enhance Partnerships – so that we can jointly commission to collectively achieve and sustain our vision**

The Children and Families Act (2014) came into force in September 2014. The Act placed new duties on Rotherham Council, the Integrated Care Board and providers of education, health, or care services to work together to ensure coordinated support for children and young people with SEND and their families. Rotherham education, health and care services aim to create an integrated system from birth to 25 where children and young people with special needs and their parents or carers are fully involved in decisions about their support and aspirations.

**We aim to ensure that all children and young people with SEND have a full range of support and opportunities available to them and are provided with opportunities to maximise their life chances, goals and aspirations.**

Our strategy intends to achieve this vision by improving access to education and educational achievement for these children and young people, and empowering them in their families, schools and communities

This vision is articulated in our aspirations for Children and Young People's Services. These are:

- Children get the best start in life
- Children and young people safe from harm
- Children and Young people feel empowered to succeed and achieve their aspirations
- Children and young people have fun things to do and safe places to go

This will mean our children, young people and families are proud to live and work in Rotherham

We believe that parents, carers, schools, the local authority, and partners should work together to ensure work together to ensure children and young people achieve aspirational outcomes.

We believe that we must all work towards removing any barriers that may exist to learning and participation that can hinder or exclude children and young people with SEND.

Our three key aims will turn our vision and aspirations into reality, these aims are:

- **To increase the extent to which SEND can participate in the curriculum**
- **To improve the physical environment of schools to increase the extent to which disabled pupils can take advantage of education**
- **To improve the delivery of information to SEND their parents/carers through the Rotherham Local Offer**

We will realise our vision, aspirations and aims by effective partnership working resulting in better outcomes for Rotherham children and young people with SEND to bring together the best outcomes for children and young people in Rotherham.

By working in partnership, we will have a better understanding of the needs of children and young people with SEND and the provision and services required to meet any additional needs.

### **The Four Cornerstones**

The Four Cornerstones are a set of principles arising from the voices of Rotherham children and young people with SEND, their families and practitioners. Recognised as national best practice in co-production, the Rotherham Cornerstones are at the heart of this accessibility strategy, promoting stronger relationships and building trust, in doing so helping Rotherham organisations across Education, Health and Care embed a borough-wide culture of inclusion.

The Four Cornerstones:

**welcome and care**

**value and include**

**communicate**

**work in partnership**

## Guiding Voices

In their own words:

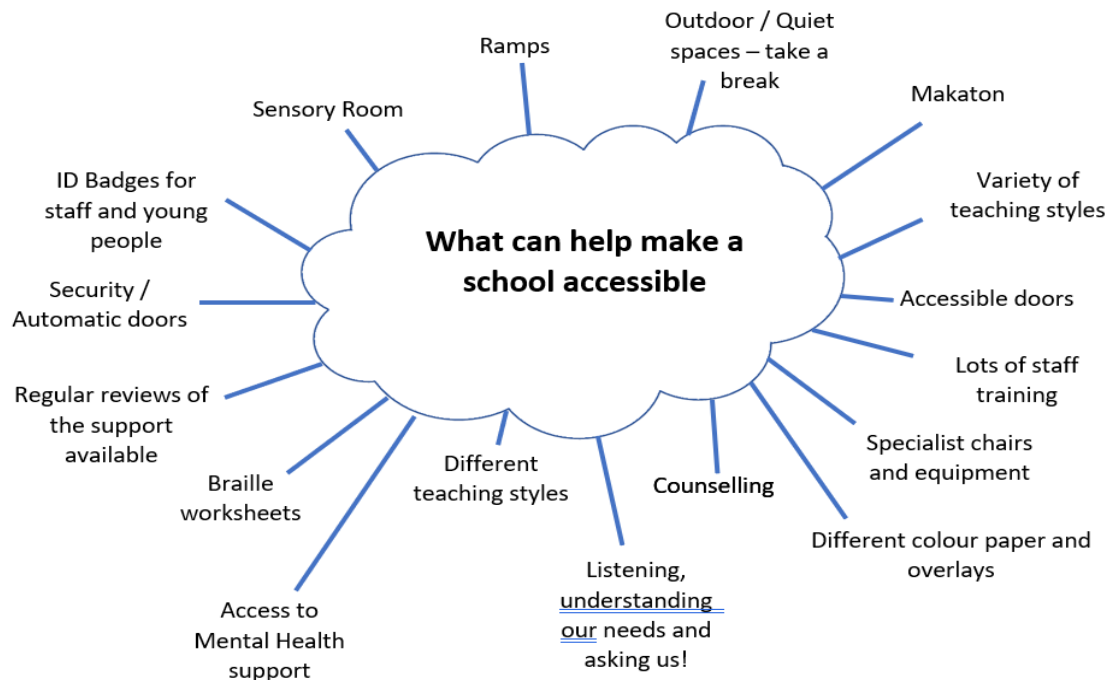
“Guiding Voices are a group of young people with SEND aged 10 and above who get together to share their voices once a week. We have done some events and have a calm atmosphere for people to come along and share their voices with us.

Sometimes it is hard to explain what it is like for you, and it is important to have the chance to show what it's like inside your head, so people can understand”.

Guiding Voices is a partnership between young people with SEND, families, and practitioners that delivers coproduction to enable young people's voices to be heard, represented, and have meaningful influence within their local area.

Guiding Voices provided detail on when something is accessible how it makes the young person feel and what can make can help to make a school feel accessible. Please refer to tables below:





## National Background

Improving access to education and educational achievement for pupils with SEND is essential to ensure equality of opportunity, full participation in society, access to employment opportunities and inclusion within mainstream education.

The Equalities Act 2010 requires schools and LAs who have a planning duty, to prepare and publish access plans and accessibility strategies in order to increase over time the accessibility of buildings, and access to education and information for disabled pupils.

All schools have duties under the Equality Act 2010 towards individual children and young people. They must make reasonable adjustments, including the provision of auxiliary aids and services for disabled children, to prevent them being put at a substantial disadvantage. These duties are anticipatory – they require thought to be given in advance to what disabled children and young people might require and what adjustments might need to be made to prevent that disadvantage. Schools also have wider duties to prevent discrimination, to promote equality of opportunity and to foster good relations

Schools must have in place accessibility plans which are aimed at:

- **Increasing the extent to which disabled pupils can participate in the curriculum**
- **Improving the physical environment of schools to enable disabled pupils to take better advantage of education, benefits, facilities and services provided**
- **Improving the availability of accessible information to disabled pupils**

There is no requirement on an LA to have an accessibility strategy for early years settings (other than in relation to schools maintained by them), and no requirement on early years settings (other than those constituted as schools) to have a published plan to increase access for young disabled children.

However, the Equality Act 2010 introduced a Public Sector Equality Duty (PSED) that applies to all public bodies including early years settings. Public bodies are required to:

- **Eliminate discrimination and other conduct that is prohibited by the Act**
- **Advance equality of opportunity between people who share a protected characteristic and people who do not share it**
- **Foster good relations across all characteristics - between people who share a protected characteristic and people who do not share it**

Maintained nursery schools and other providers who are funded by the local authority to deliver early education places must also have regard to the Special Educational Needs and Disability (SEND) Code of Practice. The Code outlines the statutory duties and responsibilities to children in their care who have or may have SEND

### **The General Duty**

This duty requires schools, when carrying out their functions, to have due regard to the need to:

- Eliminate discrimination that is unlawful under the Equality Act 2010
- Eliminate harassment of disabled pupils that is related to their disability
- Promote equality of opportunity between disabled people and other people
- Promote positive attitudes towards disabled people
- Encourage participation by disabled people in public life
- Take steps to take account of disabled people's disabilities even where that involves treating disabled people more favourably than other people

The General Duty applies across schools' duties, and applies to disabled pupils, staff, and parents/carers, along with other users of the school.

### **The Specific Duty**

In addition to the General Duty, there is a Specific Duty for schools to demonstrate how they are meeting the General Duty. The main requirement is for schools to prepare and publish an accessibility plan and to implement the actions within the plan and report on it. In effect, the General Duty sets out what schools do, with the Specific Duty setting out how schools must do it and what they need to record as evidence of what they have done.

## **Reasonable Adjustment Duty**

The Equality Act requires schools and LAs to make reasonable adjustments to ensure that disabled pupils are not at a substantial disadvantage. Reasonable adjustments meet the statutory requirements when they act to prevent disabled pupils being placed at a substantial disadvantage, and when they enable pupils to participate in education and associated services.

When deciding if a reasonable adjustment is necessary, each case needs to be decided on its own merit. Schools need to consider potential impact on disabled pupils in terms of time and effort, inconvenience, indignity and discomfort, loss of opportunity and diminished progress.

## **Supporting pupils at school with medical conditions**

### **DfE December 2015**

This statutory guidance applies to governing bodies in the case of maintained schools, proprietors in the case of academies and management committees in the case of pupil referral units (PRUs). Early years settings should continue to apply the Statutory Framework for the Early Years Foundation Stage.

Key points:

- Pupils at school with medical conditions should be properly supported so that they have full access to education, including school trips and physical education
- Governing bodies must ensure that arrangements are in place in schools to support pupils at school with medical conditions
  - Governing bodies should ensure that school leaders consult health and social care professionals, pupils and parents to ensure that the needs of children with medical conditions are properly understood and effectively supported

Parents/carers of children with medical conditions are often concerned that their child's health will deteriorate when they attend school. This is because pupils with long-term and complex medical conditions may require ongoing support, medicines, or care while at school to help them manage their condition and keep them well.

Where pupils are unable to attend school for a short period of time due to a medical condition then, through advice from medical professionals, support may be accessed from the medical home tuition service.

Others may require monitoring and interventions in emergency circumstances. It is also the case that children's health needs may change over time, in ways that cannot always be predicted, sometimes resulting in extended absences. It is therefore important that parents feel confident that schools will provide effective support for their child's medical condition and that pupils feel safe.

In making decisions about the support, they provide; schools should establish relationships with relevant local health services to help them. It is crucial that schools receive and fully consider advice from healthcare professionals and listen to and value the views of parents and pupils.

There are social and emotional implications associated with medical conditions. Children may be self-conscious about their condition, and some may be bullied or develop emotional disorders such as anxiety or depression around their medical condition. In particular, long-term absences due to health problems affect children's educational attainment, impact on their ability to integrate with their peers and affect their general wellbeing and emotional health.

Reintegration back into school should be properly supported so that children with medical conditions fully engage with learning and do not fall behind when they are unable to attend. Short-term and frequent absences, including those for appointments connected with a pupil's medical condition (which can often be lengthy), also need to be effectively managed and appropriate support put in place to limit the impact on the child's educational attainment and emotional and general wellbeing.

Some children with medical conditions may be considered to be disabled under the definition set out in the Equality Act 2010. Where this is the case governing bodies must comply with their duties under that Act. Some may also have special educational needs (SEN) and may have an Education, Health, and Care (EHC) plan which brings together health and social care needs, as well as their special educational provision.

The Special Educational Needs and Disability code of practice explains the duties of local authorities, health bodies, schools and colleges to provide for those with special educational needs under part 3 of the Children and Families Act 2014. For pupils who have medical conditions that require EHC plans, compliance with the SEND code of practice will ensure compliance with this guidance with respect to those children.

Individual healthcare plans (and their review) may be initiated, in consultation with the parent, by a member of school staff or a healthcare professional involved in providing care to the child. Plans should be drawn up in partnership between the school, parents, and a relevant healthcare professional, e.g. school nurse, specialist or children's community nurse or paediatrician, who can best advise on the particular needs of the child.

Pupils should also be involved whenever appropriate. The aim should be to capture the steps which a school should take to help the child manage their condition and overcome any potential barriers to getting the most from their education and how they might work with other statutory services. Partners should agree who will take the lead in writing the plan, but responsibility for ensuring it is finalised and implemented rests with the school.

[Supporting pupils with medical conditions at school - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/supporting-pupils-with-medical-conditions-at-school)



## **The Early Years Specialist Inclusion Teacher support**

Specialist Teacher support and advice is offered to children who are regarded to have the most significant needs within the Local Authority. The children accessing this support are usually those who have had input from the Portage Service or those who would have been eligible for this service if they were not already accessing a setting. The Child Development Centre (CDC) may also request the involvement of an EY Specialist Teacher as a clinic outcome, where the therapist feels that the complexity of need requires highly personalised support over a period of time. This would be requested through consultation with family and the Specialist Inclusion Team.

Portage service can be found here: [Portage Service – Rotherham Educational Psychology Services](#)

It is likely that most children accessing input from a Specialist Teacher will have had or be going through assessment at the Child Development Centre (CDC). There are occasions where other agencies or schools may request support directly based on individual needs within a moment in time.

Specialist Teacher Support can be offered at any time/age up until the end of F1, i.e., before, during or at the start of, and where Portage is not already involved. Specialist Teacher Support is available to children whether they attend F1 in School or a Private, Voluntary, Independent (PVI) setting. This is not a referral-based offer.

Children accessing 'EY Specialist Teacher Support' from the Specialist Inclusion Team may, where appropriate, do so up until the end of the Summer Term of their F1 Year. However, it is hoped that through a robust graduated response, that over time the highly personalised support has a positive impact on the child's progress within their learning and development.

The EY Specialist Teacher will be monitoring to see if:

- The child continues to make sustained personal progress
- Staff are consistently implementing appropriate strategies flexibly to meet individual needs
- There is evidence of a clear assess-plan-do-review cycle in place (as per the Code of Practice)

If the above is evident, it would be appropriate for the child's needs to be best met through their school's/setting's universal (or targeted) offer, as part of their graduated response. If this were the case (based on individual circumstances), the EY Specialist Teacher would consult with both family and school/setting as part of the decision-making process. The EY Specialist Teacher would ensure that staff in school/setting have access to the latest SI Team recommendations to support them in independently planning for the child's next steps.



## **The Early Years Specialist Teacher Role within the Child Development Centre (CDC)**

The Early Years Specialist Teacher works as part of the CDC multi-disciplinary team in delivering a holistic assessment. This includes attending a proportion of new patient clinics, contributing to the child's CDC assessment process, working closely with the CDC therapists and consultants, and liaising with agencies where appropriate. In addition, the Early Years Specialist Teacher provides a strong, consistent link between health and education, supporting practice and providing bespoke advice to support learning and development needs.

The Early Years Specialist Teachers, have access to children's CDC records to ensure information is shared and children are supported appropriately, which ultimately contributes to the assessment process, ensuring that the best outcomes for children are identified and delivered.

The aims of the Child Development Centre are (as described by NHS):

*"We provide a 'one stop shop' for children under 5 who are having difficulties in more than one area of their development. We work closely with families to:*

- *Assess how children are doing in different areas of development*
- *Try to find the underlying cause of any difficulties that a child is having*
- *Provide support and therapy (if needed) to help children make progress*
- *Make sure families are supported and know about other services that may be helpful"*

## **Support from Early Years and Childcare**

Support from the Early Years and Childcare Service is provided to all Private, Voluntary and Independent Early Years providers (PVI sector) throughout Rotherham who are Ofsted registered. These provisions include:

- Early Years Settings (Group Providers)
- Out of School Clubs
- Childminders
- Children Centre Day Care

Support is in place to support and empower PVI settings to provide equal access to children with identified special educational needs and disability (SEND). This ensures that PVI providers are ready to take children with SEND before they start at the provision.

## **Early Years Inclusion Grant**

The Early Years' Service manage and provide the Early Years Inclusion Grant (as detailed on the Local Offer) to support Ofsted registered PVI settings and Foundation Stage One (FS1) in schools to enhance their staffing levels above ratio as identified with the Early Years Foundation Stage Curriculum (EYFS) to meet the needs of children with identified SEND.

This grant is provided from the Early Years' Service in line with the Special Educational Needs and Disability code of practice 0-25 years, 2015, where Chapter 5 section 5.59 (which covers private and voluntary early years providers) identifies that local authorities should make sure funding reflects the need to support children with identified SEND and provide suitable support to do this.

This grant supports providers to allow children from 0-18 years old with SEND to access childcare and early education funded places and out of school childcare. It also allows families to be able to continue to work in employment where needed. In line with the Children's and Families Act 2014 (part 3) which encompasses the SEND code of practice, it supports families of children with SEND to continue to improve outcomes for children and also requires settings supporting children accessing them to have high expectations and aspirations.

### **Disability Access Fund**

Three and four year old children who are in receipt of Disability Living Allowance (DLA) and are receiving their free 3 & 4 year early education place are eligible for the Disability Access Fund (DAF). DAF is paid as a fixed annual rate of £828 (as 2023/24) per eligible child (one grant per year) and can be used to provide specialist training or resources to benefit an individual child or all children attending the setting.

### **Training and professional development**

The Early Years' Service provides training opportunities which are accessible to all PVI providers to promote a pre-emptive approach to meeting the needs of children with SEND, ensuring equal access for all children.

### **Examples of training provided by Early Years and Childcare:**

#### **Group training:**

- SENCo training (to support designated role)
- Positive behaviour training
- Access to safeguarding disabled children
- Picture Exchange Communication System (PECS) awareness
- Autism awareness training
- Makaton training

#### **Individual training relating to individual children:**

- Care Plan implementation
- Individual medical training
- Moving and Handling training

### **Professional Development opportunities**

- Coordination of good practice visits to other provisions, e.g., special schools and good practice example provisions
- SENCo networking meetings, which are available termly
- Access to Safeguarding forum meetings

All PVI providers who are Ofsted registered are legally bound to adhere to the Early Years Foundation Stage which embeds equality of opportunity and the unique child approach to ensure that PVI provisions are accessible to all and that where possible providers will make reasonable adjustments to enable a child to access provision.

### **Duties placed on schools**

The Equality Act 2010 requires schools to develop and publish an Accessibility Plan that outlines how they will improve the access to education for disabled pupils over time. Further information can be found in Appendix Two.

There are a number of resources available on the Rotherham Local Offer Website to support schools in making reasonable adjustments:

### **Social, Emotional and Mental Health needs**

- [www.mymindmatters.org](http://www.mymindmatters.org)
- Public Health England The link between pupil health and wellbeing and attainment.
- [www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/370686/HT\\_briefing\\_layoutvFINALvii.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/370686/HT_briefing_layoutvFINALvii.pdf)
- **DfE 'Promoting and supporting mental health and wellbeing in schools and colleges':** [www.gov.uk/government/publications/mental-health-and-behaviour-in-schools--2](http://www.gov.uk/government/publications/mental-health-and-behaviour-in-schools--2)
- **DfE Counselling in schools:** [www.gov.uk/government/publications/counselling-in-schools](http://www.gov.uk/government/publications/counselling-in-schools)
- **DfE Behaviour in schools:** [www.gov.uk/government/publications/behaviour-in-schools--2](http://www.gov.uk/government/publications/behaviour-in-schools--2)

### **Physical needs**

- **Equality Act 2010 guidance** - [www.gov.uk/guidance/equality-act-2010-guidance](http://www.gov.uk/guidance/equality-act-2010-guidance). Guidance Council for Disabled Children Provide a range of support, information, advice and contacts.
- **Council for Disabled Children** [www.councilfordisabledchildren.org.uk](http://www.councilfordisabledchildren.org.uk)
- **Contact a Family** Offers information, advice and support for families caring for disabled children. [www.cafamily.org.uk](http://www.cafamily.org.uk)
- **Alliance for Inclusive Education (ALLFIE)** ALLFIE Are a national campaigning and information-sharing network led by disabled people. They

campaign for all disabled learners to have the right to access and be supported in mainstream education. [www.allfie.org.uk](http://www.allfie.org.uk)

- **Association for Spina Bifida and Hydrocephalus** [www.shinecharity.org.uk](http://www.shinecharity.org.uk)
- **Brittle Bone Society** [www.brittlebone.org](http://www.brittlebone.org)
- **Child Brain Injury Trust** [www.childbraininjurytrust.org.uk](http://www.childbraininjurytrust.org.uk)
- **Cystic Fibrosis Trust** [www.cysticfibrosis.org.uk](http://www.cysticfibrosis.org.uk)
- **Down's Syndrome Association** [www.downs-syndrome.org.uk](http://www.downs-syndrome.org.uk)
- **Dyspraxia Foundation** [www.dyspraxiafoundation.org.uk](http://www.dyspraxiafoundation.org.uk)
- **Headway: The Brain Injuries Association** [www.headway.org.uk](http://www.headway.org.uk)
- **Muscular Dystrophy UK** [www.musculardystrophyuk.org.uk](http://www.musculardystrophyuk.org.uk)
- **The Restricted Growth Association** [www.rgauk.org](http://www.rgauk.org)
- **SCOPE - Disability advice** [www.scope.org.uk](http://www.scope.org.uk)
- **SIBS for brothers and sisters of disabled children & adults** [www.sibs.org.uk](http://www.sibs.org.uk)

### Visual Impairment needs

- **Royal National Institute for the Blind** [www.rnib.org.uk](http://www.rnib.org.uk)
- **Action for Blind People** Provides information and advice, as well as offering a roaming club for children of all abilities to take part in. [www.actionforblindpeople.org.uk](http://www.actionforblindpeople.org.uk)

### Learning needs

- **Inclusion Development Plans** A suite of materials aimed to support teachers, teaching assistants and trainee teachers to increase their knowledge and skills in working with children and young people with a range of special educational needs. [www.idponline.org.uk/](http://www.idponline.org.uk/)
- **Down's Syndrome Association** [www.downs-syndrome.org.uk](http://www.downs-syndrome.org.uk)
- **The Dyslexia-SpLD-Trust or The Trust**, is a collaboration of voluntary and community organisations with funding from the Department for Education to provide reliable information to parents, teachers, schools and the wider sector. It acts as the important communication channel between government, leading dyslexia organisations, parents, schools, colleges, teachers and the sector. [www.thedyslexia-spldtrust.org.uk](http://www.thedyslexia-spldtrust.org.uk)

### Speech, Language and Communication needs

- **I CAN** is the children's communication charity. We are experts in helping children develop the speech, language and communication skills they need to thrive in a 21st Century world. [www.ican.org.uk](http://www.ican.org.uk)
- **The Communication Trust** Is a coalition of over 50 not-for-profit organisations. Working together it supports everyone who works with children and young people in England to support their speech, language and communication. [www.thecommunicationtrust.org.uk](http://www.thecommunicationtrust.org.uk)

### Autism and Social Communication needs

- The National Autistic Society [www.autism.org.uk](http://www.autism.org.uk) Autism Education Trust. [www.autismeducationtrust.org.uk](http://www.autismeducationtrust.org.uk)

- Autism Education Trust [www.autismeducationtrust.org](http://www.autismeducationtrust.org)

### Hearing Impairment needs

- **The National Deaf Children's Society** provides advice and support, as well as facilitating peer support. [www.ndcs.org.uk](http://www.ndcs.org.uk)

### Medical needs

Supporting pupils with medical conditions in school

- [www.gov.uk/government/publications/supporting-pupils-at-school-with-medical-conditions--3](http://www.gov.uk/government/publications/supporting-pupils-at-school-with-medical-conditions--3)

### Key documents

#### Children and Families Act 2014

[www.legislation.gov.uk/ukpga/2014/6/contents/enacted](http://www.legislation.gov.uk/ukpga/2014/6/contents/enacted)

#### Equality Act 2010

[www.gov.uk/equality-act-2010-guidance](http://www.gov.uk/equality-act-2010-guidance)

Special educational needs and disability: a guide for parents and carers:

[www.gov.uk/government/publications/send-guide-for-parents-and-carers](http://www.gov.uk/government/publications/send-guide-for-parents-and-carers)

**SEND Code of Practice: 0 to 25 years:** [www.gov.uk/government/publications/send-code-of-practice-0-to-25](http://www.gov.uk/government/publications/send-code-of-practice-0-to-25)

### The Rotherham context

In Rotherham we believe that every child should have the opportunity to reach their full potential and that children are best supported to grow and achieve within their own families. Taking into account significant changes in national policy, there is now a focus on collaborative working between schools and partner agencies such as health and social care through such developments as the Children and Families Act 2014 and Special Educational Needs and Disability (SEND) Code of Practice 2015.

Identifying and removing barriers to access and participation must take into account extended services, new ways of working and new approaches to curriculum delivery in and around partnerships of schools, both mainstream and special. Early identification and response to issues arising is paramount, and it is the function of this document to provide an overview of the provision that will ensure that this inclusive strategy is championed throughout our services for children and young people.

## Census Statistics

In Rotherham we support:

- 19.8% - 8986 pupils with Special Educational Needs\*
- Our 7 special schools have 955 pupils on roll\*; all have a Special Educational Need.
- 7736 pupils (17%) with SEND are supported in mainstream settings\*
- 295 pupils (0.6%) with SEND are supported in our maintained Nursery Schools and Pupil Referral units\*
- \*Source: 2022 School Census- January Spring return
- November 2022- shows that 4.2 % (2838) children/young people have Education Health and Care Plans In the borough compared to the latest national average of 4.0%.

## Access to the Curriculum

Ensuring access to the curriculum is vital in providing equal opportunities to children and young people with SEND. Considerable progress has been made to improve the accessibility of the curriculum, covering both teaching and learning, as well as Early Years, trips and visits, after school activities and extended school activities.

Schools and educational settings (including Early Years) are responsible for providing a broad and balanced curriculum for all pupils and play a key role in planning to increase access to the curriculum for all pupils. Therefore, schools are required to have in place an 'Accessibility Plan' that demonstrates what actions the school is taking to increase access to the curriculum, particularly for those pupils with SEND.

The following is considered good practice:

- **Develop effective classroom partnerships** by adopting adaptive teaching/curriculum differentiating the learning objectives and outcomes, ensuring all staff are fully briefed and can adjust the lesson to meet the needs of individual pupils. This partnership should be underpinned by encouraging independence amongst pupils.
- **Develop a whole school approach** that raises the capability of all school staff to assist in the teaching of pupils with SEND in mainstream settings. In particular this approach should focus on ensuring school staff can provide care and support for vulnerable pupils, and know who to speak to, to find out more.
- **Make SEND a priority** by ensuring there is a member of the governing body, or a sub-committee, with specific oversight arrangements for SEN and disability. This should include regular reviews between the head teacher, SENCO and the governing body on how resources are being allocated and the impact of this allocation.

- **Achieve Rotherham Charter status** by demonstrating clear evidence that parents, carers, children and young people are valued as equal partners in decisions that involve them and in the development of school systems and processes, and that this practice has become sustainable over time, embedding whole school commitment to the four Cornerstone principles which are: Welcome and Care, Value and Include, Communicate and Partnership, thus creating a whole school culture of trust.

### Available Local Authority Support

The Local Authority will assist Educational settings (to include nurseries and colleges) wherever possible, to establish the above good practice and will provide advice, support and specialist provision to ensure all pupils can access the curriculum.

The Local Authority will also:

- Continue to adopt a holistic approach to education, health and care provision through our Education, Health and Care Plans (EHCPs), and also through joint commissioning of services for children and young people with SEND. Ensuring plans are specific about the provision required to make the school curriculum more accessible for individual pupils with SEND.
- Make mandatory SEND Awareness training for the children and young people's workforce including a module on accessibility.
- Continue to support schools to improve access to the curriculum for children and young people with SEND through the provision of targeted, high-quality training and continuous professional development and learning (CPDL).
- Continue to develop the Rotherham SEND Resource kit.  
[www.sendcorotherham.co.uk](http://www.sendcorotherham.co.uk)
- contribute to Forge CPD Home | Forge CPD - Online CPD for Schools - Wath upon Dearne. [www.forgecpd.com](http://www.forgecpd.com)
- Creation of multi-agency training and CPDL which focuses on person-centred approaches to the planning and delivery of all work with a learner with SEND has high aspirational outcomes, centred around the child or young person
- Embed a graduated approach enabling all schools to meet the needs of their pupils.
- Continue to engage with children, young people, and their families to inform good practice within schools and settings. This work is supported by Rotherham's Genuine Partnerships

### Communication and Interaction

The Specialist Inclusion Team promotes inclusive practice through consultancy and CPD to deliver its key priorities:

- Early Identification and Intervention
- Continuing Professional Development is offered for: individual schools, multi-academy trusts, Learning Communities, across all Rotherham schools.
- Development of multi-agency work to best meet the needs of children and their families within the Borough.



- Development of Autism friendly environments and settings. Support is offered to: head teachers, SEN Governors, SEN Coordinators/Inclusion Managers, school staff, children with significant learning difficulties and disabilities, their parents/carers. It is a partly traded service.

### Access to the Curriculum

- Support pupils' understanding of the spoken word by using visual clues, gestures, illustrations, diagrams, and the written word.
- Increased adaptation of activities and materials by presentation, outcome, timing, scaffolding and additional resources.
- Modify adult language in terms of complexity, vocabulary, utterance, and speed.
- Differentiated questioning and targeted simplified level/pace/amount of teacher talk.
- Repeat instructions and modify the instruction if required.
- Teach strategies to pupils that support self-learning and self-help
- Provide resources and displays that support and promote independence.
- Identify key vocabulary of the curriculum and teach definitions and cueing sentences.
- Support the organisation of language through visual imagery.
- Provide written information in a straightforward style.
- Ensure that details of homework are given in sufficient time to allow for processing and understanding. Present a written/visual copy if possible.
- Support the development of conversational skills and other aspects of social communication.
- Alternative forms of recording routinely used.
- Use of visual, auditory, and kinaesthetic approaches.
- Small steps approaches

#### Expectations of the School/Setting:

- To develop a culture of inclusive and autism friendly practice.
- Seeking specialist advice within the graduated response and acting upon this.
- Offer targeted CPD to staff in developing their skills and knowledge around autism.
- Provide Quality First Teaching in the classroom, including appropriate differentiation to meet the needs of pupils with autism
- Work effectively with speech and language therapists
- Deliver speech and language programmes
- Use a child's preferred method of communication e.g. signing, communication aid, PECS

### Cognition and Learning

**The Specialist Inclusion Team** is a team of experienced specialist teachers; all of whom have previously held the SENCO role in mainstream schools; that provide



specialist advice to schools and settings within and beyond Rotherham, for Early Years through to Post 16 Provisions, covering the range of Special Educational Needs. It is a partly traded service.

### **Access to the Curriculum**

The Local Authority Learning Support Service offers the following to support access to the curriculum:

- A committed vision to the inclusion of all children within their local school.
- Provides curriculum support to Early Years settings, Primary schools, Secondary schools and Post-16 settings.
- Specialist advice and support to settings, teachers and parents around a wide variety of learning needs and how to support access to the curriculum, e.g., dyslexia, dyscalculia, autism, Down's Syndrome, motor skills.
- Identification, programme setting, monitoring and reviewing of pupils who require a bespoke Learning Support Programme devised by the Learning Support Service Teacher.
- Training and support of Teaching Assistants, Newly Qualified Teachers, Teachers, Governors and parents and carers around special educational needs.
- Support in curriculum planning and differentiation to enable staff to develop Quality First Teaching in the classroom and a robust graduated response to need.
- Advice on suitable resources to allow children to access the curriculum.
- Teaching support for children as individuals or within a group.
- Linking schools and settings with all the professional services and voluntary agencies which may be involved in meeting a child's special educational needs.
- Support to Head Teachers, SEN Governors, SEN Coordinators/ Inclusion Managers to support the development of best inclusive practice to raise the attainment for all children.
- Support for the delivery of interventions.
- Promoting a graduated response to need in line with SEN Code of Practice and Children & Families Act.
- Facilitating Early Identification and Intervention.
- Support to the Leadership Team to address the school's priorities within its strategic planning and the provision of targeted CPD to champion these priorities.
- Support to the SENCO/Inclusion Manager to develop whole school provision and practice e.g., provision, management/establishing a graduated, approach/effective deployment of resources.
- Interrogation of pupil data to identify and address underachievement in targeted year group(s)/Key Stages, to aid effective planning, delivery and evaluation of targeted intervention, matched to individual pupil/cohort need.
- An outreach service to support pupils with the most persistent dyslexic needs.
- Promoting a culture of independence for pupils.

Expectations of the School/Setting:

- To develop a culture of inclusive practice.
- Facilitate early identification and intervention and follow a graduated response to meeting pupil's needs as set out in the SEND Code of Practice and the Children & Families Act.
- Seeking specialist advice within the graduated response and acting upon this.
- Seeking and engaging with all the professional services and voluntary agencies which may be involved in meeting a child's special educational needs.
- Offer targeted CPD to staff in developing their skills and knowledge around SEND.
- Provide Quality First Teaching in the classroom, including appropriate differentiation to meet the needs of pupils with SEND.
- Make available suitable resources to allow children to access the curriculum.
- Provide the SENCO/Inclusion Manager with time away from the classroom to develop whole school provision and practice.
- To interrogate pupil data to identify and address underachievement in targeted year group(s)/Key Stages, to aid effective planning, delivery and evaluation of targeted intervention, matched to individual pupil/cohort need.

## **Sensory and Physical**

### **Hearing Impairment**

#### **Access to the curriculum**

The Local Authority Hearing Impairment Team offers the following to support access to the curriculum:

- Offer advice and guidance to parents, educational settings, other professionals.
- Operate an open referral system – all children referred are offered an assessment and recommendation of support, advice, and training
- Assess, monitor, and support progress of children as identified through and supported by National Eligibility Framework and Newborn Hearing Screening.
- Provide Specialist Services to support Schools and Settings. (See Local Offer)
- Facilitate peer support for schools, settings, and families to encourage support networks.
- Provide specialist support/equipment to support learning, language development and literacy.
- Support families, settings, deaf and hearing impaired children to maximise their learning by overcoming any potential barriers to learning.
- Run two Resource Bases to meet the needs of deaf children requiring maximum support for their learning.

- The Hearing Impairment Team 's advice and support is offered through the Peripatetic Team and the two Resource Provisions as appropriate
- Offer British Sign Language (BSL) Level 1 and 2 teaching qualifications accredited by Signature to schools, settings and other professionals through their registered centre.
- Offer bespoke British Sign Language communication training to families.
- Offer a deaf role model for schools, settings, deaf and hearing impaired children and young people and their families.
- Offer Family Support through family support worker.
- Offer Personal Understanding of Deafness Programme to help children understand their own hearing loss and develop good levels of self-esteem and strategies to aid communication.

Expectations of the School/Settings:

- Refer children and young people who they believe to be having difficulty hearing to the Hearing Impaired Team.
- Work collaboratively with the Hearing Impaired Team to maximise the success of deaf children and young people.
- Contribute to the assessment of any referred child who they suspect has a difficulty with hearing.
- Take on the training and advice offered by Hearing Impaired Team to support the needs of a child who has a hearing loss.
- Support children's attendance at appointments specific to their inclusion, including medical appointments

## **Visual Impairment**

### **Access to the Curriculum**

The Local Authority Visual Impairment Team offers the following to support access to the curriculum:

- Offer advice and guidance to parents, educational settings and other professionals.
- Operate an open referral system – all children referred are offered an assessment and recommendation of support and advice and training.
- Assess, monitor and support progress of children as identified through and supported by the National Eligibility Framework.
- Provide specialist services to support schools and settings. (See Local Offer)
- Facilitate peer support for schools, settings and families to encourage support networks.
- Provide specialist support/equipment to support learning and language development.
- The VI Team 's advice is offered through the Peripatetic Team.

Expectations of the School/Settings:

- Identify pupils who have been diagnosed with a visual impairment.

- Refer children and young people who they believe to have a difficulty with vision to the Visual Impairment Team.
- Work collaboratively with the Visual Impairment Team to maximise the successes of visually impaired children and young people.
- Contribute to the assessment of any referred child who they suspect has a difficulty with vision.
- Take on the training and advice offered by the Visual Impairment Team to support the needs of a child who has vision loss.
- Support children's attendance at appointments specific to their inclusion, including medical appointments

## **Social Emotional & Mental Health**

### **Access to the Curriculum**

Primary and Secondary Outreach Teams are able to offer.

- Bespoke 1:1 support on school site for individual pupils through single point referral
- Pupil Support Plan, EHCP advice and support
- Access to Outreach Teams continued professional development (CPD) sessions focusing on trauma informed, attachment and therapeutic offers
- Inclusion Worker support within school/academy to model strategies to a key worker
- Transition Support
- Half termly monitoring meetings to raise early support cases for advice
- Exclusion training and advice
- Behaviour policy advice
- Offer of family support sessions
- Graduated Approach support
- SEMH Governor training on SEMH, Suspensions and Exclusions
- Liaison with key external agencies
- By agreement, outreach team may offer support for out of area vulnerable pupils to transition to a mainstream setting

### **Expectations of the School/Settings:**

- Identify pupils who are experiencing a social, emotional or mental health difficulty that is impacting upon their ability to access learning.
- To develop a culture of inclusive practice that takes into account the diverse needs of children with social, emotional and mental health needs.
- Seeking specialist advice within the graduated response and acting upon this.
- Offer targeted CPD to staff in developing their skills and knowledge around social, emotional and mental health needs.
- Provide Quality First Teaching in the classroom, including appropriate differentiation to meet the needs of pupils with social, emotional and mental health needs

## Access to Environment

Reasonable adjustments may be needed to ensure equal access to the environment, including the creation of safe spaces, calming areas, and individual workstations.

Since September 2012 there has also been a requirement for educational settings to provide auxiliary aids for disabled pupils subject to the Reasonable Adjustment Duty.

Support services are available to advise educational settings about suitable and reasonable adaptations to the inside and outside environment to help include pupils with SEND.

This advice and guidance includes but is not limited to the following topics:

- Uses of physical space and how to reduce distractions.
- Identification of existing barriers to accessing physical space and recommendations on how these can be overcome for individuals or pupil cohorts
- Opportunities to present information visually.
- Providing organisational strategies to complete activities.
- Using visual structures to help with organisation, increase clarity and provide instruction.

The following sections represent a summary of available LA support for each category of environmental access, and what is expected of the school.

The Specialist Inclusion Team can offer advice around:

- Supporting transition arrangements for children as they move between different phases of education.
- Carrying out specialist assessments and monitoring children's progress. Provide on-going advice on how to meet the needs of individual children.
- Provide specialist services to support schools in meeting the needs of pupils attending a mainstream school

## Communication and Interaction

Sensory sensitivities are part of the experience of many children and young people on the autism spectrum. Staff should be aware of the sensory needs of children, with use of a pen portrait or passport to collect information.

## Expectations of schools

These are set out in the graduated response guidance available from the Specialist Inclusion Team and on Rotherham's Local Offer.

**The Autism Communication Team** booklet: **Basic strategies to support children with Autism and other social communication difficulties** is available to all school settings.

Other factors to consider include:

- Fluorescent lights are regularly checked and changed if necessary to reduce buzzing noises.
- The impact of wall displays is considered, as busy and cluttered wall displays can be distracting.
- Provide designated areas for specific activities to give clarity to the classroom organisation.
- Pupils have the opportunity to work at a workstation to focus their attention, if necessary.
- Televisions, videos, audio systems, lights and computers are switched off when not in use to avoid a mains electricity 'hum'.
- Staff to be aware that the acoustics of the gym, dining hall and hall may echo and be distressing for some pupils.
- There are agreed strategies in place when noise becomes too much for individual pupils. The provision of a quiet room/space which is available provides a calm place for pupils to relax.
- Staff are aware that smells may be distressing for some pupils.
- Alternative toileting arrangements are allowed, e.g., possible use of staff or disabled toilets.
- Willingness of the school to adapt the school uniform, e.g., wear a sweatshirt, a necktie loosely or one that pins on)
- Alternative arrangements are made for pupils who find writing to be physically painful or difficult.
- There is a designated place and a clear system/routine for pupils to follow if they feel they need to withdraw due to sensory overload to 'chill out.'
- Pupils are allowed to enter the dinner hall before or after peers to avoid queuing and crowds.
- A system of support is available for pupils experiencing sensory overload.

## Cognition and Learning

The Local Authority **Learning Support Service** offers the following:

- Recommendations on physical adjustments to the classroom and wider school environment including appropriate seating, lighting, furniture and displays.
- Advice on providing quiet places or those with low stimulation to support particular pupil's needs
- Recommendations of resources to meet pupils' needs such as adapted writing equipment, reading materials, mathematical equipment, scissors, use of information technology, including appropriate hard/software and apps.
- Recommendations around access to Physical Education in terms of apparatus or organisation of equipment.
- Advice to staff around their adaption of their spoken delivery of lessons to meet the needs of pupils with processing, language or sensory needs, including volume, speed of delivery and complexity of language used.

- Recommendations around the use of visual prompts and visual timetables to support pupil's understanding and building independence skills.

### **Expectations of schools/setting:**

- When addressing communication needs, avoiding asking pupils to read in public unless they are comfortable to do so; instead find an area of strength for them to demonstrate publicly.
- Use a multi-sensory approach during lessons to maximise learning channels.
- Carefully considering presentation of work sheets e.g., reducing the amount/ enlarging the text, use of coloured text to emphasise key information.
- Providing pupils with photocopies of key text to allow for highlighting.
- Regularly placing the child in a group where they can contribute knowledge.
- Ensuring the work/materials suit the child's mental age, as well as reading age. Learning Support Assistants may also be required.
- Ensuring adequate reinforcement/consolidation of reading and writing skills to the level of automaticity.
- Use of colour and visual clues to support reinforcement.
- Helping the pupil organise themselves by developing visual timetables, prompts and structures to support their memory and routines.
- Use alternative methods for recording content, e.g., Dictaphone, scribe, drawings and jottings; including methods that support revision.
- Use positive feedback when marking work, and focus on marking content rather than accuracy, neatness, or quantity, ensuring the pupil is able to understand the feedback

### **Sensory and Physical**

The Occupational Therapy Team offer advice and support to ensure children with physical needs are able to take part in everyday activities and be as independent as possible. Children can be referred for Occupational Therapy by health visitors, school nurses, learning support services, mental health practitioners, social workers, GPs, hospital colleagues (including paediatricians and other therapists), or from the Special Educational Needs Coordinator (SENCo) at the child's school.

The Occupational Therapy Team will tailor support to meet each child's needs. This may include:

- Individual advice or a suggested programme of activities for home / school e.g. to help a child learn to dress themselves
- Assessment for specialist equipment e.g. seating, hoists, writing equipment
- Advice on how best to position and handle a child
- Advice on how to adapt the children's environment at home and at school to support their care and independence e.g. using the bathroom, joining in lessons.



### Expectations of schools/setting:

- To ensure that moving and handling tasks are identified, assessed and risk reduction control measures are implemented.
- To ensure that individual pupil specific risk assessments and handling plans are completed, reviewed annually, and updated when circumstances around the needs of the child/young person change or become unclear for any reason.
- To ensure that parents/carers are made aware that a risk assessment will be carried out and a handling plan devised and implemented.
- To ensure that all staff/personnel involved in the child or young person's moving and handling are adequately trained and given all relevant information.
- Identify and allocate resources (staff, equipment and access strategies and adaptations) to comply with control measures to reduce moving and handling risks as far as is reasonably practicable.

The Specialist Inclusion Team are available to offer advice around:

- Assess, monitor and support progress of children identified as having high needs.
- Provide advice and guidance for schools and parents
- Provide specialist services to support schools in meeting the needs of pupils attending a mainstream school.
- Facilitate peer support for schools and parents to encourage support networks between schools, parents and voluntary agencies.
- Facilitate multi-agency work including health and social care professionals, early intervention teams, sensory specialists and school staff.
- Provide specialist equipment to support learning

The Children's Equipment Panel (CEP) meets monthly to determine whether Specialist Equipment Requests (SER) are required.

The purpose of the CEP is to take funding decisions for individual children/young people and applications for funding for equipment, where funding is not already agreed through standard contracting and commissioning, on behalf of Rotherham Integrated Commissioning Board.

The Children's Equipment Panel are able to provide equipment for individual children, for example:

- Mobility Aids
- Postural Support Aids
- Communication Aids

Expectations of schools:

- Ensure that all pupil coat pegs, drawers and furniture are at appropriate heights.



- Sinks, taps and play equipment to be at a suitable height and suitable for pupils with poor motor skills.
- Playground markings to promote appropriate motor planning games and route planning.
- Ensure access to specially adapted cutlery, writing/ drawing implements, tools/ toys.
- Handrails to be placed adjacent to steps.
- Adjustable height furniture in science and technology rooms.
- Alternative means of access determined to avoid difficult steps.
- Doorways to be wheelchair accessible.
- Fire doors to be suitable and accessible for physically impaired pupils.
- Liaise with health authority staff when considering the height of any toilet aids and equipment that may be required.
- Ensure that any adaptations to toilet areas allow space for a changing bench and suitable storage areas.
- All uneven surfaces on the premises to be monitored and repaired.
- Any obstacles, steps or uneven surfaces that cannot be removed to be clearly marked.
- The tread and riser of steps to be clearly marked with a contrasting colour.

**The Hearing Impairment Team** have an Educational Audiologist and co-work with the Rotherham Audiology services and Nottingham Cochlear Implant Team, as well as ensuring close liaison with Rotherham ENT and other neighbouring Audiology and ENT services.

- The HI Team can support schools and settings to improve the acoustic environment to maximise access to speech.
- Training and acoustics assessment is offered to schools and settings, particularly on transition.
- Deaf children and young people are assessed for their equipment needs to access the curriculum.
- This could involve the loan of a radio aid or sound field system where appropriate with training and maintenance support.
- There are two schools set up with Local Authority run Resource Provisions for Deaf and Hearing Impaired Children and Young People in Rotherham:
- Bramley Grange Primary (Resource Base with 11 places)
- Wickersley Sports School and College (Resource Base with 11 places)
- These two schools are resourced to meet the needs of deaf children with the highest needs related to their deafness.

Expectations of Schools:

- To understand the social and emotional needs of deaf and hearing impaired children and the effect this can have on their personal and educational development.

- Appropriate use of soft furnishings, such as curtains, blinds and drapes and other noise reducing strategies to reduce sound reverberation.
- To provide an acoustically favourable environment for members of Hearing Impairment Team to carry out effective and specialist assessments.
- A quiet learning environment and adjustments as advised by the Hearing Impairment Team.
- Staff will support deaf and Hearing Impaired pupils to wear radio aids and ensure they wear them themselves.
- Deaf and Hearing Impaired pupils will sit in the best position to be able to see and hear the teacher and their peers as advised by the Hearing Impaired Team to maximise access to auditory information as well as lip clues and facial expression
- All new builds and Schools and Educational Settings are required to follow the Design of Schools: performance standards February 2015 DfE Building Bulletin 93.

The Visual Impairment Team have a Habilitation Specialist who is trained and able to:

- Undertake an audit of the classroom and school environment regarding the needs of visually impaired pupils within the school. Recommendations will have regard to lighting and shade, colour and contrast, entrances, doorways and doors, floors, flooring and changes in surface, obstacles and clutter, signage, displays, furniture, fixtures and fittings, toilets and personal hygiene areas and outdoor areas.
- Assess the habilitation (mobility and independence) needs of individual Visually Impaired pupils.
- Devise and deliver programmes of habilitation training.
- Deliver any outdoor route familiarisation.
- Deliver cane skills training.

Expectations of Schools:

- Schools are aware of pupils with a visual impairment and their individual needs.
- To understand the social and emotional needs of visually impaired children and the effect this can have on their personal and educational development.
- Lighting is consistent throughout school, including corridors and entrances.
- Doors are kept fully open or shut, not ajar.
- Corridors are clear of clutter.
- Steps are appropriately marked with tactile paving and internal high marking
- Equipment is stored consistently in the same location.
- Advice and recommendations from the Visual Impairment Team or Low Vision Clinic is followed.
- Advice and recommendations from within school, i.e., SENCO, or from outside agencies is followed.

## Educational Psychology Service

The Educational Psychology Service (EPS) uses applied psychology and creative problem-solving approaches to enhance the lives, learning and emotional wellbeing of children and young people between the ages of 0 and 25 in accordance with Health Care Professional Council (HCPC) guidance and regulation and the 2015 SEND Code of Practice.

Referrals to the EPS are made by schools and settings that trade with the service. There is also a 'core offer' to schools which includes Statutory work, support and advice following any critical incident, and a link EP for signposting and information.

The Educational Psychology Service is committed to encouraging and supporting schools, colleges, settings and services to welcome and care, value and include, communicate and work in partnership with parents, carers, children and young people, recognising trust to be the essential factor in all their relationships. These are the core principles of the Rotherham Charter.

For more information visit Rotherham EPS Website:

[www.rotherham.gov.uk/eps/](http://www.rotherham.gov.uk/eps/)

## Early Help – Support, prevention and early intervention for children and families

Our Early Help Team provides intense, focused support when problems first emerge. The right Early Help services at the right time can reduce or prevent specific problems from getting worse

All families go through trying times at some point. Early Help staff will work with you at these times so that small problems don't get bigger. We work with children, young people, and families to offer support and advice when it's most needed.

We can work with you in your local area at one of our centres or even in your home. We can help you:

- If you are worried about a child's health, development, or behaviour
- If you are a child carer or young person looking to find training or further education
- If you are a child carer or young person looking for advice on employment or benefits

Maybe your child or your family is, or has been, affected by domestic abuse, drugs, alcohol, or crime. Or maybe you've had a bereavement which has made things harder.

We can provide help in a child's early years. We also support children who are missing from school or home and give support when children or young people are involved in risky behaviour: [www.rotherham.gov.uk/earlyhelp](http://www.rotherham.gov.uk/earlyhelp)

## Admissions

Available local authority support:

- The LA will ensure all admission arrangements comply with the DfE School Admissions Code.
- The LA will coordinate applications for places at infant, junior, primary and secondary schools as part of the normal admissions rounds.
- Provide clear information to both schools and parents/carers in relation to admissions and pupils with SEND.

Expectations of Schools:

- The governing body/academy trust to ensure compliance with statutory admissions arrangements including the school admissions code and locally agreed policies and procedures, including determining admission policies and consideration of parental applications.
- To admit every child who is allocated a place, and make suitable arrangements for that child, regardless of that child's needs or support requirements.

## Transport

Available local authority support:

- The LA will provide home to school transport to children who are entitled to it under the law and council policy.
- The LA will work with schools and parents/carers when conducting assessments and will inform them of the outcomes.
- Personal Budgets are being developed and Transport is an area where access to a Personal Budget may be more flexible for the young person/family. This can be requested from the LA. The request would then be considered.

Expectations of schools:

- To support the LA and parents/carers in the management of pupil behaviour whilst that pupil is on home to school transport.
- To support young people and Parents to feel confident about travelling as independently as possible and developing appropriate skills in this area.

## Access to Information

As part of the Annual School Census return, Rotherham Council collects information about the numbers of children and young people with special educational needs and /or disabilities (SEND) which is broken down by different types of specific needs. This data is used, along with data held by the statutory Education Health and Care Assessment Team to study trends over time whilst monitoring the effectiveness of initiatives and interventions for these children and young people in providing them with the support they need.

## Evaluation and Review

This Strategy covers the period 2023-2026 and will be regularly reviewed by the contributors and revised/updated as required within this time period.

As the Local Authority are currently strategically developing the area of SEND, the first review of this strategy will take place in August 2024.

The overall responsibility for this evaluation and review will rest with the Accessibility Strategy Focus Group.

Schools and Academies are required to provide information on their websites regarding their Accessibility Plans and their implementation of the Equality Act 2010.

As part of SEND area inspections, Ofsted and CQC inspectors may discuss with Schools and Academies how they are meeting statutory requirements and evaluate and report on the impact of the school's actions. This may include a school's Accessibility Plan as part of the evidence.

Rotherham Council and local partners in health, social care, education, private or voluntary providers, parents, carers and young people have co-produced a new online resource containing all of the provision and support services available in Rotherham to children and young people with SEND, their parents and carers, and practitioners and professionals.

The Strategy will be published on the Local Offer

Our Local Offer can be found at: [www.Rotherhamsendlocaloffer.org.uk](http://www.Rotherhamsendlocaloffer.org.uk)

## Appendix One: Local Authority Action Plan 2023-2026



Action Plan.  
06.04.2023. Accessibil

The Equality Act 2010 replaces previous discrimination law and provides a single piece of legislation covering all types of discrimination that are unlawful. This plan seeks to address the statutory requirements of the Equality Act 2010 and to further the aims of our vision statement and will be delivered alongside the Strategy for Children and Young People with SEND.

1/Increase the extent to which disabled pupils can participate in the curriculum This covers teaching and learning and the wider curriculum of the school such as participation in after school clubs, leisure and cultural activities or school visits. It also covers the provision of specialist or auxiliary aids and equipment which may assist these pupils in accessing the curriculum.

2/ Improve the physical environment of schools to increase the extent to which disabled pupils can take advantage of education This covers improvements to the

physical environment of the school and physical aids to access education e.g., enhanced fire alarms systems for pupils with sensory impairment, disabled and allocated parking spaces

3/Improve the delivery of information to disabled pupils and their parents/carers through the Local Offer and schools This could include paper copies, timetables, textbooks, information about the school and school events. This information should be available in various preferred formats within a reasonable timeframe and be provided by individual schools.

## Appendix 2:

### School Accessibility Plan

This section provides an overview of the statutory duty of schools to develop and publish an Accessibility Plan that outlines how the school will improve access to education for disabled pupils over time.

The school's Governing Body holds responsibility for publishing the Accessibility Plan, and as part of a regular review process, schools will need to have regard to the need of providing adequate resources for implementing this plan and reviewing this plan.

An Accessibility Plan will be deemed satisfactory when:

- It is published on the school's website.
- It covers the following three strands of increasing access over time:
- Increased access to the curriculum for disabled pupils.
- Improvements to the physical environment to increase access to education and associated services at the school; and
- Improvements in the provision of information for disabled pupils where it is provided in writing for pupils who are not disabled.

In addition, an Accessibility Plan should be:

- Adequately resourced.
- Implemented.
- Reviewed regularly.
- Revised as necessary (e.g., when accommodation improvements or repair and maintenance work are being planned).
- Revised, if necessary, during a three-year period and ensure information is reported to parents/ carers annually
- A free-standing document or part of the school development plan
- Published in the context of the Equality Act 2010, which can be interpreted as making the school's Accessibility Plan widely and easily available.

Regarding the final point, it is suggested that the school's Accessibility Plan is published on the school website, and hard copies can be provided upon request. The school should be prepared to make available versions of the plan in other,

accessible formats to meet the needs of those requesting it, i.e., parents with English as an additional language.

### **Appendix Three:**

#### **Supporting Schools and Parents**

This section provides an overview of how the local authority and others can support schools and parents in ensuring that all children and young people can access education equally in Rotherham.

#### **The Rotherham Local Offer**

Rotherham Council and local partners in health, social care, education, private or voluntary providers, parents, carers and young people have coproduced a new online resource containing all of the provision and support services available in Rotherham to children and young people with SEND, their parents and carers, and practitioners and professionals. Our Local Offer can be found at:

[www.Rotherhamsendlocaloffer.org.uk](http://www.Rotherhamsendlocaloffer.org.uk)

#### **Assessing Individual Need**

Adaptations required for individual pupils are established by specialist teachers and other professionals, including health and social care workers if a child has a One Plan or an Education, Health and Care Plan of Special Educational Needs.

Rotherham Council has access to a range of specialist advice and support, available to schools and parents. The SEND Information, Advice and Support Service can help provide impartial and confidential support over the telephone, or in person, via telephone on 01709 823627 [www.rotherhamsendiass.org.uk](http://www.rotherhamsendiass.org.uk)

#### **Available support**

There are a wide range of local advice and guidance services available to schools and parents. For more information, please visit the Local Offer website at:

[www.Rotherhamsendlocaloffer.org.uk](http://www.Rotherhamsendlocaloffer.org.uk)

#### **Rotherham Parents Forum Limited**

The forum is led by Rotherham parents, working in partnership with RMBC, Rotherham CCG and supported by Contact a Family. Our main aim is to ensure the needs of all children and young people (aged 0-25) who are disabled or have additional needs in Rotherham are met. Our vision is that all children, young people and their families living with disabilities/additional needs in our town enjoy the same opportunities, hopes and aspirations as other families in Education, Health, Social Care and leisure. [www.rpcf.co.UK](http://www.rpcf.co.UK)

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**Appendix 2**



# **Accessibility Funding Framework**

## **Contents Page**

- 1. Executive Summary**
- 2. Purpose of Funding Framework**
- 3. Funding process**
- 4. Expected Outcomes**
- 5. Risks**

## **1. Executive Summary**

Included within the Safety Valve Agreement is Capital Accessibility Funding inclusive of both mainstream and special schools. An allocation of £375k p.a. for each of mainstream and special schools is included across the 4 years of Safety Valve.

The intention of Schools Accessibility Funding is to support schools to meet a wider level of SEND need through adaptations to existing buildings. This supports our sufficiency strategy through moving the SEND continuum towards the mainstream.

To support the development of Accessibility Funding the LA's School's Accessibility Strategy has been updated with input from across Specialist Inclusion Services, Education and wider partners such as SENDIASS and Guiding Voices.

The School's Accessibility Strategy identifies the support available to schools from the local authority whilst also identifying schools statutory responsibilities in relation to their own Accessibility planning.

Included within the Schools Accessibility Strategy is a clear LA action plan which details outcomes against each core area. This will be tracked and reported over time to measure progress.

The Accessibility Funding Strategy proposes three distinct areas including:

- Targeted work across mainstream and special schools linked to accessibility requirements for individual pupils and cohorts
- Individual requests and contributions for individual pupils linked to established equipment panel
- A small capital grant programme for schools open through application and assessment in line with schools own accessibility planning

In order to inform the Special Schools Accessibility planning capacity assessment work has been completed by an external consultant. This has identified capacity gaps across the SEND estate which could be mitigated through Accessibility Funding.

Where sufficient capacity does not exist it is proposed Accessibility Funding will contribute to the development of additional provision for specific pupil cohorts who are struggling to access the existing curriculum offer within our special schools.

## **2. Purpose of Funding Framework**

The Accessibility Strategy that underpins the Funding Framework identifies support for SEND pupils three core areas:

- **To increase the extent to which SEND and/or disabled pupils can participate in the curriculum**
- **To improve the physical environment of schools to increase the extent to which disabled pupils can take advantage of education**
- **To improve the delivery of information to disabled pupils and their parents/carers through the Rotherham Local Offer**

## **3. Funding Process**

**Please see below the process which has been developed:**

- New requests and contributions associated with individual pupils will be facilitated through Equipment Panel (Appendix 1). Where new requests and contributions fall outside of the remit of Equipment Panel these will be escalated for consideration for targeted accessibility funding.
- Targeted work with the EHCP Team is planned to identify pupils who require adaptations to school buildings in order for their needs to be met in mainstream. Scoping will include key transition points and ensuring a spread of accessible provision across the LA.
- In addition to this a small Capital Grants Programme will be developed for mainstream schools in an initial funding round with grants being capped at £50,000. Contributions will be sought from schools through the application process to maximise value for money. Depending on applications received and interest further funding rounds could be rolled out from September 2023.
- To support implementation there is a clear application process, guidance, timeline and shortlisting model. This is supported by performance measures which will track impact over time against successful applications
- The grant funding process will include a mixed model of procurement including direct award of grants to schools to complete any capital works.
- The School's Accessibility Strategy and associated Accessibility Funding Strategy will be monitored by a dedicated sub-group feeding into the established CYPS SEND Sufficiency Board. The sub-group will be responsible for monitoring the action plan within the over-arching strategy and implementing the funding framework

#### **4 Expected Outcomes**

Schools will be required to report on measurable outcomes detailed in their application form. The reporting information can be provided from the school along with termly data submissions or upon request from the Commissioning Team and Asset Management.

The expected outcomes will be analysed by the commissioning team to insure there is impact, positive outcomes, and the best utilisation of the Accessibility Funding.

Outcomes will be in line with both the Local Authorities School's Accessibility Strategy and the schools individual Accessibility planning.

#### **5 Risks**

- Despite market engagement with schools both directly and at SENCO network event the demand for funding is not known. To mitigate a funding process has been developed to facilitate the monitoring of applications, managing expectations and delivering against identified areas of need.
- Schools were notified during the market engagement that their School Accessibility Strategy/Policy is required to be updated prior to awarding funding.
- Intelligence across the two remaining funding strands is currently being established, this will be supported by refreshed terms of reference for the Equipment panel and insight from the EHCP Team.
- School's Accessibility Funding was rolled from 22/23 as such there is an additional allocation for both mainstream and special schools in 23/24

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# ACCESSIBILITY GRANT FUNDING

Guidance to grant  
application and award  
process

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## Background Information

Our vision for our children and young people with SEN and disabilities is the same as for all our children and young people; that they be safe, happy, healthy, confident, and successful, contributing to a thriving, inclusive community that is welcoming to all.

Children and young people with special educational needs or disability can have significantly greater difficulties or barriers to learning than the majority of others of the same age. If we are to achieve our vision, we need to work together to personalise our approaches to improve their experiences and outcomes.

We aim to:

- **Lift aspirations and build on existing strengths**
- **Increase Personalisation – such that provision and support is designed and delivered in collaboration with children, young people and their families so that it is person centred, responsive and better matched to need**
- **Focus on and improve outcomes that are important to, and for, our children, young people, families and communities**
- **Enhance Partnerships – so that we can jointly commission to collectively achieve and sustain our vision**

The Children and Families Act (2014) came into force in September 2014. The Act placed new duties on RMBC, the CCG and providers of education, health, or care services to work together to ensure coordinated support for children and young people with SEND and their families. Rotherham education, health and care services aim to create an integrated system from birth to 25 where children and young people with special needs and their parents or carers are fully involved in decisions about their support and aspirations.

**We aim to ensure that all children and young people with SEND have a full range of support and opportunities available to them and are provided with opportunities to maximise their life chances, goals and aspirations.**

Our strategy along with the Accessibility Grant funding intends to achieve this vision by improving access to education and educational achievement for these children and young people, and empowering them in their families, schools and communities. This is articulated in our aspirations for Children and Young People's Services. These are:

- Children get the best start in life
- Children and young people safe from harm
- Young people feel empowered to succeed and achieve their aspirations

- Children and young people have fun things to do and safe places to go

This will mean our children, young people and families are proud to live and work in Rotherham. We believe that parents, carers, schools, the local authority, and partners should work together to ensure opportunities for every child and young person to strive for the highest aspirations. We believe that we must all work towards removing any barriers that may exist to learning and participation that can hinder or exclude children and young people with SEND.

Our three key aims will turn our vision and aspirations into reality, these aims are:

- **To increase the extent to which SEND and/or disabled pupils can participate in the curriculum**
- **To improve the physical environment of schools to increase the extent to which disabled pupils can take advantage of education**
- **To improve the delivery of information to disabled pupils and their parents/carers through the Rotherham Local Offer**

We will realise our vision, aspirations and aims by engaging in efficient, appropriate, and timely ways with a wide range of groups, agencies and individuals to bring together the best outcomes for children and young people in Rotherham.

This engagement will allow us to best match the needs and requirements with available provision and services. Our engagement will be with parents, carers, schools and children and young people across Rotherham.

## Criteria

**In order to be eligible for consideration for funding, applicants must be able to demonstrate the following:**

- Improved outcomes for an existing or future cohort of pupils/learners with Education Health and Care Plans/SEND that will remain in the school/setting during the academic year 2023/24;
- A proven track record of delivering high quality SEND provision;
- How Capital Funding will support the enhancement of provision for children/young people with EHCP's and SEND, complying with the Equality Act 2010 regulations and/or improve accessibility to the setting;
- How the Capital Funding will support the school to meet a wider level of SEND need.

The Accessibility Grant Funding will be allocated to providers using the eligibility criteria outlined above and using the Scoring Assessment please see Annex 2.

