



CABINET

Monday 18 December 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,
Housing and Neighbourhood Working Portfolio
Adult Social Care and Health Portfolio
Children and Young People Portfolio
Corporate Services, Community Safety and Finance Portfolio
Jobs and the Local Economy Portfolio
Social Inclusion and Environment Portfolio

Councillor Chris Read
Councillor Sarah Allen

Councillor David Roche
Councillor Victoria Cusworth
Councillor Saghir Alam
Councillor Denise Lelliott
Councillor Dave Sheppard

Rotherham
Metropolitan
Borough Council 

CABINET

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

Date and Time: Monday 18 December 2023 at 10.00 a.m.

Agenda Contact Governance Unit – 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 answer received.

Councillors may also ask questions under this agenda item.

4. Minutes of the Previous Meeting (Pages 7 - 27)

To receive the record of proceedings of the Cabinet meeting held on 20 November 2023.

5. Exclusion of the Press and Public

Agenda Item 11 has an exempt appendix. Therefore, if necessary when considering those items, the Chair will move the following resolution:-

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

ADULT SOCIAL CARE AND HEALTH

6. Adult Social Care Mental Health Review (Pages 29 - 98)

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

Recommendation:

That Cabinet:

1. Approve the proposals for a new Adult Social Care mental health model of provision for the Borough.
2. Approve the development of a co-designed Council Mental Health Strategy for Rotherham, with the strategy being presented back to Cabinet for approval in 2025, prior to publication.

CHILDREN AND YOUNG PEOPLE

7. Expansion of Waverley Junior Academy (Pages 99 - 121)

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

Recommendations:

1. That Cabinet note release of the Section 106 funding, as per the agreement with Harworth, to create additional capacity of 210 places at Waverley Junior Academy now that trigger has been met.
2. That Cabinet approve the addition of the proposed expansion to the Capital Programme.

8. Home to School Transport Policy (Pages 123 - 177)

Report from the Strategic Director of Regeneration and Environment.

Recommendations:

1. That Cabinet approve the draft Policy for consultation.
2. That Cabinet approve the approach to the public consultation.

CORPORATE SERVICES, COMMUNITY SAFETY AND FINANCE

9. Fly Tipping and Littering Fixed Penalty Charge Increase (Pages 179 - 193)

Report from the Strategic Director of Regeneration and Environment.

Recommendations:

That Cabinet:

1. Agree the proposed increased level of fixed penalties prescribed by sections 2 and 3 of The Environmental Offences (Fixed Penalties) (Amendment) (England) Regulations 2023.
2. To agree to recommend the proposed increases in maximum levels of fixed penalties to Council for adoption as part of the setting of fees and charges for the 2024 to 2025 financial year.

DEPUTY LEADER AND CABINET MEMBER FOR HOUSING AND NEIGHBOURHOOD WORKING

10. Aids and Adaptations Assistance Policy (Pages 195 - 291)

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

Recommendations:

That Cabinet:

1. Approve the adoption of the new Aids and Adaptations Assistance Policy (Appendix 1) and note the new scheme of delegation for authorising grants.
2. Approve the proposed increase in Disabled Facilities Grant fees from 10% to 15% in order to pay for additional administrative and technical services costs associated with the new Policy and note that the Council is permitted to include necessary and reasonable fees associated with Disabled Facilities Grant applications within the overall cost of the eligible works.

3. Delegate authority to the Strategic Director of Adult Care Housing and Public Health who can subdelegate to the Assistant Director of Housing in consultation with the Cabinet Member for Housing to prioritise or withdraw discretionary assistance in accordance with the Aids and Adaptations Assistance Policy and in line with the available budget.
4. Delegate authority to the Strategic Director of Adult Care Housing and Public Health to make minor amendments to the Policy when the need is identified.

JOBS AND THE LOCAL ECONOMY

11. Rotherham Markets & Central Library (Pages 293 - 345)

Report from the Strategic Director of Regeneration and Environment.

Recommendation:

1. That Cabinet approve development of the Rotherham Markets and Library complex to deliver the proposed Rotherham Markets & Library redevelopment within the values detailed in exempt Appendix 2.

12. Hackney Carriage and Private Hire Licensing Policy (Pages 347 - 615)

Report from the Strategic Director of Regeneration and Environment.

Recommendations:

That Cabinet:-

1. Adopt the draft Hackney Carriage and Private Hire Licensing Policy 2023 attached as Appendix 1.
2. Agree to the implementation of the policy requirements according to the implementation scheme detailed at Appendix 3.
3. Agree to a further review in relation to vehicle signage and driver identification, as described in section 2.5 of this report.

13. House to House Collection Policy (Pages 617 - 657)

Report from the Strategic Director of Regeneration and Environment.

Recommendation:

1. That Cabinet adopts the House to House Collections Policy that is attached to this report as Appendix 1.

LEADER OF THE COUNCIL

14. Covid Recovery Fund (Pages 659 - 671)

Report from the Strategic Director of Finance and Customer Services.

Recommendation:

That Cabinet agree to:

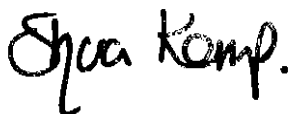
1. Approve the proposed use of the remainder of the Covid Recovery Fund as follows:
 - a. £550k cash grant scheme to provide support for households with the rising cost of energy bills; and
 - b. £50k to facilitate the administration of the energy grant proposal.

15. 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 13 December 2023.

16. Date and Time of Next Meeting

The next meeting of the Cabinet will be held on Monday 22 January 2024 commencing at 10.00am in Rotherham Town Hall.



SHARON KEMP,
Chief Executive.

THE CABINET
Monday 20 November 2023

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

Apologies for absence were received from Councillors Cusworth and Lelliott.

79. DECLARATIONS OF INTEREST

The following declarations of interest were made:

Agenda Item	Councillor	Interest Type	Nature of Interest
13 – Scrutiny Review Recommendations – Selective Licensing	Councillor Sheppard	Non-pecuniary	Personal property is within Parkgate which is within a Selective Licensing designated area.

80. QUESTIONS FROM MEMBERS OF THE PUBLIC

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

81. MINUTES OF THE PREVIOUS MEETING

Resolved:-

That the minutes of the Cabinet meeting held on 16 October be approved as a true and correct record of the proceedings.

82. EXCLUSION OF THE PRESS AND PUBLIC

The Chair advised that appendices to Minute numbers 89, and 90 contained exempt information, however, the meeting remained open to the public and press throughout.

83. SEPTEMBER 2023-24 FINANCIAL MONITORING REPORT

The report set out the financial position as at the end of September 2023 and forecast for the remainder of the financial year, based on actual costs and income for the first six months of 2023/24. As at September 2023, the Council estimated an overspend of £4.2m for the financial year 2023/24. This was largely due to demand led pressures on Children's residential placements and home to school transport as well as the impact of inflationary pressures in the economy, particularly on food prices, and the legacy impact of lockdown restrictions on some directorate's services,

especially in Regeneration and Environment.

The economic climate remained turbulent, with challenges in projecting where inflation would move and the pace at which it would move. Inflation was slowing although there were variances below the headline rate: food prices were starting to fall but petrol and diesel prices were increasing. The overall reduction would help support the Council's Budget for 2023/24 but the position would be closely monitored.

As the Local Government Financial Settlement was only for one year, it would lead to uncertainty for local government beyond 2023/24. There would be significant challenges regarding funding of social care. This was illustrated by the volume of Local Authorities having to issue S114 notices which indicated that a council's forecast income was insufficient to meet its forecasted expenditure for that year.

The Local Government Association (LGA) Pay Award had been agreed and the full financial impact was £4m greater than was assumed within the Budget for 2023/24. However, it was anticipated that this could be funded through temporary savings within Treasury Management.

In order to support improved levels of new foster carers and greater retention of existing foster carers, a series of amendments and new foster care fees and allowances were proposed. The financial impact of these would be mitigated by the cost avoidance that they would generate by creating new foster carers or retaining them and therefore limiting the need for more expensive external placements. The table at paragraph 2.74 of the report outlined the new and amended proposals to fostering allowances and payments to support Rotherham in the recruitment and retention of in-house foster carers.

Following the flooding event within the borough on the 21 October 2023 and the significant impact on a number of households, the Council was providing immediate financial support to those residents most impacted. The Council's financial support to help residents impacted by Storm Babet would include a £350 grant direct to each flooded household and a promise that those households would not have to pay any Council Tax for the period from 21 October until at least the end of March 2024. Further information relating to the flooding event and the support being offered was set out in paragraph 2.76 to 2.81 of the report.

A further report would be presented to Cabinet in January 2024 which could present a more certain picture of the Council's Directorate financial position and the impact on the Council's Medium Term Financial Strategy.

During the meeting, the Strategic Director of Finance and Customer Service confirmed that a significant number of residents impacted by the floods had already received the grant. The Strategic Director of Children and Young People's Services confirmed that the amendments and new foster care fees and allowances were necessary to stay abreast of local

competition and match other local authorities. Changes were already having a positive impact on the level of foster carers.

Resolved:-

That Cabinet:

1. Note the current General Fund Revenue Budget forecast overspend of £4.2m.
2. Note that actions will continue to be taken to reduce the overspend position but that it is possible that the Council will need to draw on its reserves to balance the 2023/24 financial position.
3. Approve the proposed changes to In-House Fostering Fees and Allowances as set out in section 2.74.
4. Note the local flood recovery financial support and the wider Government funded schemes, as set out in section 2.76.

84. MEDIUM TERM FINANCIAL STRATEGY UPDATE

The Council's Medium Term Financial Strategy (MTFS) 2023/24 through to 2025/26 was approved at Council in March 2023. Since approval of the MTFS there had been continuing financial challenges as a result of global factors, with inflation remaining high and impacting costs, in particular impacting food prices and the costs of materials/goods and so impacting repairs, maintenance and transport costs. Although inflation had been reducing during the year it had not been at the pace projected in the Council's MTFS that mirrored Governments and the Bank of England assumptions. In addition, the Local Government Association (LGA) Pay Award for 2023/24 was agreed on 1 November 2023. The impact of this pay offer was estimated to be £4m above the position built into the Council's Budget for 2023/24 and would be funded during 2023/24 through temporary savings from Treasury Management factored into Central Services. The ongoing impact would be factored into the Council's Medium Term Financial Strategy.

This update of the MTFS included resource forecasts based on estimated increases to core funding streams that were inflated annually by CPI. These resource assumptions would be reviewed again when the Provisional Local Finance Settlement 2024/25 was released in December 2023, which would set out the specific amounts of Government funding to be provided to the Council or should Government make any clear announcements before then. Government could clarify their expectations for inflating core funding streams in their announcement on the 22 November 2023.

This update of the MTFS also included the Council's latest financial assumptions, taking into account estimated income from Business Rates

and Council Tax, impact of inflation on service cost and demand pressures and the Council's timeline for the delivery of agreed savings across the MTFS. This update would support and inform the detailed budget setting process for 2024/25, alongside taking into account the outcomes of the Finance Settlement and Members' policy choices and decisions on Council Tax levels.

The current MTFS forecasts identified that the Council was able to provide a balanced budget for 2024/25 but faced a significant financial challenge in setting a balanced budget for 2025/26. Therefore, it was expected that additional use of reserves would be required for 2023/24 and likely for 2025/26. This position was subject to review when the Finance Settlement for 2024/25 was received. The key challenge for 2025/26 was that there was significant uncertainty as to how Government's Financial Settlement for 2025/26 would look, as Government were only releasing single year Financial Settlements and where there were multiple year grants, they only run up until 2025/26. In addition, there was due to be national Government elections prior to the 2025/26 financial year.

Paragraph 2.6 of the report set out the financial challenges that had been identified and would need to be considered as part of the Council's Budget and MTFS setting process for 2024/25. These were:

- Placement pressures within Children and Young People's Services and Adults Social Care.
- Home to School Transport pressures within Regeneration and Environment and Children and Young People's Services.
- Inflationary costs impacting the cost of food in Schools Catering and contractual and provider inflation impacting Children and Young People's Services.

The report was considered by the Overview and Scrutiny Management Board (OSMB), who advised that the recommendations be supported. They also requested that an all Member Seminar on Council Finances including Treasury Management and Investments be arranged. This request was supported by Cabinet.

Resolved:-

1. That the Medium Term Financial Strategy update be noted.
2. That Cabinet note the potential requirement to use reserves in order to balance the Council's outturn position for 2023/24.
3. That an all Member Seminar on Council Finances including Treasury Management and Investments be arranged.

**85. POLLING DISTRICTS AND POLLING PLACES REVIEW 2023 -
APPROVAL OF POLLING DISTRICTS AND POLLING PLACES
SCHEME**

Consideration was given to the report which detailed the responses and final proposals following the Polling Districts and Polling Places Review 2023 that had been undertaken between 2 October and 30 October 2023. Cabinet had agreed the timetable for the review in September 2023 as per Minute 55. Twenty responses had been received commenting on 27 polling districts. A summary of the responses and the Returning Officer's comments were provided in Appendix 3.

As a result of the representations made during the consultation, the final proposals contained four changes in addition to the initial proposals:

- a. Brinsworth Ward: It is proposed to amend the polling district boundary between BWD and BWC to move numbers 69 to 83 Whitehill Lane and four properties on Orchard Way from polling district BWD to BWC.
- b. Brinsworth Ward: It is proposed to move the polling district boundary between BWD and BWB to move 58 to 68 Brinsworth Lane from BWD to BWB.
- c. Brinsworth Ward: It is proposed to move the polling district boundary between BWD and BWE to move 56 Brinsworth Lane from BWD to BWE.
- d. Greasbrough Ward: It is proposed that Greasbrough Library is designated the polling place for GRA polling district, instead of Greasbrough Primary School.

Further details of the final proposals and the polling place scheme were set out in Appendix 2.

At the meeting, the Elections Manager confirmed that, due to the introduction of Voter ID requirements, the Electoral Commission had lowered the recommended maximum number of polling station electors that should be allocated to a polling station. The recommended maximum had reduced from 2,500 to 2,250. Currently seven polling districts exceeded this new lower maximum station electorate figure; therefore, changes were proposed as part of the Returning Officer's proposals.

If agreed by Cabinet, the recommendations would be presented to full Council in November 2023 for approval.

Resolved:-

That Cabinet recommend to Council that: -

1. The submissions made in respect of the review of polling districts and polling places for the Borough of Rotherham be noted.
2. Approval of the adoption of the polling district boundaries as outlined in Appendix 2 and the maps found in Appendix 5.
3. Approval of the final proposals for polling places as detailed in Appendix 2 to this report.
4. The Electoral Registration Officer is requested to make the necessary amendments to the polling districts to take effect from publication of the revised register on 1 December 2023.
5. The Electoral Registration Officer is requested to make the necessary amendments to the RVB and RVD polling district boundaries to take effect from publication of the revised register following the next UK Parliamentary General election.
6. Power to designate polling places in accordance with section 18B of the Representation of the People Act 1983 is continued to be delegated to the Chief Executive.

86. BOROUGH WIDE PUBLIC SPACE PROTECTION ORDER

Consideration was given to the report which detailed the proposals to redesignate the Borough Wide Dog Fouling Public Spaces Protection Order. On 21 September 2020, Cabinet had agreed to implement a new Dog Fouling Public Spaces Protection Order to come into effect from 1 October 2020. Such an order could only be in place for three years, meaning the Council had to consider whether to make a further Order.

A public and stakeholder consultation took place between 26 June 2023 and 6 August 2023. This took the form of an online public consultation via the Council's website, and direct invitations to key statutory agencies, such as the Police and Community groups, such as RotherFed. Consultation on any proposed order was a statutory requirement and following a review of the level of feedback received, it was decided a further period of consultation should be delivered in order to increase responses. This also included additional face to face engagements and took place between 2 and 16 October 2023.

Appendix 2 provided an overview of the Consultation responses. In total:

- 103 responses were received.
- 43% of respondents were in support, with 17% preferring not to say. This meant there was a majority of respondents in support of the proposed order.

- When asked if the proposed conditions were aligned to respondents priorities, 83% agreed.
- Comments received suggested that Dog Fouling remained a key community concern.
- Some responses alluded to issues with resourcing and visibility of officers enforcing the Order.

Following the review, it was recommended that the new Order be on the same terms as the previous Order which was to make it an offence for an individual to fail to remove dog faeces if they were in charge of the dog.

It was acknowledged that levels of enforcement were lower than desired, and this needed to be further considered as it could directly impact the effectiveness of any order and any potential scope to increase the number of offences covered by the order. As a result of low levels of enforcement across PSPO's in general, officers would lead a review of the enforcement capacity and capability as it related to PSPO's in order to inform future orders. In light of this, it could be appropriate to deliver a shorter duration PSPO to allow for enforcement to be reviewed and any further conditions to be properly considered.

Appendix 1 to the report was the draft final order for the Borough wide PSPO. Prior to the meeting, it was confirmed that the incorrect map had been included in Appendix 1 and did not show the correct location for the designation. The correct map was circulated during the meeting and Members made their decision based on this map which showed the designation as covering the whole Borough.

Resolved:-

1. That Cabinet approves the designation of a new Public Spaces Protection Order in the Borough as detailed in Appendix 1 (as corrected during the meeting), for a period of one year.

87. TOWN CENTRE/CLIFTON PARK PUBLIC SPACE PROTECTION ORDER

Consideration was given to the report which detailed the proposals to renew the Town Centre and Clifton Park Public Spaces Protection Order (PSPO.) On 21 September 2020, Cabinet agreed to the implementation of a Public Spaces Protection Order for the Town Centre and Clifton Park to come into effect from 1 October 2020. The relevant statute dictated that such Orders could only be in place for a maximum of three years at a time, and, therefore, the Council had to consider whether to make a further order.

A public and stakeholder consultation took place between 26 June 2023 and 6 August 2023. This took the form of an online public consultation via the Council's website, and direct invitations to key statutory agencies, such as the Police and Community groups, such as RotherFed.

Consultation on any proposed order was a statutory requirement and following a review of the level of feedback received, it was decided a further period of consultation should be delivered in order to increase responses. This also included additional face to face engagements and took place between the 2 and the 16 of October 2023.

Appendix 2 provided an overview of the Consultation responses. In total:

- 151 responses were received.
- 58% of respondents were in support of the proposed Order (11% preferred not to say), with strong support for the suggested Clauses – 83% confirming that they felt the Clauses matched key priorities for all stakeholders.
- Comments were received suggesting that there were common issues in the Town Centre with anti-social behaviour, which match the requirements of the Order.

Following public and stakeholder consultation, the preferred option was to renew the Order formally, with an additional clause regarding vehicle nuisance, due to the significant evidence presented. In addition, and in acknowledgement of the enforcement challenges, it was proposed that the order be made for one year only to allow for a review of the enforcement approach and any wider variations that may be required in future.

The renewed order would cover the same area, with largely the same conditions as previously included in the Order. This included making it an offence for an individual to be found to be:

- Continuing to consume alcohol when required to stop doing so by any authorised officer.
- Behaving in such a way or using language that causes, or is likely to cause, harassment, alarm or distress to another person.
- Approaching people for marketing or fund-raising purposes without an appropriate Licence.
- Urinating or defecating in public, other than within designated public toilets.
- Spitting saliva or any other product from the mouth.
- Being in charge of a motor vehicle and using it in a way to cause a nuisance to others or anti-social behaviour.

The order would also require individuals to keep dog on a lead (other than in the designated dog exercise areas in Clifton Park).

Appendix 1 to the report was the draft final order for the Town Centre and Clifton Park Public Space Protection Order.

Resolved:-

That Cabinet approves the designation of a Public Space Protection Order in the Town Centre and Clifton Park, as detailed in Appendix 1, for

a period of one year.

88. CANKLOW DEVELOPMENT – ADULT CARE AND HOUSING DELIVERY PROGRAMMES

Consideration was given to the report which sought approval from Cabinet to further develop the Council-owned Warden Street/Castle Avenue site in Canklow. It was stated that it would provide much needed housing and social care provision on a site that had been dormant for many years. The proposals included two adult care apartments and one larger property providing accommodation with support, along with 13 new homes for council rent. It was also proposed that the finalised capital investment required for the Castle View Day Centre be approved.

Cabinet approved the construction of a new day centre facility in Canklow to replace the existing Learning Disability Day Service on 17 October 2022. The new service would offer modern accessible day opportunities with multi-functional fit for purpose facilities that promoted independence, wellbeing and social inclusion. Cabinet previously agreed an investment of £2.1m capital funding for the development of Castle View. However, the report at that time stated that this was only indicative build costs. Updated formal detailed estimated costed plans had now been provided by the procured contractor which totalled £5,917,386 for the ground works and build costs. Including an additional £500,000 cost for fitting out and furnishing the building upon handover, the total capital investment by the Council's Adult Social Care Service would be £6,417,386. An additional breakdown of the costs was set out in paragraph 2.5 of the report.

It was proposed that the accommodation with support solutions for people with complex needs be split into one seven-bed property and two two-bed apartments. Investment in accommodation with support within the borough would address known gaps within the care sector, enable people to remain closer to home and maintain relationships which were important to them, ultimately enabling people to age and live well. The indicative funding requirement equated to a total of £1,902,690 and would be funded from the Council's Adult Social Care Capital Fund. Full and accurate costings would be confirmed by March 2024 in accordance with the build programme plan.

The proposed new homes at Warden Street had been included in previous Housing Delivery Programme reports to Cabinet, meaning that use of the site for the purpose of new housing development had been approved. The report therefore sought approval from Cabinet to build a projected 13 new homes on Warden Street. Original forecasts for the site indicated potential for up to 25 new homes. However this had since been revised down because pre-application advice from the Planning Service identified that 25 homes could be considered over-development of the available area and the Housing service had been directly commissioned by the Adult Care service to build two large, specialist supported dwellings which would reduce the land area available for these homes.

Given the absence of any local Council provision for older people or acute needs, the proposed scheme design comprised 12, two-bed apartments for older people along with a four-bed wheelchair user dwelling, designed to make best use of the available space.

Parts of the land at Castle Avenue/Warden Street were separately held in the General Fund and Housing Revenue Account respectively. To support the planned developments, appropriation of land between the General Fund and HRA would therefore be necessary. Appendix 1 identified the specific areas of land which were to be appropriated between the General Fund and HRA.

During the meeting, the Strategic Director of Adult Care, Housing and Public Health confirmed that the current building used for the day service did not belong to the Council. By moving to a purpose-built, Council owned facility it would provide security for residents going forward.

Resolved:

That Cabinet:

1. Approve the finalised capital investment proposals for Castle View Day Centre.
2. Approve the development of the proposed supported accommodation model for Adult Social Care which includes two apartments, a larger property, and the required capital investment.
3. Delegate authority to the Strategic Director of Adult Care, Housing and Public Health, in consultation with the Cabinet Member for Adult Social Care and Health, to progress and formalise the commissioned care model for the adult social care supported living properties, to ensure compliance with statutory and regulatory requirements.
4. Approve the development of 13 new homes for council rent, on Warden Street, to be funded from resources approved as part of the Council's Housing Revenue Account.
5. Approve the appropriation of land between the General Fund and Housing Revenue Account, as identified in Appendix 1, subject to Secretary of State consent.
6. Delegate authority to the Strategic Director of Adult Care, Housing and Public Health, in consultation with the relevant Cabinet Member to make amendments to the scheme design, where this is necessary to comply with Planning or other statutory consultee requirements, or where site conditions otherwise prescribe a design alteration.

89. DISPOSAL OF LAND AT DONCASTER GATE ROTHERHAM

Consideration was given to the report which sought approval to dispose of the Council's freehold interest in the land at Doncaster Gate. The Council acquired the freehold of the entire site of the former Doncaster Gate Hospital and grounds in 2009 to facilitate the then Civic Core regeneration and to provide temporary accommodation for Council staff prior to the completion of Riverside House.

The majority of the land at Doncaster Gate had been leased or sub-leased to different parties since the Council had acquired it. The University College Rotherham (UCR) had been developed on part of the site and a further plot of land was sold to facilitate potential future expansion of the UCR.

The remaining land was surplus to operational requirements of the Council and there was no benefit to holding the interest. The disposal of the asset would produce a capital receipt and contribute towards the Council's Medium Term Financial Strategy. The sale would also alleviate the Council from managing the service charge provision as this would be passed to the new owner to manage. The Council would engage appropriate specialist property agents to manage the disposal process to ensure best value, should Cabinet agree to the proposals.

Appendix 1 to the report was a plan that showed the freehold interest in the site edged in red. Appendix 2 was a restricted document that contained the financial information relating to the disposal.

Resolved:

1. That Cabinet approve the disposal of its freehold interest in the land as shown edged in red at Appendix 1.
2. That Cabinet agree that the Assistant Director of Planning, Regeneration and Transport negotiates the terms and conditions of the disposal and that the Assistant Director of Legal Services completes the necessary documentation.

90. DISPOSAL OF 1 TREEFIELD CLOSE ROTHERHAM

Consideration was given to the report which sought approval to dispose of 1 Treefield Close at market value which would be determined independently by the District Valuer. The Council had determined that the property was no longer required for operational purposes and as such, was surplus and proposed for disposal.

The property, identified edged red within the attached Appendix 1, had been used previously by Adult Social Care services for a Respite Centre. Following Cabinet Approval on 21 May 2018 for the transformation of the

Learning Disability Service over the period 2018-2020, Treefield Respite Centre was decommissioned, and services were relocated from the existing building to alternative care and support provided within the local community. As a result of this, Treefield Respite Centre became surplus to the service requirements.

The valuation of the property when it is to be disposed of is to be determined by the District Valuer which was detailed in exempt Appendix 2.

Resolved:-

1. That Cabinet approves the disposal of 1 Treefield Close at Market Value.
2. That the Assistant Director of Planning, Regeneration and Transport negotiates the terms and conditions of the disposal on the basis set out within exempt Appendix 2.

91. CUMULATIVE IMPACT ASSESSMENT (LICENSING ACT 2003)

Consideration was given to the report which presented the findings of the review and consultation on the Cumulative Impact Assessment. The Council published a Cumulative Impact Assessment for the first time in 2020, alongside a full review of the Council's Statement of Licensing Policy and Cumulative Impact Statement, as part of the Licensing Act 2003. Although the Council's Licensing Policy was not required to be reviewed until 2025, the Cumulative Impact Assessment had to be reviewed every three years. The Council's current Cumulative Impact Assessment impacted part of Wickersley North, and Thurgroft and Wickersley South wards.

In 2020, the Council implemented a Cumulative Impact Policy, as part of the Statement of Licensing Policy, which outlined the Council's approach to Cumulative Impact within the Borough. The Policy included a cumulative impact assessment for an area of Wickersley, as the Council believed that the number of licensed premises within the area was such that any further premises would be inconsistent with the promotion of the licensing objectives.

The current Cumulative Impact Assessment had been reviewed and consulted upon. In total, there had been 53 responses to the consultation, 47 of which related to Wickersley. The key findings from the consultation were set out in paragraphs 2.4 to 2.12. As a result of the consultation, the Council was not proposing to introduce a Cumulative Impact Assessment in any other part of the borough as there was limited evidence that it was required or would be appropriate. The Council also thought it inappropriate to amend the current Cumulative Impact Assessment and therefore it should remain in place until the next review.

The Cumulative Impact Assessment was attached to the report at Appendix 1 with a summary of the consultation responses attached at Appendix 2.

Resolved:-

1. That Cabinet adopts the Cumulative Impact Assessment that is attached to this report as Appendix 1.

92. GAMBLING ACT 2005 STATEMENT OF LICENSING POLICY

Consideration was given to the report which outlined the review process and presented an unamended but reviewed Gambling Act 2005 Statement of Policy. The Policy had been adopted in 2020 and was required by law to be reviewed every three years. The review process, which included a period of public consultation that commenced in July 2023, had concluded and the outcome of the review consultation had informed a finalised Statement of Licensing Policy.

The Gambling Act regulated arcades, betting, bingo, casinos, gambling software, gaming machines, lotteries and remote gambling. Licensing authorities were responsible for issuing gambling operators with premises licences; issuing gambling operators with permits (which allow low stakes gambling in venues which were not primarily for gambling); registering societies (enabling them to hold small lotteries); and compliance and enforcement of the Gambling Act 2005 locally.

Licensing authorities were required to review and publish a statement of the principles which they proposed to apply when exercising their licensing functions, every three years. The Council had undertaken a consultation process outlined in Section 4 of the report, with a particular focus on the appropriateness of the current requirements. In total, there were 34 responses to the consultation. Of these 34 responses, the overwhelming majority were in favour of maintaining the current policy requirements. A full summary of the consultation responses was attached to the report as Appendix 2.

The current Policy had been reviewed by licensing officers and it had been determined that it complied with all relevant requirements and therefore required no amendment. The final unamended version of the Policy was now brought before Cabinet for consideration for recommendation to Council for adoption. The proposed Policy was attached to the report as Appendix 1.

Resolved:-

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

93. SEX ESTABLISHMENT POLICY

Consideration was given to the report which outlined the findings of the review and subsequent consultation on the Sex Establishment Policy. The Policy had been introduced in 2019 and its effectiveness was assessed in 2020. It was found to deliver the aims and a commitment was made to undertake a further review within three years.

On 22 May 2019, the Council passed a resolution adopting the powers contained within Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended). The adoption of Schedule 3 powers allowed the Council to more effectively regulate establishments where adult activity would take place and introduced the ability to licence venues such as lap dancing clubs which previously had been ineffectively regulated under the Licensing Act 2003. The current Sex Establishment Licensing Policy applied to sexual entertainment venues, sex shops and sex cinemas.

Council officers took into consideration the aims of the current Policy and the Council's priorities prior to producing the draft Policy for consultation and have confirmed that the current Policy requires no amendment, except where required due to changes in legislation due to the UK's exit from the EU. In addition, a full public consultation had been conducted, details of which were in section 4 of the report.

In summary, there were 63 responses to the consultation. Of the 63 responses, the overwhelming majority were in favour of maintaining the current Policy requirements. Consultation had also taken place with Members of the Council's Licensing Board, who were generally in agreement that the Policy delivered on the intended aims and that it would not be appropriate to make amendments to it. Key aspects of the Policy were set out in paragraphs 2.8 to 2.20 of the report.

The proposed Policy was attached to the report at Appendix 1.

Resolved:-

1. That Cabinet adopt the Sex Establishment Licensing Policy that is attached to the report as Appendix 1.

**94. CABINET'S RESPONSE TO SCRUTINY REVIEW
RECOMMENDATIONS - IMPACT OF SELECTIVE LICENSING**

Consideration was given to the report which set out the response of Cabinet to the recommendations of the scrutiny review into the impact of the selective licensing scheme in Rotherham at its halfway point. The recommendations had been presented to Cabinet in September 2023. All eight recommendations had been accepted:

- a) That reinspection be prioritised for landlords whose properties have

required action previously.

- b) Consideration be given to how the Council may support retention of experienced inspectors already in the Council's employment.
- c) That consideration be given to incentivising responsible landlords, and, where there is a proven track record, empowering landlords to self-assess, provided that the service can still obtain assurances that decent standards are maintained.
- d) That consideration be given to managing expectations around selective licensing as a measure focused on the health of residents, rather than aesthetics or regeneration.
- e) That consideration be given to how uptake of the cost-of-living support offer among families in selective licensing areas may be further promoted and monitored, with a view to identifying gaps and promoting financial inclusion.
- f) Given the complexity of measuring impact on deprivation and difficulty in improving relative levels of deprivation, that consideration be given to how internal measures may better reflect the real impact of the scheme.
- g) That a joined-up approach be sought with relevant Council strategies and services, with partner and voluntary sector organisations and with resident-led initiatives prior to any future selective licensing declaration.
- h) That engagement with landlords and with tenants be considered alongside any response to the above recommendations, and that the response to the above recommendations be subject to the learning derived from continued engagement with landlords and tenants.

An update in relation to proposed actions was provided at paragraph 2.1 of the report. During the meeting, the Deputy Leader advised that five of the recommendations were in progress and the other three would be considered as part of any future schemes.

Resolved:-

1. That the Cabinet response to the Scrutiny Review recommendations in respect of Impact of Selective Licensing, as set out in Section 2 of the report, be approved.

95. TRANSFER OF POLICE AND CRIME COMMISSIONER FUNCTIONS TO SOUTH YORKSHIRE MAYOR - MAY 2024

Consider was given to the report which gave details of the proposals to transfer the functions of the Police and Crime Commissioner (PCC) in South Yorkshire to the Mayor of South Yorkshire with effect from May 2024. The Government were proposing making the Order and Cabinet were therefore asked to recommend to Council approval of that order. The text of the draft Order had not been provided by the time of the Cabinet meeting. A summary of what the Order would do had however been included in the report:

1. Provide for all functions presently exercised by the PCC to be functions exercisable by the Mayor for South Yorkshire with effect from the [] May 2024;
2. Transfer all property, rights, liabilities of the PCC to the Mayoral Combined Authority (MCA), with future decisions on such matters being vested in the Mayor;
3. Provide for the continuity of the operation by substituting the MCA for the PCC in any legislation/instruments/contracts etc;
4. Deal with financial year end issues; and
5. Reduce the current Mayoral term in order to align the Mayoral and PCC election cycles from May 2024.

The Combined Authority was established in 2014. In 2018, the first elections for a Mayor were held with a second election being held in 2022 for a mayoral term of 4 years. The Local Democracy, Economic Development and Construction Act 2009 required, amongst other matters, for the consent of each district in the area of the MCA to the making of the Order. This would be required in writing prior to the Order being laid.

Cabinet could refuse consent to the making of the Order. However, the legislation stated that, where there was an existing combined authority, the consent of the combined authority and the majority of the constituent authorities was all that was required to approve the Order. As such, the matter may proceed in any event should the required number of other organisations approve the Order.

The second and recommended option was that the Council approve the Order as set out in the report. This was in alignment with the requirements of the legislation and aligned with the position of the MCA.

If approved, an election would be held in May 2024.

Resolved:-

1. That Cabinet recommend to Council that consent be given to the draft Order that will provide for the Mayor of South Yorkshire to exercise the functions of the Police and Crime Commissioner.

96. COVID RECOVERY FUND

Consideration was given to the report which set out proposals for further use of the Council's Covid Recovery Fund reserve. Taking into account approved use for 2023/24 to support the Council's revenue investments, the reserve had a remaining balance of £0.8m. Proposed uses for the balance were to provide support with a local charity and to fund the provision of financial support to assist residents impacted by Storm Babet.

The first proposal was for an allocation of monies from the Covid Recovery Fund to support the local charity, Rotherham Abuse and Counselling Services (RothACS) following an unsuccessful bid for continued funding from the Ministry of Justice. The funding application sought to secure continued funding for the remainder of the 2023/24 financial year and the 2024/25 financial year, with a total value of £210k. Following the unsuccessful bid, RothACS had been able to secure funding for the current financial year of around £40k, leaving an in-year shortfall of £40k and circa £130k for the 2024/25 financial year. The RothACS service provided free specialist counselling to anyone over the age of 13 who had experienced trauma and abuse, including domestic abuse, sexual abuse, child sexual exploitation or child sexual abuse. The loss of funding to the service would result in a direct impact for service users, with a loss of 36 counselling sessions per week.

Following the flooding event within the borough on 21 October 2023 (Storm Babet) and its significant impact on a number of households, the Council was providing some immediate financial support to those residents most impacted. This was in the form of a £350 flood support payment for properties flooded or where the property was unliveable for a period of time as a result of this flood incident. In addition, the Council would also be making a £20k contribution to the South Yorkshire Community Foundation Appeal that had been set up to provide support to residents across the region that had been impacted by Storm Babet.

Resolved:-

That Cabinet agree that:

1. A funding allocation of £170k is provided from the Covid Recovery Fund, via a grant agreement, to support RothACS for the remainder of the 2023-2024 financial year and the full 2024-2025 financial year.

2. A funding allocation of up to £120k is provided from the Covid Recovery Fund to support the Council's £350 flood support payments along with a £20k contribution to the South Yorkshire Community Foundation (SYCF) Appeal.

97. CRISIS SUPPORT 2024 - 2027

Consideration was given to the report which set out proposals for a more sustainable crisis support system with the aim of supporting people to move from being in crisis towards independence and resilience. Crisis support services in Rotherham were currently delivered through a partnership agreement between the Council, FareShare, Voluntary Action Rotherham (VAR) and LASER Credit Union. The ongoing level of demand together with available supplies of food had led to the need to develop a more sustainable system.

To develop the new model, including the elements funded by the Council, a co-design process had been followed, engaging with a range of providers and referring organisations. A key element of the revised wider model was ensuring it was aligned with holistic and wider support services, which would work to ensure that fewer people experienced crisis on a repeated basis. This would be supported through a new referral system to better co-ordinate information for front line staff, offering a broader range of food types that made up crisis food parcels, flexible to the requirements of different organisations and utilising a revised definition of crisis support to enable this.

If the recommendations were approved, bids would be invited from partner organisations to finalise the implementation details and to then deliver the model. This would be via service level agreements covering the years 2024/25 to 2026/27.

Crisis support (Local Welfare Provision), provided by the Council, started in 2013 following abolition of the Government's Discretionary Social Fund. The current model for the provision of this support was agreed by Cabinet in October 2019 and commenced in April 2020. It funded arrangements for the delivery of crisis loans, provision of food and support for the Food in Crisis Partnership (FIC.) The annual funding of £100k provided for three separate service level agreements (SLA) to be entered into on an annual basis for:

- Crisis Loans (£60k) currently provided via LASER Credit Union.
- Infrastructure provision to enable a supply of ambient food to foodbanks (£30k), currently provided via FareShare Yorkshire. It was noted that this did not include the costs of purchasing the food itself, but rather the underpinning infrastructure.
- Support for co-ordination of the Food in Crisis (FIC) Partnership and collection and dissemination of data (£10k), currently provided via Voluntary Action Rotherham (VAR).

During November and December 2022, the Council invited bids for the development of a new three-year SLA to operate from April 2023. However, no bids were received, with informal feedback indicating that this was linked with the crisis food element of the SLA. As a consequence, the existing SLA was extended by a year and was due to expire at the end of March 2024. As part of the extension it was agreed that a new model would be developed through a codesign process to provide a more sustainable solution for crisis food and holistic support, which would work to ensure that fewer people experienced crisis on a repeated basis. This would include the Council-funded elements of the model. Whilst this work was undertaken, food supply into the borough was maintained through additional Council funded investment by FareShare in ambient food provision.

The report was considered by the Overview and Scrutiny Management Board (OSMB) and they supported all of the recommendations.

Resolved:-

That Cabinet agree:

1. The future provision of crisis support and grant allocations of:
 - a. £60k for Crisis Loans.
 - b. £34k for infrastructure and transport to enable the supply of crisis food to foodbanks (Community Food Members).
 - c. £10k for supporting co-ordination of the Food in Crisis Partnership, collection and dissemination of data and provision of a referrals process.
2. That bids be invited from organisations to work in partnership with the Council, to finalise the implementation details and deliver the provision outlined at recommendation 1.
3. To delegate authority to the Assistant Chief Executive in consultation with the Cabinet Member for Social Inclusion to enter into a service level agreement with partner organisations to provide crisis support for the years 2024/25 to 2026/27.

98. ADVICE SERVICES AND VOLUNTARY AND COMMUNITY SECTOR INFRASTRUCTURE SERVICE LEVEL AGREEMENTS 2024-2027

Consideration was given to the report made recommendations for the next three years of Voluntary and Community Sector Infrastructure and Advice Services service level arrangements (SLA's) for the period of April 2024 to March 2027. The recommendations incorporated the results of a recent co-design process and progressed the commitments as set out in the Rotherham Compact, building on experience gained through the current SLA's. It also took into account local and national research and set out an aspirational strategic approach for the future of the Voluntary and Community Sector and Advice Services in Rotherham.

At their meeting on 21 September 2020, Cabinet gave approval to award two three-year service level agreements (SLAs) running from April 2021 to March 2024. One SLA was for Voluntary and Community Sector (VCS) Infrastructure Services, which was awarded to Voluntary Action Rotherham (VAR) and the second SLA was for Advice Services, which was awarded to Citizens Advice Rotherham and District (CARD).

The current infrastructure services SLA provided the following support to voluntary and community groups:

- Writing a constitution
- Managing Meetings
- Registering as a charity
- Developing financial processes
- Applying for funding
- Managing staff and volunteers
- Having good governance arrangements

The current advice services SLA provided the following support to advice services:

- Welfare benefits
- Debt
- Immigration
- Generalist advice

If the proposals were approved, CARD would explore innovative ways to address the increase in demand in relation to advice on the cost of living crisis, including the potential for additional community advice venues across the borough and online advice from home, as well as video outreach to support digitally excluded clients.

For the VCS infrastructure SLA, it was proposed that there would be an ongoing asset-based approach, recognising that the sector added value to public services and to local communities. There would be an increased focus on bringing further investment into the borough, a renewed drive on sub-regional partnership working and additional work to address inequalities, in line with the Council's ambitions.

The recommendations provided the grant approvals to enable the service level agreements to be progressed and for the services to continue without interruption to clients in the borough for the next three years.

Resolved:-

1. That approval be given to progress arrangements for VCS Infrastructure Services in Rotherham, including:

- a. the proposed model to be delivered through a standard SLA for three years commencing from 1 April 2024 and continuing to 31 March 2027, which is based on the findings of a co-design exercise;
 - b. the recommendation that the funding amount of £378,000 is awarded as a grant to Voluntary Action Rotherham in annual payments of £126,000 to deliver the three-year SLA.
2. That approval be given to progress arrangements for Advice Services in Rotherham, including:
 - a. The proposed model to be delivered through a standard SLA for three years commencing from 1 April 2024 and continuing to 31 March 2027, which is based on the findings of a co-design exercise;
 - b. The recommendation that the funding amount of £720,000 is awarded as a grant to Citizens Advice Rotherham and District in annual payments of £240,000 to deliver the three-year SLA.

99. 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.

100. DATE AND TIME OF NEXT MEETING

Resolved:-

The next meeting of the Cabinet would take place on Monday 20 November 2023 at 10.00am in Rotherham Town Hall.

This page is intentionally left blank

Committee Name and Date of Committee Meeting

Cabinet – 18 December 2023

Report Title

Adult Social Care Mental Health Review

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

Yes

Strategic Director Approving Submission of the Report

Ian Spicer, Strategic Director of Adult Care, Housing and Public Health

Report Author(s)

Claire Green, Programme Manager Claire.green@rotherham.gov.uk

Andrew Wells, Head of Safeguarding and Mental Health Services

Andrew.wells@rotherham.gov.uk

Ward(s) Affected

Borough-Wide

Report Summary

Following approval by Cabinet in February 2023 to commence a review of the Council's Adult Social Care Mental Health model, this report summarises the review findings and outcome of the consultation. The report proposes a new model for the Council's Adult Social Care mental health provision across the Borough, built on the principles of enablement and recovery, that will be delivered through a collaborative approach with partners.

Recommendations

That Cabinet:

1. Approve the proposals for a new Adult Social Care mental health model of provision for the Borough.
2. Approve the development of a co-designed Council Mental Health Strategy for Rotherham, with the strategy being presented back to Cabinet for approval in 2025, prior to publication.

List of Appendices Included

Appendix 1: Consultation Report
Appendix 2: Part A - Equality Analysis screening
Appendix 3: Part B - Equality Analysis Form
Appendix 4: Carbon Impact Assessment

Background Papers

Mental Health Review Cabinet Paper, 13 February 2023

Consideration by any other Council Committee, Scrutiny or Advisory Panel

None

Council Approval Required

No

Exempt from the Press and Public

No

Adult Social Care Mental Health Review

1. Background

- 1.1 In February 2023, Cabinet approved a recommendation to review the Council's Adult Social Care Mental Health model which included a period of consultation with people with lived experience, their families, and carers.
- 1.2 The review was proposed following completion of a scoping exercise of the Council's Mental Health Service in 2020. However, due to the impact of the pandemic on Adult Social Care, the recommendations to review the existing mental health service model were temporarily put on hold.
- 1.3 The scoping exercise acknowledged that social care staff, including Approved Mental Health Professionals (AMHP) and Support Workers integrated into Rotherham Doncaster and South Humber NHS Foundation Trust (RDaSH) were completing health-focused co-ordination functions within a model of generic working. Operating clinical rather than social care activities has led to a loss of their social care identity and has limited social care interventions.
- 1.4 The proposals outlined in this report intend to enhance the benefits of continued joint working between health and social care whilst defining and developing the social care offer to best effect. Research and evidence support that such approaches provide the best opportunities for personalised support to maximise recovery and independence. A recent policy paper published by the Department of Health and Social Care in 2022 focussed on shared outcomes through partner collaboration and set out how person-centred care should be central to reform. These proposals build on this policy approach to ensure person-centred practices within our mental health provision for the borough.

2. Key Issues

- 2.1 Social work has a crucial role in improving mental health services and outcomes for people, supporting where biological, psychological, social and environment determinants meet. The College of Social Work notes that the social work contribution to mental health pathways can relieve people's suffering, ensure social justice, and improve the lives of individuals and their communities. These proposals aim to maximise the social work impact.
- 2.2 It is critical to ensure that the distinct social and rights-based perspective that social work offers, supports the health and care system by humanising and personalising mental health services, empowering people, and countering institutional and clinical approaches. The ethos to intervene proportionately prevents discrimination, promotes equality, and protects vulnerable people from harm. Along with specialist knowledge, advanced relationship-based skills and a focus on personalisation and recovery, this can support people to make positive, self-directed change.
- 2.3 The proposals in this report enhance the delivery of the statutory role and function of social workers under the Care Act 2014 and AMHPs, through the Mental Health Act 1983, to deliver client-focused preventative and crisis-based services to individuals and families in need of support.

- 2.4 Working with other relevant local organisations, the Integrated Care Board (ICB) is responsible for planning and delivering joined up health and care services to improve the lives of people in their area. The proposed model recognises the importance of continued commitment to partnership working and identifies collaborative, co-located approaches offering partner organisations mutual benefit.
- 2.5 Demographics are a key consideration in the future model for mental health in the borough; Rotherham is one of the 20% most deprived authorities in England which impacts on the prevalence of mental health related needs.
- 2.6 When designing models of provision, the person's voice should be integral. People with lived experience of mental ill-health, their families, and carers, along with the workforce, statutory, voluntary and community partners have therefore been consulted and the feedback analysed to inform the final model (Section 4).

The proposed model

- 2.7 Based on the outcome from the consultation, and collaboration with partners during the review period, a new personalised mental health pathway has been designed. The pathway focusses on the person and sets out the core components of the model to deliver the statutory social care duties which includes:
- A new information and guidance offer.
 - Early Solutions (the Adult Social Care Front Door and Enablement offer).
 - Care Act Social Care Assessment.
 - Mental Health Act duties.
 - Crisis care and recovery.
- 2.8 The key change to the proposed model brings a realignment of Council employed Adult Social Care staff to deliver roles and responsibilities that meet the requirements of the Care Act 2014, the Mental Health Act 1983, and the Mental Capacity Act 2005, as well as associated statutory guidance and codes of practice. This will better balance the clinical and social models to provide a collaborative model of delivery which further strengthens co-location and integration. This will be achieved by:
- Implementing dedicated mental health information, guidance, and digital access.
 - Embedding the mental health service into the Adult Social Care Front Door.
 - Introducing a new Adult Social Care out of hours provision, replacing the existing services to provide an Adult Social Care and statutory Mental Health Act joint 'making safe' duty, on a 24/7 basis.
 - Enhancing the current day and community opportunities offer to include Mental Health Enablement. This would be available to new and existing people in receipt of the service to prevent crisis and promote recovery. People accessing the current service will continue to receive support as they do now, which is reflective of the voice of people engaged as part of the consultation.

- Strengthening the crisis response offer by embedding social care expertise during crisis triage to ensure proportionate assessments are undertaken and the provision of preventative social care interventions.
- Embedding social care expertise to begin discharge planning as part of admission, through referral to Adult Social Care.

2.9 Each element of the model is described in the subsequent sections in further detail.

A new information and guidance offer

- 2.10 The proposed model is designed to support different types and severity of mental ill-health, by effectively triaging and signposting people with lower-level mental health concerns to the most appropriate support, via preventative pathways and connecting people to a digital, voluntary and community offer.
- 2.11 A dedicated mental health information and guidance offer aims to empower members of the community that are experiencing mental health difficulties as well as their families, carers, and friends, through a 'self-directed' pathway for people wanting to find their own solutions. It will offer information about sourcing support; advice and guidance on what services are available; assistive technology; and how to make a referral. This will ensure better targeted and preventative support services that will, in turn, reduce the number of people contacting Adult Social Care as people's needs will be met through alternative channels of support.

Enhanced Adult Social Care Front Door

- 2.12 Adopting a consolidated, enhanced Adult Social Care front door will seek to combine multiple disciplines, including mental health expertise, to provide a holistic point of contact. This will also make accessing Adult Social Care simpler for residents as the number of access points will be reduced.
- 2.13 People will be supported with a proportionate initial response. This will focus on prevention and resilience, providing people with personalised support and contingency planning. Where appropriate, people with identified unmet social care needs will have access to an equitable enablement offer, including young people transitioning from Children's services. The potential assessment function following enablement, for anyone needing longer-term care and support need will be assessed by the relevant community team.
- 2.14 People known to Adult Social Care will be triaged to determine the best solution for them, this will include access to enablement if appropriate. Safeguarding Section 42 Initial Enquiries will be completed by the relevant team. However, the enhanced front door will complete the Section 42 Initial Enquiry when any person is not known to services. People known to the service will be allocated to the involved worker or relevant community team.

2.15 **Out of Hours/Making Safe Duty**

The Out of Hours Making Safe Duty function will consolidate the existing dispersed offer currently sitting across the Council's social care teams into one response.

- 2.16 The principal responsibility of out of hours and making safe are to provide a social care response to referrals received out of hours and where intervention from the Council is required to safeguard an adult in need or at risk, and where it would not be safe, or appropriate, to delay that intervention to the next working day. This function will offer the 'making safe' and the Mental Health Act statutory duty with 24/7 access for AMHPs. There will be a strong link between the RDaSH 24/7 Clinical Crisis Team and the Adult Social Care out of hours making safe duty, to ensure a safe and holistic response.

Mental Health Enablement Offer

- 2.17 This element of the model introduces an enablement offer to deliver person-centred support to individuals through identification of realistic steps to achieve personalised goals over a defined timeframe. This will involve enabling people to make connections to sustainable support in the community.
- 2.18 An enablement offer will provide an early solution from the Adult Social Care Front Door for people with unmet mental health social care needs. This will prevent needs from escalating and support people to re-engage into the community following crisis. It is intended that the enablement offer will include a 'rapid response' element as a preventative alternative to crisis which will be accessible to clinical partners via Adult Social Care.
- 2.19 The enablement offer has been designed based on what people with lived experience and professionals told the Council during the consultation. It will:
- Provide a viable option to prevent mental health crisis and support recovery.
 - Deliver a blend of support types to ensure personalised, proportionate intervention, over a 12 to 15-week timeframe.
 - Source and make connections to groups of interest and meaningful activities through a 'graded exposure' approach, to encourage longer-term, sustainable support, post-enablement.
 - Be offered from a central building based in the community, with outreach into different environments to support people to achieve their goals.
 - Be provided in a group and one to one setting, including in a person's own home, tailored to individual need.
- 2.20 The consultation highlighted that people in receipt of the current community support offer highly valued the service due to the stability and continuity that it offers, which people associate with staying well and preventing crisis. People continue to value the social connections which they have formed, and the support provided by trusted, experienced staff.

- 2.21 People did however make a distinction between the support and the building, whilst feedback placed significant importance on the service, it also highlighted concerns about the current building being fit for purpose. It is therefore proposed that alongside the new enablement offer the ongoing provision will be further improved by relocating to a more suitable building base which is conducive to an enablement environment. The development of a case with health partners to occupy a central location in Rotherham Town Centre, will consider accommodating the existing provision that is currently based at Wellgate Court.

Social Care Assessment and Review

- 2.22 The proposed model seeks to retain the existing assessment and review function whilst improving links to Adult Social Care at key points throughout the pathway.
- 2.23 The revised pathway will enhance current social care legislative duties, offering social work interventions as part of an assessment and crisis pathway as the service would begin to receive referrals from RDaSH Crisis Triage and discharge from acute care via the Adult Social Care Front Door. The function will offer short term interventions and longer-term care management for people with complex needs, including forensic and Section 117 eligible individuals.

Crisis Care and Recovery

- 2.24 The AMHP role is a statutory function that ensures the rights of people in mental health crisis are protected, that detention is avoided where appropriate, that social issues are considered and that the views of people and their families are included in Mental Health Act Assessments.
- 2.25 The role, knowledge, and expertise of the AMHP workforce is recognised and will continue to deliver statutory Mental Health Act duties. Additionally, within the new model, as per statutory expectations, the role will further contribute by providing social care interventions, as part of the crisis pathway. If social care needs are identified, the AMHP will follow this up with a proportionate Care Act assessment and short-term review. This will realise more person-centred practices for the person experiencing mental-ill health.
- 2.26 The model supports a continued collaborative, and co-located approach with RDaSH. It strengthens the Council's contribution to mental health crisis by enabling experienced AMHPs to focus on early intervention by introducing a pathway to social care from crisis triage for people with unmet care and support needs, avoiding the health-led crisis care pathway, where appropriate.
- 2.27 For people entering acute care, that are detained or admitted informally, collaborative discharge planning will begin at the point of admission. This will introduce a referral route via the Adult Social Care Front Door to ensure a timely and effective social care response to meeting a person's needs.
- 2.28 Longer term, future developments have been identified for exploration with partners, including interoperability of health and social care systems, a pre-crisis preventative telephony support offer, reciprocal assessments for people placed in care outside of the Rotherham borough and a flexible purchasing system to

stimulate mental health provision. In addition, there is an appetite across statutory, non-statutory and community partners to work collaboratively to develop a 'community hub' model as part of the national Community Mental Health Transformation agenda.

- 2.29 The consultation identified the need to ensure parity of mental health provision with wider Adult Social Care functions. Within this context, it is important that there is clear strategic direction for mental health provision across the borough, articulated within a co-designed Mental Health Strategy.

3. Options considered and recommended proposal

Option 1: Maintain the existing Mental Health Model

- 3.1 This option seeks to retain the current model. This is not recommended due to the challenges and risks this presents. The model does not offer a collaborative, partnership approach and whilst not intentional, organisations are working in silos. There is a limited social care pathway currently offered which leaves the Council at risk of not evidencing its statutory duties.

Option 2: Adopt the proposed Adult Social Care Mental Health Model and co-design a Mental Health Strategy

- 3.2 This option seeks to implement a revised mental health pathway for Adult Social Care in collaboration with partners and develop the current community support service into a hybrid model of mental health enablement and day opportunities, linked to the Voluntary and Community Sector and Social Enterprises.
- 3.3 Option two would also seek to co-design a Mental health Strategy for Rotherham with people with lived experience, their families, and carers, as well as partners and other key stakeholders. The strategy would be designed in 2024, post-implementation of the new model, and launched in 2025, subject to Cabinet approval. This approach ensures prioritisation of the immediate issue to address the risks linked to operational delivery and compliance with statutory duties.
- 3.4 Option 2 is preferred as it provides a collaborative, preventative approach to ensure people get the right support, at the right time, in the right place by:
- Raising the social care profile and clarifying the social care contribution to the mental health pathway, providing a recovery-focused, sustainable solution, thus benefitting the people that use services, their families and carers, the workforce, and partners, possibly contributing to alleviating pressures across the system.
 - An effective and equitable response for people with mental ill-health, ensuring all people are offered the right information, advice, and support at the right time, with a preventative focus to build resilience.
 - Strengthens the recovery model by providing preventative social care interventions as part of a holistic mental health pathway, ensuring the least restrictive option and improved outcomes for people.

- Ensures that across the pathway, social care staff work to the legislative and statutory duties within the Mental Health Act 1983, Care Act 2014, Mental Capacity Act 2005 and Health and Care Act 2022.
- Enables the Council to better evidence social care interventions.
- Supports the Council in preparing for formal regulation of Adult Social Care by the Care Quality Commission, from 2024.
- Supports Rotherham Place achieve its priority to collectively strengthen the mental health crisis pathway and supports an NHS National Objective target to increase the number of adults supported by community mental health services by 5% yearly.
- Solidifies commitment to form the foundations to progress a collaborative 'community hub' model in the future.

4. Consultation on proposal

- 4.1 The consultation took place from 7 August 2023 to 1 October 2023. The full findings of the consultation are available in Appendix 1.
- 4.2 The consultation adopted a blended approach utilising questionnaires, drop-in events and one-to-ones with people accessing the current service. During this time, broader feedback about the mental health pathway was obtained from the workforce and partners, through focus groups and workshops.
- 4.3 A total of 159 people participated in the consultation.
- 4.4 In relation to the online questionnaire, 97 people responded with 63% of people being in receipt of mental health services, their family, and carers and 27% of respondents being professionals.
- 4.5 Across all respondents, findings evidenced support for the enablement component of the model to provide both preventative support (89%) and to support recovery (83%). These were two of the most selected support types across all respondents.
- 4.6 Qualitative feedback further evidenced that people with lived experience value preventative, holistic and person-centred approaches to care and support. It was apparent that people in receipt of the current community support service value the support it provides, which they connected with helping them to stay well.
- 4.7 Workforce and partner engagement identified three core themes for the model to encapsulate:
 - **Approaches** – holistic, person-centred care and support which is strengths-based, personalised, and focussed on recovery. Collaborative, enabling and blended approaches, along with effective triage to support people to navigate the health and care system and access specialist services. Community-based, proportionate interventions, providing early solutions for people to prevent care and support needs from worsening. Using data and feedback to shape service and inform decisions.

- **Pathway** – one consolidated pathway with clear remits, criteria and roles and responsibilities, to ensure the right response first time. Access to a variety of options to meet the varying aspects and severity of mental ill-health.
- **Quality** – safe, accessible, and timely access to information, advice, guidance, and support, that is well communicated across the borough. A knowledgeable, skilled, and experienced workforce that are caring and share a common understanding of pathway and approaches, including the use of appropriate language.

5. Timetable and Accountability for Implementing this Decision

- 5.1 Subject to Cabinet approval, implementation planning of the pathway and service model will commence on 1 January 2024. This will involve:
- Staff structures, role profiles and agreeing new terms and conditions required to operationalise the model, including delivery of a consultation with staff affected by the proposed changes (January – February 2024).
 - Scoping recording requirements and implementing system changes (January – March 2024).
 - Training needs analysis and training plan (February – March 2024).
 - Operating procedures and guidance with defined pathway criteria and remits (March 2024).
 - Aligning the mental health review with RDaSH Crisis and the Community Mental Health Transformation (January – March 2024).

The new mental health model will be operational from 1 April 2024.

6. Financial and Procurement Advice and Implications

- 6.1 There is no immediate procurement associated with the recommendations detailed in the report. However, any activity with third party providers to assist in the delivery of the new pathway will be subject to the Council's Financial and Procurement Procedure Rules, and the Public Contracts Regulations 2015 (as amended).
- 6.2 The Council does already have an established Flexible Purchasing System (FPS) for the provision of community mental health care and support, which commenced in May 2023. The FPS remains open for new providers to apply.
- 6.3 There are no immediate financial implications. Any redesign of the process and team would need to be contained within the existing budget envelope.

7. Legal Advice and Implications

- 7.1 The report seeks to change the way in which the local authority delivers mental health services to the citizens of Rotherham. This is a legitimate legal exercise and the proposals contained within the report are an appropriate exercise of the local authority's powers and duties.

- 7.2 The report has identified the appropriate legislation and has drafted a proposal which Cabinet can consider and determine whether it feels that it is the most appropriate way forward. Users and family/carers/friends have been appropriately consulted and the outcome has informed the recommendations contained in the report.

8. Human Resources Advice and Implications

- 8.1 The current establishment of the Mental Health Team includes 49 staff which equates to a £2,179,686 spend per year.
- 8.2 A large-scale change programme will need to be undertaken to support the mental health review and this will include other service areas which will be affected by the change.
- 8.3 The staffing establishment supporting the current service model will need to be reviewed in line with the transformation of the service. As such, a robust consultation will commence with all affected employees as per Council policy on restructure and change management.

9. Implications for Children and Young People and Vulnerable Adults

- 9.1 The new delivery models for mental health services outlined in this report will improve the service offer for all the adult supported by the Council. Also in scope are Young People who are in Rotherham's Preparing for Adulthood cohort, through provision of enablement and assessment, including Care Act Assessment, Mental Capacity Assessment (from age 16 years and over), and continued provision of Mental Health Assessments for children.

10. Equalities and Human Rights Advice and Implications

- 10.1 Equalities Assessments have been completed to inform the proposals – see Appendix 2 and 3. The proposals in this report support the Council to comply with legal obligations encompassed in the:
- Human Rights Act (1998), to treat everyone equally with fairness dignity and respect with a focus on those who are disadvantaged because of disability.
 - Equality Act (2010) to legally protect people from discrimination in the wider society.
- 10.2 Section 149 of the Equality Act 2010 establishes the Public Sector Equality Duty (PSED) which requires that the Council, as a public body, in carrying out its functions must have due regard to the need to:
- Eliminate discrimination, harassment, victimisation, and any other conduct that is prohibited by or under the Equality Act.
 - Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.
 - Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

- 10.3 The relevant protected characteristics referred to in the Equality Act are age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation. Public authorities also need to have due regard to the need to eliminate unlawful discrimination against someone because of their marriage or civil partnership status.
- 10.4 There is a duty on the Council to keep a record to demonstrate that it has genuinely and consciously had due regard to the PSED.
- It is important to ensure that services are effective and accessible to all
- 10.5 communities including to groups with protected characteristics. Referrals from partner agencies to Adult Care Mental Health are monitored to ensure there is community wide access to support.

11. Implications for CO2 Emissions and Climate Change

- 11.1 A Carbon Impact Assessment has been completed, see Appendix 4.
- 11.2 The Mental Health Team will continue to work to the hybrid working arrangement. It is not anticipated that there will be an increase in CO2 emissions resulting from this decision.
- 11.3 Mental Health staff will need to travel to fulfil the statutory duties under the Care Act 2014 and Mental Health Act 1989. The amount of travel needed will be managed to make best use of resources while minimising CO2 emissions. Travel is monitored and only essential travel is authorised.

12. Implications for Partners

- 12.1 Implementation of the proposed model will realign Council employed staff within a social, rather than clinical, model of delivery. This will lead to a workforce resource impact of 9 Full Time Equivalents for RDaSH within the health-led Crisis Team, Early Intervention and Home Treatment Teams.

Funding for health-related crisis is the responsibility of the ICB, rather than the Council. The proposed model realigns responsibility for clinical interventions under the ICB, as the statutory lead organisation. This ensures that the ICB, in partnership with RDaSH, meet this responsibility, rather than the Council.

An impact assessment has been completed in partnership. This has identified reduced capacity of the Crisis Team to manage clinical tasks as AMHPs focus on assessing people on the crisis pathway under the appropriate framework and, where social care needs are identified, delivery of short-term interventions under the Care Act.

Transitional protections can be adopted initially to mitigate some of the associated risks. This will include AMHPs continuing to cover the early crisis shift (7am – 9am) where there are challenges for clinical cover, with a phased withdrawal of this arrangement over a maximum 6 months. This approach will ensure that the

Council is not funding NHS clinical, crisis provision as it falls outside the scope of its statutory responsibilities.

Further impact is acknowledged during the night as a move towards an on-call model of response to referrals for MHA assessments (only) will withdraw AMHP availability to cover visits and respond to other clinical tasks. RDaSH will consider lone working contingency plans for short notice absence.

In addition, the annual contribution to the RDaSH administration roles will cease. It should also be noted that the previous funding for the administrative roles is a legacy arrangement and the administrative staff roles were removed from the structures in 2021.

In light of the outcome of the review, it provides the opportunity for a crisis specification to be developed by the ICB, RDaSH and the Council which will clearly define mental health crisis and the social care contribution.

13. Risks and Mitigation

13.1 Failure to adopt the new revised model would mean that the pathways for mental health responsibilities between health and social care will remain blurred.

- **Risk:** staff subject to role changes and new terms and conditions may decide to leave the service and vacancies will arise, putting the implementation and delivery of the new pathway and service at risk.

Mitigation: transparent approach to change, involving staff along the journey. And in formal consultation. A rolling recruitment is in place to mitigate impact.

- **Risk:** introducing social care expertise and interventions to crisis triage and discharge from acute care could increase demand for social care assessment.

Mitigation: the proposed model re-focusses AMHP roles and responsibilities to deliver social care interventions.

- **Risk:** staff capability, knowledge and understanding to deliver a model which relies on increasing social care interventions.

Mitigation: training needs analysis and training offer.

14. Accountable Officers

Ian Spicer, Strategic Director of Adult Care, Housing and Public Health
ian.spicer@rotherham.gov.uk

Approvals obtained on behalf of Statutory Officers: -

	Named Officer	Date
Chief Executive	Sharon Kemp	04/12/23
Strategic Director of Finance & Customer Services (S.151 Officer)	Judith Badger	30/11/23
Assistant Director, Legal Services (Monitoring Officer)	Phil Horsfield	30/11/23

Report Author: Claire Green, Programme Manager

claire.green@rotherham.gov.uk

Andrew Wells, Head of Safeguarding and Mental Health Services

Andrew.wells@rotherham.gov.uk

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

Appendix 1: Consultation Report

Consultation activities to support the mental health review formally began on 7th August 2023 and ran until 1st October 2023.

This report details the approach and findings, as follows -

1. Itemised list of consultation activity
2. Summary of findings
3. Full audit and analysis of the feedback

1. Itemised list of consultation activity.

Below an overview of the range of activities which have been facilitated, using a variety of different approaches.

Activity type / method	Target audience	Details	No. reached	Outcome summary
Pre-consultation (May-July)				
Partner workshops	RDaSH, Touchstone, Primary Care, VAR, ICB, RMBC Adult Care and Public Health	14 June 2023, 1-4:30pm (Oakhouse)	13	Shared objectives, terms of engagement, understanding of statutory duties and core pathway elements
		19 May, 1-4pm (Swallownest Court)	8	SWOT analysis of crisis offer
		31 July, 9-11am (Swallownest Court)	9	Data analysis (Public Health) crisis alternatives, SYP Right Care, Right Person Update
Internal 'fact finding' engagement	Adult Care and Integration, Strategic Commissioning	11 May 2-4:30pm (Riverside)	3	As-is pathway mapping
		5 July 9:30-10:30am (virtual)	2	Mental Health Community Service Consultation
		13 July 4-5pm (virtual)	2	Adult Care contribution to Crisis Team, reablement
		18 July 12-12:30pm (virtual)	1	ASC Front Door
		27 July 11:30-12:30pm (virtual)	4	Mental Health pathway - what is working well and challenges, staff feedback
		3 August 2-3pm (virtual)	1	Commissioning activity - Flexible Purchasing System

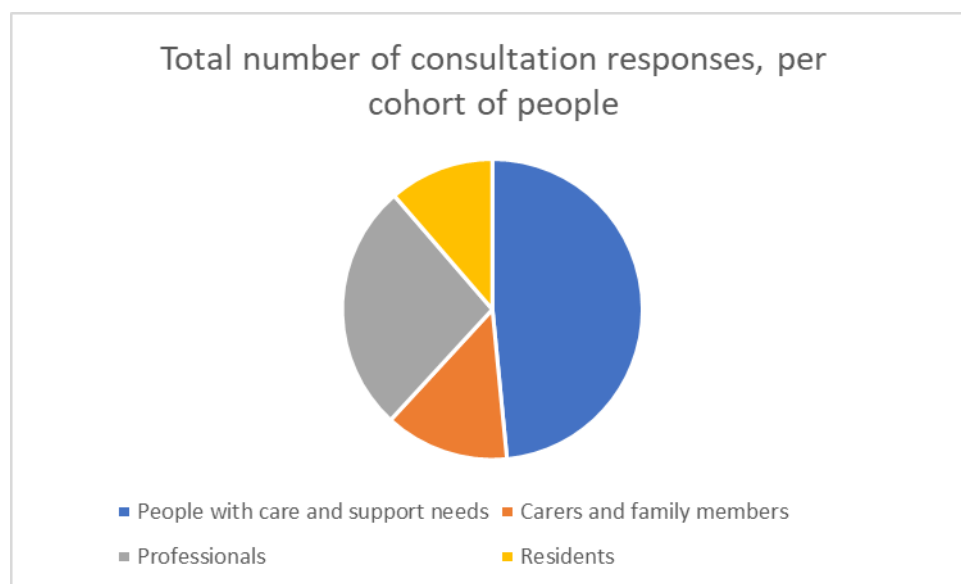
Consultation activity (August - October)				
Online questionnaire	Rotherham residents, partners, staff	7 August to 1 October 2023 (online)	61	Feedback about a Reablement Model – support types, approach, availability, and accessibility
Face to face drop-in sessions and 1:1s	People using the current community support service, families, and carers	6 September (Wellgate Court)	14	Designing an effective Reablement Model
		11 September (Wellgate Court)	15	Designing an effective Reablement Model
		13 September (Wellgate Court)	10	Designing an effective Reablement Model
		Postal Questionnaires / telephone contacts	19 (of which 6 returned)	Designing an effective Reablement Model
Face to face workshops	RMBC Mental Health Team	23 August, 1-3pm (Riverside House)	17	Core pathway elements, statutory functions, social care interventions
	Mental Health Alliance VCSE Workshop	7 September 3-4:30pm (VAR)	11	Designing an effective Reablement Model
Face to face focus groups	RMBC Adult Care workforce	24 August 1:30-2:30pm (Riverside House)	9	Feedback on current challenges, what works well
	RMBC Housing Services	24 August 9:30-10:30am (Riverside House)	5	Feedback on current challenges, what works well
Other activity (feedback relevant to the review)				
RDaSH Patient Engagement - Rotherham Crisis Service	People with lived experience, family and carers	11 July 2023, 9:30-12pm (Masbrough)	5	Facilitated session requesting feedback on the current crisis offer.

2. Summary of findings

Questionnaire relating to the future mental health community support offer.

A total 97 people fed back via the questionnaire (online and face to face).

The pie chart below shows the overall response rate, per cohort of people defined as people with care and support needs – this includes those with mental ill-health (49%), professionals working with people with care and support needs and carers (27%) carers and family members (13%), Rotherham residents (11%):



For analysis, people with care and support needs, carers and family members have been grouped as 'people with living experience', which accounts for 62% of all responses.

The online questionnaire was accessible to the public on the Rotherham Council website between 7th August 2023 and 1st October 2023.

The consultation was promoted across internal and external networks including Adult Care, Housing and Public Health, RDaSH Change and Transformation, RDaSH Community Mental Health Transformation, Rotherham Crisis Service, Voluntary Action Rotherham including the Mental Health Alliance, Primary Care, Touchstone Safe Space, the Rotherham Integrated Care Board and publicly via a Corporate Communications Plan, including online promotion and face to face at the Rotherham Show.

Response rate and summary of responses

61 people completed the questionnaire online.

26 people with mental ill-health/care and support needs, carers and family members responded. The top three highest support needs identified:

1. Support to prevent a mental health crisis (77%)
2. Support after a mental health crisis (73%)
3. Support to manage long term conditions (72%)

It is important to note that online there was a high response rate to most support types, with over 50% of people selecting 18 out of the 21 support types, indicating the need for a varied offer to meet need.

92% of professionals agreed that enablement could support to prevent crisis, and 82% agreed that it could support recovery from crisis. 88% of people indicated that support with self-neglect and hoarding would be a valuable enablement support type. Whilst this was identified by a lower proportion of people with care and support needs, carers, and family, however 50% reflects a significant proportion.

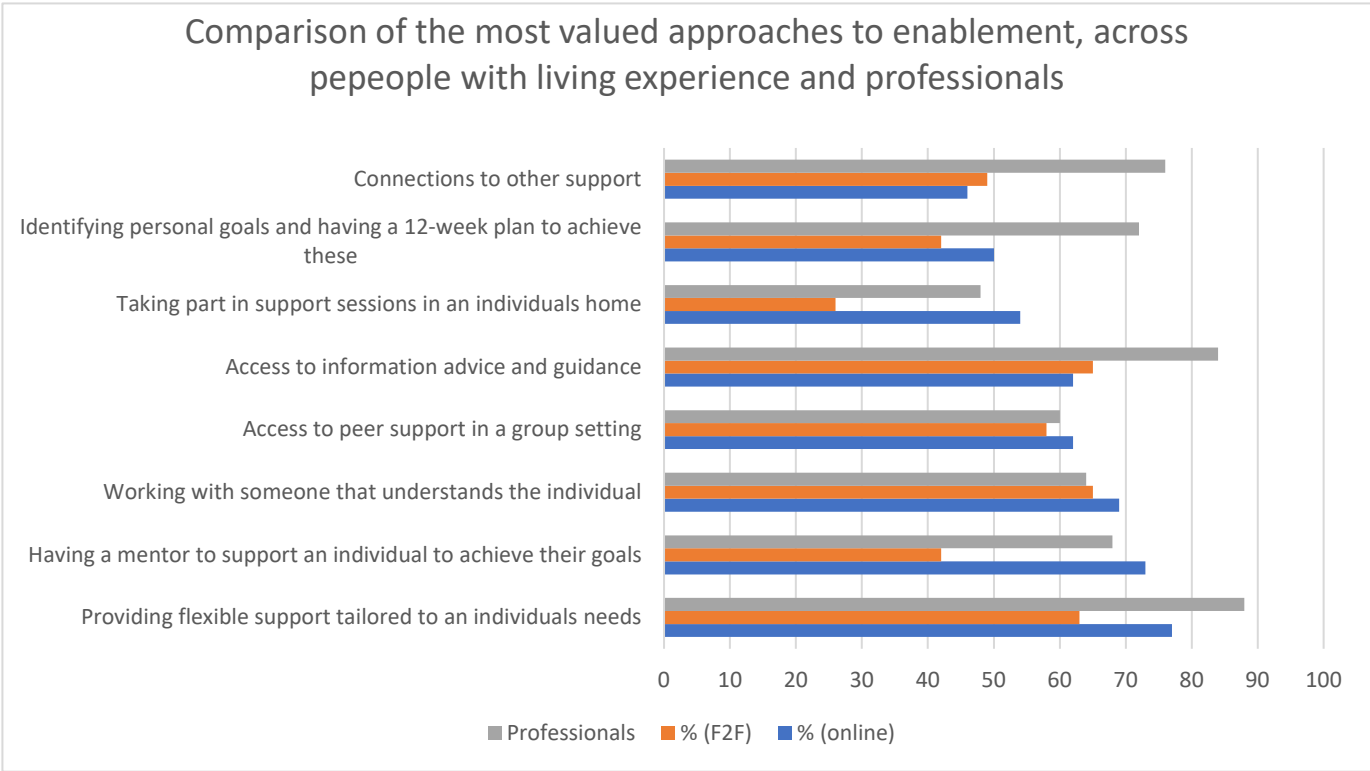
The third most selected support type by professionals was 'coping strategies' at 84%.

People with living experience (online and face to face), most value:

- Support to gain or regain independence using own strengths 81%
- Support to build confidence and self-esteem 76%
- Support to manage long term conditions 73%

Enablement to support prevention and recovery aside, types of support most valued by professionals differed to that of people with living experience. 88% of professionals identified support with self-neglect and hoarding, and whilst this was recognised by a lower proportion of people with living experience, 54% still reflects a significant proportion of people. 84% of professionals would value enablement to support people to access new types of support', this compares to 63% of people with living experience. 72% of professionals fed back that support to 'access volunteering and employment opportunities' would be valued, compared to 58% of people with living experience that completed the online questionnaire and a smaller proportion, 39% of people, that access the current service value this support type.

In relation to the **approach** to offering enablement support, the graph below compares proportionate responses across cohorts of people.



In terms of approaches to providing enablement, there was some difference amongst people with living experience that responded online compared to those in receipt of the current service.

Particularly, 73% of people online fed back 'having a mentor to support an individual to achieve their goals' would be a valuable enablement approach, compared to only 50% of people that use the service currently. 'Providing flexible support tailored to an individuals' needs' scored highly, with this being the most selected response across all people with living experience at 76%, followed by 74% of people agreeing that 'working with someone that understands the individual' is important. 70% of people identified 'access to information advice and guidance' as a valuable enablement approach.

Overall, 50% of people with living experience thought that 'identifying personal goals and having a 12-week plan to achieve these' was a valuable enablement approach, whereas almost three quarters (72%) of professionals fed back that this would be a valuable enablement approach.

88% of professionals agreed with people with living experience, family and carers that providing flexible support tailored to an individuals' needs would be most valued from an enablement service. Access to information, advice and guidance was the next most selected option by professionals at 84%, followed by 76% of professionals valuing 'connections to other support'.

The enablement approach least favoured by both professionals and people with living experience was 'taking part in support sessions in an individual's own home'. It is worth noting that although this approach received the lowest response rate across all cohorts, significant proportions of people, 43% with living experience and 48% of professionals, value this as an effective method of delivering enablement.

93% of people with living experience think that a building base is 'very' or 'quite' important and 88% of professionals agree. Similar proportions of people fed back that enablement support should be available from different buildings and places within in the community - 40% of professionals, compared to 35% of people with living experience. The least favoured option across all groups was digital and online support, with 12% of all respondents choosing this option.

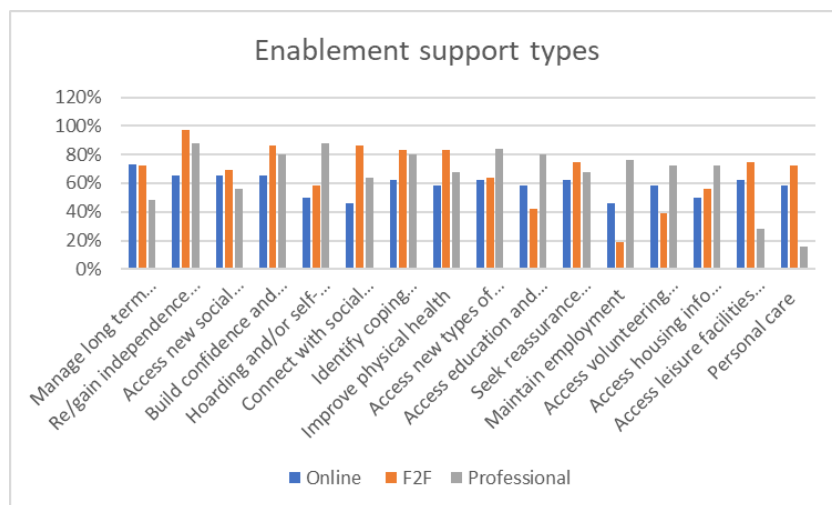
In relation to the availability of enablement, 92% of professionals fed back that support in the evenings should be offered. There was much higher interest for evening support amongst people with living experience that responded online - 84% compared to 65% of people accessing the current service offer. Equally, a higher proportion of people with living experience responding online, 64%, believe that enablement should be offered 7 days a week, compared to 53% of people accessing the current service offer.

Face to face, telephone and postal questionnaires with people currently accessing the mental health community support service.

Manual data provided by the service shows that there are currently around 97 people accessing the current community support service, of which 76 are people have mental ill-health and 21 are carers. 63% of people that access the service attend peer support sessions via group visits to cafés in the community, attending Wellgate Court (the current service base), participating in walking groups and/or taking part in the telephone quizzes. 12 people are currently receiving 'enablement' or individual support from the service and 17 people currently have an open Care Act Assessment. 2 people receive Direct Payment support, and the service is supported by one volunteer who previously received support from the service. Of the 21 carers, 16 receive 'carers support' from the service.

60% of the people in receipt of the current service were reached as part of the consultation, of which 34 people with care and support needs (69%), carers and family members (25%) completed a questionnaire, via face-to-face contact during the drop-ins held at Wellgate Court, postal questionnaires and telephone contact. 1 Rotherham Resident and 1 professional completed a questionnaire during the face-to-face drop-ins.

78% of respondents indicated that they receive support from other services, these range from health services including IAPT, Counselling, Social Prescribing, GP, Secondary Mental Health Services and the Voluntary and Community Sector including Mind and Peer Support groups for example.



The graph above shows the different types of enablement support that respondents believe should be offered. People that use the service currently, including carers and family members rated the following support types the most:

1. Support to gain or regain independence using an individual's own strengths (97%)
2. Support to prevent a mental health crisis (92%)
3. Support building confidence and self-esteem and connecting to social networks (83%)

Support to improve physical health, support after a mental health crisis and coping strategies were all rated by 83% of people.

The least favoured support types amongst those in receipt of the current service were 'maintaining employment' (19%), 'access to volunteering or employment opportunities' (39%) and 'access to education and training' (42%) however it should be noted that the proportion of people selecting these support types was still relatively high – the lowest proportion representing one fifth of people.

100% of people said that a building base is either 'very important' or 'quite important' and 94% of people favoured a consistent building base compared to around 33% of people preferring to access support from different places in the community. 36% of people would like to access support from their own home.

Amongst those accessing the service currently, a lower percentage of people would like the future offer to be available 7 days a week (53%) compared to 64% of people with living experience, carers and family members who fed back online, and to 68% of professionals. 69% of people currently accessing the service said that they would like future support to be available in the evenings.

83% of people said that the building base should be in a central location and close to other amenities. 81% fed back that building should have a kitchen/somewhere to eat and drink. A significant proportion, 78% of people, would like a building to have a communal space and 72% think it should be on a bus route. It was recognised by three quarters of people that the building should be accessible for any physical or sensory disabilities.

In relation to enablement approaches, working with someone that understands the individual and access to information, advice and guidance were the most highly rated at 78%, followed by 75% of people valuing flexible support, which is tailored to their needs. A high proportion of people, 69%, value peer support in a group setting.

Face to face consultation

People with mental-ill health accessing the current community support offer.

Drop-ins/one to ones on 6th, 11th, and 13th September 2023, 1-2:30pm Wellgate Court, and telephone/postal responses – 58 people.

Emerging themes based on comments captured during the drop-ins/one to ones:

The most discussed theme was ‘support types’, with people recognising the varied activity types the service once offered, with connection made to how the service supports/ed physical health. Peer and emotional support and guidance, along with support to build relationships, make social connections and encourage interactions which improves confidence, health and wellbeing and independence. Reference was made to practical help with finances and learning new skills. Carer respite was also mentioned.

Support types were a common theme across online comments, with people referencing willingness to engage, coping skills, anxiety, crisis support, hoarding and self-neglect. A focus on everyday lives, life choices and a sense of purpose were identified to help meet people’s social needs, preventing isolation, loneliness, and debt. Carers and family support was also highlighted.

Comments relating to enablement approaches were mentioned 31 times, with people feeding back that support needs to be motivating and responsive to fluctuating need. Respondents referenced the importance of continuity/long term support, with some highlighting concern about rigid timeframes. People fed back that personalised approaches ensure the right care and options are available and that people value communication and would find support to navigate the system helpful.

“...Mental health is not something that can be fixed with a 12-week plan...”

“...I generally don’t leave my house/ bed only to come here...”

People in receipt of the current service mentioned the pre-covid offer multiple times, citing current limitations and a strong emotional attachment was apparent.

“...It is consistent and long term so people can use it as and when needed. If I withdraw, staff ring me to check I am ok...”

“...I really miss the Wellgate Court service...”

“...I have written to my local MP and the prime minister because if Wellgate was not here people would be walking around like lost souls. When in crisis, we need to know the Wellgate is open to help which provides peace of mind as I am able to get support...”

Accessibility and availability was a key theme that emerged from both comments received from people using the service currently, and from the online feedback. Related comments were identified 53 times, with some of the following subcategories, including, knowledge of what is available and promotion of this, access to information including for professionals referring people, triage based on need and risk factors, timeliness of care and support including waiting times and alternatives. Lack of provision was referenced and the need for more resources – choice and variety of options using shared resources, lack of support/building base at Dinnington, 24/7 access, support available in the community (including CPN) which is based around everyday activities. Also fed back was the importance of an ‘open door’ due to the ongoing nature of mental ill-health.

“...[People] need and to have a clear understanding of how they re-access support...”

“...The professionals need to be more accessible...”

Feedback relating to mental health enablement and the wider mental health pathway.

Face-to-face sessions include 19th May, 14th June and 31st July 2023 – workshops with partners; 23rd August 2023 – workshop with the Adult Care Mental Health Team; 24th August 2023 – focus group with the wider Adult Care, Housing and Public Health directorate workforce; 7th September 2023 – workshop with members of the Voluntary Action Rotherham Mental Health Alliance (VCSE).

Feedback from all sessions relating to enablement and the wider mental health pathway was analysed and the following emerging themes identified:

- **Approaches** (102 comments) – holistic, person-centred care and support which is strengths-based, personalised, and focussed on recovery. Collaborative, enabling and blended approaches, along with effective triage to support people to navigate the health and care system and access specialist services. Community-based, proportionate interventions, providing early solutions for people to prevent care and support needs from worsening. Using data and feedback to shape service and inform decisions.
- **Pathway** (70 comments) – one consolidated pathway with clear remits, criteria and roles and responsibilities, to ensure the right response first time. Access to a variety of options to meet the varying aspects and severity of mental-ill health.
- **Quality** (54 comments) – safe, accessible, and timely access to information, advice, guidance, and support, that is well communicated across the borough. A knowledgeable, skilled, and experienced workforce that are caring and share a common understanding of pathway and approaches, including the use of appropriate language.

Focus Groups

Adult Care workforce

24th August 2023, 1:30-2:30pm, Riverside House - 9 people.

Staff shared frustration in navigating the current pathway and wider system – there is a lack of acceptance of social care referrals – social care is not a recognised referrer, and it is therefore felt that options to support people at the front door are limited. Staff also fed back that people not engaging with health services often must start from the beginning, which impacts on their health and wellbeing and results in multiple and repeat contacts through the front door, yet due to the current social care criteria, unless the person has a diagnosed mental illness the mental health team will not support. As a result, the front door finds it difficult to allocate to the right pathway as localities do not feel they have the right skills and expertise to support people with mental health issues. People with complex mental health needs can be ‘held’ in localities until they have a diagnosis, which is not the most effective response for the person.

Enhancing the front door with specialist mental health knowledge would support the team to provide a more effective response, this needs to include how to support people with ‘low level’ mental health concerns, as it was reported that a large proportion of calls are related.

It was felt that a better way to manage ‘CID70s’ (Vulnerability Alerts from South Yorkshire Police) are needed, as these are currently poor quality and often do not meet threshold criteria for mental health services.

Waiting times can impact on people’s mental wellbeing, as can ‘social’ factors and people need to be supported to ‘unpick’ issues. It is felt that people need help and encouragement to connect to support to ensure they access it. An MDT ‘hub’ based in the community would help people to receive practical advice and support from a ‘one stop shop’.

The focus group felt that clear criteria for mental health reablement would be needed to manage referrals and expectations, so that the team does not become a ‘holding place’ for people with mental ill-health.

Housing services

24th August 2023, 9:30-10:30am Riverside House - 5 people.

The focus group recognised that there are different reasons why people can experience mental health issues and there is a difference in severity. There was a distinction made between 'everyday' mental health issues and life-long ill-health. The route cause needs to be identified and then the person can be supported in the right way by the right professional, whether this be circumstantial (ASB, housing, cost of living/financial), due to trauma or a diagnosed mental illness.

Staff contributed that people need to be supported with coping skills and strategies to prevent crisis and escalation and to be supported after crisis – continuity of support is needed to prevent people from relapsing. They also believe that the workforce (housing officers) need clear pathways and options to signpost people to, as currently the crisis team is viewed as the only mental health service (staff did not know about the social care front door or mental health team) with the only link between housing and mental health reported as via the crisis team.

It was felt by the people in attendance that there is adequate housing solutions for people with mental ill-health, although sometimes options can be counterproductive depending on location and issues relating to dual diagnosis.

Workshops

Adult Care Mental Health Team

23rd August 2023, 1-3pm Riverside House - 17 people.

The team felt that they hold valuable knowledge, skill, and experience about mental health and how best to support people. Staff shared that there is a lack of awareness about the remit and level of complexity the team is supporting and the challenges this presents in terms of working holistically with people in a timely manner – there needs to be appreciation that it takes time to build trust and rapport with people with mental ill-health. The team highlighted the current 'front door' approach and recognised that a consolidated offer which supports all adult care would be better. The team recognised that some approaches taken by health are not in the best interest of people and are not supportive of the recovery model. The team feels they need a base, to improve networking and support across the team and an integrated approach to sharing information across health and social care is needed. There needs to be a common understanding of roles and responsibilities across partners.

Quality could be improved through better management of information internally and access to information on the Council website. It was recognised that there are gaps in training in relation to AMHPs use of LAS. Staff retention was highlighted as a concern. The team identified the different social care interventions that need to be deployed at points across the pathway, see section 5, findings from workshops.

Voluntary, Community and Social Enterprises

7th September 2023, 3-4:30pm Voluntary Action Rotherham - 11 people representing the following organisations - The Rainbow Project, Empower by Endorphins, Working Win, Stag PPG, GROW, Active Independence, Andy's Man Club, SYHA, Swinton Lock, Crossroads Care Rotherham, Headway Rotherham, Rotherham Adult Neurodiversity Support Service (RANSS).

A workshop with the VCSE identified the following principles that must underpin a reablement model, the following words were used the most times:

Person-centred, strengths based, collaboration, accessible, timely, holistic.

The group was asked to identify the different challenges that people with mental ill-health, their families and carers experience, and for each challenge identify the type of support would help people overcome the challenge and what the impact (outcome) might be.

In summary, participants identified that accessing employment was a challenge, as was access to support for carers and family members. Dual diagnosis, physical health, isolation, and bereavement were other challenges identified by the group. These could be translated into enablement support types. The challenge that demand on services presents to people that need support was identified, inferring the importance of timeliness of support. Along with accessibility, people also raised that trust, personalised and holistic approaches were needed, as well as a non-judgemental and caring attitude which encourages and motivates people with mental ill-health.

Statutory (and non-statutory) partners

19th May, 14th June and 31st July 2023 (Oakhouse and Swallownest Court) – 30 people (some repeat attendees) over 3 workshops.

Involvement included, the mental health workforce, representation from RDaSH, Primary Care, Touchstone, Voluntary Action Rotherham, Rotherham Council Public Health, Adult Care and Strategic Commissioning, the Integrated Care Board.

The workshops provided an opportunity for organisations to form a shared understanding of the current challenges and opportunities and terms of engagement for working together. It was recognised that a partnership approach could be taken to improve the current pathway in relation to strengthening the prevention and early intervention offer and crisis care and recovery. The initial workshop completed a SWOT analysis and identified the following –

Strengths - relationships across the system, joined-up vision, data intelligence, breadth of services and expertise, strength of voluntary contribution to community support.

Weaknesses – lack of defined, real alternatives to crisis, training relating to crisis, strategic oversight, evidence of fulfilling statutory duties, home visits, person's voice. Approaches are siloed, non-holistic and could be improved in relation to the digital offer for staff and patients and access to voluntary services. Suicide rates.

Opportunities – development and use of an 'Asset Map Directory' (Public Health), a combined front door for both mental health and physical health., thresholds to access services, service specifications and clear roles and responsibilities, shared pathway and resources, co-location, cross service training offer, data intelligence to inform decisions, multi-agency model with different disciplines working together to offer a holistic response via a community hub approach, the 'making every contact count ethos, joint working across CMHT and crisis transformation.

Threats - Factors which impact on people's mental health - cost of living and loneliness, communication, and language at the front door (crisis), sufficiency of resources, capacity, and sustainability of the voluntary sector.

In response, a further workshop focussed on identifying a shared understanding of statutory and legal duties and key objectives and a key output from the sessions was a draft high-level pathway onto which the social care profile has been mapped (see appendix 4).

Other consultation activity

Rotherham Show

Visitors to Rotherham Show on Saturday 2nd and Sunday 3rd September were encouraged to have their say by completing the online questionnaire. Leaflets with QR codes were handed out to people to support access to the online form and paper copies, including easy-read versions, were available on the day. All responses form part of the online consultation analysis.

Relevant feedback from other sources

Rotherham Doncaster and South Humber NHS Trust Patient Engagement

Feedback from RDaSH-led patient engagement has been analysed and key themes have emerged that are relevant to the review. These were –

41 comments relating to ‘approaches.’

Including personalisation, integration including information sharing, lifespan/transitions, early intervention and prevention, flexibility, problem solving, practical support, recovery focussed, person centred planning, navigators, person's voice, strengths based, peer support, services provided by local people, community/home-based services, combining mental and physical health, continuity of support/follow-up, support while waiting, one point of contact/tell my story once, face to face, effective triage.

27 comments relating to ‘quality of services.’

24/7 support, ease of referral, safety, staff attitudes/morale, shared records, general mental health training, education and awareness, workforce, language, location of services, number of staff i.e., demand/capacity, timeliness of response.

24 comments relating to ‘pathways.’

Availability and access to service including online/digital offer, Clear/clarity of pathway, who does what/remits, available options, access to services/fair access, liaison between services, processes.

Section 3: Full audit and analysis of the feedback

Mental Health Community Support Questionnaire – analysis of free text (all responses)

Q. Do you have any suggestions, ideas, or additional comments about the future service design?

Based on 60 responses (online) as of 18th September 2023

All comments were analysed and categorised; the following themes emerged:

No.	Overall theme	Sub-categories
38	Approaches	<ul style="list-style-type: none">• Personalised, self-directed, person-led, empowerment.• Resilience.• User-led support with professional oversight.• Prevention, aftercare, recovery focussed.• Services which are holistic, family focussed, with interconnectedness of need - 'whole person'.• One point of contact, right first time 'tell my story once'.• Face to face - home visits, one to one, drop-in, digital.• Peer support.• Long term vs short term.• Community focus, 'hub', safe spaces.
35	Accessibility and availability	<ul style="list-style-type: none">• Knowledge of what is available and promotion of this.• Access to information inc. for professionals referring people.• Triage based on need and risk factors (inc. deprivation).• Timeliness – waiting times and alternatives.• Lack of provision/more resources – choice and variety of options.• Shared resources.• Building base at Dinnington.• 24/7.• CPN based in the community.• Support based around everyday activities.• Open door – ongoing nature.
25	Support types	<ul style="list-style-type: none">• Motivation, encouragement, and willingness to engage.• Sense of purpose.

