OVERVIEW AND SCRUTINY MANAGEMENT BOARD

Date and Time:-	**Wednesday 3 June 2026 at 10.00 a.m.**
Venue:-	**Rotherham Town Hall, The Crofts, Moorgate Street, Rotherham. S60 2TH**
Membership:-	**Councillors Steele (Chair), Bacon (Vice-Chair), Baggaley, Blackham, A. Carter, Lelliott, Keenan, McKiernan, Monk, Sutton, Tinsley and Yasseen.**

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.

AGENDA

1. Apologies for Absence

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

2. Minutes of meeting Wednesday 6 May 2026 of Overview and Scrutiny Management Board (Pages 5 - 32)

To consider the minutes of the previous meeting of the Overview and Scrutiny Management Board held on 6 May 2026 and to approve them as a true and correct record of the proceedings and to be signed by the Chair.

3. Declarations of Interest

To receive declarations of interest from Members in respect of items listed on the agenda.

4. Questions from Members of the Public and the Press

To receive questions relating to items of business on the agenda from members of the public or press who are present at the meeting.

5. Exclusion of the Press and Public

To consider whether the press and public should be excluded from the meeting during consideration of any part of the agenda.

Items for Pre-Decision Scrutiny

In accordance with the outcome of the Governance Review in 2016, the following items are submitted for pre-scrutiny ahead of the Cabinet meeting on Monday 8 June 2026. Members of the Overview and Scrutiny Management Board are invited to comment and make recommendations on the proposals contained within the report.

6. Renters Rights Act Policy Consultation (Pages 33 - 110)

Report from the Executive Director of Regeneration and Environment.

Recommendations

That Cabinet:

1. Approve consultation on the draft:

   a. Private Sector Housing Enforcement Policy, derived from the Association of Chief Environmental Health Officers (ACEHO) National Model Enforcement Policy; and

   b. Civil Penalty Calculation Mechanism, including local market adjustment.

2. Note that a future report with the outcome of the consultation and revised policy documents will be presented to Cabinet in November 2026.

7. Finance Update June 2026 (Pages 111 - 129)

Report from the Executive Director of Corporate Services.

Recommendations

That Cabinet:

1. Note the update on the revenue budget financial outturn 2025/26.

2. Note the Council's progress on the delivery of the Local Council Tax Support Top Up payment scheme.

3. Note the update to the Household Support Fund for 2025-26.

4. Approve the capital budget variations as detailed in section 2.4 of the report.

For Discussion/Decision:-

8. Menopause Review (Pages 131 - 147)

To consider the report from the Health Select Commission which summarises the findings and recommendations of the Health Select Commission Spotlight Review into the Menopause ahead of it's submission to Cabinet.

For Information/Monitoring:-

9. Work Programme (Pages 149 - 151)

To consider the Board's Work Programme.

10. Work in Progress - Select Commissions (Pages 153 - 161)

To receive updates from the Chairs of the Select Commission on work undertaken and planned for the future:

- Health Select Commission
- Improving Lives Select Commission
- Improving Places Select Commission

11. Forward Plan of Key Decisions

To review and identify items for pre-decision scrutiny from the Forward Plan of Key Decisions.

Link to: Browse plans - Forward Plan of Key Decisions, 2026 - Rotherham Council

12. South Yorkshire Mayoral Combined Authority Overview and Scrutiny Committee

As part of their role the Chair and Vice Chair of OSMB are appointed to the South Yorkshire Mayoral Combined Authority (MCA) Overview and Scrutiny Committee. The Chair of OSMB is the Vice Chair on this committee.

This committee holds the MCA to account and ensure that all aspects of the decision-making process are transparent, inclusive and fair. The Committee are responsible for checking that the MCA is delivering its objectives and that the decisions made in policies, strategies and plans have been made in the best interests of the residents and workers of South Yorkshire.

The published agenda packs and minutes can be accessed via: South Yorkshire MCA.

Members who have comments and queries regarding any item on any agenda should refer this to the Chair of OSMB and the Governance Manager at the earliest opportunity to ensure they're reflected in debate during the relevant public meeting.

13. Call-in Issues

To consider any issues referred for call-in from recent Cabinet meetings.

14. Urgent Business

To determine any item which the Chair is of the opinion should be considered as a matter of urgency.

The next meeting of the Overview and Scrutiny Management Board will be held on Wednesday 1 July 2026 commencing at 10.00 a.m. in Rotherham Town Hall.

John Edwards,
Chief Executive.

OVERVIEW AND SCRUTINY MANAGEMENT BOARD
Wednesday 6 May 2026

Present: Councillor Steele (in the Chair); Councillors Allen, Baggaley, Blackham, Brent, A. Carter, McKiernan, Monk, Tinsley and Yasseen.

Apologies for absence were received from Councillor Keenan.

Council Officers in attendance:

- John Edwards, Chief Executive
- Judith Badger, Executive Director, Corporate Services
- Ian Spicer, Executive Director, Adult Care, Housing and Public Health
- Sam Barstow, Service Director, Community Safety and Street Scene
- Simon Moss, Service Director, Planning, Regeneration and Transport
- Rob Mahon, Service Director, Financial Services
- Kevin Fisher, Service Director, Property and Facilities Services
- Lorna Vertigan, Head of Regeneration
- Michelle Kaye, Head of Housing Options
- Jayne Metcalfe, Head of Service Access & Prevention
- Emma Hill, Head of Democratic Services
- Barbel Gale, Governance Manager
- Kristianne Thorogood, Governance Advisor

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

140. MINUTES OF MEETING WEDNESDAY 8 APRIL 2026 OF OVERVIEW AND SCRUTINY MANAGEMENT BOARD

Resolved: That the Minutes of the meeting of the Overview and Scrutiny Management Board held on 8 April 2026 be approved as a true record.

141. DECLARATIONS OF INTEREST

No declarations of interest were made.

142. QUESTIONS FROM MEMBERS OF THE PUBLIC AND THE PRESS

No questions were received.

143. EXCLUSION OF THE PRESS AND PUBLIC

There were no reasons to exclude the press or public.

144. HOMELESSNESS PREVENTION AND ROUGH SLEEPER STRATEGY 2026-2031

At the Chair's invitation, the Cabinet Member for Housing, Councillor Beresford presented the Homelessness Prevention and Rough Sleeper Strategy 2026-2031, outlining a five-year strategic framework to prevent homelessness and rough sleeping in Rotherham. The strategy was aligned with the Government's national plan (December 2025) and the Council's duties under the Homelessness Act 2002, and followed a comprehensive review of local trends, which showed rising demand, including a 25% increase in approaches and growing complexity of need.

It was reported that factors included increasing housing costs, the cost-of-living crisis and limited access to affordable housing. Of 4,254 households owed a homelessness duty, a significant proportion had multiple support needs. The strategy therefore prioritised early intervention, prevention and partnership-led approaches.

Extensive consultation had been undertaken over eight weeks with residents, partners and stakeholders, with 46.8% of respondents having lived experience of homelessness. Four key priorities were outlined: preventing homelessness through early intervention; increasing access to suitable affordable homes; ensuring timely, targeted support; and tackling rough sleeping through prevention and rapid response.

It was noted that the strategy set high-level objectives rather than a detailed delivery plan. Subject to approval, a detailed action plan would be developed with partners and published before autumn, supported by regular performance monitoring, annual review and existing scrutiny arrangements. Overall delivery responsibility would sit with the Service Director for Housing.

The Executive Director, Adult Care, Housing and Public Health, Ian Spicer added that the report highlighted key achievements from the previous strategy, which had informed the proposed priorities. It was noted the continued emphasis on a collective council approach to preventing homelessness, reflecting its ongoing importance as a key strategic priority.

The Chair invited members of the Overview and Scrutiny Management Board (OSMB) to raise questions and queries, starting with Councillor Blackham, who expressed support for the priorities, but clarification was sought on two aspects. Queries were raised regarding the process and support in place for individuals already rough sleeping, including how they were assisted into accommodation. Clarification was also requested on the support available for those at risk of becoming homeless, noting the importance of early intervention, and further detail was sought on the processes set out in the strategy.

The response from the Cabinet Member for Housing outlined the approach to supporting rough sleepers and those at risk of homelessness. It was explained that outreach activity identified individuals through referrals and targeted engagement, working in partnership with organisations such as Shiloh and Rush House. Engagement was prioritised to enable access to support, including temporary accommodation such as Queen Street hostel. For individuals with complex needs, a multi-agency "Housing First" approach was used, providing wrap around support to help sustain accommodation and prevent repeat homelessness.

In relation to prevention, it was noted that the strategy focused on early intervention to support those at risk of homelessness. This included identifying underlying causes, such as domestic abuse, relationship breakdown or loss of private rented accommodation, and allocating a named officer to develop solutions. Work with private landlords and housing associations was highlighted to help prevent individuals from becoming homeless and reduce reliance on emergency situations.

Councillor Allen expressed concerns about moving from a three-year to a five-year strategy. It was noted that, while a strategic framework was important, clarification was sought on whether current conditions were sufficiently stable to support a five-year approach, or whether a shorter timeframe would allow greater flexibility to respond to emerging challenges. In response the Executive Director, Adult Care, Housing and Public Health explained that a five-year strategy was considered the most appropriate approach to support long-term planning and partnership working. However, reassurance was provided that the strategy would be subject to annual review, allowing for amendments and changes in direction where necessary. It was noted that this approach would ensure sufficient flexibility to respond to emerging issues and changing conditions, such as legislative or economic developments.

In response to a supplementary question from Councillor Allen regarding the current number of rough sleepers in Rotherham, it was confirmed that there were three individuals currently rough sleeping, with numbers remaining low, partly reflecting the impact of ongoing partnership work and support services.

Clarification was sought by the Chair on how the impact of the new legislation would be monitored, particularly in relation to increased tenant protections and understanding the circumstances in which individuals may become homeless. In response the Head of Housing Options, Michelle Kaye, reported that staff had received training on the Renters' Rights Act and that monitoring arrangements would be put in place, including increased enforcement activity. It was noted that closer working with colleagues in CPU was planned, potentially through a jointly funded post, to support monitoring and assess the Act's impact, with the aim of reducing evictions.

Councillor Brent sought clarification on how success would be measured, noting that increasing the number of council homes was one indicator. It was queried whether data was available to demonstrate how the strategy’s actions were contributing to reductions in homelessness, including how many individuals were being supported into accommodation and the overall impact on homelessness figures. The Executive Director, Adult Care, Housing and Public Health confirmed that data was available to measure outcomes, although specific details were not provided at the meeting. The Chair agreed that the data could be shared with members at a later stage. Councillor Brent emphasised that, in measuring success, the focus should be on outcomes and impact, particularly in demonstrating reductions in homelessness. Appreciation was expressed for the commitment to provide supporting data.

The Cabinet Member for Housing noted that a reduction in temporary accommodation could be used as an indicator of success. At the end of March, 178 households were in temporary accommodation, representing a decrease of 25. It was acknowledged that while numbers had reduced, new cases continued to enter the system.

Councillor Monk sought clarification on the extent of trauma-informed practice across frontline services. While its inclusion in the strategy was welcomed, specific information was requested on the proportion of staff who had received comprehensive trauma-informed training, particularly in relation to assurance that this approach was embedded throughout services.

In response the Executive Director, Adult Care, Housing and Public Health reported that data on trauma-informed training was not available at the meeting, but that training had been rolled out across housing, adult social care and wider services in partnership with mental health colleagues. It was noted that uptake had been significant and well received. A review of future training provision was underway to consider a broader approach, recognising that different roles required varying levels of training. It was agreed that detailed figures would be shared with members after the meeting.

Councillor Yasseen noted that the involvement of individuals with lived experience of homelessness was welcomed, along with the strategy’s focus on a whole-service and preventative approach. However, concern was raised that the strategy set out an ambition rather than a detailed, measurable delivery programme. Clarification was sought on the absence of specific, measurable KPIs and how delivery against the identified priorities would be assessed. The Cabinet Member for Housing acknowledged that the strategy represented a continuation of ongoing work to address homelessness, given the evolving nature of need. It was confirmed that the document set out a high-level ambition and strategic framework. It was further noted that, subject to approval, a detailed action plan with measurable KPIs would be developed, with delivery expected by August.

Councillor Yasseen acknowledged that, while the development of a detailed action plan was welcomed, it would have been beneficial to include an initial outline within the report. A further query was raised regarding the impact of previous investment secured around the end of the COVID period to address homelessness, seeking clarification on how those resources had been used and what difference they had made, particularly in light of continued increases in demand.

The Executive Director reported that previous investment had been directed towards expanding the housing options workforce to enable a more proactive, prevention-focused approach, increasing access to support and early intervention. Funding had also been used to significantly expand the temporary accommodation portfolio and enhance support services to help individuals sustain tenancies and move on successfully. It was noted that this investment had contributed to improved outcomes, including a reduction in the use of hotel accommodation and an overall strengthening of support pathways for those at risk of homelessness.

Councillor McKiernan sought clarification on whether data was available for individuals who remained homeless beyond the 56-day statutory period, and whether this was being monitored to understand the reasons and inform service improvements. In response it was explained that the 56-day period applied to both prevention and relief duties, with continued support provided throughout. If cases were not resolved within this timeframe, a main duty could be triggered, requiring the Council to secure long-term accommodation. It was emphasised that cases were not closed prematurely and support continued until a suitable outcome was achieved unless specific conditions applied. Councillor McKiernan suggested that communication with service users could be clearer, particularly in explaining the process and automated messages. The service acknowledged that this could be improved, and a commitment was given to review communications and consider individual cases where required.

In response to Councillor Monk's questions, it was clarified that data on individuals not owed a homelessness duty was not available at the meeting but could be provided. It was noted that all individuals approaching the service received advice and assistance, with an initial assessment undertaken to determine eligibility. Where a statutory duty was not owed, support focused on prevention through guidance and early intervention. It was further explained that eligibility criteria applied, including factors such as immigration status. In cases where individuals were not eligible for a homelessness duty, advice, signposting and referrals to other services, such as social care where appropriate, were provided to ensure support was still available.

Councillor Tinsley raised concerns regarding the timeliness of the rapid response for individuals presenting as homeless, particularly outside standard working hours. It was noted that those presenting late in the week may not receive in-person support until the following week, which could leave them without immediate assistance. Clarification was sought on whether staffing resources and out-of-hours provision were being reviewed to improve response times and ensure more consistent coverage across all areas. The Executive Director confirmed that a 24-hour homelessness support line was in place, providing access to assistance outside standard working hours. It was noted that this service could be accessed directly or through partners such as the police or other agencies. While recognising that some individuals may be unable or unwilling to make contact, assurance was provided that out-of-hours support was available and that calls were responded to promptly, including over weekends.

Further clarification was sought by Councillor Tinsley on whether physical, in-person responses were available outside normal hours, as concerns were raised that in practice support had been limited to advice until the next working day. It was suggested that specific cases could be shared for follow-up.

A second query was raised regarding the housing allocations policy, particularly the requirement for a local connection. Clarification was sought on how individuals presenting as homeless from outside the borough were supported and what assistance was available to them. The Head of Housing Options explained that where an individual presented without a local connection to the area, this would be assessed and liaison would take place with the relevant local authority to arrange appropriate support or reconnection. It was noted that this approach was in line with legislation. In cases where there was an identified risk in returning to that area, interim support would be considered while working with the relevant authority to ensure suitable arrangements were made.

Clarification was sought by Councillor McKiernan on whether the strategy included plans to increase supported temporary accommodation, particularly provision with on-site staff to assist residents. Reference was made to the benefits of such models, especially for individuals with complex needs. It was also queried whether this formed part of the multi-agency approach, to ensure more integrated and consistent support was provided. The Cabinet Member for Housing noted that members had previously approved the expansion of the Housing First model as part of the budget. This approach separated the landlord function from support provision, enabling stronger engagement with individuals. It was confirmed that funding had been secured and a procurement process completed to deliver wraparound support through partner organisations, supporting the provision of enhanced supported accommodation.

The Chair sought clarification on the number of individuals becoming homeless from within the Council’s own housing stock, for example due to tenancy issues, and whether measures were in place to prevent homelessness wherever possible. The Cabinet Member for Housing confirmed that efforts were made to prevent homelessness within the Council’s own housing stock wherever possible through early intervention, including joint working with income recovery, housing officers and support services. It was noted that evictions were rare, with two reported in the current year, and were used only as a last resort, typically in cases of non-engagement or serious issues such as anti-social behaviour.

Councillor Yasseen sought clarification on whether the current budget was sufficient to meet increasing demand and complexity of homelessness cases. Concern was raised that, given the upward trend and anticipated continued pressures, it was unclear whether existing funding would remain adequate or if additional resources might be required in future. In response the Executive Director acknowledged that, while additional resources could not be ruled out, the current position was supported by a range of external grants which were used to target key areas of work. It was noted that efforts were focused on making effective use of existing resources, including improving move-on from temporary accommodation to reduce demand. Ongoing consideration was given to resource needs, including the use of grant funding to enhance supported accommodation and strengthen the housing options service in response to changing pressures.

Resolved: That the Overview and Scrutiny Management Board supported the recommendations that Cabinet:

1. Notes the Homelessness Prevention and Rough Sleeper Strategy consultation summary report.
2. Approves the Homelessness Prevention and Rough Sleeper Strategy 2026 31.
3. Delegates authority to the Executive Director of Adult Care, Housing and Public Health to approve:
   a. Any minor data amendments to the Strategy prior to publication.
   b. The Action Plan, following its development, including any amendments arising from annual reviews.

Additional recommendations to Cabinet from OSMB were that:

4. That the Action Plan clearly indicates any essential (“must deliver”) actions from scalable or discretionary activity, including setting out risk mitigation arrangements where funding or capacity reduces, and ensures any material departure from planned delivery be reported to the relevant scrutiny commission.
5. That specific performance measures be developed for households with multiple support needs, covering prevention successes, and repeated homelessness, and that this cohort be reported separately in monitoring reports.

Further actions that arose from discussions were that:

- That data be provided to OSMB demonstrating the impact of the work undertaken on reducing homelessness, along with the percentage of staff who have completed trauma-informed training.
- That data be provided on individuals owed or eligible for the homelessness duty.

145. SELECTIVE LICENSING UPDATE

At the Chair’s invitation the Cabinet Member for Housing, Councillor Beresford updated on the Selective Licensing Scheme, covering progress, investment, and governance.

Six licensing areas had gone live in February 2026 for five years, building on earlier schemes that improved housing standards and neighbourhood stability. Delivery was underway, with systems operational, applications processed, draft licences issued, and local improvement plans agreed. Communications had been launched to increase landlord uptake.

The 2026-27 budget approved £362,000 annual revenue funding for three enforcement officers, two community liaison officers, and a management role. Recruitment had begun, with five posts expected to be in place from 5 May. The focus extended beyond enforcement to visibility, early intervention, service coordination, and use of community intelligence.

A further £500,000 capital funding had been approved for small-scale local improvements (e.g. lighting, gating, waste and environmental works), with priorities set locally.

Local stakeholder panels were to be established to identify priorities and review performance, advising on proposals but not making decisions. Oversight would sit with a Selective Licensing Board, ensuring accountability and reporting to Cabinet and scrutiny. Overall, the scheme had shifted to a coordinated, place-based approach combining enforcement, engagement, and visible improvements.

The Chair invited members of the Overview and Scrutiny Management Board (OSMB) to raise questions and queries and began with Councillor Monk, who asked how stakeholder panels would be supported to enable full participation for those with communication needs, including individuals whose first language is not English, members of the deaf community, and those with disabilities, health conditions, or anxiety affecting communication.

Sam Barstow, the Service Director, Community Safety and Street Scene responded that the panels were intended to be inclusive, enabling all who wished to participate to have their voice heard. It was noted that individual communication needs would need to be understood to determine appropriate support, and officers were committed to considering requests and putting reasonable adjustments in place where required. It was further noted that an Equality Impact Assessment would help ensure the panels were transparent, accessible, and fair.

Councillor Monk asked whether a commitment could be made to communicate clearly about the stakeholder groups, including the support available, and to strongly encourage participation and the Service Director for Community Safety and Street Scene confirmed that such a commitment would be made.

Councillor Blackham noted that the report stated neighbourhood improvement plans had already been formed and adopted, while stakeholder group recruitment had only commenced in March 2026. Concern was raised that this could indicate decisions had already been made, potentially limiting the influence of stakeholder groups, and clarification was sought on how confidence would be maintained and appropriate membership encouraged in those circumstances.

The Service Director, Community Safety and Street Scene thanked members and reassured them that concerns about stakeholder panels were unfounded. It was explained that, as part of governance and approval processes, draft neighbourhood development improvement plans had been prepared. Stakeholder panels would review these plans, sense-check proposals, and suggest additions. Local officers would report to panels on progress.

Members were advised of governance limitations, particularly regarding capital allocation, which must follow the council's constitutional decision-making processes. However, potential investments would still be considered by stakeholder panels, with many proposals expected to originate from them. These panels would therefore have a significant influence over priorities and support for their local areas. The draft plans were intended as a starting point, with stakeholder panels playing a key role in shaping them and contributing to decision-making.

Councillor Blackham referred to sections 2.11 and 2.22 of the report and raised concerns that the document implied decisions had already been made by management, limiting stakeholder group influence. They questioned how confidence in the stakeholder groups would be maintained under these circumstances.

The Service Director, Community Safety and Street Scene reassured members that this was not the case, explaining that draft neighbourhood improvement plans had been developed to meet governance requirements. Stakeholder panels would review, sense-check, and suggest additions to these plans, with officers reporting progress to them. While capital decisions would remain subject to formal governance processes, stakeholder panels would have a meaningful role in shaping proposals and influencing local priorities.

Councillor Blackham maintained that the document lacked a clear definition of the stakeholder groups' role and requested this be explicitly set out to avoid misunderstanding, including how stakeholder groups and management would work together. The Service Director, Community Safety and Street Scene acknowledged the request, apologised for the misunderstanding, and agreed to provide further written clarification after the meeting. It was noted that a baseline role would be defined, alongside some flexibility for ward members to shape panel composition. The Chair referred to previous housing area panels, noting that similar arrangements had operated in the past. These panels made suggestions on local expenditure, while final decisions were taken by elected members.

Councillor Baggaley asked about levels of engagement across wards, highlighting the importance of stakeholder groups, and queried when these groups would be established and operational. In response it was reported that engagement levels varied across areas, with landlord licensing applications providing a key indicator. Dinnington had the lowest number of applications to date, while Brinsworth had the highest. It was noted that engagement officers had only recently commenced their roles, so detailed feedback on stakeholder panel engagement was not yet available. Further updates would be provided as engagement activity progressed, including information on the establishment and uptake of stakeholder panels.

Councillor Baggaley sought clarification on the expected timeframe for establishing stakeholder groups, expressing concern that the process appeared open-ended. The Service Director, Community Safety and Street Scene confirmed that stakeholder panels were expected to be established within three months of engagement officers commencing work. It was anticipated that meaningful engagement with ward members would take place within four to six weeks.

Councillor Yasseen raised concerns about a perceived cultural issue within the service, noting weak engagement and relationship-building with tenants, landlords, and stakeholders. They stressed the need for stronger, positive relationships to improve housing standards and queried whether steps would be taken to address these cultural challenges going forward. The Service Director, Community Safety and Street Scene expressed a willingness to work with ward members on specific cases. They challenged the view that there had been poor engagement, highlighting evidence of officers building positive relationships with tenants and landlords, which had helped resolve issues. It was emphasised that the Council remained committed to fostering constructive relationships, including within enforcement work, as set out in its policies. Reference was also made to additional investment in engagement officers as evidence of this commitment, while maintaining openness to reviewing individual concerns raised by members.

Councillor Yasseen referred to previous evaluations, noting they demonstrated strong relationship-building, though only around six tenants had been reached, reflecting limited engagement from target groups. They highlighted that, despite the neighbourhood model, no neighbourhood plans had been presented to ward councillors locally. They also sought clarification on how HRA funding could be used in areas with high levels of private rented housing, particularly in relation to spending on the surrounding public realm of non-council properties, and how this complied with HRA rules.

The Chair clarified that the funding was not from the HRA, but additional funding provided to the council, which, as far as they were aware, could be spent across those areas.

The Service Director explained that selective licensing funding could only be used for the delivery, administration, and enforcement of the scheme. Wider resources referenced, such as engagement officers and capital investment, were funded separately through the council's general fund, not from the selective licensing scheme. The Cabinet Member for Housing stated that there was little to add to the previous response, though clarification was sought on references to "cultural" aspects of engagement. It was noted that funding had been approved by full council, separate from HRA, for two community liaison roles to address gaps identified in the previous scheme. The earlier focus had largely been on issues within properties, with limited proactive engagement with private tenants and landlords. It was emphasised that the additional roles and a dedicated management function were intended to strengthen engagement, recognising that the approach should extend beyond enforcement to include active community involvement.

The Chair referred to a previous point regarding the neighbourhood model and asked how members would be able to influence spending within their areas. In response, it was stated that once resources were in place and staff had completed induction and training, engagement with members would begin within four to six weeks. Members would be invited to participate in stakeholder panels to help shape local priorities, recognising that local input was essential to determine what was appropriate for each area. It was noted by the Service Director that there was a clear expectation for ward members to be engaged in the development of neighbourhood improvement plans. Reference was made to an update email sent to affected ward members in late November, outlining progress on selective licensing and encouraging involvement in plan development. It was confirmed that this would be checked to ensure engagement was continuing as expected.

Councillor Tinsley BEM reflected on the previous selective licensing scheme, questioning whether it should still be regarded as a success, particularly in relation to Maltby. It was suggested that some elements, such as additional enforcement and community safety resources, could have been applied more widely across other wards rather than solely through the scheme. Concern was raised that, following the end of the scheme in Maltby, similar issues remained but resources had not been sustained to maintain progress. It was further noted that enforcement activity, including action on issues such as untidy properties, had reduced with the loss of selective licensing resources, and that there had been limited continuation of work to preserve earlier improvements.

The Chair reminded members that the selective licensing policy had previously been considered by scrutiny on multiple occasions, with opportunities for member input and recommendations. It was noted that, while past decisions could not be revisited, the focus was now on building on improvements and extending progress across the borough.

In response, the Service Director, Community Safety and Street Scene emphasised that the council retains powers under the Housing Act in areas without selective licensing, and that work should continue with ward members to ensure awareness and use of available services. It was noted that recent investment included a new private sector housing manager role, with responsibilities both for selective licensing and for broader regulation of the private rented sector. It was also highlighted that forthcoming changes, including the implementation of the Renters Reform Act, would further shape this work. Ongoing engagement with ward members was encouraged to address local concerns and improve service access.

Councillor McKiernan began by seeking clarification on what a draft licence was. In response, it was explained that a draft licence was a preliminary version of the licence setting out expected requirements for the landlord, which may be issued while final internal checks are still being completed.

The member went on to ask about how a draft licence progressed to a full licence, expressing concern about the terminology and process given the expected volume. In response, it was explained that a draft licence was effectively a provisional or conditional version outlining the proposed terms. Once all required checks were completed and the council was satisfied, a final licence was then issued.

In a follow-up question, Councillor McKiernan asked whether lower uptake had been due to previous licence holders not yet renewing, and how landlords were identified where properties were known to be tenanted. In response, it was explained that uptake had typically been higher in areas with prior schemes, though figures remained unreliable until the end of the 90-day grace period, when applications usually increased.

The Service Director, Community Safety and Street Scene further outlined that landlord identification was informed by various sources, including council tax data, complaints, and cross-departmental intelligence, alongside efforts to encourage tenants and landlords to come forward.

The Service Director also highlighted that addressing compliance gaps and delivering the scheme required collaboration across council services, including neighbourhoods, enforcement, waste, and housing teams, as well as external partners such as the police, particularly in tackling issues such as anti-social behaviour and supporting homelessness prevention.

Councillor McKiernan asked which departments were expected to be most involved in delivery, noting the roles of housing officers and neighbourhood teams, and queried how coordination would be managed across multiple council services.

In response, it was stated that this approach was not unusual and reflected existing ways of working in local areas. Ward meetings and neighbourhood teams were identified as primary points of contact and key stakeholders in delivery. It was explained that these sat within wider area-based structures where teams already worked collaboratively to address issues, providing a foundation for joint working. Stakeholder panels were also highlighted as an important forum for coordination, alongside governance through the Selective Licensing Board, which ensured senior officer oversight and addressed any challenges in joint working.

Councillor Blackham emphasised the importance of effective engagement with stakeholder groups, noting that meaningful involvement and genuine influence were essential to sustain participation. It was highlighted that, without this, landlords and other participants may disengage due to time constraints. It was further stressed that maintaining strong relationships with stakeholder groups, actively considering their input, and ensuring it informed decision-making at a management level were critical to the success of the approach, as failure to do so could result in reduced participation. In response the Service Director agreed with the point, emphasising that stakeholder panels needed a clear role and the ability to meaningfully shape the approach at a local level.

Councillor Yasseen asked for further detail on the capital funding allocation, including how the figures had been determined and the criteria for distribution across the six areas. In response, it was explained that the figures had been based on estimated costs of small-scale interventions in each area, informed by previous activity, though these would be refined as proposals were developed. It was noted that funding was intended to be broadly distributed across the selective licensing areas, with some flexibility depending on the scale and impact of identified schemes. It was also highlighted that stakeholder groups would play a key role in shaping proposals, while overall allocation would be subject to a scheme-wide view and governed through the council’s formal capital governance processes.

With the final question, Councillor Yasseen raised concerns about the capital budget, querying how it had been determined and how it would be allocated. Concern was expressed that funding might be disproportionately directed towards crime prevention measures, particularly CCTV, which was not considered effective, and that this could duplicate work of the police. It was also suggested that the funding could have been better aligned with broader neighbourhood planning rather than linked to selective licensing, and that its use would be monitored closely.