**Applications for funding must be submitted electronically.**

## **Accessibility Grant Funding**

Grants will only be awarded from July 2023 for **capital** expenditure projects. It cannot be used for the procurement of equipment unless of a capital nature.

Projects **must** either:

- Increase the number of places available to children/young people with SEND, or;
- Enhance existing provision for children/young people with SEND.

Examples of projects might include, but are not limited to:

- Refurbishing an existing space to create a sensory room;
- Developing an accessible toilet into a personal care suite;
- Creating an all-weather outside classroom;
- Adapting classrooms for vocational training;
- Creating a training kitchen;
- Improving accessibility through providing low stimulus signage and lighting;
- Developing an external, safe sensory exploration space;
- Creating a classroom specifically for the use of pupils with ASD;
- Converting of existing areas to create breakout room
- Converting an empty room in to a therapy suite

## **Conditions of Grant**

Match funding from applicants will be taken into consideration as part of the evaluation of the bid and value for money.

All bids **must** clearly demonstrate value for money.

All successful providers must adhere to financial conditions in line with the Financial terms and conditions included within the Grant Agreement.

Applications for equipment **will not** be considered unless of a capital nature

Applications for vehicles **will not** be considered.

Funding **cannot** be given to pay for work that has already been carried out.

## **Evaluation Criteria**

The following criteria will be scored and ranked by the Evaluation Panel as part of the decision making and allocation process:

- Number of children/young people who will benefit from provision enhancement;
- Creativity of the project;
- Co-production with parent/carers and children and young people;
- Clarity of impact on identified cohort of children/young people with SEND including details of how impact will be measured and reported;
- Value for money;
- Value added and/or match funding.

The decision of the Multi-Agency Evaluation Panel is final.

## **General Considerations**

As part of your application, you will need to consider and be responsible for the following:

- School/settings need to clearly set out their proposals providing assurance that there will be no negative impact on their net capacity.
- Planning permission may be required where you are making significant alterations to buildings or land. Settings will be responsible for submitting any necessary planning permission ahead of any works starting.
- Schools/settings are responsible for ensuring all building regulations are adhered to.
- Section 77 approval - Sport England must be consulted on any development which is likely to change or prejudice the use, or lead to the loss of use, of land being used [or has been used in the past 10 years] as a playing field. This only applies to Schools/Academies.

- If you are unable to recover VAT, please make sure that you account for VAT and make this clear in your costs.
- Please make sure you include all relevant costs in your application along with a timeline for work to be completed.
- If you occupy Council premises, you will need to use Council approved suppliers.
- Have regard to the Department for Education – School Buildings Construction Framework Agreement.

## Application Process

Applications should be made using the form in Annex 1. Please ensure that all parts are completed before submission.

Questions regarding your application should be directed to [sendtransformation@rotherham.gov.uk](mailto:sendtransformation@rotherham.gov.uk) in which a response will be provided within 2 weeks.

## Key Dates

| Key Dates                                      |  |
|--|--|
| Date completed applications must be returned.  |  |
| Date applications will be considered by Panel. |  |
| Date applicants will be notified of outcome.   |  |
| Expected date grants will be awarded           |  |

Completed applications must be returned week commencing xxxxx to:  
[sendtransformation@rotherham.gov.uk](mailto:sendtransformation@rotherham.gov.uk)

## Annex 1 – Application Form

### Annex 1

## Accessibility Grant Funding Application Form

Please read the guidance notes carefully before completing your application.

| 1. School/Setting Details                 |  |
|---|--|
| School/Setting name:                      |  |
| Address:                                  |  |
| Telephone:                                |  |
| E-mail address:                           |  |
| Website:                                  |  |
| Designation:<br>e.g. mainstream secondary |  |
| Key stages covered:                       |  |

| 2. Person completing this application                 |  |
|---|--|
| Contact name:   |  |
| Position:   |  |
| Direct telephone:                                     |  |
| E-mail address:                                       |  |
| Date:   |  |
| Date discussed and agreed by governing body/trustees: |  |

| 3. School/Setting Cohort   |  |                  |  |
|--|--|------------------|--|
| Number on Roll:  |  | PAN:             |  |
| Number on SEND register:   |  | Number of EHCPs: |  |
| Number of children/young people directly benefitting from project: |  |                  |  |

| 4. Proposed project  |  |
|--|--|
| Purpose of funding:<br><br><i>Please outline works to be completed</i> |  |
| Total funding requested:<br>(up to a maximum of £50,000)               |  |

| 5. Breakdown of costs |                |             |
|-----------------------|----------------|-------------|
|                       |                |             |
|                       | <b>Element</b> | <b>Cost</b> |

|   |  |  |
|---|--|--|
| <p>Please provide a breakdown of <b>all</b> costs associated with the project.</p> <p><i>For example; architect fees, materials, labour, demolition, decoration</i></p>   |  |  |
| <p>Explain how this project will impact on your ability to meet the needs of children/ young people with SEND.</p> <p><i>Will the project result in an increase in the number of places for CYP with SEND?</i></p> <p><i>How will the funding enhance the current provision offered to CYP with SEND?</i></p> |  |  |
| <p>Will any additional costs be met from other sources?</p> <p><i>How will the school/setting equip any additional space?</i></p> <p><i>Does the school/setting have a contingency for any works that go beyond the sum requested?</i></p>  |  |  |
| <p>How will the school/setting track expenditure and report actual spend?</p>   |  |  |

## 6. Co-production

|  |  |
|--|--|
| <p>How will children/ young people with SEND be involved in decision making about the project?</p>   |  |
| <p>How will the views of children/young people be captured and shared?</p> <p><i>Please consider pre- and post-project voice of the child.</i></p> |  |
| <p>How will parents/ carers be consulted with?</p>   |  |

## 7. Other considerations

|   |         |
|---|---------|
| Will the project be completed by 31 <sup>st</sup> July 2024 | yes/no* |
| Will you be able provide before and after photographs?      | yes/no* |

|   |         |
|---|---------|
| Will you be willing to provide updates on work carried out in | yes/no* |
|---|---------|

\*Delete as appropriate

|  |  |
|--|--|
| Signed:<br><i>(electronic is acceptable)</i> |  |
| Designation:                                 |  |
| For and on behalf of:                        |  |
| Date:  |  |

Completed application forms must be submitted via email to the SEND  
Commissioning Team: [sendtransformation@gov.uk](mailto:sendtransformation@gov.uk)

## Annex 2 – Scoring Assessment

### Annex 2

Applications for the Accessibility Grant Funding will go through an initial screening check to ensure that the following criteria have been met:

| Initial Screening   |           |   |
|---|-----------|---|
| Question:   | Response: | Notes:  |
| Was the application received on or before the deadline?   | Y/N       | Requires yes response                                   |
| Does the proposed project either: <ul style="list-style-type: none"> <li>• Increase the number of places for SEND; or</li> <li>• Enhance the provision for SEND?</li> </ul> | Y/N       | Requires positive response to either or both statements |
| Does the proposed project have a negative impact on PAN?  | Y/N       | Requires negative response                              |
| Will the proposed project be delivered in 2023?   | Y/N       | Requires positive response                              |

Applications will then go on to be considered by a Multi-Agency Panel. This will comprise of:

- Council Officers
- Parent Carer Forum representative



- Early Years representative
- Health Partners
- CYPS Asset Management

The proposed projects will also be shared with children and young people with SEND to ascertain their opinions.

| Criteria against which proposed projects will be measured                         |   |   |
|---|---|---|
| Criteria:   | Scoring:<br>(Points up to a maximum of this figure will be awarded) | Considerations:   |
| Number of CYP that will benefit from the proposed project                         | 20  | If a single child is to benefit from the project, consider impact on other mainstream pupils. |
| Creativity of the proposed project  | 10  | Novelty. Use of space. Resources. Multi-purpose.  |
| Evidence of CYP and parent/carer involvement/consultation in the proposed project | 10  | CYP and/or parent/carer(s) have been involved in the planning of the project                  |
| Proposed outcomes/impact  | 30  | Proposed outcomes meet the criteria for the HNCPA and the SEND Strategy                       |
| Value for money   | 20  | Represents a good use of the additional funding   |
| Value added/school contribution   | 10  | Additional funding sources used   |

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## Appendix 4a

### PART A - Initial Equality Screening Assessment

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

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

Completed at the earliest opportunity it will help to determine:

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

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

| 1. Title   |  |
|--|--|
| <b>Title: Schools Accessibility Strategy</b>                 |  |
| <b>Directorate:</b><br>CYPS                                  | <b>Service area:</b><br>Commissioning, Performance and Quality |
| <b>Lead person:</b><br>Mark Cummins                          | <b>Contact:</b><br>mark.cummins@rotherham.gov.uk               |
| Is this a:   |  |
| <input checked="" type="checkbox"/> <b>Strategy / Policy</b> | <input type="checkbox"/> <b>Service / Function</b>             |
| <input type="checkbox"/> <b>Other</b>                        |  |
| If other, please specify                                     |  |

| 2. Please provide a brief description of what you are screening  |
|--|
| An education provider has a duty to make 'reasonable adjustments' to make sure disabled students are not discriminated against. There are three main categories of adjustment that schools are expected to make for children: Improving access to the curriculum, improving physical access to buildings including providing specialist equipment and improving access to information. |

The Rotherham School's Accessibility Strategy identifies the support available to schools from the local authority whilst also identifying schools' statutory responsibilities in relation to their own Accessibility planning.

As part of the CYPS Safety Valve Agreement and SEND Sufficiency Phase 4 there is School Accessibility Capital Funding across both mainstream and special schools over the next 3 years. The intention of Schools Accessibility Funding is to support schools to meet a wider level of SEND need through adaptations to existing buildings, this aligns to our overall SEND Sufficiency Strategy.

### 3. Relevance to equality and diversity

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

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

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

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

|                          |  |  |
|--------------------------|--|--|
| <i>business partner)</i> |  |  |
|--------------------------|--|--|

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

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

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

#### 4. Considering the impact on equality and diversity

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

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

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

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

Equality and diversity has been considered at all key stages of the SEND sufficiency programme (SEND sufficiency 1, 2 and 3) and will continue to be considered across phase 4

- **Key findings**

In Rotherham 19.7% of pupils have a statutory plan of SEND (Education Health Care plan) or are receiving SEN support (previously school action and school action plus). This compares to an average of 17.4% across all English metropolitan boroughs. In order that the educational needs of children and young people in the borough with SEND can continue to be met, the council has a responsibility to create a sufficiency of education provision to meet the needs of all pupils. The send sufficiency phase 4 programme will further enhance and support the statutory duty placed on the Local Authority to meet the needs of children with SEND needs in schools / settings.

- **Actions**

Wide ranging consultation has taken place across SEND Sufficiency phases 1,2 and 3 and this work has informed and also highlighted the requirements for SEND sufficiency phase 4 programmes work to further enhance opportunities for pupils.

Schools/settings will be invited to bring forward proposals to support improving Accessibility linked to the LA's School's Accessibility Strategy and Funding Strategy.

|   |   |
|---|---|
|   |   |
| Date to scope and plan your Equality Analysis:                          | March-April 2023                                    |
| Date to complete your Equality Analysis:                                | May 2023  |
| Lead person for your Equality Analysis<br>(Include name and job title): | Mark Cummins<br>SEND Transformation Project<br>Lead |

### 5. Governance, ownership and approval

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

| Name           | Job title   | Date             |
|----------------|---|------------------|
| Nathan Heath   | Assistant Director<br>Inclusion and Education                         | April-May 2023   |
| Helen Sweatton | Joint Assistant Director<br>Commissioning,<br>Performance and Quality | April-May 2023   |
| Julie Day      | Head of Service - SEND  | April – May 2023 |

### 6. Publishing

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

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

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

|   |                               |
|---|-------------------------------|
| Date screening completed  | 05/05/2023                    |
| Report title and date   | Schools Accessibility Funding |
| If relates to a Cabinet, key delegated officer decision, Council, other committee or a significant operational decision – report date and date sent for publication | 26/06/2023                    |
| Date screening sent to Performance, Intelligence and Improvement<br><a href="mailto:equality@rotherham.gov.uk">equality@rotherham.gov.uk</a>                        | 05/05/2023                    |

## Appendix 4b

### 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   |  |
|--|--|
| <b>Equality Analysis title: Schools Accessibility Strategy</b>   |  |
| <b>Date of Equality Analysis (EA): 05/05/2023</b>  |  |
| <b>Directorate:</b><br>CYPS  | <b>Service area:</b><br>Commissioning, Performance and Quality |
| <b>Lead Manager:</b><br>Mark Cummins   | <b>Contact number:</b><br>01709 807123                         |
| <b>Is this a:</b><br><input checked="" type="checkbox"/> <b>Strategy / Policy</b> <input type="checkbox"/> <b>Service / Function</b> <input type="checkbox"/> <b>Other</b> |  |
| <b>If other, please specify</b>  |  |

**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<br>(eg service user, managers, service specialist)                 |
|------------------------|------------------------------|---|
| Nathan Heath           | RMBC                         | Director Education and Inclusion  |
| Helen Sweaton          | RMBC                         | Joint Assistant Director<br>Commissioning, Performance<br>and Inclusion |
| Julie Day              | RMBC                         | Head of Service - SEND  |
| SEND Partnership Board | Multi-agency Strategic Board |   |

**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 Rotherham School's Accessibility Strategy identifies the support available to schools from the local authority whilst also identifying schools' statutory responsibilities in relation to their own Accessibility planning.

As part of the CYPS Safety Valve Agreement there is School Accessibility Capital Funding across both mainstream and special schools over the next 3 years. The intention of Schools Accessibility Funding is to support schools to meet a wider level of SEND need through adaptations to existing buildings, this aligns to our overall SEND Sufficiency Strategy outlined in Phase 4

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

As part of developing proposals for SEND sufficiency programmes phases 1,2 and 3 equalities impact assessments were completed in line with DfE requirements aligned to the free school presumption process for SEND phase 3 and in line with RMBC requirements for SEND sufficiency phases 1 and 2. The Equality impact assessments were appendix's to subsequent cabinet reports.

There has been wide reaching and ongoing consultation with stakeholders since the development of SEND sufficiency phase 1. This has been replicated for the update of the School's Accessibility Strategy this includes:

Parents/carers  
Parents / Carers Forum  
Community engagement  
Schools  
Pupil Referral Units  
Elected Members  
DfE  
Ofsted  
Staff



Equality information is collated as part of our statutory returns on our SEND cohort to the Department for Education and for internal monitoring as part of the EHCP process. This includes pupil level data such as name, DOB, address, SEND Primary need type, Ethnicity and Gender. Information will be updated through performance management arrangements with schools who are successful with funds to support their Accessibility planning.

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

None identified

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

A multi – agency SEND Strategic Board retains oversight of proposals, implementation and impact.

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

There has been ongoing engagement across SEND Sufficiency phases 1,2 and 3 which has continued to develop proposals for phase 4 including the update of the Schools Accessibility Strategy and Accessibility Funding Strategy. This has included continuous sessions with stakeholders such as:

Sponsors / schools

Staff

Elected members

Local residents

Parent/carer forum

Parents/children who will be attending the schools / settings

Neighbouring schools across the authority Wider community engagement

Transport

Ofsted

DfE

Schools Forum

Education Consultative Committee

Rotherham Education Strategic Partnership

The ongoing engagement has been used as part of the process to bring about the proposals for SEND Sufficiency phase 4 development

|  |   |
|--|---|
| <b>Engagement undertaken with staff (date and group(s) consulted and key findings)</b> | Staff in both the LA and schools/settings have been involved (as above) and where necessary / appropriate this has also included involvement from wider staffing including RMBC HR, legal, Finance, Asset Management, planning and RMBC Education and Inclusion |
|--|---|

#### 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)

In Rotherham 19.7% of pupils have a statutory plan of SEND (Education Health Care plan) or are receiving SEN support (previously school action and school action plus). This compares to an average of 17.4% across all English metropolitan boroughs.

In order that the educational needs of children and young people in the borough with SEND can continue to be met, the council has a statutory responsibility to create a sufficiency of education provision to meet the needs of all pupils.

The work to create new education places across the previous SEND sufficiency programme phases 1,2 and 3 and proposals for phase 4 support the LA's statutory duty to meeting the needs of pupils impacted.

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

No – places created under the SEND sufficiency strategy are for pupils with identified SEND needs. The SEND sufficiency strategy aims to create additional local places to support pupil needs.

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

Yes – the SEND sufficiency programme creates more specialist provision meaning children who will attend are able to access specialist provision in borough in line with their needs.

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

As part of the ongoing SEND sufficiency strategy work, wider community consultation and parent/carers representation is sought when developing sufficiency plans. The SEND sufficiency strategy and phase 1, 2 and 3 programmes to create additional capacity have been received and supported positively as they create resources for children with specific needs within borough. The ongoing work has helped to identify the additional capacity required to further enhance this work in SEND sufficiency phase 4. There has been ongoing consultation with all stakeholders since the commencement of SEND Sufficiency phase 1 to ensure any concerns have been addressed in advance of development and implementation of the previous phases. This work will continue across SEND sufficiency phase 4.

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

|   |
|---|
| <b>Title of analysis: School's Accessibility Strategy</b>   |
| <b>Directorate and service area: CYPS. Commissioning, Performance and Quality</b>   |
| <b>Lead Manager: Mark Cummins</b>   |
| <b>Summary of findings:</b>   |
| The Rotherham School's Accessibility Strategy identifies the support available to schools from the local authority whilst also identifying schools' statutory responsibilities in relation to their own Accessibility planning. The Schools Accessibility Strategy and Funding Strategy are key parts of SEND Sufficiency Phase 4. Wide reaching consultation has not raised any issues or concerns |

| Action/Target   | State Protected Characteristics as listed below | Target date (MM/YY) |
|---|---|---------------------|
| The second proposed aspect of SEND sufficiency phase 4, is to support School Access Issues (in both Mainstream Schools and Special Schools) creating two funding streams which would be accessible through application and assessment for schools to request capital investment to support the schools to meet a higher threshold of SEND need through adaption to existing buildings and allow a wider level of complexity of need to be met within individual settings. | A, D, S, GR, RE,                                |                     |

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

## 6. Governance, ownership and approval

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

| Name                   | Job title   | Date     |
|------------------------|---|----------|
| Nathan Heath           | Assistant Director Education and Inclusion                      | May 2023 |
| Helen Sweaton          | Joint Assistant Director Commissioning, Performance and Quality | May 2023 |
| Cllr Victoria Cusworth | Cabinet Member for Children and Young People                    |          |

## 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](mailto: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.

|   |                                |
|---|--------------------------------|
| <b>Date Equality Analysis completed</b>   | April-May 2023                 |
| <b>Report title and date</b>  | Schools Accessibility Strategy |
| <b>Date report sent for publication</b>   | June 2023                      |
| <b>Date Equality Analysis sent to Performance, Intelligence and Improvement</b><br><a href="mailto:equality@rotherham.gov.uk">equality@rotherham.gov.uk</a> | May 2023                       |

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Appendix 5 – Accessibility Funding.

| Will the decision/proposal impact...                          | Impact         | If an impact or potential impacts are identified  |   |   |   |
|---|----------------|---|---|---|---|
|   |                | Describe impacts or potential impacts on emissions from the Council and its contractors.  | Describe impact or potential impacts on emissions across Rotherham as a whole.  | Describe any measures to mitigate emission impacts  | Outline any monitoring of emission impacts that will be carried out   |
| <b>Emissions from non-domestic buildings?</b>                 | No change      | Emissions will remain at similar levels to current across the borough. The proposed new SEND Accessibility Funding will be primarily repurposed existing space in existing school buildings   | Emissions overall will remain at similar levels as the pupils will remain in Rotherham.   | Adaptations to existing buildings to create increased accessibility for SEND students across the borough will be completed to current building code and overseen by asset management service. | Monitoring of transitions of pupils will be facilitated and monitored via EHCP process / SEND protocols.  |
| <b>Emissions from transport?</b>                              | Impact unknown | Transport journeys will be evaluated by RMBC Corporate Transport Unit and EHCP team. Accessibility Funding will support pupils being able to stay in mainstream school settings close to their homes which will reduce environmental impacts. | Pupils travel to school in line with their EHCP / travel to school plan.<br><br>Any changes to school placement are determined via the EHCP process / placement in a SEND resource and transport implications considered at that point. | Mitigating measures are considered via the individual pupils travel to school plan and monitored by the Transport team.   | Transport to school arrangements are kept under review by the Corporate Transport Unit.<br><br>Ongoing monitoring / assessment by Transport Unit. |
| <b>Emissions from waste, or the quantity of waste itself?</b> | No change      | There will be no change in the overall amount of waste generated by schools overall compared to present.  | Waste levels across the borough will remain at similar levels to present.   | Schools have a waste management process   | Impact will be monitored by the school governing body and LA.   |
| <b>Emissions from housing and domestic buildings?</b>         | N/A            | N/A   | N/A   | N/A   | N/A   |

|  |                |  |   |  |  |
|--|----------------|--|---|--|--|
| <b>Emissions from construction and/or development?</b>   | Impact unknown | The proposed new SEND resources will primarily refurbished existing school space designed to existing building code. | There will be some short term impact during development phase. This will be overseen by Asset Management Service. | Work will be planned and overseen by Asset Management Service. | Monitoring will be coordinated by Asset Management Service and Governing Bodies. |
| <b>Carbon capture (e.g. through trees)?</b>  | No change      | N/A  | N/A   | N/A  | N/A  |
| <b>Identify any emission impacts associated with this decision that have not been covered by the above fields:</b><br><br>None |                |  |   |  |  |

**Please provide a summary of all impacts and mitigation/monitoring measures:**

Transport implications of school transport arrangements are kept under review by Corporate Transport Unit.  
Emissions overall will remain at similar levels.

**Supporting information:**

|  |  |
|--|--|
| <b>Completed by:<br/>(Name, title, and service area/directorate).</b>  | Mark Cummins<br>SEND Transformation Project Lead |
| <b>Please outline any research, data, or information used to complete this [form].</b>   |  |
| <b>If quantities of emissions are relevant to and have been used in this form please identify which conversion factors have been used to quantify impacts.</b> |  |
| <b>Tracking [to be completed by Policy Support / Climate Champions]</b>  |  |



**Committee Name and Date of Committee Meeting**

Cabinet – 19 June 2023

**Report Title**

Finance Update

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

Yes

**Strategic Director Approving Submission of the Report**

Judith Badger, Strategic Director of Finance and Customer Services

**Report Author(s)**

Rob Mahon – Assistant Director Financial Services

Rob.Mahon@rotherham.gov.uk

Owen Campbell – Head of Corporate Finance

Owen.Campbell@rotherham.gov.uk

**Ward(s) Affected**

Borough-Wide

**Report Summary**

This report provides an update to Cabinet on a number of financial matters. The report is provided as an interim update for Cabinet, following on from the approval of the Budget and Council Tax 2023/24 report at Council on 1 March 2023 and in advance of the Financial Outturn 2022/23 report and May Financial Monitoring 2023/24 report to be submitted to Cabinet in July 2023.

This report also provides an update on the Council's administration of the Local Council Tax Support Top Up payment and Household Support Fund for 2023/24 along with a number of Capital Programme variations and an update on Feasibility Funding received from the South Yorkshire Mayoral Combined Authority.

**Recommendations**

1. That the update on the revenue budget financial outturn 2022/23 be noted.
2. That the Council's progress on the delivery of the Local Council Tax Support Top Up payment 2023/24 be noted.
3. That the Council's delivery of the Household Support Fund 2022/23 be noted.

4. That Cabinet delegates the decision to allocate and spend the £3m Feasibility Fund to the Strategic Director for Regeneration & Environment in consultation with the Leader of the Council and Assistant Director Financial Services.
5. That Cabinet approve the capital budget variations as detailed in section 2.7 of the report.

**List of Appendices Included**

Appendix 1: Equality Screening

Appendix 2: Carbon Impact Assessment

**Background Papers**

Budget and Council Tax Report 2022/23 to Council on 2 March 2022

December Financial Monitoring Report to Cabinet 13 February 2023

Budget and Council Tax Report 2023/24 to Council on 1 March 2023

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

No

**Council Approval Required**

No

**Exempt from the Press and Public**

No

## Finance Update

### 1. Background

- 1.1 This report is provided to update Cabinet on a number of financial and budget matters following on from the approval of the Budget and Council Tax 2023/24 report at Cabinet on 13 February 2023 and at Council on 1 March 2023.
- 1.2 The report is an interim update to Cabinet in advance of the more detailed Financial Outturn 2022/23 and Financial Monitoring 2023/24 reports which will be submitted to Cabinet on 10 July 2023.

### 2. Key Issues

#### 2.1 Revenue Budget Financial Outturn 2022/23

- 2.1.1 The Financial Outturn 2022/23 report to Cabinet in July 2023 will set out the full details of expenditure against budget for 2022/23, revenue and capital, along with an updated analysis of revenue reserves and an updated position of the Capital Programme.
- 2.1.2 The Financial Monitoring Report 2022/23 submitted to Cabinet on 13 February 2023 was based on the financial monitoring position as at December 2022, which outlined that the Council anticipated an overspend of £8.4m. This forecast position was also outlined in the Budget and Council Tax 2023/24 report which was submitted to the same Cabinet meeting and also to Council on 1 March 2023. The overspend was to be funded from the Transformation Reserve (£4.1m) and Budget and Financial Strategy Reserve (£4.3m) as approved at Council as part of the Budget and Council Tax 2023/24 report though the report noted the Council's intention was to further improve that outturn position, if possible, which would see a lower value call on reserves.
- 2.1.3 The final Financial Monitoring position as at outturn reflects an overspend of £7.3m for the financial year 2022/23. The core Directorates services have a year-end overspend of £1.8m, an improvement of £1.1m from the £2.9m Directorate overspend forecast within the February Cabinet report. The remaining £5.5m cost pressure sits within Central Services and relates to inflationary and energy price pressures that were reported to Cabinet throughout 2022/23. This improved position means that the final call on reserves to balance the Council's outturn position was £7.3m, funded from the Transformation Reserve (£4.1m) and Budget and Financial Strategy Reserve (£3.2m).

2.1.4 The main reasons for the improvement in the Directorate outturn position are as follows, though more detailed narratives will follow in the Financial Outturn report to Cabinet in July 2023:

- Children & Young People's overspend has reduced by £0.3m. The movement reflects a reduction in Home to School Transport costs as growth in demand was lower than had been estimated. CYPs budgets fund certain placement types, Looked After Children (LAC) with no Education, Health, and Care Plan (EHCP), LAC with EHCP that are out of borough and Post 19 transport. In addition, placement costs have also reduced over the last part of the financial year.
- Adult Care, Housing & Public Health underspend has increased by £1.3m, as several high cost care packages are instead being directly funded by Continuing Health Care (CHC) or are not eligible for support from the Council in addition to several smaller variances across staffing and overheads.
- Regeneration and Environment Services final outturn overspend has increased, with a final outturn of £2.9m, up £0.7m on December's forecast. The final outturn on Home to School Transport was £0.1m greater than estimated relating to higher than anticipated operational costs (not increased demand). Facilities Services outturn increased by £0.6m due in the main to increases in food costs, moving forwards these will be covered by a contractual increase in fees from September 2023.
- Assistant Chief Executive and Finance and Customers Services underspend have both increased by £0.1m as services have continued to defer spending, delay recruitment and maximise grant usage to support the overall Council position without adversely impacting service delivery.

2.1.5 The overspend in Central Services is largely made up of the inflationary pressures as a result of the Local Government Pay Award 2022/23, energy inflation and wider contractual inflation. The impact has been dampened through use of carried forward Covid new burdens funding and improvements in Treasury Management forecasts.

2.1.6 This overspend in Central Services has been maintained at £5.5m. However, due to further savings within Treasury Management as detailed below, the transfer to the Treasury Management Reserve was improved by £2.3m and has been processed as per the approvals within the Budget and Council Tax report 2023/24 to support the MTFS position.

2.1.7 The improvement in the treasury outturn position is linked to:

- Slippage on the Capital Programme that has reduced the need to borrow during 2022/23.

- PWLB borrowing of £227m in 2021/22 has meant that the Council hasn't needed to borrow during 2022/23 when rates have been higher and as a result has had more liquid cash available for investments.
- The Council carrying cash balances due to above, has been able to invest them in a higher interest return market, increasing interest on investments.

2.1.8 The improvements in the Directorate forecast outturns represent a positive direction of travel for the Council's finances and a significant improvement from the £18.2m forecast overspend reported in the September Financial Monitoring to Cabinet in November. This prudent financial management will be important in managing future budget pressures given the known volatility in external factors that was highlighted as the main budget risk in the Budget and Council Tax report 2023/24.

2.1.9 In addition, the Council is able to report secured delivery of planned savings for 2022/23. The table below provides an update on the £11.5m of planned savings to be delivered over the medium term.

Table 1: Planned delivery of £11.5m savings

| <b>Saving</b>          | <b>2022/23</b> | <b>2023/24</b> | <b>2024/25<br/>&amp; Total<br/>FYE</b> | <b>Secured as<br/>at 31<sup>st</sup><br/>March 2023</b> |
|------------------------|----------------|----------------|--|---|
|                        | <b>£000</b>    | <b>£000</b>    | <b>£000</b>                            | <b>£000</b>   |
| ACHPH                  | 2,800          | 2,800          | 2,800                                  | 2,800   |
| ACHPH – One off saving | 500            | 0              | 0                                      | 500   |
| CYPS                   | 971            | 4,739          | 7,411                                  | 1,120   |
| R&E                    | 374            | 762            | 784                                    | 293   |
| R&E Customer & Digital | 200            | 500            | 500                                    | 200   |
| <b>Total Savings</b>   | <b>4,845</b>   | <b>8,801</b>   | <b>11,495</b>                          | <b>4,913</b>  |

2.1.10 Whilst the energy price rises, and inflation, will impact the Council's costs in the provision of services there was some mitigation in future years through increased core funding as business rates income is indexed to the rate of inflation. However, those increases in core resources are not sufficient to cover the increase in the Council's base costs. It is currently expected that the period of high inflation will last for a further 12-18 months before returning to a more normal level but the cost increase being experienced will raise the base cost of services on which future inflation is applied meaning a compounding impact. This has been accounted for within the Council's

Budget and Council Tax Report 2023/24 though the report flags that uncertainty around inflation, energy and pay is the biggest budget risk.

#### CYPS Fostering Allowances and Skills Payments 2023/24

### 2.2

2.2.1 Fostering Allowances are statutorily uplifted annually each year by Government and for 2023/24 the uplift was (February 2023) as 12.4%. This uplift will impact the costs of Foster Care Allowances, Special Guardianship Order, Child Arrangements Order and Adoption, the total cost of that uplift is £700k, a £603k increase on the 2023/24 costs. Prior to 2023/24, 2 of the 4 fostering allowances (based on age range) that Council was paying were above the national maintenance allowance therefore dampening the impact of the 12.4% uplift to Rotherham.

2.2.2 In addition, it was agreed at Cabinet in October 2022 that the skills payments annual uplift would also be uplifted at the same rate as the Fostering Allowances, as such skills payments have been uplifted by 12.4% at a cost of £180k (these rates had remained unchanged for a number of years). An officer decision was recorded for this uplift in May 2023.

2.2.3 Budget provision was made for inflation on CYPS placements, however it was not based on 12.4% as such these uplifts along with potential uplifts across Independent Fostering Agencies and Residential Care markets that are still to be confirmed, are likely to create a budget pressure for 2023/24. At present the wider impact is therefore unknown but will be closely monitored through the Council's management of the Medium Term Financial Strategy.

### 2.3 Local Council Tax Support Top Up Scheme 2023/24

2.3.1 Council approved as part of the Council's Budget and Council Tax Report on the 1 March 2023, a Local Council Tax Support Top Up Scheme to run during 2023/24 and 2024/25. The scheme provides an additional award of up to £117.60 additional support to low income households most vulnerable to rising household costs, through reduced Council Tax bills. The application of the scheme includes all those becoming eligible up to and including 31 March 2024. At the time of writing a total of £1.434m has been awarded across 14,135 accounts, with 10,295 of these accounts being reduced to nil. Those bill payers in receipt of this award have been provided with a Council Tax bill that shows the top up support from the Council along with a letter explaining the reason for the award.

2.3.2 The scheme will continue to provide awards as required to new LCTS applicants during the course of 2023/24. The cost of this support for 2023/24 is to be funded from the Council's Household Support Fund allocation for 2023/24 as approved with the Household Support Fund April 2023 – March 2024 Cabinet report.

## 2.4 Household Support Fund 2022/23

2.4.1 Cabinet approved plans in July and September to deliver just under £5m of support to vulnerable households with energy and food costs funded from the Council's Household Support Fund grant in 2022/23.

2.4.2 As of 31 March 2023 the Council had fully spent this grant allocation, delivering over 156,000 Free School Meals vouchers across the school holidays up to and including Easter 2023. The Household Support Fund contributed to the delivery of the Council's Energy Crisis Support Scheme which paid 5,294 grants totalling £1.9m to support households with their fuel bills and funded one off energy payments to vulnerable pensioners of over £1m to 8,714 people. In addition, the VCS support scheme provided support to vulnerable households over Christmas and the New Year as planned and distributed 6,466 food parcels through to the end of March.

## 2.5 Domestic Abuse Duty Funding Proposals for the Financial Year 2023-24

2.5.1 The Domestic Abuse Act 2021 introduced new requirements for local authorities in relation to domestic abuse services. As a result, the Government provided £617,069 funding in the financial year 2021-2022 and a year later, allocated £619,679 for 2022-2023. In August 2021, the Council's Cabinet agreed a range of projects utilising the funding, many of which were to be recurring projects in light of the likely continuation of the funding after 2021-2022. In December 2022, the Department for Levelling Up, Housing and Communities (DLUHC) confirmed further Domestic Abuse Duty funding for the 2023-2024 and 2024-2025 financial years of £632,075 and £644,001 respectively. An officer decision has been made and recorded in relation to the non-recurring spend, which equated to £329k. This funding has been targeted based on the existing agreed strategy and will support the following additional activities:

- Target hardening for Domestic Abuse victims in private rented or own property
- Accommodation for victims
- Homeless prevention funding
- Domestic Abuse workers embedded within Housing Services

## 2.6 Feasibility Fund

2.6.1 The South Yorkshire Mayoral Combined Authority (SYMCA) have allocated £3m of revenue funding to the Council as a 'Feasibility Fund'. The aim of this grant is to facilitate the development and delivery of Rotherham's Place Based Investment Strategy (PBIS) by reducing capacity and capability

constraints and contributing to the development and delivery of both capital and revenue projects. The PBIS was presented to Cabinet in February 2023.

- 2.6.2 It is anticipated that the fund will be used to support resourcing costs, investment planning, strategy development, consultation, project preparation and costs associated with land holding on major projects. As such this report seeks approval to delegate the decision to allocate and spend the £3m Feasibility Fund to the Strategic Director for Regeneration & Environment in consultation with the Leader of the Council and Assistant Director Financial Services.

## 2.7 Capital Programme Variations

- 2.7.1 On 25 April 2023 a report was presented to Capital Programme Monitoring and Delivery Board (CPMDB) providing a summary of the latest position on a number of key Regeneration projects. Over the last two years projects have been in the early design and preparation phase. Now that projects are at a later stage in development the programme budgets have been realigned to take account of emerging design constraints, inflationary pressures and where efficiencies can be achieved. The following variations are presented for Cabinet awareness and where required approval.

### 2.7.2 **Markets & Library**

In February 2022 a funding profile was agreed for the Market and Library development. However, in December 2023 DLUHC made available further funding of £3.4m via the SYMCA, with a funding agreement signed in March 2023. This funding was unexpected with Government handing it out automatically via the SYMCA. The Council proposes to use this funding to support the Markets and Library project.

### 2.7.3 **Century II**

Providing 22 workshops, 16 office units and 2 laboratory facilities this project was initially developed in 2017. A prolonged design stage and significant inflationary uplift resulted in a budget overrun of £549k. The scheme is now approaching completion and that cost overrun is not expected to increase further. It is therefore proposed that £549K is redirected from the wider R&E capital programme to address the funding gap on Century II. In the main this surplus funding is coming from completed schemes with small savings. In summary the funding breakdown is therefore as follows:

| <b>Proposed Funding Allocation</b> |            |
|------------------------------------|------------|
| Building Back Better               | £3,600,000 |
| Gainshare                          | £1,000,000 |



|                              |                   |
|------------------------------|-------------------|
| Council Funded Borrowing     | £1,600,000        |
| Other redirected R&E Capital | £549,000          |
| <b>TOTAL</b>                 | <b>£6,749,000</b> |

#### 2.7.4 **3-7 Corporation Street**

Funding from Town Deal and Levelling Up Fund has been secured for this project to include land acquisition, demolition and a contribution towards the redevelopment of the site. It is expected that a private sector development partner will be secured to provide match funding to the scheme and take on the delivery of the redevelopment of the site. However, until a private sector partner is secured a viability gap exists between the anticipated cost of the acquisition and development and funding available.

2.7.5 The Council will secure the necessary resources to deliver the scheme by making provision to fund this viability gap on the development through the Town Centre Investment Fund (TCIF). Should a private sector development partner be secured the TCIF balance of funding will be released back to support wider town centre investment.

2.7.6 The specifics of the funding arrangements for 3-7 Corporation Street are covered in greater detail within a separate Cabinet report on this agenda.

#### 2.7.7 **Snail Yard**

Acquisition and demolition of the Primark building took place between late 2020 and July 2021. Increased costs of demolition and remediation were identified in October 2021 and in April 2022 a pre-tender cost exercise identified additional development costs and there was a need to re-design the scheme. To date this has led to an increased budget requirement of £920,000. It is proposed to use £570k of the Town Centre Investment Fund and £350k of SYMCA Gainshare to support the funding gap.

| <b>Proposed Funding Allocation</b>                    |                   |
|---|-------------------|
| Town Deal   | £1,000,000        |
| TCIF  | £570,000          |
| MCA Gainshare - Place Based Investment Funding (PBIS) | £350,000          |
| <b>TOTAL</b>  | <b>£1,920,000</b> |

**3. Options considered and recommended proposal**

- 3.1 This report is retrospectively updating on outcomes and outputs from the Councils revenue outturn position and a host of key schemes where the approach has already been approved by Cabinet.

**4. Consultation on proposal**

- 4.1 Consultation with residents, business and partners was undertaken as part of the development of the 2022/23 budget setting and then again as part of budget setting for 2023/24.

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

- 5.1 The report is mainly an update on a range of financial matters.

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

- 6.1 The financial implications are contained within the main body of the report.
- 6.2 There are no direct procurement implications arising from this report.

**7. Legal Advice and Implications**

- 7.1 No direct implications.

**8. Human Resources Advice and Implications**

- 8.1 No direct implications.

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

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

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

- 10.1 No direct implications.

**11 Implications for CO2 Emissions and Climate Change**

- 11.1 No direct implications.

**12. Implications for Partners**

- 12.1 The Council is maintaining close liaison and joint working with Partners on Covid matters, with particular regard to Health and Social Care.

### 13. **Risks and Mitigation**

- 13.1. Budget management and spending controls remain as set out within the Council's Financial and Procurement Procedure Rules. Financial Monitoring reports to Cabinet will include information on Covid related spend and financial risk and also outline how this spend and risk is being managed and mitigated.

### 14. **Accountable Officers**

Owen Campbell – Head of Corporate Finance

Rob Mahon - Assistant Director, Financial Services

Approvals obtained on behalf of Statutory Officers:-

|  | <b>Named Officer</b> | <b>Date</b> |
|--|----------------------|-------------|
| Chief Executive  | Sharon Kemp          | 05-06-23    |
| Strategic Director of Finance & Customer Services<br>(S.151 Officer) | Judith Badger        | 31-05-23    |
| Assistant Director, Legal Services<br>(Monitoring Officer)           | Phil Horsfield       | 31-05-23    |

*Report Author:* Owen Campbell, Head of Corporate Finance  
Owen.Campbell@rotherham.gov.uk

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

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## Appendix 1

### Initial Equality Screening Assessment (Part A)

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

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

Completed at the earliest opportunity it will help to determine:

- the relevance of proposals and decisions to equality and diversity
- whether or not equality and diversity is being/has already been considered, and
- whether or not it is necessary to carry out an equality analysis.

|   |                                     |
|---|-------------------------------------|
| <b>Directorate: Finance and Customer Services</b> | <b>Service area: Finance</b>        |
| <b>Lead person: Rob Mahon</b>                     | <b>Contact number: 01709 254518</b> |

#### 1. Title:

Is this a:

☐

**Strategy / Policy**

☒

**Service / Function**

☐

**Other**

**If other, please specify**

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

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

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

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

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

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

This report is the penultimate financial report in the financial year, it sets out the Council's outturn position in brief as the full revenue outturn position is not presented to cabinet until July. The report also covers off any other key items to be noted at the time.

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

### 3. Relevance to equality and diversity

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

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

When considering these questions think about age, carers, disability, gender reassignment, race, religion or belief, sex, sexual orientation and any other relevant characteristics (for example socio-economic status, social class, income, unemployment, residential location or family background and education or skills levels).

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

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

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

#### 4. Considering the impact on equality and diversity

If you have not already done so, the impact on equality and diversity should be considered within your proposals prior to carrying out an **Equality Analysis**.

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

Please provide specific details for all three areas below and use the prompts for guidance.

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

n/a

- **Key findings**

n/a

- **Actions**

n/a

Date to scope and plan your Equality Analysis:

n/a

Date to complete your Equality Analysis:

n/a

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

n/a

#### 5. Governance, ownership and approval

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

| Name          | Job title  | Date        |
|---------------|--|-------------|
| Judith Badger | Strategic Director –<br>Finance and Customer<br>Services | 24 May 2023 |
|               |  |             |

#### 6. Publishing

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

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

A copy of **all** screenings should also be sent to [equality@rotherham.gov.uk](mailto: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.

|   |             |
|---|-------------|
| <b>Date screening completed</b>   | 24 May 2023 |
| <b>If relates to a Key Delegated Decision, Executive Board, Council or a Significant Operational Decision – report date and date sent for publication</b> |             |
| <b>Date screening sent to Performance, Intelligence and Improvement</b><br><a href="mailto:equality@rotherham.gov.uk">equality@rotherham.gov.uk</a>       |             |



| Will the decision/proposal impact...                   | Impact                        | If an impact or potential impacts are identified   |  |  |   |
|--|-------------------------------|--|--|--|---|
|  |                               | Describe impacts or potential impacts on emissions from the Council and its contractors. | Describe impact or potential impacts on emissions across Rotherham as a whole. | Describe any measures to mitigate emission impacts | Outline any monitoring of emission impacts that will be carried out |
| Emissions from non-domestic buildings?                 | <i>no impact on emissions</i> |  |  |  |   |
| Emissions from transport?                              | <i>no impact on emissions</i> |  |  |  |   |
| Emissions from waste, or the quantity of waste itself? | <i>no impact on emissions</i> |  |  |  |   |
| Emissions from housing and domestic buildings?         | <i>no impact on emissions</i> |  |  |  |   |
| Emissions from construction and/or development?        | <i>no impact on emissions</i> |  |  |  |   |

|   |                      |  |  |  |  |
|---|----------------------|--|--|--|--|
| Carbon capture<br>(e.g. through trees)?   | <i>no<br/>impact</i> |  |  |  |  |
| Identify any emission impacts associated with this decision that have not been covered by the above fields: |                      |  |  |  |  |

|  |
|--|
| <p>Please provide a summary of all impacts and mitigation/monitoring measures:</p> <p>As this report is a financial update on previous events, updates on levels of funding moving forwards and doesn't approve anything directly to happen, it does not have any carbon implications.</p> |
|--|

|   |  |
|---|--|
| Supporting information:   |  |
| Completed by:<br>(Name, title, and service area/directorate).   | Rob Mahon, AD Financial Services, Finance and Customer Services. |
| Please outline any research, data, or information used to complete this [form].   |  |
| If quantities of emissions are relevant to and have been used in this form please identify which conversion factors have been used to quantify impacts. |  |
| Tracking [to be completed by Policy Support / Climate Champions]  |  |

**Committee Name and Date of Committee Meeting**

Cabinet – 19 June 2023

**Report Title**

Scrutiny Review Recommendations – Modern Slavery

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

No, but it has been included on the Forward Plan

**Strategic Director Approving Submission of the Report**

Jo Brown, Assistant Chief Executive

**Report Author(s)**

Caroline Webb, Senior Governance Advisor  
01709 822765 or [caroline.webb@rotherham.gov.uk](mailto:caroline.webb@rotherham.gov.uk)

**Ward(s) Affected**

Borough-Wide

**Report Summary**

The purpose of this report is to outline the outcomes and findings of the spotlight review into modern slavery. The review was prompted following the Council's adoption of the Charter against Modern Slavery, to examine the effectiveness of partnership interventions that aim to tackle modern slavery in Rotherham.

**Recommendations**

1. That Cabinet receives the report and considers the following recommendations:
  - i. That the Safer Rotherham Partnership (SRP) gives consideration to rolling out a targeted learning and development offer/campaign to raise awareness of modern slavery, how to spot the signs, risks and how to raise concerns and make referrals:

- a) to front-line staff across key agencies;
  - b) to elected members;
  - c) to the general public and targeted business such as letting agencies (commercial and residential).
- ii. That the SRP gives consideration to mapping the local modern slavery landscape to identify high risk industries and hot spots (using the example of Bristol City Council).
  - iii. That consideration is given to establishing an RMBC Modern Slavery Internal Governance Group including representation from services who may encounter modern slavery (for example, Procurement, Licensing, Environmental Health, Training Standards, Neighbourhood teams, Social Care and Housing).
  - iv. That consideration is given to how young adults at risk or experiencing modern slavery are safeguarded during the transition from children to adult services and are age assessed appropriately.
  - v. That consideration is given to developing referral pathways to ensure that modern slavery victims (both adult and child) have access to appropriate support (housing, advocacy, mental health support) on a timely basis.
  - vi. That consideration is given to re-launching the Strategic Partnership information sharing group at the earliest opportunity to improve the way that agencies can share data and intelligence, including examining how IT systems can work better together.
  - vii. That consideration is given to widening the levels of investigation and auditing of contracts procured by the Council to focus on the 'layers' of sub-contractors, including binding specifications to audit or 'dip sample' contracts along the supply chain.
  - viii. That consideration is given to how the Procurement Team can engage with the South Yorkshire Mayoral Combined Authority (SYMCA) Supply Chain Advisor to improve processes, joint working and awareness.
  - ix. That consideration be given to allowing victim advocates to make representations to Housing Assessment Panels on behalf of victims of modern slavery.
2. That Cabinet formally consider its response to the above recommendations within two months of its receipt, in accordance with the Overview and Scrutiny Procedure Rules.
  3. That the recommendations as approved, be submitted to the Safer Rotherham Partnership for dissemination to the South Yorkshire Modern Slavery Partnership for consideration and response.

## List of Appendices Included

N/A

**Background Papers**

- Council Meeting: Notice of Motion – Modern Slavery, 25 July 2018
- Minutes of meeting – Overview and Scrutiny Management Board, 3 November 2021
- References are detailed in paragraph 2.2.8 of the report

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

Overview and Scrutiny Management Board – 19 April 2023

**Council Approval Required**

No

**Exempt from the Press and Public**

No

## Scrutiny Review Recommendations – Modern Slavery

### 1. Background

- 1.1 In July 2018, the Council resolved to adopt the Co-operative Party's Charter against Modern Slavery<sup>1</sup>. The resolution committed the Council to a range of activities, including ensuring contractors and suppliers complied with the Modern Slavery Act 2015; raising awareness of the policy; developing whistle-blowing systems and referral routes to the National Crime Agency should suspicions of illegal activity emerge. A commitment was given to publishing an annual review to report on implementation and activity.
- 1.2 At its meeting in November 2021, the Overview and Scrutiny Management Board (OSMB), considered the annual report of the Safer Rotherham Partnership. In it, the Partnership detailed its commitment to tackling modern slavery and identified it as priority. As over three years had passed since the charter was originally adopted, OSMB agreed to add the issue to its work programme and subsequently decided to hold a spotlight review to examine the effectiveness of partnership interventions to tackle modern slavery in Rotherham.
- 1.3 The spotlight review took place in November 2022. Its methodology and invited witnesses are detailed in Section 2.2 of the report.

### 2. Key Issues

#### 2.1 What is “Modern Slavery?”

- 2.1.1 The Home Office describes modern slavery as “a serious and brutal crime in which people are treated as commodities and exploited for criminal gain”<sup>2</sup>, adding that its true extent is unknown in the UK and globally.
- 2.1.2 Modern slavery is a complex, serious and often organised crime. Under Section 17 of the Crime and Disorder Act, councils have a duty to do all that they reasonably can to prevent crime and disorder in their areas, which will include tackling modern slavery and trafficking.
- 2.1.3 The National Crime Agency outlines that modern slavery can take many forms including trafficking, forced labour and servitude. Adult victims are not judged to have given consent to their treatment if they have been coerced or deceived (as victims cannot consent to their own exploitation). Likewise, children under the age of 18 years cannot consent to their own exploitation and are considered to be victims if they have been recruited or transported for the purpose of exploitation.
- 2.1.4 The term modern slavery describes a range of exploitative behaviours which can occur singularly or together. These can include sexual

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<sup>1</sup> [Modern Slavery Charter](#)

<sup>2</sup> [Modern Slavery Act 2015](#)

exploitation; domestic servitude with victims forced to work in private households for little or no pay; forced labour in industries such as construction, cleaning (car washes), hospitality, food packaging, agriculture, maritime and beauty (nail bars); criminal exploitation such as cannabis cultivation or drug trafficking; and other forms of exploitation such as forced begging, benefit fraud, forced marriage and organ removal<sup>3</sup>.

2.1.5 The Home Office<sup>4</sup> has reported a steady increase in the number of referrals of potential victims of modern slavery over recent years.

- 4,586 potential victims of modern slavery were referred to the Home Office in quarter 3 2022, representing a 10% increase compared to the preceding quarter (4,169) and a 38% increase from quarter 3 2021 (3,317);
- 79% (3,645) were male and 20% (937) were female;
- 50% (2,303) of referrals were for potential victims who claimed exploitation as adults and 43% (1,984) claimed exploitation as children;
- adult potential victims most commonly claimed labour exploitation (41%; 943), whereas child potential victims were most often referred for criminal exploitation (41%; 808);
- the most common nationalities referred in the quarter cited were Albanian, UK and Eritrean;
- 4,652 reasonable grounds and 1,517 conclusive grounds decisions were issued this quarter; of these, 88% of reasonable grounds and 91% of conclusive grounds decisions were positive.

2.1.6 In 2019, the Safer Rotherham Partnership adopted Modern Slavery as one of its key crime and disorder priorities. This priority has been retained in the Partnership's current three-year plan. Between January 2020 and September 2022, there was a total of 112 potential victims of modern slavery referred into the National Referral Mechanism (NRM) and via the Duty to Notify process (DTN) by first responder organisations from Rotherham. (Source-South Yorkshire Police). The ages of potential victims spanned from 13 – 64 years, with victims coming from the UK as well as overseas. Locally, the most common type of crime was recorded as Child Criminal Exploitation (such as burglary, 'county-lines') and cannabis cultivations.

2.1.7 The South Yorkshire Modern Slavery Partnership (SYMSP) monitors referrals to the NRM and has noted a steady increase in numbers. RMBC engages in regular meetings with SYMSP to share information and intelligence.

2.1.8 Victims of modern slavery and human trafficking can come from a variety of backgrounds and nationalities. Traffickers and those involved in

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<sup>3</sup> [Modern Slavery: A Briefing](#)

<sup>4</sup> [Home Office - Q3 Statistics July-Sept 2022](#)

exploitation do not follow a stereotypical profile and indeed many may appear to be outwardly respectable. The Human Trafficking Foundation suggests that people rarely self-identify as victims of slavery/trafficking or easily reveal their experiences. This could be for a variety of reasons including but not limited to fear of reprisals; the impact of trauma; stigma or unwillingness to consider themselves as a 'victim'<sup>5</sup>.

- 2.1.9 The review did not examine the effectiveness of the NRM and Duty to Notify processes<sup>6</sup> or form a judgement on whether these adequately support victims of modern slavery and trafficking.

## 2.2 **Methodology:**

- 2.2.1 Planning sessions were held in advance of the meeting to determine its scope. Briefing materials and resources were also circulated to inform lines of enquiries.

- 2.2.2 The review itself took place over a single afternoon, with participants joining either in person or remotely. Each participant was invited to give a short presentation to outline the focus of their work, highlighting what was working well and key challenges. This was followed by a question-and-answer session and round table discussion. A summary of the discussion and key points raised are outlined in Sections 2.3 and 2.4 of the report.

- 2.2.3 The key lines of enquiry for the spotlight review were as follows:

- What impact has Modern Slavery Charter had since it was adopted in Rotherham in 2018?
- What was the role of the Partnership in identifying modern slavery? What action was taken to support victims and taken against offenders?
- How did the partnership work collaboratively and share information on suspected modern slavery?
- What were the major gaps and challenges (and what could be done to address these)?

- 2.2.4 Specific questions were asked in relation to:

- Procurement/commissioning
- Awareness and levels of confidence within front-line staff, partners, business and the local community
- Data and intelligence sharing
- How the partnership was adapting to recent changes/trends which could impact the nature of modern slavery in Rotherham
- Success of the partnership and working together
- Support for victims

- 2.2.5 The review links to the following Council Plan themes:

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<sup>5</sup> [What is human trafficking? Human Trafficking Foundation](#)

<sup>6</sup> [National referral mechanism guidance: adult \(England and Wales\)](#)



- People are safe, healthy and live well
- Every child able to fulfil their potential

2.2.6 In addition, the review links explicitly to Safer Rotherham Partnership priority (2022-25) of Protecting Vulnerable Adults:

- Protecting and supporting vulnerable adults(...) from harm, crime, and becoming victims of exploitation, as well as, preventing them from becoming victims of modern slavery.

2.2.7 The review group consisted of the following members:

- Cllr Maggi Clark (Chair)
- Cllr Tony Browne
- Cllr Gina Monk
- Cllr Lyndsay Pitchley
- Cllr Ken Wyatt

2.2.8 An information pack was circulated with the following reports/ briefings to each of the review group:

- UK Government *Modern Slavery: A Briefing* (2016)
- Local Government Association *Councillor guide to tackling modern slavery* (2019)
- House of Commons Library *The Modern Slavery Act 2015 five years on* (2020)
- Centre for Social Justice - *It still happens here: fighting UK slavery in the 2020s* (2020)
- Safer Rotherham Partnership *Annual Report 2021-22*

2.2.9 Witnesses were drawn from the Council and its partners. The Chair would like to put on record her thanks for the contribution of each participant and their evident commitment to tackling this issue.

- Cllr Saghir Alam, Chair of the Safer Rotherham Partnership and Cabinet Member for Community Safety, Finance and Customer Services
- Head of Service, Community Safety and Streetscene, RMBC
- Community Safety Service Manager, RMBC
- Head of Procurement, RMBC
- Housing Services, RMBC
- CYPS Safeguarding (Evolve)
- South Yorkshire Police
- Gangmasters and Labour Abuse Authority
- Snowdrop Project
- DWP (Economic, Serious and Organised Crime)
- Migration Yorkshire (Modern Slavery risks for Unaccompanied Asylum-Seeking Children and Asylum-Seeking Adults)

- 2.2.10 The Chair would also like to thank officers in the Community Safety Team and Policy, Partnership and Intelligence Team for their work liaising with agencies in advance of the meeting and assistance with planning the review.

## 2.3 Summary of issues raised

### Community Safety Team, RMBC

- 2.3.1. Prior to the review group determining the scope of the review, officers in the Community Safety Team helpfully drew together a comprehensive briefing covering the following areas:

|   |   |
|---|---|
| <b>The Modern Slavery Charter</b> <ul style="list-style-type: none"> <li>- Details of the Motion to Council</li> <li>- Progress to date</li> </ul><br><b>The National Picture</b> <ul style="list-style-type: none"> <li>- National referral mechanisms</li> <li>- First responder organisations</li> <li>- Duty to notify and consent</li> <li>- County lines and 'cuckooing'</li> </ul> | <b>The Local Picture</b> <ul style="list-style-type: none"> <li>- Referral pathways</li> <li>- Safer Rotherham Partnership</li> <li>- Agency involvement</li> <li>- Training and awareness</li> <li>- Communications</li> </ul> |
|---|---|

- 2.3.2 Further details were highlighted in respect of the team's work and working across the partnership. Three areas of development were identified:

- Increase understanding of the potential signs of modern slavery through training and awareness raising with partners to be delivered by the Snowdrop Project and funded through the Safer Rotherham Partnership.
- Raise awareness with the public around the signs of modern slavery and mechanisms for reporting.
- Develop and deliver of a communication strategy for modern slavery, human trafficking, county lines and other associated issues.

### Procurement Team, RMBC

- 2.3.3 An overview of the processes in place to identify modern slavery in procurement since the Charter was introduced in 2018 was given. An area of development for the team was to focus on contract management to follow up on queries or suspicions, particularly in relations to sub-suppliers and contractors. It was suggested that 'dip sampling' be built into contractual arrangements to provide levels of confidence and assurance that suppliers complied with the conditions of the Modern Slavery Charter.

- 2.3.4 A cross-service Modern Slavery Internal Governance Group was to be established in the Council. It was important that services who had detailed knowledge of the contract specification and relationship with suppliers were represented to share intelligence. It was outlined that there was joint activity across the South Yorkshire Combined Mayoral Authority.
- 2.3.5 It was noted that the Council had processes in place to check abnormally low bids, (which may be an indicator of labour exploitation). Data had been analysed to demonstrate that most bids were submitted within the expected range, however, assurance was given that good oversight was in place to check anomalies. Information was shared with partners, including South Yorkshire Police, if concerns were flagged.
- 2.3.6 It was recognised that awareness and levels of confidence of front-line staff, partners, business and the local community was an area for development. However, it was noted that since the Charter had been adopted, other local authorities had approached RMBC to understand its procurement processes and learn from its best practice.

### **Housing Services, RMBC**

- 2.3.7 Part of the Rough Sleeping Team's role was to help identify who is at risk of modern slavery. At the time of the review, the team had a number of new staff so it was important to build capacity and knowledge to identify instances of modern slavery. Pressures were also acknowledged in respect of the schemes to rehouse Ukrainian families and potential risks of exploitation (e.g. domestic servitude) if housing or employment was insecure.

### **CYPS Safeguarding (Evolve), RMBC**

- 2.3.8 It was outlined that CYPS work with children and young people at risk of both CSE and CCE. Often the same young people can be at risk of or become victims of modern slavery. Assurance was given that cases were reviewed regularly with weekly high-level meetings taking place. Examples of multi-agency working were given and the training had been well received i.e. exploitation such as modern slavery; know the signs to spot and how to make referrals.

### **South Yorkshire Police**

- 2.3.9 This work was located in the Serious Organised Crime section. It was noted that SYP were always looking for ways to improve in the areas of Modern Slavery, Human Trafficking and Organised Immigration across South Yorkshire. At the time of the spotlight review, over twenty officers had been trained as victim liaison officers to identify and safeguard potential victims. Examples were given of how the team worked with the districts and partners across South Yorkshire to share intelligence, provide advice and support victims. Areas for development included how intelligence sharing could be improved, data accuracy and avoiding duplication of tasks across agencies.

### **Gangmasters and Labour Abuse Authority (GLAA)**

- 2.3.10 An overview of GLAA activity was given, with examples of how it liaised with key partners in SYMSP to protect vulnerable and exploited workers. This included reports of worker exploitation and illegal activity such as human trafficking, forced labour and illegal labour provision, as well as National Minimum Wage offences and Employment Agencies Acts.
- 2.3.11 The GLAA investigated all aspects of labour exploitation in England and Wales and also worked with partner organisations such as the police, the National Crime Agency and other government law enforcement agencies to target, dismantle and disrupt serious and organised crime. It also had a key role in the delivery of NRM training to partners.

### **Snowdrop Project**

- 2.3.12 As a South Yorkshire based charity, the Snowdrop Project worked closely with SYP to provide support to adult victims. Support was offered to potential victims regardless of whether they were going through the NRM process, providing wrap around services and activities.
- 2.3.13 Areas of development included identifying of single points of contacts in local authorities to lead on training and liaison with staff across services. Further training on the NRM was needed to raise awareness of referral pathways. Barnsley Council was identified as an area of good practice in this field.
- 2.3.14 The project reported a delay in mental health assessment locally which may impede long term recovery, although once assessment had been completed, mental health support was of good quality. It was noted that when potential victims had to 're-tell stories' or go through similar processes to multiple agencies, which could exacerbate existing trauma. An example was given from another local authority of potential victims not being reinterviewed as part of their housing assessment process and allowing support from advocates.
- 2.3.15 The project recommended that further work takes place on transitional safeguarding arrangements to ensure there is earlier referrals to adult services for young people requiring services who are reaching 18.

### **Department for Work and Pensions (Economic, Serious and Organised Crime)**

- 2.3.16 An overview of how processes and training currently work within DWP to identify and prevent modern slavery was outlined. Front of house staff were trained to spot the signs e.g. if an interpreter/family friend came to an appointment/meeting and was in possession of passports/other documentation rather than the attendee, or answered for the customer without consulting them. When traffickers were identified/apprehended, the DWP worked to prosecute the offender and reimburse the victims of modern slavery, which can include using legislation to recover assets from the perpetrators.

- 2.3.17 It was noted that data sharing can be problematic. An example was given of a pilot scheme which co-located a DWP investigator within a multi-agency unit in Sussex working to tackle modern slavery. This has helped to identify instances of modern slavery and enabled data to be shared much quicker.

### **Migration Yorkshire**

- 2.3.18 An overview was provided of the work of Migration Yorkshire and the main challenges and issues in relation to unaccompanied asylum seekers and modern slavery (both across South Yorkshire and the UK).
- 2.3.19 It was outlined that asylum seekers can become victims of modern slavery out of a need to seek work to support themselves or their families (financial support provided by the Government is at a basic subsistence level). Unable to work legally, paid employment would only be available through the underground economy. This is likely to be unregulated with an increased risk of exploitation. Other examples were cited of asylum seekers trafficked from hotels or dispersal accommodation. It was acknowledged that information sharing between Government agencies, accommodation providers and other key agencies was often problematic
- 2.3.20 It was noted that there are higher numbers of UASC in the systems because of increased arrivals by small boats and delays in processing claims across the asylum system. Councils have been mandated to receive more UASC through the National Transfer Scheme. There was currently a shortage of suitable accommodation with a number of young people being placed in hotels on the south coast of England. There have been significant numbers of children going missing from hotels over recent years who were at risk of serious exploitation and harm. There was considerable pressure on local authorities to secure appropriate placements for unaccompanied children. There have been instances elsewhere of age-disputed cases being placed in unregulated placements, which can add to vulnerability.

## **2.4 Summary of points raised in the question-and-answer session**

- Clarification was sought about how intelligence was disseminated. There were established protocols to share information between certain partners, e.g Border Force, SYP and DWP. However, this was not replicated across all agencies (e.g. NHS providers, local authorities). It was noted that there were different platforms which often presented difficulties as systems did not 'talk to each other'. However, information was shared through established networks, multi-agency meetings and briefings.
- Both SYP and RMBC staff were aware of the risks of pressure being exercised on people without English as a first language and therefore the need to engage appropriate translators/interpreters was recognised. Appropriate adults would be engaged for children under 18 years. Staff were alert to signs of coercion.