		<ul style="list-style-type: none"> • Coping skills, anxiety. • Crisis support. • Hoarding and self-neglect, personal care. • Focus on everyday lives. • Life choices. • Social needs – isolation, loneliness, debt, work. • Substance misuse. • Carers support, family support.
12	Cultural and behavioural	<ul style="list-style-type: none"> • Respect. • Stigma/impact of. • Recognition of mental health (across professionals). • Workforce – people skills, experienced, caring, genuine. • Listen, non-judgemental. • Pigeon-holed. • Approachable/no suits
7	Outcomes	<ul style="list-style-type: none"> • To be kept informed and updated. • Improved wellbeing. • Impact of short term support • Current frustration and dissatisfaction. • Suicide.
2	Other	Form design

Full itemised list of additional comments (online) verbatim.

Reablement should include mental health support and building a person up in order to not need formal services (approach)

It's no joke that you forgot to include Housing in your drop-down list of which service do you work in because we are out there trying to support people living in Council accommodation and struggle to get access or help for our tenants who are struggling (accessibility and availability) hoarding, in crisis etc (support types).

Preventive info and advice on substance misuse would also be useful (support types)

I do feel a focus needs to be made on the areas of high deprivation (accessibility and availability)

Aligning with social prescribers and Primary care network mental health workers (resources) to optimise accessibility (accessibility and availability) for the people with the greatest need (accessibility and availability)

This was a very exciting questionnaire to fill out because it demonstrates that the council are thinking about developing some much needed resources (resources) for people with mental health issues. They struggle to be able to access services due to a lack of provision (accessibility and availability), long wait lists (accessibility and availability) and anxiety and motivation (support types). All the ideas presented on here are wonderful and look to be promoting access to support that enhances overall wellbeing (outcomes), with a focus on everyday life, which is what people need (support types)

Many people are lonely (support types) lack knowledge of what services are out there (accessibility and availability) for support with Mental health, debt (support types), social connection (support types), work (support types).

A community is needed (approach), face to face interaction (approach) not just digital (approach).

Waiting times too long (accessibility and availability)

Better recognition from primary care of depression and/or anxiety in older people (cultural and behavioural)

Needs to be well advertised (accessibility and availability) and not stigmatised (cultural and behavioural), too many things make people feel worse about attending, needs to be more positively advertised and emphasis its person led (approach). People get fed up being passed around and having to go over it all again and again (approach)

Drop in groups (approach) eg support empowerment mental health, social needs (support types)

Despite strong written and language skills, i struggle online (accessibility and availability). I often feel excluded by automated communications and the absence of an experienced human (approach), especially as a carer trying to support my 96 year old aunt (support types).

Btw, I have a diagnosed MH disorder, as well as being autistic. Wouldn't it be great to have my needs met holistically! (approach) I feel as if many of my problems arise from siloed services: mental health/neurology/ASD (approach) each with its own waiting list (accessibility and availability). As if my issues aren't all interconnected, sigh...

PLEASE don't use a calendar as the only means to enter DOB!! Rather than being accurate, surely ppl get bored of tracking back with, say, 768 keystrokes & just make themselves younger?? Be real! Why not just ask for age? (other – form design)

Supporting people who don't have a phone. Currently I struggle to refer any of my tenants into MH services as they don't always have a phone (accessibility and availability). This is normally linked to the reason why I'm trying to refer them in and change their thinking about their life choices (support types).

12 weeks is not long enough for many people (approach) and can set them up to fail by being rigid in terms of time offered (outcomes)

The support in Rotherham for mental health need improvement for me personally it needs to be more respectful of its clients treating them with care not just a job (cultural and behavioural).

Too many people work in people services with no people skills or genuine care and it's obvious it is just a job that pays their bills (cultural and behavioural).

People with mental health are very intelligent and should be treat with respect (cultural and behavioural) and care and a lot of mental health practitioners treat the people with mental health like they know better than the actual person dealing with the illness (approach)

Trust me the person with the illness knows a lot about they're daily struggles and do not need someone who thinks they know it all telling them what they should and shouldn't be feeling (approach)

I'm currently waiting on a mental health assessment outcome myself which has taken years to get it is so frustrating being passed from pillar to post (outcomes) and waiting and waiting (accessibility and availability) and patronised by different doctors and nurses when I know there is something I need help with (cultural and behavioural)

Often people with low mental health are hard to reach and as we know have to be ready to engage (support types). Often services overlook "where are our clientele on a daily basis," the majority of the answer is in their homes struggling or afraid to leave, which makes accessing services difficult (accessibility and availability).

But often they can be reached (or services promoted to) in places that aren't considered when we look at forced interactions, for example on a school drop off/pick up, having to go to a supermarket, The JCP as some with MH may be unemployed. Can one to one sessions be set up in these sorts of places by collaborating with the services (accessibility and availability).

A safe space at the school or a community venue room, with pre-booked one to one appointments or drop ins to try and reach out to the harder to reach people who may not want family to know they are attending (accessibility and availability).

Also, anything that is the opposite of secondary MH waiting times (accessibility and availability), it is abysmal how long it takes and I can see why people who are really struggling (outcomes), have no coping skills (support types) or support would end their lives (outcomes). You can wait over a year and have 4 telephone calls with no concrete offer of support, to someone in dire need this is of no use at all (outcomes). So if possible a faster triage system (accessibility and availability) that is more streamlined and if it can't be then at least updates and an explanation so people don't feel abandoned in between the set up of support (outcomes)

Think a base in Dinnington is vital (resources)

Support needs to be long term (approach). A 12-week programme may well be brilliant but participants should then receive support in the form of monthly check ins/weekly phone calls depending on need and to have a clear understanding of how they re-access support (accessibility and availability).

Mental health and long term conditions are a continuum and treatment should be as much about building supportive communities or well and unwell folk as short term interventions (approach)

Different venues (resources) with friendly residents being the one's to run things but managed by professionals (approach). To have a hub (approach) where people can easily access information and also be sign posted to activities (accessibility and availability) that may help them with taking control of their own mental health (approach).

I think there needs to be a greater understanding that where it comes to Community Psychiatric Nurses, that the clue is the title "Community", far too many people live in communities who are not under secondary care teams and so don't have access to a CPN! (accessibility and availability). While I understand that Psychiatric wards need nurses there needs to be better access for people to get support / monitoring from a CPN in the community such as at the GP surgery which could in turn reduce the need for GP's to be having to refer patients back to secondary mental health teams (resources).

I believe a multiple offerings in different areas and settings are needed across the borough (resource). Reasons I believe these strong consideration is Triggers - these can be places, places, scents etc can all be triggering from past traumas and can stop people accessing support (approach). I have also witnessed someone who has had to step away from a support service, due to a personal conflict with another service user, and one individual been left with no support as there was no other provider to turn to (resources).

Visits to the home are needed (approach). Get him up and out (support types). Something to get up for (support types). Motivation (support types). Hobbies (support types). Self care (support types). Home maintenance (home maintenance). Goals put in place to achieve (approach). Independence and confidence (support types)

Remember people often have other disabilities alongside their mental health condition. You need to provide a holistic approach. Look at the whole person not just one part of the person (approach).

Personally peer support is better than professionals (approach).

I like speak up Rotherham because I am alongside peers. Being with peers helps me to discuss issues more comfortably (approach)

I think there should be more help/advice for people to access (resources)

Mental health is not something that can be fixed with a 12-week plan and I would avoid putting any kind of time frames around anything where mental health is concerned (approach) because the person suffering with ill mental health will feel like they have failed if they don't meet the timeline or target or deadline whatever you want to call it (outcome). Likewise it's not about somebody's strengths it's about the support they've got or not got and the support they need to help them get on the road to recovery (approach). A lot of people with ill mental health will not want to go out of the house many like I have (support types), have lost interest in looking after themselves and their home (support types), so ideas that make them feel good (support types) - might be a haircut, a cleaner coming to go through their house to get back on track and tidy and clean so they've got a starting point to start from when it's nice and they smile when they look around their home or look at themselves. Sometimes the simple things are the best things it's about having somebody to talk to most of the time that's the issue where mental health is concerned people are lonely (support types) or they feel like they can't offload for fear of being judged (cultural and behavioural). Simple small baby steps is the best thing I can tell you (approach).

The waitlist after a crisis is horrendous (accessibility and availability) and the crisis team hang up on people (cultural and behavioural).

The professionals need to be more accessible (accessibility and availability). If professionals say they will do something ie ring back, obtain information, check something, then they should do so. Failure to do this, for whatever reason, does not help ANYONE (cultural and behavioural).

Work on the individuals level, not the persons who is giving the help (approach)

Tell your story once (approach)

Have 1 point of contact who can then advise where to go if necessary (approach)

No suits as that can be off putting or intimidating (cultural and behavioural)

Listen and not judge or patronise (cultural and behavioural)

Safe space to talk (approach)

Comfortable seating (resource)

Don't put a timescale on (approach)

Good aftercare (approach)

There needs to be several different routes in mental health services and the professional needs to look at that person as a whole not just 1 illness. The individual can't deal with or find a way to work with that illness if there is also other issues preventing them from doing that (approach).

I have diagnosed MH conditions and am also autistic. Your first question already pigeon-holes me! (cultural and behavioural)

Not all of your 'Other' options have a box for free text (other – form design)

Poor questionnaire (other - form design)

I would like to see more people empowered in their own lives (approach)

Getting them to be more independent, less reliant on services (approach)

it should be made easier to find what is available and more group activities or any help that's out there as far as I'm aware this isn't any that I know of? do you need a referral for instance (accessibility and availability)

Needs to be accessible 24/7 (accessibility and accessibility)

Easy to access (accessibility and availability)

Support when a family is in crisis (support types, approach)

Guidance for professionals dealing with families who are struggling (support types)

Additional comments (verbatim) made by people who participated in the drop-in sessions, one to ones, postal and telephone contact including people 43 people with care and support needs, family and carers that use the current community support service, plus one resident (an ex-Mayor or Rotherham).

All comments were analysed and categorised; the following themes emerged -

No.	Overall theme	Sub-categories
38	Support types	<ul style="list-style-type: none"> • Peer support • Guidance • Practical help • Emotional support • Confidence • Physical health • Activities • Learning new skills

		<ul style="list-style-type: none"> • Volunteering • Health, wellbeing, anxiety • Finances • Carer respite • Building relationships and social connections/interaction • Independence.
31	Approaches	<ul style="list-style-type: none"> • Responsive, fluctuating need • Trust, kindness, comfortable and friendly • Prevention - crisis, social isolation, 'life-saving' • Continuity, long-term (rigid timeframe won't work) • Personalised • Right care, right place • Person's voice, options • Professional judgment • Digital/phone call • Navigation • Communication • Motivation
20	Pre-covid	<ul style="list-style-type: none"> • Emotional attachment – missing the 'old' service • 'Restarting' of groups • Rejection • Currently a limited offer
18	Availability and accessibility	<ul style="list-style-type: none"> • Weekend • Every day • Staffing • Larger space
8	Safety	<ul style="list-style-type: none"> • The service/staff providing people with a safe space

Full itemised list of 'additional comments' and one to one discussion with people during drop-in sessions

Would like to see the service as it was pre-covid (pre-covid) as it is a lifesaver and really important to a lot of people – it is a family and has saved my life on many occasions (safety, approach - prevention). It is a reason to live, to get up and out of the house, and gives structure and support to each day. I can't emphasise the importance of Wellgate court enough (approach - motivating, structure, purpose)

We find that Wellgate court is valuable for a catch up and a cup of tea (support types - peer support). It is important to meet/see people and talk (support type - social connection) Really liked that it was open on a Saturday (availability and accessibility) it helps with your wellbeing and my mental illness (anxiety) better than being at home (support type – isolation).

Keep open for people with mental health problems. I'd like to see activities such as painting, model making, bingo, day trips, relaxation lessons (support types/activity types)

This service is really helpful to any person with mental health issues because they are ready with help and guidance (support types - practical, emotional support) when the person is in need (approach - responsive). They mix with like- minded people and help each other (support types - peer support). This service is very much needed for the likes of my son from time to time (approach - fluctuating).

Trips to Derbyshire (pre-covid)

I attend for coffee, but it is more than that. I use the bus to get here and it gives me focus for the day and something to do (approach - purpose). I can talk through any problems (support types - practical, emotional support) I generally don't leave my house/ bed only to come here (approach - motivating). Getting on the bus is a big thing for me (support type - confidence).

Exercise can help wellbeing (support types – physical health)

Keep the service going, helps people stay out of hospital (approach – prevention/crisis)

What works well is supporting social care needs before crisis, to avoid mental health assessment (approach - prevention)

I really miss the Wellgate Court service (pre-covid). We had walks, and annual trip to the coast, days out to different places via bus, train or tram. We had music/chat/food evenings at the Wellgate centre. We had Christmas and Easter parties, as well as other gatherings (support/activity types). There was something going on nearly every day. We also went for an annual meal to a different restaurant. There used to be 9 staff and, due to 4 taking retirement, we had 5, and now even less (availability and accessibility).

Previously men's and lady's groups were run which encouraged social interaction that some found difficult (pre-covid).

Building gives staff opportunity to create a safe (safety), comfortable, and friendly atmosphere where clients feel able to speak and interact (availability and accessibility). Time-scaled treatment demos not work for all (approach - personalised), staff are better able to judge the prospects of clients (approach - professional judgement). Many clients need structure provided (support type - structure). Staff being diverted to other duties

is at present disrupting the limited service being provided at present (accessibility and availability). The building provides opportunity for familiarity and encourages building of relationships with other clients who may or may not have suffered with similar problems (support types – building relationships). There is an atmosphere of 'humour without offence' (support type - social connection, friendship) Service is still very limited when compared to the service before covid (pre-covid).

I like it ever so much (emotional attachment).

The group has been a long-standing support (approach – continuity time) for my brother -the group seems to be able to support with any problem (approach - responsive). Over, the covid period, the group was vital support for my mum and brother (availability and accessibility)

Updates on future plans (approach - communication)

What services they can offer (approach - communication/navigation)

When will old groups re-open, such as the walking group (accessibility and availability)

If it isn't broken don't try and fix it. The service was brilliant before the pandemic (pre-covid). I'd like to see the return of the men's group (support types)

I miss coming (pre-covid). I feel safe here (safety). We could have a craft and chat group (support types – craft and social connection).

Restart groups (pre-covid) – craft group and go out to visit different places in a lady's group with Diane, I would like the music quiz to continue (support types). I preferred Clifton Court because there was more room (availability and accessibility)

Reestablishment of men's group including men's support group (pre-covid, support types), snooker group, Sunday lunch, evening music groups, walking groups, day trips to the coast (support types)

Formal groups (e.g. walking, badminton, learning how to cook) (support types)

Wellgate court teaches people how to better look after themselves (support types - independence)

Over the last 10 years (availability and accessibility) the staff at Wellgate have supported me to help myself and believe in myself (support types – confidence)

I'd like to go on more trips, such as to Meadowhall or the peak district, previously, we went to Rotherham college, to get our hair and makeup done, that was fun, and I'd like to do that again (pre-covid, support types, activity types).

During covid, Wellgate was a vital link to other services (navigators). The staff have provided me when support, when things aren't going my way (support types, approach - responsive) consistently for years (availability and accessibility). I'd like more staff to be trained (availability and accessibility).

Sometimes I don't need help with anything in particular, I just need support and Wellgate does that (approach – prevention, isolation/social connection).

As a carer, I can drop my family member off at the centre (approach - carer respite), where I know she is safe and well looked after by staff (safety). She enjoys doing arts and crafts sessions and confidence sessions (support types). Wellgate is easy to get to and has shops nearby (accessibility and availability). Wellgate is small and a larger building would be better (accessibility and availability).

To provide arts and craft sessions and confidence building sessions like they did before (support types, accessibility and availability). Would like to see yoga/ relaxation sessions in the building, doing activities with peers and friends from the group, and going out in groups with the support staff (support types)

I would like to see Wellgate court fully function again (pre-covid), people need support with health, finance, support to gain and maintain their independence (support types). Raising funds for charity etc. That is why I have written to my local mp and the prime minister because if Wellgate was not here people would be walking around like lost souls (approach - purpose, connection). When in crisis, we need to know the Wellgate is open to help which provides peace of mind as I am able to get support (safety, approach - prevention).

Gardening is enjoyed (support types).

I like to travel outside of Rotherham, especially to go on walks and to go to the east coast (support types).

To continue with services such as Wellgate court (availability and accessibility).

I volunteer at Wentworth woodhouse and without Wellgate, I wouldn't be able to do, as I have learned the skills and discipline in order to hold down a volunteering job (support types – confidence, learning skills/volunteering).

The service was so missed when it closed down during covid (pre-covid, emotional attachment), it is so helpful to come and have a coffee and a chat with people who have similar issues to me (support types – peer support)

Wellgate court is a safety net (safety, approach - prevention) it gives me the confidence to try new things and make our lives better (support types – confidence). It is consistent and long term so people can use it as and when needed (approach - flexible) If I withdraw, staff ring me to check I am ok (approach - responsive). It is a community, a family (support types - social connection). If I am moved on, it would feel like I'm being rejected

(emotional attachment). if I didn't have Wellgate court, I don't know what I'd do. With mental health, it is hard to trust but Wellgate court gives long-term support and trust is built over time (approach – trust, time)

Wellgate court helps me when my neighbour and friend are away (approach - responsive, flexible). We used to have social events and go to the coast on day trips (support types, activity types)

A 10-minute chat (via telephone) in the morning would really help to motivate me (approach - motivation, digital support).

I liked the old service (pre-covid), A 12-week plan of activities worked, we could see what was on offer for 12 week and we could suggest things. We would put our name against what we wanted to do. I could look forward to things, and it gave me structure (approach - structure).

We used to go to the coast twice a year, we'd contribute to the trip (pre-covid). I miss it; we'd go out to local places, out for walks (which was good for keeping fit) (support types – physical health). I also miss when we would play snooker.

In acute care, people are sectioned and receiving support for different reasons including drug and alcohol – the mix of people is not right. It is not always the best place to be to recover (approach - right care/right place)

People's needs change over time, and the service needs to respond (approach - fluctuating/responsive)

The service has not moved on since covid, needs to go in the direction that people want. It's a blank space (person's voice)

The offer reduced that much that it it's not worth it (pre-covid) – just coming in for a 15-minute session (availability and accessibility)

I'd like to know what is on offer before I say what I'd like (support types - options)

Walking group has changed to a coffee group, this doesn't help me as I need to be out and about (support types - options)

How are staff filling their time? (Availability and accessibility).

Support for individuals from places such as Wellgate Court (availability and accessibility)

I think it's very important to have a place where everybody can meet, feels safe (safety) and if possible see the same members of staff (support types, approach - continuity)

I sincerely hope that Wellgate Court is to continue to offer support to individuals like my brother, who has Asperger's' syndrome and is unable to function day to day without support from myself, carers and social workers (emotional attachment). Wellgate Court has been a valuable asset for him as they offer support, kindness (approach) and activities (support types), without there is nowhere to go (availability and accessibility). They are a fantastic service and deserve a medal.

If I did not have Wellgate Court for support, I would be likely to end up in hospital (approach - prevention)

Adult Care Mental Health Team

- Building a rapport and building up trust with clients (quality, approach)
- Some staff have worked within the service for a long time, have valuable knowledge especially about repeat clients (quality, approach)
- Network and share knowledge using MS teams channels, huddles, and G-Drive (quality)
- Needs to be more awareness that some cases are more complex than others, and therefore take longer (approach)
- No base for the team, feel like it would help them feel more like a team (approach)
- Poor management of information systems (quality)
- Would be useful for other teams to know what falls within the remit of a social worker, to prevent getting cases that aren't suitable (pathway)
- Need to distinguish what comes under health, and what comes under social work (pathway)
- The health '3 strike rule' is not helpful or appropriate for people with mental ill-health (approach)
- AMHPs are going to be using LAS system – need training on it (quality)
- Challenging families – makes it hard to take a whole-person, holistic approach (approach)
- Social workers cannot refer to VAR, only health professionals can (pathway)
- Nothing about mental health on RMBC website (quality)
- Staff levels/ retention (quality)
- Accessibility issues with RDaSH (pathway)
- AMHP's info on health not RMBC (ready to roll out) (quality)
- AMHP's not trained on LAS – will need to learn new system (quality)
- Remits of teams are different to what people think (pathway)
- We need to share remits of teams, to lessen pressure on front door (pathway)
- MH front door is separate to other My Front Door (pathway)
- Perception of what others have re MH team, more complex than people know (approach)
- Access to health systems (approach)
- No base as a team to operate from (approach)

Approach = 9; Pathway = 7; Quality = 9

Adult Care workforce

- Not easy to signpost people to help, the front door is unclear what is available and eligibility criteria is unclear (pathway)
- No one takes referrals from social care, but every service refers to social care (approach)
- Concerns around how police, social care, and health link in around suicide prevention (approach)
- If people don't engage, they are referred again/have to start at the beginning – nature of mental health can mean not engaging (approach)
- Not got the expertise in localities to make certain judgments and decisions (approach)
- Things like MIND and Qwell are self-referral which is not possible for some people (approach)
- People don't fit in a box (approach)
- Sometimes it's social factors causing distress rather than an actual MH problem (approach)
- Gap where people don't reach requirements for MH (pathway)
- People can't wait for a MH assessment and/or support, they deteriorate further (approach)
- Multidisciplinary triage – MH specialist, social worker, substance misuse worker would be ideal (approach)
- Mental health professional/ specialist working within the front door would be ideal (approach)
- Equipping front door with more resources, information, and pathways (quality, approach, and pathway)
- CID 70s – lacking key info like phone numbers, unprofessional language, overall poor quality (quality)
- Got to rely on the ward to refer to mental health liaison team (nurses not SW, not social perspective) assessments done in hospital, not reflective of real life (approach)
- Is the term 'mental ill health' used appropriately across all services? (quality)
- People need the right response as being given a label of mental ill health stays with people – negatively affects them (pathway)
- Gap for people with personality disorders – no clear pathway (pathway)
- Self-neglect becoming more prevalent and no clear pathway. Doesn't go to MH, as not a recognised MH disorder? (pathway)
- Need to be clear on remits of the teams (pathway)
- More social groups while people wait – social prescribers to connect people to support/encourage participation (approach)
- Need more services to signpost to (pathway)
- A 'drop-in' service – one stop place to support with numerous issues (would be ideal) (approach)
- Don't want to see people just get referred to reablement and people get 'held' there, may lead to people not receive the right support. Need clear goals and clear criteria for people to be referred. Someone needs to have a specific issue that is in that reablement criteria (pathway)
- Remits are not clear, and people get 'stuck in a loop' and are 'in limbo' between services, for example, the GP sometimes refuses to get involved, people go into crisis and social care cannot refer to the crisis team – social care is not recognised by health, only referrals from health are accepted (pathway)

- Eligibility for secondary mental health services is a barrier to people accessing the right support from the right social care team (*approach*)
- Social care mental health team do not accept cases unless a person has a diagnosis and is receiving support from secondary health care, but what if there is a history? Risk-based decisions should be made as 'people don't fit in a box' and often there are multiple factors such as alcohol dependency and substance misuse (*approach*)
- Locality social care teams are not specialists in mental health, but cases are often allocated/locality 'hold' until diagnosis is reached (*approach*)
- People screened out due to 'low level' mental health (e.g. low mood and anxiety) need support to prevent conditions from worsening – it is unclear what the offer is and what advice should be given to people, other than contact your GP (*pathway*)
- People's situations need to be 'unpicked', and practical support offered, as this can impact positively on a person's mental health and wellbeing and prevent need for formal assessment and service (*approach*)
- The front door does not have the expertise to help people with mental ill-health, yet 80% of contacts (anecdotally) are mental health related, including a rise in suicide related calls (*approach*)
- An MDT/joint screening approach would work better and clear places to signpost to (*approach*)
- Mental health is often used by other organisations to 'offload' someone onto social care, for example the 'CID70s' received from the SY Police are not appropriate for social care. The language used is very judgemental and not fact-based (labelling people can be damaging) (*quality*)
- Quality of information is often poor with no contact details for the person the alert concerns – these should be triaged/quality checked by someone in the Police force before they are sent (*quality*)
- Timeliness of response is important to prevent deterioration and crisis, but often people face long waiting times and there is nothing to support in the meantime (*approach*)
- Enablement could support but it would need to have clear criteria to avoid it being a 'holding' service while people wait for health services (*approach*)
- A telephone response may not always be the right solution for people (*approach*)
- In the hospital, people with mental health needs are identified by ward staff and referred to the Mental Health Liaison Team (nurse-led). IDT will only get involved if a referral is received from the Liaison Team, but there is no mental health specialist knowledge and experience in IDT (*approach, pathway*)
- The offer for personality disorders is not clear, and people often present to adult care multiple times (*pathway*)
- Hoarding is a recognised mental health disorder, yet the mental health social care team do not accept cases on these grounds, most people are picked up locally via safeguarding but who is best placed to support this? (*pathway*)
- People need connecting to their local community and peer support network, this could be achieved by a hub approach which offers a 'drop-in' facility where people can access different information and advice under one roof, including employment solutions (*approach*)

Approach = 9; Pathway = 7; Quality = 9

Housing services

- People need more support before they get to a crisis point (*approach, pathway*)
- Staff don't feel like they have clear pathways to refer people (*pathway*)
- Raise the profile of MH – it is more than just the crisis team (*approach*)
- Need long term support – can't always 'fix' often lifelong fluctuations (*approach*)
- People struggling with MH due to experiencing ASB (*approach*)
- If it's 'everyday mental health', can't really support from a housing perspective – medical priority is for people with more severe mental health (*pathway*)
- Too long wait times for lots of services – housing, GPs, CAHMS. If people have severe MH problems, they can't wait (*approach, quality*)
- Used to be links between MH team, hospital, Swallownest court – was useful (*approach, pathway*)
- The only link between housing and mental health is via the crisis team - all mental health related concerns are referred to the crisis team. There is limited knowledge of the current adult care front door team and pathway (*approach, pathway*)
- People being supported by Swallownest Court are allocated a social worker (based at Swallownest Court) (*pathway*)
- The SY Housing Officer role based at Swallownest Court is invaluable. The role refers to the Homelessness Assessment and Prevention Officer. This role links to the Social Workers based at Swallownest Court (*approach*)
- 'Bed blockers' are the highest priority for housing (*approach*)
- Housing reps felt that there is adequate housing solutions for people with mental ill-health, although sometimes options can be counterproductive i.e. Elliott Court is not appropriate for people with dual diagnosis (*quality*)
- People with mental ill-health, including those with low-level mental health or undiagnosed needs fall between services, particularly where there is disagreement over mental capacity (*pathway*)
- Health plans often rely on SY Police to respond to incidences – there is not enough done to prevent escalation (*approach*)
- People need to be supported with coping skills and strategies by help to recognise triggers and know what to do and who to contact when they begin to feel unwell – sometimes people don't recognise this themselves, so it is important that friends, family and carers know this information too (*approach*)
- There is not the right support available to people after acute/medical intervention to prevent people from relapsing and repeating the same journey (*approach, pathway*)
- Reablement needs to be flexible and responsive to fluctuating need, have an open-door model and be personalised to the needs of people (*approach*)
- Trauma can cause mental health problems – people need encouragement and support to work through this and recover (*approach*)

- Anti-social behaviour can trigger mental ill-health, but people will only be considered by the medical priority team on grounds of mental health if they are receiving professional support and services. Although extreme ASB is not dismissed as causing harm to a person's mental health (*pathway*)
- The older male generation can be reluctant to mental health support (*approach*)
- Housing Officers and services are often at the forefront of supporting people and they need information and advice about where to signpost people to (*pathway*)
- There is pressure on all services which creates waiting times, including children's mental health services, people can deteriorate during this time and there is nothing available to help people (*approaches*)
- The cost-of-living crisis is impacting on people's housing and mental health (*approach*)
- There seems to be very few social enterprises for people with mental ill-health (*pathway*)

Approach = 25; Pathway = 14; Quality = 5

Voluntary, Community and Social Enterprises

A facilitated workshop requested feedback from the VCSE about the principles of effective reablement, when it should be offered and how it could support adults with mental-ill health to overcome challenges.

Here are some key points raised by attendees during the event –

- Social Prescribing works well and offers similar support to reablement (*approach*)
- The cost of crisis is high, both to individuals' wellbeing and financially (*approach*)
- Continuity of support is important, including after a referral has been made, while people wait (*approach, pathway*)
- There needs to be a referral pathway from RDaSH to reablement (*pathway*)
- Joint triage is needed to identify a lead organisation – one person then needs to coordinate a person's journey, helping them to navigate the system and be a single point of contact (*approach*)
- Staff cannot know everything, and therefore it is about connecting people to specialist support (*approach*)
- The system needs to work so that people tell their story once and information is shared (*approach, pathway*)
- The system is very complex, even for people that work in it (*pathway*)
- People can be overwhelmed by forms and systems, and this is particularly difficult for people with mental ill-health to manage, yet carers are often told that they cannot do certain things on behalf of others i.e. benefits assessments (*pathway*)

- There are lots of different reasons people have mental ill-health and criteria for services often works against people, for example a large proportion of autistic and neurodiverse people don't feel part of the community which impacts on mental wellness, yet mental health services are often not available for people with autism (*pathway*)
- The focus needs to be on enabling people and supporting recovery, including recognising physical and communication needs (*approach*)
- CHC criteria should account for social needs including housing (*pathway*)
- People use drugs and alcohol to self-medicate mental health issues, but then cannot access support due to this (*pathway*)
- People need supporting on a journey and a 'do with' approach will equip people with skills once support withdraws, for example through training and employment (*approach*)
- Specialist support is needed for mental health carers – a lot of work went into developing an 'active solutions' model, however it was not implemented (*pathway, approaches*)
- Mental ill-health can be experienced by anyone at any point of their life – 'not just poor people', people in work and who live in a family can be isolated and have poor mental health (*pathway*)

Approach = 8; Pathway = 10; Quality = 0

Workshop with partners

Several workshops have been held with partners, including representation from RDaSH, Primary Care, Touchstone, Voluntary Action Rotherham, Rotherham Council Public Health, Adult Care and Strategic Commissioning and the Integrated Care Board. An adult-care facilitated workshops focused on creating a shared understanding of the current offer, identification of the core elements of a future pathway, accounting for statutory duties and roles and responsibilities across partner organisations.

A SWOT analysis completed during a partner workshop identified the following relating to the current crisis offer –

Strengths

- Relationships and existing links across the system
- Start of a shared, joint vision.
- Data intelligence.
- Voluntary sector "community support" at grass roots.
- Breadth of services and expertise.
- Suicide prevention agenda and progress.

Weakness

- Financial implications.
- Lack of defined, real alternatives to crisis.
- Lack of evidence around fulfilling statutory duties.
- Suicide rates.
- Safeguarding Adult Reviews identify solo working.
- Lack of strategic oversight.
- Lack of home visits.
- Digital offer for staff and patients.
- Not fully utilising and accessing voluntary services.
- Befriending service stopped.
- Lack of lived experience involvement.
- Lack of long-term conditions and IAPT agenda.
- Lack of national crisis and liaison training.
- Physical health link to mental health.
- Lack of knowledge of extra funding.

Opportunities

- Asset Map Directory (Public Health)
- Front door for both mental health and physical health.
- Mental health definition, service specifications and clear roles and responsibilities.
- Reshape a joint mental health pathway.
- Shared resources - whole budget approach.
- Co-location.
- Develop a training offer across services, including with voluntary sector teams.
- Intelligence-led – use and sharing of data to inform decisions.
- Build a multi-agency model by working with different disciplines – pharmacy, peer support, nurses.
- Community hub approach and community responders.
- Build on MEC platform.
- Working together across CMHT and crisis transformation.

Threats

- Factors which impact on people's mental health - cost of living and loneliness.
- Communication and language at the front door (crisis)
- Sufficiency of resources.
- Capacity and sustainability of the voluntary sector
- Being narrow sighted.

Workshop with the VCSE

Activity: to identify the different challenges that people with mental ill-health, their families and carers experience, and for each challenge identify the type of support would help people overcome the challenge and what the impact (outcome) might be.

Table of full responses.

Challenges	Response	Outcome
Employment	1:1 support, focus on the individual's strengths. Find a placement before training.	Employment market, empowerment.
Carer/family support (family members are ignored)	GP, medical professional, O.T. etc Holistic approach, family centred, solution focused response looking at whole life pressures	Empowerment. Asset based longer term outcomes, the whole family is supported.
Having a single point to access information needed	A well-known single point of access - 'one telephone number'	Help when needed, reduced stress on both the individual and the family.
Trust in services is low.	Experienced advocates being listened to	Individual feels valued and believed - not judged
Siloed services	Joined-up working	Individuals tell their story once – less duplication.
Increasing demand across all age groups	Early age-appropriate responses	Reduced pressure on system – fewer individuals in crisis.
Dual diagnosis	Rotherham recovery community	Groups/individuals have been through the experience and want to share that knowledge and give back
Physical health	Gym, physical health checks, safe space which needs to be accessible	Less demand on GP

MH review	People will come through – triage and capacity to respond to the demand	Person gets the right support
People are made to feel like they are 'getting in the way' at all points of referral – the attitude is 'how can I <i>not</i> help?'	Method needs to be tailored to the individual – person centred, enable people to express themselves, empathise and accept their reality by validate experiences and needs, build trusted relationships.	People feel valued and accepted and are 'made to feel normal', not judged, someone cares – 'I'm not alone', feel included – a community purpose.
Cultural issues, assumptions, and stigma	Tailor approach inc. language/communication needs	Response is personalised and therefore effective, reduced stigma.
Isolation (inc. carers) bereavement	Peer support to breaking through the barrier and encourage the first step - this needs to be made easy. Matching people with similar experiences.	Improved mental health and resilience, fewer incidences of crisis

Workshop with the Adult Care Mental Health Team

As part of the session, attendees were asked to identify social care interventions for each of the core pathway elements. A record of the findings as follows:

Community and Digital Offer

- Access to information
- Virtual help such as chat bots
- Practical support via local library
- Text support via smartphone
- Printed versions of information
- Easy access to MH services to anyone that needs it.
- Support people to access community facilities, build confidence and promote social inclusion.
- A database of local services, groups, and support for customers/carers.
- An offer for people not computer literate - need alternative information format – leaflets, hubs, community base, easy access, drop ins at centres such as libraries.
- Community specialist information.

- A simple, clear, understandable pathway to be on our website signposting people to the right team.
- VAR.
- Links, advice, guidance.
- Self-assess – asset based.
- Community offer – support groups, employment.

Early Solutions

- Front door – 1st point of call – assess situation and agree who should handle.
- Staff should be able to cope with capacity.
- Self-referral.
- Front door – information, advice, signposting, screening for appropriate pathway.
- Staff with knowledge and understanding of MH issues.
- MH front door aligned with social care.
- Front door – early intervention approach, prevent, needs escalation.
- A bigger front door team, to offer advice required after website to signpost to partners rather than having to allocate all cases.
- Offer resources that are already available in the community for mental health.
- Short term intervention, preventative work.
- Empowerment and promoting independence, short term outcome-based support and reablement.

Proportionate Assessment

- Care Act.
- Ongoing case management.
- Mental capacity assessment.
- Carers assessment.
- Access to protective equipment/alarms for staff i.e., hoarding/pets/drug use.
- Designated locality areas amongst team re: allocations.
- Needs-led assessment.
- Allow time to look at actual needs by putting in support before assessment so you have the bigger picture.
- CHC.
- Person-centred, robust support, planning and contingency (joined 117/ QPPR approach).
- Duty process streamlined with standards.
- Remit/role of team shared across wider teams.

- Broad and accessible and fair assessments.
- Base/office space for social workers.
- Need more time to assess needs.
- A process of reviews with enough staff to allocate to.
- New assessment for support to be allocated rather than on a list due to no staff.
- Strength based assessment that emphasis the strengths of service user before deficits are looked in to.

Crisis care and recovery

- Remove barriers from health - that substance issues must be treated first.
- More MH support for substance misuse to aid recovery/ prevent relapse.
- Crisis – duty support.
- Safeguards duty team/crisis team.
- Easy access to crisis & continuous support with recovery from different angles of service.
- More integration with drugs and alcohol service.
- Crisis beds – alternative to hospital admission.
- Robust home treatment team.
- Drugs and alcohol team outreach.
- AMHP assessment.

This page is intentionally left blank

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: Mental Health Service Review

Directorate:
Adult Care, Housing and Public Health

Service area:
Adult Care and Integration

Lead person:
Andrew Wells

Contact:
Andrew.wells@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

In February 2023, Cabinet approved the development of a Reablement and Day Opportunities offer for people with mental ill-health. A public consultation will take place to inform the service design, and targeted engagement with the people that receive support from the current service and their carers.

3. Relevance to equality and diversity

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

relevance to equality and diversity.

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

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

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

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 proposal will affect people with care and support needs, their families and carers so it is crucial that they are able to fully contribute to the development of the service in a meaningful way. The consultation will therefore be designed to ensure residents are effectively able to engage and ensure their voice is heard and actively influence the outcomes.

- **Key findings**

The cohort of people affected through the development of the service include,

- People aged over 18 (or 17.5 years for those people transitioning into adulthood)
- Have care and support needs relating to mental ill-health.
- This includes people who provide unpaid care for someone with care and support needs.

- **Actions**

A consultation will be designed and delivered in a way that enables people to effectively contribute to the design of the mental health reablement and day opportunities offer, online and in person. Particular attention will be paid to the design of information, questions and the tools used to share key information to ensure the approach is fully accessible and understood by all interested individuals.

Date to scope and plan your Equality Analysis:	31 July 2023
Date to complete your Equality Analysis:	15 September 2023
Lead person for your Equality Analysis (Include name and job title):	Andrew Wells, Head of Service Safeguarding and Mental Health

5. Governance, ownership and approval

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

Name	Job title	Date
Cllr Roche	Cabinet Member for Adult Social Care & Health	
Kirsty Littlewood	Assistant Director, Adult Care and Integration	
Ian Spicer	Strategic Director, Adult Care, Housing & Public Health	

6. Publishing

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

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

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

Date screening completed	19 July 2023
---------------------------------	--------------

Report title and date	Mental Health Service Review
If relates to a Cabinet, key delegated officer decision, Council, other committee or a significant operational decision – report date and date sent for publication	Report date: 13 February 2023 Publication date: 13 February 2023
Date screening sent to Performance, Intelligence and Improvement equality@rotherham.gov.uk	

Appendix 3

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: Mental Health Review	
Date of Equality Analysis (EA): 21/08/23	
Directorate: Adult Care Adult Care, Housing & Public Health	Service area: Adult Care and Integration
Lead Manager: Andrew Wells	Contact number: andrew.wells@rotherham.gov.uk
Is this a: <input type="checkbox"/> Strategy / Policy <input checked="" type="checkbox"/> Service / Function <input type="checkbox"/> Other If other, please specify:	

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

Name	Organisation	Role (eg service user, managers, service specialist)
Claire Green	Rotherham Council	Programme Manager
Marie Staves	Rotherham Council	Strategic Lead
Andrew Wells	Rotherham Council	Head of Service

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, other groups or stakeholder/s e.g. service users, employees, partners, members, suppliers etc.)

Reviewing the Mental Health Pathway and the Mental Health Community Support Service aims to raise the social care profile and thereby support people with mental ill-health, their families, and carers to access early support to prevent escalation of need and crisis. By introducing social care interventions to key parts of the pathway, outcomes for people with mental-ill health and their support networks, including professionals and partners will improve.

The Council is publicly consulting on a mental health enablement offer, as a potential early solution for people that present with a level of unmet social care need or as a possible step-down option from crisis care, supporting people to successfully integrate back into the community. Coproduction activity will specifically involve people with mental ill-health, their carers, key delivery partners, and services that provide support to people with mental-ill health.

Data profile: Insight (derived from LAS) September 2023.

Out of a total 3,579 people accessing services via Adult Care and Integration, 400 people have a primary support reason of mental health. 248 people (62%) are aged between 18-64 years and 152 people (38%) are aged 65 years and over. 51% of people are female and 49% male. A large proportion, 88% of people, are not married.

Out of 400 people, 85% recorded their ethnicity as white British, 1.48% stated 'other white background', 1.48% Pakistani, 0.7% identify as 'other Asian background' and 0.49 black African. 8% of people preferred not to answer or did not record their ethnicity.

Over three quarters of people (318 people, 78%) did not declare a religion. The next highest response was 14% of people selected the Church of England, 1.97% Roman Catholic and 1.72% reported no religion.

In relation to sexual orientation, of the 400 people with a primary support reason of mental health, 126 (31%) answered 'don't know', 66% of respondents did not record an answer, 0.5% responded Gay/Lesbian, and 0.7% Heterosexual/Straight.

Of the 400 people, 127 (31%) have a carer.

The table below shows the types of social care services that people access.

Service Group	Number of People
Day care / Day Opportunities	5
Direct Payment	31
Homecare / Community Support	73
Managed Direct Payment	167
Nursing Care	31
Other	12
Residential Care	104
Supported Living	20

42% of people access a managed direct payment, 26% access residential care and 18% homecare / community support. The least number of people access day care / day opportunities.

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

Data regarding people with a care and support need and their carers is captured on the Adult Care LAS system. However, people with care and support needs may be accessing this support privately or informally so may not be known to adult social care and, therefore, will not be reflected in the figures and narrative in this report. It is essential that the mental health pathway and service model is easily accessible and available to all residents to ensure people can access support when they need it.

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

Some people with care and support needs or carers may not be known to adult social care. This could be through choice or not being eligible for care and support services due to the level of presenting needs.

Interventions provided to people from some Council employed staff that are based in health-led teams, are not recorded on LAS.

There is a number of self-funders in Rotherham (figure unknown which is a national gap in data and not just a local issue). In addition, the data in relation to Gender Reassignment, Pregnancy and Maternity have not been captured within the adult case management system (LAS).

It is therefore important that implementation of the pathway and model scopes and considers improved data recording and performance reporting processes and practices.

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

There will be equitable access to the offer.

Adult social care is currently developing feedback mechanisms for residents which will launch in 2024. This will ensure people can feedback any issues or concerns.

People accessing adult social care, carers and their families also have the option to make a formal complaint regarding the quality of the care or pertaining to issues with systems and processes through the Council's complaints process.

For more serious concerns, Safeguarding and Whistle Blowing policy and procedures are in place and fully adhered to.

Engagement undertaken with customers.

Date and group(s) consulted and key findings

Drop-in sessions were held with **existing customers and carers** on 6th, 11th, 13th September 2023 at Wellgate Court.

During the sessions, one to ones were offered, as well as telephone contact and postal questionnaires on request. 58 people engaged, of which 36 people responded via questionnaire.

People that use the service currently, including carers and family members rated the following enablement support types the most:

1. Support to gain or regain independence using an individual's own strengths (97%)
2. Support to prevent a mental health crisis (92%)
3. Support building confidence and self-esteem and connecting to social networks (83%).

The least favoured support types amongst those in receipt of the current service were 'maintaining employment' (19%), 'access to volunteering or employment opportunities' (39%) and 'access to education and training' (42%). It should be noted that the proportion of people selecting these support types was still relatively high – the lowest proportion representing one fifth of people.

100% of people said that a building base is either 'very important' or 'quite important' and 94% of people favoured a consistent building base compared to around 33% of people preferring to access support from different places in the community. 36% of people would like to access support from their own home.

Amongst those accessing the service currently, 53% of people would like the future offer to be available 7 days a week. 69% of people said that they would like future support to be available in the evenings.

83% of people said that the building base should be in a central location and close to other amenities. 81% fed back that building should have a kitchen/somewhere to eat and drink. A significant proportion, 78% of people, would like a building to have a communal space and 72% think it should be on a bus route. It was recognised by three quarters of people that the building should be accessible for any physical or sensory disabilities.

	<p>In relation to enablement approaches, working with someone that understands the individual and access to information, advice and guidance were the most highly rated at 78%, followed by 75% of people valuing flexible support, which is tailored to their needs. A high proportion of people (69%) value peer support in a group setting.</p> <p>A public, online consultation was live from 7th August to 1st October. 61 people responded.</p> <p>26 people with mental ill-health/care and support needs, carers and family members responded. The top three highest support needs identified by this cohort were:</p> <ol style="list-style-type: none"> 1. Support to prevent a mental health crisis (77%) 2. Support after a mental health crisis (73%) 3. Support to manage long term conditions (72%). <p>It is important to note that online there was a high response rate to most support types, with over 50% of people selecting 18 out of the 21 support types, indicating the need for a varied offer to meet need.</p> <p>92% of professionals agreed that enablement could support to prevent crisis, and 82% agreed that it could support recovery from crisis. 88% of people indicated that support with self-neglect and hoarding would be a valuable enablement support type. Whilst this was identified by a lower proportion of people with care and support needs, carers, and family, however 50% reflects a significant proportion.</p> <p>The third most selected support type by professionals was 'coping strategies' at 84%.</p> <p>In terms of approaches to providing enablement, there was some difference amongst people with living experience that responded online compared to those in receipt of the current service. Particularly, 73% of people online fed back 'having a mentor to support an individual to achieve their goals' would be a valuable enablement approach, compared to only 50% of people that use the service currently. 'Providing flexible support tailored to an individuals' needs' scored highly, with this being the most selected response across all people with living experience at 76%, followed by 74% of people agreeing that 'working with someone that understands the individual' is important. 70% of people identified 'access to information advice and guidance' as a valuable enablement approach.</p> <p>Overall, 50% of people with living experience thought that 'identifying personal goals and having a 12-week plan to achieve these' was a valuable enablement approach, whereas almost three quarters (72%) of professionals fed back that this would be a valuable enablement approach.</p>
--	---

	<p>88% of professionals agreed with people with living experience, family and carers that providing flexible support tailored to an individuals' needs would be most valued from an enablement service. Access to information, advice and guidance was the next most selected option by professionals at 84%, followed by 76% of professionals valuing 'connections to other support'.</p> <p>The enablement approach least favoured by both professionals and people with living experience was 'taking part in support sessions in an individual's own home'. It is worth noting that although this approach received the lowest response rate across all cohorts, significant proportions of people, 43% with living experience and 48% of professionals, value this as an effective method of delivering enablement.</p> <p>93% of people with living experience think that a building base is 'very' or 'quite' important and 88% of professionals agree. Similar proportions of people fed back that enablement support should be available from different buildings and places within in the community - 40% of professionals, compared to 35% of people with living experience. The least favoured option across all groups was digital and online support, with 12% of all respondents choosing this option.</p> <p>In relation to the availability of enablement, 92% of professionals fed back that support in the evenings should be offered. There was much higher interest for evening support amongst people with living experience that responded online - 84% compared to 65% of people accessing the current service offer. Equally, a higher proportion of people with living experience responding online, 64%, believe that enablement should be offered 7 days a week, compared to 53% of people accessing the current service offer.</p>
<p>Engagement undertaken with staff.</p> <p>Date and group(s) consulted and key findings.</p>	<p>19th May; 14th June and 31st July 2023 Statutory and non-statutory partners; 23rd August 2023 Adult Care Mental Health Team; 24th August 2023 Adult Care, Housing and Public Health Directorate; 7th September 2023 Voluntary Action Rotherham Mental Health Alliance (VCSE).</p> <p>Feedback from all sessions was analysed and the emerging themes were identified:</p> <ul style="list-style-type: none"> • Approaches (102 comments) – holistic, person-centred care and support which is strengths-based, personalised, and focussed on recovery. Collaborative, enabling and blended approaches, along with effective triage to support people to navigate the health and care system and access specialist services. Community-based, proportionate interventions, providing early solutions for people to prevent care and support needs from worsening. Using data and feedback to shape service and inform decisions.

	<ul style="list-style-type: none"> • Pathway (70 comments) – one consolidated pathway with clear remits, criteria and roles and responsibilities, to ensure the right response first time. Access to a variety of options to meet the varying aspects and severity of mental-ill health. • Quality (54 comments) – safe, accessible, and timely access to information, advice, guidance, and support, that is well communicated across the borough. A knowledgeable, skilled, and experienced workforce that are caring and share a common understanding of pathway and approaches, including the use of appropriate language.
--	--

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

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

The mental health pathway and Community Mental Health Support Service is available to all appropriate groups regardless of their Age, Gender/reassignment, Marriage and civil partnership, Pregnancy and maternity, Race, Religion and belief, Sex and Sexual orientation.

Data is available for people aged 18 and over known to the Council that are receiving adult social care support and unpaid carers. Data is captured on the Adult Care case management system (LAS).

The consultation will directly impact upon those with mental ill-health and people were supported to contribute via promotion of the online questionnaire, including easy-read versions, via post, opportunities for one-to-one sessions including face-to-face and via telephone. People were supported to participate through use of scribes.

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

There may be a lack of knowledge or understanding about the purpose and intent of the review is and therefore communication will use Plain English to ensure people can access information.

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

Identification of core principles to shape the pathway and service model, including the following approaches:

- Personalised
- Self-directed
- Strengths and asset-based

- Wellbeing and recovery-focussed
- Prevention and early intervention
- Collaboration with partners – co-location and integration.

Delivery of statutory functions.

The revised pathway and service model has been shaped by consultation feedback. This should promote inclusivity and positive relationships with the council, and lead to improved outcomes for people.

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 Mental Health Community Support Service model has been designed on feedback gathered from the community, including people that use services and it is hoped that informed changes to delivery will be recognised by the community, and people benefit through fair and improved access to support.

Implementation of the service will include a communication plan to strengthen awareness across Rotherham Place and its partners of what social care support is offered to people with mental ill-health, their families, and carers and how to access it.

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

5. Summary of findings and Equality Analysis Action Plan

If the analysis is done at the right time, i.e. early before decisions are made, changes should be built in before the policy or change is signed off. This will remove the need for remedial actions. Where this is achieved, the only action required will be to monitor the impact of the policy/service/change on communities or groups according to their protected characteristic - See page 11 of the Equality Screening and Analysis guidance.

Title of analysis: Mental Health Review
Directorate and service area: Adult Care, Housing and Public Health, Adult Care and Integration
Lead Manager: Andrew Wells
Summary of findings:
The equality analysis has been completed to ensure that residents across the borough including those with care and support needs, their families and unpaid carers can access the Mental Health Community Support Service.

Action/Target	State Protected Characteristics as listed below	Target date (MM/YY)
Information about the consultation and service will be made available in other formats and languages as requested to ensure accessibility	D, C	Ongoing

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

6. Governance, ownership and approval

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

Name	Job title	Date
Adult Care, Housing and Public Health DLT	Directorate Leadership Team	17 October 2023
SLT	Senior Leadership Team	31 October 2023
Cllr Roche	Cabinet Member for Adult Social Care & Health	
Ian Spicer	Strategic Director, Adult Care, Housing & Public Health	

7. Publishing

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

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

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

Date Equality Analysis completed	9 October 2023
Report title and date	Mental Health Review
Date report sent for publication	4 December 2023
Date Equality Analysis sent to Performance, Intelligence and Improvement equality@rotherham.gov.uk	

Appendix 4: 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?	Has no impact on emissions	The Mental Health Team will have Rotherham MBC office space.		It is not anticipated that there will be an increase in CO2 emissions resulting from this decision.	
Emissions from transport?	Impact Unknown	Mental Health staff will need to travel to fulfil the statutory duties under the Care Act 2014 and Mental Health Act 1989.		The amount of travel needed will be managed to make best use of resources while minimising CO2 emissions.	Travel is monitored and only essential travel is authorised.
Emissions from waste, or the quantity of waste itself?	Has no impact on emissions				
Emissions from housing and domestic buildings?	Has no impact on emissions				
Emissions from construction and/or development?	Has no impact on emissions				

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
Carbon capture (e.g. through trees)?	Has no impact on emissions				
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:

Supporting information:

Completed by: (Name, title, and service area/directorate).	Andrew Wells, Head of Service – Safeguarding and Mental Health, Adult Care and Integration
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 – 18 December 2023

Report Title

Expansion of Waverley Junior Academy

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, Children & Young Peoples Services

Report Author(s)

Sarah Whitby, Head of Service Access to Education
01709 255097 sarah.whitby@rotherham.gov.uk

Ward(s) Affected.

Rother Vale, Brinsworth and Catcliffe.

Report Summary

Waverley Junior Academy opened in September 2020 in response to need created for primary school places by a new housing development. It was originally developed as a 2-form entry school, providing 60 places per year group, with the potential for expansion if needed.

The school is currently oversubscribed, and this trend is set to continue in future years. Projections based on the pupil yield created so far during the development indicates that the expansion by creation of a third form of entry will be required to meet need across the local area in September 2025.

This report seeks Cabinet approval to progress the expansion of the school through the use of s106 developer funding to accommodate current and future demand for places, subject to a successful planning application and DfE approval for significant change.

Cabinet should note that any expansion is subject to a successful planning application and Department for Education regional advisory approval for significant change.

Recommendations

1. That Cabinet note release of the Section 106 funding, as per the agreement with Harworth, to create additional capacity of 210 places at Waverley Junior Academy now that trigger has been met.

2. That Cabinet approve the addition of the proposed expansion to the Capital Programme.

List of Appendices Included

Appendix 1 Initial equality screening assessment
Appendix 2 Equality analysis form
Appendix 3 Carbon impact review

Background Papers

The former Cabinet Member for Children, Young People and Family Services
5th December 2012
Proposal to establish catchment area arrangements for the Waverley Estate

The former Cabinet Member for Children, Young People and Family Services
16th March 2013
Annual update on the Waverley Development

The former Cabinet Member for Education and Public Health Services
15th July 2015
Annual update on the Waverley Development

Commissioner Manzie
July 2016
Annual update on the Waverley Development

Cabinet and Commissioners decision making powers.
11th July 2017
Report seeking approval to commence procedures to establish primary education provision at Waverley.

Cabinet and Commissioners decision making powers.
11th September 2017
Endorsement of the Academy sponsor appointment for the proposed primary school on the Waverley development site.

Cabinet Decision Making Meeting
17th December 2018
Annual update on the establishment of education provision at Waverley

Consideration by any other Council Committee, Scrutiny or Advisory Panel

Name of Committee – Click here to enter a date.

Council Approval Required

No

Exempt from the Press and Public

No

Expansion of Waverley Junior Academy

1. Background

- 1.1 Rotherham Metropolitan Borough Council has a 5-year profile of satisfying 93%+ parental first preferences for entry to primary school education on the national offer day of 16 April annually. The percentage of pupils who are allocated one of their three preferences of a school is above the national average as verified by the Department for Education (DfE) school place provision scorecard for Rotherham. The Local Authority has a statutory duty under the Education Act 1996 (as amended) sections 9 and 13(1) to ensure a sufficiency of school places and satisfy parental first preferences as far as possible within funding parameters.
- 1.2 Waverley Junior Academy is an academy sponsored by the Aston Community Education Trust. The Academy was inspected by OFSTED in July 2023 and rated as 'Good'. As an Academy, the Governing Body are the Admissions Authority for the school and, under the requirements of the DfE School Admissions Code 2021, 'own admission authorities are not required to consult on their Published Admission Number (PAN) where they propose either to increase or keep the same PAN'.

2. Key Issues

- 2.1 There is a statutory duty on Local Authorities under the requirements of the Education Act 1996 to ensure the sufficiency of school places in their area within funding parameters.
- 2.2 Since opening in 2020, Waverley Junior Academy has experienced an increase in pupil numbers. Admissions have been to the Academy's agreed Published Admission Number since September 2020, meaning the school is at capacity for entry to Reception in each year, with the school being oversubscribed in the Catchment area category on National Offer Day since 2021. To date it has been possible to provide for all children refused admission at an alternative local school within a reasonable distance of 2 miles. In the 2022 intake round this was the case for 21 catchment children and for 27 children in 2023.
- 2.3 Waverley Junior Academy remains a successful school and popular with families in the Waverley and surrounding areas and the trend of oversubscription is set to continue in future years. The yield of pupils generated by the Waverley housing development has far exceeded the government formula and the pupil yield rate for the Borough. The high pupil yield is projected to continue based on previous 3-year trend.
- 2.4 Department for Education Guidance 'Estimating pupil yield from housing development', August 2023, recommends that 'The department's pupil yield data may be considered a starting point or baseline position, which local authorities can supplement or adjust according to local circumstances and evidence.' It is considered appropriate in this instance to use local data due to the significant variation from the DfE data.

- 2.5 It has been possible to utilise capacity in other schools across the planning area to meet demand to date and it is anticipated that this will remain the case for entry in 2024. Beyond this time the capacity at schools within a reasonable distance is not sufficient to meet projected demand. The expansion of Waverley Junior Academy is anticipated to meet growing demand for school places across the planning area as a result of new development on the Waverley development and is therefore not projected to impact the overall capacity in local schools.
- 2.6 In line with the continued building of dwellings on the development, the high pupil yield already noted and the projected number of children requiring a school place produced from birth data, there is a requirement for additional classrooms to be installed by September 2025 to meet local need. The additional classrooms, combined with projected surplus capacity in other schools in the planning area, will allow sufficient space for numbers of pupils anticipated to require a school place across the local area and will also allow the Governing Body to set a PAN in future years in line with increased demand for places and within the additional space available.
- 2.7 The additional capacity would enable more parents to access their first preference school for their child and, therefore maintain or increase performance against national and regional indicators on national offer day for entry to secondary phase education.
- 2.8 Under the s106 agreement with the developer, Harworth Group, they will pay on request to the Council the sum of £2.945m, subject to the Building Cost Information Service index, on occupation of between 1500-1700 dwellings. This threshold has now been met with 1600 dwellings occupied and the amount payable based on the November 2023 forecast is £3,131m.
- 2.9 Any approval for a significant change by way of increasing the PAN through an expansion will need to be approved by the DfE regional advisory board. Access to Education colleagues engage with the DfE regional place planning advisers on a regular basis to support this process and have been guided by them in decisions relating to expansion of Waverley Junior Academy.
- 2.10 Projected pupil numbers in line with ongoing development will be kept under regular review, with a mid-point review by December 2024 to establish if there needs to be a parallel plan for further sufficiency to be created across the local planning area to serve the need to the Waverley development.
- 2.11 A project group of key stakeholders across Education, Planning and Asset Management will be established to oversee the planning, development, and implementation of this project.
- 2.12 The estimated cost of the expansion, including a 10% contingency and 15% fees is £2,936m. The building work would be procured and delivered by the Council.

3. Options considered and recommended proposal

- 3.1 **Option 1:** Maintain capacity at the school at the current level. However, as the school is already oversubscribed this would mean that current lack of capacity issues would remain and increase further in future years, resulting in more parents and carers being unable to secure a school place within a reasonable distance.
- 3.2 **Option 2 – Recommended:** A plan is progressed to increase capacity at the school as detailed within this report to Cabinet to enable the Governing Body to forward plan long term with sufficient capacity to accommodate the expected future rise in pupil numbers.
- 3.3 It is recommended that the proposal to release funding to increase capacity by 210 places at Waverley Junior Academy by the installation of additional classrooms to accommodate current and future pupil numbers be progressed.

4. Consultation on proposal

- 4.1 As an Academy, the School Governing Body is the 'Admissions Authority' and, under the requirements of the DfE School Admissions Code 2021, 'own admission authorities are not required to consult on their PAN where they propose either to increase or keep the same PAN. If, at any time following determination of the PAN (set during the annual admissions consultation), the admissions authority decides that it is able to admit above its PAN, it must notify the local authority in good time to allow the local authority to deliver its co-ordination responsibilities effectively'.
- 4.2 A period of local consultation will be held with governors, parents / carers, staff, Elected Members, neighbouring schools and other interested parties by the Academy Trust to provide the necessary evidence of local consultation to the Department for Education when submitting any application to amend the funding agreement between the 2 parties.
- 4.3 Consultation with the Waverley Community Council to support the requirement for Aston Community Education Trust to evidence local consultation to the Department for Education in any application to amend the funding agreement between the 2 parties will be undertaken through RMBC Officer attendance at their early January meeting.

5. Timetable and Accountability for Implementing this Decision

- 5.1
- | | |
|----------------|---------------------------------------|
| December 2023 | Seek Cabinet approval of the proposal |
| January 2024 | Planning application |
| May 2024 | Discharge of conditions application |
| September 2024 | Commencement of building works |
| August 2025 | Sign off completion and handover |

6. Financial and Procurement Advice and Implications

- 6.1 The proposal is to expand the school to a 3-form entry and create an additional 210 places (7 classrooms) at an estimated cost of £2.936m.
- 6.2 The capital works are to be funded from the £3.131m S106 funding as outlined in the body of the report.
- 6.3 On the basis that the Council will act as the contracting authority that enters into the contractual arrangement with the appointed Contractor for the construction, all procurement implications will be borne by the Council. All procurement activity must therefore be undertaken in compliance with the Public Contracts Regulations 2015 (as amended) and the Council's own Financial and Procurement Procedure Rules.

7. Legal Advice and Implications

- 7.1 Section 14 of the Education Act 1996 place a general duty of local authorities in England to ensure that there are sufficient schools in their area to provide primary and secondary education. If more primary school places are required in Rotherham, then an enhancement of the capacity is likely to be more cost-effective, less time consuming, and more simply effected than the creation of a new school.
- 7.2 The payment of the education sum will be in accordance with the provisions of the s106 agreement between the Council and Howarth.
- 7.3 The s106 agreement indicates that Harworth Group will pay on request by the Council the sum of £2,945,000 (two million nine hundred and forty-five thousand pounds) subject to indexation on the occupation of between 1,500 and 1,700 dwellings. The threshold has now been reached and the payment is now due.

8. Human Resources Advice and Implications

- 8.1 There are no HR Implications in relation to the proposals to increase PAN. If approved the Academy will recruit to posts where required due Human Resources process will be followed.

9. Implications for Children and Young People and Vulnerable Adults

- 9.1 The proposals would lead to more parents and carers being able to access their first preference school, maintaining or further improving the secondary school 'National Offer Day' 1 preference and combined 3 preference profile within the Borough.

10. Equalities and Human Rights Advice and Implications

- 10.1 Due regard has been given to equality impact and a full equality impact analysis is appended to this report. The proposed impact on equality is a

positive one as the expansion will provide fully inclusive educational facilities and will meet the needs of the local community.

11. Implications for CO2 Emissions and Climate Change

- 11.1 A carbon impact assessment has been undertaken and is appended to this report. The impact of the proposed extension is that more children will be attending school locally and so this will reduce travel by car.

12. Implications for Partners

- 12.1 The proposal to add additional capacity at the Academy will have minimal impact on neighbouring primary schools in the authority, as there is not sufficiency in local school to meet projected primary numbers in September 2025. The proposed expansion is not projected to negatively impact capacity within other schools within the planning area.

13. Risks and Mitigation

- 13.1 There are always risks associated with increasing the number of places at a school, since this could adversely impact numbers at other schools. However, the Academy is already oversubscribed, and future cohort numbers are expected to rise further as the Waverley development grows.
- 13.2 The Local Authority has a statutory duty under section 14 of the Education Act 1996, to ensure that sufficient schools are available for their area to provide primary and secondary education.
- 13.3 The additional capacity at the Academy will allow the Governing Body to strategically plan for future cohort numbers and continue to deliver an effective education to all pupils within the local area.
- 13.4 The cost of the building the additional classroom, exceeds the S106 agreement. In this event, the shortfall would need to be allocated from DFE capital allocations.

14. Accountable Officers

Nicola Curley, Director of Children's Services

Approvals obtained on behalf of Statutory Officers: -

	Named Officer	Date
Chief Executive	Sharon Kemp	04/12/23
Strategic Director of Finance & Customer Services (S.151 Officer)	Judith Badger	01/12/23
Assistant Director of Legal Services (Monitoring Officer)	Phil Horsfield	01/12/23

Report Author: Sarah Whitby, Head of Service Access to Education
01709 255097 sarah.whitby@rotherham.gov.uk

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

PART A - Initial Equality Screening Assessment

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

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

Completed at the earliest opportunity it will help to determine:

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

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

1. Title

Title:

Expansion of Waverley Junior Academy

Directorate:

CYPS

Service area:

Access to Education

Lead person:

Sarah Whitby

Contact:

01709255097

Is this a:

☐

Strategy / Policy

☐

Service / Function

☒

Other

If other, please specify

Proposal to increase school capacity.

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

The proposal to release funding from developer s106 contributions to extend Waverley Junior Academy for September 2025 by a proposed 210 places by the installation of additional classroom space to accommodate future pupil numbers. The expansion is subject to a successful planning application and Department for Education regional advisory approval for significant change.

3. Relevance to equality and diversity

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

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

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

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

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

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

4. Considering the impact on equality and diversity

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

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

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

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

In analysis of projected numbers of pupils requiring a school place within the Waverley development, based upon current birth rate and demand for school places.

- **Key findings**

The local community will be impacted positively by the creation of a 3rd form of entry at Waverley. The admissions arrangements for the school do not currently disadvantage any protected group and to do so in the future would not be lawful. Therefore the proposals will positively impact members of the community fairly.

- **Actions**

Part B Equality Analysis.

Date to scope and plan your Equality Analysis:	31/10/23
Date to complete your Equality Analysis:	31/10/23
Lead person for your Equality Analysis (Include name and job title):	Sarah Whitby Head of Service Access to Education

5. Governance, ownership and approval

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

Name	Job title	Date
Sarah Whitby	Head of Service Access to Education	
Aileen Chambers	Interim Assistant Director for Education	
Pam Ward	Interim Assistant Director for Education	

6. Publishing

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

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

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

Date screening completed	
Report title and date	Expansion of Waverley Junior Academy
If relates to a Cabinet, key delegated officer decision, Council, other committee or a significant operational decision – report date and date sent for publication	18 December 2023 Cabinet Meeting
Date screening sent to Performance, Intelligence and Improvement equality@rotherham.gov.uk	01/11/2023

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: Expansion of Waverley Junior Academy	
Date of Equality Analysis (EA): 31/10/23	
Directorate: CYPS	Service area: Access to Education
Lead Manager: Sarah Whitby	Contact number: 01709255097
Is this a: <input type="checkbox"/> Strategy / Policy <input type="checkbox"/> Service / Function <input checked="" type="checkbox"/> Other If other, please specify Proposal to increase school capacity	

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

Name	Organisation	Role (eg service user, managers, service specialist)
Sarah Whitby	RMBC	Head of Service Access to Education
Aileen Chambers	RMBC	Interim Assistant Director for Education
Pam Ward	RMBC	Interim Assistant Director for Education

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 Local Authority has a duty to maintain a sufficiency of school places within the Borough for the projected number of children requiring one. Expansion to the existing school is needed to ensure sufficient provision as a result of new housing being built. There is insufficient existing capacity in the Borough to accommodate the eventual pupil yield and as such a Section 106 of the Town and Country Planning Act agreement is in place to fund the provision of primary education infrastructure on the development site.

The proposals affect residents within the local Waverley community and surrounding areas. They will impact parents of children of Nursery and Primary age children, and those with pre school children who will become enrolled at school.

The intended outcome is that more children can attend a local school within their community.

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

Feedback from local residents and via the Community Council is that residents would welcome the opportunity for more children to attend a local community school and support for the expansion has been voiced through letters of concern from individual residents and the Community Council.

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

Information about protected characteristics is limited as only information necessary for the admission of children to school is collated- to request additional information in relation to protected characteristics is not lawful.

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

Ongoing monitoring of the number of catchment children able to access their local school.

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

Engagement with ACET (Academy Sponsor) and the DfE regional place planning advisers in October 2023 to inform the proposal for expansion.

There will be a full consultation carried out by ACET to support the request to the DfE for the significant change. Feedback from residents in letters to RMBC and through the Waverley Community Council has been in favour of expansion.

Further consultation with the community is planned through attendance at a meeting of the Waverley Community Council.

Engagement undertaken with staff (date and group(s) consulted and key findings)

No direct impact to staff, this is a community resource. However, a RMBC steering group across Education, Asset Management and Planning will ensure that views of relevant parties are heard throughout the proposed expansion process. Additional stakeholders will join the group as required.

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

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

The proposal for expansion will provide additional school places for the local community across a range of protected characteristics. The school currently provides education provision with fully inclusive facilities including mainstream, Early Years and SEN provision on site.

The expansion of the school is to meet the needs of the community as current primary education infrastructure does not have the capacity long term to accommodate the additional pupil yield.

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

None that are known.

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

Yes, the proposal to increase capacity will allow more local children to be placed in the school and remove barriers for parents and carers of travelling to schools at a greater distance of up to 2 miles.

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)

Improved community relations as more children will access the local school so there will be less divide between families who secure a place there and those who don't. The proposals will still potentially see some local children placed at schools out of catchment as capacity remains in these schools.

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

5. Summary of findings and Equality Analysis Action Plan

If the analysis is done at the right time, i.e. early before decisions are made, changes should be built in before the policy or change is signed off. This will remove the need for remedial actions. Where this is achieved, the only action required will be to monitor the impact of the policy/service/change on communities or groups according to their protected characteristic - See page 11 of the Equality Screening and Analysis guidance

Title of analysis: Expansion of Waverley Junior Academy
Directorate and service area: CYPS, Access to Education
Lead Manager: Sarah Whitby
Summary of findings:
The proposed expansion will have a positive impact on the local community.

Action/Target	State Protected Characteristics as listed below	Target date (MM/YY)
Seek Cabinet approval of the decision	A,D,S,GR ,RE,RoB,SO,PM,CPM,C ,O	December 2023
Submit planning application	A,D,S,GR ,RE,RoB,SO,PM,CPM,C ,O	January 2024
Discharge of conditions application	A,D,S,GR ,RE,RoB,SO,PM,CPM,C ,O	May 2024

Commence building project	A,D,S,GR ,RE,RoB,SO,PM,CPM,C ,O	September 2024
Sign off and handover of extension	A,D,S,GR ,RE,RoB,SO,PM,CPM,C ,O	August 2025

*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
Nicola Curley	Strategic Director – Children & Young Peoples Service	01/11/2023
Cllr Victoria Cusworth	Cabinet Member for Children & Young People	14/11/2023

7. Publishing

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

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

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

Date Equality Analysis completed	31 October 2023
Report title and date	Proposal to increase capacity at Waverley Junior Academy through s106 contribution provided by the housing developer to fund the education infrastructure across the development
Date report sent for publication	
Date Equality Analysis sent to Performance, Intelligence and Improvement equality@rotherham.gov.uk	01/11/2023

This page is intentionally left blank

Appendix 3 – Expansion of Waverley Junior Academy

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?	Negative impact	<p>Waverley is an existing school building and is being expanded by way of building new classroom space. This will be 7 new classrooms, creating 210 school places. There are no communal areas (e.g., canteen, staff room) involved in the build.</p> <p>In 2021, the RIBA (Royal Institute of British Architects) published a second version of its 2030 Climate Challenge target metrics for new build schools. In a compliance approach i.e., for buildings designed to comply with then regulations, new schools were estimated to have an operational energy demand of 130 kWh/m²/year. For seven new classrooms of standard size (55 m²), this would indicate a <i>ca</i> 18% increase in the school's greenhouse gas emissions, compared with the financial year 2022/23.</p>	Emissions overall will remain at similar levels as the pupils will remain in Rotherham.	Additional classrooms will be designed to meet minimum Energy Use Intensity (EUI) targets for new buildings, as per the <i>School Output Specification, Technical Annex 2H: Energy</i> (Department for Education, November 2022) i.e., 52 kWh/m ² /year. Compared with an EUI of 130 kWh/m ² /year, this would avoid operational energy demand of <i>ca</i> 30,000 kWh/year, equivalent to one tenth of the school's annual greenhouse gas emissions (2022/23).	Waverley Junior Academy is a member of the Council's energy procurement portfolio; however, schools are not within scope of Net Zero 2030 (NZ30) greenhouse gas emissions accounting.

Emissions from transport?	Positive impact	Children will be attending school more locally and as such it is not envisaged that there will be any home to school transport requirement for pupils attending the school.	More children will be able to attend a school within the local community so it is envisaged there will be less journeys made by car to take children to schools in neighbouring communities.	Mitigating measures are considered via individual pupils' travel to school plans and monitored by the Transport team.	Ongoing monitoring of allocation of school placements on local offer day and distance that children will be required to travel to access.
Emissions from waste, or the quantity of waste itself?	Unknown	An increase in the amount of waste produced at the Waverley Junior Academy site is to be expected.	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.
Emissions from housing and domestic buildings?	N/A	N/A	N/A	N/A	N/A
Emissions from construction and/or development?	Negative impact	In its 2030 Climate Challenge target metrics (v2, 2021), the RIBA estimates 'business as usual' embodied carbon from the construction of new school buildings at 1,000 kgCO ₂ e (carbon dioxide equivalent) per square metre. For seven new classrooms of 55 m ² , this indicates embodied carbon emissions of 55 tCO ₂ e, more than the school's entire annual emissions from electricity use and gas heating, in 2022/23.	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 the Academy Trust. A RICS Whole Life Carbon Assessment (WLCA) will be completed for the proposed seven new classrooms at the design stage and will be shared with the Climate Change Team.
Carbon capture (e.g. through trees)?	N/A	N/A	N/A	N/A	N/A
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 proposed construction of seven new classrooms will have a local carbon impact at the Waverley Junior Academy site, from operational energy use in the new buildings and embodied carbon emissions from their construction. However, this may not be reflected in greenhouse gas emissions across the Borough of Rotherham, since no net change is expected in the number of school places. Ensuring the proposed new classrooms are designed to the Energy Use Intensity targets specified above will significantly mitigate the carbon impact from their operational energy use, while a RICS Whole Life Carbon Assessment can estimate embodied carbon emissions from their construction and inform future works.

Supporting information:

Completed by: (Name, title, and service area/directorate).	Sarah Whitby Head of Service Access to Education
Please outline any research, data, or information used to complete this [form].	<p>References:</p> <ul style="list-style-type: none"> • RIBA (2021). <i>RIBA 2030 Climate Challenge: Version 2</i>: <https://riba-prd-assets.azureedge.net/-/media/Files/Climate-action/RIBA-2030-Climate-Challenge.pdf?rev=897af1b2ca864a269c8a48c4522746b7> • Department for Education (2014). <i>Area guidelines for mainstream schools: Building Bulletin 103</i>: <Area guidelines for mainstream schools (publishing.service.gov.uk)> • Department for Education (2022). <i>School Output Specification: Technical Annex 2H: Energy</i>: <GDB Annex 2H-Energy-A-C13 (publishing.service.gov.uk)>
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.	<p>As referenced above, plus conversion factors for greenhouse gas reporting by UK organisations (data series), available from:</p> <p>Government conversion factors for company reporting of greenhouse gas emissions - GOV.UK (www.gov.uk)</p>
Tracking [to be completed by Policy Support / Climate Champions]	<p>Tracking reference: CIA 176</p> <p>Arthur King Principal Climate Change Officer</p>

This page is intentionally left blank

Committee Name and Date of Committee Meeting

Cabinet – 18 December 2023

Report Title

Home to School Transport Policy

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

Yes

Strategic Director Approving Submission of the Report

Paul Woodcock, Strategic Director of Regeneration and Environment

Report Author(s)

Karen Mudford, Head of Fleet & Transport Services

karen.mudford@rotherham.gov.uk

Ward(s) Affected

Borough-Wide

Report Summary

The Home to School Transport Policy is updated annually for the new academic year and is based on statutory guidelines issued by the Department for Education (DfE) which stipulates the Local Authorities' responsibilities when making home to school travel arrangements for children of compulsory school age.

The statutory guidelines have been updated and published on 29th June 2023. Prior to this, the guidelines were last updated and published by DfE on 18th July 2014, meaning that there is now a requirement to review the existing Home to School Policy ahead of the new academic year that commences September 2024.

This report outlines the proposed key changes to policy and seeks approval from Cabinet to commence a period of public consultation. The consultation exercise will pay particular attention to any proposed amendments along with those that will ensure compliance with the new statutory guidance. The policy review also aims to improve the existing content and accessibility, so that parents and carers can easily source all relevant information, on which to make informed decisions regarding their children's education.

Recommendations

1. That Cabinet approve the draft Policy for consultation.
2. That Cabinet approve the approach to the public consultation.

List of Appendices Included

Appendix 1 Draft Home to School Transport Policy 2024/2025
Appendix 2 Equalities Screening Assessment
Appendix 3 Climate Impact Assessment

Background Papers

Rotherham Metropolitan Borough Council – Home to School Policy 2023/2024
[Home to School Post 16 Transport Policy 2324.docx \(live.com\)](#)

Statutory guidance – Home to School Travel – 29th June 2023
[Home-to-school travel - GOV.UK \(www.gov.uk\)](#)

Consideration by any other Council Committee, Scrutiny or Advisory Panel

No

Council Approval Required

No

Exempt from the Press and Public

No

Home to School Transport Policy

1. Background

- 1.1 Home to School travel is an integral part of the school system that ensures that no child of compulsory school age is prevented from accessing education to fulfil their potential, as a result of a lack of transport or cost of transport.
- 1.2 The Council have a statutory responsibility to make suitable travel arrangements to and from school for eligible children of compulsory school age. Statutory guidance is published by the Department for Education (DfE) and sets out what local authorities must do to comply with the law.
- 1.3 Updated statutory guidelines were published by the DfE in June 2023 following a public consultation in 2019 and stakeholder comments provided in 2022/2023. Prior to that, the guidelines were last published by DfE in July 2014.
- 1.4 The RMBC Home to School Policy is updated with minor changes each year to ensure it reflects the academic dates and complies with statutory duties for 'Post 16 Transport Policy Statement Obligations'.
- 1.5 Given the recent update to the statutory guidance, there is now a significant requirement to review and revise the current Home to School Policy 2023/2024 in preparation for the new academic year 2024/2025, which the Council is obliged to complete in time for the next normal school admissions round.

2. Key Issues

- 2.1 In most cases a child's eligibility for free school travel will be assessed following the normal school admissions round once parents have been offered a place for their child to begin primary school or transfer to secondary school. In some cases, eligibility will need to be assessed in-year, for example when a child moves into the Borough.
 - 2.1.1 If an application for travel is received after the normal admissions round, it can be difficult for the Council to determine if a child could have been admitted to their nearest school if this was not listed as a preference when applying for a school place. It is therefore reasonable for the Council to expect parents to list their nearest school if they intend to apply for free school travel.
 - 2.1.2 To ensure parents are fully informed, the revised policy must be in place and easily accessible ahead of 15 May 2024, as any objections to school admissions arrangements for September 2024, must be submitted by parents/carers to the 'Schools adjudicator', by this date. The decision to not grant free school travel, may influence the parental view of the school place that is granted. It is also a requirement of the new guidelines, that there is

an up-to-date policy in place by 12 September each year, to allow parents to take this into account when applying for school places.

2.1.3 If a refreshed policy can be published by May 2024, this coincides with the necessity to perform the annual 'Post 16 Transport Policy Statement Obligations' and ensure that parents/carers are making informed choices about educational settings, considering implications around free or supported school travel provision.

2.2 There is requirement within statutory guidance to consult locally, where changes to policy are significant and may affect children's eligibility for free transport. The consultation should last for at least 28 working days during term time and consider comments from stakeholders before finalising the new policy.

2.3 To support the process of a policy review considering the significant updates to statutory guidance, a number of key issues have been identified that require updating along with opportunities to add clarity for stakeholders to ensure the information is clear and easy for parents/carers to understand.

2.4 **The following areas summarise the key changes requiring improvement, and the full draft policy can be found in Appendix 1:**

2.4.1 Local authority statutory duties for eligible children and young people

Current policy content is specific in referencing local authority duties for providing appropriate transport for eligible children and young people at the start and finish of the school day. Additional clarity and content is required to reflect the new statutory guidelines, particularly in relation to the 'Local offer' and signposting for non-eligible travellers to other means of accessible travel solutions.

2.4.2 Clearer definitions of key words which overarch full policy, such as 'suitable school', 'home address', and 'qualifying schools'

Current policy content references specific key words throughout such as 'suitable school', 'home address', 'qualifying schools' but these are not clearly defined. Clear definitions of these terms are required to avoid misinterpretation. Consideration is required to additional content to explain meaning of terms such as 'accompaniment' and 'parental expectations' in the context of the policy, and how this forms part of the eligibility assessment.

2.4.3 Definition of what is defined as a suitable/qualifying schools

Current policy definitions of 'suitable/qualifying schools' is not adequately specific in relation to addressing particular types of needs, and requires additional content, as stipulated in the new statutory guidance. There is opportunity to add clarity and content concerning the 'SEND and Alternative Provision Improvement Plan' and transport expectations, to ensure parents are fully informed.

2.4.4 Statutory walking distances

The current policy does clarify what is defined as 'statutory walking distance' and includes where these differ under 'low income', although improvements have been identified to reference the term 'accompaniment', add clarity to age groups for which relevant distances apply and reflect new guidance on 'extended rights' which are currently referred to as 'low income'. This update would remove the expectation that children of secondary school age should be accompanied on public transport.

2.4.5 Travel Solutions (including Independent Travel Training)

Current policy content states which transport options are available for eligible travellers although there is no detailed information about Independent Travel Training presently included, and this aims to be pivotal in the Council's sustainability offer. The new guidelines expect that policy explains the ways in which travel is provided, for example passes for public service buses, dedicated school buses, and taxis.

2.4.6 Behaviour expectations, public transport

Current policy content is not specific around the different behaviour expectations for all pupils travelling on any public transport. The Code of Conduct is included in previous policy, however, requires updating to explain the responsibilities of parents/carers and the roles that schools should offer in managing child behaviour off school premises.

2.4.7 Behaviour expectations on assisted home to school transport (SEND)

Current policy does not have a separate section which focuses on children and young people with SEND who have transport assistance and where behaviours may differ from children/young people who do not have additional needs. This requires the refreshed policy to have specific regard as to how behaviour is managed, as part of individual special educational needs or disabilities.

2.4.8 Eligibility and application process children/young people (SEND)

Current policy content provides information on how a child/young person with SEND is assessed as eligible. There is a need for additional content relating to parental choice of school placement and funding implications for transport, and an opportunity to include information about school travel for children with SEND in the 'Local offer'. This ensures all information is in one place, assisting parents/carers in accessing relevant information and making fully informed choices.

2.4.9 Local authority discretionary powers

Statutory guidance states, 'Where local authorities routinely offer discretionary travel in this way, they should make this clear in their home to school travel policy'; the current policy makes no reference to discretionary

powers. This relates to children aged up to 5, and over the age of 19 who are continuing in education and therefore defined as not being of 'Compulsory school age'. Discretionary travel may be subject to parental contribution and requires clear explanation.

2.4.10 Safeguarding

Current policy is specific around additional safeguarding duties on assisted home to school transport provision and a link to 'The Rotherham Corporate Safeguarding Policy' is included. Currently there are no links to the Taxi and Private Hire Licensing Policy, or additional information around Independent Travel Training' which require inclusion.

2.4.11 Suitability of transport arrangements

Current policy has no clear specific and easily identifiable content under suitability of travel arrangements, so this has been identified as additional content based on the new statutory guidance. Detailed sections require inclusion, with content relating to:

- Children/young people with medical needs
- Children/young people with physical mobility needs
- Journey times

2.4.12 Parental payments

Current policy does not give information about the terms in which parental payments are offered and does not detail that it is an expectation of families to pay back any 'unspent' monies due to low attendance in accordance with Local Authority Financial Regulations and associated audit requirements. Clearer guidance is required on the terms and conditions of 'Personal Travel Budgets'/'Parental Travel Claims' to avoid misunderstanding, and to enable parents to make informed choices.

2.4.13 Overarching principles

In addition to the key areas above identified for improvement, the new guidelines state that, "A local authority school travel policy needs to contain a number of elements to be considered lawful".

Therefore, the policy should:

1. Include a clear introduction explaining what the reader can expect to learn from the document.
2. Explain all four categories of eligible children that considers:
 - Statutory walking distances
 - Special educational needs
 - Disability and mobility considerations
 - Unsafe walking routes

In addition, eligibility under 'extended rights' considered as discretionary by the local authority.

3. Refer to any separate policies relating to eligibility (for example, special educational needs) so parents reading one document may easily understand all the categories of eligibility.
4. Include information on how a parent can apply for travel to school and clearly explains terms such as 'home address' and 'nearest suitable school'.
5. Explains how, in instances of dual living arrangements such as equal shared custody for separated parents, the local authority determines the child's home. Where appropriate, the policy explains that a child's nearest school for school travel purposes may not be their nearest suitable school for admissions purposes.
6. Explain how a child's eligibility will be assessed. This includes how distances will be measured and how route safety is assessed.
7. Explain that the eligibility of children with special educational needs, a disability or mobility problems will be assessed on an individual basis.
8. Explain the ways in which travel is provided, for example, passes for public service buses, dedicated school buses, taxis etc.
9. Explain any other arrangements that are in place for children who are not eligible for free home to school travel, such as spare seat schemes, and any charges that may be made for these.
10. Explain how a parent may appeal the local authority's decision in response to their application for travel to school.

2.4.14 The revised policy will need to ensure the above ten elements are satisfied.

3. Options considered and recommended proposal

- 3.1 The current policy covers the academic year 2023 - 2024, meaning that the policy is now due to enter a review process and needs to address the substantial updates provided by the new national statutory guidance. The options below have been considered:
- 3.2 **Option 1:** The Council does not make any changes to the current policy. This is not recommended as the policy requires an annual refresh/review and in addition new national guidance was published in June 2023 which requires a full review, with associated consultation.
- 3.3 **Option 2:** The Council reviews the Policy in line with the updated statutory guidance and conducts a full consultation for those affected by the Policy.

This is the recommended option as it ensures the Council remains legally compliant and also ensure the Policy is robust and based on feedback.

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:

- Council Members
- Members of the Public
- Parents / Carers
- Parent Carer Forum
- Groups representing young people and the impact upon people with special educational needs and disabilities (SEND), people with social, emotional, and mental health (SEMH) considerations and other appropriate groups
- Schools whose pupils will be affected by any proposed changes, including those located in other local authority areas, and the local authorities themselves
- Parents who may choose for children to attend schools with designated religious character, and the schools themselves
- SYMCA and other associated public transport providers

4.2 It is essential that those affected by the policy are appropriately involved in its development. Therefore, the above groups 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 'Children & Young Peoples Services' and 'Transport and the Environment', are also critical to the review process and arrangements will be made for full engagement with the appropriate Councillors.

4.4 The consultation will run for a minimum period of 28 working days during term time 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 could be considered for inclusion within the policy.

4.5 The consultation will give consideration to how the proposed policy changes may impact on:

- The parents' choice of school.
- Any financial impact to affected families, paying particular attention to any potential effect to children from low-income families.
- The impact proposed changes may have on people with protected characteristics.

- 4.6 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 at the start of the school term in January in accordance with the guidance if approval is given by Cabinet.
- 5.2 The consultation will run for a period of 28 working days during term time.
- 5.3 A final draft policy will be developed and presented to Cabinet for consideration in March 2024.

6. Financial and Procurement Advice and Implications

- 6.1 There are no direct procurement implications arising from the recommendations detailed in this report.
- 6.2 There are no direct financial implications arising from the recommendations detailed in this report. The costs of the consultation will be met from within existing budgets. The future implementation of a revised policy may have financial implications in relation to the cost of providing Home to School Transport. This is yet to be quantified.

7. Legal Advice and Implications

- 7.1 The relevant statutory requirements are set out in body of the report and within the Policy itself. Further the Policies consistent with the relevant Statutory Guidance as referred to in the report.

8. Human Resources Advice and Implications

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

9. Implications for Children and Young People and Vulnerable Adults

- 9.1 The Local Authority in Rotherham takes absence from school very seriously as children who attend school regularly are much more likely to achieve positive outcomes throughout their childhood and later in life. The Council want all children in Rotherham to thrive throughout their lives and attending school to learn and develop socially is an important part of achieving this.
- 9.2 It is the legal responsibility of every parent or carer to make sure that their child receives an education and the responsibility of schools to transport pupils during the school day. However, if children are unable to attend school on time and ready to learn, it can impact on the ability of schools to meet their needs, especially those with Special Educational Needs and/ or Disabilities. This could lead to unnecessary school moves and/ or suspensions and exclusions.

- 9.3 For some children, including those who live a distance away from school and those from low-income families, assistance to travel to school enables good school attendance and avoids unnecessary absence. For children in care and children unable to walk because of Special Educational Needs and/ or Disabilities, transport to school can be crucial to their school attendance. The policy will ensure consistent and fair access to home to school transport for those children who need it.

10. Equalities and Human Rights Advice and Implications

- 10.1 In undertaking its Home to School travel function, the Council complies with relevant legislative requirements including the Human Rights Act 1998.
- 10.2 The policy will ensure the consistent and fair application; recognising that every individual is entitled to equality, dignity and respect.
- 10.3 When making eligibility decisions for Home to School travel, the Council and its officers aim to ensure there is no discrimination on the grounds of recognised protected characteristics.
- 10.4 Adherence to these requirements is assured by means of officer awareness, observation, case reviews and both customer satisfaction and complaints received into the service. In addition, those affected by decisions have the right to challenge that decision thorough a formal appeals process.
- 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 effective Home to School Travel requires collaborative working between educational providers and parent/carers to ensure suitable travel arrangements are in place for eligible children. Schools will be required to support the Council in delivering Home to School Travel, for example by promoting good behaviour on transport, and sharing information to ensure the child's needs are met. This includes considering travel arrangements, when making changes to their school day.
- 12.2 The local authority school travel team (Transport Services) and the special educational needs and disabilities (SEND) team including associated partners, need to ensure there is collaborative working in place that considers travel arrangements when deciding which educational setting is to be named in a child's Education, Health, and Care Plan (EHCP) and assessed for suitability with the child's needs in mind.

- 12.3 As the new policy will strive to develop sustainable travel solutions, there may be increased demand on public transport networks and partnership working with SYMCA will be critical to the success of transport sustainability in the context of Home to School travel.

13. Risks and Mitigation

- 13.1 The Home to School Policy must give confidence to stakeholders that it is compliant with statutory guidance and addresses the obligations placed upon the local authority to operate lawfully. It is therefore imperative that policy is updated in accordance with the guidelines and any changes are made through the effective Council processes that will ensure transparency and fairness to all families, not limited to those with children eligible for free Home to School travel.
- 13.2 Failure to implement updates to policy in accordance with statutory guidance may result in reputational or financial risk to the council, of not ensuring the needs of eligible children are met, or an overspending of public money where eligibility is not clearly defined. This will be managed through the Corporate Risk Register, and annual policy review in line with statutory guidance.

14. Accountable Officers

Sam Barstow – Assistant Director, Community Safety & Streetscene

Approvals obtained on behalf of Statutory Officers: -

	Named Officer	Date
Chief Executive	Sharon Kemp	04/12/23
Strategic Director of Finance & Customer Services (S.151 Officer)	Judith Badger	30/11/23
Assistant Director, Legal Services (Monitoring Officer)	Phil Horsfield	30/11/23

Report Author: Karen Mudford - Head of Fleet & Transport Services
karen.mudford@rotherham.gov.uk

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

This page is intentionally left blank

HOME TO SCHOOL TRANSPORT POLICY

ACADEMIC YEAR 2024/2025

The arrangements as set out in this policy are publicised in the “Local Offer” as per section 30 (2) (d) of the Children and Families Act 2014.

This Policy includes Learners aged 16-19 years in further education and training and continuing learners with a learning difficulty and/or disability (LLDD) aged 19 years and over.