The Service Director, Community Safety and Street Scene confirmed that CCTV systems were actively monitored and had been used successfully to support prosecutions, with further information available to members if required. It was clarified that significant investment had already been made in CCTV in recent years and that the current funding was not intended to be focused solely on this area. It was also emphasised that the council has statutory responsibilities for crime prevention, making such investment appropriate. Finally, it was noted that the additional funding had been introduced in response to consultation feedback, to deliver wider visible improvements alongside selective licensing schemes.

Resolved: That the Overview and Scrutiny Management Board supported the recommendations that Cabinet:

1. Note the report and progress to date.
2. Approve the approach to the community liaison roles and stakeholder panels.
3. Approve the approach to establishing the capital programme, with stakeholder groups identifying local priorities and delegate agreement for the final governance arrangement to the Executive Director of Regeneration and Environment in consultation with the Cabinet Member for Housing and Service Director for Legal Services.

Additional recommendations to Cabinet from OSMB were that:

4. That officers set out a clear escalation plan where licence application rates fall below expectations and provide the relevant Scrutiny Commission with regular updates on licence uptake, enforcement activity, and any risks to the effectiveness of the scheme.
5. Ensure that communications requesting nominations for the Stakeholder Groups clearly indicate that applicants who require reasonable adjustments will be duly considered.

Further actions that arose from discussions were that:

- Provide an outline of the role of the stakeholder panels to members of OSMB.

146. ROTHERHAM MARKETS AND LIBRARIES

At the Chair’s invitation the Cabinet Member for Transport, Jobs and the Local Economy, Councillor Williams reported that a cabinet report relating to the Wath Library and Town Centre Markets and Library regeneration projects would be presented the following week, setting out revised budgets and additional funding requirements.

Significant concern and frustration were expressed regarding the need for additional funding, particularly for the Town Centre Markets and Library project, which had previously required further funding. It was noted that the Wath Library project required an additional £2 million (bringing the total to just over £12 million), and the Town Centre scheme required an additional £5.95 million (bringing the total to just over £46 million).

Assurance was provided that the additional funding would not require new borrowing but would be met through existing regeneration budgets and unallocated funds, including the capital programme contingency established to address cost pressures such as inflation.

It was acknowledged that the report set out, in a transparent manner, the issues contributing to cost increases. For Wath Library, a significant proportion of the additional cost was attributed to the discovery of asbestos. For the Town Centre project, a range of issues relating to design, cost management, and governance were identified.

It was confirmed that a review would be commissioned to examine the Town Centre project in detail, with a view to understanding what had gone wrong. It was also emphasised that lessons learned would inform future capital projects to prevent similar issues. Finally, it was indicated that a further report on the outcomes of the review and lessons learned would be brought back to the committee.

The Chair invited members of the Overview and Scrutiny Management Board (OSMB) to raise questions and queries and began by asking whether an asbestos register had been in place for the Wath building and whether this should have identified the extent of asbestos and the associated removal costs.
In response, Simon Moss, the Service Director, Planning, Regeneration and Transport explained that assumptions had been made based on surveys undertaken to estimate the level of asbestos. However, it was noted that the full extent often only became apparent once intrusive works and more detailed surveys were carried out, which had been the case in this instance.

In the supplementary question the Chair sought assurance on health and safety grounds, stating that an asbestos register should have been in place to identify the presence of asbestos in the building and inform any required works. The Service Director, Property and Facilities Services, Kevin Fisher, confirmed that asbestos management requirements were in place, noting that all buildings should have an asbestos survey and a health and safety file containing an asbestos management plan. It was explained that buildings constructed before 2001 were generally assumed to contain asbestos, and management approaches were based on this assumption.

It was further clarified that fully invasive surveys were not normally undertaken unless necessary, with asbestos instead managed based on available information. In this case, while asbestos had been anticipated, the extent was greater than initially expected.

It was also highlighted that the council had committed to reassessing its estate, with approximately 90% compliance achieved to date. Although compliant from an asbestos management perspective, it was acknowledged that a more robust approach to asbestos management would be pursued going forward.

The Chair expressed concern that, given the significant additional costs encountered at Wath, similar issues could arise in other older buildings, particularly those constructed in the 1960s and 1970s where asbestos was more likely to be present. It was suggested that a clear plan should be developed to assume higher levels of asbestos in such properties and ensure its safe removal. In response the Service Director, Property and Facilities Services agreed and added that, without pre-empting the forthcoming investigation, a more thorough asbestos assessment should have been undertaken once the building became vacant. It was acknowledged that the project proceeded on assumptions rather than a full investigation, and agreement was expressed that a more robust approach was needed in future.

Councillor McKiernan referred to previous investment in additional resources to address cost underestimation in regeneration projects, noting this indicated prior awareness of such issues. It was queried whether an investigation was necessary given this existing knowledge, and whether the plans in question had been developed prior to those resources being in place.

The Service Director, Planning, Regeneration and Transport explained that there had been a significant period of growth in regeneration and related teams, alongside lessons learned and improvements in resourcing and project delivery. This included the introduction of additional project management capacity, increased quantity surveying resources, and external cost control support. It was noted that the project had a longer development history, originating from a 2019 funding bid, with the main contract entered into in March 2024. It was therefore likely that the additional resources introduced in more recent years came after key decisions had been made, limiting their ability to address some of the fundamental issues within the project.

The Executive Director of Corporate Services, Judith Badger, reminded members that, in recent years, internal audit work had been commissioned on capital projects following a number of overspends. This review, which examined a sample of schemes across different service areas and scales, identified causes of cost overruns and informed subsequent improvements, including additional resourcing and the creation of a capital programme contingency.

It was noted that the issues referenced were likely those highlighted in that earlier audit work. However, it was explained that the schemes discussed in the report pre-dated those findings and changes, meaning there remained a risk associated with longer-standing, more complex projects. It was also acknowledged that the forthcoming review would identify the specific issues relating to the projects in question.

Councillor McKiernan asked whether the proposed review should be conducted externally rather than internally. In response, the Chief Executive, John Edwards, stated that the process had not yet been finalised ahead of Cabinet, but it was anticipated that the investigation would be undertaken by an external party, subject to further consultation.

Councillor A Carter expressed concern regarding the high costs of the Wath Library and Town Centre Markets and Library projects, questioning their value relative to other priorities. Concerns were raised about delays in tendering and prolonged contract periods, noting previous assurances that processes had improved. It was questioned what assurances could be provided to prevent further cost increases, and whether continuing to fund the projects represented value for money. In response, the Chair acknowledged the concerns raised but emphasised that, once projects had commenced, there was an expectation to complete them. It was noted that halting the Wath Library project could lead to dissatisfaction among residents. However, agreement was expressed on the importance of ensuring robust tendering processes at the outset of future projects.

Councillor Yasseen acknowledged the comments made but expressed concern that the issues represented a significant governance failure, including at the early stages of the project. It was noted that key decisions, including contract award, appeared to have been based on assumptions and insufficient design information, with risk not effectively managed. Concern was raised that this reflected past failures in governance, particularly in relation to risk exposure and long-term commitments, and that lessons from previous experiences had not been fully applied. While support was expressed for an independent review, it was queried how assurance could be provided that similar issues were not occurring across other projects, and what immediate steps were being taken to minimise risk going forward.

The Executive Director of Corporate Services outlined that there had been a number of historical issues, including compliance concerns across council buildings. It was noted that significant improvements had since been made in property management, processes, and record-keeping, with compliance levels having increased. It was emphasised that, while these improvements related primarily to general property management rather than large capital projects, stronger processes and oversight were now in place. It was acknowledged that some issues related to long-standing projects stemmed from earlier decisions, and these were being identified as projects progressed under improved arrangements. Assurance was provided that, although risks could not be entirely eliminated, current processes were more robust, supported by service restructuring and better alignment of resources to strengthen oversight and delivery.

The Chief Executive added that there was little to add to the previous comments, noting that a Capital Project Board had recently been established to provide oversight of the full programme and support a more open and transparent approach. It was acknowledged that, while the council had skilled staff, stronger culture and processes were required to ensure major projects were delivered effectively, on time, and within budget. It was emphasised that the forthcoming investigation would support learning and improvement, alongside wider work to strengthen project management, clarify responsibilities, and ensure the necessary skills and processes were in place from project inception through to delivery.

The Service Director, Planning, Regeneration and Transport agreed with previous comments and noted that significant improvements had been made in recent years to capital project and programme management. These included the introduction of project gateway processes, improved contractual and procurement approaches, and greater alignment of responsibility between project managers and sponsors. It was acknowledged that, for this particular project, some challenges had been inherent from the outset. While subsequent improvements had helped to identify and mitigate issues, they had not been able to fully resolve them. Assurance was provided that lessons learned had been applied to other projects, which were now being delivered successfully across the borough.

The Cabinet Member for Transport, Jobs and the Local Economy agreed with the concerns raised regarding governance and assurance, noting these had been key issues. However, it was emphasised that it was not appropriate at this stage to attribute accountability to individuals. It was stated that the priority had been to ensure transparency through a clear and direct report, followed by an independent investigation to establish findings and conclusions. It was confirmed that a further report setting out the outcomes and lessons learned would be brought back to the board. The Chair added that the findings of the external review should be reported back to the board in due course.

Councillor Yasseen expressed appreciation for the discussion but stated they did not feel fully assured at this stage, while welcoming the forthcoming investigation and the transparency of the process. Concern was raised regarding organisational culture, particularly around values, behaviours, and the level of professional scrutiny applied. It was questioned whether sufficient challenge was being exercised by both officers and Cabinet, and whether relationships may have become too close, potentially limiting effective oversight. It was noted that this perception could also be shared by residents.

In response, the Chair acknowledged the concerns but emphasised that it would be inappropriate to criticise individuals prior to the outcome of the independent review. It was reiterated that the report had been brought forward to ensure openness and transparency, and that conclusions should be considered once the investigation findings were available.

Councillor Allen expressed agreement with concerns raised, thanked the Cabinet Member for the transparent approach, and acknowledged the need to support the recommendations to ensure the safe completion of the projects.

Support was also given for an external review. It was further asked whether there was an anticipated timescale for completion of the review following the Cabinet decision, and when the findings would be reported back to the board.

The Chief Executive stated that no fixed deadline had yet been set for the review. It was explained that commissioning arrangements were still being determined in consultation with the Cabinet Member, and that an appropriate independent provider would need to be appointed. An indicative timeframe of a small number of months was suggested, though it was emphasised that flexibility would be retained to ensure the investigation could be completed fully and thoroughly. It was noted that timelines could vary depending on the chosen approach, and that the intention was to report back promptly once the investigation had concluded appropriately.

Following up Councillor Allen reiterated concerns regarding organisational culture and the need to identify and implement lessons quickly to avoid impacts on other projects. While welcoming the proposed review, it was emphasised that findings should be delivered as soon as possible to ensure any improvements could be applied promptly across similar schemes. The Chief Executive agreed with the point, noting that improvements to processes, project documentation, management arrangements, and governance oversight had already been implemented. It was acknowledged that the project in question had been ongoing for some time, but it was emphasised that there was a shared interest in progressing the investigation promptly. It was also stressed that, while timeliness was important, the review should not be rushed, and a definitive timescale would be confirmed once the scope and approach had been agreed with an appropriate independent provider.

Councillor Brent thanked the Cabinet Member for the transparency shown and raised concerns about the wider decline of Wath town centre, noting reduced commercial activity and vacant premises. It was suggested that this posed a risk to attracting commercial tenants within the regeneration scheme and that this should be considered as part of the review. In response, the Chair acknowledged the concerns but emphasised that discussion should remain focused on the report, specifically the additional expenditure for the library projects. It was noted that broader town centre regeneration issues could be addressed separately. Councillor Brent clarified that the point related directly to risks identified in the report, particularly around attracting commercial interest, and reiterated concerns about investing in the scheme given the area’s current economic challenges. The Chair concluded by noting it was believed that there remained strong local demand for the library and that it continued to be used by residents.

The Cabinet Member for Transport, Jobs and the Local Economy thanked the member for their contribution and acknowledged the concerns raised, noting familiarity with the issues affecting Wath. It was recognised that town centres were facing wider challenges.

It was clarified that the proposed review related specifically to the Town Centre Markets and Library project, not the Wath Library scheme. The Wath project was described as a positive proposal, delivering a modern, purpose-built library alongside wider community facilities, commercial space, and public realm improvements. It was noted that local feedback indicated support for the scheme and a desire to see it completed. It was also highlighted that the council was taking broader action to support town centres, including the introduction of high street support officers, dedicated funding for local initiatives, enhanced street services, and the continuation of grant schemes to support local businesses. Despite ongoing pressures, these measures were presented as part of a wider commitment to supporting high streets.

Councillor Monk referred to risks relating to unmet trader expectations and potential reputational damage, noting recent media coverage suggesting some traders had already lost confidence in the project. It was asked what engagement and support was being provided to those affected to rebuild trust and encourage their return once the development was complete, ensuring continued activity within the building.

The Service Director, Planning, Regeneration and Transport emphasised that traders were central to the success of the scheme and that significant efforts had been made to maintain their engagement. It was noted that the provision of a temporary market had been introduced in response to trader concerns, allowing them to remain on site during the works. It was further outlined that measures had been taken to mitigate disruption, including a 50% rent concession, a commitment that traders would not pay more than their current rates during the temporary period, a reduction in the closure period to one week, and an extension of the rent-free period to three months. It was also highlighted that a new market team had been introduced, bringing renewed focus and improved communication with traders. While acknowledging that disruption and concerns remained for some, it was considered that engagement had strengthened and that the relationship with traders was in a more positive position.

In a supplementary question, Councillor Monk asked whether there were plans in place to promote the new facility upon opening, including potential launch activities to attract visitors and support traders following a prolonged period of disruption. In response, it was explained that the indoor market was due to relocate to a temporary site in the new market hall in summer, with an indicative date of June, subject to confirmation with the construction programme. Traders would be kept informed as soon as dates were finalised. It was further stated that plans were in place to promote the new offer and generate interest. It was acknowledged that, despite current challenges, the development was expected to provide a positive boost to the town centre, with investment anticipated to increase footfall and support a more vibrant local economy.

Councillor Baggaley asked what the reallocated funding would prevent from being delivered and whether any schemes were at risk. It was confirmed that the project would still deliver its core scope and outputs, including the new library, market hall, refurbished indoor market, and public realm. While cost pressures had required value engineering, potentially limiting investment in some areas, no other projects were delayed or impacted, as additional costs were met from the Council's capital contingency.

Rob Mahon, the Service Director, Financial Services explained that unallocated Town Centre Investment funding originated from borrowing approved at the outset of the programme, with remaining resources reflecting success in securing external grant funding. The Capital Contingency Fund, introduced in 2022–23 due to the scale of the capital programme and anticipated economic and inflationary pressures, had been maintained and increased through savings and additional funding. While the use of this contingency represented an opportunity cost, it had been intended for such circumstances and no wider programme impacts were identified.

Following up on the original question, Councillor Baggaley suggested that the report also be referred to the Audit Committee to consider wider issues beyond capital funding, including governance, health and safety, and overall funding arrangements. Consideration was given to whether this could be undertaken jointly with the Overview and Scrutiny Management Board or as a separate review, subject to further advice.

Councillor Blackham emphasised that the report should both identify the causes of issues and set out how processes could be improved going forward. Reference was made to seeking external professional advice to inform more robust project management arrangements, which may have implications for organisational structures. The importance of establishing accurate cost estimates at the outset of projects was highlighted, along with the need for assurance on current forecasts and future projections. Concerns were raised regarding the delivery and momentum of capital projects, and it was noted that a clearer focus and stronger processes were required to ensure projects are delivered as intended and provide confidence in cost and outcomes.

The Chief Executive clarified that two separate pieces of work were being undertaken: a project-specific investigation for the Town Centre Markets and Library regeneration project to understand what had occurred, and a broader review of end-to-end processes for major capital regeneration projects. The latter would focus on identifying improvements and embedding best practice, potentially with input from an independent external organisation, to strengthen future delivery.

Councillor McKiernan queried what schemes or proposals might no longer be funded as a result of utilising unallocated Town Centre Investment Fund resources. Concern was expressed regarding the availability of this funding and whether its use for the current scheme would limit other planned or potential projects.

In response the Service Director, Financial Services explained that the surplus within the Town Centre Investment Fund reflected success in securing external funding and delivering some schemes below anticipated costs. As the funding relates to corporate borrowing, it had been retained unallocated until required, avoiding unnecessary borrowing costs. It was noted that clarification on any schemes not delivered as originally planned would be provided by the relevant service lead.

It was confirmed that no funding was formally earmarked against the unallocated resources. While there remained potential for further investment opportunities, most projects identified within the 2017 town centre masterplan had either been delivered or were in progress, with only one scheme not taken forward. It was noted that a new masterplan for the town centre was being developed from which future projects and funding priorities would be identified.

Thanks were expressed by the Cabinet Member for Transport, Jobs and the Local Economy for members' contributions and questions. The situation was acknowledged as disappointing and frustrating. It was emphasised that lessons would be learned, particularly in relation to the markets and library project, with a review commissioned and supported. A clear commitment was made to improving the delivery of capital projects in the future.

A commitment was reiterated by the Chief Executive to commission an independent investigation into the Town Centre Markets and Library regeneration project, alongside a separate independent review to identify best practice for the delivery of major capital projects going forward. It was noted that findings from both would be reported back for consideration. Ongoing work to strengthen governance and project management arrangements for current projects was also highlighted, with a continued organisational focus on improving delivery.

Resolved: That the Overview and Scrutiny Management Board supported the recommendations that Cabinet:

1. Approves the revised budget of £12.02m for the Wath Library scheme, including an increase of £2.04m to be funded from unallocated Local Regeneration Grant, as set out in Appendix 1.
2. Approves the revised budget for the Rotherham Markets & Library scheme, increasing the total project budget to £46.84m, representing an additional £5.95m, funded as set out in Appendix 5.
3. Notes that the revised budgets reflect the completion of the detailed design, resolution of construction stage risks and the establishment of a more robust and deliverable position for both

projects.

4. Notes the intention of the Chief Executive to commission an investigation into the development and delivery of the Rotherham Markets & Library project which has resulted in the cost increase noted in Recommendation 2.

Additional recommendations to Cabinet from OSMB were that:

5. That future capital monitoring reports include a clear narrative for the Rotherham Markets & Library scheme explaining how key risks have changed, how contingency has been used, any new cost pressures, and the actions taken to manage them, so Cabinet and Scrutiny can see whether the project was genuinely stabilising.
6. Requests that the Chief Executive's investigation into the development and delivery of the Rotherham Markets & Library project, focusing on causes of cost increases be conducted by an independent external organisation and the findings be presented to OSMB at the appropriate point.
7. Notes that the Chief Executive has commissioned a separate independent end-to-end review of the capital project processes with a focus on large-scale development projects with a view to identifying learning and developing recommendations on how to embed best practice going forward and that the findings be presented to OSMB at the appropriate point.

Further actions that arose from discussions were that:

- That OSMB asks the Audit Committee to consider a review into the capital programme, focusing on risk management, health and safety, project oversight, and value for money, and exploring the potential impact of organisational behaviour and culture to directly address concerns raised around perceived lack of professional challenge.

147. ROTHERCARE - UPDATE REPORT

At the Chair's invitation the Cabinet Member for Adult Social Care and Health, Councillor Baker-Rogers introduced the report, providing an update on the first year of the reconfigured service and outlining progress and future development plans. It was noted that, since implementation in April 2025, the service had operated within its financial envelope while supporting over 8,000 individuals across more than 6,000 households. Activity levels were highlighted, including over 2,000 new referrals, significant volumes of alarm alerts, and associated responses. The successful transition from analogue to digital systems ahead of the national deadline was also noted, with no disruption to service users. Members were asked to receive the report, note progress, and support ongoing periodic reviews to ensure the service remains effective and customer focused.

The Executive Director, Adult Care, Housing and Public Health, Ian Spicer, noted that, following earlier concerns when the hybrid delivery model was introduced, the update provided assurance on service performance and future demand. Since implementation, the service had seen an increase of approximately 600 households, reflecting both demand and the positive impact of the new approach. The hybrid model was reported to be operating effectively, with partnership arrangements supporting both technical provision and response services. Reassurance was given that the service was functioning well under the revised model.

Councillor Yasseen expressed positive feedback on the strengths of the service and its impact on residents, noting the high level of activity delivered by a relatively small team. They also raised a query regarding the recent price increase and whether this had led to any service users discontinuing the service due to affordability. In response the Executive Director acknowledged that concerns had existed regarding pricing changes and the decoupling of the service from tenancy arrangements. It was reported that only a very small number of individuals had chosen to discontinue the service, and no significant drop-off in usage had been observed. On the contrary, usage had increased. It was confirmed that no individuals had been unable to access the service due to financial constraints, as support mechanisms were in place to ensure continued access where needed.

Jayne Metcalfe, Head of Service Access & Prevention reported that the service had continued to see growth in new users and that the increase in charges had not significantly deterred uptake. While growth had been modest, it had remained positive, and the service continued to be well received by users despite pricing changes.

A follow-up query was raised regarding whether the decoupling of the service from tenancy arrangements had been fully implemented, with specific reference to whether this applied to locations such as Shaftesbury House. It was confirmed that the service had been fully decoupled from tenancy agreements across all settings. This was welcomed by Councillor Yasseen as a significant outcome, recognising the importance of personal choice in accessing the service, while noting that appropriate advice would still be provided where the service was considered beneficial.

In a further question Councillor Yasseen provided positive feedback on the service, recognising its strong reputation among users. They suggested that the report could place greater emphasis on the preventative benefits of the service, including its role in avoiding hospital admissions and more serious interventions. They also recommended that prevention-related outcomes and key performance indicators be more clearly evidenced and documented to better demonstrate the value and impact of the service. Agreement was expressed by the Executive Director that the service delivered preventative benefits; however, it was noted that evidencing this impact through measurable data was challenging. While qualitative evidence, including case studies and user feedback, demonstrated significant positive outcomes and reassurance for users and carers, the availability of quantifiable data to directly measure prevention remained limited.

The Chair raised a query regarding the medium and long-term financial viability of the service beyond 2026–27, and whether it would remain sustainable if demand continued to grow. In response it was explained that initial modelling included a two to three-year programme of agreed price increases, after which the position would be reviewed. The aim was for the service to become self-funding, with current growth supporting this trajectory. It was noted that further decisions on future charging and long-term sustainability would be brought forward following a review of the service's position.

A query was raised, by the Chair, regarding the contingency arrangements in place with technology partners, specifically what would occur if a provider exited the market or service delivery was disrupted.

The Executive Director, Adult Care, Housing and Public Health noted that, following the failure of a national provider, contingency arrangements had previously been implemented successfully without impact on the service. In such circumstances, the service had the capacity to deliver elements in-house on a temporary basis to ensure continuity. It was acknowledged that the market is limited, with only a small number of national providers, and that this presents a wider regional and national risk. Ongoing monitoring of provider performance and financial sustainability was therefore in place.

In a follow up question, the Chair expressed concern regarding the limited number of providers in the market and the potential risk that this could lead to increased costs due to a lack of alternative options. It was acknowledged that the limited number of providers in the market presented a concern, which was recognised at a national level. Assurance was given that contingency plans were in place to maintain service continuity if required, and that contracts were kept under review, with alternative arrangements to be considered should risks become unacceptable.

A query was raised by Councillor McKiernan regarding whether there had been any significant service outages or failures involving the technology partner. In addition, it was asked whether the partner was considering the use of artificial intelligence and whether this would present an acceptable or unacceptable risk to the Council. In response, it was noted that no digital system was entirely fail-proof and that occasional issues arose, typically relating to wider network connectivity rather than the equipment itself. Robust alert and response processes were in place to manage such incidents, ensuring users and families were informed and supported, with the ability to undertake remote and direct testing where required.

In relation to technological developments, it was highlighted that partnership arrangements supported access to ongoing innovation, enabling improvements to the service offer. It was acknowledged that emerging technologies, including learning-based systems, formed part of this development and would be assessed as they evolved to ensure any associated risks remained acceptable.

Resolved: That the Overview and Scrutiny Management Board:

1. That members note the Rothercare update report and associated development plans.
2. That members note the intention to undertake periodical reviews of the service to ensure it remains fit for purpose and customer focused, as part of its continuous service improvement journey.

148. WORK PROGRAMME 2025-2026

The Governance Manager provided an update on the work programme.

Following the Council meeting at which the motion on lighting columns was agreed, a joint scrutiny review had been established, chaired by Councillor Steele and involving members from OSMB and the Improving Places Select Commission. An initial scoping meeting had taken place, identifying key lines of enquiry and information requirements from officers. It was noted that a survey of parish councils would be undertaken to gather their views. The next meeting was scheduled for 3 June, and the initial meeting was reported to have been positive.

Resolved: That the Work Programme be approved.

149. WORK IN PROGRESS - SELECT COMMISSIONS

Update from Health Select Commission:

This update was noted as presented within the agenda pack.

Update from Improving Lives Select Commission:

Members were advised that updates from the Corporate Parenting Partnership Board had been received and welcomed, including positive feedback. The annual report was considered in detail, with clarification sought on a range of issues, resulting in additional recommendations relating to placement data and national work to address stigma surrounding children in care and care leavers.

The Child Exploitation Strategy update was also scrutinised, with assurance sought on delivery of its priorities. Further recommendations were made regarding work in primary education, information sharing on risks linked to unlicensed premises, and support for non-traditional partners to identify and respond to exploitation.

Members also attended a Children and Young People’s Partnership Board session to scrutinise the Children’s Strategy, where young people presented their priorities. The session was positively received, and suggestions were made to strengthen the strategy ahead of Cabinet consideration.

An update was also provided on the Children's Capital of Culture Impact and Legacy workshop, where members reviewed interim evaluation findings and participated in discussions to inform future delivery. Overall, it was noted to have been a productive period of activity.

Update from Improving Places Select Commission:

It was confirmed that the report accurately reflected activity. It was further noted that the Local Nature Recovery Strategy had been successfully brought forward for scrutiny, with satisfaction expressed at its progress and inclusion despite earlier challenges.

150. FORWARD PLAN OF KEY DECISIONS

A list of items scheduled for Cabinet consideration in June was outlined, including property transactions, the financial update, health and safety policy, the Local Nature Recovery Strategy, Renters' Rights Act fees and charges, draft street trading policy, the Care Quality Commission assessment outcome, responses to scrutiny recommendations, business rates relief applications, and appointments to outside bodies.

It was suggested that the financial update, Renters' Rights Act fees and charges, and the draft street trading policy may warrant scrutiny, with members invited to provide their views.

It was clarified that the items listed were those scheduled to be presented to Cabinet, rather than those currently included on the work programme. It was explained that the existing work programme covered the 2025–26 municipal year and concluded at the current meeting. Following the Annual General Meeting, a new work programme for 2026–27 would be developed and published, with no items currently scheduled for June. It was agreed that the three identified items would be included on the agenda.

Resolved: That the Overview and Scrutiny Management Board:

1. Agreed that the following items would be added to the June agenda as part of OSMB's pre-decision scrutiny work:
    - Finance Update June 2026
    - Renters Rights Act Fees and Charges
    - Draft Street Trading Policy

151. SOUTH YORKSHIRE MAYORAL COMBINED AUTHORITY OVERVIEW AND SCRUTINY COMMITTEE

The Chair noted that no meetings had taken place since the last update. However, further meetings had been scheduled for early June and July, including joint sessions for newly appointed members.

152. CALL-IN ISSUES

There were no call-in issues.

153. URGENT BUSINESS

There were no urgent items however the Chair placed his thanks on record to outgoing members for their contributions, with particular appreciation expressed for their work over recent years. It was noted that there would be a new committee membership for the forthcoming municipal year, and best wishes were extended to future members.

Members were reminded that meetings were scheduled for three hours to allow thorough scrutiny. The date and time of the next meeting were confirmed as Wednesday 3 June 2026 at 10:00am. The meeting was then closed.

Agenda Item 6

Public Report
Cabinet

Committee Name and Date of Committee Meeting
Cabinet – 08 June 2026

Report Title
Renters' Rights Act Policy Consultation

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

Executive Director Approving Submission of the Report
Andrew Bramidge, Executive Director of Regeneration and Environment

Report Author(s)
Lewis Coates / Chris Stone 01709 823118 or lewis.coates@rotherham.gov.uk /chris.stone@rotherham.gov.uk

Ward(s) Affected
Borough-Wide

Report Summary
The Renters' Rights Act 2025 ["the Act"], and associated Statutory Guidance, introduces significant changes to Local Housing Authority enforcement powers, including expanded civil penalties, statutory "starting points" for financial penalties, and a range of new investigatory powers. The Act has not been included within the 'Legislative and Regulatory Reform (Regulatory Functions) Order 2007' and therefore is outside of the scope of the Regulator's Code and the principles of good regulation which are outlined within the Council's General Enforcement Policy.

This report seeks approval to consult on a Private Sector Housing Enforcement Policy to sit alongside the Council's General Enforcement Policy and a Civil Penalty Calculation Mechanism, for delivering Civil penalties under the Renters' Rights Act 2025 and other relevant legislation. This is necessary to comply with national legislation and guidance, delivering a transparent process for applying Civil Penalties across a range of housing legislation. It offers a consistent approach with other local authorities in the region and provides an option to tailor the financial impact of the legislation to the local housing market.

The proposed Private Sector Housing Enforcement Policy, along with the Civil Penalty Calculation Mechanism, consolidates housing enforcement tools, including those outside the national Regulator's Code, ensuring consistency, proportionality, and compliance with the legislation which will not disproportionally impact the local private rented sector.