- Checks on car washes, nail bars etc: the NCA, GLAA and SYP have visited car washes and nail bars within Rotherham to investigate concerns. If there were safeguarding concerns these would be passed on to the relevant bodies.
- SYP analysed data to examine patterns, location and suspected perpetrators. This information was shared at the multi-agency SYMSP. SYP also worked closely with Neighbourhood teams in respect of exploitation and organised crime in 'hotspots'.
- All intelligence reports were broken down into who submits (e.g. GPs, local authorities, members of the public), who it concerned, relevant information and agency contacts. It was noted that with the move to online processes (such as Universal Credit claims), it may be harder to identify concerns because there were fewer opportunities for face-to-face contact.
- Training and awareness of staff had been disrupted during the pandemic however, this was being rolled out again. It was noted that training programmes such as domestic abuse and CSE sessions have common themes of "how to spot the signs" and guidance to raise concerns via safeguarding or other routes. GLAA had good working relationships with Housing and Community Protections officers locally and were key in identifying risks and concerns of modern slavery as unscrupulous landlords can exploit tenants through benefit fraud.
- At present, social workers within local authorities conduct age assessments if children have no documentation. Home Office policy states that unless the claimant's physical appearance/demeanour 'very strongly suggests that they are significantly over 18 years of age' they should be treated as a child'. However, there was no single reliable method for making precise age estimate, and no conclusive medical test so the margin of error can be considerable. It was noted that CYPS only have a certain amount of people trained to conduct assessments and the process was time consuming. It was suggested that some adults may assert or be coerced to state that they were under 18 as they were aware that additional legal and safeguarding protection was given to children in modern slavery and/or asylum claims.
- Clarification was sought on the pathways of support for victims of modern slavery. It was highlighted that police often come into contact with victims first. However, there was often a delay in getting appropriate support until the referral to the NRM 'kicked in' (if victims choose to go through NRM process). It was noted that the NRM process was complex and there was a backlog in processing applications. As with other complex areas of safeguarding, there were risks that victims may 'drop out' and not wish to proceed. Snowdrop offered support for victims who may not wish to make a referral to NRM. Referrals were made into CYPS and ASC teams at same time as NRM assessments. If adults did not meet the NRM criteria, the Complex Lives Team may give support if there was an assessed need.

- It was noted that 'cuckooing' (a practice where people take over a person's home and use the property to facilitate exploitation) was a complex area and victims were often not recognised as modern slavery victims. It was suggested that this was an area that needed a multi-agency response and good intelligence sharing.
- RMBC offer support to children or young people who were not in mainstream education through the NEET and Early Help pathways. If a child was excluded, this should be picked up with the Pupil Referral Unit or Elected Home Education Team. Assurance was given that there was regular oversight of children and young people not in education or at risk of exclusion, to assess levels of risk and vulnerabilities, including those of criminal exploitation and/or modern slavery.

## 2.5 Recommendations

- 2.5.1 By its very nature, this spotlight review was an overview rather than in-depth analysis of the effectiveness of partnership arrangements in place to address modern slavery in Rotherham. In the course of the review, the review group had the opportunity to discuss with partners the key challenges faced in dealing this issue, explore what was working well and exchange ideas on areas for improvement.
- 2.5.2 The review group thanked the Cabinet Member, officers and partners for their openness in responding to enquiries. They were assured by the evident commitment across the South Yorkshire Modern Slavery Partnership to tackle exploitation. The examples given showed the complexity and sensitivity of this work and the part each agency plays.
- 2.5.3 It was noted that the Safer Rotherham Partnership Plan 2022-25 cites tackling modern slavery and human trafficking as one of its priorities. The review hopes that the observations and recommendations make a timely contribution to this agenda.
- 2.5.4 **The recommendations are as follows:**
- i. That the SRP gives consideration to rolling out a targeted learning and development offer/campaign to raise awareness of modern slavery, how to spot the signs, risks and how to raise concerns and make referrals:
    - a) to front-line staff across key agencies;
    - b) to elected members;
    - c) to the general public and targeted business such as letting agencies (commercial and residential).
  - ii. That the SRP gives consideration to mapping the local modern slavery landscape to identify high risk industries and hot spots (using the example of Bristol City Council).
  - iii. That consideration is given to establishing an RMBC Internal Modern Slavery Governance Group including representation

from services who may encounter modern slavery (for example, Procurement, Licensing, Environmental Health, Training Standards, Neighbourhood teams, Social Care and Housing).

- iv. That consideration is given to how young adults at risk or experiencing modern slavery are safeguarded during the transition from children to adult services and are age assessed appropriately.
- v. That consideration is given to developing referral pathways to ensure that modern slavery victims (both adult and child) have access to appropriate support (housing, advocacy, mental health support) on a timely basis.
- vi. That consideration is given to re-launching the Strategic Partnership information sharing group at the earliest opportunity to improve the way that agencies can share data and intelligence, including examining how IT systems can work better together.
- vii. That consideration is given to widening the levels of investigation and auditing of contracts procured by the Council to focus on the 'layers' of sub-contractors, including binding specifications to audit or 'dip sample' contracts along the supply chain.
- viii. That consideration is given to how the Procurement Team can engage with the SYMCA Supply Chain Advisor to improve processes, joint working and awareness.
- ix. That consideration be given to allowing victim advocates to make representations to Housing Assessment Panels on behalf of victims of modern slavery.

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

- 3.1 Members are recommended to approve the recommendations.

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

- 4.1 In its review, the review considered evidence from the Cabinet Member for Community Safety, Finance and Customer Services and officers and key partners. These are outlined in paragraph 2.2.8.

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

- 5.1 Implementation of any recommendation made to a partner organisation is at the discretion of the relevant partner organisation.
- 5.2 Implementation of recommendations addressed to a directorate of the Council is a matter reserved to the relevant directorate. Timescales for Council directorates responding to scrutiny recommendations are outlined in the Overview and Scrutiny Procedure Rules contained in the Constitution of the Council.



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

- 6.1 Any financial or procurement implications arising from this report will be considered as part of the Cabinet response to its recommendations.

**7. Legal Advice and Implications**

- 7.1 There are no legal implications directly arising from this report.

**8. Human Resources Advice and Implications**

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

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

- 9.1 The review links to the following Council Plan themes:
- People are safe, healthy and live well
  - Every child able to fulfil their potential
- 9.2 In addition, the review links explicitly to Safer Rotherham Partnership priority (2022-25) of Protecting Vulnerable Adults:
- Protecting and supporting vulnerable adults(...) from harm, crime, and becoming victims of exploitation, as well as, preventing them from becoming victims of modern slavery.

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

- 10.1 Members of the OSMB review group have due regard to equalities and human rights in developing recommendations.

**11. Implications for CO<sub>2</sub> Emissions and Climate Change**

- 11.1 There are no implications for CO<sub>2</sub> emissions and climate change directly arising from this report.

**12. Implications for Partners**

- 12.1 The implications for partners are described in the main sections of the report. Implementation of any recommendation is at the discretion of the relevant partner organisation. The recommendations contained in this report are offered acknowledging the contributions that have been made by each of the partner organisations.

**13. Risks and Mitigation**

- 13.1 There are no risks directly arising from this report.

**Accountable Officer(s)**

Emma Hill, Head of Democratic Services and Statutory Scrutiny Officer  
Caroline Webb, Senior Governance Advisor

Approvals obtained on behalf of:

|   | <b>Name</b>       | <b>Date</b> |
|---|-------------------|-------------|
| Chief Executive   | Sharon Kemp       | 05/06/23    |
| Strategic Director, Finance & Customer Services (S.151 Officer) | Judith Badger     | 31/05/23    |
| Assistant Director, Legal Services (Monitoring Officer)         | Phillip Horsfield | 31/05/23    |

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

**Committee Name and Date of Committee Meeting**

Cabinet – 19 June 2023

**Report Title**

Hackney Carriage and Private Hire Licensing Policy

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

No, but it has been included on the Forward Plan

**Strategic Director Approving Submission of the Report**

Paul Woodcock, Strategic Director of Regeneration and Environment

**Report Author(s)**

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**Ward(s) Affected**

Borough-Wide

**Report Summary**

In March 2020, the Council introduced a revised Hackney Carriage and Private Hire Licensing Policy. This Policy built on the previous Policy (introduced in 2015) which was widely seen to be setting the standard for other local authorities to benchmark against in relation to Taxi and Private Hire Licensing.

The 2020 Policy is now due for review and provides an opportunity to ensure that the Council's approach to Taxi and Private Hire Licensing continues to reflect best practice, addresses local challenges and sets standards that will ensure that the standard of licensed driver, vehicle and operator in Rotherham remains high.

This report outlines the key changes being considered and seeks approval from Cabinet to commence a period of consultation in relation to these proposals.

**Recommendations**

1. That Cabinet approves the draft policy that should be consulted upon and authorises officers to commence consultation as outlined in this report.

**List of Appendices Included**

- Appendix 1 Draft RMBC Hackney Carriage and Private Hire Licensing Policy 2023
- Appendix 2 Equalities Screening Assessment
- Appendix 3 Climate Impact Assessment

**Background Papers**

Rotherham MBC Hackney Carriage and Private Hire Licensing Policy 2020 – 2023:  
[hackney-carriage-and-private-hire-licensing-policy \(rotherham.gov.uk\)](https://rotherham.gov.uk/hackney-carriage-and-private-hire-licensing-policy)

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

None

**Council Approval Required**

No

**Exempt from the Press and Public**

No

## **Hackney Carriage and Private Hire Licensing Policy**

### **1. Background**

- 1.1 In July 2015, the Council published a Policy that set out the Council's approach to Hackney Carriage and Private Hire Licensing. This Policy was reviewed in 2020 and several additional requirements introduced. A large number of these were implemented at the time however, there have been delays in implementing both the additional stickers/signage, in relation to audio recording buttons, and the refresher training. Whilst the delays in implementation are as a result of various challenges, including the Covid pandemic, which led to large aspects of the Licensing training function being unable to operate fully, it is acknowledged that these activities should have been delivered sooner and as a result, actions have been put in place to prevent any recurrence. Both of these aspects are now in place operationally, with training dates established for the remainder of this year and stickers delivered to all operators and/or licence holders directly.
- 1.2 The existing and new draft Policy sets what is generally accepted as being the highest standards with regard to taxi and private hire licensing in the UK, and many of the standards have subsequently been adopted by other local licensing authorities and included in national statutory guidance issued by the Department for Transport.
- 1.3 The Council is striving to build on the foundation created by the Policy and maintain the position of the Council as being recognised as one of the leading authorities nationwide in relation to Hackney Carriage and Private Hire Licensing.
- 1.4 The current Policy, and the statutory guidance, is clear that periodic review is essential towards ensuring success. The current three-year Policy was introduced in March 2020, so it is now necessary for the Policy to be subject to a formal review.

### **2. Key Issues**

- 2.1 To support the process of policy review, the Licensing team has undertaken an initial period of informal consultation with stakeholders and identified a number of key issues that could be resolved or mitigated through the revision of the current Policy and will be detailed further below. The changes can also be seen in the attached draft Policy at appendix 1.
- 2.2 Out of town vehicles and increase in sub-contracting
  - 2.2.1 It has become apparent that since the pandemic, the way that drivers are working has changed. It would appear that drivers are moving away from local firms and instead choosing to work for firms that have licences to operate in a number of different districts (Uber are perhaps the most commonly known of firms that operate in this way).

- 2.2.2 Working in this way allows drivers to take full advantage of the demands for taxi services in different areas at different times / days of the week. For example, there may be a demand in Rotherham during daytime hours, but a higher demand for taxi services in Sheffield during the evening / night-time economy.
- 2.2.3 As a result, local firms are reporting a decrease in the number of drivers that are available to them and are therefore looking at other options to enable them to fulfil bookings. One option that appears to be gaining in popularity is the use of drivers and vehicles licensed by other Councils (which is permitted via the process of sub-contracting bookings to other operators).
- 2.2.4 The proliferation of out-of-town vehicles is concerning, not least because this activity undermines the standards that are set by the Council's Hackney Carriage and Private Hire Licensing Policy. In addition, members of the local trade are not working within a "level playing field" and are finding that drivers licensed elsewhere are benefiting from an unfair commercial advantage due to lower operational costs.
- 2.2.5 The Council recognises that Private Hire Operators have a critical role to play in relation to use of out-of-town vehicles and more widely in the delivery of safe and efficient private hire services. It is essential that Private Hire Operator licence holders are competent in the operation of their business and have appropriate safeguards in place to ensure that their business activities do not expose the public to unacceptable risks to their safety.
- 2.2.6 With the above in mind, it is being proposed that the current requirements that are incumbent on Private Hire Operators are enhanced so that, like the drivers that work for them, Private Hire Operators meet the high expectations that the Council and the residents of Rotherham have of them.
- 2.2.7 The following additional conditions are proposed to be included within the revised policy and therefore attached to Private Hire Operator Licences:
- The Private Hire Operator must inform the customer at the time of acceptance of the booking that the booking they have made will be sub-contracted to another Private Hire Operator. If this is not known at the time of booking then the customer must be informed as soon as practicable (and in any event, the customer must be informed before the vehicle is dispatched to undertake the booking).
  - Private Hire Operators must maintain records of each sub-contracted booking. These records must include (as a minimum):
    - The time and date that the booking was sub-contracted to the third party operator.
    - The time and date that the customer was informed that their booking had been sub-contracted.

- The name and Private Hire Operator number of the operator that the booking was sub-contracted to.
- The details of the vehicle and driver that undertook the sub-contracted booking.
- Inspections / compliance visits of Private Hire Operators will include a detailed assessment of any arrangements that are in place for the sub-contracting of bookings to other operators. A zero-tolerance approach will be taken in relation to a failure to comply with the requirements of a Private Hire Operator licence - robust action being taken in the event of operator non-compliance with licence requirements.

2.2.8 The above requirements will apply to existing licence holders in addition to those that apply for a new licence. The requirements in relation to existing licence holders will be introduced by way of an implementation scheme that will be produced and published following consultation with stakeholders. The service has also considered options to introduce a requirement for Operators which would prevent the use of out-of-town vehicles, save for exceptional cases, however it has been acknowledged that this requires further detailed discussion to ensure any such amendment was legal and practicably applicable. The Council must also continue to work with partners and other Local Authorities to seek national change that either ensures consistently high standards or allows for local restrictions on out-of-town vehicles where they fall below the expectation set locally.

## 2.3 Vehicle Age and Emissions

2.3.1 Anecdotal evidence through ongoing engagement with the Taxi trade suggests that the current cost of living crisis is making it difficult for existing drivers to replace older vehicles that no longer meet the Council's Vehicle Age Policy.

2.3.2 Obtaining a licence in another Council area is attractive in these situations as the cost of an older vehicle is much lower than a newer one that would be required in Rotherham, and the installation of taxi cameras is also not required in many other Local Authority areas. It has been suggested that a local driver can save between £2000 - £3000 on the cost of a vehicle by opting for a licence elsewhere (and in some cases may not need to replace the vehicle as the alternate licensing authority does not have an age limit policy as stringent as that in Rotherham).

2.3.3 In relation to vehicle age and emissions, the Council's current Policy stipulates the following (Full details are contained within Appendix I of the current Hackney Carriage and Private Hire Licensing Policy):

- A vehicle which is not licensed at the point of application must be aged under 5 years old at the time that the application is made.
- If an application is made to renew a vehicle licence (i.e. an application is made whilst there is a licence in place) then the vehicle

must be aged under 10 years old on the date that the renewed licence would take effect.

2.3.4 These requirements were introduced in 2015 with the objective of improving the standard of licensed vehicles and reducing the negative impacts on air quality resulting from the use of older vehicles.

2.3.5 Although the Policy requirements were largely successful in achieving the above objectives, the requirements may now be considered to be overly restrictive and to some extent linked to the increase in the number of out-of-town vehicles operating in Rotherham. At the same time any revised policy still needs to support the Council's ambition towards a net zero borough.

2.3.6 As a result of the above, it is being proposed that the Council's Vehicle Age and Emissions Policy is amended as follows:

- A vehicle which is not licensed at the point of application must have been registered (or in the case of imported vehicles, manufactured) on or after the 1<sup>st</sup> September 2015.
- If an application is made to renew a vehicle licence (i.e. an application is made whilst there is a licence in place) then the vehicle must be aged under 10 years old on the date that the renewed licence would take effect, except in the following circumstances:
  - Vehicles that meet Euro 6 emissions standards (petrol and diesel) must be aged under 12 years old on the date that the renewed licence would take effect.
  - Vehicles that meet Euro 6 emissions standards (petrol and diesel) that are capable of carrying a passenger seated in a wheelchair must be aged under 15 years old on the date that the renewed licence would take effect.
  - Ultra-Low Emission Vehicles must be aged under 15 years old on the date that the renewed licence would take effect.

2.3.7 In conjunction with the above, the frequency that vehicles are required to undergo a compliance test at the Council's testing station will be amended. The current requirements are:

- Vehicle aged under 3 years old – one test per year
- Vehicle aged between 3 and 5 years old – two tests per year
- Vehicle aged over 5 years old – three tests per year

2.3.8 In order to incentivise the purchase of newer vehicles, whilst ensuring that older vehicles remain suitable for use as licensed vehicles, it is being proposed that the test frequencies are amended as follows:

- Vehicles aged under 5 years old – one test per year
- Vehicles aged between 5 and 7 years old – two tests per year
- Vehicles aged over 7 years old – three tests per year



2.4 Convictions Policy lacks clarity in relation to certain offences

2.4.1 The current Convictions Policy provides guidance to decision makers, drivers and applicants in relation to the way that a conviction would affect a person's suitability to hold a licence.

2.4.2 Although the Policy covers most common conviction types, there are a number that do not fit into the categories that are detailed in the Policy (for example some motoring offences, immigration related offences, offences related to business practices (sale of illicit tobacco) etc.).

2.4.3 The Policy review therefore includes a revision of the Convictions Policy to provide clearer guidance in relation to these offences, and to ensure that the standards that are set continue to be in accordance with good practice and at a level that will ensure that users of taxi and private hire services are protected.

2.4.4 The specific changes are as follows:

- Greater clarity will be provided through the introduction of additional categories of convictions. New categories will include immigration offences, certain motoring offences, offences connected to the operation of businesses, cultivation of illegal drugs, offences involving discrimination, offences related to public safety and breaches of environmental protection legislation.

2.4.5 The minimum time periods that must elapse before a person is considered to be suitable for licensing will be reviewed and compared with other standards throughout the country (including the national statutory guidance), with periods increasing where required. The time periods detailed in the current policy will not decrease and will match or exceed those of all other neighbouring authorities.

2.4.6 In addition to the above, it is proposed that the revised policy includes a requirement for all vehicle proprietors to undergo a basic level DBS check as part of the application process (unless the applicant is an existing Rotherham MBC licensed driver).

2.5 Low number of vehicles that are capable of carrying a passenger that is seated in a wheelchair

2.5.1 The number of vehicles that can carry a person seated in a wheelchair has decreased over the years – primarily due to the cost of these vehicles.

2.5.2 The fact that most wheelchair accessible vehicles (WAVs) are hackney carriages exacerbates this issue due to the current limit on the numbers of hackney carriages that are licensed in Rotherham (currently limited to 52). This situation makes it difficult for wheelchair users to access taxi services in the way that others are. The Policy review looks to address this, and a list of accessible vehicles is currently being prepared for publication, in line with statutory requirements.

- 2.5.3 The number of Hackney Carriage licences that can be in effect at any one time is currently limited to 52. This limit was introduced by the Council's Licensing Board in July 2005 following a survey of unmet demand for taxi services in Rotherham.
- 2.5.4 Government guidance clearly states that Councils should not impose a limit and should instead allow market / commercial forces to dictate the number of Hackney Carriages that are able to operate within its area. It is therefore proposed that the current limit of 52 Hackney Carriages in Rotherham is removed, but with a requirement for any new Hackney Carriages to be capable of carrying a passenger seated in a wheelchair.
- 2.5.5 The effect of this is expected to be a greater number of available Hackney Carriages (that would have the option of working for local firms during periods of high demand) and an increase in the number of vehicles that are able to accommodate a passenger seated in a wheelchair.
- 2.6 Clarification regarding application requirements
- 2.6.1 The current Policy does not outline the application and decision-making process for individuals that have had licences revoked due to being the subject of criminal investigations but have been released from enquiries.
- 2.6.2 This leads to uncertainty on the part of applicants and officers in relation to the processes that should be followed should a former suspect in a criminal investigation be released from enquiries and subsequently apply for relicensing.
- 2.6.3 Current practice regarding the referral of applications to the Council's Licensing Board is considered to be inefficient. For example, an application from an individual convicted of a relatively minor offence some years ago would be referred to the Licensing Board even though the Council's Convictions Policy would indicate that the individual would be considered suitable for licensing. This introduces unnecessary delay, as the hearings are only held at certain frequencies, and uses valuable time of the Committee that may be better spent dealing with other, more high risk, matters. However, the expected practice will be for serious matters to be referred to the Licensing Board for consideration, regardless of the time period that has elapsed.
- 2.6.4 It is proposed that the revised policy will include the following:
- An outline of the processes that will apply to the handling of applications for driver, vehicle and operator licences. This will provide clarity in relation to:
    - the documentation that must be provided when making an application,
    - the order that the various elements must be completed,
    - any timescales that apply to the completion of the application,

- any specific requirements that apply to each of the individual application elements (for example, the details of acceptable providers for the practical driving test).

2.6.5 In addition, details in relation to the application process for former licence holders previously subject to investigation will be included to make it clear that there will be no exemptions from the completion of all of the application requirements. The Council will utilise information sharing pathways to obtain information regarding the criminal investigation and will use this information as part of the assessment of the applicant's suitability to hold a licence.

2.6.6 It is also proposed that the revised policy should provide greater clarity in relation to the Council's decision-making processes and scheme of delegation.

2.6.7 It will be made clear that most licensing decisions will be made by licensing officers with referrals to the Council's Licensing Board generally being limited to:

- those cases where there is a clear breach of the Council's Policy, and
- licensing officers are of the opinion that it may be appropriate for an application to be refused, or for an existing licence to be revoked (with the exception of cases where it is in the interests of public safety for a revocation to take effect immediately).

2.7 Lack of clarity in relation to vehicle testing standards and display of signage

2.7.1 Observations have shown that the way in which taxi signage is displayed on vehicles lacks consistency.

2.7.2 Door signage should be displayed on the front doors, but has been seen on the rear doors, wings and rear body panels.

2.7.3 In addition, licence plates are mounted in the rear window, attached with magnets and / or suitable homemade brackets / fixings.

2.7.4 Although the requirements are detailed in the current Policy, they would appear to be misunderstood by some drivers and therefore further specific clarity needs to be provided.

2.7.5 It is proposed therefore that the revised policy includes clear guidance on the placement of vehicle signage (including door signs). It will also introduce a requirement that all required signage must be permanently fixed to the vehicle by default. However, the Council will allow deviations from this requirement in cases where if the method of fixing allows the signage to be placed in accordance with the policy requirements and there is no history of formal action being taken against the licence holder as a result of non-compliance with signage requirements (during the period of the licence).

2.7.6 In addition to the above, a new requirement will be introduced for the display of a vehicle licence plate on the front bumper / grille.

2.8 General amendments to wording and format of policy to improve readability

2.8.1 The general wording of the policy and associated appendices will be reviewed and if appropriate amended in order to improve clarity and readability.

2.8.2 The full draft Policy can be found attached as Appendix 1 with any changes highlighted throughout the document.

**3. Options considered and recommended proposal**

3.1 The current policy covers the period 2020 - 2023, meaning that the policy is now due to enter a formal review process. The options below have been considered:

3.2 **Option 1:** The Council could not make any changes and consult on the current policy. This would give a policy to consult upon but would not reflect Council's intention to introduce additional / revised measures and would not therefore give respondents the opportunity to comment on those proposals.

3.3 **Option 2:** The Council could publish a paper which outlines the key issues raised in this report and ask for comments on the appropriate way to implement this into the revised policy. This would allow for an open consultation where consultees are able to give further detail to inform the revised policy, but would not give adequate information about the additional / revised measures that the Council is considering.

3.4 **Option 3:** The Council could commence a period of consultation highlighting any proposed changes and asking consultees to comment on those. The Council could also invite comments from consultees on the policy in general. This approach would allow consultees to understand the position of the Council, and would afford respondents to make informed comments on the proposals and the policy in general.

3.5 The preferred option is Option 3. This will give consultees the opportunity to comment on the key changes that are being proposed, as well as giving the option to comment on the policy in general.

**4. Consultation on proposal**

4.1 If Cabinet accept the proposed amendments, these would then be subject to a formal consultation process. The consultation will include, but will not be limited to:

- Representatives of the local Licensed Trade
- Council Members
- Licensing Board
- Members of the public

- South Yorkshire Police
- Groups representing older people, young people, people with disabilities and other similar groups
- Groups representing the interests of passengers
- NACRO
- Groups representing survivors / victims of crime
- Neighbouring Local Licensing Authorities

4.2 It is essential that those affected by the policy are appropriately involved in its development. Therefore, the licensed trade and members of the public will be fully involved in the consultation process and their views and suggestions will be taken into consideration before a final policy is drafted.

4.3 The views of elected members, particularly those that have a role in relation to Hackney Carriage and Private Hire Licensing, are also critical to the review process and arrangements will be made for full engagement with the appropriate Councillors and Council bodies.

4.4 The consultation will run for a minimum period of 12 weeks and include online and paper questionnaires, as well as face-to-face sessions across the borough, focusing on the proposed changes highlighted above. However, the consultation process will also be used to obtain views on other matters that should be considered for inclusion within the policy.

4.5 Following the consultation period, a final version of the policy will be written and presented to Cabinet for consideration.

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

5.1 Consultation of the proposals will commence as soon as possible following approval being given by Cabinet.

5.2 Once approved, the consultation will run for a period of at least 12 weeks.

5.3 A final draft policy will be developed and presented to Cabinet for consideration in December 2023.

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

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

6.2 Activity related to the development and implementation of the revised policy will be undertaken and contained within existing budgets.

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

7.1 The Council is responsible for the regulation of Hackney Carriage and Private Hire licensing in the Borough. There is no legal requirement to have a policy in place; however such a policy is necessary to ensure proper regulation of the trade and ensure that high standards are maintained. In

order for such a policy to be fit for purpose, it needs to be regularly reviewed and amended to reflect change, so that regulation of the trade is consistent and remains effective. Regulation is essential to ensure effective safeguarding in the borough.

- 7.2 Failure of the Council to properly regulate Hackney Carriage and Private Hire licensing in the Borough and the failure to maintain a policy that is fit for purpose leaves the Council and any decisions made in relation to licensing open to legal challenge. Any such challenge carries both financial and reputational risk for the Council.
- 7.3 The Council must be able to demonstrate effectiveness of the policy and provide confidence and reassurance regarding its implementation.
- 7.4 Option 3 as the preferred option will ensure that the Council consulting in a transparent manner and as extensively as possible in order for policy development to take place where required. This will minimise the risk of any legal challenge in respect of the policy itself and any decisions made surrounding the process. A decision not to formally review the policy or to narrow down the consultation could leave the Council open to potential challenge by way of judicial review.
- 7.5 Any consultation should be carried out over a sufficient period of time, the proposal of 12 weeks would be sufficient and is in line with Government guidance.

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

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

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

- 9.1 Both the Jay report into Child Sexual Exploitation (CSE) in Rotherham and the subsequent Corporate Governance Inspection led by Louise Casey CB identified issues, amongst which was the importance of having an effective taxi licensing service.
- 9.2 At the heart of the policy lies a commitment to the protection of the public, safeguarding children and the vulnerable and the prevention of crime and disorder. The effective implementation of the licensing policy and the standards that it contains plays an important part in the protection of children and vulnerable people in Rotherham.
- 9.3 Since the publication of the report, the licensing team have been working with colleagues in Children's Services to ensure that those involved in the care and support of looked after children are aware of the key contacts within licensing, the nature of information that can be passed on to the licensing team and the action that the team can take as a result. This has been achieved by identifying single points of contact within the Licensing Service and Children's Services and an agreed protocol for the sharing of information

between services (making use of the formal, documented Local Authority Designated Officer procedures within Children's Services).

- 9.4 In addition, action has been taken to repair and formalise the information sharing processes within the Council and between its partners. This includes the regular attendance of a senior manager from the Licensing service at the weekly Child Exploitation Tasking Group meetings that are chaired by South Yorkshire Police. Information that is discussed at the weekly meetings includes detail on offenders, victims and locations of concern. These meetings also provide a forum where a multiagency approach to a problem can be discussed; if needs be with formation of a separate task and finish group consisting of the various Council services and partner agencies.
- 9.5 The Council's Hackney Carriage and Private Hire Licensing Policy makes it clear that non-conviction information can be taken into consideration when making decisions regarding licensing matters (there had previously been a criticism that officers acted only when a licence holder had actually been convicted of an offence). The policy confirms that the safety of the travelling public must be the paramount concern.

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

- 10.1 In undertaking its licensing function, the Council comply with relevant legislative requirements including the Human Rights Act 1998.
- 10.2 The policy (along with the Council's General Enforcement Policy) will ensure the consistent and fair determination of licences; recognising that every individual is entitled to dignity and respect.
- 10.3 When making licensing decisions the Council and its officers aim to ensure there is no discrimination on the grounds of culture, ethnic or national origins, gender, disability, age, sexual orientation, political or religious beliefs, socio-economic status, or previous criminal conviction or caution which is not relevant to the current issue.
- 10.4 Adherence to these requirements are assured by means of officer awareness, observation, case reviews and both customer satisfaction and complaints received into the service. In addition, those affected by licensing decisions have the legal right to challenge that decision in the Magistrates Court.
- 10.5 An Equalities Screening Assessment has been completed and is attached as Appendix 2 to this report.

## **11. Implications for CO2 Emissions and Climate Change**

- 11.1 There are no direct CO2 emissions or climate change implications introduced by this report as the Policy presented is in draft. A further report with the final version of the Policy will be subject to further detailed analysis.

## 12. Implications for Partners

- 12.1. It is recognised that enforcement and compliance activity often cannot be carried out in isolation by the Council. Its key partnerships with other agencies e.g. South Yorkshire Police, HM Revenue and Customs and the Driver and Vehicle Standards Agency are critical to ensure a comprehensive approach to regulation.

## 13. Risks and Mitigation

- 13.1 The Hackney Carriage and Private Hire Licensing Policy must give confidence to licence holders and the public of the effective performance management of Council processes and the transparency and fairness of the Council's approach to enforcement.
- 13.2 Responsibility for ensuring compliance with the policy rests with team and service management, with appropriate overview and scrutiny by the Cabinet Member for Waste, Roads and Community Safety and members of the Licensing Board.
- 13.3 Failure of the Council to effectively discharge its licensing enforcement functions may compromise public safety.
- 13.4 Compliance with the General Enforcement Policy gives confidence to business and individuals of the transparency and fairness of the Council's approach to enforcement, without which the Council's reputation might be at risk.

## 14. Accountable Officers

Alan Pogorzelec, Licensing Manager

Approvals obtained on behalf of Statutory Officers: -

|  | Named Officer  | Date     |
|--|----------------|----------|
| Chief Executive  | Sharon Kemp    | 05/06/23 |
| Strategic Director of Finance & Customer Services<br>(S.151 Officer) | Judith Badger  | 01/06/23 |
| Assistant Director, Legal Services<br>(Monitoring Officer)           | Phil Horsfield | 31/05/23 |

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





# **Rotherham Metropolitan Borough Council Hackney Carriage & Private Hire Licensing Policy**

**2023**

**Rotherham Metropolitan Borough Council  
Hackney Carriage & Private Hire Licensing Policy**

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## 1. Introduction

Rotherham Council is responsible for the regulation of the Hackney Carriage and Private Hire trades within the boundaries of the borough of Rotherham.

This policy and related procedures will guide the work of the Council in the way in which it carries out its functions. The policy has immediate effect and will be applied to existing licences and new applications received after the date that the policy is adopted by the Council. The Council reserves the right to overturn a decision that has previously been made, or refuse a renewal of a licence, where clear errors are discovered. In addition, the Council will undertake periodic auditing of currently licensed drivers and vehicles to ensure that the policy is adhered to and is being followed in its entirety. Such audits will be conducted using this policy as the required standard.

The policy has been developed by the Council after consulting with both the public at large and the trade in particular. In developing this policy, we have also taken into consideration:

- The Council's licensing aims and objectives (see section 3 of this policy)
- Current legislation
- Other Rotherham Council policies
- The Office of Fair Trading "The Regulation of Licensed Taxi and PHV Services in the UK" 2003
- Taxi and PHV Licensing Criminal Convictions; Policy, Local Government Regulation, Sept 2010
- Guidance on the Rehabilitation of Offenders Act 1974 – March 2014
- Disclosure & Barring Service Information Note on Rehabilitation of Offenders Act 1974 and Police Act 1997 Orders - 2013
- Regulators' Code 2014
- The Department for Transport's "Taxi and Private Hire Vehicle Licensing: Protecting Users (consultation version).
- Taxi and private hire vehicle licensing: recommendations for a safer and more robust system

This policy sets out the requirements and standards that must be met. In exercising its discretion in carrying out its regulatory functions, the Council will have regard to this policy document. However, each application or enforcement action will be considered on its own merits.

The Council will formally review the policy statement at least every three years and informally re-evaluate it from time to time. Where revisions are made, the Council will publish a statement of such revisions, along with a revised policy.

## 2. Definitions

The Local Government (Miscellaneous Provisions) Act 1976, as amended, (“the 1976 Act”) and the Town Police Clauses Act 1847 provides the regulatory framework for Rotherham Council (the “Council”) as the Local authority (the “Authority”) to carry out its licensing functions in respect of Hackney Carriage and Private Hire Licensing.

This document sets out the policy that the Council will apply when making decisions about new applications and licences currently in force. This policy applies to:

- Hackney Carriages; being a vehicle available to transport the public with no more than 8 passenger seats, which is licensed to ply for hire. This means that it may stand at ranks hailed in the street by members of the public, or undertake pre-booked work
- Private Hire vehicles: licensed to carry no more than 8 passengers but must be booked in advance by customers through an operator and cannot ply for hire in the street.
- Private Hire operators
- Hackney Carriage and Private Hire drivers

In undertaking its licensing function, the Council will comply with relevant legislative requirements including:

- Town Police Clauses Act 1847 and 1889
- Local Government (Miscellaneous Provisions) Act 1976
- Transport Act 1985 and 2000
- Crime and Disorder Act 1998
- Environmental Protection Act 1990
- Equality Act 2010
- Road Traffic Acts 1988/ 1991.
- Health Act 2006
- Human Rights Act 1998

The Council will also have regard to other strategies, policies and guidance in its decision making. The Council will also have regard to wider considerations affecting visitors, employers and residents. These include, but will not be limited to: the availability of Hackney Carriage and Private Hire transport at all times; public nuisance; pollution; crime; and the capacity of the trade to cope with customer demand, particularly at night. The Council will also follow the principles laid out in the statutory Regulator’s Code and any recommendations from the Office for Product Safety and Standards.

When considering the Equality Act 2010, the Council also have regard for the Public Sector Equality Duty, which places a duty on the Council to have due regard to:

- Eliminate unlawful discrimination
- Advance equality of opportunity between people who share a protected characteristic and those who do not.

- Foster or encourage good relations between people who share a protected characteristic and those who do not.

Through the Policy, the Council seeks to deliver on the duties placed upon it through the Equality Act. The Council will have regard for the above measures in dealing with the licensing objectives, by protecting the public and licensed drivers from discrimination and ensuring that any unlawful discrimination is dealt with appropriately, working with representatives of the trade and the Police.

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### **3. Aims and Objectives of the Hackney Carriage & Private Hire Licensing Policy**

The principal purpose of Hackney Carriage and Private Hire licensing is to protect the public and promote public safety. The Council will adopt and carry out its Hackney Carriage and Private Hire licensing functions with a view to promoting the following:

- **The protection of the public, safeguarding children and the vulnerable and the prevention of crime and disorder,**
- **The safety and health of the public and drivers,**
- **Vehicle safety, comfort and access,**
- **Encouraging environmental sustainability,**
- **Promoting the vision of Rotherham**

In promoting these licensing aims and objectives, the Council will expect to see licence holders and applicants continuously demonstrate that they meet or exceed the standards set by the Council.

#### **A. The protection of the public, safeguarding children and the vulnerable and the prevention of crime and disorder,**

- Raising awareness amongst the licensed trade, and the general public, of issues of safeguarding children and vulnerable adults.
- Operating rules, conditions and disciplinary processes.
- Vetting, qualification, training and monitoring licensees.
- Measures to prevent noise, odour and light nuisance from Hackney Carriage and Private Hire activities.
- Commitment to work with the police and licensing authorities.
- An expectation that licence holders will treat all customers, passengers, the general public and Council officers with respect and courtesy at all times.

#### **B. The safety and health of the public and drivers**

- The establishment of professional and respected Hackney Carriage and Private Hire trades
- Consideration of history of convictions and cautions.
- Driver training, qualification and performance.
- Knowledge of the Rotherham Borough area.
- Health and fitness to fulfil the role of a licensed driver.
- Crime prevention measures.
- Vehicle specifications.
- Safety at ranks including protection of drivers.
- Regular driver health checks.
- Public education campaign.

### **C. Vehicle safety, comfort and access**

- Standards of vehicle comfort and appearance.
- Space standards for vehicles.
- Location of ranks.
- Use of ranks.
- Provision of disabled facilities.
- Number of vehicles available.
- Provision for the aged and the young.
- Provision of safe and comfortable premises for customers to use.

### **D. Encouraging environmental sustainability**

- The Council will work with stakeholders in the trade, elected members and partners to find the most appropriate methods of further reducing vehicle emissions.

### **E. Promoting the vision of Rotherham**

*“Everyone in Rotherham will have the opportunity to fulfil their potential”*

- Protecting our most vulnerable people and families, enabling them to maximise their independence
- Ensuring all areas of Rotherham are safe, clean and well maintained
- Helping people to improve their health and wellbeing and reducing inequalities within the borough
- Stimulating the local economy and helping local people into work

These aims and objectives will be taken into account by the Council when making decisions. It is recognised that the licensing function is only one means of securing the delivery of the above objectives.

### **Cross-border hiring**

The issue of cross-border hiring is currently the largest concern surrounding licensing that the Council has. This policy sets a high standard for those who are licensed by this authority, and aims to implement a fair but robust process. However, if an application is refused by this Council, any other authority in the country may licence a driver, based on the same information, but assessed against a less robust criteria. Once this driver is granted a licence, they will then be able to lawfully operate across Rotherham and other areas of the country, despite being refused a licence by this authority.

The Council believe that this poses a significant risk to this policy, and undermines the licensing objectives that this authority has set. This national issue poses risks to the protection of the public, the safeguarding of children and the vulnerable, the prevention of crime and disorder, and the safety and health of the public.

The Council recognises its responsibility and will use all opportunities to protect the

public, particularly children and the vulnerable, against this issue. The Council will continue to lobby Government to prioritise this issue and apply national minimum standards to licensed drivers.

The Council will continue to work in partnership with the locally licensed trade, its neighbouring authorities, South Yorkshire Police, local businesses and local people towards the promotion of the aims and objectives of this policy.

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## 4. Delegations

Under the Council's Constitution, the Licensing Board has the authority, amongst other licensing matters, to discharge non-executive regulatory board functions with respect to Hackney Carriage and Private Hire licensing. This function is further delegated to the Licensing Board Sub Committee comprising of 5 elected members drawn from the Licensing Board who determine applications, contraventions, suspensions and revocations. References regarding the Licensing Board (the Board) shall, in this policy, also be inclusive of the Licensing Board Sub Committee.

The Assistant Director of Community Safety and Street Scene (the "Director") has been delegated by the Council to grant, refuse, suspend and revoke licences. However, the Assistant Director will refer matters for consideration by the Licensing Board where this is considered to be appropriate. Examples of situations which may result in the referral of a matter to the Licensing Board include occasions where an existing licence holder is convicted of a criminal offence or where an applicant for the grant of a licence has a conviction which breaches this policy.

In addition, the Assistant Director is delegated to appoint and authorised inspectors and officers to investigate and discharge statutory duties – these duties include the issuing of warnings, suspension notices, and any other enforcement related sanction approved by the Council.

## 5. Driver Requirements

All drivers must satisfy the Council that they are fit and proper people to be granted a drivers' licence, and must then remain a fit and proper person for the duration of that licence. The fitness and propriety of a driver will be monitored / assessed throughout the period that the licence is held.

Applicants are expected to act with honesty and integrity throughout the application process, and must therefore fully and accurately disclose any information that is requested. This includes information regarding previous convictions, warnings and reprimands, current investigations and pending criminal proceedings.

The Council aims to ensure that Private Hire and Hackney Carriage services delivered within the Borough are of a good standard. The application and compliance procedures are designed to ensure these standards are maintained, monitored for compliance and appropriately enforced.

The sections below, therefore, apply equally to Private Hire and Hackney Carriage drivers unless indicated and the application procedure is set out in Appendix A.

### 5.1 Fit & Proper Person Test

The Council considers that licensed drivers are in a position of trust, and therefore the council must ensure that applicants / licence holders are and remain fit and proper to hold a licence. This requirement is contained within Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 (Part II).

The term "Fit and Proper Person" for the purposes of taxi and Private Hire licensing is not legally defined. However, in determining whether a person is fit and proper to hold a licence, those tasked with determining licences / applications are effectively asking the following question of themselves:

*Without any prejudice, and based on the information before you, would you allow a person for whom you care, regardless of their condition, to travel alone in a vehicle driven by this person at any time of day or night?*

All decisions on the suitability of an applicant or licensee should be made on the balance of probability. This means that an applicant or licensee should not be 'given the benefit of doubt'. If the board or delegated officer is only 50/50 as to whether the applicant or licensee is 'fit and proper', they should not hold a licence. The threshold used here is lower than for a criminal conviction (that being beyond reasonable doubt) and can therefore include information that goes beyond criminal convictions.

In order to assess the suitability of an applicant (and to inform decision makers when answering the question above), the Licensing Authority will undertake whatever checks and apply whatever processes it considers necessary to ensure that licences are not issued to, or used by, unsuitable people. In assessing the suitability of an applicant or licence holder, the Council will take into consideration the following factors:

- Criminality
- Period of holding a driver's licence
- Number of endorsed driving licence penalty points
- Right to work in the UK
- Medical fitness
- Standard of driving / driving ability
- General conduct / standards of behaviour (including social media)
- The conduct of the applicant in making the application (e.g. whether they have acted with honesty and integrity during the application process).
- The previous licensing history of existing / former licence holders (including honesty and integrity).
- Theoretical knowledge of issues and matters related to the work of a licensed driver.
- The Public Sector Equality Duty

In addition, the Council will also consider further information sources such as the Police (including abduction notices); Children and Adult Safeguarding Boards; other licensing authorities; and statutory agencies.

## **5.2 Application process**

This Council issue licences that enable the driving of both Hackney Carriages and Private Hire Vehicles. Licences shall be issued for a maximum period of 3 years but the Council can grant licences for a lesser period if deemed appropriate.

Applicants shall have a minimum of 2 years of holding either a full driving licence issued in the UK, the European Community (EC) or one of the other countries in the European Economic Area (EEA). In addition to the above, licensed drivers who hold an EC/EEA driving licence shall obtain a GB counterpart document. If this document is required, it shall be produced before the initial licence is issued

The Council may directly access the DVLA records of applicants, or alternatively will employ the services of a third party to do this.

In addition, a third party service may be used to assess the suitability of applicants based on their general behaviour whilst using the internet (in particular social media sites).

Applicants shall provide proof that they have a statutory right to work in the UK and any applicant that has a limited right to work shall not be issued a driver licence for a period longer than that limited period.

The information submitted as part of the application process will be shared, when applicable, with other Council Departments and external statutory bodies e.g. Police and HM Customs & Excise.

An individual will not be considered fit and proper to hold a licence if there is any evidence of dishonesty, and/or it can be shown that an applicant or existing licence holder has misled, or attempted to mislead, the Council (either officers or members of

the Licensing Board) as part of any process associated with the administration or determination of a licence.

Each application will be considered on its individual merits, and the Council reserves the right to undertake checks over and above those outlined in order to assess the applicant's suitability to hold a licence. In addition, the Council will utilise all appropriate information sharing pathways to obtain any information that is required in order to make an informed decision regarding an applicant's fitness and propriety.

In most cases, applicants that have had their licence revoked or refused due to their involvement in a criminal investigation will be required to reapply for a licence and must complete all elements of the application process before their application will be considered. The only exception to this will be in cases where a decision to revoke or refuse a licence was clearly wrong or unreasonable – in these cases the Licensing Manager may authorise the use of an expedited process to allow the relicensing of a particular individual (for example, by providing an exemption from certain elements of the application process).

### **5.3 Disclosure and Barring Service (DBS)**

A criminal record check on a driver is seen as an important safety measure. Enhanced Disclosure through the Disclosure and Barring Service is required as these disclosures include details of live and spent convictions, police cautions and other relevant information that indicates that a person poses a risk to public safety. The DBS application procedures are detailed in Appendix B of this policy.

Both Hackney Carriage and Private Hire drivers are included as "exceptions" within the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (the "Exceptions Order"). Accordingly, all drivers will be asked to disclose on their application form any caution or conviction even if it is spent for other purposes and those will be revealed on the DBS certificate. Advice will be provided in relation to certain old and minor cautions and convictions which are referred to as "protected". These do not have to be revealed and will not appear on the DBS certificate. This advisory clause is intended as general guidance only and anyone in doubt should seek their own legal advice.

All applicants for the grant or renewal of a licence requiring a DBS check shall be responsible for the costs of obtaining the DBS certificate. The Council will only accept DBS certificates which are applied for through Rotherham Council's Licensing Unit.

All new applicants must declare on the application form any convictions, cautions or fixed penalty notices they have received. All licence holders shall notify the Council of any convictions or cautions received during their licence period. Failure to inform the Council of any convictions, cautions and fixed penalty notices during the licensing period may result suspension or revocation of the licence.

A licence will not be granted or renewed in the absence of a current Enhanced DBS Disclosure Certificate.

All licence holders must subscribe to the Disclosure and Barring Service Online Update Service; this will be required by a condition placed on the licence. Any costs

associated with maintaining this subscription must be met by the licence holder. The licence holder must give permission for the council to undertake checks of their DBS status should the council consider it necessary to do so. The council will use the update service to monitor the criminal record of licence holders. The update service can be used when a licence is renewed – if there are no changes recorded on the DBS certificate then a full DBS check will not be required. In all other cases a full Enhanced DBS check will be required before a licence is renewed.

#### **5.4 Applicants with periods of residency outside of the UK**

If an applicant has spent six continuous months or more overseas the Council will need to see evidence of a criminal record check from the country / countries visited covering the period that the applicant was overseas.

Because of the potential lifetime relevance for some of the most serious offences mentioned in this policy, the Council will need to ensure that sufficient background checks are conducted for those applicants that have lived overseas. For EU nationals (including UK citizens) suitable checks should be available. For those countries for which checks are not available, the Council will require a certificate of good conduct authenticated by the relevant embassy.

#### **5.5 Relevance of Convictions and Cautions etc.**

The Council is committed to ensuring that the licensed trade are fit and proper, this will entail periodic audits of licensed drivers to ensure that any errors or material changes are identified and acted upon.

In relation to the consideration of convictions, cautions, warning and reprimands etc., the Council has adopted the policy set out in Appendix C.

In assessing whether the applicant is a fit and proper person to hold or retain a licence, the Council will consider each case on its merits. It will take account of cautions and convictions, whether spent or unspent, but only in so far as they are relevant to an application for a licence.

Those applications or renewals with information indicating a past criminal record or, any other concern, will be referred to the Licensing Board who will make the assessment of whether or not the applicant is a fit and proper person to hold a licence in line with the policy at Appendix C.

The policy at Appendix C will also be used to determine the suitability of an existing licence holder should it be necessary to consider action in relation to the licence part way through the licence period.

#### **5.6 Knowledge Testing**

Applicants for a driver's licence are required to have passed the Council's knowledge test. The list below is an indication of what may be contained within the test but is not exhaustive and can be changed when necessary to update on the most current issues within the sector. This test will ensure that the applicant has sufficient knowledge in



relation to:

- i. Literacy and numeracy
- ii. Child / adult safeguarding awareness
- iii. Disability awareness (including physical and sensory disability)
- iv. Road Safety
- v. Basic vehicle maintenance
- vi. Customer care / customer awareness
- vii. Local knowledge

In addition to the knowledge test, applicants will be required to demonstrate that they have abilities in English and Maths at least to Entry Level 3 standard (as defined in the Qualifications and Credit Framework). If necessary, the applicants' abilities in English and Maths will be assessed by an appropriately qualified individual that will be independent of the Council (such as a local college).

Applicants who do not meet Entry Level 3 standard in English and Maths will be provided with details of courses that they can attend to improve these skills. When the applicant has successfully completed a relevant course, they may then re-apply for a licence.

If applicants fail three successive knowledge tests they will be required to wait at least 12 months (from the date of the most recent failure) before being permitted to take further tests.

Applicants that fail a test must pay a re-sit fee prior to the test date and any applicant cancelling the test with less than 24 hours' notice will not be refunded the fee.

## **5.7 Medical Assessment**

The Council recognises that licensed drivers should have more stringent medical standards than those applicable to normal car drivers because they carry members of the public who have expectations of a safe journey; they are on the road for longer hours than most car drivers; and they may have to assist disabled passengers and handle luggage and therefore requires Group 2 Standards of Medical Fitness as applied by the DVLA to the licensing of lorry and bus drivers, as the appropriate standard for licensed Hackney Carriage and Private Hire drivers.

Applicants shall provide a completed medical examination form supplied by the Council and completed by their own General Practitioner's (GP) practice on first application. A new medical will then be required at the next renewal after a driver reaches the age of 45. Thereafter, a medical will be required every six years until the driver reaches the age of 65 when a medical will be required annually. In exceptional circumstances, and with prior agreement from the Licensing Manager, a medical assessment can be carried out by another registered GP practice as long as the applicant's medical history has been viewed and assessed. The GP carrying out the medical must confirm that they have viewed the applicant's full medical history.

Licence holders with certain medical conditions (for example certain neurological conditions) may also be required to submit annual forms and adhere to additional

requirements in order for them to retain their driver's licence.

Holders of Public Service Vehicle (PSV) and / or Large Goods Vehicle (LGV) Licences, where the holder is able to produce proof of current medical examination less than 3 months old, shall not be required to undergo a medical examination on first application. The Council will require written confirmation from the assessing GP that a full medical history has been reviewed as part of the examination.

Licence holders must advise the Licensing Service of any deterioration or other change in their health that may affect their driving capabilities.

Where there is any doubt as to the medical fitness of the applicant, the Council may require the applicant to undergo and pay for a further medical examination by a Medical Doctor appointed by the Council.

Where there remains any doubt about the fitness of any applicant, the Licensing Board will review the medical evidence and make any final decision in light of the medical evidence available.

No licence shall be issued until medical clearance (if required) has been established.

A licence application will not be accepted / processed unless all elements of the application process have been completed.

Licensed drivers are under a legal duty to carry assistance dogs in their vehicles without additional charge. Drivers who have a medical condition which is aggravated by exposure to dogs may apply to the Council for exemption from the duty on medical grounds. If an application is successful, they will be issued with an exemption certificate, and also be issued with a notice of exemption. The notice of exemption must be exhibited in the vehicle by fixing it, facing outwards, either on the windscreen or in a prominent position on the dashboard.

## **5.8 Duration of licence**

The Council will normally issue licences for either a one or three-year period. However, the Council does have the discretion to issue licences of a shorter duration, if it considers this to be necessary given the circumstances.

## **5.9 Qualifications**

The Council believes all passenger transport drivers whose role demands high standards in driving and customer service would benefit from a nationally recognised qualification that includes customer care, meeting the needs of people with disabilities, road safety, the handling of emergencies and how to defuse difficult situations and manage conflict.

As such, applicants (who are not existing licence holders) whose application for a drivers licence is determined on or after the date on which this policy becomes effective will be required to provide evidence of the following qualifications / skills to the Council before a licence will be issued:

- BTEC Level 2 Certificate in the Introduction to Role of the Professional Taxi and Private Hire Driver or any alternate qualification which the Council may prescribe. Other qualifications may be accepted provided that they are to an equivalent standard of the BTEC and have a comparable syllabus. Any certificate must have been awarded within the last three years. In cases where the certificate was awarded more than 3 years ago, the certificate holder must demonstrate that they have undertaken a suitable refresher / CPD course – the content of which will be determined by the council.
- Completion of the Council's safeguarding children and vulnerable passenger's course. Applicants are required to attain a 100% pass mark in order to complete this course.
- Ability in English and Maths at least to Entry Level 3 standard (as defined in the National Qualifications Framework).

Existing licence holders will be required to provide evidence of the qualifications detailed above.

Licence holders or applicants that possess an NVQ level 2 qualification in Road Passenger Vehicle Driving will only be exempted from the BTEC requirement if they are able to demonstrate that they have undertaken additional training in the elements covered in Unit 6 of the BTEC (including unit code J/502/5985), have a level of knowledge comparable to that obtained by the completion of the BTEC and pass the council's enhanced knowledge test.

Alternative qualifications or training methods may be considered in exceptional circumstances, these will be determined on a case by case basis.

Qualifications (including the BTEC Level 2) will only be accepted if they have been issued by a reputable training provider. The training provider must be able to satisfy the council that it has an effective Quality Assurance Framework in place. The framework must cover all elements of the training, verification, assessment and certification process and must satisfy the council with regard to the quality and reliability of all aspects of the process up to and including the awarding of a certificate.

The Council reserves the right to refuse to accept a certificate of qualification as proof of an applicant or licence holder meeting a requirement if it is not satisfied as to the authenticity of the certificate or the quality / reliability of any part of the process that lead to the certificate being issued.

## **5.10 Conditions**

The Council may attach such conditions to a Private Hire / Hackney Carriage driver's licence as are considered necessary. These are set out in Appendix D.

The Council has also made byelaws that are specifically applicable to Hackney Carriage drivers / proprietors. The existing Hackney Carriage byelaws are set out in

Appendix E. These byelaws will be reviewed from time to time.

### **5.11 Dress Code**

It is recognised that the taxi trade, both Hackney Carriage and Private Hire, play an important role in portraying a positive image of Rotherham and are key ambassadors for the Borough.

Anything that serves to enhance the professional image of the Hackney Carriage and Private Hire trade and promotes the concept that drivers of licensed vehicles are professional vocational drivers is to be welcomed.

To ensure that not only are the above objectives are met but, also that driving is carried out safely, a Dress Code for licensed drivers has been set. This is provided at in Appendix F. It is a condition of licence that drivers adhere to this policy.

Employees working for companies operating their own dress codes will still be required to comply with the Council's standard.

### **5.12 Code of Conduct when working with vulnerable passengers**

It is essential that young, elderly and other vulnerable people are safeguarded and protected whilst being transported in a licensed vehicle. Accordingly, a specific Code of Conduct must be complied with when working with vulnerable passengers. This is provided at Appendix G. It is a condition of licence that drivers adhere to this policy.

### **5.13 Right of driver to work in the UK**

The Council will require all applicants to provide documentary evidence to confirm that they may legally work in the UK. Examples of documents that maybe provided include:

- A UK passport confirming that the holder is British Citizen (or citizen of another EEA country – including Switzerland),
- Passport or other travel document endorsed to show that the holder is allowed to stay in the United Kingdom and undertake paid employment,
- Full UK Birth / Adoption Certificate,
- An Immigration Document issued by the Border and Immigration Agency to the holder which indicates that the person named in it can stay in the United Kingdom and undertake paid employment,

A work permit or other approval to take employment issued by the Home Office or the Border and Immigration Agency when produced in combination with either a passport or another travel document endorsed to show the holder is allowed to stay in the United Kingdom and is allowed to undertake paid employment.

This list is not exhaustive, and other documents may be accepted – further information

will be provided by the Licensing Office on request.

**Where an applicant is subject to immigration controls, a licence will not be issued for longer than the period that the applicant has permission to undertake paid employment in the United Kingdom.**

#### **5.14 Renewal Process**

The Council require any driver wishing to renew their licence provide evidence to confirm that the following conditions have been completed, before a licence is renewed:

- Attendance at the Council's refresher training session, to be completed within the last three months of the current licence period;
- A renewed enhanced DBS check, applied for through the Licensing Service;
- An up-to-date medical assessment if appropriate (refer to Section 5.7);
- Proof of an applicant's continuing right to work in the UK.

The refresher training session will not be formally assessed. However, in order to satisfactorily complete the course, all drivers are expected to actively participate in the session. Failure to comply may result in a driver not being deemed to have completed the course. The Council reserves the right to require drivers to attend further sessions if this is deemed appropriate.

A licence will not be renewed until all of the following conditions have been met. The Council will consider the renewal of a licence in the same way that it considers a new application, which is detailed in Section 5 of this policy.

## 6. Hackney Carriages and Private Hire Vehicles

### 6.1 Application process

The Council will consider all applications for vehicle licences on their own merits. The procedure for dealing with applications for Private Hire and Hackney Carriage vehicles is set out in Appendix H.

The applicant must submit the following to the Council in order for the application to be considered valid:

- The vehicle application form;
- The appropriate fee;
- A Disclosure Certificate provided by the Disclosure and Barring Service (basic level) – unless the applicant is an current Rotherham MBC licensed driver with an active subscription to the DBS update service (where this is possible).
- The original of the Vehicle Registration Document (Log Book/V5) certificate of registration for the vehicle (the new keeper's supplement section of the V5 document will be accepted in the case of vehicles that are not licensed at the time that the application is made, and the vehicle has recently been purchased by the applicant (documentary evidence will be required). Licences will not be renewed unless the full V5 document is made available to the council at the time of application);
- The original insurance certificate or insurance cover note for the vehicle (this must be provided before the licence is issued)
- Confirmation from the Council's appointed testing centre that the vehicle meets both the Council's vehicle specification and the vehicle examination requirements.

In addition:

- Any vehicle not manufactured with European Whole Vehicle Type Approval will be required to undergo Single Vehicle Approval (SVA) testing and evidence of that testing and the vehicle having obtained SVA produced to the licensing office.
- The application must be made on the correct application form and all supporting documents completed in full.

### 6.2 Grant and renewal of licences

The vehicle must be submitted for a compliance test at the appointed test station. A Certificate of Compliance will be issued and must be produced as evidence that the vehicle meets the required standard. At this stage a vehicle licence will be issued, subject to the completion of all other elements of the application process and the provision of a valid certificate of motor insurance.

Vehicle licences will be issued for a one year period, commencing on the date that the licence is issued. Vehicles older than 3 years old on the day that the licence is granted will be issued with a 12 month licence; however the licence plate will show an expiry date either six or four months after the date that the licence is issued. A further plate will be issued covering the remainder of the licence period once the vehicle has been

subjected to a vehicle inspection at the Council's appointed testing facility (commonly referred to as an intermediate test). The frequency of vehicle inspections is based on age and outlined in Appendix I.

### **6.3 Vehicle age and exhaust emissions**

Public transport is a significant element of air pollution in Rotherham due to vehicle emissions. As with other forms of public transport, emissions from the taxi / Private Hire fleet are among the sources which can be regulated and as such are a priority to be addressed with the aim of reducing levels of air pollution and helping to improve public health.

In the interests of reducing exhaust emissions and increasing passenger safety and comfort, the Council has set requirements for vehicle emission standards and limits the age of vehicles that are considered suitable for licensing. It is considered that this is justifiable to ensure the sustained improvement of Rotherham's licensed vehicle fleet and the impact on the health and environment in the Borough.

The Council accepts that purchase of a newer vehicle will have a greater financial impact on the licence holder but must balance this with the need to ensure that the objectives of this policy are met. With this in mind, the Council will set age limits for vehicles that are considered to be a reasonable balance between affordability and vehicle quality.

The Council will incentivise the purchase of newer and more efficient vehicles by extending the upper limit for the least polluting vehicles. The Council holds the view that the introduction of Ultra Low Emissions Vehicles within the borough's licensed vehicle fleet would have an important role in reducing vehicle emissions and improving air quality. The Council will incentivise the uptake of ULEVs within the licensed vehicle fleet through the use of higher age limits for those vehicles.

The Council's policy in relation to the age of vehicles and the standard of emissions is set out in Appendix I.

### **6.4 Insurance**

It is required that all insurance documents must be shown before a licence is issued. This requires:

- A valid certificate of insurance or cover note confirming that insurance is in place for each driver of the vehicle and specifying use as either a Hackney Carriage or Private Hire Vehicle.
- A Hackney Carriage vehicle requires insurance to cover public hire and hire and reward.
- A Private Hire vehicle requires insurance to cover hire and reward.
- A cover note will be accepted and the licence will be issued on the understanding that a certificate of insurance will be produced at the earliest opportunity.

The council will undertake periodic auditing of licensed vehicles to verify that the vehicle is appropriately insured.

## 6.5 Vehicle specification

The Council has set down a series of specifications. A vehicle will need to comply with these specifications prior to it being accepted as a licensed vehicle.

The specification for Private Hire vehicles is set out in Appendix J and for Hackney Carriages at Appendix K.

## 6.6 Conditions

The Council is empowered to impose such conditions as it considers reasonably necessary in relation to the granting of Hackney Carriage or Private Hire Vehicle licences.

These are set out in Appendix L for Private Hire Vehicles and Appendix M for Hackney Carriages.

However, where it is considered necessary, additional conditions may be imposed. In considering what is reasonably necessary the Council will take into account it's the aims and objectives of this policy.

## 6.7 Identification of vehicles as Private Hire Vehicles or Hackney Carriages

The Council requires Hackney Carriages and Private Hire vehicles to clearly indicate to the public that they are licensed vehicles. Therefore, they must be clearly distinguishable from other vehicles and each other. The Council believes that clear signage, types of vehicle, together with colour of the vehicle, can achieve this.

- a) Hackney Carriage
  - The exterior colour of all Hackney Carriages must be white.
- b) Private Hire Vehicles
  - The TX4 or similar vehicle (commonly referred to as a 'London cab') will not be licensed as a Private Hire vehicle.
  - The minibus variants of approved Hackney Carriage vehicles (such as the Mercedes Vito) can be licensed as Private Hire vehicles but must not be white.

The Council has set standards on the acceptable type of signage for Private Hire Vehicles and Hackney Carriages. These can be found in the Private Hire Vehicle / Hackney Carriages conditions set out in Appendix L for Private Hire Vehicles and Appendix M for Hackney Carriages. They include:

- the permitted position of licence plates;
- positioning of door signs for vehicles;
- required wording for door signs on vehicles;
- requirements for the display of notices in vehicles;
- other notices/ markings that the Council require licensed vehicles to display.



## **6.8 Fire extinguishers**

All vehicles are required to be equipped with a fire extinguisher that conforms to the specification as stated in the Council's conditions.

## **6.9 Tyres**

Tyres are the vehicle's only point of contact with the road, so it is essential that they are in good condition.