Department Responsible: Regeneration & Environment, Transport Services, Business & Projects Team, Sandbeck Building, Hellaby Depot, Rotherham S66 8QL
Email: education.transport@rotherham.gov.uk
Tel: 01709 249951

To make an application for any of the home to school transport options explained within this policy, or for further information please visit RMBC Local Offer page:

<https://www.rotherhamsendlocaloffer.org.uk/>

“If you or someone you know needs help to understand or read this document, please contact us”: education.transport@rotherham.gov.uk

<p>Slovak Ak vy alebo niekto koho poznáte potrebuje pomoc pri pochopení alebo čítaní tohto dokumentu, prosím kontaktujte nás na vyššie uvedenom čísle alebo nám pošlite e-mail.</p>	<p>Slovensky Ak vy alebo niekto koho poznáte potrebuje pomoc pri pochopení alebo čítaní tohto dokumentu, prosím kontaktujte nás na vyššie uvedenom čísle alebo nám pošlite e-mail.</p>
<p>Kurdish Sorani نه‌گه‌ر تۆ یان که‌سێک که تۆ ده‌یناسی پێویستی به‌یارمه‌تی هه‌بێت بۆ نه‌وه‌ی لهم به‌لگه‌نامه‌یه‌ تێبگات یان بێخوێنته‌وه‌، تکه‌یه‌ په‌یوه‌ندیمان پێوه‌ بکه‌ له‌سه‌ر نه‌و ژماره‌یه‌ی سه‌ره‌وه‌دا یان په‌و نه‌مه‌یه‌.</p>	<p>کوردی سۆرانی نه‌گه‌ر تۆ یان که‌سێک که تۆ ده‌یناسی پێویستی به‌یارمه‌تی هه‌بێت بۆ نه‌وه‌ی لهم به‌لگه‌نامه‌یه‌ تێبگات یان بێخوێنته‌وه‌، تکه‌یه‌ په‌یوه‌ندیمان پێوه‌ بکه‌ له‌سه‌ر نه‌و ژماره‌یه‌ی سه‌ره‌وه‌دا یان په‌و نه‌مه‌یه‌.</p>
<p>Arabic إذا كنت أنت أو أي شخص تعرفه بحاجة إلى مساعدة لفهم أو قراءة هذه الوثيقة، الرجاء الاتصال على الرقم اعلاه، أو مراسلتنا عبر البريد الإلكتروني</p>	<p>عربي إذا كنت أنت أو أي شخص تعرفه بحاجة إلى مساعدة لفهم أو قراءة هذه الوثيقة، الرجاء الاتصال على الرقم اعلاه، أو مراسلتنا عبر البريد الإلكتروني</p>
<p>Urdu اگر آپ یا آپ کے جاننے والے کسی شخص کو اس دستاویز کو سمجھنے یا پڑھنے کیلئے مدد کی ضرورت ہے تو برائے مہربانی مندرجہ بالا نمبر پر ہم سے رابطہ کریں یا ہمیں ای میل کریں۔</p>	<p>اردو اگر آپ یا آپ کے جاننے والے کسی شخص کو اس دستاویز کو سمجھنے یا پڑھنے کیلئے مدد کی ضرورت ہے تو برائے مہربانی مندرجہ بالا نمبر پر ہم سے رابطہ کریں یا ہمیں ای میل کریں۔</p>
<p>Farsi اگر جناب عالی یا شخص دیگری که شما او را می شناسید برای خواندن یا فهمیدن این مدارک نیاز به کمک دارد لطفاً با ما بوسیله شماره بالا یا ایمیل تماس حاصل فرمایید.</p>	<p>فارسی اگر جناب عالی یا شخص دیگری که شما او را می شناسید برای خواندن یا فهمیدن این مدارک نیاز به کمک دارد لطفاً با ما بوسیله شماره بالا یا ایمیل تماس حاصل فرمایید.</p>

Please note that free internet access is available at all our library sites

RELEVANT DATE

LINKS /USEFUL CONTACTS

To apply for a new Zoom Zero Travel Pass or renew an existing one	https://www.rotherhamsendlocaloffer.org.uk/
To request and pay for a lost, stolen or damaged Zoom Zero Travel Pass. (Stolen passes can be replaced free of charge if you have a Crime Reference Number from the Police).	Traveline on 01709 515151
To apply for special educational needs and/or disability transport (ages 5-16)	https://www.rotherhamsendlocaloffer.org.uk/
To apply for special educational needs and/or disability transport (ages 16+)	https://www.rotherhamsendlocaloffer.org.uk/
To request changes on transport, or cancel existing transport provision.	https://www.rotherhamsendlocaloffer.org.uk/
To report concerns, issues or incidents regarding home to school transport operations.	R&E-Passengertransport@rotherham.gov.uk
Find my Local Council	https://www.gov.uk/find-local-council
South Yorkshire Mayoral Combined Authority (SYMCA) Traveline/Enquiries	https://www.travelsouthyorkshire.com/en-gb/contact/traveline Telephone: <u>01709 515151</u>
Multi Agency Safeguarding Hub	MASH-referral@rotherham.gov.uk Tel. 01709 336080
South Yorkshire Local Authorities	
Barnsley – School Transport	schooltransport@barnsley.gov.uk
Doncaster – Travel Assistance Service	transport@doncaster.gov.uk
Sheffield – Home to School Transport	Indetravel@sheffield.gov.uk

CONTENTS

Reference	Item	Page
1.	POLICY STATEMENT	5
1.1	Introduction & general principals	
1.2	Local Authority statutory duties	
1.3	Sustainable school travel	
1.4	Parent/Carer responsibilities	
1.5	Definitions of terms	
2.	SAFEGUARDING	8
3.	TRAVEL SOLUTIONS	9
4.	MAINSTREAM SCHOOL TRANSPORT	9
4.1	Eligibility for free transport assistance	
4.2	Statutory walking distances	
4.3	Children/young people attending denominational (faith) schools	
4.4	Available walking route	
4.5	Children/young people who are not attending their nearest available qualifying school, or any alternative catchment school as determined by the LA	
4.6	Managed moves	
4.7	Exceptions	
4.8	Extended rights for children/young people from low-income families	
4.9	Behaviour expectations, public transport	
5	LOCAL AUTHORITY DISCRETIONARY POWERS	15
6.	TRANSPORT FOR CHILDREN/YOUNG PEOPLE WITH AN EDUCATION, HEALTH AND CARE PLAN (EHCP) AND/OR DISABILITIES (SEND)	16
6.1.	Naming a school in a child/young person's EHCP	
6.2.	Disabled person's pass	
6.3.	Children below the age of 5 years	
6.4.	Children & young people of compulsory school age (5 – 16)	
6.5.	Applications for home to school transport solutions	
6.6.	SEND and alternative provision improvement plan	
7.	ASSISTED HOME TO SCHOOL TRANSPORT (TAXI /MINIBUS/COACH)	19
7.1.	Medical/mobility considerations	
7.2.	Journey times	
7.3	Behaviour expectations, assisted home to school transport	
7.4	SEND children/young people attending respite care	

7.5.	SEND children/young people in public care	
8.	PARENTAL PAYMENTS	23
8.1.	Personal transport budget (PTB)	
8.2.	Parental travel claim (PTC)	
9.	INDEPENDENT TRAVEL TRAINING (ITT)	26
9.1.	Independent travel training and parent/carers consent	
9.2.	Independent travel training & safeguarding	
10.	TRANSPORT POLICY STATEMENT FOR LEARNERS AGED 16-19 YEARS IN FURTHER EDUCATION AND TRAINING AND CONTINUING LEARNERS WITH A LEARNING DIFFICULTY AND/OR DISABILITY (LLDD) AGED 19 AND OVER	26
10.1.	Summary of policy statement and main objectives	
10.2.	Concessionary fares, discounts, subsidies, passes or travel cards available for Post 16 learners in colleges, sixth forms & at some training providers	
10.3.	Support for Post 16 learners with special educational needs or disabilities (SEND)	
10.4.	Apprenticeships/traineeships	
10.5.	Charges for transport assistance (none statutory transport)	
10.6.	Financial hardship	
11.	RAISING THE PARTICIPATION AGE	32
12.	19-25 LEARNERS	32
13.	CARE TO LEARN	33
14.	APPEALS PROCESS	33
14.1.	Appeal timings	
14.2.	Stage 1 appeal process	
14.3.	Stage 3 appeal process	
14.3.	Flowchart of appeal process	

1. POLICY STATEMENT

1.1. Introduction and general principals

This document sets out Rotherham Metropolitan Borough Council (RMBC), hereafter referred to as the Local Authority's (LA)'s, policy for providing appropriate 'Home to school' travel solutions for eligible children/young people of compulsory school age living within Rotherham Borough. Children/young people who are not Rotherham residents should refer to the transport policy issued by their home Local Authority.

1.2. Local Authority statutory duties

Section 508B of the Education Act 1996 (amended by the Education & Inspections Act 2006) deals with the duty of Local Authorities to make such travel arrangements as they consider necessary to facilitate attendance at school for "eligible" children to "qualifying schools". Schedule 35B of the Act defines "eligible" with regard to children in an Authority's area who are of compulsory school age.

The duty applies to home to school travel arrangements at the beginning of the school day and to return home at the end of the day. The LA are not required to make arrangements for children and young people who travel between institutions during the school day or attend commitments outside of the normal school day hours.

Section 508C of the Education Act 1996 considers travel arrangements for other children who are not "eligible".

Further information regarding Home to School transport and the statutory duties to which Local Authorities must have regard are contained within the 'Statutory guidance for local authorities for children of compulsory school age' revised June 2023, and issued by Department for Education to accompany the Education and Inspections Act 2006

[Travel to school for children of compulsory school age \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/115544/Travel_to_school_for_children_of_compulsory_school_age.pdf)

This Policy also explains what transport arrangements may be available to learners who are over statutory school age and wish to continue their education post16. Statutory duties to which Local Authorities must have regard are contained within the 'Statutory guidance for local authorities for Post-16 travel support to education and training', revised January 2019 and issued by Department for Education to accompany the Education and Inspections Act 2006 [Post-16 transport and travel support to education and training \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/115544/Post-16_transport_and_travel_support_to_education_and_training.pdf).

The Policy is correct at the time of publication. It should not be assumed, however, that there will be no changes to this information before the start of, or during, the school year.

1.3. Sustainable school travel

Section 508A of the Education Act 1996 places a duty on the LA to promote the use of sustainable travel on journeys to and from places of education in the Borough. Sustainable travel in this context is that which may improve:

- The physical wellbeing of users, and/or
- The environmental wellbeing of all or part of the LA area.

Sustainable travel benefits children, young people and everyone around them, by helping people keep healthy, improving mental wellbeing, easing traffic congestion and reducing toxins in the air.

Sustainable travel includes using public transport and shared transport, independent travel training, road safety training and active travel such as walking, wheeling, cycling and scooting to school.

1.4. Parent/Carer responsibilities

The Education Act 1996 places the responsibility of parents/carers to ensure that their children attend school promptly and regularly.

Section 444(4) provides a parent/carers with a defence if their child is eligible for free travel to school and the LA have failed to make home to school travel arrangements for them.

1.5. Definition of terms

1.5.1 Suitable school

A suitable school is defined as a 'qualifying school' that is suitable for the child's age, ability, aptitude, and special educational needs they may have, provided it is able to admit them. It does not mean the most suitable school as preferred by the parent/carers.

For eligible secondary school age children, the suitable school for the purposes of supported travel assistance, will almost always be their nearest qualifying school unless defined by the admissions process. A link to the admissions policy is contained here: [Schools admission policies – Rotherham Metropolitan Borough Council](#)

A 'qualifying school' is outlined in section 1.5.3.

1.5.2. Home address

The home address is considered to be the one where the child/young person resides with their primary parent/carers, and where the child benefit monies are paid to, or where the young person is registered on the electoral register. Where parents do not live together, and the child spends part of the week with each parent, the LA will not provide transport assistance to and from two separate addresses.

1.5.3. Qualifying schools

A qualifying school is any school within the Borough which fits into one of the following categories:

Community schools, foundation schools, voluntary aided and controlled schools;
Academies (including those which are free schools, university technical school colleges; studio schools and special schools;
Alternative provision academies;
Community or foundation special schools;
Non-maintained special schools;
Pupil referral units;
Maintained nursery schools (where attended by a child of compulsory school age);
City Technology colleges and city colleges for the technology of the arts;

For children with special educational needs, an independent school is considered a qualifying school providing that it is the only school named in their EHCP or the nearest of two or more schools named in the EHCP.

1.5.4. Accompaniment

A child/young person will not normally be eligible for Home to School transport assistance on the grounds of their special educational needs, disabilities or mobility problems, or on the grounds that the route is unsafe if they would be able to walk to school accompanied. Where the LA determines that a child would be able to walk if they were accompanied, the general expectation is that the parent will accompany them or make other suitable arrangements for their journey to and from school.

The following reasons will not be considered as exceptions to this, where the parent/carers cannot accompany the child/young person;

Parent's working patterns

Children attending other schools

It is reasonable for the LA to expect the parent/carers to make suitable arrangements to fulfil their various responsibilities (e.g. as an employee and as a parent/carers).

Where a child/young person is required to be accompanied to school, and their parent/carers have disabilities or mobility problems as defined by a medical professional which would make it difficult for them to accompany their child, the LA may provide transport assistance when appropriate medical evidence has been provided from a healthcare professional.

2. SAFEGUARDING

Safeguarding is everyone's responsibility. Rotherham Metropolitan Borough Council has developed a safeguarding policy which explains what safeguarding is, different types of abuse and neglect and actions to take regarding any safeguarding concerns to ensure continued safety and welfare. The Rotherham Corporate Safeguarding Policy can be accessed at the following link: -

<https://moderngov.rotherham.gov.uk/documents/s106259/Appendix%20-%20Corporate%20Safeguarding%20Policy.pdf>

2.1.1. The following safeguarding standards also apply to the Home to School travel providers :

- All drivers and passenger assistants have an enhanced Disclosure and Barring Service (DBS) check, with an additional check of the children's and adult's barred list.
- Camera equipment capable of recording both audio and visual, is installed in all vehicles used to transport children and young people as part of any arrangement to which the policy applies.
- All vehicles will be fitted with seatbelts in line with manufacturers recommendations and compliant with current safety standards.
- The driver will not allow a child to travel in the front seat of a vehicle.
- The driver will possess an appropriate level 2 qualification in a subject relevant to the transport of passengers.
- The driver (and any passenger assistants) have attended the Council's training course on safeguarding vulnerable passengers.
- The driver (and any passenger assistants) have an understanding of handling emergency situations, i.e. road accident or medical emergency.
- The driver (and any passenger assistants) have the appropriate training with regards to any specific needs of the children travelling, which may include managing behaviour.
- The driver and passenger assistant (if relevant) will have ability in English and Maths that meets the required standard.
- The driver will have satisfactorily completed an advance driving skills test to Driver and Vehicle Standards Agency (DVSA) standards (taxi and private hire test).
- Drivers that do not hold a hackney carriage/private hire drivers licence issued by Rotherham MBC are still required to meet the same standards, which includes an enhanced DBS check.
- Drivers and passenger assistants must adhere to the Council's Code of Conduct when working with children and young people.
- The Council will monitor driver/vehicle compliance against these standards and will take swift and robust action should it become apparent that there are areas of non-compliance. Consideration will be made if it is necessary to refer any cases back to DBS.

Refer to the Council's Hackney Carriage and Private Hire licensing policy for more information: [Taxi and private hire licensing – Rotherham Metropolitan Borough Council](#)

2.1.2. The LA ensures that appropriate processes are in place to uphold the required standards of transport provided as part of a Home to School travel arrangement and where necessary, relevant services/agencies will be informed.

2.1.3. The implementation of the above requirements will ensure that this policy supports the delivery of the Council's aim to keep people safe when using licensed vehicles in Rotherham. Additional requirements may be introduced should circumstances require this – appropriate communication will take place with all those affected by any amendments to the requirements outlined above.

2.1.4. Parents/carers need to ensure that a responsible adult meets the child/young person when they are collected and dropped off by the transport provider. If an emergency occurs which prevents this, the Travel Planning Team should be informed **urgently** (Tel. 01709 334325). In the event of a responsible adult not being available, the transport operator will contact the Travel Planning Team. If the issue cannot be resolved the Multi-Agency Safeguarding Hub (MASH) (Tel. 01709 336080) will be informed and the child may be taken to a place of safety until they are collected by a responsible adult.

3. TRAVEL SOLUTIONS

Transport assistance may be provided for eligible travellers through the following travel solutions:

- A Zoom Zero Travel Pass
- Independent Travel Training
- Personal Transport Budget
- Refunded travelling expenses
- Free or subsidised travel on a coach, minibus, taxi or specially adapted vehicle

Further information about each 'Travel solution' is provided within the policy below.

4. MAINSTREAM SCHOOL TRANSPORT

Parents/carers of children/young people who are of compulsory school age and access public transport to travel to and from school should visit the 'Travel South Yorkshire' website to see what concessionary bus passes and saver tickets are available to ensure they are using the most cost-effective way to travel: [Tickets and Passes - Travel South Yorkshire](#).

Responsibility for the operation of public transport services on lies with the providers of the bus services and/or South Yorkshire Mayoral Combined Authority (SYMCA).

4.1. Eligibility for free transport assistance

Children/young people attending a school in Rotherham, but who live outside the LA's boundary, must apply to their home Local Authority for advice and guidance. Your Local Authority can be found at: <https://www.gov.uk/find-local-council>.

The closing date for Zoom Zero Travel Pass (ZZTP) applications, as specified by SYMCA, is 30th June each year. There is no guarantee that passes will be available for the start of the new academic year where an application has been received after this date, and no refunds will be made for travel expenses incurred as a result of a late application for a Zoom Zero Travel Pass.

4.1.1. The majority of Rotherham children/young people assessed as entitled to free transport assistance are issued with a Zoom Zero Travel Pass allowing them to travel free by public transport to and from school. Where specific buses are provided for mainstream home to school transport, these may be run commercially by the operators or on a contract with the Council. In both instances, these may be registered services available to the general public and parents/carers should consider the need to accompany the child/young person as necessary.

4.1.2. To apply for a new Zoom Zero Travel Pass, or renew an existing one, please visit RMBC Local Offer and complete the relevant application form:
<https://www.rotherhamsendlocaloffer.org.uk/>

4.1.3 Eligibility of entitlement for a Zoom Zero Travel Pass is established following an assessment of each application under statutory requirements which govern the LA. Assessment criteria include:

- the age of the child/young person,
- the school they are attending,
- a distance measurement of the walking route from the home address to the school based on the statutory walking distances referred to in section 4.2,
- any additional needs the child/young person may have.

4.1.4. Parents/Carers may wish to consider whether their child/young person will/will not be entitled to a Zoom Zero Travel pass under the criteria contained in this policy before submitting their preferred secondary school places.

4.1.5. Catchment schools and the home addresses they cover can be found here:
[Finding and choosing a school – Rotherham Metropolitan Borough Council](#)

4.1.6. Confirmation of eligibility for each child/young person is based on the family circumstances, and availability of school placements at the time the application is assessed.

4.1.7. Following a change in the child/young person's circumstances, for example, a change of address, eligibility for free transport assistance will need to be re-assessed as this may affect both the identity of the qualifying school and the statutory walking distance.

4.1.8. The statutory walking distance between the child/young person's home address and school is measured using a computerised mapping system. This is from the front door of the home address to the nearest designated school entrance by the nearest available walking route (see section 4.4).

4.1.9. A Zoom Zero Travel Pass is only issued for one academic year. It is the **responsibility of the parent/carer** to make an application for a renewed bus pass by the 30th of June before the start of each new academic year, so eligibility can be reassessed.

4.1.10. Where it is not possible for a child/young person to travel by public transport, the Local Authority may consider an alternative travel solution.

4.2. Statutory walking distances

Children under the age of 5 years There is no statutory duty to provide transport assistance to children under the age of 5 years. Parents/Carers are expected to accompany children under the age of 5 years to their early year's provider and on public transport.

Currently, there is no charge for children under the age of 5 years to travel by public transport when accompanied by a parent/carer paying the appropriate fare. Financial assistance is not given to parents/carers for their personal transport costs when they accompany their child to early year's provision. The bus operator may charge the concessionary fare to a child under the age of 5 years, if they are travelling with an older child paying a concessionary fare.

For Children aged 5-7 years (on 1st September), who are attending their nearest available qualifying school or any alternative catchment school determined by the Local Authority, free transport assistance (usually a Zoom Zero Travel Pass) will be provided where the distance between home and school is more than and not equal to 2 miles (otherwise referred to as the lower statutory qualifying distance). For children with a Zoom Zero Travel Pass, parents/carers are responsible for ensuring their child's safety, by making appropriate arrangements for their child to be accompanied to and from the nearest bus stop and during the journey.

For Children/young people aged 8-16 years (on 1st September) who are attending their nearest available qualifying school or any alternative catchment school determined by the Local Authority, free transport assistance (usually a Zoom Zero Travel Pass) will be provided where the distance between home and school is more than and not equal to 3 miles (otherwise referred to as the upper statutory qualifying distance). For children/young people with a Zoom Zero Travel Pass parents/carers are responsible for ensuring their child's safety by making appropriate arrangements for their child/young person to be accompanied to and from the nearest bus stops and during the journey if appropriate.

Secondary aged children/young people who do not qualify for free transport assistance need to obtain a concessionary fare pass issued by SYMCA. The Zoom Under 16 Travel Pass (proof of age) allows the holder to travel at the concessionary fare on buses trams and trains in South Yorkshire. Further information and application forms are available from the Travel South Yorkshire website www.travelsouthyorkshire.com or the Rotherham or Meadowhall Interchanges.

Children/young people aged 16-19 years

There is no statutory duty for the Local Authority to provide Zoom Zero Travel Passes for children/young people aged 16-19 (on 1st September) who wish to continue their education as they are no longer statutory school age. Please visit Travel South Yorkshire website for information of what concessionary passes and saver tickets may be available.

Learning providers may provide concessionary passes for students to travel. Please contact the Student Services or 6th form teams for available options.

4.3. Children/young people attending denominational (faith) schools

There is no statutory duty to provide free transport assistance to denominational (faith) schools except for eligible secondary aged children/young people from low-income families (section 4.8).

4.4. Available walking route

Where children/young people are attending their nearest available qualifying school, or any alternative catchment school determined by the Local Authority, consideration for a Zoom Zero Travel pass may be given where the available walking route has been established as not suitable even when they are being accompanied by a parent/carers (section 1.5.4).

Where the safety of a walking route is challenged, the LA will undertake a “walking route assessment”, which involves walking it at the times of day or on the days of week that the child/young person would travel.

When assessing the safety of an “available route”, only the potential risk created by traffic, the highway and topographical conditions will be considered. Set criteria have been established by Road Safety Great Britain in the ‘Assessment of Walked Routes to School’ guidelines. These criteria and assessments are common to all the South Yorkshire Authorities. [Road Safety GB publishes updated Walked Routes to School guidelines](#)

A Zoom Zero Travel Pass will not be issued where an assessed available walking route to school (determined by the Local Authority in accordance with the above guidelines) exists.

For further details please visit: [Road Safety information for Parents and Teachers – Rotherham Metropolitan Borough Council](#).

There is no suggestion that a child/young people is required to walk to school. The availability of a suitable walking route is the assessment criteria applied in accordance with statutory guidance.

- **It is the responsibility of the parent/carer to advise the LA of any changes during the school year, for example a change of address or school. Failure to notify the LA may affect future entitlement for home to school transport assistance.**

4.5. Children/young people who are not attending their nearest available qualifying school, or any alternative catchment school as determined by the LA

The LA recognises its obligations under the School Standards and Framework Act 1998, as amended by the Education Act 2002, to comply with parental preferences regarding choice of school. In order to ensure the efficient use of its resources, the LA will only provide free transport assistance where the school attended is the nearest available qualifying school, or any alternative catchment school determined by the LA, from the child/young person's main home address.

Parents/carers who apply for a place in a school for their child/young person which is **not** the nearest available qualifying school or any alternative catchment school determined by the LA, will not be provided with free transport assistance, regardless of the distance involved, unless low-income criteria apply (section 4.8).

4.6. Managed moves

Transport assistance will not be provided for a child/young person when a managed move between two schools is agreed by the schools. Parents/carers should contact the schools concerned if their need assistance with travel.

4.7. Exceptions

Exceptions to this policy may be made in the following circumstances: -

- A Zoom Zero Travel Pass may be given to children/young people who attend a school outside of The Rotherham Borough, provided that it is the nearest available qualifying school to the home address, beyond the statutory walking distance and is within South Yorkshire.
- If a child/young person is permanently excluded from their school and the LA allocates an alternative educational establishment which is located within the statutory qualifying distance (appropriate to the age of the child/young person) from their home address, transport assistance may be provided by issuing of a zoom zero travel pass.
- Some children/young people may be registered at more than one school. Where they are registered at two qualifying schools (which are not Pupil Referral Units), if eligible, transport assistance may be provided to whichever of the schools the child/young person is attending on any school day.
- Transport assistance may be available for some children/young people whose parents/carers have disabilities. Where it is a condition of the availability of the walking route that the child/young person should be accompanied, but their parents/carers disabilities prevent this, alternative arrangements may be considered.

4.8. Extended rights for children/young people from low-income families

The Education and Inspections Act 2006 introduced free transport assistance for qualifying children/young people from low-income families to exercise school choice. Where these extended rights need to be considered, it is a requirement that the family provide relevant proof when making their application for assistance to the LA.

Qualifying children/young people will be entitled to Free School Meals or from families in receipt of Maximum Working Tax Credit. Children/young people from 'low income' families meeting these criteria will receive free transport assistance (usually a Zoom Zero Travel Pass) on condition that:

Children/young people aged 8 to 10 years attending their nearest available qualifying school (unless an alternative available school has been determined by the Local Authority) where the distance between home and school is more than, and not equal to, 2 miles **or**

Children/young people aged 11 to 16 years attending any 1 of their 3 nearest available qualifying schools, where the distance between home and school is more than, and not equal to, 2 miles, but not more than 6 miles **or**

Children/young people aged 11 to 16 years attending their nearest available denominational (faith) school on grounds of religion or belief, where the distance between home and school is more than 2 miles but not more than 15 miles.

The distances referred to above are measured as:

- More than 2 miles – as per the statutory walking distance, along the nearest available walking route.
- More than 2 miles up to the 6 mile or the 15 mile upper limits – along road routes passable by suitable motorised transport.

To make an application for free school meals please see the Council's website:
<https://www.rotherham.gov.uk/benefits/apply-free-school-meals/1>

4.9. Behaviour expectations, public transport

4.9.1. The ultimate responsibility for the safety and conduct of any child/young person during the journey to and from school **rests with parents/carers**. Some children/young people may need to be taken to the bus stop and supervised until the bus arrives. Similarly, these children/young people may need to be met on their return journey. Parents/Carers are expected to explain to their child/young person that it is important to maintain positive behaviour while they are travelling on transport.

4.9.2. The Education & Inspections Act 2006 places a requirement on schools to assume responsibility for their child/young person's conduct and promote appropriate standards of behaviour on the journey to and from school. Headteachers are also able to take action to address unacceptable behaviour which includes behaviour at all stages of the journey from home to school and includes waiting for, and while using, public transport.

4.9.3. Guidance on ‘**Promoting Positive Behaviour by Children/young people on Public Transport in South Yorkshire**’ has been developed by Local Authority Education Transport Officers, SYMCA, South Yorkshire Police and Transport Operators. Further details can be found by visiting:
https://www.travelsouthyorkshire.com/getmedia/2a6143cd-39bc-4219-85a1-f6ebee8c0b9/3737_BEHAVIOUR-GUIDE_V2-

4.9.4. Schools are a key partner in working collaboratively with those agencies who have developed this guidance. Each school should consider initiatives for reinforcing a message of safe and sensible behaviour on the journey to and from school.

4.9.5. Schools’ behaviour policies should set out what the school will do in response to poor behaviour and bullying which occurs off the school premises and is witnessed by a staff member or reported to the school, including the sanctions that will be imposed on children/young people.

4.9.6. It is a requirement for the use of Zoom Zero Travel Passes for each child/young person to follow an expected Code of Conduct - [35693_Zoom Zero Pass_code of conduct.indd \(travelsouthyorkshire.com\)](#)

4.9.7. Where a Zoom Zero Travel Pass has been issued to a child/young person, it is a requirement that their Parent/Carer accept their child/young person will follow the expectations set out in the code of conduct.

4.9.8. In the event of children/young people exhibiting persistent, deliberate, disruptive and/or dangerous behaviours (including physical and verbal abuse), the LA may withdraw a Zoom Zero Travel Pass. Additionally, the bus operator can refuse entry to the vehicle for such children/young people, and, in some circumstances, it may be necessary to inform the Police.

4.9.9. Parents/Carers will be expected to make their own arrangements to ensure their child/young person attends school if their child has been refused entry onto a public transport vehicle.

4.9.10. Responsibility for the operation of public transport services lies with the providers of the bus services and/or South Yorkshire Mayoral Combined Authority (SYMCA).

5. LOCAL AUTHORITY DISCRETIONARY POWERS

The LA has discretionary powers to provide home to school transport for non-eligible children/young people who live within Rotherham and are not ‘eligible travellers.’

Any requests for transport assistance will be assessed on an individual basis and where transport is provided for all or some of the required school journeys, parents/carers will be requested to make subsidised contributions towards this transport. The cost is currently 80p per journey to travel within the Rotherham Borough, £1.60 per day for travel outside of the Rotherham Borough. Transport will be provided free of charge where a family have provided proof of low income (section 4.8).

6. TRANSPORT FOR CHILDREN/YOUNG PEOPLE WITH AN EDUCATION, HEALTH AND CARE PLAN (EHCP) AND/OR DISABILITIES (SEND)

6.1. Naming a school in a children/young person's EHCP

Section 39 of the Children and Families Act 2014 governs the naming of a school in a child/young person's EHCP. Parents/carers have the right to ask for a particular school to be named in their child/young person's EHCP and the LA must name that school in the plan unless it would be unsuitable for the child/young person's age, ability, aptitude, special educational needs, or incompatible with efficient education of others, or the efficient use of resources.

Where a parent would prefer their child/young people to attend a school that is further away from their home address than the nearest school that would be able to meet their needs, the LA will consider whether arranging home to school transport to the preferred school would be incompatible with the efficient use of resources.

If the LA determines that providing transport to the parent/carer's preferred school would be incompatible with the efficient use of resources, the Local Authority may name the parents/carer's preferred school on the condition that the parent/carer arranges the travel or provides some or all of the cost of the travel.

6.2. Disabled person's pass

A disabled person's pass may be available to some Rotherham residents which allows free travel on buses, trams and trains within South Yorkshire and some cross boundary services. Severely disabled children who cannot travel alone may qualify for a disability pass and a care giver may also qualify for one so they can travel with them free of charge. More details are available on the Council's [Apply for a travel pass – Rotherham Metropolitan Borough Council](#) and on the Travel South Yorkshire website [Disabled Pass - Travel South Yorkshire](#)

6.3. Children below the age of 5 years

Parents/carers are usually required to take children under the age of 5 to their early year's provider as there is no statutory duty for the LA to provide transport for children who are not yet of compulsory school age.

Where a child below compulsory school age is likely to require transport assistance when they become statutory school age, specialist transport may be granted under LA discretionary powers. In this instance, parents/carers will be required to make subsidised contributions towards this transport. The cost is currently 80p per journey to travel within the Rotherham Borough, £1.60 per day for travel outside of the Rotherham Borough. Transport will be provided free of charge where a family have provided proof of low income (Section 4.8).

6.4 Children/young people of compulsory school age (5 – 16)

Not every child/young person with an Education Health Care Plan (EHCP) will be eligible for free home to school transport assistance. The LA will need to assess eligibility on the grounds of their special educational needs, disability or mobility problems on an individual basis.

Where a child of compulsory school age, attending their nearest available qualifying school, or any alternative catchment school determined by the LA has a temporary medical condition which affects their ability to travel to school, even if accompanied, they may be provided with free transport assistance. The LA will need to confirm eligibility for home to school transport assistance.

6.5 Applications for home to school transport solutions

To establish entitlement of eligibility of home to school transport assistance, an assessment of entitlement needs to be undertaken. The assessment will consider the child/young person's physical ability to walk to school and any health and safety issues related to their SEND. The assessment process also considers whether the child/young person can be reasonably expected to walk to school and if so, whether the parent/carer can reasonably be expected to accompany the child/young person (section 1.5.4).

The LA requires completion of an application for home to school transport assistance for every request for assisted home to school transport (which will usually be completed by the parent/carer of the child/young person).

6.5.1. All applications are assessed on an individual basis of need and in accordance with current home to school transport policy and statutory guidance.

6.5.2. To make an application for transport assistance please visit RMBC website and find the appropriate application form under the Local Offer:

<https://www.rotherhamsendlocaloffer.org.uk/>

In addition to the application, the LA will require:

- ❖ Information from the child/young person's school.
- ❖ Any relevant information in the child/young person's EHCP plan, which is relevant for transport considerations /or
- ❖ Information from a professionals involved in the child/young person's care, e.g., educational psychologist or hospital consultant/or
- ❖ Any relevant information in the child/young person's individual healthcare plan

Sensitive information submitted for assessments and reviews will be treated in a confidential manner and may be shared with the transport operator/provider.

6.5.3. The transport solution offered by the LA is determined following a comprehensive assessment of the information provided which relates to the child/young person's needs and abilities, including age, mobility and how their SEND affect their ability to travel.

6.5.4. Where an eligible child with SEND is able to travel on public transport, they may be entitled to a Zoom Zero Travel Pass to allow them to access free transport which will operate from and to the bus stop nearest to the child/young person's home address (section 4.1.3).

6.5.5. Parents/Carers should ensure their child/young person's safety, by making appropriate arrangements for them to be accompanied to and from the nearest bus stop, as appropriate.

6.5.6. Children/young people who have been assessed as requiring transport assistance, other than a Zoom Zero Travel Pass, may receive support for independence and mobility training. The aim is to reduce their reliance on individual transport and to develop independent travel skills (section 9).

6.5.7. Some parents/carers may choose to use their own vehicle to transport their child/young person to and from school. They may be entitled to a parental payment if there are no spaces available on existing transport for the eligible traveller, or where no contracted transport provision exists (section 8).

6.5.8. Children/young people in receipt of home to school transport assistance must have their eligibility re-assessed following a change of circumstances, for example, a change of address or school as this may affect both the identity of the qualifying school and the distance. **It is the responsibility of the parent/carer to inform the LA of any changes.**

6.5.9. There may be occasions where a change needs to be made by the LA to existing home to school transport during the school term. When changes do become necessary, families and schools will be provided with as much notice as possible so that the child/young person can be fully prepared for any required change.

6.5.10. Eligibility for assisted home to school transport should be reviewed when a child/young person transitions into a new key stage (for example moving from primary to secondary school) to ensure that arrangements are still appropriate. Any recommended changes to a children/young people's transport arrangements will be considered by the Council provided they have been given suitable notice.

6.5.11. Requests for transport assistance to allow children/young people to attend exams may not be provided. Usual transport operations will remain in place for children/young people during exam periods. It is an expectation that educational establishments will work with children/young people and families to support attendance for exams and use existing transport arrangements.

6.5.12. Children/young people who attend a residential school (e.g., a term-by-term basis) outside of Rotherham named in their EHCP or Statement of SEN will be allocated a maximum of 6 return journeys to/from their place of education. No additional journeys will be funded by the Council.

6.6. SEND and alternative provision improvement plan

The LA may provide transport assistance for a child/young person who has been placed in an alternative provision by the LA (provided they meet the qualifying criteria in section 6). Where transport assistance has been approved, the school will be expected to support the LA with delivery of home to school transport arrangements by:

- promoting good behaviour on transport;
- sharing appropriate information with the LA to ensure the needs of the child/person requiring transport are met;
- consider any implications for home to school transport arrangements when arranging for the child/young person to be educated off-site or proposing changes to their school day or week;
- promote sustainable travel to school.

7. ASSISTED HOME TO SCHOOL TRANSPORT (TAXI /MINIBUS/COACH)

- Children/young people who are provided with transport on a coach, minibus or taxi will be collected and returned at named points near their home address. If the child/young person is not at the boarding point at the agreed time in the morning, the transport will continue its journey to avoid late arrival at schools. If the child/young person is collected from home, they are expected to be supervised to board the vehicle at the agreed time.
- Transport will usually be shared with other eligible passengers who also require assisted transport to travel to and from the same school.
- Transport assistance will be provided for the start and finish times of the school day. It is the responsibility of parents/carers to meet other transport needs such as travel to and from work placements, breakfast clubs, after-school clubs, extra-curricular activities, transitional transport, or any other

arrangements they make with a school, including provision at an alternative school bases.

- Any extra transport equipment, seating, restraints, or training required due to the child/young person's physical, medical or behavioural needs which require supervision during travel will usually be arranged by the Council. In some circumstances, an agreed written individual transport care plan will be required to be signed by the parent/carer before the child/young person can travel on any contracted vehicle.
- The child/young person's parent/carer must ensure that a responsible adult meets the child/young person when they are returned to their home address by the transport operator. If an emergency occurs which prevents this, the Travel Planning Team should be informed immediately.
- In the event of a responsible adult not being available, the transport operator will contact the Travel Planning Team. If the issue cannot be resolved the Multi-Agency Safeguarding Hub (MASH) (Tel. 01709 336080) will be informed and the child/young person may be taken to a place of safety until they are collected by a responsible adult.
- If a child/young person will be absent from school for any reason, such as illness or holiday, it is the responsibility of the parent/carer to inform the Travel Planning Team as soon as possible to prevent unnecessary charges being made to the Local Authority and to ensure safeguarding of the child/young person. The Travel Planning Team will also need to be informed, in advance when the transport is required to start again.
- Where transport support is provided, no variation can be made to the journey without the prior consent of the LA.

7.1 Medical/mobility considerations

7.1.1. Where a child/young person with medical/mobility needs is travelling on assisted transport provided by the LA, it may be necessary to undertake a risk assessment prior to transport assistance being put in place.

7.1.2. Where a child/young person has a medical care plan for transport and where treatment or equipment is essential for the child/young person's health (e.g., EpiPen, inhaler, vagal nerve stimulator magnet, suction machine etc.), it is the responsibility of parents/carers to ensure this is sent with the child/young person. This should always be in date and in good working order otherwise the child/young person will be refused transport by the driver or passenger assistant.

7.1.3. Transport staff will not administer medicines unless these are part of the transport care plan and staff have received appropriate training. It is important that

such medicines are in date, clearly identified with the child/young person's name, date of birth and the dosage prescribed.

7.1.4. Parents/Carers are advised to contact their child/young person's school, to discuss the transfer of items such as letters, money or common medicines. Transport staff may be able to agree to carry these but cannot accept responsibility.

7.1.5. The LA will undertake a risk assessment for any child/young person who is unable to transfer from a wheelchair, or requires other specialist equipment in order to travel, before any assisted transport can be provided. Parents/carers may be entitled to claim a mileage allowance if there have been significant delays in acquiring suitable transport.

7.1.6. If a child/young person is due to receive medical treatment which affects their mobility and fitness to travel, the Travel Planning Team must be informed at least 10 working days in advance so that an updated transport assessment can be undertaken. Children/young people may be refused transport provision until this assessment has taken place and it is deemed safe for them to travel again.

7.1.7. If a child/young person is transported in a wheelchair, it is the parents/carers' responsibility to ensure that this is in good condition and free of defects, including any wheelchair harness. Any defects should be reported and rectified urgently to ensure the safety of the child/young person by contacting Wheelchair Services at **Rotherham.wheelchairs@rothgen.nhs.uk**

7.1.8. Defective equipment will result in transport being stopped as all drivers are instructed to refuse to transport children/young people with defective wheelchairs.

7.1.9. If a child/young person is due to change a wheelchair or buggy, including seating system, the parent/carer must inform the Contract Monitoring Officer at least 10 working days in advance, as it is important that the correct restraints are used to secure the wheelchair into the vehicle. All drivers are instructed to refuse transport provision for a child/young person if changes are made until it is confirmed safe for them to travel again.

7.2 Journey times

As a general guide, the maximum journey time for a child of primary school age should be 45 minutes each way, and 75 minutes each way for children/young people of secondary school age, including any time taken to walk to a pick-up point.

There will be circumstances in which this is not possible, for example:

- in rural areas where children/young people live in remote locations
- where a child/young person needs to travel a long way to the school named in their EHC plan
- when journey times are extended by traffic delays.

Travel arrangements for some children/young people with SEND, in particular those with mobility problems, can be complex to arrange. Shorter journeys may be

desirable; however, a child/young person may need to travel a long way to the school that is able to meet their needs and one vehicle may need to collect several children/young people along the journey.

Where long journeys are unavoidable, due to the school that has been named in the child/young person's EHCP, the LA will consider whether there are measures they can take to minimise negative impacts for the children/young people travelling and may ask the school or parent/carer to offer advice on effective ways of managing their behaviour.

7.3 Behaviour expectations, assisted home to school transport

The ultimate responsibility for the safety and conduct of children/young people during the journey to and from school rests with parents/carers.

The LA will collaborate with schools to promote good behaviour on home to school transport as they have the power to sanction children/young people for misbehaviour which takes place on school travel.

The LA and school will work together to:

- Set high expectations for children/young people's behaviour on school travel and ensure these are communicated clearly to parents and children/young people;
- Ensure arrangements are in place to report and manage incidents of unacceptable behaviour;
- Work with operators to put in place measures to manage unacceptable behaviour where it occurs.

The LA will ensure that all drivers and passengers assistants have appropriate training to enable them to manage children/young people's behaviour while travelling.

Unacceptable behaviour may include, but is not limited to, being rude, pushing and kicking, bullying, distracting the driver, refusing to wear a seatbelt and/or refusing to remain seated, which may endanger the safety and wellbeing of themselves and other passengers.

Travel arrangements may be withdrawn if the behaviour becomes unmanageable or there is a serious health and safety concern, and alternative transport options may be offered for the child/young person.

Managing behaviour that is part of a child's SEND

The LA recognise that a child/young person's challenging behaviour may be part of their SEND. The LA work with transport operators, schools and families to find positive ways to manage this behaviour wherever possible.

Where necessary, a risk assessment will be undertaken by the school and or/LA.

Some children/young people may find changes to transport arrangements distressing and benefit from having consistency in their travel arrangements wherever possible. Where a change to travel arrangements is planned, the LA will provide suitable notice to allow the parents/carers time to prepare children/young people for the change and can request to meet a new driver/passenger assistant to help with the change.

7.4. Children/young people with SEND attending respite care

There is no statutory duty within national home to school transport guidance for the LA to provide free transport assistance for children/young people to travel to respite care placements.

7.5. Children/young people with SEND in Public Care

When a child/young person becomes a looked after child (LAC) by RMBC, they may become eligible for transport assistance. This may also include transport to other destinations as appropriate.

The LA would expect the child/young person to use public transport, unless they are too young to travel alone (see section 4.2) or there are specific risks or safeguarding concerns. When age or risk prohibits them to do so, there is an expectation that the carers or known professionals transport them.

Children/young people of compulsory school age with an EHCP, in the care of RMBC may be eligible to receive transport assistance (provided they meet the qualifying criteria in section 6).

A LAC who is under the financial responsibility of another Local Authority needs to contact their Authority for their transport requirements.

8. TRAVEL PAYMENTS

8.1. Personal transport budget (PTB)

A personal transport budget (PTB) may be provided where agreed, to parents/carers for children/young people who are eligible for transport assistance. The PTB solution enables families to make their own arrangements to achieve the best travel arrangements for their child/young person instead of relying on the traditional services which may not always be the most suitable transport option. Parents/Carers will need to ensure that their child/young person arrives at their educational establishment regularly and on time, and that the arrangement does not negatively affect their ability to access educational provision.

8.1.1. To be considered for a PTB arrangement a child/young person must have their entitlement assessed and satisfy the following criteria:

- ✓ They are confirmed as an 'eligible child/young person' under the criteria contained in the current home to school transport policy.
- ✓ the LA does not have existing space on any routes currently operating to the school which has been identified as one suitable to accommodate the child/young person's needs.

8.1.2. PTB payments are allocated in the terms set out in the LA/Parent Carer agreement letter, and each payment is usually made before the start of the upcoming term via bank transfer and parent/carers agree to provide their bank account details to the LA.

8.1.3. Each PTB is agreed via a distance measurement based on:

The shortest available driving distance (mileage) from the child/young person's home address to their nearest available qualifying school, or place of further education, named in their EHCP
multiplied by
the current mileage allowance as agreed by the LA (currently 45p per mile)
multiplied by
the number of days the child/young person is expected to attend their place of education during each term.

8.1.4. Each PTB is allocated on the agreed assumption that the child/young person attends school/college regularly, achieving an attendance level as set out in the agreement letter. Persistent absence is defined as an attendance rate of 90% or below. If the child/young person's attendance falls below the agreed rate, other transport options will need to be considered, as the PTB offer will no longer be viable.

8.1.5. Under LA financial regulations, Risk Management and Systems of Control, it is a requirement for the attendance of each child/young person in receipt of a PTB transport option to be reviewed, before the next allocation of monies can be released. Where the agreed attendance level has not been reached, any "unspent" PTB monies will be recovered from the parent/carers.

8.1.6. PTB monies cannot be used to travel to and from work placements or to travel to and from medical, dental or similar appointments. PTB monies will also not be allocated where a child/young person is required to travel to extra-curricular activities or after school clubs.

8.1.7. Where a parent/carers has more than one eligible child/young person living at the same address and attending the same school, only 1 PTB payment will be offered to the family, as it would be expected that they are able to travel together.

8.1.8. Where a parent/carers has more than one eligible child/young person living at the same address but attend different schools, the PTB payment will be based on the shortest available driving route from home to each educational establishment and return.

8.1.9. If there are any changes to the child/young person's circumstances during the PTB agreement, for example a change of address, it is the responsibility of the parent/carer to inform the LA so that the agreement can be reviewed and amended accordingly.

8.1.10. A request for a PTB arrangement may be refused by the LA, if space on an existing route operating to and from the eligible child/young person's school/college is suitable and available for the child/young person.

8.1.11. Where a PTB arrangement is no longer appropriate, a request for an alternative travel solution can be requested by the LA or the parent/carer provided both are given a minimum of 15 working days' notice. Consideration will be made as to whether or not there are any 'unspent' PTB monies owed to the LA which need to be paid back.

8.1.12. Alternative arrangements/payments may be considered in exceptional circumstances, following negotiations with parents/carers and with additional signed approval from the Transport Services Manager.

8.2. Parental travel claim (PTC)

A PTC agreement can be a long term or temporary solution where an agreement between the parent/carer and the LA has been established. PTC's may be offered to the family in place of PTB in the following instances:

- the child/young person will be unable to achieve the required attendance level for the PTB arrangement due to their needs,
- where the parent/carer has been asked by the LA to consider making their own transport arrangements on a short-term basis,

8.2.1. The PTC is calculated using the same criteria as 8.1.3. unless alternative arrangements have been agreed for travel on public transport or in a taxi. In order for the LA to make payment to the family an official claim form which has been verified by their educational establishment should be submitted to the LA on regular basis as payments are based on actual days attendance at school.

8.2.2. Payments are made via bank transfer and parent/carers agree to provide their bank account details to the LA.

8.2.3. Where a PTC solution has been agreed for travel on public transport or via a taxi, rather than for an agreed mileage rate per day, the parent/carer will be asked to provide receipts with their claim.

9. INDEPENDENT TRAVEL TRAINING

The Special Educational Needs and Disability Code of Practice: 0 to 25 sets the expectation that professional working with children/young people with SEND will support them to prepare for adult life and help them to achieve the best outcomes in employment, independent living, health and community participation.

For many children/young people, learning to travel independently is an important part of preparing for adulthood and it will help them lead fulfilling adult lives. When deciding on appropriate transport solutions, consideration will be made as to whether the child would be suitable to join the Independent Travel Training programme.

Each personalised training programme will ensure that children/young people will be fully trained to carry out their journey from their home address to their place of education. Training will also improve their ability to access social and leisure activities and reduce their reliance on individual transport.

9.1 Independent Travel Training and Parental consent

Children/young people are not able to join a personalised travel training programme without appropriate consent from the parent/carer.

Where consent has not been granted, alternative transport solutions will be considered for the eligible child/young person.

9.2 Safeguarding during Independent Travel Training

The LA will ensure each child/young person participating in a personalised travel training programme will be kept safe at all times. Parents/carers will be involved in the programme throughout its duration, and consent required before their child/young person moves on to each required stage of the programme.

Each child/young person's abilities, journey to be undertaken will be risk assessed prior to the programme taking place and candidates will be continually observed during their training.

10 TRANSPORT POLICY STATEMENT FOR LEARNERS AGED 16-19 YEARS IN FURTHER EDUCATION AND TRAINING AND CONTINUING LEARNERS WITH A LEARNING DIFFICULTY AND/OR DISABILITY (LLDD) AGED 19 AND OVER

10.1 Summary of policy statements and main objectives

This policy covers the statutory duties of the Local Authority under Section 509AA of the Education Act 1996 and subsequent amendments. It only applies to residents of the Rotherham Borough area. Further information can be obtained by visiting www.gov.uk.

This policy outlines what transport support is available when starting a full time (over 12 guided learning hours per week) further education course up to the age of 19 and those learners aged 19 and over with a learning difficulty and/or disability.

10.2 Concessionary Fares, Discounts, Subsidies, Passes or Travel Cards available for Post 16 Learners in Colleges, Sixth Forms and at some Training Providers

The following passes and tickets are the most appropriate for those using public transport to access education and training:

Zoom 16-18 Travel Pass

This pass is available to all South Yorkshire residents and have reached the age of 16 but haven't reached the age of 18 on 1st September of the current academic year. It entitles the traveller to travel for the concessionary fare of £1.00 per journey on all buses and trams and for half adult fare on trains within South Yorkshire. To apply, please visit <https://www.travelsouthyorkshire.com/en-GB/LandingPage/Zoom-16-18-Pass> (creating a MyTSY account if the children/young people doesn't have one already).

With a Zoom 16-18 additional discounted tickets can be purchased for periods ranging from one day to four weeks.

Individual enquires can be made by contacting Traveledine on 01709 515151.

18-22 Discount Card

This card gives a 15% discount on TravelMaster daily, weekly and four-weekly tickets bought online. An account will firstly need to be made with TravelMaster. Once an account has been set up, an application can be made online at: <https://www.sytravelmaster.com/18-22discountcard>

Zoom Beyond 18-21 Travel Pass

This pass is available to all South Yorkshire residents who are attending who are aged between 18 and 21. Further details can be found here:

<https://www.travelsouthyorkshire.com/en-gb/ticketsandpasses/18-21-pass>

Zoom Zero Travel Pass – Private Purchase

The Zoom Zero Travel Pass provides free travel between home and college within the South Yorkshire boundary. The family of the young person would have to make a private purchase for a pass so although it doesn't represent a saving compared to paying on the bus every day, it can be a more convenient to buy the pass rather than having to find change every day. details can be found here:

www.travelsouthyorkshire.com/en-GB/LandingPage/Zoom-Zero-Fare-private-purchase

Further details on all of the above passes and tickets, including operators' tickets, are available on the Travel South Yorkshire website. Other saver ticket options are also available so please visit www.travelsouthyorkshire.com.

10.3 Support for Post 16 Learners with Education, Health & Care Plans (EHCP) or Special Educational Needs or Disabilities (SEND)

10.3.1. A disabled person's pass may be available to some Rotherham residents who are over the age of 16, following assessment. Please refer to Section 6.2.

Those unable to take advantage of a disabled person's pass should contact student services at their chosen college or school sixth form.

10.3.2. All learners with an Education, Health & Care Plan (EHCP) or Special Educational Needs or Disabilities (SEND) in Year 11, who already have assisted home to school transport, should have their transport needs reassessed when they move from compulsory schooling to post 16 education. This is in accordance with the Post 16 Transport to Education and Training Statutory Guidance for Local authorities:

www.gov.uk/government/publications/post-16-transport-to-education-and-training.

10.3.3. Post 16 learners will be aged between 16 and 18 years at the start of the academic year (i.e., September) and those continuing learners who started their programme of learning before their 19th birthday.

10.3.4. Post 16 learners are expected to take advantage of the concessionary fare schemes, so that they can access public transport for their daily travel to and from school/college.

10.3.5. There is no automatic entitlement to free home to school or college transport once a young person is over 16 years old and beyond statutory school age and the LA does not have a duty to provide transport assistance. Responsibility for making appropriate transport arrangements rests with the learner and/or parents/carers. Some learners will, however, be considered for transport assistance and provided with a travel solution (section 3).

10.3.6. The distance between home and school or college, offering a suitable course, must exceed 3 miles by the shortest available walking route. This may be disregarded where learners require assisted transport as a result of their learning difficulty and/or disability.

10.3.7. Young people will be engaged in learning or training at:

- A school (including academies)
- A further education institution
- An Authority maintained or assisted institution providing further education
- An establishment funded directly by the Education Funding Agency (EFA) e.g., independent specialist providers for learners with learning difficulties and/or disabilities
- A learning provider that is funded by the local authority to deliver accredited programmes of learning (this could include colleges, charities and private learning providers)

10.3.8. Learners are encouraged to attend courses within the Rotherham Borough. Specific details of the course and reasons for choice will need to be given in order that an assessment can be made, having due regard to the efficient and effective use of resources.

10.3.9. The LA supports the principle of young people having a reasonable opportunity to choose between the courses available to learners at post 16 and be supported to access their choices.

10.3.10. Reasonable choice will include enabling young people to choose courses outside the Rotherham boundaries if it makes sense for them to do so. The Council will be mindful of our neighbouring local authorities transport policies and consider how this transport policy can support movement across boundaries (i.e., South Yorkshire).

Reasonable choice will also include enabling young people to choose an establishment of education that is not the closest to where they live, if it makes sense to do so.

10.3.11. Providing assisted transport (e.g., taxis, specially adapted vehicles) will only be given for learners with special educational needs and disabilities who have had their needs assessed against set criteria including distance, age, mobility and the effect of their complex needs on their ability to travel, compared to their peer group. This may include:

Communication and Interaction Difficulties
Cognition and Learning Difficulties
Specific Learning Difficulties
Social, Emotional and Mental Health Difficulties
Sensory and/or Physical Needs which severely restricts mobility

10.3.12. In order for the LA to assess for entitlement of eligibility, they will need to undertake an individual assessment for the young person and will require completion of an application for home to school transport assistance; this will usually be completed by the parent/carer of the young person.

10.3.13. To make an application for transport assistance, please visit RMBC website and find the appropriate application form under the Local Offer:
<https://www.rotherhamsendlocaloffer.org.uk/>

In addition to the application, the LA will require:

- ❖ Information from the young person's school/college.
- ❖ Any relevant information in the young person's EHCP plan, which is relevant for transport considerations /or
- ❖ Information from a professionals involved in the young person's care, e.g., educational psychologist or hospital consultant/or
- ❖ Any relevant information in the young person's individual healthcare plan
- ❖ Relevant proof of low income (if appropriate, section 4.8).

Sensitive information submitted for assessments and reviews will be treated in a confidential manner and may be shared with the transport operator/provider.

Please be aware that failure to provide all the evidence may result in a delay in an application being processed or the application being refused.

10.4 Apprenticeships/traineeships

Transport assistance is not provided to learners undertaking work placements, apprenticeships or traineeships. In these circumstances learners are advised to contact their employer or learning provider for advice.

10.5 Charges for transport assistance for non statutory transport

Charges apply to all post 16 learners where they require help in travelling to school or college, regardless of whether they are living in the parental home or sheltered/residential accommodation.

Learners and/or parents/carers will be notified of the charges in advance of the travel arrangements and usually invoiced as soon as possible before the start of each term. These charges **must** be paid immediately so that transport arrangements can be made. Every opportunity will, however, be given for learners and/or parents/carers to pay the charges by smaller, more manageable, payments suitable to the learner and/or parent/carer if requested.

Where it has been agreed to provide transport assistance within the Rotherham Borough, learners and/or their parents/carers will be charged on a termly basis (i.e., 3 invoices per year will be sent, usually before the start of each term) based on the current cost of the concessionary student fare of £1.00 per journey, and school term dates. The approximate costs per each school terms are as follows:

Autumn term (Sep – Dec) 15 weeks @ £10.00* per week = £150

Spring term (Jan-Mar) 12 weeks @ £10.00* per week = £120

Summer term (Apr-July) 12 weeks @ £10.00* per week = £120

Charges are based on one return bus journey per day at £1.60

**This can be subject to change. Charges will depend on school/college actual term dates, actual number of days per week students attend school/college and the current cost of available concessionary fares.*

Refunds of transport costs cannot be made for occasional day's absence. If, however, the learner is absent for a full week (e.g., due to illness/holiday) then refunds will be considered upon receipt of confirmation of attendance details from the school/college.

The learner may have their assisted transport withdrawn if:

- *their parent/carer fails to make payment or make a reasonable contribution towards their assisted transport.*
- *their parent/carer has not engaged with the Council's Sundry Accounts Team to secure a manageable payment plan*

Transport will only be withdrawn as a last resort after all other options have been explored.

10.6 Financial hardship

16 to 19 Student Bursary Fund

The 16-19 Student Bursary Fund is designed to help support those young people who face the greatest barriers to continuing in education or training post 16. If the learner is aged between 16 and 19 years and think that they may struggle with the costs for full-time education or training, they may be eligible for a bursary. This can be used to assist with transport costs.

Students in the following groups may receive the maximum bursary of £1,200 a year:

- young people in care
- care leavers
- young people claiming income support in their own name
- disabled young people who receive both Employment Support Allowance and Disability Living Allowance or Personal Independence Payment in their own name.

To receive the maximum bursary, the course must last for 30 weeks or more. If the course is shorter than 30 weeks, the student may receive less funds.

Other students facing genuine financial difficulties may be awarded a bursary at the discretion of their school, college or training provider.

Further information can be obtained directly from the learner's school or college on how to apply for a bursary.

Full details of the bursary scheme are available on the Directgov website at: www.gov.uk/1619-bursary-fund.

Families experiencing financial hardship (low-income families or learners) can apply to have the transport charges waived. However, consideration will be given as to whether or not the learner has applied for, or is in receipt of, an allocation from the 16-19 bursary fund from the learning provider.

Means testing

Eligibility for help with transport to school/college is not dependent on means testing, but a means test will be used to determine whether the contribution towards the transport costs should be waived for low-income families. The Transport Policy Statement for Learners aged 16-19 years in Further Education uses the low-income eligibility criteria, as set out in the Education and Inspections Act 2006, e.g.: Free School Meals eligibility or being in receipt of the maximum level of Working Tax Credit. Written evidence of these benefits will be requested by the Council and where evidence has not been provided (or is not relevant to the period in which transport is being provided) charges will be issued.

11. RAISING THE PARTICIPATION AGE

From 2015, all young people up until the end of the academic year in which they turn 18 are required to participate in education or training. There is no change to the statutory school age which remains at 5 to 16 years.

This change did not extend the entitlement for the provision of free transport assistance beyond Y11, as it does not mean that the learner must stay at school. They may choose to work full time and study part time, continue full time study at school or college, be involved in part time training whilst volunteering or follow an apprenticeship.

More information about Raising the Participation Age can be obtained from the Department of Education website at: -

<http://www.education.gov.uk/childrenandyoungpeople/youngpeople/participation/rpa>.

This continues to mean that transport will only be allocated to learners who qualify under the criteria as set out in Section 8.2.

12. 19 – 25 LEARNERS

Learners who are aged 19-25 and have an Education Health and Care Plan (EHCP), who are unable to travel to and from their educational establishment without assistance, should contact their education provider in the first instance to discuss the possibility of transport assistance.

If the learner is continuing a course they started aged 16 – 18 they are known as a 19+ learner and may be entitled to an allocation from the discretionary element of the 16-19 Student Bursary fund. The education provider will be able to provide more details on entitlement and how to make an application.

13 CARE TO LEARN

The Care to Learn scheme can help young parents with childcare costs to continue in, and return to, education after the birth of a child.

The learner must be aged under 20 at the start of their course. The scheme is available for publicly funded courses in England which includes courses in:

Schools

Sixth forms in schools

Sixth-form colleges

The learner may receive up to £180 per week to help with:

Childcare, including deposit and registration fees

A childcare taster session for up to 5 days

Keeping a childcare place over the summer holidays

Taking the child to their childcare provider

Childcare payments are paid directly to the learner's childcare provider and before they are paid.

The learner's childcare provider needs to confirm the child's attendance. The learner's school or college need to confirm that the learner is attending their course.

Travel payments will be paid directly to the learner's school or college and the learner who should then assist with the learner's transport arrangements.

Further Information on C2L can be found at <https://www.gov.uk/care-to-learn>

Applications for C2L funding can be made online via the Student Bursary Support Service portal. This can be found at:
<https://studentbursary.education.gov.uk/w/webpage/student-bursary>

14 APPEALS PROCESS

The decision regarding refusal of free home to school transport assistance is based upon information available to officers at the time of the assessment. Parents/Carers have the right to appeal against the Local Authority's decision not to provide transport assistance, if they feel that an error has been made in the assessment of the entitlement, distance measurement, route safety or there are exceptional circumstances that breach this Policy.

14.1 Appeal Timings

The Home to School Travel and Transport Guidance (issued by the Department for Education) recommends the timings of the Appeals procedures; these are recommended timings and not compulsory, but every effort will be made to meet these timings.

14.2 Stage 1 Appeal Review

Parents/Carers must, in writing, within 20 working days of the original decision, request a review of the original decision which will be undertaken by a Senior Officer (**Stage 1 Review**). Requests to appeal should be made in writing to [**education.transport@rotherham.gov.uk**](mailto:education.transport@rotherham.gov.uk) Parents/Carers will be provided with a notice of appeal form, which must be completed and returned within 20 working days. This should be accompanied by any other relevant evidence or medical reports that the parent/carer intends to rely upon. All evidence provided, together with a statement of appeal explaining the reasons for the original decision will be submitted to the Senior Officer for consideration.

Following the Stage 1 review the Senior Officer will respond in writing, within 20 working days of receipt of the parental request and receipt of the completed Notice of Appeal, either upholding or overturning the original decision. This will explain the reasons for the review decision and unless the original decision is overturned, offer the parent/carer the opportunity to escalate their appeal to be heard by an independent panel (**Stage 2 Appeal Review**).

14.3 Stage 2 Appeal Review

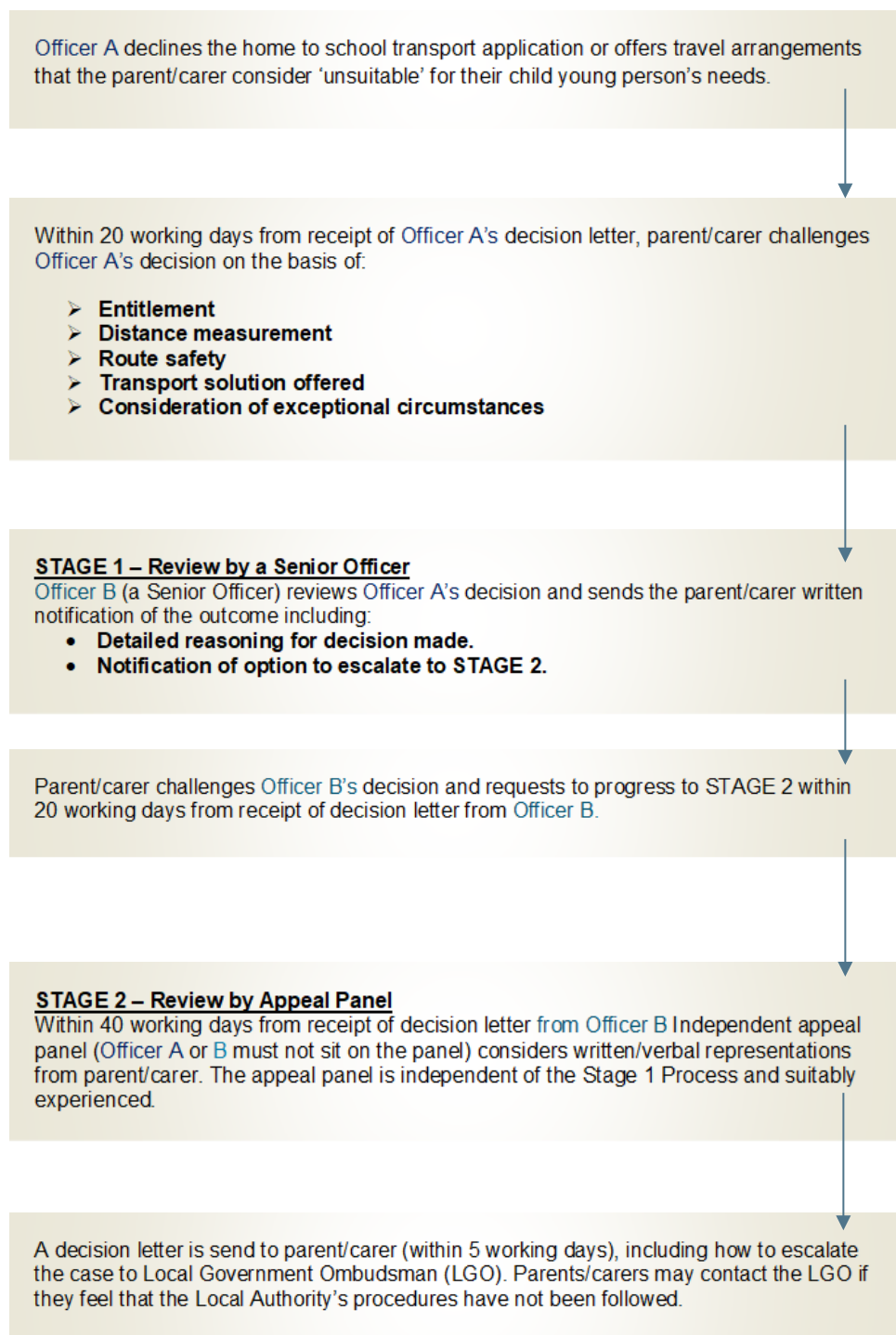
Parents/Carers must confirm in writing their request for the appeal review to progress to Stage 2 within 20 working days of the letter confirming the outcome of the Stage 1 Appeal Review. Upon receipt, a statement of appeal will be prepared, and all evidence submitted to an independent panel which has had no involvement in either of the previous decisions. The independent panel will review the previous

decisions and the parental grounds for appeal within 40 working days. The outcome will be communicated to the parent/carer in writing within 5 working days of the panel hearing by the Council.

A Stage 1 or Stage 2 decision will be effective for the complete academic year following which entitlement will be reviewed for the next academic year. Parent/carer again have the right to appeal this decision if necessary.

If there is a change in individual circumstances during the academic year, such as change of address or mobility needs, it is the responsibility of the parent/carer to inform the Passenger Services Team to ensure a review is undertaken by e-mailing: education.transport@rotherham.gov.uk.

14.4. Flowchart of the appeals process



This page is intentionally left blank

PART A - Initial Equality Screening Assessment

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

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

Completed at the earliest opportunity it will help to determine:

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

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

1. Title	
Title: Home to School Policy	
Directorate: Regeneration and Environment	Service area: Community Safety and Street Scene
Lead person: Karen Mudford	Contact: Karen.mudford@rotherham.gov.uk
Is this a:	
<input checked="checked" type="checkbox"/> Strategy / Policy	<input type="checkbox"/> Service / Function
<input type="checkbox"/> Other	
If other, please specify	

2. Please provide a brief description of what you are screening
<p>The report provides details of the intention to undertake consultation on the Home to School Policy with an expectation to review and revise the existing Policy in accordance with legislative requirements.</p> <p>The DfE published guidance in June 2023, so it is considered appropriate for a full review to take place for the academic year 2024/25.</p> <p>The report seeks approval to commence consultation on any changes that may be required in relation to the current policy. This consultation will be with a wide range of stakeholders and will ensure that the policy remains relevant and continues to deliver the intended outcomes for the people of Rotherham.</p>

Appendix 2

The revised policy will be subject to a further Cabinet report, around March 2024 and require an updated equalities screening assessment, as this current paper deals only with the decision to publicly consult on any proposed revisions.

3. Relevance to equality and diversity

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

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

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

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

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

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?**

Any and all equalities implications will be identified and addressed following the consultation; this will then be subject to a further equalities screening and full analysis if required.

- **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
Karen Mudford	Head of Fleet & Transport Services	16/10/23

6. Publishing

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

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

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

Date screening completed	01/11/23
Report title and date	Home to School Policy consultation
If relates to a Cabinet, key delegated officer decision, Council, other committee or a significant operational decision – report date and date sent for publication	December 2023 – Full cabinet meeting and report
Date screening sent to Performance, Intelligence and Improvement equality@rotherham.gov.uk	01/11/23

Appendix 3

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 on emissions				
Emissions from transport?	Unknown	<p>Key changes to the Home to School Transport Policy may clarify pupils' eligibility for home to school travel arrangements, while improving signposting for non-eligible pupils.</p> <p>This may have an emissions impact on services provided by the Council and its contractors, if there is a corresponding change in the number of pupils accessing home to school transport by coach, minibus or taxi.</p>	<p>Key changes to the Home to School Transport Policy may clarify pupils' eligibility for home to school travel arrangements, while improving signposting for non-eligible pupils.</p> <p>This may have an emissions impact on public service buses i.e., emissions from transport across the Borough of Rotherham. Whether emissions are likely to increase or decrease will depend on 'modal shift': if more pupils take the bus to school who would otherwise have walked, there may be an increase in emissions; whereas uptake from pupils who would previously travel to</p>	<p>Partnership working with SYMCA and Travel South Yorkshire will be critical to the success of transport sustainability in the context of Home to School travel.</p> <p>Sustainability will form a key part of the revised Home to School Transport Policy, in accordance with the revised DfE guidance on Home to School and the DfE's policy paper, "Sustainability and climate change: a strategy for the education and children's services systems".</p>	<p>Emissions from corporate fleet vehicles are monitored as part of the Council's NZ30 greenhouse gas emissions inventory.</p> <p>Emissions from public transport are included with other transport emissions in local authority area greenhouse gas emissions statistics, published by the Department for Energy Security and Net Zero. Estimated emissions from 'service buses' are available from the SY regional transport model.</p> <p>Emissions from taxis used for home to school transport are not yet</p>

			<p>school by car might lead to a decrease in emissions.</p> <p>There may also be secondary effects, arising from changes in the viability of public service bus routes, frequency of services and modal shift by other transport users.</p>		<p>included in the Council's greenhouse gas emissions accounting. Reporting these emissions will be essential to understand the impact of proposed policy changes.</p>
Emissions from waste, or the quantity of waste itself?	No impact on missions				
Emissions from housing and domestic buildings?	No impact on emissions				
Emissions from construction and/or development?	No impact on emissions				
Carbon capture (e.g. through trees)?	No impact on emissions				
<p>Identify any emission impacts associated with this decision that have not been covered by the above fields:</p> <p>N/A</p>					

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

Key changes to the Home to School Transport Policy which clarify pupils' eligibility for home to school travel arrangements, while improving signposting for non-eligible pupils, may affect the carbon emissions from public bus services and home to school travel by coach, minibus and taxi.

As required by the DfE policy paper *Sustainability and climate change: a strategy for the education and children's services systems*, sustainability will form a key part of the Council's revised Home to School Transport Policy.

Bringing home to school transport by taxi within scope of the Council's existing greenhouse gas emissions monitoring will be key to understanding any potential carbon impact arising from the revised policy.

Supporting information:	
Completed by: (Name, title, and service area/directorate).	Jacob Huggins National Management Trainee Regeneration and Environment – Community Safety and Street Scene
Please outline any research, data, or information used to complete this [form].	Department for Education: Travel to school for children of compulsory school age - Statutory guidance for local authorities Department for Education: Sustainability and climate change: a strategy for the education and children's services systems.
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]	

This page is intentionally left blank

Committee Name and Date of Committee Meeting

Cabinet – 18 December 2023

Report Title

Fly Tipping and Littering Fixed Penalty Charge Increase

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

Yes

Strategic Director Approving Submission of the Report

Paul Woodcock, Strategic Director of Regeneration and Environment

Report Author(s)

Lewis Coates, Service Manager Regulation and Enforcement

Lewis.coates@rotherham.gov.uk

Ward(s) Affected

Borough-Wide

Report Summary

The financial level of fixed penalties that can be issued by Local Authorities to fly-tippers and litterers has been increased through the Environmental Offences (Fixed Penalties) (Amendment) (England) Regulations 2023. The maximum amounts are now £1,000 for fly-tipping, £600 for household duty of care waste offences and £500 for littering.

The penalty upon conviction via a prosecution for fly-tipping remains an unlimited fine and/or imprisonment.

Recommendations

That Cabinet:

1. Agree the proposed increased level of fixed penalties prescribed by sections 2 and 3 of The Environmental Offences (Fixed Penalties) (Amendment) (England) Regulations 2023.
2. To agree to recommend the proposed increases in maximum levels of fixed penalties to Council for adoption as part of the setting of fees and charges for the 2024 to 2025 financial year.

List of Appendices Included

Appendix 1 Initial Equality Screening Assessment

Appendix 2 Carbon Impact Assessment

Background Papers

[Environmental Protection Act 1990 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

[The Environmental Offences \(Fixed Penalties\) \(Amendment\) \(England\) Regulations 2023 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

[The Environmental Offences \(Fixed Penalties\) \(England\) Regulations 2017 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

[Agenda for Council Meeting on Wednesday 1 March 2023, 2.00 p.m. - Rotherham Council](#)

Consideration by any other Council Committee, Scrutiny or Advisory Panel

None

Council Approval Required

Yes

Exempt from the Press and Public

No

Fly Tipping and Littering Fixed Penalty Charge Increase

1. Background

- 1.1 Fly tipping and littering blight our urban and rural environments, with consequent damage to the natural environment and wildlife. These offences directly affect the quality of life of residents and visitors alike and impact upon the attractiveness of the Borough as a place to live, work and visit.
- 1.2 The Council faces increased demand to remove and investigate fly-tipping and littering and consequently increased costs. There is no excuse for either fly-tipping or littering with plentiful provision made by the Council for the disposal of waste and litter. Nationally, there has been calls from Local Authorities to increase the levels of fixed penalties available to Councils, that are appropriate to the offence.
- 1.3 Councils can issue fixed penalty notices where people are found to have littered and may prosecute or issue fixed penalty notices to individuals or companies that commit fly-tipping offences. The level of these fixed penalty notices are set through statutory instruments from Government.
- 1.4 At the Council Meeting on 1 March 2023, the Council set fees for the 2023/24 financial year. Included within these fees were the levels of fixed penalty notices for fly-tipping and littering offences. Currently the Council has set the levels of these fixed penalties in accordance with the Environmental Protection Act 1990 and the Environmental Offences (Fixed Penalties) (England) Regulations 2017, with the maximum amount for littering at £150 and the maximum for fly-tipping at £400.

2. Key Issues

- 2.1 The Environmental Offences (Fixed Penalties) (Amendment) (England) Regulations 2023 commenced on 31 July 2023 and amended both the Environmental Protection Act 1990 and the Environmental Offences (Fixed Penalties) (England) Regulations 2017, in respect of the maximum level of fixed penalties that Councils can issue for fly-tipping and littering offences respectively.
- 2.2 Consequently, there is provision for Councils to issue fixed penalty notices up to a maximum of £1,000 for fly-tipping offences, £600 for waste household duty of care offences and £500 for littering offences.
- 2.3 The Courts remain able to issue unlimited fines and/or imprisonment upon conviction where the Council considers that a prosecution is in the public interest rather than the issuance of a fixed penalty notice.
- 2.4 The Council's littering enforcement provision is provided by authorised Council Officers as well as through a Service Level Agreement with City of Doncaster Council, for which the Council receives a proportion of the fixed penalty amounts once administration costs are accounted for. This Service

Level Agreement is due to expire at the end of December 2023, and a new Service Level Agreement is currently under consideration.

3. Options considered and recommended proposal

- 3.1 Option 1 - The Council maintain the 'as is' position and keep the fixed penalty levels at the current level given the current cost of living crisis and not increase the maximum level of fixed penalties. However, the increased levels reflect the impact of the offences on communities and consequent costs of removal, disposal and enforcement by Local Authorities.
- 3.2 Option 2 - The maximum fixed penalty amounts are increased in accordance with the provisions of the Environmental Offences (Fixed Penalties) (Amendment) (England) Regulations 2023. This level of fixed penalty better reflects the impact of those offences on the natural and built environment, whilst also providing a better deterrent to those minded to committing such offences. This is the recommended option. However, there is a recognition that the levels of fines must be proportionate and consequently, whilst the maximum levels of fines are adopted and available, proportionality is built into the charges that are levied. In cases of repeat offenders, fines may be increased or alternative actions, such as prosecutions, may be taken. The proposed charges for individual types of offences are listed below:
- Litter – Maximum fine of £500 however for first time offences, a fine of £150 reduced to £125 if the fine is paid within 14 days
 - Fly-Tipping Maximum of £1,000 however for first time offences:
 - Tier 1 (1-5 bags) - A proposed fine of £300 reduced to £200 if paid within 14 days
 - Tier 2 (over 5 bags/car boot) – A proposed fine of £600 reduced to £400 if paid within 14 days
 - Tier 3 (Large fly tip /tipper load) – A proposed fine of £1000 reduced to £600 if paid 14 days
 - Household Duty of Care – Maximum of £600 however for first time offences, a fine of £300 is proposed, reduced to £200 if paid within 14 days

4. Consultation on proposal

- 4.1 The matter relates to legislative change and the development of Legislation conducted through due process in Parliament.
- 4.2 No local consultation has taken place in respect of these changes and the proposed increase in maximum levels of fixed penalty amounts.

5. Timetable and Accountability for Implementing this Decision

- 5.1 The increases to maximum fixed penalty amounts will be implemented from the 1 April 2024 subject to Council approval to increase the levels.
- 5.2 Sam Barstow, Assistant Director Community Safety and Street Scene is accountable for implementing the decision.

6. Financial and Procurement Advice and Implications

- 6.1 The recommendation to increase the level of fines to the maximum level will result in an increase of £600 for fly-tipping fines and £350 for littering offences. Fly-tipping fines are separated into large and small fly-tips, with the large fly-tips being formally classed as fly-tipping and the small fly-tips classed as littering as an illustration from 2022/23, 26 large fly-tip fines and 21 small fly-tip fines were issued. This would equate to an increase in income if all fines were paid at the maximum level, of £15,600 and £7,350 respectively.
- 6.2 It should be noted that not all fines are paid and that where monies cannot be recovered, this will impact directly on income. In the 12 months to the 31st October 2023, the Council received income of £4k from fines. It is hoped that the increase in fines will have a deterrent effect and reduce the number of offences.
- 6.3 The recommendation to increase the level of fines to the maximum level will result in an increase of £600 for fly-tipping fines and £350 for littering offences. Fly-tipping fines are separated into large and small fly-tips, with the large fly-tips being formally classed as fly-tipping and the small fly-tips classed as littering as an illustration from 2022/23, 26 large fly-tip fines and 21 small fly-tip fines were issued. This would equate to an increase in income if all fines were paid at the maximum level, of £15,600 and £7,350 respectively.
- 6.4 Given that there is no expenditure with third party organisations as a result of this activity, there are no procurement implications associated with the proposals contained within this report.

7. Legal Advice and Implications

- 7.1 The relevant legal provisions are referred to within the main body of the report. The Environmental Offences (Fixed Penalties) (Amendment) (England) Regulations 2023 commenced on 31st July 2023 and amended both the Environmental Protection Act 1990 and the Environmental Offences (Fixed Penalties) (England) Regulations 2017.
- 7.2 Section 2 of the Environmental Offences (Fixed Penalties) (Amendment) (England) Regulations 2023 amends Regulation 5 of the Environmental Offences (Fixed Penalties) (England) Regulations 2017, firstly in setting the amount of a fixed penalty for littering offences at a minimum of £65 and a maximum of £500: and secondly by setting the fixed penalty amount available to address offences related to distribution of printed information without consent from the Council, at the minimum level of £65 and the maximum level of £150.
- 7.3 Section 3 of the Environmental Offences (Fixed Penalties) (Amendment) (England) Regulations 2023 amends section 33ZA(9)(a) of the Environmental Protection Act 1990 by setting the maximum fixed penalty amount available for waste deposit [fly-tipping] offences to £1,000, with the minimum amount of

£150 retained. Section 3 also amends section 34ZA(8) of the Environmental Protection Act 1990 by setting the maximum fixed penalty amount available for the household duty of care waste offence to £600, with the minimum amount of £150 retained.

7.4 In the absence of an amount specified for the fixed penalty amounts by the Authority, the legislation specifies what the amount should be. It is therefore important that the Council gives serious consideration to the setting of fixed penalty amounts felt appropriate for the Borough.

7.5 In the event a fixed penalty notice is issued and remains unpaid the matter will be referred to legal services for prosecution. The fixed penalty notice gives the individual an opportunity to discharge their liability for the offence. An increase in the fixed penalty amount may result in an increase in the number remaining unpaid and thus in the number of matters being referred for prosecution.

8. Human Resources Advice and Implications

8.1 There are no human resource implications arising from this report.

9. Implications for Children and Young People and Vulnerable Adults

9.1 There are implications for Children and Young People and Vulnerable Adults in that families and individuals will find it harder to pay these increased levels of fines with a consequent impact on dealing with the cost of living.

10. Equalities and Human Rights Advice and Implications

10.1 There are no equalities or human rights implications.

10.2 An Initial Equality Screening Assessment is attached at Appendix 1

11. Implications for CO2 Emissions and Climate Change

11.1 Littering and fly tipping have an impact on greenhouse gas emissions through the Council's corporate fleet vehicles. Between April 2021 and March 2022, road sweepers and vehicles used for fly tip removals accounted for ca 120 tCO₂e (tonnes carbon dioxide equivalent) or 5% of all emissions from 'red' and 'white' diesel- fuelled corporate fleet vehicles, over the same period. Increasing the level of fines for littering and fly tipping might help to avoid an increase in emissions from transport if fines were to become a more effective deterrent.

11.2 Littering and fly tipping subvert waste regulations intended to ensure the proper treatment of waste and to manage resources sustainably. Any recycling material which can be recovered from littered and fly tipped waste is more likely to be contaminated, with less avoided greenhouse gas emissions from reduced demand for raw materials. According to a December 2021 'strategic environmental assessment' of the Scottish Government's proposed National Litter and Flytipping Strategy, one tonne of

littered and fly tipped waste can lead to 600 kgCO₂e emissions which could have been avoided, if the waste had been fully recycled.

11.3 A Carbon Impact Assessment is attached at Appendix 2.

12. Implications for Partners

12.1 There are no implications for partners.

13. Risks and Mitigation

13.1 The increase in the maximum level of fines if applied, is likely to encourage more individuals not to pay the fines. This in turn will lead to further expense to the Council in prosecuting those who fail to pay and therefore the payment of fines will be closely monitored and appropriate steps taken where individuals do not pay.

13.2 At a regional level, Local Authorities within the Yorkshire and Humber region, in recognition of the risks and costs of non-payment of fines, are engaged in a process of establishing scales of fines for offences, which although not at the maximum levels allowable, are being set at levels that will maintain payment rates. Consequently, Rotherham might appear as a regional exception. Once the regional process is complete, a briefing will be provided to explore further options based on benchmarking.

14. Accountable Officers

Sam Barstow, Assistant Director Community Safety and Street Scene

Approvals obtained on behalf of Statutory Officers: -

	Named Officer	Date
Chief Executive	Sharon Kemp	04/12/23
Strategic Director of Finance & Customer Services (S.151 Officer)	Judith Badger	30/11/23
Assistant Director, Legal Services (Monitoring Officer)	Phil Horsfield	30/11/23

Report Author: Lewis Coates, Service Manager Regulation and Enforcement
Lewis.coates@rotherham.gov.uk

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

This page is intentionally left blank

PART A - Initial Equality Screening Assessment

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

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

Completed at the earliest opportunity it will help to determine:

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

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

1. Title

Title:

Increase in Level of Fly-Tipping and Littering Fines

Directorate:

Regeneration and Environment

Service area:

Regulation and Enforcement

Lead person:

Lewis Coates

Contact:

Lewis.coates@rotherham.gov.uk

Is this a:

☐

Strategy / Policy

☐

Service / Function

☒

Other

If other, please specify

Statutory increase in the level of fines to be agreed by Council

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

The Environmental Offences (Fixed Penalties) (Amendment) (England) Regulations 2023 has statutorily increased the maximum level of fines that Council's can issue in relation to fly-tipping and littering fines. The report recommends that the Council agrees to adopt these level of fines.

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.

Appendix 1

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

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

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

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.

Appendix 1

Please provide specific details for all three areas below using the prompts for guidance and complete an Equality Analysis (Part B).	
<ul style="list-style-type: none"> • How have you considered equality and diversity? 	
<ul style="list-style-type: none"> • Key findings 	
<ul style="list-style-type: none"> • Actions 	
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
Lewis Coates	Service Manager Regulation and Enforcement	2 nd November 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 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	2 nd November 2023
Report title and date	Increase in Level of Fly-Tipping and Littering Fines 18 th December 2023
If relates to a Cabinet, key delegated officer decision, Council, other committee or a significant operational decision – report date and date sent for publication	Report Date 18 th December 2023 Not as yet published
Date screening sent to Performance, Intelligence and Improvement equality@rotherham.gov.uk	2 nd November 2023

This page is intentionally left blank

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?	None				
Emissions from transport?	Unknown	Littering and fly tipping have an impact on greenhouse gas emissions through the Council's corporate fleet vehicles. Between April 2021 and March 2022, road sweepers and vehicles used for fly tip removals accounted for ca 120 tCO ₂ e (tonnes carbon dioxide equivalent) or 5% of all emissions from 'red' and 'white' diesel- fuelled corporate fleet vehicles, over the same period. Increasing the level of fines for littering and fly tipping might help to avoid an increase in emissions from transport, if fines were to become a less effective deterrent.			Emissions from corporate fleet vehicles are within scope of the Council's Net Zero 2030 (NZ30) greenhouse gas emissions monitoring.

Emissions from waste, or the quantity of waste itself?	Unknown		Littering and fly tipping divert waste material from recycling, while any recycling material recovered from litter and fly tipped waste is more likely to be contaminated. Recycling, reusing and other actions in the 'waste hierarchy' are intended to reduce demand for goods and raw materials and thereby avoid greenhouse gas emissions from their manufacture and extraction. In its December 2021 consultation on a <i>National Litter and Flytipping Strategy</i> , the Scottish Government estimates that each tonne of littered and fly tipped waste causes 600 kgCO ₂ e emissions, which could have been avoided if the waste had been fully recycled.		Emissions from waste are not within scope of NZ30 greenhouse gas emissions monitoring, except for waste from the Council's own operations. Emissions from waste and consumption-based emissions are estimated by the Department for Net Zero and Energy Security, Defra and others.
Emissions from housing and domestic buildings?	None				
Emissions from construction and/or	None				

development?					
Carbon capture (e.g. through trees)?	None				
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:

Increasing the level of fines for littering and fly tipping may have a positive carbon impact, by avoiding greenhouse gas emissions from transport and waste if fines were to lose their deterrent effect.

Supporting information:	
Completed by: (Name, title, and service area/directorate).	Lewis Coates, Service Manager Regulation and Enforcement, Regeneration and Environment
Please outline any research, data, or information used to complete this [form].	<ul style="list-style-type: none"> Internal data on fuel use in corporate fleet vehicles National litter and flytipping consultation: strategic environmental assessment (Scottish Government, December 2021) <p>Available from: <https://www.gov.scot/publications/national-litter-flytipping-consultation-strategic-environmental-assessment/pages/8/></p>
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.	<p>Conversion factors for greenhouse gas reporting by UK organisations (data series).</p> <p>Available from: <https://www.gov.uk/government/collections/government-conversion-factors-for-company-reporting></p>
Tracking [to be completed by Policy Support / Climate Champions]	<p>Tracking Reference: CIA 174</p> <p>Arthur King, Principal Climate Change Officer, Finance and Customer Services</p>

This page is intentionally left blank

Committee Name and Date of Committee Meeting

Cabinet – 18 December 2023

Report Title

Aids and Adaptations Assistance Policy

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

Yes

Strategic Director Approving Submission of the Report

Ian Spicer, Strategic Director of Adult Care, Housing and Public Health

Report Author(s)

Helen Caulfield-Browne

Housing Options Operational Manager

Helen.caulfield-browne@rotherham.gov.uk

Ward(s) Affected

Borough-Wide

Report Summary

The current Aids and Adaptations Policy was adopted in April 2015. On 10 July 2023, Cabinet agreed to review the policy and to put in place some temporary delegations to facilitate continued delivery of the aids and adaptations service.

The review has now concluded, and this report recommends the adoption of a new Aids and Adaptations Assistance Policy (Appendix 1) including a new set of financial delegations. The proposed Policy sets out how the Council intends to exercise its powers under the Regulatory Reform (Housing Assistance) Order 2002 by consolidating the traditional assistance for aids and adaptations with a range of new discretionary grants.

Recommendations

That Cabinet:

1. Approve the adoption of the new Aids and Adaptations Assistance Policy (Appendix 1) and note the new scheme of delegation for authorising grants.
2. Approve the proposed increase in Disabled Facilities Grant fees from 10% to 15% in order to pay for additional administrative and technical services costs associated with the new Policy and note that the Council is permitted to include

necessary and reasonable fees associated with Disabled Facilities Grant applications within the overall cost of the eligible works.

3. Delegate authority to the Strategic Director of Adult Care Housing and Public Health who can subdelegate to the Assistant Director of Housing in consultation with the Cabinet Member for Housing to prioritise or withdraw discretionary assistance in accordance with the Aids and Adaptations Assistance Policy and in line with the available budget.
4. Delegate authority to the Strategic Director of Adult Care Housing and Public Health to make minor amendments to the Policy when the need is identified.

List of Appendices Included

Appendix 1 Aids and Adaptations Assistance Policy 2024
Appendix 2 CYPs - Pathways to Care Policy Updated 2021
Appendix 3 Equality Impact Assessment - Part A and Part B
Appendix 4 Carbon Impact Assessment

Background Papers

Cabinet Report Aids and Adaptations Policy – 10th July 2023

<https://moderngov.rotherham.gov.uk/mgConvert2PDF.aspx?ID=141808>

Disabled Facilities Grant (DFG) delivery: guidance for local authorities in England - <https://www.gov.uk/government/publications/disabled-facilities-grant-dfg-delivery-guidance-for-local-authorities-in-england>

Council Approval Required

No

Exempt from the Press and Public

No

Aids and Adaptations Assistance Policy 2024**Error! Reference source not found.**

1. Background

- 1.1 In July 2023, Cabinet agreed that the Council's Aids and Adaptations Policy, last updated in 2015, should be reviewed. The Cabinet report set out the justification for the review, which included the opportunity to provide a more integrated approach to aids and adaptations between housing, social care, and health; to introduce flexibilities into the grant offer reflecting changes in legislation and guidance. To make the Policy more accessible, with closer alignment between council tenants and other residents of the assistance offer.
- 1.2 Legislation requires all local authorities to have a published document in place setting out the Council's policy on the local grant assistance, related to aids and adaptations. The proposed new Aids and Adaptations Assistance Policy therefore sets out the types of assistance available to qualifying homeowners, council tenants, private tenants, and housing association tenants. The Policy supports disabled residents, older people, children, and their families with adaptations that support independence whilst also enabling carers to continue to support residents safely. The Policy includes details of how to apply, eligibility, and related conditions applied to the assistance available.
- 1.3 Funding for aids and adaptations is complex. For residents who are not council tenants, Disabled Facilities Grants (DFGs) are funded by the Government as part of the Better Care Fund. The Government allocates the funding to councils each year. For council tenants, aids and adaptations are funded from the Housing Revenue Account (HRA), a ringfenced Council budget funded from housing income, largely rents. DFGs are subject to legislative requirements that are not applied where aids and adaptations are funded by the HRA. This means that in some cases full alignment of policy between council tenants and other residents is not possible.
- 1.4 The review took place between July and October 2023. In addition to considering the latest best practice, the review considered best utilisation of the service, comparing access from residents living in different housing tenures and the most common types of adaptations needed and associated costs and budgets. Views and feedback from stakeholders, partners and service users was gathered. Council officers heard directly from residents who had lived experience of aids and adaptations. In total more than 200 people were involved in the review.
- 1.5 The review was underpinned and supported by the Government's latest guidance for local authorities, published in 2022. The guidance sets out expectations on local authorities and the rights of a disabled person making an application for grants. Officers also consulted with Foundations, the national body for Home Improvement Agencies, in the development of the guidance.

2. Key Issues

- 2.1 The review identified several opportunities to improve the service for residents. A summary of the review and the proposed changes to the policy are detailed as a summary in this report.
- 2.2 The table at Appendix 1 of the proposed policy provides an outline of all the aids and assistance schemes.

(i) Objectives and principles

- 2.3 The Council's housing and social care services and the National Health Service (NHS) increasingly deliver integrated services and recognise the benefits of enabling people to stay in their own homes wherever possible. The development of preventative services can help avoid more costly interventions later down the line. The review highlighted that the current Policy did not fully reflect the principles of an integrated approach and could benefit from stronger alignment with the Better Care priorities. To address this, the new Policy includes updated principles and objectives that reflect a collaborative, multi-agency approach to assessing people's needs especially in relation to higher-cost adaptations, to ensure the most cost-effective solution meets the needs of individuals, their family and/or carer.

(ii) Discretionary grants and means testing

- 2.4 Under the Regulatory Reform Order 2002 (RRO) the Council has a general power to assist households with the improvement of living conditions. This allows for more flexibility in the use of DFGs, for example by introducing discretionary grants to fund adaptations beyond the current funding ceiling in defined circumstances. Although funding is primarily for the provision of home adaptations to help people to live independently, the RRO enables the Council to offer other forms of assistance such as repairs, or assistance to move and can include the relaxation of means testing for these additional forms of assistance. This could increase access for some households who have not already made adaptations due to financial reasons and increase the utilisation of the DFG. To allow the Council to exercise these powers a policy must be adopted under the RRO.
- 2.5 The current Policy includes two approaches to how the Council processes applications for aids and adaptations grant assistance based on the applicants' tenure. For council tenants, the Council's processes mirror the approach for DFGs but relaxes means testing which would otherwise be applied. For all other residents the statutory rules on means testing are applied. This creates a significant disparity between tenures and may mean certain residents, such as private tenants, are less able to access the service. While full equalisation of means testing is not possible, adopting a policy under The Regulatory Reform (Housing Assistance) Order 2002 can help to increase opportunities for private tenants to access financial assistance for aids and adaptations.
- 2.6 It is therefore proposed that the Council adopts the Policy under the Regulatory Reform (Housing Assistance) Order 2002 (RRO), and that the Policy sets out how the Council will exercise its powers under the RRO. This includes the

introduction of four new discretionary grants while maintaining and updating the existing top up grant. The four new grants are summarised in the table below. The new discretionary grants will enhance the range and flexibility of grants on offer to residents, while supporting wider objectives including avoiding costs in the social care and health systems. They will support greater access and uptake of grants which will ensure DFGs are fully utilised and social care and health costs are avoided.

Type of grant	Purpose	Maximum grant limit
Rapid Home Adaptations grant	Aimed at people who are disabled who are at risk of nonelective admission or readmission to hospital (e.g., through falls). This enables a faster response for the provision of adaptations that are straightforward to install.	£10,000
Time Critical grant	A fast-tracked grant that gives priority for work to be completed. It aims to support people on the end-of-life pathway or those with a life limiting neurological conditions, with an urgent need for equipment and adaptations to enable them to maintain their independence, safety or support their quality of life.	£10,000
Relocation grant	Assists people with a disability to relocate to a property to avoid a more expensive adaptation to their existing property, or where the landlord reasonably refused to give consent (where the applicant would otherwise qualify under the Disabled Facilities Grant scheme).	£10,000 – (Inc. £5,000 for relocation costs and £5,000 for any adaptations to the new property)
Professional Fees grant	Assists where there are associated preliminary or ancillary fees and charges prior to a Disabled Facilities Grant application being approved. This might include fees charged by a private architects or surveyor.	£2,000

- 2.7 Applicants will be able to apply for one discretionary grant within a 3-year period, after which applicants would need to go through the mandatory DFG process, where means testing is applied for non- council tenants.
- 2.8 Discretionary grants would always be subject to financial resources being available and can be withdrawn at any time. This is different to mandatory grants which the Council must provide.
- 2.9 It is proposed that means testing for the four new discretionary grants is not applied and instead a lighter-touch test of financial resources is introduced, whereby applicants with savings less than £16,000 will be eligible when they meet the qualifying conditions of the grant. For homeowners, a land charge on the property will be applied for grants over £5,000 to mirror the mandatory DFG conditions. For council tenants, the test of financial resources will not be applied.
- 2.10 In addition to the four new discretionary grants, the existing discretionary top up grant will remain. This is uncapped and subject to a means test unless the

applicant is a council tenant. The top up grant is intended to assist with higher cost works exceeding the £30,000 mandatory limit and are generally used for those complex cases where no alternative solutions can be found. Major construction works can be necessary. Costs of extensions to properties can vary between £50,000 and more than £200,000.

- 2.11 The approval for a top up grant will be scrutinised by the Council and will only be considered where alternative cost-effective solutions are not available. This includes the best use of council stock, utilising space in the property differently, moving to a different property or looking to see if there are alternative affordable financial solutions that can assist with the shortfall.

(iii) Managing demand more effectively

- 2.12 The review found that the Housing Revenue Account (HRA) capital budget, which funds aids and adaptations for council tenants, is often oversubscribed. To address this, the new Policy provides for more cost-effective opportunities to meet applicants' needs. For example, support to move to a more suitable property will help reduce the need for high-cost adaptations such as extensions.
- 2.13 In contrast, the DFGs budget for residents who are not council tenants is frequently underutilised, resulting in a recurring underspend. In 2022/23 the Council carried forward an underspend of £2,995,534 DFG funding. The new Policy will promote access to the service through introducing new grants and relaxing means testing in some cases.
- 2.14 The figures below show that over the last three financial years, there has been an increase in Council tenants applying for aids and adaptations assistance costing over £1,000. This equates to an average of 403 processed applications. In comparison the average number of private applications is significantly lower, at 119.