Recommendations

That Cabinet:

1. Approve consultation on the draft:

   a. Private Sector Housing Enforcement Policy, derived from the Association of Chief Environmental Health Officers (ACEHO) National Model Enforcement Policy; and

   b. Civil Penalty Calculation Mechanism, including local market adjustment.

2. Note that a future report with the outcome of the consultation and revised policy documents will be presented to Cabinet in November 2026.

List of Appendices Included

Appendix 1	Draft Private Sector Housing Enforcement Policy
Appendix 2	Draft Civil Financial Penalty Calculation Mechanism
Appendix 3	Tables 1 & 2 – The effect of the Statutory Guidance, model policy and local market adjustment on levels of Civil Penalty
Appendix 4	Initial Equalities Screening Assessment
Appendix 5	Carbon and Climate Change Assessment

Background Papers

- Statutory guidance, Civil penalties under the Renters' Rights Act 2025 and other housing legislation Published 13 November 2025
- Part 4 of the Renters' Rights Act 2025
- Guide to the Renters' Rights Act Published 6 November 2025
- Rent repayment orders: guidance for local authorities.

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

Council Approval Required
No

Exempt from the Press and Public
No

Renters' Rights Act Policy Consultation

1. Background

1.1 The Renters' Rights Act 2025, and recent Statutory Guidance (published November 2025), significantly expands enforcement powers, increasing maximum civil penalties from £30,000 to £40,000 and introducing two national penalty tiers (£7,000 and £40,000 maximums). It requires councils to apply penalties in line with statutory starting points and guidance.

1.2 The phased implementation of the Renters' Rights Act 2025 brought several Civil Penalties into legal force on 1 May 2026, with further penalties becoming law over the coming months. These changes necessitate an update to the Council's approach to housing enforcement and the application of Civil Financial Penalties and are the drivers for introducing the draft Policy within this report.

2 Key Issues

2.1 As a result of the new legislation and guidance, there are 6 areas which require inclusion or amendment in relation to the Council's Policy. These are all addressed in the draft Private Sector Housing Enforcement Policy, attached as appendix 1, and the Civil Financial Penalty Calculation Mechanism, attached as appendix 2 and 3 respectively. These are:

- New offences and powers under the Renters' Rights Act 2025.
- Updated civil penalty calculation methodologies.
- Statutory "starting points" for penalty calculations.
- The ACEHO national model enforcement framework.
- Local economic conditions impacting penalty viability.
- Increases in the level of Rent Repayment Orders.

2.2 The proposed Private Sector Housing Enforcement Policy is based on the national model developed by the Association of Chief Environmental Health Officers (ACEHO).

This model aims to:

- Deliver national consistency in housing enforcement.
- Provide a clear, evidence-based decision framework.
- Include enforcement tools outside the Regulator's Code.
- Support robust, proportionate enforcement against non-compliance.
- Protect compliant landlords by ensuring fair, transparent regulation.

The local policy adapts the national model to reflect Rotherham's local context, housing market, and enforcement priorities, ensuring that fine levels are appropriate in the local context. This is further detailed in Appendix 2.

2.3 The Civil Financial Penalty Calculation Mechanism (Appendices 2 & 3) includes:

- *Statutory Starting Points* - Required by the Statutory Guidance.
- *Officer Discretion Range* - ± 20% adjustment for aggravating and mitigating factors.
- *Early Payment Discount* - 15% discount if paid in full within 28 days.
- *Local Market Adjustment* - Rotherham's private rents are significantly below the national average. Using Office for National Statistics (ONS) data, Rotherham's mean rents and the Yorkshire and Humber mean rents are 47.6% & 59.2% respectively of All England rent levels. The fact that Yorkshire and Humber cities are not representative of Rotherham's housing market means that the adoption of Rotherham's mean rent in isolation may offer a slight incentive for non-compliant landlords to operate in Rotherham. Therefore, an amalgamation of the two levels has been made. With the local housing market operating at around 53.4% of All England rent levels, it is proposed that a 46.6% local reduction factor is applied after using the model calculator to ensure penalties remain proportionate and recoverable while still acting as a deterrent. This approach is consistent with other regional authorities and protects the viability of the local private rented sector.
- The ability to vary the range of officer discretion and level of discount in specific cases when circumstances justify unusual treatment. This allows the Council to use the full range of the statutory penalty, at the discretion of the Service Director, Community Safety and Street Scene.

2.4 It is proposed that from 2027/28 the 'Civil Financial Penalty Calculation Mechanism' will be included in the Council's Fees & Charges Schedule, which is part of the annual budget setting report, and be reviewed annually in line with the budget process.

2.5 Appendices 1 and 2 contain the proposed Private Sector Housing Enforcement Policy and the Civil Financial Penalty Calculation Mechanism. Appendix 3 illustrates the effect of the Statutory Starting Points, required by the Statutory Guidance, with and without the proposed market adjustment. The documents provide the details of the proposed changes to the existing Policy and form the basis for the recommended consultation.

2.6 The increased number of potential civil penalty offences and breaches, and the range of potential penalty values which can be issued, mean it is sensible to create a mechanism by which officers can consistently apply penalties.

2.7 The proposed housing specific enforcement policy, and revised approach to the calculation of appropriate civil penalties, seek to ensure legal compliance and consistent, defendable decision-making. This will assist in defending any challenges, which can be made to the First-Tier Tribunal.

2.8 Without a local adjustment factor, penalties calculated strictly from statutory guidance may be disproportionately high, creating an enforcement environment which may force non-criminal landlords from the sector and prove difficult to recover. A local rent-based reduction (46.6%) is therefore proposed to ensure proportionality and fairness while still maintaining deterrence.

2.9 Given the scale of changes in relation to the range of offences, the levels of fines and local adjustments proposed, public consultation is necessary to ensure landlords, tenants, partners, and stakeholders understand how the new framework will operate and have the opportunity to provide views. Feedback will inform the final version of the policy before returning to Cabinet for approval.

3. Options considered and recommended proposal

3.1 **Option A** (do nothing): Retain the existing 2018 Policy for the Use of Civil Penalty and Rent Repayment Orders under the Housing Act 2004 as amended without amendment and rely solely on the Council's General Enforcement Policy to guide all enforcement.

Not recommended: The existing Policies are out of date and do not reference the Renters' Rights Act 2025 provisions. This may leave the Council more vulnerable to challenge at any appeal to the First Tier Tribunal.

3.2 **Option B –** Rely on Statutory Guidance on *Statutory Starting Points* for Civil Penalties without local adaptation.

Not recommended: This would not reflect local rent levels or enforcement context. The likely penalty values will be disproportionate to the local economic situation which may damage the local private rented sector. It may also invite increased numbers of appeals to the First Tier Tribunal.

3.3 **Option C –** Consult on adopting the Private Sector Housing Enforcement Policy and Civil Financial Penalty Calculation Mechanism.

Recommended: The draft revised local policy and civil penalty calculation mechanism are described in Appendices 1 and 2, including a local market reduction of 46.6%.

4. Consultation on proposal

4.1 Cabinet approval is sought to approve consultation on:

- The Draft Private Sector Housing Enforcement Policy.
- The 'Draft Civil Financial Penalty Calculation Mechanism.'

4.2 The consultation will commence in late June 2026 and run for 6 weeks. It will be designed to reach residents, businesses, neighbourhood groups, local charities, faith groups, landlord groups, tenants, owner occupiers and visitors, focused on those impacted by the private rented sector. The approach will concentrate on online and email engagement, utilising the corporate consultation mechanism where possible. Paper-based opportunities will be included.

4.3 The proposed consultation offers the opportunity for the community and relevant businesses to comment on the Council's proposed approach to comply with national legislation, delivering a transparent and robust enforcement process and applying civil penalties across a range of legislation.

4.4 Consultation responses will provide the opportunity to consider any unforeseen adverse impacts on stakeholders and the local housing market, ensuring that the proposed policies do not disproportionally damage the local private rented sector. Responses will inform possible revisions of the proposed policies before they are returned to Cabinet for a final decision.

4.5 It is expected that the response to the consultation, and the final proposed policy, will be presented to Cabinet in November 2026 after full consideration of the responses.

5. Timetable and Accountability for Implementing this Decision

5.1 The responsibility for the implementation of this decision and further review sits with the Head of Community Safety and Regulatory Services.

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 Appendices 1 and 2 set out the proposed fines for each offence under the Local Housing Authority Enforcement Policy and Renters' Rights Act respectively. For each offence, mitigating and aggravating factors can be applied. It is proposed to apply a local discount to these amounts of 46.6% to reflect the fact that rental levels in Rotherham are lower than national averages. In addition, it is proposed to offer a 15% discount for prompt payments within 28 days. This is not required under the law but is a local decision to encourage prompt payment. It is not envisaged that any charging will take place before 1st April 2027. This timing would allow the proposed fee to be considered as part of the annual Budget and Council Tax Report and approved by full Council if agreed.

6.3 The Council has been provided with new burdens funding of £149,453 to assist with the implementation of the new legislation. However, the cost of the drafting of the new policy and consultation will be funded within existing revenue budgets. A plan for how the new burdens funding will be spent will be submitted to the S151 officer for approval, and an update on this provided in the next report to Cabinet.

6.4 It is difficult to predict what the expected income levels would be once these new penalty notices are introduced. Under the legislation, the Council is only allowed to spend any revenue generated on private sector housing enforcement. Therefore, any income generated must be reinvested back into the service and cannot be used elsewhere.

7. Legal Advice and Implications

7.1 The Act introduces significant change in relation to the statutory responsibilities of Local Housing Authorities. These statutory duties come into force on 1 May 2026. Section 107 of the Act places a general duty upon Local Housing Authorities to enforce Landlord Legislation in their area and defines ‘Landlord Legislation’. Enforcement action means the imposition of a financial penalty or instituting prosecution proceedings for an offence.

7.2 Section 110 also introduces a duty to report whereby the Local Housing Authority must report to the Secretary of State on the exercise of its functions under the Landlord Legislation. A report requested under this Section must be provided at such time and in such form as the Secretary of State requires and contain such information as the Secretary of State requires. The purpose is to monitor the effectiveness of Local Housing Authorities when exercising their mandatory enforcement duties.

7.3 In order to ensure compliance with its statutory duties an Enforcement Policy should be adopted and specifically a civil penalty policy/framework should also be adopted. The draft Policy has been developed in collaboration with ACEHO and has been drafted to ensure alignment with the Act and published Statutory Guidance.

7.4 The published Statutory Guidance in relation to civil penalties does state that a transitional period will be required whereby Authorities operate their existing Civil Penalty Policy alongside the new Civil Penalty Policy/Framework. This is because the new Statutory Guidance will only apply to offences committed on or after 1 May 2026 with offences committed before this date to be dealt with in accordance with the Statutory Guidance published in April 2018.

7.5 A Policy setting out a clear mechanism for calculating civil penalties is vital to ensure compliance with the Statutory Guidance, ensure a consistent and transparent approach and in order to ensure that any challenge to a civil penalty by way of an appeal to the First Tier Property Tribunal can be properly defended. In any challenge the Tribunal will review the penalty issued against the application of the Council’s own Policy/framework.

7.6 Option A holds the highest legal risk and would leave the Council open to legal challenge not only in relation to enforcement decisions and action taken but also in relation to demonstrating compliance with statutory requirements which must be reported to the Secretary of State.

7.7 Option B also risks legal challenge in relation to enforcement decision making and leaves the Council vulnerable in terms of any specific challenges to the Tribunal against civil penalties.

7.8 Option C will ensure that the Council’s policies are aligned with legislative requirements and supports lawful and robust enforcement of the Landlord Legislation, which under the Act will be a statutory duty as of 1 May 2026. It also minimises the risk of challenge in relation to enforcement decisions and ensures consistency and transparency. It is important to note, as set out above, that a transitional period will be necessary in relation to the existing policy and any new policy whilst any offences pre-date the commencement date of 1 May 2026. This should be accounted for in any decision.

7.9 There is no statutory consultation period in relation to a Local Housing Enforcement Policy, the recommended consultation period is 6 weeks. One of the key principles for an effective consultation is that adequate time must be given for consideration of the proposal and for consultees to prepare a response. The complexity of the matter subject to the consultation should be considered when determining the length of any consultation, best practice is generally a minimum of 6 weeks.

8. Human Resources Advice and Implications

8.1 There are no direct HR implications arising from the recommendations in this report.

9. Implications for Children and Young People and Vulnerable Adults

9.1 There are no direct adverse implications for children, young people, or vulnerable adults arising from this report. Strengthened enforcement activity and clearer penalty mechanisms support improved housing conditions, which can have a positive impact on vulnerable residents by reducing risks associated with unsafe or poorly maintained private rented homes.

10. Equalities and Human Rights Advice and Implications

10.1 The decision before Cabinet to progress Consultation on the proposed Polices will be conducted within the council's consultation accepted consultation framework and no adverse impacts are anticipated.

10.2 The proposal provides clarity and consistency in the enforcement of private sector housing legislation and the application of civil penalties, supporting transparent and proportionate enforcement.

10.3 An initial equalities screening assessment (Appendix 4) has been completed.

11. Implications for CO2 Emissions and Climate Change

11.1 No carbon impacts or effects on climate adaptation from the proposed consultation on a Local Housing Enforcement Policy and Civil Penalty Calculation Mechanism were identified in the climate impact assessment, at Appendix 5.

11.2 However, having such a policy and mechanism – informed by engagement with local residents, stakeholders, and partners – will support the delivery of better outcomes for climate change and the environment, as well as tenants in private rented properties.

11.3 Changes coming into force on 1 May 2026, introduced by the Renters' Rights Act 2025, will apply the Decent Homes Standard as a legal minimum standard in the private rented housing sector, for the first time. By enforcing the Decent Homes Standard, the Council will enforce a minimum standard of thermal comfort in private rented homes, with benefits for energy efficiency and emissions from domestic heating.

12. Implications for Partners

12.1 There are no direct implications for partners arising from the proposed Consultation.

12.2 Similarly, there are no anticipated impacts for partners from the proposed Local Housing Enforcement Policy or the Civil Financial Penalty Calculation Mechanism. The refreshed policy provides greater clarity, consistency, and transparency in the Council's approach to enforcement, which supports effective joint working with partner agencies when addressing housing-related concerns.

13. Risks and Mitigation

13.1 There is a risk that continuing to use the outdated 2018 Policy for the Use of Civil Penalty and Rent Repayment Orders under the Housing Act 2004 as amended would lead to inconsistent decisions and increase the likelihood of successful First-tier Tribunal appeals. Updating the policy and penalty calculation mechanism mitigates this by ensuring decisions follow a clear, transparent, and legally compliant framework aligned with the Renters' Rights Act 2025.

13.2 A further risk arises from the potential for nationally-set penalty levels to be disproportionate within Rotherham's lower-value rental market. This could make penalties difficult to recover or discourage responsible landlords. This is mitigated through applying a locally-evidenced rent adjustment factor, ensuring penalties remain proportionate while retaining deterrent value.

13.3 There is also a risk of inconsistent practice as officers adjust to the wider range of offences and enforcement tools introduced by the Act. Alignment with the ACEHO national model and provision of officer training mitigates this, supporting consistency, defensibility, and effective implementation of the updated policy.

14. Accountable Officers

14.1 Emma Ellis, Head of Community Safety and Regulatory Services

Approvals obtained on behalf of Statutory Officers: -

	Named Officer	Date
Chief Executive	John Edwards	22/05/26
Executive Director of Corporate Services (S.151 Officer)	Judith Badger	12/05/26
Service Director of Legal Services (Monitoring Officer)	Phil Horsfield	11/05/26

Report Author: Chris Stone, Community Protection Manager
01709 823118 or chris.stone@rotherham.gov.uk

This report is published on the Council's website.

Appendix 1 Consultation – Draft Private Sector Housing Enforcement Policy and Civil Penalty Calculation Mechanism.

Local Housing Authority Enforcement Policy

Contents

Background

This policy sets out the Council's principles for enforcing and executing its duties as a Housing Authority under the relevant statute.

S3 Housing Act 2004 imposes a duty on Councils to keep housing conditions in their district under review with a view to identifying any action that may need to be taken by them.

S107 Renters' Rights Act 2025 imposes a duty on the Council to enforce the Landlord Legislation. The Landlord Legislation is comprised of the following:

- Chapters 3 and 6 of Part 1 of the Renters' Rights Act 2025,
- Part 2 of the Renters' Rights Act 2025,
- Sections 1 and 1A of the Protection from Eviction Act 1977, and
- Chapter 1 of Part 1 of the Housing Act 1988.

S110 Renters' Rights Act 2025 imposes a duty on the Council to report to the Secretary of State on the exercise of its functions under the Landlord Legislation.

In this policy, the term 'landlord' should be read as including letting agents, managing agents, licensors, property owners, directors of corporate landlords and any other person involved in the letting or management of privately rented accommodation.

In this policy, the terms 'House of Multiple Occupation' or 'HMO' are defined by the Housing Act 2004.

Aims of the Policy

The purpose of this enforcement policy is to provide guidance for Housing Authority officers to ensure enforcement action is taken in line with the provisions of the Renters' Rights Act 2025 and mandatory guidance to local authorities. It also provides a clear framework under which housing enforcement can be delivered

The Act and the 'Landlord Legislation' (as defined by S107) sit outside of the Regulators' Code, and its provisions do not apply.

Part 1 of the Housing Act 2004 is also outside of the code's scope.

Notwithstanding this, the following legislation and its enforcement does come within the Legislative and Regulatory Reform (Regulatory Functions) Order 2007 and is therefore within the scope of the Regulators Code and the principles of good regulation:

- Parts 8, 9 and 10 of the Housing Act 1985
- Part 8 of the Housing Act 1996
- Parts 2 to 5 of the Housing Act 2004

This policy document sets out what owners, landlords, their agents or any other person involved in the letting or management of privately rented accommodation, and tenants of private rented sector properties, can expect from officers when dealing with non-compliance.

All enforcement action taken will be in accordance with relevant statutory Codes of Practice, Council procedures and protocols, and official guidance from central and local government bodies.

As a public body under the Human Rights Act 1998, the Council will apply the principles of the European Convention for the Protection of Human Rights and Fundamental Freedoms.

Approach to Enforcement

The Council wants to support responsible landlords to raise housing standards. However, the Council expects landlords to have a good understanding of the housing standards and management issues that should be met in privately rented accommodation.

S5 Housing Act 2004 places a duty on Councils to take appropriate enforcement action where a Category 1 hazard exists.

S7 Housing Act 2004 gives Councils a discretionary duty to take action where a Category 2 hazard exists. The Council will usually take action where a Category 2 hazard exists.

In addition, Council officers will often investigate and identify the need to take enforcement action through a range of routes, including (but not limited to): proactive inspections of dwellings through licensing provisions; in response to a complaint or request for assistance; and referrals from other public bodies.

It is vital that regulatory resource is used consistently and to best effect by ensuring that resources are targeted on addressing the highest risks. The council may employ Intelligence led enforcement, to identify higher risk properties, businesses and individuals to best protect residents. Intelligence and information available from council services, partners and other sources may be used to risk assess and prioritise proactive investigations. The council may focus its enforcement activity on those it reasonably suspects of putting residents at risk, operating outside of the legislation or of committing a breach of, or an offence under, housing legislation or other Statutory provisions relevant to the enforcement of housing legislation.

All investigations will be carried out in accordance with the relevant statutory requirements. The Council will ensure that appropriate governance is in place to ensure that action is taken in accordance with appropriate policies.

The Council may commence enforcement with formal action instead of informal action in the first instance. In deciding whether to do so, the circumstances of the case will be taken into account. Relevant factors may include, but are not limited to:

- Where there is a risk to public health
- Where there is a blatant or deliberate contravention of the law
- Where there is history of non-compliance

The Council will usually take formal action in the first instance if there has been:

- Non-compliance with previous formal or informal action
- Offences in relation to the licensing of HMOs

The Council will take formal enforcement action in the first instance for breaches of the Landlord Legislation.

Investigatory powers

In addition to the Council's informal and formal powers of enforcement, there are investigatory powers relating to the collection of information and relating to the entry of premises including, but not limited to, the powers detailed below.

<u>Power to Investigate</u>

S114 Renters' Rights Act 2025 gives the Council power to issue a notice to a relevant person to require the person to provide specified information to the Council.

This notice may be given to any person with an estate or interest in the land; the licensor; their agents; or a marketer of a property. It may be given in regard to any offence under the following Legislation:

- Sections 1 and 1A of the Protection from Eviction Act 1977;
- Chapter 1 of Part 1 of the Housing Act 1988;
- Section 83(1) or 84(1) of the Enterprise and Regulatory Reform Act 2013;
- Sections 21 to 23 of the Housing and Planning Act 2016;
- Chapter 3 of Part 1 and Part 2 of the Renters' Rights Act 2025.

Failure to comply with a s114 notice is an offence under s131 Renters' Rights Act 2025, as is being obstructive and intentionally or recklessly making false or misleading statements in response to a s.113 notice.

S115 Renters' Rights Act 2025 permits the Council when it reasonably suspects a breach of the Rented Accommodation Legislation to issue a notice to any person requiring them to provide the information specified. This may only be done to investigate whether a breach has occurred under the Rented Accommodation

Legislation, or to determine the amount of a penalty. For the purposes of this section, the Rented Accommodation Legislation means:

- Sections 1 and 1A of the Protection from Eviction Act 1977;
- Chapter 1 of Part 1 of the Housing Act 1988;
- Parts 1 to 4 and 7 of the Housing Act 2004 ;
- Section 83(1) or 84(1) of the Enterprise and Regulatory Reform Act 2013;
- Sections 21 to 23 of the Housing and Planning Act 2016;
- Chapter 3 of Part 1 and Part 2 of the Renters' Rights Act 2025.

Where an individual has not complied with a s115 notice, s116 Renters' Rights Act 2025 enables the Council to make an application to the Court to enforce the provisions of the notice and seek reimbursement for the costs of the application.

S131 Renters' Rights Act provides that, in addition to the offence of non-compliance with a s114 notice, it is an offence for an individual to obstruct a Council officer seeking to exercise their powers without reasonable excuse. It is also an offence to fail to give an officer any additional assistance or information which they reasonably require without reasonable excuse.

S235 Housing Act 2004 allows the Council to issue a notice to relevant individuals, including occupiers, directing them to provide specified documents under their control for the purpose of investigating whether an offence has been committed under Parts 1 to 4 of the Housing Act 2004 or exercising the Council's functions under Parts 1 to 4 of the Housing Act 2004.

S16 Local Government (Miscellaneous Provisions) Act 1976 also permits the Council to issue a notice to an occupier, manager, or individual with an interest in the land to compel them to provide the Council with information on the nature of their interest and the names and addresses of current occupiers and of any others with an interest in the land.

Entry to Premises

S118 Renters' Rights Act 2025 permits Council officers to enter business premises of relevant people (including landlords, letting agents, and marketers) if it is necessary for the production or seizure of documents under s122-s123 Renters' Rights Act 2025. This power will be exercised without a warrant.

S121 Renters' Rights Act 2025 allows a Council officer named in a warrant to enter premises used for a rental sector business which is not mainly accommodation if there are documents on the premises which the officer could require under s122 or seize under s123. In addition, for this power to be exercised, one of the following conditions must be met:

- That access to the premises has been or is likely to be refused, and the Council has provided notice of their intention to apply for a warrant to the occupier;
- Those documents on the premises would likely be concealed or interfered with if notice of entry were to be given;
- That no occupier is present, and waiting for their return might defeat the purpose of the entry.

Following a s118 or s121 Renters' Rights Act 2025 entry, s122 allows an officer at any reasonable time to require a relevant person on the premises to produce any documents relating to the business and to take copies of them. This may only be exercised to ascertain whether there has been a breach of the Rented Accommodation Legislation where an officer reasonably suspects there has been a breach or an offence; or to ascertain whether the documents may be required in evidence for proceedings regarding a breach or offence.

Following a s118 or s121 Renters' Rights Act 2025 entry, s123 authorises Council officers to seize and detain documents that the officer reasonably suspects may be required as evidence in proceedings relating to a breach of, or an offence under, the Rented Accommodation Legislation. When doing so, the officer will provide evidence of the officer's identity and authority if reasonably practicable. The officer will take reasonable steps to inform the person from whom documents have been seized that they have been seized and will provide that person with a written record of what has been taken.

S126 Renters' Rights Act 2025 permits the Council to enter residential premises used for a tenancy at a reasonable time if the officer considers it necessary as part of an investigation into potential offences specified in subsection 1(b). Where required, the Council will give at least 24 hours' notice of this to the occupier and individuals with an interest in the property as per subsection 1(c), detailing in writing why the entry is necessary and the suspected offences. Where there are occupiers found on the premises, the officer will provide evidence of the officer's identity and authority to at least one of the occupiers if reasonably practicable.

In addition, s239 Housing Act 2004 permits Council officers to enter, if necessary and at a reasonable time, a property in order to carry out a survey or examination. This may be done if any one of the following is met:

- to determine if any Part 1-4 enforcement functions should be exercised;
- the premises are part of an Improvement Notice or Prohibition Order;
- a management order is in force under Chapter 1 or 2 of Part 4 on the premises.

In certain circumstance the Council may obtain a warrant to enter, by force if necessary, under s240 Housing Act 2004.

Informal action

Informal action taken by the Council may be written or verbal advice. Additionally, a visit may be made at the outset by Council Officers in cases where the initial complaint or contact indicates that an immediate investigation by a Council officer is warranted.

In cases where officers visit an address, whether this is a result of a landlord's failure to adequately resolve a highlighted issue or as part of an audit or other investigation, written / verbal **advice or training options** may be deemed sufficient should the inspection highlight only very minor deficiencies.

Where written advice is deemed appropriate by the Council and is provided, timescales will normally be included to undertake any specified work or actions.

While the Council will use its discretion on whether to carry out informal action for a Category 2 hazard, it does not need to provide written or verbal advice before commencing formal action.

Formal action

If formal action is considered appropriate, the following options are available to the Council.

Housing Act 2004 Part 1

- issue an Improvement Notice in respect of any Category 1 hazards and any Category 2 hazards on the property. This requires the person to whom it is served to undertake the remedial action specified on the Notice within a given timeframe. The mandated work and the timeframe will be determined by the Council depending on the nature and scale of the work.
- issue a Prohibition Order in respect of any Category 1 hazards and any Category 2 hazards on the property. This prevents occupation of whole or part of the property, or can be used to limit occupant numbers, within a specified time frame.
- issue a Hazard Awareness Notice in respect of any Category 1 hazards and any Category 2 hazards on the property. This makes the owner and occupiers aware of the hazards identified; however, it does not require remedial action. As a result, and because it does not secure risk-reducing works within a specified timeframe, a Hazard Awareness Notice will not usually be the most appropriate course of action where remedial works are necessary to reduce the risk of harm to occupiers or potential occupiers.
- make an Emergency Prohibition Order. This immediately prohibits the use of all or part of a dwelling if there is an imminent risk of serious harm to the health or safety of the occupants or others.

- Where there is a Category 1 hazard present, S40 Housing Act 2004 allows the Council to undertake Emergency Remedial Action on the Category 1 hazard without prior notice.
- The Council also has the power to suspend action taken under Part 1 Housing Act 2004 in situations where it has the power or duty to take enforcement action through the service of an Improvement Notice or Prohibition Order. This will be at the Council’s discretion and will normally be considered for the purpose of minimising inconvenience to the current occupiers.
- Demolition and Clearance are options for both Category One or Category Two hazards.
- S30 Housing Act 2004 provides that failure to comply with an Improvement Notice is a criminal offence, which will normally be followed by prosecution or the issuing of a civil penalty.
- S32 Housing Act 2004 provides that failure to comply with a Prohibition Order is a criminal offence, which will normally be followed by prosecution.
- Other formal notices served by the Council may not relate to the landlord undertaking remedial works but may cover a range of other matters including, but not limited to, exercising a right of entry under s.239 of the Housing Act 2004 and a request to provide information or the need to abate or avoid overcrowding.

<u>Work in default</u>

The enforcement options for non-compliance with formal Notices or breach of licence conditions include the carrying out of works specified in the Notice. This power may be exercised in addition to other enforcement proceedings taken for non-compliance. The Council has no duty to undertake works in default and it will be at its discretion.

<u>Emergency or suspended enforcement action</u>

Where there is a Category 1 hazard present, s43 Housing Act 2004 permits the Council to issue an Emergency Prohibition Order. This immediately prohibits the use of all or part of a dwelling if there is an imminent risk of serious harm to the health or safety of the occupants or others.

S40 Housing Act 2004 allows the Council to undertake Emergency Remedial Action on the Category 1 hazard without prior notice. The Council may then seek reimbursement of costs incurred on the work and the administration of the scheme.

The Council also has the power to suspend action taken under Part 1 Housing Act 2004 in situations where it has the power or duty to take enforcement action through the service of an Improvement Notice or Prohibition Order. This will be at the Council’s discretion and will normally be considered for the purpose of minimising inconvenience to the current occupiers.

Houses in Multiple Occupation (HMO) Licence Conditions

Where a property is occupied as an HMO, depending on the number of households and other factors, it may require a Licence. Conditions can be added to an HMO licence. In addition, all HMO's are required to comply with The Management of Houses in Multiple Occupation (England) Regulations 2006.

Failure to licence where required to or to comply with licence conditions, or to breach the Management Regulations are criminal offences, which may result in prosecution or the issuing of a civil penalty

Selective Licensing.

In areas designated under Section 83 Housing Act 2004 as selective licensing areas all let residential properties, except for those exempt under the legislation, are required to be licensed. Conditions are attached to licenses.

Failure to licence where required to or to comply with licence conditions are criminal offences, which may result in prosecution or the issuing of a civil penalty

Other Legislative alternatives

There may be other legislative alternatives available to remedy deficiencies that cause Category Two hazards which an authority may choose as a more appropriate enforcement approach.