The Council requires that all licensed vehicles to adhere to the following provisions with regard to tyres:

- Tyre treads are designed to efficiently and effectively remove water from the road surface and provide maximum grip. All tyres fitted to the vehicle must have at least 2.0 mm tread depth throughout a continuous band in the centre 3/4 of the tread and around the entire circumference of the tyre.
- Tyre fitted to a motor vehicle or trailer must be fit for purpose and be free from any defects which might damage the road or endanger any person. Fit for purpose means that a tyre must:
  - be compatible with the types of tyres fitted to the other wheels;
  - not have any lump, bulge or tear caused by separation or partial failure of the structure;
  - not have a cut or tear in excess of 25mm or 10% of the sectional width of the tyre, whichever is the greater, and which is deep enough to reach the ply or cord;
  - not have any part of the ply or cord exposed.
- Tyres must be correctly inflated to the vehicle / tyre manufacturer's recommended pressure.
- All replacement tyres fitted to licensed vehicles must be new (i.e. not have been used previously on any other vehicle) and have been fitted by a reputable vehicle maintenance company / contractor. Vehicle proprietors are required to retain invoices / receipts to show that any tyre that is purchased meets this requirement.
- The fitting of part worn tyres to licensed vehicles is not permitted.
- 'Space saving' spare wheels must only be used in an emergency, and only in accordance with the manufacturer's instructions. Should the use of a 'space saving' spare wheel become necessary during a period of hire then the journey may continue, but the wheel must be replaced before the next journey.

## **6.10 Accidents**

If at any time the vehicle is involved in an accident, however minor, the driver must inform the Council of this fact as soon as possible and in any event within one working day (by telephone or email). An accident report form will then need to be completed and submitted to the Council within five working days of the accident occurring (except

in exceptional circumstances when the report must be made as soon as possible).

The vehicle must be presented for inspection at the Council's authorised testing station as soon as possible after the accident has taken place – the appointment will be arranged by the Council who will notify the vehicle proprietor of the date and time. Failure to present the vehicle for the appointment may result in the vehicle's licence being suspended until such time as the vehicle is presented for examination.

If the vehicle is so damaged that it cannot be driven, then the vehicle proprietor must inform the Council of this fact – the Council will then advise the proprietor of the action to be taken. In such cases the proprietor is advised to take photographic evidence of the vehicle's condition that clearly illustrates the reasons why the vehicle cannot be driven / presented for examination.

### **6.11 Vehicle examination and testing requirements**

Hackney Carriage and Private Hire vehicles examination and testing requirements are set out in Appendix N. The frequency of intermediate compliance tests is outlined in Appendix I.

### **6.12 Meters**

All Hackney Carriages must be fitted with an approved meter. The Council will from time to time publish a list of meters approved and acknowledged by the Public Carriage Office for use to calculate fares.

Meters used to calculate fares must be accurate, display the correct time and be capable of displaying:

- In the case of Hackney Carriages, the various tariffs as approved by the Council (including extra charges recoverable under the approved Table of Fares).
- The meter shall be calibrated and set to the Council's agreed charging distances and tariffs currently in force.
- In the case of Private Hire Vehicles, any scale of charges provided by the operator of the vehicle.

Meters will be checked for accuracy by a measured mile distance or by waiting time.

Meters must be positioned in order that the fare must be clearly displayed to the passenger throughout the journey.

Meters in use must not facilitate fraudulent use. Any signs of tampering including the breaking of any seals will result in a suspension notice being issued immediately. For the suspension notice to be removed, the vehicle meter must have been resealed and calibrated by an approved meter company and presented to the Council for inspection.

Private Hire Operators and/ or drivers may agree a cost for the journey with the

customer prior to the journey commencing. In this situation, the price quoted is the price that must be charged – there is to be no deviation from this price without the agreement of the customer. On occasions where a price has been not been agreed prior to the journey commencing, the fare charged must be that which is reflected on the meter where the vehicle is equipped with a meter.

### **6.13 Taxi Cameras**

Suitable equipment, capable of recording both audio and video, must be installed in all licensed vehicles. The system must meet or exceed the council's specification for taxi camera systems which can be found in Appendix T of this policy. The system must be operational at all times that the vehicle is being used as a licensed vehicle (i.e. for the carriage of fare paying passengers). The system does not need to be operational during other times (i.e. when being used for domestic purposes).

Video recording must be active at all times. Audio recording must be active in any of the following circumstances:

- An unaccompanied child (i.e. under 18) or vulnerable adult is being carried in the vehicle, or
- Where the driver and customer are involved in a dispute or the driver feels threatened by the behaviour of a passenger. Activation of audio recording must be triggered by the driver pressing a switch / button. Audio recording will continue until such time as the button / switch is pressed again. This switch will activate / deactivate audio recording independent of the passenger's audio activation button / switch.

There must also be the facility for the passenger to activate audio recording (independent of the driver) should the passenger wish to do so. Activation of audio recording must be triggered by the passenger pressing a switch / button. Audio recording will continue until such time as the button / switch is pressed again. This switch will activate / deactivate audio recording independent of the driver's audio activation button / switch.

Once activated (by either passenger or driver), the audio recording must continue for an uninterrupted period until it is deactivated.

At the end of journey when the passenger leaves the vehicle, audio must be deactivated before another passenger enters the vehicle. If appropriate it must be reactivated should any of the situations above arise in relation to this new journey.

### **6.14 Additional provisions for Private Hire vehicles only**

#### **6.14.1 Wheelchair accessibility**

In addition to all other licensing conditions, any applicants seeking the grant of a Private Hire vehicle in which it is intended to carry passengers who are seated in a wheelchair must present a vehicle which has:

- M1 classification and comply in all respects to EC Whole Vehicle Type Approval (ECWVTA);
- Suitable fittings for securing a wheelchair and any passengers seated in them;

- Access and egress via suitable side or rear doors.

#### **6.14.2 Advertisements**

Limited advertising is allowed on Private Hire vehicles subject to the approval of the Council. This must be in accordance with the requirement set out in Appendix O.

#### **6.14.3 Limousines and executive hire**

Any limousines with 8 seats or less must be licensed as a Private Hire Vehicle

Vehicles used for this purpose must meet the requirements for Private Hire Vehicles.

These vehicles must display appropriate signage, issued by this Council, which states details of the vehicle, issue date and the number of persons allowed to be carried. This disc must be displayed on the front and rear windows of the vehicle.

Drivers of limousines and executive vehicles must complete the licensing application process in the same way as any other licensed driver.

All foreign vehicles used for these purposes must meet relevant British or European standards. Any alterations to a manufacturer's standard specification will require M1 EWVTA. Any subsequent changes to the vehicle will invalidate this approval.

When a vehicle has been imported, the importer must produce a declaration from the testing authority (DVSA) that the vehicle will not carry more than eight passengers.

#### **6.14.4 Special events vehicles and courtesy cars**

The Council considers the following types of vehicles to be 'special event vehicles' in the context of licensing:

- decommissioned emergency service vehicles
- vintage vehicles
- other non-standard type converted vehicles used for special events.

The above list is not exhaustive, and other types of vehicle may be considered from time to time. When considering an application for a special event vehicle, the Council will have regard to the general requirements for Private Hire vehicles contained within this policy and relevant appendices.

Courtesy cars used for transporting customers to and from specific venues such as hotels and nightclubs, whether operated with or without charge to the customer, are considered to be Private Hire vehicles. These vehicles must be licensed as Private Hire vehicles, driven by Private Hire drivers and the journey must be booked via a Private Hire operator.

### **6.15 Additional provisions for Hackney Carriage vehicles only**

#### **6.15.1 Limitation on numbers**

The main aim of Council's licensing of the Hackney Carriage and Private Hire trade is

the protection of the public. The Council is aware that the public should have reasonable access to Hackney Carriage and Private Hire services, because of the part they play in local transport provision.

Disabled groups are particularly reliant on Hackney Carriages as a means of transport, and the Council is not satisfied that there is not an unmet demand for the Hackney Carriage services in Rotherham. In addition, Government guidance would indicate that limitations should not normally be applied to the numbers of Hackney Carriages operating in a particular area.

As a consequence, the Council will not limit the number of Hackney Carriage licences that are in effect at any one time. Any additional Hackney Carriage licences that are issued after the introduction of this policy must be capable of carrying a passenger seated in a wheelchair (exceptions to this may be granted in exceptional circumstances at the discretion of the Licensing Manager – for example, in the case of vehicles licensed by hire companies and accident management agents). The requirement for vehicles to be capable of carrying a passenger seated in a wheelchair will be reviewed by the Licensing Manager as appropriate and may be withdrawn if such a requirement is no longer considered to be required.

#### **6.15.2 Advertisements**

The Council will allow limited advertising on Hackney Carriages if the vehicle is of the 'London Cab' type. Advertising on any other type of vehicle is not permitted. Advertisements must be in accordance with the requirement set out in Appendix O.

#### **6.16 Taxi ranks**

Taxi ranks are to be used by Hackney Carriages whilst waiting for their next hire. They are not to be regarded as parking places.

Private Hire Vehicles are not permitted to park on taxi ranks, nor must they allow customers to alight from their vehicle on a taxi rank.

## **7 Fares**

### **7.1 Hackney Carriages**

The Hackney Carriage Table of Fares (“the tariff”) is set by the Council and sets the maximum fare that can be charged by Hackney Carriage drivers for journeys within the Borough which can be negotiated downwards by the hirer for journeys. The hirer may agree to the fare for a journey which ends outside the borough being charged other than at the metered rate.

A fares tariff is enforceable as a byelaw and it is an offence for any person to charge more than the metered fare.

The Council will review Hackney Carriage fare scales from time to time in liaison with the Hackney Carriage Proprietors. A notice of any variation to the maximum fare shall be advertised by the Council.

A table of authorised maximum fares will be provided to each Hackney Carriage licence holder, which must then be displayed in each vehicle so that it is easily visible to all hirers.

Drivers must, if requested by the passenger, provide written receipts for fares paid.

### **7.2 Private Hire Vehicles**

The Council is not able to set fares for Private Hire vehicles.

Private Hire Operators that use licensed vehicles fitted with a fare meter must provide the Council with a current table of fares. This table must be available within each Private Hire vehicle so that it is easily accessible to all hirers.

Drivers must, if requested by the passenger, provide written receipts for fares paid.

## 8 Operators

### 8.1 Requirement for a licence

A licensed hire vehicle must only be dispatched to a customer by a Private Hire operator who holds an operator's licence. Such a licence permits the operator to make provision for the invitation or acceptance of bookings for a licensed hire vehicle.

A Private Hire operator must ensure that every licensed hire vehicle is driven by a person who holds a licence issued by the same Authority that issued the vehicle licence. This authority must be the same authority that issued the operator's licence.

Any person who operates a Private Hire service must apply to the Council for a Private Hire Operator's Licence. The objective in licensing Private Hire operators is the safety of the public, who will be using operators' premises, and vehicles and drivers, arranged through them.

Applications for Operator licences shall be made on the prescribed form, together with the appropriate fee. The Council will then decide whether the applicant is a fit and proper person to hold an Operator licence.

This Council will grant Private Hire operator licences for a period of 12 months.

### 8.2 Fitness and propriety

The Council will only issue licences to applicants that are deemed to be fit and proper. In assessing this, the Council will have regard to the following:

- Criminal record (including convictions, cautions, warnings and reprimands),
- Factors such as demeanour, general character, non-criminal behaviour, honesty and integrity,
- Previous conduct (particularly in cases where the applicant holds or has previously held a licence issued by Rotherham Council),
- Business practices demonstrated by the applicant (for example standard of record keeping, compliance with other regulatory requirements, financial practices etc.)
- The Public Sector Equality Duty

As part of the assessment of fitness and propriety, the Council will interview applicants for the grant or renewal of a Private Hire Operator licence. The interview will include an assessment of the applicant's licensing knowledge, compliance history and an evaluation of their business practices and method of operation. Applicants that do not satisfy Council Officers that they are competent and will operate their business in an acceptable manner will have their application for a licence refused.

In addition, the Council will also consider further information sources such as the Police (including abduction notices), Children and Adult Safeguarding Boards, other licensing authorities and statutory agencies.

If an application is received from a person that is not a driver licensed by the Council, then the applicant will be required to provide a Basic Disclosure from the Disclosure and Barring Service, and undertake the council's Child and Adult Safeguarding Awareness Training (as required by licensed drivers).

It is recognised that Private Hire Drivers and Operators are not necessarily the only contact points for customers. For example, a person taking bookings will be responsible for deciding which driver to send to which user; a position that could be exploited.

The Council has a responsibility to ensure that all staff members do not pose a risk to the public and therefore, all staff that take bookings, dispatch vehicles, or have access to sensitive information (such as booking records) are required to provide a Basic Disclosure Check from the Disclosure and Barring Service.

The operator has a responsibility to keep a register of all staff that take bookings, dispatch vehicles, or have access to sensitive information, and keep an accurate record of Basic DBS checks for all individuals listed. These records are required to be provided to the Council by the relevant Private Hire Operator, on request, for all such individuals.

Where a DBS check cannot be carried out on a member of staff that meets the criteria listed above (for example, the employee resides outside of the UK), the Operator must outline the steps they have taken to demonstrate how they are satisfied that an individual is a fit and proper person. The evidence provided by the employer would be presented to the Licensing Board in order to confirm whether these checks are equivalent to a basic level DBS.

The Council expect that the following steps would be included, but this is not an exhaustive list:

- face to face interviews with individuals;
- checks to ensure that the information provided by applicants is verified;
- independent professional and character references are requested and scrutinised;
- identity checks, right to work in the UK checks, national insurance number checks and relevant qualifications checks (if any) are verified as original documents;
- checks on previous employment history and experience;
- steps that are taken to verify that the individual has the health and physical capacity for the role; and
- a record of any discrepancies or anomalies, how they have been investigated and satisfactorily resolved.

### **8.3 Insurance**

Before an application for a Private Hire operator's licence is issued, the applicant shall produce evidence that they have taken out appropriate public liability insurance for the premises to be licensed. Where necessary, operators must also hold employer's



liability insurance.

#### **8.4 Conditions**

The Council has power to impose such conditions on an operator's licence, as it considers reasonably necessary and these are set out at Appendix Q.

However, where it is considered necessary, additional conditions may be imposed. In considering what is reasonably necessary the Council will take into account it's the aims and objectives of this policy.

Operators must only use vehicles and drivers licensed by Rotherham Council.

Failure of the operator to adhere to the conditions of licence will lead to enforcement action and / or the issue of enforcement penalty points.

#### **8.5 Use of operator name following revocation of licence**

Where an operator licence is revoked by the Council, the name (or a similar name) of the Private Hire company associated with that licence cannot be used by another operator until such time as twelve months has elapsed since the date of revocation or the date on which all appeal processes have been concluded (whichever is the longer).

#### **8.6 Operator responsibility in relation to vehicles / drivers that are operated**

The operator is responsible for all persons (and vehicles) that are employed, contracted or otherwise used in the course of their business. To that end, the operator must undertake sufficient checks to satisfy themselves that only suitable drivers, administrative staff and vehicles are used (and continue to be used) in the course of their business. The failures of an operator to ensure that appropriate checks are carried out may call into question the operator's fitness and propriety. In addition, a failure to take appropriate action in relation to drivers that persistently breach licence conditions may also be detrimental to the continued fitness and propriety of the operator.

The following are examples of circumstances that may affect the fitness and propriety of a Private Hire operator:

- Licensed drivers or vehicle proprietors persistently (either individually or as a group) breaching the conditions of their licence whilst working for / under the instruction of a particular operator.
- Vehicles being operated that are in an unsuitable condition.
- Failure by the operator to satisfactorily address concerns in relation to licensed drivers/ vehicle proprietors (including matters related to child / adult safeguarding).
- Employment of ancillary staff where a basic DBS check has not been completed for the individual, or the results of those checks would indicate that the individual presents a risk to the public.

The council expects licensed operators to support the Council in its aims to raise awareness of and tackle issues around child and adult safeguarding. Operators must remain alert to these and similar issues, failure to do so will call into question the fitness and propriety of the operator.

### **8.7 Sub-contracting of bookings to other Private Hire Operators**

The Council considers that the ability of licensed Private Hire Operators to sub contract bookings to Private Hire Operators that are licensed by other Councils to significantly undermine the aims and objectives of this policy. The Council will therefore continue to lobby for a change in the legislation that enables this activity to take place.

Conditions will be attached to operator licences that will require the collection of information specifically in relation to a sub-contracted bookings. This will ensure traceability and allow urgent safeguarding action to be taken should this be required.

In addition, inspections / compliance visits of Private Hire Operators will include a detailed assessment any arrangements that are in place for the sub-contracting of bookings to other operators. A zero-tolerance approach will be taken in relation to a failure to comply with the requirements of a Private Hire Operator licence - robust action being taken in the event of operator non-compliance with licence requirements.

## **9. Fees**

### **9.1 Fee Structure**

The legislation provides that fees charged to applicants can cover most of the costs to the Council in providing the licensing services. This includes the administration of applications and ensuring compliance by licensees within the Hackney Carriage and Private Hire trade.

The fees are reviewed at the start of each calendar year and confirmed by the Council ahead of the start of each financial year i.e. 1<sup>st</sup> April. The Council, however, can review the fees at any time.

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## 10. Compliance and enforcement

### 10.1 Enforcement

The principal purpose of Hackney Carriage and Private Hire licensing is to protect the public and promote public safety.

In doing this, the Council aims to provide the delivery of efficient, targeted and proportionate regulatory services to provide a positive approach to those regulated.

The General Enforcement Policy for the Council embeds its principles of enforcement. This can be found on the Council's website.

In April 2014 a new statutory Regulators' Code was brought into force and, accordingly the Council should:

- carry out their activities in a way that supports those they regulate to comply and grow
- provide simple and straightforward ways to engage with those they regulate and hear their views
- base their regulatory activities on risk
- share information about compliance and risk
- ensure clear information, guidance and advice is available to help those they regulate meet their responsibilities to comply
- ensure that their approach to their regulatory activities is transparent

A range of tools and powers, including mystery shopping, can be used to ensure compliance will be used. Compliance assessment is ultimately to ensure that the driver or operator is a "fit and proper" person to hold a licence and/or the vehicle is safe. The safety of passengers, pedestrians and other road users is paramount.

Where appropriate referrals will be made to other agencies such as the Police, HM Customs & Excise and both Adult and / or Child safeguarding teams.

The Council will respond to complaints made by the public and referrals from other agencies & bodies. In addition, officers will undertake proactive inspections and testing as either day to day activity or as part of programmed operations.

Any breach of the required standards, policies and conditions may lead to suspension, revocation of the licence or prosecution.

If the Council considers it necessary, in the interests of public safety, it may require a suspension or revocation of a licence to have effect immediately.

Once a licence has been suspended or revoked, the licence holder (or former licence holder) may appeal to the local Magistrates Court to challenge the Council's decision. There is no other recourse available should they wish to have the decision to suspend or revoke their licence reversed.

## **10.2 Enforcement Penalty points**

The Council will give consideration to introducing a penalty point system of enforcement of specified breaches of byelaws, conditions of licence or other unacceptable behaviour specified as part of this policy. The penalty point system would apply to drivers, operators and vehicles.

Points may be issued per incident and would accumulate on a licence until they reach the “trigger level”. At this trigger level, the licence holder will be referred to the Licensing Board for the Board to consider whether it is appropriate for licence holder to remain licensed by the Council. The Licensing Board may determine that the licence should be suspended or revoked, or the Board may choose to administer some other sanction at its disposal.

Licensing Enforcement Officers would be authorised to operate the scheme and issue points accordingly.

The decision to introduce this scheme would be subject to engagement and consultation with the locally licensed trade, the Licensing Board and the Council’s decision-making body.

## **10.3 Suspension of licence**

Where an individual fails to meet the vehicle conditions, an authorised officer may take immediate action to suspend the licence and require remedial action. Further use of the vehicle will be suspended until the defects have been remedied. The suspension will then not be lifted until the vehicle has undergone a further test, at the proprietor’s expense, and / or been passed as fit for use by the Council.

The Licensing Board and specific officers have delegated powers to suspend and revoke licences if this is considered appropriate. Details of this can be found in Section 4 of this policy.

## **10.4 Refusal to renew a licence**

The Licensing Board may decide that appropriate action is not to renew the licence.

In circumstances where an applicant has not provided all relevant information or documents or has failed to comply with any of the requirements to renew a licence, an authorised officer will be permitted to refuse to renew the licence.

The person applying for a licence will have the opportunity to appeal this decision to the Magistrates Court.

## **10.5 Prosecution of licence holders**

The Council will prosecute licence holders for relevant offences in accordance with the statutory Regulator’s Code and the General Enforcement Policy.

## **10.6 Appeals**

Any notifications of enforcement actions will include information on how to appeal and to whom the appeal is made, if a right of appeal exists.

## **10.7 Service Requests and Complaints**

The Council has a procedure whereby the general public can submit service requests / complaints / concerns about licensed drivers and operators. This is accessible via the submission of a report form via the Council's website.

In considering the most appropriate action to take in relation to a complaint, the credibility of both the complainant and the licence holder will be taken into account.

In addition, if anyone wishes to complain about the service provided by the Council, a formal complaints process is available on the Council's website.

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## **Appendix A**

### **Driver Licence Application Process**

Rotherham MBC will only issue licences to those applicants that it considers to be 'fit and proper' to hold a licence.

Applicants are expected to act with honesty and integrity throughout the application process, and must therefore fully and accurately disclose any information that is requested. This includes information regarding previous convictions, warnings and reprimands, current investigations and pending criminal proceedings.

There is no statutory definition of what constitutes a 'fit and proper' person, however Rotherham MBC will take a number of factors into account, and set specific criteria for applicants, when considering a licence application. These factors and criteria are detailed below:

1. Applications will only be accepted from applicants that have held a full UK driving licence for at least two years (please note that the requirement is to have held the full licence for at least two years, not two years since the date that you passed your driving test). Applicants that hold full EU licences will have the length of time that they have held such licences taken into consideration, however holders of EU licences will only be issued with a licence for 12 months – the licence will not be renewed unless the EU licence is exchanged for a full UK licence (as required by national legislation).
2. Applicants (who are not existing licence holders) will be required to provide evidence of the following qualifications / skills to the council before a licence will be issued:
  - BTEC Level 2 Certificate Introduction to Role of the Professional Taxi and Private Hire Driver or any alternate qualification which the Council may prescribe. Alternative qualifications may be accepted provided that they are to an equivalent standard of the BTEC and have a comparable syllabus. Any certificate must have been awarded within the last three years. In cases where the certificate was awarded more than 3 years ago, the certificate holder must demonstrate that they have undertaken a suitable refresher / CPD course – the content of which will be determined by the council.
  - Satisfactory completion of an approved training / awareness raising course in relation to safeguarding children and vulnerable people. This course must have been approved by Rotherham MBC Licensing Service.
  - Ability in English and Maths at least to Entry Level 3 standard (as defined in the Qualifications and Credit Framework).

Licence holders or applicants that possess an NVQ level 2 qualification in Road Passenger Vehicle Driving will only be exempted from the BTEC requirement if they are able to demonstrate that they have undertaken additional training in the elements covered in Unit 6 of the BTEC (including unit code J/502/5985), have a level of knowledge comparable to that obtained by the completion of the BTEC and pass the council's enhanced knowledge test.

Alternative qualifications or training methods may be considered in exceptional circumstances, these will be determined on a case by case basis.

Qualifications (including the BTEC Level 2) will only be accepted if they have been issued by a reputable training provider. The training provider must be able to satisfy the council that it has an effective Quality Assurance Framework in place. The framework must cover all elements of the training, verification, assessment and certification process and must satisfy the council with regard to the quality and reliability of all aspects of the process up to and including the awarding of a certificate.

The council reserves the right to refuse to accept a certificate of qualification as proof of an applicant or licence holder meeting a requirement if it is not satisfied as to the authenticity of the certificate or the quality / reliability of any part of the process that lead to the certificate being issued.

3. Applicants will be required to obtain an Enhanced Disclosure Certificate from the Disclosure and Barring Service. The contents of this certificate will be assessed in accordance with the council's policy on convictions in determining the fitness and propriety of the applicant.

Licences will not be granted unless the applicant is able to provide at least five years UK address history except in the following cases:

- The applicant is able to provide a document from an EU member state, which is the equivalent of a UK issued Enhanced DBS Certificate
- If this cannot be provided then an official document provided by the embassy of a non-EU member state will be acceptable, provided that the document can be verified and is comparable to a UK issued Enhanced DBS Certificate

In either of the cases above, the onus is on the applicant to obtain such a document, and the applicant remains liable for all associated costs.

Once it has been issued by the DBS, the Council will consider an Enhanced Disclosure Certificate to be valid for a period of 3 months from the date that it was printed. This is subject to the certificate having been obtained through the Council's licensing service as part of a driver or operator application. The Council reserves the right to request a new Enhanced DBS check



should it consider it appropriate to do so.

4. Applicants are required to have passed the council's taxi and private hire driver knowledge test. This test will assess the applicant's knowledge and ability in relation to:
  - i. Literacy and numeracy
  - ii. Child / adult safeguarding awareness
  - iii. Disability awareness
  - iv. Road Safety
  - v. Basic vehicle maintenance
  - vi. Customer care / customer awareness
  - vii. Local knowledge

A fee is payable by the applicant prior to them undertaking the test. If the applicant fails the test then they may retake it at a later date (subject to the payment of the appropriate fee). However, if an applicant fails the test after taking it for a third time they will not be permitted to take the test again and their application will be refused.

5. Applicants are required to satisfactorily complete an advanced driving skills test to Driver and Vehicle Standards Agency standards (taxi and private hire test). Details of the test will be provided to the applicant by the Licensing Office.
6. All applicants must agree to the council verifying their DVLA driving licence, this may be done via a third party organisation and will require the applicant to give their consent to such a check being carried out.
7. Applicants shall provide a completed medical examination form supplied by the Council and completed by their own General Practitioner's (GP) practice on first application. A new medical will then be required at the next renewal after a driver reaches the age of 45. Thereafter, a medical will be required every six years until the driver reaches the age of 65 when a medical will be required annually. In exceptional circumstances, and with prior agreement from the Licensing Manager, a medical assessment can be carried out by another registered GP practice as long as the applicant's medical history has been viewed and assessed. The GP carrying out the assessment must confirm that a full medical history has been reviewed. There will be a fee for this examination, and this should be paid directly to the GP.

The Council may also request a medical at any other time it feels may be necessary to ascertain a persons' fitness to drive a licensed vehicle.

Applications should be made on the appropriate form (which must be fully and correctly completed), and should include the following:

- 5 years' address history for the applicant
- One colour passport standard photograph, which is a good likeness of the applicant

- DVLA driving licence & photo-card (or paper licence if the photocard licence is not held by the applicant)
- Documents required as part of the DBS check
- Proof that the applicant is legally permitted to work in the UK
- the correct fees (please note that any fees for pre-application tests etc are non-refundable)
- any other documents an officer may ask you for to help progress your application.

A failure to provide the above at the point of application will result in your application being rejected.

In certain cases, applications may need to be referred to the Council's Licensing Board. In these cases, the Licensing Board make a decision on what length of licence to grant; or to refuse to grant a licence. This is usually if you have any conviction or police caution, reprimand or warning on your DBS record, but may also be for other reasons.

8. Once a licence expires, the applicant will be required to complete the application as if it were for a grant of a licence (i.e. the whole process must be undertaken from the start, regardless of how many years the applicant has held a licence previously).

When a licence holder applies to renew their licence, before a decision is made to refuse or grant a licence, the applicant must attend a refresher course, or update training, as specified by the Council. This must have been completed within the preceding three months at the point of renewal.

If a licence is not renewed prior to its expiry (or if a renewal application is received, but the application is not determined prior to the expiry of the licence) then that person will no longer be able to lawfully operate as a licensed driver.

9. All required elements of the application process must be completed within 12 months of the initial application being made. Applications that are not completed within this timescale will be rejected (with an appropriate refund being payable where appropriate). The Council reserves the right to specify the order in which the various elements must be completed – this will be set out as part of the application process.

## **Appendix B**

### **Disclosure & Barring Service (DBS) Application Process**

As part of the application process, the Council will undertake a check of your criminal record. A failure to declare a conviction, caution or pending police action on your application form will be taken into account and may have a significant impact on how your application will be determined, or whether your licence will continue.

The Hackney Carriage/ Private Hire application pack includes a Disclosure & Barring Service (DBS) Application form (this is a white and pink form). It will also include a DBS "Applicants Guide" booklet. The booklet will help you fill in the DBS application form and to provide the correct documents for identification. The DBS also have a "code of practice" a copy of this document is available on the DBS website <https://www.gov.uk/government/organisations/disclosure-and-barring-service> or on request from the Council.

Complete the DBS application form accurately and in **BLACK** pen. If you fill it in in another colour, the Licensing Assistant acting on behalf of the DBS will have to reject it and will pass it back and ask for a new form to be completed. Any missing information or errors on your form will mean the DBS will reject the form and you will have to do another one and pay the fee again.

You should bring this form back to the Licensing Office with the correct fee and all documents required to prove your identity. You must bring this form back in person. If you post it, the form cannot be accepted. **DO NOT POST THIS FORM DIRECTLY TO THE DBS.**

Where information is contained on documents or required on forms e.g. last name, first name, address(es) then this information must be identical on all the forms and all the documents that you supply. (So your surname, first & second name(s) must be the same on your hackney carriage / private hire driver licence application and your DBS Application, passport and DVLA Licence).

You will have to complete the DBS Application when you make your first application for a hackney carriage/private hire driver licence and then every time you renew your licence.

If your licence lapses you will have to start the whole application process again which will mean doing another DBS record check.

Once the Council has received your DBS application form, and verified the documentation that you have provided, it will submit the form to the DBS for processing. You are able to track your application online via the DBS website (address above).

Once the DBS have completed all relevant checks, they will send you your Enhanced Disclosure Certificate in the post. The Council will not be provided with a copy of the certificate by the DBS.

Once you have received your certificate from the DBS you must provide it to the Council so that it can be reviewed and considered as part of the application process. The council will use the information contained within your Disclosure Certificate (along with other information) to assess whether you are a fit and proper person to hold a driver licence. It will do this with reference to Council's "Relevance of Previous Convictions Policy".

Your application will not progress until the Council has received your Enhanced Disclosure Certificate.

The Disclosure & Barring Service (DBS) has asked the Licensing Service to include a copy of the authority's Statement of Policy for the recruitment of ex-offenders, this policy statement is below for you to read. However, it is important that you should understand that the Licensing Service does NOT employ or recruit any person for the purposes of becoming licensed to driver hackney carriage and/or private hire vehicles

## **Policy statement on the recruitment of ex-offenders**

The Council undertakes criminal record checks for successful applicants (where applicable) whilst ensuring their suitability for positions of trust. The Council complies fully with appropriate guidelines and undertakes to treat all applicants for positions fairly. It undertakes not to discriminate unfairly on the basis of a conviction or other information revealed.

The Council is committed to the fair treatment of its employees, potential employees or users of its services, regardless of race, gender, religion, and sexual orientation, responsibilities for dependents, age, physical/mental disability or offending background.

The Council actively promotes equality of opportunity for all and welcomes applications from a wide range of people, including those with criminal records. Applicants are invited to the selection process based only on their skills, qualifications, experience etc. as assessed against the defined criteria for the post.

Having a criminal record will not necessarily bar a person from working for the Council. This will depend on the nature of the position and the circumstances and background of the offences. Criminal records will only be taken into account when the conviction is relevant.

The Council only requests a criminal records check if it is deemed relevant to the post. If the post is identified in the Police Act 1997 then an enhanced check will be undertaken. Posts subject to the Basic Personnel Security Standard will be checked at the basic level. Where it is identified as a requirement the supporting recruitment documentation for the post (the job profile) will contain a statement indicating that the check will be requested in the event of the individual being offered the position.

If the post is deemed exempt from the Rehabilitation of Offenders Act 1974, applicants must provide details in their application of previous convictions **both** spent and unspent.

The Council ensures that all those who are involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences. They will also have received appropriate guidance and training in the legislation relating to the employment of ex-offenders.

If applicable, at the selection process or in a separate discussion, the Council will undertake an open and measured discussion regarding offences or any other information disclosed that might be relevant to the position.

The Council abides by the [Code of Practice](#) (established under section 122 of Part V Police Act 1997) which every applicant, who is subject to a criminal records check, is advised to read.

The Council fully complies with the Code of Practice regarding correct handling, use, storage, retention and disposal of criminal record checks and related information. We

also comply fully with our obligations under the Data Protection Act and other relevant legislation.

**Please note:**

Failure to declare a conviction, caution or pending police action, will disqualify the applicant from appointment or result in summary dismissal if the discrepancy comes to light later. If applicants would like to discuss whether a conviction held would debar them from working in the position applied for, they should telephone Human Resources on (01709) 334141 in confidence, for advice.

**The Rehabilitation of Offenders Act 1974**

The Rehabilitation of Offenders Act enables some criminal convictions to be ignored after a rehabilitation period. The purpose of the Act is to ensure that people do not have a lifelong blot on their records because of a relatively minor offence in their past. The rehabilitation period is automatically determined by the sentence, and starts from the date of the conviction. After this period, if there has been no further conviction the conviction is "spent" and, with certain exceptions, need not be disclosed by the ex-offender in any context e.g. when applying for a job.

Certain professions and employments are exempt from the Act so that individuals are not allowed to withhold details of previous convictions in relation to their job when applying for positions in similar fields. Those professions relevant to the Council include:

- Those working with children and other vulnerable groups, such as teachers and social workers
- Those working in professions associated with the justice system, such as solicitor, police, court clerk, probation officer, prison officer and traffic warden
- Accountants
- Certain officials and employees from government and public authorities with access to sensitive or personal information or official databases about children or vulnerable adults
- Any office or employment concerned with providing health services which would normally enable access to recipients of those health services
- Officers and other persons who execute various court orders
- Taxi drivers and other transport workers.

## **Appendix C**

### **Relevance of Previous Convictions Policy**

#### **1. Introduction**

- 1.1 This policy provides guidance to the Licensing Board and its sub-committee on the criteria to take into account when determining whether or not an applicant or an existing licence holder is a fit and proper person to be granted, have renewed or continue to hold a Hackney Carriage and / or Private Hire Driver Licence. Whilst criminal convictions will play a significant part in the Licensing Authority's determination on whether an individual is fit and proper or not, the Council will also take into account other factors such as demeanour, general character, non-criminal behaviour, driving abilities, and other police information.
- 1.2 Whilst this policy primarily applies to the determination of driver licences, the principles within it are equally applicable to the determination of Private Hire Operator and Vehicle / Hackney Carriage licence applications. Consequently, where a conviction (as defined below) is considered relevant to the fitness and propriety / suitability of an individual to hold (or be granted) a Private Hire Operator Licence or a vehicle licence, then this policy must be referred to in the determination of that licence / application.
- 1.3 It is the responsibility of the Council to issue Hackney Carriage and Private Hire licences under the Local Government (Miscellaneous Provisions) Act 1976. In exercising this duty, the Council will consider the need to ensure the safety of the public as its primary consideration. Licences will not be issued unless the person is 'fit and proper'.
- 1.4 In seeking to safeguard the safety of the public. The council will be concerned to ensure:
  - That a person is a fit and proper person in accordance with Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 (Part II)
  - That the person does not pose a threat to the public
  - That the public are safeguarded from dishonest persons
  - The safety of children, young persons and vulnerable adults
- 1.5 The term "Fit and Proper Person" for the purposes of taxi and private hire licensing is not legally defined. However, in determining whether a person is fit and proper to hold a licence, those tasked with determining licences/ applications are asking the following question of themselves:

*Without any prejudice, and based on the information before you, would you allow a person for whom you care, regardless of their condition, to travel alone in a vehicle driven by this person at any time of day or night?*

All decisions on the suitability of an applicant or licensee should be made on the balance of probability. This means that an applicant or licensee should not be 'given the benefit of doubt'. If the board or delegated officer is only 50/50 as to whether the applicant or licensee is 'fit

and proper', they should not hold a licence. The threshold used here is lower than for a criminal conviction (that being beyond reasonable doubt) and can therefore include information that goes beyond criminal convictions.

To assess the suitability of an applicant (and to inform decision makers when answering the question above), the Council will undertake whatever checks and apply whatever processes it considers necessary to ensure that licences are not issued to, or used by, unsuitable people. In assessing the suitability of an applicant or licence holder, the Council will take into consideration the following factors:

- Criminality
- Period of holding a driver's licence
- Number of endorsed driving licence penalty points
- Right to work
- Medical fitness
- Standard of driving/ driving ability
- The conduct of the applicant in making the application
- The previous licensing history of existing/ former licence holders.

In addition, the Council will also consider further information sources such as the Police (including abduction notices), Children and Adult Safeguarding Boards, other licensing authorities and statutory agencies.

1.6 This policy provides guidance to any persons, but specifically:

- Applicants for a driver's licence
- Existing licensed drivers whose licences are being reviewed
- Licensing officers
- Members of the licensing committee/sub-committee
- Magistrates and Judges hearing appeals against local authority decisions

1.7 In considering this guidance, the Council will be mindful that each case must be considered on its individual merits and, where the circumstances demand, the committee may depart from the guidelines.

1.8 In this policy, the word "Conviction" is to be defined as including convictions, cautions, warnings, reprimands and other relevant information. In this policy 'from date sentence has ended' is taken to be the date which is reached once the whole of the period as sentenced by the court has elapsed and not the length of time served by the applicant. For example, if a sentence is 5 years imprisonment then the date that the sentence ends will be 5 years from the date of sentencing – regardless of the amount of time actually served by the applicant. If the sentence is amended by a court at a later date, then this new sentence becomes relevant to this policy. The term 'since completion of sentence' is to be construed in the same way.

1.9 In this policy, the word applicant refers to either new applicants, existing licence holders who are seeking renewal and existing licence holders that are the subject of periodic auditing. It also includes existing licence holders who are being considered by the Council by virtue of offending activity having recently come to light.



The Council reserves the right to overturn a decision that has previously been made, or refuse a renewal of a licence, where clear errors are discovered.

## **2. General Policy**

- 2.1 Whilst the Board may consider that a person with a conviction for a serious offence may not need to be automatically barred from obtaining a licence, it is however to be normally expected that the applicant would be required to:
- a. Remain free of conviction for an appropriate period as detailed below; and
  - b. Show adequate evidence that they are a fit and proper person to hold a licence (the onus will be on the applicant to produce such evidence). Simply remaining free of conviction may not generally be regarded as adequate evidence that a person is a fit and proper person to hold a licence.
- 2.2 The standards and criteria set out in paragraphs 6 to 16 below are those that would normally be applied to applications and licences. The Council may depart from these criteria; however, it must only do so in exceptional circumstances. The otherwise good character and driving record of the applicant or licence holder will not ordinarily be considered as exceptional circumstances.

## **3. Appeals**

- 3.1 Any applicant refused a driver's licence, or who has their licence suspended or revoked on the grounds that the Council is not satisfied they are a fit and proper person to hold such a licence has a right to appeal to the Magistrate's Court within 21 days of the notice of refusal (Local Government (Miscellaneous Provisions) Act 1976, s 77 (1)).

## **4. Powers**

- 4.1 Section 61 of the Local Government Miscellaneous Provisions Act 1976 allows the Council to suspend, revoke or refuse to renew a licence if the applicant has been convicted of an offence involving dishonesty, indecency, violence; failure to comply with the provisions of the Town Police Clauses Act 1847; failure to comply with the provisions of Part II of the Local Government Act 1976; or any other reasonable cause.
- 4.2 The Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975, allows the Council to consider all convictions recorded against an applicant or the holder of a Private Hire or Hackney Carriage driver's licence, whether spent or not. Therefore, the Council will have regard to all relevant convictions, particularly where there is a long history of offending or a recent pattern of repeat offending. Applicants need to be aware that, in accordance with this Act, all convictions, cautions, warnings and reprimands must be declared.
- 4.3 Under the provisions of Sections 51, 55 and 59, Local Government (Miscellaneous Provisions) Act 1976, the Council is required to ensure that an applicant for the grant or renewal of a Hackney Carriage and / or a Private Hire Vehicle driver's licence is a "fit and proper" person to hold such a licence. However, if an applicant has any convictions, warnings, cautions or charges awaiting trial, the council will look at:

- How relevant the offence(s) are to the licence being applied for;
  - How serious the offence(s) were;
  - When the offence(s) were committed;
  - The date of the conviction, warning, caution etc.;
  - Circumstances of the individual concerned;
  - Any sentence imposed by the court;
  - The applicant's age at the time of offence / incident leading to the conviction, warning, caution etc.;
  - Whether they form part of a pattern of offending;
  - Any other character check considered reasonable (e.g. personal references);
  - Any other factors that might be relevant, for example:
    - The previous conduct of an existing or former licence holder;
    - Whether the applicant has intentionally misled the council or lied as part of the application process;
    - Information provided by other agencies / council departments.
- 4.4 Existing holders of driver's licences are required to notify the Council in writing should they receive a driving licence endorsement, fixed penalty notice, warning, reprimand, police caution, criminal conviction or other criminal proceedings (including their acquittal as part of a criminal case). In addition, licence holders must inform the council of their arrest for any matter (whether subsequently charged or not). Failure to do so will raise serious questions for the Council as to the honesty of the licence holder and will be taken into account as part of any subsequent renewal applications. The timescales within which the notifications must be made are detailed in the conditions attached to individual licences.
- 4.5 Applicants can discuss further what effect a caution/ conviction may have on any application by contacting Licensing.
- 4.6 The Council conducts enhanced disclosures from the Disclosure and Barring Service (DBS) of any applicant for a driver's licence. Applicants applying for the grant or a renewal of a driver's licence will be required to obtain an enhanced disclosure at their expense. This includes any fees payable to the DBS. Further details are provided in Appendix A and Appendix B of this policy.
- 4.7 The Council is also entitled to use other records and information that may be available to it in determining applications or an entitlement to continue holding a licence. This may include information held by the Council or other licensing authorities, and information disclosed by the police under the Common Law Police Disclosure Scheme or other similar arrangements. Examples of such information sources that may be used include social care information, benefits payments etc.
- 4.8 It is an offence for any person knowingly or recklessly to make a false declaration or to omit any material in giving information required by the application for a licence (s57 Local Government (Miscellaneous Provisions) Act 1976). Where an applicant has made a false statement or a false declaration on their application for the grant or renewal of a licence, the licence will normally be refused.

- 4.9 Any offences or behaviour not covered by this Policy will not prevent the Council from taking into account those offences or behaviours.

## **5 Options when determining an application/licence**

- 5.1 When determining an application, the Council have the following options:

- approve the application or take no further action
- refuse the application/revoke the licence/suspend the licence
- issue a warning which may include the use of enforcement penalty points
- For existing drivers who have accumulated 9 or more points on their DVLA driving licence, their drivers' licence will normally be suspended until the driver has successfully undertaken a driving test to a standard approved by the Council. Such a test will be at the licence holder's expense.

## **6. Serious offences involving violence**

- 6.1 Licensed drivers have close regular contact with the public. A firm line is to be taken with those who have convictions for offences involving violence. An application will be refused if the applicant has a conviction for an offence that involved the loss of life.

- 6.2 A licence will not be granted where the applicant has a conviction for:

- Murder
- Manslaughter
- Manslaughter or culpable homicide while driving
- Terrorism offences
- Any offences (including attempted or conspiracy to commit offences) that are similar to those above.

- 6.3 Consideration may only be given to the granting / issuing of a licence if at least 10 years have passed since the completion of any sentence and / or licence period following conviction for an offence shown below:

- Arson
- Malicious wounding or grievous bodily harm which is racially aggravated
- Actual, or Grievous bodily harm
- Robbery
- Possession of firearm
- Riot
- Assault Police
- Violent disorder
- Resisting arrest
- Any racially-aggravated offence against a person or property
- Common assault
- **Battery**
- Affray
- Any offence that may be categorised as domestic violence

- Any Public Order Act offence (harassment, alarm or distress, intentional harassment or fear of provocation of violence)
- Any offences (including attempted or conspiracy to commit offences) that are similar to those above.

6.4 Consideration may only be given to the granting / issuing of a licence if at least 5 years have passed since the completion of any sentence and / or licence period following conviction for an offence shown below:

- Obstruction
- Criminal damage
- Any offences (including attempted or conspiracy to commit offences) that are similar to those above.

6.5 A licence will not be granted if an applicant has more than one conviction for an offence of a violent nature.

## **7. Possession of a weapon**

7.1 If an applicant has been convicted of possession of a weapon or any other weapon related offence, this will give serious concern as to whether the person is fit to carry the public.

7.2 Depending on the circumstances of the offence, at least 7 years must have passed since the completion of the sentence, before a licence is granted.

## **8. Sexual and indecency offences**

8.1 As licensed drivers often carry unaccompanied and vulnerable passengers, the council will take a strong line in relation to applicants or existing licence holders with convictions for sexual offences. All sexual and indecency offences will be considered as serious. Applicants with convictions for sexual or indecency offences that involve a third party will be refused a licence. Offences include:

- Rape
- Assault by penetration
- Offences involving children or vulnerable adults
- Trafficking, sexual abuse against children and / or vulnerable adults and preparatory offences (as defined within the Sexual Offences Act 2003).
- Making or distributing obscene material
- Possession of indecent photographs depicting child pornography.
- Sexual assault
- Indecent assault
- Exploitation of prostitution
- Soliciting (kerb crawling)
- Making obscene / indecent telephone calls
- Indecent exposure
- Any similar offences (including attempted or conspiracy to commit) offences which replace the above

- 8.2 In addition to the above the council will not grant a licence to any applicant who is currently on the Sex Offenders Register or any other similar register.

## **9. Exploitation**

- 9.1 Where an applicant or licensee has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, they will not be licensed. This includes slavery, child sexual abuse, exploitation, grooming, psychological, emotional or financial abuse, but this is not an exhaustive list.

## **10. Discrimination**

- 10.1 Where an applicant has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.

## **11. Dishonesty**

- 11.1 All licensed drivers are expected to be trustworthy. In the course of their working duties, drivers will deal with cash transactions and valuable property may be left in their vehicles. Drivers may well deal with customers who are vulnerable or intoxicated and potentially easily confused. For these reasons, a serious view is taken of any conviction involving dishonesty.

- 11.2 In general, a minimum period of 7 years free of conviction, or at least 7 years have passed since the completion of sentence (whichever is longer), should be required before granting a licence. Offences involving dishonesty include:

- theft
- burglary
- fraud
- benefit fraud
- handling or receiving stolen goods
- forgery
- conspiracy to defraud
- obtaining money or property by deception
- other deception
- taking a vehicle without consent
- fare overcharging
- or any similar offences (including attempted or conspiracy to commit) offences which replace the above

- 11.3 Applicants or existing licence holders that are found to have intentionally misled the council, or lied as part of the application process, will not be issued with a licence. In addition, individuals that have sought to obtain an unfair advantage during the application process will also be refused a licence (for example, cheating on test or putting forward an individual to undertake an element of the application process on their behalf).

## 12. Alcohol and Drugs

- 12.1 A serious view is taken of any drug related offence. Taking drugs and driving poses an obvious risk to public safety, whilst applicants who have convictions for the supply of drugs should also be treated with considerable concern. The nature and quantity of the drugs, whether for personal use or supply are issues which will be considered carefully.
- 12.2 As licensees are professional vocational drivers, a serious view is taken of convictions for driving, or being in charge of a vehicle while under the influence of drink or drugs. More than one conviction for these offences raises significant doubts as to the applicant's fitness to drive the public. **At least 7 years should elapse, after the restoration of the driving licence following conviction for driving under the influence of alcohol or drugs should elapse before an application will be granted.** If there is any suggestion that the applicant is alcohol or drug dependent, a satisfactory special medical report must be provided before the application can be granted.
- 12.3 Because of a driver's involvement with the public, a licence will not be granted where the applicant has a conviction for an offence related to the supply **or cultivation** of illegal drugs.
- 12.4 A licence will not be granted where the applicant has a conviction for offences related to the possession of illegal / controlled drugs until at least 10 years have passed since the completion of any sentence and / or licence period, and only then after full consideration of the nature of the offence and the quantity / type of drugs involved.
- 12.5 If there is evidence of persistent drugs use, misuse or dependency a specialist medical examination (in accordance with DVLA Group 2 medical standards) and a satisfactory medical report may be required before the licence is granted. If the applicant was an addict, then they would be required to show evidence of 5 years free from drug taking after detoxification treatment.

## 13. Driving offences involving the loss of life

- 13.1 A very serious view is to be taken of any applicant who has been convicted of a driving offence that resulted in the loss of life.

A licence will not be granted if an applicant has a conviction for:

- Causing death by dangerous driving
- Causing death by careless driving whilst under influence of drink or drugs
- Causing death by careless driving
- Causing death by driving: unlicensed, disqualified or uninsured drivers
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

## 14. Other traffic offences

- 14.1 Traffic offences such as obstruction, some speeding offences (usually dealt with by means of a fixed penalty), pedestrian crossing offences, traffic light offences waiting in a restricted area, or offences of a similar nature may not ordinarily merit refusal.

For existing drivers who have accumulated 9 or more points on their DVLA driving licence, their HC/PH driver licence will normally be suspended until the driver has successfully undertaken a driving test that meets the standards set by the Council (the nature of the test will be determined by the Council on a case by case basis). Such a test will be at the licence holder's expense.

**14.2** Traffic offences such as driving without due care and attention, reckless driving, more serious speeding offences (usually dealt with by a court rather than a fixed penalty), or offences of a similar nature will give rise to serious doubts about the applicant's suitability to be a driving professional. An applicant with any such convictions will be required to show a period of at least 5 years free of such convictions. For applicants or licence holders where the offence has resulted in serious injury to a third party or significant damage to property, this period will be increased to 7 years.

**14.3** In cases where the courts have imposed a disqualification in respect of the DVLA driving licence, the periods stated above should normally commence from the date of the restoration of the licence.

**14.4** Unless covered by one of the above paragraphs, an application for the grant of a licence will be refused if the applicant has more than 7 points endorsed on their DVLA driving licence.

**14.5** At least 3 years should elapse (after the restoration of the DVLA driving licence), before a licence would be granted (unless the reason for the removal of the licence).

## **15. Using a hand-held device whilst driving**

**15.1** Where an applicant has a conviction for using a hand-held mobile telephone or a hand-held device whilst driving, a licence will not be granted until at least 5 years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.

## **16. Insurance Offences**

**16.1** A serious view will be taken of convictions of driving or being in charge of a vehicle without insurance. An isolated incident in the past will not necessarily stop a licence being granted provided he / she has been free of conviction for 7 years, however strict warning should be given as to future behaviour. More than one conviction for these offences will prevent a licence being granted.

**16.2** An operator found guilty of aiding and abetting the driving of passengers for hire and reward whilst without insurance will have his Operator's Licence revoked immediately and will not be permitted to hold a licence for a period of at least 3 years.

## **17. Licensing Offences**

**17.1** Certain offences under taxi legislation such as plying for hire, overcharging and refusing to carry disabled persons will prevent a licence being granted or renewed until a period of 7 years has passed since conviction.

## **18. Convictions for other offences**

- 18.1 The Council recognises that an individual may be convicted of an offence that is not detailed within one of the categories in the policy. With that in mind, the following general principals should be applied to the consideration of offences other than those specified in the policy.
- 18.2 Where the activity that led to the conviction involved an element of deception or fraudulent activity intended to result in unfair or unlawful gain, the conviction should be handled in accordance with offences of dishonesty. This may include immigration offences, offences related to business practices and failing to provide information to an authority when legally required to do so.
- 18.3 Where the activity that led to the conviction involved a failure to adhere to rules / requirements regarding a specific activity, the conviction should be handled in accordance with licensing / insurance related offences. This would include carriage / disposal of waste without the required permissions or undertaking licensable activity without the required licence being in place.
- 18.4 Each case will however be considered on its individual merits.

## **19. Non-conviction information**

- 19.1 The Council will also take into account situations and circumstances that have not led to a conviction. This will include acquittals, circumstances in which convictions were quashed due to misdirection to the jury, circumstances where the decision was taken not to prosecute, situations where the person has been arrested and bailed but not yet charged, and complaints from the public. In considering the most appropriate action to take in relation to non-conviction information (or a complaint), the credibility of both the witness / complainant and the licence holder will be taken into account.
- 19.2 If an applicant has been arrested or charged, but not convicted, for a serious offence which suggests he could be a danger to the public, consideration should be given to refusing the application. Such offences would include violent and / or sexual offences.
- 19.3 In assessing the action to take, the safety of the travelling public must be the paramount concern.

## **20. Outstanding Charges or Summonses**

- 20.1 If the individual is the subject of an outstanding charge or summons their application may be suspended until the matter is resolved, this decision will be made on a case by case basis.

## **21. Persistent Criminality**

- 21.1 Individuals with more than one conviction, including sentences imposed by the Courts, may be considered as having a persistent disregard for the law even if they meet the relevant



minimum period of time passed for each conviction. In these circumstances, a period of 5 years free of conviction should be added to the minimum time period of the most recent conviction before a person can be considered suitable for licensing.

## **22. Attempted or Aiding and Abetting Crime**

- 22.1 An individual with a conviction for an attempted crime or aiding and abetting a crime will be treated in the same way under this policy as if the applicant had been convicted of the substantive crime.

## **23. Applicants with periods of residency outside the UK**

- 23.1 If an applicant has spent 6 continuous months or more overseas (since the age of 16) the council will expect to see evidence of a criminal record check from the country / countries visited covering the period.
- 23.2 Because of the potential lifetime relevance for some of the most serious offences mentioned in this policy, the Council will need to ensure that sufficient background checks are conducted for those applicants who have lived overseas. For EU nationals a disclosure that is similar to the UK DBS will be required, for those countries for which checks are not available, the council will require a certificate of good conduct authenticated by the relevant embassy.

## **24. Summary**

- 24.1 Whilst a criminal history in itself may not automatically result in refusal and a current conviction for a serious crime need not bar an applicant permanently from becoming licensed, in most cases, an applicant would be expected to have remained free from conviction for a minimum period of time before an application is likely to be successful. If there is any doubt about the suitability of an individual to be licensed, the committee needs to be mindful of the need to protect the public and caution should be exercised.
- 24.2 While it is possible that an applicant may have several convictions that, individually, meet the above guidelines, the overall offending history must be considered when assessing an applicant's suitability to be licensed. A series of offences over a period of time is more likely to give cause for concern than an isolated minor conviction. Some discretion can be afforded if an offence disclosed is isolated and there are mitigating circumstances, but the overriding consideration is the protection of the public.
- 24.3 A suspension or revocation of the licence of a driver takes effect at the end of the period of 21 days beginning with the day on which notice is given to the driver. If it appears that the interests of public safety require the suspension or revocation of the licence to have immediate effect, and the notice given to the driver includes a statement that is so and an explanation why, the suspension or revocation takes effect when the notice is given to the driver. (s61(2B) of the Local Government (Miscellaneous Provisions) Act 1976).

**Annex A – Motoring offences and penalty points**

The following is a guide to the number of penalty points a court may impose, it does not reflect the fact that some offences may incur a disqualification. These codes are recorded from information supplied by the courts (accurate at the time of this document).

| <b>Code</b>                               | <b>Offence</b>  | <b>Penalty Points</b> |
|---|---|-----------------------|
| <b>Accident Offences</b>                  |   |                       |
| AC10                                      | Failing to stop after an accident   | 5-10                  |
| AC20                                      | Failing to give particulars or to report an accident within 24 hours  | 5-10                  |
| AC30                                      | Undefined accident offences   | 4-9                   |
| <b>Disqualified Driver</b>                |   |                       |
| BA10                                      | Driving whilst disqualified by order of court   | 6                     |
| BA30                                      | Attempting to driver while disqualified by order of court   | 6                     |
| <b>Careless Driving</b>                   |   |                       |
| CD10                                      | Driving without due care and attention  | 3-9                   |
| CD20                                      | Driving without reasonable consideration for other road users   | 3-9                   |
| CD30                                      | Driving without due care and attention or without reasonable consideration for other road users   | 3-9                   |
| CD40                                      | Causing death through careless driving when unfit through drink   | 3-11                  |
| CD50                                      | Causing death by careless driving when unfit through drugs  | 3-11                  |
| CD60                                      | Causing death by careless driving with alcohol level above the limit  | 3-11                  |
| CD70                                      | Causing death by careless driving then failing to supply a specimen for analysis  | 3-11                  |
| CD71                                      | Causing death by careless driving then failing to supply A specimen for drug analysis   | 3-11                  |
| CD80                                      | Causing death by careless, or inconsiderate, driving  | 3-11                  |
| CD90                                      | Causing death by driving: unlicensed, disqualified or Uninsured drivers   | 3-11                  |
| <b>Construction &amp; Use Of Offences</b> |   |                       |
| CU10                                      | Using a vehicle with defective brakes   | 3                     |
| CU20                                      | Causing or likely to cause danger by reason of use of unsuitable vehicles or using a vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition | 3                     |
| CU30                                      | Using a vehicle with defective tyre(s)  | 3                     |
| CU40                                      | Using a vehicle with defective steering   | 3                     |
| CU50                                      | Causing or likely to cause danger by reason of load or passengers   | 3                     |
| C80                                       | Using a mobile phone while driving a vehicle  | 3                     |
| <b>Dangerous Driving</b>                  |   |                       |
| DD40                                      | Dangerous Driving   | 3-11                  |
| DD60                                      | Manslaughter or culpable homicide while driving a   | 3-11                  |

|                               |   |                |
|-------------------------------|---|----------------|
|                               | vehicle   |                |
| DD90                          | Furious Driving   | 3-9            |
| <b>Drink or Drugs</b>         |   |                |
| DR10                          | Driving or attempting to drive with alcohol level above limit   | 3-11           |
| DR20                          | Driving or attempting to drive while unfit through drink  | 3-11           |
| DR30                          | Driving or attempting to drive then failing to supply a specimen for analysis                             | 3-11           |
| DR40                          | In charge of a vehicle while alcohol level above limit  | 10             |
| DR50                          | In charge of vehicle while unfit through drink  | 10             |
| DR60                          | Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive     | 10             |
| DR61                          | Failure to supply a specimen for drug analysis in circumstances other than driving or attempting to drive | 10             |
| DR70                          | Failing to provide specimen for breath test   | 4              |
| DR80                          | Driving or attempting to drive when unfit through drugs   | 3-11           |
| DR90                          | In charge of a vehicle when unfit through drugs   | 3-11           |
| <b>Insurance Offences</b>     |   |                |
| IN10                          | Using a vehicle uninsured against third party risks   | 6-8            |
| <b>Licence Offences</b>       |   |                |
| LC20                          | Driving otherwise than in accordance with the licence   | 3-6            |
| LC30                          | Driving after making a false declaration about fitness applying for a licence                             | 3-6            |
| LC40                          | Driving a vehicle having failed to notify a disability  | 3-6            |
| LC50                          | Driving after a licence has been revoked or refused on medical ground                                     | 3-6            |
| <b>Miscellaneous Offences</b> |   |                |
| MS10                          | Leaving a vehicle in a dangerous position   | 3              |
| MS20                          | Unlawful pillion riding   | 3              |
| MS30                          | Play street offences  | 2              |
| MS50                          | Motor racing on the highway   | 3-11           |
| MS60                          | Offences not covered by other codes   | As Appropriate |
| MS70                          | Driving with uncorrected defective eyesight   | 3              |
| MS80                          | Refusing to submit to an eyesight test  | 3              |
| MS90                          | Failure to give information as to identity of driver etc.   | 3              |
| <b>Motorway Offences</b>      |   |                |
| MW10                          | Contravention of Special Roads Regulations (excluding speed limits)                                       | 3              |
| <b>Pedestrian Crossings</b>   |   |                |
| PC10                          | Undefined Contravention of Pedestrian Crossing Regulation   | 3              |
| PC20                          | Contravention of Pedestrian Crossing Regulations with moving vehicle                                      | 3              |
| PC30                          | Contravention of Pedestrian Crossing Regulations with stationary vehicle                                  | 3              |
| <b>Speed Limits</b>           |   |                |
| SP10                          | Exceeding goods vehicle speed limits  | 3-6            |

|                                     |   |      |
|-------------------------------------|---|------|
| SP20                                | Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles)   | 3-6  |
| SP30                                | Exceeding statutory speed limit on a public road  | 3-6  |
| SP40                                | Exceeding passenger vehicle speed limit   | 3-6  |
| SP50                                | Exceeding speed limit on a motorway   | 3-6  |
| <b>Traffic Directions And Signs</b> |   |      |
| TS10                                | Failing to comply with traffic light signals  | 3    |
| TS20                                | Failing to comply with double white lines   | 3    |
| TS30                                | Failing to comply with 'Stop' sign  | 3    |
| TS40                                | Failing to comply with direction of a constable/warden  | 3    |
| TS50                                | Failing to comply with a traffic sign (excluding stop signs, traffic signs or double white lines)   | 3    |
| TS60                                | Failing to comply with a school crossing patrol sign  | 3    |
| TS70                                | Undefined failure to comply with a traffic direction sign   | 3    |
| <b>Special Code</b>                 |   |      |
| TT99                                | To signify a disqualification under totting-up procedure. If the total of penalty points reaches 12 or more within 3 Years, the driver is liable to be disqualified |      |
| <b>Theft or Unauthorised Taking</b> |   |      |
| UT50                                | Aggravated taking of a vehicle  | 3-11 |

Source [www.gov.uk](http://www.gov.uk)

**Appendix D****Private Hire / Hackney Carriage Driver Conditions of Licence**

These conditions of licence are made pursuant to Section 51 of the Local Government (Miscellaneous Provisions) Act 1976 and Section 46 of the Town and Police Clauses Act 1847

**1. Driver Licence**

The licensee must not assign or in any way part with the benefit of the licence which is personal to the licensee.

**2. Driver Badge**

- a. The driver must at all times, when driving a licensed vehicle for hire or reward, wear the driver's badge issued by the Council on a prominent visible place on the outer clothing. Drivers may wear their badge in the following ways:
  - A clip badge attached to clothing in a prominent position
  - A plain, block coloured lanyard around the neck
  - A plain, block coloured armband with a transparent pouch to be worn on the left arm, where a driver badge can be fitted into and is clearly visible to passengers.
- b. The driver's badge remains the property of the Council. Upon expiry of the licence and badge (whether application to renew has been made or not) the badge must be returned to the Council within 7 days of expiry or other such time as the Council may specify.
- c. The badge must be returned to the Council immediately if the licence is suspended, revoked or becomes invalid for any reason (eg: expiry).

**3 Conduct of Driver**

- a. The driver must dress in accordance with the Council's Dress Code as set out in Appendix F.
- b. The driver must comply with the Council's Code of Conduct when working with vulnerable passengers which is contained within Appendix G.
- c. The driver must behave in a civil and orderly manner and comply with all reasonable requirements of any person hiring or being conveyed in the vehicle.
- d. The driver must afford all reasonable assistance with passenger luggage as may be required. At the conclusion of the journey, the driver must similarly offer all reasonable assistance to passengers leaving the vehicle and assist them with luggage or any disability aids or wheelchair.