Council residents' number of applications and completed works

2020-2021	2021-2022	2022-2023
342 (Completed 341)	402 (Completed 389)	513 (Completed 479)



Private residents' number of application and completed works

2020-2021	2021-2022	2022-2023
124 (Completed 117)	117 (Completed 109)	154 (Completed 132)



Breakdown of private completed works

	2020-2021	2021-2022	2022-2023
Homeowner/Mortgaged	77	63	92
Housing Associations	20	27	24
Private Rented	20	19	16

(iv) Role of private and housing association landlords

- 2.15 Landlord DFGs have been in existence since the introduction of the Housing Grants, Construction and Regeneration Act 1996 but the current Policy does not allow for them. It is proposed to introduce direct landlord DFG applications to help increase the opportunities for private rented and housing association tenants. Unlike an application made by a tenant, landlord applications do not require means testing, which immediately simplifies the process. Applicants that are managed by landlords also provide landlords with the option to control work in their housing stock and use their own contractors.
- 2.16 The review also found that partnership working between the Council and housing associations could be strengthened to improve the service for housing association tenants. In addition, while housing associations are asked if they can contribute to DFGs, there is no set amount negotiated. It is considered good practice for housing associations to respond to the needs of their disabled tenants and new revised standards published by the Regulator for Social Housing strengthen these obligations. This creates an opportunity to strengthen the role of housing associations and therefore improve their tenants access to aids and adaptations. In support of this, the Council will develop operational processes to manage housing association applications and further discussions with housing associations to agree service level agreements will strengthen partnership working. The Council will also continue to work with housing associations to secure contributions before considering assistance through the top up grant.

(v) Accessibility of the policy

- 2.17 The Rotherham Federation Tenants Scrutiny Report, published in November 2020 and utilised in the policy review, concluded that the Council's policy needed updating to ensure information is accessible to people applying as well as making it clearer for professionals. The Government's best practice guidance for DFGs reaffirms what needs to be considered when developing such a policy. In addition to this, the review highlighted that the Council's webpage for aids and adaptations requires some improvements. The review looked at examples from other local authorities which included self-help tools and bite sized videos explaining the benefits of aids and adaptations and offered a more customer friendly version of the policy.
- 2.18 The Policy has been rewritten to reflect best practice and recent guidance and to remove ambiguity. Following the approval of the new Policy, a customer friendly version will be developed along with a refresh of the aids and adaptations webpages. This will be developed in partnership with the Tenant Scrutiny Panel and a dedicated group of tenants called the "Screen Team" who work in partnership with the Council's Tenant Involvement Team to ensure documentation and other public content, such as webpages, are customer friendly and accessible.

(vi) DFG fees and charges

- 2.19 Under The Housing Renewal Grants (Services and Charges) Order 1996 the Council is permitted to include costs incurred for necessary fees associated

with DFG applications of the overall cost of the eligible works, which are incorporated into the grant award. The costs cover technical services including administration costs for the delivery of the service. A benchmarking exercise demonstrated that most local authorities charge between 12% and 15%, whereas in Rotherham the charge is 10% and had not increased for several years. Increasing fees will help to cover additional administration costs in relation to the delivery of the service in particularly for cases that are more complex.

- 2.20 It is proposed that there should be an increase from 10% to 15% for major adaptations of the overall cost of eligible works. This increase is incorporated into the grant award. The increase in revenue income will cover additional administration costs in relation to the delivery of the service, in particular for cases that are more complex.

(vii) Making best use of adapted council homes

- 2.21 The Council does not have a dedicated housing register for accessible properties. Such registers can contain detailed information about the specific access features of individual properties, enabling the Council to precisely quantify its existing stock of accessible housing and enable more accurate matching with the specific requirements of disabled housing applicants. This would assist with meeting people's needs through a more effective housing options solution and avoid the costly and wasteful removal of adaptations where they are no longer needed.
- 2.22 A review of the Council's Housing Allocations Policy is scheduled for 2024-25 and will consider the development of a dedicated adapted accessible housing register and explore the possibility of direct lets of adapted Council properties. The review will also consider the eligibility for rehousing where a Council tenant has received major adaptations to their property and wishes to register for rehousing, taking into account any change of circumstances.

(viii) Decision making

- 2.23 The Housing Allocations Panel includes housing, social care and occupational therapist professionals and is currently used to discuss most cases. The review found that best practice is that using a panel for decision making for routine cases can contribute towards delays and is unnecessary. The use of panels in a social care setting is also discouraged under the Care Act 2014. The new Policy proposes that the Housing Adaptations Panel will provide a framework to discuss high-cost cases costing £30,000 and above. The Aids and Adaptations Service Manager will make the final decision for works up to £30,000 and put forward the business case for recommendation for approval to the appropriate delegated authorising officer for works greater than £30,000. Operational procedures and the terms of reference for the Panel will be updated to reflect this change.
- 2.24 The thresholds for authorised officers and maximum financial approval limits were found to be unclear and because they reflected costs in 2015, too low. It was noted that Cabinet agreed an interim set of financial delegations in July

2023. It was also noted that there are currently no mechanisms to make minor changes to the policy through delegated authority.

- 2.25 It is proposed that the financial thresholds for authorising officers and maximum approval limit are clearly set out in the new Policy and are:

Delegated authorising officer	Maximum approval limit
Service Manager	Up to £30,000
Head of Service	Up to £50,000
Assistant Director	Up to £100,000
Strategic Director	Anything above £100,000

Anything above £250,000 would require an Officer Decision Notice.

- 2.26 A delegation is also sought to agree minor changes to the policy throughout its lifespan and are delegated to the Strategic Director of Adult Care Housing and Public Health who can subdelegate to the Assistant Director of Housing in consultation with the Cabinet Member for Housing. This includes authority to suspend discretionary grant assistance in line with budgetary constraints.

3. Options considered and recommended proposal

- 3.1 It is recommended that the Policy is approved by Cabinet. The Policy will help increase the number of people accessing aids and adaptations. This will enable more people to remain living independently in their own homes. The Policy also offers more cost-effective solutions as an alternative to high-cost adaptations, through better use of stock and more flexible grant arrangements.
- 3.2 An alternative option would be to implement a new policy that meets the legislative requirements for the grant but does not include any discretionary funding assistance. This would limit the assistance available and not address growing access to the DFG, therefore it is not recommended.

4. Consultation on proposal

- 4.1 The development of the Aids and Adaptations Assistance Policy has benefited from the insights of Council officers and external stakeholders including statutory agencies, housing associations and customers. Social care, housing, public health, occupational therapist and customer services professionals contributed to the review.
- 4.2 A telephone survey was undertaken to gather the views from people with lived experience in accessing aids and adaptations. To ensure there was good representation the Council spoke to people living in a range of different tenures:
- Council tenants – 28 (40%)
 - Private rented and housing association tenants – 15 (22%)
 - Homeowners – 26 (38%)

- 4.3 Of these, 22 people had accessed minor adaptations and 47 people had accessed higher cost, major adaptations. Out of 69 responses, 44 (64%) people told us that assistance for relocating to a new home would be something they would consider as an alternative to major and costly adaptations. Most people said that they were satisfied with the service they had received. Areas for improvement were also identified and reflected in the development of the policy. For example, feedback included:

“A household approach needs to be considered, especially when there’s noise disturbance and disruption in the home”.

“More communication with the Council and a better understanding of timescale is needed”.

“We would have liked a better understanding of the process, as it took time; also, more about what to expect when the works were being carried out”.

“It would have helped to have known more about what the contractors were going to do before the work started”.

“Less waiting time is needed”.

- 4.4 In response to this and other feedback, the new Policy states that where cases involve disruption to the home environment, all members of the household’s needs will need to be taken into consideration in the planning of any proposed works. It also commits to a co-production approach to the design of aids and adaptations. The expected timescales throughout all stages of the aids and adaptations process are clear within the new Policy. The Policy also commits the Council updating applicants on progress of works and any potential delays. Where adaptations are approved, the applicant will be contacted directly by the Council and provided with information on the next stages. Where the Council is responsible for instructing an appointed contractor, the applicant will be notified who this will be and expected timescales. Finally, the introduction of the discretionary grants and the revised purpose of the Housing and Adaptations panel will help to reduce waiting time.
- 4.5 In addition to the survey, Council officers met with the Tenants Scrutiny Panel, the Housing Involvement Panel and the Carers’ Forum for Council staff. Feedback included the importance of the Council ensuring information about the range of assistance available was more accessible.
- 4.6 The Council has worked with Foundations, the National Body for Disabled Facilities Grant and Home Improvement Agencies in England. Since 2015, Foundations has been supporting local authorities to improve how they deliver DFGs. Council officers would like to acknowledge and thank the Foundations regional advisor for their support in the development of this Policy, which included facilitating a workshop with housing, social care, health and customer services professionals.

5. Timetable and Accountability for Implementing this Decision

- 5.1 The Head of Housing Options will have responsibility for implementing the Policy. It is proposed that the new policy is introduced on 1st April 2024, which provides three months following Cabinet decision where an implementation plan will be developed. The implementation plan will support the launch of the new policy to ensure that the assistance available in this policy is communicated with professionals and customers.
- 5.2 Performance monitoring will include the number of DFG applications and utilisation of the discretionary grants and associated budgets.
- 5.3 The Policy will be reviewed annually. Any significant changes will need to be approved by Cabinet.

6. Financial and Procurement Advice and Implications

- 6.1 The table below indicates the current capital allocations for aids and adaptations for the council and other homes and the funding streams that support those budgets.

Adaptation type	Council homes	Other homes	Total
Major adaptations	1,924,000	1,178,500	3,102,500
Extensions	711,731	598,000	1,309,731
Minor adaptations	268,000	420,500	688,500
Total	2,903,731	2,197,000	5,100,731
Funding stream			
Housing Revenue Account capital	2,903,731		
Disabled Facilities Grant		2,197,000	

- 6.2 As detailed throughout the report, the level of demand for the proposed new grants is currently unquantified. The table below indicates the financial cost implications based on an estimated 10% increase year on year of DFGs for non- Council tenants.
- 6.3 The table below includes mandatory grants and the new discretionary Rapid Homes and Time Critical grants. The table shows what the potential annual financial impact would be based on the increased applications assuming the additional DFG works cost is £10,000 per DFG. The total cumulative impact over four years would still not exceed the current accrued DFG underspend.

Year	Number of applicants	Number of additional applicants	Annual potential financial impact	
Baseline: 2022/23 applications from non- Council tenants	119		Per year	Cumulative
		Cost per grant	10,000	
YEAR 1 (20% increase)	143	24	240,000	240,000
YEAR 2 (10% increase)	157	14	140,000	380,000
YEAR 3 (10% increase)	173	16	160,000	540,000
YEAR 4 (10% increase)	190	17	170,000	710,000

- 6.4 The table below shows the potential financial impact based on the scenario of an increase of uptake of the Relocation grant. This is a new grant, the objective of which is to save costs, where moving to a different home is assessed as being more cost effective compared with the cost of works needed on the existing property. It is difficult to predict what the uptake will be so close monitoring will be applied.

Potential financial impact of Relocation grant				
Number of applicants	Costs			Savings
	Relocation costs	Adaptation in new property (Assumed 50% require £5k adaptations)	Total anticipated cost	Reduction in mandatory adaptations
Cost per grant	5,000	2,500	7,500	Savings must exceed costs - Relocation will only be considered if cost effective
10	50,000	25,000	75,000	
20	100,000	50,000	150,000	
35	175,000	87,500	262,500	
50	250,000	125,000	375,000	

- 6.5 The proposal to increase the fees charged from 10% to 15% for all minor and major adaptations and increase the fees charged from 5% to 10% on extensions would result in increased income to both HRA and General Fund revenue budgets. This would see a corresponding reduction in the funding available to provide assistance to applicants unless the capital budgets are increased. The table below shows the resulting values.

	Current	Proposed	Fees cost to be absorbed from capital budget allocation
Cost of service	£522,500	£522,500	
Fees for other home adaptations	-£172,500	-£260,000	£87,500
Fees for Council home adaptations	-£205,000	-£310,000	£105,000
Over / under recovery of service cost	£145,000	-£47,500	£192,500

- 6.6 The introduction of new grants and a lighter test of financial resources will make applying for funding more accessible to people who would normally suffer financial hardship through the mandatory DFG means test and help speed up the DFG application process. It is anticipated that additional staff resources will be required for the management of these proposals. This will be funded via the additional fees generated and managed through the request to recruit process.
- 6.7 Revenue budgets will be required within the HRA for the Relocation Grant. This will be achieved by reducing the capital allocation.
- 6.8 The removal of means testing will result in a reduction of financial contributions from applicants towards the costs of the works. In 2022/23 the means tested contributions were £58,000.
- 6.9 Whilst it isn't possible to know what demand will be, expenditure will need to be contained within budget. This can be managed by closely monitoring spend and utilising the flexibility within the Aids and Adaptations Assistance Policy.
- 6.10 There are no procurement implications associated with the approval of the new policy, however it should be noted that where third party suppliers are engaged to provide goods, works or services to enable delivery of the policy these must be procured in compliance with the Public Contracts Regulations 2015 (as amended) and the Council's own Financial and Procurement Procedure Rules.

7. Legal Advice and Implications

- 7.1 The Council has a statutory duty to provide assistance to individuals and families living in a variety of tenures where works are necessary and appropriate to meet the needs of the disabled occupant, and that it is reasonable and practicable to carry out the works having regard to the age or the condition of the building. The report seeks to amend the Council's current approach to make it more efficient and equitable across different groups. It is important that the Council reviews its policies and updates them when necessary and in light of developments within the local community including changes in demand.
- 7.2 The approach proposed is appropriate in light of the issues identified in the review undertaken this year.

8. Human Resources Advice and Implications

- 8.1 There are no associated HR implications associated with this report.

9. Implications for Children and Young People and Vulnerable Adults

- 9.1 Rotherham's vision for 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. Timely access to aids and adaptations will enable our children and young people to live in safe and appropriate homes with their families and/ or carers as part of their community.
- 9.2 Children's cases are increasingly complex and require adaptations to promote independence and/ or reduce risk and behaviours. Ensuring the right home environment, through the provision of appropriate aids and adaptations, reduces the risk of children and young people with complex needs requiring care outside of the family.
- 9.3 It is anticipated that the new policy will ensure that there is a clear pathway for aids and adaptations. The policy will assist with supporting more children and young people and their families to improve their quality of life by enabling them to have safe home environment which promotes independency.
- 9.4 The Council's Children's Pathway to Care Policy enables carers to apply for funding for specific housing accommodation requirements to prevent a child becoming a looked after child or support a child to be discharged from care. The policy will support objectives set out in the Children's Pathway to Care Policy.

10. Equalities and Human Rights Advice and Implications

- 10.1 The Policy includes a section that focuses upon equal opportunities and identifies and recognises Rotherham's diverse population.
- 10.2 An Equality Analysis has been conducted in line with the Council's procedures (Appendix 3).
- 10.3 The Aids and Adaptations Assistance Policy makes a positive impact and is inclusive to all people with protected characteristics. The Policy makes a commitment to removing barriers by ensuring that aids and adaptations are accessible for all, and that people with a disability can live independently, safely and healthily in their homes.

The key benefits of the new Policy include:

- Improving access for disabled people in their homes improves their ability to live and remain active within their local communities.
- Ensures the households that are most in need receive funding to cover the costs of their adaptations.
- An increase in applicants who will now be able to proceed with a grant.

- The Council will provide support to applicants with their applications where it is required.

10.4 There is no known negative impact of this Policy.

10.5 An implementation plan for the launch of the new policy will ensure information is accessible both online and in hard copy. Targeted promotion internally and externally will be included as part of a phased approach to implementation.

10.6 The service will collate and monitor and review equality data to identify trends and improve service delivery by identifying unrepresented groups and promoting assistance available.

11. Implications for CO2 Emissions and Climate Change

11.1 Climate change poses a significant threat to environments, individuals, communities, and economies on a local, national, and international scale. In recognition of this the Council has aimed to be net carbon neutral as an organisation by 2030, and for Rotherham as a whole to achieve the same position by 2040.

11.2 It is acknowledged that emissions will be difficult to calculate in the domestic properties affected because it would depend on the existing state of the property and the intervention required. In general, when construction is required, this would result in an increase in emissions from both materials use and installation, though obviously these are one off emissions.

11.3 Anticipated implications for CO2 Emissions and Climate Change are detailed in the Carbon Impact Assessment (Appendix 4).

12. Implications for Partners

12.1 The Policy aims to strengthen working relationships with housing associations to proactively ensure that people can live independently in their homes through aids and adaptations. The Policy is also aligned with a range of joint strategic objectives, including the Health and Wellbeing Strategy and Better Care Plan.

12.2 Contractors may struggle to service a sudden increase in work. Early discussions and forecast planning between the service manager and contractors will assist in mitigating any risks to delivery. A robust implementation plan will be instrumental in managing the delivery of the service.

12.3 The Policy will provide a clearer pathway to aids and adaptations, providing clear guidance and information for all internal and external partners as well as internal officers.

13. Risks and Mitigation

13.1 A summary of risks and mitigations is provided in the table below:

Risk	Mitigation
Financial risks created by additional expenditure due to higher demand	<ul style="list-style-type: none"> • The service currently underspends every year which has provided a significant financial buffer. • The introduction of a lighter touch test of financial resources will be introduced for discretionary grants but these grants will be capped in value. • Robust finance management and monitoring will be in place. • The Policy allows discretionary grants to be prioritised under the approved officer's delegated authority.
Insufficient staffing resources to manage the expected increase in demand	<ul style="list-style-type: none"> • Increase in DFG fees will assist with additional resources. • Effective implementation plan will be in place. • Monitoring of demand, regular meetings with housing, finance, procurement and occupational therapist teams.
Contractors' capacity not able to keep up with a sudden increase of works following the implementation of the new policy	<ul style="list-style-type: none"> • Monitoring of demand, and forecasting, regular meetings with contractors and internal colleagues. • Monitoring of performance and forecasting of works. • Review contractors' performance and ability to meet any increased demand, regular meetings with contractors. • Planned procurement activity including frameworks.
The demand from private customers is as high as anticipated	<ul style="list-style-type: none"> • Implementation will include a proactive communication plan for residents. • Review of the website and accessibility of information. • Policy will be reviewed annually to understand areas for improvement.

14. Accountable Officers

14.1 Head of Housing Options

Approvals obtained on behalf of Statutory Officers: -

	Named Officer	Date
Chief Executive	Sharon Kemp	04/12/23
Strategic Director of Finance & Customer Services (S.151 Officer)	Judith Badger	30/11/23
Assistant Director, Legal Services (Monitoring Officer)	Phil Horsfield	30/11/23

*Report Author: Helen Caulfield-Browne
 Housing Options Operational Manager
 Helen.caulfield-browne@rotherham.gov.uk*

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

This page is intentionally left blank

Aids and Adaptations Assistance Policy

2024

CONTENTS

1.	INTRODUCTION	3
2.	PARTNERSHIP WORKING AND DEVELOPMENT OF THE POLICY.....	3
3.	LEGISLATIVE CONTEXT	4
4.	LOCAL POLICY CONTEXT	5
5.	EVIDENCE OF NEED.....	5
6.	FUNDING CONTEXT.....	6
7.	TYPES OF AIDS AND ADAPTATIONS	7
8.	ELIGIBILITY FOR A DISABLED FACILITIES GRANT	8
9.	SUMMARY OF TYPES OF ASSISTANCE SCHEMES AVAILABLE	11
10.	ACCESSING THE SERVICE	15
11.	ASSESSMENTS.....	16
12.	MEANS TESTED CONTRIBUTIONS	20
13.	ADMINISTRATION OF DISABLED FACILITIES GRANTS AND CONDITIONS.....	20
14.	HOUSING ADAPTATIONS PANEL.....	22
15.	NOTIFICATION OF A DECISION.....	22
16.	SOCIAL CARE	23
17.	ALTERNATIVE HOUSING OPTIONS	23
18.	HOW DISABLED FACILITIES GRANTS AND WORKS ARE DELIVERED AND SUPERVISED	24
19.	MAINTENANCE AND WARRANTIES.....	25
20.	FEES AND ANCILLARY CHARGES.....	25
21.	PAYMENT OF ASSISTANCE	26
22.	SERVICE STANDARDS	26
23.	CONSIDERATION OUTSIDE THIS POLICY	27
24.	COMPLAINTS.....	27
25.	DATA PROTECTION	28
26.	EQUALITY	28
27.	PERFORMANCE AND DELIVERY.....	30
28.	OFFICER SCHEME OF DELEGATION FOR GRANT VALUE	30
29.	IMPLEMENTATION AND REVIEW OF THIS POLICY	30
30.	APPENDIX 1 - SUMMARY OF THE AIDS AND ADAPTATION SCHEMES	31
31.	APPENDIX 2 - OT RECOMMENDATION ADAPTATIONS REFERRAL REPORTS GUIDE	42
31.	APPENDIX 3 - APPLICATION AND WORKS PROCESS OPTIONS	43
32.	APPENDIX 4 - LETTING ADAPTED COUNCIL PROPERTIES.....	45

1. INTRODUCTION

- 1.1 The Council is committed to enabling residents to live independently, safely and healthily in their community for as long as possible by facilitating the provision of aids and adaptations to their homes or by supporting residents to move to a more suitable home.
- 1.2 This policy sets out the Council's approach to providing an aids and adaptations service in line with its statutory responsibilities. It provides details on the range of financial assistance offered, including eligibility criteria, conditions associated with each type of assistance and how residents can apply.
- 1.3 This policy sets out how the Council intends to use its powers under the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002. It consolidates traditional assistance methods with four new additional discretionary grants, providing a responsive approach to residents' needs and fulfilling the following broader strategic objectives:
 - Enable people's independence living at home for longer
 - Reduce delayed transfer of care (e.g., enable faster hospital discharge to a suitable home environment and reduce readmissions)
 - Prevent escalation of people's need e.g., as a result of injuries and falls
 - Support maintenance of people's physical and mental well-being
 - Reduce pressure on both acute and institutional services
 - Reduce instances of non-elective admissions and Emergency Department attendances for people with frailty and who have high levels of contact with multiple services

2. PARTNERSHIP WORKING AND DEVELOPMENT OF THE POLICY

- 2.1 The Council will work with a wide range of partners, agencies, and stakeholders to improve the quality of housing by providing access to support and financial assistance for local people.
- 2.2 The assistance as set out in this policy has been produced collaboratively across Housing Services, Health & Social Care, and Children's Services to ensure a range of options and levels of assistance is available to meet the needs of people with a disability in Rotherham.
- 2.3 The voice of the customer has played an integral part in shaping the policy. We have collected feedback from a variety of sources and interviewed customers with lived experience of the adaptation journey.

3. LEGISLATIVE CONTEXT

- 3.1 Regard has been given to the following legislations:
- 3.2 Housing Grants, Construction and Regeneration Act (HGCRA) 1996. There are also annual regulations called the Housing Renewal Grants Regulations which govern how local authorities administer Disabled Facilities Grants.
- 3.3 Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 (RRO) provides Local Authorities with the discretion to provide assistance for the purpose of improving living conditions, so homes are safe to live in. This includes the use of Disabled Facilities Grant funding to support strategic priorities such as health, wellbeing and housing, for the benefit of local people. To use the powers provided in the RRO the Council must adopt a policy for the provision of the assistance. This policy fulfils that requirement.
- 3.4 The Regulator of Social Housing sets standards for all providers of social housing, including the Council. It requires providers to assist tenants seeking housing adaptations to access appropriate services and to cooperate with relevant organisations to provide an adaptations service that meets tenants needs.
- 3.5 The Care Act 2014 requires Local Authorities to identify, provide and arrange services, facilities and resources to prevent, delay or reduce the needs of individuals either for care or support. This includes the adaptation of properties.
- 3.6 The Social Care White Paper “People at the Heart of Care” emphasises the close links between housing and social care and includes an ambition to make “every decision about care a decision about housing”.
- 3.7 The Equality Act 2010, defines a disabled person as “someone who has a physical or mental impairment, which has a substantial and long-term adverse effect on his or her ability to carry out normal day to day activities”.
- 3.8 Other relevant legislation and guidance includes:
- The Community Care (Delayed Discharges etc.) Act 2003 Guidance
 - Carers and Disabled Children Act 2000
 - The Chronically Sick and Disabled Persons Act 1970
 - The Children’s Act 1989

4. LOCAL POLICY CONTEXT

- 4.1 The assistance delivered through this policy will help achieve the aims and objectives of the Council and its strategic partners, as outlined in several strategies and plans.
- 4.2 This policy supports the Council's aims and priorities in the [Council Plan 2022-2025](#), specifically:
- Every neighbourhood thriving
 - People are safe, healthy and live well
 - Every child able to fulfil their potential
- 4.3 The [Housing Strategy 2022-2025](#):
- Supporting people to live independently
 - Strengthening communities
- 4.4 The [Rotherham Joint Health and Wellbeing Strategy 2025](#):
- All children get the best start in life and go on to achieve their potential
 - All Rotherham people enjoy the best possible mental health and wellbeing and have a good quality of life
 - All Rotherham people live well for longer
 - All Rotherham people live in healthy, safe and resilient communities
- 4.5 The [Rotherham Prevention and Health Inequalities Strategy and Action Plan 2022-2025](#)
- Develop the healthy lifestyles prevention pathway
 - Support the prevention and early diagnosis of chronic conditions
 - Advocate for prevention across the system

5. EVIDENCE OF NEED

- 5.1 Rotherham's total population was 265,800 in 2021 (Census, 2021). Rotherham has a high percentage of residents aged over 65, making up 19.6% of Rotherham's population (52,200), compared to the national average of 18.6%. The Rotherham population has increased steadily by about 1,000 per year from an estimated 257,716 in 2011 to 265,800 in 2021 (+3.3%). The number of residents aged 65+ is predicted to reach 61,907 by 2030. (Adult Care, Housing & Public Health Market Position Statement: Adult Care Market and Demand, 2022)
- 5.2 The age group of 75 years and over is showing the greatest rate of increase and the percentage of people aged 85 years and over has also increased from 2.1% (Census 2011) to 2.3% (Census 2021).

- 5.3 As the population continues to age, age-related conditions and disabilities will also increase along with the demand on a range of services.
- 5.4 The population of people living with a primary need of a learning disability in Rotherham is estimated to be 5,202 in 2022. This number is predicted to increase by approximately 100 people every 5 years, with an overall increase of 5% by 2032 (Adult Care, Housing & Public Health Market Position Statement: Adult Care Market and Demand, 2022).
- 5.5 Nationally it is estimated 1.1% of the population have autism. Based on this, we would expect around 2,900 people in Rotherham to be autistic. Projecting Adult Need and Service (PANSI) data for 18–64-year-olds predicts that over the next 15 years, the number of adults with autism will significantly increase, where with children it will remain steady.
- 5.6 Data from Adult Social Care in October 2023 reports that there are 3634 people open to adult care services. 29.61% are aged between 18 and 65, 58.92% (1461) are aged 65 years or over. Overall, the highest primary support reason is physical support 54.12%, (1996) followed by learning disability support 21.10%, (778) mental health support 10.95% (404), people needing support with memory or cognitive equates to 6.75%. Amongst 18–64-year-olds the highest primary reason for support is learning difficulties 18.68% (689) and for people aged 65 or over physical support is the highest reasons for support at 43.17% (1592).
- 5.7 There is currently no national register of people with disabilities in the U.K., so most data is collated through national surveys. However, Rotherham Children's Services operate a voluntary register.
- 5.8 The voluntary register data indicated in August 2023 that there are 597 children living with families registered as disabled. The actual figure is likely to be much higher. As 64% (385) have not recorded the type of disability. Within the register, the following disabilities are reported – 18% (107) of child are autistic or have Aspergers Syndrome, 10% (58) of children have learning disabilities and 3% (17) have a visual impairment.
- 5.9 Data from Rotherham Childrens Services reports that there are 142 children and young people with an open children's social care referral who are reported as disabled equating to 6.84% of all open referrals.

6. **FUNDING CONTEXT**

- 6.1 The assistance detailed in this policy for Council tenants is funded from the Councils Housing Revenue Account (HRA). This budget can only be used on Council-owned properties.
- 6.2 In addition to utilising its own resources, the Council receives an allocation from the Department of Levelling Up, Housing and Communities yearly to help people maintain their independence through adaptations and other measures. This funding is called the Disabled Facilities Grant (DFG) and is funded from the money

received from the Better Care Fund. A condition of the allocation is that it cannot be used for Council-owned properties.

- 6.3 Mandatory Disabled Facilities Grants must be made available by the Council to disabled people who meet the required qualification criteria as set out in the Housing Grants, Construction and Regeneration Act 1996, and the accompanying regulations.
- 6.4 Discretionary grants under the Regulatory Reform (Housing Assistance) Order 2002 (RRO) are offered subject to resources available at the time. The Council reserves the right to withdraw discretionary grants at any time and without notice.
- 6.5 The Council has sought to align its processes for adaptations for Council tenants with all other residents. Therefore, for the purpose of this policy Disabled Facilities Grants and discretionary grants referenced throughout this policy for all disabled people living in all types of tenures. Any exceptions specifically relevant to Council tenants will be clearly detailed within this policy.

7. TYPES OF AIDS AND ADAPTATIONS

7.1 Minor Fixings Adaptations

- 7.2 A minor home adaptation is defined as costing £1,000 or less in total. These are often related to maximising a person's mobility and preventing falls, for example: easy access steps, a grab rail or longer external metal handrail, automatic lighting at the front access, or a key safe. An assessment completed by an Occupational Therapist or appropriately trained practitioner may be needed to determine need.
- 7.3 There is currently no charge for this assistance, costing less than £1,000.

7.4 Equipment

- 7.5 Equipment can be prescribed and loaned through the Community Equipment Service. To access equipment, an Occupational Therapist or appropriately trained practitioner assessment is needed. GP's can also make a direct referral, or where a disabled person is being discharged from hospital, an assessment can be arranged. Equipment provided through this service includes perching stools, raised toilet seats, crutches, pressure cushions and toilet frames.
- 7.6 There is currently no charge for this assistance. If people are wishing to purchase their own equipment at their own cost, then they contact Adult Social Care's Customer Contact Team on **Tel: 01709 382121**.

7.7 Assistive Technology and Technology Enabled Care

- 7.8 Assistive technology and technology enabled care are a range of devices and sensors, which are used around the home to help assist disabled people to live independently and as safely as possible. Technology such as preventative fall detectors can monitor residents vital signs remotely and allow for the necessary intervention to be undertaken, before a fall actually occurs. Some of the sensors

and equipment are linked to a community alarm system that is monitored 24 hours a day, whilst other sensors can be linked directly to relatives. If the disabled person requires assistance, such as in the event of a fall within the home, the mobile response team can be alerted. Many items of Assistive Technology can be provided directly through Adult Social Care's Customer Contact Team, who can be contacted on **Tel: 01709 382121**. Where a more comprehensive assessment is needed an appropriate Social Care, Occupational Therapist or appropriately trained practitioner will need to carry out an assessment.

- 7.9 The majority of smaller types of equipment such as medication boxes can be purchased privately and are readily available in online stores and high street shops.
- 7.10 If assistive technology needs to be linked to the community alarm system, then there is a charge for this. These charges can be found on the Council's community alarm webpage. Alternatively, some devices could be linked to family and friends so that they can undertake the appropriate response.
- 7.11 Assistive technology will also be considered as part of a major DFG adaptation application. An example would be assistive technology to control sources of power, light and heat.

7.12 Major Adaptations

- 7.13 These are defined as costing more than £1,000 and usually involve structural alterations, improvements to, or additions to the fabric of the property. A major adaptation could be made up of several minor adaptations.
- 7.14 Examples include level access showers, over bath shower facilities, kitchen adaptations, stairlifts, specialist equipment (such as fixed rise/fall baths, shower stretchers, wash/dry toilets) and extensions (within limits and where no alternative viable solution is possible).

8. ELIGIBILITY FOR A DISABLED FACILITIES GRANT

- 8.1 To be eligible for a Disabled Facilities Grant, the person requiring the aids and adaptations must:
- Be disabled
 - Intend to live in the property during the grant period (usually 5 years but this can be shorter, for example, if the person is terminally ill)
- 8.2 For the purposes of a Disabled Facilities Grant a person is disabled if:
- Their sight, hearing or speech is substantially impaired
 - They have a mental disorder or impairment of any kind
 - They are physically substantially disabled by illness, injury or impairment

- 8.3 A person will be taken to be disabled if:
- They are an adult who is or could be registered under section 77 of the Care Act 2014
 - They are a child or young person registered under paragraph 2 of Schedule 2 to the Children Act 1989
 - They are a disabled child as defined by section 17 of the Children Act 1989
- 8.4 Disabled Facilities Grants for disabled children can only be made available to facilitate adaptations to the disabled child or young person's main residence. If care is provided at more than one residence, e.g., parents are separated or for the provision of short breaks, adaptations to the second home can be made under Section 2 Chronically Sick and Disabled Persons Act 1970 if the local authority determines the adaptations are "necessary" and/or "appropriate". Therefore, if it is in the best interests of the child to have adaptations in two locations the Council may use its own discretion.
- 8.5 Foster carers, or a carer under a special guardianship order (SGO) are eligible to apply for a Disabled Facilities Grant on behalf of a child in their care, but provision may depend on the type and length of placement, including consideration of the grant condition period. The application should be made to the local authority where the foster carers or special guardian lives. It is likely in the case of the foster child that the foster child's social services authority would need to fund any works over the maximum grant limit.
- 8.6 Grants are considered for people where the person with a disability lives or intends to live in a dwelling such as:
- House, flat or bungalow or,
 - Qualifying houseboat or caravan
- 8.7 A valid application can be made by:
- Someone who has an owner's interest in the property (either an owner occupier or a landlord);
 - A tenant of a dwelling; or
 - The occupant of a caravan or qualifying houseboat
- 8.8 Under the Act, no grant is payable to the following:
- Public bodies such as a Local Authority or Clinical Commissioning Group
 - A "person from abroad" with no recourse to public funds
 - Anyone under 18 years of age (applications on behalf of children or young people aged 17 years and under must be made by an appropriate adult)
 - Schools cannot apply and should refer to the School's Accessibility Policy which supports schools to make relevant aids and adaptations

8.9 Eligible Works

8.10 The Housing Grant, Construction and Regeneration Act 1996 sets out for what purpose Disabled Facilities Grants can be used and eligible works are summarised below:

- Facilitating access to the dwelling and garden, to overcome or remove any obstacles, and allow free movement around the property
- Making the dwelling or building safe, e.g., lighting
- Facilitating access to a living or family room
- Facilitating access to a room used for sleeping
- Access to, or the provision of, a W/C, bath or shower (or both) and wash and basin facilities
- Facilitating accessible food preparation/cooking amenities
- Improving or providing a suitable heating system where necessary (this will be only for accessed and used rooms in the property, not necessarily the whole property)
- Providing accessible sockets, switches and controls for power, light and heat
- Allowing better access to care for a dependent person in the dwelling
- To allow access to the dwelling through common parts of a building, only within the boundary unless it is a drop kerb

8.11 The Council needs to be satisfied that the work is:

- Necessary and appropriate to meet the disabled person's needs
- Reasonable and can be done, depending on the age and condition of the property

8.12 Disabled Facilities Grants are designed to give disabled people a degree of independence in the home and are aimed to meet current and anticipated future needs. If the disabled person has care needs, the impact of adaptations on the level of this care should be considered including whether tasks will be reduced or eased. Adaptation works will not achieve their objective if the disabled person does not gain an acceptable degree of independence, or where the disabled person remains dependent upon the care of others and the adaptation does not significantly ease the burden of the carer.

8.13 Grant Condition Period and Intention to Reside

8.14 As part of the Disabled Facilities Grant conditions an owner / tenant / homeowner must have intentions for the disabled person to live in the dwelling as their only or main residence for the 5-year period of the grant period or for such shorter period as health and other relevant circumstances permit. A signed certificate from private applicants is required confirming the intention of the applicant at the time of the application stating that it is their genuine intention, then no repayment of grant is required if circumstances change, and the disabled person can no longer occupy it as intended.

- 8.15 In cases where the applicant is a Council tenant, they will be expected to confirm it is their genuine intentions to remain in the council property for the same duration. Rehousing to another council property will only be considered in line with the Council's Housing Allocations Policy.

9. SUMMARY OF TYPES OF ASSISTANCE SCHEMES AVAILABLE

- 9.1 The following assistance is available from the Council:

- Mandatory Grants
- Discretionary Grants which include:
 - Rapid Home Adaptations Grant
 - Time Critical Grants
 - Relocation Grant
 - Top-Up Grant
 - Professional Fees Grant

A summary table can be found in [Appendix 1](#), which includes all schemes for assistances. This includes grant types, financial eligibility, maximum funding, who the assistance is available for, and any terms and conditions.

9.2 Mandatory Grants – Disabled Facilities Grant (DFG)

- 9.3 The Mandatory Disabled Facilities Grant is aimed at assisting people who are disabled to live independently in their own home and must meet the qualifying eligibility criteria (as detailed in section 8 of this policy). Applications must be supported by a recommendation from an Occupational Therapist or similar trained practitioner confirming that the person is disabled and that the proposed works are necessary and appropriate to meet the needs of the person.
- 9.4 The works must be reasonable, and practicable.
- 9.5 Examples of adaptations work that could be carried out, includes access ramps, alterations to the heights of light switches and electrical sockets, level access shower, extensions, and specialist equipment such as wash and dry toilets and the provision of additional thermal comfort.
- 9.6 The maximum mandatory grant payable is currently £30,000.
- 9.7 Means testing applies to applicants living in private rented, housing association properties or homeowners. (Ref Section 12- Means Tested Contributions)

Means testing does not apply to council tenants.

9.8 Discretionary Grants

- 9.9 People applying for a discretionary grant must meet the criteria for a Disabled Facilities Grant (Ref Section 8). Applications must be supported by a recommendation from an Occupational Therapist or similar trained practitioner confirming that the person is disabled and that the proposed works are necessary and appropriate to meet the needs of the person.
- 9.10 The works must be assessed as reasonable, and practicable. In addition, applicants must meet the conditions set out for each individual discretionary grant, as detailed within this policy.
- 9.11 Discretionary grants are not subject to a full means test, with exception of the top up grant. Private applicants with savings less than £16,000 are financially eligible for a discretionary grant. The Council must be satisfied that this condition has been met before approval. This will be determined through supporting evidence or other checks and will require the applicant to sign a financial declaration.
- 9.12 Where applicants do not qualify for a discretionary grant due to their financial situation, they may wish to purchase their own adaptation at their own cost, or apply for a mandatory grant, which is means tested.
- 9.13 Discretionary grants are limited to one discretionary grant within a 3-year period from the date the initial grant is approved.
- 9.14 Rapid Home Adaptations Grants:** This grant is aimed at people who are disabled who are at risk of nonelective admission or readmission to hospital (e.g., through falls). This enables a faster response for the provision of adaptations that are straightforward to install.
- 9.15 The applicant must have a need that can be met by the installation of one or two of the following adaptation(s):
- Level access shower
 - Shower over bath
 - Stair lift
 - Ramped access to the property (including door widening and level access door)
- 9.16 The maximum discretionary grant is currently £10,000.
- 9.17 Applicants living in private rented, housing association properties or homeowners with savings of £16,000 or greater are not eligible for a discretionary grant.
- 9.18 Time Critical Grants:** This is a fast-tracked grant and gives priority for work to be completed. It aims to support people on the end-of-life pathway or those with a life limiting neurological conditions, with an urgent need for equipment and adaptations to enable them to maintain their independence, safety or support their quality of life.

- 9.19 This grant is also aimed at those whose cases are complex, such as for people ready for hospital discharge, where due to the person's property, this cannot be organised swiftly without interim measures being put in place at home to facilitate their safe return to their home. The grant also aims to support the person with the disability as well as assisting families and carer(s) to continue to support them with the overarching aim of improving the person's mental wellbeing at a difficult time.
- 9.20 To be eligible for a Time Critical Grant, an applicant must be eligible for the Disabled Facilities Grant in addition to meet the criteria below:
1. The person has a need as identified or confirmed by an Occupational Therapist or appropriately trained practitioner
 2. And has a condition with a diagnosis, confirmed by the Occupational Therapist or appropriately trained practitioner which falls into any of the following categories:
 - Diagnosis of a life limiting neurological condition i.e. Motor Neurone Disease
 - The person is on the end-of-life pathway under their GP, a consultant or hospice care
 - The person has a government benefit as defined under the Department of Work and Pensions Special Rules nearing the end of life
- 9.21 Examples of works to be provided to those people eligible for this grant could include access to first floor facilities via stair lifts, access to the property via ramps, access to appropriate and specialist bathing and toilet facilities including level access showers.
- 9.22 The maximum discretionary grant is currently £10,000.
- 9.23 Applicants living in private rented, housing association properties or homeowners with savings of £16,000 or greater are not eligible for a discretionary grant.
- 9.24 Relocation Grants:** This grant assists people with a disability to relocate to a property where the proposed work involves major work costing over £10,000 and it would be beneficial to the person and more cost effective if they moved to a home more suitable to their needs, or adaptations to their current home through Disabled Facilities Grant are determined not to be feasible, reasonable and practical, or where the landlord reasonably refused to give consent (where the applicant would otherwise qualify under the Disabled Facilities Grant). The Occupational Therapist or appropriately trained practitioner will assess that the new property is suitable to meet the needs of the person with a disability. If the Occupational Therapist has determined that aids and adaptations are needed in the new property, and these are expected to be under the threshold of £5,000, then this can be considered under the same grant. Therefore, a maximum of £10,000 can be awarded which includes a maximum of £5,000 for relocation associated costs and a maximum grant limit of £5,000 for aids and adaptations in the new property. Where

adaptations cost over £5,000 in the new property this should be applied for under a mandatory grant.

- 9.25 Applicants who have been awarded a medical priority through the Council Housing Allocation Policy will not automatically be considered for such grant.
- 9.26 The Council will pay any reasonable associated costs for enabling a move, subject to satisfactory evidence that the expenditure specifically for:
- Stamp duty
 - Mortgage arrangement fees
 - Estate agents' fees
 - Conveyancing costs
 - Furniture removal costs
- 9.27 Total overall maximum relocation discretionary grant is £10,000.
- 9.28 Applicants living in private rented, housing association properties or homeowners with savings of £16,000 or greater are not eligible for a discretionary grant.
- 9.29 Professional Fees Grants:** Assists people with a disability where there are associated preliminary or ancillary fees and charges prior to a Disabled Facilities Grant application being approved. This might include fees charged by a private architects or surveyor.
- 9.30 The maximum discretionary grant is currently £2,000.
- 9.31 Applicants living in private rented, housing association properties or homeowners with savings of £16,000 or greater are not eligible for a discretionary grant.
- 9.32 Top Up Grants:** Assists people with a disability in cases where the Disabled Facilities Grant limit of £30,000 is exceeded. This discretionary fund is on top of the maximum mandatory award to facilitate the adaptation works deemed necessary and appropriate to meet the identified need. This is generally for works such as extensions to a property or other complex structural changes to the property. Funding will only be made available as a last resort and must demonstrate best value as well as meeting the persons, or carers needs. All alternative options must have been exhausted. Examples include looking at how space in the property can be best utilised, best use of housing stock or assistance to move to a different property and alternative financial solutions.
- 9.33 There is no maximum limit. Each case will be considered on its own merits.
- 9.34 Means testing applies to applicants living in private rented, housing association properties or homeowners. Council tenants are disapplied to means testing. Means testing is disapplied for council tenants.

9.35 Housing Association Contributions – Top Ups

- 9.36 Where the person is a tenant of a Housing Association the Council asks the Housing Association to contribute towards additional costs that exceed the £30,000 mandatory grant limit. The Council will encourage Housing Associations to work in partnership with the Council to help avoid any prolonged negotiation that can lead to long delays for the disabled person their family or Carer.

10. ACCESSING THE SERVICE

- 10.1 Referrals for assistance can be made by contacting the Council's Housing Service **Tel: 01709 336009** or our online webform at:
www.rotherham.gov.uk/housing
- 10.2 Applicants can self-refer, or a referral can be made by a family member, friend, advocate or a professional including the landlord with the applicant's consent.
- 10.3 A person can access support to make an application for a Disabled Facilities Grant. This is normally provided by the Aids and Adaptations team or, if specialist advice is needed, by the Occupational Therapy Service. A person may choose someone else to support them subject to the individual possessing the necessary knowledge and skills. Where an applicant is assessed to lack capacity (Mental Capacity Act 2005) any adaptation decision would be made in the person's best interests. The best interest decision would progress by the relevant professionals and focus on the person's needs, values and beliefs.
- 10.4 The Council aims to respond to enquires within 10 working days by telephone. With exceptions according to urgency and risk where the Council will aim to respond sooner, this would be for cases such as hospital discharge cases. Decisions on the level of priority is at the discretion of the Council.
- 10.5 During the initial telephone assessment, checks are carried out to establish how the applicant's needs can be best met and triaged.
- 10.6 The Council aims is to carry out minor adaptations within 28 working days from the order of works. Where there is an identified urgent need, these will be prioritised with aim of completing the works sooner.
- 10.7 The Assistive Technology and Enabled Care service can order devices within 10 working days or 3-5 working days where it is considered urgent, or these can be privately purchased.
- 10.8 Where relevant adaptation works cost over £1,000, requires community alarms services or where the request is not straightforward, applicants will be referred to an Occupational Therapist or appropriately trained practitioner for an assessment.
- 10.9 A triage system to make an initial assessment of the complexity and urgency of a case will help to determine if the case should be referred to an Occupational

Therapist or appropriately trained practitioner. In some cases, a trained professional such as a Trusted Assessor may assess the needs of the person.

- 10.10 Arranging the Occupational Therapist or appropriately trained practitioner assessment can vary depending on the demand of the service and usually takes between 9 and 12 weeks.
- 10.11 At times when the service is experiencing high demand and the wait time is expected to be longer than 12 weeks, a letter will be sent by the Occupational Therapist team acknowledging the referral and advising the applicant of an estimated waiting time before an assessment date will be arranged.

11. ASSESSMENTS

- 11.1 Assessments are person-centred, and will always consider the views, values and cultural needs and outcomes of the person.
- 11.2 Officers and practitioners in housing, health and social care will work together to help ensure the person feels confident and empowered to manage daily tasks. People with a disability applying for assistance and engaging in an assessment with an Occupational Therapist or appropriately trained practitioner should be supported to consider all solutions available to them individually through the robust provision of information and advice from their first contact as part of a strengths-based solution focused approach.
- 11.3 For children and young people with a disability, assessments will take into account whenever possible the views of the child or young person with a disability and of their parents/carers. Assessments of children will consider the developmental needs of the child and their progress towards maximum independence, the needs of their parents as carers and the needs of other children in the family.
- 11.4 The initial assessment process evaluates what major adaptations are necessary and appropriate to meet the needs of the disabled person (this is determined by the Occupational Therapist or appropriately trained practitioner), taking into account whether such major adaptations are reasonable and practicable. Factors considered include the age and condition of the dwelling, the practicalities and cost-effectiveness of alterations, conservation considerations and the structural characteristics of the property.
- 11.5 From the outset, discussions will be held with the applicant to consider and determine the most reasonable and practicable solution to meet their identified needs. The assessment will consider a range of options, including how rooms in the dwelling could be used differently to accommodate the person with a disability or how a move to another property would support the person's ongoing independence.
- 11.6 Where cases are not straightforward, more complex or likely to be of a high cost, it is important that an integrated approach between the Occupational Therapist/appropriately trained practitioner and the Housing Technical Officer will

help determine the eligible works and potential solutions for adapting the home environment and meeting the needs of the person. Where a proposed adaptation is likely to be very expensive, an officer from the Housing Options service may be asked to provide a professional opinion on alternatives.

- 11.7 Where adaptations require design changes it is crucial that the Occupational Therapist/appropriately trained practitioner and Technical Officer take a co-production approach by working together with the applicant and their families so they can be engaged in the process and the creating of the design at the appropriate stage.
- 11.8 Where cases involve disruption to the home environment, all members of the household's needs will need to be taken into consideration in the planning of any proposed works. The Council will assess the impact that any alterations to the home will have on other family members. This will be carried out jointly between the Occupational Therapist/appropriately trained practitioner and the Housing Technical Officer as part of the planning process.
- 11.9 **Complex cases:** Where cases are complex or indicate the works will potentially exceed the mandatory £30,000 grant limit, the Occupational Therapist or appropriately trained practitioner will involve adult care or children's social care services and work in collaboration with the person, Carer or other household members living in the property. This will help to determine potential solutions and help to support any adaptations recommended as part of determining what is necessary and reasonable. This will help to prevent a delay in the decision-making process.
- 11.10 The adult or child with a disability may be eligible for statutory support from the local authority (under the Care Act or Children's Act). The Occupational Therapist or appropriately trained practitioner will always make the person/child/family aware of their rights to this support as part of the assessment.
- 11.11 The Housing Grants, Construction and Regeneration Act 1996 does not state that social care assessments are mandatory. However, to help determine if adaptations are necessary and appropriate, Social Care will be consulted, and the person with the disability may require a social care assessment to help determine if the installation of adaptations are necessary and appropriate and the most cost effective.
- 11.12 The Council will consider how best to achieve value for money, taking into account:
- How to design adaptations that will meet current and anticipated future needs
 - Projected costs of health and social care in the longer term
 - Alternative options including moving to a different property

Value for money will not always be achieved by choosing the cheapest option.

- 11.13 An adaptation should satisfy the present and anticipated needs of the disabled person even in large and complex adaptations costing above the maximum grant.
- 11.14 Consideration should be given to potential alternative options for the relevant works that could meet the required purposes. For example, where the purpose is to provide access to a room suitable for sleeping, then a stairlift or utilising an existing ground floor room is likely to be preferred over building a new bedroom.
- 11.15 Each application will be considered on its own merits.
- 11.16 Only then can the Occupational Therapist or appropriately trained practitioner recommend (in collaboration with the person with the disability and Carer) which solution is appropriate.
- 11.17 Where a home is in serious disrepair or beyond economic repair then the decision may be taken that the relevant works are not reasonable and practicable. The Council will in these cases provide information and advice to the applicant on their housing options.
- 11.18 The Occupational Therapist referral report will be prepared and submitted to the Housing Adaptation Service in a timely way to avoid any unnecessary delays in the meeting of needs of the disabled person.
- 11.19 The Occupational Therapist or appropriately trained practitioner must complete a referral report. On cases where the cost of works indicate that it will exceed the Disabled Facilities Grant mandatory limit of £30,000 or is considered complex a more comprehensive Occupational Therapist referral report is required.
- 11.20 A summary of what minimum information should be included in the recommendation referral reports is detailed in [Appendix 2](#).
- 11.21 In practice, when an application is received by the Aids and Adaptations Team it should be complete and ready for an almost instant decision. This will avoid unnecessary delays in a decision.
- 11.22 Routine DFG applications supported by the Occupational Therapist recommendations (under the cost of £30,000) will be submitted directly to the Aids and Adaptation Service Manager for a decision, therefore they will not be required to go to panel, unless there are exceptional circumstances.
- 11.23 On receipt of a referral from an Occupational Therapist or appropriately trained practitioner, the Aids and Adaptations Team will deal with each case on a priority basis, regardless of their tenure.

Each case will be classified, by recommendation of the Occupational Therapist or appropriately trained practitioner, into one of the following categories:

- High Priority

- Standard Priority

11.24 High Priority cases will be dealt with first, in periods of high demand, and the date a referral is received is also taken into account when distinguishing between referrals.

12. MEANS TESTED CONTRIBUTIONS

12.1 In accordance with the Housing Grants, Construction and Regeneration Act 1996 all applicants for a mandatory Disabled Facilities Grant are means tested except for Council tenants going through the Councils own application process.

12.2 Where a landlord other than the Council makes an application for a grant towards the cost of works required for the provision of adaptations on behalf of a person with a disability living in their property (private, housing association, and licensee), means testing will not apply. In this case the Council reserves the right to request to retain nomination rights to a rented property for the 5-year term of the grant where a landlord applies for assistance and the property becomes available for reletting.

12.3 The Means tests determine whether any contribution is to be paid towards the cost of works by the applicant. Means testing considers the income and capital of the person with the disability and his or her spouse or partners.

12.4 Where it is apparent that the person applying may not automatically qualify for a grant, a preliminary means test may be undertaken to provide the prospective applicant with an early indication of their likely contribution. Such preliminary tests will not be applied in urgent cases to ensure there are not any unnecessary delays or where the disabled person is in receipt of a passporting benefit.

12.5 If a person applying is on a means-tested benefits they are 'passported' to a full grant. Which means if the applicant is in receipt of the following benefits they will not be means tested.

- Universal Credit
- Income Support
- Income-based Employment and Support Allowance (not contribution-based ESA)
- Income-based Jobseeker's Allowance (not contribution-based JSA)
- Guarantee Pension Credit (not Savings Pension Credit alone)
- Working Tax Credit and/or Child Tax Credit (where your annual income for the purposes of the tax credits assessment was below £15,050)
- Housing Benefit

Applications for disabled children are also passported to a full grant.

- 12.6 Where a contribution is required, the applicant should be notified and informed when payment should be made before any approved work commences.
- 12.7 Where an applicant withdraws their DFG application due to not being able to pay the contribution due to financial hardship the aids and adaptation service will notify the occupational therapist team of the withdrawn DFG application.
- 12.8 Where the person with a disability is a child or young person or is in receipt of a means-tested welfare benefit this means that they are exempt from means testing.
- 12.9 A child is a person under 16. The child should be in receipt of Child Benefit. A “young person” is 16 or over but under 20 who is receiving full-time education.

13. ADMINISTRATION OF DISABLED FACILITIES GRANTS AND CONDITIONS

- 13.1 Disabled Facilities Grants are administered by the Council’s Housing Services under the provisions of the Housing Grant, Construction and Regeneration Act 1996.
- 13.2 For Council tenants the Council has two distinct roles and will consider its function as a landlord as well as awarding grants to assist with adaptations in council tenancies. As a landlord the Council also has to consider whether to permit an adaptation to be installed. (Ref Section 13.6)
- 13.3 Where an application for a grant is approved but at a later date it is found by the Council that the applicant was not entitled to the grant awarded due to a fraudulent application, the Council may demand that any grant which has been paid be repaid immediately, together with interest from the date on which it was paid until repayment, at such reasonable rate as the Council may determine, but generally within a twelve months period.

13.4 Landlord consent

- 13.5 There are occasions where an adaptation will fundamentally alter the property from its original size, layout and design, which may affect its suitability for future lettings. In these instances, the landlord may decline an adaptation. Discussions may be had with the landlord whether alternative accommodation may be offered.

13.6 Council adaptations and landlord consent

- 13.7 For Council tenant adaptations the Council will consider the following factors as part of the landlord consent decision-making process:
- The suitability of the property for the size of household, this can include overcrowding or under occupancy (as defined by the Council’s Housing Allocations Policy)
 - The applicant’s ability to safely access any common parts (it is the Council’s policy not to install stair lifts in the common parts of a property)

- Whether there are any competing needs of family members that need to be met in that particular property
- Whether there is suitable alternative accommodation available considering the applicant's circumstances and health conditions
- The availability of the applicant's existing support network and carers
- Whether external adaptations, for example ramping, would adversely affect the area for other people
- Any significant rent arrears
- Any ongoing antisocial behaviour
- Any other relevant factors

13.8 If the Council declines permission for an adaptation, the Council will write to the tenant and explain the reason(s).

13.9 Homeowners - proof of ownership:

13.10 Homeowners will need to provide appropriate proof of property ownership. The Council will also confirm ownership details with the Land Registry.

13.11 A prospective owner can make the application before they have acquired the property, but the application cannot be approved until they take ownership.

13.12 Local Land Charge

13.13 Where Disabled Facilities Grant adaptations are carried out in privately owned properties and the grant funding exceeds £5,000, a Local Land Charge will be registered against the property for a period of 10 years. If the recipient disposes (whether by sale, assignment, transfer or otherwise) of the premises in respect of which the grant was given within 10 years of the certified date of completion, the Council will require the repayment of the proportion of the grant that exceeds £5,000, by demand. The amount repaid to the Council will not exceed £10,000.

13.14 Before requiring repayment of any Disabled Facilities Grant the Council must be satisfied that it is reasonable in all the circumstances to require repayment, and will take into consideration:

- Whether repayment of the grant would cause financial hardship
- Whether there is a satisfactory reason for the move, e.g. for a job, to improve health or well-being, or to receive care from others.

13.15 The Council will not place a Local Land Charge where the application is being made for a child in a long-term foster placement.

13.16 Changes in circumstances

13.17 If after the approval but before the works are finished, the applicant stops being eligible for the grant (e.g. they sell or intend to sell the property), then the Council won't make any further payments and can demand repayments.

- 13.18 In the unusual and unfortunate circumstances where, after approval, but before the works are finished, the disabled person passes away, or they move, or the works become unsuitable to meet their needs, then the Council will use their discretion whether any more payments should be made and may need to reclaim some or all of the costs.
- 13.19 For person's for whom the works have been recommended passes away after approval, but before the works are completed, the Council can still pay for some or all of the works including any fees or charges. The works will not be left incomplete but may not be completed to the full Occupational Therapists or appropriately trained practitioner's recommendation if some aspects of the work are no longer required.

14. HOUSING ADAPTATIONS PANEL

- 14.1 The Housing Adaptations Panel will provide a framework to discuss high-cost cases which cost £30,000 and above. The aids and adaptations service manager is delegated to make the final decision for works up to £30,000 and put forward the business case for recommendations to approve works to the appropriate authorising officer for works greater than £30,000.
- 14.2 The Panel will include representation from housing, social care, occupational therapist (OT) and where appropriate other professionals involved in the case.
- 14.3 In cases where a panel is used, and where an expert assessor has been involved in the care and support journey, the same person or another person with similar expertise should be part of the panel to ensure decisions consider complex or specialist issues.
- 14.4 The Panel will not cause unnecessary delays.
- 14.5 The Service Manager for Aids and Adaptations is responsible in ensuring relevant and up to date Terms of Reference for panel meetings are in place and appropriate recording of decisions are accessible.

15. NOTIFICATION OF A DECISION

- 15.1 The Council Adaptations Service must notify an applicant as soon as reasonably practicable and not later than six months after the date of the application has been received from the Occupational Therapist or appropriately trained practitioner whether an application is approved or refused.
- 15.2 When adaptations are refused the applicant will be notified in writing of the decision, clearly outlining the reasons for the decision and information on the corporates complaints policy if the applicant is dissatisfied with the council decision.
- 15.3 When adaptations are approved the applicant will be contacted directly by the Council and provided with information on the next stages. Where the Council is responsible for instructing an appointed contractor, the applicant will be notified who this will be and expected timescales.

- 15.4 The applicant will be updated on progress of works (and any potential delays) at all stages. The Aids and Adaptations Service will oversee this.

16. SOCIAL CARE

- 16.1 Where social care determines that a need has been established, it has a duty under the Care Act 2014 for adults and, Part 3 of the Children Act 1989 for children. Even where housing services are unable to approve or to fully fund an application it is their duty to assist. An example of this could be where an applicant for Disabled Facilities Grant has difficulty in meeting their assessed contribution from the Disabled Facilities Grant means test or the work will cost more than the upper limit, the social care authority can step in to provide financial assistance.

17. ALTERNATIVE HOUSING OPTIONS

- 17.1 Alternative housing options will need to be considered where an adaptation is considered not necessary or appropriate or not practical for the existing property.
- 17.2 The Council will discuss with the applicant the option of a transfer to alternative accommodation that better meets the needs of the disabled person. This could include:
- Arranging a suitable alternative within the council's stock, for which a priority medical banding on the housing register would be given; or
 - The purchase of a suitable property to meet the needs of the person; or
 - Housing with a social housing provider
- 17.3 Examples of why this may be considered are where:
- Not considered as necessary and appropriate, which includes,
 - The costs for adaptations does not provide best value
 - A vacant property which is already suitably adapted to meet the essential needs of the disabled person can be identified
 - An extension can be avoided by a move to a larger property
 - The current property is not suitable for a particular adaptation
 - Adaptations to a property may reduce its potential to be let in the future.
- 17.4 In cases where rehousing is being looked at as the approved or preferred option, then this must be possible within a reasonable timescale (based on an assessment of risk and availability of accommodation). If it is not possible to find suitable alternative accommodation within a reasonable time, adaptations to the existing property or another property will be considered.
- 17.5 If an applicant is a homeowner and is proposing to buy a new adapted home, an application for a grant can be made but a Disabled Facilities Grant can only be awarded once the purchase has been completed and this can be proven. If an

applicant is looking to move either through selling and buying or moving within both the private and social rented sector, they will be encouraged to liaise with the Council regarding the suitability of the dwelling to meet the needs of the person with a disability, whether it is possible to adapt the property, and the likely timescales, cost and contribution expected to do so.

- 17.6 The Council is committed to making best use of their housing stock. Appendix 4 details the Council's approach to letting council adapted properties.

18. HOW DISABLED FACILITIES GRANTS AND WORKS ARE DELIVERED AND SUPERVISED

- 18.1 The legal requirement is for the Adaptations Service to complete adaptations within 12 months of a Disabled Facilities Grant application being approved.

- 18.2 The Adaptations Service uses its own procured approved contractors in the delivery of adaptation works. This approach enables the Service to ensure that the contractors deliver the necessary works to the appropriate standards and specification, thereby meeting the identified needs:

- To an agreed schedule of rates
- In line with relevant legislation and guidance
- In reasonable timeframes
- With appropriate recourse in relation to any defects

- 18.3 This approach is designed to provide access to approved contractors that complete work to set specifications with experience of delivering specialist adaptation schemes. This provides peace of mind to applicants that the works will be delivered appropriately.

- 18.4 The options available to private applicants regarding how they can apply for assistance which are outlined in Appendix 3.

- 18.5 Council tenant adaptations works will always be fully managed by the Council's Adaptations Service on behalf of the applicant, which is Option 1 in Appendix 3.

18.6 Using own contractors – non compliance

- 18.7 If after approval the Council finds out that:

- The application was wrong; or
- Works were started before the approval; or
- Works were not completed within 12 months; or
- The works cost less than expected; or
- The works were done by a different contractor, then the Council can refuse to pay, reduce the grant or even demand repayments

19. MAINTENANCE AND WARRANTIES

- 19.1 When equipment is installed using a Disabled Facilities Grant for private residents the awarded applicant becomes the owner of the equipment and is therefore responsible for its maintenance, repairs and for removing the equipment once it is no longer needed.
- 19.2 Every adaptation is provided with a minimum 1-year warranty. With some adaptations, extended warranties are also provided. Information on specific warranties will be provided to the applicant as part of the grant approval process.
- 19.3 When equipment is installed for Council tenants the Council will be responsible for its maintenance and repairs at the end of their initial warranty period. Information relating to maintenance and services will be provided to the tenant before and after the installation.

19.4 Removal of Adaptations

- 19.5 If the adaptations installed in a property are no longer required by a homeowner or private resident the responsibility remains with the homeowner or private landlord to remove and will be at no cost to the Council. Where this relates to Council tenants, Housing Services will normally require the adaptation to remain in situ. In some exceptional cases the Council may re-convert properties by removing the adaptations, but this is at the discretion of the Council.

20. FEES AND ANCILLARY CHARGES

- 20.1 The Housing Renewal Grants (Services and Charges) Order 1996 the permitted the Council to include costs incurred for necessary fees associated with Disabled Facilities Grant applications of the overall cost of the eligible works.
- 20.2 The Council will include a 15% administration fee of the overall cost of eligible works. For example, if the cost of work totals to £10,000 the overall cost of the grant award will be £11,500. (Includes £1,500 fee)

Where cost of works exceeds the £30,000 mandatory grant limit the discretionary top up grant will cover the costs of the fees. For example, if the cost of works totals to £30,000 the overall cost of the grant award will be £34,500 (includes £4,500 fee)

- 20.3 **Extensions:** In relation to extensions, any additional costs for specialist services such as consultancy services etc will be met by the Disabled Facilities Grant.
- 20.3 Fees can cover the following but not limited to:
- Confirmation, if sought by the Council, that the applicant has a relevant owner interest
 - Relevant legal fees
 - Technical and structural surveys
 - Design and preparation of plans and drawings

- Preparation of schedules of relevant works
- Assistance in completing forms
- Applications for building regulations approval (including application fee and preparation of related documents), planning permission, listed building consent and conservation area consent (and similar)
- Obtaining of estimates
- Consideration of tenders
- Supervision of the relevant works
- Disconnection and reconnection of utilities were necessitated by relevant works
- Payment of contractors

21. PAYMENT OF ASSISTANCE

- 21.1 When the adaptation work is complete the relevant contractor will submit the final invoice to the Council. The Council will only release the applicant's approved grant money allocation to pay the contractor(s) on behalf of the applicant on the Council's confirmation of satisfactory completion of the specified works required to meet the needs of the applicant. The appointed Adaptations Officer will inspect the works and must be satisfied the work has been completed appropriately and to the correct standard and the applicant must also agree the works are satisfactory.
- 21.2 Payments will be delayed until such time as any issues identified have been resolved.
- 21.3 For applicants who choose to use their own contractors for major works such as extensions, grant money allocation will be released in three installments to pay the contractor(s) on behalf of the applicant. The appointed Adaptations Officer will inspect the works and must be satisfied the work is to the correct standard and the applicant must also agree the works are satisfactory at each stage.

22. SERVICE STANDARDS

- 22.1 There is no national standard for the services provided through this policy excepting a statutory requirement for Council to determine valid and fully made applications for mandatory Disabled Facilities Grant within 6 months and to complete the works within twelve-month months from the approval date. This is replicated for council housing adaptations to ensure a consistent approach to delivery.
- 22.2 This does not account for pre-application activities such as the screening process and the 'application support' and administration including Occupational Therapy or appropriately trained practitioner assessment, means testing, producing specifications, finding contractors etc.
- 22.3 In a few cases there may be details to pursue, such as proof of property ownership, landlord or owner's permission etc., and if there are alternative schemes under consideration or issues to do with financing the applicant's contribution. However,

the service records all key activities and dates and can report on a variety of measures, including date enquiry received, date application submitted, date determined, date works started, value of works and contributions, date works finished, and completed as in signed-off.

- 22.4 The actual payment of the Disabled Facilities Grant should take place no more than 12 months after the application was made.

23. CONSIDERATION OUTSIDE THIS POLICY

- 23.1 This policy is not intended to fetter the discretion of the Council as no policy can cover all circumstances and therefore, we may have to deal with applications not meeting the requirements of the policy and criteria. Assistance outside of those set out above can be awarded at the discretion of the Aids and Adaptations Service manager. Such an award will only be made subject to the provision of the Regulatory Reform (Housing Assistance) England and Wales Order 2002 and subsequent guidance. An example may include exceptional circumstances where adaptations to a person's home cannot move forward due to identified repairs needed in the home or items cluttering the property which needs to be addressed before the adaptations or modifications can be carried out.

24. COMPLAINTS

- 24.1 If a person who received the adaptations or applicant has cause for dissatisfaction with the service or a decision, this should be in the first instance raised informally with the Aids and Adaptations Service Manager. If this is not resolved to the persons satisfaction, they have the right to have their case investigated via the Council's complaint procedure.
- 24.2 The details of the Council's complaints policy will be provided on request or when it is considered that this information will be of assistance to that person.
- 24.3 Information can also be found on the Councils webpage.
<https://www.rotherham.gov.uk/council/complain-council-services/1>
- 24.4 Details of how to make a complaint will also be included in any correspondence setting out decisions made under this policy.
- 24.5 Once the Council's formal complaints process has been exhausted, the Housing Ombudsman can be approached to review and investigate complaints about this policy.
- 24.6 The Council recognises that some people may need additional support raising concerns informally or when making a complaint under this policy and will also signpost people to the support available locally through groups such as Citizens Advice.

- 24.7 Any such complaint will be treated seriously and will (if necessary) be reflected in subsequent reviews of this policy or in amendments to the way that services are delivered.

25. DATA PROTECTION

- 25.1 All data will be held in accordance with the Data Protection Act 1998 and the General Data Protection Regulation (EU) 2016/679 (GDPR).
- 25.2 The Council may investigate or formally verify any of the information provided in connection with any application for assistance. In order to progress an application it may be necessary to share information provided with internally with other services or other organisations that may assist with the grant process.

These may include:

- Rotherham Council –Housing Benefits, Planning & Building Control
 - Rotherham Council – Adult Social Care or Children’s Services
 - Relevant Government Departments
 - Relevant Agencies appointed by applicant’s
- 25.3 The Council is under a duty to protect public funds and may use the information provided for the prevention and detection of fraud. It may also share this information with other bodies administering public funds solely for these purposes. The above information will need to be communicated with applicants at the time their personal information is obtained in the form of a Privacy Notice. This is necessary to comply with individual’s ‘Right to be Informed’ in accordance with GDPR.
- 25.4 Safeguards will ensure the security of the data and will comply with Article (1) (f) of the GDPR.

26. EQUALITY

- 26.1 The Council is committed to fulfilling its roles as an employer, service provider, purchaser of goods and services without discrimination. We will apply this policy fairly and give equal treatment regardless of age, disability, gender, sexual orientation, transgender status/gender reassignment, race and religion/belief. All members, employees and agents of the Council must seek to eliminate discrimination and promote equality diversity, inclusion and good relations between all groups.
- 26.2 The Council wants to improve the lives and well-being of everyone in the Borough. This policy is particularly relevant for anyone who has a disability or long-term condition. It is the Council’s aim is to ensure that people have a safe and suitable home and immediate surrounding areas so that they can live independently in their current home for as long as is possible. The Council will record and monitor data to gain insight on the impact of this policy on diverse applicants and help improve operational processes.

- 26.3 An Equality Impact Assessment has been carried out in respect of this policy and which identified no negative impacts on any person/group with a protected characteristic as a result of this policy.

27. PERFORMANCE AND DELIVERY

- 27.1 The Aids and Adaptation service will ensure that customer satisfaction feedback is routinely evaluated. This will help to identify any trends in the overall service improvement and the effectiveness of this policy.
- 27.2 Performance and delivery of the major adaptations service is monitored by the Directorate Leadership Team for Adult Care Housing and Public Health.
- 27.3 The Council is committed to delivering excellent services and welcome constructive feedback and comments to further refine our service offer and will review performing against the standards set out in this policy.

28. OFFICER SCHEME OF DELEGATION FOR GRANT VALUE

- 28.1 Budget managers are authorised to incur expenditure in accordance with the estimates that make up the budget and the Capital Programme within their delegated area of control and work within the authorised cash limits and utilise the resources allocated to them in the most efficient, effective, and economic way.
- 28.2 The approval limits below are solely to support the management and administration of the Aids and Adaptations Policy and relate to this service only.
- 28.3 A £30,000 mandatory grant limit is prescribed by the funding guidance unless additional funding is supported in the application of an Aids and Adaptations Assistance Policy.
- 28.4 The decision to approve expenditure should demonstrate that value for money considerations have been considered.
- 28.5 The authorising officer's roles and maximum approval limit are:

Delegated Authorising Officer	Maximum approval limit
Service Manager	Up to £30,000
Head of Service	Up to £50,000
Assistant Director	Up to £100,000
Strategic Director	Anything above £100,000

- 28.6 Anything above £250,000 will require an Officers Decision Notice.

29. IMPLEMENTATION AND REVIEW OF THIS POLICY

- 29.1 This policy will be implemented from 1st April 2024 and will be reviewed every three years.
- 29.2 An implementation plan will support the introduction of the new policy to ensure that the assistance available in this policy is communicated to internal and external partners, stakeholders and local residents.
- 29.3 For minor changes to the Policy authority is delegated to Strategic Director of Adult Care Housing and Public Health.
- 29.4 To suspend, withdraw or prioritise any of the discretionary grant assistance under this Policy in line with budgetary constraints, authority is delegated to the Strategic Director of Adult Care Housing and Public Health who can subdelegate to the Assistant Director of Housing in consultation with the Cabinet Member for Housing.

APPENDIX (1)

TABLE SUMMARY OF THE AIDS AND ADAPTATION ASSISTANCE SCHEMES FOR ASSISTANCE

Types of Schemes to Assist	Funding Max and Authorisation	Financial Eligibility	Purpose of Assistance & Conditions	Available to:		
				Council Tenants	Home-owners	Other Renters
Equipment	N/A	No charge to loaning equipment	Small items of aids/equipment to help with daily tasks, can be loaned where there is a need for such equipment. Items can include perching stools, raised toilet seats, crutches, pressure cushions and toilet frames. A referral from an Occupational Therapist/appropriately trained practitioner, GP or hospital discharge team is required.	✓	✓	✓
Assisted Technology	N/A	No charge (Charges may apply to assistance linked to Community Alarms)	Electronic devices to assist vulnerable adults with continuing to live independently at home, include range of simple, battery-operated stand-alone items. A home activity monitoring systems requires Community Alarms.	✓	✓	✓
Minor Adaptations	Up to £1,000	No charge	Small installation works/adaptations to help with everyday tasks that do not require structural changes to the home. Include things like grab rails, stair rails and bath rails. No repayment conditions.	✓	✓	✓
Mandatory Disabled Facilities Grant (Disabled Facilities Grant) Council tenants	Up to £30,000	Means tested for private renting, housing association	Typically for larger items of equipment and alternations to the home to assist people to live independently in their home. Adaptations will need to be deemed to be necessary and appropriate, reasonable and practical.	✓	✓	✓

(Funding HRA)		<p>tenant and homeowner) Children as defined in the policy are exempt to means testing.</p> <p>Non-Means Tested for Council tenant's.</p>	<p>Examples of adaptations work that could be carried out, includes access ramps, alterations to the heights of light switches and electrical sockets, level access shower, extensions, and specialist equipment such as wash and dry toilets and the provision of additional thermal comfort.</p> <p>Conditions The applicant must be eligible for the Disabled Facilities Grant.</p> <p>Works commenced prior to grant approval will not be eligible.</p> <p>No repayment condition's</p> <p>Rented applicants</p> <ul style="list-style-type: none"> • *Must sign a certificate confirming that they intend for the next five years (grant period) they will continue to live in that same property. • Landlord consent to carry works and confirmation intentions applicant will continue to live in the property for next 5 years required. <p><i>*For Council tenants they will be required to confirm their intentions for future occupation, Rehousing applies in line with the Housing Allocation Policy.</i></p> <p>Homeowners</p> <ul style="list-style-type: none"> • Land charge will be registered against the property for a period of 10 years when the grant funding exceeds £5,000. Repayable upon sale or transfer of the property. Repayment to the Council of the 			
---------------	--	---	--	--	--	--

			<p>proportion of the grant that exceeds £5,000, by demand.</p> <ul style="list-style-type: none"> The amount repaid to the Council will not exceed £10,000. No local land charges where the application is being made for a child in a long-term foster placement. 			
Applicants must meet the Mandatory (Disabled Facilities Grant) application criteria to be considered for a Discretionary Grant. Discretionary Grants are subject to funding being available.						
Types of Assistance	Funding Max	Financial Eligibility	Purpose of Assistance & Conditions	Available to:		
				Council Tenants	Home-owners	Other Renters*
Rapid Home Adaptations Grant	Up to £10,000	<p>Applicants who are living in private rented, housing, associations and homeowner with less than £16,000 savings are eligible.</p> <p>Council tenants are eligible.</p>	<p>Aimed at people who are at risk of nonelective admission or readmission to hospital (i.e., through falls). This enables a faster response for the provision of uncomplicated to install adaptations.</p> <p>Conditions The applicant must be eligible for the Disabled Facilities Grant and must have a need that can be met by the installation of the following adaptation(s):</p> <ul style="list-style-type: none"> Level access shower Shower over bath Stair lift (straight & curved) Ramped access to property (including door widening & level access door) Or a combination of 2 <p>One discretionary grant within a 3-year term from initial approval date Supporting documentation, regarding savings Signed Financial Declaration</p>	✓	✓	✓

		Children as defined in the policy are eligible.	<p>No repayment conditions. (See land charge)</p> <p>Rented applicants</p> <ul style="list-style-type: none"> • Applicant signs certificate of future occupation and intends to reside there for five years* • Landlord signs certificate of future occupation • Landlord consent for works to be carried out <p><i>* For Council tenants they will be required to confirm their intentions for future occupation, Rehousing applies in line with the Housing Allocation Policy.</i></p> <p>Homeowners</p> <ul style="list-style-type: none"> • Land charge will be registered against the property for a period of 10 years when the grant funding exceeds £5,000. Repayable upon sale or transfer of the property. Repayment to the Council of the proportion of the grant that exceeds £5,000, by demand. The amount repaid to the Council will not exceed £10,000. • No local land charges where the application is being made for a child in a long-term foster placement. • Proof of ownership 			
Time Critical Grants	Up to £10,000	Applicants who are living in private rented, housing, associations and	This is a fast-tracked grant and gives priority for work to be completed. It aims to support people on the end-of-life pathway or those with a life limiting neurological conditions, with an urgent need for equipment and adaptations to enable them to maintain their independence, safety or support their quality of life.	✓	✓	✓

		<p>homeowner with less than £16,000 savings are eligible.</p> <p>Council tenants are eligible.</p> <p>Children as defined in the policy are eligible.</p>	<p>This grant is also aimed at those who cases are complex, such as for people ready for hospital discharge, where due to the person's property, this cannot be organised swiftly without interim measures being put in place at home to facilitate their safe return to their home. The grant also aims to support the person with the disability as well as assisting families and carer(s) to continue to support them with the overarching aim of improving the person's mental wellbeing at a difficult time.</p> <p><u>Conditions</u></p> <p>One discretionary grant within a 3-year term from initial approval date</p> <p>Supporting documentation, regarding savings</p> <p>Signed Financial Declaration</p> <p>To be eligible for a Time Critical Grant, an applicant must be eligible for the Disabled Facilities Grant in addition meet the criteria below:</p> <p>The person has a need as identified or confirmed by an Occupational Therapist or appropriately trained practitioner,</p> <p>And has a condition with a diagnosis, confirmed by the Occupational Therapist or appropriately trained practitioner which falls into any of the following categories:</p> <ul style="list-style-type: none"> • Diagnosis of a life limiting neurological condition i.e. Motor Neurone Disease • The person is on the end-of-life pathway under their GP, a consultant or hospice care • The person has a government benefit as defined under the 			
--	--	---	---	--	--	--

			<p>Department of Work and Pensions Special Rules nearing the end of life</p> <p>Examples of works could include access to first floor facilities via stair lifts, access to the property via ramps, access to appropriate and specialist bathing and toilet facilities including level access showers.</p> <p>No repayment conditions. (See land charge)</p> <p>Rented applicants</p> <ul style="list-style-type: none"> • Applicant signs certificate of future occupation and intends to reside there for five years* • Landlord signs certificate of future occupation • Landlord consent for works to be carried out <p><i>* For Council tenants they will be required to confirm their intentions for future occupation, Rehousing applies in line with the Housing Allocation Policy.</i></p> <p>Homeowners</p> <ul style="list-style-type: none"> • Land charge will be registered against the property for a period of 10 years when the grant funding exceeds £5,000. Repayable upon sale or transfer of the property. Repayment to the Council of the proportion of the grant that exceeds £5,000, by demand. The amount repaid to the Council will not exceed £10,000. 			
--	--	--	---	--	--	--

			<ul style="list-style-type: none"> No local land charges where the application is being made for a child in a long-term foster placement. Proof of ownership 			
Relocation Grant	<p>Up to £10,000</p> <p>2 levels within this maximum limit</p> <p>£5,000 for relocation associated costs</p> <p>£5,000 adaptation works to the new property.</p>	<p>Applicants who are living in private rented, housing, associations and homeowner with less than £16,000 savings are eligible.</p> <p>Council tenants are eligible.</p> <p>Children as defined in the policy are eligible.</p>	<p>Aimed at providing assistance with relocating to a property that better meets the need of the applicant, or where a major adaptation is not appropriate in the principal home, or where the landlord disagrees. The grant is intended to cover reasonable costs, subject to satisfactory evidence that the expenditure has been incurred and are specifically for</p> <ul style="list-style-type: none"> Stamp duty Mortgage arrangement fees Estate agents' fees Conveyancing costs Furniture removal costs <p>Conditions</p> <p>One discretionary grant within a 3-year term from initial approval date</p> <p>Supporting documentation, regarding savings</p> <p>Signed Financial Declaration</p> <p>The applicant must be eligible for the Disabled Facilities Grant as well as:</p> <ul style="list-style-type: none"> The proposed work on the existing property involves major aids and adaptations work costing over £10,000 and relocating is considered beneficial to the person and more cost effective if they moved to a home more suitable. The Occupational Therapist or appropriately trained practitioner agrees the new property is suitable to meet the needs of the person with a disability. 	✓	✓	✓

			<ul style="list-style-type: none"> • Applicants who have been awarded a medical priority through the Council Housing Allocation Policy will not automatically be considered for such grant. • Costs must be reasonable subject to satisfactory evidence that the expenditure <p>If the Occupational Therapist has determined that aids and adaptations are needed in the new property, and these are expected to be under the threshold of £5,000, Therefore, a maximum of £10,000 can be awarded which includes a maximum of £5,000 for relocation associated costs and a maximum of £5,000 for aids and adaptations in the new property.</p> <p>No repayment conditions (see land charges)</p> <p>Rented applicants</p> <ul style="list-style-type: none"> • Applicant signs certificate of future occupation and intends to reside there for five years* • Landlord signs certificate of future occupation and agrees that tenant will reside there for five years • Proof of new tenancy or purchase of a property • Other documentation and evidence of costs <p><i>For Council tenants they will be required to confirm their intentions for future occupation, Rehousing applies in line with the Housing Allocation Policy.</i></p> <p>Homeowners</p> <ul style="list-style-type: none"> • Proof of ownership 			
--	--	--	--	--	--	--

			<ul style="list-style-type: none"> Land charge will be registered against the property for a period of 10 years when the grant funding exceeds £5,000. Repayable upon sale or transfer of the property. Repayment to the Council of the proportion of the grant that exceeds £5,000, by demand. The amount repaid to the Council will not exceed £10,000. No local land charges where the application is being made for a child in a long-term foster placement. Proof of ownership 			
Professional Fees Grant	£10,000	<p>Applicants who are living in private rented, housing, associations and homeowner with less than £16,000 savings are eligible.</p> <p>Children as defined in the policy are eligible.</p> <p>Not applicable to Council tenants</p>	<p>Aimed at assisting any associated preliminary or ancillary fees and charges prior to a Disabled Facilities Grant being approved. This might include fees charged by a private Occupational Therapist, private architects and surveyors.</p> <p>Conditions The applicant must be eligible for the Disabled Facilities Grant.</p> <p>No repayment conditions.</p> <p>Rented applicants</p> <ul style="list-style-type: none"> Applicant signs certificate of future occupation and intends to reside there for five years Landlord signs certificate of future occupation and agrees that tenant will reside there for five years* Landlord consent for works to be carried out <p>Homeowner</p> <ul style="list-style-type: none"> Proof of ownership 	N/A	✓	✓

Top-Up Grant	No upper limit (Each case considered on own merits)	Means tested for private renting, housing association tenant and home owner) Children as defined in the policy are exempt to means testing Non-Means Tested for Council tenants	<p>Aimed where there are cases the Disabled Facilities Grant limit of £30,000 is exceeded, the Council will consider providing such additional assistance of a grant-funded top up payment. This discretionary fund is on top of the maximum mandatory award to facilitate the adaptation works deemed necessary to meet the identified need. Funding for this will only be made available as a last resort.</p> <p>Conditions The applicant must be eligible for the Disabled Facilities Grant.</p> <p>No repayment conditions. (See land charge)</p> <p>Rented applicants</p> <ul style="list-style-type: none"> • Applicant signs certificate of future occupation and intends to reside there for five years* • Landlord signs certificate of future occupation and agrees that tenant will reside there for five years • Landlord consent for works to be carried out <p><i>* For Council tenants they will be required to confirm their intentions for future occupation, Rehousing applies in line with the Housing Allocation Policy.</i></p> <p>Homeowners</p> <ul style="list-style-type: none"> • Land charge will be registered against the property for a period of 10 years when the grant funding exceeds £5,000. 	✓	✓	✓

			<p>Repayable upon sale or transfer of the property. Repayment to the Council of the proportion of the grant that exceeds £5,000, by demand.</p> <p>The amount repaid to the Council will not exceed £10,000.</p> <ul style="list-style-type: none"> • No local land charges where the application is being made for a child in a long-term foster placement. • Proof of ownership 			
--	--	--	---	--	--	--

APPENDIX (2) - OCCUPATIONAL THERAPIST RECOMMENDATION ADAPTATIONS REFERRAL REPORTS GUIDE

The Occupational Therapist recommendation referral reports must include the following information:

- The needs that the person has, based upon the eligibility criteria set out in section 23 of the Housing Grants, Construction and Regeneration Grant 1996
- The evidence used to make a determination about the nature and level of need;
- Whether the adaptations proposed are necessary to meet the identified needs and the rationale for this (including risk, sustainability and appropriateness of current support being provided);
- Whether the adaptations proposed are appropriate to meet the identified needs and the rationale for this (including what alternative options have been explored, what may be available and why this is not appropriate).
- Any consultation with specialists and involvement with social care.
- In relation to complex cases costing over £30,0000 - Projected costs of health and social care in the longer term without the proposed assistance is known.
- Any information available in regard of the building to be adapted that may assist the Adaptations Team to make a determination about how 'reasonable and practicable' this is; and
- Any other information that would be beneficial to include for the purpose of supporting the application.

APPENDIX (3) - MANAGED DISABLED FACILITIES GRANT APPLICATION AND WORKS PROCESS OPTIONS

If the applicant starts to carry out any work to the property requiring adaptation before the Disabled Facilities Grant has been considered the Council will not approve the grant.

Council tenant's adaptations works will be fully managed by the Council's Aids and Adaptations Service on behalf of the applicant applying as detailed below - Option 1.

Option 1 - Managed Application Process

The Council's Adaptations service will fully manage the application on behalf of the applicant. The service will handle everything on behalf of the applicant through an agreement between the applicant and the service.

This can be the simplest and least demanding option for an applicant, particularly for more extensive adaptations, as the service will organise and manage both the application and the work.

The Service will:

- Where applicable, assess the applicant's financial circumstances by a statutory means test which will identify any contribution to be paid towards the cost of the works.
- Arrange for a technical officer to visit to discuss how the adaptations can be provided in the home and what building works or alterations are required to provide them.
- Draw up a schedule of works and plans (and planning permission or building regulations approval if required).
- Assist in the completion of the formal Disabled Facilities Grant application forms.
- Supervise the contractor on site on behalf of the applicant.
- Deal with any unforeseen works and interim payments.
- Arrange final payment to the contractor and collect any certificates and guarantees from them and pass them on the applicant.

Option 2 – Applicant Contractor Process

This option is where an applicant may wish to use the services of the Council's to prepare their application for Disabled Facilities Grant, including the preparation of drawings but wishes to use their own choice of an independent contractor to carry out the works.

The legislation states that applicants must submit at least two competitive quotes for the work. These should be from independent contractors that realistically reflect the cost of the works/service provided. The best price will be awarded the contract for the works.

The Council may also compare the costs against their own rates. In cases where the quotes received are significantly greater than the Council's rates the Council will award a grant based on these calculated costs.

Unless otherwise directed by the Council, a contractor whose estimate accompanied the application must carry out the works.

A comprehensive information pack will be provided to any applicants who wish to pursue this option including the role that the Service supporting the Disabled Facilities Grant application and the responsibilities regarding the works which will transfer to the applicant.

Option 3 – Applicant Managed Process

This option is where an applicant may wish to complete all elements of the application, supporting information and building management themselves. An applicant can use their own architect or draftsman and contractors to plan, develop or build a preferred scheme. A comprehensive information pack will be provided to any applicants who wish to pursue their own application which outlines the information required to make a Disabled Facilities Grant application and the requirements to receive Disabled Facilities Grant funding.

Option 4 - Housing Association Landlords Process

This option is only when a Landlord makes a direct landlord application on behalf of a tenant. Where the Landlord may wish the Council to complete all elements of the application, supporting information and lead on the building management themselves. The Landlord can use their own architect or draftsman and contractors to plan, develop or build a preferred scheme. A comprehensive information pack will be provided to the Registered Social Landlord who wish to make a Disabled Facilities Grant application and the requirements to receive Disabled Facilities Grant funding.

APPENDIX (4) - LETTING ADAPTED COUNCIL PROPERTIES IN ACCORDANCE WITH THE HOUSING ALLOCATION POLICY

- 1.1 Adapted properties that become available will be offered to those with matching needs or similar needs.
- 1.2 If this is not possible within a reasonable timescale, based on an individual property, then properties may be offered to applicants without a need for the adaptations, as a last resort.
- 1.3 If a person requiring adaptations applies to join the housing register, they may be granted priority banding for a suitable adapted property.
- 1.4 Future tenants must accept the adapted property 'as is', unless the new tenant's assessed needs require additional special requirements.
- 1.5 Where the adaptation is preventing the property from being re-let, i.e. in the situation of a void, after a certain length of time the council may consider removing the adaptation.
- 1.6 Adapting Vacant Properties**
- 1.7 If the Council is considering offering a disabled person a vacant un-adapted or partially adapted property requiring adaptations or further adaptations, Council officers, including an Occupational Therapist and the Adaptations Team's Technical Officer will firstly have to assess the suitability of the property to meet the disabled persons assessed essential needs.
- 1.8 Once there has been an assessment of a vacant property, the council reserves the right to withdraw an offer of accommodation if the property is not deemed suitable. The disabled person will be advised regarding their housing options.
- 1.9 If major adaptations are required and the property is deemed suitable, some or all of the adaptation work will be carried out as a priority where possible and practical, to minimise void times.

This page is intentionally left blank

Appendix 2

CYPS

Pathways to care Policy

Updated 2021

Version: 2021 update

Date of Issue: March 2021

Date agreed at Cabinet: 16.08.21

1. Purpose of the Policy

- 1.1 This Policy sets out the criteria adopted by the Local Authority to provide funding to Local Authority foster carers, special guardians (SGO) or family carers via child arrangement order (CAO) and adopters to extend their home, or to part fund new home purchases, where it is necessary to do so to meet the needs of looked after children. The reason that the Policy extends to include special guardianship and child arrangement order is that this enables children to be discharged from care by enabling them to permanently live with people within the family and friends network of the child who would offer care to that child to either prevent the child from becoming looked after or to support a child ceasing to be looked after but for the lack of available bedroom space.
- 1.2 The Policy covers all requests for home extensions and adaptations from Rotherham Local Authority foster carers, adopters, prospective special guardians (SGO) and family carers via a Child Arrangement Order (CAO). The Policy also covers all such requests from foster carers, adopters and special guardians registered with other local authorities, and independent or voluntary agencies where the foster carers or adopters are caring for or considering caring for Rotherham looked after children *on a permanent basis* i.e. where the extension/adaptation would support the discharge of a child from care and offer a plan of legal permanence.
- 1.3 To ensure equality of opportunity and to maximise options for permanent care for looked after children the Policy includes the extension of council owned homes where the home is not large enough to provide appropriate accommodation for the child(ren) and no suitable alternative council property is available to enable the tenants to move home.
- 1.4 This Policy is designed to support the Local Authority in meeting its legal duty to provide sufficient accommodation for looked after children. There is also a requirement for the Local Authority to ensure that looked after children are placed in foster, special guardianship or adoptive homes with their siblings, unless an assessment has been completed that concludes it is not in the best interests of one or all siblings to live together.
- 1.5 The Policy is designed to be intrinsically linked with the principles of the Demand Management Strategy and Placement Sufficiency Strategy by either increasing the number of placements available or by reducing the numbers of looked after children. It will, therefore, only be applicable where the funding provided will be used to provide the additional bedroom space that will:
 - Support a looked after child (LAC) to remain/move to an in-house placement as opposed to being placed with an external Out of Authority residential placement/IFA.

- Support extended family members/family friends to care for a child via a Special Guardianship Order (SGO) or Child Arrangements Order (CAO) where that child would otherwise become/remain LAC.
- Support extended family members/family friends to assume parenting responsibilities via SGO/CAO of a child who is currently LAC thus supporting them to be discharged from care. (For the purposes of this report all adults securing SGO/CAOs will be referred to as being 'Special Guardians').
- Support existing foster carers to increase their bedroom capacity to enable them to offer additional placement(s). This may include prospective carers in the process of being approved although no financial commitment will be made until their status as foster carers is approved by Panel.
- Support adoptive parents to adopt a child where the match identified is the most appropriate one but where that match could not be progressed due to a lack of bedroom space. This scenario is likely to occur but will not be limited to situations where a child is already adopted and their birth-parent subsequently has another child who also has a plan for adoption but where the adoptive parents would otherwise have insufficient bedroom space to adopt the further child.
- Support existing or prospective Short Breaks carers to provide accessible and suitable accommodation for children who are wheelchair users/need stair-lift etc where they would be unable to provide that care without that adaptation.

1.6 This Policy, which currently allows for funding to be provided to enable foster carers, special guardians, holders of child arrangement orders and adopters to increase their bedroom capacity, or in some circumstances to obtain an alternative larger home, is designed to increase the Local Authority's capacity to accommodate looked after children locally. It should provide additional capacity to secure permanence for sibling groups with foster carers and adopters. Alternatively, the Policy can be implemented to support a child to be discharged from care via a plan for permanence where lack of bedroom space would otherwise be a prohibitive factor.

1.7 Consideration of the provision of funding for home extensions/adaptations and part funding of new home purchases for foster carers, special guardians, and adopters will be given in the following circumstances:

- Where siblings are placed in a foster placement and the best plan for them, as endorsed via a statutory looked after children review, is to remain placed together in that placement, and where such a permanence plan cannot be implemented without the provision of an extension or alternative home due to an inadequate number of bedrooms.
- Where the best plan for a child, as endorsed via a statutory looked after children review, is to move to be fostered permanently by the foster carer of a sibling of his or hers, but where this plan cannot be implemented without

the provision of an extension or alternative home due to inadequate bedroom space

- Where an existing foster carer has opted to continue to offer a home to a previously fostered child under the Staying Put arrangements but in doing so no longer has bedroom space to offer the foster placement which they are approved for and the carer would be enabled by the provision of additional bedroom space to offer further foster placements to adolescents who might otherwise be placed in Fostering Plus placements or independent sector provision.
- Where the best plan for a child, as endorsed via a statutory looked after children review, is to be placed for adoption with a sibling of theirs but this plan cannot be implemented without the provision of an extension or alternative home due to inadequate bedroom space.
- Where a home extension or adaptation or alternative home is essential to provide a permanence placement (SGO/CAO) to divert or discharge a child from being looked after and where this plan cannot be implemented in full due to a lack of bedroom space.
- Where, at the point of a child being admitted to care, an extended family member/family friend presents to assume the care of that child and where they would be otherwise appropriate to do so but for the lack of bedroom space being prohibitive i.e. as a direct alternative to that child becoming LAC.
- Where situations fall outside of the criteria set out above but where it is thought the proposal may be appropriate, the social worker should discuss the situation with the Head of Service for LAC prior to progressing the full approval process.