Training

The council may consider offering targeted, compulsory training to fully or partially discharge an offence. This may be offered in parallel with other formal sanctions.

Prosecution

Where a Civil Financial Penalty is an available alternative to prosecution, the Council will only consider using its power to prosecute under Part 1 Housing Act 2004 in more serious cases.

The decision to prosecute will be determined by the evidential strength of the Council's case and the relevant public interest factors set down by the Director of Public Prosecutions in the Code for Crown Prosecutors.

In many circumstances, where an offence is committed by a body corporate, legislation enables local authorities to pursue persons involved with the body corporate in addition to, or instead of, the body corporate. These include company officers and, where applicable, company members.

The Council will determine, on a case-by-case basis, whether to take enforcement action against any person or persons that they consider fall within the scope of this category in addition to prosecuting the body corporate.

Civil Financial Penalties for specified offences

This section relates exclusively to Civil Financial Penalties issued by the Council for breaches of the below housing law.

The Council has the power to impose a Civil Financial Penalty for the following:

- Unlawful eviction and harassment of occupier as defined under the Protection from Eviction Act 1997
- Failure to comply with an Improvement Notice [s30 Housing Act 2004]
- Offences in relation to licensing of Houses in Multiple Occupation (HMOs) [s72 Housing Act 2004]
- Offences in relation to the Selective Licensing of ‘houses’ [s95 Housing Act 2004]
- Failure to comply with an Overcrowding Notice [s139 Housing Act 2004]
- Failure to comply with a management regulation in respect of an HMO [s234 Housing Act 2004]
- Offences in relation to Regulation 3 of the Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020
- Failure to comply with a banning order [s21 Housing and Planning Act 2016]
- Failure to give a written statement of terms under section 16D of the Housing Act 1988
- Failure to give an existing tenant information about changes made by the Renters’ Rights Act under paragraph 7(2) of schedule 6 to the Renters’ Rights Act 2025
- Attempting to let a property for a fixed term under section 16E of the Housing Act 1988
- Attempting to end a tenancy orally or by service of a notice to quit under section 16E of the Housing Act 1988
- Serving an eviction notice that attempts to end a tenancy outside the prescribed section 8 process under section 16E of the Housing Act 1988
- Relying on a ground where the person does not reasonably believe that the landlord is/will be able to obtain possession under section 16E of the Housing Act 1988
- Relying on a ground knowing the landlord would not be able to obtain possession or being reckless as to whether they would under section 16J of the Housing Act 1988
- Failing to provide a tenant with prior notice that a ground which requires it may be used under section 16E of the Housing Act 1988
- Reletting or remarketing a property before expiry of the 12 month no-let period after using the moving and selling grounds under sections 16E and 16J of the Housing Act 1988

- Discriminating against prospective tenants during the letting process on the grounds that those tenants are in receipt of benefits or have children under sections 33 and 34 of the Renters' Rights Act 2025
- Marketing a letting without stating the proposed rent under section 56 of the Renters' Rights Act 2025
- Inviting or encouraging any person to offer to pay an amount of rent under the proposed letting that exceeds the stated rent under section 56 of the Renters' Rights Act 2025
- Accepting an offer from any person to pay an amount of rent under the proposed letting that exceeds the stated rent under section 56 of the Renters' Rights Act 2025

Civil Financial Penalties in respect of these offences operate according to the Council's 'Civil Financial Penalty Calculation Mechanism'

Rent Repayment Orders

A Rent Repayment Order is defined in Section 40(2) of the Housing and Planning Act 2016 as an order requiring the landlord under a tenancy of housing to: (a) Repay an amount of rent paid by a tenant, or (b) Pay a local housing authority an amount in respect of a relevant award of universal credit paid (to any person) in respect of rent under the tenancy. The reference to universal credit or a relevant award of universal credit includes housing benefit under Part 7 of the Social Security Contributions and Benefits Act 1992.

Part 2 of the Housing and Planning Act 2016 permits the Council to seek a Rent Repayment Order at the First Tier Tribunal Property Chamber to require the landlord of the property where the offence(s) has been committed to refund rent to the tenants or the Council. S48 of the Housing and Planning Act 2016 places a duty on the Council to consider applying for Rent Repayment Orders.

The Renters' Rights Act 2025 changes Rent Repayment Orders amending Chapter 4 of the Housing and Planning Act 2016 to enable the First-tier Tribunal to make an RRO against both the immediate landlord (the rent to renter or subletter) and/or any "superior" landlord. it also amends Sections 44 and 45 Housing and Planning Act 2016 to increase the maximum amount that a landlord may have to repay to a tenant or local authority from 12 months' rent to 2 years' rent.

If the offender has already been convicted of the offence, then the amount shall automatically be determined as the maximum, usually 24 months rental income.

If no conviction has been obtained, but the decision has been made to pursue a Rent Repayment Order, the factors 1- 5 below should be considered to determine a sum. The amount of rent to be repaid cannot exceed the amount actually collected.

In determining the level of repayment, the council will apply for, consideration will be given to,

1. Punishment of the offender – the Rent Repayment Order should have a real economic impact on the offender and demonstrate consequences of non-compliance with their responsibilities. Consider the conduct of landlord and tenant, financial circumstances of landlord and whether landlord has previous convictions

2. Deter the offender from repeating the offence – level of Rent Repayment Order must be high enough to deter offender from repeating

3. Dissuade others from committing similar offences – Rent Repayment Order will be in the public domain. Robust and proportionate use is likely to help others comply with their responsibilities.

4. Remove any financial benefits that the offender may have obtained as a result of the offence – landlord should be losing the benefits that he has accrued whilst not complying with their responsibilities

5. Is there any other factor the Council considers should be taken into account.

Where a landlord has been convicted or received a Civil Financial Penalty in respect of the offence, the Tribunal must award the maximum applicable amount, except in exceptional circumstances.

This power will be considered in response to all qualifying offences and where there is sufficient evidence for a successful application to the First Tier Tribunal.

The qualifying offences are:

- Unlawful eviction and harassment of occupier as defined under the Protection from Eviction Act 1997
- Failure to comply with an Improvement Notice [s30 Housing Act 2004]
- Offences in relation to unlicensed HMOs [s72(1) Housing Act 2004]
- Offences in relation to unlicensed houses [s95(1) Housing Act 2004]
- Failure to comply with an Improvement Notice [s30(1) Housing Act 2004]
- Failure to comply with a Prohibition Order [s32(1) Housing Act 2004]
- Breach of a Banning Order [s21 Housing and Planning Act 2016]
- Using Violence to secure entry [s6(1) Criminal Law Act 1977]
- Knowingly or recklessly misusing a possession ground [s16J(1) Housing Act 1988]
- Letting or marketing of a property within twelve months of using the ‘moving in’ or ‘selling’ ground of eviction [s16J(2) Housing Act 1988]
- Continuous breach of certain tenancy reform requirements [s16J(3) Housing Act 1988]

An application for an RRO may be in addition to other formal action, such as prosecution proceedings or the imposition of a Civil Penalty. Where the Council has issued a Civil Financial Penalty or pursued prosecution, it will usually apply for a Rent Repayment Order where public funds have been paid to a landlord who has committed a qualifying offence.

S49 of the Housing and Planning Act 2016 enables the Council to assist tenants in applying for Rent Repayment Orders. The Council will usually assist tenants by referring or signposting them to a relevant organisation.

In deciding whether to apply for a Rent Repayment Order, the Council must under section 41(4) of that Act have regard to any guidance issued by the Secretary of State (currently, Statutory guidance - Rent repayment orders: guidance for local authorities, published 13th November 2025)

Banning Orders

Part 2, Chapter 2 of the Housing and Planning Act 2016 permits a Council to apply for a Banning Order against a person who has been convicted of one or more of the relevant offences. This would prevent the landlord from:

- Letting housing in England;
- Engaging in English letting agency work;
- Engaging in English property management work; or
- Doing two or more of those things.

The Council may consider a Banning Order for the more serious offenders. It will take into account the seriousness of the offence(s), whether the landlord has committed other offences (or received any Civil Penalty in relation to a Banning Order offence) and any history of failing to comply with their obligations or legal responsibilities. It will also take into account other relevant factors, including but not limited to:

- The harm, or potential harm, caused to the tenant;
- The need to punish the offender;
- The need to deter the offender from repeating the offence;
- The need to deter others from committing similar offences.

Costs and Charges – Debt Recovery

The Council incurs costs in carrying out its functions. Where legislation allows, the Council will seek to recover reasonable costs and expenses associated with its enforcement, licensing and wider regulatory activity. This may include (non-exhaustively) costs arising from inspections, investigation, evidence gathering, notices and other statutory documentation, follow-up action, compliance monitoring, and works or other interventions.

Recovery may be pursued using all available lawful routes, which may include civil action, local land charges, and enforcement against the property.

Where permitted, interest may be applied to outstanding sums until paid.

Complaints

A service user can still make a complaint in cases where the Council has instigated legal proceedings. However, making a complaint will not stop any impending legal action.

Where statutory notices have been served, making a complaint does not replace the statutory rights of appeal or the right to make representations. It also does not allow extra time to comply with any notice or order.

Important. If a service user disagrees with a statutory notice, they should take action as specified in the notice or order to make an appeal, if any exists. Reference should be made to any notes that may accompany the notice or order for more detail.

Complaints regarding council services and information about the complaint procedure is available from the Council's website:
https://www.rotherham.gov.uk/homepage/39/make-a-complaint

Appendix 1 – Statement of principles to determine the amount of a penalty charge under Part 4 of The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 as amended by The Smoke and Carbon Monoxide Alarm (Amendment) Regulations 2022 ("the Regulations")

Section 13 of the Regulations requires local housing authorities to prepare and publish a statement of principles which they propose to follow in determining the amount of a penalty charge.

The Regulations introduced legal requirements on relevant landlords to:

1. Equip a smoke alarm on each storey of the premises on which there is a room used wholly or partly as living accommodation.

2. During any period when the premises were occupied under the tenancy, to ensure that a carbon monoxide alarm is equipped in any room of the premises which is used wholly or partly as living accommodation and which contains fixed combustion appliance other than a gas cooker.

3. Carry out checks by or on behalf of the landlord to ensure that each prescribed alarm is in proper working order on the day the tenancy begins if it is a new tenancy.

4. Where, following a report made on or after 1st October 2022 by a tenant or by their nominated representative to the landlord, a prescribed alarm is found not to be in proper working order, the alarm is repaired or replaced.

For the purposes of the legislation, living accommodation includes a bathroom or lavatory.

Where the Council believe that a landlord is in breach of one or more of the above duties, the Council must serve a remedial notice on the landlord. The remedial notice is a notice served under Regulation 5 of the Regulations.

If the landlord then fails to take the remedial action specified in the notice within the specified timescale, the Council can require a landlord to pay a penalty charge and can arrange for remedial action to be taken under certain circumstances. The power to charge a penalty arises from Regulation 8 of the Regulations. Failure to comply with each remedial notice can lead to a fine of up to £5,000. Fines will be applied per breach, rather than per landlord or property.

The Council <u>will</u> impose a penalty charge where it is satisfied, on the balance of probabilities, that the landlord has not complied with the action specified in the remedial notice within the required timescale.

A landlord will not be considered to be in breach of their duty to comply with the remedial notice if they can demonstrate they have taken all reasonable steps to comply. Where there is evidence, including written correspondence, of repeated and consistent efforts to obtain access to the property, with access repeatedly being prevented by the occupant(s) of the property, a landlord will not be considered to be in breach of their duty to comply with the remedial notice. A landlord will be expected to have:

- Communicated the risk of harm that the lack of functioning alarms posed to all occupants in writing on multiple occasions
- Requested access to comply with the remedial notice on a regular basis of no longer than every seven days in writing

In considering the imposition of a penalty, the Council may look at the evidence concerning the breach of the requirement of the notice. A non-exhaustive list of methods that may be used to obtain relevant evidence includes, but is not limited to:

- Evidence obtained from a property inspection
- Evidence provided by the tenant or agent
- Evidence provided by the landlord demonstrating compliance with the Regulations by supplying dated photographs of alarms, together with installation records
- That all detector heads have not passed their expiration or replacement date

Landlords need to take steps to demonstrate that they have met the testing requirements at the start of the tenancy requirements. A non-exhaustive list of methods that may be used to evidence compliance with these testing requirements includes, but is not limited to:

- Tenants signing an inventory form which states that they observed the alarms being tested and confirming that the alarms were in working order at the start of the tenancy

Where a landlord is in breach, the local housing authority may serve a remedial notice. Failure to comply with each remedial notice can lead to a fine of up to £5,000. Fines will be applied per breach, rather than per landlord or property

When determining the amount of the penalty charge, regard will be had to whether this is a first breach under the Regulations.

Determining the amount of the penalty charge for a first breach

The minimum amount of a penalty charge for a first breach of the Regulations will be £2,500. Only in exceptional circumstances may the Council depart from the application of this statement of principles and issue a penalty charge for less than £2,500. Exceptional circumstances are rare and unusual and are not established merely by the presence of multiple mitigating factors

The starting level of a penalty charge for a first breach of the Regulations will be £3,000. The penalty charge amount will then be varied depending on aggravating and mitigating factors.

Aggravating factor include, but are not limited to:

- The number of alarms not working or missing (the Regulations state there should be one per storey)
- Other fire safety concerns/defects in the property which increase the risk posed to the occupants
- The length of time the offence is believed to have been on-going
- The frequency of complaints by the occupiers to the landlord about the non-working or missing alarms
- The costs of any remedial work the Council have carried out in response to the breach
- Whether the property is let as a HMO (which increases the overall risk)
- The number of occupants living in the property
- Presence of vulnerable occupiers such as elderly, children or disabled people
- Any history of previous enforcement or non-compliance of the landlord
- Attempts to obstruct the investigation

Mitigating factors include, but are not limited to:

- The property being small and low-risk (for example a one-bedroom ground floor flat with a large number of fire escapes including large windows)
- A single occupant living in the property
- Evidence that all required alarms were checked and in working order at the start of the tenancy
- Written evidence that some efforts to gain access and comply with the remedial notice were made and access was prevented by the occupant

Determining the amount of the penalty charge for a subsequent breach

The penalty for subsequent breaches by the same landlord will be £5,000. Only in exceptional circumstances may the Council depart from the application of this statement of principles and issue a penalty charge for less than £5,000. Exceptional circumstances are rare and unusual and are not established merely by the presence of multiple mitigating factors.

Appendix 2: Statement of principles to determine the amount of a penalty charge for a breach of minimum energy efficiency standards (MEES) with respect to domestic privately rented property

The Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015 (“the Regulations”) make it unlawful to rent out a domestic property if it has an EPC (Energy Performance Certificate) rating of F or G (unless a valid exemption has been registered on the PRS Exemptions register).

The Regulations make it unlawful to fail to comply with a compliance notice served by the Council.

The Regulations cover all relevant properties, even where there has been no change of tenancy.

The Regulations were introduced to improve the energy efficiency of housing in the private rented sector and to reduce greenhouse gas emissions and tackle climate change. They should help make tenants’ homes more thermally efficient.

An energy performance certificate (EPC) gives the property an energy efficiency rating – A rated properties are the most energy efficient and G rated are the least efficient. It’s valid for 10 years and must be provided by the owner of a property, when it is rented or sold.

If you are a landlord and you fail, when requested, to provide an EPC for the start of a tenancy, you will be in breach of the Regulations.

An EPC contains information about the type of heating system and typical energy costs. It also gives recommendations about how the energy use could be reduced, lowering running costs. You can find the recommended energy efficiency improvements on the current EPC.

If you’re a private landlord, you must either:

- ensure your rented properties have an EPC with a minimum ‘E’ rating
- register a valid PRS exemption on the PRS exemptions register

Failure to do either of these is a breach of the Regulations.

The Council investigates any potential breaches of the regulations. If the Council is satisfied that you are, or have at any time in the 18 months preceding the date of service of the penalty notice, breached the Regulations, you may be subject to a penalty notice imposing a financial penalty. The Council may also impose a publication penalty.

The “publication penalty” means publication, for a minimum period of 12 months, or such longer period as the Council may decide, on the PRS Exemptions Register of such of the following information in relation to a penalty notice as the Council decides:

- Where the landlord is not an individual, the landlord's name
- Details of the breach of these Regulations in respect of which the penalty notice has been issued
- The address of the property in relation to which the breach has occurred, and
- The amount of any financial penalty imposed.

The Council will impose the following financial penalties:

(a) letting a property with an F or G rating for less than 3 months: £2,000
(b) letting a property with an F or G rating for more than 3 months: £4,000
(c) registering false or misleading information on the PRS exemptions register: £1,000
(d) failing to provide information to the Council demanded by a compliance notice: £2,000

The Council may not impose a financial penalty under both subsections (a) and (b) above in relation to the same breach of the Regulations. But they may impose a financial penalty under either paragraph (a) or paragraph (b), together with financial penalties under paragraphs (c) and (d), in relation to the same breach. Where penalties are imposed under more than one of these paragraphs, the total amount of the financial penalty may not be more than £5,000.

END OF POLICY

Rotherham Metropolitan Borough Council

Appendix 2

Civil Financial Penalty Calculation Mechanism

Civil penalties under the Renters' Rights Act 2025 and other housing legislation

Rotherham Metropolitan Borough Council

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Rotherham Metropolitan Borough Council

Background

This document applies once the Council has made a decision to commence civil penalty proceedings.

In this document, the term 'landlord' should be read as including letting agents, managing agents, licensors, property owners, corporate landlords, directors of corporate landlords, registered providers of social housing and any other person involved in the letting or management of accommodation.

The term 'corporate landlord' should be read as referring to a body corporate that meets the definition of 'landlord' above.
The terms 'House in Multiple Occupation' or 'HMO' are defined by the Housing Act 2004.

The following breaches are subject to a civil penalty with a statutory maximum of £7,000:

- Failure to give a written statement of terms and any other prescribed information under section 16D of the Housing Act 1988.
- Attempting to let a property for a fixed term under section 16E of the Housing Act 1988.
- Attempting to end a tenancy by service of a notice to quit under section 16E of the Housing Act 1988.
- Attempting to end a tenancy orally or requiring that it is ended orally under section 16E of the Housing Act 1988.
- Serving an eviction notice that attempts to end a tenancy outside the prescribed section 8 process under section 16E of the Housing Act 1988.
- Relying on a ground where the landlord does not reasonably believe that the landlord is/will be able to obtain possession under section 16E of the Housing Act 1988.
- Failing to provide a tenant with prior notice that a ground which requires it may be used under section 16E of the Housing Act 1988.
- Failure to give an existing tenant prescribed information about changes made by the Renters' Rights Act 2025 in the prescribed form and timeframe under paragraph 7(2) of schedule 6 to the Renters' Rights Act 2025.
- Discrimination relating to children in the lettings process under section 33 of the Renters' Rights Act 2025.
- Discrimination relating to benefits in the lettings process under section 34 of the Renters' Rights Act 2025.
- Failure to specify proposed rent within a written advertisement or offer under section 56 of the Renters' Rights Act 2025.
- Inviting, encouraging or accepting any offer of rent greater than the stated rate under section 56 of the Renters' Rights Act 2025.

The following breaches are subject to a civil penalty with a statutory maximum of £40,000:

- Breach of duty under Regulation 3, 3B, 3C, and 3D of The Electrical Safety Standards in the Private Rented Sector and Social Rented Sector (England) Regulations 2020.
-

The following offences are subject to a civil penalty with a statutory maximum of £40,000:

- Unlawful eviction and harassment of occupier under section 1 of the Protection from Eviction Act 1977.
- Continuation of conduct subject to a relevant penalty (under s.16I or s.16K Housing Act 1988) after the 28-day period (or, if appealed, after conclusion of the appeal) where the final notice has not been withdrawn under section 16J of the Housing Act 1988
- Conduct giving rise to liability under s.16I, where within the preceding five years the landlord has either (i) had a relevant penalty (under s.16I or s.16K Housing Act 1988) imposed for different conduct and the final notice has not been withdrawn, or (ii) been convicted under s.16J for different conduct under section 16(J) of the Housing Act 1988.
- Relying on a ground knowing the landlord would not be able to obtain possession or being reckless as to whether they would under section 16J of the Housing Act 1988.
- Breach of restrictions relating to reletting (s16(E)(2) Housing Act 1988) or remarketing (s16(E)(3) Housing Act 1988) a property within restricted period after using Grounds 1 or 1A of Schedule 2 Housing Act 1988 under section 16J of the Housing Act 1988.
- Breach of a banning order under section 21 of the Housing and Planning Act 2016.
- Failure to comply with an Improvement Notice under section 30 of the Housing Act 2004.
- Contravention of an overcrowding notice under section 139 of the Housing Act 2004.
- Failure to obtain a selective licence under section 95 of the Housing Act 2004.
- Failure to obtain an HMO licence under section 72 of the Housing Act 2004.
- Knowingly permitting over-occupation of an HMO under section 72 of the Housing Act 2004.
- Failure to comply with management regulations in respect of HMOs under section 234 of the Housing Act 2004.
- Failure to comply with HMO licence conditions under section 72 of the Housing Act 2004.
- Failure to comply with selective licence conditions under section 95 of the Housing Act 2004.

If a landlord has committed multiple breaches or offences, a separate civil penalty can, and usually will, be imposed for each breach and offence. In each case, the level of any civil penalty imposed will be determined in accordance with this document.

If multiple landlords have committed the same breach or offence at the same property, a separate civil penalty can, and usually will, be imposed on each offender.

In each case, the level of civil penalty imposed on each offender will be in accordance with this document.

This document outlines the Council’s methodology and mechanism for assessing and setting the level of a civil penalty at all stages where a civil penalty is under consideration, including the preparation of a notice of intent, and where a final decision has been made to impose a civil penalty.

When applying the civil penalties matrix, interim calculations at individual stages may result in figures that exceed the statutory maximum. Where the final amount reached following application of all relevant steps exceeds the statutory maximum, the civil penalty will be reduced to the applicable statutory maximum.

The Council considers the need for transparency and consistency to be of primary importance to ensure fairness in the discharge of its functions. The general objective of this document is, therefore, to promote both transparency and consistency in the imposition of financial penalties so that those involved in the letting or management of accommodation (a) know how the Council will generally penalise relevant breaches and offences and (b) are assured that, generally, like cases will be penalised similarly, and different cases penalised differently.

The Council recognises that, despite its best efforts, landlords may operate unlawfully for a significant period without detection, and that only a proportion of those committing relevant breaches and offences will be identified. Accordingly, the Council seeks to ensure that civil penalties are set at a level that makes it clear to the landlord concerned and to others that operating unlawfully as a landlord is financially disadvantageous when compared to operating lawfully.

The Council has a duty to act fairly, transparently and consistently when assessing civil penalties. To maintain fairness between all landlords, the Council will not give weight to claims advanced as factors that might reduce the amount of a civil penalty unless those claims are supported by evidence that the Council reasonably considers to be relevant, reliable, credible, and sufficient in scope and detail to enable proper assessment of the claim, having regard to the nature of the claim, the information ordinarily available to the landlord, and the need for consistent and fair decision-making. Allowing inadequately evidenced assertions to influence outcomes would risk rewarding those who provide incomplete or misleading information and would create an unfair advantage over landlords who provide a full and properly evidenced account. Accordingly, the Council expects landlords against whom a civil penalty is being considered to provide all documents and records that would ordinarily exist if their account were accurate. Where such evidence is not provided, and no explanation that the Council considers adequate is given, the Council may draw an adverse inference.

Where claims are advanced without sufficient supporting evidence, the Council may request specified supporting material before determining whether to issue a final notice or whether any mitigation has been sufficiently evidenced so as to justify a lower civil penalty.

The further objectives of using financial penalties in particular as a means of enforcing the above breaches and offences are explained below.

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Statutory Guidance

The Government has issued statutory guidance entitled “Civil penalties under the Renters' Rights Act 2025 and other housing legislation”. The Council has regard to this guidance in the exercise of their functions in respect of civil penalties.

The Council has considered the following factors in developing this civil penalty document to help ensure that the civil penalty is set at an appropriate level.

Severity of the breach or offence. The more serious the breach or offence, the higher the penalty should be.

Culpability and track record of the offender. A higher penalty will be appropriate where the offender has a history of failing to comply with their obligations and/or their actions were deliberate and/or they knew, or ought to have known, that they were in breach of their legal responsibilities.

The harm caused to the tenant. This is a very important factor when determining the level of penalty. The greater the actual harm or the potential for harm, principally to the tenant but also potentially the local community, the higher the penalty should be.

Punishment of the offender. The penalty should, in a way that is fair, both punish the offender and demonstrate the consequences of not complying with their responsibilities.

Deter the offender from repeating breaches or offences. The ultimate goal is to prevent any further offending and help ensure that the offender fully complies with all of their legal responsibilities in future. The level of the penalty should therefore be set at a level that it is likely to have a very significant deterrent effect.

Deter others from committing similar breaches or offences. While the fact that someone has received a civil penalty may not be in the public domain, the civil penalty document itself will be, and local authorities should consider how their formal enforcement activity can be effectively publicised. An important part of deterrence is the realisation on the part of landlords that the local housing authority is proactive in levying civil penalties where the need to do so exists and the civil penalty will be set at a high enough level such that operating lawfully will be the sensible financial choice.

Remove any financial benefit the offender may have obtained as a result of committing the breach or offence. The principle here is that it should not be in the offender’s financial interest to commit a breach or offence rather than comply, for example that the penalty for breaching licensing conditions in respect of occupancy of a property is less than the additional rent received as a result of the over-crowding. The absence of any financial benefit to the landlord does not mean though that the penalty should be reduced.

Civil Penalties Matrix

In determining the level of a civil penalty, officers will have regard to the matrix set out below. The matrix consists of the following sequential steps:

1. Determining the starting point based on the seriousness of the breach or offence.
2. Adjustment for factors relating to the type of landlord; size and type of portfolio controlled, owned or managed; experience of the landlord ("Landlord Type")
3. Mitigating and aggravating factors the Council deems significant including, but not limited to, factors relating to the track record and culpability of the landlord and the actual or potential harm to the occupants.
4. Financial considerations.
5. Applying the totality principle.

Starting point based of seriousness of the breach or offence

The Ministry of Housing, Communities & Local Government has provided statutory guidance that prescribes starting points for all breaches and offences based on the seriousness of the breach or offence. The exception to this prescription is for breaches of licensing conditions under sections 72(3) and 95(2) of the Housing Act 2004, where the Council has determined its own starting levels based on the seriousness of the specific licence condition or type of licence condition that has not be complied with.

Adjustment for factors relating to the type of landlord; size and type of portfolio controlled, owned or managed; experience of the landlord ("Landlord Type")

While all landlords are expected to comply fully with their legal obligations, the Council considers that a higher standard of professionalism and regulatory awareness is reasonably expected of landlords who operate at greater scale, who have greater experience, or who are involved in more complex forms of letting. Where such landlords fail to comply with their obligations, this will ordinarily justify a higher civil penalty.

In particular, a higher degree of professionalism is expected of landlords who:

- Control, own, or manage a significant portfolio of properties;
- Have significant experience in the letting or management of property;
- Are or have been involved in the letting or management of Houses in Multiple Occupation (HMOs);
- Are corporate landlords; or
- Are or have been directors of corporate landlords.

An upward adjustment of 20% of the applicable starting point will be applied where the landlord meets any one or more of the following criteria:

- The landlord has, at any point in time, controlled, owned, or managed six or more properties. These properties need not have been held concurrently or at the time civil penalty proceedings are brought.
- The landlord has, at any point in time, controlled, owned, or managed

three or more properties that operated as HMOs, whether or not concurrently.
- The landlord is, or has previously been, a director of a corporate landlord.
- The landlord is a corporate landlord.
- The landlord has, in the Council's assessment and by reference to the available evidence, significant experience in the letting or management of property.

A downward adjustment of 20% of the applicable starting point will be applied only where all of the following criteria are met:

- The landlord has, at any point in time, controlled, owned, or managed no more than two properties.
- The landlord has controlled, owned, or managed no more than one property that has operated as an HMO, at any point in time.
- The landlord has, in the Council's assessment and by reference to the available evidence, very limited experience in the letting or management of property.

Mitigating and aggravating factors the Council deems significant including, but not limited to, factors relating to the track record and culpability of the landlord and the actual or potential harm to the occupants

To promote fairness and consistency in the administration of civil penalties, the Council will apply a structured and consistent framework when determining the extent to which mitigating and aggravating factors affect the quantum of any civil penalty.

General approach

Each breach or offence may have offence-specific mitigating and/or aggravating factors, which will be considered alongside the generic factors set out below.

Where multiple civil penalties are issued under this document against the same landlord at the same time, and except where expressly stated otherwise, mitigating and aggravating factors will be considered and applied separately to each civil penalty when determining the quantum of each penalty.

Mitigating factors

The Council may reduce the level of a civil penalty by up to 20% of the applicable starting point to reflect the presence of mitigating factors.

Only in exceptional circumstances may the Council depart from the application of this document in respect of mitigating factors and apply a reduction in excess of 20%. Exceptional circumstances are rare and unusual and are not established merely by the presence of multiple mitigating factors.

Within the framework of this document, the Council has not sought to provide an exhaustive list of mitigating factors, recognising that a wide range of circumstances may potentially give rise to mitigation. However, the following generic mitigating factors will be considered in respect of each breach or offence:

Steps taken to remedy the basis of the breach or offence

Non-exhaustive examples include:

- Promptly remedying all elements of the breach or offence after receiving communication from the Council.
- Promptly remedying all the significant elements of the breach or offence leaving only less significant elements of the breach or offence.

A high level of cooperation

Non-exhaustive examples include:

- Proactive provision of significant information the Council reasonably considers relevant beyond that required by statutory notice.