- e. Particular care must be taken with unaccompanied children and vulnerable adults. Drivers must remain alert safeguarding matters related to children and vulnerable adults. Drivers should ensure that children and vulnerable adults leave the vehicle directly onto the kerb immediately outside their destination (if it is safe and legal to do so).
- f. The driver must take all reasonable steps to ensure the safety of passengers entering or conveyed in, or alighting from the vehicle, especially those passengers with a disability – see 4 below.
- g. The driver must not smoke, vape or use e-cigarettes, or any similar device or substance in the vehicle at any time as provided by the Health Act 2006.
- h. The driver must not, without the express consent of the hirer, drink or eat in the vehicle (water may be drunk) or play any radio or sound reproducing instrument or equipment in the vehicle other than for the sending or receiving messages in connection with the operation of the vehicle.
- i. The driver must at all times when driving a licensed vehicle ensure that such vehicle is maintained in a roadworthy and clean condition.
- j. The driver of a licensed vehicle must ensure that none of the markings / signs / notices that are required to be displayed on the vehicle become concealed from public view or be so damaged or defaced that any figure or material is rendered illegible.
- k. The driver of a private hire vehicle must if he/she is aware that the vehicle has been hired to be in attendance at an appointed time and place or he/she has otherwise been instructed by the operator or proprietor of the vehicle to be in attendance at an appointed time and place punctually attend at the appointed time and place unless delayed or prevented by sufficient cause.
- l. The use of scanner equipment is prohibited.
- m. The driver of a wheelchair accessible vehicle is required to hold a Driving Standards Agency (DSA) Wheelchair Assessment Certificate.
- n. Where there is a reasonable cause to believe that there is a need to assess a licence holders English language literacy and numeracy skills because of a substantiated complaint, or an expressed concern from an identified person, an authorised officer may require, in writing, a licensed driver to undertake such testing at his/her own expense. A reasonable time scale of up to three months will be set for the test to be successfully undertaken at a place designated by the Council. If unsuccessful, or there is a failure to attend, the licence of the driver may be suspended and consideration given to its revocation.
- o. During the lifetime of a drivers licence, an authorised officer of the Council may require a licence holder to undertake reasonable and appropriate

training to meet these expectations and requirements. Such a requirement would be in writing. A reasonable time scale of up to 3 months will be set for the training to be successfully undertaken at a place designated by the Council. If there is a refusal or failure to attend, or the licensed driver does not meaningfully participate in the training or attain the training accreditation, the licence may be suspended and consideration given to its revocation. The cost of such training will be borne by the licence holder.

- p. Drivers must undertake an inspection of any vehicle that they are driving whilst working as a private hire / hackney carriage driver. This inspection must be undertaken at least daily and before the first carriage of fare paying passengers in the vehicle whilst it is being driven by the licence holder. The checks to be carried out by the driver must include all vehicle maintenance items listed in the annex to the Highway Code entitled 'vehicle maintenance, safety and security'. In addition, a check must be made to ensure that all signage and notices that are required by the Council's licensing conditions are appropriately fixed to the vehicle. A record must be made by the driver to confirm that the checks have been undertaken and this record must be available for inspection by an authorised officer of the Council.
- q. The driver must ensure that the vehicle's taxi camera system is always operational when the vehicle is being used as a licensed vehicle (i.e. for the carriage of fare paying passengers). The system does not need to be operational during other times (for example, when being used for domestic purposes).
- r. Video recording must be active at all times. Audio recording must be active whenever an unaccompanied child (i.e. under 18) or vulnerable adult is being carried in the vehicle. In addition, audio recording must be activated by the driver at any time where the driver and customer are involved in a dispute, or the driver feels threatened by the behaviour of a passenger.
- s. The driver must not tamper or interfere with the system or footage that is contained within it (nor must the driver allow the system to be tampered or interfered with by any person that does not have the Council's express authority to do so), except as would be expected in order to operate the system in accordance with the manufacturer's directions.

#### **4 Fares and Farecards**

- a. The driver of a private hire vehicle must ensure that a notice is visibly displayed for the benefit of passengers to the effect that in the absence of a published fare scale, the fare should be agreed between passenger(s) and operator, and confirmed with the driver before commencement of the journey. When a fare scale is used, that fare scale must be displayed and be a similar size to the fare cards carried by Hackney Carriages. This must give an accurate reflection of the charge, including any specific additions (i.e. Bank Holiday and after midnight loading) the customer may be expected to pay.

- b. The driver must not, if driving a licensed vehicle fitted with a taximeter, cause the fare recorded thereon to be cancelled or concealed until the hirer has had the opportunity of examining it and has paid the fare.
- c. The driver must not demand from any hirer of a private hire vehicle, a fare in excess of any previously agreed for that hiring between the hirer and the operator. If the vehicle is fitted with a taximeter and there has been no previous agreement as to the fare, the fare shown on the face of the taximeter shall be required.
- d. The driver must, if requested by the hirer, provide a written receipt for the fare paid. The receipt should bear the name and address of the proprietor of the vehicle, alongside the badge number of the driver.

## **5 Passengers**

- a. The licence holder must not cause, suffer, or permit a greater number of persons exclusive of the driver than the number of persons specified in the licence issued in respect of that vehicle. In addition, the driver must ensure that seat belt legislation is complied with for all passengers, including children, within the vehicle.
- b. The driver must not allow to be conveyed in the front of a licensed vehicle:
  - i. more than one person unless the vehicle is manufactured to carry two front seat passengers and seat belts are fitted for both passengers, or
  - ii. subject to paragraph iv below, any child under the age of 10 years old,
  - iii. subject to paragraph iv below, any person between the ages of 10 and 18 years old, unless the passenger is part of a group that includes at least one person over the age of 18, or all other passenger seats in the vehicle are occupied by persons under the age of 18.
  - iv. Paragraphs ii and iii above do not apply in cases where it is not reasonably practicable for the child to sit in the rear of the vehicle due to them having impaired mobility or some other impairment that would mean that it is safer for them to sit in the front seat. The impairment must be confirmed by an appropriate adult (who is independent of the driver). The adult must be familiar with the child's specific needs and confirm that it is not reasonably practicable for the child to sit in the rear seat as a result of that impairment. In these cases, a record must be made of the adult's name and contact details and this record must be retained by the driver for at least 28 days.
- c. The driver must not, without the consent of the hirer of the vehicle, convey any other person in that vehicle for the length of the hirer's journey.



- d. The driver must provide all reasonable assistance to passengers, especially those with a disability.

## **6 Vulnerable Passengers**

The Equality Act 2010 places the following duties on licensed drivers:

- a. Duty to assist passengers in Wheelchairs

Section 36 of the Disability Discrimination Act 1995 places a duty on the driver of a designated\* wheelchair accessible hackney carriages and private hire vehicles to:

- Carry the passenger while in the wheelchair;
- Not to make any additional charge for doing so;
- If the passenger chooses to sit in a passenger seat to carry the wheelchair;
- To take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort; and
- To give the passenger such mobility assistance as is reasonably required.

\* Designated vehicles are those listed by the Licensing Authority under section 167 of the Equality Act 2010 as being a 'wheelchair accessible vehicle'

Section 36 of the DDA 1995 remains in effect until such time as section 165 of the Equalities Act 2010 comes into force. It will then be a condition of licence that drivers adhere to the requirements of s165 of the 2010 Act.

- b. Duty to carry guide dogs and assistance dogs

The driver must not fail or refuse to carry out a booking by or on behalf of a person with disabilities who is accompanied by an 'assistance dog' unless the driver has a Medical Exemption granted by the Licensing Authority and is displaying the Exemption Certificate in the approved manner or in the vehicle.

Any animal belonging to or in the custody of any passenger should remain with that passenger and be conveyed in the front or rear of the vehicle.

Drivers are advised to have a blanket / towel which is kept in the boot of the licensed vehicle to be used where he/she may have concerns about excess dog hair being left in the vehicle.

## **7 Found Property**

- a. The driver must, following the setting down of passengers, ascertain if any property belonging to the hirer(s) has been left in the vehicle and if not immediately able to return any such property, must deliver the item to Rotherham Police Station (Main Street) at the earliest opportunity, unless an alternative arrangement has been made with the owner of the property.

## **8 Medical Conditions**

- a. The licence holder must notify the Council ***in writing without undue delay*** of any change in medical condition.
- b. The licence holder must at any time, or at such intervals as the Council requires, produce a certificate in the form prescribed by the Council signed by a registered medical practitioner to the effect that he/she is or continues to be physically fit to be a driver of a private hire/hackney carriage vehicle.

## **9 Convictions, cautions and arrests**

- a. The licence holder must notify the Council in writing within 5 working days (or 3 working days in the case of arrest) providing full details of any conviction, binding over, caution, warning, reprimand or arrest for any matter (whether or not charged) imposed on him / her during the period of the licence.
- b. The 5 days excludes a Saturday or a Sunday, Christmas Eve, Christmas Day, Good Friday, Bank Holidays or any other day that the Council is closed.
- c. The following lists the type of offences that must be reported:
  - i. Any conviction (criminal or driving matter);
  - ii. Any caution (issued by the Police or any other agency);
  - iii. Issue of any Magistrate's Court summonses against you;
  - iv. Issue of any fixed penalty notice for any matter;
  - v. Any harassment, or other form of warning or order within criminal law, including anti-social behaviour orders or similar.
  - vi. Arrest for any offence (whether or not charged).
  - vii. Any acquittal following a criminal case heard by a court.
- d. The driver must notify the Council in writing of the acceptance of any fixed penalty endorsement within **5 working days**. The driver must subsequently inform the Council immediately following its endorsement.
- e. Whether charged or not, the driver must notify the Council within 3 working days of their arrest for an alleged offence(s).

## **10 Disclosure and barring service online update service**

- a. All licence holders must subscribe to the Disclosure and Barring Service Online Update Service. Any costs associated with maintaining this subscription must be met by the licence holder.
- b. The licence holder must give permission for the council to undertake checks of their DBS status should the Council consider it necessary to do so. The Council will use the update service to monitor the criminal record

of licence holders.

**11 Change of operator**

- a. The licence holder must notify the Council in writing within 5 working days of any change of operator through whom he/she works.

**12 Change of address**

- a. The licence holder must notify the Council in writing within 5 working days of any change of his/her address taking place during the period of the licence, whether permanent or temporary.

**13 Working hours**

- a. Licensed drivers will not drive when their ability to do so is impaired by having worked excessive hours. The maximum daily driving time is nine hours, and drivers must have a break lasting at least forty-five minutes after driving for a maximum of four and a half hours. A break can be divided into two periods of fifteen and thirty minutes taken over the four and a half hour period.

**14 Customer and other personal information**

- a. Drivers must ensure that any personal information obtained during the course of their business is stored securely, and only retained for as long as is absolutely necessary. Access to this information must be restricted to those that will use it for the purpose for which it has been collected.
- b. Personal information must not be used for any other purpose other than that for which it was collected without the express permission of the individual to which the information relates.
- c. For example, telephone numbers provided by customers so that they can be alerted / updated by SMS text message with regard to a booking they have made must only be used for this purpose. The information must not be retained by the driver after the text message has been sent, and / or used for any other purpose (such as unsolicited marketing calls).

**15 Occasions when licensed drivers are not utilising their licenses for an extended period of time**

- a. If circumstances are such that a licensed driver does not intend to work as hackney carriage / private hire driver in Rotherham for a period exceeding four months, they must surrender their licence to the Council. The licence must be surrendered as soon as it becomes clear that the holder will not be working for a period exceeding this time.
- b. Once the Council is in receipt of the licence, the licence will be suspended until such time as the holder is in a position to commence work again. The

Council reserves the right to undertake any checks in relation to the licence holder that may be required to ensure that the driver remains a fit and proper person to hold a licence. Such checks may include a medical examination, DBS disclosure and checks with other agencies.

- c. Examples of circumstances that may require the surrender of the licence include:
  - i. The licence holder intends to spend an extended period of time outside of the UK;
  - ii. The licence holder is ill or unable to work for some other reason;
  - iii. This is not an exhaustive list.

#### **16 Duty to cooperate on regulatory matters**

- a. Licensed drivers must co-operate with authorised officers of the Council in all matters relating to the regulation of the licensed vehicle trade.
- b. However, this condition does not affect the licence holder's statutory protection afforded by other legislation.

#### **17 Appearance of driver**

- a. If a licensed driver alters their appearance significantly (for example by growing / removing a beard or moustache, changing hair colour etc), they must request a replacement ID badge from the Council at the earliest opportunity and supply them with a up to date photograph that is an accurate portrayal of their current appearance.

#### **18 Accidents**

- a. If at any time the vehicle is involved in an accident, however minor, the driver must inform the Council of this fact as soon as possible and in any event within 1 working day (by telephone or email).
- b. An accident report form must then be completed and submitted to the Council within five working days of the accident occurring (except in exceptional circumstances when the report must be made as soon as possible after the five working day deadline – an example of an exceptional circumstance would be that the driver is incapacitated due to the accident and physically unable to make the notification).

**Notes**

- (i) These conditions should be read in conjunction with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976.
- (i) Any person who commits an offence against any of the provisions of the Act of 1976 pursuant to Section 76 may be liable on summary conviction to a fine not exceeding level 3 on the standard scale or to such other penalty as expressly provided in the Act. The licence holder should ensure compliance at all times.
- (i) The use of a vehicle not licensed as a private hire vehicle or Hackney carriage to fulfil any private hire booking is prohibited even if no fare is charged for the journey or irrespective of when, how and to whom any fare is payable.
- (iv) A child can travel in a licensed vehicle without a child car seat, however the following must be observed:
  - a. children under 3 years of age can travel without a child's car seat or seat belt, but only on the back seat
  - b. children aged 3 years or older can travel without a child's car seat if they wear an adult seat belt
- (v) If at any time the conduct of the driver leads to concerns by the Council as to whether they remain a fit and proper person to hold a licence, the Council will investigate the conduct and if satisfied that the driver is no longer fit and proper person the driver licence may be suspended and subsequently revoked.
- (vi) Failure to declare any conviction within the required timescale together with the nature of the conviction will be taken into account in deciding whether a licence holder is a fit and proper person to hold a hackney carriage/private hire driver licence. This may result in the suspension, revocation or refusal to renew the hackney carriage/private hire driver licence.
- (vi) Any infringement of the licensing conditions could lead to suspension or revocation of the licence.
- (v i) Any request for advice from the council in relation to licensing legislation should be in writing. A written response will be given to avoid any future dispute. This does not preclude you from obtaining your own independent legal advice.
- (ix) Any person aggrieved by any condition specified in the licence may appeal to a magistrates' court within 21 days of issue.

## **Appendix E**

### **Hackney Carriage Byelaws**

#### **Borough of Rotherham Byelaws with respect to Hackney Carriages**

Made under Section 68 of the Town Police Clauses Act 1847 and Section 171 of the Public Health Act 1875 by the Rotherham Borough Council with respect to hackney carriages within the Borough of Rotherham.

#### **Interpretation**

1. Throughout these byelaws the following expressions shall have the meanings hereby respectively assigned to them, that is to say:  
"The Council" means the Rotherham Borough Council.  
"District" means the Borough of Rotherham.  
"Approval" means approved by the Council.  
"Hours of Darkness" has the meaning assigned to it by the Road Traffic Act 1972

#### **Provisions regulating the manner in which the number of each hackney carriage corresponding with the number of its licence shall be displayed.**

2. (a) The proprietor of a hackney carriage shall:
  - (i) cause the hackney carriage licence plate provided by the Council and showing the number of the licence granted to him in respect of the carriage to be affixed on the outside of the carriage in such position as the Council may require;
  - (ii) cause the number of the licence issued by the Council in respect of the vehicle to be shown on the statement of fare provided in pursuance of Byelaw No. 18.
- (b) A proprietor or driver of hackney carriage shall:
  - (i) not willfully or negligently cause or suffer any such number to be concealed from public view while the carriage is standing or plying for hire;
  - (ii) not cause or permit the carriage to stand or ply for hire with any such plate so defaced that any figure or material particular is illegible.

#### **Provisions regulating how hackney carriages are to be furnished or provided.**

3. The proprietor of a hackney carriage shall:
  - (a) provide sufficient means by which any person in the carriage may communicate with the driver;
  - (b) cause the roof or covering to be kept water-tight;
  - (c) provide any necessary windows and a means of opening and closing not less than one window on each side;
  - (d) cause the seats to be properly cushioned or covered
  - (e) cause the floor to be provided with a proper carpet, mat or other suitable covering;

- (f) cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public service;
  - (g) provide means for securing luggage if the carriage is so constructed to carry luggage;
  - (h) provide an efficient and approve fire extinguisher which shall be carried in such a position as to be readily available for use;
  - (i) provide at least two doors for the use of persons conveyed in such carriage and a separate means of ingress and egress for the driver;
  - (j) provide the carriage with a spare wheel and tyre in such a condition that is readily available for use in case of a puncture or damaged tyre or wheel, together with all the necessary tools and equipment for readily effecting the replacement.
4. (a) The proprietor of a hackney carriage shall cause the same to be provided with a taximeter so constructed attached and maintained as to comply with the following requirements, that is to say:
- (i) if the taximeter is fitted with a flag or other device bearing the words "FOR HIRE":
    - (a) the words "FOR HIRE" shall be exhibited on each side of the flag or other device in plain letters at least 1½ inches in height and the flag or other device shall be capable of being illuminated and of being locked in a position in which the words are horizontal and legible;
    - (b) when the flag or other device is so locked the machinery of the taximeter shall not be in action and the means of bringing it into action shall be by moving the flag or other device so that the words are not conveniently legible;
    - (c) when the flag or other device is so locked that the aforesaid words are horizontal and legible no fare shall be recorded on the face of the taximeter;
  - (ii) if the taximeter is not fitted with a flag or other device bearing the words "FOR HIRE":
    - (a) the taximeter shall be fitted with a key or other device the turning of which will bring machinery of the taximeter into action and cause the word "HIRED" to appear on the face of the taximeter;
    - (b) such a key or other device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and no fare is recorded on the face of the taximeter;
  - (iii) when the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in figures clearly legible and free from ambiguity a fare not exceeding the rate or fare which the proprietor or driver is entitled to demand and take in pursuance of Byelaw No. 17 for the hire of the carriage by distance between the hours of 6.00 a.m. and midnight.
  - (iv) The word "FARE" shall be printed on the face of the taximeter in plain letters so as they clearly apply to the fare recorded thereon;
  - (v) The taximeter shall be so placed that all letters and figures on the face

thereof may be at all times plainly visible to any person being conveyed in the carriage and for that purpose the letters and figures shall be suitably illuminated during any period of hiring;

- (vi) The taximeter and all the fittings thereof shall be so affixed to the carriage with seals or other appliances that it shall not be practicable for any persons to tamper with them except by breaking damaging or permanently displacing the seals or other appliances.
- (b) The proprietor of a hackney carriage provided with a taximeter not fitted with a flag or other device bearing the words "FOR HIRE" shall cause the carriage to be provided with a sign so constructed as to comply with the following requirements, that is to say:
  - (i) the sign shall bear the words "FOR HIRE" in plain letters at least 1½ inches in height;
  - (ii) the sign shall be capable of being so operated that it indicates clearly and conveniently to persons outside the carriage whether or not the carriage is for hire and of being suitably illuminated.
- (c) The proprietor of a hackney carriage shall cause the carriage to be fitted with a "TAXI" sign which shall be of an approved type and shall be capable of being illuminated. The sign shall be attached to the carriage in an approved manner and shall display to the front of the carriage the word "TAXI" horizontally in letters not less than 2 inches high to proportionate width and the proprietor's trading name shall be suitably included.

Provisions regulating the conduct of the proprietors and drivers of hackney carriages plying within the district in their several employments and determining whether such drivers shall wear and what badges:

- 5. The driver of a hackney carriage shall:
  - (a) if the taximeter is fitted with a flag or other device bearing the words "FOR HIRE":
    - (i) when standing or plying for hire keep such flag or other device locked in the position in which the words are horizontal and legible;
    - (ii) as soon as the hirer enters the carriage, or at such earlier times as the hirer may agree, bring the machinery of the taximeter into action by moving the flags or other device so that the words are not conveniently legible and keep the machinery of the taximeter in action until the termination of the hiring;
  - (b) if the taximeter is not fitted with a flag or other device bearing the words "FOR HIRE":
    - (i) when standing or plying for hire keep the taximeter locked in position in which no fare is recorded on the face of the taximeter and operate the sign provided in pursuance of Byelaw No. 4 so that the words "FOR HIRE" are clearly and conveniently legible by persons outside the carriage;
    - (ii) as soon as the carriage is hired whether by distance or time, operate



- the said sign so that the words "FOR HIRE" are not conveniently legible by persons outside the carriage;
- (iii) as soon as the hirer enters the carriage, or at such earlier time as the hirer may agree, bring the machinery of the taximeter into action by moving the key or other device fitted for the purpose so that the word "HIRED" is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of the hiring.
- (c) Cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is during the hours of darkness and also at any other time at the request of the hirer.
- (d) Cause the "TAXI" and "FOR HIRE" signs to be illuminated during the hours of darkness only when the carriage is standing or plying for hire within the district.
6. A proprietor or driver of a hackney carriage shall not tamper with or permit any person to tamper with any taximeter with which the carriage is provided, with the fittings thereof, or with the seals affixed thereto.
7. The driver of a hackney carriage shall, when plying for hire in any street and not actually hired:
- (a) proceed with reasonable speed to one of the stands fixed
  - (b) if a stand, at the time of his arrival, is occupied by the full number of carriages authorised to occupy it, proceed to another stand;
  - (c) on arriving at a stand not already occupied by the full number of carriages authorised to occupy it, station the carriage immediately behind the carriage or carriages on the stand and so as to face in the same direction;
  - (d) from time to time when any other carriage immediately in front is driven off or moved forward cause his carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward.
8. A proprietor or driver of a hackney carriage, when standing or plying for hire shall not, by calling out or otherwise, importune any person to hire such carriage and shall not cause or procure any other person for the purpose.
9. (a) The driver of a hackney carriage shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.
- (b) The driver shall:
- (i) not without the express consent of the hirer smoke, drink or eat in the vehicle;
  - (ii) not without the express consent of the hirer play any radio or sound reproducing instrument or equipment in the vehicle other than for the purpose of sending or receiving messages in connection with the operation of the vehicle;
  - (iii) at no time cause or permit the noise emitted by any radio or other previously mentioned equipment in the vehicle to be a source of nuisance or annoyance to any person, whether inside or outside the vehicle.

10. The proprietor or driver of a hackney carriage who has agreed or has been hired to be in attendance with the carriage at an appointed time and place shall, unless delayed or prevented by some sufficient cause punctually attend with such carriage at such appointed time and place.
11. The driver of a hackney carriage when hired to drive to any particular destination shall, subject to any directions, given by the hirer, proceed to that destination by the shortest available route.
12. The driver of a hackney carriage shall at all times when standing or plying for hire have a completed copy of these byelaws available for production on demand by any person hiring the hackney carriage.
13. A proprietor or driver of a hackney carriage shall not convey or permit to be conveyed in such carriage any greater number of persons than the number of persons specified on the plate affixed to the outside of the carriage.

For the purposes of this Byelaw two children under the age of ten years shall be counted as one person and a child aged ten years or over shall be counted as one person.

Provided nevertheless that:

- (a) insofar as a vehicle licensed to carry not more than six persons is concerned;
  - (i) where a total of more than six children under the age of ten years are conveyed each child after the sixth shall be counted as one person;
  - (ii) up to two children under the age of one year may be disregarded in calculating the number of persons;
- (b) insofar as a vehicle licensed to carry more than six persons but not exceeding eight persons is concerned;
  - (i) where a total of more than six children under the age of ten years are conveyed each child after the sixth shall be counted as one person;
  - (ii) up to two children under the age of one year may be disregarded in calculating the number of persons.
  - (iii) the driver shall not allow to be conveyed in the front of a hackney carriage vehicle:
    - (a) any child below the age of ten years; or
    - (b) more than one person above that age unless there are sufficient seat belts to enable the carriage of one or more than one person.
  - (iv) the driver shall not, without the consent of the hirer of the vehicle, convey or permit to be conveyed any other person in that vehicle.
14. If a badge has been provided by the Council and delivered to the driver of a hackney carriage he shall, when standing or plying for hire, and when hired, wear that badge in such a position and manner as to be plainly visible.
15. The driver of a hackney carriage so constructed as to carry luggage shall, when requested by any person hiring or seeking to hire the carriage:
  - (a) convey a reasonable quantity of luggage;

- (b) afford reasonable assistance in loading and unloading;
- (c) afford reasonable assistance in removing it to or from the entrance of any building, station, or place at which he may take up or set down such person.

Provisions fixing the stands of hackney carriages.

16. Each of the several places specified in the following list shall be a stand for such number of hackney carriages as are specified in the list:
- (a) Howard Street (opposite to Station entrance)
  - (b) Bus Station (adjacent to service Road Effingham Square)
  - (c) Corporation Street (north side - adjacent to "The Ring Shop")
  - (d) Market Place (north side - near the junction of Market Place)  
(and Market Street and Corporation Street)

The following hackney carriage stands will operate between the hours of 10.00 p.m. and 6.00 a.m. only except for (g) which will operate between 11.00 p.m. and 6.00 a.m. only:

- (e) Drummond Street (Service Road)  
on the south-west side from a point 55 metres south-east from its south-eastern junction with Henry Street for a distance of approximately 30 metres in a south-easterly direction
- (f) Brinsworth Street
  - (i) on the west side a distance of 11 metres north of its junction with Pool Green roundabout for approximately 12 metres in a northerly direction.
  - (ii) on the west side a distance of 38 metres north of its junction with Pool Green roundabout for approximately 18 metres in a northerly direction.
- (g) Masbrough Street
  - (i) on the south side from a point 95 metres east of its eastern junction with Providence Street in an easterly direction for approximately 18 metres.
  - (ii) on the south side from a point 138 metres east of its junction with Providence Street in an easterly direction for approximately 6 metres.
- (h) Ship Hill  
south-west side - adjacent to Nightclub premises.

17. (a) The proprietor of a hackney carriage shall be entitled to demand and take for the hire of the carriage the rate of rate prescribed by the existing table the rate or fare being calculated by distance unless the hirer expresses at the commencement of the hiring his desire to engage by time provided always that where a hackney carriage furnished with a taximeter shall be hired by distance the proprietor or driver thereof shall not be entitled to demand or take a fare greater than that recorded on the face of the

taximeter save for any extra charge which is authorised by the existing table.

- (b) The driver shall, if requested by the hirer, provide him with a written receipt for the fare paid.

Fares for Distance

- (i) (ii) (iii) - Refer to table of fares currently in force.

For the purpose of the extra charges hereinbefore authorised the following days in each year are classified as Bank Holidays:

1. New Year's Day
2. Good Friday
3. Easter Monday
4. Spring Holiday
5. Late Summer Holiday
6. Christmas Day
7. Boxing Day

18. (a) The proprietor of a hackney carriage shall cause a statement of the fares fixed by the Byelaw No. 17 to be exhibited inside the carriage in clearly distinguishable letters and figures.
- (b) The proprietor or driver of a hackney carriage bearing a statement of fares in accordance with this Byelaw shall not wilfully or negligently cause or suffer the letters or figures in the statement to be concealed or rendered illegible at any time while the carriage is plying or being used for hire.

Provisions securing the safe custody and delivery of any property accidentally left in hackney carriages and fixing the charges to be made in respect thereof.

19. The proprietor or driver of a hackney carriage shall immediately after the termination of any hiring or as soon as practicable thereafter carefully search the carriage for any property which may have been accidentally left therein.
20. The proprietor or driver of a hackney carriage shall, if any property accidentally left therein by any person who may have been conveyed in the carriage be found by or handed to him:
- (a) carry it as soon as possible and in any event within forty-eight hours if not sooner claimed by or on behalf of its owner to the Police Office, Main Street, Rotherham and leave it in the custody of the officer in charge of the office on his giving a receipt for it;
- (b) be entitled to receive from any person to whom the property shall be redelivered an amount equal to five pence in the pound of its estimated value (or the fare for the distance from the place of finding to the Police Office whichever be the greater) but not more than five pounds.

Penalties

21. Every person who shall offend against any of these byelaws shall be liable on summary conviction to a fine not exceeding twenty pounds and in the case of a continuing offence to a further fine not exceeding five pounds for each day during which the offence continues after conviction, therefore.

Repeal of Byelaws

22. Byelaws: (a) Sealed - 14th July, 1977  
(b) Confirmed - 26th July, 1977  
(c) Operative from - 5th September, 1977

## **Appendix F**

### **Licensed Driver Dress Code**

1. The purpose of a driver's dress code is to seek a standard of dress that provides a positive image of the hackney carriage and private hire trade in Rotherham to enhance a professional image of licensed drivers and ensure that public and driver safety is not compromised.

#### **Acceptable Standard of Dress**

2. All clothing worn by the driver must be clean and in good condition, and the driver must have good standards of personal hygiene.

As a **minimum** standard, males should wear trousers and a shirt which has a full body and short sleeves. Knee length shorts may be worn, for example during periods of warm weather.

As a **minimum** standard, females should wear long legged trousers, knee length skirt or dress and a shirt / blouse which has a full body and short sleeves.

#### **Footwear**

3. Footwear for all drivers shall fit around the heel of the foot.

#### **Unacceptable Standard of Dress**

4. The following are deemed to be unacceptable:
  - (a) Clothing that is not kept in a clean condition, free from holes and rips.
  - (b) Words or graphics on any clothing that is of an offensive or suggestive nature or which might offend.
  - (c) Sportswear (e.g. football / rugby kits, track suits, beach wear etc).
  - (d) Sandals with no heel straps, flip flops or any other form of footwear not secured around the heel.
  - (e) Drivers not having either the top or bottom half of their bodies suitably clothed.
  - (f) The wearing of hoods or other clothing that obscures the drivers vision or their identity

**Appendix G****Code of Conduct when working with Vulnerable Passengers**

A vulnerable passenger is a passenger whose age or disability means that they are more susceptible to harm than a typical passenger. This may be a child, an elderly person or somebody with learning difficulties for example. In addition, an individual should be considered vulnerable if they do not fall within the description above, but their condition is such as to render them more susceptible to harm than may otherwise be the case (for example as a result of being under the influence of alcohol).

This code of conduct aims to promote good safeguarding practice for drivers and staff working with vulnerable passengers in the taxi or private hire trade. The following safeguarding principles should be embedded into driver working practice:

- Drivers must carry photo ID at all times and wear it in accordance with the conditions of licence.
- A vulnerable passenger must not be transported in the front passenger seat of the vehicle.
- The driver / operator must confirm that appropriate provision has been made for the vulnerable person prior to accepting the booking or commencing the journey. This does not necessarily mean that the driver / operator is responsible for the provision of appropriate measures, however if appropriate measures are not in place then the driver / operator must not undertake the journey.
- When making a journey with vulnerable passengers, photo-identification should be produced to the carer responsible for the vulnerable person. If necessary, the driver should obtain a record of the carer's contact details if there is no chaperone.
- If a vulnerable passenger is refused service, a responsible person should be informed so that alternative arrangements can be made. For example, this situation may arise if the customer has an assistance dog and the driver has a medical exemption granted by the Council.
- Drivers should always ask if a vulnerable passenger needs help and should not make assumptions.
- Drivers must remain professional at all times and should not:
  - Touch a person inappropriately
  - Make offensive or inappropriate comments (such as the use of swearing or sexualised or discriminatory language)

- Behave in a way that may make a passenger feel intimidated or threatened
- Attempt to misuse personal details obtained via the business about a person

These standards are equally applicable when working with vulnerable and non-vulnerable passengers.

- A log should be maintained by drivers when a service has been provided to a vulnerable passenger including the details of any incidents occurring/ actions taken, or refusals of service.
- Drivers and operators must remain alert to issues around the safeguarding of children and vulnerable adults. If a driver/ operator is concerned about the safety, welfare or behaviour of a vulnerable person, they should report this to the police by telephoning 101 (or in cases of an immediate emergency by calling 999).
- If a driver/ operator is concerned about someone else's conduct, they should report their concerns to the Council's licensing department (01709 823153), police (101) or Crimestoppers (0800 555111).



## **Appendix H**

### **Vehicle Licence Application Process (including renewal of existing licences)**

Applications for vehicle licences will only be accepted in relation to vehicles that comply with:

1. The Council's specification for private hire vehicles, or hackney carriages (as appropriate), and
2. The Council's Vehicle Age and Emissions Policy.

In making an application for a vehicle licence, applicants must submit the following:

- The vehicle application form;
- The appropriate fee;
- The original of the Vehicle Registration Document (Log Book/V5) certificate of registration for the vehicle (the new keeper's supplement section of the V5 document will be accepted in the case of vehicles that are not licensed at the time that the application is made, and the vehicle has recently been purchased by the applicant (documentary evidence will be required). Licences will not be renewed unless the full V5 document is made available to the council at the time of application);
- The original insurance certificate or insurance cover note for the vehicle (this document must be provided before the plate is issued to the applicant)
- Any vehicle not manufactured with European Whole Vehicle Type Approval will be required to undergo Single Vehicle Approval (SVA) testing and evidence of that testing and the vehicle having obtained SVA produced to the licensing office.

The vehicle must be submitted for examination at the Council's nominated inspection facility. This inspection will include an assessment of the vehicle's mechanical and aesthetic condition and will exceed the MOT standards set by the Driver and Vehicle Standards Agency. The inspection is intended to assess the vehicle for licensing suitability. The Council will not issue an MOT certificate for the vehicle; however a Certificate of Compliance will be incorporated into the vehicle licence.

All vehicles will be issued with a 12 month licence, and vehicles under the age of five years will be issued with a licence plate (and additional notices) showing the actual date of expiry.

Vehicle licences will be issued for a one year period, commencing on the date that the licence is issued. Vehicles older than 3 years old on the day that the licence is granted will be issued with a 12 month licence; however the licence plate will show an expiry date either six or four months after the date that the licence is issued. A further plate will be issued covering the remainder of the licence period once the

vehicle has been subjected to a vehicle inspection at the Council's appointed testing facility (commonly referred to as an intermediate test). A licensed vehicle cannot be subjected to an intermediate test more than 4 weeks before the expiry date on the licence plate.

**The person presenting the vehicle for inspection must submit to the vehicle inspector all necessary documents before the start of the vehicle examination.**

In addition to the above, all vehicles are subject to an HPI check to see whether it has previously been written off. A check is completed every time an application is made for the vehicle (grant and / or renewal) – the Council will not licence a vehicle if it has ever been written off by an insurance company (category A, B, C or D).

Once the vehicle has been inspected, the inspection facility will confirm to the Licensing Office that a licensing inspection has taken place and the result of that inspection. This may be done by supplying the vehicle proprietor and the Licensing Office with the appropriate confirmation documentation.

This documentation must indicate to the proprietor of the vehicle

- if the vehicle “passed” or “failed” the inspection,
- what point(s) the vehicle failed on (where a failure is given),
- if a re-test inspection is required, and in what time scale this must be done (i.e. Within 48 hours or within 7 days) and how a re-test may be booked

Where a vehicle fails an inspection, the inspector must supply the proprietor and Licensing Officer with sufficient documentation to indicate what faults exist on the vehicle and are required to be rectified to enable the vehicle to pass a re-test (including body damage / dents / scratches or damage to fabrics / missing plates, notices or door signs). This document must be supplied to the proprietor of the vehicle at the end of that test inspection.

If a licence is not renewed prior to its expiry (or if a renewal application is received, but the application is not determined prior to the expiry of the licence) then that vehicle will no longer be able to lawfully operate as a licensed vehicle.

## **Appendix I**

### **Licensed Vehicle Age and Emissions Policy**

Licences will not normally be granted in respect of vehicles that were first registered (or, in the case of imported vehicles, manufactured) before 1<sup>st</sup> September 2015.

Furthermore, licences will not normally be renewed in respect of any licensed vehicle that was first registered (or, in the case of imported vehicles, manufactured) more than 10 years prior to the date that the renewed licence will take effect. This is however subject to the exemptions below:

- i. Vehicles that meet the Council's Enhanced Quality Standards (detailed below) must be aged under 12 years old on the date that the renewed licence would take effect.
- ii. Vehicles that meet the Council's Enhanced Quality Standards and are capable of carrying a passenger seated in a wheelchair must be aged under 15 years old on the date that the renewed licence would take effect.
- iii. Ultra-Low Emission Vehicles (as defined at the time that the vehicle was first licensed) that also meet the Council's enhanced quality standards must be aged under 15 years old on the date that the renewed licence would take effect.

### **Enhanced Quality Standards**

The Council is mindful that the structural integrity and physical appearance of vehicles can diminish as the vehicle ages, and this is particularly true in vehicles that have a high annual mileage (such as licensed vehicles). The Council undertakes periodic inspections of licensed vehicles in order to ensure their safety. However, it is possible that an older vehicle may comply with the test standards but its overall appearance and integrity will undermine the intentions of this policy.

The Council has therefore developed a number of "Enhanced Quality Standards" that are applicable to vehicles that are older than 10 years old on the date that a licence takes effect. All of these standards must be met in order for a vehicle older than 10 years old to be issued with a licence.

The Enhanced Quality Standards are:

- The vehicle must pass the Council's compliance test and be must free from minor issues at the time that the test is passed. A minor issue is one that on its own would not result in a test failure at that time, but in the opinion of the tester will require remedy before the next test in order to avoid becoming a failure item (advisory notes provided at the time of an MOT inspection are an example of a minor issue).
- The vehicle's emissions must comply with, or exceed, the Euro 6 emissions standard.
- The vehicles bodywork must be in a condition that does not adversely affect the overall appearance of the vehicle.

- The interior trim, panels, seating, carpets and upholstery are clean and free from any condition that would adversely affect the appearance of the vehicle interior.

Compliance with emissions requirements will be assessed with reference to the information detailed on the vehicle's V5 (logbook) and through emissions testing carried out at the Council's testing depot (including as part of the required compliance test).

The assessment of a vehicle against the Enhanced Quality Standards will primarily be carried out by the Council's authorised vehicle testers at the Council's testing depot, but may occasionally be carried out by other persons authorised to make the assessment on behalf of the Council (for example, Licensing Officers).

The exemptions detailed in paragraphs i), ii) and iii) above will only apply whilst the vehicle meets or exceeds the enhanced quality standards. If a vehicle aged over 10 years is found (at any time) not to meet the Enhanced Quality Standards, then the licence on that vehicle will be immediately suspended until such time as the standards are met.

### **Exceptional Condition Criteria**

A vehicle may be considered for licensing beyond the age limits detailed above if it is in 'exceptional condition'. A vehicle will be considered to be in 'exceptional condition' if **all** of the following apply:

1. The vehicle must not have failed the Council's vehicle inspection (or standard MOT if the vehicle has not been licensed previously) on any significant item within the previous five years. For the purposes of this criteria, a significant item is defined as any item that would make the vehicle ineligible for a free partial retest had the item been identified as failing to meet the requirements during a standard MOT test.
2. The vehicle passes the Council's vehicle inspection.
3. The bodywork is in near perfect condition with no signs of panel age deterioration, dents, scratches, stone chips, or rust or any other abrasions that may detract from the overall appearance of the vehicle.
4. The general paint condition should show no signs of fading, dis-colouration or mismatching that may detract from the overall appearance of the vehicle.
5. The interior trim, panels, seating and carpets and upholstery are in excellent condition, clean and free from damage and dis-colouration.
6. The boot or luggage compartment is in good condition, clean and undamaged.
7. Passenger areas are free from damp or any other odours that may cause passenger discomfort.
8. The vehicle must be in excellent mechanical condition and in all respects safe and roadworthy, with no signs of corrosion to the mechanical parts, chassis, underside or bodywork.

9. The vehicle must have a full and complete service record to show that it has been properly serviced and maintained in accordance with the manufacturer's service specification. Stamps in a service book will only be accepted if the service was carried out by a member of a main dealer network or a recognised service scheme (such as RAC, AA or Bosch). Where this is not the case, service history must be supported by additional documentation (such as invoices / receipts etc.).

### **Vehicle testing requirements**

All vehicles licensed by Rotherham MBC must meet the standards set out in Appendix N of this policy at all times.

Vehicle licence holders must make arrangements for the licensed vehicle to be presented at the Council's nominated testing facility according to the following frequencies:

- Vehicles aged under 5 years of age on the date that the licence takes effect must pass a compliance test before the licence is granted. This compliance test must have been passed a maximum of 4 weeks before the date that the licence takes effect.
- Vehicles aged between 5 and 7 years old on the date that the licence takes effect must pass a compliance test before the licence is granted. This compliance test must have been passed a maximum of 4 weeks before the date that the licence takes effect.

The vehicle must then pass a second compliance test which becomes due 6 months after the licence has taken effect. This test must be passed within a maximum of 4 weeks before the compliance test becomes due. A vehicle which has not passed the compliance test within 4 weeks from the date that the test becomes due will have its licence suspended until the test is passed.

- Vehicles aged over 7 years old on the date that the licence takes effect must pass a compliance test before the licence is granted. This compliance test must have been passed a maximum of 4 weeks before the date that the licence takes effect.

The vehicle must then pass a second compliance test which becomes due 4 months after the licence has taken effect, followed by a third test 4 months after that. These tests must be passed within a maximum of 4 weeks before each of the compliance tests becomes due. A vehicle which has not passed a compliance test within 4 weeks from the date that the test becomes due will have its licence suspended until the test is passed.

The arrangements for the booking of a compliance test must be made in accordance with the Council's process for the booking of vehicle tests (annual and intermediate tests).

The age of the vehicle on the date that licence takes effect will be calculated based on the date that the vehicle was registered, or in the case of imported vehicles, the date that the vehicle was manufactured.

## **Appendix J**

### **Policy in relation to the specification of Private Hire Vehicles**

#### **Local Government (Miscellaneous Provisions) Act – Section 48**

##### **a. General Principles**

1. The vehicle must comply with all relevant statutory requirements contained in the Road Vehicles (Construction and Use) Regulations 1986.
2. The vehicle must meet the criteria set out in the Council's Vehicle Age and Emissions Policy.
3. The vehicle must have no material alteration or change in the specification, design, condition or appearance from time of manufacture of that vehicle (without written approval of the Council).
4. If the vehicle was originally constructed to seat more than 8 passengers (excluding the driver) it must not have been converted, modified or altered in any way which permanently allows it to carry eight or less passengers (excluding the driver) (unless notified to H.M. Customs and Excise immediately on completion of the conversion, modification or alteration).
5. The vehicle must have 4 road wheels and a minimum of 4 doors, 2 to each side of the vehicle. The vehicle must meet the approved manufacturer's method of dealing with punctured tyres. The number of doors in the case of vehicles to be licensed for less than 4 passengers this will be determined on its own merits.
6. The vehicle must be right hand drive. However, in certain circumstances a left hand drive may be considered suitable for licensing – this will be at the discretion of the council (and will include some limousines for example).
7. The vehicle must have sufficient seating capacity to carry a minimum of 4 and not more than 8 passengers. Except where application is made for a vehicle wishing to carry less than 4 passengers in which case its suitability to be licensed will be checked on its own merits.
8. In the case of MPVs where there is a rearmost row of seats and seats capable of being the rearmost seats e.g. fold away seats – these must be forward facing
9. The seating capacity will be determined by the Council based upon the manufacturer's specification as stated on the vehicle registration document, the orientation of the seating and the dimensions of the seating.
10. Each 400 millimetres of seat base will constitute a seat, (unless it is impossible for a person to sit there, e.g. due to no leg room.) All measurements are taken across the front of the seat cushion.

11. The seating must be capable of being configured to achieve 600 millimetres minimum leg room available to any passenger. The measurement will be taken from the base of the seat to the rear of the seat in front. Where there is no seat in front the measurement will be taken from the base of the seat to the nearest obstruction in front.
12. All seats within the vehicle, front and rear, must be fitted with working seatbelts.
13. The vehicle must, if using LPG as a fuel, either wholly or as an alternative means of propulsion, be appropriately and safely converted in line with regulations that are in force / applicable at the time of inspection. Where a doughnut tank is fitted in the boot for LPG the spare wheel if still carried in the boot must be properly secured. Alternately a spare wheel cage installed to manufacturers and British Standards may be fitted to the underside of the vehicle.
14. The vehicle must not have displayed on or from the vehicle any sign or notice, mark, or illumination which consists of or includes the word 'taxi' or 'cab' or leads a person to believe the vehicle is a hackney carriage.
15. The vehicle must not have any other feature which may suggest to a person seeking to hire a vehicle that the vehicle is a hackney carriage.
16. The vehicle must be in the colour it was originally manufactured, and no advertisement be displayed on the vehicle (without the written approval of the council in accordance with Appendix O).
17. The vehicle must have provided and maintained at all times safety equipment that will be, from time to time, specified by the Licensing Authority and detailed in the Private Hire Vehicle and Hackney Carriage examination and testing requirements (see Appendix N).
18. The Licensing Authority may, from time to time, make alterations to this specification to reflect changes in road vehicles regulations, manufacturing, and government guidance or conditions. Such changes will be notified as appropriate to proprietors.
19. In addition to the foregoing the proprietor / licensee is required to comply with statutory requirements and attention is drawn in particular to the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976.
20. The vehicle must not have sustained accident damage resulting in structural distortion beyond the accepted limits of the vehicle manufacturer, or, have been disposed of under an insurance salvage agreement (written off). An exemption may be applied to vehicles written off as Category N, provided that the vehicle was licensed at the time of the write off and has remained licensed since that time.

#### **b. Wheelchair Facilities**

1. Suitable anchorages must be provided for the wheelchair and chair bound

disabled person. These anchorages must be either chassis or floor linked and be capable of withstanding stresses to a dynamic deceleration test of 15g peak at 20 m.p.h. Restraints for wheelchair and occupants must be independent of each other. Anchorages must also be provided for the safe stowage of a wheelchair when not in use, whether folded or otherwise, if carried within the passenger compartment. All anchorages and restraints must be so designed that they do not cause any danger to other passengers.

2. The door and doorway must be so constructed as to permit an unrestricted opening across the doorway of at least 75 cm. The minimum angle of the door when opened must be 90 degrees.
3. The clear height of the doorway must be not less than 120 cm.
4. Grab handles must be placed at door entrances to assist the elderly and disabled.
5. The top of the tread for any entrance must be at floor level of the passenger compartment and must not exceed 38 cm above ground level when the vehicle is unladen. The outer edge of the floor at each entrance must be fitted with non-slip treads.
6. The vertical distance between the highest part of the floor and the roof in the passenger compartment must be not less than 1.3 meters.
7. Where seats are placed facing each other, there must be a minimum space of 42.5 cm between any part of the front of a seat and any part of any other seat which faces it, provided adequate foot room is maintained at floor level. Where all seats are placed facing to the front of the vehicle, there must be a clear space of at least 66 cm in front of every part of each seat squab.
8. A ramp or ramps for the loading of a wheelchair and occupant must be available at all times for use at the nearside rear passenger door. An adequate locating device must be fitted to ensure that the ramp/ramps do not slip or tilt when in use. Provision must be made for the ramps to be stowed safely when not in use.

### **c. Passenger Capacity**

1. The occasional seats must be at least 40 cm in width and the minimum distance from the back of the upholstery to the front edge of the seat must be 35.5 cm.
2. The occasional seats must be so arranged as to rise automatically when not in use. They must be symmetrically placed and at least 4 cm apart. When not in use, front seats must not obstruct doorways.
3. The rear seat dimensions must be adequate to carry two or three adult passengers comfortably in vehicles licensed to carry four or five passengers respectively.
4. Suitable means must be provided to assist persons to rise from the rear seat with particular attention to the needs of the elderly and disabled.



**d. Driver's Compartment**

1. The driver's compartment must be so designed that the driver has adequate room, can easily reach and quickly operate the controls and give hand signals on the offside of the vehicle.
2. The controls must be so placed as to allow reasonable access to the driver's seat and, when centrally placed, must be properly protected from contact with luggage.
3. A serviceable device for demisting the windscreen must be fitted.
4. Every vehicle must be provided with an approved means of communication between the passenger and the driver. When a sliding window is fitted on the glazed partition, the maximum width of the opening must not exceed 11.5 cm.

## **Appendix K**

### **Policy in relation to the specification of Hackney Carriages**

#### **Local Government (Miscellaneous Provisions) Act – Section 47**

##### **a. General Principles**

1. The vehicle must comply with all relevant statutory requirements contained in the Road Vehicles (Construction and Use) Regulations 1986.
2. The vehicle must meet the criteria set out in the Council's Vehicle Age and Emissions Policy.
3. The vehicle must have no material alteration or change in the specification, design, condition or appearance from time of manufacture of that vehicle (without written approval of the Council).
4. If the vehicle was originally constructed to seat more than 8 passengers (excluding the driver) it must not have been converted, modified or altered in any way which permanently allows it to carry eight or less passengers (excluding the driver) (unless notified to H.M. Customs and Excise immediately on completion of the conversion, modification or alteration).
5. The vehicle must have 4 road wheels and a minimum of 4 doors, 2 to each side of the vehicle. The vehicle must meet the approved manufacturer's method of dealing with punctured tyres. The number of doors in the case of vehicles to be licensed for less than 4 passengers this will be determined on its own merits.
6. The vehicle must have sufficient seating capacity to carry a minimum of 4 and not more than 8 passengers. Except where application is made for a vehicle wishing to carry less than 4 passengers in which case its suitability to be licensed will be checked on its own merits.
7. In the case of MPVs where there is a rearmost row of seats and seats capable of being the rearmost seats e.g. fold away seats – these must be forward facing.
8. The seating capacity will be determined by the Council based upon the manufacturer's specification as stated on the vehicle registration document, the orientation of the seating and the dimensions of the seating.
9. Each 400 millimetres of seat base will constitute a seat, (unless it is impossible for a person to sit there, e.g. due to no leg room.) All measurements are taken across the front of the seat cushion.
10. The seating must be capable of being configured to achieve 600 millimetres minimum leg room available to any passenger. The measurement will be taken from the base of the seat to the rear of the seat in front. Where there is no seat

in front the measurement will be taken from the base of the seat to the nearest obstruction in front.

11. All seats within the vehicle, front and rear, must be fitted with working seatbelts.
12. The vehicle must, if using LPG as a fuel, either wholly or as an alternative means of propulsion, be appropriately and safely converted in line with regulations that are in force / applicable at the time of inspection. Where a doughnut tank is fitted in the boot for LPG the spare wheel if still carried in the boot must be properly secured. Alternately a spare wheel cage installed to manufacturers and British Standards may be fitted to the underside of the vehicle.
13. The vehicle must be white in colour. No advertisement is to be displayed on the vehicle without the written approval of the council in accordance with Appendix O.
14. The vehicle must always have provided and maintained safety equipment that will be, from time to time, specified by the Licensing Authority and detailed in the Private Hire Vehicle and Hackney Carriage examination and testing requirements (see Appendix N).
15. The Licensing Authority may, from time to time, make alterations to this specification to reflect changes in road vehicles regulations, manufacturing, and government guidance or conditions. Such changes will be notified as appropriate to proprietors.
16. In addition to the foregoing the proprietor / licensee is required to comply with statutory requirements and attention is drawn in particular to the provisions of the Town Police Clauses Act 1847 and Part II of the Local Government (Miscellaneous Provisions) Act 1976.
17. The vehicle must not have sustained accident damage resulting in structural distortion beyond the accepted limits of the vehicle manufacturer, or, have been disposed of under an insurance salvage agreement (written off). An exemption may be applied to vehicles written off as Category N, provided that the vehicle was licensed at the time of the write off and has remained licensed since that time.

#### **b. Wheelchair Facilities**

1. Suitable anchorages must be provided for the wheelchair and chair bound disabled person. These anchorages must be either chassis or floor linked and be capable of withstanding stresses to a dynamic deceleration test of 15g peak at 20 m.p.h. Restraints for wheelchair and occupant must be independent of each other. Anchorages must also be provided for the safe stowage of a wheelchair when not in use, whether folded or otherwise, if carried within the passenger compartment. All anchorages and restraints must be so designed that they do not cause any danger to other passengers.
2. The door and doorway must be so constructed as to permit an unrestricted

opening across the doorway of at least 75 cm. The minimum angle of the door when opened must be 90 degrees.

3. The clear height of the doorway must be not less than 120 cm.
4. Grab handles must be placed at door entrances to assist the elderly and disabled.
5. The top of the tread for any entrance must be at floor level of the passenger compartment and must not exceed 38 cm above ground level when the vehicle is unladen. The outer edge of the floor at each entrance must be fitted with non-slip treads.
6. The vertical distance between the highest part of the floor and the roof in the passenger compartment must be not less than 1.3 meters.
7. Where seats are placed facing each other, there must be a minimum space of 42.5 cm between any part of the front of a seat and any part of any other seat which faces it, provided adequate foot room is maintained at floor level. Where all seats are placed facing to the front of the vehicle, there must be a clear space of at least 66 cm in front of every part of each seat squab.
8. A ramp or ramps for the loading of a wheelchair and occupant must be available at all times for use at the nearside rear passenger door. An adequate locating device must be fitted to ensure that the ramp/ramps do not slip or tilt when in use. Provision must be made for the ramps to be stowed safely when not in use.

**c. Passenger Capacity**

1. The occasional seats must be at least 40 cm in width and the minimum distance from the back of the upholstery to the front edge of the seat must be 35.5 cm.
2. The occasional seats must be so arranged as to rise automatically when not in use. They must be symmetrically placed and at least 4 cm apart. When not in use, front seats must not obstruct doorways.
3. The rear seat dimensions must be adequate to carry two or three adult passengers comfortably in vehicles licensed to carry four or five passengers respectively.
4. Suitable means must be provided to assist persons to rise from the rear seat with particular attention to the needs of the elderly and disabled.

**d. Driver's Compartment**

1. The driver's compartment must be so designed that the driver has adequate room, can easily reach and quickly operate the controls and give hand signals on the offside of the vehicle.
2. The controls must be so placed as to allow reasonable access to the driver's seat and, when centrally placed, must be properly protected from contact with luggage.
3. A serviceable device for demisting the windscreen must be fitted.
4. Every vehicle must be provided with an approved means of communication between the passenger and the driver. When a sliding window is fitted on the glazed partition, the maximum width of the opening must not exceed 11.5 cm.

## **Appendix L**

### **Private Hire Vehicle Conditions**

#### **Section 48 Local Government (Miscellaneous Provisions) Act 1976**

##### **1 Vehicle Type and Design**

- a. No material alteration or change in the specification, design, condition or appearance of the vehicle shall be made subsequent to the inspection of the vehicle by the Council at any time while the licence is in force and at all times the vehicle shall comply with the specifications of the Council for a licensed private hire vehicle. (Vehicles which have been modified in any way from the manufacturer's standard of construction may not be considered suitable for licensing purposes depending upon the nature of the modification).
- b. All glazing must at all times comply with Road Vehicles (Construction and Use) Regulations 1986 regulation 32 with regards to the level of tint. A minimum light transmission value of 70% shall be maintained in all windows except a windscreen, which shall have a minimum light transmission value of 75%. Tinted films applied to the vehicle windows are not permitted.
- c. The colour of the vehicle must not be altered during the period that the vehicle is licensed.

##### **2 Liquefied Petroleum Gas (LPG)**

- a. Vehicles must not be fitted with Dual Fuel or 'after-market' Liquid Petroleum Gas (LPG) systems unless they have been tested and certified by a recognised Liquid Petroleum Gas Association accredited installer. This certification must be produced at the time of application.
- b. The proprietor must notify the Licensing Office in writing if their vehicle has an LPG system fitted during the period of a licence. The notification must be made within 5 working days and include the provision of the certification referred to above.

##### **3 General Condition, Cleanliness and Appearance of Vehicle**

- a. Every vehicle must be maintained in a safe and clean condition at all times and is subject to such examinations as are required by the Council.
- b. Seats must still be fully 'sprung', free of stains, tears, cigarette burns or repair, and not threadbare. Floor coverings must not be unduly worn and present no trip hazards. Household carpeting or similar is unacceptable and must not be used. Upholstery (headlining and side panel coverings) must be free of ingrained grime, fractures and maintained in the manufacturers original style.

- c. Luggage and storage areas must be kept as free space for passenger's luggage.
- d. If at any time the vehicle is involved in an accident, however minor, the driver must inform the Council of this fact as soon as possible and in any event within 1 working day as described in Appendix D of this policy. An accident record form must be completed and submitted to the Council as described in Appendix D.
- e. The vehicle must be presented for inspection at the Council's authorised testing station as soon as possible after the accident has taken place. The appointment will be arranged by the Council following receipt of the accident notification who will notify the vehicle proprietor of the date and time. Failure to present the vehicle for the appointment may result in the vehicle's licence being suspended until such time as the vehicle is presented for examination.
- f. If the vehicle is so damaged that it cannot be driven, then the vehicle proprietor must inform the Council of this fact. The Council will then advise the proprietor of the action to be taken. In such cases the proprietor is advised to take photographic evidence of the vehicle's condition that clearly illustrates the reasons why the vehicle cannot be driven / presented for examination.
- g. All repairs must be carried out without undue delay and the Council may require the vehicle to be inspected by the Council's examiners once repairs have been made.
- h. Bodywork must be maintained to a good condition; paintwork must be sound, well maintained and free of corrosion, inferior re-spray work or 'cover up' temporary repairs.
- i. The proprietor/driver employed to drive the vehicle must ensure that the licensed vehicle has a daily safety check. As a minimum this must be a visual check on all lights, oil, water, tyres, mirrors and seat belts. A written record must be made of each safety check, details of faults recorded, and remedial action taken. The record must be signed by the person undertaking the safety checks and kept in the vehicle for a minimum of 30 days and then for a further six months by the proprietor.
- j. On being so required by a Police Officer or Authorised Officer or Vehicle Examiner the driver must produce, to that officer, the recorded daily checks kept in the vehicle and the proprietor, on request by that officer, must produce those recorded checks in his possession and/or those kept in the vehicle.

#### **4 Vehicle Signage and Markings**

a The following must be in place at all times:

- i A licence plate securely affixed to the rear of the vehicle, in a holder supplied by the Council (no other method may used without the approval of the Council).
- ii A licence plate securely affixed to the front of the vehicle, in a holder supplied by the Council (no other method may used without the approval of the Council).
- iii A sign / notice securely affixed to each front door of the vehicle (commonly referred to as a “door sign”). The door sign must be placed centrally on the door with the base of the door sign being level with a point midway between the top and bottom of the door panel.
- iv A notice permanently fixed to the interior glazed surface of the front windscreen so that the contents of the notice are visible from the outside of the vehicle.
- v A notice on the dashboard, clearly visible from the passenger all seats and passenger compartment, identifying the current driver of the vehicle, as prescribed by the Council.
- vi A notice which clearly alerts passengers to the presence of an audio activation button within the vehicle and details the steps required for activation, and the reasons why audio may be activated within the vehicle.

b Signage must be permanently affixed to the vehicle at all times. The Council will however exempt vehicle proprietors from this requirement in cases where there have not been any instances of formal action being taken in relation to failure to display the required signage on a licensed vehicle. If an exemption is provided, signage may only be removed from the vehicle whilst is not being used as a licensed vehicle. The use of any fixing method that allows the temporary attachment of signage to vehicles must be capable to displaying the signage in the manner prescribed by these conditions.

c No other signs, notices, advertisements, plates, marks, numbers, letters, figures, symbols, emblems or devices whatsoever shall be displayed on, in or from the vehicles except as may be required by any statutory provision, except for when a taximeter is fitted to the vehicle.

d In certain circumstances (such as in cases of executive hire), the Council will permit a deviation from these conditions. A request for such a deviation will need to be made in writing to the Council which will be determined after taking into consideration all relevant information.



- e. A private hire vehicle must not display:
  - i. Any notice which consists of, or includes the word 'taxi' or 'cab' whether singular or plural; or 'for hire' or any word of similar meaning or appearance to any of those words whether alone or as part of another word; or
  - ii. any sign, notice, mark, illumination or other feature which, having regard to that time and place at which it is displayed, may suggest to a person seeking to hire a taxi that the vehicle is a taxi.

## **5 Equipment and Fittings**

- a. The vehicle and all fittings and equipment must, at all times when the vehicle is in use or available for hire, be kept in an efficient, safe, tidy and clean condition and all relevant statutory requirements must be fully complied with.
- b. There must be provided and maintained in the vehicle at all times when it is in use or available for hire a suitable fire extinguisher of a make and type suitable for use on a motor vehicle and approved by the Council, i.e. 2.0kgs dry powder or 2.0 litre AFFF (Aqueous Film Forming Foam). All fire extinguishers must be fitted with a gauge. Such fire extinguisher shall be fitted in a bracket in such a position in the vehicle as to be readily available for immediate use in an emergency. The extinguisher must be checked every 12 months by a competent person to check that it is still in working order and the certificate of inspection must be retained by the vehicle proprietor for at least 12 months.
- c. The registration number of the vehicle must be permanently and legibly marked on the extinguisher.
- d. There must be provided and maintained in the vehicle at all times when it is in use or available for hire a suitable and comprehensive first aid kit of a type that meets the requirements of British Standard BS8599-2 (medium sized kit). Such kit must be kept in such a position as to be readily available for immediate use in an emergency.
- e. The registration number of the vehicle must be permanently and legibly marked on the first aid kit.
- f. If a Driver Safety Shield is fitted (either before the licence has been granted or during the currency of the licence) the following applies:
  - i. It will be of a make, type and design previously approved by Authorised Officers of the Council (for fittings during the licence);
  - ii. it must not be changed in any way from its original design and must remain free of damage;

- iii it must remain clear and translucent; free of scratches, clouding or stickers which would impede the driver's or passenger's visibility;
  - iv it must not impede entry and egress or present a trip hazard to passengers using the vehicle; and
  - v the installation and continued subsequent maintenance must be in accordance with manufacturer's specifications and recommendations.
- g Taxi camera equipment, capable of recording both audio and video, must be installed in all licensed vehicles. The system must meet or exceed the Council's specification for taxi camera systems and must be operational at all times that the vehicle is being used as a licensed vehicle (i.e. for the carriage of fare paying passengers). The system does not need to be operational during other times (for example when being used for domestic purposes).
- h Video recording must be active at all times. Audio recording must be active whenever an unaccompanied child (i.e. under 18) or vulnerable adult is being carried in the vehicle.
- i In addition, audio recording must be activated by the driver at any time where the driver and customer are involved in a dispute or the driver feels threatened by the behaviour of a passenger.
- j In addition, the following provisions apply to the taxi camera system:
- i It must be of a make, type and design previously approved by the Council;
  - ii it must not be changed in any way from its original design, be free of damage and maintained in working condition;
  - iii The vehicle must carry appropriate signs, approved by the Council, informing the public that camera surveillance is active in the vehicle.
  - iv The recording system and hard drive (or other image memory recording system) must be securely stored within the vehicle and away from public access.
  - v Installation and maintenance must be in accordance with manufacturer's specifications and recommendations.
  - vi The images contained in the recording device can only be downloaded by an Authorised Officer of the Council or Police Officer as data controllers under legislation.
- k All audio equipment must be factory fitted as original standard equipment, or a factory fitted optional upgrade. No additional audio equipment e.g. Boom Boxes in boots / additional speakers are allowed to be fitted in and

connected to the vehicle.

## **6 Meters, Fares and Farecards**

- a Any meter fitted to the vehicle must be installed in accordance with the manufacturer's instructions, tested and verified by the Council. The tariffs calibrated to the meter must be displayed in the vehicle in a visible position to passengers. Such a table must show particulars of all tariffs calibrated and include a statement that the Council does not control the table of fares.
- b A notice must be displayed within the vehicle in such a position as to be visible to passengers stating that if the meter is not used, the fare should be agreed between the passenger(s) and driver before commencement of the journey. Any fare agreed in this way must be the fare that is charged at the end of the journey, unless the customer agrees to it being varied.
- c If a fare has not been agreed between the driver (or operator) and the customer, then the fare charged must be that which is shown on the meter (if fitted). A statement to this effect must be made on the notice referred to in b. above.