2. Approval process

- 2.1 Social Workers should make no commitment to any person who may possibly be eligible to financial support under this Policy prior to CYPS DLT approval having been formally provided.
- 2.2 The proposed carer should be advised not to initiate any building work until the funding for the extension work is approved. Furthermore, it should be made clear to them that the local authority will not accept liability for any work commenced or costs incurred prior to full approval, in writing, being given.
- 2.3 The allocated social worker for the child should establish along with their team manager that an adaptation/extension or assistance towards buying a suitable property is required, with all other options having been exhausted. This should be agreed in discussions between the child's social worker, their team manager and/or the service manager for the case holding team and the head of service for LAC. A management decision record should then be placed on the child's casefile outlining the rationale for the decision.

- 2.4 Alternately the decision to explore a Pathways to Care application may be part of the child's Statutory Reviewing process in which case the Review minutes should have a clear record of the rationale for implementing the Pathways to Care process. These minutes should then be shared with the Head of Service for LAC to endorse the proposed access to the Pathways to Care Policy.
- 2.5 In light of any ongoing disagreement the matter should be escalated to the Assistant Director for consideration.
- 2.6 Once agreed the allocated social worker should liaise with the CYPS Asset Manager regarding the proposed extension. This needs to be in the form of the Pathways to Care Application Form and should consider the most cost effective way to increase capacity; either by extending/ adapting the current accommodation or supporting with the purchase of a more suitable property if this is more cost effective and meets the assessed needs of the child and carers. A site visit will then be arranged by the Asset Management Team to assess the feasibility of the plan.
- 2.7 Where the property is a council home consideration will be given to an alternative a larger council home being identified. In the event that this is not an option, liaison should be progressed with Housing Services by the CYPS Asset Manager at the point of the application made, to ensure any extension or adaption is agreed.
- 2.8 Once there is agreement that the plan is a viable one, the allocated service manager will prepare a report for DLT. This will then be overseen and presented by the Head of Service for LAC. A copy of the feasibility study should be incorporated into the report and the report will clearly identify that the cost of the work has been identified as being able to be funded through existing budget. Taking into account the feasibility study DLT will set a budget for the works which will be set against the Pathways to Care budget.
- 2.9 For a council home the approval report will be completed in conjunction with colleagues in Housing Services and require agreement by Housing Services senior leadership team followed by agreement by the S151 officer before work can commence. This reflects that the property is a council asset.
- 2.10 Following approval being obtained the social worker will then inform the CYPS Asset Manager so that the tendering process and the commissioning of the building work can be initiated.
- 2.11 However, if the agreed tender is subsequently found to exceed the amount agreed by DLT by more than 20% then the report will have to be re-presented to DLT by the Head of Service and the Assets Management Team in order to get this additional amount approved.
- 2.12 From this point the Asset Management Team will assume lead responsibility for overseeing the work and verifying that it has been completed to the required

standards. They will also be responsible for all financial transactions and oversight of the building project.

2.13 Any projects agreed will be subject to legally binding contracts between the foster carers/adopters/special guardians and Rotherham Metropolitan Borough Council with a sliding scale of payback should the increased capacity not be delivered or in the event of placement breakdown or carers terminating their registration. In addition legal advice will be sought on a case by case basis to see if a change or restriction on the title of the property owned by a FC or family based carer is needed to secure the repayment obligation as set out in section 2.15 below.

2.14 In the event that the foster carers, special guardians, family based carers or adopters, at their instigation, cease to offer the child placement/s for which the funding had been provided within a period of 10 years following the provision of funds the monies will be repayable to the Council at their discretion on the following basis:-

- 1st Year-100% repayable
- 2nd Year- 90% repayable
- 3rd Year- 80% repayable
- 4th Year – 70% repayable
- 5th Year – 60% repayable
- 6th Year – 50% repayable
- 7th Year – 40% repayable
- 8th Year – 30% repayable
- 9th year – 20% repayable
- 10th year – 10% repayable

2.15 Given that no repayment charge shall be incurred where the young person has reached adulthood and has chosen of their own accord to move out of the family home then the circumstances in which this Policy is implemented for older children will have to be carefully considered to ensure there is likely to be some cost benefit to the local authority and some meaningful and tangible benefit to the young person. The main criteria for these recharges being incurred will be where any decision made by the foster carers (e.g. to change their approval status or to move to a new house) that reduces their fostering capacity.

2.16 If the children are removed by RMBC due to safeguarding concerns no repayment charge will be incurred by the carers. As a result, it will be essential

that the viability assessment of the proposed arrangements is as robust as possible so that there can be the requisite degree of confidence that placement will be a lasting one.

- 2.17 All foster carers, special guardian, family-based carers and adopters will be required to access independent legal advice before signing the legal agreement and before funds can be released and provide written evidence that this advice supports the application.

3. Provision of Funding

- 3.1 In the case of home extensions or adaptations, where funding is agreed it will not be provided directly to the foster carer / Special Guardian / adopter but will be used to pay contractors directly.
- 3.2 In the case of home extensions and adaptations that any building works are compliant with current planning law and Building Regulations. It will be a condition of the provision of funding that any building works are compliant with current planning law and Building Regulations. This should include a competitive contracting process.
- 3.3 In respect of an adaptation to a property outside of the RMBC area builders should be sought either from RMBC approved list or from the resident local authority's approved list where this is available. In out of area cases where we cannot identify suitable firms from the council's approved list, a waiver of contract procedures will be needed to facilitate the use of builders located in the area.
- 3.4 In the case of home extensions and adaptations and new home purchases, funding will only be provided to cover the costs of the most cost-effective way to achieve the required additional living space.
- 3.5 In order to support maximising the impact of the Pathways to Care Budget, all potential avenues for supporting funding any extension adaption or home move should be explore. This includes liaison with Housing Services regarding any council owned properties and exploration of the Disabled Facilities Grant (DFG) where the young person has a disability.

4. Legal Framework

- 4.1 The Local Authority has a duty to provide sufficient accommodation for looked after children as set out in the Children Act 1989. Section 22G of the 1989 Act requires local authorities to take strategic action in respect of those children they look after and for whom it would be consistent with their welfare for them to be provided with accommodation within their local authority area. In those circumstances, section 22G requires local authorities, so far as is reasonably practicable, to ensure that there is sufficient accommodation for those children that meets their needs and is within their local authority area.

- 4.2 The power to provide funding for home extensions and new home purchases in this case is to be found in The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002.
- 4.3 In addition, agreements of this nature are made in accordance with the provisions of Section 17(6) and Schedule 2 of the Children Act 1989. Section 17 of the Children Act 1989 imposes a general duty on local authorities to safeguard and promote the welfare of children within their area who are in need and so far as is consistent with that duty, to promote the upbringing of such children by their families. Where a child is assessed as having certain needs, the local authority should meet those needs through the provision of services to secure the welfare of the child. The range of services that the local authority can provide are not prescribed or limited to any list and essentially local authorities can provide anything which they consider necessary to safeguard and promote the welfare of children in their area. Under section 17(6) Children Act 1989 the services provided by a local authority in the exercise of function conferred on them by this section may include providing accommodation and giving assistance in kind or in cash.
- 4.4 ss22C(8) Children Act 1989 provides that a Local Authority must ensure that a child's placement allows the child to live near their home and enables siblings to reside together. This Policy will allow the Local Authority to comply with this duty if the placement is assessed as appropriate if it were not for the lack of available bedroom space.
- 4.5 s22C(7) Children Act 1989 is clear that a Local Authority should give preference to a placement with an individual who is a relative, friend or other connected person over placement with a foster carer. This Policy will allow the Local Authority to comply with this duty if the placement is assessed as appropriate if it were not for the lack of available bedroom space.
- 4.6 When funding has been agreed, Legal Services should be engaged to enter into the funding agreement as soon as possible so that this element does not cause any delay.

Appendix 3

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: Aids and Adaptations Assistance Policy	
Directorate: Adult Care, Housing and Public Health	Service area: Housing Options
Lead person: Helen Caulfield-Browne	Contact: Helen.caulfield-browne@rotherham.gov.uk 01709 807831
Is this a:	
<input checked="checked" type="checkbox"/> Strategy / Policy	<input type="checkbox"/> Service / Function
<input type="checkbox"/> Other	
If other, please specify	

2. Please provide a brief description of what you are screening
The Council's Aids and Adaptations Policy was last written in 2015. The policy provides information about the Council's responsibilities, including legal duties, and financial assistance to help deliver adaptations to the homes of local older and disabled people. The current policy is aimed at council tenants and private occupants. (Owner occupiers, private tenants, or tenants of private registered

providers - housing associations). The policy is outdated and combines policy and operational procedures.

Some significant changes since the last Aids and Adaptation Policy was written in 2015. The screening is focused on the policy review.

Consideration as part of the planned policy review

- The Council's Housing, Adult Social Care and the National Health Service (NHS) are increasingly delivering integrated services for vulnerable households and recognising the benefits of enabling people to stay in their own homes wherever possible. The new refreshed Policy needs to be reflective of the development of preventative services to avoid more costly implications elsewhere, ensuring the policy is aligned with the Council Plan, Better Care Plan 2022 the South Yorkshire ICS Integrated Care Strategy, and the four key themes of the Adult Social Care operating model - Prevention, Integration, Care co-ordination and Maximising independence and reablement.
- The first new official government guidance for Disabled Facilities Grants (DFG) in 18 years has been published (28 March 2022). The Department for Levelling Up, Housing and Communities (DLUHC) and Department of Health and Social Care (DHSC) have worked closely with Foundations (the national body for home improvement agencies). This guidance is to advise local authorities in England how they can effectively and efficiently deliver Disabled Facilities Grant (DFG) funded adaptations to best serve the needs of local older and disabled people.
- This publication follows calls from the home adaptations sector and local authorities for clearer guidance around local DFG delivery. It also follows the findings of the 2018 independent review of the DFG that recommended new guidance should set out expectations for local authorities in administering the DFG and the rights of a disabled person making an application for the grant to ensure the guidance builds on the needs of older and disabled people.
- Under the Regulatory Reform Order 2002, Article 3 (RRO) housing authorities can use government funding for the DFG more flexibly once written into policy. This funding is primarily for the provision of home adaptations to help people to live independently. Local authorities can set out what additional adaptations assistance is to be provided. Wider powers enable local authorities to offer other forms of assistance such as repairs, or assistance to move, if an applicant's home is unsuitable for adaptation. An example is by the relaxation of the means test which can be lengthy and complex. In some cases, the means testing requirement makes households not eligible for assistance. This often means the works are not carried out or don't fully meet the person needs, therefore does not support prevention, promote independence, and does not help to delay the need for more costly services. Discretionary DFG's can support the facilitation of urgent hospital discharges or support people

with their end-of-life pathway when diagnosed with a terminal illness and remain at home.

- The objectives of an Aids and Adaptions Policy are the same for all residents. The Council currently use the DFG eligibility criteria and much of the statutory DFG guidance for Council tenants, unless there are exceptions which are governed by the conditions of the DFG's.

3. Relevance to equality and diversity

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

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

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

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

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

N/A

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

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

4. Considering the impact on equality and diversity

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

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

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

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

An Aids and Adaptation review was undertaken in November 2020 by the Tenant Scrutiny Panel. The work of the Panel is facilitated and supported by Rotherfed, the Council's Tenant Federation provider. Recommendations were considered and agreed. An action plan was developed by the service in response to the recommendations and implemented.

The report identified that the Policy needed a refresh, recommendations examples are:

- Consider accessibility for tenants, involve tenant representatives in the development of this.
- Explore links between adaptations and different services e.g., NHS, Occupational Therapists and Assistive Technology.
- Review the financial assessments for Council tenants and the re-housing of tenants to previously adapted accommodation, as the panel found the policy was found to be misleading and examine the charging policy and how clear it is.

The Council will ensure the needs of applicants are at the heart of the grant application process, including through the provision of clear information to applicants, and specification design.

Understanding the demographics of the customer group will need to be better understood to help identify any key factor to consider in the development of the policy and associated communication of the new policy.

Data, information, and analysis is from a range of local sources, including Joint Strategic Needs assessment data, Census Data, Projecting Adult Needs and Services Information (PANSI) Rotherham and Sheffield Strategic Housing Market Assessment (SHMA) 2018.

There are identified needs which the policy will address:

- Data shows that the Rotherham population has increased steadily by about 1,000 per year from an estimated 257,716 in 2011 to 265,411 in 2019 (+3.0%).
- The total population aged 18-64 predicted to have impaired mobility, (impaired mobility, defined as people who experience moderate or severe or complete difficulty with mobility, such as walking or climbing stairs) was estimated at 8,833 in

2020, this is predicted to increase by 2.4% to 9045 by 2025. People aged 35-44 are the highest age group predicted to have an increase in impaired mobility out of all adult age groups.

Older People:

The population aged 65 and over in Rotherham was estimated at 53,200 in 2020, this is predicted to increase by 7% to 57,100 by 2025 and by 16% to 61,800 by 2030. The age group of 75+ is showing the greatest rate of increase compared to national data.

In 2020 it was estimated that the number of people aged 65 and over who need help with at least one self-care activity, was 15,640. This number is expected to increase by 8% to 15,354 by 2025 and by 16% to 17,867 by the year 2030.

In Rotherham, there is a long-term trend moving away from traditional care home provision that mirrors the national picture. People are being supported at home for as long as possible and are entering 24-hour care for the last 2 to 3 years of their life when the complexity of needs has increased, and they are unable to manage their long-term conditions in their own home.

Older people are more vulnerable to accidents in the home, with those aged 65 plus having the highest risk of falling. Incidence of falls and the associated distress, pain and injury can also result in loss of confidence, independency, and mortality.

The full EIA aims to analysis all data available covering all protected characteristics.

The Aids and Adaptations equality data is not accessible on the data system used (Flare) by the service. This is due to the current system not being able to produce a report, also not all equality data has been captured. Therefore, equality data is limited and will not cover all protected characteristics. The minimum accessible data will be age and gender (male or female) Data from other sources such as the Joint Strategic Needs assessment data, Census Data, Projecting Adult Needs and Services Information (PANSI) Rotherham and Sheffield Strategic Housing Market Assessment (SHMA) 2018.

The data system is soon to be changing and part of the procurement package will specify that all equality and protected characteristic information must be reportable.

• Key findings

The Policy is aimed at people who are disabled of any age and is inclusive of all people that meet the criteria for Aids and Adaptations assistance. Although data demonstrated that older population are more likely to access aids and adaptations.

The demographic in Rotherham is aging. Because of this, we are likely to see a proportional year on year increase in the number of referrals for aids and adaptations.

The Policy is there to support Council tenants and those living in the private sector to live independently and safely through the provision of equipment and adaptations. As such, no group or individual across Borough should be adversely affected or disadvantaged as

a result of this policy.

The Policy will have a positive impact by ensuring that aids and adaptations are accessible for everyone to ensure that everyone has a chance to live as independently as possible.

The Policy will demonstrate a transparent approach to making decisions on who is eligible for assistance and how decisions are made for Council tenants and for private who's approval for funding is governed by legislation in accordance with the Housing Grants, Construction and Regeneration Act 1996 (the 1996 Act) and where the Council decided to use its power under RRO powers.

An analysis on of those already accessing the service will help ensure that the policy has a positive impact across all communities and protected characteristics.

The Strategy will align with other key strategies and frameworks across the Council as part of the "One Council" approach. Such as the following:

- Council Plan and Year Ahead Plan
- Housing Service Plan
- Thriving Neighbourhoods Strategy
- Health and Wellbeing Strategy
- Housing Strategy

• **Actions**

- Complete a full Equality Analysis
- Highlight the challenges to complete Part B full EIA to the Head of Service
- Ensure supporting data is used to shape the policy and reflective of local demographics
- Plan the level of consultation required for the policy review
- Review the Rotherfed Tenants Scrutiny Review of the 2015 policy
- Collate data during the review from existing customers to enable accessible data to be used to help inform part B of the EIA

Date to scope and plan your Equality Analysis:	May 2023
Date to complete your Equality Analysis:	October 2023
Lead person for your Equality Analysis (Include name and job title):	Helen Caulfield-Browne Housing Options, Operational Manager Adult Care, Housing and Public Health Directorate

5. Governance, ownership and approval

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

Name	Job title	Date
Sandra Tolley	Head of Housing Options	15/03/23

6. Publishing

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

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

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

Date screening completed	16.03.2023
Report title and date	Aids and Adaptions Assistance Policy
If relates to a Cabinet, key delegated officer decision, Council, other committee or a significant operational decision – report date and date sent for publication	Yes Cabinet 10 th July 2023 Cabinet 18 th Dec 2023
Date screening sent to Performance, Intelligence and Improvement equality@rotherham.gov.uk	14.04.23 Confirmed 20.4.23



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: Aids and Adaptation Assistance Policy	
Date of Equality Analysis (EA): 02/10/2023	
Directorate: Adult Care, Housing and Public Health	Service area: Housing Options
Lead Manager: Helen Caulfield-Browne	Contact number: Helen.caulfield-browne@rotherham.gov.uk 01709 807831
Is this a: <input checked="checked" type="checkbox"/> Strategy / Policy <input type="checkbox"/> Service / Function <input type="checkbox"/> Other If other, please specify	

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

Name	Organisation	Role (eg service user, managers, service specialist)
Sandra Tolley	RMBC	Head of Housing Options Service
Helen Caulfield-Browne	RMBC	Housing Options Operations Manager
Daisy Wardle	RMBC	Housing Options Development Officer

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

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

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

Aim/Scope

- To improve the lives of people with disabilities by enabling them to remain independent and safe in their own home with the use of adaptations.
- To reduce the need for domiciliary and residential care by allowing people with disabilities to live more independently in their own homes.
- To provide advice, information and support regarding the range of assistance available including adaptation of properties to meet disability needs.
- To treat individuals fairly regardless of age, sex, gender, disability and sexual orientation, or any other protected characteristic within the Equality and Diversity Policy and to protect their rights under Data Protection and Human Rights legislation.
- To provide clarity and transparency of the Councils responsibilities, including legal duties, types of assistance available, application process, conditions for grants and types of aids and adaptations that can be provided and the decision-making process.

Service affects

The Policy is aimed at Council tenants and private occupants (owner occupiers, private tenants, or tenants of private registered providers). The Policy outlines all types of assistance available and promotes independency in the home.

The Disabled Facilities Grants are available to people who are defined as disabled under the Housing Grant, Construction and Regeneration Act 1996 and are a main feature in the new Aids and Adaptations Assistance Policy 2024.

A key theme within the policy is that there's a strong emphasis on the important of integrated working between housing, adults, children's, social care and health to ensure people needs are met.

Intended outcomes – Benefits to the customer and community:

- Restore or enable independent living, privacy, confidence and dignity.
- Increase accessible housing for people with a disability or people who struggle with their mobility and movement in their home.
- Increase safety in the home, prevention of accidents, e.g., trips and falls.
- Reduce delay in hospital discharge.
- Reduction of none elected hospital admissions.
- To prevent social exclusion
- To keep families together and support Carer's
- Reduce unnecessary high-cost care.

The Policy is aimed at people who are disabled of any age and is inclusive of all people that meet the criteria for Aids and Adaptations assistance. Although data demonstrated that older population are more likely to access aids and adaptations.

The Housing Grants, Construction and Regeneration Act (HGCRA) 1996 is the primary legislation which sets out the statutory obligations for Disabled Facilities Grants (DFG) this includes the definition of being disabled in order of being eligible for assistance.

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

Sources of data include:

- [Local population data](#) – Rotherham's demographic makeup
- [Census 2011](#) – national demographic makeup from the Census completed in 2011
- [Census 2022](#) – national demographic makeup from the Census completed in 2021
- Flare data – a database application which holds data on those applying for aids and adaptations
- [PANSI](#) – provides population data
- Childrens Disability Register – data of all children with open 'Disability Register' record in Liquidlogic

What we know

Protected Characteristic	Evaluation/analysis
Age	Rotherham's total population was 265,800 in 2021 (Census, 2021). Rotherham has a high percentage of residents aged over 65, making up 19.6% of Rotherham's population (52,200), compared to the national average of 18.6%. The Rotherham population has increased steadily by about 1,000 per year from an estimated 257,716 in 2011 to 265,800 in 2021 (+3.3%). The

	<p>number of residents aged 65+ is predicted to reach 61,907 by 2030.</p> <p>The age group of 75 years and over is showing the greatest rate of increase and the percentage of people aged 85 years and over has also increased from 2.1% (Census 2011) to 2.3% (Census 2021).</p> <p>Age groups for people with a disability who have previously accessed the aids and adaptations shows 9% of the people were between the ages of 0 to 19. In comparison to the local population data of 24%.</p> <p>43% of the people who needed assistance were between the ages of 20 and 64 in comparison to the 57% overall local data population.</p> <p>It is expected that the age groups of people accessing aids and is lower than the overall local population due to aid and adaptations. The new policy will increase the assistance available to all age groups.</p> <p>46% of the people who needed assistance were 65+. Due to the nature of service and the increasing aging population this is expected.</p> <p>The new policy will increase the range of assistance available to support all age groups, therefore has a positive impact. There are no actual or likely negative impact by adopting the new policy.</p>
Sexual Orientation	<p>98% of people who needed assistance identified as heterosexual / straight, whilst 2% preferred not to say. Due to data limitations on the current the system the new procured data management system which will be introduced in Spring 2024, will improve performance monitoring.</p> <p>The new policy will increase the range of assistance available. The policy will be inclusive of all protected characteristics groups. Therefore, this new policy will have a positive impact. There are no actual or</p>

	likely negative impact by adopting the new policy.
Ethnicity	<p>The main ethnicity of those who needed assistance was predominantly White – British/Welsh/Irish/Scottish, which made up 93%, and 7% were from BAMER communities. This closely reflects Rotherham’s current population, where 92% are White British/Welsh/Irish/Scottish and 8% are from BAMER communities. Due to data limitations on the current the system the new procured data management system which will be introduced in Spring 2024, will improve equality performance monitoring.</p> <p>As part of the implantation of the new policy, it will be ensured that the information is disseminated to all communities to ensure that anyone who may need assistance has the same opportunities to do.</p> <p>The new policy recognises the challenges faced by people from different ethic groups where language barriers may exist. To address this support to progress the application and the delivery of works is available on request.</p> <p>The new policy will increase the range of assistance available. The policy will be inclusive of all protected characteristics groups. Therefore, this new policy will have a positive impact. There are no actual or likely negative impact by adopting the new policy.</p>
Sex	<p>62% of those that needed assistance were female, and 38% were male. We have more females needing assistance in comparison to males. In comparison to the overall local population, where it is recorded as 51% females and 49% males. Looking at recent Census data for Rotherham, 22% of females stated that they had a disability and 20% of males stated that they had a disability.</p> <p>The new policy will increase the range of assistance available. The policy will be</p>

	inclusive of all protected characteristics groups. Therefore, this new policy will have a positive impact. There are no actual or likely negative impact by adopting the new policy.
Pregnancy and maternity	The new policy will increase the range of assistance available. The policy will be inclusive of all protected characteristics groups. Therefore, this new policy will have a positive impact. There are no actual or likely negative impact by adopting the new policy.
Married and civil partnership	The new policy will increase the range of assistance available. The policy will be inclusive of all protected characteristics groups. Therefore, this new policy will have a positive impact. There are no actual or likely negative impact by adopting the new policy.
Disability	<p>As part of the criteria for applying for an aid and adaptation, the applicant must have a disability when applying for a Disabled Facilities Grant (DFG)</p> <p>This is defined in The Housing Grants, Construction and Regeneration Act (HGCRA) 1996 and in The Equality Act 2010</p> <p>The new policy will increase the range of assistance available. The policy will be inclusive of all protected characteristics groups. Therefore, this new policy will have a positive impact. There are no actual or likely negative impact by adopting the new policy.</p>
Gender reassignment	<p>100% of those that needed assistance's gender identify was the same as their sex assigned at birth. Within Rotherham, Census data tells us 94.6% of Rotherham's residents gender identify is the same as their sex assigned at birth, 0.5% of residents' gender identity was different from their sex assigned at birth. The remaining 4.9% did not respond to the question on gender identity.</p> <p>Due to data limitations on the current the system the new procured data management system which will be</p>

	<p>introduced in Spring 2024, will improve equality performance monitoring.</p> <p>The new policy will increase the range of assistance available. The policy will be inclusive of all protected characteristics groups. Therefore, this new policy will have a positive impact. There are no actual or likely negative impact by adopting the new policy.</p>
Religion or belief	<p>For those that approached us and needed assistance, 52% stated that they were Christian (all denominations), 43% stated that they did not follow any religion, and 3% stated that they followed another religion or belief. In comparison to local population data, 66.5% stated that they were Christian, 22.5% stated that they did not follow any religion, and 0.2% stated that they followed another religion or belief. This shows that more individuals approach us that do not follow any religion compared to the local demographic makeup.</p> <p>The new policy will increase the range of assistance available. The policy will be inclusive of all protected characteristics groups. Therefore, this new policy will have a positive impact. There are no actual or likely negative impact by adopting the new policy.</p>
Economic status	<p>In Rotherham, 21% of LSOAs are in the 10% most deprived LSOAs in England. Employment in Rotherham has risen to 73.4% in 2021/22, which is lower than the England average (75.7%). In Rotherham, the average weekly full-time earnings are 89% of the national average.</p> <p>Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 (RRO) provides Local Authorities with the discretion to provide assistance for the purpose of improving living conditions, so homes are safe to live in. By the Council adopting this regulation is enables the Council to use its powers to relax the means testing under the discretionary grants, subject to other conditions. This will support more applicants who would</p>

	<p>normally suffer hardship by having to make a financial contribution and therefore often withdraw their application and not receive the aids and adaptations, assessed as necessary and appropriate.</p> <p>Therefore, this new policy will have a positive impact. It is recognised that economic status is part of the eligibility criteria when determining who is eligible for financial assistance.</p> <p>The implementation plan of the policy following approval will promote the assistances available for aids and adaptations.</p>
<p>As part of engagement activities, we captured equality information through surveys, which were completed over the phone. These surveys were aimed at those who are a current or previous customer who has used the aids and adaptation service.</p> <p>The analysis of aids and adaptation provisions by different groups will help ensure that the policy has a positive impact across all communities and protected characteristics.</p>	
<p>Are there any gaps in the information that you are aware of?</p> <p>Data limitations Current data systems have not provided a comprehensive picture all protected characteristics for applicants applying for Disabled Facilities Grants.</p> <p>In support of this equality data has also been collated from customers over the phone during the phone survey.</p> <p>The service has recently procured a new data system which will come into effect in spring 2024. This will improve the performance monitoring of the service, including equality data.</p>	
<p>What monitoring arrangements have you made to monitor the impact of the policy or service on communities/groups according to their protected characteristics?</p> <p>A new data system will support the ongoing analysis of equality and diversity data which will be frequently undertaken by the aids and adaptations service manager to identify if any protected characteristic groups are under-represented, so these are discussed and help identify any changing trends and the need to respond differently and support targeting groups in raising awareness of the assistance available.</p>	
<p>Engagement undertaken with customers. (date and group(s) consulted and key findings)</p>	<p>A telephone survey was undertaken to gather the views from people with lived experience in accessing aids and adaptations. To ensure there was good representation we spoke to people living in different tenures.</p>

	<ul style="list-style-type: none"> • Council tenants – 28 (40%) • Private rented and housing associations combined 15 (22%) • Homeowners 26 (38%) <p>Of these, 22 people we spoke to were in relation to them accessing minor adaptations. 47 people we spoke to were in relation to accessing higher cost, major adaptations. A total of 69 responses of which, 44 (64%) people told us that assistance for relocating to a new home would be considered by them, as an alternative to major and costly adaptations.</p> <p>A majority of people we spoke to informed us that they were satisfied with the service they had received. Although there were areas for improvement which have been considered when developing the new policy. Feedback included:</p> <p><i>“Would have liked to have had more notice before works commenced”.</i></p> <p><i>“I think that more of a household approach would be better, think about other households affected by adaptations in the home, especially when there’s noise disturbance and disruption in the home”.</i></p> <p><i>“More contact with the Council and a better understanding of timescale”</i></p> <p><i>“Support to move is a good idea to have an option”</i></p> <p>We also referred to the Tenants Scrutiny report Nov 2022 feedback– Review of the Aids and Adaptations Policy.</p>
Engagement undertaken with staff (date and group(s) consulted and key findings)	<p>Between March and September 2023, there were various consultation and engagement activities completed partners and stakeholders to gather their thoughts and views to assist with shaping the new policy. We worked with Foundation national body for Disabled Facilities Grants contracted by the Department of Levelling Up</p> <p>We consulted with a further 90 people which included partners and stakeholders within the following groups:</p> <ul style="list-style-type: none"> • Senior Occupational Therapists • Aids and Adaptations Team • Keychoices • Wider Housing Leadership Team

	<ul style="list-style-type: none"> • Adult Care, Housing and Childrens workshop • Childrens Services • Integrated Hospital Discharge and NHS • Housing Strategic Forum • Housing Associations Workshop <p>The key findings highlighted, some common themes:</p> <ul style="list-style-type: none"> - A clear pathway into aids and adaption is needed - Clear eligibility criteria - There's a need to strengthen partnership working between social care, housing and health. - Improve mechanisms for decision making re: high-cost adaptations. - Improve responses to address earlier hospital discharges, delays impact on bed blocking - Less complex information - Welcomed the idea of increasing the types of assistance available - Anything assist in reducing delays and provides cost effective solutions.
--	--

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

How does the Policy/Service meet the needs of different communities and groups?

(Protected characteristics of Age, Disability, Sex, Gender Reassignment, Race, Religion or Belief, Sexual Orientation, Civil Partnerships and Marriage, Pregnancy and Maternity) - see glossary on page 14 of the Equality Screening and Analysis Guidance)

The Policy seeks to improve access and standards of living accommodation for all people with disabilities.

The Aids and Adaptations Assistance Policy is aimed at improving individuals and their families lives enabling independence and improving their quality of life. As such, no group or individual across should be adversely affected or disadvantaged as a result of the policy.

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

The Policy aims to ensure that those with disabilities or vulnerabilities have access to getting the aids and adaptations they need in their home to ensure they live as independently as possible. By increasing the types of assistance available this policy will have a positive impact on all eligible people.

The new policy recognises the challenges faced by people from different ethnic groups where language barriers may exist. To address this support to progress the application and the delivery of works is available on request.

Accessible information, a customer accessible version of the policy will be developed in consultation with the tenant engagement team.

A review of the webpages for aids and adaptations will also be reviewed to ensure that online access is easy to navigate around and understand.

A leaflet is currently being developed on request this can be translated.

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

The Aids and Adaptations Assistance Policy is inclusive to all and makes accessing support to living independently and safely in their homes easier. The Policy makes a commitment to removing barriers by ensuring that aids and adaptations are accessible for all, and that people with a disability can live independently, safely and healthily in their homes.

As part of the review that was conducted, it was identified that some improvements could be made to the service to ensure that customers can access the service easier and have better promotion of service to ensure that assistance available is understood. The Policy has been developed to support social inclusion and to help those who need it to live independently and safely in their homes.

The Policy also seeks to develop a partnership approach by working with adults, health and children's services to support those with disabilities and vulnerabilities better.

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)

Enabling people to live more independently in their homes for as long as it's safe to do so support neighbourhoods and communities. Residents are able to feel part of their local community and contribute to community.

The Policy aims to strengthen working relationships with the housing associations to proactively ensure that people can live independently in their homes through aids and adaptations. No negative impacts have been identified. The Policy is also aligned with various other organisational and departmental strategies, plans and will support meeting shared objectives.

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

5. Summary of findings and Equality Analysis Action Plan

If the analysis is done at the right time, i.e. early before decisions are made, changes should be built in before the policy or change is signed off. This will remove the need for remedial actions. Where this is achieved, the only action required will be to monitor the impact of the policy/service/change on communities or groups according to their protected characteristic - See page 11 of the Equality Screening and Analysis guidance

Title of analysis: Aids and Adaptations Assistance Policy
Directorate and service area: Adult Social Care, Housing and Public Health – Housing Options
Lead Manager: Dan Peck Aids and Adaptations Service Manager /Helen Caulfield-Browne Operational Manager
Summary of findings:
<p>We have collected equality and diversity information from surveys as well as looking at data held on customers needing aids and adaptations. As a whole, this data is similar to Rotherham's demographic makeup, which shows true representation of the borough's voices. However, due to the data management system not being able to produce reports on all equality data, we have not been able to complete a full analysis on all service user who need aids and adaptations.</p> <p>There have been no negative impacts identified. The policy is reaching the wider demographic, and the policy is inclusive to all, as well as supports the most marginalised people in Rotherham who may have protected characteristics.</p>

Action/Target	State Protected Characteristics as listed below	Target date (MM/YY)
Service Manager to work closely with the workstream team to ensure that the new data management system which will be introduced in Spring 2024 has the capability to collate all equality data and produce reports so that they can be monitored and reviewed to identify trends and improve service delivery by identifying unrepresented groups and promoting assistance available.	All	April 2024

Service Manager to ensure process is place and staff are adequately trained on the new data system when the new system to ensure the quality of the equality data is to a high standard and feeds into service improvement. Review data on a regular basis to ensure quality assurance.	All	April 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

7. Publishing

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

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

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

Date Equality Analysis completed	04/10/2023
Report title and date	Aids and Adaptations Assistance Policy
Date report sent for publication	
Date Equality Analysis sent to Performance, Intelligence and Improvement equality@rotherham.gov.uk	23/10/23

Appendix 4 – Aids and Adaptation Assistance Policy – 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?	no impact on emissions	N/A	N/A		N/A
Emissions from transport?	impact on emissions (decrease)	The Policy introduces new discretionary grants which has the potential to reduce the number of officer visits as part of the proposed changes to the financial assessments process. This in turn will help to reduce travel for officers who use their own transport to carry out home visits.	N/A		To monitor the decrease in officer home visits which will support the decrease in emissions from personal travelling using officers own transport
Emissions from waste, or the quantity of waste itself?	impact on emissions (decrease)	The Policy will offer a range of assistance to support people to live independently and safely in their homes. One of which is making better use of council stock which may provide a more cost-effective solution, it will also include making best		Feed into the Housing allocation Policy review to ensure that Aids and Adaptations Assistance Policy review recommendations are considered including an accessible rehousing register and potentially direct lettings.	Monitor number of people rehoused as an alternative solution to complex adaptations as part of the annual policy review. This will include bet use of existing adapted council stock.

		<p>use of stock which is accessible and previously adapted. This objective will be supported by the review of the Council Housing Allocations Policy in 2024-25. This in turn will reduce the number of properties requiring extensive adaptations, helping to reduce the removal of installed adaptations and providing best value.</p> <p>The Contractor partners promote and support the Rotherham Metropolitan Borough Council's Minimum Standards Charter. They have committed to protecting the environment, minimising waste and energy consumption. It is mandatory that they will:</p> <ul style="list-style-type: none">• Eliminate unnecessary waste by adopting the "reduce, reuse, recycle" philosophy		<p>Procurement of contractors considers social value in terms of reducing Carbon emissions and commitment to the Council's Minimum Standards Charter.</p>	
--	--	---	--	---	--

Emissions from housing and domestic buildings?	potential impact (unknown)	None	<p>The Policy increases the range of assistance to support people to apply for disabled facilities grants.</p> <p>Due to some of the aids and adaptations being installed (e.g., electrical products) potentially may be an increase in use of energy from domestic buildings. With the installation of energy efficient products, it is unlikely the impact on carbon emissions will be significant.</p> <p>Example - All of the electric shower installations are now energy efficient.</p>	Any future refurbishment by the Council Housing Service will use technologies that have lower carbon emissions, where it is cost effective and practicable.	Contract performance management meetings
Emissions from construction and/or development?	impact on emissions (decrease)	The Policy strengthens integrated working to ensure that recommendations are necessary and appropriate. The Policy promotes making best use of council stock and provides assistance for relocation where it is deemed more appropriate	None	Effective implementation plan of the Policy to ensure that assistance available is understood by everyone.	Monitor number of complex adaptations works e.g. number of extensions

		<p>and cost effective to move to a different property rather than carry out extensive building works to adapt a property where alternative solutions provide the most cost-effective solution.</p> <p>Where contractual work is deemed necessary and appropriate, contractors will adhere to the Councils minimum standards.</p>		<p>The use of modern methods of construction will be considered for works where value for money can be demonstrated as well as carbon reduction.</p>	<p>Contract performance meetings</p>
Carbon capture (e.g. through trees)?	N/A	N/A	N/A	N/A	N/A
<p>Identify any emission impacts associated with this decision that have not been covered by the above fields:</p> <p>N/A</p>					

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

Reduction of carbon emissions and working towards net zero targets is one of the five themes of the Council Plan. The Policy will ensure that it encompasses plans for the reduction of emissions. This will be done by implementing monitoring measures and gathering intelligence, such as monitoring millage of staff members, monitoring work throughput, gathering intelligence on products used, monitoring completed works to ensure that modern methods of construction have been considered.

Supporting information:	
Completed by: (Name, title, and service area/directorate).	Helen Caulfield-Browne Operational Manager Housing Options Adult Social Care, Housing & Public Health
Please outline any research, data, or information used to complete this [form].	No relevant data or research used.
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.	No relevant data or research used.
Tracking to be completed Louise Preston Climate Change Manager Strategic Asset Management Asset Management Finance and Customer Services	Ref - CIA 172

This page is intentionally left blank

Public Report with Exempt Appendices
Cabinet

Committee Name and Date of Committee Meeting

Cabinet – 18 December 2023

Report Title

Rotherham Markets & Central Library

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)

James Green, Regeneration & Development Manager
James.green@rotherham.gov.uk

Ward(s) Affected

Boston Castle

Report Summary

Following the commencement of enabling works on site in September 2023 this report provides a further update on progress and proposals for the redevelopment of the Rotherham Markets complex to create the new Rotherham Markets and Library within Rotherham Town Centre.

The report also outlines and seeks approval to proceed to the next phase of development and delivery of the project.

Recommendations

1. That Cabinet approve development of the Rotherham Markets and Library complex to deliver the proposed Rotherham Markets & Library redevelopment within the values detailed in exempt Appendix 2.

List of Appendices Included

- Appendix 1 Design Proposals
- Appendix 2 Financial Information (exempt)
- Appendix 3 Equalities Impact Assessment Part A
- Appendix 4 Equalities Impact Assessment Part B
- Appendix 5 Carbon Impact Assessment

Background Papers

Rotherham Markets & Library Redevelopment: [Cabinet Report 07 August 2023](#)

[Scrutiny Review Recommendations - Markets: Engagement and Recovery – 07 June 2022](#)

[Consultation on a New Library Strategy 2020 – 2025 Cabinet Report– 20 May 2019](#)

[Consultation and engagement on a Library Strategy and future service delivery model Cabinet Report – 20 January 2020](#)

[Recommendation from Cabinet – The new Library Strategy 2021 – 2026 and Action Plan for the Libraries and Neighbourhood Hubs Service – 11 November 2020](#)

Consideration by any other Council Committee, Scrutiny or Advisory Panel

None

Council Approval Required

No

Exempt from the Press and Public

An exemption is sought for Appendix 2 – Financial Information under Paragraph 3 (Information relating to the financial or business affairs of any person (including the authority holding that information)) of Part I of Schedule 12A of the Local Government Act 1972 is requested as this appendix contains sensitive commercial information with regards to commercial agreements which could disadvantage the Council in any negotiations if the information were to be made public.

It is considered that the public interest in maintaining the exemption would outweigh the public interest in disclosing the information, as the parties' commercial interests could be prejudiced by disclosure of commercial information.

Rotherham Markets & Central Library

1. Background

- 1.1 The redevelopment and repurposing of the Rotherham Markets Complex was identified as a key project in the adopted 2017 Rotherham Town Centre Masterplan (TCM).
- 1.2 Previous public and stakeholder consultation for the Town Centre Masterplan and the Cultural Strategy identified a need to improve the cultural and leisure offer within Rotherham Town Centre. This involves improving the proximity and connectivity between key amenities, upgrading the quality of the built environment and delivering inclusive access to the different facilities on offer. This will have spill over effects for the wider town.
- 1.3 Bringing together the library, markets, food hall and gallery / event spaces on one site will provide the potential to increase footfall and in turn help support and sustain the future of the library service and the market. It will also provide the opportunity for the library and markets to work closely together in order deliver a more compelling offer to a wider range of residents and visitors.
- 1.4 Detailed designs were completed in June 2022 in advance of the submission of a planning application. Planning permission, RB2022/0881, was granted conditionally on 03 November 2022.
- 1.5 Alongside the determination of the planning application the Council undertook a procurement exercise to identify and secure a contractor under a two-stage design and build approach. Following a competitive process, Henry Boot Construction Ltd (HBC) were appointed to finalise designs for the redevelopment and to confirm development cost and approach.
- 1.6 On 7 August 2023 Cabinet approved the enabling works for the Rotherham Markets and Library development and delegated authority to award contracts for these early phase enabling works.
- 1.7 This contract award was made on 26 September 2023 and HBC commenced works on site in September 2023 with a works programme scheduled to run until March 2024.

2. Key Issues

2.1 Design development

Further technical design refinement has been undertaken by the Council's Building Consultancy team in partnership with HBC. As outlined in the 07 August 2023 Cabinet Report the proposed redevelopment will include the following elements:

- A refurbished and modernised Indoor Market that maintains the traditional Market atmosphere and current trading space.

- A new centrally located food hub to accommodate independent food retailers with a shared seating area.
- Demolition of the current Outdoor Covered Market canopy and substantial refurbishment works including the provision of a new roof, delivering an enclosed flexible space.
- Delivery of a new Rotherham Central Library including a café, meeting rooms, flexible gallery space, and a maker's space.
- Extensive improvements to all public realm surrounding the complex, including the delivery of a new tiered landscaping area opposite Rotherham College and a focal meeting point in the town centre at Market Square.
- Provision of office and meeting space for potential use by the third sector and voluntary organisations.
- Works to all public entrances enhancing accessibility and movement through the complex.

- 2.2 Independent experts Market Place were commissioned to provide specialist support to help shape the emerging concept designs for the redevelopment. Their report prepared in October 2019 was utilised to further define and develop the key design principles.
- 2.3 Careful consideration has been given to each individual component of the redevelopment plans prepared, reflecting these findings, to help ensure the regeneration aims of the Council and the full potential of the complex can be realised.
- 2.4 Enhancing the offer available across the complex to support the current retail focus is a key aspiration of the redevelopment proposals. It should be acknowledged that the strong performance of the Indoor Market within extremely challenging circumstances in past years highlights the important role that small independent retailers still play within the wider Town Centre offer.
- 2.5 The introduction of new, complementary uses and activities, such as the Central Library, food hub and flexible events space to the complex whilst modernising but maintaining the more traditional Indoor Market is a further key principle of the redevelopment, to support this important role and function moving forward.
- 2.6 Further details on the proposed redevelopment works, alongside visual extracts from the design model are available in Appendix 1 – Design Proposals. Final refinement is currently underway and a fully complete technical design is programmed to be completed in Spring 2024.
- 2.7 Capital costs
Development of the technical design information and construction programme detailed above have allowed for the refinement of anticipated capital costs. A range of market testing with subcontractors has been undertaken throughout 2023 to ensure that confidence in figures provided is as high as possible at this stage.

- 2.8 Current anticipated capital cost implications for delivery of the regeneration are presented in the exempt Appendix 2 – Financial Information, alongside an overview of how the Council proposes to fund the development works.
- 2.9 Revenue implications
The proposed redevelopment will also have an impact on associated revenue budgets, notably operational and maintenance costs.
- 2.10 A modelling exercise has been undertaken to allow for early comparison of estimates of these revenue costs, with the findings of this also presented in Appendix 2 (exempt). This modelling will be developed and refined further when the final design is agreed, and construction plans and timescales fully confirmed.
- 2.11 Main works contract award

To facilitate the proposed redevelopment and delivery of the Council's regeneration aspirations, a suitable construction works contract is required to allow for the controlled and safe delivery of works on site.
- 2.12 HBC have been appointed under a two-stage design and build approach to develop the final redevelopment plans, costings, and delivery approach. The main works contract would act as a standalone agreement with HBC and could be triggered once final costs are secured.
- 2.13 It is currently anticipated that the final costs for the main works will be confirmed in Spring 2024. Once final costs are available the Council must act swiftly to proceed with the contract and secure costs to avoid unnecessary additional costs related to inflation and other market pressures. A clear indication of an upper limit of the development costs is now available, as detailed in Appendix 2 (exempt) and, as such, this report seeks authority to approve the scheme within the upper budget limit outlined in Appendix 2 (exempt).
- 2.14 If the final costs are deemed acceptable, the Council will seek to award relevant contracts by Officer Decision to action the approved redevelopment works and facilitate the current programme being achieved.

3. Options considered and recommended proposal

Option 1 – Approve the scheme enabling the delivery of main works and contract award, subject to the budget parameters outlined in Appendix 2 (exempt). (recommended)

- 3.1 This option will allow for the full redevelopment of the Rotherham Markets and Library Complex in line with the plans as outlined in Appendix 1 via agreement of a construction works contract with Henry Boot Construction Ltd (HBC). This is considered to contribute significantly to the achievement of the Council's wider regeneration aims for the Borough, notably the objective to provide a transformed and rejuvenated Rotherham town centre.

- 3.2 This option provides an upper funding limit, allowing for a swift response once the costs are confirmed and mitigates the risk of additional costs as a result of inflation and other market pressures.
- 3.3 It is intended that the Strategic Director of Regeneration and Environment (R&E), would award the Main Works Contract with Henry Boot Construction Ltd (HBC) under delegated authority within the parameters stated in this report.

Option 2 Delay approval of the scheme until final prices are confirmed (Not Recommended)

- 3.4 An alternative option considered is to wait until the final Contract Sum is known (expected in March 2024) and then return to Cabinet to delegate authority to award the full Stage 2 Works Contract following receipt of this.
- 3.5 This would result in a delay to entering into the main works contract of approximately 3 months. A delay of this nature will result in increased costs being incurred to deliver the same full scope of works, due to inflationary and markets pressures resulting from an extended overall programme and existing costs provided not being able to be held for extended periods of time. There is also the risk of losing the contractor due to the time between final costs being confirmed and approval to commence.

Option 3 – Do not proceed (Not Recommended)

- 3.6 If the Council does not proceed with the main construction works, this would result in the non-delivery of the redevelopment project and the expected benefits not being realised. The complex is a Council owned asset, with responsibility sitting with the Council for the buildings general upkeep. The complex was constructed in 1971 and if the redevelopment project does not proceed, the Council will still be required to invest in the infrastructure on site or consider an alternative use for the complex moving forwards.
- 3.7 Failure to deliver the redevelopment of the Rotherham Markets and Library Complex is considered to present significant risk to achieving the Council's wider regeneration aims for the Borough, notably the objective to provide a transformed and rejuvenated Rotherham town centre.
- 3.8 It is recommended therefore that Cabinet:

Approves development of the Rotherham Markets and Library complex to deliver the proposed Rotherham Markets & Library redevelopment within the values detailed in exempt Appendix 2.

4. Consultation on proposal

- 4.1 Throughout the entire design period, extensive engagement has been undertaken on emerging proposals with a wide range of stakeholders as detailed further in the August 2023 Cabinet paper and associated Appendices.

- 4.2 The emerging concept designs for the redevelopment of the Markets complex were adapted to incorporate a new Central Library following a comprehensive process to identify a suitable town centre location. This proposed relocation was confirmed following the adoption of the Council's Library Strategy 2021 – 2026 in November 2020 after an 18-month programme of consultation and engagement. Further details are again provided in the August 2023 Cabinet paper and associated Appendices.
- 4.3 Engagement with businesses operating within the Markets complex will continue through the redevelopment period. Acknowledging this challenging and disruptive period, the Council has already approved a rent concession (as agreed as in the March 2023 budget report) of 50% for impacted businesses that was implemented from August 2023 and is to be continued throughout the construction programmes duration.

5. Timetable and Accountability for Implementing this Decision

- 5.1 It is currently programmed that the Council will enter a contract to deliver the main construction works to allow the redevelopment of the Rotherham Markets Complex as outlined in March 2024.
- 5.2 This will be subject to consideration of the final costs, which will inform the Final Business Case, and an Officer Delegated Decision to award the contract.
- 5.3 The works programme is currently estimated to last for 29 months with a targeted completion date in late 2026 to be confirmed.

6. Financial and Procurement Advice and Implications

- 6.1 The award of the works contract to HBC, was part of the scope of the procurement activity referred to in this report, which was undertaken in compliance with the Public Contracts Regulations 2015 (as amended) and the Council's own Financial and Procurement Procedure Rules. As such there are no direct procurement implications arising from the recommendations detailed in this report.
- 6.2 The financial implications for the capital development and the longer term revenue financial implications are outlined within Appendix 2 (exempt).
- 6.3 The report and appendices sets an upper funding limit to the scheme within which final contracts can be awarded enabling a swift response once the costs are confirmed and hence mitigates the risk of additional costs as a result of inflation and other market pressures.

7. Legal Advice and Implications

- 7.1 As set out in the body of the report the main contract for works has been procured in compliance with the Public Contracts Regulations 2015 (as amended).

7.2 A comprehensive NEC standard construction contract will be concluded with contractor to ensure delivery of the project and protect the Council's interests.

7.3 This is a decision for the Cabinet as this type of regeneration and development scheme is not one reserved to Council by Regulations or legislation.

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 known implications for children and young people and vulnerable adults arising from this report.

10. Equalities and Human Rights Advice and Implications

10.1 A screening assessment and an Equality Analysis Form is attached.

10.2 Further consultation will be ongoing with protected characteristic groups to inform the operation and accessibility of the scheme and to monitor the ongoing equalities impact of the development.

11. Implications for CO2 Emissions and Climate Change

11.1 A carbon impact assessment is attached. The development is expected to achieve a BREEAM rating range from Good/Very Good and is located on a site that is within walking distance of the bus interchange, tram train and railway station.

12. Implications for Partners

12.1 There are no direct impacts from this decision on the delivery of services by partners. The delivery of the Rotherham Markets & Library scheme is widely seen as an important catalyst in regenerating Rotherham town centre and progress towards delivery is welcomed by all partners.

13. Risks and Mitigation

13.1 A comprehensive risk register has been prepared for this project and is monitored and updated by the Council's Building Design Team acting as Principal Designer for the redevelopment. Henry Boot Construction (HBC) also maintain their own construction risk register that is shared with the Council, this focuses on programme and construction related challenges and mitigations.

- 13.2 The cost plan presented in exempt Appendix 2 contains an allowance for risk management and mitigation when in contract. This will be utilised to address known and unforeseen issues as and when they arise.
- 13.3 Impact on existing Council services operating on the current site is a considered risk with this decision. This risk will be mitigated through careful sequencing and coordination of works onsite, ensuring any harm or impact on the ability of the Markets service to carry out their responsibilities is mitigated where possible.

14. **Accountable Officers**

Lorna Vertigan, Head of Regeneration

Approvals obtained on behalf of Statutory Officers: -

	Named Officer	Date
Chief Executive	Sharon Kemp	04/12/23
Strategic Director of Finance & Customer Services (S.151 Officer)	Judith Badger	01/12/23
Assistant Director, Legal Services (Monitoring Officer)	Phil Horsfield	01/12/23

Report Author: James Green, Regeneration & Development Manager
01709 255837 james.green@rotherham.gov.uk

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

This page is intentionally left blank

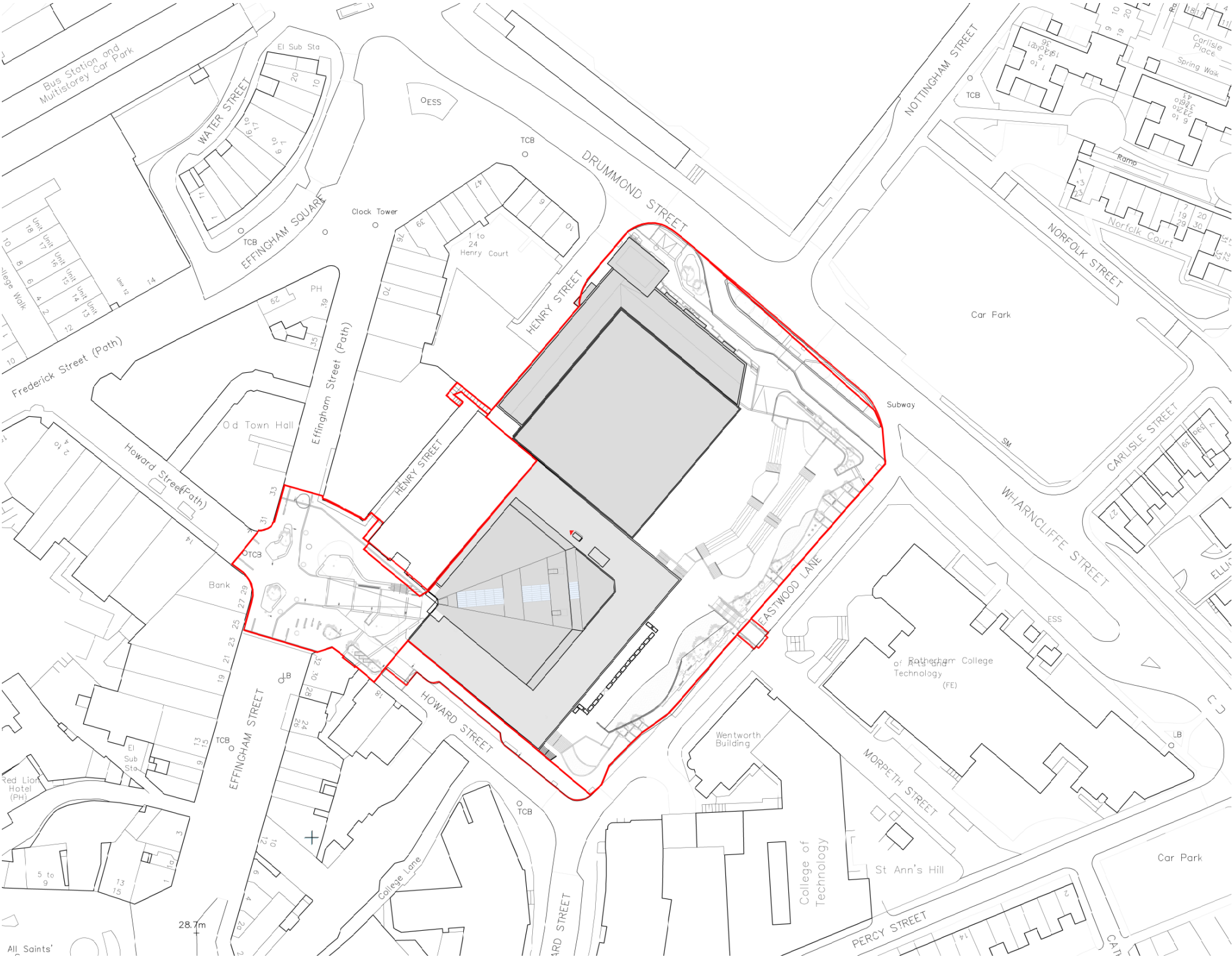
RMBC
Rotherham Markets & Library
Stage 4 Design

December 2023

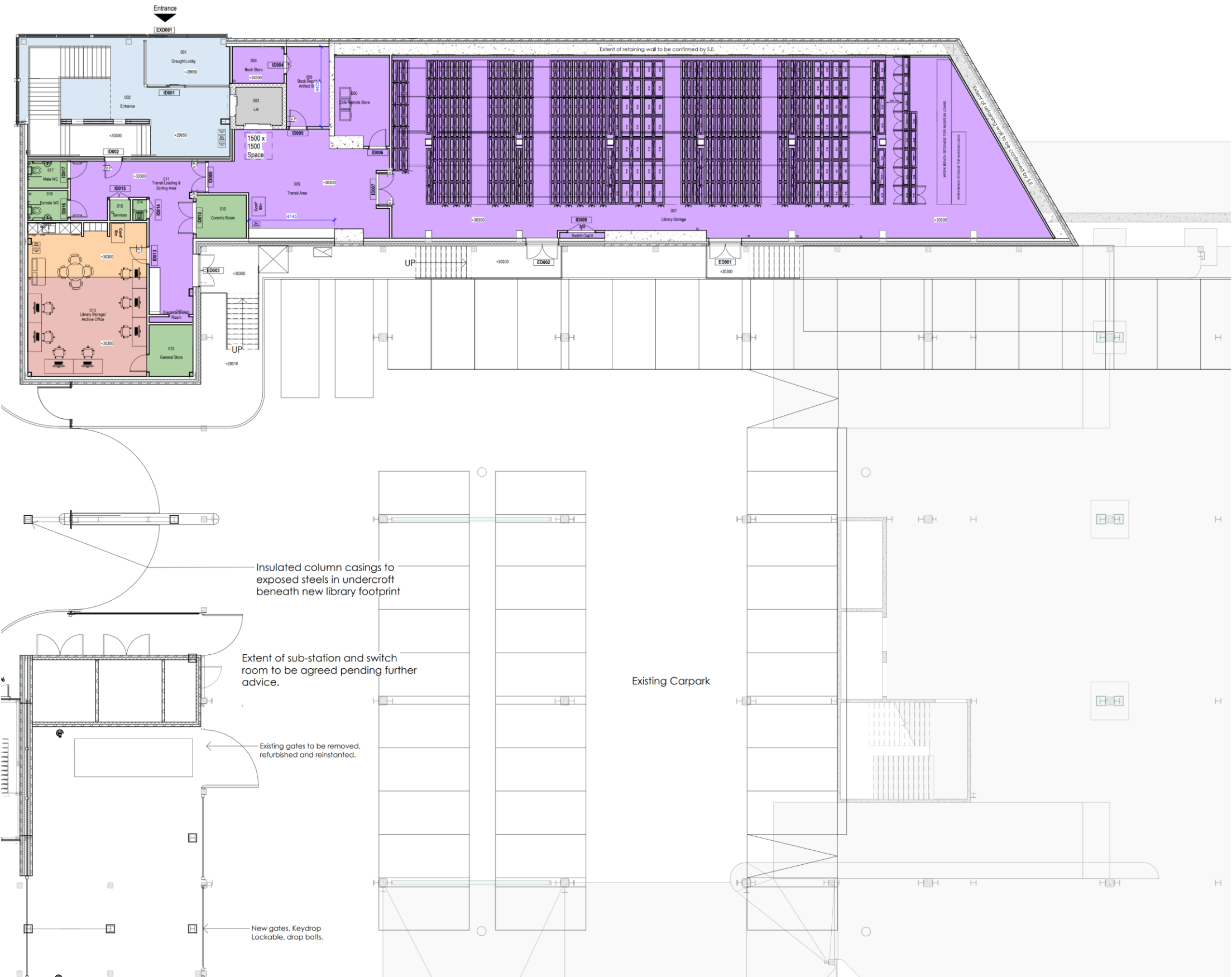
General Arrangement Scheme Drawings

1. Site Plan 3
2. Library – Proposed Ground Floor Plan 4
3. Outdoor Covered Market – Proposed Plan 8
4. Indoor Market – Proposed Ground Floor Plan 10

1. Site Plan

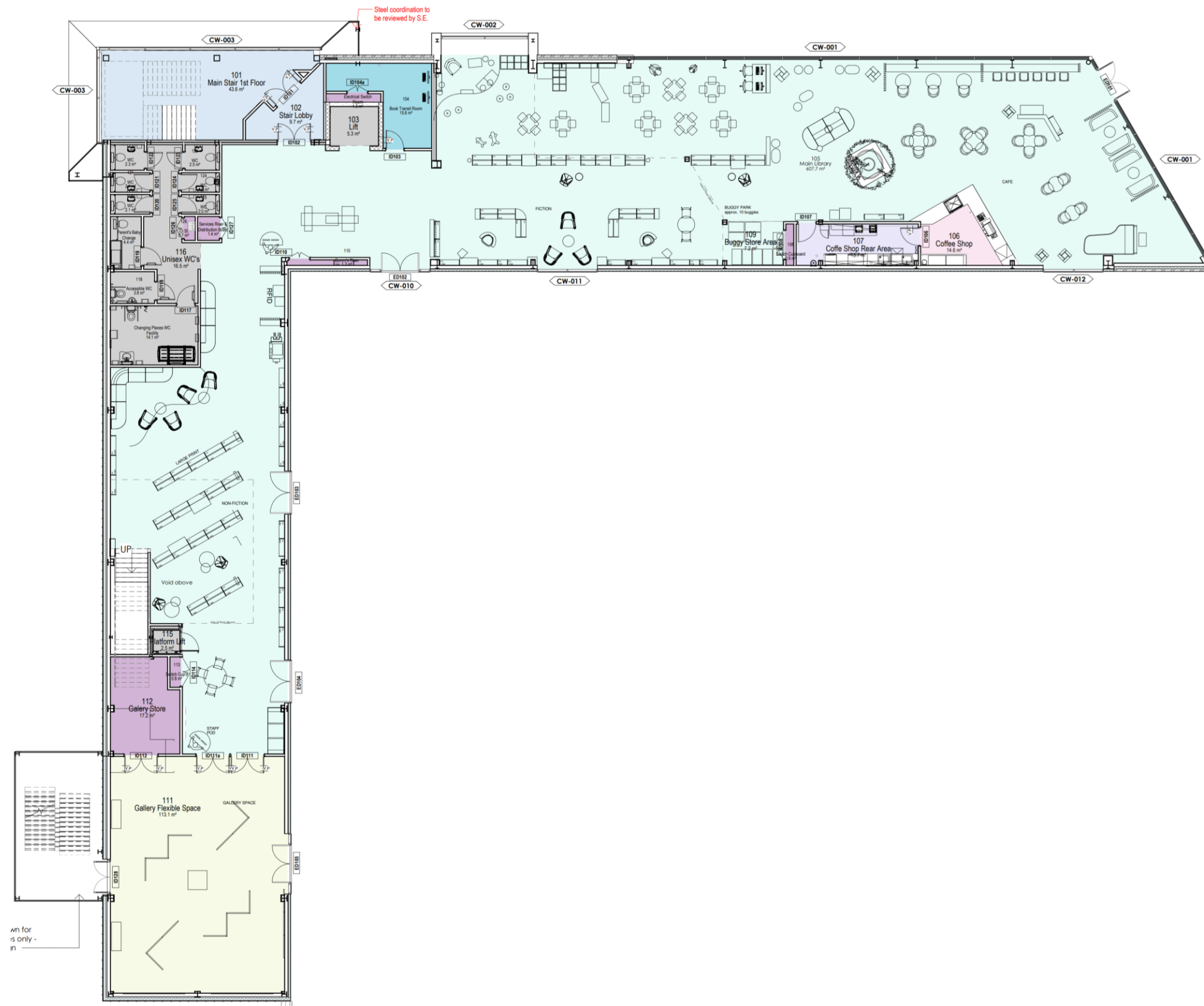


2. Library – Proposed Ground Floor Plan

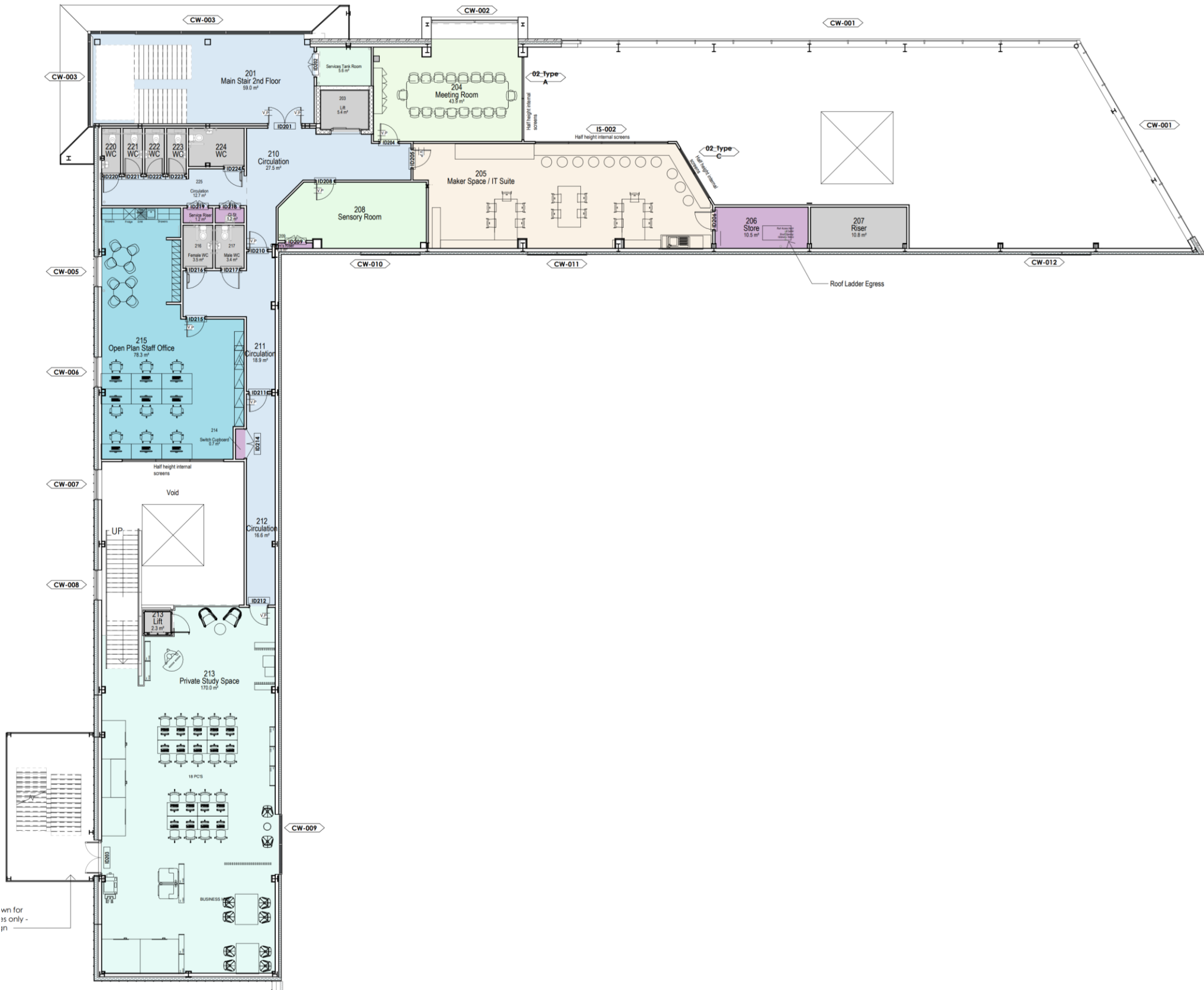


Appendix 1- Markets Library – Stage 4 design

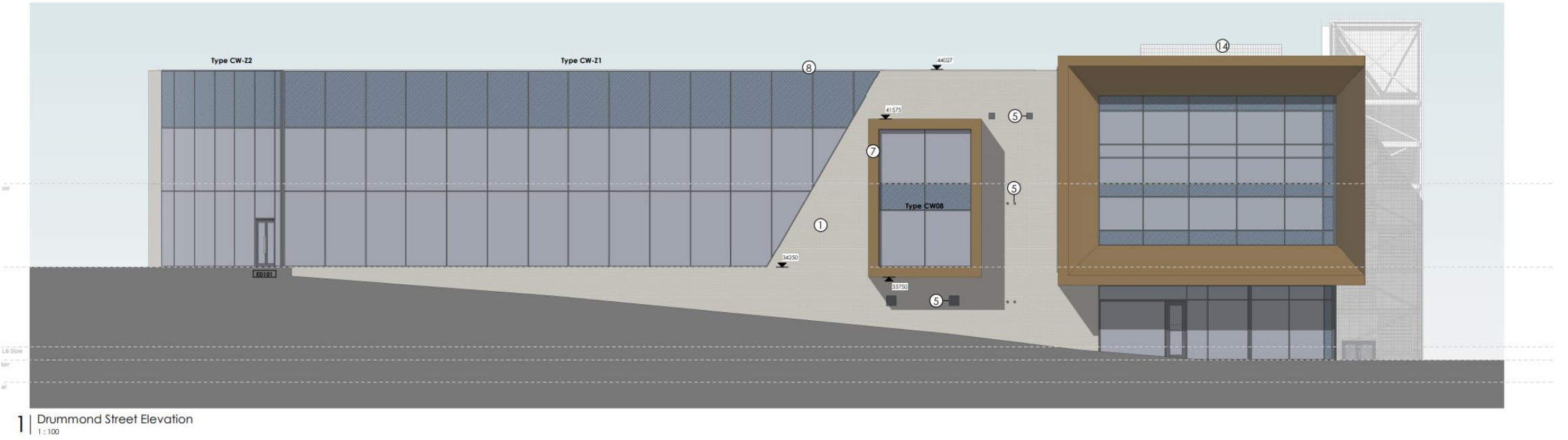
Library – Proposed First Floor Plan



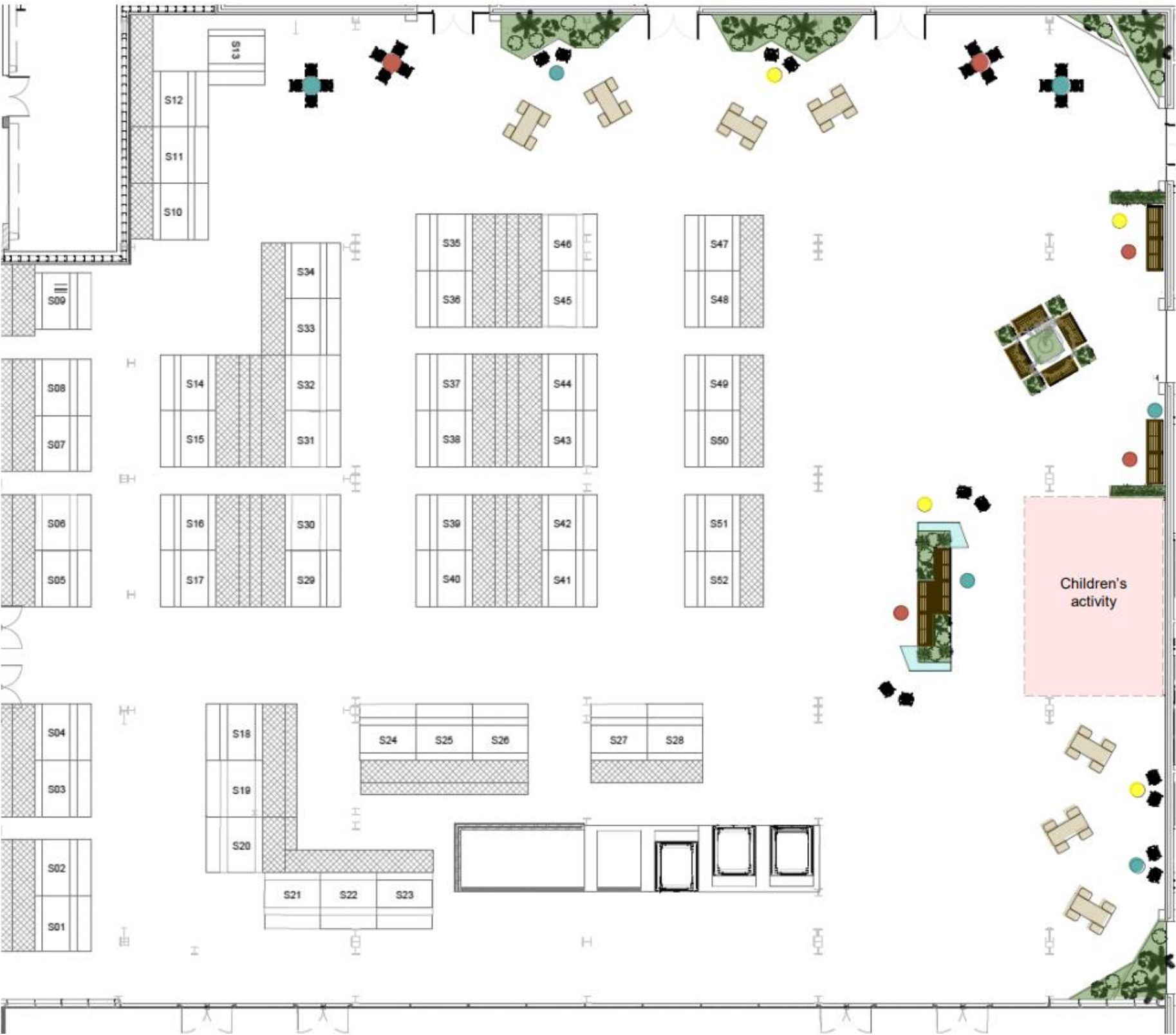
Library – Proposed Second Floor Plan



Library – Proposed External Elevations



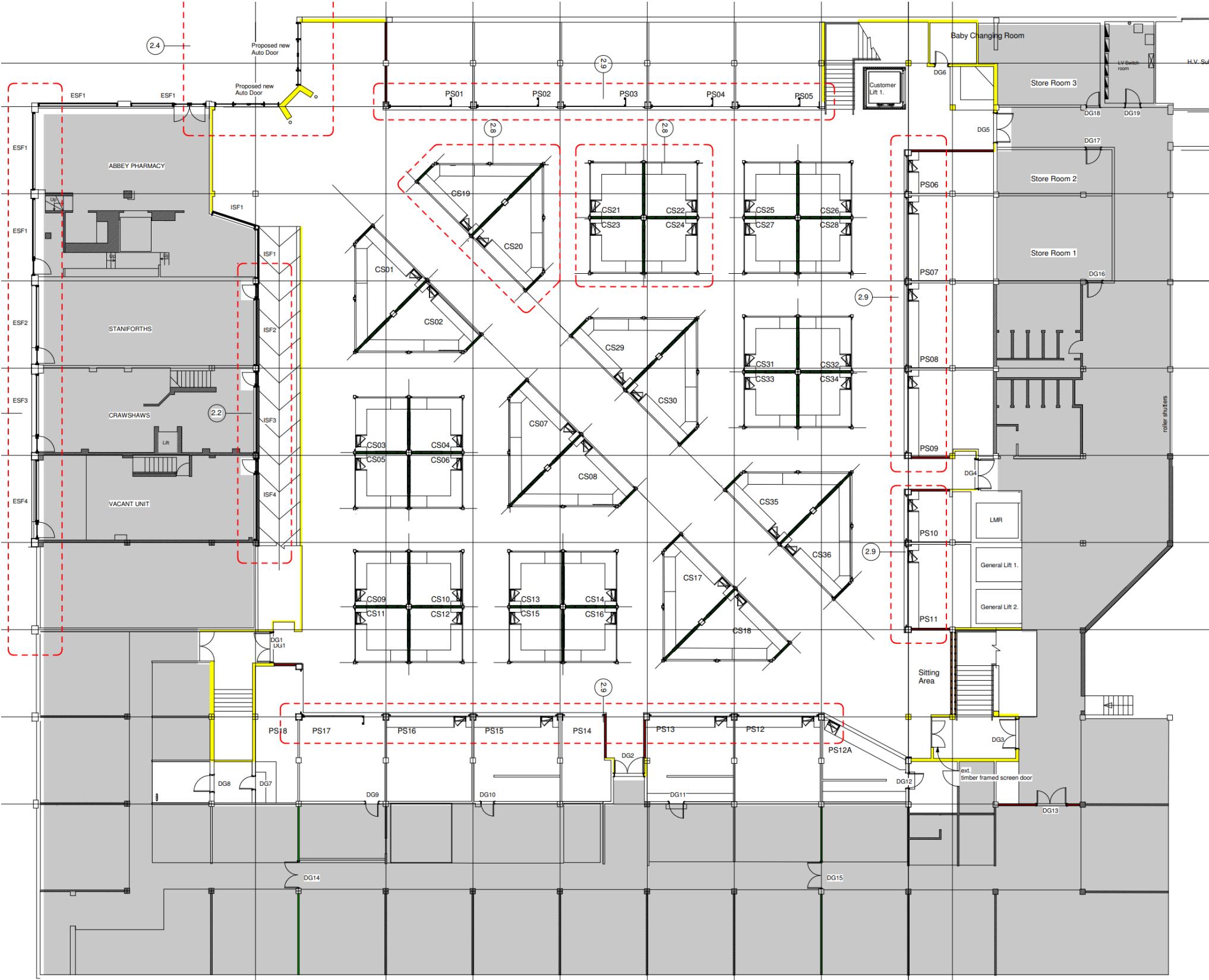
3. Outdoor Covered Market – Proposed Plan



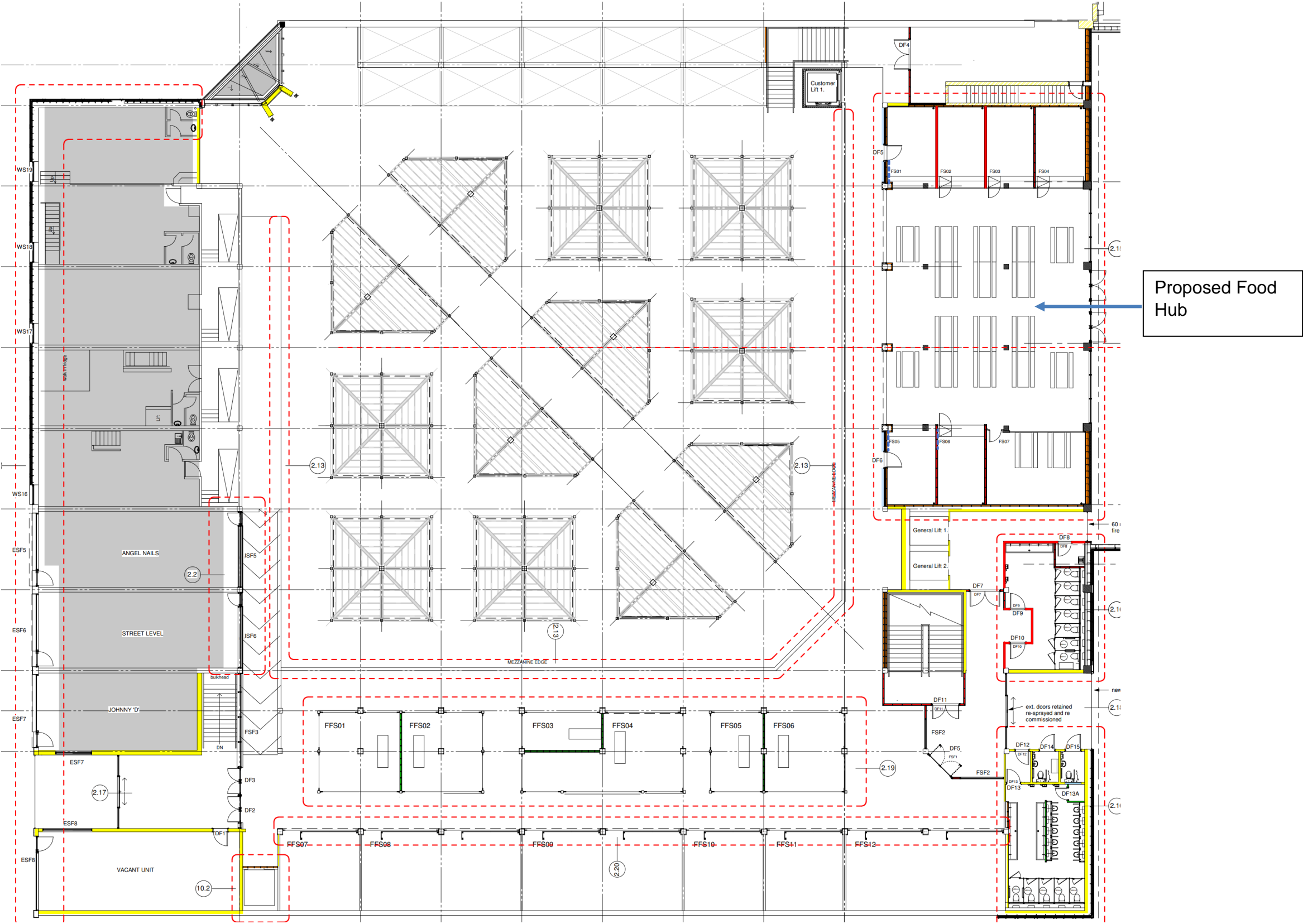
Outdoor Covered Market - Proposed Elevation and view from Market Gardens



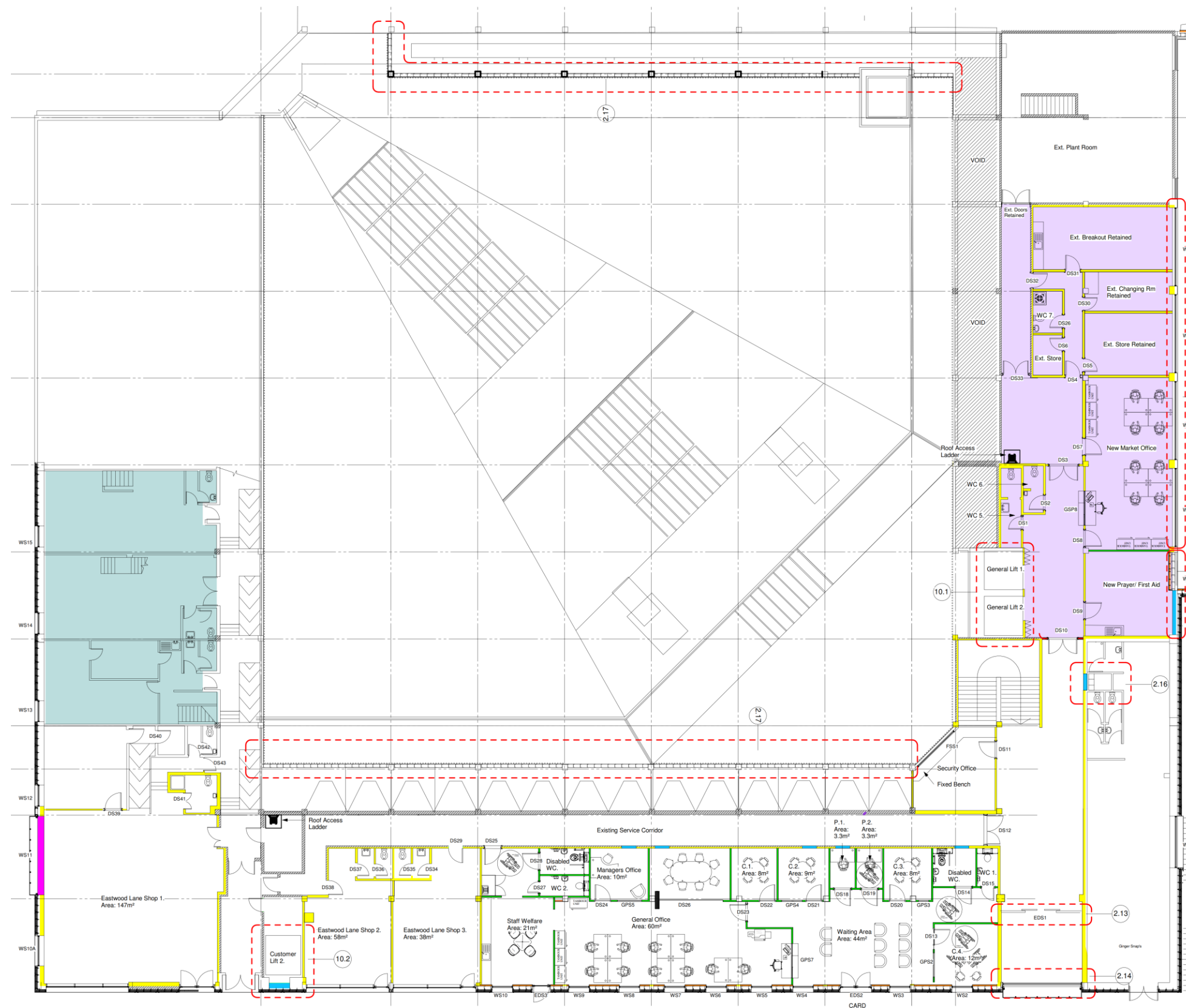
4. Indoor Market – Proposed Ground Floor Plan



Indoor Market – Proposed First Floor Plan



Indoor Market – Proposed Second Floor Plan



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

Document is Restricted

This page is intentionally left blank

PART A - Initial Equality Screening Assessment

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

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

Completed at the earliest opportunity it will help to determine:

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

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

1. Title

Title: Rotherham Markets and Library Redevelopment

Directorate:
Regeneration and Environment

Service area:
Markets and Libraries
Boston Castle

Lead person:
James Green

Contact number: 01709 255837

Is this a:

☐

Strategy / Policy

☒

Service / Function

☐

Other

If other, please specify

Renovation and redevelopment of Rotherham Markets, relocation of the Central Library and improvement works to the surrounding public realm.

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

Redevelopment and repurposing of the Rotherham Markets Complex, new Central Library relocation and public realm improvements, delivering key components of the Rotherham Town Centre Masterplan 2017.

Previous public and stakeholder consultation for the Town Centre Masterplan and the Cultural Strategy identified a need to improve the cultural and leisure offer within

Appendix 3

Rotherham town centre. This involves improving the proximity and connectivity between key amenities, upgrading the quality of the built environment and delivering inclusive access to the different facilities on offer. The scheme, together with the Forge Island development, will regenerate the town centre, creating new economic opportunities through well designed, lower carbon and inclusive spaces. This will have spill over effects for the wider town.

Bringing together the library, markets, food hall, citizens advice service and gallery/ event spaces on one site will provide the potential to increase footfall and in turn help support and sustain the future of the library service and the market. It will also provide the opportunity for the library and markets to work closely together in order deliver a more compelling offer to a wider range of residents and visitors.

The aim of the scheme is to provide a safe, welcoming and accessible environment freely open to all which encourages participation, creativity and mutual learning and support. This will be enhanced through more collaborative working internally and externally with partners and services such as the markets, colleges, local schools, voluntary organisations, to ensure that all needs are captured.

3. Relevance to equality and diversity

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

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

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

Questions	Yes	No
Could the proposal have implications regarding the accessibility of services to the whole or wider community? <i>(Be mindful that this is not just about numbers. A potential to affect a small number of people in a significant way is as important)</i>	X	
Could the proposal affect service users? <i>(Be mindful that this is not just about numbers. A potential to affect a small number of people in a significant way is as important)</i>	X	
Has there been or is there likely to be an impact on an individual or group with protected characteristics? <i>(Consider potential discrimination, harassment or victimisation of individuals with protected characteristics)</i>		X
Have there been or likely to be any public concerns regarding the proposal? <i>(It is important that the Council is transparent and consultation is carried out with members of the public to help mitigate future challenge)</i>	X	

Appendix 3

Could the proposal affect how the Council's services, commissioning or procurement activities are organised, provided, located and by whom? <i>(If the answer is yes you may wish to seek advice from commissioning or procurement)</i>		X
Could the proposal affect the Council's workforce or employment practices? <i>(If the answer is yes you may wish to seek advice from your HR business partner)</i>		X
If you have answered no to all the questions above, please explain the reason		

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

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

4. Considering the impact on equality and diversity

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

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

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

- How have you considered equality and diversity?**

The aim of the project is to increase use of the markets, library, the public realm and the wider town centre, to create accessible, thriving spaces through inclusive, community-led facilities. Throughout the entire design period, extensive engagement has been undertaken on emerging proposals with a wide range of stakeholders.

Following an 18-month programme of consultation and engagement, the Library Strategy 2021 – 2026 was adopted by the Council on 11th November, 2020. A key priority detailed within the Strategy was to create a new library for the town centre. Following this a design brief was created through information collected by RMBC's libraries team on current uses, and ways to improve the service so that more people can benefit from the services on offer.

The project is being designed with the service users fully in mind, through assessing and accommodating wherever possible, the requirements of different groups.

For the design of the markets, extensive consultation has been undertaken with businesses currently operating and trading from within the Markets complex itself (see Appendix 1).

Engagement with businesses operating within the Markets complex will continue through the redevelopment period with a range of relocations, both temporary and permanent, required to facilitate the planned works. Acknowledging this challenging and disruptive period, the Council has already approved a rent concession of 50% for market traders to be implemented from the Summer of 2023 and to be continued throughout the construction programmes duration.

- **Key findings**

Despite the library at Riverside House delivering a good service, highly-valued by existing customers, borrowing and physical visits never recovered following the transfer of location from Walker Place in 2012. The relocation resulted in an immediate 31% reduction in the number of annual visits to the central library. Relocation to be part of a wider cultural hub will create more of a destination, with better public transport links, and walking and cycling routes. Schools and a number of community groups are located in the Eastwood area, which is convenient for the new site.

The Council's Improving Places Select Commission undertook a review of Rotherham Markets and the emerging redevelopment proposals as reported at the meeting held 07 June 2022. A key finding of this was:

That any re-design of markets spaces duly consider usability and aesthetics, availing market research to optimise spaces for inclusiveness and accessibility, and to make the offer especially attractive to students and young people.

For both services the aim is to provide spaces for different groups to meet, fostering a sense of community. There will be opportunities to host a range of events in the new facilities. This will positively benefit community cohesion within the town centre.

- **Actions**

Our key action is to undertake a Part B Equality Analysis Form which will consider the following:

- Further consultation with traders and community groups around the design of spaces and sequencing of construction works.
- Make reasonable adjustments to the design of the building and public realm in line with the Equality Act, and Part M of Building Regs.
- Disabled access during construction process – maintaining clear pathways and keeping noise and disturbance to a minimum
- On completion, marketing of the facilities and dissemination of information to be fully accessible.
- Maintain the rent concession throughout the construction phase, to encourage businesses to stay.

Appendix 3

<ul style="list-style-type: none"> Request Equal Opportunities statements from all partners (ie Developer, Construction Firm) 	
Date to scope and plan your Equality Analysis:	09/06/23
Date to complete your Equality Analysis:	30/06/23
Lead person for your Equality Analysis (Include name and job title):	James Green Regeneration and Development Manager

5. Governance, ownership and approval

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

Name	Job title	Date
Tim O'Connell	Service Manager, RIDO	11/05/23

6. Publishing

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

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

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

Date screening completed	09/05/23
Report title and date	
If relates to a Cabinet, key delegated officer decision, Council, other committee or a significant operational decision – report date and date sent for publication	
Date screening sent to Performance, Intelligence and Improvement equality@rotherham.gov.uk	15/05/23

This page is intentionally left blank

PART B – Equality Analysis Form

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

This form:

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

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

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

1. Title	
Equality Analysis title: Rotherham Markets and Library Redevelopment	
Date of Equality Analysis (EA): 10/07/23	
Directorate: R&E	Service area: RiDO
Lead Manager: James Green	Contact number: 01709 255837
Is this a: <input type="checkbox"/> Strategy / Policy <input checked="" type="checkbox"/> Service / Function <input type="checkbox"/> Other	
If other, please specify	

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

Name	Organisation	Role (e.g., service user, managers, service specialist)
James Green	RiDO	Regeneration & Development Manager
Eleanor Bainbridge	RiDO	Project Manager
Tanya Shvab	RiDO	Project Officer

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

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

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

Redevelopment and repurposing of the Rotherham Markets Complex, new Central Library relocation and public realm improvements, delivering key components of the Rotherham Town Centre Masterplan 2017.

Previous public and stakeholder consultation for the Town Centre Masterplan and the Cultural Strategy identified a need to improve the cultural and leisure offer within Rotherham town centre. This involves improving the proximity and connectivity between key amenities, upgrading the quality of the built environment and delivering inclusive access to the different facilities on offer. The scheme, together with the Forge Island development, will regenerate the town centre, creating new economic opportunities through well designed, lower carbon and inclusive spaces. This will have spill over effects for the wider town.

Bringing together the library, markets, food hall, citizens advice service and gallery/ event spaces on one site will provide the potential to increase footfall and in turn help support and sustain the future of the library service and the market. It will also provide the opportunity for the library and markets to work closely together in order deliver a more compelling offer to a wider range of residents and visitors.

The aim of the scheme is to provide a safe, welcoming and accessible environment freely open to all which encourages participation, creativity and mutual learning and support. This will be enhanced through more collaborative working internally and externally with partners and services such as the markets, colleges, local schools, voluntary organisations, to ensure that all needs are captured.

Key Stakeholders are:

- Market Traders (both indoor and outdoor)
 - NMTF Committee

Appendix 4

- Market Customers
- Library Service Users
- Markets Staff (Council employees)
- Library Staff (Council employees)
- Neighbouring Businesses (including Council leaseholders)
- Facilities Management
 - RMBC Staff

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

Contextual information from a range of sources, including the 2011 and 2021 Census, [Population – Rotherham Data Hub](#) and the Council Plan consultation, is provided below.

Population

- Between the last two censuses (held in 2011 and 2021), the population of Rotherham increased by 3.3%, from around 257,300 in 2011 to around 265,800 in 2021.
- The population is ageing; People aged 65 years or over comprise 19.6% of Rotherham's population, which is a higher proportion than 18.6% across England and Wales.
- Rotherham's BAME population is 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

- The percentage of people who identified as being disabled and limited a lot in Rotherham decreased by 2.10% between 2011 (12% 29,080) and 2021 (9.9%, 26,115). In 2021, 11.40% (30,065) were identified as being disabled and limited a little, compared with 11.20% (27,520) in 2011. In England, the percentage of people who identified as being disabled and limited a lot was 2.40% lower than Rotherham. Overall, the percentage of disabled residents, both limited a lot and a little was lower in England (17.70%) than in Rotherham (21.30%), with a difference of 3.6%.
- 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%).

Consultation

The Town Centre Masterplan has been subject to wide consultation with business and stakeholder groups. A public event was held in All Saint's Square on 28th June 2017 attended by 75 people over the course of the day. Feedback was wide ranging but there was a clear desire to see improvements in the town centre including a stronger leisure offer to serve the needs of local people who currently needed to travel to other centres to access facilities. The consultation also highlighted safety and the management of anti-social behaviour as important priorities.