Acceptance of liability

Non-exhaustive examples include:

- Accepting liability before or within the period for representations.

Where a landlord relies on a reasonable excuse defence or otherwise contests liability, this mitigating factor will not usually apply.

Health circumstances

Non-exhaustive examples include:

- A serious health condition or medical incident experienced by the landlord during, or in the period immediately preceding, the breach or offence, where there is clear and reliable evidence that the condition had a direct and material impact on the landlord's ability to comply with the relevant legal obligation. Examples may include, but are not limited to, a heart attack, stroke, cancer diagnosis, or other acute or serious medical event causing significant incapacity or impairment.

Diminished culpability (limited responsibility)

Non-exhaustive examples include:

- A joint landlord who has evidenced that compliance arrangements for the subject property were directed and controlled by another joint landlord, and not by them.
- A landlord who became involved only after an unforeseen change in circumstances (such as the death of the previous landlord) and who committed the breach or offence only for a limited period while putting their affairs in order.

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The instruction of a managing or letting agent, or reliance on an agent's actions or omissions, will not of itself constitute diminished culpability.

Aggravating factors

The Council may increase the level of a civil penalty by up to 20% of the applicable starting point to reflect the presence of aggravating factors.

Only in exceptional circumstances may the Council depart from the application of this document in respect of aggravating factors and apply an increase in excess of 20%. Exceptional circumstances are rare and unusual and are not established merely by the presence of multiple aggravating factors.

The following generic aggravating factors will be considered in respect of each breach or offence:

Previous history of non-compliance.

Non-exhaustive examples include:

- Previous successful prosecutions (including relevant spent convictions), previous civil penalties, previous rent repayment orders, previous works in default, previous simple cautions.

Concurrent investigations or proceedings relating to other civil penalties, prosecutions, or rent repayment orders will not be treated as previous non-compliance.

Non-cooperation with the Council.

Non-exhaustive examples include:

- Failure to comply with notices issued under section 16 of the Local Government (Miscellaneous Provisions) Act 1976, section 235 of the Housing Act 2004, or section 114 of the Renters' Rights Act 2025.
- Failing to provide a substantive response to a letter of alleged offence.
- Failing to attend previously agreed meetings.

Where the Council has prosecuted, or is pursuing a prosecution, in respect of the same act or omission involving failure to provide legally required information (including failure to comply with a statutory notice), that conduct will not also be treated as an aggravating factor for the purposes of setting the civil penalty, in order to avoid double counting.

Where multiple civil penalties are imposed against the same landlord at the same time, this aggravating factor will be applied only to the civil penalty with the highest starting point, unless there is a clear and reasoned basis for applying it differently.

Deliberate intent or negligence when committing the offence.

Non-exhaustive examples include:

- Knowledge that the breach or offence was occurring.
- Continuation of offending after communication from the Council.
- Premeditation or planning, including steps taken to prevent detection or effective investigation.
- Providing false or misleading information to the Council.
- Applying pressure to occupants to deter cooperation with the Council.

The number of occupants affected.

Non-exhaustive examples include:

- 3-5 occupants affected.

Duration of non-compliance.

Non-exhaustive examples include:

- The offence or breach occurred over a 3–6 month period.

Vulnerability of occupants

Non-exhaustive examples include children and young adults, persons vulnerable by reason of age, disability or sensory impairment, persons with drug or alcohol dependency, victims of domestic abuse, children in care, persons with complex health needs, persons who do not speak English as a first language, victims of trafficking or sexual exploitation, refugees, asylum seekers, and pregnant women.

Financial considerations

The Council will review the quantum of the civil penalty and consider whether it is sufficient to act as an effective deterrent to future non-compliance. Where the Council has evidence that it considers to be sufficiently reliable regarding rental income and/or asset value from the landlord, it may determine that an increase in the level of the penalty is appropriate in order to achieve effective deterrence.

It is essential that, as an absolute minimum, landlords do not financially benefit from their offending behaviour.

Financial circumstances will ordinarily be considered after any written representations have been received and as part of the determination of any final notice.

Where a landlord seeks to rely on a strained or limited financial position as a basis for reducing the level of a civil penalty, that position must be supported by appropriate and verifiable evidence sufficient to enable the Council to assess the landlord's financial position consistently, objectively, and transparently. Unsupported assertions, partial disclosure, or selective provision of information will not be given weight.

At a minimum, and where such information exists, the following should be provided as part of any written representations:

- The last three full tax years full self-assessment tax returns filed with HMRC, including all additional and supplemental pages;
- The last three full tax years' SA302 documents & tax year overviews;
- The last three months' payslips;
- The last three years P60 certificates;
- The last twelve months' Universal Credit payment statements;
- A list of all property assets owned or jointly owned (not limited to rental properties), together with corresponding Land Registry title documents;
- A list of all property assets owned, or held on a long lease, by any corporate entity in which the landlord has a beneficial interest, together with corresponding Land Registry documentation;
- The most recent annual mortgage statement for each property, or the last twelve months' mortgage statements where the mortgage has been in place for less than twelve months;
- Valuation statements for all ISAs held;
- Statements from any cryptoasset exchange accounts showing balances and valuations;
- A list of all shareholdings;
- Recent bank statements for any account holding a balance in excess of £5,000;
- Recent statements for all secured and unsecured loans;
- Bankruptcy orders and official notifications of bankruptcy.

Where the Council is not satisfied that it has been provided with sufficiently reliable, complete, and accurate information to assess the landlord's financial position, the Council may draw the inference that the landlord is able to pay the civil penalty as imposed.

A claimed inability to pay will not, of itself, outweigh the need to ensure effective deterrence or to remove any financial benefit obtained as a result of the breach or offence.

The totality principle

The Council will have regard to the totality principle to ensure that the overall outcome of its enforcement action is just and proportionate. In exceptional cases and having regard to the particular circumstances of the case, the Council may take account of totality at an earlier stage by deciding not to pursue a civil penalty in respect of a specific breach or offence where doing so would render the overall outcome disproportionate.

In general, however, the application of the totality principle will form the final step in the Council's decision-making process, undertaken after any written representations have been considered and before final notices are issued, once the level of each individual civil penalty has been assessed in accordance with this document.

As a final step before issuing final notices, the Council will consider whether multiple civil penalties being imposed under this document against the same landlord at the same time result in an aggregate amount that is just and proportionate. Where the Council concludes that the aggregate amount would not be just and proportionate, it will consider whether a proportionate reduction of the penalties is appropriate.

The totality principle does not operate across different legal persons who are separately liable in law, nor does it operate across civil penalties imposed at different times. In general, it applies only to multiple civil penalties imposed under this document on the same person at the same time. Where, however, legislation provides that an officer of a body corporate, or a person concerned in its management, may be separately liable in relation to the same conduct as the body corporate, and that officer also holds a shareholding interest in the body corporate, the Council will, where civil penalties are imposed at the same time on both the body corporate and the officer arising from that same conduct, consider whether the combined outcome results in punitive duplication and is therefore not just and proportionate.

Where a reduction is applied under the totality principle, the Council will ordinarily do so by applying a uniform percentage reduction across all relevant civil penalties being issued at the same time, being those civil penalties that form part of the same totality assessment. Where, however, the application of the totality principle is required to address punitive duplication arising from a shared economic interest between a body corporate and an officer, the Council may apply a differential adjustment to ensure that the overall outcome is just and proportionate.

This approach reflects the statutory guidance on the application of the totality principle and is intended to promote consistency, transparency, and proportionality, while avoiding arbitrary or selective adjustment of individual penalties.

In accordance with the statutory guidance, any rent repayment orders made in respect of the same breach or offence will be disregarded for the purposes of assessing the totality of civil penalties under this document.

Local factors

The Council is supportive of the private rented sector in Rotherham, and though committed to strong enforcement where necessary, it is also aware of the local economic factors which drive the Private Rented Sector.

When considering penalty levels, the Council aims to set a fair punishment and a significant deterrent, which demonstrates the consequences of not complying with responsibilities. It must also consider that consistency of enforcement across the region is key to avoid displacement of offending to neighbouring authorities. Equally the council must balance enforcement against the viability of the local letting market.

The Council will, in this document, use the ‘starting points’ provided in Statutory Guidance and the discretionary stating points for breaches and offences outside of the guidance as described in Appendix1, as a basis from which to calculate civil

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penalties.

As the Statutory Guidance does not differentiate for local economic conditions. The Council will apply a further discount based on the Officer for National Statistics (ONS) average rent levels as at February 2026 as described in table 1

Private rent and house prices, UK - Office for National Statistics

Table 1

Mean Rent (ONS)		Monthly	Annual	% of all England	Possible discount factor
All England Mean Rents	A	£1,423.00	£17,076.00	100.00%	0.00%
Rotherham Mean Rent	B	£678.00	£8,136.00	47.65%	52.35%
Yorkshire Humber Mean rent	C	£843.00	£10,116.00	59.24%	40.58%
Amalgamation of Yorkshire Humber and Rotherham rent levels	(B+C)/2	£760.50	£9,126.00	53.44%	46.56%

The Council can decide what discount factor to apply to their penalty notices to reflect local rental markets. From the table above, Rotherham's mean rents and the Yorkshire Humber Mean rents are 47.65% & 59.24% respectively of all England rent levels. If the Council were to use the Rotherham value this may offer a slight incentive for non-compliant landlords to operate in Rotherham, as the fines would be significantly less than other areas. The Yorkshire Humber rate includes large cities and coastal areas which not representative of Rotherham's housing market and may make penalty levels too high. Therefore, it is recommended that a midpoint between these two values is used and a 46.6% local reduction factor is applied after using the model calculator to ensure penalties remain proportionate and recoverable, while still acting as a deterrent. This approach is consistent with other regional authorities and protects the viability of the local private rented sector.

This reduction will not vary with fluctuations of Mean Rent levels but will be reviewed as part of the annual Budget and Council Tax Report and approved by full Council if agreed.

Process for imposing a civil penalty and the right to make written representations

Notice of intent

Before imposing a civil penalty on a landlord, the Council will give the landlord a notice of intent. The notice of intent will set out:

- The amount of the proposed civil penalty
- The reasons for proposing to impose the civil penalty
- Information about their right to make written representations

Right to make written representations

A landlord who is given a notice of intent may make written representations to the Council about the proposal to impose a civil penalty. Any representations must be made within a period of 28 days beginning with the day after the date on which the notice of intent was given.

Decision after the representations period

After the end of the period for representations the Council will:

- Decide whether to impose a civil penalty on the landlord; and
- If it decides to impose a civil penalty, decide the amount of the penalty. This amount can be higher or lower than the amount stated in the notice of intent.

A landlord's rectification of the identified breach or offence during the representations period will rarely, of itself, lead the Council to conclude that the imposition of a civil penalty is inappropriate. However, compliance at that stage will usually be relevant to the assessment of mitigating factors that may reduce the level of any civil penalty imposed.

Similarly, an admission of liability will rarely, of itself, lead the Council to conclude that the imposition of a civil penalty is inappropriate. An admission of liability will, however, usually be relevant to the assessment of mitigating factors that may reduce the level of any civil penalty imposed.

Final notice

If, following the receipt of written representations and/or the expiry of the time period to make written representations, the Council decides to impose a civil penalty on the landlord, it will give the landlord a final notice imposing that penalty.

The final notice will set out:

- The amount of the civil penalty
- The reasons for imposing the penalty
- Information about how to pay the penalty
- The period for payment of the penalty
- Information about rights of appeal
- The consequences of failure to comply with the notice

Discount for prompt payment

Where a civil penalty imposed by a final notice is paid in full within the period specified in that notice (normally 28 days beginning with the day after the final notice is given), the Council will apply a discount of 15% to the amount of the civil penalty.

The availability of the discount is conditional upon full payment being received within the specified period. The discount period will not be extended or suspended by the bringing of an appeal. A landlord who chooses to appeal may still benefit from the discount by paying the civil penalty in full within the specified period; however, where payment is not made within that period, the discount will not apply.

Illustrative example of the application of the discount

The landlord of an HMO property fails to obtain a licence. They only operate two HMO properties and there are no other relevant factors or aggravating features. The starting point for the offence under the Council's civil penalties matrix is £17,000.

Following the issue of a notice of intent proposing a civil penalty of £17,000, the landlord makes written representations. Having considered those representations, the Council determines to impose a civil penalty of £16,000, as set out in the final notice.

If the landlord pays the civil penalty in full within the payment period specified in the final notice, a 15% prompt payment discount is applied, resulting in a discounted payment of £13,600.

Appeals

A landlord who is given a final notice may appeal to the First-tier Tribunal (Property Chamber) against the decision to impose a civil penalty and/or the amount of the civil penalty. Any appeal must be made within 28 days beginning with the day after the date on which the final notice was given.

Where an appeal is brought, the final notice is suspended until the appeal is finally determined or withdrawn.

An appeal to the First-tier Tribunal is by way of a re-hearing of the Council's decision. In determining an appeal, the Tribunal may have regard to matters of which the Council was unaware at the time the decision to impose the civil penalty was made.

The Tribunal may dismiss an appeal if it is satisfied that the appeal is frivolous, vexatious, an abuse of process, or has no reasonable prospect of success.

The First-tier Tribunal may invite the parties to consider mediation or another form of alternative dispute resolution. The Council will not generally agree to mediation in relation to the level of a civil penalty, as civil penalties are determined by reference to this Document to promote fair, consistent, and proportionate outcomes. Agreeing reductions outside the Document framework would risk undermining consistency and the Council's enforcement objectives.

On determination of an appeal, the Tribunal may:

- Confirm the civil penalty
- Vary the amount of the civil penalty (whether by increase or reduction)
- Cancel the civil penalty

Where the Tribunal varies a civil penalty by increasing its amount, it may do so only up to the applicable statutory maximum for the relevant breach or offence (£7,000 or £40,000, as applicable).

A party to the appeal may apply for permission to appeal the decision of the First-tier

Tribunal to the Upper Tribunal (Lands Chamber).

The effect of this Document on levels of Civil Penalty

The effect of this document on likely levels of Civil penalty is illustrated in Tables 2 and 3. The tables show (in blue) the effect the local market reduction across the majority of civil penalties. **These table are for illustration and guidance only.** Each civil penalty may have individual characteristics which will result in varying final values of civil penalty.

Table 2. The effect of the document on civil penalty levels – individual penalties may vary

Act and Offence or Breach	Civil Penalty Calculation (Stat Guidance)			Local Discount bases on ONS Ave rents for Rotherham & Region.				Final penalty Range if paid within 28 days.			Final penalty Range if paid within 28 days inc. Local Discount (46.6%)		
a) Protection from Eviction Act 1977	Statutory Guidance level	Aggravated	Mitigated	46.6% reduction				Penalty after 15% prompt payment reduction			Penalty after 15% prompt payment reduction		
Offence	(A) Civil penalty	(B) 20% increase	(C) 20% decrease	A	B	C		A	B	C	A	B	C
Unlawful eviction and harassment (s1(2) and (3))	£35,000	£42,000	£28,000	£18,690	£22,428	£14,952		£29,750	£35,700	£23,800	£15,887	£19,064	£12,709
b) Housing Act 1988 breaches and offences													
Breach													
Attempting to let the property for a fixed term (s16E(1)(a))	£4,000	£4,800	£3,200	£2,136	£2,563	£1,709		£3,400	£4,080	£2,720	£1,816	£2,179	£1,452
Attempting to end the tenancy by service of a notice to quit (s16E(1)(b))	£6,000	£7,200	£4,800	£3,204	£3,845	£2,563		£5,100	£6,120	£4,080	£2,723	£3,268	£2,179
Attempting to end the tenancy orally, or require that it is ended orally (s16E(1)(c))	£6,000	£7,200	£4,800	£3,204	£3,845	£2,563		£5,100	£6,120	£4,080	£2,723	£3,268	£2,179
Serving a possession notice that attempts to end the tenancy outside of the prescribed section 8 process (s16E(1)(d))	£6,000	£7,200	£4,800	£3,204	£3,845	£2,563		£5,100	£6,120	£4,080	£2,723	£3,268	£2,179
Relying on a ground where the person does not reasonably believe that the landlord is/will be able to obtain possession (s16E(1)(e))	£6,000	£7,200	£4,800	£3,204	£3,845	£2,563		£5,100	£6,120	£4,080	£2,723	£3,268	£2,179
Failing to provide a tenant with prior notice that a ground which requires it may be used (s16E(1)(f))	£3,000	£3,600	£2,400	£1,602	£1,922	£1,282		£2,550	£3,060	£2,040	£1,362	£1,634	£1,089
Failing to issue a written statement of terms within 28 days of an assured tenancy coming into existence (s16D)	£4,000	£4,800	£3,200	£2,136	£2,563	£1,709		£3,400	£4,080	£2,720	£1,816	£2,179	£1,452
Failing to provide an existing tenant with prescribed information about changes made by the Renters' Rights Act (paragraph 7 of schedule 6 to the Renters' Rights Act 2025)	£4,000	£4,800	£3,200	£2,136	£2,563	£1,709		£3,400	£4,080	£2,720	£1,816	£2,179	£1,452
Offence													
Relying on a ground knowing the landlord would not be able to obtain possession or being reckless as to whether they would (s16J(1))	£30,000	£36,000	£24,000	£16,020	£19,224	£12,816		£25,500	£30,600	£20,400	£13,617	£16,340	£10,894
Reletting or remarketing a property within the 12 month no-let period after using the moving or selling grounds (s16J(2))	£25,000	£30,000	£20,000	£13,350	£16,020	£10,680		£21,250	£25,500	£17,000	£11,348	£13,617	£9,078
Continuing breach, or repeat breach committed within 5 years of receiving a penalty for first breach (s16J(3) and (4))	Double the starting level for the two constituent												
c) Housing Act 2004 offences													
Offence													
Failure to comply with an improvement notice (s.30(1))	£25,000	£30,000	£20,000	£13,350	£16,020	£10,680		£21,250	£25,500	£17,000	£11,348	£13,617	£9,078
Mandatory HMO unlicensed (s.72(1))	£17,000	£20,400	£13,600	£9,078	£10,894	£7,262		£14,450	£17,340	£11,560	£7,716	£9,260	£6,173
Additional HMO unlicensed (s72 (1))	£17,000	£20,400	£13,600	£9,078	£10,894	£7,262		£14,450	£17,340	£11,560	£7,716	£9,260	£6,173
Knowingly permitting over-occupation of an HMO (s.72(2))	£20,000	£24,000	£16,000	£10,680	£12,816	£8,544		£17,000	£20,400	£13,600	£9,078	£10,894	£7,262
Property subject to selective licensing unlicensed (s.95(1))	£12,000	£14,400	£9,600	£6,408	£7,690	£5,126		£10,200	£12,240	£8,160	£5,447	£6,536	£4,357
Failure to comply with an overcrowding notice (s.139(7))	£20,000	£24,000	£16,000	£10,680	£12,816	£8,544		£17,000	£20,400	£13,600	£9,078	£10,894	£7,262
Breach of HMO management regulations (SI 2006/372 and SI 2007/1903 (in respect of s257 HMOs) made under s234(1)													
Failure to provide information to the occupier	£3,000	£3,600	£2,400	£1,602	£1,922	£1,282		£2,550	£3,060	£2,040	£1,362	£1,634	£1,089
Failure to take safety measures	£20,000	£24,000	£16,000	£10,680	£12,816	£8,544		£17,000	£20,400	£13,600	£9,078	£10,894	£7,262
Failure to maintain water supply and drainage	£10,000	£12,000	£8,000	£5,340	£6,408	£4,272		£8,500	£10,200	£6,800	£4,539	£5,447	£3,631
Failure to supply and maintain gas and electricity or supply gas safety certificate	£12,000	£14,400	£9,600	£6,408	£7,690	£5,126		£10,200	£12,240	£8,160	£5,447	£6,536	£4,357
Failure to maintain common parts	£7,000	£8,400	£5,600	£3,738	£4,486	£2,990		£5,950	£7,140	£4,760	£3,177	£3,813	£2,542
Failure to maintain living accommodation	£7,000	£8,400	£5,600	£3,738	£4,486	£2,990		£5,950	£7,140	£4,760	£3,177	£3,813	£2,542
Failure to provide adequate waste disposal facilities	£7,000	£8,400	£5,600	£3,738	£4,486	£2,990		£5,950	£7,140	£4,760	£3,177	£3,813	£2,542
d) Housing and Planning Act 2016 offences													
Offence				NO LOCAL REDUCTION							NO LOCAL REDUCTION		
Breach of a banning order (s.21(1))	£35,000	£42,000	£28,000					£29,750	£35,700	£23,800			
e) Renters' Rights Act 2025 breaches													
Breach													
Discrimination against those on benefits or with children in the lettings process (s.33 and s.34)	£6,000	£7,200	£4,800	£3,204	£3,845	£2,563		£5,100	£6,120	£4,080	£2,723	£3,268	£2,179
Failure to specify proposed rent within a written advertisement or offer (s.56(2))	£3,000	£3,600	£2,400	£1,602	£1,922	£1,282		£2,550	£3,060	£2,040	£1,362	£1,634	£1,089
Inviting, encouraging or accepting any offer of rent greater than the advertised rate (s.56(3))	£4,000	£4,800	£3,200	£2,136	£2,563	£1,709		£3,400	£4,080	£2,720	£1,816	£2,179	£1,452

Table 3. The effect of the civil penalty document on penalties outside of the Statutory Guidance- individual penalties may vary

Proposed Civil penalty levels (discresionary) not in Stat Guidance	Civil Penalty Calculation model policy suggested			Local Discount bases on ONS Ave rents for Rotherham & Region.				Final penalty Range if paid within 28 days.			Final penalty Range if paid within 28 days inc. Local Discount (46.6%)		
	Discresionary starting point	Aggravated	Mitigated	46.6% reduction				Penalty after 15% prompt payment reduction			Penalty after 15% prompt payment reduction		
Breach of HMO licence conditions –	(A) Civil penalty	(B) 20% increase	(C) 20% decrease	A	B	C		A	B	C	A	B	C
Breach of licence conditions – Section 72(3) Housing Act 2004 (lowest harm)	£4,000	£4,800	£3,200	£2,136	£2,563	£1,709		£3,400	£4,080	£2,720	£1,816	£2,179	£1,452
Breach of licence conditions – Section 72(3) Housing Act 2004 (lower harm)	£7,000	£8,400	£5,600	£3,738	£4,486	£2,990		£5,950	£7,140	£4,760	£3,177	£3,813	£2,542
Breach of licence conditions – Section 72(3) Housing Act 2004 (medium harm	£12,500	£15,000	£10,000	£6,675	£8,010	£5,340		£10,625	£12,750	£8,500	£5,674	£6,809	£4,539
Breach of licence conditions – Section 72(3) Housing Act 2004 (High harm)	£20,000	£24,000	£16,000	£10,680	£12,816	£8,544		£17,000	£20,400	£13,600	£9,078	£10,894	£7,262
Breach of licence conditions – Section 72(3) Housing Act 2004 (highest harm)	£25,000	£30,000	£20,000	£13,350	£16,020	£10,680		£21,250	£25,500	£17,000	£11,348	£13,617	£9,078
Selective Licensing. Breach of licence conditions – Section 95(2) Housing Act 2004													
Breach of licence conditions – Section 95(2) Housing Act 2004 (lowest harm)	£3,000	£3,600	£2,400	£1,602	£1,922	£1,282		£2,550	£3,060	£2,040	£1,362	£1,634	£1,089
Breach of licence conditions – Section 95(2) Housing Act 2004 (medium harm	£5,250	£6,300	£4,200	£2,804	£3,364	£2,243		£4,463	£5,355	£3,570	£2,383	£2,860	£1,906
Breach of licence conditions – Section 95(2) Housing Act 2004 (High harm)	£9,375	£11,250	£7,500	£5,006	£6,008	£4,005		£7,969	£9,563	£6,375	£4,255	£5,106	£3,404
Breach of licence conditions – Section 95(2) Housing Act 2004 (highest harm)	£15,000	£18,000	£12,000	£8,010	£9,612	£6,408		£12,750	£15,300	£10,200	£6,809	£8,170	£5,447
The Electrical Safety Standards in the Private Rented Sector and Social Rented Sector (England) Regulations 2020													
Breach of licence conditions – Section 95(2) Housing Act 2004 (lowest harm)	£5,000	£6,000	£4,000	£2,670	£3,204	£2,136		£4,250	£5,100	£3,400	£2,270	£2,723	£1,816
Breach of licence conditions – Section 95(2) Housing Act 2004 (medium harm	£12,500	£15,000	£10,000	£6,675	£8,010	£5,340		£10,625	£12,750	£8,500	£5,674	£6,809	£4,539
Breach of licence conditions – Section 95(2) Housing Act 2004 (High harm)	£20,000	£24,000	£16,000	£10,680	£12,816	£8,544		£17,000	£20,400	£13,600	£9,078	£10,894	£7,262
The Smoke and Carbon Monoxide Alarm (England) Regulations 2015													
	Starting	Min	Max										
The Smoke and Carbon Monoxide Alarm (England) Regulations 2015	£3,000	£2,500	£5,000	£1,602	£1,335	£2,670		£2,550	£2,125	£4,250	£1,362	£1,135	£2,270
Minimum Energy Efficiency Standards (MEES)													
The Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015													
(a) letting a property with an F or G rating for less than 3 months: £2,000	£2,000			NO LOCAL REDUCTION				£1,700			NO LOCAL REDUCTION		
(b) letting a property with an F or G rating for more than 3 months: £4,000	£4,000							£3,400					
(c) registering false or misleading information on the PRS exemptions register: £1,00	£1,000							£850					
(d) failing to provide information to the Council demanded by a compliance notice: £2	£2,000							£1,700					

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Appendix 1. Offences and breaches where a civil penalty may be levied and relevant considerations as to the level of that penalty.

When setting starting points of penalty charges levels in Statutory Guidance, where available, have been followed.

Protection from Eviction Act 1977 offences

Unlawful eviction and harassment of occupier - section 1 of the Protection from Eviction Act 1977

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£35,000	£40,000	£28,000	£35,000	£42,000

Where the calculation produces a penalty level above the statutory maximum, the final penalty will be capped at the statutory maximum.

Offence-specific mitigating factors:
- None.

Offence-specific aggravating factors:

- Violence or threats of violence.
- Disposal of possessions or threats to dispose of possessions.
- Breach or evasion of an injunction or undertaking.
- Loss of home.

Housing Act 1988 breaches and offences

1. Failure to give a written statement of terms and any other prescribed information - section 16D of the Housing Act 1988

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£4,000	£7,000	£3,200	£4,000	£4,800

Offence-specific mitigating factors:

- Provision of some of the required terms and prescribed information within the required period.

Offence-specific aggravating factors:
- None.

2. Attempting to let a property for a fixed term - section 16E(1)(a) of the Housing Act 1988

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£4,000	£7,000	£3,200	£4,000	£4,800

Offence-specific mitigating factors:

- None.

Offence-specific aggravating factors:

- None.

3. Attempting to end a tenancy by service of a notice to quit - section 16E(1)(b) of the Housing Act 1988

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£6,000	£7,000	£4,800	£6,000	£7,200

Offence-specific mitigating factors:

- None.

Offence-specific aggravating factors:

- Tenant vacates property within four months of the date of vacation or equivalent specified in the notice to quit.

4. Attempting to end a tenancy orally or requiring that it is ended orally - section 16E(1)(c) of the Housing Act 1988

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£6,000	£7,000	£4,800	£6,000	£7,200

Where the calculation produces a penalty level above the statutory maximum, the final penalty will be capped at the statutory maximum.

Offence-specific mitigating factors:

- None.

Offence-specific aggravating factors:

- Tenant vacates property within four months of the date of vacation or equivalent specified in the notice to quit.

5. Serving a possession notice that attempts to end a tenancy outside the prescribed section 8 process - section 16E(1)(d) of the Housing Act 1988

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£6,000	£7,000	£4,800	£6,000	£7,200

Where the calculation produces a penalty level above the statutory maximum, the final penalty will be capped at the statutory maximum.

Offence-specific mitigating factors:
- None.

Offence-specific aggravating factors:
- Tenant vacates property within four months of the date of vacation or equivalent specified in the notice to quit.

6. Relying on a ground where the person does not reasonably believe that the landlord is, will, or may be able to obtain possession on that ground and the tenant(s) surrendered the tenancy within the period of four months beginning with the date of the contravention, without an order for possession of the dwelling-house being made - section 16E(1)(e) of the Housing Act 1988.

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£6,000	£7,000	£4,800	£6,000	£7,200

Where the calculation produces a penalty level above the statutory maximum, the final penalty will be capped at the statutory maximum.

Offence-specific mitigating factors:
- None.

Offence-specific aggravating factors:
- None.

7. Failing to provide a tenant with prior notice that a ground which requires it may be used - section 16E(1)(f) of the Housing Act 1988

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£3,000	£7,000	£2,400	£3,000	£3,600

Rotherham Metropolitan Borough Council

Offence-specific mitigating factors:
- None.

Offence-specific aggravating factors:
- None.

8. Failure to give an existing tenant prescribed information about changes made by the Renters' Rights Act 2025 in the prescribed form and timeframe - paragraph 7(2) of schedule 6 to the Renters' Rights Act 2025

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£4,000	£7,000	£3,200	£4,000	£4,800

Offence-specific mitigating factors:
- Provision of some of the required prescribed information within the required period.
- Provision of prescribed information but not in the prescribed form.

Offence-specific aggravating factors:
- None.

9. Continuation of conduct subject to a relevant penalty (under s.16I or s.16K Housing Act 1988) after the 28-day period (or, if appealed, after conclusion of the appeal) where the final notice has not been withdrawn — section 16J(3) of the Housing Act 1988.