## **7 Seats and Passengers**

- a The proprietor must not allow a greater number of passengers to be carried in the vehicle than the number specified in the licence.
- b Where the seating in the licensed vehicle can be rearranged, the proprietor must ensure that no more seats than are stated on the licence, including wheelchair(s), are fitted in the vehicle whether occupied or not. Once the vehicle has been tested and approved by the Council, the seating layout must not be altered without further approval except for the temporary accommodation of a wheelchair in vehicles approved for such purpose.
- c Seats can be mounted on tracking fastened to the floor of the vehicle using Unwin Safety Systems seat fixings or similar approved make to the satisfaction of the Council. These seats can then be removed or reinstalled as necessary to allow space for one or more wheelchairs. Any tracking system used must be correctly aligned and spaced to allow easy removal of the seat. Fastenings for the tracking must be in accordance with the manufacturer's specification and approved for use by the Council.

## **8 Vehicles with third row of seats**

- a All passengers must have access to at least two side doors, one of which must be on the nearside of the vehicle.

- b. In cases where there is no door adjacent to a row of seats, no passenger must have to pass through a gap of less than 300mm at the narrowest point in order to exit the vehicle via the rear side doors.
- c. The middle row of seats must have more than one seat capable of fully tilting and which meet the necessary exit dimension of 300mm at both of the exit points.
- d. All vehicles with a row of passenger seats without adjacent side doors must provide 'means of operation signs' and low-level lighting that illuminates when the side lights of the vehicle are activated.

## **9 Passengers with a requirement for wheelchair accessibility**

- a. Passengers who require travel and are within a wheelchair must face either forward or rearward to the direction of travel. Rearward facing wheelchairs must be appropriately secured against a bulkhead. Occupied wheelchairs must be restrained by a suitable method.
- b. A full static harness or a lap and diagonal inertia-reel belt must be available for each wheelchair passenger. Whichever type of restraint is used must engage into the same floor tracking as the wheelchair restraints or other system as approved by the Council. Such equipment must be fully adjustable for the safety and comfort of the wheelchair passenger and capable of quick release in an emergency situation.

## **10 Communication equipment**

- a. Radio communication equipment licensed by the Department for Business, Energy and Industrial Strategy (BEIS) may be fitted for use in connection with the Private Hire Operator's base station. Where fitted it must be in a manner approved by the Council. Citizen Band Radio, or similar non-commercial radio capable of both sending and receiving messages which are not licensed by the Department for BEIS cannot be installed in any licensed vehicle. The use of scanner equipment is also prohibited.
- b. Equipment fitted for the use of the driver to receive information on bookings must be fitted securely in the vehicle and in a manner, which does not obstruct the view of the driver through the windscreen. Any wires used for connection of the equipment must not be left in a dangerous manner.

## **11 Drivers**

- a. Any person who drives the vehicle for any purpose must hold a private hire drivers licence issued by the Council, even when the vehicle is not being used for booked journeys. Each proprietor must, before a driver commences to drive the vehicle, satisfy him/herself that the driver holds a valid private hire drivers licence.

- b. In order to comply with this requirement, a proprietor must examine each driver's licence – any infringement could result in suspension or revocation of licences. The driver of the vehicle, if not named on the licence, will be regarded as an employee of the named proprietor(s).
- c. Proprietors must ensure that all driver(s) of the private hire vehicle are fully acquainted with the need to provide all reasonable assistance to passengers, especially those with a disability. In respect of disabled passengers, a driver must not fail or refuse to carry out a booking by or on behalf of a disabled person accompanied by an 'assistance dog' unless the driver has a Medical Exemption granted by the Licensing Authority and is displaying their Exemption Certificate in the approved manner in the vehicle.
- d. The proprietor must ensure that any driver of a wheelchair accessible vehicle holds a Driving Standards Agency (DSA) Wheelchair Assessment Certificate.
- e. The proprietor must keep a written record showing the following in respect of every driver (for private hire purposes) of the private hire vehicle detailed in this licence:
  - i the name and address and date of birth of the driver of the vehicle;
  - ii the number and date of expiry of every licence issued to the driver under Section 51 of the Local Government (Miscellaneous Provisions) Act 1976 and during such time as the driver is driving the vehicle.
  - iii the date on which the driver commenced driving the vehicle;
  - iv the date on which the driver ceased driving the vehicle.
- f. The proprietor must keep the records prescribed above for a period of two years from the date on which the driver first commenced driving the vehicle. These records must be made available upon request to any Police Officer and/or Authorised Officer of the Council.

## **12 Insurance and Insurance Cover**

- a. Private Hire Insurance which complies with Part VI of the Road Traffic Act 1988 must be in force at all times for the duration of the licence. Public Liability Insurance (minimum cover £2m) is also required in respect of those vehicles licensed to carry passengers in wheelchairs.
- b. The licence holder, if not the policy holder in respect of the insurance effected for the vehicle, must notify the Council if the situation including any change of policyholder(s). The Council will require production of satisfactory documentation from the insurance company/ broker confirming that although the vehicle is owned by the proprietor the

insurance effected by the policyholder is nevertheless fully effective for private hire purposes.

**13 Convictions**

- a The proprietor of a private hire vehicle must notify the Council in writing within 5 working days (or 3 working days in the case of arrest) and provide full details of any conviction, binding over, caution, warning, reprimand or arrest for any matter (whether or not charged) imposed on him / her (or, if the proprietor be a company or partnership, on any of the directors, partners or secretary) during the period of the licence. This is fully detailed in Appendix D of this policy.

**14 Transfer of licence and control of vehicle**

- a The licence holder must ensure that he has control of the vehicle at all times and should such person absent him/herself from the District and not be contemplating returning within a short period (longer than 1 month) he/she should transfer his interest in the vehicle to another person still resident in the District or close proximity there-to; failure to do so could result in revocation of the licence.
- b The proprietor must not assign or in any way part with the benefit of the licence without notifying the Council and effecting a formal transfer within 14 days. The proprietor must return the plate and the licence to the Council immediately if the vehicle is sold or otherwise disposed of without such transfer having first been affected.

**15 Change of address**

- a The proprietor must notify the Council in writing of any change of address within 7 days of such change, whether permanent or temporary.

**16 Change of operator**

- a The licence holder must notify the Council in writing within 7 days of any change of operator through whom the vehicle is to be operated.

**17 Requirements to undertake additional tests**

- a A licensed vehicle which attracts a vehicle suspension notice (VOR) for serious defects may be required at the discretion of an Authorised Officer of the Council, to undertake a further test to demonstrate that the vehicle is roadworthy before the suspension will be lifted. The cost of such a test is to be borne by the proprietor.

### Notes

- i These conditions should be read in conjunction with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976.
- ii Any person who commits an offence against any of the provisions of the Act pursuant to Section 76 may be liable on summary conviction to a fine not exceeding Level 3 on the standard scale. The licence holder(s) should ensure compliance at all times as the proprietor(s) stated on the vehicle licence will be the person(s) against whom the Council will ordinarily proceed for any offence or mis-demeanour.

- iii **Health and Safety of Passengers (Duty of Care)**

Most people will be aware that employers have a duty of care to their employees, but the Health and Safety at Work Act 1974, goes further, Part 1, Section 3 (2) states “it shall be the duty of every self-employed person to conduct his undertaking in such a way as to ensure, so far as is reasonably practicable, that he and other persons (not being his employees) who may be affected thereby are not exposed to risks to their health and safety”. Operators, drivers and proprietors are advised that a failure to safeguard passengers could have serious implications for the licence holder, and the licence.

- iv **Cautionary Advice**

You are strongly advised not to purchase a vehicle or any equipment or fittings, without first reading the Council's policy and preconditions to the grant of a licence and also these conditions. If in doubt about any aspect you should make an appointment with the Vehicle Examiner at the Council's appointed testing centre. Licensing administration staff are not qualified to make technical assessments and are under instruction not to offer such advice. If a vehicle does not meet the conditions, it is unlikely that a licence will be granted.

- v A licence will not be granted to a vehicle if it has sustained accident damage resulting in structural distortion beyond the accepted limits of the vehicle manufacturer, or, has been disposed of under an insurance salvage agreement (any category).

## **Appendix M**

### **Hackney Carriage Vehicle Conditions**

#### **Section 48 Local Government (Miscellaneous Provisions) Act 1976**

##### **1. Vehicle Type and Design**

- a. The vehicle and all its fittings and equipment must at all times when the vehicle is in use or available for hire, be kept in an efficient, safe, tidy and clean condition in accordance with Bye-law No. 3 and all relevant statutory requirements (including in particular those contained in Road Vehicles (Construction and Use) Regulations 1986 must be fully complied with.
- b. No material alteration or change in the specification, design, condition or appearance of the vehicle must be made subsequent to the inspection of the vehicle by the Council at any time while the licence is in force and at all times the vehicle shall comply with the specifications of the Council for a licensed hackney carriage. (Vehicles which have been modified in any way from the manufacturer's standard of construction may not be considered suitable for licensing purposes depending upon the nature of modification).
- c. All glazing must at all times comply with Road Vehicles (Construction and Use) Regulations 1986 regulation 32 with regards to the level of tint. A minimum light transmission value of 70% shall be maintained in all windows except a windscreen, which shall have a minimum light transmission value of 75%. Tinted films applied to the vehicle windows are not permitted.

##### **2. Liquefied Petroleum Gas (LPG)**

- a. Vehicles must not be fitted with Dual Fuel or 'after-market' Liquid Petroleum Gas (LPG) systems unless they have been must be tested and certified by a recognised Liquid Petroleum Gas Association accredited installer. This certification must be produced at the time of application.
- b. The proprietor must notify the Council in writing if their vehicle has a LPG system fitted during the currency of a licence. The notification must be made within 5 working days and include the provision of the certification referred to above.

##### **3. General condition, cleanliness and appearance of vehicle**

- a. Every vehicle must be maintained in a safe and clean condition at all times and is subject to such examinations as are required by the Council.
- b. Seats must still be fully 'sprung', free of stains, tears, cigarette burns or repair, and not threadbare. Floor coverings must not be unduly worn and present no trip hazards. Household carpeting or similar is unacceptable and must not be used. Upholstery (headlining and side panel coverings)



must be free of ingrained grime, fractures and maintained in the manufacturers original style.

- c. Luggage and storage areas must be kept as free space for passenger's luggage.
- d. If at any time the vehicle is involved in an accident, however minor, the driver must inform the Council of this fact as soon as possible and in any event within 1 working day as described in Appendix D of this policy. An accident record form must be completed and submitted to the Council as described in Appendix D.
- e. The vehicle must be presented for inspection at the Council's authorised testing station as soon as possible after the accident has taken place. The appointment will be arranged by the Council following receipt of the accident notification who will notify the vehicle proprietor of the date and time. Failure to present the vehicle for the appointment may result in the vehicle's licence being suspended until such time as the vehicle is presented for examination.
- f. If the vehicle is so damaged that it cannot be driven, then the vehicle proprietor must inform the Council of this fact. The Council will then advise the proprietor of the action to be taken. In such cases the proprietor is advised to take photographic evidence of the vehicle's condition that clearly illustrates the reasons why the vehicle cannot be driven / presented for examination.
- g. All repairs must be carried out without undue delay and the Council may require the vehicle to be inspected by the Councils examiners once repairs have been made.
- h. Bodywork must be maintained to a good condition; paintwork must be sound, well maintained and free of corrosion, inferior re-spray work or 'cover up' temporary repairs.
- i. The proprietor/ driver employed to drive the vehicle must ensure that the licensed vehicle has a daily safety check. As a minimum this must be a visual check on all lights, oil, water, tyres, mirrors and seat belts. A written record must be made of each safety check, details of faults recorded and remedial action taken. The record must be signed by the person undertaking the safety checks and kept in the vehicle for a minimum of 30 days and then for a further six months by the proprietor.
- j. On being so required by a Police Officer or Authorised Officer or Vehicle Examiner the driver must produce, to that officer, the recorded daily checks kept in the vehicle and the proprietor, on request by that officer, must produce those recorded checks in his possession and/or those kept in the vehicle.

#### 4. Vehicle Signage and Markings

a. The following must be in place at all times:

- i A licence plate securely affixed to the rear of the vehicle, in a holder supplied by the Council (no other method may be used without the approval of the Council).
- ii A licence plate securely affixed to the front of the vehicle, in a holder supplied by the Council (no other method may be used without the approval of the Council).
- iii A sign / notice securely affixed to each front door of the vehicle (commonly referred to as a "door sign"). The door sign must be placed centrally on the door with the base of the door sign being level with a point midway between the top and bottom of the door panel.
- iv A notice permanently fixed to the interior glazed surface of the front windscreen so that the contents of the notice are visible from the outside of the vehicle.
- v A notice on the dashboard, clearly visible from the passenger all seats and passenger compartment, identifying the current driver of the vehicle, as prescribed by the Council.
- vi A notice which clearly alerts passengers to the presence of an audio activation button within the vehicle and details the steps required for activation, and the reasons why audio may be activated within the vehicle.

b. Signage must be permanently affixed to the vehicle at all times. The Council will however exempt vehicle proprietors from this requirement in cases where there have not been any instances of formal action being taken in relation to failure to display the required signage on a licensed vehicle. If an exemption is provided, signage may only be removed from the vehicle whilst it is not being used as a licensed vehicle. The use of any fixing method that allows the temporary attachment of signage to vehicles must be capable of displaying the signage in the manner prescribed by these conditions.

c. No other signs, notices, advertisements, plates, marks, numbers, letters, figures, symbols, emblems or devices whatsoever shall be displayed on, in or from the vehicles except as may be required by any statutory provision, except for when a taximeter is fitted to the vehicle.

d. In certain circumstances (such as in cases of executive hire), the Council will permit a deviation from these conditions. A request for such a deviation will need to be made in writing to the Council and will be determined after taking into consideration all relevant information.

## 5. Equipment and fittings

- a. The vehicle and all fittings and equipment must, at all times when the vehicle is in use or available for hire, be kept in an safe, tidy and clean condition and relevant statutory requirements must be complied with.
- b. There must be provided and maintained in the vehicle at all times when it is in use or available for hire a suitable efficient fire extinguisher of a make and type suitable for use on a motor vehicle and approved by the Council, i.e. 2.0kgs dry powder or 2.0 litre AFFF (Aqueous Film Forming Foam). All fire extinguishers must be fitted with a gauge. Such fire extinguisher shall be fitted in a bracket in such a position in the vehicle as to be readily available for immediate use in an emergency. The extinguisher must be checked every 12 months by a competent person to check that is still in working order and the certificate of inspection must be retained by the vehicle proprietor for at least 12 months.
- c. The registration number of the vehicle must be permanently and legibly marked on the extinguisher.
- d. There must be provided and maintained in the vehicle at all times when it is in use or available for hire a suitable and comprehensive first aid kit of a type that meets the requirements of British Standard BS8599-2 (medium sized kit). Such kit must be kept in such a position so as to be readily available for immediate use in an emergency.
- e. The registration number of the vehicle must be permanently and legibly marked on the first aid kit.
- f. If a Driver Safety Shield is fitted (either before the licence has been granted or during the currency of the licence) the following applies:
  - i It will be of a make, type and design previously approved by Authorised Officers of the Council (for fittings during the licence);
  - ii it must not be changed in any way from its original design and must remain free of damage;
  - iii it must remain clear and translucent; free of scratches, clouding or stickers which would impede the drivers or passengers visibility;
  - iv it must not impede entry and egress or present a trip hazard to passengers using the vehicle; and
  - v the Installation and continued subsequent maintenance must be in accordance with manufacturer's specifications and recommendations.
- g. All audio equipment must be factory fitted as original standard equipment, or a factory fitted optional upgrade. No additional audio equipment e.g. Boom Boxes in boots / additional speakers are allowed to be fitted in and connected to the vehicle.

- e. Video recording must be active at all times. Audio recording must be active whenever an unaccompanied child (i.e. under 18) or vulnerable adult is being carried in the vehicle.
- f. In addition, audio recording must be activated by the driver at any time where the driver and customer are involved in a dispute or the driver feels threatened by the behaviour of a passenger.
- g. In addition, the following provisions apply to the taxi camera system:
  - i It must be of a make, type and design previously approved by the Council;
  - ii it must not be changed in any way from its original design, be free of damage and maintained in working condition;
  - iii The vehicle must carry appropriate signs, approved by the Council, informing the public that camera surveillance is active in the vehicle.
  - iv The recording system and memory card (or other image memory recording system) must be securely stored within the vehicle and away from public access.
  - v Installation and maintenance must be in accordance with manufacturer's specifications and recommendations.
  - vi The images contained in the recording device can only be downloaded by an Authorised Officer of the Council or Police Officer.
- h. All audio equipment must be factory fitted as original standard equipment, or a factory fitted optional upgrade. No additional audio equipment e.g. Boom Boxes in boots / additional speakers are allowed to be fitted in and connected to the vehicle.

## **6. Meters, fares and farecards**

- a. A meter must be fitted to the vehicle and installed in accordance with the manufacturer's instructions. If a meter is fitted to the vehicle, it must have been installed in accordance with the manufacturer's instructions, tested and verified by the Council. The tariffs with which the meter has been calibrated must be displayed in the vehicle in such a position as to be visible to passengers. Such a table must show full particulars of all tariffs calibrated on the meter including a statement that the Council has no control over the table of fares.
- b. A notice must be displayed within the vehicle in such a position as to be visible to passengers stating that if the meter is not used, the fare should be agreed between the passenger(s) and driver before commencement of the journey. Any fare agreed in this way must be the fare that is charged at the end of the journey, unless the customer agrees to it being varied.

- c. If a fare has not been agreed between the driver (or operator) and the customer, then the fare charged must be that which is shown on the meter. A statement to this effect must be made on the notice referred to in b. above.

## **7. Seats and passengers**

- a. The proprietor must not allow a greater number of passengers to be carried in the vehicle than the number specified in the licence.
- b. Where the seating in the licensed vehicle can be rearranged, the proprietor must ensure that no more seats than are stated on the licence, including wheelchair(s), are fitted in the vehicle whether occupied or not. Once the vehicle has been tested and approved by the Council, the seating layout must not be altered without further approval except for the temporary accommodation of a wheelchair in vehicles approved for such purpose.
- c. Seats can be mounted on tracking fastened to the floor of the vehicle using Unwin Safety Systems seat fixings or similar approved make to the satisfaction of the Council. These seats can then be removed or reinstalled as necessary to allow space for one or more wheelchairs. Any tracking system used must be correctly aligned and spaced to allow easy removal of the seat. Fastenings for the tracking must be in accordance with the manufacturer's specification and approved for use by the Council.

## **8. Vehicles with third row of seats**

- a. All passengers must have access to at least two side doors, one of which must be on the nearside of the vehicle.
- b. In cases where there is no door adjacent to a row of seats, no passenger must have to pass through a gap of less than 300mm at the narrowest point in order to exit the vehicle via the rear side doors.
- c. The middle row of seats must have more than one seat capable of fully tilting and which meet the necessary exit dimension of 300mm at both of the exit points.
- d. All vehicles with a row of passenger seats without adjacent side doors must provide 'means of operation signs' and low-level lighting that illuminates when the side lights of the vehicle are activated.

## **9. Passengers with a requirement for wheelchair accessibility**

- a. Passengers who require travel and are within a wheelchair must face either forward or rearward to the direction of travel. Rearward facing wheelchairs must be appropriately secured against a bulkhead. Occupied wheelchairs must be restrained by a suitable method.

- b. A full static harness or a lap and diagonal inertia-reel belt must be available for each wheelchair passenger. Whichever type of restraint is used must engage into the same floor tracking as the wheelchair restraints or other system as approved by the Council. Such equipment must be fully adjustable for the safety and comfort of the wheelchair passenger and capable of quick release in an emergency situation.

**10. Communication equipment**

- a. Radio communication equipment licensed by the Department for Business, Energy and Industrial Strategy (BEIS) may be fitted for use in connection with the Private Hire Operator's base station. Where fitted it must be in a manner approved by the Council. Citizen Band Radio, or similar non-commercial radio capable of both sending and receiving messages which are not licensed by the Department for BEIS cannot be installed in any licensed vehicle. The use of scanner equipment is also prohibited.
- b. Equipment fitted for the use of the driver to receive information on bookings must be fitted securely in the vehicle and in a manner which does not obstruct the view of the driver through the windscreen. Any wires used for connection of the equipment must not be left in a dangerous manner.

**11. Drivers**

- a. Any person who drives the vehicle for any purpose must hold a drivers licence issued by the Council, even when the vehicle is not being used for journeys where a booking has taken place. Each proprietor must, before a driver commences to drive the vehicle, satisfy him/herself that the driver holds a valid driver's licence issued by the Council.
- b. In order to comply with this requirement a proprietor must examine each driver's licence – any infringement could result in suspension or revocation of licences. The driver of the vehicle, if not named on the licence, will be regarded as an employee of the named proprietor(s).
- c. Proprietors must ensure that all driver(s) of the hackney carriage are fully acquainted with the need to provide all reasonable assistance to passengers especially those with a disability. In respect of disabled passengers a driver must not fail or refuse to carry out a booking by or on behalf of a disabled person accompanied by an 'assistance dog' unless the driver has a Medical Exemption granted by the Licensing Authority and is displaying their Exemption Certificate in the approved manner or in the vehicle.
- d. The proprietor must ensure that any driver of a wheelchair accessible vehicle holds a Driving Standards Agency (DSA) Wheelchair Assessment Certificate.
- e. The proprietor must keep a written record showing the following in respect

of every driver of the hackney carriage detailed in this licence:

- i. the name and address and date of birth of the driver of the vehicle;
  - ii. the number and date of expiry of every licence issued in respect of the driver under Section 51 of the Local Government (Miscellaneous Provisions) Act 1976 during such time as the driver is driving the vehicle.
  - iii. the date on which the driver commenced driving the vehicle;
  - iv. the date on which the driver ceased driving the vehicle.
- f. The proprietor must keep the records prescribed above for a period of two years from the date on which the driver first commenced driving the vehicle. These records must be made available upon request to any Police Officer and/or Authorised Officer of the Council.

## **12. Insurance and Insurance Cover**

- a. At all times, the proprietor must, during the period of this licence:
  - i. keep in force in relation to the use of the vehicle as a hackney carriage vehicle a policy of insurance complying with the requirements of Part VI of the Road Traffic Act 1988.
  - ii. On being so required by an authorised officer, produce for examination at the Licensing Office within seven days of such request, the certificate of insurance issued by an insurer in respect of the vehicle for the purpose of Part VI of the Road Traffic Act 1988.
- b. Failure to comply with this condition may result in the suspension of the vehicle licence.

## **13. Convictions**

- a. The proprietor of a hackney carriage vehicle must notify the Council in writing within 5 working days (or 3 working days in the case of arrest) and provide full details of any conviction, binding over, caution, warning, reprimand or arrest for any matter (whether or not charged) imposed on him / her (or, if the proprietor be a company or partnership, on any of the directors, partners or secretary) during the period of the licence. This is fully detailed in Appendix D of this policy.

## **14. Transfer of Licence**

- a. If the proprietor of a hackney carriage licensed by the Council transfers his interest in the vehicle to a person not named in the licence, he must within fourteen days after such transfer give notice in writing thereof to the Council specifying the name and address of the person to whom the

hackney carriage has been transferred.

**15. Change of address**

- a. The proprietor must notify the Council in writing of any change of address within 7 days of such change, whether permanent or temporary.

**16. Requirements to undertake additional tests**

- a. A licensed vehicle which attracts a vehicle suspension notice (VOR) for serious defects may be required at the discretion of an Authorised Officer of Rotherham Metropolitan District Council, to undertake a further test to demonstrate that the vehicle is roadworthy before the suspension will be lifted. The cost of such a test is to be borne by the proprietor.

**17. Advertisements**

- a. Advertisements may be displayed on the vehicle, provided that:
  - i. the advertisement is in accordance with the Council's published conditions in relation advertisements on vehicles, and
  - ii. the Council has provided written approval for the advertisement to be displayed.
- b. The hackney carriage proprietor submitting any advertisement for approval must pay an appropriate fee to cover the cost of the administration involved.

**18. Colour**

- a. The vehicle will be coloured white.
- b. The colour of the vehicle must not be altered during the period that the vehicle is licensed.

Note: In addition to the foregoing conditions, the proprietor is required to comply with statutory requirements and attention is drawn in particular to the Town Police Clauses Act 1847, the Hackney Carriage By-laws made under that Act and Part II of the Local Government (Miscellaneous Provisions) Act 1976.



**Appendix N****Requirements for Vehicle Examination**

| <b><u>SECTION 1 - Vehicle conformance to standards set by RMBC</u></b>   |  |  |
|--|--|--|
| <b>Testable Items</b>  | <b>Reason for Failure</b>  | <b>Additional Information</b>  |
| <p><u>Ensure that:</u></p> <ol style="list-style-type: none"> <li>1. The vehicle is fitted with a minimum of 4 road wheels and 4 doors (excluding boot doors). <b><i>Unless the vehicle is to be licensed for less than 4 passengers where the number of doors may be less.</i></b></li> <li>2. The vehicle must comply at all times with the relevant sections of the Road Traffic Act, Construction and Use Regulations and Road Vehicles Lighting Regulations that may apply.</li> <li>3. The vehicle satisfies Motor Vehicle Type Approval Regulations, or European Whole Vehicle Type Approval Regulations, or a Minister's Approval Certificate is in force for the vehicle or the vehicle is a historic vehicle.</li> <li>4. The vehicle will be tested in accordance with the applicable parts of the DVSA (formerly VOSA) MOT Testing Manual for Class 3, 4, 5 and 7 vehicles. The vehicle must meet or exceed the standards detailed in the manual.</li> <li>5. The vehicle will also be examined to verify that it meets the additional requirements set out within this document are met (as applicable).</li> </ol> | <ol style="list-style-type: none"> <li>1. The vehicle is fitted with fewer than 4 road wheels and 4 doors (excluding boot doors).</li> <li>2. The vehicle fails to comply with either, the Road Traffic Act, Construction and Use Regulations or Road Vehicles Lighting Regulations.</li> <li>3. The vehicle <u>fails</u> to satisfy either Motor Vehicle Type Approval Regulations, or European Whole Vehicle Type Approval regulations, or there is no evidence that a Minister's Approval certificate is in force and the vehicle is not a historic vehicle.</li> <li>4. The vehicle <u>fails</u> to satisfy the applicable standards as detailed in the MOT Testing Manual.</li> <li>5. The vehicle <u>fails</u> to meet any of the applicable requirements as detailed in this document.</li> </ol> | <p>Check to ensure that the vehicle satisfies detailed conformance requirements.</p> <p>Acceptable certification will include certificates issued by recognised converters.</p> <p>Items not detailed within the MOT testing manual but required for licensing standards of fitness reasons are listed in this document or the main policy document.</p> <p>The V5 must show that the vehicle is registered with the DVLA, or a Single Vehicle Approval Certificate or Minister's Approval Certificate is presented if required this checking purpose.</p> |

|   |   |  |
|---|---|--|
| <p>6. Where the vehicle has been converted, including stretched limousines, ensure that the conversion is certified.</p> <p>7. Any modification or conversion to the vehicle's braking system, steering, engine, transmission, fuel system (inc. LPG), suspension or lighting is supported by certification from an appropriate agency.</p> <p>8. The vehicle complies with all the vehicle specifications laid out in the Specification of vehicle type's document.</p> <p>9. All tyres fitted to the vehicle must be fit for purpose, inflated to the correct pressure and have a tread depth of at least 2.0 mm throughout a continuous band in the centre 3/4 of the tread and around the entire circumference of the tyre.</p> <p>10. The vehicle must be fitted with a fully operational taxi camera system approved by the council and appropriately installed in accordance with the manufacturer's instructions.</p> | <p>6. A conversion is not supported by an appropriate certificate and an exemption has not been granted by the Licensing Authority.</p> <p>7. A modification or conversion to the vehicle's braking system, steering, engine, transmission, fuel system, suspension or lighting is not supported by a certificate from an appropriate agency or by written exemption granted by the Licensing Authority.</p> <p>8. The vehicle fails to comply with the vehicle specifications set out by the council.</p> <p>9. The tyres fail to conform to the standard set by the council.</p> <p>10. The vehicle is not fitted with an appropriate taxi camera system, or it is not installed / functioning as required by the manufacturer / council.</p> |  |
|---|---|--|

**SECTION 2 – Vehicle Identification Number (VIN)**

| <b>Testable Items</b>  | <b>Reason for Failure</b>   | <b>Additional Information</b>   |
|--|---|---|
| <p>Ensure that:</p> <ol style="list-style-type: none"> <li>1. The VIN plate is accessible.</li> <li>2. The VIN plate is fitted to the vehicle.</li> <li>3. The VIN plate has not been tampered with.</li> <li>4. The VIN plate is consistent with any other documentation presented.</li> <li>5. All information and vehicle details are clear and legible.</li> </ol> | <ol style="list-style-type: none"> <li>1. The VIN plate is not accessible as appropriate to the vehicle type.</li> <li>2. The VIN plate is not fitted to the vehicle.</li> <li>3. The VIN plate has been tampered with.</li> <li>4. The VIN plate is not consistent with any other documentation presented.</li> <li>5. Information and vehicle details are not clear and/or not legible</li> </ol> | <p>Visually check for any obvious sign of defect, damage, replacement or alteration.</p> <p>Report any suspicious VIN identification to the appropriate authority (i.e. Police, VOSA, DVLA)</p> <p>Note: VIN plates may be located in engine compartments, dash boards or other locations depending on vehicle manufacturers.</p> <p>Visually check all excise licence details.</p> |

**SECTION 3 – Top Side / External Body Inspection**

| <b>Testable Items</b>  | <b>Reason for Failure</b>   | <b>Additional Information</b>  |
|--|---|--|
| <p>Ensure that:</p> <ol style="list-style-type: none"> <li>1. There is no evidence of significant damage to the external body panels.</li> <li>2. Ensure that where there is only one passenger door that door is on the nearside (kerbside) of the vehicle.</li> <li>3. There is no evidence of crudely repaired or, insecure body panels. (visual examination).</li> <li>4. That there is no evidence of significant rusting and/or corrosion.</li> <li>5. The paintwork is finished and presents a satisfactory appearance (visual examination).</li> <li>6. Any additional lighting is secure and complies with lighting regulations.</li> <li>7. Any exterior alteration or modification has been approved.</li> <li>8. All windows are clean, undamaged and free from unapproved advertising medium.</li> <li>9. There is sufficient space to affix the licence identifiers to the front and rear windscreens and that there is no material present that would prevent the discs being affixed directly to the screens.</li> </ol> | <ol style="list-style-type: none"> <li>1. There is evidence of significant damage to the external body panels.</li> <li>2. Single passenger door is not on the nearside (roadside) of the vehicle.</li> <li>3. There is evidence of crudely repaired or insecure body panels.</li> <li>4. There is evidence of significant rusting and/or corrosion.</li> <li>5. Paintwork is poor and presents an unsatisfactory appearance making the vehicle unsuitable for use.</li> <li>6. Additional lighting does not comply with lighting regulations.</li> <li>7. The exterior alteration or modification is not approved and/or presents a safety hazard.</li> <li>8. The windows are soiled /dirty, damaged or contain unapproved advertising.</li> <li>9. There is insufficient space to affix the licence identifiers (RMBC disks) to the front windscreens and/or there is material present that would prevent the discs being affixed directly to the</li> </ol> | <p>Significant means:</p> <p>One or more body panels having sustained disproportionate amount of damage and/or poses a potential risk to the passengers, driver or other road users.</p> <p>Visual inspection of all body panels.</p> <p>Satisfactory appearance means:</p> <p>No panel should show the base primer, should not show signs of body filler and should not be dull in appearance. I.e. there must be a reasonable sheen.</p> <p>Do not attempt to make holes in the body work or enlarge any hole that already exists.</p> <p>Ensure that the discs can be mounted in accordance with the PHV regs. and that affixing the discs will not cover any safety notice such as airbag warnings etc.</p> <p>Ensure that there are no clear plastic films, waxes or other such materials preventing the discs being affixed directly to the vehicle screens.</p> <p>Note: No signs or advertising material shall be displayed on the vehicle, except badges or emblems on the radiator or windscreen issued by an organisation (a) Providing</p> |

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| <p>10. In the case of private hire vehicles, the vehicle is not of such design that it could lead any person to believe it was a Rotherham Hackney Carriage.</p> | <p>screens. The disk is not fitted or readable.</p> <p>10. The vehicle is of such design that it is inappropriate to be a hackney carriage or private hire vehicle, or the vehicle could lead any person to believe it was a hackney carriage vehicle when it was licensed for private hire purposes.</p> | <p>vehicle repair or recovery service; or (b) required by law.</p> |
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#### **SECTION 4 – Underside Inspection**

| <b>Testable Items</b>  | <b>Reason for Failure</b>  | <b>Additional Information</b>   |
|--|--|---|
| <p>Ensure that:</p> <ol style="list-style-type: none"> <li>1. There are no signs of water or fluid leaks from under the vehicle.</li> <li>2. There are no signs of oil leaks from under the vehicle.</li> <li>3. The exhaust pipe is secure.</li> <li>4. The towing assembly is fully secured to the vehicle (if applicable).</li> </ol> | <ol style="list-style-type: none"> <li>1. There is evidence of water or fluid leaks from under the vehicle.</li> <li>2. There are signs of oil leaks from under the vehicle.</li> <li>3. The exhaust pipe not fully secure to the vehicle.</li> <li>4. The towing assembly is not fully secured to the vehicle (if applicable).</li> </ol> | <p>Visually inspect the underside of the vehicle for any fluid leaks.</p> |

**SECTION 5 – Passenger Compartment**

| <b>Testable Items</b>  | <b>Reason For Failure</b>   | <b>Additional Information</b>   |
|--|---|---|
| <p>Ensure that:</p> <ol style="list-style-type: none"> <li>1. All tinted windows comply with the relevant RTA and/or C&amp;U regulations.</li> <li>2. The upholstery, headlining, carpets and door trims are not damaged or soiled.</li> <li>3. The devices designed for opening any passenger windows are in place and operate correctly.</li> <li>4. All passenger doors can be opened from inside and outside the vehicle.</li> <li>5. All passenger doors close securely.</li> <li>6. Passenger courtesy lights operate correctly.</li> <li>7. All passenger seat adjustment Mechanisms are in good working condition.</li> <li>8. All passengers, seats, are fitted with seat belts.</li> <li>9. The passenger seats are in good condition and the inner fibre is not exposed.</li> <li>10. The passenger seat frame is secured.</li> </ol> | <ol style="list-style-type: none"> <li>1. Any tinted window does not comply with the relevant RTA and/or C&amp;U regulations.</li> <li>2. The upholstery, headlining, carpets and door trims are damaged or soiled.</li> <li>3. Passenger windows are not in place and/or fail to operate correctly.</li> <li>4. Any passenger door, or doors, cannot be opened from inside and/or outside the vehicle.</li> <li>5. Any passenger door, or doors, fails to close securely.</li> <li>6. Passenger courtesy lights are inoperative.</li> <li>7. Any passenger seat adjustment mechanism is not in good working condition.</li> <li>8. Passenger seat belts are not fitted and/or are missing.</li> <li>9. The passenger seats are not in good condition or the inner fibre is exposed.</li> <li>10. Passenger seat frame not secure.</li> </ol> | <p>Visual inspection to ensure window glass complies with RTA or C&amp;U Regulations.</p> <p><b>Note:</b><br/>If there is any doubt about the level of tint applied to any of the windows, carryout measurement using a correctly calibrated TINTMASTER.</p> <p>For the purpose of this section, all passenger doors must open and close from both inside and outside of the vehicle.</p> <p>Check that all child locks are disengaged and operate freely.</p> <p><b>Note:</b> that centre doors fitted to stretched limousines are not required to be fitted with child locks.</p> |

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| <p>11. The child locks can be engaged and disengaged.</p> <p>12. All fixtures and fittings are approved by the Licensing Authority.</p> <p>13. All mechanisms designed to release the passenger seat which enable access to another seat are in good working order.</p> <p>14. All passenger doors allow safe access and egress for the number of passengers.</p> | <p>11. The child locks do not operate correctly.</p> <p>12. There are unapproved fixtures and fittings.</p> <p>13. The passenger seat mechanism does not release to enable access to another seat.</p> <p>14. There is insufficient space to allow safe access and egress for the number of passengers.</p> |  |
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**SECTION 6 – Driver Front/Passenger Compartment**

| <b>Testable Items</b>   | <b>Reason For Failure</b>  | <b>Additional Information</b>  |
|---|--|--|
| Ensure that:  |  |  |
| 1. The driver / front passenger compartment is clean and accessible.  | 1. The driver/ front passenger compartment is not clean and/or not accessible.   | Visually inspect the position and condition of fixtures and fittings.  |
| 2. Any fixtures such as taxi radio, satellite navigation or CCTV equipment are fitted safely and securely and do not adversely encroach the passenger's area and do not impact on the safety of the driver, passengers or other road users. | 2. Additional fixtures are so fitted as to encroach adversely the passenger area or will impact on the safety of the driver, passengers or other road users. | <b>Safety enhancement features:</b><br>Visually/aurally check that the safety enhancement equipment, such as airbags, seatbelt tensioners, warning lights appear to be in order. |
| 3. The devices for opening/closing the driver or front passenger windows operate correctly.   | 3. The devices for opening/closing the driver or front passenger window fail to operate correctly.   |  |
| 4. The driver's seat adjustment mechanisms are in good working condition.   | 4. The driver's seat adjustment mechanisms are defective or inoperative.   |  |
| 5. The driver's seat is in good condition and the inner fibre is not exposed.   | 5. The driver's seat is in poor condition and/or the inner fibre is exposed to an area greater than 1cm square.  |  |
| 6. The driver's seat frame is fully secured to the vehicle.   | 6. The driver's seat frame is not fully secured to the vehicle.  |  |
| 7. A taxi meter has been fitted to the vehicle (hackney carriage renewals only)   | 7. A taxi meter is not fitted to the vehicle (hackney carriage renewals only)  |  |



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| 8. There are no signs of damage to the airbag housing that prevents deployment.  | 8. There are signs of damage to the airbag housing that will prevent deployment.  |  |
| 9. The driver/passenger headrest has not been removed and is fitted securely.  | 9. The driver/passenger headrest has been removed and/or is insecure.   |  |
| 10. Any safety warning device designed to alert the driver of a fault with any of the vehicle's safety features is not disabled or malfunctioning. | 10. There is evidence to show a safety warning device in respect of vehicles safety features is deliberately disabled or is malfunctioning. |  |

**SECTION 7 – Luggage/Boot Compartment**

| <b>Testable Items</b>  | <b>Reason for Failure</b>  | <b>Additional Information</b>                       |
|--|--|---|
| <p>Ensure that:</p> <p>1. The luggage area is uncluttered, is suitable for use and is capable of carrying the amount of luggage for which the vehicle is designed.</p> | <p>1. The luggage area is cluttered and/or is unsuitable for use; and/or is not capable of carrying the amount of luggage for which the vehicle is designed.</p> | <p>Visual check for adequate luggage/boot space</p> |

**SECTION 8 – External Signage**

| <b>Testable Items</b>  | <b>Reason For Failure</b>   | <b>Additional Information</b>   |
|--|---|---|
| <p>Ensure that:</p> <ol style="list-style-type: none"> <li>1. The content of any external signage complies with PHV regulations or HCV regulations and/or RMBC guidelines.</li> <li>2. The content of any external signage has been approved by the Licensing Authority.</li> <li>3. Signage is of an appropriate size.</li> <li>4. Any signage is displayed in an appropriate or approved place.</li> </ol> | <ol style="list-style-type: none"> <li>1. The content of any external signage does not comply with PHV regulations or HCV regulations and/or RMBC guidelines.</li> <li>2. The content of any external signage has not been approved by the Licensing Authority.</li> <li>3. Signage is of an incorrect size.</li> <li>4. Signage is displayed in an unapproved or inappropriate place.</li> </ol> | <p>Check that any external signage, complies with RMBC guidelines and that the Licensing Authority has approved the content.</p> <p>Check that the signage is of an appropriate size and is displayed in an approved place.</p> |

| <b>SECTION 9 – Additional Items</b>   |  |  |
|---|--|--|
| <b>Testable Items</b>   | <b>Reason For Failure</b>  | <b>Additional Information</b>  |
| Ensure that:  |  |  |
| 1. Any wheelchair restraints are in good condition and operate correctly (where applicable).      | 1. Wheelchair restraints are in poor condition and/or operate incorrectly or are inoperative.                            | Check all certificate dates of expiry if available.  |
| 2. Wheelchair restraints are BSI or CE approved (where applicable).                               | 2. Wheelchair restraints are not BSI or CE approved.   | Check for evidence of tampering, forgery, and authenticity.  |
| 3. A valid test certificate for the lifting or winching equipment is available for inspection.    | 3. A valid test certificate for the lifting or winching equipment is not presented.                                      | Where additional lighting has been fitted as an after-market product ensure that the installation complies with RTA, C&U and/or Lighting Regulations.  |
| 4. Any additional fuels cut-off switches are correctly identified. (Where available).             | 4. Any additional fuels cut-off switches are not correctly or clearly identified.  | <b>Note:</b> No additional lights are permitted on the exterior of the vehicle.  |
| 5. A valid fuel conversion installation certificate or safety report is presented for inspection. | 5. A valid fuel conversion installation certificate or safety report has not been or cannot be presented for inspection. | Check that the radio is fitted safely and securely, does not adversely encroach into the passenger area, and any visible wiring is safe, permanent and does not present a hazard to the passenger or driver. |
| 6. Any two way radio has been installed correctly and safely.                                     | 6. Any two way radio has not been installed correctly or safely.   | Where the equipment has been installed as an after-market product the criteria for a radio installation applies.   |
| 7. Any satellite navigation equipment has been installed correctly or safely.                     | 7. Any satellite navigation equipment has not been installed correctly or safely.  | Ensure that the mobile phone equipment has not been installed so that it is <u>directly</u> in front of the passenger seat.  |
| 8. Any data dispatch equipment has been installed correctly or safely.                            | 8. Any data dispatch equipment has not been installed correctly or safely.   |  |
| 9. Any hands free mobile phone equipment has been installed correctly or safely.                  | 9. Any hands free mobile phone equipment has not been installed correctly or safely.                                     | Ensure that the installation is fitted safely and securely, does not adversely encroach the passenger area and that any wiring is permanent and does not present a hazard to the passenger or driver.        |
| 10. Any additional lighting has   | 10. Any additional lighting has  |  |

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| <p>been installed correctly or safely.</p> <p>11. Any additional lifting equipment is fully and correctly operative.</p> <p>12. Ensure that any modification has been approved by the Licensing Authority</p> <p>13. A suitable fire extinguisher must be installed within the vehicle.</p> <p>14. A suitable first aid kit must be stored within the vehicle.</p> | <p>not been installed correctly or safely.</p> <p>11. Any additional lifting equipment is inoperative.</p> <p>12. Unapproved modification fitted or approved modification fitted in a dangerous or incorrect manner.</p> <p>13. Fire extinguisher not present, of correct type or in serviceable condition.</p> <p>14. First aid kit not present, of correct type or in serviceable condition.</p> | <p>Fire extinguisher and first aid kit requirements are detailed in the RMBC conditions of licence.</p> |
|--|--|---|

**SECTION 10 – Other Defects**

| <b>Testable Items</b>  | <b>Reason for Failure</b>  | <b>Additional Information</b>  |
|--|--|--|
| <p>Ensure that:</p> <ol style="list-style-type: none"> <li>1. The vehicle appears to be in a roadworthy condition.</li> <li>2. The vehicle is of a suitable type and capable of carrying the number of persons for which the vehicle is designed and purpose it is to be licensed for by the authority.</li> </ol> | <p>Luggage Compartment.</p> <ol style="list-style-type: none"> <li>1. The vehicle has a mechanical defect is not in a roadworthy condition.</li> <li>2. The vehicle is not of a suitable type and/or capable of carrying the number of persons for which the vehicle is designed and/or is not fit for the purpose it is to be licensed by the authority.</li> </ol> | <p>During the inspection a mechanical defect is noted that would result in the vehicle failing standard MOT test.</p> <p>During the inspection a defect or damage of other type is noted that may affect its “fitness” to be a licensed vehicle.</p> |

| <b><u>SECTION 11 – General Information</u></b>   |   |   |
|--|---|---|
| <b>Passes</b>  | <b>Failures</b>   | <b>Additional Information</b>   |
| <p><b>If the vehicle <u>passes</u> the licensing inspection the vehicle inspector will:</b></p> <ol style="list-style-type: none"> <li>1. Update documentation and / or database (as appropriate).</li> <li>2. Issue the inspection pass certificate / documentation to the vehicle proprietor/driver.</li> <li>3. Advise the proprietor / driver they must return the “pass” certificates to the Licensing Office immediately.</li> </ol> | <p><b>If the vehicle fails the licensing inspection, the vehicle inspector will:</b></p> <ol style="list-style-type: none"> <li>1. Update documentation and/or database. (as appropriate).</li> <li>2. Issue a VIR and any other appropriate documents indicating why a licence has been refused.</li> <li>3. Advise the owner/ driver they have failed to present a vehicle in a suitable condition and must return for a retest on all failed items to obtain a “pass” certificate and / or appropriate documentation.</li> <li>4. Allocate a retest appointment for minor retest points which can be retested in 15 minutes or less.</li> <li>5. Advise the proprietor/ driver they must contact the Licensing Office to book a re-test appointment for major retest points which take 30 minutes or more.</li> <li>6. Advise the proprietor/ driver the vehicle was not in a condition under which any test could be conducted, and the test has been “Stopped”. Advise the proprietor/driver they must contact the Licensing Office to book a full test appointment (not a retest) and this test will take 45 minutes or more to conduct.</li> </ol> | <p>If the applicant wishes to appeal against the failure decision.</p> <p>The vehicle inspector will;</p> <ol style="list-style-type: none"> <li>1. Inform the vehicle owner of their rights of appeal.</li> <li>2. The vehicle inspector will provide the complainant with the RMBC vehicle inspection complaints procedure documentation.</li> <li>3. Notify / inform the Depot Manager of the complainant's details.</li> <li>4. Advise the complainant to make an official notification of complaint to the Depot Manager.</li> </ol> |

**SECTION 12 – Guidance Notes**

The vehicle inspector will need to check all appropriate documents against the vehicle to ensure that they relate to the vehicle being inspected and to ensure that the requirements of the inspection criteria are met.

The vehicle inspector will check the VIN plate for evidence of tampering. (Any evidence of tamper must be reported by the tester to the Police traffic division (or DVSA or other appropriate body).

The vehicle inspector will check the vehicle road fund licence (tax disk) and report any vehicle with no disk or an incorrect or illegal disk to the DVLA. (This may be done on line at [http://dvla.gov.uk/onlineservices/report\\_unlicensed.aspx?ext=dg](http://dvla.gov.uk/onlineservices/report_unlicensed.aspx?ext=dg)).

If the vehicle presented has been modified without authorisation, or an exemption from the licensing criteria has not been approved, this will cause the vehicle to fail the inspection. The tester should ask for evidence of written confirmation of alterations such as tow-bars or plate display exemptions etc.

In the event that the vehicle inspector observes a defect that poses a risk to the driver, passengers, other road users or vehicle inspectors/testers, or compromises the roadworthiness or safety of the vehicle, the inspector will immediately report the defect to a senior inspector and a decision on whether to continue with the test at that stage will be taken.

The vehicle inspectors/testers or Depot Manager may contact any other appropriate agencies such as the DVLA, DVSA or South Yorkshire Police if any discrepancies with the vehicle or owner details are identified during a vehicle licensing inspection.

## **Appendix O**

### **Vehicle Advertisement Conditions**

In order that advertisements on vehicles are of a standard type, the following conditions shall apply:

- a. That advertisements shall only be allowed on both rear passenger doors and the bonnet of a vehicle;
- b. That the advertisement shall be the same size as the existing private hire door signs, or will cover a similar area if different in shape;
- c. That no advertisement should promote tobacco or alcohol products;
- d. That no advertisement shall be of a sexual, religious or political nature and that it shall not be likely to cause offence;
- e. That no advertisement be displayed without the written approval of the Assistant Director of Community Safety and Street Scene.
- f. In the case of private hire vehicles, the proposed advertisement is to be submitted for approval by a licensed operator, not an individual vehicle owner;
- g. That the licensed operator/ hackney carriage proprietor submitting any advertisement for approval, pay an appropriate fee to cover the cost of the administration involved. The fee amount is available on request by asking the Licensing Office.
- h. Any advertisement fitted to a vehicle must not obscure any signs, plates or notices that are required under a condition of licence for a hackney carriage or private hire vehicle.



## **Appendix P**

### **Private Hire Operator Licence Conditions**

#### **Section 55 of the Local Government (Miscellaneous Provisions) Act 1976 - Part II**

##### **1. Operator Licence**

- a. The operator is responsible for all persons that they employ, contract or use in the course of their business. To that end, the operator must undertake sufficient checks to satisfy themselves that only suitable drivers and ancillary staff are used (and continue to be used) in the course of their business. The failure of an operator to ensure that appropriate checks are carried out may call into question the operator's fitness and propriety. In addition, a failure to take appropriate action in relation to drivers that persistently breach licence conditions may also be detrimental to the continued fitness and propriety of the operator.
- b. The operator licence is not transferable and the person to whom it is issued must display it in a prominent position at each business premises recorded on the licence at all times during the currency of the licence, so as to be on view to members of the public, except on such occasions as the licence is presented to the Licensing Authority for amendment, or if it is required to be produced for inspection by an Authorised Officer of the Council or a Police Officer.
- c. A separate licence will be issued in respect of each approved secondary booking office, if any.
- d. Applications in relation to any intended change of business premises must be made in writing and approval obtained before being so used.
- e. The Operator must notify the Council in writing of any change in partnership, directorship, ownership, management or control of the business within 5 working days.
- f. The Operator must notify the Council in writing within 7 days of any other material change affecting the licence during its validity.
- g. The operator must not at any time operate more private hire vehicles than are specified on his/her licence without the prior consent of the council and by applying to increase the number of vehicles allowed to be operated on his/her licence.
- h. A licensed operator must inform the council if they are going to be absent from the day to day running of the business for a period of 2 consecutive months. In doing this, the operator must give the name of the person that will be responsible for the running of the business on their behalf.

- i. Operators must conduct their business in accordance with all relevant statutory provisions. This includes health, safety and welfare legislation, environmental legislation and equalities legislation.

## **2. Business premises**

- a. The Operator must only conduct business from the Office at the address specified on the Licence. Any operator wishing to conduct business from any additional address(es) (e.g. secondary booking offices) must make application in writing to the Council's Licensing Office, and await approval from the Licensing Office before making use of any additional premises, in addition to any other consents required. The Council reserves the right for an Authorised Officer to inspect all such premises for suitability and compliance with the requirements of these Conditions.
- b. The Operator must not cause or permit the business premises to be used by any other person(s) for any other purpose than that connected with the operation of the private hire business. This condition will not apply if the business premises is the residential address of the licensed operator.
- c. The Operator must not conduct his business, nor employ or utilise any person to conduct his business in any premises, the use of which have not been approved by the Council.
- d. The Operator must provide at the business premises an area to which the public have access for the purpose of making a booking for the services of a licensed private hire vehicle, and for the purpose of awaiting the arrival of such vehicle subsequent to any booking. This condition will not apply if the business premises is the residential address of the licensed operator.
- e. If the licensed operator employs any other person to work at the business premises, the premises must be kept clean, adequately lit, heated and ventilated and must conform to all other legal requirements including the legal requirement that no smoking be allowed on the premises under the requirements of the Health Act 2006; the requirements of the Regulatory Reform (Fire Safety) Order 2005 which requires that a fire safety risk assessment is in place and Health and Safety at Work Regulations.

## **3 Record of bookings**

- a. The operator must keep an accurate record of every booking of a private hire vehicle or hackney carriage accepted by him/her. The loss of records by theft or otherwise must be reported to the Council in writing within 24 hours, and also immediately to the police in the event of theft being suspected. Separate records must be kept at each premises from which the Operator conducts business. The records must be kept at all times at the business premises and not removed.
- b. All such records must be in English, permanent, legible and preserved for a period of not less than 12 months following the date of the last entry.

- c. Records must be kept in one of the following forms:
- i. a bound book with consecutively numbered pages (loose leaf registers are not acceptable) or;
  - ii. on continuous stationery which has been generated in the form of an instantaneous print out by a computerised system. The Operator must ensure that adequate supplies of continuous stationery and ink cartridges are maintained and that the printer is appropriately replenished to ensure that at all times full and legible booking details are printed, or;
  - iii. a computerised recording system which automatically generates a permanent entry onto a secure memory device, at the same time the booking is entered onto the system. Satisfactory certification from the program supplier/installers must be produced to the Council before using any such system for the recording of bookings required by law to be maintained. Such certification must confirm that the system stored or recorded is tamper-proof; and once, inputted cannot be altered, amended, deleted or added to in any way. Any change to the recording system must only be by way of prior written agreement from the Council.
  - iv. The storage device should be kept in a secure place at the premises for production on demand by the Police or an Authorised Officer.
- d. In respect of whichever system is used the Operator must, at the time the booking is taken, enter therein:
- v. the date and time the booking was received, any subsequent cancellation, and the signature (or in the case of a computer system, the identity) of the person taking the booking;
  - vi. the name and address of the hirer;
  - vii. the time of the journey, together with the journey date if different from the booking date; the address or name of the premises from which it is to commence (ie the point of pick-up of the passenger(s)) and the address or place of destination;
  - viii. the private hire/hackney carriage plate number of the vehicle to be used for the journey (personal code systems are not acceptable);
  - ix. the badge number of the driver of the vehicle used;
  - x. remarks (including details of any sub-contracting to another licensed operator).
- e. Where any bookings are sub-contracted either by the operator to another licensed operator, or are accepted by the operator from another operator, a full record of the booking (in line with point d above, and notes must be included; including the name of the sub-contractor and contact information).

- f. No alterations to records may be made – any amendment must be made to the original record by way of an addition.
- g. Entries in the bound book, or on the digital copy generated by a computerised system, must cover a twenty-four hour period and must contain information in relation to only one private hire firm and no details in connection with the bookings of other private hire firms. The Operator must ensure that any booking clerk involved is competent in the recording of bookings and operating the system used.
- h. The records of bookings must be maintained and kept up to date at all times and must be made available for inspection at all reasonable times without notice by any duly Authorised Officer of the Council or any Police Officer. Such Officers must be permitted to photograph and / or remove such records howsoever kept from the premises is so required.
- i. The Operator must ensure that any personal information obtained during the course of their business is stored securely, and only retained for as long as is absolutely necessary. Access to this information must be restricted to only those persons who will use it for the purpose for which it has been collected.
- j. Personal information must not be used for any other purpose other than that for which it was collected without the express permission of the individual to which the information relates.
- k. For example, telephone numbers provided by customers so that they can be alerted / updated by SMS text message with regard to a booking they have made must only be used for this purpose. The information must not be retained by the Operator after the text message has been sent, and / or used for any other purpose (such as unsolicited marketing calls).
- l. The Operator must keep records of the particulars of all private hire vehicles and drivers operated by him/her. Such records must include details of the owners, registration numbers and drivers of such vehicles, together with any radio communications equipment fitted.
- m. The Operator must keep these records for a period of two years from the date on which the driver first commenced driving for the Operator.

#### **4 GENERAL CONDITIONS**

- n. The Operator must not operate a private hire vehicle / hackney carriage unless the vehicle and driver are licensed by the Council. The Operator must personally examine vehicle licences and insurance certificates to satisfy himself / herself as to their validity.
- o. The Operator must not fail or refuse to accept a booking by or on behalf of a disabled person accompanied by an 'assistance dog' when the reason for failure or

refusal is that the disabled person will be accompanied by the 'assistance dog'.

- p. The Operator must not accept any booking for a particular private hire vehicle / hackney carriage which would require that vehicle to carry more passengers than is licensed to carry.
- q. The Operator must not operate a private hire vehicle / hackney carriage without the driver thereof being licensed by the Council. The Operator must personally examine the drivers' licences issued by the Council and satisfy himself / herself as to their validity.
- r. The Operator must bring to the attention of all drivers their legal obligations regarding the use of seat belts by both adults and children under 14 years of age.
- s. The Operator must bring to the attention of all drivers their legal obligation regarding no smoking in vehicles under the Health Act 2006.
- t. The Operator must ensure that all drivers are aware of their obligations under any other legislation relevant to the work of a private hire vehicle.
- u. The Operator must ensure that all licensed drivers who carry out work on behalf of their company act in a civil and orderly manner both towards customers and any other member of the public.
- v. The operator must provide a prompt, efficient and reliable service to members of the public at all reasonable times and, for this purpose, must in particular:
  - i. Ensure that when a private hire vehicle has been hired to be in attendance at an appointed time and place, the vehicle must, unless delayed or prevented by sufficient cause, punctually attend at the appointed time and place.
  - ii. Behave in orderly and civil manner and must take all reasonable precautions to ensure the safety of all persons conveyed in licensed vehicles operating from his/her office premises.
- w. Only equipment licensed by the Department for Business, Energy and Industrial Strategy (BEIS) must be used for the purpose of conducting the business authorised by this licence. The BEIS licence must be produced on request to the Police or an Authorised Officer. CB apparatus must not be used in connection with any private hire booking at any operating address or in any private hire vehicle/hackney carriage available from such operating base.
- x. The use of scanner equipment is prohibited.
- y. Any advertising of the Operator's business, no matter in what form, must include

the Operator's name and/or trade name as approved by the Council in accordance with the name entered on the Operator's Licence issued by the Council.

- z. The Operator must not trade under any name for private hire purposes unless such trade name has been approved by the Council and has accordingly been entered on the Private Hire Operator's Licence issued by the Council.
- aa. The operator must supply a copy of advertising materials to the Council for recording on file.
- bb. The operator must ensure that all advertising materials comply with Advertising Standards Authority requirements and do not contain offensive, misleading or potentially inflammatory wording which could be seen as defamatory.
- cc. The Operator must ensure that Public Liability Insurance is in force throughout the validity of the licence for each and every operating base open to the public to a minimum cover of £2 million. Certification must be produced on demand to the Licensing Office or any Authorised Officer.
- dd. The Operator must affix a properly printed notice in a prominent position inside the business premises, so as to be easily read by any person seeking to hire a private hire vehicle/hackney carriage, stating that any complaints regarding a hiring relating to his/her business should be addressed to:  
  
**Rotherham Council Licensing Service, Riverside House, Main Street,  
Rotherham, S60 1AE.**
- ee. Such notice must also state that the Council does not control the fares for private hire vehicles and that, in the absence of any fare scale published by the Operator, the fare should be agreed before the journey commences. Any fare scale in operation must be on prominent public display and be an accurate reflection of the charge, including any specific additions i.e. Bank Holidays and after midnight loading (including any waiting times) which the customer may be expected to pay.
- ff. The operator must notify the Council in writing within 5 working days (or 3 working days in the case of arrest) providing full details of any conviction, binding over, caution, warning, reprimand or arrest for any matter (whether or not charged) imposed on him / her (or if the Operator is a Company or Partnership on any of the Directors, Secretary or Partners) during the period of the licence.
- gg. The Operator must notify the Council in writing within 7 days of any change of home address whether permanent or temporary.
- hh. Where any property is left by a customer in the business premises, or in any vehicle used for any hiring and placed in the Operator's safekeeping by the driver thereof, the operator must endeavour to arrange to return such property to its rightful owner, failing which it must be dealt with in accordance with legal

requirements and handed in as found property to the police within twenty-four hours.

- ii. The operator must not, by him/herself, his agents, or any other person importune, or cause or permit to be importuned any person by calling out or by any other means whatsoever to hire any of the licensed vehicles under his control.
- jj. The operator must not cause or permit the private hire vehicle licence plate or any notices that are required to be displayed on the inside or outside of a private hire vehicle to be:
  - i. Concealed from public view
  - ii. Defaced
  - iii. Disfigured
- kk. The operator must ensure that the licence plate and notices are always legible and displayed in accordance with the conditions of the private hire vehicle licence.
- ll. All licence holders must subscribe to the Disclosure and Barring Service Online Update Service. Any costs associated with maintaining this subscription must be met by the licence holder.
- mm. The licence holder must give permission for the Council to undertake checks of their DBS status should the Council consider it necessary to do so. The Council will use the update service to monitor the criminal record of licence holders.
- nn. Licence holders are required to provide Basic DBS checks for all ancillary staff that take bookings and dispatch vehicles for the Operator. The operator is responsible for keeping a register of all staff that take bookings, dispatch vehicles or have access to the operators booking system, and keep an accurate record of DBS checks for all individuals listed. These records are required to be provided to the Council, on request from an authorised officer, by the relevant private hire Operator for all such individuals. Where a DBS check cannot be completed for an individual who resides outside of the UK, the Operator will provide equivalent evidence of employment checks which will be presented to Licensing Board for consideration.
- oo. The operator must notify the Council within five working days if any driver is subject to the operator's internal disciplinary processes or any other action that results in the driver being permanently or temporarily removed from the operator's system of allocating work to the driver.
- pp. Any passenger that makes a complaint to the operator regarding the conduct of a driver that they operate (or operated at the time of the conduct) must be informed that they should also make the Council, and if appropriate the police, aware of their complaint.

qq. The Operator must notify the council without delay if the operator receives a complaint about a driver operated by them if the complaint relates to any of the following:

- i. allegations of sexual impropriety (including the use of sexualised language)
- ii. violence (including verbal aggression)
- iii. theft
- iv. any other serious misconduct (including motoring related matters).

rr. Operators must not use, or facilitate the use of, any software, technology or other device that is capable of impeding the lawful activities of enforcement agencies or the regulatory activity of the Council. Such software would include Greyball and similar technologies.

ss. The Private Hire Operator must inform the customer at the time of acceptance of the booking that the booking they have made will be sub-contracted to another Private Hire Operator. If this is not known at the time of booking then the customer must be informed as soon as practicable (and in any event, the customer must be informed before the vehicle is dispatched to undertake the booking).

uu. Private Hire Operators must maintain records of each sub-contracted booking. These records must include (as a minimum):

- i. The time and date that the booking was sub-contracted to the third party operator.
- ii. The time and date that the customer was informed that their booking had been sub-contracted.
- iii. The name and Private Hire Operator number of the operator that the booking was sub-contracted to.
- iv. The details of the vehicle and driver that undertook the sub-contracted booking.

**In these Conditions:**

“Operator” means the person who is the current holder of an Operator’s Licence “Business premises” means the operating premises from which the Operator conducts the business



## NOTES

- i These conditions should be read in conjunction with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976.
- ii Any person who commits an offence against any of the provisions of the Act pursuant to Section 76 may be liable on summary conviction to a fine not exceeding Level 3 on the standard scale.
- iii The use of a licensed private hire vehicle to fulfil any private hire booking requires the driver to hold a currently valid private hire driver's licence even if no fare is charged for the journey or irrespective of when, how and to whom any fare is payable. Operators are reminded that the use of free fare cars/courtesy cars which are not licensed as private hire vehicles is not permitted for private hire journeys. Every contract for the hire of a licensed private hire vehicle is deemed to be made with the Operator who accepted the booking for the hire vehicle whether or not the Operator provided the vehicle.
- iv Any failure on the part of the operator to make appropriate enquiries as to the licensing status of drivers and/or vehicles for any purpose could be construed as reasonable cause to suspend or revoke the licence. The onus remains with the Operator to clarify any legal requirements which he or she may be required by law to observe.
- v Any applicant not currently licensed by the Council as an Operator or driver must submit to the Council a Basic Criminal Records Disclosure as to unspent convictions. Such Disclosure to be no more than 1 month old at the time of submission.
- vi Where an operator licence is revoked by the council, the name (or a similar name) of the private hire company associated with that licence cannot be used by another operator until such time as six months has elapsed since the date of revocation or the date on which all appeal processes have been concluded (whichever is the longer).
- v Any infringement of the licensing conditions could lead to suspension or revocation of the licence.
- vi Any request for advice from the council in relation to licensing legislation should be in writing to which a written response will be given so as to avoid any future dispute as to the advice given. This does not preclude you from obtaining your own independent legal advice.
- vii Any person aggrieved by any condition specified in the licence may appeal to a Magistrates Court within 21 days of issue.