Further consultation included a meeting with Rotherham Older People's Forum at Talbot Lane Methodist Church which highlighted a need for new developments to be older person friendly, to include more seating with and provide easy level access wherever possible and with good connections to public transport. Consultation with the Looked After Children's Council focused on the need for things to do in the town centre and the importance of creating a safe environment. The consultation emphasised a cinema as being an important attraction that is missing from the town centre offer for young people.

Rotherham Sight and Sound group were consulted on public realm proposals in the town centre on 16th January 2020. The group highlighted the importance of design in ensuring public spaces are accessible including the choice of materials, surface finishes, improved lighting and accessible seating

Our Rotherham, Our Borough consultation and engagement to inform the new Council Plan took place from 9th August to 19th September 2021 to seek the views of Rotherham residents and other local stakeholders. The consultation included focused groups, short interactions, online and postal survey and Rotherham Show, with over 1,300 interactions taking place in total across all methods of engagement

The short interactions and focus groups aimed to make up some of the engagement gaps, by engaging stakeholders working with some of the groups whose views were underrepresented in the survey, and those sharing protected characteristics.

Throughout the whole consultation and engagement, a common theme was a desire to see Rotherham town centre vibrant, flourishing, clean, safe and attractive to all. There were many suggestions as to how this may be achieved including incentives such as free parking, reduced rents to encourage a wide range of shops and businesses, improved safety and security measures in certain areas, plus investments made to attract families with children, and young people into the town centre.

Linking to messages concerned with the town centre, retaining business and encouraging trade and industry into the area, were responses concerned with local jobs for local people. Street scene matters were also frequently mentioned for the town centre and across the borough.

Many expressed a desire for a wider range of “decent” shops, more activities for families with young children, and greater accessibility for disabled and those with sensory impairments.

Of the children and young people consulted, young people wished for Rotherham town centre to be a place that people want to visit, for there to be more shops, activities, and places for young people to go. They also spoke about wanting to feel safe and secure in the town centre.

Results from the Rotherham Residents Survey comprising a sample of 503 adults who were polled between 8th and 22nd June 2021 showed that 24 per cent of respondents felt ‘very optimistic’ or ‘fairly optimistic’ about the future of Rotherham town centre (as they did about the future of the wider borough). Forty-one per cent of respondents were not optimistic at all about the town centre, slightly more than in the previous survey. People aged 25-34 years were most likely not to be optimistic at all, whilst young people aged 18-24 years were the most optimistic. Low skilled workers were notably more optimistic than professional and managerial workers.

Specific Library and Markets Consultation

The aim of the project is to increase use of the markets, library, the public realm and the wider town centre, to create accessible, thriving spaces through inclusive, community-led facilities. Throughout the entire design period, extensive engagement has been undertaken on emerging proposals with a wide range of stakeholders.

Following an 18-month programme of consultation and engagement, the Library Strategy 2021 – 2026 was adopted by the Council on 11th November 2020. A key priority detailed within the Strategy was to create a new library for the town centre. Following this a design brief was created through information collected by RMBC’s libraries team on current uses, and ways to improve the service so that more people can benefit from the services on offer.

The project is being designed with the service users fully in mind, through assessing and accommodating wherever possible, the requirements of different groups.

For the design of the markets, extensive consultation has been undertaken with businesses currently operating and trading from within the Markets complex itself.

Appendix 4

Engagement with businesses operating within the Markets complex will continue through the redevelopment period with a range of relocations, both temporary and permanent, required to facilitate the planned works. Acknowledging this challenging and disruptive period, the Council has already approved a rent concession of 50% for market traders to be implemented from the Summer of 2023 and to be continued throughout the construction programmes duration.

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

No- All groups responded, and a wide selection of views gathered. Where individual market traders have been unresponsive to consultation events we have followed-up one-on-one to gather their views and respond to any concerns.

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

As the Markets/ Library complex is a run by Council, service delivery is continually monitored.

The Council plans to recommission an annual Town Centre survey, to monitor activity including market use and access concerns.

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

29/05/2018-15/06/18 Indoor Market exhibition

Rotherham Markets: Past, Present and Future Exhibition comments

- Reduce the rents and get more people to trade
- Better signage and opening up the front
- More Parking
- Visible security
- Proper lighting
- Repair and improve the roof
- Changing spaces needed with adequate room
- Free short stay vehicle access – disability and collection
- Opening times to reflect modern needs – i.e., opening later
- Encouragement of e-business – purchase via web
- Public food court
- Provide other reasons to visit i.e., sports centre, health centre, learning and education uses.
- School stalls and community stalls given for free, pop-up style
- Integration of postal service facility for businesses
- More choice of stalls
- New flooring, air conditioning
- More and improved access to top level
- Meeting places

	<ul style="list-style-type: none"> • Market should be more accessible for everyone, the main entrance could be easier as it is quite a slope, perhaps some kind of escalator which could accommodate wheelchairs. • More events • Modernise stalls, better entertainment • Keep lower indoor market, concentrate on that, and make street market twice weekly, Tuesday and Saturday. <p>06/11/2019- Town Centre - Student Focus Group Markets:</p> <ul style="list-style-type: none"> • Food hall with <ul style="list-style-type: none"> ○ a variety of foods ○ healthier options ○ street food ○ cultural foods ○ Arcades and games • More stalls choice • More green spaces • Playgroup (for parents to leave kids as they shop) • Improvements to crossing from college (Eastwood Bldg) to markets • Events – festivals • Better social area – USB points • Breakfast places – open earlier? • Wi-Fi <p>06/11/2023- Occupants of the RAIN Building – Carer’s Corner, NHS Mental Health, Credit Union Officers presented the latest options,</p> <ul style="list-style-type: none"> • option 1 two individual buildings, larger space available for both Library and Community Hub • option 2 adjoining buildings, smaller space available for both Library and Community Hub <p>Feedback on design options presented:</p> <ul style="list-style-type: none"> • The smaller building will not have enough space to accommodate all of the services currently in the RAIN Building and so would likely only hold the Citizens Advice Rotherham. • Issue would then be where to accommodate the displaced services. • The current set up has an operational requirement for 15 of the small meeting rooms to deliver the services offered. • There is no room for growth, something they have aspirations for in the future.
--	--

	<ul style="list-style-type: none"> • Security/health & safety issues raised with the design, they did not approve of having meeting rooms on a floor where there is no reception or office staff presence. • It is not essential for the Credit Union to have their own reception, a shared reception for the building would work. • All tenants will require a street presence regarding signage. <p>Option 1 is the preferred option.</p> <p>09/03/2020 and 10/03/20 – Market Traders with Design Team</p> <ul style="list-style-type: none"> • Queries raised on the level of rent that will be expected. Comment made that rents need to be competitive. • Traders suggested a temporary market on the street. • Discussion on food ensued as to whether it should be distributed throughout units or in one location, such as an oasis. • Officers advised of the intention to connect the indoor and outdoor market with a food court area for seating. • Traders queried whether there would be a reduced number of stalls? Officers advised that they should be of similar number. • Traders raised the issue of inconvenience during the course of the works, that they would incur costs. • Traders raised the issue of social media and the absence of any presence of the market on social media. Also, social media gave an adverse impression of the town centre out of hours, providing adverse press. • Traders suggested that young people were scared to come into the town centre and this needs to be addressed by RMBC. • Traders identified, and attendees agreed, that the library had been relocated to the wrong place out of the town centre, and that the relocation into the town centre and thus it's inclusion in the scheme was understandable. <p>03/09/2021 - 05/09/2021- Gazebo at Rotherham Show (approx. 750 people across 3 days). Public information event to showcase the updated markets redevelopment plans.</p>
--	---

	<p>01/10/2021 – 05/10/2021 Indoor Market Stall public information event (Approx. 200 people reached)</p> <p>09/03/2021 and 10/03/21 – Market Traders with Design Team</p> <p>Public information event to showcase the updated redevelopment plans.</p> <p>19/10/2021 and 21/10/21 – Market Traders with Design Team Workshops</p> <p>Key questions raised by traders:</p> <ul style="list-style-type: none"> • Will there be a financial package available for traders while works are ongoing? Will be reflected in leases and rent reductions • What will happen to the food retailers on the ground floor? The food retailers will be put together in one area. Will speak to each individually • What sizes will the stalls be, will they provide market dividers to split the units up and allow stock display? To be decided • Can the empty space in the markets be used to build the new stalls and traders move into and continue trading? • Will there be options to trade elsewhere? • Will storage of goods be provided? • Will the lifts and stairs remain in the same place? • Will the permitter units be redeveloped? • Will the fronts and signage change for everyone? • If cladding is being added will the markets be lit better? <p>06/06/22-20/06/22 – Online survey with 295 responses</p> <ul style="list-style-type: none"> • 125 comments made which included: feeling safe and secure is priority, more free parking, additional seating, better access to library, more shops, better food offer, study space in library, more themed markets and events <p>14/06/22-16/06/22 – On-street consultation (approx. 200 attended)</p> <ul style="list-style-type: none"> • Fruit trees should be planted • Charge for toilets to reduce ASB • More events
--	---

	<ul style="list-style-type: none"> Gallery exhibition space would be useful to work with the college <p>03/09/22-04/09/22 – Gazebo at Rotherham Show to share information and respond to queries</p> <p>Over 1,000 people attended</p> <p>23/02/23 and 28/02/23 – Indoor Market Traders Consultation</p> <p><i>What about specific requirements for i.e., cafes</i> Council will support businesses moving and plans will be put in place for specific businesses like cafes, food outlets and butchers etc. including water and drainage etc.</p> <p><i>On the moving day, how will you compensate businesses?</i> Can discuss the move individually with businesses and look at specific details</p> <p><i>What will happen with the trader's car park?</i> Council looking to put temporary arrangements in place for parking as it will be out of action for a while. Will maintain loading and access for traders though</p> <p><i>Will there be advertising to let the public know about the relocation?</i> Marketing will be undertaken including signage, social media and adverts etc.</p> <p><i>Footfall already falling off now</i> <i>Some traders not happy as some people are paying £50 per week. Everyone should pay the same.</i> Officers clarified that all traders will get access to the 50% off rent deal, not including existing concessions.</p> <p><i>When the redevelopment is finished, will the rents increase?</i> No plans to. Intention is to keep the same as they are currently.</p> <p>07/03/23, 17/03/23 and 11/04/23, 19/04/23 – One-on-one meetings with stall holders</p> <p>36 businesses attended</p> <p>07/06/23, 12-13/06/23 – visits to market units: 66 stalls covered, spoke to 40 traders</p>
Engagement undertaken	Markets and Libraries Service staff have been key

with staff (date and group(s) consulted and key findings)	stakeholders in the decision-making process throughout the development of this project, including at the various Working Groups and the Markets Board.
--	--

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)

Careful consideration has been given to the needs of a broad range of people including those with protected characteristics who will use the Markets/ Library for purposes outlined below to ensure that the proposed development promotes social inclusion:

- Customers for the Markets
- User-groups for the library
- Visitors using the public realm
- Markets and Library staff
- People using the neighbouring commercial units and wider town centre.

Feedback from consultations has been considered by the design team and aspects of the design have been developed in response to these considerations to ensure that all people have free access to use the scheme:

- Creation of accessible routes to all of the different functions of the development, suitable for all pedestrians, wheelchair users and people with prams or buggies.
- Accessible routes around the site during construction wherever possible.
- Providing pictogram signs that reinforce the routes through the site for people with difficulties in reading text
- Providing appropriate lighting, recognised tactile surfacing and sufficient contrast between floor and wall surfaces for people with visual acuity difficulties

In response to specific concerns raised by existing Market Traders:

- Maintain affordable rents to retain existing Market Traders and protect their livelihoods.
- Ensure car parking is maintained in a safe, well-lit area
- Improve welfare facilities for Traders

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

The project is intended to create an inclusive, safe and welcoming environment for all users of the space. The project intends to bring together diverse groups within the community and provide spaces for exchange.

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

remove barriers?

The project will address accessibility concerns with the current site, where access ramps are non-compliant with building regs.

The Indoor Market complex is currently in a poor condition, with damaged flooring and non-contrasting surfaces which do not create an accessible space. The redevelopment will address these issues, making a safe, accessible space for all.

All other areas of the scheme will be fully compliant with Building Regs and provide greatly improved public realm for the diverse communities that visit the town centre, to enjoy.

By maintaining affordable rents, the existing market traders will be retained to the extent possible.

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 help foster improved community relations, with a wider range of services available to groups, and improved accessibility to the site.

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

5. Summary of findings and Equality Analysis Action Plan

If the analysis is done at the right time, i.e., early before decisions are made, changes should be built in before the policy or change is signed off. This will remove the need for remedial actions. Where this is achieved, the only action required will be to monitor the impact of the policy/service/change on communities or groups according to their protected characteristic - See page 11 of the Equality Screening and Analysis guidance

Title of analysis: Rotherham Markets and Library Redevelopment
Directorate and service area: R&E RiDO
Lead Manager: James Green
Summary of findings:
<p>Consultation has been undertaken with a diverse range of stakeholders. This includes Market Traders, Library Staff, and users of these services. This represents individuals of differing age ranges, individuals from different ethnic/religious groups and traders/businesses within the local area. This consultation involved activities such as events, focus groups, workshops and online questionnaires in order to gain a wide-ranging reach, accessibility in relation to engagement and multiple opportunities for community feedback.</p> <p>This approach has informed the redevelopment scheme design from inception through to construction, where feedback has been captured and taken into account to improve the design wherever feasible.</p>

Action/Target	State Protected Characteristics as listed below	Target date (MM/YY)
Ongoing consultation with market traders and community groups around the design of spaces and sequencing of construction works.	All	Ongoing
Designs of the buildings and public realm make reasonable adjustments in line with the Equality Act, and Part M of Building Regs. Improve the main entrance ramp which does not comply with Building Regs as is. Provide appropriate	A, D	02/24

Appendix 4

lighting, recognised tactile surfacing and sufficient contrast between floor and wall surfaces for people with visual acuity difficulties		
Working with the main contractor to ensure disabled access during construction process – maintaining clear pathways and keeping noise and disturbance to a minimum	A, D	03/26
On completion, marketing of the facilities and dissemination of information to be fully accessible	All	04/26
Request Equal Opportunities statements from all partners (i.e., Main Contractor	All	02/24

***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
Tim O'Connell	Service Manager, Rotherham Investment and Development Office	11/07/23

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 For record keeping purposes it will be kept on file and also published on the Council's Equality and Diversity Internet page.

Appendix 4

Date Equality Analysis completed	10/07/23
Report title and date	Rotherham Markets and Library Redevelopment
Date report sent for publication	
Date Equality Analysis sent to Performance, Intelligence and Improvement equality@rotherham.gov.uk	11/07/23

This page is intentionally left blank

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?	Increases emissions during construction.	The final development will reduce emissions from the operation of the Council-led Markets and Libraries services.	Overall effect on emissions from non-domestic buildings across the borough is too complex to estimate. Main emission benefits have been accounted for in this document.	The design brief for the buildings includes measures to maximise energy efficiency and reduce emissions including for example BREEAM rating and travel plans, low energy lighting, passive heating/cooling, clean fuel sources (switching from gas to electric) and thermal efficiency. The buildings have been designs so that renewable energy systems (such as solar PV panels) can be added once funding has been secured.	The main contractor will ensure compliance with all building regs and relevant legislation. This will be monitored by RMBC.
	Reduces emissions during operation.	<p>The development will refurbish the 1970s indoor market, extending its useable lifespan and improving environmental performance, such as more effective passive heating/ cooling.</p> <p>The existing outdoor market and surrounding buildings will be demolished and rebuilt, resulting in an increase in emissions during construction. In operation the new buildings will generate less emissions than the existing. The markets building currently runs</p>			
				Through reusing existing structures where possible and upgrading functionality, significant carbon emission savings will be made.	<p>During the award and construction stages regular workshops will be held to ensure the entire design and construction teams know their responsibilities in terms of BREEAM scoring.</p> <p>After completion and handover further client/ construction team liaison will be required for items such as seasonal commissioning which should be a targeted credit in terms of both BREEAM but also</p>

Appendix 5

		off gas heaters, which will be switched for air-source heat pumps which are powered by electricity.			energy in use during all times of the year. Post occupancy reviews and measurement/targeting of energy use will also assist.
Emissions from transport?	Increases emissions during construction. Reduces emissions during operation.	During the construction phase, there will be an increase in traffic and machinery on site, having an impact on emissions.	The site is well connected to public transport links. The public realm will be revitalised to encourage walking and cycling. We envisage the revitalised and better-connected library site and public realm will reduce reliance on cars for shopping and leisure.	The site is within walking distance of the bus interchange, tram train and railway station and the design brief for the scheme includes consideration of measures to enhance pedestrian connectivity with key arrival points including public transport nodes across the town centre. Active travel will be built into the scheme, including cycle parking and facilities.	The main contractor appointed will be required to abide by standards to minimise emissions. Once in operation, RMBC may monitor active travel more generally and the impact of the project on this.
Emissions from waste, or the quantity of waste itself?	Increases emissions during construction. No impact on emissions during operation.	Increased emissions due to demolition, site clearing works and waste from construction.	Increased emissions due to demolition, site clearing works and waste from construction.	Waste Management Plan to be prepared and be in place as part of planning condition requirements before operations on site can commence and impacts experienced.	As above the main contractor will be responsible for compliance, which will be monitored by RMBC. Prior to any work commencing on site (including demolition),

Appendix 5

				<p>In line with Part H of building regs., waste will be kept to a minimum, with reuse and recycling wherever possible.</p> <p>Reuse of the existing indoor markets building reduces waste significantly compared with new construction.</p>	<p>a Construction Environmental Management Plan (CEMP) was submitted to Planning by the main contractor, to promote sustainable development.</p>
Emissions from housing and domestic buildings?	No impact	N/A	N/A	N/A	N/A
Emissions from construction and/or development?	<p>Increases emissions during construction.</p> <p>Reduces emissions during operation.</p>	<p>The proposed construction works will have a direct impact on emissions. This includes, traveling to site, operation of vehicles on site, operation of any other vehicles needed to construct/dig proposed components, and the use of local power generation (generators) until permanent power is available.</p> <p>The embodied energy required to produce</p>	<p>The works will be designed to minimise the impact on the town centre and surrounding areas, including reuse of existing buildings where possible and sustainable/ low-carbon design.</p>	<p>Compliance with relevant building regs will ensure emissions and waste are kept to an absolute minimum.</p> <p>The proposal for the redevelopment of the Central Library aspires to achieve BREEAM Very Good and has achieved this ambition at the design stage pre-assessments.</p> <p>The scheme has been future-proofed to allow for renewables to be</p>	<p>RMBC will monitor works and ensure that the main contractor is complying with all relevant regulations and BREEAM targets.</p> <p>The BREEAM tracker is updated periodically to reflect any design changes, and an updated BREEAM assessment will be conducted following the conclusion of the RIBA Stage 4 design.</p>

Appendix 5

		construction materials will increase emissions.		installed once funding has been secured.	
Carbon capture (e.g. through trees)?	No impact	The final development arrangement does not have any quantifiable impact on carbon capture.		The development will provide new soft landscaping and planting, but not significantly increase carbon capture.	Captured through Borough/Region wide indicators and monitoring – no site-specific monitoring proposed.

Identify any emission impacts associated with this decision that have not been covered by the above fields:

The information in this Appendix will be updated as the more detailed design is developed and agreed.

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

The scheme is designed to promote a healthier and more active Rotherham town centre, with improved public realm, landscaping and leisure spaces. By reusing the existing indoor market building and improving its environmental performance, the waste and emissions related to demolition and rebuild have been prevented for this part of the development. The new buildings will ensure much improved energy efficiency in the operation of the library, gallery/event space and café. The gas fuelled heating and cooling system in the existing indoor market building will be replaced with air source heat pumps which are powered by electricity, and all new buildings will be heated and cooled by renewable fuel sources.

We will ensure emission reducing measures are implemented wherever feasible in the design, construction, operation and maintenance of the building and public realm.

When appointed, the main contractor will be responsible for compliance with relevant building regs and other relevant legislation, which RMBC will monitor carefully.

Appendix 5

Supporting information:	
Completed by: (Name, title, and service area/directorate).	Eleanor Bainbridge, Project Manager, Regeneration and Environment
Please outline any research, data, or information used to complete this [form].	Stage 3 design information, Building Regs Part L compliance
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]	Tracking Reference: CIA 180 Arthur King Principal Climate Change Officer Strategic Asset Management Finance and Customer Services

This page is intentionally left blank

Committee Name and Date of Committee Meeting

Cabinet – 18 December 2023

Report Title

Hackney Carriage and Private Hire Licensing Policy

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

Yes

Strategic Director Approving Submission of the Report

Paul Woodcock, Strategic Director of Regeneration and Environment

Report Author(s)

Alan Pogorzelec, Licensing Manager

01709 254955 or alan.pogorzelec@rotherham.gov.uk

Ward(s) Affected

Borough-Wide

Report Summary

In June 2023, Cabinet gave approval to commence a period of consultation in relation to a number of proposed amendments to the Council's Hackney Carriage and Private Hire Licensing Policy.

The consultation period has now concluded, and all responses have been collated and analysed. This report outlines the findings of the consultation exercise and proposes a final policy document for adoption by Cabinet.

The report also outlines a proposal to carry out a further review of vehicle signage and driver identification with the intention of introducing revised requirements based on the feedback received during the consultation process.

Recommendations

That Cabinet:-

1. Adopt the draft Hackney Carriage and Private Hire Licensing Policy 2023 attached as Appendix 1.
2. Agree to the implementation of the policy requirements according to the implementation scheme detailed at Appendix 3.

3. Agree to a further review in relation to vehicle signage and driver identification, as described in section 2.5 of this report.

List of Appendices Included

- Appendix 1 Draft Rotherham MBC Hackney Carriage and Private Hire Licensing Policy 2023
- Appendix 2 Consultation responses
- Appendix 3 Implementation scheme
- Appendix 4 Equality Analysis
- Appendix 5 Climate Impact Assessment

Background Papers

Rotherham MBC Hackney Carriage and Private Hire Licensing Policy 2020
Department for Transport Taxi and Private Hire Statutory Guidance

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 revised Policy that set out the Council's approach to Hackney Carriage and Private Hire licensing. This Policy set what are generally accepted as being the highest standards with regard to taxi and private hire licensing in the UK. Many of the standards have subsequently been adopted by other local licensing authorities and been included in revised national guidance.
- 1.2 The current Policy is clear that periodic review is essential to ensuring its continued success. Since implementation in 2015, the Council's Hackney Carriage and Private Hire Licensing Policy has been reviewed twice, most recently in 2019.
- 1.3 Despite being confident in the standards of the Policy, a further review is now necessary to ensure that the Council's Policy remains robust and ensures standards of safety for passengers and the general public. Changes in national guidance, feedback from the public, and from the licensed trade, has given options to further improve the Policy and ensure the calibre of licence holder in Rotherham remains at the very highest level.
- 1.4 A report was submitted to Cabinet in June 2023, which recommended consulting on the draft Policy. Cabinet authorised officers to commence consultation as outlined in that report.
- 1.5 This report outlines the findings of the consultation process and proposes a draft Policy for adoption by Cabinet.
- 1.6 In addition, the report also outlines a proposal to commence a separate review in relation to vehicle signage and driver identification. This proposal is made based on the feedback received during the consultation process, further detail is provided in section 2.5 below.

2. Key Issues

- 2.1 The Council developed a number of proposals that were included in a draft revised policy, alongside asking for ideas and suggestions from a wide range of groups through various consultation activities. Following a significant consultation (see Appendix 2), which generated 624 responses, the following changes have been included in the final policy:
- 2.2 Enhanced requirements for Private Hire Operators
 - 2.2.1 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.

- 2.2.2 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 expectations that the Council and the residents of Rotherham have of them.
- 2.2.3 The proposals in relation to Private Hire Operators are as follows:
- 2.2.4 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.
- 2.2.5 Overall, there was general support shown during the consultation for the introduction of both of these measures. 53% of respondents were in agreement with the proposal to require operators to inform the customer if the booking was to be sub-contracted (with 42% against), whilst 51% of respondents felt that the proposed additional operator conditions were appropriate (with 44% against).
- 2.2.6 However, there were clear differences in views between members of the licensed trade and members of the public.
- 2.2.7 The majority of respondents (61%) that stated that they held a hackney carriage or private hire related licence (referred to in this report as “the local trade”) did not agree with the proposed requirement to notify customers, and 65% of the local trade did not agree with the proposed additional conditions on operator licences.
- 2.2.8 That contrasted with the views of Rotherham residents that had used a Rotherham licensed vehicle within the last 6 months (referred to in this

report as “local taxi users”). 84% of local taxi users were in agreement with the proposal to introduce a requirement for them to be notified if their booking was to be sub-contracted, and 85% agreed that the proposed operator conditions were appropriate.

- 2.2.9 The remaining measure that applies to Private Hire Operators is the proposal to introduce an assessment of Private Hire Operator licence applicants as part of the application process.
- 2.2.10 The proposal is that all applicants for the grant or renewal of a Private Hire Operator licence must undergo an interview with Licensing Officers as part of the application process. The interview will include an assessment of the applicant’s licensing knowledge, compliance history and an evaluation of their business practices / 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.
- 2.2.11 Again, there was general support for the introduction of this requirement, with 56% of all respondents stating support for the proposal. There was again however a marked difference between the views of the local trade and local taxi users. 55% of respondents from the local trade were not supportive of this requirement, whereas 86% of local taxi users agreed with the introduction of the assessment. In addition, members of the Council’s Licensing Board, and associations representing the local taxi trade were supportive of this measure – although the associations raised concerns regarding the practical implementation of the requirements.
- 2.2.12 The Council considers that the introduction of these requirements is a critical step in addressing the concerns regarding the increase in out-of-town vehicles operating in Rotherham. In addition, the requirements will ensure that the standards expected of local Private Hire Operators are appropriately high, in line with licensed drivers and vehicles.
- 2.2.13 With this in mind, and with the support of the overall majority of respondents, the enhanced requirements in relation to operators have been included in the revised policy.
- 2.2.14 However, during the consultation it became apparent that compliance with the revised requirements may present operators with practical and technological challenges. It is therefore proposed that the above requirements will be introduced in accordance with the implementation scheme that is attached to this report as Appendix 3.

2.3 Removal of the limit on Hackney Carriage licences

- 2.3.1 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.

- 2.3.2 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 able to do. The Policy review looks to address this, and a list of accessible vehicles is currently being prepared for publication, in line with statutory requirements.
- 2.3.3 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.
- 2.3.4 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.
- 2.3.5 The effect of this is expected to be two-fold:
1. 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. Compliance with Government guidance and the avoidance of a requirement for a costly survey to be carried out (funded by the Council and / or the local trade).
- 2.3.6 The consultation showed that the majority of respondents were in support of the above proposal, with 59% of respondents stating they were in agreement. Responses from the local trade indicated that 49% of respondents supported the proposal, and 41% did not. Responses from local taxi users showed 78% were supportive of the proposal – primarily due to the expected impact on the number of wheelchair accessible vehicles.
- 2.3.7 Whilst the public and Licensing Board were both in support of the proposal, it is fair to say that the responses from the trade associations were mixed. The associations generally recognised that there was a need to increase the number of WAVs in Rotherham but raised concerns regarding the availability of rank spaces and demand for hackney carriage work.
- 2.3.8 Although the Council acknowledges these concerns, it is nonetheless proposed that the Hackney Carriage limit is removed. Despite trade concerns, it is envisaged that any increase in the numbers of licensed Hackney Carriages will be determined by market forces and that such an

increase is likely to be moderate. This moderate increase will in turn have benefits with regard to the availability of WAVs in Rotherham.

- 2.3.9 Following concerns raised by members of the local trade, it will be made clear in the policy that the requirement for Hackney Carriages to be capable of carrying a passenger seated in a wheelchair will only apply to the “new” licences (i.e. the requirements will not apply to existing Hackney Carriage licence holders).

2.4 Amendment to the vehicle age and emissions policy

- 2.4.1 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.

- 2.4.2 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).

- 2.4.3 The current requirements in relation to vehicle age and emissions 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.

- 2.4.4 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.

- 2.4.5 As a result of the above, it was proposed that the Council's Vehicle Age and Emissions Policy be 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 September 2015.
- Licences will not 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. Vehicles that are capable of carrying a passenger whilst seated in a wheelchair are referred to as WAVs throughout this report.
- iii. Ultra-Low Emission Vehicles (referred to throughout this report as ULEVs) 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.

2.4.6 The Enhanced Quality Standards are:

- The vehicle must pass the Council's compliance test and must be 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 vehicle's 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.

2.4.7 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).

2.4.8 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).

- 2.4.9 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.
- 2.4.10 In conjunction with the above, it is proposed that the frequency that vehicles are required to undergo a compliance test at the Council's testing station will be amended.
- 2.4.11 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
- 2.4.12 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
- 2.4.13 More survey respondents agreed that the above proposals (43%) should be introduced than disagreed (41%), although the results were not conclusive. Interestingly however, the majority of respondents from the local trade (59%) disagreed with the proposed changes to the age and testing requirements. Further review of the comments made during the consultation (both via the online survey and those made directly by members of the local trade or their representatives) suggested that the key reason for this apparent disagreement was that the proposals did not go far enough.
- 2.4.14 The majority of local taxi users agreed with the proposal or had no strong opinion either way.
- 2.4.15 A review of comments made by the local trade show a significant proportion that consider that an upper age limit of 15 years would be appropriate and that there should be a maximum of two tests per year for those vehicles aged over 7 years (vehicles under 7 years old would only require one test per year). Reasons that have been cited in support of this position include:
- The cost of new vehicles has increased in recent years, and the age limits should be extended to support the local trade.
 - Most 15 year old vehicles will be Euro 6 compliant.
 - Vehicles will have been well looked after and are made to a better specification.

- 2.4.16 The Council accepts that the purchase of a vehicle is the single biggest expense for members of the local trade and taking into account the feedback from the local trade and the views of local taxi users, it is the Council's opinion that an upper age limit of 15 years would be acceptable provided that it is introduced in conjunction with a robust vehicle testing framework.

- 2.4.17 The original proposal included an allowance for ULEVs and WAVs to be licensed for an additional 3 years beyond the initial 12-year upper age limit, this was intended to incentivise the uptake of such vehicles. The Council has given thought as to whether there should also be an increase in the upper age limit of ULEVs and WAVs now that the age limit for general vehicles is proposed to be 15 years.

- 2.4.18 The Council is mindful of the need to incentivise the purchase of WAVs (due to their low numbers currently and taking into account recent guidance from the UK Government) and is therefore proposing to further increase the upper age limit for WAVs to 18 years. Again, this will be dependent on the vehicle meeting the enhanced quality standards.

- 2.4.19 The Council is not proposing to apply the same age limit extension to ULEVs, but will instead explore other options that may incentivise the purchase of these vehicles (such as grant funding and lease opportunities etc.). It is felt that these proposals would be significantly more attractive to licence holders than the opportunity of licensing the vehicle until it is 18 years old (for example, it is unlikely that the technology within a battery electric vehicle will have a lifespan of up to 18 years – meaning that in reality the 18 year age limit would not offer much of an incentive as most battery electric vehicles will be replaced before they reach this age).

- 2.4.20 As is mentioned above, the proposed amendment to the vehicle upper limits would only be introduced in conjunction with a robust inspection framework. This is because vehicles aged over 10 years old are likely to be showing signs of age and wear and tear that will affect the overall appearance of the vehicle. A compliance test is primarily an assessment of the mechanical and structural condition of the vehicle. The test does not generally take into consideration qualitative aspects such as the overall appearance of the vehicle and relying purely on the compliance test as the sole criteria for evaluating the condition of vehicles over 10 years old is considered to be insufficient.

- 2.4.21 The Council is concerned that removing the additional criteria that form part of the assessment for vehicles over 10 years of age will have a detrimental impact on the overall standard of licensed vehicle in Rotherham and negatively impact the Council's commitment to improving air quality.

- 2.4.22 It is therefore considered appropriate that additional criteria should therefore be applied when assessing the suitability of vehicles aged over 10 years old – this is the reason why the "enhanced quality standards" have been developed. If these standards are met, then a vehicle can be

licensed until it is at least 15 years old (or 18 years old in the case of vehicles that are capable of carrying a passenger in a wheelchair).

- 2.4.23 It is possible that some vehicles over 15 years old may be in very good condition, and the Policy recognises this by allowing vehicles of any age to be licensed provided they meet a different set of additional criteria (referred to in the policy as the “exceptional condition criteria”).
- 2.4.24 The proposed requirements regarding vehicle testing are considered to be appropriate, primarily because the tests are the only assessment of mechanical and structural integrity that the vehicle is subjected to. A typical licensed vehicle may be expected to travel in the region of 3 or 4 times the number of miles that a private vehicle will travel. It is therefore appropriate that the testing regime should be more stringent.
- 2.4.25 For these reasons, it is proposed that the amendments to the vehicle age requirements are introduced as outlined above, i.e. 15 years for general vehicles and 18 years for vehicles that are capable of carrying a passenger seated in a wheelchair – subject to these vehicles meeting the enhanced quality standards after the age of 10.
- 2.4.26 It is further proposed that the requirements regarding vehicle testing that are outlined above are introduced without amendment.
- 2.4.27 If agreed, the requirements regarding age limits and vehicle testing will be re-evaluated at the time of the next review of the Hackney Carriage and Private Hire Licensing Policy.

2.5 Vehicle Signage

- 2.5.1 Observations have shown that the way in which taxi signage is displayed on vehicles lacks consistency.
- 2.5.2 Door signage should be displayed on the front doors, but has been seen on the rear doors, wings and rear body panels.
- 2.5.3 In addition, licence plates are mounted in the rear window, attached with magnets and / or suitable homemade brackets / fixings.
- 2.5.4 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.
- 2.5.5 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).

- 2.5.6 In addition to the above, it is proposed that a new requirement will be introduced for the display of a vehicle licence plate on the front bumper / grille.
- 2.5.7 The majority of respondents disagreed with the introduction of the above proposals. Again though, there was a significant difference between responses from members of the local trade and local taxi users.
- 2.5.8 82% of the local trade disagreed with the proposals regarding permanent signage whereas 82% of local taxi users felt permanent signage was appropriate. In addition, 88% of the local trade disagreed with the requirement for a front plate, compared with 78% of local taxi users that agreed to the introduction of the requirement.
- 2.5.9 However, during the consultation, the Council received feedback regarding the proposals around signage that offered a different perspective and revealed a number of challenges that had not previously been considered, including:
 - The current signage displayed on vehicles is a mixture of formats and designs – there is no uniformity to the vehicle signage and this can detract from the appearance of the vehicle and be confusing for customers.
 - The current signage is not designed in accordance with the Council’s Corporate branding and has not been updated or reviewed for many years.
 - As drivers often work for numerous operators, there is a need to exchange door signs (that identify the operator) on a frequent basis during the working day. Drivers have told us that poor weather conditions can hinder the sign’s ability to attach to the door, and so some drivers have opted to have more than one door sign on their door. It has been suggested that a generic door sign is used that does not need to be changed on a regular basis. A counter to this was that some operators like to have their name on the vehicle as it acts as an advertisement for their firm.
 - If operators see that certain drivers are working for more than one operator, then they may decide not to offer that driver work and instead send jobs to those drivers that work exclusively for one operator.
 - The use of apps and online bookings makes signage unnecessary as passengers get a message / notification giving them details of the vehicle and driver so they can easily identify the vehicle they have booked.
 - Some vehicles, particularly more modern and electric vehicles, do not have front grilles – this means that there may be some difficulty in attaching the front plate in the way outlined in the proposals.

- Some vehicle door panels (particularly the front doors) are manufactured from aluminium or some other non-ferrous composite material. This means that magnetic door signs cannot be attached to the front doors and so drivers are opting to place the magnetic door sign on the rear door / wing.

2.5.10 Taking into consideration the feedback that was provided during the consultation, the Council feels that it would be worthwhile to conduct a full review of vehicle signage. This will ensure that signage is of a consistent design, modern and appropriate for the intended aim.

2.5.11 With this in mind, the Council is not proposing to introduce the amended requirements in relation to vehicle signage and will instead undertake a full review of signage by June 2024 taking into account the views of the local trade and local taxi users to develop a proposal that will then be presented to Cabinet for approval in August 2024.

2.5.12 In the meantime, the Council will introduce specific guidance in relation to the placement of vehicle signage so that all licence holders are aware of their obligation. It is also acknowledged that specific requirements regarding audio signage and driver identification have not been fully implemented and/or lack consistency. These issues will be reviewed, and the Policy consistently applied in this regard by the 1 April 2024. In addition, enforcement activity will continue to take place and action taken to address any non-compliance with the current requirements around vehicle signage and driver identification.

2.6 Review of the conviction policy

2.6.1 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.

2.6.2 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.).

2.6.3 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.

2.6.4 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.

- 2.6.5 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.
- 2.6.6 53% of all respondents to the survey agreed with the proposal to review the conviction policy, but again there was a difference in views between the local trade and local taxi users.
- 2.6.7 31% of the local trade agreed with the proposal to review the convictions policy, whereas the figure was 86% for local taxi users.
- 2.6.8 During the roadshows and consultations sessions, it became apparent that the reason for the lack of support for this proposal within the trade was a perception that the new requirements would lead to a large-scale review of all licence holders and that some would lose their licences as a result (similar to the approach that was taken in 2015). Members of the local trade were more accepting of the proposals when they had been provided with the opportunity to discuss the proposals in more detail.
- 2.6.9 All of the trade representative groups were supportive of the proposal (with the exception of GMB who stated that the standards were already the highest in the region and therefore did not need amending). In addition, the Licensing Board confirmed that they approved of the review and made suggestions regarding additional clarity that could be provided based on their experiences at case hearing meetings.
- 2.6.10 The review of the convictions Policy will therefore take place, and the findings incorporated into the Policy and associated documentation.
- 2.7 Requirement for a DBS check as part of a vehicle licence application
 - 2.7.1 The Council is proposing that a requirement is introduced for all applicants for a vehicle licence to undergo a basic level DBS check as part of the application process. This requirement will not apply to applicants that are an existing Rotherham MBC licensed driver, as these individuals will already have provided an Enhanced Disclosure Certificate as part of their driver licence application.
 - 2.7.2 There was general support for the introduction of this requirement, with a narrow majority of the local trade agreeing with the proposals or having no strong opinion either way (53%), and the overwhelming majority of local taxi users agreeing to the proposals (88%).

- 2.7.3 In addition to the above, the requirement for criminality checks on vehicle licence holders is contained within the Department for Transport Statutory Taxi and Private Hire Vehicle Standards (published July 2020).
- 2.7.4 Having taken the above into consideration, it is recommended that the requirement for DBS checks on applicants for a vehicle licence is included in the revised Policy.
- 2.8 Clarification regarding application requirements
- 2.8.1 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.
- 2.8.2 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.
- 2.8.3 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 Council's normal practice will be for serious matters to be referred to the Licensing Board for consideration, regardless of the time period that has elapsed.
- 2.8.4 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).
- 2.8.5 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.

- 2.8.6 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.
- 2.8.7 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 / or
 - 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).
- 2.8.8 Again, the majority of respondents agreed with the proposal to introduce the above requirements. However, some members of the local trade expressed concerns regarding the proposals – primarily around the following:
- 2.8.9
1. The local trade were concerned that individual officers would be responsible for all decision making and the drivers would not be provided with the opportunity to make representation to a panel in cases where their suitability for a licence was being reviewed.
 2. Concerns were expressed that the Council would be "reopening" police investigations rather than accepting the police's findings.
- 2.8.10 The following reassurance was provided in relation to these matters:
- 2.8.11
1. Licence holders will still be provided with the opportunity to have their case considered by a sub-committee of the Licensing Board if there are concerns regarding their suitability to hold a licence. The ability of licensing officers to revoke or suspend licences will remain unchanged (i.e. reserved for cases where there is a need to act immediately in the interests of public safety). The proposals will only affect applications for the grant of a licence where the applicant has a conviction that is very old, or very minor and where there are no breaches of the Council's policy.
 2. It was clarified that there would not be a further investigation, just that information would be reviewed in relation to the decision to release an individual from police etc. enquiries. For example, if the decision not to charge was due to a case of mistaken identity or a clearly malicious complaint, then the likelihood of the applicant receiving their licence will not be affected by their previous arrest. It would be a different matter however if the decision not to charge

was due to a technical issue, or reluctance of a key witness to provide evidence to a Court.

2.8.12 The views of the local trade changed on being provided with these reassurances, and it is felt that one of the key reasons for dissatisfaction with the proposals was due to a lack of clarity regarding their implications.

2.8.13 The significant majority of local taxi users agreed with the introduction of this proposal.

2.8.14 It is therefore recommended that the proposals regarding application requirements are included in the revised policy.

2.9 The proposed amendments to the Policy are highlighted yellow in Appendix 1.

3. Options considered and recommended proposal

3.1 Option 1

Cabinet does not adopt the revised Hackney Carriage and Private Hire Licensing Policy. This option would still allow for delivery of the Council's statutory responsibilities in relation to hackney carriage and private hire licensing.

3.2 However, the lack of a clear and updated Policy would mean a lack of clarity for both applicants, and for the Licensing Board, in terms of the determination of licences. This could potentially mean a lack of consistency in determining licenses and potential unnecessary legal challenge to decisions.

3.3 Option 2

Cabinet adopts the proposed Hackney Carriage and Private Hire Licensing Policy. The adoption of the policy would enable the Council to discharge its statutory obligations more confidently and would ensure that the views of local residents and the local trade are taken into account.

3.4 In addition, an updated Policy would give clarity to applicants, officers and the Licensing Board when determining applications.

3.5 The preferred option is Option 2, and the proposed Hackney Carriage and Private Hire Licensing Policy is attached at Appendix 1.

4. Consultation on proposal

4.1 Consultation has taken place with members of the public, and those affected by the policy. This consultation has taken the form of:

- Direct contact with representatives of businesses / organisations that are directly affected by the policy.

- Online consultation via the Council's website.
- Direct mail contact with local residents (a mailshot to over 1,000 randomised residential addresses within the Rotherham Borough).
- Direct mail contact with all current taxi and private hire licence holders.
- Public drop-in sessions held throughout the Borough.
- Consultation at Rotherham Show.
- Contact with groups / organisations representing specific sectors of our communities.
- Consultation with local ward Members.
- Publicity via local newsletters and mailings.
- Press releases / social media publicity raising awareness of the policy review.

4.2 In total, there have been 624 responses to the consultation.

4.3 Further detail on the responses provided in relation to each of the proposals is contained within section 2 of this report.

Full details of the consultation responses are attached as Appendix 2 to this report – this includes details of any individual or group comments / feedback that were provided during the consultation. It should be noted at this stage that over 100 responses received from the licensed trade were identical in nature (with identical comments). Although the responses have been included in the overall response figures, the repeat comments have been removed from the list of comments provided in Appendix 2 (but the total number of such comments has been acknowledged).

4.4 In addition to the above, consultation has also taken place with members of the Council's Licensing Board, who were generally in agreement with the proposals. A summary of the feedback provided by the Licensing Board is provided within Appendix 2.

5. Timetable and Accountability for Implementing this Decision

5.1 If adopted, the revised Policy will become effective immediately.

5.2 However, the policy requirements will be introduced in accordance with the Implementation Scheme attached to this report as Appendix 3.

6. Financial and Procurement Advice and Implications

6.1 The regulation of taxi and private hire driver, vehicles and operators that come under the remit of this policy is funded by means of the licensing fees that are attached to applications of this nature. These fees are reviewed as part of the Council's annual budget setting process.

6.2 As a result, the delivery of the functions outlined in this report, the costs of the recent consultation and future consultation on vehicle signage, and the

implementation of this policy will be contained within existing approved revenue budgets.

- 6.3 There are no procurement related implications introduced by this report.

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 established and 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 the effectiveness of the policy and provide confidence and reassurance regarding its implementation.
- 7.4 The Council must have regard to all relevant legislation and ensure that the consultation responses are conscientiously considered when deciding on the content of the policy, in order to minimise the risk of any legal challenge.
- 7.5 Any decisions made by the Council in relation to the changes to the policy must be rational, considering all relevant factors. Failure to do so could open up the policy to legal challenge on the grounds of unreasonableness.

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 must 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 However, as a significant proportion of individuals that are affected by this policy belong to a particular ethnic group, an Equalities Analysis has been undertaken and is attached as Appendix 4 to this report.

11. Implications for CO2 Emissions and Climate Change

- 11.1 This policy outlines requirements regarding vehicles that are considered suitable for licensing. One key change between the proposed / revised policy and the current policy relates to the ages of vehicles that are considered suitable for licensing.
- 11.2 The Council is mindful that older vehicles have the potential to have a greater impact on climate change and general air quality than newer, less polluting vehicles. It has therefore been necessary to strike a balance between reducing the financial burden on the local trade and limiting the impact on the environment.
- 11.3 Although the age limits have been increased, the requirement for the vehicles to be tested and well maintained remains. In addition, only vehicles that meet Euro 6 emission standards (the current highest level) will be allowed to be licensed beyond the current limit of 10 years.
- 11.4 Furthermore, the Council has expressed a commitment to explore the possibility of incentivising the purchase of the least polluting vehicles on the market through the use of grant funding and / or leasing schemes.
- 11.5 It is therefore the case that although this policy will have an environmental impact, the extent of the negative impact is negligible and it is felt that the proposals in relation to Euro 6 vehicles and ULEVs will have a positive impact on the climate change agenda.

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	04/12/23
Strategic Director of Finance & Customer Services (S.151 Officer)	Judith Badger	30/11/23
Assistant Director, Legal Services (Monitoring Officer)	Phil Horsfield	30/11/23

*Report Author: Alan Pogorzelec, Licensing Manager
01709 254955 or alan.pogorzelec@rotherham.gov.uk*

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**

Contents

1.	Introduction.....	6
2.	Definitions	7
3.	Aims and Objectives of the Policy	9
4.	Delegations	12
5.	Driver Requirements	13
5.1	Fit & Proper Person Test	13
5.2	Application process.....	14
5.3	Disclosure and Barring Service (DBS).....	15
5.4	Applicants with periods of residency outside of the UK	16
5.5	Relevance of Convictions and Cautions etc.....	16
5.6	Knowledge Testing	16
5.7	Medical Assessment.....	17
5.8	Duration of licence	18
5.9	Qualifications	18
5.10	Conditions.....	19
5.11	Dress Code.....	20
5.12	Code of Conduct when working with vulnerable passengers	20
5.13	Right of driver to work in the UK	20
5.14	Renewal Process.....	21
6.	Hackney Carriages and Private Hire Vehicles	22
6.1	Application process.....	22
6.2	Grant and renewal of licences	22

6.3	Vehicle age and exhaust emissions	23
6.4	Insurance	23
6.5	Vehicle specification	24
6.6	Conditions.....	24
6.7	Identification of vehicles as Private Hire Vehicles or Hackney Carriages..	24
6.8	Fire extinguishers.....	25
6.9	Tyres	25
6.10	Accidents	25
6.11	Vehicle examination and testing requirements.....	26
6.12	Meters	26
6.13	Taxi Cameras	27
6.14	Additional provisions for Private Hire vehicles only	27
6.14.1	Wheelchair Accessibility	27
6.14.2	Advertisements	28
6.14.3	Limousines and executive hire.....	28
6.14.4	Special events vehicles and courtesy cars.....	29
6.15	Additional provisions for Hackney Carriage vehicles only	29
6.15.1	Limitation on numbers	29
6.15.2	Advertisements	29
6.16	Taxi ranks.....	29
7.	Fares	30
7.1	Hackney Carriages	30
7.2	Private Hire Vehicles.....	30
8.	Operators	31
8.1	Requirement for a licence	31

8.2	Fitness and propriety	31
8.3	Insurance	32
8.4	Conditions.....	33
8.5	Use of operator name following revocation of licence	33
8.6	Operator responsibility in relation to vehicles / drivers that are operated.	33
8.7	Provisions relating to the sub-contracting of bookings to other Private Hire Operators.....	34
9.	Fees	35
9.1	Fee Structure	36
10.	Compliance and Enforcement	36
10.1	Enforcement	36
10.2	Enforcement Penalty points	37
10.3	Suspension of licence	37
10.4	Refusal to renew a licence.....	37
10.5	Prosecution of licence holders	37
10.6	Appeals.....	38
10.7	Service Requests and Complaints	38

Appendices

Appendix A:	Private Hire and Hackney Carriage Drivers Application Procedure
Appendix B:	Policy in Relation to the use of Criminal Record Information
Appendix C:	Relevance of Previous Convictions Policy
Appendix D:	Private Hire / Hackney Carriage Driver Conditions of Licence
Appendix E:	Hackney Carriage Byelaws
Appendix F:	Dress Code
Appendix G:	Code of Conduct when working with vulnerable persons
Appendix H:	Hackney Carriage & Private Hire Vehicle Licensing Application Procedures
Appendix I:	Vehicle Age and Emissions Policy
Appendix J:	Specification of Private Hire Vehicles
Appendix K:	Specification of Hackney Carriages
Appendix L:	Private Hire Vehicle Conditions
Appendix M:	Hackney Carriage Vehicle Conditions
Appendix N:	Private Hire and Hackney Carriage vehicle examination and testing requirements
Appendix O:	Advertisements Policy
Appendix P:	Private Hire Operator Conditions
Appendix Q:	Taxi Camera Requirement

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
- Best practice guidance issued by the Department for Transport
- The Department for Transport Statutory taxi and private hire vehicle standards
- The Equality Act 2010

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 as required 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.

DRAFT

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.

DRAFT

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 Council's policy in relation to the use of Criminal Record Information is attached as Appendix B.

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 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 and / or any alternate qualification / course which the Council may prescribe (which may or may not be delivered or commissioned by the Council). Other qualifications / courses 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, or an equivalent qualification that may be prescribed as an alternative to this 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 a 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 explore all available options to incentivise the uptake of ULEVs within the licensed vehicle fleet, for example via grant funding and vehicle leasing schemes.

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 keen to ensure that it does not unwittingly restrict the provision of such vehicles within the taxi fleet. Government guidance indicates that limitations should not normally be applied to the numbers of Hackney Carriages operating in a particular area, and that Councils should incentivise the uptake of wheelchair accessible vehicles where mandating them would be inappropriate.

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 Provisions relating to the 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 significantly undermines 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 booking. 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 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 and robust action will be 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. 1st April. The Council, however, can review the fees at any time.

DRAFT

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.

DRAFT

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 / course which the Council may prescribe. Alternative qualifications / courses 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

Policy in Relation to the use of Criminal Record Information

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.

Your application will not progress until the Council has received your Enhanced Disclosure Certificate.

A copy of the authority's Statement of Policy for the recruitment of ex-offenders. 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, but nonetheless the same principles will apply.

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 (but not protected convictions).

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.

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 (including 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. Where such offences involve violence they will be dealt with in accordance with Paragraph 6.3 of this Policy.

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. Where such offences involve violence they will be dealt with in accordance with Paragraph 6.3 of this Policy.

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 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.

15. Using a hand-held device whilst driving

15.1 Where an applicant has a conviction for using a held-hand 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).

Code	Offence	Penalty Points
Accident Offences		
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
Disqualified Driver		
BA10	Driving whilst disqualified by order of court	6
BA30	Attempting to driver while disqualified by order of court	6
Careless Driving		
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
Construction & Use Of Offences		
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
Dangerous Driving		
DD40	Dangerous Driving	3-11
DD60	Manslaughter or culpable homicide while driving a	3-11

	vehicle	
DD90	Furious Driving	3-9
Drink or Drugs		
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
Insurance Offences		
IN10	Using a vehicle uninsured against third party risks	6-8
Licence Offences		
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
Miscellaneous Offences		
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
Motorway Offences		
MW10	Contravention of Special Roads Regulations (excluding speed limits)	3
Pedestrian Crossings		
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
Speed Limits		
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
Traffic Directions And Signs		
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
Special Code		
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	
Theft or Unauthorised Taking		
UT50	Aggravated taking of a vehicle	3-11

Source 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

- a. The driver must not fail or refuse to carry out a booking, or provide reasonable assistance to a passenger who is using a wheelchair or 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.
- b. 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.

Advisory note:

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 or voluntary interview) providing full details of any conviction, binding over, caution, warning, reprimand, arrest or voluntary interview 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 / postal requisition 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 or voluntary interview 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
- (iv) 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.
- (iv) 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 of 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.

DRAFT

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:
- proceed with reasonable speed to one of the stands fixed
 - 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;
 - 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;
 - 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:
- not without the express consent of the hirer smoke, drink or eat in the vehicle;
 - 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;
 - 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 1st 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 15 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 18 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) and ii) 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, except when the vehicle is parked outside the registered, permanent home address of the driver.
 - i. A licence plate securely affixed to the rear of the vehicle, in a holder supplied by the Council.
 - ii. A sign / notice securely affixed to each front door of the vehicle.
 - iii. A notice permanently fixed to the interior glazed surface of the quarter light of both rear doors so that the contents of the notice are visible from both the outside and inside of the vehicle.
 - 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. Requirements iii, iv, and vi must be permanently affixed to the interior of the vehicle at all times.
- c. Requirement v must be securely affixed to a holder prescribed by the Council at any time when the vehicle is being used as a licensed vehicle.
- d. 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.
- e. 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 by the Licensing Board.
- f. 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, except when the vehicle is parked outside the registered, permanent home address of the driver.
 - vii A licence plate securely affixed to the rear of the vehicle, in a holder supplied by the Council.
 - viii A sign / notice securely affixed to each front door of the vehicle.
 - ix A notice permanently fixed to the interior glazed surface of the quarter light of both rear doors so that the contents of the notice are visible from both the outside and inside of the vehicle.
 - x 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.
 - xi 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.
 - xii 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. Requirements iii, iv, and vi must be permanently affixed to the interior of the vehicle at all times.
- c. Requirement v must be securely affixed to a holder prescribed by the Council at any time when the vehicle is being used as a licensed vehicle.
- d. 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.
- e. 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 by the Licensing Board.
- f. 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 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**

SECTION 1 - Vehicle conformance to standards set by RMBC		
Testable Items	Reason for Failure	Additional Information
<u>Ensure that:</u>		
1. The vehicle is fitted with a minimum of 4 road wheels and 4 doors (excluding boot doors). <i>Unless the vehicle is to be licensed for less than 4 passengers where the number of doors maybe less.</i>	1. The vehicle is fitted with fewer than 4 road wheels and 4 doors (excluding boot doors).	Check to ensure that the vehicle satisfies detailed conformance requirements. Acceptable certification will include certificates issued by recognised converters.
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.	2. The vehicle fails to comply with either, the Road Traffic Act, Construction and Use Regulations or Road Vehicles Lighting Regulations.	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.
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.	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.	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.
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.	4. The vehicle <u>fails</u> to satisfy the applicable standards as detailed in the MOT Testing Manual.	
5. The vehicle will also be examined to verify that it meets the additional requirements set out within this document are met (as applicable).	5. The vehicle <u>fails</u> to meet any of the applicable requirements as detailed in this document.	

<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>	
---	---	--

<u>SECTION 2 – Vehicle Identification Number (VIN)</u>		
Testable Items	Reason for Failure	Additional Information
<p>Ensure that:</p> <ol style="list-style-type: none"> 1. The VIN plate is accessible. 2. The VIN plate is fitted to the vehicle. 3. The VIN plate has not been tampered with. 4. The VIN plate is consistent with any other documentation presented. 5. All information and vehicle details are clear and legible. 	<ol style="list-style-type: none"> 1. The VIN plate is not accessible as appropriate to the vehicle type. 2. The VIN plate is not fitted to the vehicle. 3. The VIN plate has been tampered with. 4. The VIN plate is not consistent with any other documentation presented. 5. Information and vehicle details are not clear and/or not legible 	<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

Testable Items	Reason for Failure	Additional Information
<p>Ensure that:</p> <ol style="list-style-type: none"> 1. There is no evidence of significant damage to the external body panels. 2. Ensure that where there is only one passenger door that door is on the nearside (kerbside) of the vehicle. 3. There is no evidence of crudely repaired or, insecure body panels. (visual examination). 4. That there is no evidence of significant rusting and/or corrosion. 5. The paintwork is finished and presents a satisfactory appearance (visual examination). 6. Any additional lighting is secure and complies with lighting regulations. 7. Any exterior alteration or modification has been approved. 8. All windows are clean, undamaged and free from unapproved advertising medium. 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. 	<ol style="list-style-type: none"> 1. There is evidence of significant damage to the external body panels. 2. Single passenger door is not on the nearside (roadside) of the vehicle. 3. There is evidence of crudely repaired or insecure body panels. 4. There is evidence of significant rusting and/or corrosion. 5. Paintwork is poor and presents an unsatisfactory appearance making the vehicle unsuitable for use. 6. Additional lighting does not comply with lighting regulations. 7. The exterior alteration or modification is not approved and/or presents a safety hazard. 8. The windows are soiled /dirty, damaged or contain unapproved advertising. 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 	<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>

<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>
--	---	--

SECTION 4 – Underside Inspection

Testable Items	Reason for Failure	Additional Information
<p>Ensure that:</p> <ol style="list-style-type: none"> 1. There are no signs of water or fluid leaks from under the vehicle. 2. There are no signs of oil leaks from under the vehicle. 3. The exhaust pipe is secure. 4. The towing assembly is fully secured to the vehicle (if applicable). 	<ol style="list-style-type: none"> 1. There is evidence of water or fluid leaks from under the vehicle. 2. There are signs of oil leaks from under the vehicle. 3. The exhaust pipe not fully secure to the vehicle. 4. The towing assembly is not fully secured to the vehicle (if applicable). 	<p>Visually inspect the underside of the vehicle for any fluid leaks.</p>

SECTION 5 – Passenger Compartment

Testable Items	Reason For Failure	Additional Information
<p>Ensure that:</p> <ol style="list-style-type: none"> 1. All tinted windows comply with the relevant RTA and/or C&U regulations. 2. The upholstery, headlining, carpets and door trims are not damaged or soiled. 3. The devices designed for opening any passenger windows are in place and operate correctly. 4. All passenger doors can be opened from inside and outside the vehicle. 5. All passenger doors close securely. 6. Passenger courtesy lights operate correctly. 7. All passenger seat adjustment Mechanisms are in good working condition. 8. All passengers, seats, are fitted with seat belts. 9. The passenger seats are in good condition and the inner fibre is not exposed. 10. The passenger seat frame is secured. 	<ol style="list-style-type: none"> 1. Any tinted window does not comply with the relevant RTA and/or C&U regulations. 2. The upholstery, headlining, carpets and door trims are damaged or soiled. 3. Passenger windows are not in place and/or fail to operate correctly. 4. Any passenger door, or doors, cannot be opened from inside and/or outside the vehicle. 5. Any passenger door, or doors, fails to close securely. 6. Passenger courtesy lights are inoperative. 7. Any passenger seat adjustment mechanism is not in good working condition. 8. Passenger seat belts are not fitted and/or are missing. 9. The passenger seats are not in good condition or the inner fibre is exposed. 10. Passenger seat frame not secure. 	<p>Visual inspection to ensure window glass complies with RTA or C&U Regulations.</p> <p>Note: 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>Note: that centre doors fitted to stretched limousines are not required to be fitted with child locks.</p>

<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>	
---	---	--

SECTION 6 – Driver Front/Passenger Compartment

Testable Items	Reason For Failure	Additional Information
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.	Safety enhancement features: 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)	

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.	
<u>SECTION 7 – Luggage/Boot Compartment</u>		
Testable Items	Reason for Failure	Additional Information
Ensure that:		
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.	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.	Visual check for adequate luggage/boot space

<u>SECTION 8 – External Signage</u>		
Testable Items	Reason For Failure	Additional Information
<p>Ensure that:</p> <ol style="list-style-type: none"> 1. The content of any external signage complies with PHV regulations or HCV regulations and/or RMBC guidelines. 2. The content of any external signage has been approved by the Licensing Authority. 3. Signage is of an appropriate size. 4. Any signage is displayed in an appropriate or approved place. 	<ol style="list-style-type: none"> 1. The content of any external signage does not comply with PHV regulations or HCV regulations and/or RMBC guidelines. 2. The content of any external signage has not been approved by the Licensing Authority. 3. Signage is of an incorrect size. 4. Signage is displayed in an unapproved or inappropriate place. 	<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>

SECTION 9 – Additional Items		
Testable Items	Reason For Failure	Additional Information
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.	Note: 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	

<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>
--	--	---

<u>SECTION 10 – Other Defects</u>		
Testable Items	Reason for Failure	Additional Information
<p>Ensure that:</p> <ol style="list-style-type: none"> 1. The vehicle appears to be in a roadworthy condition. 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. 	<p>Luggage Compartment.</p> <ol style="list-style-type: none"> 1. The vehicle has a mechanical defect is not in a roadworthy condition. 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. 	<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>

<u>SECTION 11 – General Information</u>		
Passes	Failures	Additional Information
<p>If the vehicle <u>passes</u> the licensing inspection the vehicle inspector will:</p> <ol style="list-style-type: none"> 1. Update documentation and / or database (as appropriate). 2. Issue the inspection pass certificate / documentation to the vehicle proprietor/driver. 3. Advise the proprietor / driver they must return the “pass” certificates to the Licensing Office immediately. 	<p>If the vehicle fails the licensing inspection, the vehicle inspector will:</p> <ol style="list-style-type: none"> 1. Update documentation and/or database. (as appropriate). 2. Issue a VIR and any other appropriate documents indicating why a licence has been refused. 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. 4. Allocate a retest appointment for minor retest points which can be retested in 15 minutes or less. 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. 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. 	<p>If the applicant wishes to appeal against the failure decision.</p> <p>The vehicle inspector will;</p> <ol style="list-style-type: none"> 1. Inform the vehicle owner of their rights of appeal. 2. The vehicle inspector will provide the complainant with the RMBC vehicle inspection complaints procedure documentation. 3. Notify / inform the Depot Manager of the complainant's details. 4. Advise the complainant to make an official notification of complaint to the Depot Manager.

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).

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 that 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 or voluntary interview) providing full details of any conviction, binding over, caution, warning, reprimand, arrest or voluntary interview 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"> - Flash-based SSD (100% industrial grade), - Hard disk with both mechanical anti-vibration and anti- shock mechanism and self-recovery and self-check file writing system.
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"> - 2004/108/EC on Electromagnetic Compatibility (CISPR 22/EN55022), - 2004/104/EC on Radio Interference (sections 6.5, 6.6, 6.8 and 6.9) <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.

These requirements may be amended by the Council as technology develops and more improved systems become available.

Responses received during the consultation.

Section A	Responses received to the online consultation
Section B	Comments received during the online consultation
Section C	Comments / feedback received from associations representing the local trade
Section D	Summary of feedback received from the Licensing Board
Section E	Written responses provided by members of the local taxi trade

Section A Responses received to the online consultation

Interested parties were able to complete an online survey as part of the consultation. The consultation asked the following questions:

1. Please indicate whether you agree or disagree with our proposal that all applicants for the grant or renewal of a Private Hire Operator licence must undergo an interview with Licensing Officers as part of the application process.
2. Please indicate whether you agree or disagree with our proposal for additional conditions to be attached to Private Hire Operator Licences.
3. Please indicate whether you agree or disagree with our proposal that 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.
4. Please indicate whether you agree or disagree with our proposal to remove the current limit on Hackney Carriages.
5. Please indicate where you agree or disagree with our proposal to change our Vehicle Age and Emissions Policy to allow older vehicles to be licensed if they meet the emissions, quality and safety standards.
6. Please indicate whether you agree or disagree with our proposal to require permanent fixing of signage if rules are not complied with.
7. Please indicate whether you agree or disagree with our proposal to introduce a requirement for the display of a vehicle licence plate on the front bumper / grille.
8. Please indicate whether you agree or disagree with our proposal to review our conviction policy to provide greater clarity and ensuring our requirements match or exceed those of all other neighbouring authorities.
9. Please indicate whether you agree or disagree with our proposal to require applicants for a vehicle license to undergo a DBS check.
10. Please indicate whether you agree or disagree with our proposal to clarify our decision making.
11. Please indicate whether you agree or disagree with our proposal to clarify our application processes.

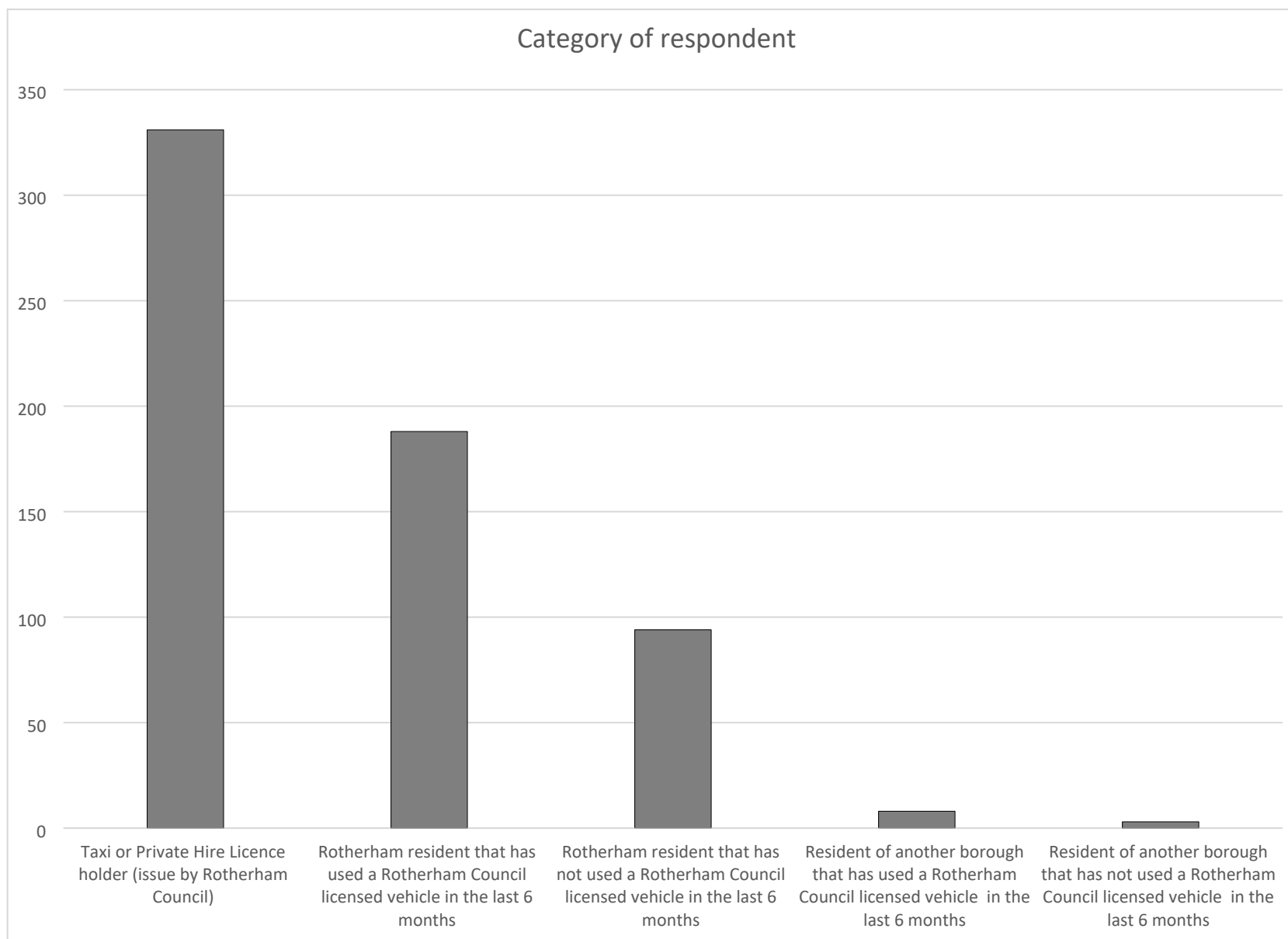
Prior to providing their response, the respondents were asked to state which of the following categories of respondent they felt most accurately described them:

1. Taxi or Private Hire Licence holder (issued by Rotherham Council)
2. Rotherham resident that has used a Rotherham Council licensed vehicle in the last 6 months
3. Rotherham resident that has not used a Rotherham Council licensed vehicle in the last 6 months
4. Resident of another borough that has used a Rotherham Council licensed vehicle in the last 6 months
5. Resident of another borough that has not used a Rotherham Council licensed vehicle in the last 6 months

A total of 624 responses were received, a breakdown is shown below:

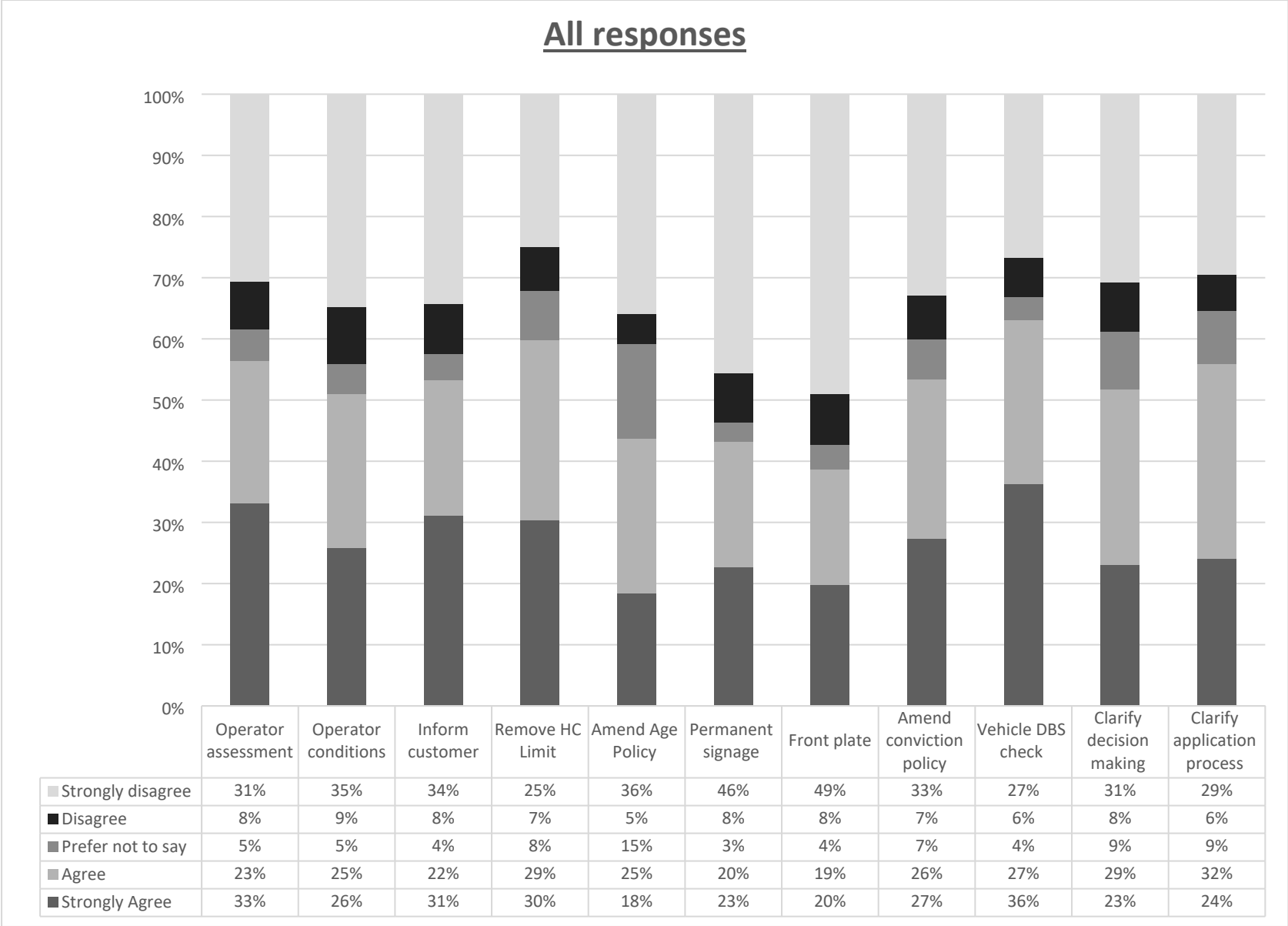
	Number	
Taxi or Private Hire Licence holder (issued by Rotherham Council)	331	53%
Rotherham resident that has used a Rotherham Council licensed vehicle in the last 6 months	188	30%
Rotherham resident that has not used a Rotherham Council licensed vehicle in the last 6 months	94	15%
Resident of another borough that has used a Rotherham Council licensed vehicle in the last 6 months	8	1%
Resident of another borough that has not used a Rotherham Council licensed vehicle in the last 6 months	3	<1%

This is shown in graphical form in the chart on the following page.

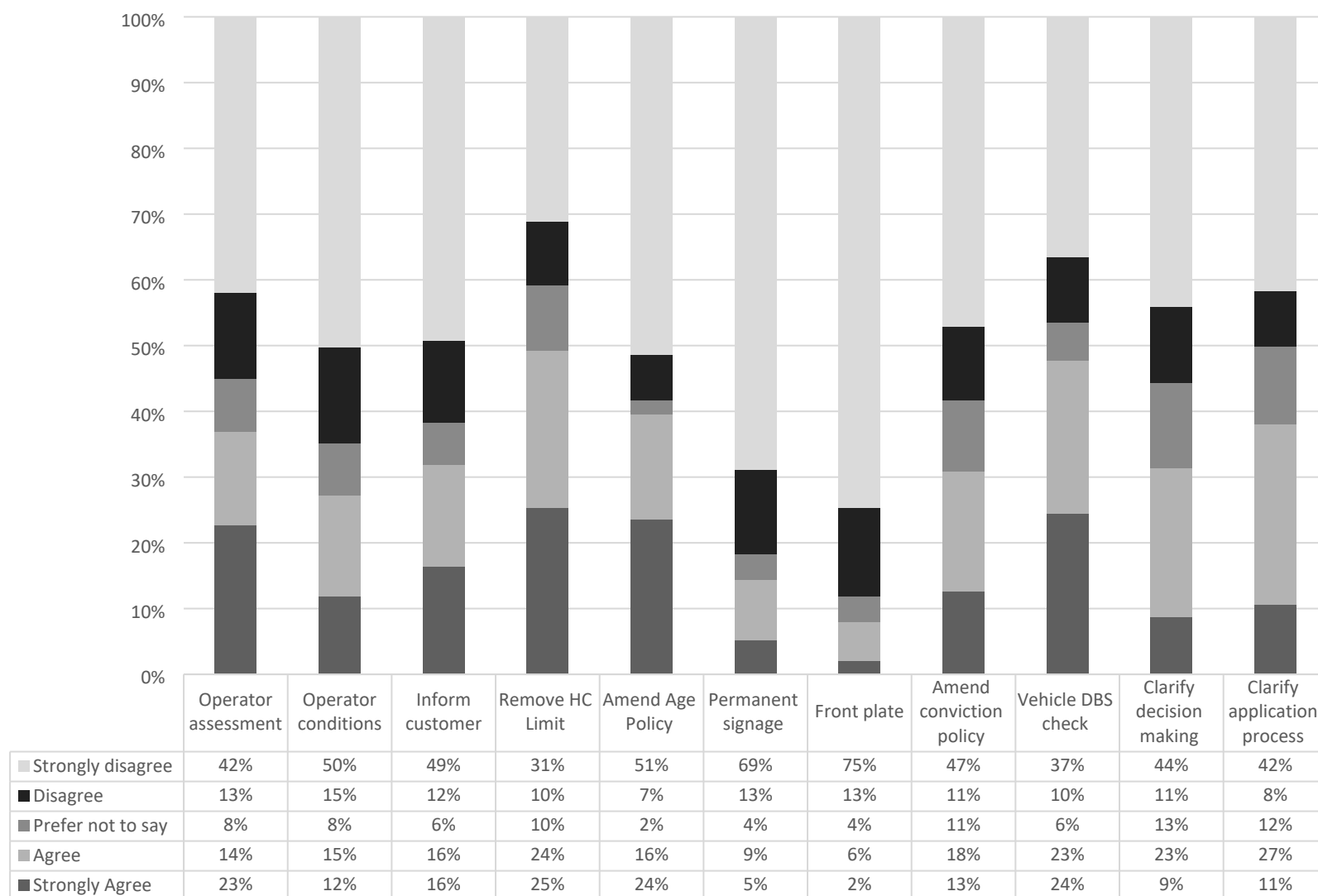


The charts on the following pages provide a graphical representation of the responses that were received to each of the questions asked.

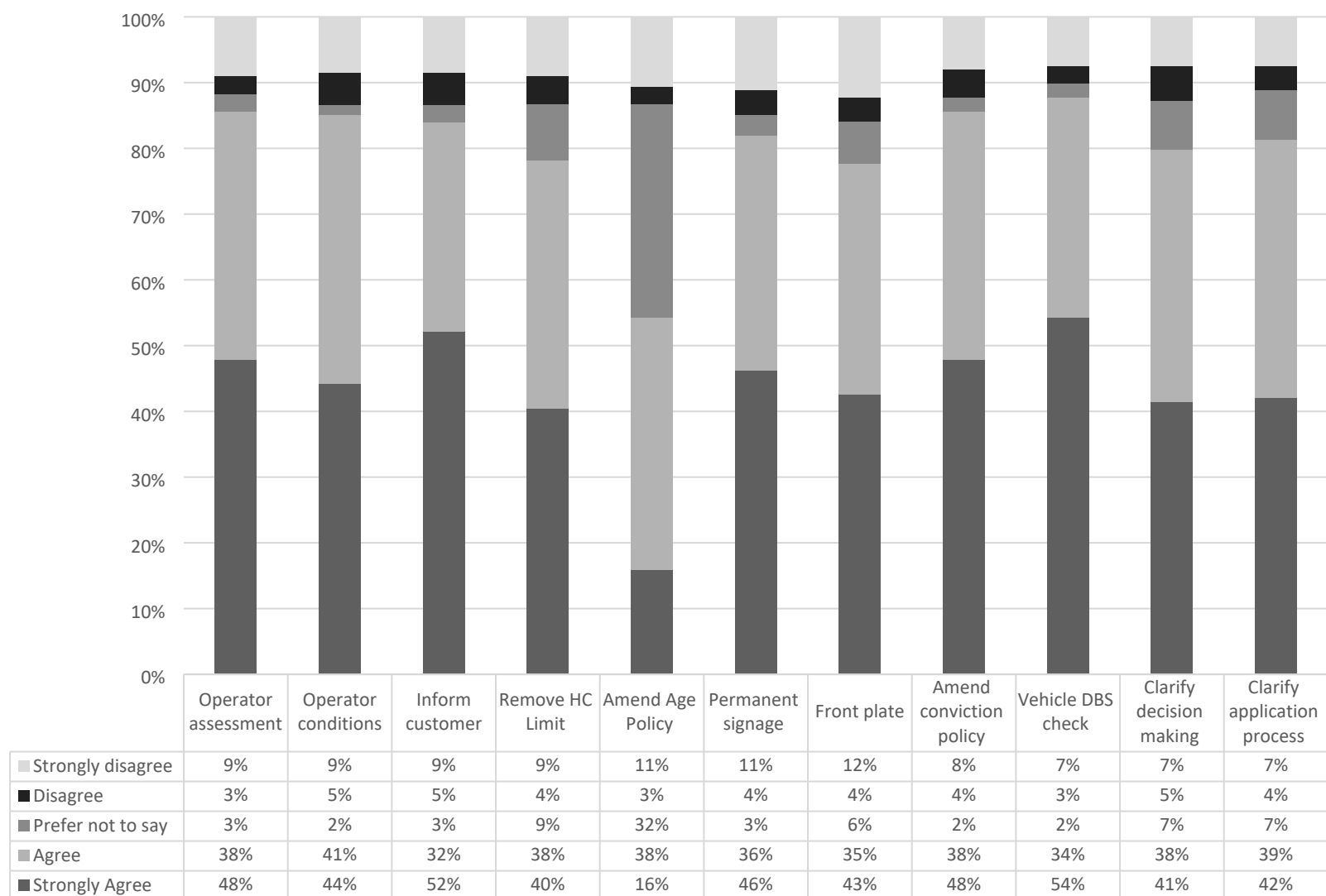
Intentionally Blank



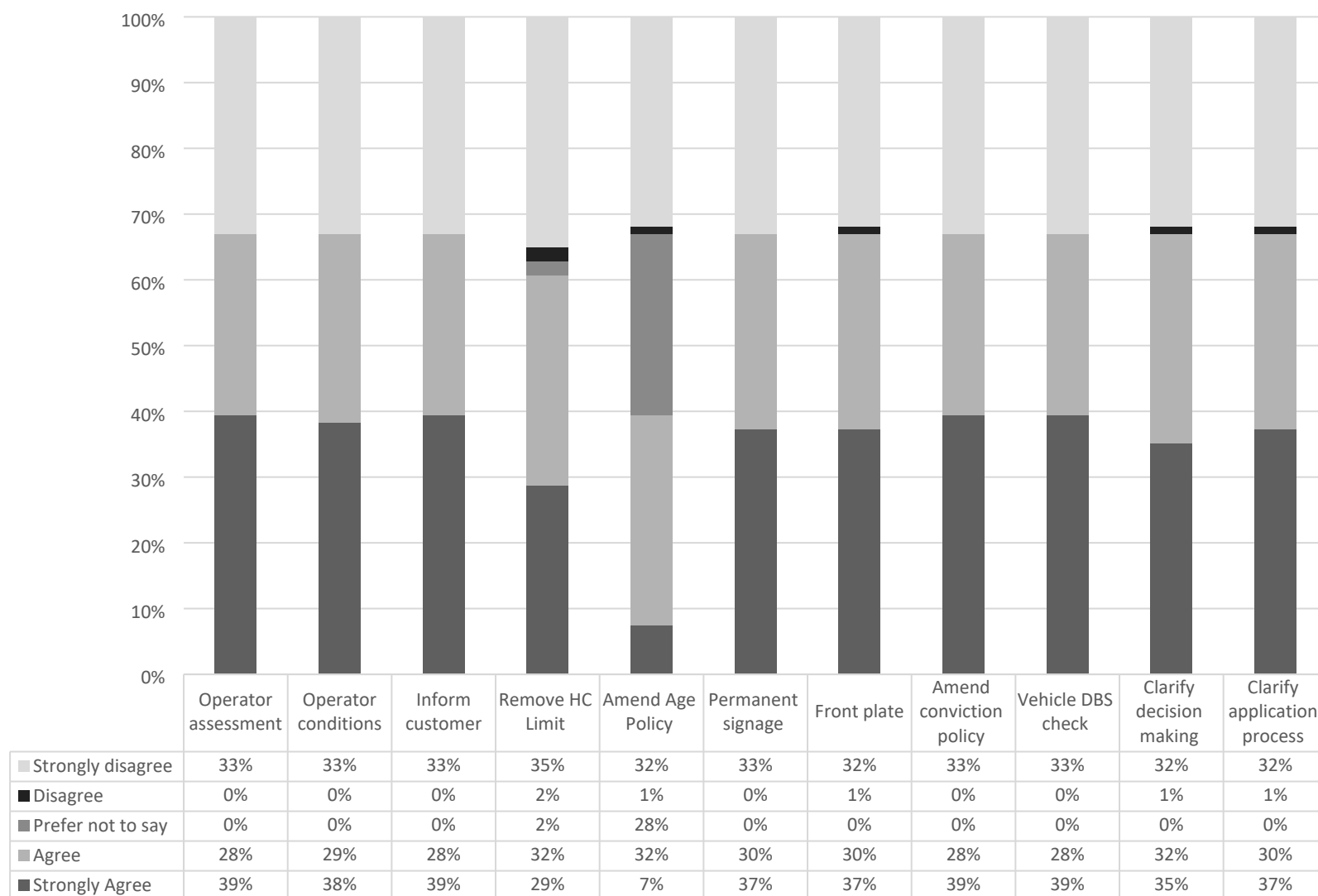
Responses from the Rotherham Taxi and Private Hire Trade



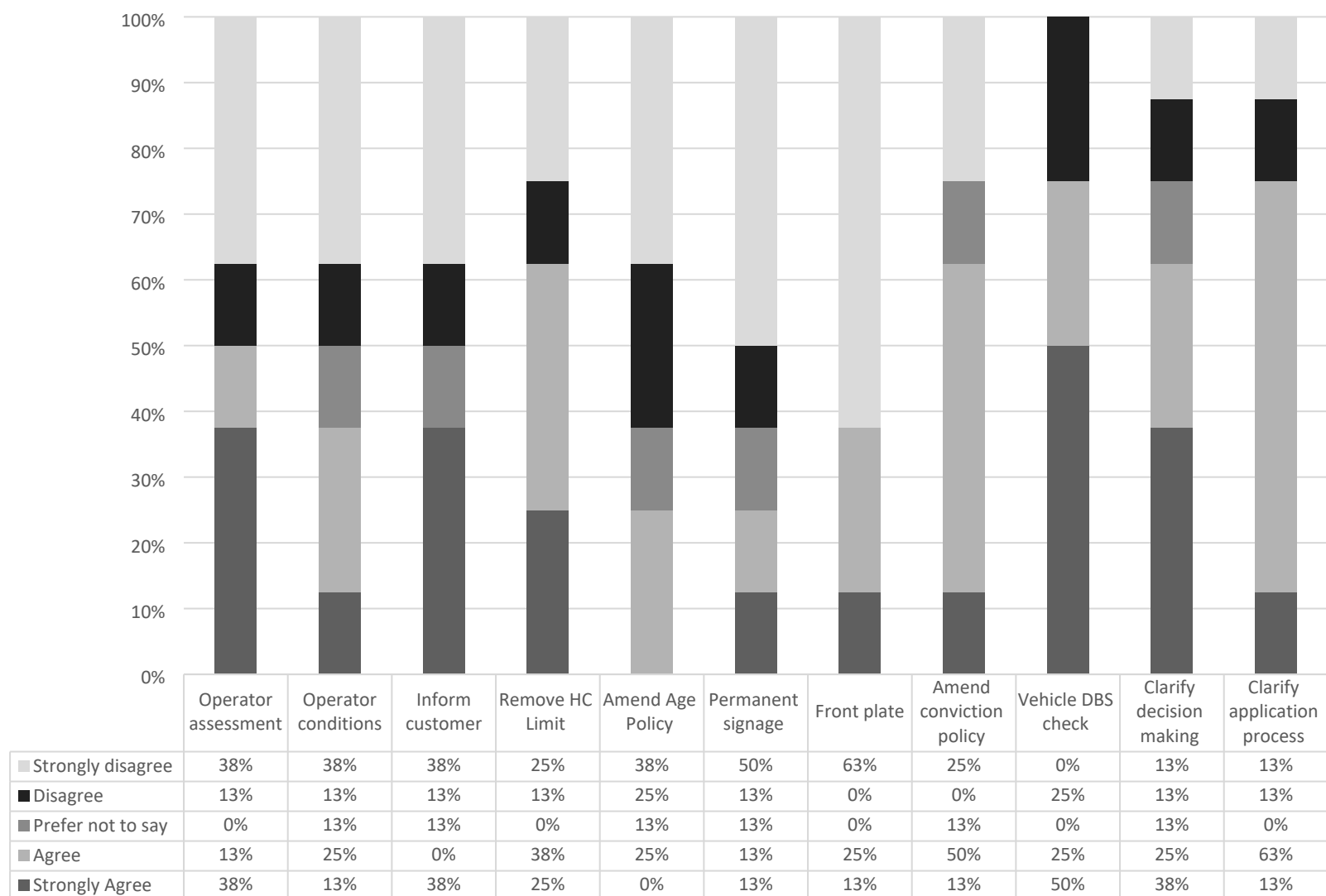
Responses from Rotherham residents that are Taxi / PHV users



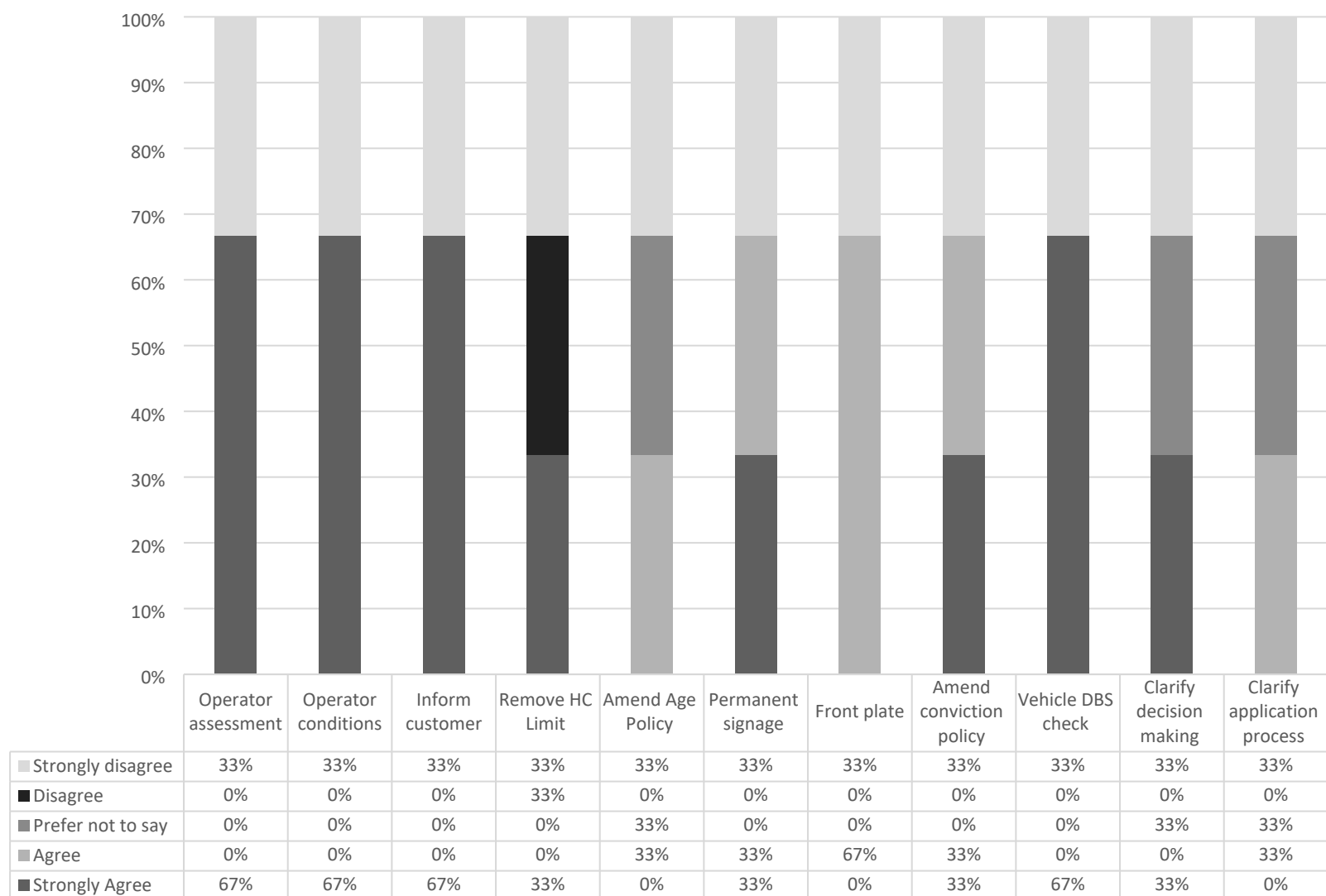
Responses from Rotherham residents that are not Taxi / PHV users



Responses from non-Rotherham residents that are Taxi / PHV users



Responses from non-Rotherham residents that are not Taxi / PHV users



Section B Comments received during online consultationComments received through the online consultation from the taxi and private trade

Note: where there are more than 3 instances of the exact same comment, the repeat comments have been removed from the list below but the number of repeated instances is acknowledged.