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
Double the starting level for the two constituent breaches added together	£40,000	Dependent on the constituent breaches	Dependent on the constituent breaches	Dependent on the constituent breaches

Offence-specific mitigating factors:
- None.

Offence-specific aggravating factors:
- None.

10. Conduct giving rise to liability under s.16I, where within the preceding five years the person has either (i) had a relevant penalty (under s.16I or s.16K Housing Act 1988) imposed for different conduct and the final notice has not been withdrawn, or (ii) been convicted under s.16J for different conduct – section 16(J)(4) of the Housing Act 1988

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
Double the starting level for the two constituent breaches added together	£40,000	Dependent on the constituent breaches	Dependent on the constituent breaches	Dependent on the constituent breaches

Offence-specific mitigating factors:

- Dependent on the most recent conduct giving rise to liability to a civil penalty under section 16I of the Housing Act 1988.

Offence-specific aggravating factors:

- Dependent on the most recent conduct giving rise to liability to a civil penalty under section 16I of the Housing Act 1988.

11. Relying on a ground where the person knows that the landlord would not be able to obtain an order for possession on that ground, or being reckless as to whether the landlord would be able to do so and the tenant(s) surrendered the tenancy within the period of four months beginning with the date the ground was relied on, without an order for possession of the dwelling-house being made – section 16J(1) of the Housing Act 1988

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£30,000	£40,000	£24,000	£30,000	£36,000

Offence-specific mitigating factors:

- None.

Offence-specific aggravating factors:

- None.

12. Breach of restrictions relating to reletting (s16(E)(2) Housing Act 1988) or remarketing (s16(E)(3) Housing Act 1988) a property within restricted period after using Grounds 1 or 1A of Schedule 2 Housing Act 1988 - section 16J(2) of the Housing Act 1988

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£25,000	£40,000	£20,000	£25,000	£30,000

Offence-specific mitigating factors:
- None.

Offence-specific aggravating factors:
- None.

Housing and Planning Act 2016 offences.

1. Breach of a banning order - section 21(1) of the Housing and Planning Act 2016

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£35,000	£40,000	£28,000	£35,000	£42,000

Where the calculation produces a penalty level above the statutory maximum, the final penalty will be capped at the statutory maximum.

Offence-specific mitigating factors:
- A single, isolated incident.

Offence-specific aggravating factors:
- Concealment or evasion.

Renters Rights Act 2025 breaches

1. Discrimination relating to children in the lettings process – section 33(1) of the Renters' Rights Act 2025

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£6,000	£7,000	£4,800	£6,000	£7,200

Where the calculation produces a penalty level above the statutory maximum, the final penalty will be capped at the statutory maximum.

Offence-specific mitigating factors:
- None.

Offence-specific aggravating factors:

- None.

2. Discrimination relating to benefits in the lettings process – section 34(1) of the Renters' Rights Act 2025

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£6,000	£7,000	£4,800	£6,000	£7,200

Where the calculation produces a penalty level above the statutory maximum, the final penalty will be capped at the statutory maximum.

Offence-specific mitigating factors:

- None.

Offence-specific aggravating factors:

- None.

3. Failure to specify proposed rent within a written advertisement or offer – section 56(2) of the Renters' Rights Act 2025

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£3,000	£7,000	£2,400	£3,000	£3,600

Offence-specific mitigating factors:

- None.

Offence-specific aggravating factors:

- None.

4. Inviting, encouraging or accepting any offer of rent greater than the stated rate – section 56(3) of the Renters' Rights Act 2025

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£4,000	£7,000	£3,200	£4,000	£4,800

Offence-specific mitigating factors:

- None.

Offence-specific aggravating factors:

- None.

The Electrical Safety Standards in the Private Rented Sector and Social Rented Sector (England) Regulations 2020 breach of duties

1. Failure to comply with The Electrical Safety Standards in the Private Rented Sector and Social Rented Sector (England) Regulations 2020 Regulation 3: (3)(b), (3)(d), (3)(e). Regulation 3D: (a), (b), (c), (f)

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£5,000	£40,000	£4,000	£5,000	£6,000

Offence-specific mitigating factors:

- The report or record evidences that the electrical installations were compliant at all points.

Offence-specific aggravating factors:

- The number or nature or severity of the issues observed on the report or record.

2. Failure to comply with The Electrical Safety Standards in the Private Rented Sector and Social Rented Sector (England) Regulations 2020 Regulation 3: (1)(a), (1)(b), (1)(c), (3)(a), (3)(c), (3)(ca),
(5)(b), (5)(c). Regulation 3B: (1)(a), (1)(b), (1)(c). Regulation 3C: (1), (2)(a). Regulation 3D: (d), (e)

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£12,500	£40,000	£10,000	£12,500	£15,000

Offence-specific mitigating factors:

- The report or record evidences that the electrical installations were compliant at all points.

Offence-specific aggravating factors:

- The number or nature or severity of the issues observed on the report or record.

3. Failure to comply with The Electrical Safety Standards in the Private Rented Sector and Social Rented Sector (England) Regulations 2020 Regulation 3: (4), (5a), (6). Regulation 3C: (2)(b), (4)

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£20,000	£40,000	£16,000	£20,000	£24,000

Offence-specific mitigating factors:
- None.

Offence-specific aggravating factors:
- The number or nature or severity of the issues observed on the report or record.

Housing Act 2004 offences

1. Failure to comply with an improvement notice - section 30(1) of the Housing Act 2004

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£25,000	£40,000	£20,000	£25,000	£30,000

Offence-specific mitigating factors:
- The nature and extent of hazard(s) that are present once the deadline for compliance has passed.
- Whether the property is unoccupied once the deadline for compliance has passed.
- Access to the property was prevented by the actions or refusal of the occupant(s) and a landlord can evidence that they took steps to obtain access to the property for the purpose of carrying out the required works, but those steps fell short of establishing a reasonable excuse for non-compliance.

Offence-specific aggravating factors:

The nature and extent of hazard(s) that are present once the deadline for compliance has passed.

2. Failure to comply with an overcrowding notice - section 139(7) of the Housing Act 2004

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£20,000	£40,000	£16,000	£20,000	£24,000

Offence-specific mitigating factors:

- None.

Offence-specific aggravating factors:

- The level of overcrowding present.

3. Failure to obtain a selective licence - section 95(1) of the Housing Act 2004

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£12,000	£40,000	£9,600	£12,000	£14,400

Offence-specific mitigating factors:

- None.

Offence-specific aggravating factors:

- The landlord has knowledge or experience of licensing requirements.

4. Failure to obtain an HMO licence - section 72(1) of the Housing Act 2004

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£17,000	£40,000	£13,600	£17,000	£20,400

Offence-specific mitigating factors:

- None.

Offence-specific aggravating factors:

- The landlord has knowledge or experience of licensing requirements.
- The condition of the unlicensed property.

5. Knowingly permitting over-occupation of an HMO - section 72(2) of the Housing Act 2004

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£20,000	£40,000	£16,000	£20,000	£24,000

Offence-specific mitigating factors:

- There are suitable amenity and space provisions in the HMO.

Offence-specific aggravating factors:
- The level of over-occupation present.

Management of Houses in Multiple Occupation

Failure to Comply with The Management of Houses in Multiple Occupation [England] Regulations 2006 and The Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (England) Regulations 2007 – section 234(3) of the Housing Act 2004

The Management of Houses in Multiple Occupation (England) Regulations 2006 impose duties on the persons managing HMOs in respect of:Providing information to occupiers [Regulation 3]

- Taking safety measures, including fire safety measures [Regulation 4]
- Maintaining the water supply and drainage [Regulation 5]
- Supplying and maintaining gas and electricity, including having these services/appliances regularly inspected [Regulation 6]
- Maintaining common parts [Regulation 7]
- Maintaining living accommodation [Regulation 8]
- Providing sufficient waste disposal facilities [Regulation 9]

The Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (England) Regulations 2007 impose duties on the persons managing HMOs as defined by Section 257 Housing Act 2004 in respect of:

- Providing information to occupiers [regulation 4]
- Taking safety measures, including fire safety measures [regulation 5]
- Maintaining the water supply and drainage [regulation 6]
- Supplying and maintaining gas and electricity, including having these services/appliances regularly inspected [regulation 7]
- Maintaining common parts [regulation 8]
- Maintaining living accommodation [regulation 9]
- Providing sufficient waste disposal facilities [regulation 10]

Where there are multiple breaches of a single Management Regulation at a single HMO, a single civil penalty will be imposed which will cover all the breaches of that Management Regulation.

Where multiple Management Regulations have been breached at a single HMO, a separate civil penalty will be imposed for each Management Regulation that has been breached.

Rotherham Metropolitan Borough Council

Name of Management Regulation	Startin g point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
Duty of manager to provide information to occupier	£3,000	£40,000	£2,400	£3,000	£3,600

Offence-specific mitigating factors:

- The nature and extent of offences within the specific regulation

Offence-specific aggravating factors:

- The nature and extent of offences within the specific regulation
- The landlord has refused to provide any outstanding contact information more than 48 hours after it has been requested by an occupant or on behalf of an occupant.

Name of Management Regulation	Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
Duty of manager to take safety measures	£20,000	£40,000	£16,000	£20,000	£24,000

Offence-specific mitigating factors:

- The number, nature and extent of offences within the specific regulation

Offence-specific aggravating factors:

- The number, nature and extent of offences within the specific regulation

Name of Management Regulation	Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
Duty of manager to maintain water supply and drainage	£10,000	£40,000	£8,000	£10,000	£12,000

Offence-specific mitigating factors:

- The number, nature and extent of offences within the specific regulation

Offence-specific aggravating factors:

- The number, nature and extent of offences within the specific regulation

Name of Management Regulation	Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
Duty of manager to supply and maintain gas and electricity	£12,000	£40,000	£9,600	£12,000	£14,400

Offence-specific mitigating factors:
- The number, nature and extent of offences within the specific regulation

Offence-specific aggravating factors:
- The number, nature and extent of offences within the specific regulation

Name of Management Regulation	Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
Duty of manager to maintain common parts, fixtures, fittings and appliances	£7,000	£40,000	£5,600	£7,000	£8,400

Offence-specific mitigating factors:
- The number, nature and extent of offences within the specific regulation

Offence-specific aggravating factors:
- The number, nature and extent of offences within the specific regulation

Name of Management Regulation	Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
Duty of manager to maintain living accommodation	£7,000	£40,000	£5,600	£7,000	£8,400

Offence-specific mitigating factors:
- The number, nature and extent of offences within the specific regulation

Offence-specific aggravating factors:
- The number, nature and extent of offences within the specific regulation

Name of Management Regulation	Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
Duty to provide waste disposal facilities	£7,000	£40,000	£5,600	£7,000	£8,400

Offence-specific mitigating factors:

- The nature and extent of offences within the specific regulation

Offence-specific aggravating factors:

- The nature and extent of offences within the specific regulation
- The lack of sufficient refuse and/or litter containers either inside and/or outside the property has been previously reported
- The refuse and/or litter that requires disposal includes hazardous materials

Breach of licence conditions – Section 72(3) Housing Act 2004

All granted HMO licences impose a set of conditions on the licence holder. It is important that the licence holder of a licensed property complies with all imposed conditions, but the Council recognises that a failure to comply with certain licence conditions is likely to have a much bigger impact on the safety and comfort of residents than others.

The starting levels for each different type of licence condition breach is set out below based on the seriousness of the offence. Where a licence condition could be interpreted to fall within two different potential starting levels, the higher starting level will be chosen.

Where multiple licence conditions have been breached at a single property, a separate civil penalty will be imposed for each licence condition that has been breached.

Failure to comply with licence conditions related to:

- ***Signage or the provision of information for tenants***
- ***Provision of written terms of occupancy for tenants***
- ***Procedures regarding complaints***
- ***Procedures regarding vetting of incoming tenants***
- ***Compliance with deposit protection legislation***
- ***The recording and provision of information regarding rent payments***
- ***Procedures relating to rent collection***
- ***The provision of information regarding occupancy of the property***
- ***The provision of information regarding change of managers or licence holder details***
- ***The provision of information related to changes in the property***
- ***Requirements relating to the sale of the property***
- ***Attending training courses***
- ***Requirements to hold insurance***
- ***The provision of insurance documentation***

- ***The provision of or obtaining of suitable references***
- ***The provision of keys and alarm codes***
- ***Security provisions for access to the property***
- ***The provision of suitable means for occupiers to regulate temperature***
- ***Carrying out items on a schedule of works not otherwise mentioned in the HMO licence conditions section of this document, relating to non-compliance with items on a schedule of works***

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£4,000	£40,000	£3,200	£4,000	£4,800

Offence-specific mitigating factors:
- The nature and extent of the licence condition breach

Offence-specific aggravating factors:
- The nature and extent of the licence condition breach

Failure to comply with licence conditions related to:

- ***Procedures and actions regarding Inspections***
- ***Procedures regarding Repair issues***
- ***Maintenance and use of common parts (including gardens, outbuildings and property exterior) and living areas***
- ***Safeguarding occupiers and minimising disruption during works***
- ***The provision of information regarding alterations and construction works***
- ***Procedures regarding emergency issues***
- ***Waste and waste receptacles, pests, minor repairs, alterations or decoration.***
- ***Giving written notice prior to entry***
- ***Allowing access for inspections***
- ***Minimising risk of water contamination***
- ***The compliance of furnishings or furniture with fire safety regulations***
- ***Carrying out items on a schedule of works in relation to provision of mechanical extraction or electrical sockets***

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£7,000	£40,000	£5,600	£7,000	£8,400

Offence-specific mitigating factors:
- The nature and extent of the licence condition breach

Offence-specific aggravating factors:
- The nature and extent of the licence condition breach

Failure to comply with licence conditions related to:

- ***The provision of documentation regarding energy performance certificates, fire detection and prevention, emergency lighting, carbon monoxide detection, fire risk assessments, gas installations, electric installations and appliances***
- ***Notification of legal proceedings, contraventions and other relevant information that may affect a fit and proper person status***
- ***Procedures and actions regarding ASB***
- ***Carrying out items on a schedule of works in relation to the provision of personal hygiene facilities, kitchen facilities or heating***

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£12,500	£40,000	£10,000	£12,500	£15,000

Offence-specific mitigating factors:
- The nature and extent of the licence condition breach

Offence-specific aggravating factors:
- The nature and extent of the licence condition breach

Failure to comply with licence conditions related to:

- ***Minimum floor areas***
- ***Occupancy rates***
- ***Occupancy of rooms or areas that are not to be used as sleeping accommodation***
- ***Limits on number of households allowed to occupy the property or part of the property***

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£20,000	£40,000	£16,000	£20,000	£24,000

Offence-specific mitigating factors:
- The nature and extent of the licence condition breach

Offence-specific aggravating factors:
- The nature and extent of the licence condition breach

Failure to comply with licence conditions related to:
- ***The condition or existence of smoke alarms, carbon monoxide alarms, emergency lighting, gas installations, electric installations and appliances, fire detection or other fire safety features or requirements***
- ***The provision and maintenance of safe means of escape, including requirements to keep escape routes and exits free from obstruction***
- ***Carrying out items on a schedule of works in relation to fire safety or the provision of a Carbon Monoxide detector***

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£25,000	£40,000	£20,000	£25,000	£30,000

Offence-specific mitigating factors:
- The nature and extent of the licence condition breach

Offence-specific aggravating factors:
- The nature and extent of the licence condition breach

Selective Licensing. Breach of licence conditions – Section 95(2) Housing Act 2004

All granted selective licences impose a set of conditions on the licence holder. It is important that the licence holder of a licensed property complies with all imposed conditions, but the Council recognises that a failure to comply with certain licence conditions is likely to have a much bigger impact on the safety and comfort of residents than others.

The starting levels for each different type of licence condition breach is set out below based on the seriousness of the offence. Where a licence condition could be interpreted to fall within two different potential starting levels, the higher starting level will be chosen.

Where multiple licence conditions have been breached at a single property, a separate civil penalty will be imposed for each licence condition that has been breached.

Failure to comply with licence conditions related to:

- ***Signage or the provision of information for tenants***
- ***Provision of written terms of occupancy for tenants***
- ***Procedures regarding complaints***
- ***Procedures regarding vetting of incoming tenants***
- ***Compliance with deposit protection legislation***
- ***The recording and provision of information regarding rent payments***
- ***Procedures relating to rent collection***
- ***The provision of information regarding occupancy of the property***
- ***The provision of information regarding change of managers or licence holder details***
- ***The provision of information related to changes in the property***

- ***Requirements relating to the sale of the property***
- ***Attending training courses***
- ***Requirements to hold insurance***
- ***The provision of insurance documentation***
- ***The provision of keys and alarm codes***
- ***Security provisions for access to the property***
- ***The provision of suitable means for occupiers to regulate temperature***
- ***Carrying out items on a schedule of works not otherwise mentioned in the selective licence conditions section of this document, relating to non-compliance with items on a schedule of works***

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£3,000	£40,000	£2,400	£3,000	£3,600

Where the calculation produces a penalty level above the statutory maximum, the final penalty will be capped at the statutory maximum.

Offence-specific mitigating factors:
- The nature and extent of the licence condition breach

Offence-specific aggravating factors:
- The nature and extent of the licence condition breach

Failure to comply with licence conditions related to:

- ***Procedures and actions regarding Inspections***
- ***Procedures regarding Repair issues***
- ***Maintenance and use of common parts (including gardens, outbuildings and property exterior) and living areas***
- ***Safeguarding occupiers and minimising disruption during works***
- ***The provision of information regarding alterations and construction works,***
- ***Procedures regarding emergency issues***
- ***Waste and waste receptacles, pests, minor repairs, alterations or decoration.***
- ***Giving written notice prior to entry***
- ***Allowing access for inspections***
- ***Minimising risk of water contamination***

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£5,250	£40,000	£4,200	£5,250	£6,300

Offence-specific mitigating factors:
- The nature and extent of the licence condition breach

Offence-specific aggravating factors:
- The nature and extent of the licence condition breach

Rotherham Metropolitan Borough Council

Failure to comply with licence conditions related to:

- ***The provision of documentation regarding energy performance certificates, fire detection and prevention, emergency lighting, carbon monoxide detection, fire risk assessments, gas installations, electric installations and appliances***
- ***Notification of legal proceedings, contraventions and other relevant information that may affect a fit and proper person status***
- ***Procedures and actions regarding ASB***
- ***Minimum floor areas***
- ***Occupancy rates***
- ***Occupancy of rooms that are not to be used as sleeping accommodation***
- ***Limits on number of households allowed to occupy the property or part of the property***

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£9,375	£40,000	£7,500	£9,375	£11,250

Offence-specific mitigating factors:
- The nature and extent of the licence condition breach

Offence-specific aggravating factors:
- The nature and extent of the licence condition breach

Failure to comply with licence conditions related to:

- ***The condition or existence of smoke alarms, carbon monoxide alarms, emergency lighting, gas installations, electric installations and appliances, fire detection or other fire safety features or requirements***
- ***The provision and maintenance of safe means of escape, including requirements to keep escape routes and exits free from obstruction***

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£15,000	£40,000	£12,000	£15,000	£18,000

Offence-specific mitigating factors:
- The nature and extent of the licence condition breach

Offence-specific aggravating factors:
- The nature and extent of the licence condition breach

Appendix 3. Table 1 The effect of the Statutory Guidance, model policy and local market adjustment on levels of Civil Penalty. Individual penalties will vary

Act and Offence or Breach	Civil Penalty Calculation (Stat Guidance)			Local Discount bases on ONS Ave rents for Rotherham & region.			Final penalty Range if paid within 28 days.			Final penalty Range if paid within 28 days inc. Local Discount (46.6%)		
a) Protection from Eviction Act 1977	Statutory Guidance level	Aggravated	Mitigated	46.6% reduction			Penalty after 15% prompt payment reduction			Penalty after 15% prompt payment reduction		
Offence	(A) Civil penalty	(B) 20% increase	(C) 20% decrease	A	B	C	A	B	C	A	B	C
Unlawful eviction and harassment (s1(2) and (3))	£35,000	£42,000	£28,000	£18,690	£22,428	£14,952	£29,750	£35,700	£23,800	£15,887	£19,064	£12,709
b) Housing Act 1988 breaches and offences												
Breach												
Attempting to let the property for a fixed term (s16E(1)(a))	£4,000	£4,800	£3,200	£2,136	£2,563	£1,709	£3,400	£4,080	£2,720	£1,816	£2,179	£1,452
Attempting to end the tenancy by service of a notice to quit (s16E(1)(b))	£6,000	£7,200	£4,800	£3,204	£3,845	£2,563	£5,100	£6,120	£4,080	£2,723	£3,268	£2,179
Attempting to end the tenancy orally, or require that it is ended orally (s16E(1)(c))	£6,000	£7,200	£4,800	£3,204	£3,845	£2,563	£5,100	£6,120	£4,080	£2,723	£3,268	£2,179
Serving a possession notice that attempts to end the tenancy outside of the prescribed section 8 process (s16E(1)(d))	£6,000	£7,200	£4,800	£3,204	£3,845	£2,563	£5,100	£6,120	£4,080	£2,723	£3,268	£2,179
Relying on a ground where the person does not reasonably believe that the landlord is/will be able to obtain possession (s16E(1)(e))	£6,000	£7,200	£4,800	£3,204	£3,845	£2,563	£5,100	£6,120	£4,080	£2,723	£3,268	£2,179
Failing to provide a tenant with prior notice that a ground which requires it may be used (s16E(1)(f))	£3,000	£3,600	£2,400	£1,602	£1,922	£1,282	£2,550	£3,060	£2,040	£1,362	£1,634	£1,089
Failing to issue a written statement of terms within 28 days of an assured tenancy coming into existence (s16D)	£4,000	£4,800	£3,200	£2,136	£2,563	£1,709	£3,400	£4,080	£2,720	£1,816	£2,179	£1,452
Failing to provide an existing tenant with prescribed information about changes made by the Renters' Rights Act (paragraph 7 of schedule 6 to the Renters' Rights Act 2025)	£4,000	£4,800	£3,200	£2,136	£2,563	£1,709	£3,400	£4,080	£2,720	£1,816	£2,179	£1,452
Offence												
Relying on a ground knowing the landlord would not be able to obtain possession or being reckless as to whether they would (s16J(1))	£30,000	£36,000	£24,000	£16,020	£19,224	£12,816	£25,500	£30,600	£20,400	£13,617	£16,340	£10,894
Reletting or remarketing a property within the 12 month no-let period after using the moving or selling grounds (s16J(2))	£25,000	£30,000	£20,000	£13,350	£16,020	£10,680	£21,250	£25,500	£17,000	£11,348	£13,617	£9,078
Continuing breach, or repeat breach committed within 5 years of receiving a penalty for first breach (s16J(3) and (4))	Double the starting level for the two constituent											
c) Housing Act 2004 offences												
Offence												
Failure to comply with an improvement notice (s.30(1))	£25,000	£30,000	£20,000	£13,350	£16,020	£10,680	£21,250	£25,500	£17,000	£11,348	£13,617	£9,078
Mandatory HMO unlicensed (s.72(1))	£17,000	£20,400	£13,600	£9,078	£10,894	£7,262	£14,450	£17,340	£11,560	£7,716	£9,260	£6,173
Additional HMO unlicensed (s72 (1))	£17,000	£20,400	£13,600	£9,078	£10,894	£7,262	£14,450	£17,340	£11,560	£7,716	£9,260	£6,173
Knowingly permitting over-occupation of an HMO (s.72(2))	£20,000	£24,000	£16,000	£10,680	£12,816	£8,544	£17,000	£20,400	£13,600	£9,078	£10,894	£7,262
Property subject to selective licensing unlicensed (s.95(1))	£12,000	£14,400	£9,600	£6,408	£7,690	£5,126	£10,200	£12,240	£8,160	£5,447	£6,536	£4,357
Failure to comply with an overcrowding notice (s.139(7))	£20,000	£24,000	£16,000	£10,680	£12,816	£8,544	£17,000	£20,400	£13,600	£9,078	£10,894	£7,262
Breach of HMO management regulations (SI 2006/372 and SI 2007/1903 (in respect of s257 HMOs) made under s234(1)												
Failure to provide information to the occupier	£3,000	£3,600	£2,400	£1,602	£1,922	£1,282	£2,550	£3,060	£2,040	£1,362	£1,634	£1,089
Failure to take safety measures	£20,000	£24,000	£16,000	£10,680	£12,816	£8,544	£17,000	£20,400	£13,600	£9,078	£10,894	£7,262
Failure to maintain water supply and drainage	£10,000	£12,000	£8,000	£5,340	£6,408	£4,272	£8,500	£10,200	£6,800	£4,539	£5,447	£3,631
Failure to supply and maintain gas and electricity or supply gas safety certificate	£12,000	£14,400	£9,600	£6,408	£7,690	£5,126	£10,200	£12,240	£8,160	£5,447	£6,536	£4,357
Failure to maintain common parts	£7,000	£8,400	£5,600	£3,738	£4,486	£2,990	£5,950	£7,140	£4,760	£3,177	£3,813	£2,542
Failure to maintain living accommodation	£7,000	£8,400	£5,600	£3,738	£4,486	£2,990	£5,950	£7,140	£4,760	£3,177	£3,813	£2,542
Failure to provide adequate waste disposal facilities	£7,000	£8,400	£5,600	£3,738	£4,486	£2,990	£5,950	£7,140	£4,760	£3,177	£3,813	£2,542
d) Housing and Planning Act 2016 offences												
Offence				NO LOCAL REDUCTION						NO LOCAL REDUCTION		
Breach of a banning order (s.21(1))	£35,000	£42,000	£28,000	[redacted]			£29,750	£35,700	£23,800	[redacted]		
e) Renters' Rights Act 2025 breaches												
Breach												
Discrimination against those on benefits or with children in the lettings process (s.33 and s.34)	£6,000	£7,200	£4,800	£3,204	£3,845	£2,563	£5,100	£6,120	£4,080	£2,723	£3,268	£2,179
Failure to specify proposed rent within a written advertisement or offer (s.56(2))	£3,000	£3,600	£2,400	£1,602	£1,922	£1,282	£2,550	£3,060	£2,040	£1,362	£1,634	£1,089
Inviting, encouraging or accepting any offer of rent greater than the advertised rate (s.56(3))	£4,000	£4,800	£3,200	£2,136	£2,563	£1,709	£3,400	£4,080	£2,720	£1,816	£2,179	£1,452

Table 2. The effect of the model policy and local market adjustment on levels of civil penalties outside of the Statutory Guidance. Individual penalties will vary

Proposed Civil penalty levels (discresionary) not in Stat Guidance	Civil Penalty Calculation model policy suggested			Local Discount bases on ONS Ave rents for Rotherham & Region.				Final penalty Range if paid within 28 days.			Final penalty Range if paid within 28 days inc. Local Discount (46.6%)		
	Discresionary starting point	Aggravated	Mitigated	46.6% reduction				Penalty after 15% prompt payment reduction			Penalty after 15% prompt payment reduction		
Breach of HMO licence conditions –	(A) Civil penalty	(B) 20% increase	(C) 20% decrease	**A**	**B**	**C**		**A**	**B**	**C**	**A**	**B**	**C**
Breach of licence conditions – Section 72(3) Housing Act 2004 (lowest harm)	£4,000	£4,800	£3,200	£2,136	£2,563	£1,709		£3,400	£4,080	£2,720	£1,816	£2,179	£1,452
Breach of licence conditions – Section 72(3) Housing Act 2004 (lower harm)	£7,000	£8,400	£5,600	£3,738	£4,486	£2,990		£5,950	£7,140	£4,760	£3,177	£3,813	£2,542
Breach of licence conditions – Section 72(3) Housing Act 2004 (medium harm	£12,500	£15,000	£10,000	£6,675	£8,010	£5,340		£10,625	£12,750	£8,500	£5,674	£6,809	£4,539
Breach of licence conditions – Section 72(3) Housing Act 2004 (High harm)	£20,000	£24,000	£16,000	£10,680	£12,816	£8,544		£17,000	£20,400	£13,600	£9,078	£10,894	£7,262
Breach of licence conditions – Section 72(3) Housing Act 2004 (highest harm)	£25,000	£30,000	£20,000	£13,350	£16,020	£10,680		£21,250	£25,500	£17,000	£11,348	£13,617	£9,078
Selective Licensing. Breach of licence conditions – Section 95(2) Housing Act 2004													
Breach of licence conditions – Section 95(2) Housing Act 2004 (lowest harm)	£3,000	£3,600	£2,400	£1,602	£1,922	£1,282		£2,550	£3,060	£2,040	£1,362	£1,634	£1,089
Breach of licence conditions – Section 95(2) Housing Act 2004 (medium harm	£5,250	£6,300	£4,200	£2,804	£3,364	£2,243		£4,463	£5,355	£3,570	£2,383	£2,860	£1,906
Breach of licence conditions – Section 95(2) Housing Act 2004 (High harm)	£9,375	£11,250	£7,500	£5,006	£6,008	£4,005		£7,969	£9,563	£6,375	£4,255	£5,106	£3,404
Breach of licence conditions – Section 95(2) Housing Act 2004 (highest harm)	£15,000	£18,000	£12,000	£8,010	£9,612	£6,408		£12,750	£15,300	£10,200	£6,809	£8,170	£5,447
The Electrical Safety Standards in the Private Rented Sector and Social Rented Sector (England) Regulations 2020													
Breach of licence conditions – Section 95(2) Housing Act 2004 (lowest harm)	£5,000	£6,000	£4,000	£2,670	£3,204	£2,136		£4,250	£5,100	£3,400	£2,270	£2,723	£1,816
Breach of licence conditions – Section 95(2) Housing Act 2004 (medium harm	£12,500	£15,000	£10,000	£6,675	£8,010	£5,340		£10,625	£12,750	£8,500	£5,674	£6,809	£4,539
Breach of licence conditions – Section 95(2) Housing Act 2004 (High harm)	£20,000	£24,000	£16,000	£10,680	£12,816	£8,544		£17,000	£20,400	£13,600	£9,078	£10,894	£7,262
The Smoke and Carbon Monoxide Alarm (England) Regulations 2015													
	Starting	Min	Max										
The Smoke and Carbon Monoxide Alarm (England) Regulations 2015	£3,000	£2,500	£5,000	£1,602	£1,335	£2,670		£2,550	£2,125	£4,250	£1,362	£1,135	£2,270
Minimum Energy Efficiency Standards (MEES)													
The Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015													
(a) letting a property with an F or G rating for less than 3 months: £2,000	£2,000			NO LOCAL REDUCTION				£1,700			NO LOCAL REDUCTION		
(b) letting a property with an F or G rating for more than 3 months: £4,000	£4,000							£3,400					
(c) registering false or misleading information on the PRS exemptions register: £1,00	£1,000							£850					
(d) failing to provide information to the Council demanded by a compliance notice: £2	£2,000							£1,700					

Rotherham Metropolitan Borough Council

Appendix 4 Consultation - Private Sector, Local Housing Enforcement Policy and Civil Penalty Calculation Mechanism.