**Appendix Q****Taxi Camera Technical Specification and System Requirements**

In order to be considered suitable for installation in a Rotherham Council Licensed vehicle, a taxi camera system must meet the following requirements:

**1.0 Operational Technical Specifications**

| Reference | Specification   | Details   |
|-----------|---|---|
| 1.1       | 100% solid state design or a proven vibration and shock resistant system  | The system should not have any fan and the recording should be vibration and shock proof, i.e.: <ul style="list-style-type: none"> <li>- Flash-based SSD (100% industrial grade),</li> <li>- Hard disk with both mechanical anti-vibration and anti-shock mechanism and self-recovery and self-check file writing system.</li> </ul>  |
| 1.2       | 8 to 15 Volts DC  | Operational between 8 and 15 volts DC   |
| 1.3       | Reverse polarity protected  | System to be protected against reverse voltage.   |
| 1.4       | Short circuit prevention  | System to be protected against short circuits   |
| 1.5       | Over voltage protection   | System to be protected against high voltage transients likely to be encountered in the vehicle electrical system.   |
| 1.6       | Automotive Electromagnetic Compatibility Requirements   | <p>The in-vehicle taxi camera system must be compliant with the Council Directives:</p> <ul style="list-style-type: none"> <li>- 2004/108/EC on Electromagnetic Compatibility (CISPR 22/EN55022),</li> <li>- 2004/104/EC on Radio Interference (sections 6.5, 6.6, 6.8 and 6.9)</li> </ul> <p>The taxi camera equipment should therefore be e-marked or CE-marked with confirmation by the equipment manufacturer as being non-immunity related and suitable for use in motor vehicles.</p> |
| 1.7       | System activation (on / off) switch to be located in a position where it is not accessible from inside the vehicle (i.e. in the boot / engine compartment). | The system is required to be active at all times that the vehicle is being used as a licensed vehicle. This will allow the facility for the system to be deactivated during times when the vehicle is being used for private purposes (e.g. domestic use). The switch that deactivates the system must be located within the vehicles boot or engine compartment (i.e. it must only be possible to deactivate the system from outside of the vehicle).                                      |
| 1.8       | First-in/first-out buffer recording principle   |   |
| 1.9       | Built-in, automatic logging of all access actions, including date and personnel names   |   |
| 1.10      | Security, duration and auto-clearing of log files   |   |
| 1.11      | Image export formats and media  | Images must be exported in commercially available formats.  |

|      |   |  |
|------|---|--|
| 1.12 | Image protection during power disruption  | Images must be preserved in the event of loss of power. Battery back-up will not be permitted  |
| 1.13 | Unit must operate without the ignition being turned on.   | The Unit must have the ability to operate for at least 2 hours without power from the ignition.  |
| 1.14 | Image and audio data shall be recorded and stored in a unit separate from the camera head.                      |  |
| 1.15 | GPS capability  | System must be compatible to allow for GPS capability.   |
| 1.17 | The system shall not to record audio except when audio recording is activated by means of an approved trigger.  | <p>The system should have the ability to start recording audio data by means of at least two trigger buttons (see also 1.26 below).</p> <p>One trigger button must be capable of being activated by the driver. Once the trigger is activated the system must begin to record audio data. The system will continue to record audio until the same trigger is activated again. The second activation of the trigger must result in the cessation of audio recording (e.g. a button could be pressed to begin audio recording, if the (i.e. the trigger, which could for example be a button, would be pressed to begin audio recording, pressing the button again would stop audio recording).</p> <p>The second trigger button must be capable of being activated by the passengers in the vehicle independently of the driver. Once the trigger is activated the system must begin to record audio data. The system will continue to record audio until the same trigger is activated again. The second activation of the trigger must result in the cessation of audio recording (i.e. the trigger, which could for example be a button, would be pressed to begin audio recording, pressing the button again would stop audio recording).</p> <p>Both audio activation triggers must be independent of each other – this means that audio recording can only be deactivated by means of the same trigger (driver or passenger) that was used to activate the audio recording.</p> |
| 1.16 | The system must be capable of recording audio time synchronized to the recorded images.                         |  |
| 1.18 | The audio playback, when triggered, shall be in 'real time' and synchronised with the images that are captured. |  |

|      |  |   |
|------|--|---|
| 1.19 | Digital sampling of the audio signal must exceed 8KHz  |   |
| 1.20 | Digital resolution of the audio samples must exceed 10 bits.   |   |
| 1.21 | The audio microphone shall be integrated within the camera head.   |   |
| 1.22 | Audio data and image data must be stored together, not in separate files, and must be protected against unauthorized access or tampering.                                    |   |
| 1.23 | The system must support testing of the audio function for installation set-up and inspection purposes.   |   |
| 1.24 | The system must 'go to sleep' to reduce battery drain during prolonged idle time. It must be capable of immediate reactivation   |   |
| 1.25 | Images recorded by the system shall not be displayed within the vehicle.   |   |
| 1.26 | The system must have at least two emergency activation triggers (panic buttons).   | <p>One of the triggers / panic buttons must be capable of being operated by the driver – this must be independent of the audio recording activation switch.</p> <p>At least one other trigger / panic button must be capable of being operated by a passenger from any passenger seat in the vehicle. Once activated, this switch must trigger the recording of video and audio in accordance with section 6.1 below.</p> |
| 1.27 | The system must include a visual indicator that will clearly show when audio recording is taking place. This indicator must be visible to all passengers within the vehicle. | This may take the form of an indicator LED built into the audio activation switch, or a remote LED that can clearly be seen by passengers.  |

## 2.0 Storage Capacity Technical Specification

| Reference | Specification                                    | Details  |
|-----------|--|--|
| 2.1       | Minimum of twenty-one days of recording capacity | The camera system must be capable of recording and storing a minimum of twenty-one days of images of HD1 (720/288) size or better. |
| 2.2       | Images must be clear in all lighting conditions  | System to provide clear images in bright sunshine, shade, dark and total darkness. Also, when strong back light is present.        |

## 3.0 Camera Head Technical Specification

| Reference | Specification  | Details   |
|-----------|--|---|
| 3.1       | Camera installation non-obstructive                      | The camera and all system components shall be installed in a manner that does not interfere with the driver's vision or view of mirrors or otherwise normal operation of the vehicle.     |
| 3.2       | Protected camera disconnect                              | The camera head shall be designed to disconnect for ease of removal and replacement by maintenance personnel.   |
| 3.3       | Special tools for adjustment/removal                     | To prevent inappropriate interference only tools supplied to authorised fitters should be capable of carrying out adjustments or removal.   |
| 3.4       | Field of view to capture all passengers in the vehicle   | The lens of the camera must be of a type that captures the driver and all passengers of the vehicle on the recorded image. The lens must be of a style not to create a "fishbowl" effect. |
| 3.5       | Images must be clear                                     | System to provide clear images in all lighting conditions and allow different skin tones to be detected   |
| 3.6       | Compatible for use in vehicles with a partition (shield) | The camera system must be adaptable to provide clear images when a vehicle is equipped with a shield. This may be accomplished with the use of multiple camera heads.                     |
| 3.7       | Multiple cameras   | The unit shall be capable of supporting up to four (4) cameras. Four cameras may be required to provide adequate coverage in larger vehicles and/or certain purpose built vehicles.       |

#### 4.0 Storage Device (Recorder) Technical Specification

| Reference | Specification  | Details   |
|-----------|--|---|
| 4.1       | Impact and shock resistance  | The recorder shall be impact resistant, sufficient to withstand a typical car accident, or striking with a large, heavy object such as a suitcase.                    |
| 4.2       | Controller in concealed location   | The storage unit shall be concealed from view and effectively inaccessible except by authorised personnel.  |
| 4.3       | Download port provision  | The recorder shall be equipped with a communication port for downloading by authorised personnel.   |
| 4.4       | Download port shall be located in an easily accessible location such as a glove compartment. | The recorder download port shall be located in the glove box if practicable, if not then in a location that does not require the removal of panels and is accessible. |
| 4.5       | Download port cable length (1 foot minimum)  | Download port shall be at least one foot in length for ease of download.  |
| 4.6       | Recorder to be securely affixed to the vehicle   |   |
| 4.7       | Log to register each user access   |   |
| 4.8       | Log to register camera system parameter modifications  |   |
| 4.9       | Log to register each image download session  |   |
| 4.10      | Log to register modification/ manipulation of downloaded images                              |   |
| 4.11      | Log to register exporting of downloaded images   |   |
| 4.12      | Log to register exporting of downloaded clips  |   |
| 4.13      | Log file protected against un-authorised access  |   |
| 4.14      | Time/date stamp  | All stored images must be time and date stamped.  |
| 4.15      | Vehicle ID number stamp  | All stored images must have two fields for vehicle identification (VIN & number plate).   |
| 4.16      | Controller non-modifiable ID code stamp  | Each recorded image shall be automatically stamped with a unique and non-modifiable code that identifies the controller that was used to record the image.            |
| 4.17      | Controller (Storage Recorder)  | Manufacturer to supply Rotherham MBC with a supply of specialised tools to allow for removal of the controller and download of data when required.                    |

## 5.0 Specifications for video and audio recording rate

| Reference | Specification   | Details  |
|-----------|---|--|
| 5.1       | Video image recording on system activation (when audio is not activated).                       | The system shall record images at the rate of four images per second.  |
| 5.2       | Video image recording when audio is activated.  | The system shall record images at the rate of twenty five images per second during periods when audio recording is activated (either due to time requirement, or through activation by the driver trigger switch or passenger panic button). |
| 5.3       | When activated, audio recording must be in real time and synchronised with the video recording. |  |
| 5.4       | System to continue to record images (and audio when applicable) when engine is off.             | System must continue to record images (and audio when applicable) for 30 minutes after engine / ignition is switched off.  |

## 6.0 Specification for activation via driver or passenger trigger / panic buttons

| Reference | Specification  | Detail  |
|-----------|--|---|
| 6.1       | The activation of a trigger button must provide for overwrite-protected image storage when activated by driver or passenger. | The system must be fitted with at least two trigger buttons that once activated will trigger the protected recording of audio and video (see also 1.17 and 1.26 above). |
| 6.2       | Emergency image overwrite protection capability  | Image sequences resulting from emergency activation shall be recorded in an area of memory which is protected from being overwritten                                    |
| 6.3       | Overwrite protection capacity for at least 3 activations   |   |
| 6.4       | Overwrite protection self-clear on 96 hr timer   |   |

## 7.0 Downloading Technical Specification

| Reference | Specification   | Details  |
|-----------|---|--|
| 7.1       | Time to download complete memory not to exceed 30 minutes                               | Time to download to be accomplished in 30 minutes or less. |
| 7.2       | Provision of necessary software, cables, security keys to the Council's Licensing Team. |  |
| 7.3       | Windows 10 compatible.  |  |
| 7.4       | Downloaded images stored in non-volatile media  |  |
| 7.5       | Downloaded images stored in secure format   |  |

|     |  |   |
|-----|--|---|
| 7.6 | Verifiable image authenticity  | Each image shall be stamped with controller ID and vehicle ID and be tamperproof.   |
| 7.7 | Provision of technical support to Rotherham MBC Licensing team when necessary.                   | To assist in accessing system in case of damage to the vehicle or to the system in case of accident within 1 hour during normal working hours and within 8 hours otherwise. |
| 7.8 | Wireless Download Prohibited   | Unit must not allow for wireless downloads. Wireless diagnostic may be used. All wireless hardware to be disabled.  |
| 7.9 | Filter the specific images for events and times for the approximate time of the crime committed. |   |

## 8.0 Requirements in relation to System Information

| Reference | Requirement   | Details  |
|-----------|---|--|
| 8.1       | Provision of service log sheet with each unit shipped               | The unit manufacturer shall have a service log shipped with the unit. The manufacturer shall also enclose detailed instructions for the drivers with each unit shipped. An installation manual shall also be furnished to authorised installers and fleet operators. |
| 8.2       | Serial number indication on service log                             | The unit will be marked with a serial number   |
| 8.3       | Installation date indication on service log                         | The provision for the installer to indicate the installation date  |
| 8.4       | Provision of driver instruction card with each unit shipped         |  |
| 8.5       | Provision of installation manual to installers and fleet operators  |  |
| 8.6       | Clarity of operating instructions                                   | The system shall be provided with clear and concise operation instructions which are written with due consideration to varying levels of literacy.   |
| 8.7       | Installation by authorised agents                                   | The unit shall be installed by manufacturer's authorised agents, or other installers approved by the council (subject to agreement with the manufacturer).   |
| 8.8       | Provision of authorised agents list to Rotherham MBC Licensing Team | The manufacturer shall provide a list of all authorised agents to Rotherham MBC Licensing Team.  |
| 8.9       | Documentation   | The manufacturer must provide clear and concise operating instructions which are written in layman's terms. (Details on how the system records the images)   |
| 8.10      | Image Protection  | All captured images must be protected using encryption software that meets or exceeds the current FIPS 140-2 (level 2) standard or equivalent.   |



**9.0 System requirements in relation to Vehicle Inspection Facility – Inspections**

| Reference | Requirement   | Details  |
|-----------|---|--|
| 9.1       | Provision of system status/health indicator   | The driver shall have an indicator showing when the system is operational and when there is a malfunction.   |
| 9.2       | Mounting location of system status/health indicator to be seen by driver only   | The indicators shall be mounted/installed for the driver's vision only. The indication system must be in accordance with section 9.3 and 9.4 below.  |
| 9.3       | Additional indicator requirement  | Where a system is fitted with an indicator to show that the system is on, this indicator shall be separate to those listed above or of a different colour to avoid any possible confusion on the part of the drivers using the system. |
| 9.4       | Designed / installed to be testable by Rotherham MBC Licensing Team (or persons acting on behalf of the council – such as vehicle inspectors) | The system shall be designed and installed such that the system may be easily tested by Rotherham MBC Licensing Team staff to ensure that all features are operating and that images are being recorded as prescribed.                 |

**10.0 General System Requirements**

| Reference | Requirement   | Details  |
|-----------|---|--|
| 10.1      | Vandal and tamper resistance                                |  |
| 10.2      | Provision of statement of compliance                        | In addition to a formal test of all aspects of this requirement specification, a statement of compliance shall be provided and signed by an officer of the company.                            |
| 10.3      | Reliability in operational and environmental conditions     | The system shall provide reliable and full functionality in all operational and environmental conditions encountered in the operation of taxis.  |
| 10.4      | Programmability of image timing parameters                  | It shall be possible to change timing and parameters without the requirement to change components.   |
| 10.5      | Training and Technical Support and Equipment                | Manufacturer must provide Rotherham MBC Licensing Team with a Training and Technical Manual. Supply a working unit to Rotherham MBC Licensing for testing purposes.                            |
| 10.6      | Software and Hardware                                       | Manufacturer to supply Rotherham MBC Licensing Team with a supply of cables and software to be installed under the supervision of the council's authorised staff.                              |
| 10.7      | Agreement between the Camera Manufacturer and Rotherham MBC | Agreement to allow Rotherham MBC access to the relevant software from the manufacturer so that in the event the manufacturer goes out of business, council will be able to support the system. |

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## PART A - Initial Equality Screening Assessment

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

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

Completed at the earliest opportunity it will help to determine:

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

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

| 1. Title  |  |
|---|--|
| <b>Title: Review of RMBC Hackney Carriage and Private Hire Licensing Policy</b> |  |
| <b>Directorate: Regeneration and Environment</b>                                | <b>Service area: Licensing</b>   |
| <b>Lead person: Alan Pogorzelec</b>   | <b>Contact: Alan Pogorzelec</b>  |
| Is this a:  |  |
| <input checked="checked" type="checkbox"/> <b>Strategy / Policy</b>             | <input type="checkbox"/> <b>Service / Function</b> <input type="checkbox"/> <b>Other</b> |
| <b>If other, please specify</b>   |  |

| 2. Please provide a brief description of what you are screening   |
|---|
| <p>In March 2020, the Council introduced a revised Hackney Carriage and Private Hire Licensing Policy. This policy built on the previous policy (introduced in 2015) which was widely seen to be setting the standard for other local authorities to benchmark against in relation to Taxi and Private Hire licensing.</p> <p>The 2020 policy is now due for review, and provides an opportunity to ensure that the Council's approach to taxi and private hire licensing continues to reflect best practice, addresses local challenges and sets standards that will ensure that the</p> |

## Appendix 2

standard of licensed driver, vehicle and operator in Rotherham remains second to none.

This assessment is being carried out in relation to a report which outlines the key proposals for inclusion in a revised policy and seeks approval from Cabinet to commence a period of consultation in relation to these proposals.

### 3. Relevance to equality and diversity

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

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

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

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

## Appendix 2

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

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

#### 4. Considering the impact on equality and diversity

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

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

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

- *How have you considered equality and diversity?*

*There is currently limited information on the demographic profile of private hire and hackney carriage drivers; however it should be possible to provide detailed information in relation to age and sex, and some information regarding ethnicity.*

*Hackney Carriage / Private Hire drivers, vehicle licence holders and Private Hire Operators are occupational groups and are not protected characteristics under equalities legislation. However it is recognised that individuals from groups who share a protected characteristic are heavily represented within the licensed trade and therefore there is a need to ensure that the proposals do not have an adverse effect on them solely due to the protected characteristic.*

*The service does not have any data in relation to service users, but it is anticipated that the proposals will have a positive impact on service users as it ensures improved standards, customer safety and legislative compliance.*

*The service will ensure that we undertake comprehensive consultation on the proposals – this will include consultation with:*

- *Representatives of the local Licensed Trade*
- *Council Members and Members group*
- *Licensing Board*
- *Members of the public*
- *South Yorkshire Police*
- *Groups representing older people, young people, people with disabilities and other similar groups*
- *Groups representing the interests of passengers*
- *NACRO*
- *Groups representing survivors / victims of crime*

## Appendix 2

|  |  |
|--|--|
| <ul style="list-style-type: none"> <li>• <i>Neighbouring Local Licensing Authorities</i></li> </ul> <p><i>The consultation will run for a period of at least 12 weeks and a full Equality Assessment will be carried out as part of the consultation process.</i></p>  |  |
| <ul style="list-style-type: none"> <li>• <b>Key findings</b></li> </ul> <p><i>As has been referred to above, the proposals in this report will apply equally to all licence holders – however it is possible that the proposals will affect a group sharing a protected characteristic due to the numbers that choose to work in the trade. Examples are:</i></p> <p><i>Ethnicity – individuals from (or with family connections to) the Indian Sub-Continent are heavily represented in the licensed trade.</i></p> <p><i>Gender – the majority of licence holders are male.</i></p> <p><i>These issues will be taken into consideration and assess the impact that these proposals may have in order to avoid certain groups benefitting from the proposals at the expense of another.</i></p> |  |
| <ul style="list-style-type: none"> <li>• <b>Actions</b></li> </ul> <p><i>Undertake full consultation on the proposals (see above) and ensure that a full rationale is provided in relation to each of the proposals that are contained in the report.</i></p>  |  |
| Date to scope and plan your Equality Analysis:   | TBC once date for consultation has been confirmed. |
| Date to complete your Equality Analysis:   | TBC – once consultation has completed.             |
| Lead person for your Equality Analysis (Include name and job title):   | Alan Pogorzelec (Licensing Manager)                |

## 5. Governance, ownership and approval

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

| Name            | Job title         | Date                      |
|-----------------|-------------------|---------------------------|
| Alan Pogorzelec | Licensing Manager | 10 <sup>th</sup> May 2023 |

## 6. Publishing

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

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

A copy of **all** screenings should also be sent to [equality@rotherham.gov.uk](mailto: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.

|  |   |
|--|---|
| <b>Date screening completed</b>  | 10 <sup>th</sup> May 2023   |
| <b>Report title and date</b>   | Review of RMBC Hackney Carriage and Private Hire Licensing Policy |
| <b>If relates to a Cabinet, key delegated officer decision, Council, other committee or a significant operational decision – report date and date sent for publication</b> | Cabinet – 19 <sup>th</sup> June 2023                              |
| <b>Date screening sent to Performance, Intelligence and Improvement</b><br><a href="mailto:equality@rotherham.gov.uk">equality@rotherham.gov.uk</a>                        | 10th May 2023   |

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| Will the decision/proposal impact...                   | Impact | If an impact or potential impacts are identified   |  |  |   |
|--|--------|--|--|--|---|
|  |        | Describe impacts or potential impacts on emissions from the Council and its contractors. | Describe impact or potential impacts on emissions across Rotherham as a whole. | Describe any measures to mitigate emission impacts | Outline any monitoring of emission impacts that will be carried out |
| Emissions from non-domestic buildings?                 | No     |  |  |  |   |
| Emissions from transport?                              | No     |  |  |  |   |
| Emissions from waste, or the quantity of waste itself? | No     |  |  |  |   |
| Emissions from housing and domestic buildings?         | No     |  |  |  |   |
| Emissions from construction and/or development?        | No     |  |  |  |   |

## Appendix 3

|   |    |  |  |  |  |
|---|----|--|--|--|--|
| Carbon capture<br>(e.g. through trees)?   | No |  |  |  |  |
| Identify any emission impacts associated with this decision that have not been covered by the above fields: |    |  |  |  |  |
| None  |    |  |  |  |  |

Please provide a summary of all impacts and mitigation/monitoring measures:

The Council's Hackney Carriage and Private Hire Licensing Policy is due for review. A report is being submitted to Cabinet seeking approval to go to consultation on a series of proposed changes detailed within a draft policy. This assessment relates to the proposal to commence consultation on the draft policy and the emissions associated with that.

|   |  |
|---|--|
| Supporting information:   |  |
| Completed by:<br>(Name, title, and service area/directorate).   | Alan Pogorzelec<br>Licensing Manager, Licensing, Community Safety and Street Scene |
| Please outline any research, data, or information used to complete this [form].   | n/a  |
| If quantities of emissions are relevant to and have been used in this form please identify which conversion factors have been used to quantify impacts. | n/a  |
| Tracking [to be completed by Policy Support / Climate Champions]  |  |

**Committee Name and Date of Committee Meeting**

Cabinet – 19 June 2023

**Report Title**

Multiply Programme

**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)**

Simeon Leach, Economic Strategy and Partnerships Manager

[Simeon.leach@rotherham.gov.uk](mailto:Simeon.leach@rotherham.gov.uk)

**Ward(s) Affected**

Borough-Wide

**Report Summary**

Multiply is a national programme to improve numeracy skills, focusing on supporting people aged 19+, who currently do not have a Level 2 Maths qualification.

Multiply funding is allocated through the South Yorkshire Mayoral Combined Authority (SYMCA), which intends to devolve funding to the four local authorities in South Yorkshire to arrange delivery in their local area. The Council received £194,000 for 2022/23, which was granted to voluntary and community organisations for local delivery of predominantly engagement and confidence building work.

SYMCA is providing a further £408,000 per annum to the Council for each of the years 2023/24 and 2024/25. This will provide funding for a Multiply Manager to design and secure implementation of a Multiply Programme in Rotherham and grant funding to commission third party organisations to contractually deliver the programme outcomes and activity agreed with the South Yorkshire Combined Mayoral Authority.

**Recommendations**

That Cabinet:

1. Approve the acceptance and planned spend of an annual Multiply grant of £408,000 from SYMCA, for each of the years 2023/24 and 2024/25.

2. Delegates authority to the Assistant Director of Planning, Regeneration and Transport in consultation with the Cabinet Member for Jobs and the Local Economy, to agree grant awards, within the terms and conditions of the funding, to colleges, community organisations and other training providers to deliver the agreed learning activity and outputs for the Programme.

**List of Appendices Included**

- Appendix 1 Initial Equality Screening Assessment Form
- Appendix 1b Part B – Equality Analysis Form
- Appendix 2 Carbon Impact Assessment

**Background Papers**

The Multiply Investment Prospectus can be found at the link below:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1068822/Multiply\\_Investment\\_Prospectus.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1068822/Multiply_Investment_Prospectus.pdf)

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

None

**Council Approval Required**

No

**Exempt from the Press and Public**

No

## **Multiply Programme**

### **1. Background**

- 1.1 Multiply is a national programme, running until 31<sup>st</sup> March 2025, that will provide funding for local areas to deliver innovative solutions to increase adult numeracy levels. SYMCA has received £7.2M of Multiply funding which it will allocate to local authorities to deliver and/or procure the activity within their areas.
- 1.2 In 2022/23, the Council was allocated £194,000 to deliver Year 1 of the Multiply Programme. This funding was used to provide grants to 13 training organisations, the majority of them local, to deliver numeracy support and learning, mainly engagement focussed activity.
- 1.3 Rotherham's funding award for 2023/24 and 2024/25 is £408,000 per annum.

### **2. Key Issues**

- 2.1 Multiply will target Rotherham residents, 19+, who do not have a Level 2 qualification in maths/numeracy. The Council is to act as the accountable body for the funding. This investment will make a material difference to local residents through delivering adult education outputs and deliver outcomes with lasting impact.
- 2.2 During Year 1, the Multiply Programme was delivered to 534 Rotherham residents:
  - Of these 376 learners, participated in sessions designed to increase interest and learner engagement with functional numeracy skills whilst diagnosing the individual's learning goals and needs.
  - Of these 165 learners progressed onto substantive short courses, accessing an average of 4 hours planned learning time with progressive learning outcomes for each session.
  - The provision was delivered by a mix of external tutors and maths specialists including accountants who delivered sessions specialising in money management.
  - Providers designed their own learning models to bring innovative approaches to the teaching of functional Maths skills. These included cooking on a budget, understanding maths and money, pattern making, family learning classes and teaching Maths through ESOL.
- 2.3 For Years 2 and 3, the funding will be used to procure activity to deliver the Multiply Delivery Plan. This Plan sets out the outputs that are expected to be delivered against an agreed amount of funding for each Multiply intervention. Outputs are split between "engagement" of learners (less than 2 hours of support) and "substantive learning (more than 2 hours).

## Multiply Delivery Plan - Programme Outputs

|              |   | Number of Learners per year |                                     |
|--------------|---|-----------------------------|-------------------------------------|
| Intervention |   | Substantive<br>(2 hours +)  | Engagement<br>(less than two hours) |
| 1            | Innovative numeracy programmes delivered together with employers – including courses designed to cover specific numeracy skills required in the workplace                                 | 204                         | 415                                 |
| 2            | Courses aimed at people who can't apply for certain jobs because of lack of numeracy skills and/or to encourage people to upskill in numeracy order to access a certain job/career        | 107                         | 58                                  |
| 3            | Numeracy activities, courses or provision developed in partnership with community organisations and other partners aimed at engaging the hardest to reach learners (disadvantaged)        | 68                          | 293                                 |
| 4            | Numeracy activities, courses or provision developed in partnership with community organisations and other partners aimed at engaging the hardest to reach learners (numeracy life skills) | 68                          | 293                                 |
| 5            | Courses for parents wanting to increase their numeracy skills in order to help their children, and help with their own progression  | 74                          | 203                                 |

**2.4** A Multiply Manager has been employed in order to design the programme and secure implementation through commissioning third party organisations to contractually deliver the programme outcomes.

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

3.1 Option 1: **Recommended** - The Council accept the funding of £408,000 per annum over two years (23/24 and 24/25) and, through a grant award process, within the terms and conditions of the funding, commissions

colleges, community organisations and other training providers to deliver the agreed learning activity and outputs for the Programme. This option will allow the delivery of numeracy support in local areas and to help those residents most in need.

- 3.2 Option 2: The offer of funding is not accepted. This will mean that numeracy support and training will not be delivered in Rotherham unless SYMCA is able to agree an alternative delivery approach (for example direct contracting with providers). This is not a favoured approach for SYMCA; it is not in line with the delivery approach being implemented across the rest of South Yorkshire and is likely to result in additional cost and delay to the programme resulting in reduced outputs and outcomes. This option is not therefore recommended.

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

- 4.1 The Rotherham Employment & Skills Board, SYMCA and the Employment and Skills Teams in the other South Yorkshire authorities have been consulted.

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

- 5.1 The funding is available from 1<sup>st</sup> April 2023. £408,000 of funds are allocated for each year. There is no roll-over of unspent funds, so any grant not spent within year, must be returned to SYMCA and then Central Government.
- 5.3 The RiDO team will be responsible for management of grant agreements, ensuring that the money is spent correctly and that the agreed outputs are delivered in accordance with the Grant Funding Agreement that will be signed with SYMCA.

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

- 6.1 The Multiply Project commenced with an award to the Council of £194,000 for 2022/23, which was then granted to voluntary and community organisations for local delivery of predominantly engagement and confidence building work.
- 6.2 The Council has now been awarded a further £408,000 per annum for each of the years 2023/24 and 2024/25. This funding plan includes a management role for the Council's delivery of the initiative. It is envisaged that providers will include Rotherham and North Notts College (RNN) who will receive grant funding under a sealed funding agreement in line with the regional Multiply Delivery Plan. The Council will then invite service providers to bid for grants for the delivery of the programme with the remainder of the funding and as such there are no direct procurement implications.

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

- 7.1 Subject to Legal Services approving the Grant Funding Agreement, there are no substantive legal issues arising from the content of this report other than as already detailed within the report.

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

- 8.1 The staffing resource implications regarding the management of the programme are outlined within section 2 of the report.

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

- 9.1 Multiply is a programme to improve numeracy skills, focusing on supporting people aged 19+, who currently do not have a Level 2 Maths qualification. Clients will include young people aged 19 to 25 and vulnerable adults and will assist those who are struggling with poor numeracy skills, not just in securing employment, but also in other areas of their lives.
- 9.2 Specific programme outcomes will include:
- Courses for parents wanting to increase their numeracy skills in order to help their children and help with their own progression.
  - Numeracy activities, courses or provision developed in partnership with community organisations and other partners aimed at engaging the hardest to reach learners – for example, those not in the labour market or other groups identified locally as in need.
  - In-work numeracy through ESOL.
  - Courses aimed at people who can't apply for certain jobs because of lack of numeracy skills and/or to encourage people to upskill in numeracy order to access a job/career.

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

- 10.1 Equalities Screening Form Parts A and B are appended to this report.
- 10.2 The Programme will focus on those areas and communities of interest that are most disengaged. Initial activity will focus around engagement and confidence building and activity will be delivered in localities, with an emphasis on engaging with the hardest to reach groups and those furthest from the employment market. The programme is expected to have a positive effect on equality and diversity by enhancing the life chances of excluded and under-represented communities across the borough.

## **11. Implications for CO2 Emissions and Climate Change**

- 11.1 Carbon Impact Assessment is appended to this report. Approval Number CIA063.



## 12. Implications for Partners

- 12.1 The Council will work with RNN, Voluntary Action Rotherham (VAR) and other partners to make as wide a range of local organisations as possible aware of the opportunity to bid for funding.

## 13. Risks and Mitigation

- 13.1 That the full funding allocation is not spent, and some money has to be returned to Government.

**Mitigation:** The procurement process should identify any major risks. Deliverers will be required to make monthly monitoring returns, and any emerging issues will be identified early. In Year 1, over £150,000 of spend was delivered in just over 2 months.

- 13.2 There is insufficient interest in delivery of the activity.

**Mitigation** – 13 organisations delivered in Year 1 and the majority have shown an interest in delivering in subsequent years. The contract will be advertised on the Council and VAR websites. RNN has stated that it will be able to deliver further activity if additional funding became available for them.

## 14. Accountable Officers

Simeon Leach, Economic Strategy and Partnerships Manager  
Tim O'Connell, Head of RiDO

Approvals obtained on behalf of Statutory Officers: -

|  | Named Officer  | Date     |
|--|----------------|----------|
| Chief Executive  | Sharon Kemp    | 05/06/23 |
| Strategic Director of Finance & Customer Services<br>(S.151 Officer) | Judith Badger  | 31/05/23 |
| Assistant Director, Legal Services<br>(Monitoring Officer)           | Phil Horsfield | 30/05/23 |

*Report Author: Simeon Leach, Economic Strategy and Partnerships Manager*

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

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## Appendix 1a

### PART A - Initial Equality Screening Assessment

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

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

Completed at the earliest opportunity it will help to determine:

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

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

| 1. Title  |  |
|---|--|
| <b>Title: Approval to accept and spend Rotherham's Multiply Grant for 2023/24 and 2024/25</b>   |  |
| <b>Directorate: R&amp;E</b>   | <b>Service area: RiDO</b>  |
| <b>Lead person: Simeon Leach – Economic Strategy and Partnerships Manager</b>   | <b>Contact number: 0794 990 1043</b><br><a href="mailto:Simeon.leach@rotherham.gov.uk">Simeon.leach@rotherham.gov.uk</a> |
| Is this a:  |  |
| <input type="checkbox"/> <b>Strategy / Policy</b>   | <input type="checkbox"/> <b>Service / Function</b>   |
| <input checked="" type="checkbox"/> <b>Other</b>  |  |
| <b>If other, please specify:</b> It is to receive a grant to deliver numeracy training, mainly through 3 <sup>rd</sup> party organisations. |  |

| 2. Please provide a brief description of what you are screening   |
|---|
| The Council has been offered £816k of "Multiply" funding by SYMCA to deliver numeracy support and training in Rotherham for 2023/24 and 2024/25, which we are seeking approval to accept. |

Some of the funding will be used to pay for a Multiply Manager post, some will be passed to RNN for delivery and the rest will be procured for delivery, by local organisations where possible.

### 3. Relevance to equality and diversity

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

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

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

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

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

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

#### 4. Considering the impact on equality and diversity

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

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

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

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

We will be looking for Rotherham Vol/Comm organisations to deliver activity in localities, with an emphasis on engaging with the hardest to reach groups and those furthest from the employment market. Would therefore expect for this to have a positive effect on equality and diversity.

- **Key findings**

The whole ethos of Multiply is to assist those who are struggling with poor numeracy skills, not just in securing employment, but also effecting other areas of their lives. Specific programme outcomes that the activity must deliver includes:

- Courses for parents wanting to increase their numeracy skills in order to help their children and help with their own progression.
- Numeracy activities, courses or provision developed in partnership with community organisations and other partners aimed at engaging the hardest to reach learners – for example, those not in the labour market or other groups identified locally as in need.
- In-work numeracy through ESOL
- Courses aimed at people who can't apply for certain jobs because of lack of numeracy skills and/or to encourage people to upskill in numeracy order to access a certain job/career.

- **Actions**

Call for bids will focus heavily on the need for the activity to focus on those areas and communities that are most disengaged. Initial activity will be engagement and confidence building, with any move to formal learning and qualifications not expected until learners are ready and properly prepared

Date to scope and plan your Equality Analysis:

28<sup>th</sup> February 2023

Date to complete your Equality Analysis:

31<sup>st</sup> March 2023

Lead person for your Equality Analysis

Simeon Leach

|                               |                           |
|-------------------------------|---------------------------|
| (Include name and job title): | Economic Strategy Manager |
|-------------------------------|---------------------------|

### 5. Governance, ownership and approval

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

| Name            | Job title                                  | Date     |
|-----------------|--|----------|
| Simeon Leach    | Economic Strategy and Partnerships Manager | 13/04/23 |
| Tim O'Connell   | Head of RiDO                               |          |
| Louise Robinson | Multiply Manager                           |          |

### 6. Publishing

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

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

A copy of **all** screenings should also be sent to [equality@rotherham.gov.uk](mailto: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.

|  |   |
|--|---|
| <b>Date screening completed</b>  | 13 <sup>th</sup> April 2023   |
| <b>Report title and date</b>   | Approval to accept and spend Rotherham's Multiply Grant for 2023/24 and 2024/25<br><br>19 <sup>th</sup> June 2023 |
| <b>If relates to a Cabinet, key delegated officer decision, Council, other committee or a significant operational decision – report date and date sent for publication</b> | Cabinet report  |
| <b>Date screening sent to Performance, Intelligence and Improvement</b><br><a href="mailto:equality@rotherham.gov.uk">equality@rotherham.gov.uk</a>                        | 13 <sup>th</sup> April 2023   |

## Appendix 1b

### 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: Approval to accept and spend Rotherham's Multiply Grant for 2023/24 and 2024/25 |   |
| Date of Equality Analysis (EA): 13 <sup>th</sup> April 2023  |   |
| Directorate: Regeneration and Environment  | Service area: Planning Regeneration and Transport                                     |
| Lead Manager: Simeon Leach   | Contact number: 0794 990 1043   |
| Is this a:   |   |
| <input type="checkbox"/> Strategy / Policy   | <input type="checkbox"/> Service / Function <input checked="" type="checkbox"/> Other |

**If other, please specify; Seeking approval to accept a grant**

**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<br>(eg service user, managers, service specialist) |
|-----------------|--------------|---|
| Tim O'Connell   | RiDO         | Manager   |
| Simeon Leach    | RiDO         | Economic Partnerships & Strategy Manager                |
| Louise Robinson | RiDO         | Multiply 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 Multiply grant is to fund numeracy support and training for Rotherham residents aged 19+, who don't currently have a Level 2 qualification. It is recognised that delivery needs to happen within local communities and that high levels of engagement and confidence building support will be required before a number of recipients are able to move into more formal training

The following key stakeholders, have been identified for the Multiply programme:

- Local residents
- Voluntary and Community sector organisations
- Businesses – focus on green, care and construction sectors
- RNN
- Other training providers
- RMBC Staff
- Elected Members

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

Contextual information from a range of sources, including the Council Plan consultation:

**Population**

- Rotherham has a population of 265,000 of which 2,662 are resident in the town centre (mid-2020 estimates taken from ONS)



- The population is ageing; Rotherham has 52,000 people aged 65 years or over or 19.7% of the population, above the national average of 18.4%. The population aged over 65 is projected to increase to over 21% by 2026, with the largest increase being in the number of people aged over 75.
- Rotherham's BAME population is very concentrated in the inner areas of the town whilst the outer areas were 96% White British in 2011. 42% of BAME residents live in areas that are amongst the 10% most deprived in the country and for some groups the figure is higher. This compares with the Borough average of 19.5%.
- The age and gender profile of the town centre population is set out below

| Age range | Male  | Female | TOTAL |
|-----------|-------|--------|-------|
| 0-15      | 248   | 221    | 469   |
| 16-29     | 380   | 303    | 683   |
| 30-44     | 464   | 280    | 744   |
| 45-64     | 364   | 159    | 523   |
| 65+       | 124   | 119    | 243   |
| All Ages  | 1,580 | 1,082  | 2,662 |

### Health and Wellbeing

- Rotherham had 56,588 people with a limiting long-term health problem or disability in 2011, with 11.3% saying this limits their activity a lot, compared with the average of 8.3% nationally.
- In the Council Plan consultation, in response to the question on what would have the biggest positive impact on wellbeing and quality of life, men (30%) and those without a disability (27%) were more likely to state environmental improvements (23% overall), while more women and those with a disability stated 'More things to do in the community' (16% women, 22% with disability, 13% overall).

### Economy

- Rotherham has a polarised geography of deprivation and affluence with the most deprived communities concentrated in the central area whilst the most affluent areas are to the south, although the overall pattern is complex.
- In the consultation for the Council Plan, 45% of respondents stated there were not enough job opportunities in their area, as opposed to 19% who stated there were enough. Those with no disabilities were more likely to state there were enough job opportunities in their area (21%) than those with disabilities (15%), with female respondents more likely to be unsure about the opportunities (37%), than men (32%).

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

The Council has information on the levels of qualifications that Rotherham residents have, but this isn't broken down to more detailed demographics.

The Council is working with colleagues at SYMCA to see if there is any more information that we can access with regard to employment and skills and the wider economic agenda.

**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 will be asking for information (suitably anonymised) on all residents assisted by the project, including their protected characteristics. This will be used to help better target the support funded by Multiply in future years

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

Meeting was held with relevant delivery organisations for the Year 1 activity – 3<sup>rd</sup> January 2023. Further meetings will be held for this tranche of funding

The E&S Board of the RTP have been kept informed of Multiply and its progress – last meeting was 11<sup>th</sup> January 2023

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

Regular meetings are held with teams from across the Council on the employment and skills agenda, including colleagues from Adults, CYPS and Partnerships services

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

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

In developing and progressing Rotherham's Multiply programme consideration has been given to the needs of a broad range of groups of people including those with protected characteristics who could benefit from improving their numeracy skills, for securing and progressing in employment, but also their day to day lives.

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

No

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

Delivery of the Multiply programme will provide an inclusive, safe and welcoming environment for all learners, with no pressure for them to move to formal learning until they are ready

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

The project is expected to be neutral in terms of community relations.

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

|   |
|---|
| <b>Title of analysis: Approval to accept and spend Rotherham's Multiply Grant for 2023/24 and 2024/25</b>   |
| <b>Directorate and service area: R&amp;E</b>  |
| <b>Lead Manager: Simeon Leach</b>   |
| <b>Summary of findings:</b>   |
| Multiply will focus on those with poor numeracy skills and as such often being further from the employment market. It engages with these people, help build their confidence and hopefully eventually become involved in more formal learning |

| Action/Target   | State Protected Characteristics as listed below | Target date (MM/YY) |
|---|---|---------------------|
| Further consultation with protected characteristic groups   | All   | Ongoing             |
| Use the findings from the initial Year 1 Multiply activity to focus the funding in Years 2 and 3 on those groups most in need and who will benefit most from this support | All   | 06/23               |
|   |   |                     |

**\*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 |
|------------|--|------|
| Simon Moss | Assistant Director Planning Regeneration and Transport |      |
|            |  |      |

## 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](mailto: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.

|   |   |
|---|---|
| <b>Date Equality Analysis completed</b>   | 13/04/23  |
| <b>Report title and date</b>  | Approval to accept and spend Rotherham's Multiply Grant for 2023/24 and 2024/25 |
| <b>Date report sent for publication</b>   |   |
| <b>Date Equality Analysis sent to Performance, Intelligence and Improvement</b><br><a href="mailto:equality@rotherham.gov.uk">equality@rotherham.gov.uk</a> | 13/04/23  |

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## Appendix 2

| Will the decision/proposal impact...                   | Impact    | If an impact or potential impacts are identified   |  |  |   |
|--|-----------|--|--|--|---|
|  |           | Describe impacts or potential impacts on emissions from the Council and its contractors. | Describe impact or potential impacts on emissions across Rotherham as a whole. | Describe any measures to mitigate emission impacts | Outline any monitoring of emission impacts that will be carried out |
| Emissions from non-domestic buildings?                 | No Impact |  |  |  |   |
| Emissions from transport?                              | No Impact |  |  |  |   |
| Emissions from waste, or the quantity of waste itself? | No Impact |  |  |  |   |
| Emissions from housing and domestic buildings?         | No Impact |  |  |  |   |
| Emissions from construction and/or development?        | No Impact |  |  |  |   |

|   |              |  |  |  |  |
|---|--------------|--|--|--|--|
| Carbon capture<br>(e.g. through trees)? | No<br>Impact |  |  |  |  |
|---|--------------|--|--|--|--|

Identify any emission impacts associated with this decision that have not been covered by the above fields:

This report seeks approval to accept and spend Rotherham's Multiply Grant for 2023/24 and 2024/25

As Multiply is a numeracy programme for residents without Level 2 qualifications, then there will be no impact on emissions from this work.

Please provide a summary of all impacts and mitigation/monitoring measures:

There are no impacts on emissions from this report and the awarding of grants to the local Vol/Comm organisations

|   |  |
|---|--|
| Supporting information:   |  |
| Completed by:<br>(Name, title, and service area/directorate).   | Simeon Leach, Economic Strategy and Partnerships Manager, RiDO, Regeneration & Environment |
| Please outline any research, data, or information used to complete this [form].   | None   |
| If quantities of emissions are relevant to and have been used in this form please identify which conversion factors have been used to quantify impacts. | N/A  |
| Tracking [to be completed by Policy Support / Climate Champions]  |  |



Public Report with Exempt Appendices  
Cabinet

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**Committee Name and Date of Committee Meeting**

Cabinet – 19 June 2023

**Report Title**

3-7 Corporation Street Compulsory Purchase Order Update

**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)**

Lucy Mitchell, Major Projects Officer

[lucy.mitchell@rotherham.gov.uk](mailto:lucy.mitchell@rotherham.gov.uk)

**Ward(s) Affected**

Boston Castle

**Report Summary**

The purpose of this report is to provide an update to Cabinet on progress of the Compulsory Purchase Order for 3-7 Corporation Street (comprising of two derelict, fire damaged buildings, formerly a nightclub/bar and a restaurant) and confirm the Council's commitment to the redevelopment of the site following acquisition.

**Recommendations**

**That Cabinet:**

1. Notes the progress made, next steps, and anticipated timescale to confirmation of the Compulsory Purchase Order for 3-7 Corporation Street.
2. Notes the cost of the proposed redevelopment of the site and the sources of funding currently available (as set out in Appendix 1).
3. Approves the proposed use of the Town Centre Investment Fund to ensure sufficient funding is in place for the redevelopment of the site in the event that a private sector development partner is not found and/or further external funding is not secured.

**List of Appendices Included**

- Appendix 1 Exempt Finance appendix
- Appendix 2 Exempt 3-7 Corp St Full Business Case
- Appendix 3 Equalities Assessment
- Appendix 4 Climate Impact Assessment

**Background Papers**

DLUHC Compulsory Purchase and Compensation: Guide 1 – Procedure (December 2021)

DLUHC Compulsory purchase and compensation: Guide 2 – Compensation to Business Owners and Occupiers (December 2021)

Cabinet Meeting 28<sup>th</sup> March 2022 (Minute 124) [March 2022 Cabinet Minute 124 re CPO.pdf](#)

Cabinet Meeting 23<sup>rd</sup> January 2023 (Minute 105) [Printed minutes Monday 23-Jan-2023 10.00 Cabinet.pdf \(rotherham.gov.uk\)](#)

[Officer Delegated Decision Report 30<sup>th</sup> March 2023](#)

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

No

**Council Approval Required**

No

**Exempt from the Press and Public**

Yes

An exemption is sought for Appendix 1 under Paragraph 3 (Information relating to the financial or business affairs of any particular person (including the authority holding that information)) of Part I of Schedule 12A of the Local Government Act 1972, as this report contains details of all confidential negotiations to date and financial information relating to the purchase.

It is considered that the public interest in maintaining the exemption would outweigh the public interest in disclosing the information because all such negotiations and financial information should remain confidential between the parties.

### **3-7 Corporation Street Compulsory Purchase Order Update**

#### **1. Background**

- 1.1 The buildings at 3-7 Corporation Street have been continuously unused and derelict following fire damage in 2007.
- 1.2 Corporation Street is in a prominent position in Rotherham Town Centre. It is a significant route between the Bus Station and the Town Centre, leading to the Minster, the High Street and Forge Island (currently under development). The poor appearance of the site detracts from the appearance and vitality of the Town, it is a disincentive to new investment and has a significant negative impact on the Conservation Area within which it is located, and on nearby businesses.
- 1.3 The site can accommodate a residential-led, mixed-use development, comprising of apartments with commercial space on the ground floor. The Council has formulated a scheme to redevelop the site and approved a Full Business Case, with documentation submitted to the Department for Levelling Up, Housing and Communities in June 2022.
- 1.4 Despite approaches from the Council, the owner of the property is unable or unwilling to bring it forward for redevelopment. Negotiations with the landowner's agent commenced in April 2021 and have continued over recent months. Despite these continued negotiations agreement on the voluntary acquisition has not been reached and is not considered likely by Officers within a reasonable timescale, or at all.
- 1.5 In January 2023 Cabinet approved the acquisition of the freehold and leasehold interests in 3-7 Corporation Street on terms to be agreed. Cabinet also approved the making of a Compulsory Purchase Order (CPO) under section 226(1)(a) of the Town and Country Planning Act 1990 for the acquisition of land and rights for the purposes of facilitating development, redevelopment and improvement of the land.
- 1.6 Cabinet authorised the Assistant Director of Planning, Regeneration and Transport, in consultation with the Cabinet Member for Jobs and the Local Economy and the Head of Legal Services, to affect the making, confirmation, and implementation of the CPO and to take all necessary steps to give effect to the CPO.

#### **2. Key Issues**

- 2.1 Negotiations with the landowner's agent towards the end of 2022 were more positive but it has still not been possible to reach an agreement on the land acquisition. The landowner, as indicated at the Land Registry, has recently passed away and his Estate is subject to Probate. An offer to acquire the property has been put in writing and issued to the solicitors dealing with the matter. As a result of these circumstances, the inability to reach agreement on the acquisition, timescales relating to the funding and the prior non-

cooperation of the landowner, it was considered necessary to make and serve the Order.

- 2.2 Officers have therefore been undertaking a number of actions necessary to make the Compulsory Purchase Order including;
  - Land Referencing to understand ownership details for affected properties around 3-7 Corporation Street
  - Informal correspondence with neighbouring property owners, advising of the Council's intention to secure the redevelopment of 3-7 Corporation Street and submission of a planning application.
  - Formal correspondence and meetings (Requisition for Information) with neighbouring property owners
- 2.3 The site of 3-7 Corporation Street is a complex and constrained gateway town centre site with numerous neighbouring properties surrounding it in very close proximity or even relying on shared party walls. To ensure the Council has all the rights required to enable construction of the residential led mixed use development (recently granted planning consent) on the site, it is necessary to include a number of neighbouring properties in the CPO and discussions are ongoing with affected parties. For many of these neighbouring properties it is simply to acquire the necessary rights for scaffolding or crane oversailing. Details of the full scheme cost and available funding are set out in Appendix 1.
- 2.4 The Council, as acquiring authority, is committed to working with those affected, and will continue to work with leaseholders, and occupiers as the CPO progresses. Owners/affected parties will be compensated in line with the Compulsory Purchase Compensation Code.
- 2.5 Officers have finalised the documentation required for the Compulsory Purchaser Order, including:
  - Preparation of a Statement of Reasons detailing why the land, and compulsory purchase of it, is required;
  - Refinement of the Order Land plan and Schedule to incorporate all rights required from neighbouring properties in the CPO;
  - Preparation of Statutory Notices required to publicise the Order, for display on site, publication in the Advertiser and issue to affected landowners.
- 2.6 An Officer Delegated Decision was made on 30<sup>th</sup> March 2023 to make, serve and implement the Compulsory Purchase Order. The first step in this was to make and serve the Order on affected landowners and other interested parties. This was completed on 6<sup>th</sup> April and the CPO submitted to the Department for Levelling up, Housing and Communities.
- 2.7 Details of the CPO were also published in the local press (The Advertiser) in the form of a statutory Notice (published on 6<sup>th</sup> and 13<sup>th</sup> April) and published on the Council's website. A hard copy of the CPO documentation was also lodged in the Riverside House library for public review.

- 2.8 There was a statutory period of 28 days from the date of serving the Order (6<sup>th</sup> April) for any Objections to the CPO to be made by 4<sup>th</sup> May 2023.
- 2.9 For a CPO to be confirmed by the Secretary of State, the Council (acquiring body) must be able to demonstrate:
- A clear idea of how the land being acquired is intended to be used;
  - Necessary resources available to achieve that end;
- 2.10 The Council has a clear idea on the intended use of the land and a full Planning Application for 19 apartments and commercial space to the ground floor was submitted in January 2023. Planning consent was granted on 24<sup>th</sup> May 2023. Securing this consent ensures there are no planning barriers to the delivery of the scheme, provides a degree of confidence for a developer to come on board and demonstrates deliverability (a critical test in the CPO).
- 2.11 In terms of the second point relating to the Council's ability to demonstrate necessary resources available to deliver the development, the Council has secured £3.2m funding (Town Deal and Levelling Up funding) to facilitate delivery of the development scheme.
- 2.12 The Council intend to select and work with a private sector developer as the delivery model outlined in the Full Business Case relies on private sector investment in the development. The funding secured from Town Deal and Levelling Up is intended to be used to acquire the land, clear the site and address the viability gap that exists in the development scheme.
- 2.13 The specific nature of the arrangement to secure a developer partner is being considered and developed alongside the Council's procurement team. However, should private sector interest and investment in the development scheme not be secured, the Council is committed to funding and directly delivering the development. Making the necessary resources available to ensure successful delivery of the development, should this be necessary, is a clear demonstration of the Council's commitment to the success of this CPO and development of 3-7 Corporation Street.

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

- 3.1 Various options have been considered to bring forward the redevelopment of this site and to avoid a Compulsory Purchase Order being required:
- Option1 – Do nothing
  - Option 2 – Support the landowner through grant funding to bring forward a scheme
  - Option 3 – Acquire by negotiation, demolish and redevelop
  - Option 4 – Acquire by CPO, demolish and redevelop
- 3.2 These options were outlined in more detail in the 23 January 2023 Cabinet report and the commentary on each of these options remains valid. Options 1-3 were rejected in favour of Option 4 – Acquire by CPO, demolish and redevelop. This option provides greatest certainty that the site will be redeveloped and achieve regeneration objectives for the Town Centre, supporting the economy, environment and the well-being of Rotherham

communities. However, dialogue and negotiations with all affected landowners and their representatives will continue as the CPO progresses.

3.3 As Option 4 was selected and confirmed by the January 2023 Cabinet minute, Cabinet now needs to consider how the redevelopment proposed by the Council will be delivered once the CPO process has been completed. There are 2 options in respect of the future funding and delivery of the redevelopment:

- Option 1 – Seek to obtain private investment to add to the existing funding secured but no commitment from the Council to any additional funding to ensure delivery of the development.
- Option 2 – Seek to obtain private investment but, if it is not possible to secure within the required timescales to enable delivery of the development, the Council commit to funding and delivering the redevelopment, meeting any funding shortfall in order to ensure delivery of the development. Further details on the financial implications of this option are set out in Appendix 1.

3.4 Government Guidance (Guidance on Compulsory Purchase and the Crichel Down Rules, issued by the Ministry of Housing, Communities & Local Government, July 2029) is clear that “*the acquiring authority should provide substantive information as to the sources of funding available for both acquiring the land and implementing the scheme for which the land is required.*” These are matters which the Secretary of State will be expected to take into account in deciding whether, or not, to confirm the CPO.

3.5 It is therefore crucial for the Council to do everything it can to demonstrate the deliverability of the proposed scheme in order to ensure the success of the CPO. Specialist legal advice has indicated that removing barriers to delivery of the redevelopment is a key factor considered by Inspectors, and the Secretary of State, in any CPO Inquiry in determining whether to confirm the CPO or not. Accordingly, although the Council will do all it can to secure a private developer to take the redevelopment forward, it must provide commitment to Option 2 as detailed above, i.e. funding and delivering the redevelopment in the event that private sector investment is not secured.

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

4.1 Extensive public consultation took place during the preparation of the Town Centre Masterplan, highlighting key sites in the town centre such as the Order Land. Workshops, briefing sessions and 1 to 1's were held to ascertain the views of Members, Town Centre stakeholders, and communities.

4.2 A strategic engagement plan formed a key part of the Town Investment Plan (TIP); MyTown portal was used to initially engage the wider community in understanding the town's needs. As the TIP was progressed, a more targeted approach was developed, enabling the public to comment directly on proposals via a Virtual Exhibition (in line with Covid 19 restrictions). The

presence of the platform was promoted through social media and Council newsletters.

- 4.3 Events such as the Rotherham Show have also provided a platform for sharing plans and obtaining feedback from communities regarding Town Centre developments. This feedback suggests local residents are keen to see the site redeveloped given the longstanding eyesore in such a prominent location in the Town Centre.
- 4.4 The Town Deal Board has been consulted on the project and is supportive of the approach being taken.
- 4.5 Gateley Hamer, the surveyors advising the Council on the CPO, together with Council officers, have been in negotiation with the landowner (through his agent) over a number of months (April 2021 to current date) and on the Council's behalf made an offer to acquire the land.
- 4.6 Gateley Hamer contacted all neighbouring landowners in December 2022 advising of the Council's intentions to progress redevelopment of 3-7 Corporation Street through the submission of a planning application. No responses were received. Subsequent to this, in February 2023, all neighbouring landowners who may have access rights across the land and those potentially within interests within the red line boundary, were issued with formal 'Requisition for Information' letters from Gateley Hamer. A subsequent reminder letter was issued at the beginning of March 2023.
- 4.7 The Council will continue to engage and negotiate with all affected landowners in order to try and reach agreement throughout the procedural stages of the Compulsory Purchase Order.
- 4.8 In March 2023 Ward Members were advised of the progress of proposals for 3-7 Corporation Street, including the submission of a planning application, and the progression of the Compulsory Purchase Order.

## 5. Timetable and Accountability for Implementing this Decision

- 5.1 The Council with support from external advisors will be responsible for continued negotiations with the landowner and other interested parties for purchase of land and interests by agreement. If an agreement can be reached and the acquisition completed, it will negate the need to progress the Compulsory Purchase Order. However, given the current position that has been reached, it is reasonable to conclude that acquisition of 3-7 Corporation Street will not be concluded by agreement within a reasonable timescale, or at all.
- 5.2 Indicative programme for successful land acquisition through Compulsory Purchase powers, based on a Public Inquiry being required.

|                |                         |
|----------------|-------------------------|
| Make the Order | 3 April 23<br>completed |
|----------------|-------------------------|

|   |                         |
|---|-------------------------|
| Serve the Order and send to SoS                   | 6 April 23<br>completed |
| Order publicised and documents lodged publicly    | 6 April 23<br>completed |
| Developer procurement commences                   | April 2023<br>completed |
| Statutory objection period end                    | 4 May 23<br>completed   |
| Planning application determined                   | May 2023<br>completed   |
| Statement of Case submission                      | June 23                 |
| Public Inquiry & site visit                       | September 23            |
| Inspectors report                                 | January 24              |
| CPO confirmed                                     | March 24                |
| Formal Notice in local press publicising decision | March 24                |
| Statutory challenge period                        | April 24                |
| CPO implementation                                | April 24                |
| Developer appointment                             | July 2024               |
| Detailed design                                   | July 2024               |
| Start on site                                     | January 2025            |
| Funding (Towns Fund) defrayal deadline            | March 2026              |

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

- 6.1 The project is funded from the Town Deal and Levelling Up grant and is included in the Council's Capital Programme. The exempt Appendix provides additional information on the estimated budget resource required to undertake the CPO if a delivery partner is not found. The Town Centre Investment Fund will ensure sufficient funding is in place for the redevelopment of the site in the event that a private sector development partner is not found and/or further external funding is not secured.
- 6.2 As detailed in the previous Cabinet report, there are no procurement implications associated with the CPO.
- 6.3 In relation to the appointment of the Developer either through Option 1 or 2, this will be the subject of procurement activity, that will need to be completed in accordance with the Public Contracts Regulations 2015 (as amended) and the Council's own Financial and Procurement Procedure Rules. To achieve an appointment by July 2024, the procurement activity will need to run concurrently to the CPO, making clear to potential bidders that any award will be subject to confirmation of the CPO.

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

- 7.1 Option 2 will provide the assurance needed as set out in paragraphs 3.4 and 3.5. There are no other substantive legal issues arising from the contents of this report.



**8. Human Resources Advice and Implications**

8.1 There are no direct HR implications.

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

9.1 There are no such implications arising from this report.

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

10.1 The Council is confident that there is a compelling case in the public interest which is required to remove private property. Any decision at Public Inquiry, should one be required, will judge the public interest versus the owner's private property rights. As every effort has been made previously to engage the owner to bring the Order Land forward for development, it is now apparent that there is justification to bring a CPO to the table at this stage.

10.3 For an Initial Equalities Impact Screening please see attached Appendix 3.

**11. Implications for CO2 Emissions and Climate Change**

11.1 During the CPO stage of the Corporation Street scheme, there will be very little impact on carbon emissions. There may be a small amount of increased activity on site from visiting Council staff and contactors involved in negotiations and survey work, however, this impact will be minimal. Where possible, survey/negotiation work will be desk-based. As noted, at this stage in the scheme there will be no works on site and no development. However, as the scheme proceeds there will be detailed Carbon Impact Assessments at key stages such as the demolition of the current derelict buildings and the new development.

11.2 For the full Carbon Impact Assessment please see attached Appendix 4.

**12. Implications for Partners**

12.1 The scheme will have a positive impact on the local area and the other developments that are part of the town deal, providing opportunities for developers and for local people.

12.2 If the site cannot be acquired this could negatively impact on the wider Town Centre Masterplan implementation and could result in losing the funding allocated to this scheme.

**13. Risks and Mitigation**

13.1 The main risks to the successful land acquisition:

1. Land acquisition costs higher than budgeted for
2. Developer partner procurement not concluded (CPO impact)
3. Development Cost higher than budgeted for

- 13.2 Landowner acquisition costs higher than budgeted for  
Risk: Costs decided by Public Inquiry are higher than have been budgeted for. **Mitigation:** Surveyors and solicitors have been appointed at an early stage to provide 'worst-case' scenarios and ensure all potential compensation costs are covered.
- 13.3 Developer partner procurement not concluded (CPO impact)  
Risk: Developer partner procurement is not concluded/terms are not agreed and the requirements of the CPO mean that the Council is obliged to deliver the scheme directly. **Mitigation:** The Council will deliver the scheme directly which will be achievable within the timeframe but will likely lead to a greater capital cost and long-term involvement in the letting or sale of the project.
- 13.4 Development cost higher than budgeted for  
Risk: Development cost higher than budgeted for. **Mitigation:** A cost plan has been prepared based on the planning application (RIBA Stage 2 design) and includes allowances for inflation, and a contingency. The design will be reviewed and cost plans prepared regularly to monitor affordability.
- 14. Accountable Officers**  
Simon Moss Assistant Director, Planning, Regeneration and Transport  
Tim O'Connell, Head of RiDO

Approvals obtained on behalf of Statutory Officers: -

|  | Named Officer     | Date     |
|--|-------------------|----------|
| Chief Executive  | Sharon Kemp       | 05/06/23 |
| Strategic Director of Finance & Customer Services<br>(S.151 Officer) | Judith Badger     | 31/05/23 |
| Assistant Director, Legal Services<br>(Monitoring Officer)           | Phillip Horsfield | 30/05/23 |

*Report Author:* Lucy Mitchell, Major Projects Officer  
lucy.mitchell@rotherham.gov.uk  
This report is published on the Council's [website](#).

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

Document is Restricted

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## PART A - Initial Equality Screening Assessment

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

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

Completed at the earliest opportunity it will help to determine:

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

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

### 1. Title

**Title:** Approval of use of Compulsory Purchase Powers: 3 – 7 Corporation Street

**Directorate:**  
Regeneration and Environment

**Service area:**  
Rotherham Town Centre

**Lead person:** Lucy Mitchell

**Contact number:** 07748 143280

Is this a:

☐

**Strategy / Policy**

☐

**Service / Function**

☒

**Other**

**If other, please specify**

Cabinet Paper for the Approval of the use of Compulsory Purchase powers (if required) to progress the development of 3 – 7 Corporation Street, Rotherham Town Centre

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

The buildings in the Land Order (3-7 Corporation Street) have been burnt out since 2007. This has created a long-standing problem in Rotherham town centre, having a significant negative impact on the Conservation Area within which they are located. Corporation Street is in a prominent position in Rotherham town centre. It is a significant route between the bus station and the town centre, leading to the Minster,

## Appendix 2

the High Street and the Forge Island Leisure Complex (currently under development). Accordingly, it is untenable to permit dereliction on this scale in such a key location.