#	Comment
1	<p>1. Rotherham License HC or PH vehicles are not permitted to operate beyond Rotherham. Rotherham Council should ban Licensed vehicle of other councils to operate within its boundaries.</p> <p>2. Regarding CCTV cameras, the requirement to install cctv camera should be removed and drivers should be allowed to install their own Dash Cams instead, to provide driver with more security and flexibility</p> <p>OR</p> <p>Drivers should be given the right to get the footage where they need. Currently, drivers has no power to control the functions of cameras.</p>
2	15 years for electric cars is good
3	<p>1st register as taxi age limit from 5 years to be increased 10 years as long as its in good conditions and categories eg like N, S etc should be removed.</p> <p>1 test upto 7 years and 2 test every year as long it's registered as taxi.</p> <p>Dont need permanent door signage or extra plates in front of car just to inform customers by registration number to avoid being attacked by stones egges etc.</p> <p>Application processing should be faster.</p>
4	<p>Additional information as follows:</p> <p>1-7 years = 1 test per year</p> <p>7 - 12 years = 2 tests per year</p> <p>Increase age of euro 6 diseal/petrol cars to minimum 14 years. This is due to cars are very expensive and drivers are unable to afford Â£20k plus for a hybrid vehicle otherwise drivers will be out of trade.</p> <p>We do not want grills for safety hazard people throwing stones.</p> <p>Rather i would suggest no plates at all and introduce rear and front windscreen affixed stickers with same details as on plate like TFL (London private Hire cars).</p> <p>London going forward with these stickers no issues at all.</p>

	<p>We also need RBC to produce credit card neck badge as the currant badges are dangerouse due to the sharpe edges and too big.</p> <p>RBC need to look into TFL sticker type.</p> <p>Fire extinguishers and first aid kits out we are not trained for such instances</p> <p>These are main concerns.</p>
5	<p>Age limit of vehicle should be increased from 10 years to 12 years and thereupon use the EQS standards</p> <p>Testing should take away the 3 tests per year</p> <p>Should be 1-7 years is 1 test per year</p> <p>7+-12 years 2 tests per year</p> <p>Vehicles are costing more money, they are euro 6 so more compliant to the environment. Labour and parts are more expensive why test every 4 months when 6 months is sufficient. Added burden of us drivers coughing out Â£46 is not fair in such difficult times.</p> <p>Permanent signage should not be implemented this is safety hazard as my car has been pelted with stones and damage done to it twice. People see a taxi from far away and having the grill at front will be added cost to us and our cars will be more chance of being pelted. Customers book via app or phone, so can trzck and ring driver. Stickers to side of doors and back plate and docket at windscreen more than enough.</p> <p>Work with us drivers and listen to us</p> <p>Or else people will move to getting out of town taxi and working in rotherham and rmhc will lose out.</p> <p>Goverment have not been able to stop this and trust me rmhc will not</p> <p>I will move away myself and get wolverhampton plate if condicitons and policies are made more stringent</p> <p>Rotherham js the stricted in uk</p>
6	<p>age of cars extended to 15 years . 1 m.o.t a year . no extra signs on cars are needed. reduce price of m.o.t and have more m.o.t centres .</p>
7	<p>Agree with age limit and test increase disagree with most others</p> <p>Main comments</p> <p>Increase age limit of euro 6 cars to 13 years and then per year after</p> <p>Testing</p> <p>1-7 years = 1 test per year</p>

	<p>7 + = 2 tests per year</p> <p>Scrap 3 tests per year</p> <p>Signage</p> <p>Do not need front grill plate as extra cost for us and customers get vehicle details and can communicate with driver via message, track taxi and so on</p> <p>Front plate is safety concern people breaking into cars and throwing stones and vandalising</p> <p>Risk for us and extra stress</p> <p>Get rid of fire extinguishers and first aid kits not needed and never used extra cost for us drivers</p> <p>With influx of out of town taxis such as wolverhampton and ashfield</p> <p>People getting badges elsewhere and working in rotherham covering our work</p> <p>Work with trade not against</p>
8	<p>All vehicles that are euro 6 or above should be allowed to be used as private hire vehicles. As for signage no more extra signs/plates needed. As all information is given to customers, ie vehicle Reg and colour.</p> <p>Mots/compliance tests max 2 per year.</p>
9	<p>Any vehicle coming on for licensing should be able to be 7 years old and come off 14 years old never used a fire extinguishers or first aid kit taxi drivers currently paying above odds for cars petrol etc front plate not required as customers have vehicles registration the way rmhc are going is quite pathetic all i can say is i will be looking to go to Wolverhampton</p>
10	<p>Any vehicle thatâ€™s operating in Rotherham borough council (including sub-contracted vehicle) should comply with the rules of Rotherham Metropolitan Borough Councilâ€™s licensing authority regulation, which includes fixing of camera for vehicle.</p>
11	<p>As a licensed driver I feel that some of the requirements and proposals are designed to purposefully make current drivers and future drivers go to other licensing authorities such as Wolverhampton where the rules are not as Draconian.</p> <p>I am in favour of:</p> <p>â€¢Refresher training at renewal</p> <p>â€¢Current requirements to become a driver are fine with safeguarding, knowledge test etc.</p> <p>My opinion on what should be introduced:</p>

	<p>â€¢Magnetic signage should stay and rear licensed plates should be allowed to be displayed with magnets these are quite strong and can't just easily be removed without some force. Sheffield council allow this so why can't Rotherham. Signage should always be displayed whilst working and should be allowed to remove when not working in order to deter theft, criminal damage etc.</p> <p>â€¢Age limits should be how they were prior to 2015 any age vehicle like Chesterfield allow providing it passes the test as regarding clean air zones and emissions the private hire and hackney trade aren't the only contributors and drivers that don't meet emissions will just pay the clean air zone charges anyway.</p> <p>â€¢Testing should be similar to Wolverhampton vehicles aged under 10 years should have 1 test a year and anything over 10 years should be tested twice a year. Chesterfield council test a vehicle twice a year regardless of age so 3 tests aren't needed and with cost of living is affecting drivers with 3 tests a year.</p>
12	As a private hire driver I strongly disagree about the permanent signage of the private hire vehicle because we are using our vehicle as our private vehicle too.
13	<p>Being a taxi driver for many years</p> <p>The trade has gone backwards due to covid</p> <p>Expensive labour parts and car values going up.</p> <p>It is seen majority of drivers have got euro 6 cars so invested for rmhc policy.</p> <p>Reward should be given and incentives to keep drivers as a lot have dual badges rotherham and wolverhampton/doncaster/barnsley</p> <p>If rotherham want to sustain the local drivers they have to meet with drivers needs and support them</p> <p>Increase age limit of cars to 15 years and not have EQS. ALL rotherham standards are the highest threshold, most expensive and stringent terms. They need to pipe down this is due to rewarding us drivers</p> <p>3 tests should be dismissed, why give extra stress extra payment for 3rd mot test when 2 a year are more than enough</p> <p>1-7 years = 1 test per year</p> <p>7 -15 = 2 tests per year.</p> <p>We have plenty signage and customers get details of car and driver coming to pick them up. Extra grill plate will cost us per year extra and is a safety hazard and vandalism</p>

	Fire extinguishers and first aid kits not need and not safe enough to use as not trained
14	Car age 1 - 7 years should be 1 m.o.t. After 7 years, every six months. We dont need front door signage because kids throw stones when they see taxi. Door signage should be competely finished because with new technology you can see number plates on the phone, and when cars are 8 years they should be allowed to be taxi, and 15 years to not.
15	<p>Car only should be required 1 mot test from new to 7 years old, and after that 2 test in a year.</p> <p>Mot test fees should be significantly reduced.</p> <p>New car should be allowed from 7 year old and changed at when its 12 years old.</p> <p>No permanent signage as car will be used as personal use aswel and this can cause thefts, which then adds further cost.</p>
16	<p>Cars should be allowed 7yrs for 1 yr test after that 2 times a year there after</p> <p>Sign pertinent not good people will be getting robbed all time</p> <p>Plates on front not good so kids throwing stones will see coming it will get worse peoples cars getting damaged and police dont do nothing to sort it out all they say is claim of insurance and insurances have gone up in last 2 yrs 25% not good</p>
17	<p>Cost of living crisis</p> <p>Costs us more for signgag and tests</p>
18	Council should allow vehicles 1 test per year for cars upto 10 years and from 10 years old to 15 years old vehicles 2 tests.
19	Don't agree with vehicle age limits. Fire extinguishers and first aid kits no need.1 Mot first 7 years and then 2 mots after 7 year age vehicle totally agree with Wolverhampton Council on there policy i will be obtaining a licence with them
20	<p>Drivers will always take the easiest most cost effective route. If the council can not make rules that are fair to drives then they will go with other councils and operators will follow where the drivers go.</p> <p>Why have you got so many tests and then stull have age limits. If a vechile is bieng is essencse having an mot test 3 times every year there is not much likelihood it wont be road worth. Vechile age needs to be scrapped and council should just stick to the 3 tests per year. This makes it easier for drivers and will also ensure customer safety. Until tou work with drivers they will always find a way of working with councils that are more understanding and no matter what conditions you put in place you cant stop this its the bendit of a freeham market, thats how a capitalists free market system works unless rotherham council think they can override this which is highly unlikely.</p>
21	<p>Enforcement officers need to look for non-plated cars doing taxi-ing</p> <p>Drivers are too often falsely accused.</p>

	Driver safety needs to be a higher priority.
22	<p>Euro 6 cars are expensive they are emissions clarified</p> <p>Increase the age of cars to 15 years</p> <p>Reward is drivers</p> <p>1 -7 = 1 test per year</p> <p>7-15 years = 2 tests per year</p> <p>3 tests are not needed extra stress for us and costly for driver no reasoning</p> <p>Grill should be scrapped safety hazard people throw stones or vandalise vehicles</p> <p>New technology is here they have name of car, vehicle reg, can ring or text driver stickers on each side front docket on windscreen and back plate</p> <p>Why make us pay for another plate which is not needed</p> <p>Work with us not against us</p> <p>Fire extinguisher and first aid kit scrap not needed and never used extra payment per 3 years for us drivers</p> <p>We suffer or else I will get badge with Doncaster and Wolverhampton</p> <p>Work with trade or else you will lose out on drivers who can work in Rotherham with other city plate</p>
23	<p>Euro 6 cars have come' new cars cost us more money to invest. Reward us drivers</p> <p>Increase car age to 15 years</p> <p>Scrap 3 tests per year</p> <p>1-7 = 1 test per year</p> <p>7 -15 years = 2 tests per year</p> <p>Cars are maintained really well and work with us</p> <p>Grill signage is not needed' customer gets details of car' driver reg' can ring or tx customer. What else is needed why make us pay more per year when not needed</p> <p>Hackney limit scrap wheelchair cars needed more</p> <p>Take away fire extinguisher and first aid kits never used cost for us drivers for</p>

	<p>bo reason</p> <p>Work with us rmhc or else people will get badges elsewhere and you will lose out</p>
24	Everything very expensive
25	<p>Financial cost is very high at the moment</p> <p>Cost of cars are very high and unable to afford hybrid cars</p> <p>Age of the car should be 15 years</p> <p>Permanent signage should not be on the vehicle</p>
26	<p>Fuel prices have increased</p> <p>Permanent signage removed from car</p> <p>Financial cost gone now is very high</p> <p>Cost of cars are very high and unable to afford hybrid cars</p> <p>Age limit should be 15 years</p>
27	<p>Having held the licence for over 4 years- i have always driven a hybrid car- which was brand new purchase- i currently feel the test limit which for me now is every 6 months is absurd where as other council are doing test every 6 months on much older vehicles. I would like the below points to be considered</p> <ul style="list-style-type: none"> - 1-7 years = 1 test per year - 7 - 12 years = 2 tests per year - Increase age of euro 6 diesel/petrol cars to minimum 12 years <p>- I do not want licence on my grill- safety hazard people throwing stones not only that with the door signage, plate and now the blue stickers is enough for individuals to note that i am a taxi</p> <p>- Fire extinguishers and first aid kits- we do not need them</p> <p>Thank you for your consideration</p>
28	<p>Hi as a rotherham taxi driver</p> <p>Age limit needs to increase. As all new cars are euro 6 compliant and are hybrid. Better quality and better standards. 10 years it is now needs to increase to 13 years minimum.</p> <p>Testing is over powered with stress for no reason. 3 tests is a full on joke. What is difference between having car tested every 4 months and every 6 months. This is money making process which us drivers suffer. If a personal</p>

	<p>vehicle someone is doing 20,000-30,000 motorway work mileage. They will get tested once a year regardless. Why push for things with no reasoning.</p> <p>1-7 years = 1 test per year</p> <p>7-13 = test every 6 months</p> <p>Front Grill has to be scrapped. What is need when we have stickers at front, plate ag back and docket at front windscreen. Wheb most customers ring it gives car details, make, colour, vehicle reg, name of driver and so on. Extra cost on the drivers</p> <p>It is always drivers who suffer and have to give the costs not anybody else. We are a easy scapegoat. Listen and work with the trade</p> <p>Wolverhampton taxis are flocking all around UK. If you want to lose rotherham taxis to out of town taxis and lose out on revenue then be it. But trust me many drivers have got rotherham badges and out of town badges, but working on out of town taxis not rotherham plated.</p> <p>Be reasonable and supportive</p> <p>Do not force us out of being a rotherham plated taxi</p>
29	<p>I am not agree with 3 tests after 7 years old car I think 2 tests in a years are more than enough.</p> <p>Thank you</p>
30	<p>I believe out checks and balances are in place and we should stick to them and accommodate ROTHERHAM residents to earn their living.</p> <p>Also the issuing of badges and plates process should be made simpler similarly to Sheffield council.</p> <p>Many thanks</p>
31	<p>I donâ€™t think that their should be a vehicle license plate on the front bumper and grille.</p>
32	<p>I dont get how a council can propose changes, when we have wolverhampton drivers. These drivers have convictions and dont have the same safety measures to what we follow. As for the law from 2015 can be changed if our council actually put effort in to changing the rules on this instead trying to penalise their own drivers with more restrictions. Even make the law county to county where they can work from the county next to them. Not 80 miles away in wolverhampton and take anyone with numerous convictions who has one brain cell between them</p> <p>Permanent stickers- dont agree with these at all as i use my car for personal use. I dont want to be pestered in my own time by customers waiting for a taxi or even worse broke in to(which has happened when i keep my stickers on over night)</p> <p>Criminal law checks- Great we are doing this but again wolverhampton take</p>

	the drivers you reject so it defeats the object of you trying to implement this. I already know wolverhampton drivers rejected by numerous councils with records being accepted.
33	<p>I have been a taxi driver for over 10 years, trade is going harder work is getting difficultly as more out of town drivers are coming</p> <p>Rotherham is too strict with policy and need to keep us rotherham deivers mindful of policy changes. Work with us and help us out please</p> <p>Increase age limit of euro 6 cars to 13 years and then per year after</p> <p>Testing</p> <p>1-7 years = 1 test per year</p> <p>7 + = 2 tests per year</p> <p>Scrap 3 tests per year</p> <p>Signage</p> <p>Do not need front grill plate as extra cost for us and customers get vehicle details and can communicate with driver via message, track taxi and so on</p> <p>Front plate is safety concern people breaking into cars and throwing stones and vandalising</p> <p>Risk for us and extra stress</p> <p>Get rid of fire extinguishers and first aid kits not needed and never used extra cost for us drivers</p> <p>With influx of out of town taxis such as wolverhampton and ashfield</p> <p>People getting badges elsewhere and working in rotherham covering our work</p> <p>Work with trade not against Asim jhanwaz</p>
34	<p>I have been a taxi driver for over 16 years and have seen the costs rise by alot since then and is becoming more difficult to earn a living. The cost of new vehicles is really high.</p> <p>The 3 tests a year should be reduced to 1 test a year for vehicles upto 7 years old and 2 tests a year for vehicles 7+ years old.</p> <p>The front grille plate is dangerous for drivers and customers when kids throw stones eggs etc as they target taxis on a night and will see the taxi from far away with the front grille plate.</p> <p>In the 16+ years iâ€™ve had my first aid kit and fire extinguisher i have never</p>

	used it or ever heard of a driver use it i think thatâ€™s a waste of money to have them but never use them.
35	I have been a taxi driver since 2007 (15+years) expenses have increased by alot only vehicles alone are Â£10,000+ for a euro 6 diesel and the hybrid vehicles are alot more to buy. Having new vehicles i think they should be allowed to run until 12-15 years old. The 3 tests a year should be reduced to 1 test a year for vehicles upto 7 years old and 2 tests for vehicles 7+ years old as most company vehicles do similar mileage a year and only have 1 mot a year. The front grille plate is dangerous for drivers and customers especially the elderly who will get frightened when kids throw stones eggs etc as they will see the taxi from a mile away with the front grille plate. Since 2007 iâ€™ve had my first aid kit and fire extinguisher and not once used it or ever heard of a driver use it i think thatâ€™s a waste of drivers money.
36	<p>I have been doing taxis for over 10 years. The price of cars has increased. With most drivers getting euro 6 cars including hybrids. I think the policy needs to increase the age of them from 10 years and make it 12 years. The 3 tests per year should be scrapped, this is a money making process where we as drivers are paying for no reasoning. Getting tested every 4 months or 6 months either way the driver is losing out as in 2 months what difference will it make. Be helpful for the drivers. This is why people are getting out of town badges such as wolverhampton, ashfield, doncaster badges and going away from rotherham. This is with having rotherham badges also at the same time. Work with the trade not against it. 1-7 years should be one test per year, 7+ to 12 should be 2 tests per year. Signage at the grill is a safety hazard as many drivers get pelted with stones and this will make it an easy target. Plus we have door signage at the side of the car, for customers to see taxi, back is the plate and at front it is the docket on the windscreen. When approaching pick up customers see the taxi from the side and if stickers are there then they know it is a taxi. Customers who book taxis get messages on the phone or the app of driver name, car reg, colour of taxi, car make and so on. People who book from automated phones such as supermarkets or hotels the driver gets the information. When getting to the pick up the driver confirms name and destination. This is another money making exercise i do not agree with.</p> <p>Fire extinguishers and first aid kits to be scrapped, excessive money spent for no reason. We are not trained and i have never used any before. Plus the emergency services do not advise us to use fire extinguisher during a fire.</p> <p>Listen to the trade we are going through a very hard time</p>
37	<p>I know a lot of drivers who have dual badges, eventhough having rmhc badge they work for out of town licensed council</p> <p>You are taking drivers away from our own town</p> <p>Increase the age limit of cars to 15 years as euro 6 cars equivalent and new car costs alot and they have been well looked after</p> <p>Reward the drivers and give incentives to keep them on and stop EQS standards</p> <p>Get rid of fire extinguishers and first aid kits as never been used and fire</p>

	<p>extinguishers are a safety hazard</p> <p>Every 3 years got to get new ones which is additional cost for no reason for US drivers</p> <p>Take away 3rd mot test per year and adhere to</p> <p>Vehicle up to 7 years = 1 test</p> <p>7 -15 years = 2 tests</p> <p>3 tests are extra cost for no reason to us drivers, normal cars do plenty miles but still have one test per year. 2 tests are sufficient what difference is 6 months test and 4 months. No brainer stringent rules for no reasoning</p> <p>Front grill do not bring in, as safety hazard, people throwing stones, and vandalising. So it is an easy target. Also extra cost to get front plate, not needed for driver side</p> <p>People are plating cars in wolverhampton and working in rotherham. Rotherham has stringent standards why should i work for rotherham plated car when wolverhampton less tests per year, less fees, less training and work is equal field for both.</p> <p>Work with us to keep up or else soon all drivers will go elsewhere and local drivers and council will lose out</p> <p>Give postive initiaitives for us to stay here and work with rmbc plated taxis</p> <p>7 or 8 years it has been very hard since last policy review</p> <p>Instead of enticing new drivers or keeping old ones you are making more to stop driving rmbc plated cars</p>
38	<p>I think good thing is allow 7 year old cars and instead drive go and get badges and plates from other borough council we should keep money in rotherham not own people to force them out all policies should be people friendly</p>
39	<p>I think once a vehicle is licensed it should be allowed to stay on license for 12 years without any enhanced criteria. As long as it Passes the necessary Test at the time. Especially if the advisories are minor.</p> <p>A vehicle between 1-7 years should be tested once a year and vehicles over 7 years should be tested 2 times a year.</p> <p>This is enough to determine a car road worthy enough and will bring Rotherham Council upto date with all the surrounding councils around them.</p>
40	<p>I think that if the private hire vehicle has passed a mot inspection etc it should be ok to be licensed as a taxi irrespective of age.</p> <p>Also fees to the council should be made cheaper then you wouldnâ€™t have vehicles been licensed with other councils (eg Wolverhampton etc)</p>

41	<p>I would like the RB council to Increase the age limit of cars to 15 years. Euro 6 and new car do costs alot money and are well looked after.</p> <p>Hybrid cars are not affordable around Â£30k</p> <p>Bring the car taxi plate like TFL in the front and rear windscreen stickers.</p> <p>Removal of yellow taxi plates as this is an easy target to bring inn.</p> <p>Remove the fire extinguishers and first aid kits</p> <p>Take away 3rd mot test per year and adhere to:</p> <p>Vehicle up to 7 years = 1 test</p> <p>7 -15 years = 2 tests</p> <p>Front grill should not be bought in as safety hazard, people throwing stones, and vandalising the vehicles it will be an easy target. Also extra cost not needed for driver side.</p>
42	<p>I would like to bring council attention towards private hire vehicles under Wolverhampton License. We as Rotherham council licence holder has to go under each and every rule set by council. Why you allow outsiders licence holders to work in Rotherham and dont have to follow council rules and regulations like we do? No licence standards, no vehicle compliance test?</p>
43	<p>I would like to mention the fact that due to the cost of living crisis it is becoming extremely difficult for us taxi drivers to be forced into buying new cars in order to feed our families. I personally will have 2 options once my 14 plate taxi runs out. 1 either go to a different council that will allow my vehicle to work or 2. Become unemployed. We keep our vehicles in good condition as is evident from the numerous mot's we go through every year. I believe the council should lower the age of vehicles otherwise many drivers like myself will have no option but to either move to a different council or become unemployed.</p>
44	<p>I would like to say 3 test not necessary if its really need it when vehicle is more then 10 years old also no need fixed bumper plate need to introduce london style tfl private hire vehicle also need to reduce the retest fees if really need 3 test 1 test dont need to be charged thank you</p>
45	<p>I would need to say to increase vehicle age limit 10 years to 12 and up to 15 years also only maximum test first 7 years only 1 also allow london tfl sytle sticker introduce not fixed taxi plate system need to scrap also allow part worn good condition tyre thank you</p>
46	<p>I would really appreciate it once the car is 5 years off age the mot test goes twice a year till the expiration off the vehicle thanks for everything</p>
47	<p>If driver has been released by law. He should not become a scapegoat by council. Court of law is superior over council.</p> <p>With new cars which are euro 6 compliant extra age needs to be added to age limit. From 10 years to minimum 13 years as they cost a lot to maintain and look after</p>

	<p>Testing needs to be abolished especially 3 tests</p> <p>I would say 1-7 years should be 1 test a year</p> <p>7-13 should be 2 tests a year</p> <p>No 3 vehicle tests at all this is burden on driver and costly which is not needed</p> <p>Signage should be scrapped by council on grill. This is safety hazard people target with stones regularly and also people break in when car is parked at home.</p> <p>Fire extinguishers and first aid kits scrapped we are not trained and the emergency services have said not to use at all.</p> <p>Hackney limit increase as not enough wheelchair accessible need is there</p> <p>Listen to trade or people will go Wolverhampton and not have cameras or stri no ent laws and still work in Rotherham</p> <p>Work with the trade not AGAINST</p>
48	<p>In relation to the vehicle age limit this would make it more affordable to stay with RMBC and keep the spending of funds local.</p> <p>The same goes for licensing cost and fees theses should be around the same as the out of town licensing authority s to keep drivers from going else where to obtain a licence to work in Rotherham and it's surrounding areas.</p>
49	<p>Increase age limit of euro 6 cars to 13 years and then per year after</p> <p>Testing</p> <p>1-7 years = 1 test per year</p> <p>7 + = 2 tests per year</p> <p>Scrap 3 tests per year</p> <p>Signage</p> <p>Do not need front grill plate as extra cost for us and customers get vehicle details and can communicate with driver via message, track taxi and so on</p> <p>Front plate is safety concern people breaking into cars and throwing stones and vandalising</p> <p>Risk for us and extra stress</p>

	Get rid of fire extinguishers and first aid kits not needed and never used extra cost for us drivers
50	<p>Increase age limit of euro 6 cars to minimum 13 years</p> <p>Scrap front grill plate for safety concerns</p> <p>Scrap 3 tests per year to maximum 2 tests</p>
51	<p>Increase age of cars to 15 years as costs us more to buy new cars</p> <p>All are euro 6 so no emissions problems</p> <p>Scrap 3 tests per year</p> <p>1-7 year = 1test</p> <p>7 -15 = 2 tests</p> <p>3rd test is costly for us drivers in such tough times why make it increase</p> <p>Grill take away from changes as safety hazard and vandalism and extra cost for us</p> <p>Fire extinguisher and first aid kits take them away as never used added cost for no reason</p>
52	<p><u>THIS IS A REPEAT COMMENT THAT HAS BEEN ENTERED INTO THE SURVEY 82 TIMES</u></p> <p>Increase the age limit of cars to 15 years as most cars are euro 6 equivalent, having new cars costs a lot and they have been well looked after and made to a better spec</p> <p>Reward the drivers in extending the age limits other councils have increased age limits in such hard times</p> <p>I do not agree with fire extinguishers and first aid kits as never used them and fire extinguishers are safety hazard</p> <p>Costs us extra Â£75 every 3 years for no reason and we are told you can not use them</p> <p>Every 3 years got to get new ones which is additional cost for no reason</p> <p>Take away 3rd mot test per year and adhere to</p> <p>Vehicle up to 7 years = 1 test</p> <p>7 -15 years = 2 tests</p> <p>3 tests are extra cost for no reason, normal cars do plenty miles but still have one test per year. 2 tests are sufficient what difference is 6 months test and 4 months. These stringent testing is pushing drivers away to get badges and plated elsewhere</p> <p>Why give stress and inconvenience and be fair</p> <p>Front grill do not bring in, as safety hazard, people throwing stones, and vandalising when been driven. Plus front headlights will not bring in ease for customers to see if it is a taxi. Customers can ring and message driver when</p>

	<p>booking taxi with new technology, stickers on sides, back plate and front docket on windscreen is enough. Also extra cost not needed for driver side in these tough times as having plate will be cost on us.</p> <p>People are plating cars in wolverhampton and working in rotherham. Rotherham has stringent standards why should i work for rotherham plated car when wolverhampton less tests per year, less fees, less training and work is equal field for both.</p> <p>Work with us to keep us drivers or else soon all drivers will go elsewhere and local drivers and council will lose out Give postive initiaitives for us to stay here and work with rmbc plated taxis</p> <p>Improve better badges as they are dangerous and too big Work with the trade in tough times We have spent a lot on new vehicles and work is less due to out of town drivers</p>
53	Just wanted to say that deregulation act 2015 cross border hiring is having a big impact loss on rotherham private hire drivers something need to be done about this
54	licesed taxi cars should have the age extended. less m.o.t for vehicles one a year . no extra signage on cars . more m.o.t centres.
55	<p>Limit should not be removed for hackney as space for parking on rank, not enough ranks. Will get gridlocked</p> <p>Increase age of cars to 15 years as they are euro 6</p> <p>1 test Upto 7 years of age</p> <p>2 tests per year 7 till 15</p> <p>Reason is new cars more reliable and general statistics show they are maintaining them</p> <p>Plate on grill should as technology customer gets notification of driver and vehicle. This is safety hazard as people throw stones and break and vandalise vehicles.</p> <p>Take away fire extinguishers and first aid kits as they have never been used as we are not trained.</p>
56	<p>More test centre</p> <p>1-7 years old 1 test per year</p> <p>7-12 2 test a year</p> <p>Completely disagree with front plate idea.</p> <p>Signage should be smaller</p> <p>Badge size need to be smaller</p>

	Operator should kept record or sub contractor but not necessary to pass on to customers
57	<p>Mot should be 1 a year and i strongly disagree with 3 a year.</p> <p>I say that the taxi plate should go and have sticker like TFL in the rear nd front windscreen.</p> <p>Car age should be 15 years and not 12 years due to hybrid cars being unfordable.</p> <p>All cars should be Euro 6 cars.</p> <p>Do not want permanent signage</p>
58	MOT Test should be 2 tests per year for Vehicles over 7 years and The limit for hybrid cars should be 15 years.
59	My opinion is that fire extinguisher and first aid kit has never been used in 10 years , and we are not trained or insured to use them
60	no extra signage on cars. age of vehicle extended to 15 years . m.o.t price reduced more m.o.t test centres free retest .
61	no extra signage one m.o.t a year reduce m.o.t fees age limit extended to 15.
62	<p>No front plate it will be extra cost and also more likely to be victims of vandalism</p> <p>Vehicle 1-7 one test per year</p> <p>Vehicle over 7 year old 2 test per year</p> <p>Increase age limit for new vehicles to 15years</p> <p>No need for fire extinguisher or first aid kit as never used and additional cost for no purpose</p> <p>If the above are not met unfortunately i will be applying for wolverhampton license who are very fair with their policy</p>
63	<p>Once a vehicle has been licensed it should be able to carry that license for 15 years currently it would hold the license for a 10 years period.</p> <p>At the moment all or most the vehicles are under 5 years old so this would be better if they could use the vehicle for 15 years.</p>
64	<p>One MOT is enough for 7 years old car.</p> <p>No further signage required.</p> <p>Already had my window smashed.</p> <p>No need of fire extinguisher and first aid kit as I am aware of nobody has ever used them.</p> <p>Your every new rule cost us so please don't make our life more harder.</p>

	<p>These are the reasons why drivers approaching other councils to obtain the license.</p> <p>Many thanks</p>
65	Please remove taxis from Rotherham that do not have a Rotherham license. Thank you.
66	Rmbc genuinely need to wake up especially alan as drivers now have too much choice in terms of where to get a license any car you put on should be 7 years old and take off at 13 years 1 mpt for 1 to 7 years and after that 1 every 6 months fire extinguishers and first aid kits to be abolished as no one uses them and we are also not trained in them new tyres are also an added expense which proves nothing i have personally seen over 18 drivers go to Doncaster Council for there new badges and the amount i have seen go to Wolverhampton is shocking a normal mot should be sufficient all i can say is i will very soon be leaving rmbc and go to another Council who don't have as much red tape as rmbc
67	Since I'm a Private Hire Driver I'm not happy with the permanent Sinage policy to be introduced. I'm using the same car for my personal use and I feel uncomfortable to use the car with permanent signs when I use it to travel with my family. (Vacations, family & friends meet ups). Thanks.
68	Something needs to be done regarding drivers from Wolverhampton council been allowed to work for rotherham taxi firms its not fair for the local drivers.
69	Stop Rotherham licensed drivers working in Sheffield force permanent signage and also send regular enforcement as they are all goosing at night.
70	Stop Wolverhampton drivers working in Rotherham please
71	Thank you for providing us with the opportunity to participate in this process. I believe it would be unfair to request individuals to give an interview when renewing their licence as some drivers whilst being competent and law abiding still have a language barrier as you know and depending on how their responses are interpreted by whoever is carrying out the interview they could lose their licence and livelihood. I'm sure you will put an appeal process in place however I am also sure this would also be lengthy meanwhile drivers would of course not be able to work.
72	The taxi mot should b only two times year, every six months, most of cars are literally been looked after very well plus not too old to get mot checked 3 times year.
73	The use of out of town taxis in my opinion makes a mockery of these and other regulations . The council should prevent all private hire operators from employing a driver who is not registered in Rotherham I have been told of out of town drivers who don't even know which side of the road they should be on .the policy needs to change to maintain the safety of the public and the reputation of Rotherham drivers
74	the vehicle age should be extended and the m.o.t should be one or 2 test an year. no extra signs are are needed to clarify its a taxi . price of m.o.t should be reduced to help drivers with cost
75	<p>There should be an increase in the length of time a vehicle can be licensed for. In my opinion it should be increased from 10 years to 15 years as most cars that are Rotherham licensed are Euro 6 and above and are maintained highly and regular.</p> <p>Get rid of fire extinguishers and first aid kits as we can't legally use them.</p>

	<p>Take away 3rd mot test per year and adhere to</p> <p>Vehicle up to 7 years = 1 test</p> <p>7 -15 years = 2 tests</p> <p>We don't need a front grill license plate as it adds to the vehicle being targeted by vandals and and thief's. We already have plenty of those type of crimes against us please have a look at police reports where people have thrown stones etc and broken windows.</p> <p>Customers now have a text with the our license numbers and registration plate and plate vehicle make and model.</p>
76	<p>There should not be age limit for car and should keep getting plate untill it pass annual test . There should not be more than 2 mot tests in a year for any car no matter how old car is .</p> <p>There should not be any plate infront or back of car as it make obvious for kids to identity it is taxi and they can throw eggs and stones on us . Leeds style stickers on back of car will do job.</p> <p>There should be no operator signage on car at all to avoid stones and eggs as customers already get vehicle registration number and that is more than enough .</p> <p>No need to carry fire extinguisher and first aid kit as we are not trained to use them .</p>
77	<p>These extra additions that the council is consulting on must include more funding made available to the licensing team to deliver on these changes. Its all good making all these proposals but must be backed by funding. We are seeing a lot of Councils struggling financially and going bankrupt therefore cutting corners to deliver minimum service.</p>
78	<p>Under 7 years taxi test should be 1 in a year</p> <p>Need fews more testing stations</p> <p>Should provide new/renewal plate same place where they do test</p> <p>No more signs stickers</p>
79	<p>Unfortunately it looks as though Rotherham council licensing is making it tough for the drivers who want to be licensed with their local council as the amount of tests a car requires, the vehicle age limit and the process involved to obtain a licence is expensive and time consuming hence drivers are going elsewhere where it is more cost effective to become a taxi driver. The other issue I have heard is Rotherham Council seems to think they are above the law as driver's who have previously been involved in an investigation and cleared by the police are been treating like criminals and it is made difficult for them to reapply as they have been told to reapply as a new driver and then a decision will be made if they can be licensed by Rotherham again. This seems unfair as the law has cleared the drivers but then still treated this way</p>

	by the licensing department. I hope the issues are resolved so people are not victimised and treated this way. As for OOT drivers personally I don't think the customer cares what car transports them home as long as they can get from A to B.
80	<p>Vehicle 1to 7 year old one test per year</p> <p>Over 7 years 2 test per year</p> <p>No front plates as we become target for vandalism</p> <p>Re-test should be free if vehicle is booked in 48hrs after mot failure</p> <p>Donâ€™t need fire extinguishers or first aid kits</p>
81	Vehicles 7yrs plus should also have 2 tests per year, too.
82	Very expensive everything
83	<p>Very precisely ill point out the factors that has made the life of a taxi driver hard and vulnerable.</p> <ul style="list-style-type: none"> â€¢ Current economic situation â€¢ Increase in number of drivers due to unemployment. â€¢ Taxi licence obtained from various councils reduced the income. â€¢ Taxi trade Rules and regulations getting harder and harder. â€¢ Hard rules increase the probability of licence being revoked. â€¢ Financial distress â€¢ Mental stress and anxiety â€¢ Poor future planning due to uncertainty â€¢ Weaker bounding in relations â€¢ Loosing confidence â€¢ Week financial commitments <p>I hope I donâ€™t need to explain the above mentioned points any further. We are already at the verge of giving up, so please not any more the harder rules because it cost us.</p> <p>I believe one MOT is enough for 7 years old car and donâ€™t need any further signage because I canâ€™t remove them all times for a peaceful sleep every night. When a window gets smashed it not only cost us but also waste the time. We donâ€™t get any holiday or sick pay or any bonus and reward.</p> <p>With kind regards.</p>

84	<p>We have got new cars spent a lot of money. We should be rewarded not made things difficult. Increase age of cars to 15 years as will sustain drivers otherwise they will go other towns rmhc will lose out. Stats show cars are been looked after</p> <p>Scrap 3 tests</p> <p>1-7 years = 1 test</p> <p>7 - 15 years = 2 tests</p> <p>Extra test costs us and not needed</p> <p>Front grill is safety hazard as people throw stones, costs us so much per year. Customers have technology so can track ring or see details of car and drivers. Extra signage not needed</p> <p>Rmhc stop killing us drivers they are losing drivers and going wolverhampton and dpncaster</p> <p>Take away fire extinguishers and first aid kits never used and costs us every 3 years for no reason</p>
85	<p>We do not need to fire extinguisher or first aid kits because we are not qualified and in past 10 years i never ever used them waste of space and money from our pocket.</p> <p>1 test car aged upto 5 years then 5 years old to 12 years old 2 tests and we should have a choice to put any cameras on other than council proofed because they are expensive aslong we meet cctv requirements it should be allowed. Plus side stickers that council have introduced waste of money looks tacky on. Cars that have been about 20k plus we dont need to show its a taxi when you out with family etc</p>
86	<p>we have new cars</p> <p>need to increase age of vehicles to 15 years</p> <p>need to scrap 3 tests per year</p> <p>1-7 years = 1 test per year</p> <p>7 + - 15 years = 2 tests per year</p> <p>extra test costs us more for no reason</p> <p>scrap the plate at front safety hazard and extra cost for us</p> <p>fire extinguisher and first aid kit need taking away we have never used them and authorities say we are not capable to carry these out</p> <p>take away hackney limit as wheelchair needs increasing lack of it</p>

	<p>council need to listen otherwise people will go doncaster, wolverhampton or other councils.</p> <p>RMBC listen to us</p>
87	<p>With regards to signage there is enough signage already on the private hire vehicle. As we use our cars for social, domestic and pleasure purpose its unreasonable with alot more signage on our OWN cars.</p> <p>With rules regarding MOT ,council need to rethink as cost we pay for tests and condition of the roads. Council should be leineint. As a private hire driver I feel under alot more stress and worries me what my future will be.</p>
88	<p>Work with the trade in tough times</p> <p>We have spent a lot on vehicles and work is less due to out of town drivers</p> <p>no fire extinguisher's o first aid kits</p>
89	<p>Work with the trade in tough times</p> <p>We have spent a lot on vehicles and work is less due to out of town drivers</p> <p>remove fire extinguisher's and first aid kits</p>
90	<p><u>THIS IS A REPEAT COMMENT THAT HAS BEEN ENTERED INTO THE SURVEY 4 TIMES</u></p> <p>Work with the trade in tough times</p> <p>We have spent alot on vehicles and work is less due to out of town drivers</p>
91	<p>Work with the trade in tough times</p> <p>We have spent alot on vehicles and work is less due to out of town drivers</p> <p>get rid of fire extigushers and first aid kits</p>
92	<p><u>THIS IS A REPEAT COMMENT THAT HAS BEEN ENTERED INTO THE SURVEY 16 TIMES</u></p> <p>Work with the trade in tough times</p> <p>We have spent alot on vehicles and work is less due to out of town drivers</p> <p>Increase the age limit of cars to 15 years as most cars are euro 6 equivalent, having new cars costs alot and they have been well looked after and made to a better spec</p> <p>Reward the drivers in extending the age limits other councils have increased age limits in such hard times</p> <p>I do not agree with fire extinguishers and first aid kits as never used them and fire extinguishers are safety hazard</p> <p>Costs us extra Â£75 every 3 years for no reason and we are told you can not use them</p> <p>Every 3 years got to get new ones which is additional cost for no reason</p> <p>Take away 3rd mot test per year and adhere to</p> <p>Vehicle up to 7 years = 1 test</p>

	<p>7 -15 years = 2 tests 3 tests are extra cost for no reason, normal cars do plenty miles but still have one test per year. 2 tests are sufficient what difference is 6 months test and 4 months. These stringent testing is pushing drivers away to get badges and plated elsewhere Why give stress and inconvenience and be fair</p> <p>Front grill do not bring in, as safety hazard, people throwing stones, and vandalising when been driven. Plus front headlights will not bring in ease for customers to see if it is a taxi. Customers can ring and message driver when booking taxi with new technology, stickers on sides, back plate and front docket on windscreen is enough. Also extra cost not needed for driver side in these tough times as having plate will be cost on us.</p> <p>People are plating cars in wolverhampton and working in rotherham. Rotherham has stringent standards why should i work for rotherham plated car when wolverhampton less tests per year, less fees, less training and work is equal field for both.</p> <p>Work with us to keep us drivers or else soon all drivers will go elsewhere and local drivers and council will lose out Give positive initiatives for us to stay here and work with rmhc plated taxis</p> <p>Improve better badges as they are dangerous and too big</p>
93	<p>Work with the trade in tough times</p> <p>We have spent a lot on vehicles and work is less due to out of town drivers no fire extinguishers or first aid kits</p>
94	<p>Work with the trade in tough times</p> <p>We have spent a lot on vehicles and work is less due to out of town drivers no fire extinguishers or first aid kits</p>
95	<p>Work with the trade in tough times</p> <p>We have spent a lot on vehicles and work is less due to out of town drivers no fire extinguishers or first aid kits reduce m.o.t costs</p>
96	<p>Work with the trade in tough times</p> <p>We have spent a lot on vehicles and work is less due to out of town drivers no fire extinguishers or first aid kits reduce m.o.t costs</p>
97	<p><u>THIS IS A REPEAT COMMENT THAT HAS BEEN ENTERED INTO THE SURVEY 7 TIMES</u></p> <p>Work with the trade in tough times We have spent a lot on vehicles and work is less due to out of town drivers no first aid kits or fire extinguishers</p>

98	<p>Work with the trade in tough times</p> <p>We have spent alot on vehicles and work is less</p> <p>Increase the age limit of cars to 15 years as euro 6 cars equivalent and new car costs alot and they have been well looked after</p> <p>Get rid of fire extinguishers and first aid kits as never used them and fire extinguishers are safety hazard</p> <p>Every 3 years got to get new ones which is additional cost for no reason</p> <p>Take away 3rd mot test per year and adhere to</p> <p>Vehicle up to 7 years = 1 test</p> <p>7 -15 years = 2 tests</p> <p>3 tests are extra cost for no reason, normal cars do plenty miles but still have one test per year. 2 tests are sufficient what difference is 6 months test and 4 months. No brainer</p> <p>Front grill do not bring in, as safety hazard, people throwing stones, and vandalising. So it is an easy target. Also extra cost not needed for driver side</p> <p>People are plating cars in wolverhampton and working in rotherham. Rotherham has stringent standards why should i work for rotherham plated car when wolverhampton less tests per year, less fees, less training and work is equal field for both.</p> <p>Work with us to keep up or else soon all drivers will go elsewhere and local drivers and council will lose out</p> <p>Give postive initiaitves for us to stay here and work with rmbc plated taxis</p> <p>7 or 8 years it has been very hard</p>
99	<p>Your policy is that you do 5 year old car and three tests instead it should be 7 year old car and one test.</p>

Comments received through the online consultation from Rotherham residents that use taxis and PHVs

#	Comment
1	All drivers are friendly and well mannered i personally am not bothered if an out of town vehicle picks me up as long as i get home in one piece is all that matters
2	cost of living has gone so high
3	Do not let people with other council plate's operate in Rotherham who live in Rotherham. If you live in Rotherham and you want a taxi licence to operate in Rotherham,you must have a Rotherham licence.
4	Ensure vehicles have internal cctv installed & that footage cannot be erased for several months
5	Having recently traveled in a Taxi registered in Rotherham and one registered in Sheffield. The standard of driving was much better in the Rotherham taxi.
6	<p>Hi</p> <p>I use taxis regularly, with covid hitting the country and we have not recovered i have seen taxi drivers struggle to earn a living.</p> <p>The council is making it harder they need to be driver friendly also. I am the wife of a taxi driver and I know how stressed my husband is with work and earnings.</p> <p>All the cars that are coming are new cars, updated cars. Incentives need to be given</p> <p>Increase age limit to maybe 15 years as emissions are low and they are good road friendly</p> <p>Cut down on testing as i have heard many drivers say 3 tests a year. That is outrageous and unkind giving costs to driver for no reason.</p> <p>1-7 = years 1 test</p> <p>7+ =2 tests a year</p> <p>This is not fair for driver to maintain every 4 months, what difference will it make if tested every 6 months</p> <p>No justification in this all the time the taxi is kept in top notch condition internally and externally. Why burden extra cost no reasoning</p> <p>Extra signage is not needed with technology all information is given via app. Even if someone books from shopping complex or private the driver asks for the name and destination and by two side door stickers and back plate that is enough</p> <p>Technology gives name of driver, vehicle reg, colour of car. You can track message or call the driver so se where they are</p>

	<p>Why are you trying to create a mockery of the drivers making cars into christmas trees</p> <p>Work with them or else they will work elsewhere through other councils</p> <p>As more and more out of town taxis are picking me up and they are local regular previous rotherham plated drivers</p> <p>Do not kill local drivers trade off</p> <p>Work with them in partnership</p>
7	I am seeing a lot of Wolverhampton drivers picking me up if this can be cracked down on
8	I believe it should be a requirement for all licensed taxi operators to provide a cashless payment option, as well as a routine cash payment option, for all passengers who book a taxi and May wish to pay using a cashless card payment. It should not be an option for only cash to be used for payment. The card payment option should be a requirement of receiving a taxi licence from RMBC.
9	<p>I catch taxis every so often maybe twice or 3 times a month</p> <p>They all got new cars,good tidy cars</p> <p>Should increase age limit from 10 years to 15 years as cost of taxi is very high</p> <p>Testing should be decreased</p> <p>The 3 tests are not fair on them</p> <p>1-7years should have one test per year</p> <p>7+ should be two tests per year</p> <p>3rd test is extra money and stress for driver what is logic of 3 tests per year</p> <p>I do 25,000 miles a year I just have one mot test a year</p> <p>Why burden them for this work with the drivers or else more out of town drivers are working in rotherham you will lose out as a lot are dual badge holders</p> <p>You may think you have plenty they are working the system and working through wolverhampton, doncaster as things are not as strict or stringent there</p> <p>When booking taxi i get all info of driver car colour and vehicle reg. Why put extra plate at front i can see it is taxi through stickers</p> <p>I can track and ring the driver</p> <p>Why make them pay extra per year for the front grill and loads taxis have had broken into and vandalising</p>

	<p>Extra signage will make it worse for there expensive vehicles</p> <p>Work with drivers they do a great job</p> <p>Do not abuse your powers for no reason</p>
10	<p>I do not agree that external taxi companies should have generic licences to work in Rotherham and other parts of the country when there isn't enough work for the existing taxi drivers. This is unfair and will flood the area with taxi drivers and push smaller companies out of business.</p>
11	<p>I get a taxi regularly. A lot are new taxis the drivers work hard and it costs a lot to buy. I know they have test every 4 months after the 5 years. This 3 tests should be stopped and max should be twice a year.</p> <p>As cars are expensive increase the age of vehicles end of life to support the drivers in such difficult times. Increase to max age of 12 instead of 10 years.</p> <p>The grill is not needed we can see via the app the name of driver, colour of car, registration. It has plenty of signage with big stickers on side which is more than enough. They have taxis targeted and stones thrown at them which is safirty risk for them and costs them to repair and miss out on work.</p> <p>I can see more out of town taxis working and i would not be suprised if people left getting licence at rotherham and got wolverhampton badge and vehicle.</p> <p>This will have impact on you. I know drivers with rotherham and wolverhampton badges but are working for wolverhampton not rotherham</p> <p>I am in support with them</p>
12	<p>I have noticed on numerous occasions that the taxi comes which is registered in Wolverhampton and various other towns in uk. And the taxi drivers are not displaying photo id</p>
13	<p>I think the council needs to be fair people trying to earn a living i think as taxi driver have strict policy so should council employees working with Rotherham council and will you be telling Uber to tell there customer itâ€™s out if town or only local people being challaged and scrutinise as they donâ€™t have much say if you want to sort problem take it with government and tell them to stop Uber and bolt veezu big companies then see how far you get</p>
14	<p>I would like to request, in the fairness of diversity, that there will be an equal amount of drivers from all backgrounds, races, religions etc. In today's society, we must endeavour there is equality for all and that we dont discriminate, therefore equal numbers of drivers from all backgrounds for inclusivity.</p>
15	<p>I would like to see DRIVERS HOURS introduced as with coach/bus drivers as they all do the same job, they all drive fare paying passenger vehicles. I would like to see this introduced NATIONALLY,</p>
16	<p>If taxi drivers can obtain a licence elsewhere they can avoid the processes you are putting in place</p>
17	<p>In the last review taxi drivers were supposed to wear ID badges, but I use taxis a lot and I have only seen 3 taxi drivers with ID's, so you do not know how the driver is. It is one thing interviewing applicants for a taxi licence and the person how is driving the taxi.</p>

	<p>Also it would be useful if taxi's were easier for older people to get in and out off.</p> <p>It would helpful if a tenant was involved in the interviews, as they may have a perspective that may be relevant.</p>
18	Please continue to do everything you can to keep people safe
19	Should all have trackers on the taxis for the safety of others especially women
20	Some thought must go in to how any changes impact the cost of becoming a licensed taxi driver. This has a huge impact on the price for customers. As a person with limited mobility, I am becoming increasingly isolated due to rising taxi costs.
21	<p>Taxi drivers are doing a great job and need the acknowledgment for all the hard work they do. Every taxi I get in to that has a rotherham sticker on talks very badly and negatively of all the council and taxi licensing board. They all hate someone called Sue Ellis who is some manager.</p> <p>Hopefully you can work with drivers and make a better rotherham rather than workers of the council like Sue Ellis who are making drivers lives hell.</p>
22	<p>Taxi drivers are getting plated from out of rotherham and working in rotherham. This is because the council are too stringent with their policies and implementations. Work with the trade and local drivers you are pushing them away. Drivers have multiple badges but working with out of town councils due to rmhc being too strict.</p> <p>No extra signage needed or front plate as technology gives all information as can track and call driver. All car details come via app and text message. Why do you want to make the expensive car into a xmas tree.</p> <p>Increase the age limit of taxi to 15 years to reward local drivers as new cars more advance and expensive to buy. Emissions protected with euro 6 most are new</p> <p>Decrease testing as 3 tests per year is a bit too much on the driver as 2 tests a year is more than adequate and fair</p>
23	Taxis from other boroughs , that operate in our borough , should be required to comply with Rotherham rules i.e cameras and no smoking etc , as people say some taxis from Wolverhampton operating in Rotherham do not .
24	Taxis not registered and checked by RMBC should not be working in Rotherham. There are many working daily consistently in the borough whom will have not been vetted.
25	That the meter should be in a prominent position and that the starting price should be of a reasonable amount I have a taxi for same pick up and drop off on a weekly basis and have been asked for different amounts on quite a few occasions
26	<p>Using taxis in rotherham and speaking to the taxi drivers once again as per im shown how so easy it is for some to pull the wool over council eyes and all lies as per believed by the council and police, as per. But no point putting in complaints or reporting as nothing shall change. Just the usual data protection and confidentiality broken by rmhc staff.</p> <p>Criminality is promoted by the council like ASB, racism and disability hate crime</p>
27	Vehicle's 7year old one test year and vehicles aged 15year no front plate extra cost no fire extinguisher
28	Work with the drivers

	<p>Expensive new cars but no lee way to help sustain them to work in rotherham</p> <p>People are going other towns to get badge</p> <p>Increase age of cars to 15 years</p> <p>Plenty of info given when booking taxi via tezt and can track driver</p> <p>Not needed extra expense for driver to pay every year</p> <p>Take away 3 tests and treat them more equally</p> <p>They work hard and then pressure from council</p> <p>Stick to maximum 2 tests per year</p> <p>Work with the drivers not against them pushing them to get badges from other towns to work in rotherham</p> <p>You are going to be the losers</p>
29	<p>You need to block outside Borough plated cars from working local or put a ban on firms for expecting out of town vehicle. the operator business owner should be responsible for any safety of public with recruiting out of town private licensed vehicle.</p>

Comments received through the online consultation from Rotherham residents that have not used a taxi or PHV in the last 6 months

#	Comment
1	After the scandal in Rotherham the safest measures must be continued or implemented
2	All taxi drivers should have annual enhanced DBS check annually whether employed now or in the future. All taxis must have photo of driver in the taxi in a sealed poster to identify matching driver/vehicle.
3	Any taxi should have to be licensed by RMBC if they pick up in the area . Some are licensed elsewhere to avoid extra regulations . This needs to be stopped
4	Coast of living to high.
5	cost of living also cant afford it.
6	Fuel prices have increased and is difficult to buy a new car Permanent signage should be removed from vehicle Financial cost is very high at the moment Cost of cars are very high and unable to afford hybrid cars Age limit should be 15 years
7	Greater control over excessive speeds around the Borough. Pre test, awareness etc. To undergo courteous driving, ie not bully their way around, park dangerously, basics road use and follow the road rules not what they want to do.
8	Have experienced incidents of drivers travelling too fast at night (eg above the speed limit) because they are late. Hard for the customer to deal with this because they have your destination and home address details!
9	I am against more taxi licences being issued as there are already far too many private hire cars and taxi speeding around Rotherham and constantly using roads/lanes designated for buses only. It's about time the police caught some which would lead to prosecutions and hopefully put a stop to all the speeding and other infringements.
10	no much work left since wolverhampton plated cars here,
11	Really positive to see you are taking steps to increase the amount of vehicles that can carry a person in a wheelchair.
12	Rotherham council need to increase the pressure on the powers that be to stop out of town vehicles operating in Rotherham
13	The licensed taxi numbers are above 1000. Are checks made to see if they are claiming benefits due to lack of income
14	You have to buy new cars you can not afford

Comments received through the online consultation from the residents of other Boroughs that have used a taxi or PHV in the last 6 months

#	Comment
1	Help the taxi drivers save money with 1 m.o.t a year and less signage and free retest
2	Internal CCTV with audio in all taxis to be kept for 3 months. Forward and rear cameras in all taxis. No privacy glass in taxis. Drivers to speak a basic level of English (assessed by Licensing Team at time of application).
3	No extra signage on taxi's. one m.o.t a year. Lower costs affecting drivers.
4	Taxi age should be up to 15 years old.no extra signage reduce price of m.o.t and help drivers with cost reduction
5	The requirements for vehicle age/emissions, particularly Euro 6 are well intentioned but this will harm the trade and limit the choice for customers like myself as drivers may be priced out of the industry. The Sheffield clean air zone has already pushed many Sheffield and Rotherham drivers out to neighbouring boroughs, giving residents and borough visitors (like myself) far less choice. I think Rotherham Council should make every effort to try and retain their suitable drivers and avoid them leaving people stranded in Rotherham, especially in a pinch.

Section C Comments / feedback received from associations representing the local trade

Enhanced requirements for Private Hire Operators

- All applicants for the grant or renewal of a Private Hire Operator licence must undergo an interview with Licensing Officers as part of the application process. The interview will include an assessment of the applicant's licensing knowledge, compliance history and an evaluation of their business practices / 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.

Rotherham Private Hire Association:

No problem with this - it will cut down on the number of people in the industry that don't know what they are doing. Some people use it as an opportunity to ply for hire and this will stop that.

GMB S75 Branch:

See separate document

App Drivers and Couriers Union (ACDU)

If this is introduced then there will not be any operators in the area as they will think that the Council is putting too many restrictions in their way. The operators are not able to communicate due to not speaking English and the answers will not be understood so the licence will be revoked or refused.

If this is happening on every renewal then it will be very onerous for the existing licence holders – if they go through this process every time their licence is renewed. It would be more reasonable for the operator to go through it once but not every renewal (like it is with drivers).

Carrying out the interviews will add to the costs of the Council and therefore the costs of the licensing process will increase.

Operator licences should be issued for at least two years (ideally the full 5 years).

Rotherham Hackney Carriage Association:

Agree with this proposal – as long as the assessment is reasonable.

The following additional conditions will be 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).

Rotherham Private Hire Association:

Will a voice message be enough (similar to what was used in Covid) – for example, as you join a queue you will be told that out of town may be used – will this be sufficient? If so, then this will not achieve what it intends to achieve as people won't pay attention to the message. People need to be given a real choice and opportunity to respond to the question properly rather than just listening to it on a recorded message (which may not even be played depending on how long people are in the queue). Could a touch tone system be used – are you happy to receive an out of town car then press 1, if not then press 2 etc.

GMB S75 Branch:

See separate document

App Drivers and Couriers Union (ACDU)

The initiative is welcome but there are practical issues that will prevent this from happening – dispatch systems cannot do this, iCabbi does not allow this – Uber's system does but no other operator will allow this as they use third party software. Also – it will be difficult to enforce by licensing so it is enforced consistently.

Rotherham Hackney Carriage Association:

This may not work as systems may not allow it – the principle is fine, but not sure that it will be able to be put into practice.

- 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.

Rotherham Private Hire Association:

It would be relatively easy to comply with this requirement if the same system is used by the operator who is subcontracting the job to another operator in their ownership. It could be problematic if the sub-contracting was between operators not in the same ownership – this would need to be recorded manually. It would be difficult to know which vehicle and driver were carrying out the booking after the job had been sub-contracted – would need to rely on the other operator to provide the information and they may not provide it – so we would be breaching the condition but there would be nothing we could do about it. Also – concerns about sensitive information being shared with other operators.

GMB S75 Branch:

See separate document

App Drivers and Couriers Union (ACDU)

The dispatch systems will not allow this to be done automatically as they allocate the bookings to any driver in the system – this means it would not be possible to maintain these records.

Rotherham Hackney Carriage Association:

There may be some technical issues with some of the information as it may not be recorded on the system – but general record keeping is fine.

Rotherham Private Hire Association:

This is a good idea – have the facility to run reports off the system so it will be easy to show that complying with the requirements.

GMB S75 Branch:

See separate document

App Drivers and Couriers Union (ACDU)

Agree with this proposal.

Rotherham Hackney Carriage Association:

Operators should abide by the law and anybody that isn't complying with the law should be dealt with accordingly – but reasonably. There may be some technical issues with looking into some of the systems.

Rotherham Private Hire Association:

Agree it should apply to all operators – including those that are already licensed.

GMB S75 Branch:

See separate document

App Drivers and Couriers Union (ACDU)

Generally in agreement – but shouldn't have to go through it on every renewal.

Rotherham Hackney Carriage Association:

Should not apply to existing operators unless there are some issues or need to clear things up.

Review of conviction policy

It is proposed that the Council's Policy on the Relevance of Previous Convictions (currently Appendix C to the Hackney Carriage and Private Hire Licensing Policy) is amended 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.

Rotherham Private Hire Association:

Agree – needs to be clear.

GMB S75 Branch:

See separate document

App Drivers and Couriers Union (ACDU)

This is agreed.

Rotherham Hackney Carriage Association:

Each case should be looked at individually and on its merits – clarity on categories of offences would be useful.

- 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.

Rotherham Private Hire Association:

Need to have clarity so applicants know what to do, and how long after conviction etc they should apply for a licence.

GMB S75 Branch:

See separate document

App Drivers and Couriers Union (ACDU)

Agree with the proposal.

Rotherham Hackney Carriage Association:

Agree with this proposal. As present policy is fine.

Removal of limit on Hackney Carriages and action to increase the number of wheelchair accessible vehicles

The number of Hackney Carriage licences that can be in effect at any one time is currently limited to 52.

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.

Rotherham Private Hire Association:

It seems wrong that will need an unmet demand survey to protect the 52 current licence holders. That said, we don't want a free for all and there needs to be enough demand for the hackneys – but they can do other work (e.g. for private hire operators). Understand the need to increase wheelchair accessible vehicles – but not sure that this proposal will increase their number – largely because of the cost of the vehicles in the first place and the annual check on the lifting gear. The vehicles will need to be able to carry a wheelchair or 4 people so can also do regular taxi work – this means that the vehicles are going to be expensive.

GMB S75 Branch:

See separate document

App Drivers and Couriers Union (ACDU)

The number should be increased as the system is being abused – people are making money through the hackney licences, and some people hold five or six hackney carriage licenses. People should only be allowed to hold one hackney carriage licence.

If the trade want a limitation then it must be evidence based and a survey would be required – this is costly so it would be preferable to remove the limit.

Rotherham Hackney Carriage Association:

We do not agree with this proposal at all – for several reasons:

- 1. Big health and safety concern as not enough space on ranks.*
- 2. No business in Rotherham or trade in the town to support existing trade.*
- 3. Night time ranks are not accessible – especially on High St – due to private cars parking on them (delivery drivers, takeaway / bar staff, members of the public on a night out).*

When everything is back up and running in town it may be worth having a look at this then, but at the moment it isn't appropriate.

Drivers cannot afford to fund a survey, drivers have to buy new cars due to recent changes in policy in 2016. The work is not there so the income is not coming in – so cannot afford to pay for a survey.

The requirement for wheelchair accessible vehicles will not solve the issue with low numbers of private hire vehicles that can carry a wheelchair. The number of wheelchair accessible vehicles on the hackney fleet currently is sufficient for the demand that is there – around 25% of the fleet is wheelchair friendly. The hackney trade is already meeting the demand for wheelchair accessible vehicles – nothing will be achieved in relation to the hackney trade. All that will happen is that the new hackneys will go and work for a private hire operator when there is no demand but when there is a demand they will work as a hackney – this will mean that the work available for hackneys will be shared out over a greater number of vehicles which will mean less money for the hackney drivers that are already struggling with a low income.

If the council does decide that they need to issue more plates – then we would suggest that only the bigger cabs are allowed (such as Ford Procab or Mercedes Vito Cab) – and the vehicle must be brand new when first licensed. The licence cannot be transfer it to another person for 7 years unless there are serious medical issues or the person leaves the trade (they must surrender their badge as well).

Clarification regarding application requirements

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 required documentation, timescales and any specific requirements regarding individual elements.

Rotherham Private Hire Association:

It is better to tell people what they need so that they can sort it out before making their application and what to expect.

GMB S75 Branch:

See separate document

App Drivers and Couriers Union (ACDU)

This proposal is acceptable.

Rotherham Hackney Carriage Association:

The more information to new comers into the trade the better so can prepare beforehand.

- Details in relation to the application process for former licence holders that had their licence revoked due to their involvement in a prior criminal investigation (which they have subsequently been released from).

Rotherham Private Hire Association:

People need to know where they stand with things so it would be good to set out what the requirements are.

GMB S75 Branch:

See separate document

App Drivers and Couriers Union (ACDU)

We disagree with this proposal, the Council should suspend the licence whilst they are under investigation not revoke – if released from investigation then they should be required to do a knowledge test (only if the policy or the knowledge test has changed). DBS check should be carried out. Would only ask for driving test if driving related offences. Licence should then be given back to the driver. No other requirements as they are totally released from investigation. Deal with on a case by case basis.

Rotherham Hackney Carriage Association:

Things need to be looked at carefully as we are protecting the public, but sometimes things are said that aren't true. Some drivers have been working for years and never had a single complaint – if law has allowed them back into society then it is fair to let them back into the trade as it is all they have ever done and the only job they know.

Needs to be a fair balance and council should listen to drivers as well – drivers are part of the council and vetted so need to be trusted by council as well and give us a fair trial.

If DBSs are clean then allow them back to work but monitor them. Has not harmed anybody or done anything wrong.

Confirmation of decision making processes

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 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).

Rotherham Private Hire Association:

Agree – they need to know clarity on what is going to happen.

GMB S75 Branch:

See separate document

App Drivers and Couriers Union (ACDU)

This proposal is agreed.

In addition, all of the heads of the unions should be part of the decision making process – they should consider the cases with the licensing board.

Rotherham Hackney Carriage Association:

Clarity is useful. Appropriate information needs to be provided not unuseful, adequate and accurate within certain time frame in accordance with the policy not outdated.

Additional requirements and improved guidance around vehicle signage

The policy will provide 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).

In addition to the above, a new requirement will be introduced for the display of a vehicle licence plate on the front bumper / grille.

Rotherham Private Hire Association:

With regard to the permanent signs if don't follow the rules – agree that this is appropriate. If you follow the rules then you shouldn't be penalised. It is necessary to remove the plates / signs as a security measure (avoid getting the car broken into).

In relation to the front plate – have noticed that all EV vehicles have nowhere to attach the plate to – so there need to be some way of attaching the plate if there is no grille.

No real objection to the front plate as long as it isn't too big (it can make a noise in the car – like a humming noise). Car needs to be identifiable as a taxi from the front – doesn't necessarily need to be a plate on the front – could be a window sticker. There are likely to be difficulties in attaching a front plate to most vehicles not just EVs. Needs to be removable so doesn't get broken into when off duty.

GMB S75 Branch:

See separate document

App Drivers and Couriers Union (ACDU)

Disagree with this proposal. The signage is on the car and it shouldn't matter where it is placed. It is not practical to put magnetic signs on the front doors of some cars. There is no need for door signage generally – it is not used or referred to by anybody, they only look at the plate – there should just be something in the front window and at the back of the vehicle – like in TfL.

Rotherham Hackney Carriage Association:

Should be able to remove plates and signage when not working as a taxi as this reduces the chance of being a victim of a crime. Previously cars were targeted because of signage etc – we have only just solved this issue, we don't want it to happen again. Parts etc are expensive and drivers are struggling anyway so don't want ohave to pay for repairs due to damage caused as a crime. If drivers don't follow the rules then they should be permanent but not everybody else.

Magnetic signs cannot be fitted to some front doors – they should be allowed to put signs elsewhere.

No need for plate on front of vehicle, and in night time won't even be able to see it because of head lights. Most customers are sent text details of the taxi. In addition, there may be practical difficulties because some cars don't have grilles (for example EV or hybrid)

Amendment to vehicle age and emissions policy

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 1st September 2015.
- Licences will not 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.

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 Councils 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.

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

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

Rotherham Private Hire Association:

Agree with change to vehicle age policy so that cars registered after 1st September 2015 are acceptable.

Age limit of 12 years for cars that are well maintained is fine – also agree with proposals for wheelchair accessible vehicles and ULEVs (15 years).

Proposals in relation to tests are agreed.

GMB S75 Branch:

See separate document

App Drivers and Couriers Union (ACDU)

Any Euro 6 vehicle should be plated as a taxi – not just those registered after 1st September 2015. Vehicles should be kept on until they are 15 years – including vehicles that are already licensed and are not Euro 6. Wheelchair accessible vehicles and ULEVs should be allowed on for 20 years, because they are expensive. Zero emission vehicles should have no age limits. Zero emission

vehicles will be newer vehicles and build quality is better and so should be allowed on for longer.

Only one test per year unless vehicle fails in which case there should be more tests per year – too many MOTs increases the costs on the driver (lost time, cost of test, cost of preparation). Licensing carry out checks on vehicles during the year.

Testers should carry out repairs for minor things – they shouldn't fail the car for small things such as a light bulb – they should repair it and charge for the cost of the bulb.

There should be more test centres so the drivers can choose which test centre they can go to and get an appointment sooner. There is no competition currently.

Rotherham Hackney Carriage Association:

Euro 6 requirement is fine, but cars should be allowed on for 12 years anyway (i.e. no requirement for enhanced standards to be met). 15 years for wheelchair accessible vehicles should be standard, but should be extended to 17 years if met enhanced criteria – same should also apply to ULEVs. If an electric wheelchair cab (i.e. wheelchair accessible AND ULEV then should be allowed on for 20 years – no requirement to meet any of the enhanced requirements).

Tests – 1 to 5 years old, one test per year is fine. 5 to 7 years, would prefer this to be 8 year – so two tests for cars aged 5 – 8 years old. Cars older than 10 years will have 3 tests per year.

We would prefer if the third test would be scrapped and only have tests every 6 months

Criminal record checks to be carried out on vehicle proprietors

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).

Rotherham Private Hire Association:

No objections to this proposal.

GMB S75 Branch:

See separate document

App Drivers and Couriers Union (ACDU)

This proposal is agreed.

Rotherham Hackney Carriage Association:

Agree with this proposal.

General amendments to wording and format of policy to improve readability

The general wording of the policy and associated appendices will be reviewed and if appropriate amended in order to improve clarity and readability.

Rotherham Private Hire Association:

Agreed – need it in plain English.

GMB S75 Branch:

See separate document

App Drivers and Couriers Union (ACDU)

Agree with this proposal – use plain English.

Rotherham Hackney Carriage Association:

Agree with this proposal.

General Comments:**Rotherham Private Hire Association:***None***GMB S75 Branch:***See separate document***App Drivers and Couriers Union (ACDU)***None***Rotherham Hackney Carriage Association:**

No fire extinguisher or first aid kit as not trained and advised by professionals that are not allowed to use them as are not trained / qualified so are an extra cost every three years of around £70. In 30 years of taxiing the fire extinguisher and first aid kit have not been used, so why do we need to have them. Also the 2mm tyre limit needs to come down to 1.6mm as police and law states.

Drivers id badges needs to be smaller as previously discussed with the licensing mnager and other members of the council as agreed previously.

Multiple drivers are holding badges from various councils including Rotherham. But not working/using the Rotherham license or vehicle. We're not achieving anything by this policy instead were driving away people to obtain a license from elsewhere and we feel in these difficult times, with cost of living so high we don't think the council needs to do anything as the existing policy has been effective as we traders/stake holders have worked along with the council to make things better and improve things ad in these difficult times we would like to ask the council to leave the existing policy as is and we continue to work and get over the cost if living crisis as the drivers are just managing to come out or recovering from covid-2019.



Our Ref: BMc

21 October 2023

Alan Pogorzelec
Licensing Manager
Community Safety and Street Scene
Regeneration and Environment Services
Rotherham Metropolitan Borough Council
Riverside House
Main Street
Rotherham
S60 1AE

Dear Alan

Please see GMB response in Green, to the Rotherham Taxi Consultation.

Enhanced requirements for Private Hire Operators

All applicants for the grant or renewal of a Private Hire Operator license must undergo an interview with Licensing Officers as part of the application process.

Agree, must be fair and Transparent.

The following additional conditions will be attached to Private Hire Operator License's:

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).

Contradiction with the Council's policy:

We believe that operators should not have the ability to subcontract, as it contradicts the current policy.

Out-of-town cars not following local policies: the policy in Rotherham, which includes the use of cameras, is good but out-of-town cars are not required to follow it. This discrepancy can create challenges for local drivers who have to comply

with the policy. It's important for the local transportation authority to ensure that all operators, regardless of their location, adhere to the same regulations and policies.

Impact on local drivers: The use of out-of-town drivers by operators can result in reduced opportunities for local drivers. With more drivers available, the amount of work may be shared among a larger pool of drivers, which can impact individual drivers' income. This situation may prompt local drivers to seek employment in other nearby areas where there may be more opportunities.

Licensing discrepancies between Rotherham and Wolverhampton: the licensing requirements in Rotherham are more stringent compared to Wolverhampton. Rotherham drivers are required to undergo professional training, safeguard training, knowledge tests, and driving tests. Additionally, they must comply with strict vehicle age limits and emission standards. In contrast, Wolverhampton drivers can obtain their license in a day without any driving or knowledge tests and can use older and cheaper vehicles.

It's important for licensing requirements to ensure the safety and professionalism of drivers, as well as the quality of service provided to passengers. We believe that the licensing requirements in Wolverhampton are inadequate, we are raising this issue with the transportation authorities to promote consistency and fairness across different areas.

We have identified several discrepancies and challenges regarding the subcontracting policy, enforcement of local regulations, and licensing requirements.

REF:- 16th October 2023 Taxi Point Magazine

(Cross Border Concerns)

Transport for London (TfL) have expressed concerns over potential 'serious safety risks' posed to passengers and other road users as a result of limited enforcement and inspection of drivers and vehicles operating outside their licensed areas.

In a recent statement given to Taxi Point, the capital's regulator emphasised the need for new legislation to put an end to cross-border hiring within the taxi and private hire industry.

TfL have been focused on enhancing regulations within London to prioritise passenger safety. However, the exploitation of a loophole in the current legislation undermines these efforts, distorts the market, and potentially compromises passenger safety, according to the statement.

While acknowledging that cross-border hiring may be lawful under specific circumstances, TfL firmly believes that the potential risks associated with this practice necessitate intervention from the Government.

TfL said in a statement to Taxi Point: "While lawful in specific circumstances, we believe cross-border hiring potentially presents serious safety risks to passengers and other road users due to the limited enforcement and inspection these drivers and vehicles are subject to when operating outside of the area they are licensed in. Furthermore, we have spent considerable time reviewing and enhancing the regulations in London to ensure passenger safety and to ensure that taxi and private hire services are fit for the diverse city we serve. These regulations are potentially being undermined, the market distorted, and therefore passenger safety compromised by the loophole in the current legislation being exploited.

"As such we have, for a number of years, maintained our position that we would like the Government to bring forward legislation that ensures a journey starts or finishes in the area where a licence was granted, ending cross-border hiring. We wrote a detailed policy paper on this topic in 2018 setting out proposals for change. In 2019, the Government committed to giving this topic consideration and we remain open to working with Government to stop this unsafe practice."

Without any prejudice, and based on the information before you, would you allow your Mother or Daughter or a person for whom you care, to travel alone in a vehicle by a driver at any time day or night, that are not LICENSED OR VETTED BY RMBC?

Review of conviction policy

It is proposed that the Council's Policy on the Relevance of Previous Convictions (currently Appendix C to the Hackney Carriage and Private Hire Licensing Policy) is amended 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.

More detail would be useful in relation to the convictions that are going to be included – not too sure at the moment, think the policy covers quite a bit but some more detail would be useful.

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.

The time period in the current policy is matched across the other Councils, there aren't any that are any higher than Rotherham. The current requirements are FIT FOR PURPOSE.

Removal of limit on Hackney Carriages and action to increase the number of wheelchair accessible vehicles

The number of Hackney Carriage licenses that can be in effect at any one time is currently limited to 52.

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.

There is limited space for Hackneys to park on the ranks, causing over parking safety issues.

Due to the influx of out-of-town taxi, it has saturated the work.

At this moment in time, we do not feel is the right time given the present economic situation to lift the restriction.

Has a needs assessment/consultation been undertaken to establish if there is a requirement for additional Hackney Carriages?

Clarification regarding application requirements

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 licenses. This will provide clarity in relation to the required documentation, timescales, and any specific requirements regarding individual elements.

Agree, this will help in understanding the process and requirements better.

Details in relation to the application process for former license holders that had their license revoked due to their involvement in a prior criminal investigation (which they have subsequently been released from).

Agree, must be fair and transparent.

Confirmation of decision-making processes

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 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).

Agree, must be fair and transparent.

Additional requirements and improved guidance around vehicle signage

It is proposed 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).

We do not want the operator names on the door signs – we do not want company logos as firms do not give us work if they see us working for other operators. Operators are not happy if people work for other firms. We suggest just having RMBC logo, private hire licence, which is more than suffice to meet the SAFETY AND WELL BEING criteria.

number and Rotherham text (**Attached to Appendix A**). They do this in Oldham, Manchester, Wakefield, and Southampton.

It should be an option for the driver – if they want to advertise their company for example – so they can put their signs on with their logo, but it should not be a MANDATORY requirement for everybody. It creates an unfair restriction on work.

The driver would be able to confirm to the passenger which company they work for and who the taxi is for. This would only be an issue for people that do not use an app or mobile – if an app or mobile is used then get the information sent to the phone (**Attached to Appendix B**).

Both modern smart phones and traditional phones.

Customers and Drivers can message each other using the app on their mobile devices.

There is no need for a front plate as the vehicle has rear plate and door stickers and a front window sticker that identifies it as a taxi.

Main concerns of having a front plate are safety and wellbeing of drivers and customers targeted by youths throwing stones, eggs, etc.

Amendment to vehicle age and emissions policy

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 1st September 2015.

Licences will not 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:

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.

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.

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.

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 stand.

The vehicle's 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.

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.

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.

The age criteria – requirement for Euro 6 is fine. Any car that is Euro 6 should be licensed until it is 15 years old – shouldn't have to meet the enhanced standards.

For wheelchair accessible vehicles and ultra-low emission vehicles it should be 18 years – shouldn't have to meet the enhanced standards.

Tests – should be 1-7 years old will have one test, 7 years plus is two tests. There should be no third test for any car. Having a test every four months or six months is costing a driver £46 extra – they should only have a maximum of two tests saving them £46 per year.

Other councils have relaxed age limits to help drivers with the current costs of inflation.

Over time quality in car production has improved for better durability and safety enhancements.

We would also like to remove the following from the current policy

1. fire extinguisher

Reason - Fire extinguisher powder inhalation is one of the biggest dangers with fire extinguishers. It is very irritating to mucous membranes and may cause difficulties with breathing if inhaled. The dust may coat your lungs on the inside, which can prevent oxygen from reaching the rest of the body.

2. PH/Hackney Badges

We have numerous complaints about the size of the current PH/Hackney badges, the edges of the badges are sharp and dangerous which can cause serious harm to the drivers. We would like the Sheffield style Taxi badges, Sheffield had the similar problem and was rectified with the trades, the outcome was to have credit card style badges that were introduced.

Please note all the staff that are employed by RMBC use the same style CREDIT CARD ID DESIGN.

APPENDIX A

ROTHERHAM PRIVATE HIRE VEHICLE



6787

INSURED FOR ADVANCED – BOOKING ONLY

APPENDIX B

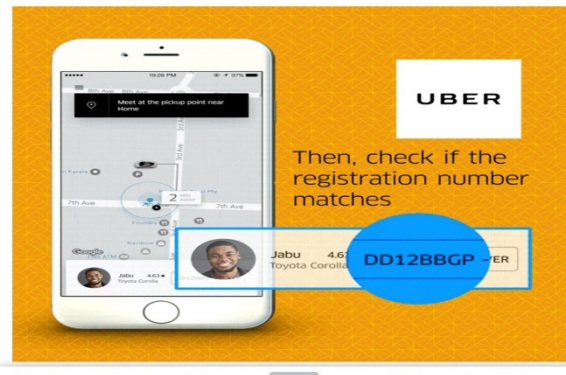
vehicle recognition checklist before you hop in:

- ✓ Check that the car colour matches.
- ✓ Identify the registration plate.
- ✓ Confirm your driver's name and photo.



vehicle recognition checklist before you hop in:

- ✓ Check that the car colour matches.
- ✓ Identify the registration plate.
- ✓ Confirm your driver's name and photo.



Kind Regards

Bob McNeill

Bob McNeill

GMB Regional Organiser

Bob.mcneill@gmb.org.uk

Section D Summary of feedback received from the Licensing BoardOut of Town Vehicles and Increase in Sub-Contracting

- How could a prospective customer know that their taxi was/was not a Rotherham licensed vehicle in order to make an informed choice as to whether they accepted the journey.
- Would the passenger be informed that the driver was licensed elsewhere and possibly to an authority that did not have the same standards as Rotherham.
- Need to make it clear that a passenger had the option to cancel a journey if it was not a vehicle/driver licensed in Rotherham.
- The prospective customer should be informed that the journey was being sub-contracted out of Borough.
- Would the Licensing Board Sub-Committee face a huge workload with the zero-tolerance approach with regard to the arrangements in place for the sub-contracting of bookings to other operators.

Vehicle Age and Emissions

- Concern that the Policy focussed on the age of the vehicle and not the mileage.
- Acknowledgement that the Covid pandemic had seen little business for the taxi trade but the vehicle still aged.

Convictions Policy

- Inclusion of the offence of Battery.

Low number of vehicles that are capable of carrying a passenger that is seated in a wheelchair

- No comments.

Clarification regarding application requirements

- No comments.

Vehicle Testing Standards and Display of Signage

- Feedback from the trade warranted more detailed consideration but should not delay the remainder of the proposals contained in the report.

The Licensing Board resolved that the following comments be fed into the consultation process:-

Out of Town Vehicles and Increase in Sub-Contracting

- That the private hire operator must inform a customer at the time of acceptance of the booking about the journey being sub-contracted out and that it would not be a Rotherham vehicle or a Rotherham driver and state which town it would be from.

Vehicle Age and Emissions

- It was acknowledged that the Covid pandemic had affected the taxi licensing trade and therefore a lot less trips undertaken. However, when the Policy was reviewed in 3 years, the age of a vehicle be taken into consideration.

Convictions Policy

- That the criminal offence of Battery be included in the Convictions Policy.
- That all vehicle proprietors undergo a basic level DBS check as part of the application process.

Low number of vehicles that are capable of carrying a passenger that is seated in a wheelchair

- That the proposal be supported.

Clarification regarding application requirements

- That the proposal be supported.

Vehicle Testing Standards and Display of Signage

- That the proposal be supported.
- That the feedback from the trade regarding signage of vehicles be subject to further detailed consideration, however, the remainder of the proposals should not be delayed whilst this investigation takes place.

Section E **Written responses provided by members of the local taxi trade**

Response 1

Feedback regarding the proposed changes to licensing policy

My name is Russell Port, I have been licensed as a driver and operator in Rotherham for almost 30 years

I would first state that I am in agreement with RMBC in that the legislation needs changing, my comments are based on what I think is appropriate in the current climate, not what ideally I would like it to be

I would also note I have read through the entire policy, not the summary, as such some of my comments are relevant to items not in the summary, and sometimes not even suggested for change

Sub contracting

Whilst I think the aim of this part of the policy is fair, RMBC doesn't seem to be taking into account how easy it is to avoid this

Firstly it needs to be understood how the booking process works and its in 3 different ways depending on the type of firm, Firstly lets take a firm that is mostly based in Rotherham but also has a Wolverhampton operators licence also, their workflow is usually

1. Take the job at the Rotherham Office
2. Put the job out for drivers to accept
3. Driver accepts, lets say it's a Wolverhampton Driver
4. Subcontract the job to the Wolverhampton Office
5. Wolverhampton dispatches to driver

At the point of taking the booking, the operator will not know which driver will be doing the job, for firms that employ out of town drivers its integral they take the booking first then allocate it to an available driver, then subcontract to that licensing authority

An easy way round it would be to simply alter the workflow to

1. Take the job at the Wolverhampton Office
2. Put the job out for drivers to accept
3. Driver accepts, lets say it's a Rotherham driver
4. Subcontract the job to the Rotherham Office
5. Dispatch to Rotherham driver

What this means is that instead of all jobs going through the Rotherham Office and being subcontracted to Wolverhampton if need be, all jobs go through the Wolverhampton Office and only the ones that are being done by a Rotherham Driver would actually go through the Rotherham Office (having been subcontracted), This would be a negative as, even if the job is Rotherham to Rotherham if its booked through the Wolverhampton Office RMBC have no control over that job whatsoever unless its subcontracted to a Rotherham licensed driver whereas at present all jobs go through the Rotherham Office, even if they are later subcontracted, its difficult to see how RMBC could stop this under the guise of "poor business practices" as its pretty much the business model firms based outside of Rotherham, such as Veezu, operate anyway

The second process involves firms who are mainly based outside of Rotherham but have a Rotherham Operator licence as well, take Veezu as an example, my understanding of how their process works (or at least worked when they were City) is similar

1. Take the job at Sheffield Office
2. Put the job out for drivers to accept
3. Driver accepts, lets say a Rotherham driver
4. Subcontract job to the Rotherham Office
5. Dispatch to Rotherham Driver

What this means is, even now RMBC have no control over any subcontracting as the

Rotherham Office does not usually subcontract jobs, all jobs are booked through the

Sheffield Office and, if it's a Rotherham driver doing the job are then subcontracted to Rotherham office, If a job is Rotherham to Rotherham and is done by a Sheffield driver it does not go near the Rotherham office, If its done by a Wolverhampton driver its booked in Sheffield, subcontracted to Wolverhampton and completed by a Wolverhampton driver, nothing to do with RMBC, so no customers would need to be informed an "out of town" car would be coming for them, they have booked an out of town car, whether they realize it or not, and the only subcontracting would be done involving Rotherham would be to the Rotherham office, not from, so your regulations are irrelevant in that case

So the new rule would make zero difference, other than confusing the public as they would expect to be told an out of town driver would be coming for them when they won't be

The final process is exclusive to uber, I'm not sure of the exact process and, to me it seems illegal but I believe TFL at the very least have done a forensic examination of ubers process and believe it's legal, presumably if not you would have taken action, anyway,

1. Customer requests a driver
2. Driver indicates availability
3. Job is booked at the office driver is licensed with
4. Job dispatched to driver

Hence, no subcontracting at all, and once again, there is no benefit it simply will confuse the public who are expecting to be informed, whether they realize it or not they have booked whichever office the driver is from, though I do believe they clearly state this on the app anyway

To summarise RMBC need to be very careful how they approach this, ultimately there is no control, whether the job is for a Rotherham customer or not, if the vehicle, driver and operator are not from Rotherham, Effectively if a firm is actually taking a booking in the Rotherham office you at least have some control, I can't see the benefit of putting policies in place that are more stringent and ultimately end up with you losing that control, to some extent if a company is unhappy with RMBC they can go elsewhere for licensing, again if a firm changes their process to avoid RMBC how can you enforce it, if its good enough for firms like Veezu its good enough for a 50 car

Rotherham firm

I also have concerns about "the customer must be informed" whilst I don't have an issue with the regulation itself RMBC needs to avoid trumpeting this as a major thing as it will create confusion in the marketplace, Customers will expect to be informed if they are in Rotherham and book a taxi, what happens if a customer books Veezu and its Veezu Sheffield and they dispatch a Sheffield Car? What about if one of the Rotherham based firms decide they don't want to do this and just run off their Wolverhampton licence? Nothing you can do to enforce that, York have been trying to stop uber running cars in York for years and they don't have an operators licence and to little success, all it means is York council have no control over them, they are still there, if the customer is expecting to be informed as RMBC have loudly announced in the press they will, this will cause confusion, Cllr Denise Lelliot was quoted in the press saying "This will make sure if someone gets into a taxi that isn't licensed in Rotherham, they will know." I'd like her to explain how that's the case if she books a Veezu taxi from Rotherham town hall to Riverside and they send a Sheffield car with a Sheffield driver which has been

dispatched from their Sheffield operator's licence? What obligation are they under to provide that information? It's nothing to with RMBC's operator licence (And that could apply to any firm)

Overall I think you need to tread very carefully, better to be able to regulate what you have than go too far and have nothing to regulate, overbearing procedures will just mean companies moving further down the Wolverhampton path to avoid RMBC regulation

I would suggest there is nothing wrong with the suggested changes, but RMBC needs to apply a light touch and not publicise them and try to work with firms as much as possible, no point hitting the mule with a stick if it's going to wander off and pull another farmers cart and isn't dependant on you for its carrot

Appendix A 3.7

It notes that a failure to produce all above documents at the time of application will mean the application being rejected, However it includes documents required as part of the DBS check, However if the applicant is already in the process of applying for a dbs it may be relevant to include "or proof of an ongoing application for a dbs check"

Appendix B

States that DBS forms etc will be supplied and should be returned to the licensing office, my understanding is this is now done by a third party (Maybe Barnsley Council?) and could indeed be done by any body that can obtain DBS checks provided the correct position is applied for, as such this wording needs altering

14.5 At least 3 years should elapse (after the restoration of the DVLA driving license), before a license would be granted (unless the reason for the removal of the license.

Seems to be incomplete

Appendix F 2

Acceptable standards of dress

This is clearly discriminatory, in this day and age the council would have trouble in enforcing a difference between standards for males and females, not to mention people who are transgender, this needs more generalizing to something along the lines of top to cover up to approximately the neck and cover 75% of the forearms as a minimum and to cover the midriff, bottoms to be tailored and knee length as a minimum

Signage

I am of the opinion that a front plate is unacceptable for several reasons, firstly from an environmental point of view, do we need to use more plastic? Secondly from a cost point of view, presumably it will cost another £19 per year, and finally because this can be dealt with more effectively and cheaply by other signage

I note the position regarding permanent affixing of signs, I assume this to mean magnetic door signs are acceptable until someone breaches that condition by running without the signs, in which case they would have to have permanent signage, this is problematic as we are allowed to change firms as often as we want, so I can do a job for firm 1, do my next job for firm 2, go back to firm 1 for my next job etc, provided I change the door signs between jobs, as such permanent signage would be problematic, my suggestions for this are

1. Do not implement the front signage
2. Allow signage on the front door which shows the vehicle is licensed by RMBC for private hire, the insured for advanced booking signage and any other messages RMBC wish to send to the public and the vehicle licence number, this signage should be the one that is to be made permanent should a driver break the rules- this signage could be supplied by RMBC in a similar manner to hackney signage and should only be required once for all the vehicles life as a taxi (unless lost). This would be more visible to the public than front signage, be cheaper and more environmentally friendly
3. A sign on the rear door indicating which company the driver is working for, it may be more than one firm is allowed as drivers do work for more than one firm these days, I believe this is the case in Sheffield

One of the current issues with working for more than one firm is that by swapping magnets regularly they often don't fasten properly to the door, if its cold they don't bend well, there can be dirt on the door etc, as such drivers often genuinely lose magnets simply because they are changing them a lot, splitting the signage and allowing more than one company sign on the rear would mean the front magnet would not be moved at all by many drivers, or at most at the end of a shift, meaning it is less likely to fly off, similarly for the rear signage if more than one firms signage is allowed

Of further note

The alteration of the age policy seems to be in response to drivers going elsewhere, mainly Wolverhampton, to get licensed, they allow vehicles to go on up to 12 years old, Whilst I welcome this change I feel it does not go far enough to address the problem of Remote licensing (Often, incorrectly, referred to as cross

border hiring or out of town drivers) These are drivers who are from Rotherham but have chosen to go to another district to get a licence for whatever reason, even though they will be working mostly in Rotherham, By my estimation I reckon around 10% of the vehicles on the road in Rotherham are licensed in Wolverhampton, Rotherham is not alone in this, I believe Manchester have around a third of their drivers Wolverhampton licensed, and its affecting pretty much every licensing area in the country, whilst I agree with the position stated in 8.7 that reform is needed the question is how do RMBC manage this now?

I'm assuming that

1. RMBC accept the current situation is legal, even though they dislike it, or at the very least don't think they have a strong enough case to take it to court
2. RMBC would wish to have as many vehicles and drivers working regularly in Rotherham licensed by them, preferably to the current standards set out in this policy, but understand they may need to make compromises to meet that aim, as indicated by the alteration in age policy

However, RMBC need to accept that whatever standards they set, if a driver chooses to get licensed elsewhere there is nothing they can do, as such, whilst they may not like it they are effectively in "competition" with other licensing authorities for the drivers "custom" If the standards/costs/processes are too difficult what's the point? You will be licensing nobody; at present drivers have a "get out" of these standards, they are unenforceable to those that do not wish to be enforced

From an operators point of view RMBC are giving us a pea shooter to fight an army, what do I mean? Well I have been licensed by RMBC for nearly 30 years and have no desire to get other licenses from other areas with all the complications that involves but a taxi business works in an unusual way, Generally speaking drivers are effectively (But not legally) sub contractors, they have their own car and can work for any firm they like who will accept them, Say I'm running a taxi firm and I have a Rotherham license, I can only employ drivers who have a Rotherham license too, So say I'm very busy, what that means is I'm turning down work or running late, the nature of things is pretty much all taxi firms are busy at the same times (Weekend nights, school times) as such all turn work down at those times and need more drivers to come, those customers will try another firm if you are unavailable or frequently late, For me, I can only employ Rotherham drivers, If a Wolverhampton driver comes knocking on my door, I have to say no, What's that driver going to do? He's going to go to another firm who also have a Wolverhampton license, that means they set him on, they offer better service at those busy times and increase their customer base, whilst mine is decreasing, effectively drivers are my customers, they pay me, as an operator its becoming more and more necessary to get a Wolverhampton license to stop your business

declining, indeed to the best of my knowledge only one of the larger firms in Rotherham does not have a Wolverhampton license, principles are great but they don't pay the bills, RMBC need to give us the tools to avoid or minimize this and to allow us to make decisions based on good business sense, not principle, We need drivers to be encouraged to be licensed by Rotherham, There are presently companies that advertise to help applicants get their badge, I'm sure you can guess which area they get sent to! Most new drivers coming along are

Wolverhampton licensed and operators need to respond to this for economic reasons or die –RMBC need to support us to encourage Rotherham licensed drivers

Let's firstly examine why drivers do this, in my view there are 3 reasons a driver goes to Wolverhampton

1. Its definitely cheaper
2. Its perceived to be easier
3. Its perceived to be quicker

Let's analyze these statements, firstly is it cheaper, how it compares to Wolverhampton, this is for Private Hire only

For Rotherham you have to do a knowledge test, No such test for Wolverhampton

For Rotherham you have to do a BTEC, no such thing for Wolverhampton

For Rotherham you have to do a practical driving test, not in Wolverhampton

For Rotherham you have to do a safeguarding course, For Wolverhampton you do a 1 day safeguarding and training course, which has a test at the end (Which covers a lot of the same ground as the BTEC)

You need a DBS for both, I would say Rotherham's standards are a bit higher but only for people with historic offences, for example someone with a conviction for drug dealing (With no other aggravating convictions) would get licensed in

Wolverhampton after 10 years, but not in Rotherham but for more recent offences they are very similar

You need a medical for both

So firstly cost, well for Rotherham you are talking (And it's difficult to find some of these costs so some are from memory or approximate))

£274.50 for a 3 year badge £500
approx for the BTEC

£100 for the driving test

£130 for the medical

£50 for the dbs

£13 for the update service

£20 for the written test & safeguarding (Very unsure of this)

So that's around £1100

Wolverhampton is

£98 for a 3 year badge

£40 for the training and safeguarding course

£130 for the medical

£50 for the dbs

£13 for the update service

A total of £333 (And I've assumed the medical is the same but I believe its usually cheaper for Wolverhampton because they just require the doctor to fill in a statement that the applicant has passed rather than the full Group 2 form)

So bit of a difference there

Next, standards, is Rotherham's standard higher? Well you certainly have to do more, but are all these things worthwhile? Well in my view anyone who would be incapable of getting a Rotherham license shouldn't be able to function in normal society, it's not hard, but there is a lot to do

The knowledge test is, in my view, not needed these days, sat navs are everywhere and the need to know you're a to b's is not the same as years ago, In my view this could be dispensed with, the rules and regs part of the test is necessary

The BTEC, this is the biggest problem, when I did my NVQ (as it was then) it took me 2 days to do the course, which I passed, the BTEC, when it came out, was offered by such training providers as Skills UK and took people 2 days to complete

and cost maybe £150 (initially there was funding and it was free), there was another company that did it in 1! However several years ago the government pulled funding for most training and many providers went bust and there is now only one provider approved by RMBC, that's Sheffield College, and the course takes 5 days, what I learned in 2 days now takes 5! Wolverhampton have effectively linked this in with safeguarding and it's a 1 day course which seems far more suitable, In addition the BTEC often corrects items in RMBC's policy, my son got his license a few years ago and would come home with questions as to why they were telling him one thing but the licensing policy another, over lost property, for example

Practical Driving Test, I can certainly see the benefits of this, but you would think any driver who would fail this would soon be racking up the complaints to licensing

Safeguarding course, DBS, Medical, all the same, pretty much

He also has to sit a knowledge test and do a driving test

So a RMBC driver has to basically do 7 days of training all told, but that training used to be able to be done in 3 days when there were more providers! Lack of competition has resulted in exploitation and bloating

So do those extra days of training (Which didn't used to be necessary), having to pass a multi choice knowledge test and do a driving test really make the standard higher? My view is the standards are a bit higher, but not in proportion to the extra cost and there is a lot of bloating. There is far less difference than the general perception

And finally, is it quicker, this is interesting, firstly Wolverhampton's process is fantastic, they have clearly invested heavily in their website, everything is very clear, costs are all apparent and it tells you what to do and gives you links to do it, Rotherham's is not, when I applied for my sons badge a few years ago it confused me, and I have been helping people get their badge for the best part of 30 years! However an email followed which was far clearer, but for Wolverhampton its pretty simple, each part of the process is separate, you go away, do those parts, come back THEN you apply for your badge and it gets processed and, presuming there are no complications, issued, They did offer a fast track system in which you would get your badge even quicker, a year or so ago it was possible to get a badge issued within a month of applying (assuming your dbs wasn't held up), but now its not that easy as that has been suspended due to demand, which is ridiculous, remember I said around 10% of taxis in Rotherham are Wolverhampton licensed, well that applies to most towns and cities, the numbers licensed there is unbelievable and their system is creaking under the pressure, you are looking at least 3 months to get on the 1 day training course and a month after applying

before they even start to process your application, its around 5 or 6 months at best now, they are always saying they are setting on more staff but presumably the numbers keep increasing and the backlog continues.