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: To approve the commencement of consultation on a private sector housing enforcement policy and associated fees and charges	
Directorate: R&E	**Service area:** Community Protection
Lead person: Chris Stone	**Contact:** Chris.stone@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
The report recommends a **consultation** on a Local Housing Enforcement Policy and a mechanism for consistent calculation of the level of Civil Penalty applicable in a range of housing legislation. Renters' Rights Act 2025 and associated Statutory Guidance significantly expands enforcement powers, increasing maximum civil penalties from £30,000 to £40,000 and introduces two national penalty tiers (£7,000 and £40,000 maximums). It requires councils to apply penalties in line with statutory starting points and guidance. The Renters' Rights Act 2025 and new government guidance necessitated a structural update to the Council's approach to housing enforcement and

the application of Civil Financial Penalties. This creates a number of new civil penalties and amends existing penalties. The phased implementation of the Renters Right Act 2025 will introduce a number of Civil Penalties into legal force on 1 May 2026, with further penalties becoming law over the coming months. The Council's existing (2018) Policy for the Use of Civil Penalty and Rent Repayment Orders under the Housing Act 2004 as amended, does not include • New offences and powers under the Renters' Rights Act • Updated civil penalty calculation methodologies • Statutory "starting points" for penalty calculations • The ACEHO national model enforcement framework • Local economic conditions impacting penalty viability • Increases in the level of Rent Repayment Orders The new local policy is therefore required. Proposal affects private sector landlords and conceivably tenants in the private sector. These groups will be made up of a wide range of individuals some of which will have protected characterises. However, the proposal is concerned with the consistent delivery of a statutory duty and will have a financial impact on those who commit offences. This will not by its nature unduly affect any single group within the direct stakeholders. The proposed consultation aims to explore the key finding by providing an opportunity for the community and relevant businesses to comment on the council proposed approach to comply with national legislation, delivering a transparent enforcement process and applying Civil penalties across a range of legislation. The proposed policies offer a consistent approach with other regional local authorities and provide an option to tailor the financial impact of the legislation to the local housing market. Allowing effective enforcement which will not disproportionally damage the local private rented sector.

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 design and reach of the consultation will include residents, businesses, neighbourhood groups, local charities, faith groups, landlord groups, tenants, owner occupiers and visitors, focused on those impacted by the private rented sector. The approach will concentrate on online and email engagement, but paper-based opportunities will be included. Protected characteristic groups will be accessed via specialist services and groups, to allow engagement to the more tailored to avoid potential barriers.
• **Key findings** The consultation responses with drive possible revisions of the proposed policies. By providing the opportunity to consider if any adverse impact on protected groups which have not been anticipated. The consultation also aims to identify any adverse effect on the local housing market whilst still complying with the council statutory duties and delivering proportional robust enforcement.

- **Actions**

The proposed consultation aims to explore the Key finding by providing an opportunity for the community and relevant businesses to comment on the council proposed approach to comply with national legislation, delivering a transparent enforcement process and applying Civil penalties across a range of legislation.

The proposed policies offer a consistent approach with other regional local authorities and provide an option to tailor the financial impact of the legislation to the local housing market. Allowing effective enforcement which will not disproportionally damage the local private rented sector.

As this is the start of the consultation period, an Equality Analysis is not required at this stage but will be completed later once the consultation results have been analysed and the revised policy documents have been developed in accordance with the Council's corporate guidance.

Date to scope and plan your Equality Analysis:	See above
Date to complete your Equality Analysis:	01/08/26
Lead person for your Equality Analysis (Include name and job title):	Chris Stone

5. Governance, ownership and approval

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

Name	Job title	Date
Emma Ellis	Head Of Service Community Safety and Regulatory Services	14/03/26

6. Publishing

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

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

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

Date screening completed	12/3/26
Report title and date	To approve the commencement of consultation on a private sector housing enforcement policy and associated fees and charges
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 13th July 2026
Date screening sent to Performance, Intelligence and Improvement equality@rotherham.gov.uk	15/04/26

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Climate Impact Assessment, Appendix 5, To approve the commencement of consultation on a private sector housing enforcement policy and associated fees

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 the Borough 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 emissions impacts associated with this decision which have not been covered by the above fields: None					

Will the proposal affect Council services' resilience to climate change, or the capacity of people living in the Borough to adapt to climate change? None

Provide a summary of all impacts and mitigation/monitoring measures: Albeit there no identified carbon impacts or effects on climate change adaptation from the proposed consultation on a Local Housing Enforcement Policy and Civil Penalty Calculation Mechanism, having such a policy and mechanism, informed by engagement with local residents, stakeholders and partners will support the delivery of better outcomes for climate change and the environment, as well as tenants in private rented properties. Changes coming into force on 1 May 2026, introduced by the Renters Rights Act 2025, will apply the Decent Homes Standard as a legal minimum standard in the private rented housing sector, for the first time. By enforcing the Decent Homes Standard, the Council will enforce a minimum standard of thermal comfort in private rented homes, with benefits for energy efficiency and emissions from domestic heating.

Supporting information:	
Climate Impact Assessment Author	Chris Stone Community Protection Manager Community Safety and Street Scene Regeneration and Environment
Please outline any research, data or information used to complete this Climate Impact Assessment.	Ministry of Housing, Communities and Local Government. 2025. *Guide to the Renters' Rights Act*. [Online]. [Accessed 17 April 2026]. Available from: https://www.gov.uk/government/publications/guide-to-the-renters-rights-act/guide-to-the-renters-rights-act.
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.	
Validation	Tracking Reference: CIA 628 Arthur King Principal Climate Change Officer

Rotherham Metropolitan Borough Council

Public Report
Cabinet

Committee Name and Date of Committee Meeting
Cabinet – 08 June 2026

Report Title
Finance Update

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

Executive Director Approving Submission of the Report
Judith Badger, Executive Director of Corporate Services

Report Author(s)
Rob Mahon – Service Director Financial Services
Rob.Mahon@rotherham.gov.uk
Natalia Govorukhina – Head of Corporate Finance
Natalia.Govorukhina@rotherham.gov.uk

Ward(s) Affected
Borough-Wide

Report Summary

This report provides an update to Cabinet on a number of financial matters. The report is provided as an interim update for Cabinet on the Council's financial outturn 2025/26, in advance of the more detailed Financial Outturn 2025/26 report to be submitted to Cabinet in July 2026. The updates follow on from the approval of the Budget and Council Tax 2026/27 report at Council on 4 March 2026, which set out the forecast outturn position for 2025/26.

The report reflects that the Council's financial outturn position for 2025/26 has improved from a projected £3.4m overspend, as reported to Cabinet as part of December's Financial Monitoring report, to an overspend of £0.3m. Headline information explaining the improvements is detailed within the report.

The report also provides updates on the Council's delivery of the Household Support Fund and Local Council Tax Support Top Up scheme.

The report provides updates on a series of proposed variations to the Council's Capital Programme that require Cabinet approval.

Recommendations

That Cabinet:-

1. Note the update on the revenue budget financial outturn 2025/26.

2. Note the Council's progress on the delivery of the Local Council Tax Support Top Up payment scheme.

3. Note the update to the Household Support Fund for 2025-26.

4. Approve the capital budget variations as detailed in section 2.4 of the report.

List of Appendices Included
Appendix 1: Initial Equality Screening Assessment (Part A)
Appendix 2: Climate Impact Assessment

Background Papers
Budget and Council Tax Report 2025/26 to Council on 5 March 2025
December Financial Monitoring Report to Cabinet 9 February 2026
Budget and Council Tax Report 2026/27 to Council on 4 March 2026

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

Council Approval Required
No

Exempt from the Press and Public
No

Finance Update

1. Background

1.1 This report is provided to update Cabinet on a number of financial and budget matters following on from the approval of the Budget and Council Tax 2026/27 report at Cabinet on 9 February 2026 and at Council on 4 March 2026.

1.2 The report provides an interim update to Cabinet in advance of the more detailed Financial Outturn 2025/26 and Financial Monitoring 2026/27 reports which will be submitted to Cabinet on 6 July 2026.

2. Key Issues

2.1 Revenue Budget Financial Outturn 2025/26

2.1.1 The Financial Outturn 2025/26 report to Cabinet in July 2026 will set out the full details of expenditure against budget for 2025/26, for both revenue and capital, along with an updated analysis of revenue and capital reserves and an updated position for the Capital Programme.

2.1.2 The Financial Monitoring Report 2025/26 submitted to Cabinet on 9 February 2026, based on the financial monitoring position as at December 2025, outlined that the Council anticipated an overspend of £3.4m. This forecast position was also outlined in the Budget and Council Tax 2026/27 report which was submitted to the same Cabinet meeting and to Council on 4 March 2026. The overspend was to be funded from Reserves as approved at Council as part of the Budget and Council Tax 2026/27 report. However, the report noted that the Council's intention was to further improve that outturn position in the remainder of the financial year, if possible, to help reduce the call on reserves.

2.1.3 The actual financial outturn position reflects an overspend of £0.3m for the financial year 2025/26. This position includes a final overspend of £5.7m across the directorates. As reported throughout 2025/26 the directorates overspend has been mitigated in part by the forecast underspend in Central Services. As at the financial outturn 2025/26, the directorates overspend was significantly offset by the final underspend in Central Services of £5.4m, which reduced the Council's overall outturn to a £0.3m overspend. This is an improvement of £3.1m from the December Financial Monitoring position reported to February Cabinet. The improvement is a result of lower than projected expenditure on Children's Social Care placements in quarter 4 of 2025/26, service areas delivering savings ahead of year-end, maximised grant allocations, and improvements in income being generated.

2.1.4 The main reasons for the improvement in the directorates outturn position are as follows, though more detailed narratives will follow in the Financial Outturn report to Cabinet in July 2026:

- Children & Young People Services' (CYPS) overspend for the year of £2.6m is lower (by £2.4m) than the position reported in December 2025. The reduction is due to forecast costs on planned social care placements not transpiring as expected, maximising the use of grant funding to support the directorate's position and increased staff vacancy and turnover. Whilst this is a much improved position on CYPS, there was an underlying pressure on placements of £6.2m at the financial year end that the Council will continue to address through its Budget and Medium Term Financial Strategy. There is a continued focus on the reduction of external residential placements, completion of the Council's in-house residential programme and growth in (or at least maintaining) the current levels of fostering placements and placements with Independent Fostering Agencies (IFA's).
- Adult Care, Housing & Public Health (ACH&PH) final overspend was £4.8m, which has increased by £0.4m. There have been additional placement costs due to demand and increasing complexity, partially offset by slippage in some Public Health programmes and additional income in housing.
- Regeneration and Environment Services' (R&E) outturn position has decreased, with a final outturn of £0.5m underspent, £1.3m lower than December's forecast. This position is due to various improvements across the Directorate, particularly due to increased income (for example in Streetworks), grant maximisation and income improvements against projection in Culture, Sport and Tourism across Country Park Cafés and Theatres.
- Assistant Chief Executive's (ACE) Directorate final underspend was £0.5m, which was an increase of £0.1m from December due to vacancy control and savings on non-staff expenditure.
- Finance and Customer Services underspend increased by £0.1m due to vacancy control, resulting in a final underspend position of £0.7m.

2.1.5 Central Services delivered an underspend of £5.4m. This was a result of the £5.4m Social Care contingency approved within the Council's Budget and Council Tax Report 2025/26 being used to offset the £6.2m placement overspend within the CYPS outturn position, as planned. In addition, savings generated within the Council's Treasury Management Strategy offset the impact of the Local Government Pay Award and in year inflationary pressures.

2.1.6 The improvements in the directorates' forecast outturns represent a positive direction of travel for the Council's finances and a significant improvement from the £3.4m forecast overspend reported in the December Financial Monitoring to Cabinet in February 2026. This prudent financial management will be important in managing future budget pressures given the known volatility in external factors. This improved position means the Council's Reserve balances also remain stronger than had been projected when setting the 2025/26 and 2026/27 revenue budgets, which helps to ensure the Council has a robust financial position.

2.1.7 The Council's Budget and Council Tax report 2025/26 included the delivery of £7.494m savings, to be delivered across the Directorates. The Council can confirm that £7.054m of delivery has been secured during the year.

Table 1: Delivery of Savings agreed as part of the 2025/26 Budget and Medium Term Financial Strategy.

Directorate	2025/26 Plan	2025/26 Total delivered	Variance To Be Delivered in 2026/27
	£000	£000	£000
ACH&PH	600	600	0
CYPS	6,163	6,163	0
R&E	731	291	440
Total Savings	**7,494**	**7,054**	**440**

2.1.8 There has been a shortfall in the delivery on the Route Optimisation saving within Waste Management, that has meant that the full value of the saving has not been achievable in 2025/26. However, the key actions to deliver the saving have been completed and the full value of the saving should be deliverable in 2026/27. There has been a shortfall in savings to be generated from increased income within Culture, Sport and Tourism across the Country Parks. However, given the completion of the new Café at Rother Valley Country Park and refurbished Café at Thrybergh Country Park it is expected that this income stream will continue to grow.

2.2 <u>Local Council Tax Support Top Up Scheme</u>

2.2.1 Council approved, as part of the Council's Budget and Council Tax Report on the 4 March 2026, continuation of a Local Council Tax Support Top Up Scheme to run during 2026/27. The scheme will provide an additional award during 2026/27 of up to £131.44 additional support to low income households most vulnerable to rising household costs, through reduced Council Tax bills. The application of the Scheme includes all those becoming eligible up to and including 31 March 2027. The 2026/27 Scheme has commenced and at the time of writing a total of £1.712m has been awarded across 15,015 accounts, with 10,866 of these accounts being reduced to nil. Those bill payers in receipt of this award have been provided with a Council Tax bill that shows the top up support from the Council along with a letter explaining the reason for the award.

2.2.2 The estimated Scheme costs are between £1.7m and £1.9m. As agreed in the Budget Report to Council 4 March 2026, this will be funded from the Council's Crisis Resilience Fund allocation for 2026/27. This is new funding from 2026/27, replacing the previous Household Support Fund (HSF).

2.2.3 The 2025/26 Local Council Tax Support Top Up scheme provided additional support of up to £126.12 to low income households most vulnerable to rising household costs, through reduced Council Tax bills. A total of £1.777m has been awarded across 17,558 accounts with 10,989 being reduced to nil in 2025/26.

2.3 <u>Household Support Fund (HSF)</u>

2.3.1 The Council was awarded a full year HSF grant for 2025/26 of just under £4.4m. This was to support vulnerable households with energy, food and other cost of living pressures.

2.3.2 As of 31 March 2026, the Council had fully spent this grant allocation, including through delivering 141,748 Free School Meals vouchers to support families across the school holidays. HSF contributed over £413k to the delivery of the Council's Energy Crisis Support Scheme, supporting 1,657 households with £250 towards their fuel bills. Care leavers were supported with £90k of HSF covering energy and food costs and over 17,558 households received extra support towards their Council Tax bills. In addition, the HSF supported Voluntary and Community Sector provision to provide 657 vulnerable households over the Christmas and New Year period and distributed crisis food parcels throughout the year.

2.3.3 The HSF ended on 31st March 2026, and has been superseded by the Crisis Resilience Fund, with greater emphasis on targeted short-term aid for those on low incomes to deal with urgent financial shocks whilst building long-term financial resilience.

2.4 Capital Programme Variations

2.4.1 The following variations to the capital programme cover significant virements between capital projects that are either a key decision value or a change in use of corporate resources and as such need approval from Cabinet.

2.4.2 <u>Corporate ICT Capital Programme</u>

The ICT capital programme is used to upgrade the Council's core infrastructures, provide or replace end-user devices and related equipment, maintain information security and provide investment to deliver the Council's Digital Strategy. The annual allocations in the capital programme for ICT have been reviewed and as such, a variation is proposed to better reflect the levels of investment required and to ensure there is sufficient budget available against those areas.

The following table shows the proposed project budget profile.

Programme Area	Proposed Profile		
	2026/2027 £	2027/2028 £	2028/2029 £
CTT218 - Digital Innovation	£700,000	£700,000	£700,000
CTT219 - Hardware Provisioning	£1,392,386	£1,500,000	£1,500,000
CTT220 – Network Equipment refresh	£448,692	£350,000	£550,000
CTT221 – Server equipment refresh	£300,000	£250,000	£400,000
CTT223 – Data backup and storage	£275,000	£100,000	£850,000
Total Proposed Programme	**£3,116,078**	**£2,900,000**	**£4,000,000**
Current Programme	**£3,783,015**	**£2,890,000**	**£4,039,150**
Variation	**-£666,937**	**£10,000**	**-£39,150**
		Overall impact	**-£696,087**

The overall impact over the three-year programme is a reduction of £696,087. This saving has been moved to capital contingency. The table below shows the changes per project.

Programme Area	Proposed Variation		
	2026/2027 £	2027/2028 £	2028/2029 £
CTT218 - Digital Innovation	-£167,000	£0	-£315,199
CTT219 - Hardware Provisioning	£0	£590,000	£590,000
CTT220 – Network Equipment refresh	£0	-£280,000	-£80,000
CTT221 – Server equipment refresh	-£602,937	-£400,000	-£250,000
CTT223 – Data backup and storage	£103,000	£100,000	£16,049
Total Proposed Programme	**-£666,937**	**£10,000**	**-£39,150**

2.4.3 Matrix and Century fire stopping works

This variation is to utilise corporate landlord funding to cover the shortfall forecast on firestopping works at the Matrix and Century Business Centres. A total £46k shortfall is forecast across the programme, but this includes a 10% contingency on all projects that are both in progress and pending tender. Given the current likelihood of utilising contingencies in the lighting and heating projects, the overspend is forecast between £23k and £46k. Spend for the outstanding firestopping projects will now fall mainly in 2026/27 to allow for tender and works timescales. It is proposed that the shortfall of £46k is funded via the corporate landlord capital repairs budget (funded by corporate borrowing) as it relates to compliance matters. There is sufficient budget in this year's allocation to afford this.

2.4.4 Rother Valley Country Park Waterfront Café and Events Space

Following a legislative requirement for 20% of car parking spaces to be EV charging spaces, the project has needed to revisit the parking provision. There were originally sufficient EV spaces accommodated in the wider site development, however following a design review and refocusing of attention on the Visitors' Centre and overflow carpark, the number of EV charging bays was reduced elsewhere in the park. Following the legislative change additional spaces are now required within the overflow carpark to meet government stipulation. This work will incur additional costs which are estimated to total £141,973. The proposed source of finance for the identified funding gap is through reallocating the unspent budget from other Local Regeneration Fund (Pathfinder) interventions.

2.4.5 Ash Dieback Mitigation

As part of the 2024/25 budget, a capital investment of £1m was approved to fell and replace trees affected by ash dieback. As at March 2026, £21k has been spent. This variation seeks approval to apply the remaining balance more flexibly, allowing it to be used to address all emerging tree pests and diseases, rather than being restricted to ash dieback related work.

This proposed variation will broaden the scope of the existing capital allocation, which was originally established to manage ash dieback through felling, replanting, and essential safety works. Although ash dieback continues to pose a major risk, operational teams are increasingly encountering trees affected by other diseases and emerging tree pests, resulting in widespread decline across multiple species. These issues are now presenting across highways, parks, woodlands, and housing land, and require a more flexible capital approach to manage them effectively.

Broadening the remit of the capital programme will allow the Council to:

- Address all emerging and serious tree diseases, not just ash dieback
- Respond to safety-critical works across all service areas
- Support replanting and long-term canopy recovery through a structured tree-replacement programme (each new tree costs around £800 inclusive of three years of aftercare)
- Reduce pressure on revenue budgets

2.4.6 Property Flood Resilience

Following Storm Babet, communities impacted by flooding were entitled to apply for property flood resilience measures through a Grant arranged by central Government (DEFRA) but administered by Local Authorities, known as the Property Flood Resilience (PFR) Grant. Eligible flood-hit property owners will be able to apply for up to £5,000 to help make their homes and businesses more resilient to future flooding via the Property Flood Resilience Repair Grant Scheme.

The Council has been supporting residents to apply for the fund, provide professional services and where possible bring multiple schemes together to procure and deliver. This variation will allow for the Council to top up the available funding from the Government scheme and ensure at least a minimum standard of protection is provided as per the surveys undertaken at each property. The additional capacity will allow the essential works, such as flood gates, identified by site surveys to be undertaken; the impact and value per property varies. The works will support 85 properties, a mix of private and Council owned properties.

It should be noted that the Grant are set up to allow residents to pay more to enhance protection beyond the minimum offered through the Grant. However, top up by the Council is recommended as this may be unaffordable in a number of cases and residents have incurred significant costs and disruption as a result of the floods to date. The works will support the overall aims of the Council's drainage capital programme. It should also lead to cost avoidance for the Council in the future, for example in clean-up costs and diverted staff time.

The scheme will utilise £171,026 of unallocated budget (corporate borrowing) from the drainage capital programme to fund any works which cannot be covered by the grant.

3. Options considered and recommended proposal

3.1 This report is retrospectively updating on outcomes and outputs from the Council's revenue outturn position, the delivery of the Local Council Tax Support Scheme 2025/26, progress so far against the 2026/27 Local Council Tax

Support Scheme and delivery of the Household Support Fund 2025/26. The report also seeks approval for a series of variations to projects within the Council's approved Capital Programme. The recommended option is to approve these Capital Programme variations. The alternative option would be to reject the variations, which would mean these schemes would not be able to deliver their outputs as planned.

4. Consultation on proposal

4.1 Consultation with residents, businesses and partners was undertaken as part of the development of the 2025/26 budget setting and then again as part of budget setting for 2026/27. This consultation process covers the revenue Budget and Capital Programme proposals and the Local Council Tax Support Scheme that are all approved through the annual Budget process. The Household Support Fund was approved via a specific report through Cabinet.

5. Timetable and Accountability for Implementing this Decision

5.1 This report is retrospectively updating on outcomes and outputs from the Council's revenue outturn position, the delivery of the Local Council Tax Support Scheme 2025/26, progress so far against the 2026/27 Local Council Tax Support Scheme and delivery of the Household Support Fund 2025/26. The report also seeks approval for a series of variations to projects within the Council's approved Capital Programme. Should these variations not be supported, then the delivery of the schemes will either be delayed or may not happen.

6. Financial and Procurement Advice and Implications

6.1 The financial implications are contained within the main body of the report.

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

7. Legal Advice and Implications

7.1 There are no direct legal implications arising from this report.

8. Human Resources Advice and Implications

8.1 There are no direct HR implications with the content in this report.

9. Implications for Children and Young People and Vulnerable Adults

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

10. Equalities and Human Rights Advice and Implications

10.1 An Initial Equality Screening Assessment (Part A) has been completed and is attached as Appendix 1.

11. Implications for CO2 Emissions and Climate Change

11.1 There are no direct climate change implications arising from this report.

12. Implications for Partners

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

13. Risks and Mitigation

13.1 Budget management and spending controls remain as set out within the Council's Financial and Procurement Procedure Rules.

14. Accountable Officers

Rob Mahon - Service Director, Financial Services

Approvals obtained on behalf of Statutory Officers:-

	Named Officer	**Date**
Chief Executive	John Edwards	15/05/26
Executive Director, Corporate Services (Section 151 Officer)	Judith Badger	11/05/26
Service Director, Legal Services (Monitoring Officer)	Phil Horsfield	11/05/26

Report Author: *Natalia Govorukhina, Head of Corporate Finance*
Natalia.Govorukhina@rotherham.gov.uk

This report is published on the Council's website.

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Appendix 1

Initial Equality Screening Assessment (Part A)

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

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

Completed at the earliest opportunity it will help to determine:

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

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

1. Title:					
Is this a:					
	Strategy / Policy	**X**	**Service / Function**		**Other**
If other, please specify					

2. Please provide a brief description of what you are screening
The Council has a framework of budgetary monitoring and reporting that ensures budget management is exercised within annual cash limits. Each month the Budget Manager receives timely information on income and expenditure to enable them to fulfil their budgetary responsibilities. Following the review of the budget information, each budget manager provides a forecast of their projected outturn position on each service. The Strategic Director subsequently provides a consolidated forecast for their directorate to the Chief Finance Officer and relevant Cabinet Member. A budget monitoring report, which includes an up-to-date outturn forecast, information about significant variances from approved budgets and proposals for dealing with them, is submitted to Cabinet at least 6 times a year, culminating with the Councils Financial Outturn report. Whilst the framework described above relates to revenue budgets, the capital programme is also similarly monitored and reported alongside the Council's revenue position.

The financial monitoring position report summarises the key variances for each directorate and considers the key financial pressures and risks. This report is the second financial report in the financial year, it sets out the Councils latest revenue forecast position. The report also covers off any other key items to be noted at this time. Given that the revenue and capital budgets have been approved by Council in February each year, when equality assessments would have been considered at that time in respect of the budget proposals, there are no further issues in respect of equality and diversity.

3. Relevance to equality and diversity		
All the Council's strategies/policies, services/functions affect service users, employees or the wider community – borough wide or more local. These will also have a greater/lesser relevance to equality and diversity. The following questions will help you to identify how relevant your proposals are. When considering these questions think about age, carers, disability, gender reassignment, race, religion or belief, sex, sexual orientation and any other relevant characteristics (for example socio-economic status, social class, income, unemployment, residential location or family background and education or skills levels).		
Questions	**Yes**	**No**
Could the proposal have implications regarding the accessibility of services to the whole or wider community?		x
Could the proposal affect service users?		x
Has there been or is there likely to be an impact on an individual or group with protected characteristics?		x
Have there been or likely to be any public concerns regarding the proposal?		x
Could the proposal affect how the Council's services, commissioning or procurement activities are organised, provided, located and by whom?		x
Could the proposal affect the Council's workforce or employment practices?		x
If you have answered no to all the questions above, please explain the reason.		
Given that the revenue and capital budgets have been approved by Council in February each year, when equality assessments would have been considered at that time in respect of the budget proposals, there are no further issues in respect of equality and diversity.		

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

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

4. Considering the impact on equality and diversity	
If you have not already done so, the impact on equality and diversity should be considered within your proposals prior to carrying out an **Equality Analysis.** Considering equality and diversity will help to eliminate unlawful discrimination, harassment and victimisation and take active steps to create a discrimination free society by meeting a group or individual's needs and encouraging participation. Please provide specific details for all three areas below and use the prompts for guidance.	
• **How have you considered equality and diversity?** N/A	
• **Key findings** N/A	
• **Actions** N/A	
Date to scope and plan your Equality Analysis:	n/a
Date to complete your Equality Analysis:	n/a
Lead person for your Equality Analysis (Include name and job title):	n/a

5. Governance, ownership and approval		
Please state here who has approved the actions and outcomes of the screening:		
Name	**Job title**	**Date**
Rob Mahon	Service Director Financial Services	01/05/2026

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	01/05/2026
Report title and date	2025/26 Finance Update Report to Cabinet 8th June 2026
If relates to a Key Delegated Decision, **Executive Board**, **Council** or a **Significant Operational Decision – report date and date sent for publication**	
Date screening sent to Performance, Intelligence and Improvement	

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Will the decision/proposal impact…	Impact	If an impact or potential impacts are identified:			
		Describe impacts or potential impacts on emissions from the Council and its contractors.	Describe impact or potential impacts on emissions across the Borough 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?	Decrease	N/A	The changes to the Rother Valley Country Park capital fund mean the number of EV spaces in the park will meet government stipulations, supporting transport decarbonisation.	N/A	N/A
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)?	Decrease	N/A	Changes to the ash dieback capital budget's scope should allow for improved replanting and canopy recovery,	N/A	N/A

			increasing the borough's carbon capture capacity.		

Identify any emissions impacts associated with this decision which have not been covered by the above fields *This report constitutes an update on previously approved activity.*

Will the proposal affect Council services' resilience to climate change, or the capacity of people living in the Borough to adapt to climate change? We know that the risk of flooding is increasing due to climate change. The additional top-up to the Property Flood Resilience Grant increases the support available to property owners to make their homes and businesses more resilient to future flooding events.

Provide a summary of all impacts and mitigation/monitoring measures: The variations to capital budgets detailed in the report are like to have some climate change impacts: • Rother Valley Country Park New Café: changes to the number of EV spaces to meet government stipulations, supporting transport decarbonisation. • Ash Dieback Mitigation: scope should allow for improved replanting and canopy recovery, increasing the borough's carbon capture capacity. • Property Flood Resilience: increases the funding available to property owners to make their homes and businesses more resilient to future flooding events.