Despite several approaches from the Council, the owner is unable or unwilling to bring the Order Land forward to redevelopment and it has become explicitly clear that the Council will need to rely on CPO powers to bring the proposed development to fruition.

In order to resolve the issue outlined above, it is intended to bring the Order Land into public ownership. It is then intended to promote a project that will demolish the current, derelict buildings, offering a cleared site for redevelopment. Through regeneration of the Town Centre, the project will be funded through the Towns Fund investment. Therefore, the Cabinet Paper will seek approval for use of CPO powers to move the project forward.

### 3. Relevance to equality and diversity

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

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

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

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

## Appendix 2

|  |  |   |
|--|--|---|
| Could the proposal affect the Council's workforce or employment practices?<br><i>(If the answer is yes you may wish to seek advice from your HR business partner)</i>  |  | X |
| If you have answered no to all the questions above, please explain the reason  |  |   |
| <p>Obtaining a CPO would not materially change the site physically at this stage, therefore current arrangements will be preserved and there will no impact affecting different groups or service users. Once the plans for development are in place, we will conduct a detailed Equality Assessment which will explore access in and around the site and potential groups/individuals affected. Internal council processes will be observed and worked within and therefore there will no change to council services or employment practices. The site has been a longstanding eyesore in the town and a source of frustration amongst the general public, therefore we do not anticipate any concerns regarding the CPO being implemented.</p> |  |   |

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

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

#### 4. Considering the impact on equality and diversity

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

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

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

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

- **Key findings**

- **Actions**

|  |  |
|--|--|
| Date to scope and plan your Equality Analysis: |  |
|--|--|

|  |  |
|--|--|
| Date to complete your Equality Analysis: |  |
|--|--|

|   |  |
|---|--|
| Lead person for your Equality Analysis<br>(Include name and job title): |  |
|---|--|

#### 5. Governance, ownership and approval

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

## Appendix 2

| Name          | Job title                                    | Date       |
|---------------|--|------------|
| Maria Smith   | Regeneration and Development Project Manager | 01/03/2023 |
| Lucy Mitchell | Major Projects Officer                       | 01/03/2023 |

## 6. Publishing

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

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

A copy of **all** screenings should also be sent to [equality@rotherham.gov.uk](mailto: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.

|  |   |
|--|---|
| <b>Date screening completed</b>  | 01/03/2023  |
| <b>Report title and date</b>   | Approval of use of Compulsory Purchase Powers: 3 – 7 Corporation Street |
| <b>If relates to a Cabinet, key delegated officer decision, Council, other committee or a significant operational decision – report date and date sent for publication</b> | Monday 19 <sup>th</sup> June, 2023                                      |
| <b>Date screening sent to Performance, Intelligence and Improvement</b><br><a href="mailto:equality@rotherham.gov.uk">equality@rotherham.gov.uk</a>                        | 09/03/2023  |



**Carbon Impact Assessment CIA005: Use of Compulsory Purchase Powers in order to progress the development of 3 – 7 Corporation Street, Rotherham Town Centre**

| Will the decision/proposal impact...                          | Impact             | If an impact or potential impacts are identified  |  |  |   |
|---|--------------------|---|--|--|---|
|   |                    | Describe impacts or potential impacts on emissions from the Council and its contractors.                                | Describe impact or potential impacts on emissions across Rotherham as a whole.   | Describe any measures to mitigate emission impacts   | Outline any monitoring of emission impacts that will be carried out |
| <b>Emissions from non-domestic buildings?</b>                 | No impact          |   | There will be no impact on emissions from the non-domestic buildings on site. The buildings will remain derelict (in their current state) whilst the CPO progresses.   |  |   |
| <b>Emissions from transport?</b>                              | Increase emissions | There will potentially be council staff and contractors on site for surveying etc. However, the impact will be minimal. |  | Car sharing and alternative transport arrangements will be made where possible. Surveys will be desk-based where possible. |   |
| <b>Emissions from waste, or the quantity of waste itself?</b> | No impact          |   | There will be no initial impact on emissions from waste from the buildings on site as they will remain as they are. Following CPO (if successful), the buildings will remain as they are until demolition occurs which will be subject to a separate assessment. |  |   |
| <b>Emissions from housing and domestic buildings?</b>         | No impact          |   | There is currently no housing on the site and there will be no development at this stage of the scheme. Once the site is developed there will be residential properties and this   |  |   |

|   |           |  |  |  |  |
|---|-----------|--|--|--|--|
|   |           |  | will be subject to a separate analysis.  |  |  |
| <b>Emissions from construction and/or development?</b>  | No impact |  | No construction or development proposed at this stage of the scheme.                               |  |  |
| <b>Carbon capture (e.g., through trees)?</b>  | No impact |  | There will be no changes to the site so no options for carbon capture at this stage of the scheme. |  |  |
| Identify any emission impacts associated with this decision that have not been covered by the above fields: |           |  |  |  |  |

Please provide a summary of all impacts and mitigation/monitoring measures:

During the CPO stage of the Corporation Street scheme, there will be very little impact on carbon emissions. There may be a small amount of increased activity on site from visiting council staff and contactors involved in negotiations and survey work, however, this impact will be minimal. Where possible, survey/negotiation work will be desk-based. As noted, at this stage in the scheme there will be no works on site and no development. However, as the scheme proceeds there will be detailed Carbon Impact Assessments at key stages such as the demolition of the current derelict buildings and the new development.

Supporting information:

|   |  |
|---|--|
| Completed by:<br>(Name, title, and service area/directorate).   | Maria Smith, Regeneration and Development Project Manager, RIDO, R&E   |
| Please outline any research, data, or information used to complete this [form].   | Information has been sort from Gateley Hamer and Turner Townsend (surveyors and consultants on the project). |
| If quantities of emissions are relevant to and have been used in this form please identify which conversion factors have been used to quantify impacts. | N/A  |

|  |            |
|--|------------|
| Tracking [to be completed by Policy Support / Climate Champions] | 28/03/2023 |
|--|------------|

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**Committee Name and Date of Committee Meeting**

Cabinet – 19 June 2023

**Report Title**

Electric Vehicle Charging Project – Drummond Street Car Park

**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)**

Andy Wilson, Energy Efficiency Officer  
01709 254804, andy.wilson2@rotherham.gov.uk

**Ward(s) Affected**

Boston Castle  
Rotherham East

**Report Summary**

This report seeks to obtain approval for the Electric Vehicle Charging Project at Drummond Street Car Park, contributing to the Council's Net Zero 2040 Carbon Targets. The project includes Electric Vehicle (EV) charging systems using power from solar photovoltaic (PV) canopies and will be funded through a combination of Government Local Electric Vehicle Infrastructure (LEVI) pilot funding and private investment.

**Recommendations**

1. That Cabinet approves the £1.29m funding into the Capital Programme for the delivery of the Electric Vehicle Charging Project at Drummond Street Car Park, subject to planning approval.
2. That Cabinet approves the procurement of a concession contract to design, install and operate the Electric Vehicle Charging systems.

**List of Appendices Included**

Appendix 1 Location Plan, Project Summary

Appendix 2 Equalities Assessment

Appendix 3 Carbon Impact Assessment

**Background Papers**

[Office for Zero Emission Vehicles - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/organisations/office-for-zero-emission-vehicles)

[Apply for local electric vehicle infrastructure \(LEVI\) pilot funding - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/news/apply-for-local-electric-vehicle-infrastructure-levi-pilot-funding)

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

No

**Council Approval Required**

No

**Exempt from the Press and Public**

No

## Electric Vehicle Charging Project – Drummond Street Car Park

### 1. Background

- 1.1 The Council declared a Climate Emergency on 30 October 2019.
- 1.2 Transport is the largest emitting sector of greenhouse gas emissions, producing 24% of the UK's total emissions in 2020. In November 2020 the Government announced the end of the sale of new petrol and diesel cars in the UK by 2030.
- 1.3 There are now over 1.1 million plug-in electric and hybrid vehicles on UK roads with new registrations continuing to grow strongly in 2022 (+40%) and more affordable used EVs are now appearing on the market.
- 1.4 On 1 January 2023, there were 37,055 public EV charging devices available in the UK. To match demand this is required to increase eightfold to 300,000 devices by 2030.
- 1.5 In 2019, the Council installed 30 public bays of fast EV chargers at 10 sites across the Borough, with 4 sites connected to Solar PV to supply to offset the electricity used in charging. An additional 9 charge points have been installed so far using funding from SYMCA in 2022/23.
- 1.6 This infrastructure forms a strong platform for the further expansion of the EV network which will be informed by the development of an Electric Vehicle Charging Strategy.
- 1.7 One of the Borough-wide challenges is to support households who do not have access to off-street charging. To start to tackle this, the Council has been successful in its bid for £1,290,000 for LEVI Pilot Funding to install public EV chargers and Solar PV Systems at Drummond Street Car Park, which is within 10 minutes' walk of over 2000 homes without off-street parking, and which will also provide a high quality charging facility in the Town Centre.

### 2. Key Issues

- 2.1 The Council has secured £1.29 million funding from the LEVI Pilot fund for a Solar PV Canopy and EV charge point scheme located on Drummond Street Car Park, Rotherham. A location map, project summary and visualisations are at Appendix 1.
- 2.2 The LEVI Scheme is aimed at reducing inequality between those who can charge on a driveway at domestic tariffs and those forced to charge using public infrastructure at commercial rates, because they do not have off-street parking available. Consideration will be given to the financial and legal feasibility of enabling a portion of the savings derived from the PV output to provide a reduced rate for authenticated and approved Rotherham residents.

- 2.3 There are over 2000 dwellings without off-street parking area within a 10-minute walk of Drummond Street Car Park. The Drummond Street site would offer opportunities for overnight charging by local residents, daytime charging for commuters and shoppers, and a convenient charging location for Taxi / Public Hire Vehicles (PHV).
- 2.4 The proposal requires a private sector contribution to install and run the EV Charge Point infrastructure, which is anticipated to be on a concession basis for a minimum of 7 years as specified by LEVI.
- 2.5 The bid conditions require that at least £330k of private sector match funding will be secured and that private sector partners would own and operate the EV assets in return for a revenue concession.
- 2.6 A procurement of a concession contract is therefore required to design, install and operate the Electric Vehicle Charging systems. Soft market testing indicates there is a competitive field of suppliers ready and available in the market.

### 3. Options considered and recommended proposal

- 3.1 **Option 1 (Preferred Option)** – Funded by the LEVI grant and private sector investment contribution, install the following assets on Drummond Street Car Park:

| Serial | Asset                  | Number                            | Size     |
|--------|------------------------|-----------------------------------|----------|
| 1.     | Solar PV Canopy        | 1                                 | 320kW    |
| 2.     | Battery                | 1                                 | 0.5MW    |
| 3.     | EV Charger Fast        | 20 bays                           | 7kW      |
| 4.     | EV Charger Rapid       | 4 rapid bays + 2 fast 22kW bays   | 50kW     |
| 5.     | EV Charger Ultra-Rapid | 4 u-rapid bays + 4 fast 22kW bays | 200kW DC |

The Scheme provides different charging speeds at one location. No other site or combination of sites considered in Rotherham offered the broadest opportunity to attract users of different profiles and at different times of day making this location particularly attractive to a partner operator.

- 3.2 **Option 2** – Install smaller EV charging schemes throughout the Borough, funded internally and without the benefits of Solar PV to provide renewable energy. If this option was chosen the Council would lose the LEVI funding.

### 4. Consultation on proposal

- 4.1 Consultation and engagement has been carried out with the Energy Saving Trust (EST) and the Government's Local Electric Vehicle Infrastructure (LEVI) Team for compliance with LEVI scheme rules, strategic fit, meeting customer needs, innovation, strength of delivery plan, value for money and additionality. Planning permission will be



required for the Scheme and will be subject to statutory consultation via this process.

- 4.2 A public consultation survey was carried with the results identifying:
- Almost one third of EV owners did not have a suitable place to charge their vehicle during the day.
  - Around 85% of EV users would use public off-road car park charging points.
  - Nearly 80% of petrol and diesel vehicle drivers would be more likely to consider transitioning to an electric vehicle if public off-road car park charging points were more readily available in their local area.
  - The main concerns raised by survey participants relates to charging point maintenance, parking/charging fees, charging speeds, safety, disabled access and ensuring that spaces aren't occupied by petrol and diesel vehicles.

## 5. Timetable and Accountability for Implementing this Decision

- 5.1 Asset Management will be responsible for implementing the decision in accordance with the timetable below:

| Milestone                                     | Date                |
|---|---------------------|
| Cabinet Approval                              | Q2 23/24            |
| Contractor Procurement                        | Q2 23/24 – Q3 23/24 |
| Planning Application                          | Q2 23/24 – Q3 23/24 |
| Installation and commissioning of the systems | Q3 23/24 – Q1 24/25 |

## 6. Financial and Procurement Advice and Implications

- 6.1 The Council has been successful in its bid to the Office for Zero Emission Vehicles for £1,290,000 for funding to install public EV chargers and Solar PV Systems. The grant is awarded from a national funding stream managed by Energy Savings Trust (EST) that amounts to £0.5bn. Allocations were set at regional/local basis. This is a 'pilot fund' bid and if successful could lever in further funding. The EST provide consultation and feasibility support.
- 6.2 The bid conditions assume uncapped (% to be agreed) private sector match funding of at least £330k. The Council will seek private sector partners that would own and operate the EV assets in return for a revenue concession. The initial cost being funded by the £1,290,000 grant. Soft market testing indicates there is a competitive field of suppliers ready and available in the market.
- 6.3 Potential site rental, revenue or profit share is undetermined at this time and subject to the procurement exercise. Any future maintenance, revenue and profit share would be based on concessions ring fenced and

de-risked to the private suppliers. Connections and returns to the Council will support selectively additional subsidy for more EV connections (e.g. residents or local taxi firms, for example) but would have to be in in scope with the grant terms.

- 6.4 The activity detailed in this report, must be procured in compliance with the Concession Contracts Regulations 2016 and the Council's own Financial and Procurement Procedure Rules.

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

- 7.1 Other than the fact that planning permission will be required for Option 1, there are no substantive legal implications arising out of the content of this report.

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

- 8.1 There are no human resources implications arising from this report.

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

- 9.1 No implications identified.

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

- 10.1 Implications identified through the equalities assessment and attached at Appendix 2 includes:
- Additional space required for vehicle entry / egress (as per disabled parking bays).
  - Additional space required to manipulate charging equipment required.
  - Charger displays need to be at a height suitable for wheelchair users, offering alternative languages and clear graphic displays to assist those with reduced sensory or cognitive ability, and those for whom English is not the first language.

## **11. Implications for CO2 Emissions and Climate Change**

- 11.1 Positive implications have been identified within the Carbon Impact Assessment at Appendix 3, including:
- Average of 207,662kWh solar PV generated PA saving 40 Tonnes of Carbon per year.
  - Reducing emissions from fossil fuel vehicles by:
    - Average CO<sub>2</sub> emission diesel: -160g/km
    - Average CO<sub>2</sub> emission petrol: -173g/Km

## **12. Implications for Partners**

- 12.1. No implications identified.

### 13. Risks and Mitigation

#### 13.1 The main risks include:

- a. Unable to complete works funded from Government within the timeframes and costs agreed in the grant offer letter.  
Mitigation – Accurate planning and delivery with the chosen partner will prevent going beyond the time criteria stipulated by Government and incurring penalties. The proposal also provides for a scalable project allowing all elements to be delivered but in reduced scale should inflation factors overwhelm the grant sum.
- b. Failure to secure planning permission.  
Mitigation – A pre-planning application has been submitted. The development is in character with surrounding area with no ecological concerns. Parking spaces and turning space (layout) will be designed to comply with planning requirements. The Council Transportation Department have expressed no concerns over potential increased traffic flows.
- c. Unable to secure external funding.  
Mitigation – Market engagement indicates a strong appetite for potential partners. EV infrastructure providers are presently heavily investing in their networks ahead of future need.
- d. Technical obstacles uncovered at an advanced engineering / design stage.  
Mitigation – The project has had input from Northern Powergrid connection engineers and technical input during market engagement and from the Council Electrical Design Team. There is a 10% contingency built into the amount applied for, as well as 20% for inflation, combined providing a sizeable cushion to overcome such issues. Additionally, there is the opportunity to re-scale elements of the project.

### 14. Accountable Officers

Andy Wilson, Energy Efficiency Officer  
 Jonathan Marriott, Head of Asset Management

Approvals obtained on behalf of Statutory Officers: -

|  | Named Officer     | Date       |
|--|-------------------|------------|
| Chief Executive  | Sharon Kemp       | 05/06/23   |
| Strategic Director of Finance & Customer Services<br>(S.151 Officer) | Judith Badger     | 02.06.2023 |
| Assistant Director, Legal Services<br>(Monitoring Officer)           | Phillip Horsfield | 02.06.2023 |

*Report Author:* Andy Wilson, Energy Efficiency Officer, 01709 254804,  
andy.wilson2@rotherham.gov.uk

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

Site Location Plan



Scale 1:750

**Drummond Street Car Park**  
**L00699**  
**1.29 Acres (0.52 Hectares)**

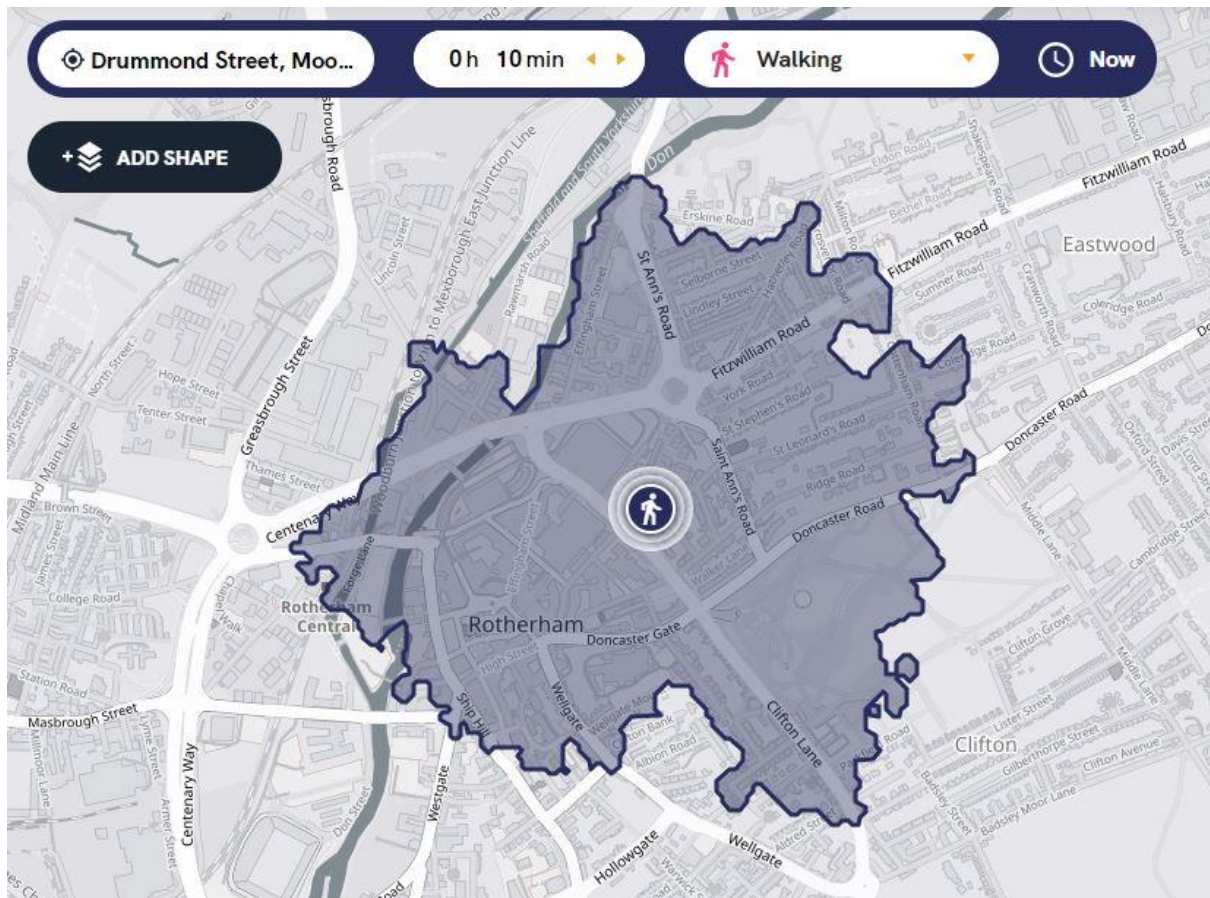
© Crown Copyright, Rotherham MBC Licence No. 100018887



**Rotherham**  
 Metropolitan  
 Borough Council



## 10 Minute Walk-time Map



Site location between shopping areas and high-density housing



## **Project Summary**

There are 2000 homes without driveways within 10 minutes' walk of the town centre.

The project will provide 28 bays of fast (7kW), Rapid (50kW) and Ultra Rapid (200kW) charging to meet a range of needs, including overnight charging for local homeowners without driveways, daytime use by shoppers and businesses, and Ultra Rapid chargers to help local Taxi and Private Hire operators have the confidence to convert to EV.

Electricity for the EV chargers will be provided by Solar Photovoltaic (PV) arrays mounted on steel canopies covering up to 128 parking spaces of Drummond Street car park. The total capacity of the PV is 320kWp, and the area covered and capacity will be determined by the final project design and costings within the grant award.

The proposal meets all the key requirements of the LEVI criteria, to encourage large scale, ambitious and commercially sustainable projects:

- high visibility installation is designed to increase consumer confidence to transition to EV
- attracting private sector funding to deliver infrastructure that would not occur in the near term
- providing infrastructure ahead of need and promoting an equitable EV charging experience for those without off-street parking.

There is also potential for battery installation to store excess power and to provide peak EV Charging load, subject to detailed design study and costings.

A private sector contribution will fund the installation and operation of mixed EV charging facilities under a concession arrangement, including:

- 20 bays Standard Chargers e.g. Alfen EVE twin 7kW
- Ducting for a further 20 bays Standard Chargers (future-proofing)
- 4 bays 50kW DC Rapid Chargers e.g. 2 x Delta City Slim
- 4 Bays 200kW Ultra-Rapid Chargers e.g. 2 x Delta UFC200
- Above Delta units include 6 x 22kW Fast Charger sockets

The private sector contribution is uncapped, and final inventory will be subject to competitive tender process.

For the concession to operate EV Charging infrastructure, LEVI requires a minimum 7-year Operation and Maintenance arrangement. It is noted that the concessionaire may request a longer period, to be determined by competitive tender process.

Ground rental, revenue share, profit share or some combination payable to the Council will be subject to competitive tender process.



**Artist impressions of the Drummond Street Site  
(subject to change through planning and project development)**





## Appendix 2

### PART A - Initial Equality Screening Assessment

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

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

Completed at the earliest opportunity it will help to determine:

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

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

| 1. Title   |   |
|--|---|
| <b>Title:</b> Electric Vehicle Charging Project – Drummond Street Car Park |   |
| <b>Directorate:</b><br>R & E   | <b>Service area:</b><br>Planning, Regeneration and Transport  |
| <b>Lead person:</b><br>Andy Wilson   | <b>Contact:</b><br>andy.wilson2@rotherham.gov.uk              |
| Is this a:   |   |
| <input type="checkbox"/> <b>Strategy / Policy</b>                          | <input checked="" type="checkbox"/> <b>Service / Function</b> |
| <input type="checkbox"/> <b>Other</b>                                      |   |
| If other, please specify   |   |

| 2. Please provide a brief description of what you are screening |
|---|
| EV Charging Infrastructure at Drummond Street Car Park          |

### 3. Relevance to equality and diversity

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

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

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

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

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

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

#### 4. Considering the impact on equality and diversity

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

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

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

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

The provision of EV Charging infrastructure has 3 main equality impacts:

1. Accessibility standards for less able users.
2. Difficulties for those with sensory or cognitive impairments.
3. Language barrier for users for who English is not the first language.

- **Key findings**

1. Measures designed to protect charging infrastructure from accidental damage can cause difficulty of access for disabled user e.g., tyre bump stops, protective barriers in front of machine, machine mounted back from a kerb.
2. Other factors affecting accessibility include height and clarity of display / operating panel, weight / storage position of charger plug and cabling.
3. The charger plug, the socket on the vehicle (including the location on the vehicle) is beyond the control of the Council but could also create difficulties for the less abled user.

- **Actions**

1. Design and procurement will include a defined number of designated accessible bays with additional space all round and with reference to PAS 1899:2022 recommendations for Accessible Charging Stations.
2. Charger operation will be specified with alternative language input and / or a graphical user guide to overcome language and cognitive issues.
3. Bay design will allow for additional difficulties faced by less able users in handling heavy cables and difficult to manage plugs.

Date to scope and plan your Equality Analysis:

06/03/2023

Date to complete your Equality Analysis:

06/03/2023

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

Louise Preston, Climate Change  
Manager

### 5. Governance, ownership and approval

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

| Name        | Job title                   | Date       |
|-------------|-----------------------------|------------|
| Steve Eling | Policy & Equalities Manager | 06/03/2023 |
|             |                             |            |
|             |                             |            |

### 6. Publishing

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

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

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

|  |  |
|--|--|
| <b>Date screening completed</b>  | 06/03/2023   |
| <b>Report title and date</b>   | Electric Vehicle Charging Project – Drummond Street Car Park |
| <b>If relates to a Cabinet, key delegated officer decision, Council, other committee or a significant operational decision – report date and date sent for publication</b> | 19 <sup>th</sup> June 2023                                   |
| <b>Date screening sent to Performance, Intelligence and Improvement</b><br><a href="mailto:equality@rotherham.gov.uk">equality@rotherham.gov.uk</a>                        | 06/03/2023   |

## Appendix 2

### 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: Electric Vehicle Charging Project – Drummond Street Car Park |   |
| Date of Equality Analysis (EA):   |   |
| Directorate:<br>R & E   | Service area:<br>Planning, Regeneration and Transport                                 |
| Lead Manager:<br>Andy Wilson  | Contact number:<br>01709 0254804  |
| Is this a:  |   |
| <input type="checkbox"/> Strategy / Policy  | <input type="checkbox"/> Service / Function <input checked="" type="checkbox"/> Other |
| If other, please specify  |   |

|   |
|---|
| Installation of Solar PV to generate electricity and Electric Vehicle Charging Infrastructure |
|---|

**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<br>(eg service user, managers, service specialist) |
|----------------|--------------|---|
| Andy Wilson    | RMBC         | Service Specialist                                      |
| Louise Preston | RMBC         | Manager   |
| Steve Cope     | 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)**

Provision of EV Charging Infrastructure available to all EV users in Rotherham.  
EV Charging brings added difficulties for less able users including difficulties of egress / entry from vehicles at the ChargePoint, handling heavy charging cables, manipulating awkward connectors into vehicle sockets, including potentially by wheelchair users. Those with cognitive or sensory difficulties or with mobility issues may have difficulties viewing electronic displays, and those for whom English is not the first language may have difficulty understanding how to operate the device.

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

[The Alternative Fuels Infrastructure Regulations 2017 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

PAS 1899:2022 Electric Vehicles – Accessible Charging – Specification

This Publicly Available Specification was sponsored by the charity Motability and Office for Zero Emission Vehicles (OZEV) involving consultation and engagement with over 20 organisations, agencies and user groups.

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

No local information included – a national standard has been developed.

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

Inclusion of accessibility and usability questions in the planned ongoing consultation exercise.

This being a permanent extension of previous consultation to provide a growing quantitative and qualitative analysis of the service to review this program and inform future programs.

|   |   |
|---|---|
| <b>Engagement undertaken with customers. (date and group(s) consulted and key findings)</b> | Reliant upon professional engagement in conjunction with BSI Standards Limited, and outcomes / recommendations set out in: PAS 1899:2022          |
| <b>Engagement undertaken with staff (date and group(s) consulted and key findings)</b>      | Consultation with Equality Team to focus on key challenges faced by users, how these would be addressed, and monitored to inform future programs. |

#### 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?**

Service will be designed to meet the needs of motorists of all communities and groups, with adaptations particularly aimed at enabling disabled access, addressing the needs of those with reduced sensory or cognitive ability, and those for whom English is not the first language.

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

Disabled users need additional space for vehicle entry / egress (as per disabled parking bays) and additionally space to manipulate charging equipment, of which the plugs and cables can be heavy and difficult to handle.

Charger displays need to be at a height suitable for wheelchair users, offering alternative languages and clear graphic displays to assist those with reduced sensory or cognitive ability, and those for whom English is not the first language.

The service cannot influence specific car manufacturer plug / socket types or locations on the vehicle which will be part of the users purchasing decision but will allow for all known designs to be used with the service.

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

Charging infrastructure will have the option to operate the key controls via an app which may be more convenient for some users. It is a general requirement that charging providers allow roaming so users with specific difficulties will be able to use their favourite and familiar app to address specific needs.

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

There is a risk that the provision of infrastructure will seem irrelevant to those who don't drive or cannot afford to own a car.

The Council has a duty to promote EVs and the charging infrastructure as a decarbonisation measure, a positive air quality intervention, and therefore of benefit to all members of the community.

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

|   |
|---|
| <b>Title of analysis:</b> Proposed Solar PV Canopy and EV Charging Infrastructure at Drummond Street Car Park |
| <b>Directorate and service area:</b> R & E, Planning, Regeneration and Transport                              |
| <b>Lead Manager:</b> Jonathan Marriott  |
| <b>Summary of findings:</b>   |
| Specification for program procurement will include reference to meeting PAS 1899:2022 recommendations.        |

| Action/Target  | State Protected Characteristics as listed below | Target date (MM/YY) |
|--|---|---------------------|
| Procurement specification to include the meeting of PAS 1899:2022 for installation.  | A, D, RE, PM, C, O                              | Q3 2023             |
| Establish formal route to consultation / data collection following installation to review for impact and inform future programs. | A, D, RE, PM, C, O                              | Q4 2024             |
|  |   |                     |
|  |   |                     |

\*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     |
|---------------|--|----------|
| Simon Moss    | Assistant Director Planning Regeneration and Transport | 31/05/23 |
| Cllr Lelliott | Cabinet Member for Jobs and the Local Economy          | 04/04/23 |

## 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](mailto: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.

|   |  |
|---|--|
| <b>Date Equality Analysis completed</b>   | 06/03/2023   |
| <b>Report title and date</b>  | EV Charging Project at Drummond Street Car Park: 15 <sup>th</sup> May 2023 |
| <b>Date report sent for publication</b>   |  |
| <b>Date Equality Analysis sent to Performance, Intelligence and Improvement</b><br><a href="mailto:equality@rotherham.gov.uk">equality@rotherham.gov.uk</a> | 06/03/2023   |

## Appendix 3 Carbon Impact Assessment

| Will the decision/proposal impact...                   | Impact            | If an impact or potential impacts are identified   |  |  |  |
|--|-------------------|--|--|--|--|
|  |                   | Describe impacts or potential impacts on emissions from the Council and its contractors.   | Describe impact or potential impacts on emissions across Rotherham as a whole. | Describe any measures to mitigate emission impacts     | Outline any monitoring of emission impacts that will be carried out  |
| Emissions from non-domestic buildings?                 | Reduces emissions | PV output will directly reduce carbon emissions within operational estate by up to 40 Tonnes CO2 PA over 40 year lifespan.                                     | Reduction  | -  | Output will be monitored and recorded.   |
| Emissions from transport?                              | Reduces emissions | Project will encourage and enable conversion to EV. Saving 202 Tonnes CO2 (year 1 estimate).<br><br>Some increased carbon emissions during construction phase. | Reduction  | Transport will be minimised during construction phase. | Amount of EV Charging will be monitored and recorded.<br><br>Contractors will be required to report project emissions. |
| Emissions from waste, or the quantity of waste itself? | No impact         | -  | -  | -  | -  |
| Emissions from housing and domestic buildings?         | No impact         | -  | -  | -  | -  |

|  |                |   |         |  |   |
|--|----------------|---|---------|--|---|
| Emissions from construction and/or development?  | Impact unknown | There will be minimal impact during the installation phase. | Minimal | Contractors will reduce emissions and environmental impact where possible. | Liaison with Council officers will include monitoring of activities to ensure minimal impact. |
| Carbon capture (e.g. through trees)?   | Nil            | -   | -       | -  | -   |
| Identify any emission impacts associated with this decision that have not been covered by the above fields:<br>Encouraging and enabling transition to Electric Vehicles (EV) will also reduce NOx emissions. |                |   |         |  |   |

Please provide a summary of all impacts and mitigation/monitoring measures:

Conversion of fossil fuelled transport to EV has a direct impact on local CO2 emissions and is even greater when on-site generation from PV is available.

Output from PV will be measured and recorded, along with how it is utilised both for EV Charging and in the Council operational estate.

Electricity used for EV Charging will be measured and reported using the Charge Point Management System (CPMS).

In each case established conversion factors will be applied for carbon reporting purposes.

Supporting information:

|   |   |
|---|---|
| Completed by:<br>(Name, title, and service area/directorate).                   | Andy Wilson, Energy Efficiency Officer, Asset Management Service, Regeneration and Environment  |
| Please outline any research, data, or information used to complete this [form]. | Experience of delivering and managing existing solar PV installations, EV ChargePoint installations, and combined EV / PV installations within the existing operational estate. |

|  |  |                 |      |      |                                     |
|--|--|-----------------|------|------|-------------------------------------|
| If quantities of emissions are relevant to and have been used in this form, please identify which conversion factors have been used to quantify impacts. | Average of 207,662kWh solar PV generated PA over 40-year lifespan saving 40 Tonnes of Carbon per year.   |                 |      |      |                                     |
|  | <a href="https://www.gov.uk/government/publications/greenhouse-gas-reporting-conversion-factors-2022">Greenhouse gas reporting: conversion factors 2022 - GOV.UK (www.gov.uk)</a>  |                 |      |      |                                     |
|  | Activity   | Country         | Unit | Year | Total kg CO <sub>2</sub> e per unit |
|  | Electricity generated  | Electricity: UK | kWh  | 2022 | 0.19338                             |
|  | CO2 Savings through conversion to EV calculated as follows:<br>* Assumes fuel mix 50% petrol, 50% diesel<br>*Usage 1kWh = 5km (3.1miles)<br>*Average CO2 emission diesel: 160g/km<br>*Average CO2 emission petrol: 173g/Km<br>Source: Shell Recharge |                 |      |      |                                     |
| Tracking [to be completed by Policy Support / Climate Champions]   |  |                 |      |      |                                     |

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**Committee Name and Date of Committee Meeting**

Cabinet – 19 June 2023

**Report Title**

Appointments to Outside Bodies

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

No, but it has been included on the Forward Plan

**Strategic Director Approving Submission of the Report**

Jo Brown, Assistant Chief Executive

**Report Author(s)**

Barbel Gale, Governance Manager  
01709 807665 or [barbel.gale@rotherham.gov.uk](mailto:barbel.gale@rotherham.gov.uk)

**Ward(s) Affected**

Borough-Wide

**Report Summary**

Outside bodies are external organisations which have requested that the Council appoint a representative to them. Outside bodies have separate governance structures to the Council. Appointments to outside bodies can be an important mechanism for community leadership, partnership and joint working and knowledge and information sharing.

The Council's Constitution states that Cabinet is responsible for the appointments to Outside Bodies. This report presents the nominations received and recommends the appointment of the nominees to the various organisations and partnerships.

**Recommendations**

That Cabinet:

1. Agrees that councillors be appointed to serve on outside bodies, as detailed on the schedule in Appendix 1

**List of Appendices Included**

Appendix 1 Proposed representatives on outside bodies 2022-2023  
Appendix 2 PART A - Initial Equality Screening Assessment  
Appendix 3 Climate Impact Assessment

**Background Papers**

The Council's Constitution

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

None.

**Council Approval Required**

No

**Exempt from the Press and Public**

No



## **Appointments to Outside Bodies**

### **1. Background**

- 1.1 Outside bodies are external organisations which have requested that the Council appoint a representative to them. Outside bodies have separate governance structures to the Council. Appointments to outside bodies can be an important mechanism for community leadership, partnership and joint working and knowledge and information sharing.

### **2. Key Issues**

- 2.1 The procedure rules governing the appointment of councillors to serve on outside bodies requires Cabinet to review the list of notified outside bodies and determine whether the authority should make or continue to make an appointment to those bodies. Determination should be based on one or more of the following criteria being met:
- the proposed appointment is a statutory requirement,
  - the proposed appointment would be consistent with the Council's policy or strategic objectives; and/or
  - the proposed appointment would add value to the Council's activities.
- 2.2 With regard to making appointments, Cabinet should first consider whether it is appropriate for an appointment to be a specific office holder, either by reference to the constitution of the outside body concerned, or in the light of any other circumstances as it (Cabinet) may determine. The procedure rules do not require Cabinet to adhere to the principles of political balance.
- 2.3 Cabinet is responsible for making any appointment to an outside body, other than those reserved to Overview and Scrutiny Select Commissions. In making such appointments, the procedure rules require Cabinet to have regard to a Member's current interests, prior to making any appointment.
- 2.4 The appointments to the South Yorkshire Mayoral Combined Authority are now dealt with at the Annual Council meeting and as such have been removed from the outside bodies list.

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

- 3.1 The appointment of representatives to outside bodies is at the discretion of Cabinet. It is evident that the level of appointments to outside bodies has an impact on already busy councillor workloads. Whilst retaining links with outside bodies is an important aspect of community leadership, it is also important that the activities of the Council and councillors are focused on corporate priorities.
- 3.2 Cabinet is therefore recommended to approve the appointment of nominees listed in Appendix 1.

**4. Consultation on proposal**

- 4.1 It is incumbent on the Council's political groups to nominate councillors to serve as representatives on outside bodies.
- 4.2 There is no requirement for consultation beyond internal political group arrangements.

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

- 5.1 In accordance with the procedure rules that govern the appointment of councillors to serve on outside bodies, Cabinet is accountable for the decisions it makes in appointing individual councillors. Appointments will take effect on 27 June 2023, following the end of the period where non-executive councillors can call-in decisions.

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

- 6.1 There are no financial implications arising from this report beyond any expenses that may be incurred from a Member's travel to and from a meeting outside of the borough. The Council's budget makes provision for members expenses, and these are reported in the Council's annual accounts.
- 6.2 There are no direct procurement implications arising from this report, however, should any of the outside bodies which also trade as economic operators bid for council contracts there may be a requirement for the appointed councillor to complete a declaration of interest in line with the Council's Financial and Procurement Procedure Rules.

**7. Legal Advice and Implications**

- 7.1 There are no specific legal implications arising from the report, but it is important for individual councillors appointed to outside bodies to be clear about the nature of the appointment, including whether they have a decision-making role or not. As set out at paragraph 12.2 below, different duties and responsibilities will apply depending on the individual councillor's role on the outside body. Councillors appointed to outside bodies will need to be clear as to whether their duty is to the Council or to the outside body and will need to identify any potential conflicts of interest.

**8. Human Resources Advice and Implications**

- 8.1 There are no human resources implications arising from this report.

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

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

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

- 10.1 As this report is submitted to enable the nomination of councillors for appointment to serve on outside bodies, an equality analysis has been undertaken. Political groups should have regard to the provisions of the Equality Act 2010 when making such appointments to outside bodies.

## **11. Implications for CO2 Emissions and Climate Change**

- 11.1 There are no implications for CO2 Emissions and Climate Change arising from this report however a Carbon Impact Assessment has been completed and is attached to the report as Appendix 3.

## **12. Implications for Partners**

- 12.1. The appointment of councillors to serve on outside bodies (i.e., external organisations and partnership) is intended to be a mutually beneficial act for both the authority and the bodies listed. The implications associated with the proposed appointments are considered to be positive.
- 12.2 It is important that partners, as much as councillors, understand the role that councillors undertake in serving on outside bodies. The role of the councillor can be as a representative, trustee or director as the table below demonstrates:

| <b>Title</b>   | <b>Brief Description of Role</b>   |
|----------------|--|
| Representative | Represents the Council's interests and provide advice, guidance and contributes at meetings of the organisation.   |
| Trustee        | To act in accordance with the trust deed and to protect the trust's assets. They must comply with the Trustee Act 2000.  |
| Director       | Has a duty of care towards the company, to act in the best interests of the company as a whole. Directors therefore have a "quasi-trustee" role taking proper care of the assets of the company. |

## **13. Risks and Mitigation**

- 13.1 No risks have been identified in respect of the recommendation in this report.

## **14. Accountable Officers**

Barbel Gale, Governance Manager  
Emma Hill, Head of Democratic Services

Approvals obtained on behalf of Statutory Officers: -

|  | <b>Named Officer</b> | <b>Date</b> |
|--|----------------------|-------------|
| Chief Executive  | Sharon Kemp          | 05/06/23    |
| Strategic Director of Finance & Customer Services<br>(S.151 Officer) | Judith Badger        | 31/05/23    |
| Assistant Director, Legal Services<br>(Monitoring Officer)           | Phil Horsfield       | 31/05/23    |

*Report Author:*      *Barbel Gale, Governance Manager*  
                                  01709 807665 or [barbel.gale@rotherham.gov.uk](mailto:barbel.gale@rotherham.gov.uk)

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

## APPENDIX 1 - PROPOSED REPRESENTATIVES ON OUTSIDE BODIES 2023/2024

| Outside Body  | Number of vacant positions | Specific appointment requirements if any   | Nominations   |
|---|----------------------------|--|---|
| Adoption Panel  | 2                          |  | <ul style="list-style-type: none"> <li>Councillor Hughes</li> <li>Councillor Griffin</li> </ul>   |
| Adults Safeguarding Champion  | 1                          |  | <ul style="list-style-type: none"> <li>Councillor Haleem</li> </ul>   |
| Armed Forces Champion   | 1                          |  | <ul style="list-style-type: none"> <li>Councillor Keenan</li> </ul>   |
| Aspire Trust  | 1                          |  | <ul style="list-style-type: none"> <li>Vacancy</li> </ul>   |
| Barnsley and Rotherham Chamber of Commerce                            | 1                          | Cabinet Member for Jobs and the Local Economy  | <ul style="list-style-type: none"> <li>Councillor Lelliott</li> </ul>   |
| Barnsley, Doncaster, and Rotherham Joint Waste Board                  | 1                          | Cabinet Member for Transport and Environment   | <ul style="list-style-type: none"> <li>Councillor Beck</li> </ul>   |
| Chesterfield Canal Partnership  | 1                          |  | <ul style="list-style-type: none"> <li>Councillor Beck</li> </ul>   |
| Chesterfield Canal Steering Group                                     | 5                          | Ward Members for: <ul style="list-style-type: none"> <li>Anston and Woodsetts.</li> <li>Wales</li> </ul> | <ul style="list-style-type: none"> <li>Councillor Baum-Dixon</li> <li>Councillor Tarmey</li> <li>Councillor Wilson</li> <li>Councillor Beck</li> <li>Councillor Havard</li> </ul> |
| Clinical Commissioning Group – Rotherham Governing Body               | 1                          | Cabinet Member for Adult Social Care and Health / Chair of Health and Wellbeing Board                    | <ul style="list-style-type: none"> <li>Councillor Roche</li> </ul>  |
| Complaints Panel  | 3                          | Non-Executive Members  | <ul style="list-style-type: none"> <li>Councillor Wyatt</li> <li>Councillor Baker-Rogers</li> <li>Councillor Hoddinott</li> </ul>   |
| Clinical Commissioning Group - Self-harm and Suicide Prevention Group | 1                          | Cabinet Member for Adult Social Care and Health / Chair of Health and Wellbeing Board                    | <ul style="list-style-type: none"> <li>Councillor Roche</li> </ul>  |
| Dinnington Resource Centre and Recreation Group - Board of Trustees   | 2                          |  | <ul style="list-style-type: none"> <li>Mrs. J. Havenhand</li> <li>Mrs J. Mallinder</li> </ul>   |

## APPENDIX 1 - PROPOSED REPRESENTATIVES ON OUTSIDE BODIES 2023/2024

| Outside Body   | Number of vacant positions        | Specific appointment requirements if any  | Nominations   |
|--|-----------------------------------|---|---|
| Doncaster Sheffield Airport Consultative Committee                         | 1<br>(Plus, one named substitute) |   | <ul style="list-style-type: none"> <li>Councillor Lelliott</li> <li>Councillor Beck(substitute)</li> </ul>  |
| Education Consultative Committee   | 5                                 | <ul style="list-style-type: none"> <li>Leader</li> <li>Deputy Leader</li> <li>Cabinet Member for Children and Young People's Services</li> <li>Chair of Improving Lives Select Commission</li> <li>Vice Chair of Improving Lives Select Commission</li> </ul> | <ul style="list-style-type: none"> <li>Councillor Read</li> <li>Councillor Allen</li> <li>Councillor Cusworth</li> <li>Councillor Pitchley</li> <li>Councillor Cooksey</li> </ul> |
| Education Transport Appeals Panel  | 6                                 | Panel of 6 Non-Executive Members  | <ul style="list-style-type: none"> <li>X 6 Vacancies</li> </ul>   |
| Emergency Planning Shared Services Joint Committee Rotherham and Sheffield | 2                                 | <ul style="list-style-type: none"> <li>Cabinet Member for Corporate Services, Community Safety and Finance</li> <li>Representative of Improving Lives Select Commission</li> </ul>  | <ul style="list-style-type: none"> <li>Councillor Alam</li> <li>Vacancy</li> </ul>  |
| Fostering Panel  | 2                                 |   | <ul style="list-style-type: none"> <li>Councillor Monk</li> <li>Councillor Pitchley</li> </ul>  |
| Health, Welfare and Safety Panel   | 6                                 | The Panel shall comprise six Elected Members of the Council to be appointed annually, including the Cabinet Member with responsibility for Corporate Services, Community Safety and Finance   | <ul style="list-style-type: none"> <li>Councillor Alam (other nominations to be selected from the relevant Boards,</li> </ul>   |

## APPENDIX 1 - PROPOSED REPRESENTATIVES ON OUTSIDE BODIES 2023/2024

| Outside Body   | Number of vacant positions        | Specific appointment requirements if any   | Nominations   |
|--|-----------------------------------|--|---|
|  |                                   |  | Commissions and Panels)   |
| Local Admissions Forum   |                                   | <ul style="list-style-type: none"> <li>Cabinet Member for Children and Young Peoples Service, along with two councillors appointed within the 'Community Representative' category of the Forum's membership</li> </ul> | <ul style="list-style-type: none"> <li>Councillor Cusworth</li> </ul>   |
| Local Government Association – General Assembly  | 3                                 | <ul style="list-style-type: none"> <li>Leader of the Council</li> <li>Deputy Leader of the Council</li> <li>One other member</li> </ul>  | <ul style="list-style-type: none"> <li>Councillor Read</li> <li>Councillor Allen</li> <li>Councillor Wyatt</li> </ul> |
| Local Government Association – Special Interest Group SIGOMA (Special Interest Group of Metropolitan Authorities | 1<br>(Plus, one named substitute) | <ul style="list-style-type: none"> <li>Cabinet Member with responsibility for Corporate Services, Community Safety and Finance</li> </ul>  | <ul style="list-style-type: none"> <li>Councillor Alam</li> <li>Substitute: Councillor Wyatt</li> </ul>               |
| Magna Board  | 1                                 |  | <ul style="list-style-type: none"> <li>Councillor Sheppard</li> </ul>   |
| National Association of British Market Authorities   | 1                                 |  | <ul style="list-style-type: none"> <li>Councillor Wyatt</li> </ul>  |
| National Association of Councillors  | 1                                 |  | <ul style="list-style-type: none"> <li>Councillor Wyatt</li> </ul>  |
| National Coal Mining Museum for England - Board  | 1                                 |  | <ul style="list-style-type: none"> <li>Councillor Wyatt</li> </ul>  |
| Parish Councils - Liaison Meetings   | 1                                 | Deputy Leader of the Council and Cabinet Member for Neighbourhood Working  | <ul style="list-style-type: none"> <li>Councillor Sarah Allen</li> </ul>  |
| PATROL (Parking and Traffic Regulations Outside London)  | 1                                 | Cabinet Member for Jobs and the Local Economy  | <ul style="list-style-type: none"> <li>Councillor Lelliott</li> </ul>   |

## APPENDIX 1 - PROPOSED REPRESENTATIVES ON OUTSIDE BODIES 2023/2024

| Outside Body  | Number of vacant positions | Specific appointment requirements if any   | Nominations  |
|---|----------------------------|--|--|
| Adjudication Joint Committee 2022-23  |                            |  |  |
| Prevent Champion's Network  | 3                          | <ul style="list-style-type: none"> <li>• Cabinet Member for Corporate Services, Community Safety and Finance</li> <li>• Chair of OSMB</li> <li>• One other Member</li> </ul> | <ul style="list-style-type: none"> <li>• Councillor Alam</li> <li>• Councillor Clark</li> <li>• Councillor Cusworth</li> </ul> |
| Regional Joint Health Overview and Scrutiny Committee                           | 1                          | Chair of the Health Select Commission  | <ul style="list-style-type: none"> <li>• Councillor Yasseen</li> </ul>   |
| Reserve Forces and Cadets Association for Yorkshire and the Humber              | 1                          | Armed Forces Champion  | <ul style="list-style-type: none"> <li>• Councillor Keenan</li> </ul>  |
| Rotherham Allotment Alliance  | 2                          | <ul style="list-style-type: none"> <li>• Cabinet Member for Social Inclusion</li> <li>• One other member</li> </ul>  | <ul style="list-style-type: none"> <li>• Councillor Sheppard</li> <li>• Vacancy</li> </ul>                                     |
| Rotherham Older People's Forum  |                            |  | <ul style="list-style-type: none"> <li>• Cllr Roche</li> </ul>   |
| Rotherham and District Citizen's Advice Bureau                                  | 1                          |  | <ul style="list-style-type: none"> <li>• Councillor Hoddinott</li> </ul>   |
| Rotherham Dementia Action Alliance  | 1                          |  | <ul style="list-style-type: none"> <li>• Councillor McNeely</li> </ul>   |
| Rotherham, Doncaster, and South Humber Foundation Health Trust Partner Governor | 1                          |  | <ul style="list-style-type: none"> <li>• Councillor Roche</li> </ul>   |
| Rotherham Ethnic Minority Alliance Board  | 2                          | <ul style="list-style-type: none"> <li>• One member</li> <li>• The Voluntary Sector Liaison Officer</li> </ul>   | <ul style="list-style-type: none"> <li>• Councillor Khan</li> <li>• Waheed Akhtar</li> </ul>                                   |
| Rotherham Foundation Health Trust - Council of Governors                        | 1                          |  | <ul style="list-style-type: none"> <li>• Councillor Baker-Rogers</li> </ul>  |



## APPENDIX 1 - PROPOSED REPRESENTATIVES ON OUTSIDE BODIES 2023/2024

| Outside Body   | Number of vacant positions | Specific appointment requirements if any  | Nominations  |
|--|----------------------------|---|--|
| Rotherham Local Safeguarding Children's Partnership          | 1                          | Cabinet Member for Children and Young People  | <ul style="list-style-type: none"> <li>Councillor Cusworth</li> </ul>  |
| Rotherham Partnership - Health and Wellbeing Board           | 3                          | <ul style="list-style-type: none"> <li>Cabinet Member for Adult Social Care and Health</li> <li>Cabinet Member for Children &amp; Young People's Service</li> <li>One other member</li> </ul> | <ul style="list-style-type: none"> <li>Councillor Roche</li> <li>Councillor Cusworth</li> <li>Councillor Foster</li> </ul> |
| Rotherham SACRE  | 2 plus Cabinet Member      | <ul style="list-style-type: none"> <li>Cabinet Member for Corporate Services, Community Safety and Finance</li> <li>Two other members</li> </ul>  | <ul style="list-style-type: none"> <li>Councillor Alam</li> <li>Councillor Griffin</li> <li>Vacancy</li> </ul>             |
| Rotherham Schools' Forum                                     | 2                          | <ul style="list-style-type: none"> <li>Cabinet Member for Children &amp; Young People's Service</li> <li>One other member</li> </ul>  | <ul style="list-style-type: none"> <li>Councillor Cusworth</li> <li>Councillor Yasseen</li> </ul>                          |
| Rotherham Together Partnership – Strategic Partnership Group |                            | <ul style="list-style-type: none"> <li>Leader of the Council</li> </ul>   | <ul style="list-style-type: none"> <li>Councillor Read</li> </ul>  |
|  |                            | <ul style="list-style-type: none"> <li>Safer Rotherham Partnership</li> </ul>   | <ul style="list-style-type: none"> <li>Chair</li> </ul>  |
|  |                            | <ul style="list-style-type: none"> <li>Business Growth Board</li> </ul>   | <ul style="list-style-type: none"> <li>Chair</li> </ul>  |
|  |                            | <ul style="list-style-type: none"> <li>Children and Young People's Partnership</li> </ul>   | <ul style="list-style-type: none"> <li>Chair</li> </ul>  |
|  |                            | <ul style="list-style-type: none"> <li>Health and Wellbeing Board</li> </ul>  | <ul style="list-style-type: none"> <li>Chair</li> </ul>  |
|  |                            | <ul style="list-style-type: none"> <li>Cultural Partnership Board</li> </ul>  | <ul style="list-style-type: none"> <li>Chair</li> </ul>  |

## APPENDIX 1 - PROPOSED REPRESENTATIVES ON OUTSIDE BODIES 2023/2024

| Outside Body   | Number of vacant positions        | Specific appointment requirements if any   | Nominations  |
|--|-----------------------------------|--|--|
| Rotherham Together Partnership – Business Growth Board                   | 1                                 | Cabinet Member for Jobs and the Local Economy  | <ul style="list-style-type: none"> <li>Councillor Lelliott</li> </ul>                                      |
| Rotherham Together Partnership - Children and Young People's Partnership | 1                                 | Cabinet Member for Children and Young People   | <ul style="list-style-type: none"> <li>Councillor Cusworth</li> </ul>                                      |
| Rotherham Together Partnership - Health and Wellbeing Board              | 1                                 | Cabinet Member for Adult Social Care and Health  | <ul style="list-style-type: none"> <li>Councillor Roche</li> </ul>   |
| Rotherham Together Partnership - Safer Rotherham Partnership             | 1                                 | Cabinet Member for Corporate Services, Community Safety and Finance  | <ul style="list-style-type: none"> <li>Councillor Alam</li> </ul>  |
| South Yorkshire Joint Committee on Archaeology                           | 2                                 |  | <ul style="list-style-type: none"> <li>Councillor Brookes</li> <li>Councillor Wyatt</li> </ul>             |
| South Yorkshire Joint Committee on Archives                              | 2                                 |  | <ul style="list-style-type: none"> <li>Councillor Brookes</li> <li>Councillor Wyatt</li> </ul>             |
| South Yorkshire Leaders Meeting  | 1<br>(Plus, one named substitute) | Leader of the Council<br>Substitute: Deputy Leader of the Council and Cabinet Member for Neighbourhood Working | <ul style="list-style-type: none"> <li>Councillor Read</li> <li>Councillor Allen</li> </ul>                |
| South Yorkshire Safer Roads Partnership                                  | 1<br>(Plus, one named substitute) | Cabinet Member for Transport and Environment   | <ul style="list-style-type: none"> <li>Councillor Beck</li> <li>Councillor Sansome (Substitute)</li> </ul> |
| Thomas Rotherham College – Governor                                      | 2                                 |  | <ul style="list-style-type: none"> <li>Councillor Yasseen</li> <li>Vacancy</li> </ul>                      |

## APPENDIX 1 - PROPOSED REPRESENTATIVES ON OUTSIDE BODIES 2023/2024

| Outside Body   | Number of vacant positions | Specific appointment requirements if any  | Nominations  |
|--|----------------------------|---|--|
| Transport Advisory Panel   | 1                          | Cabinet Member for Transport and Environment  | <ul style="list-style-type: none"> <li>Councillor Beck</li> </ul>  |
| Trans-Pennine Trail  | 1                          | Vice Chair of Planning Board  | <ul style="list-style-type: none"> <li>Councillor Bird</li> </ul>  |
| Trent Regional Flood and Costal Committee                              | 1                          | This appointment is supported jointly by Rotherham MBC and Doncaster MBC (rotated every four years) <ul style="list-style-type: none"> <li>Lead Councillor from Doncaster</li> <li>Substitute Member</li> </ul> | <ul style="list-style-type: none"> <li>Councillor Sheppard</li> </ul>  |
| Voluntary Action Rotherham   | 1                          |   | <ul style="list-style-type: none"> <li>Councillor Sheppard</li> </ul>  |
| Waste Re-cycling Group Ltd   | 1                          | Mr. K. E. Billington, confirmed from 28th July 2004. (as a Director)  | <ul style="list-style-type: none"> <li>Mr K Billington</li> </ul>  |
| Yorkshire and Humber (Local Authorities) Employer's Association        | 1                          | Cabinet Member for Corporate Services, Community Safety and Finance   | <ul style="list-style-type: none"> <li>Councillor Alam</li> </ul>  |
| Yorkshire and Humberside Children and Young People Lead Member Network | 1                          | Cabinet Member for Children and Young People  | <ul style="list-style-type: none"> <li>Councillor Cusworth</li> </ul>  |
| Yorkshire Purchasing Organisation Director                             | 1                          |   | <ul style="list-style-type: none"> <li>Councillor Atkin</li> <li>Councillor Wyatt (substitute)</li> </ul>                |
| Yorkshire and Humber Elected Member Prevent Champion's Network         | 3                          | <ul style="list-style-type: none"> <li>Cabinet Member for Corporate Services, Community Safety and Finance</li> <li>Chair of OSMB</li> <li>One other Member</li> </ul>  | <ul style="list-style-type: none"> <li>Councillor Alam</li> <li>Councillor Clark</li> <li>Councillor Cusworth</li> </ul> |
| Yorkshire and Humberside Strategic Migration Group                     | 2                          | Two Members appointed from South Yorkshire (currently Councillor J. Platts from Barnsley and Councillor G. Jones from Doncaster)  | For Information  |

## APPENDIX 1 - PROPOSED REPRESENTATIVES ON OUTSIDE BODIES 2023/2024

| Outside Body                                 | Number of vacant positions | Specific appointment requirements if any | Nominations   |
|--|----------------------------|--|---|
| Yorkshire Region and Coastal Flood Committee | 1                          |  | <ul style="list-style-type: none"><li>Councillor Sheppard</li></ul> |

## Appendix 2

### PART A - Initial Equality Screening Assessment

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

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

Completed at the earliest opportunity it will help to determine:

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

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

#### 1. Title

**Title:**

Appointment of Councillors to serve on Outside Bodies

**Directorate:**

Assistant Chief Executive

**Service area:**

Democratic Services

**Lead person:**

Barbel Gale & Emma Hill

**Contact number:**

01709 807665 & 01709 823566

Is this a:

☐

**Strategy / Policy**

☐

**Service / Function**

☒

**Other**

**If other, please specify**

There are a number of organisations which are independent from the Council but have an impact on its service areas. In order that the Council can maintain effective partnerships with a number of these organisations, representatives of the Council, usually elected Councillors, sit on the various committees and forums that are responsible for them.

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

The appointment of elected Councillors to external organisations and partnerships is intended to be a mutually beneficial act for both the authority and the organisations and partnerships concerned. When making appointments consideration is given as to whether the appointment should be a specific office holder, either by reference to the constitution of the organisation/partnership concerned or in light of any other circumstances, such as members of specific wards.

### 3. Relevance to equality and diversity

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

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

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

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

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

The appointment of elected Councillors to external organisations and partnerships is intended to be a mutually beneficial act for both the authority and the organisations and partnerships concerned.

These appointments enable engagement with the wider community both at a local and borough wide level.

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

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

#### 4. Considering the impact on equality and diversity

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

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

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

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

The list of outside bodies has been developed over time to ensure it is representative of an appropriate number of local and regional organisations that represent and champion a diverse range of disciplines. Many of these are statutory appointments but a significant number have been derived through local choice.

The appointments made by Cabinet to local and regional bodies and organisations helps build relationships with organisations which are constituted to champion equality and diversity and represent the interests of all protected characteristics.

In appointing elected Members to these bodies, the Council, through Cabinet, maintains active links with these organisations and ensures mutual understanding around, and the promotion of, core and common beliefs and ethics.

- **Key findings**

The outside bodies to which elected members are appointed can be directly associated with the role the outside bodies take to support the expectations and rights of all protected characteristics.

Additional appointments foster links with environmental organisations.

- **Actions**

To support the implementation of this decision, officers within Democratic Services will endeavour to:

- Ensure appointments have been made to all outside bodies and where required assist the Leader and Cabinet with making those appointments, and in doing so, paying due regard to the Public Sector Equality Duty.
- Provide continued support to those Members appointed to serve on outside bodies (logistical support – Democratic Services, Policy support – Policy and Performance team, local awareness support – Neighbourhoods Team, thematic

|  |  |
|--|--|
| knowledge support - directorates), including the need to make reasonable adjustments where needed in terms of the support offered. <ul style="list-style-type: none"> <li>• Capture feedback from members in their role on outside bodies and regarding equalities related matters and impacts, through a mid-year assessment and informal discussions.</li> </ul> |  |
| Date to scope and plan your Equality Analysis:   |  |
| Date to complete your Equality Analysis:   |  |
| Lead person for your Equality Analysis<br>(Include name and job title):  | Emma Hill, Head of Democratic Services |

### 5. Governance, ownership and approval

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

| Name      | Job title                   | Date |
|-----------|-----------------------------|------|
| Emma Hill | Head of Democratic Services |      |

### 6. Publishing

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

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

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

|   |   |
|---|---|
| Date screening completed  | 26/4/2023   |
| Report title and date   | Appointment of Councillors to serve on Outside Bodies |
| If relates to a Cabinet, key delegated officer decision, Council, other committee or a significant operational decision – report date and date sent for publication |   |
| Date screening sent to Performance, Intelligence and Improvement<br><a href="mailto:equality@rotherham.gov.uk">equality@rotherham.gov.uk</a>                        |   |



| Will the decision/proposal impact...   | Impact | If an impact or potential impacts are identified   |  |  |   |
|--|--------|--|--|--|---|
|  |        | Describe impacts or potential impacts on emissions from the Council and its contractors. | Describe impact or potential impacts on emissions across Rotherham as a whole. | Describe any measures to mitigate emission impacts | Outline any monitoring of emission impacts that will be carried out |
| Emissions from non-domestic buildings?   | N/A    |  |  |  |   |
| Emissions from transport?  | N/A    |  |  |  |   |
| Emissions from waste, or the quantity of waste itself?   | N/A    |  |  |  |   |
| Emissions from housing and domestic buildings?   | N/A    |  |  |  |   |
| Emissions from construction and/or development?  | N/A    |  |  |  |   |
| Carbon capture (e.g. through trees)?   | N/A    |  |  |  |   |
| Identify any emission impacts associated with this decision that have not been covered by the above fields:<br>N/A |        |  |  |  |   |

Please provide a summary of all impacts and mitigation/monitoring measures:  
N/A

|   |   |
|---|---|
| Supporting information:   |   |
| Completed by:<br>(Name, title, and service area/directorate).   | Barbel Gale, Governance Manager<br>Governance, Democratic Services, Assistant Chief Executive's Directorate |
| Please outline any research, data, or information used to complete this [form].   | N/A   |
| If quantities of emissions are relevant to and have been used in this form please identify which conversion factors have been used to quantify impacts. | N/A   |
| Tracking [to be completed by Policy Support / Climate Champions]  | N/A   |

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