Now Rotherham, whilst the interface to do it online is non existent the idea is similar you go away and get all the bits and come back, but there are issues, firstly you have to wait for Sheffield college to have a course available (When you finally get through to someone – the phone number given takes you through to the wrong department and only one person seems to deal with it and they are often not available), when my son did this he first applied in May but the first course available to him was August! A 3 month wait

Next the knowledge and safeguarding course, whilst he was offered dates in June (so the following month) he was unable to attend so ended up doing so in July, however this was a major bugbear which turned out to be irrelevant in his case, to actually make the booking for the course you had to have your DBS returned and checked, The reason I was given for this was staffs safety needed to be ensured. In his case his DBS came back remarkably quickly (literally days) so it caused no issue, but It often takes 6 to 8 weeks, and that's before you can even book on for the knowledge and safeguarding! This seems massively overkill, A RMBC staff member is going into a room with several applicants in a council building who have had to provide ID, presumably that room has, or could have, CCTV but they need to ensure their safety, from someone who is basically applying for a job to be in a car on their own with a total stranger who could be a mass murderer and send them anywhere, this is ridiculously over the top and disproportionate and holds up the entire process massively, Oh and not to mention that same person is fine to book a driving test with someone who I believe is a council employee to go out in a car just the 2 of them! No DBS needed for that part, There is no consistency or logic

Everything else is reasonable and RMBC process the application quicker than Wolverhampton at present, in my sons case it was very quick, looking at my emails it was around a week after he completed his BTEC, so just over 3 months from start to finish, however I believe he was very lucky due to the DBS and for the average person it would be more 5 or 6 months

So at the minute I would say Rotherham's system is far more clunky and needs altering but due to lower demand is slightly faster, Wolverhampton's is far more efficient but overloaded, Its quicker to get a badge in Rotherham at the minute but, due to it not being the case a year or so ago, the perception amongst drivers is its still quicker in Wolverhampton, even though that's likely inaccurate

So if you are a prospective taxi driver, where would you go? Are there any negatives to Wolverhampton? Well the main one is the distance, you have to travel to Wolverhampton a few times during the application to take the course and collect

your licence, that's obviously a pain, you also have to take your car there for compliance tests, there are also a few other benefits to being licensed in Rotherham, such as the ability to cross platform (work for more than one firm) and to do RMBC school contracts (Wolverhampton are barred due to not allowing audio recording on CCTV) but these are not likely to be apparent to an applicant, Though it may be worth RMBC promoting the school run thing

From an operators point of view years ago if someone came to you needing to get their badge you would lend them the money and give them shifts operating or similar to pay you back whilst the application was processing, all well and good if its £300 and takes a few months, it was always a risk but usually worked, risking £1100 and taking 6 months, not so much, However risking £300 for a Wolverhampton badge, probably worth the gamble, in my view there has been no regard as to the effect of these costs on the quality of applicants

So how could RMBC alter their current system to make it better and to compete?

I think at this point RMBC have to ask who do we want to be a taxi driver? What do I mean? Whilst this is a bit "back in my day" I think standards have gone down since many of these "improvements" came in, why? Because the cost and time taken is putting good quality candidates off becoming a taxi driver. Say you are unemployed, you have to find £1100 to become a taxi driver and it takes you the best part of 6 months, Who has £1100 if you are unemployed, plus the dole will be trying to get you to take other jobs in that time, There is no funding available, in that case the cost and time would put people off who would meet the standard, they just cant afford it, Operators cannot provide funding as its difficult to guarantee you will get repaid, as mentioned drivers are usually self employed

Let's take someone who is employed and is looking to change jobs, he has to find £1100 and take around 7 days off work, assuming all goes well, who's going to do that unless they really want to be a taxi driver? They will get a job at Tesco, similarly the financial and time commitment is too high for people just wanting to earn a bit extra on the weekend, that type of driver used to be everywhere but has now all but vanished, at one time if you worked days there was always a driver available to drive your car on weekend nights to earn you a bit more in rent, not any more, this has meant many cars stood at the weekend when demand is highest, its not viable for someone to get a taxi badge to do a part time job, and those part time drivers were usually the ones who worked the busier times, improving service for the public All that leaves is the unemployable, people who are unable to get a job elsewhere but have a desire to work and often get funding from their family

When I got my badge in 1994 it cost me around £60, £30 for a 3 year badge, £30 for a medical and the only other things I had to do were a knowledge/regs test and a police check, both of which were free, and the licensing office were that

accommodating I couldn't make the date for the knowledge test due to work commitments so I was allowed to do it on another date in the corner of the licensing office!, I got my badge as, at the time, I had young children and needed to earn extra money, it was only ever intended to be a part time weekend job, speaking to other people who have had their badge a similar amount of time we mostly got our badge for the same reason, part time work to earn a bit more, Using the Bank of England's inflation calculator that £60 in 1994 would be around £120 now, Would we have done the same if it cost

£1100? I had to have a half day off work to do the knowledge test, not 7 full days

As they say, the proof of the pudding is in the eating, have the increased standards fetched in around 10 years ago improved standards, in my view, the opposite has happened

With this in mind in my view each item should be examined and it decided that rather than it being a nice thing for a taxi driver to have and it sounds good in the Advertiser does it offer value for money and is it efficient and timely to book and complete.

As such

1. The BTEC is not fit for purpose as offered by Sheffield College, how can something that other companies presented in a day or 2 take 5? Is it just to justify the ridiculous £500 cost? it needs to be replaced or removed
2. The knowledge test is of no practical use in this day and age
3. The rules and regs test is necessary and fine as it is, in fact it could do with making a bit harder
4. The safeguarding course is fine
5. I think the driving test is fine but a little overkill, the cost is not excessive nor the time it takes to do it, but if RMBC are aiming to have drivers licensed by them and not go elsewhere is it really necessary
6. The DBS and medical are fine

So in my view the following should be done to streamline this system

1. The knowledge test discontinued
2. The rules and regs test, safeguarding course and relevant parts from the BTEC be available in a single 2 or 3 day course, set by RMBC and implemented either by them, a training provider or even by taxi companies, who I have no doubt would happily supply the course as it helps get drivers on the road, though of course, some oversight would be required if that were the case, this course should be presented as a priority, not on an "if we have staff available" basis and an afterthought
3. The driving test to only be compulsory if the driver has more than 3 points or less than 5 years driving experience, but a condition attached to a drivers

- first 3 year license that should there be any viable complaints about his driving he has to complete the course
4. The driver should not have to wait for his dbs to come back to book on a course, each item should be booked independently then all presented to RMBC for consideration
 5. Money be invested in a proper online system, the current one is terrible

I would note at this point that I would also recommend the Private Hire and Hackney

Licence be issued separately, with a hackney licence involving a knowledge test (A PH driver could upgrade his licence by doing this test), preferably one much stricter than at present, as Hackney drivers need to know local landmarks etc

I assume the higher cost for Rotherham licenses compared to Wolverhampton (triple) is, to some extent, due to volume? That being the case there would be little that could be done to reduce that cost as licensing does not make a profit, however, assuming a 2 day course could be done at a similar cost to Wolverhampton, so say £100, and removing the driving test, this would reduce the cost to along the lines of

£274.50 for a 3 year badge

£130 for the medical

£50 for the dbs

£13 for the update service

£100 for the course

Roughly £550, so around half the current cost, provided the courses were available in a timely manner and, with things that caused delays removed a driver now has a choice of staying with Rotherham, paying around £550 and getting his badge in 3 to 4 months, Or going to Wolverhampton, paying £330 having to go back and forth and it take 6 months, to me that's a much nearer choice and I would go with the Rotherham one

South Staffordshire Council have already stopped issuing taxi licenses due to a massive reduction in numbers as most drivers were applying to Wolverhampton, they just send applicants there now RMBC needs to be very careful, it doesn't matter how high your standards are if nobody has to stick to them, my view is the current policy is RMBC essentially fiddling whilst Rome burns, If changes are not made to reduce mainly the cost, but also the speed and bloating, they will end up having the highest standards in the country – with no drivers!

In my view, other than the driving test, there is no reduction in standards here, simply superfluous and wasteful items are being removed or refined

One worry here is that by altering these standards Rotherham may be as guilty as Wolverhampton in licensing vehicles to work in other areas, however this is easily avoided and is already done by Wolverhampton but for different reasons, You simply prioritise bookings on the course for local drivers, i.e. anyone with a provable Rotherham postcode where they have resided for 12 months gets the first available dates, anyone else gets offered dates from 6 months in the future, that should make Rotherham far less attractive for out of town drivers to get licensed, you need to be attractive to Rotherham drivers, but not to others, one other way to prevent this is to insist on a manned office in Rotherham, As far as I can see both Veezu and uber are allowed to run a Rotherham licence with no office in Rotherham, by doing this RMBC are encouraging firms to run "out of town" vehicles, if you see a Veezu or uber car in Rotherham its probably licensed elsewhere around 75% of the time

(Usually Sheffield) as these firms basically use Rotherham as an extension of their Sheffield business

So lets move onto vehicle licensing, here is where I think RMBC have 2 things they really wish to preserve, firstly the mandatory CCTV, which they have hung their hat on as a flagship, secondly the fact that vehicles are tested by RMBC's own testers at one specific test station

Looking at the many vehicles on the road from Wolverhampton the vast majority are not "old bangers" I have seen nearly brand new vehicles and fully electric, I'm sure some drivers will go to Wolverhampton due to the age limit, and the new rules should stop most of that as there's not much difference now, but what are the cost differences?

Well in Rotherham you have to have an annual license at a cost of £179, you also have to have intermediate tests at a cost of £46, for an older vehicle per year that's 2 of them, then its £19 for your plate, you then have to have CCTV fitted, at a cost of around £600, You also have to supply a fire extinguisher and first aid kit, at a cost of around £40 each, so £951 in total, though, of course, you don't have to renew your cctv every year, it will usually last 4 or 5 years with little issue, same with the fire extinguisher and first aid kit, I believe they have to be replaced every 3 years

Wolverhampton is £95 to apply for a license, you then have to get an MOT at one of their approved MOT stations (There is one in Rotherham and many in Sheffield) which is around £50 (Vehicles over 10 years old need 2 a year), and that's it! Though you do have to go to Wolverhampton for them to do a compliance check, that's done by a licensing officer or someone similar and its just bodywork etc,

£145 total, no fire extinguisher, no first aid kit, no cctv and presumably the cost of the plate is included in the license, and they give you a plate holder too!

Whilst lowering the age limits will help, it barely scratches the surface!

In my view the following should be applied

1. Removal of fire extinguisher and first aid kit – most LA's don't have these anyway
2. For vehicles under 5 years old the intermediate test be removed, just the one annual test
3. For vehicles over 5 years old, just the annual and one intermediate
4. One free retest for any items that would qualify for a free retest on a normal MOT (Bulbs etc)

That would fetch the cost of a new driver plating a car down a bit to £825 (for an older car), of course the annual cost, if you were to spread the cost of the cctv over 3 years, is more like £425 per year, but a driver still has to find the full amount up front, and however you look at it, way more than Wolverhampton

In summary at present it costs a Rotherham licensed driver around £2000 to get on the road, paying to get his badge and plate his vehicle – and that's without buying a vehicle (Which has to be under 5 years old at present) and insuring it, In Wolverhampton its nearer £500 in total, and he can use a car up to 12 years old

Even with the reductions I've suggested it would still be around £1500, the only way to reduce it further would be to remove the CCTV, you are unlikely to do that, however what's the point in having CCTV if there are no cars licensed with it in? Would it be better just to insist on CCTV for vehicles doing school contract runs for RMBC?

Speaking of school contract runs RMBC currently have the position (Quite correctly) that any driver or vehicle doing a RMBC school contract should be up to RMBC's licensing standards so, for example, a Sheffield private hire could do a school contract for RMBC provided it had CCTV and was under 10 years old (There may be other standards too but they are the main ones – though it should be insisted all drivers do the BTEC but I don't believe it is) It is impossible for a Wolverhampton car to meet these standards as Wolverhampton do not allow recording of audio – at all – as such no Wolverhampton car can do RMBC school runs, If the number of Wolverhampton cars increase what are you going to do? It's clearly going to be inflationary with a cost element to RMBC, less cars qualified to do school runs means higher prices, but what if you end up with not enough cars? I believe Corporate Transport are struggling to some extent now to cover

contracts, take another 10% of RMBC licensed cars out of the system and replace them with cars who can't do the school contract, How will you get the kids to school then? It would be great to say RMBC think we should have all taxis as Rolls Royce's, customers would love it – till they couldn't get a taxi!

Speaking of school contracts, whilst not directly a licensing matter I would like to take this opportunity to raise a matter in which RMBC compromise their own standards when it suits them, that of community transport doing school runs, So to do a school contract for RMBC as a taxi driver you have to do all the things mentioned above, pass a driving test, a written test, BTEC etc to get your badge, you could also do a school contract as a PCV driver, in which case you would have to pass the PCV driving test and do your CPC, however community transport companies are exempt from some of the PCV regulations as they are classed as "Not for profit" (even though the directors get paid a wage, you say wage, I say profit, it still amounts to money in your pocket) as such to drive for community transport on a RMBC school contract you have to have held a normal driving licence before 1997 (or around then) as it has D1 entitlement not for hire or reward, which more recent licence holders do not have even though you are getting paid as the company is not for profit its classed as not for hire or reward, Community Transport insist on these drivers (and all PCV drivers having a DBS check but other than that you could have someone who has failed his Wolverhampton knowledge test 20 times, try for his Rotherham badge, not be able to pass the driving test, nor the knowledge test, nor the BTEC but he can walk through the door at Community Transport and as soon as his DBS check is back he can drive on a school contract for RMBC with no further driving test or test of any kind, this undermines the value of a RMBC taxi drivers licence, I know many drivers who have let their badge expire and have gone on to drive for community transport as its easier and cheaper whilst still doing jobs for RMBC who supposedly want higher standards, madness! RMBC should have a condition of contract on any future tenders that all drivers who drive a PCV vehicle, even if it's licensed under the community transport exemption, hold a full PCV licence

Back to the matter at hand, RMBC need to accept whatever standards they would like, its no good having them if no ones following them, they need to compromise, even if its through gritted teeth, or they may as well just let Wolverhampton do all licensing for them, that's where it will head eventually, you need to help us operators by removing all surplus items and trimming the fat and improving your systems, hopefully then the "negatives" (in terms of cost) from being licensed in Rotherham which RMBC seem to deem the most important (CCTV, Specific testing station) Along with those costs you cannot help (increased fees) will offset the hassle of going to Wolverhampton and the current wait for a badge and at least be somewhat competitive, at present, If its somewhat closer most operators would prefer drivers to get a Rotherham badge as they can do RMBC school runs, but the gap is that vast at the moment its untenable

There are other small things RMBC could do to help Rotherham licensed drivers, you could issue a LTRO to allow "local" private hire to use bus lanes, which would mean only RMBC licensed ones could use them, for example

As an operator do I really need RMBC to decide the standards of drivers for me? Obviously things like the DBS and safeguarding are necessary, but if a driver is that poor he would fail the driving test that's likely to cost me customers and that's a business decision I have to make, is that driver a net asset or negative to my firm? Does he need to spend 5 days learning stuff on a BTEC? Shouldn't I be the one who decides if he is good enough to work for me provided he meets the minimum standards? If I ran a shop and the cashier was rude and bad at their job I would sack them, if I didn't my business would decline, that's the nature of business

In considering this I ask councillors to ask themselves one question, if you wanted to get a taxi badge, bearing in mind the information I have given, where would you go? In my view there's really only one choice and if you also think you would go to Wolverhampton then the standards need reforming further as I have suggested here

If not, well get your fiddle out, Rome's burning!

Response 2

Hi

Looking at the proposed additions to the policy. I strongly disagree with them all.

Every time a policy is up for review the council just wants to make it harder for local drivers thinking out of town drivers will go away.

This is not the case and unless the government do this RMBC can not do anything to stop them.

Yes the council is working to get rid of out of town taxis but what good is this if the council do not work to keep RMBC badge holders. Work with the trade and get betterment for drivers.

Many drivers have dual badges including with other council as RMBC policies have been so stringent, difficult and harder everytime. You are not working with the trade you are losing trade I would say. My point of view is as follows: -

Increase the age limit of taxis to 15 years as most cars are euro 6 equivalent, having new cars costs alot and they have been well looked after and made to a better spec

Reward the drivers in extending the age limits other councils have increased age limits in such hard times

I do not agree with fire extinguishers and first aid kits as never used them and fire extinguishers are safety hazard

Costs us extra £75 every 3 years for no reason and we are told you can not use them

Every 3 years got to get new ones which is additional cost for no reason

Take away 3rd mot test per year and adhere to, this is the only council that has 3 tests per year what is the need. Pushing drivers away

Listen to the drivers

Vehicle up to 7 years = 1 test

7 -15 years = 2 tests

3 tests are extra cost for no reason, normal cars do plenty miles but still have one test per year. 2 tests are sufficient what difference is 6 months test and 4 months. These stringent testing is pushing drivers away to get badges and plated elsewhere

Why give stress and inconvenience and be fair

Front grill do not bring in, as safety hazard, people throwing stones, and vandalising when been driven. Plus front headlights will not bring in ease for customers to see if it is a taxi. Customers can ring and message driver when

booking taxi with new technology, stickers on sides, back plate and front docket on windscreen is enough. Also extra cost not needed for driver side in these tough times as having plate will be cost on us.

People are plating cars in wolverhampton and working in rotherham. Rotherham has stringent standards why should i work for rotherham plated car when wolverhampton less tests per year, less fees, less training and work is equal field for both.

Work with us to keep the drivers or else soon all drivers will go elsewhere and local drivers and council will lose out

Give postive initiaitives for us to stay here and work with rmhc plated taxis

Improve better badges as they are dangerous and too big

Many thanks

Mohammed

Response 3

Hi

Being an operator phoenix taxi in Rotherham for the past 20 years, I have seen different changes that have occurred from the council. Every year has been getting harder and harder for us, especially.

Owning a company which consists of quite a good percentage of drivers licensed in RMBC Council.

I would like to give my input on the challenges that drivers have come upto me and said.

Looking at the proposed additions to the policy. I strongly disagree with them all.

Every time a policy is up for review the council just wants to make it harder for local drivers thinking out of town drivers will go away.

This is not the case and unless the goverment do this, RMBC can not do anything to stop them.

Yes the council is working to get rid of out of town taxis but what good is this if the council do not work to keep RMBC badge holders. Work with the trade and get betterment for drivers.

Many drivers have dual badges including with other council as RMBC policies have been so stringent, difficult and harder everytime. You are not working with the trade you are losing drivers day by day, I would say. My point of view is as follows: -

Increase the age limit of taxis to 15 years as most cars are euro 6 equivalent, having new cars costs alot and they have been well looked after and made to a better spec

Reward the drivers in extending the age limits other councils have increased age limits in such hard times

I do not agree with fire extinguishers and first aid kits as never used them and fire extinguishers are safety hazard

Costs us extra £75 every 3 years for no reason and we are told you can not use them

Every 3 years got to get new ones which is additional cost for no reason

Take away 3rd mot test per year and adhere to, this is the only council that has 3 tests per year what is the need. Pushing drivers away

Listen to the drivers

Vehicle up to 7 years = 1 test

7 -15 years = 2 tests

3 tests are extra cost for no reason, normal cars do plenty miles but still have one test per year. 2 tests are sufficient what difference is 6 months test and 4 months. These stringent testing is pushing drivers away to get badges and plated elsewhere

Why give stress and inconvenience and be fair

Front grill do not bring in, as safety hazard, people throwing stones, and vandalising when been driven. Plus front headlights will not bring in ease for customers to see if it is a taxi. Customers can ring and message driver when booking taxi with new technology, stickers on sides, back plate and front docket on windscreen is enough. Also extra cost not needed for driver side in these tough times as having plate will be cost on us.

People are plating cars in wolverhampton and working in rotherham. Rotherham has stringent standards why should i work for rotherham plated car when wolverhampton less tests per year, less fees, less training and work is equal field for both.

Work with us to keep the drivers or else soon all drivers will go elsewhere and local drivers and council will lose out

Give positive initiatives for us to stay here and work with rmhc plated taxis

Improve better badges as they are dangerous and too big

Many thanks

Phoenix Taxis

Rotherham MBC Hackney Carriage and Private Hire Licensing Policy 2023**Implementation Scheme**

With the exception of those requirements referred to below, all of the requirements within the Hackney Carriage and Private Hire Licensing Policy 2023 will come into effect on the day that the policy is formally adopted by the Council (referred to in this scheme as the “policy adoption date”).

Additional conditions to be added to Private Hire Operator records:

These requirements will be added as conditions to all Private Hire Operator licences issued after the policy adoption date. Operators will have a period of 6 months from the date that the licence commences to comply with the new conditions (which will be expressly identified).

Assessment of operator suitability:

This requirement will apply to all licences issued after 1st March 2024.

Amendment to vehicle age and emissions policy:

The changes to the testing frequency will require an amendment to the Council’s online application processes. This work will commence as soon as possible after the policy adoption date and will come into effect as soon as the application processes and RMBC systems have been updated.

Requirement for DBS checks on applicants for a vehicle licence:

This requirement will apply to all vehicle licence applications received after 1st March 2024.

This page is intentionally left blank

PART B – Equality Analysis Form

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

This form:

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

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

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

1. Title	
Equality Analysis title: Hackney Carriage and Private Hire Licensing Policy 2023	
Date of Equality Analysis (EA): 15 th November 2023	
Directorate: Regeneration and Environment	Service area: Community Safety and Street Scene
Lead Manager: Alan Pogorzelec	Contact number: 01709 254955
Is this a: <input checked="checked" type="checkbox"/> Strategy / Policy <input type="checkbox"/> Service / Function <input type="checkbox"/> Other	
If other, please specify	

Appendix 4

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

Name	Organisation	Role (eg service user, managers, service specialist)
Alan Pogorzelec	RMBC	Licensing Manager
Diane Kraus	RMBC	Principal Officer
Steve Eling	RMBC	Specialist advice

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 aim of the Hackney Carriage and Private Hire Licensing Policy (the policy) is to protect the public and promote public safety. The Council will carry out its functions under the policy to promote the following:

- 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.

The Council has an overall responsibility to licence holders and to the safety and well-being of service users and the wider public.

To promote these objectives, the Council expects that licence holders and applicants demonstrate that they meet or exceed the standards set by the Council in the policy.

The Council currently licence 1,165 Hackney Carriage and/or Private Hire drivers. As part of the application process, the Council request the ethnicity and/or country of birth of an individual. As with all equality screening data, this is not a compulsory question. 72% of drivers have disclosed their ethnicity to the Council, which is detailed below:

Disclosed ethnicity	Number of drivers	
White UK	156	13%
White Other	5	<1%
Black African	8	<1%
Indian	7	<1%
Pakistani	509	44%
Kashmiri	101	9%
Bangladeshi	3	<1%
Other	50	4%
Not disclosed	326	28%
Total	1165	

The Council must have due regard to race, religion and belief when implementing this policy, ensuring that the policy ensures equality amongst different groups once implemented.

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

As shown above, there is a diverse range of drivers who are licensed in Rotherham. The majority of drivers come from BAME backgrounds, with the majority of these drivers having Pakistani or Kashmiri heritage.

We do not have detailed information regarding service users (i.e. taxi customers) – however a review of complaints information suggests that the majority of customers are from a white UK or white other background – some of whom rely heavily on licensed vehicles due to mobility problems.

The consultation needed to be accessible and as engaging as possible. This included meeting various informal groups, as well as representative forums. Drop-in sessions were arranged across the borough at various times and days. One of these sessions took place in Boston Castle ward, which has the highest BAME population in the borough.

It was agreed that the majority of the consultation should be conducted face-to-face, with officers attending as many groups and forums as possible. The Council carried out the following engagement activity:

Taxi Trade Liaison Committee

The Council has a formal committee where representatives of the taxi trade are invited to present the views and opinions of those drivers that they represent. This also gives the Council the opportunity to disseminate messages to a large number of drivers who decide to be represented in this way.

Online consultation

A total of 624 responses were received to the online consultation. This included 331 members of the taxi trade, alongside 293 members of the public. This shows that the way in which the Council consulted did reach a large cross-section of the borough.

Letters

Finally, a letter was sent to all licensed drivers, vehicle owners and operators in the borough to inform them of the consultation and encourage them to take part in the consultation, either through the drop-in sessions and online consultation, through a trade representative, or to directly contact the Licensing Service. Over 1200 letters were sent out through this process.

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

The Council was unable to provide translation services through the consultation, and the online consultation on the Council's website was only available in English, although the Council recognise that those who prefer to access the internet in different languages often do this through software packages, rather than translating individual webpages. Furthermore, all drivers licensed by Rotherham must have an assessed level of English competency, meaning that their verbal English should be of a required standard. Although

Appendix 4

this does not take into account members of the public, drivers would have been able to understand the consultation and disseminate this to their family members, friends and wider communities.

The Council did endeavour to engage with as many communities and groups as possible, and where potential barriers to those groups were identified, the Council strived to engage with community representatives through various forums to request that these representatives distribute this information to members of the community.

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

Inspection will be carried out by licensing officers to ensure compliance with the policy and legal requirements. The service will also monitor complaints and other contacts with licence holders or premises users to identify any trends that will require action.

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

Wide ranging consultation took place between September and October 2023 – the findings of this consultation are detailed in the Cabinet report.

Engagement undertaken with staff (date and group(s) consulted and key findings)

Although not directly impacted by the policy, staff were included in the general consultation exercise so that their views could be obtained and considered as appropriate.

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

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

The overall aim of this policy is to protect the public and apply the conditions within the policy in a fair and transparent way, to ensure that the public have equal access to services.

The Council recognises that many users of licensed vehicles will have protected characteristics. Within the policy, certain protected characteristics are addressed, such as disability. All drivers must complete training about protecting vulnerable passengers, which includes a module on disability awareness. The Council are recommending that drivers should refresh this training every three years, to ensure that drivers have the most up-to-date information available. Furthermore, the Council have recently added a module to this course on hate crime awareness, at the request of members of the trade. This shows the Council's commitment to reducing hate crime, and protecting drivers and service users based on their race, religion or beliefs.

Through consultation, many service users and members of the trade have commented on the added protection that taxi camera systems give. Although this part of the policy has

Appendix 4

not changed through the policy review, many groups commented on the importance of these cameras to protect the public, as well as drivers, from all forms of discrimination and abuse. The Council are clear in the policy that footage from these cameras can be provided to the police in all instances of crime, discrimination and abuse.

Furthermore, the Council have also recognised through the consultation that a number of groups would benefit from improved signage on licensed vehicles. Although the Council are not proposing to change the amount of signage, this will be redesigned to better identify a licensed vehicle to potentially vulnerable groups.

These changes ensure that the policy will enable all groups, communities and those with protected characteristics to have equal access to licensed vehicles and will feel safe and confident when using them.

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

All drivers will be subject to the same changes that are proposed to be included in the revised policy. The higher prevalence of taxi drivers of Pakistani and Kashmiri origin than in the general Rotherham population does mean that residents from these communities are more likely than the general population to be affected by the policy.

The only proposal that has been identified as a potential problem for a protected group is the requirement for vehicle signage to be present on the vehicle at all times, unless the vehicle is parked outside the driver's permanently registered home address. Through the consultation, a number of drivers and trade representatives raised concerns about the need for vehicle signage when the car is being used for family purposes. Concerns were raised that drivers of certain groups were being targeted because of the signage on the vehicle, which reduces the safety of drivers and their families. The Council have had confirmation from the police of stone throwing in some areas of the borough.

The Council recognise this issue and have an important role to play in protecting drivers and reducing the impact of hate crime on residents in the borough. However, the Council must also balance this issue with the requirements of the legislation that it must adhere to, as well as the main objective of the policy which is to protect the public. Under legislation, a vehicle is always licensed, and therefore, must be identifiable as a licensed vehicle at all times, in order to maintain public safety.

As has been referred to earlier, many people with mobility or sense impairments rely on licensed vehicles as their principal means of transport. The policy reinforces the requirement that licence holders must accommodate assistance dogs without charge as detailed within the Equalities Act.

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

The policy specifically identifies that the service will undertake its role having due regard to the Public Sector Equalities Duty and the requirements of the Equalities Act. In addition, the policy outlines the expectations on licensed premises in relation to compliance with equalities requirements.

Appendix 4

In addition to the above, the policy introduces incentives for drivers to purchase vehicles which are capable of carrying a passenger seated in a wheelchair. This action should improve access to such vehicles in future.

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 Council strive to implement the revised policy in a fair and transparent way, with further and ongoing engagement from trade representatives. The Council believe that a robust and effective Hackney Carriage and Private Hire Licensing Policy will help to further rebuild the trust between residents of the borough and the licensed trade, indirectly building relations between diverse communities.

The Council hope that by implementing this policy in the way described, communities will trust and engage with the Council in a more meaningful way, around issues relating to vehicle licences but also other priorities for those communities and the Council, such as incidents of hate crime.

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

5. Summary of findings and Equality Analysis Action Plan

If the analysis is done at the right time, i.e. early before decisions are made, changes should be built in before the policy or change is signed off. This will remove the need for remedial actions. Where this is achieved, the only action required will be to monitor the impact of the policy/service/change on communities or groups according to their protected characteristic - See page 11 of the Equality Screening and Analysis guidance

Title of analysis: Hackney Carriage and Private Hire Licensing Policy 2023
Directorate and service area: Regeneration and Environment, Community Safety and Street Scene
Lead Manager: Alan Pogorzelec, Licensing Manager
Summary of findings:
<p>This Equality Impact Assessment shows the in-depth and wide ranging consultation that has been undertaken by the Council in relation to the revised Hackney Carriage and Private Hire Licensing Policy. The Council's main aim must be to protect the public, but the changes introduced will help to foster good relations between those who share a protected characteristic, and those who do not. Although the Council have learned lessons from the consultation process, the engagement received has surpassed expectation which is due to the wide-ranging design of the consultation, along with full engagement from trade representatives, forums and committees.</p> <p>The Council do understand that this policy may present challenges for some drivers, but the Council have attempted to mitigate this in the most appropriate way, under the existing legislation. The Council will continue to work with the trade, it's representatives and the wider community to ensure that the policy is implemented in the best way possible.</p>

Action/Target	State Protected Characteristics as listed below	Target date (MM/YY)
To regularly monitor and report on the protected characteristics of drivers licensed by the Council	All	April 2024
To regularly monitor and report on the protected characteristics of drivers where disciplinary measures (e.g. suspensions/ revocations) are taken	All	April 2024

To improve the way in which protected characteristics are stored in the application process for a licensed driver.	All	April 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

7. Publishing

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

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

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

Date Equality Analysis completed	
Report title and date	
Date report sent for publication	
Date Equality Analysis sent to Performance, Intelligence and Improvement equality@rotherham.gov.uk	

Appendix 5

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?	None				
Emissions from transport?	Yes	Taxis and private hire vehicles are used for some Home to School Transport (HTS). Journeys in taxis and private hire vehicles may be claimed as expenses, as part of official business travel. If the proposed policy amendments affect the tailpipe emissions of the local taxi and private hire fleet (see column right), then this may have an associated carbon impact for the Council and its contractors.	<p>The policy amendments include a proposal to allow older vehicles onto the taxi / private hire fleet. The potential impact of this is two fold:</p> <ol style="list-style-type: none"> 1. Older vehicles coming on to the fleet as taxis could be older than the current 5 year maximum, and as a consequence tailpipe emissions may be higher. 2. Vehicles will be able to remain licensed for longer, meaning that older vehicles will be being used as licensed vehicles – older vehicles may have higher tailpipe emissions. <p>These two aspects could affect air quality across Rotherham and the wider region. However, it is not clear how the proposed amendments to licensing policy will affect owners' decisions in respect</p>	<p>The following measures are considered to reduce the impact that the proposals will have on emissions levels:</p> <ol style="list-style-type: none"> 1. All vehicles that are licensed for the first time will have to meet Euro 6 emissions standards – this will ensure that only the cleanest vehicles will be licensed by RMBC. 2. A vehicle will only be licensed beyond the current 10 year maximum age limit if it meets Euro 6 emissions standards – vehicles with higher levels of emissions will not be licensed. 	<p>Licensed vehicles over 7 years old will be subjected to a detailed inspection three times per year – this inspection will include an assessment of tailpipe emissions. Any vehicles that do not meet the required emissions standards will fail the test and will not be licensed (or will have their licence suspended if they fail a test mid-licence).</p> <p>Emissions from HTS and official business travel using taxis and private hire vehicles are not currently included in</p>

			of their vehicles e.g., whether vehicles not qualifying under extant licensing policy would otherwise be scrapped, or if they would remain on the road, having left the taxi/private hire fleet. 'Whole life emissions' from the manufacture of new vehicles are another consideration, outside the scope of the impact assessment template.		greenhouse gas emissions accounting. Developing the Council's capacity to monitor these and other scope 3 emissions is a priority under the Council's Climate Change Action Plan.
Emissions from waste, or the quantity of waste itself?	None				
Emissions from housing and domestic buildings?	None				
Emissions from construction and/or development?	None				
Carbon capture (e.g. through trees)?	None				
<p>Identify any emission impacts associated with this decision that have not been covered by the above fields:</p> <p>Vehicles' whole life emissions include emissions from their manufacture, use and scrappage, at the end of their useful life: these emissions are largely outside the scope of the carbon impact assessment template.</p>					

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

The proposed increase in maximum vehicle age has the potential to affect tailpipe emissions, however there will be a requirement for these vehicles to meet the highest emissions standard (currently) and vehicles will be assessed three times per year to ensure compliance with these standards. If standards are not met then the vehicle will not be licensed. It is therefore expected that there will not be a significant increased impact on general emissions levels in Rotherham.

Supporting information:	
Completed by: (Name, title, and service area/directorate).	Alan Pogorzelec, Licensing Manager, Community Safety and Street Scene, R&E
Please outline any research, data, or information used to complete this [form].	RMBC Hackney Carriage and Private Hire Licensing Policy Information from The Society of Motor Manufacturers and Traders (SMMT): < https://www.smmt.co.uk/industry-topics/emissions/testing/ >
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]	Tracking Reference: CIA 185 Arthur King, Principal Climate Change Officer, Strategic Asset Management, FCS

This page is intentionally left blank

Committee Name and Date of Committee Meeting

Cabinet – 18 December 2023

Report Title

House to House Collections Policy

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

Yes

Strategic Director Approving Submission of the Report

Paul Woodcock, Strategic Director of Regeneration and Environment

Report Author(s)

Alan Pogorzelec, Licensing Manager
01709 254955 or alan.pogorzelec@rotherham.gov.uk

Ward(s) Affected

Borough-Wide

Report Summary

The Council's current House to House Collections Policy was introduced in 2019. The effectiveness of the Policy was assessed in 2020 and found to be delivering the aims of the Policy, and a commitment was made to undertake a further review of the Policy within three years. Following a review by Officers of the existing Policy, a draft version was shared for consultation. This report outlines the findings of the review and subsequent consultation and recommends that Cabinet approves the revised Policy.

Recommendations

1. That Cabinet adopts the House to House Collections Policy that is attached to this report as Appendix 1.

List of Appendices Included

Appendix 1 House to House Collections Policy 2023
Appendix 2 Equalities Screening Assessment
Appendix 3 Carbon Impact Assessment

Background Papers

None

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

Council Approval Required
No

Exempt from the Press and Public
No

House to House Collections Policy

1. Background

- 1.1 House to house collections involve the collection of either money or items directly from a person's property. They are a vital source of funds for many charities as they offer a positive opportunity for the public to support charities.
- 1.2 Recent years have seen an increase in the number of house to house collections taking place in the Borough. It is considered essential that permits are only issued to legitimate applicants, and that the application process is sufficiently robust to ensure that the public can be confident that collections are appropriately regulated and an adequate proportion of their donations are being given to the relevant charity.
- 1.3 The House to House Collections Act 1939 requires all charitable collections, which collect door to door, to be licensed in the form of a permit from the Local Authority.
- 1.4 The House to House Collections Policy provides for a clear approach to the licensing of house to house collections, setting out the Council's expectations to both those collecting items, and the public.
- 1.5 The current Policy was introduced in 2019, with an evaluation of the effectiveness of the Policy in 2020. As part of the 2020 evaluation, a commitment was made to carry out a further review of the Policy in three years' time.

2. Key Issues

- 2.1 Whilst legislation prescribes the process for the licensing of house to house collections, it does not provide clear information in relation to the application process or guidance in relation to the interpretation of the legislation at a local level and this is where the Policy adds value.
- 2.2 The absence of a valid Policy in relation to house to house collections may lead to a lack of transparency in relation to the application process and increase the likelihood of inconsistent decision making in relation to applications that are received.
- 2.3 A clear Policy that defines the Council's expectations when applying for a permit to collect will ensure that key areas of concern such as the amount that is donated to charity from collections and the reasonableness of collection times can be highlighted and considered consistently. This will provide reassurance to the public and clarity to collectors.
- 2.4 The current Policy has been reviewed by licensing officers, and it is felt that the Policy achieves the aims that are outlined within it however, further consideration has been given to the arrangements for proceeds which has led to an amendment of the Policy as detailed further below in section 2.12.

- 2.5 Consultation has taken place to seek the views of the general public and those that are directly affected by the Policy such as those collecting items.
- 2.6 In total, the Council has received 73 responses to the consultation. Of these 73 responses, the overwhelming majority are in favour of maintaining the status quo with regard to the Policy requirements.
- 2.7 65 respondents (89%) agreed / strongly agreed that the information that applicants must provide when making an application was reasonable. The information that must be provided includes details of the collection beneficiary, details of the organisation undertaking the collection, financial information and details of any deductions that will be made before the proceeds are paid to the beneficiary of the collection.
- 2.8 70 respondents (96%) agreed / or strongly agreed that the application form was easy to understand and complete.
- 2.9 70 respondents (96%) agreed / strongly agreed that the obligations that are placed on people / organisations that are issued with a permit are appropriate. These obligations include the times that collections can be carried out, age / identification of the collectors and the actions that must take place after the collection has been completed.
- 2.10 In addition to the above, consultation has also taken place with members of the Council's Licensing Board, who were generally in agreement that the Policy delivered on the intended the aims.
- 2.11 Comments were received during the consultation regarding the current arrangement of setting a minimum percentage as the amount that would be received by the collection beneficiary the Policy currently stipulates that at least 80% of the gross proceeds of the collection must be provided to the collection beneficiary. The point was made that the use of percentages is unfair and should therefore be avoided. The principal reason given in support of this position is that the items that are collected only have value once they have been processed by the collector – and that it is unreasonable to limit the amount that can be claimed for this activity to 20% of the total proceeds of the collection (as the costs of adding value to the collected items often exceed this).
- 2.12 This position was assessed during the Policy review, and it was determined that although the Policy refers to a minimum percentage of 80% of the gross proceeds of the collection, it may further support this charitable sector to amend the Policy to provide further scope to decision makers when considering applications, and in recognition of the ongoing pressures as a result of inflation and the cost of living.
- 2.13 It is therefore proposed that the Policy is amended so that a minimum of 80% of the net proceeds must be provided to the collection beneficiary, allowing a deduction of up to 20% for the costs associated with the collection and processing of items. In addition, in order to ensure that decision makers are fully aware of the implications of the use of percentages, information from the

Institute of Fundraising regarding the use of percentages is presented to decision makers when they are being asked to determine applications for a permit.

- 2.14 As part of the application process, all applicants are required to provide sufficient information to allow for an assessment to be made as to whether or not the amount received by the collection beneficiary is reasonable and this will remain a requirement.
- 2.15 Key aspects of the proposed Policy are summarised below:

The application process

- 2.16 The Policy makes it clear that applications for a licence should be made as early as possible, and at least one month prior to the date that the proposed collection is planned to take place.
- 2.17 In order to be considered a complete application, the applicant must provide all required information to the Council – this is specified on the application form and accompanying notes, and includes a basic disclosure relating to the promoter, details of the way that the proceeds of the collection will be allocated and the dates and times that the collection will take place.
- 2.18 A template form is included within the Policy – all applications for a licence must be made using this form.

Obligations on those that are granted a Licence

- 2.19 Collections must not take place unless the appropriate authorisation is in place.
- 2.20 The collections must not be undertaken in a way that causes inconvenience or annoyance to any person. The Policy is clear that the Council expects that collections should not take place after 7pm and collectors will not deliver bags to households that clearly state they do not wish to receive house to house collections. The Council also expects collectors to adhere to the Code of Fundraising of Practice, and any deviations from the Code will be referred through to the Fundraising Regulator.
- 2.21 All collectors must wear a standard ID badge (approved by the Council) and carry a Certificate of Authority with them at all times. These documents must be available for inspection on demand by an authorised officer of the Council, a police officer or the occupant of a house where the collection is being attempted.
- 2.22 The Policy outlines a series of requirements that apply after the collection has taken place; these generally relate to the provision of prescribed returns forms giving details of the proceeds of the collection.

2.23 Circumstances that may lead to the refusal of an application

The legislation details a number of factors that may result in the Council refusing an application for a licence. These factors are expanded upon in the Policy, and include matters such as excessive remuneration, previous convictions or failure to ensure compliance with statutory requirements.

2.24 One key aspect of the Policy is the expectation that at least 80% of the net proceeds of the collection will be provided to the good cause / charitable purpose. The applicant must provide sufficient information to allow this to be calculated, a failure to do this will also lead to a refusal of the application.

2.25 Consideration of financial information

As has been referred to above, the amount of the proceeds of the collection that are allocated to the good cause is a central principle of the Policy. When making the application, the applicant must provide sufficient financial and other information so that it is clear how the allocation of the proceeds has been calculated.

2.26 The Policy also makes it clear that a failure to furnish financial returns following previous collections will result in refusal of subsequent applications.

2.27 Administration / Enforcement

The application process is administered by the Council's Licensing Service – however the decision to grant or refuse an application will be made by a sub-committee of the Council's Licensing Board.

2.28 Enforcement of the statutory requirements, and the requirements of the Council's Policy, rests with the Assistant Director of Community Safety and Street Scene. The Assistant Director has authorised licensing officers to discharge the enforcement functions on his behalf.

2.29 The Policy also provides an extract from the legislation related to the control of house to house collections; these are mandatory obligations in relation to all collections / applications and will apply in all cases.

2.30 The proposed Policy is attached to this report as Appendix 1.

3. Options considered and recommended proposal

3.1 Option 1

The Council is not required to introduce a House to House Collection Policy, albeit the Council is required to licence such activities. The Council may therefore decide not to introduce a reviewed / revised Policy and instead rely on the statutory text. This option would likely limit the clarity of the process and Council expectations, including the value of collections that is returned to charities, and the times at which collections might be considered to be unreasonable.

3.2 Option 2

The Council may decide to adopt a revised / reviewed House to House Collection Policy to include minimum values to be returned to charities and the times that would be reasonable for collection. In addition, this option will establish clarity and transparency to the process of licensing collections and strengthen the Council's influence on what is acceptable.

3.3 The preferred option is Option 2, and the proposed House to House Collection Policy is attached at Appendix 1.

4. Consultation on proposal

4.1 Consultation has taken place with members of the public, and those affected by the Policy and the response summary is detailed within section 2 of this report. This consultation has taken the form of:

- Direct contact with representatives of businesses / organisations that are directly affected by the Policy.
- Online consultation via the Council's website.
- Direct mail contact with local residents (a mailshot to over 1000 randomised residential addresses within the Rotherham Borough).
- Public drop in sessions throughout the Borough.
- Consultation at Rotherham Show.
- Contact with groups / organisations representing specific sectors of our communities.
- Direct contact with individuals that have previously responded to a consultation regarding the development of this Policy (where their details are known).
- Consultation with local ward Members.
- Publicity via local newsletters and mailings
- Press releases / social media publicity raising awareness of the Policy review.

5. Timetable and Accountability for Implementing this Decision

5.1 If adopted, the revised Policy will become effective immediately.

5.2 If adopted the Policy will be published on the Council's website and all collectors will be written to advising that the new Policy is implemented.

6. Financial and Procurement Advice and Implications

6.1 In budgetary terms there are no financial implications directly associated with this report. A fee cannot be charged for the activity as the Council has a statutory obligation to provide this service with no legal provision to charge a fee. The Policy will inform work currently undertaken and the costs of the consultation and the implementation of this Policy will be contained within existing approved revenue budgets.

6.2 There are no procurement related implications introduced by this report.

7. Legal Advice and Implications

- 7.1 The House to House Collections Act 1939 sets out the requirements in relation to House to House Collections.
- 7.2 Section 4 of the Act provides for the Secretary of State to prescribe regulations regarding the manner in which collections may be carried out, including the conduct of promoters and collectors. There is no opportunity for local authorities to prescribe additional regulations or attach additional licence conditions.
- 7.3 The Secretary of State published the House to House Collections Regulations 1947, subsequently amended by the House to House Collections Regulations 1963, which took effect from 29th December 1947. These regulations, included as Appendix B to the Policy, apply to all licences issued by the Council under the House to House Collection Act 1939.
- 7.4 Application for a licence must be made in the prescribed manner. The Licensing Authority cannot grant a licence for a period longer than twelve months and may refuse a licence, or where granted, may revoke it, only in circumstances specified in Section 2(3) of the Act.
- 7.5 When an application for a licence is refused or the decision made to revoke an existing licence, a written notice should be issued to the applicant or holder of the licence stating upon which one or more of the grounds set out in Section 2(3) of the Act the licence has been refused or revoked.
- 7.6 There is no right of appeal through the courts against a decision to refuse or revoke an application. However, there is a right of appeal to the Secretary of State whose decision is final and that right must be set out within the written notice issued. Additionally, any decision must be reasonable as any decision could also be subject to a complaint to the Local Government Ombudsman or through a judicial review.
- 7.7 The Council's House to House Collection Policy refers to requesting a written assurance from collectors that they will not deliver bags to households that clearly state they do not wish to receive house to house collections. It should be noted that in the event an applicant refuses to provide a written assurance, this is not a ground for refusal and nor is it a ground for revocation should there be a failure to comply with any such assurance previously provided. In addition, such an assurance would likely be the subject of legal challenge based upon interpretation.
- 7.8 The Council's Policy also states that the times of collections must not be later than 7pm. This is not something that is prescribed by the Act or the Regulations and therefore if an applicant refuses to set out the times of a collection this will not be a reason to refuse the application. However, should a collection take place outside of the agreed times set out within the licence issued then the collection will have taken place without a valid licence in place.

- 7.9 The Act sets out a number of offences in respect of both those who promote a collection and those who act as a collector. The Act also makes it an offence to contravene or fail to comply with the provisions set out within the Regulations. In the event that a complaint is made to the Licensing Authority regarding the manner in which collections have been carried out or the conduct of promoters or collectors, the Council's Enforcement Policy will be adhered to, and consideration given to instigating a prosecution.
- 7.10 Although the Licensing Authority does not have the ability to attach additional conditions to a licence, it can refer any alleged breach / complaint in respect of the Council's Policy or of the Code of Fundraising Practice to the Fundraising Regulator for investigation.
- 7.11 Although there is no statutory requirement for the Council to implement a House to House collections Policy, however the report sets out valid reasons as to why such a Policy should again be implemented and the clarity that the Policy provides in respect of the Council's procedures and expectations. The consultation responses have clearly been fully considered; this will minimise the risk of legal challenge when implementing the Policy.

8. Human Resources Advice and Implications

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

9. Implications for Children and Young People and Vulnerable Adults

- 9.1 There are no additional implications for Children, Young People or Vulnerable Adults.

10. Equalities and Human Rights Advice and Implications

- 10.1 There are no implications for equalities or human rights as the proposed amendment will be within existing legal frameworks.
- 10.2 An Equalities Screening Assessment is attached at Appendix 3.

11. Implications for CO2 Emissions and Climate Change

- 11.1 This report does not introduce any implications for CO2 emissions or climate change.

12. Implications for Partners

- 12.1. There no implications envisaged from this report for partners or other Directorates.

13. Risks and Mitigation

- 13.1 The Policy is a fundamental element of consistent decision making which subsequently, if it was not fit for purpose, would increase the risk of judicial challenge.

- 13.2 Consequently, it is essential that the Policy takes into account the views of decision makers, enforcement officers, the general public and those that may be affected by the introduction of this Policy.

14. Accountable Officers

Sam Barstow, Assistant Director Community Safety and Street Scene

Approvals obtained on behalf of Statutory Officers: -

	Named Officer	Date
Chief Executive	Sharon Kemp	04/12/23
Strategic Director of Finance & Customer Services (S.151 Officer)	Judith Badger	30/11/23
Assistant Director of Legal Services (Monitoring Officer)	Phil Horsfield	30/11/23

Report Author: Alan Pogorzelec, Licensing Manager
01709 254955 or alan.pogorzelec@rotherham.gov.uk

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

Rotherham Metropolitan Borough Council

HOUSE TO HOUSE COLLECTIONS POLICY

December 2023

Contents

1. Introduction

Aim of this Policy	3
General Information Regarding House to House Collections	3
The Regulatory Framework for House to House Collections	3

2. Applications for a House to House Collection Permit

The application process	5
Grant of a House to House Collection Permit	6
Refusal to issue a House to House Collection Permit	8
Consideration of financial information	9

3. Enforcement 9

Appendix A – House to House Collection Permit Application Form 10

Appendix B – extract from House to House Collections Regulations 1947 16

1. Introduction

Aim of this Policy

This policy aims to ensure that residents in the Rotherham Borough boundary area who want to donate to a charitable or good cause through house to house collections are able to do so secure in the knowledge that an adequate proportion of what they donate will directly benefit the named charity or good cause.

This policy was originally introduced in 2019, and was fully reviewed in 2023 to ensure that the aim of the policy is being achieved.

General Information Regarding House to House Collections

House to house collections involve the collection of either money or items directly from a person's property. They are a vital source of funds for many charities as they offer a positive opportunity for the public to support charities. However, they need to be carried out for the benefit of the charity and in accordance with the law.

There has been an increase in the number of house to house collectors in the Borough over the last few years and as such it is vital that permits are issued to legitimate applicants. This can give the public confidence that if the collection is licensed an adequate proportion of their donations are being given to the appropriate charity.

House to house collections are currently regulated by the House to House Collections Act 1939 and the House to House Collections Regulations 1947. Permits for collections that are carried out within the Rotherham Borough boundary are issued by the Council. There are National Exemption Orders that are available to charities who have undertaken a high number of collections across local authority areas nationally in the preceding two years. These are issued to the charity by the Cabinet Office directly.

The intention of this policy is to give clear guidance to members of the Licensing Board, applicants and officers, on the factors to be taken into account when determining applications for a House to House Collection permit.

All decisions regarding the implementation of the House to House Collections Policy (such as determination of applications) are made by the Licensing Board, although the Licensing Board may delegate this to officers if the Board considers this to be necessary or appropriate. The Policy itself is a decision for Cabinet.

Any applicant that is aggrieved by a decision of the Council may appeal to the Secretary of State/Minister for the Cabinet Office, Cabinet Office, 70 Whitehall, London, SW1A 2AS, within 21 days of being given notice of the decision.

The Regulatory Framework for House to House Collections

House to house collections, as defined by the House to House Collections Act 1939, are required to be licensed by local authorities. House to house collections are defined as 'an appeal to the public, made by means of visits from house to house, to give, whether for consideration or not, money or other property'. They include, therefore, collections of money, or any other items that may be sold for money, where the proceeds are given to

any charitable, benevolent or philanthropic purpose (for example, charity clothing collection bags).

For the purpose of the House to House Collection Act 1939, the term 'house' also includes places of business. This provision, therefore, also covers collections made within places such as shops, offices and public houses where the collectors go from premises to premises collecting money, or other property, and the proceeds of such collections are given to charity (for example, rose sellers in public houses and restaurants).

Unless those who wish to conduct a collection possess an Exemption Certificate issued by the Secretary of State, it is an offence for any person to promote or make collections from door to door for charitable purposes without the promoter first obtaining a licence from this Council to do so.

Some larger charities (particularly those that operate nationally) have secured Exemption Certificates from the Secretary of State; however, most of the smaller charities operating locally do not have Exemption Certificates and, therefore, they need to apply for, and be granted, a permit before they can collect money door to door within the Borough boundary of Rotherham. There is no application fee associated with an application for a house to house collection permit.

There are two circumstances where the need for a permit from the Council can be waived following the intervention of other authorities.

1. If the Secretary of State is satisfied that a person pursues a charitable purpose throughout the whole of, or a substantial part of, England and Wales, and wants to promote collections for that purpose, he/she may then direct by Order that the promoter shall be exempt from the requirement to obtain licences from this Council. All collections exempt from licensing requirements would be described in the Order.
2. Where the chief constable for a police area is satisfied that the purpose of a collection is local in character and that the collection is likely to be completed within a short period of time, he/she may grant the promoter of the collection a certificate in the prescribed form. Where such a certificate is granted, a permit from the Council is not required and the provisions of the Regulations shall not apply to a collection made in conformity with such certificate. An example of this would be where the collection is taking place as part of an event occurring in a clearly defined locality over a short period of time (a maximum of a few days).

Any applications made for a permit will be processed and considered in accordance with Section 2 of this policy.

2. Applications for a House to House Collection Permit

The application process

Applicants are advised to contact the Council at their earliest opportunity, preferably before an application is made. This will allow Council Officers to provide appropriate advice, as well as clarifying any areas of uncertainty.

All applications must be made on the Council's prescribed application form (see Appendix A).

Applications should normally be made at least two calendar months before the first proposed collection date, the application will not be considered as complete unless the applicant provides all of the information that is specified on the application form and accompanying notes.

Any application received with less than one calendar months' notice prior to the first proposed collection date is unlikely to be considered, save for exceptional circumstances at the Council's discretion.

In addition to completing the Council's application form, the applicant must also supply information relating to:

1. Whether the collection beneficiary is a registered charity (with charity number), and the objectives of the charitable cause as supplied to the Charity Commission. The collection beneficiary is the term used to describe the organisation on whose behalf the collection is being undertaken.
2. A statement of the collection beneficiary's aims, and any literature to support this.
3. Full details of the collection beneficiary – this must include date of formation, names of trustees, directors etc.
4. If the collection is being undertaken by an individual or organisation other than the beneficiary of the collection then full details of this individual / organisation must be provided – this will include details of directors / trustees / owners (in the case of an organisation).
5. Relevant accounts and financial statements of the promoter, collection company / agent and the charity (if different)
6. The details of how the amounts to be allocated to the charity, collectors and promoter are calculated. The following must be clear from the information provided:
 - 6.1. The expected value of the money / items collected before any expenses are deducted ('the gross collection amount').
 - 6.2. Full details of any deductions that will be applied to the 'gross collection amount' and how these will be calculated.

7. A written agreement between the applicant and the charity as required by the Charities Act 1992.
8. Declaration of any previous refusals for House to House Collections
9. A basic Disclosure Certificate relating to the promoter or the director of the collection company / agent if different (this must be dated within the last six months).
10. It must be clear from the application how much the collection beneficiary will receive as part of the collection, the proportion of this as a percentage of the cost of running the collection and a clear set of returns if the organisation has operated collections before. Although each case will be considered individually, the Council considers it reasonable that a charity can expect to receive at least 80% of the net proceeds from a collection (i.e. after the deduction of reasonable expenses).
11. The times that collections are expected to take place (the Council's default position is that collections will not take place before 8am or later than 7pm).
12. Written assurance from collectors that they will not deliver bags to households that clearly state they do not wish to receive house to house collections.

The Council encourages collectors to use recyclable / environmentally friendly collection bags wherever practicable and applicants may wish to refer to their use when completing the application.

All applications for a House to House Collection Permit will be referred to the Council's Licensing Board for consideration. The applicant will have the opportunity to address the Board should they wish to do so, they may also provide a written submission to the Licensing Board for consideration along with their application.

Licensing Officers and / or the Licensing Board may request additional information from applicants in order to fully consider applications that are received by the Council. In cases where additional information is requested, the application will not be processed by the Council until such time as the requested information has been provided.

Grant of a House to House Collection Permit

If the Licensing Board are satisfied that it would be appropriate to issue a permit for a House to House Collection then one will be issued for the times and dates specified on the application. The Council will issue a Certificate for the Information of the Stationery Office under the House to House Collections Act 1939. This document will allow the promoter to obtain the prescribed badge and prescribed Certificate of Authority. These documents must be carried by all collectors involved in the House to House Collection.

If the dates specified on the application have passed, then the permit will run from the date that the Licensing Board make the decision to issue the permit.

In any event, a permit authorising a house to house collection will not be valid for a period longer than twelve months.

Permits will not be issued retrospectively, therefore a permit must be in place before the collection commences. Collections undertaken without a valid permit or exemption will be unlawful and the promoter of such a collection risks prosecution by the Council.

The House Collections Act 1939 and the House to House Collections Regulations 1947 specify the obligations of all those involved in house to house collections. A copy of the House to House Collections Regulations 1947 is appended to this policy as Appendix B.

Key obligations placed on the person / organisation to whom a permit is issued are as follows:

1. the necessary written permission has been obtained from the Council;
2. no collection must be undertaken in a manner which will inconvenience or annoy any person such collections taking place at an unreasonable hour. The Council would consider that collections taking place later than 7pm would be unreasonable;
3. every collector must wear a standard badge and carry a Certificate of Authority;
4. collectors must produce their badge, on demand, to the occupant of any house, any police officer or authorised officer of the Council;
5. all collectors must be aged sixteen years or more;
6. must only collect between the hours that are specified on the permit;
7. if a collector is carrying a collecting box, it must be sealed, numbered and clearly display the name of the charity or fund which is to benefit.

The key obligations following a collection are as follows:

1. collectors must not be given access to the contents of collection boxes prior to their being returned to the promoter for opening and counting;
2. boxes should only be opened in the presence of the promoter and another responsible person. Once the boxes have been opened, the contents should be counted immediately and the amount collected in each box recorded;
3. after the collection the promoter must complete a prescribed returns form and return it to the Council within one month of the expiry of the permit. The promoter must certify the return and have it countersigned by a qualified accountant.

The prescribed forms are detailed in Regulation 6 of the House to House Collections Regulations 1947 (as amended by the House to House Collections Regulations 1963) – an extract of these Regulations is attached as Appendix B to this policy.

The “combined badge and certificate of authority for collector performing house to house collection” (ISBN 9780113407422) is available from The Stationery Office (www.tsoshop.co.uk). Further information is available from the licensing office.

Refusal to issue a House to House Collection Permit

The statutory reasons why a licensing authority may refuse to grant a permit, or where a permit has been issued may revoke it, if it appears to the authority that:

1. The total amount likely to be applied for charitable purposes as the result of the collection (including any amount already so applied) is inadequate in proportion to the value of the proceeds likely to be received (including any proceeds already received);
2. Remuneration which is excessive in relation to the total amount aforesaid is likely to be, or has been, retained or received out of the proceeds of the collection by any person;
3. The grant of a Licence would be likely to facilitate the commission of an offence under Section Three of the Vagrancy Act 1824, or that an offence under that section has been committed in connection with the collection;
4. The applicant or the holder of the Licence is not a fit and proper person to hold a Licence by reason of the fact that he has been convicted in the United Kingdom of any of the relevant offences specified below, or has been convicted in any part of Her Majesty's dominions of any offence conviction for which necessarily involved a finding that he acted fraudulently or dishonestly, or of an offence of a kind the commission of which would be likely to be facilitated by the grant of a Licence. The relevant offences referred to above are as follows:
 - 4.1. Offences under sections 47 to 56 of the Offences against the Person Act 1861
 - 4.2. Robbery, burglary or blackmail
 - 4.3. Offences in Scotland involving personal violence or lewd, indecent, or libidinous conduct, or dishonest appropriation of property
 - 4.4. Offences under the Street Collections Regulation (Scotland) Act 1915
 - 4.5. Offences under section 5 of the Police, Factories etc. Miscellaneous Provisions) Act 1916
5. The applicant or the holder of the Licence, in promoting a collection in respect of which a Licence has been granted to him, has failed to exercise due diligence to secure that persons authorised by him to act as collectors for the purposes of the collection were fit and proper persons, to secure compliance on the part of persons so authorised with the provisions of regulations made under this Act, or to prevent prescribed badges or prescribed certificates of authority being obtained by persons other than persons so authorised; or
6. The applicant or holder of the Licence has refused or neglected to furnish to the Authority such information as they may have reasonably required for the purpose of informing themselves as to any of the matters specified in the foregoing

paragraphs.

Where a House to House Collection Permit has previously been granted, the Council will ordinarily revoke the permit if it is of the opinion that any of the circumstances listed above subsequently apply.

Consideration of financial information

All financial information provided as part of an application for a House to House Collection Permit will be handled in accordance with the Council's Information Security Policy.

The proportion allocated to the collection beneficiary must be clearly detailed by the applicant, this includes the calculations that have been used to determine the way that funding is allocated to each party involved in, or benefiting from, the collection.

The Council must be satisfied that the amount to be given to the charity is adequate in relation to the proceeds received. The cost of collection needs to be taken into account and balanced against the perception of the public that all of the items or money they donate will be given to charity.

It is common practice for collectors to be paid by organisations to collect money and products. When determining the remuneration and whether this is excessive the nature of the business and the overheads should be taken into account and balanced against the amount being given to the charity. The remuneration received by individuals involved in the collection process at all levels, should also be considered as part of this assessment.

It is anticipated that in most cases, the amount allocated to the collection beneficiary should exceed 80% of the net proceeds from a collection (i.e. after the deduction of reasonable expenses).

If no previous returns have been supplied to the Council after previous licensed collections by the same organisation or individual within the Council's area then the application should be refused. In addition, any action taken as a result of not complying with regulations on operating House to House collections would also be grounds for refusal unless there are extenuating circumstances.

3. Enforcement

Enforcement activity available to the Council is prescribed in legislation and is limited to the criteria for refusals or revocations of licences, and breaches of conditions, described in section 2 of the Policy. Failure to comply with this Policy in itself is not an offence, however, the Policy clearly identifies the issues that are prescribed as offences.

The Council considers that collections should be undertaken in accordance with the Fundraising Regulator's Code of Fundraising Practice. Where the Council believes that a collector has not adhered to this Code, the Council will refer the matter(s) to the Fundraising Regulator who will then pursue the breach via their own processes.

It is recognised that well-directed enforcement activity by the Council benefits not only the public but also those responsible for organising charitable collections. In implementing this Policy, the Council will operate in accordance with the General Enforcement Policy and

any other service specific enforcement policies or processes.

The provisions of this policy are discharged by the Council through the Licensing Board.

The responsibility for enforcement of the House to House Collections Act (and associated Regulations) has been delegated to the Assistant Director of Community Safety and Street Scene. The Assistant Director has authorised officers to enforce the requirements of the legislation relevant to House to House Collections.

Appendix A: House to House Collection Permit Application Form**APPLICATION FOR A HOUSE TO HOUSE COLLECTION PERMIT**

This application must be completed by the individual or organisation that is promoting the collection ('the promoter'). The role and obligations of the promoter are outlined in the Council's House to House Collection Policy, and all applicants are advised to consult this document prior to making an application for a permit within the Rotherham Borough boundary.

The information below (including that which is detailed in the notes at the end of this form) is the MINIMUM that must be provided in order to make an application for a permit within the Rotherham Borough boundary. You may provide additional information in support of your application if you consider that this would assist your application.

If there is not enough space on the form for you to provide the requested information then please continue on additional sheets and attach these to your application.

Name of Promoter	
Address and daytime telephone number of Promoter.	
Details of charitable purpose to which proceeds of the collection are to be applied (full details are to be enclosed with this application, including a copy of the authorisation from the charity to whom the proceeds will be sent). The additional information referred to in the notes below must also be included.	
Dates and times on which you are wish to undertake the collection(s) (Please include alternative dates should your first choice not be available)	

Localities within which you wish to make the collection (if the application is to undertake a collection across the whole Borough then please state this, otherwise indicate the specific localities and the dates of each collection).	
Are you intending to collect money or personal financial information? (if yes then please provide details)	
Is it proposed to collect other property, if so, of what nature? Is it proposed to sell such property, give it away or use it for other purposes (please give details)?	
How many people will you authorise to undertake collections?	
How will the collectors be selected / appointed?	
How will the collections be undertaken? Please give details of any vehicles that will be used along with any literature / envelopes / collection bags that will be used as part of the collection.	
Will any person or organisation receive payment from the proceeds of the collection? If so then please give details of the payments that are made (see notes below for additional information) – continue on additional sheets of this is required.	
Payments to collectors:	
Payments to other persons:	

<p>Payments to an organisation (other than the charitable purpose for which the collection is being undertaken):</p> <p>Payments to the charitable organisation:</p>	
<p>Are you intending to apply for House to House Collection Permits from other local authorities?</p> <p>If so, please list the other authorities to which applications have been or will be made (attaching a separate sheet if required).</p>	
<p>Has the applicant or anyone associated with the promotion or undertaking of the collection, ever has an application under the Act refused or revoked?</p> <p>If so, please give full details.</p>	
<p>Is it proposed to promote the collection in conjunction with a street collection?</p>	
<p>If so, is it desired that the accounts of this collection should be combined wholly or partly with the accounts of the street collection?</p>	
<p>If the collection is for a War Charity, state if such a charity has been registered or exempted from registration under the War Charities Act 1940, and give the name of the registration authority and the date of registration or exemption.</p>	
<p>Please state if your charity holds an Order of Exemption under Section 3 of the House to House Collections Act 1939, as issued by the Secretary of State.</p> <p>If so, please enclose a copy of the Order.</p>	

<p>Please provide any additional information in support of your application (enclosing additional sheets if required).</p>	
<p>Declaration</p>	<p>I / we declare that to the best of my / our knowledge and belief that the foregoing information is correct and, if a permit is granted, I / we undertake to comply strictly with the Council's House to House Regulations as listed in the Council's House to House Collections Policy.</p> <p>I / we consent to the Council sharing this information with regulatory partners for the prevention and / or detection of crime.</p> <p>I / we confirm that we have reviewed the Council's House to House Collection Policy and the important notes and the end of this form, and have taken this information into consideration when making my / our application.</p>
<p>Signature of person(s) making this application</p>	
<p>Name(s) of person(s) making this application</p>	
<p>If you are not the promoter then please state the capacity in which you are making this application and provide confirmation of your authority to make this application on behalf of the promoter.</p>	
<p>Date of signature(s)</p>	

Please tick to confirm inclusion of the following information (see notes at the end of this form)

Details of the objectives of the charitable cause.	
A statement of the collection beneficiary's aims, and any literature to support this.	
Full details of the collection beneficiary.	
Full details of this individual / organisation making the application.	
Relevant accounts and financial statements.	
Details of how the amounts to be allocated to the charity, collectors and promoter are calculated.	
A basic Disclosure Certificate relating to the promoter.	

Your application will not be considered to be complete if any of the above information or anything detailed in the Important Notes is missing or unclear.

IMPORTANT NOTES:

1. All sections of this application form must be completed – if any section is not relevant to your circumstances then please state 'not applicable' or 'n/a'.
2. The following information must also be provided with the application:
3. Whether the collection beneficiary is a registered charity (with charity number), and the objectives of the charitable cause as supplied to the Charity Commission.
4. A statement of the collection beneficiary's aims, and any literature to support this.
5. Full details of the collection beneficiary – this must include date of formation, names of trustees, directors etc.
6. If the collection is being undertaken by an individual or organisation other than the beneficiary of the collection then full details of this individual / organisation must be provided – this will include details of directors / trustees / owners (in the case of an organisation).
7. Relevant accounts and financial statements of the promoter, collection company / agent and the charity (if different)
8. The details of how the amounts to be allocated to the charity, collectors and promoter are calculated. The following must be clear from the information provided:
 - 8.1. The expected value of the money / items collected before any expenses are deducted ('the gross collection amount').
 - 8.2. Full details of any deductions that will be applied to the 'gross collection amount' and how these will be calculated.
9. A written agreement between the applicant and the charity as required by the Charities Act 1992.

10. Declaration of any previous refusals for House to House Collections
11. A basic Disclosure Certificate relating to the promoter or the director of the collection company / agent if different (this must be dated within the last six months).
12. It must be clear from your application how much the collection beneficiary will receive as part of the collection, the proportion of this as a percentage of the cost of running the collection and a clear set of returns if the organisation has operated collections before.
13. You are advised to review and consider Rotherham MBC's House to House Collection Policy and the legislative extract prior to submitting your application.

Appendix B: Extract from the House to House Collections Regulations 1947 (as amended by the House to House Collections Regulations 1963) forming the Regulations for House to House Collection Licences pursuant to section 4 of the House to House Collections Act 1939

1. Title and extent

1.1 These regulations may be cited as the House to House Collections Regulations 1947, and shall come into operation on the twenty-ninth day of December 1947.

1.2 These regulations shall not extend to Scotland.

2. Interpretation

2.1 In these regulations, unless the context otherwise requires: '*The Act*' means the House to House Collections Act 1939;

2.1.1 '*chief promoter*', in relation to a collection, means a person to whom a licence has been granted authorising him to promote that collection or in respect of whom an order has been made directing that he shall be exempt from the provisions or subsection (2) or section 1 of the Act as respects that collection;

2.1.2 '*collecting box*' means a box or other receptacle for monetary contributions, securely closed and sealed in such a way that it cannot be opened without breaking the seal;

2.1.3 '*licence*' means a licence granted by a licensing authority under section 2 of the Act;

2.1.4 '*order*' means an order made by the Secretary of State under section 3 of the Act;

2.1.5 '*prescribed badge*' means a badge in the form set out in the Fourth Schedule to these regulations;

2.1.6 '*prescribed certificate of authority*' means a certificate in the form set out in the Third Schedule to these regulations;

2.1.7 '*receipt book*' means a book of detachable forms of receipt consecutively numbered with counterfoils or duplicates correspondingly numbered;

2.1.8 '*street collection*' means a collection or sale to which regulations made under section 5 of the Police, Factories, etc (Miscellaneous Provisions) Act 1916 apply;

2.1.8.1 A mark shall for the purposes of these regulations be deemed to have been made on a collecting box if it is made on a wrapper securely gummed to the collecting box.

2.1.8.2 The Interpretation Act 1889 applies to the interpretation of these

regulations as it applies to the interpretation of an Act of Parliament.

3. Local collections of a transitory nature

- 3.1. Every certificate granted under subsection (4) of section 1 of the Act shall be in the form set out in the First Schedule to these regulations, and sections 5 and 6 and subsections (4) and (5) of section 8 of the Act shall be set forth on the back of every such certificate.
- 3.2. Where such a certificate is granted as aforesaid, the provisions of these regulations shall not apply, in relation to a collection made for the purpose specified on the certificate, within the locality and within the period so specified, to the person to whom the certificate is granted or to any person authorised by him to act as a collector for the purposes of that collection.

4. Applications for licences and orders

- 4.1 An application for a licence shall be in the form set out in the Second Schedule to these regulations, and shall give the particulars there specified.
- 4.2 An application for a licence or for an order shall be made not later than the first day of the month preceding that in which it is proposed to commence the collection.

5. Responsibility of promoters as respects collectors

- 5.1 Every promoter of a collection shall exercise all due diligence:
 - 5.1.1 to secure that person authorised to act as collectors for the purposes of the collection are fit and proper persons; and
 - 5.1.2 to secure compliance on the part of persons so authorised with the provisions of these regulations.

6. Certificates of authority, badges, collecting boxes and receipt books

- 6.1 No promoter of a collection shall permit any person to act as a collector, unless he has issued or caused to be issued to that person:
 - 6.1.1 a prescribed certificate of authority duly completed (except as regards the signature of the collector) and signed by or on behalf of the chief promoter of the collection;
 - 6.1.2 a prescribed badge, having inserted therein or annexed thereto a general indication of the purpose of the collection; and
 - 6.1.3 if money is to be collected, a collecting box or receipt book marked with a clear indication of the purpose of the collection and a distinguishing number, which indication and number shall, in the case of a receipt book, also be marked on every receipt contained therein in addition to the

consecutive number of the receipt.

6.2 Every promoter of a collection shall exercise all due diligence to secure:

6.2.1 that no prescribed certificate of authority, prescribed badge, collecting box or receipt book is issued, unless the name and address of the collector to whom it is issued have been entered on a list showing in respect of any collecting box or receipt book the distinguishing number thereof; and

6.2.2 that every prescribed certificate of authority, prescribed badge, collecting box or receipt book issued by him or on his behalf is returned when the collection is completed or when for any other reason a collector ceases to act as such.

6.3 In case of a collection in respect of which a licence has been granted:

6.3.1 every prescribed certificate of authority shall be given on a form obtained from Her Majesty's Stationery Office, and every prescribed badge shall be so obtained; and

6.3.2 every prescribed certificate of authority shall be authenticated, and the general indication on every prescribed badge of the purpose of the collection shall be inserted therein or annexed thereto, in a manner approved by licensing authority for the area in respect of which the licence was granted.

7. Duties of collectors in relation to certificates and badges

7.1 Every collector shall:

7.1.1 sign his name on the prescribed certificate of authority issued to him and produce it on the demand of any police constable or of any occupant of a house visited by him for the purpose of collection;

7.1.2 sign his name on the prescribed badge issued to him and wear the badge prominently whenever he is engaged in collecting; and

7.1.3 keep such certificate and badge in his possession and return them to a promoter of the collection on replacement thereof or when the collection is completed or at any other time on the demand of a promoter of the collection.

8. Age Limits

8.1. No person under the age of sixteen years shall act or be authorised to act as a collector of money.

9. Importuning

9.1. No collector shall importune any person to the annoyance of such person, or remain in, or at the door of, any house if requested to leave by any occupant thereof.

10. Collecting of Money

- 10.1. Where a collector is collecting money by means of a collecting box, he shall not receive any contribution save by permitting the person from whom it is received to place it in a collecting box issued to him by a promoter of the collection.
- 10.2. Where a collector is collecting money by other means than a collecting box, he shall, upon receiving a contribution from any person, forthwith and in the presence of such a person enter on a form of receipt in a receipt book issued to him by a promoter of the collection and on the corresponding counterfoil or duplicate the date, the name of the contributor and the amount contributed, and shall sign the form of receipt, the entries and signature being in ink or indelible pencil, and shall hand the form of receipt to the person from whom he received the contribution.

11. Duty of collectors to return boxes and books

- 11.1. Every collector, to whom a collecting box or receipt book has been issued, shall:
- 11.1.1. when the collecting box is full or the receipt book is exhausted, or
 - 11.1.2. upon the demand of a promoter of the collection, or
 - 11.1.3. when he does not desire to act as a collector, or
 - 11.1.4. upon the completion of the collection, return to a promoter of the collection that collecting box with the seal unbroken or that receipt book with a sum equal to the total amount of the contributions (if any) entered therein.

12. Examination of boxes and books

- 12.1. Subject as provided in paragraph (2) of this regulation, a collecting box when returned shall be examined by, and, if it contains money, be opened in the presence of, a promoter of the collection and another responsible person.
- 12.2. Where a collecting box is delivered unopened to a bank, it may be examined and opened by an official of the bank in the absence of a promoter of the collection.
- 12.3. As soon as a collecting box has been opened, the contents shall be counted and the amount shall be entered with the distinguishing number of the collecting box on a list, which shall be certified by the persons making the examination.
- 12.4. Every receipt book when returned and all sums received therewith shall be examined by a promoter of the collection and another responsible person, and the amount of the contributions entered in the receipt book shall be checked with the money and entered with the distinguishing number of the receipt book on a list, which shall be certified by the persons making the examination.

13. Provision for envelope collections

- 13.1. Where the promoter of a collection to whom an order has been granted informs

the Secretary of State that he desires to promote an envelope collection, and the Secretary of State is of opinion that the collection is for a charitable purpose of major importance and is suitably administered, the Secretary of State may, if he thinks fit, give permission for the promotion of an envelope collection.

13.2. Where an envelope collection is made in accordance with this regulation:

- 13.2.1. every envelope used shall have a gummed flap by means of which it can be securely closed;
- 13.2.2. no collector shall receive a contribution except in an envelope which has been so closed; and
- 13.2.3. these regulations shall have effect subject to the following modifications:
 - 13.2.3.1. sub-paragraph (c) of paragraph (1) of regulation 6 shall not apply;
 - 13.2.3.2. regulation 10 shall not apply;
 - 13.2.3.3. regulations 11 and 12 shall have effect as if each envelope in which a contribution is received were a collecting box;
 - 13.2.3.4. in regulation 11 for the words 'with the seal unbroken' there shall be substituted the word 'unopened';
 - 13.2.3.5. in paragraph (3) of regulation 12 for the words 'As soon as a collecting box has been opened' there shall be substituted the words 'As soon as the envelope has been opened' and the words 'with the distinguishing number of the collecting box' shall be omitted.
- 13.2.4. In this regulation 'envelope collection' means a collection made by persons going from house to house leaving envelopes in which money may be placed and which are subsequently called for.

14. Promoters to furnish accounts

- 14.1. The chief promoter of a collection in respect of which a licence has been granted shall furnish an account of the collection to the licensing authority by which the licence was granted within one month of the expiry of the licence:
- 14.2. Provided that if licences are granted to the same person for collections to be made for the same purpose in more than one licensing area a combined account of the collections made in all or any of those licensing areas may, by agreement between the chief promoter and the respective licensing authorities be made only to such of the respective licensing authorities as may be so agreed.
- 14.3. The chief promoter of a collection in respect of which an order has been made shall furnish an account annually to the Secretary of State so long as the order remains in force, and if the order is revoked a final account shall be furnished

within three months of the date of the revocation of the order.

- 14.4. The licensing authority or the Secretary of State may extend the period within which an account is required to be furnished to the authority or to him, as the case may be, if satisfied that there are special reasons for so doing.
- 14.5. The chief promoter of a collection which is made in connection in whole or in part with a street collection of which an account is required to be furnished to a licensing authority by regulations made under section 5 of the Police, Factories, etc (Miscellaneous Provisions) Act 1916, may, if the said licensing authority agrees, combine the accounts of the house to house collection, in so far as it is made in connection with the street collection, with the accounts of the street collection, and the amount so included in the combined account shall not be required to form part of the account required to be furnished under paragraph (5) or, as the case may be, paragraph (2) of this regulation, so, however, that in the case of an account furnished under said paragraph (2) the account shall show, in addition to an account in respect of moneys received from house to house collections not made in connection with a street collection, a statement showing the total proceeds of all combined collections, the total expenses and the balance applied to charitable purposes.

15. Form and certification of accounts

15.1. The account required by the preceding regulation:

- 15.1.1. where money has been collected, shall be furnished in the form set out in the Fifth Schedule to these regulations and, where property has been collected and sold, shall be furnished in the form set out in the Sixth Schedule to these regulations, and in either case shall be certified by the chief promoter of the collection and by an independent responsible person as auditor; and
- 15.1.2. where property (other than money) has been collected and given away or used, shall be furnished in the form set out in the Seventh Schedule to these regulations and shall be certified by the chief promoter and by every person responsible for the disposal of the property allocated.

16. Vouching of accounts

- 16.1. Every account furnished under paragraph (a) of regulation 15 of these regulations shall be accompanied by vouchers for each item of the expenses and application of the proceeds and, in the case of a collection of money, by every receipt book used for the purposes of the collection and by the list referred to in paragraph (2) of regulation 6 of these regulations and the list referred to in regulation 12 of these regulations.
- 16.2. Paragraph (1) of this regulation shall not apply to an account certified by an auditor who is a member of an association or society of accountants incorporated at the date of these regulations or is on other grounds accepted as competent by the authority to which the account is submitted, but where in such case the vouchers, receipt books and lists mentioned in the said paragraph (1) are not

submitted with an account, the chief promoter shall ensure that they are available for three months after the account is submitted and shall, if the authority to which the account was submitted so requires at any time within that period, submit them to that authority.

17. Disposal of disused certificates of authority, etc

- 17.1. The chief promoter of a collection shall exercise all due diligence to secure that all forms of prescribed certificates of authority and prescribed badges obtained by him for the purposes of the collection are destroyed when no longer required in connection with that collection or in connection with a further collection which he has been authorised to promote for the same purpose.

This page is intentionally left blank

PART A - Initial Equality Screening Assessment

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

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

Completed at the earliest opportunity it will help to determine:

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

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

1. Title

Title: House to House Collections Policy 2023

Directorate: Regeneration and Environment

Service area: Community Safety and Street Scene

Lead person: Alan Pogorzelec

Contact: Alan Pogorzelec

Is this a:

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

If other, please specify

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

The report details the formulation of a House to House Collection Policy to ensure that collectors and public alike have a clear and transparent document from which to refer. The Policy adds clarity to the way that the Council will deliver against the requirements of the House to House Collection Act 1939 and the House to House Collections Regulations 1947.

3. Relevance to equality and diversity

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

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

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

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

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

Consultation has taken place with a significant number of stakeholders and their views have been taken into account as part of the policy review.

The policy does not directly affect the provision of services by the Council, and therefore will not directly affect service users.

The policy gives guidance on the Council's approach to the regulation of House to House Collections within the Borough – it will have no direct impact on the workforce or employment practices.

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:	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
Alan Pogorzelec	Licensing Manager	15/10/23

6. Publishing

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

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

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

Date screening completed	15/10/23
Report title and date	House to House Collections Policy
If relates to a Cabinet, key delegated officer decision, Council, other committee or a significant operational decision – report date and date sent for publication	Cabinet – 18 th December 2023
Date screening sent to Performance, Intelligence and Improvement equality@rotherham.gov.uk	15/10/23

User guidance:

- The first section of this form guides users through considering major areas where emissions are likely to occur. If emissions are impacted in a way not covered by these categories, please identify this at the bottom of the section
- The first section should be filled as such:
 - **Impact:** identify, in relation to each area, whether the decision of the proposal does the following: *reduces emissions*, *increases emissions*, or has *no impact on emissions*. If it is uncertain this section can be labelled *impact unknown*
 - If **no impact on emissions** is identified: no further detail is needed for this area, but can be added if relevant (e.g. if efforts have been made to mitigate emissions in this area.)
 - **Describe impacts or potential impacts on emissions:** two sections deal respectively with emissions from the Council (including those of contractors), and emissions across Rotherham as a whole. In both sections please explain any factors that are likely to reduce or increase emissions. If **impact unknown** has been selected, then identify the area of uncertainty and outline known variables that may affect impacts.
 - In most cases there is no need to quantify the emission impact of an area after outlining the factors that may reduce or increase emissions. In some cases, however, this may be desirable if factors can be reduced to a small number of known variables (e.g. if an emission impact is attached to a known or estimated quantity of fuel consumed).
 - **Describe any measures to mitigate emission impact:** regardless of the emission impact, in many cases steps should be taken in order to reduce mitigate all emissions associated with each area as far as possible; these steps can be outlined here (For example: if a proposal is likely to increase emissions but practices or materials have been adopted in order to reduce this overall impact, this would be described here).
 - **Outline any monitoring of emission impacts that will be carried out:** in this section outline any steps taken to monitor emission levels, or steps taken to monitor the factors that are expected to increase or reduce emission levels (for example, if waste or transport levels are being monitored this would be described here)
- A **summary paragraph** outlining the likely overall impacts of the proposal/decision on emissions should then be completed - this is not required if the proposal/decision has no impact across all areas.
- The supporting information section should be filled as followed:
 - Author/completing officer
 - **Research, data, or information** may refer to datasets, background documents, literature, consultations, or other data-gathering exercise. These should also be added to the **supporting documents** section of the cabinet report

-
- Carbon Impact Assessments are to be appended to the associated cabinet reports
 - Prior to publishing reports, Carbon Impact Assessments should be sent to climate@rotherham.gov.uk for feedback
 - Report authors may also use the above email address to direct any further queries or to access further support regarding completing the 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?	None				
Emissions from transport?	None				
Emissions from waste, or the quantity of waste itself?	None				
Emissions from housing and domestic buildings?	None				
Emissions from construction and/or development?	None				
Carbon capture (e.g. through trees)?	None				

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:

This policy outlines the Council's approach to the regulation of House to House Collections within the Borough. It does not introduce any implications for carbon dioxide emissions or climate change.

Supporting information:

Completed by: (Name, title, and service area/directorate).	Alan Pogorzelec, Licensing Manager, Community Safety and Street Scene (Regeneration and Environment)
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]	Tracking Reference: CIA 162 Arthur King, Principal Climate Change Officer, Strategic Asset Management, Regeneration and Environment

This page is intentionally left blank

Committee Name and Date of Committee Meeting

Cabinet – 18 December 2023

Report Title

Covid Recovery Fund

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

Rob Mahon, Assistant Director – Financial Services
01709 254518 or rob.mahon@rotherham.gov.uk

Ward(s) Affected

Borough-Wide

Report Summary

This report proposes further use of the Council's Covid Recovery Fund reserve. At present, taking into account approved use for 2023/24 and 2024/25 to support the Council's previously agreed revenue investments, the reserve has a remaining balance of £0.6m.

It is proposed that the remaining funding is used to help residents against the backdrop of a cost of living crisis due to inflation and significant increases in energy and fuel bills in particular. The proposal is to re-establish the cash Energy Crisis Support Scheme that the Council has previously used to provide support to households with the cost of energy bills which still remain substantially higher than two years ago, despite energy bills starting to reduce.

Recommendations

That Cabinet agree to:

1. Approve the proposed use of the remainder of the Covid Recovery Fund as follows:
 - a. £550k cash grant scheme to provide support for households with the rising cost of energy bills; and
 - b. £50k to facilitate the administration of the energy grant proposal.

List of Appendices Included

Appendix 1 Equality screening
Appendix 2 Climate impact assessment

Background Papers

Covid Recovery Fund Report to Cabinet 20th November 2023

Financial Outturn 2022/23

Household Support Fund April 2023 – March 2024 to Cabinet 20th March 2023

Budget and Council Tax 2023/24 Report to Council on 2nd March 2023

Covid Recovery Fund Report to Cabinet 28th March 2022

Consideration by any other Council Committee, Scrutiny or Advisory Panel

None

Council Approval Required

No

Exempt from the Press and Public

No

Covid Recovery Fund

1. Background

- 1.1 The Council's Financial Outturn Report 2020/21 to Cabinet on 19 July 2021 earmarked £2m for a Covid Recovery Fund from the £6.1m underspend position, delegating to Cabinet the authority to approve its use.
- 1.2 This report proposes further use of the Council's Covid Recovery Fund reserve. At present, taking into account approved use for 2023/24 and 2024/25 previously agreed revenue investments, the reserve has a remaining balance of £0.6m
- 1.3 It is proposed that the remaining funding is used to help residents against the backdrop of a cost of living crisis due to inflation and significant increases in energy and fuel bills in particular. The proposal is to re-establish the cash Energy Crisis Support Scheme that the Council has previously used to provide support to households with the cost of energy bills which still remain substantially higher than two years ago, despite energy bills starting to reduce.
- 1.4 The Household Support Fund April 2023 to March 2024 report to Cabinet in March 2023 approved additional funding for the Council's Energy Crisis Support Scheme (ECSS). In 2023/24 over 2,300 grants of £250 have been paid to households who were eligible for the scheme. The funding allocated to the ECSS through the HSF had been fully spent by the end of June 2023.
- 1.5 To provide support to households with increased energy bills as a result of the winter it is proposed to allocate the remainder of the Covid Recovery Fund to establish a new scheme which will open to applications in January 2024.

2. Key Issues

2.1 Energy Crisis Support Scheme

- 2.2 The scheme was launched in 2022/23 as part of the Council's Covid Recovery Fund, providing for all successful applications to receive up to £250 (April to September), with an additional £150 to pensioners funded via the Household Support Fund. The scheme was updated as part of the Household Support Fund allocation for October 2022 to March 2023 to provide support of £400 as a one-off grant.
- 2.3 In 2023/24 the scheme was revised with grants of £250. This reflected the available funding through the Household Support Fund with the aim of ensuring a greater number of residents could access the scheme. The scheme arrangements are that the Council receives applications for energy crisis support via an online application form, though residents can call the Council to make an assisted application.

- 2.4 It is proposed that the ECSS be made available between January and March 2024 and continue to provide grants of £250 for eligible households. There will be an additional resource requirement to manage and oversee the grant programme and deliver the day to day administration of the applications, as such it is proposed £50k is earmarked for this purpose. Should the full amount not be required any surplus would be used to provide more grants.
- 2.5 Demand for the scheme has varied and it is proposed to set aside the full remaining Covid Recovery Fund to support the scheme. This would fund up to 2,200 grants in addition to meeting the cost of administering the grant application process.
- 2.6 **The Household Support Fund**
- 2.7 The Household Support Fund April 2023 – March 2024 report to Cabinet in March 2023 approved provisional allocations of the Household Support Fund Grant of £4.978m.
- 2.8 It is likely that actual spend will vary from that allocated to specific uses dependant on demand. The HSF report proposed that to ensure full spend for the year, any balancing sums be applied through the Energy Crisis Support Scheme.
- 2.9 If a further £200k became available this could increase the total funding for grants to £750k or 3,000 grants of £250.
- 2.10 The Council's Energy Crisis Support Scheme is compliant with the HSF guidance and meets the condition to operate an application-based service.
- 2.11 The Assistant Chief Executive in consultation with the Cabinet Member for Social Inclusion, has delegated authority to determine revised and final allocations for the Household Support Grant.

3. Options considered and recommended proposal

- 3.1 The Council did consider other routes for utilising the Covid Recovery Fund, however with the dramatic increases in household living costs, led by the increase in energy bills for all residents, it is felt that this is where the Covid Recovery Fund should be targeted at present.
- 3.2 The recommendation has been assessed and aligned with the other actions being taken by the Council to support people in need including the support approved as part of the Household Support Fund.

4. Consultation on proposal

- 4.1 The Council has consulted with officers across the Council to ensure that the proposals are feasible and can be delivered at pace.

5. Timetable and Accountability for Implementing this Decision

- 5.1 Arrangements are in place to administer the Energy Crisis Support Scheme between January and March 2024.

6. Financial and Procurement Advice and Implications

- 6.1 The Council earmarked the Covid Recovery Fund within the Councils reserves. This reserve was created as part of the Financial Outturn position for 2020/21 and was delegated to Cabinet to set how the fund would be utilised. As such the proposals within this report are affordable and can be contained within the available resources held within the Councils reserves.
- 6.2 There are no direct procurement implications arising from the recommendations detailed in the report.

7. Legal Advice and Implications

- 7.1 The Council has the ability to provide support for people in need through various provisions including S. 1 of the Localism Act 2011 (c. 20) (Local authority's general power of competence); S. 17 of the Children Act 1989 (c. 41) (Provision of services for children in need, their families and others) among other provisions.
- 7.2 The different types of expenditure referred to within the report are all lawful, reasonable and rational means of distributing the money within the Covid Recovery Fund.

8. Human Resources Advice and Implications

- 8.1 There are no Human Resources implications associated with this report.

9. Implications for Children and Young People and Vulnerable Adults

- 9.1 The proposals will present financial support to families and vulnerable adults.

10. Equalities and Human Rights Advice and Implications

- 10.1 The use of the Covid Recovery Fund is targeting vulnerable households including families with children will contribute to addressing economic and social inequalities. It will have a positive equalities impact.

11. Implications for CO2 Emissions and Climate Change

- 11.1 There are no implications for CO2 emissions of climate change.

12. Implications for Partners

- 12.1. No direct implications.

13. Accountable Officers

Rob Mahon, Assistant Director Financial Services.

Approvals obtained on behalf of Statutory Officers: -

	Named Officer	Date
Chief Executive	Sharon Kemp	04/12/23
Strategic Director of Finance & Customer Services (S.151 Officer)	Judith Badger	30/11/23
Assistant Director, Legal Services (Monitoring Officer)	Phillip Horsfield	30/11/23

Report Author: Rob Mahon, Assistant Director – Financial Services

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

PART A - Initial Equality Screening Assessment

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

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

Completed at the earliest opportunity it will help to determine:

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

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

1. Title

Title: Covid Recovery Fund

Directorate: Finance and Customer Services

Service area: Finance

Lead person: Rob Mahon

Contact: 01709 254518

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 is looking to allocate monies from the Covid Recovery Fund to support an extension of the Energy Crisis Support Scheme.

3. Relevance to equality and diversity

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

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

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

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

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).

<ul style="list-style-type: none"> How have you considered equality and diversity? 	
N/A	
<ul style="list-style-type: none"> Key findings 	
N/A	
<ul style="list-style-type: none"> 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
Rob Mahon	AD Financial Services	29.11.23

6. Publishing

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

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

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

Date screening completed	29.11.23
Report title and date	Covid Recovery Fund
If relates to a Cabinet, key delegated officer decision, Council, other committee or a significant operational decision – report date and date sent for publication	Cabinet 18.12.23
Date screening sent to Performance, Intelligence and Improvement equality@rotherham.gov.uk	30.11.23

This page is intentionally left blank

User guidance:

- The first section of this form guides users through considering major areas where emissions are likely to occur. If emissions are impacted in a way not covered by these categories, please identify this at the bottom of the section
- The first section should be filled as such:
 - **Impact:** identify, in relation to each area, whether the decision of the proposal does the following: *reduces emissions*, *increases emissions*, or has *no impact on emissions*. If it is uncertain this section can be labelled *impact unknown*
 - If **no impact on emissions** is identified: no further detail is needed for this area, but can be added if relevant (e.g. if efforts have been made to mitigate emissions in this area.)
 - **Describe impacts or potential impacts on emissions:** two sections deal respectively with emissions from the Council (including those of contractors), and emissions across Rotherham as a whole. In both sections please explain any factors that are likely to reduce or increase emissions. If **impact unknown** has been selected, then identify the area of uncertainty and outline known variables that may affect impacts.
 - In most cases there is no need to quantify the emission impact of an area after outlining the factors that may reduce or increase emissions. In some cases, however, this may be desirable if factors can be reduced to a small number of known variables (e.g. if an emission impact is attached to a known or estimated quantity of fuel consumed).
 - **Describe any measures to mitigate emission impact:** regardless of the emission impact, in many cases steps should be taken in order to reduce mitigate all emissions associated with each area as far as possible; these steps can be outlined here (For example: if a proposal is likely to increase emissions but practices or materials have been adopted in order to reduce this overall impact, this would be described here).
 - **Outline any monitoring of emission impacts that will be carried out:** in this section outline any steps taken to monitor emission levels, or steps taken to monitor the factors that are expected to increase or reduce emission levels (for example, if waste or transport levels are being monitored this would be described here)
- A **summary paragraph** outlining the likely overall impacts of the proposal/decision on emissions should then be completed - this is not required if the proposal/decision has no impact across all areas.
- The supporting information section should be filled as followed:
 - Author/completing officer
 - **Research, data, or information** may refer to datasets, background documents, literature, consultations, or other data-gathering exercise. These should also be added to the **supporting documents** section of the cabinet report

-
- Carbon Impact Assessments are to be appended to the associated cabinet reports
 - Prior to publishing reports, Carbon Impact Assessments should be sent to climate@rotherham.gov.uk for feedback
 - Report authors may also use the above email address to direct any further queries or to access further support regarding completing the 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?	<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 (e.g. through trees)?	<i>no impact</i>				

Identify any emission impacts associated with this decision that have not been covered by the above fields:
N/A

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

This scheme is designed to support residents that have been impacted by the cost of living crisis and the associated rise in energy bills. There is therefore no anticipated increase in emissions. Residents affected in this way may also be eligible for support through the Council managed ECO4-FLEX scheme which supports residents to decarbonise their homes and reduce future energy bills such as through the provision of insulation or more efficient boilers. Joint signposting, such as on the Council website may therefore be a suitable mitigation opportunity if appropriate.

Supporting information:

Completed by: (Name, title, and service area/directorate).	Rob Mahon, Assistant Director Financial Services, Finance and Customer Services.
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]	Louise Preston, Climate Change Manager Strategic Asset Management, Asset Management Finance and Customer Services CIA190

This page is intentionally left blank