Supporting information:	
Climate Impact Assessment Author	Nikki Kelly Finance Manager (Corporate Finance) Financial Services Finance and Customer Services
Please outline any research, data or information used to complete this Climate Impact Assessment.	*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*
Validation	Tracking Reference: CIA637 Katie Rockett Climate Change Officer

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Rotherham Metropolitan Borough Council

Public Report
Overview and Scrutiny Management Board

Committee Name and Date of Committee Meeting
Overview and Scrutiny Management Board – 03 June 2026

Report Title
Menopause Review

Is this a Key Decision and has it been included on the Forward Plan?
No, but it has been included on the Forward Plan

Executive Director Approving Submission of the Report
Chris Paddock, Interim Director of Policy Strategy and Engagement

Report Author(s)
Kerry Grinsill-Clinton, Governance Advisor
01709 807267 or kerry.grinsill-clinton@rotherham.gov.uk

Ward(s) Affected
Borough-Wide

Report Summary
This report summarises the findings and recommendations of the Health Select Commission Spotlight Review into the Menopause. According to the NHS website 'Perimenopause is when you have symptoms of menopause but your periods have not stopped. Perimenopause ends and you reach menopause when you have not had a period for 12 months.

Originally, this piece of work was progressed as a Health Select Commission Workshop arising from its 2025/26 work programme, however, immediately following completion of the workshop it became clear that the quality and engagement in the workshop was such that it was clear that there was a strong desire from all participants to see progress made in relation to the recommendations developed during the session. As such, through subsequent consideration by the Health Select Commission Chair in conjunction the Governance Manager and Head of Democratic Services, it was agreed that it was appropriate to re-frame the work undertaken as a Spotlight Review in order to deliver the progress and impact sought by those who participated.

This report sets out the evidence heard during the Spotlight Review, reflecting the experiences of Rotherham resident and the current system infrastructure surrounding Menopause advice, guidance and treatment options available within the borough and the recommendations made arising from that work.

The report was endorsed by the Health Select Commission during its 14 May 2026 meeting for progression and consideration by the Overview and Scrutiny Management Board, and subsequently by Cabinet, in line with the scrutiny review process.

Recommendations
That the Overview and Scrutiny Management Board (OSMB) endorse the following recommendations:

1. That the Overview and Scrutiny Management Board (OSMB) note the report.

2. That the recommendations listed below and the wider ambitions as listed in Paragraph 5 of the report, as approved by Health Select Commission, be submitted to Cabinet for consideration and response

   <u>Public Awareness and Information, Including Engaging Men and Young People:</u>

   a) That the Council seeks to improve public awareness of perimenopause and menopause through:
      i) The establishment of a single, well-promoted online menopause resource on the RotherHive or another appropriate online medium, supported by printed information that can be accessed via relevant community settings accessible to the digitally excluded.
      ii) That bespoke targeted content aimed at men, young people and employers is included in that resource to ensure a holistic and borough wide approach to raising awareness.
      iii) That the Council works with education providers including schools and colleges to ensure that young people receive age appropriate advice and guidance regarding the effects of the menopause and how to seek support if they or their loved ones are affected.

   <u>Primary Care Improvement:</u>

   b) That the Council seeks to support Primary Care Improvement in relation to perimenopause and menopause through:
      i) Encouraging the adoption of a ‘Menopause Champion’ in every GP Practice in Rotherham, and sharing information regarding GPs Menopause Champions once achieved.
      ii) Encouraging, via the ‘Menopause Champion’ GP network and in conjunction with the NHS Healthcare in the Community Agenda, Development of the Town Centre Health Hub and through collaborative work with TRFT, RDaSH and South Yorkshire ICB, the establishment of a clear and consistent menopause pathway, including consistent assessment tools and referral guidance.
      iii) Encouraging, through the ‘Menopause Champion’ GP network and collaborative work with TRFT, RDaSH and South Yorkshire ICB, the expansion of GP and practice staff training through Protected Learning Time and online modules to further support service delivery, consistency and

capability to provide perimenopause and menopause care in Primary Care settings.

Mental Health Support:

c) That the Council seeks to improve Mental Health Support during perimenopause and menopause by:
   iv) Encouraging health partners, including GPs to embed menopause screening questions within Talking Therapies and other mental health pathways.
   v) Increase the visibility of mental health support options within all menopause information, advice and guidance materials.

Community Support and Engagement:

d) That the Council seeks to improve Community Support and Engagement during perimenopause and menopause by:
   i) Working with relevant Council Services, Health Partners and the Voluntary and Community Sector to expand menopause cafés and community information sessions across more venues.
   ii) Working with relevant Council Services, Health Partners and the Voluntary and Community Sector to further develop outreach support to minority ethnic communities, faith groups and groups with language barriers.

Workplace Health:

e) That the Council seeks to improve Workplace Health in the context of perimenopause and menopause by:
   i) Producing and promoting a bespoke ‘Rotherham Menopause Workplace Toolkit’ setting out best practice, reasonable adjustments and support options for adoption by the Council and which can in be shared with employers across the borough to support ‘menopause positivity’, creating space for open conversations and contributing to reducing the number of women affected by perimenopause and menopause who leave the workforce.
   ii) Promoting workplace ‘Menopause Champions’ in local organisations and businesses, starting with RMBC as an exemplar employer

System Leadership:

f) That the Council seeks to improve System Leadership in the context of perimenopause and menopause by:

i) Utilising the connectivity of the Rotherham Women's Health Network to support the drive for better perimenopause and menopause awareness and care across the borough.
ii) Inviting partners who work with the Council as part of the Health and Wellbeing Board and Safer Rotherham partners, who comprise of some of the borough's largest employers, to adopt workplace 'Menopause Champions' and to support a broader agenda of working towards making Rotherham a 'Menopause Friendly Borough'.
iii) Developing a shared muti-agency action plan with measurable outcomes in support of that aim, including considering inclusion of improvements in menopause information, advice and support in the Council's Health and Wellbeing Strategy.
iv) Working with relevant Council Services, Health Partners and the Voluntary and Community Sector to explore opportunities to secure sustainable long-term funding for menopause initiatives across Rotherham Place.

3. Following submission to Cabinet, that those recommendations within the control and influence of external bodies, are shared with relevant health partners and commissioners for consideration and response.

List of Appendices Included
None

Background Papers
BBC News article outlining the inclusion of Menopause questions in NHS Health Checks
Department of Health and Social Care, Baroness Merron and Rt Hon MP Wes Streeting Press Release
Women's Health Concern - A Woman's Relationship with the Menopause Infographic
Women's Health Concern - Menopause National Survey Results Infographic
Women's Health Concern - Understanding the Risks of Breast Cancer Infographic
Women's Health Concern - Emotional Wellness in Menopause
British Menopause Society - What is the Menopause Fact Sheet
British Menopause Society - Menopause Practice Standards Fact Sheet
British Menopause Society - Menopause identification and management: from NICE guidelines to practice
British Menopause Society - Top Ten Tips
British Menopause Society HRT Guide
British Menopause Society - HRT and Breast Cancer Risks Fast Facts
British Menopause Society - CBT for Menopausal Symptoms
British Menopause Society - Managing Sleep Disturbances
British Menopause Society - Nutrition and Weight Gain Top Ten Tips
British Menopause Society - Menopause in Ethnic Minority Women
British Menopause Society - Menopause and the Workplace Guidance
Menopause Support - Understanding Menopause Essential Guide
Healthwatch Rotherham - Menopause Report
South Asian Women's Experience of Menopause Report

Rotherham United Community Trust Health and Wellbeing Guide (Including Menopause Support Fitness and Chat Sessions)
RDaSH Talking Therapies – Rotherham's Menopause Support Offer Presentation
Official Census and Labour Market Statistics for Rotherham

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

Council Approval Required
No.

Exempt from the Press and Public
No

Menopause Report

1. Background

1.1 The Health Select Commission convened a multi-agency menopause Workshop to explore the lived experience of Rotherham residents, to understand challenges within current service pathways, and identify opportunities to strengthen support across health, community and workplace settings.

1.2 The session brought together GPs and Clinicians, the Council's Public Health, Adult Commissioning and Libraries Services, Healthwatch Rotherham and Voluntary and Community Sector providers such as Rotherham United Community Trust with Elected Members representing the Health Select Commission. Discussions revealed some consistent themes, identified some areas of strength and others where more could be done to support Rotherham's residents through their experience of the Menopause.

1.3 During those discussions, Members and participants were encouraged to keep three key questions in mind:

- Did evidence and experiences presented reflect sufficient awareness and understanding of perimenopause and menopause issues across the borough?
- Were Rotherham's pathways and services truly aligned with the level of need around perimenopause and menopause?
- Crucially, where were the gaps. What areas of need in relation to perimenopause and menopause were not yet addressed or supported as effectively as necessary?

1.4 The recommendations produced during the session have direct links to the Council Plan 2025-2030 in the context of the 'Residents Live Well', 'Children and Young People Achieve' and 'An Economy That Works For Everyone' Strategic Outcomes, which in conjunction with participants' expressed wishes and expectations, led to the ultimate determination to re-frame the Workshop as a Spotlight Review and prepare this report to formalise those recommendations.

2. Key Issues

2.1 In terms of the Spotlight Review's alignment with the Council Plan, it was felt that there was the potential for the findings to directly and/or indirectly impact three Strategic Outcomes as follows:

2.1.1 <u>Residents Live Well:</u>

The Council Plan reflects that 'Improving the health of Rotherham residents is a key priority. Our new Health and Wellbeing Strategy 2025-2030, provides the framework for wide-ranging action, with local partners, to enable Rotherham people to live happy, healthy, independent lives within thriving communities, regardless of their background or circumstances' and that 'We will also support people to maintain and improve their physical and mental health'. Members recognised that the effects of Menopause posed significant physical and mental health challenges for Rotherham people and improved advice, guidance, support and treatment for those affected in the Borough would positively contribute to the achievement of the Council's stated aims in relation to this Strategic Outcome.

2.1.2 Children and Young People Achieve:

The Council Plan states that 'In Rotherham, we want our children and young people to start well, grow with support, and feel safe and heard. We aim to create a place where they can dream big, knowing that no matter their background or challenges, they have the opportunity to achieve their aspirations and reach their full potential. Providing stability, skills and opportunity for our children and young people will inevitably benefit Rotherham as a whole. By ensuring our young people have the best possible start in life, by empowering them and enabling them to flourish, we can make them feel like they have a stake in our town and encourage them to be part of its successful future'. Members recognised that often, young people experienced disruptions in family dynamics and the stability and consistency of their home environment attributable, at least in part, to the impact of Menopause on their loved ones, which had the potential to adversely affect their own mental health and wellbeing, their academic performance and in turn their long-term aspirations and quality of life. Better understanding of and response to those experiencing perimenopause and menopause had the potential to minimise or mitigate those potential adverse impacts.

2.1.3 An Economy That Works for Everyone:

The Council plan refers to 'equipping people with the core skills that provide the bedrock for securing employment, as well as offering holistic support to overcome any barriers that are preventing them from finding and maintaining Employment' and Members recognised that experiencing Menopause, or the wider familial impacts of the Menopause, could significantly increase barriers to securing or maintaining employment. Work on this area could support the achievement of one of the long term measures of success for this Strategic Outcome, 'An increase in the proportion of the working age population who are in work (or actively looking for work) in Rotherham'.

2.2 Review Methodology

2.2.1 A working group was convened which included the following Health Select Commission Members:

- Councillor Keenan (Chair)
- Councillor Clarke
- Councillor Thorp
- Councillor Duncan

- Councillor Brent
- Councillor Garnett
- Councillor Harper

2.2.2 A number of Council Officers, Health Partners and other relevant Voluntary and Community Sector (VCS) organisations were also invited to participate, with representation during the session from:

- Amanda Smith, Libraries and Neighbourhood Hubs Team Leader, RMBC
- Colin Ellis, Public Health Practitioner. RMBC
- Ruth Fletcher-Brown, Public Health Specialist, RMBC
- Dr Linda Strettle, GP Partner, The Village Surgery
- Andrea McCann, Community Project Officer, Rotherham Healthwatch
- Kym Gleeson, Manger, Healthwatch Rotherham
- Jodie Goodall, Health and Wellbeing Manager, Rotherham United Community Trust (RUCT)
- Radhika Gosakan, Consultant Obstetrician and Gynaecologist, The Rotherham NHS Foundation Trust (TRFT)
- Jemma Hall, Communications and Engagement Officer, Rotherham, Doncaster and South Himber NHS Trust (RDaSH) Talking Therapies

Unfortunately, the ICB were unable to send representation to participate in the session on this occasion, as were the Women's Health Network.

2.2.3 Evidence gathering, round-table discussions and the development of agreed recommendations was undertaken during a three hour, in person session conducted under a workshop format.

2.3 **Discussion themes and key insights**

2.3.1 Discussions centred around the following themes:

2.4 <u>Public Awareness and Information, Including Engaging Men and Young People:</u>

2.4.1 Members benefited from a professional explanation and technical definition of perimenopause and menopause, including the varied presentation of symptoms experienced by women at different stages of their menopause journey, and noted that research reflected that 70-80% of women experienced some menopause symptoms, with as many as 25% of women experiencing severe symptoms that had significant adverse impacts on their daily lives. In the context of Rotherham's population based on 2024 Census data, that represented a number in the region of 98,000 to 113,000 women expected to experience some menopause symptoms, and up to 35,000 women expected to experience severe symptoms during their lifetime. Members felt this represented a significant health challenge.

2.4.2 They heard that women often struggled to recognise perimenopause and menopause symptoms and did not know where to seek support. Current information was fragmented, lengthy, or too clinical in nature to be easily understood and translated into tangible actions that could be taken by affected individuals. Many were unaware of what constituted a menopause-related symptom, leading to fear, misattribution and delayed help being sought.

2.4.3 Members were advised about the role of Oestrogen and Progesterone in perimenopause and menopause, and given information in relation to the various types of HRT (Hormone Replacement Therapy) available to treat symptoms. Information was also shared regarding the risks of HRT including the risk of cancer, balanced against other behaviours such as the effect of diet, exercise, alcohol consumption and smoking on cancer risks. Members noted that whilst there had at one time been reticence in some quarters around HRT due to perceived risks, there had been increased uptake following a highly publicised TV documentary which challenged perceptions. Members noted the role of providing access to reliable and accurate information at scale in driving societal behavioural change.

2.4.4 RMBC Libraries, Healthwatch Rotherham and Rotherham United Community Trust (RUCT) were already providing well-attended menopause cafés and information sessions. However, it was acknowledged that:

- Coverage remained uneven across the borough.
- Sessions were not as widely publicised as they could be.
- Many women, especially those not engaged with healthcare services, were not aware that support existed.

2.4.5 Participants stressed the importance of peer support, particularly for those who felt isolated or misunderstood, as an effective tool for lessening the wider impacts of menopause symptoms.

2.4.6 Members were made aware of a report produce by South Yorkshire ICB (Integrated Care Board) in 2023 concerning Women's Health, including menopause, arising from the 2022 National Strategy for Women's health which reflected the following experiences of Rotherham women during perimenopause and menopause including women:

- Avoiding going out.
- Carrying spare clothing.
- Feeling disregarded by family members in terms of the symptoms they were experiencing.
- Feeling unsure of where to get help for anxiety and depression.
- Feeling the need to leave work as a result of the impact of symptoms.
- Being unwilling to admit to being perimenopausal or menopausal due to societal expectations and perceptions.
- Wanting greater awareness, advice, guidance and support to reduce embarrassment and stigma and to encourage more open conversations about perimenopause and menopause.

2.4.7 Members heard that perimenopause and menopause experienced women described a lack of understanding and awareness amongst partners and their children, which raised the potential of contributing to escalating family tensions and mental health pressures for both them and their loved ones. It was noted that in some cases, changes during menopause had driven or contributed to the failure of relationships and the breakdown of family units.

2.4.8 Members also considered the natural timeline of perimenopause and menopause often coinciding with women experiencing increased demands being placed upon them. In particular, it was noted that in England and Wales in 2024, the average age of mothers at childbirth was 31.0 years (Office for National Statistics Data) meaning that the pattern of parents increasingly having families later in life in turn increased the number of women experiencing perimenopause and menopause whilst also raising adolescent children addressing their own physical, hormonal and mental health challenges associated with puberty and pivotal educational milestones such as GCSEs, A-levels and University as they move toward and into adulthood.

2.4.9 It was likewise noted that through extended continuation of those patterns over time, increasingly many women were also simultaneously experiencing perimenopause and menopause whilst not only addressing those challenges, but whilst also seeing increased reliance from elderly relatives such as parents due to age-related general health issues and declining independence.

2.4.10 Members heard that the compounding nature of those competing demands and challenges exacerbated and intensified the adverse effects of perimenopause and menopause at time where the need for energy, emotional strength and personal resilience was arguably at its greatest for those women.

2.4.11 Members heard of the potential for the physical and mental health effects to contribute to difficulties in personal relationships, most notably within an individual's own household, and considered this in the context of the limitations to accessibility of information, support advice and guidance. Participants reflected that for many men, their first awareness or any level of understanding of the menopause is through experiencing the perimenopause stage when a woman is actively experiencing symptoms, whether as a son, partner, brother, friend, colleague or manager. It was noted that men had no personal experiences to draw on to aid their understanding and were not routinely educated in relation to the impacts of perimenopause and menopause and how to best respond to and support women around them experiencing symptoms, which affected their ability to do so. Members heard that within both personal and professional relationships, this was further compounded by reluctance to openly discuss highly sensitive and personal issues connected to Women's Health for fear of embarrassment or insensitivity, or responding inappropriately due to lack of experience, awareness or understanding. It was likewise noted that women who were not perimenopause or menopause experienced, predominantly those in younger age groups, were in that same position.

2.4.12 Members and participants agreed that there was merit in increasing awareness and understanding of perimenopause and menopause amongst the following groups, with the intention of reducing stigma and achieving improved family dynamics:

- Men (partners, carers, family members).
- Younger people including secondary school-age children.
- Employers.

2.4.13 Both Members and other participants emphasised the need for:

- Concise, clear and plain-English guidance.
- Clear symptom explanations.
- Simple instructions on what to discuss with a GP.
- Improved visibility of resources, support, advice and guidance in community settings.

2.4.14 They noted that this would not only be likely to deliver health and wellbeing benefits for those experiencing perimenopause and menopause, but also to those with whom they lived and their dependants by contributing to:

- Maintaining emotional stability in the home environment and family unit by increasing awareness and understanding.
- Supporting young people to achieve their full potential, particularly during key developmental and educational milestones, by supporting emotional health, wellbeing and stability within the home environment.

2.4.15 Similarly, they considered that this would also support maintaining financial stability and a thriving local economy by contributing to:

- Supporting financial stability through maintaining an environment in which women were supported to remain economically active during perimenopause and menopause.
- Creating workplace environments better prepared to respond positively to the needs of women experiencing perimenopause and menopause and increasing the proportion of the overall population that was economically active.

2.5 Primary Care Improvement:

2.5.1 GPs were represented in the discussion by Dr Strettle, who in addition to bringing their own opinion and professional expertise in relation to perimenopause and menopause through particular interest in Women's Health in their role as GP Partner which included teaching across Rotherham for GPs in relation hormone replacement therapy and menopause, had also gathered the views of GPs and patients across Rotherham through surveys conducted in the GP practice to provide a broader and more representative overview.

2.5.2 Members heard that women reported variable experiences when approaching their GP, including dismissal, lack of recognition of perimenopause, and mixed messages around treatment options. Whilst some practices had highly trained and knowledgeable clinicians, others lacked a designated lead, resulting in inequalities in care across the borough.

2.5.3 Participants reflected that it was encouraging to see a focus on Primary Care interventions and improvement as all too often, when individuals presented at Hospital Clinics and Secondary Care settings in relation to perimenopause and menopause issues, the depth or duration the issue or issues experienced had already caused significant harm, and broader health impacts than would have been seen if need had been identified and addressed at the earlier stage. Members welcomed that view and endorsed the importance of early stage identification and intervention to improve outcomes.

2.5.4 Members heard that there was a Menopause Clinic in operation at Rotherham Hospital with the ability to provide specialist advice, guidance and support to Primary Care as required and which also served as a referral point for more complex cases which could not be resolved within the Primary Care setting. A description outlining the types of complex cases that would necessitate referrals into the Menopause Clinic at the Hospital setting from Primary Care was provided. Members were also advised of the proportion of patients seen by the Menopause clinic who had sought Menopause care privately at great cost, and in some cases without having had face to face contact with a Clinician prior to prescriptions for HRT being issued, potentially exposing those with complex care needs to additional risks.

2.5.5 Dr Strettle shared that as part of their preparations for participation in the session, they had contacted all Rotherham GP surgeries and requested details of a GP willing to act as the menopause point of contact for their clinic. Whilst they were unable to confirm whether every practice had responded, a significant proportion had and there was therefore a defined list of GPs within the Rotherham footprint willing to lead on those issues. Members welcomed that as encouraging progress towards improved delivery and intention to achieve greater consistency in the services offered to Rotherham residents.

2.5.6 Discussions acknowledged pressures around Primary Care. Members were advised that as a result of financial pressures arising from squeezed funding streams and the implications of pay increases and National Insurance contributions, there was an increasing need for GP Practices to focus on delivering services that generated income such as immunisations, diabetes and blood pressure control, particularly in the context of maintaining CQC standards and meeting targets. Members were advised that there was no specific funding for perimenopause or menopause care which limited the ability to make significant progress in those areas of delivery whilst carefully managing the need to maintain financially viable GP Practices. Likewise, the role of South Yorkshire ICB in setting funding rates, identifying regional priorities and commissioning, particularly in the context of the ongoing restructure of the organisation was considered along with the need to encourage direction of travel that supports issued identified locally.

2.5.7 Discussions acknowledged that in relation to Primary Care:

- GPs wanted more structured training in relation to perimenopause and menopause.
- There was appetite to nominate suitably trained practice-level champions, despite challenges around funding, financial feasibility and competing health priorities.
- A standardised perimenopause and menopause pathway could improve consistency and address service, experience and treatment inequalities that existed across the borough.
- A Community Clinician that worked across Primary and Secondary Care to streamline service delivery and reduce waiting times from referrals would be a ‘gold standard’ ambition.

2.6 Mental Health Support:

2.6.1 Members and other participants considered increased rates of incidence of anxiety, depression and suicidal ideation among midlife women, typically largely in the perimenopause and menopause window, and especially when racial variations relating to average onset of symptoms were taken into account.

2.6.2 Members heard that whilst clearly not all mental health issues affecting women in the relevant age ranges were attributable to perimenopause or menopause symptoms, there was clear evidence of correlation. Members hear that many women within the relevant age ranges did not recognise or consider the potential for mental ill health to be hormonally driven and potentially connected to perimenopause or menopause, including those that were indirectly driven by other menopause symptoms such as altered sleep, weight gain, loss of libido etc.

2.6.3 Members were advised that due to a lack of broad understanding around perimenopause and menopause, including the racial variations around symptom presentation and onset, GPs, Health Care Practitioners and Mental Health Professionals may not routinely ask about questions about perimenopause or menopause, and women attending their local surgeries or Talking Therapies due to mental health concerns may either not be aware of or volunteer the connection themselves.

2.6.4 Members heard about support available via Talking Therapies through RDaSH (Rotherham, Doncaster and South Humber NHS Trust).

2.6.5 Members heard that whilst male suicide rates were higher in Rotherham, a trend of increasing rates of suicide amongst women, particularly in certain age groups had been a source of concern for some time. Whilst there had been pockets of small scale regional research, in places such as Manchester and Liverpool, there had been no national research around the drivers of suicide in women and ways in which perimenopause and perimenopause experience might contribute to deaths by suicide in women.

2.7 Community Support, Engagement and Outreach:

2.7.1 Members heard that menopause sessions were delivered in some Rotherham Libraries, with support and involvement from Connect Healthcare Rotherham CIC (Community Interest Company), Healthwatch Rotherham, Places Leisure and RUCT. It was also noted that support for broader community outreach had been offered and delivered by TRFT's Obstetrics and Gynaecology Department on order to provide information, advice and guidance to specific communities that were harder to engage. Members noted that the menopause café and information and chat sessions were predominantly funded by RUCT. Most sessions delivered by RUCT were free of charge, whilst some attracted a small fee in order to allow sessions to continue to be viable. Members were keen that to maintain free provision wherever possible.

2.7.2 Members were advised that TRFT had also recently established a Women's Health Network, whose aim was to drive the kind of systemic improvements that were being considered. Whilst the Women's Health Network Chair was unable to attend the session, they were keen to explore how they could support any work to improve the experiences of perimenopausal and menopausal women in Rotherham.

2.8 Workplace Health:

2.8.1 Members and other participants heard that women shared examples of struggling at work due to perimenopause and menopause symptoms, and of experiencing embarrassment or fear of stigma. It was noted that a proportion of perimenopause and menopause aged women left employment entirely because of poor support, whether directly in the workplace or indirectly due to insufficient advice, guidance, and practical treatment options being offered to effectively manage symptoms.

2.8.2 Participants reflected that normalising workplace conversations about perimenopause and menopause was critical to breaking down broader cultural barriers and stigma, and moving awareness and responsiveness in both professional and personal lives into a more open and comfortable space.

2.8.3 Members were advised that the Council's Public Health team had previously delivered some sessions on the menopause to Rotherham employers. It was noted that delivering training, information, advice and guidance through workplaces was an effective method of delivering information at scale and maximising reach.

2.8.4 Whilst members were advised that Public Health had delivered workplace menopause sessions, they heard that a borough-wide workplace health approach was needed, including:

- Practical adjustments guidance.
- Employee and Manager training and 'toolkits'.
- Workplace champion networks.

2.8.5 Members heard that the Council's Public Health Team did not have a Women's Health Lead, but that rather different Public Health Specialists whose roles comprised various elements of Women's Health.

2.8.6 Members heard that as significant employers in the region, the Local Authority and NHS infrastructures do not yet fully embody the behaviours discussions idealised around normalisation of and responsiveness to perimenopause and menopause in the workplace. Members welcomed a move towards those organisations becoming ambassadors for 'menopause friendliness' and embedding policies and procedures that aligned with the behaviours they wanted to see reflected across the borough as a whole under a broader ambition of being a 'Menopause Friendly Borough'.

2.9 <u>System Leadership:</u>

2.9.1 The Women's Health Network was identified as a potentially appropriate forum to co-ordinate borough-wide menopause work across Health Partners, Council Services and the Voluntary and Community Sector.

2.9.2 Participants reflected on the potential of 'RotherHive' as an online space for housing menopause, advice, guidance and resources for individuals and groups such as schools and employers under its 'Life Stages' area. Members welcomed the general idea of readily accessible and impactful information, resources and tools to support broader understanding and normalisation or perimenopause and menopause.

2.9.3 Members were advised that some Pharmacies in Rotherham were able to prescribe certain types of HRT in certain circumstances. However, what was not clear was which Pharmacies had that ability, whether there was any centra record of that or if that information what shared widely with Rotherham residents whom it might benefit. Members were keen to see that information shared to address some of the systemic pressures affecting both Primary Care, and potentially partly driving the incidence of private menopause care being sought.

2.9.4 Members heard participants highlight that previous national funding for Women's Health had been short-term and non-recurrent, which created challenges in long-term planning and supporting improvements in service provision. Views were shared that previous approaches to Women's Health and in particular perimenopause and menopause could be considered tokenistic and did not generate an environment that facilitated broad cultural change or significant progress on the issue.

3. Options considered and recommended proposal

3.1 During its 14 May 2026 meeting Health Select Commission considered the options presented to them and elected to support the recommendations detailed in this report. It was felt that the recommendations, and had the potential to deliver tangible improvements in health and wellbeing, whilst simultaneously supporting the broader vision and strategic outcomes described in the Council Plan.

4. Consultation on proposal

4.1 Members have regard to the expressed views of their constituents in their formulation of scrutiny priorities and lines of inquiry. Recommendations from scrutiny are produced as outcomes from consultation by Members in their role as elected representatives of Rotherham residents.

4.2 In its review, the working group considered evidence from the officers and key partners. Those who participated are outlined in paragraph 2.2.2.

5. Timetable and Accountability for Implementing this Decision

5.1 The accountability for implementing recommendations arising from this report will sit with Cabinet and relevant officers.

5.2 The Overview and Scrutiny Procedure Rules require Cabinet to consider and respond to recommendations from Overview and Scrutiny Management Board and the Select Commissions in no more two months from the date that Cabinet receives this report.

6. Financial and Procurement Advice and Implications

6.1 No financial implications arise directly from this report, although the response to the review will need to take account of any such implications arising from consideration of the scrutiny recommendations.

7. Legal Advice and Implications

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

8. Human Resources Advice and Implications

8.1 There are no human resources implications directly arising from this report.

9. Implications for Children and Young People and Vulnerable Adults

9.1 Implications for Children, Young People, and Vulnerable Adults are set out in the main body of the report.

10. Equalities and Human Rights Advice and Implications

10.1 Furthering equalities and human rights are scrutiny objectives; therefore, Members considered equalities in the development of scrutiny work programmes, lines of inquiry and in their derivation of recommendations designed to improve the delivery of council services for residents.

11. Implications for CO_2 Emissions and Climate Change

11.1 There are no climate or emissions implications directly associated with this report.

12. Implications for Partners

12.1 Implications for partners are set out in the main section of the report outlining the Commission's findings. Cabinet will need to consider the implications for partners in its response to the recommendations from scrutiny.

13. Risks and Mitigation

13.1 Members have regard to the risks and mitigation factors associated with the services under scrutiny and have made recommendations accordingly.

Accountable Officer(s)
Emma Hill, Head of Democratic Services and Statutory Scrutiny Officer
Kerry Grinsill-Clinton, Governance Advisor

Approvals obtained on behalf of:

	Name	Date
Service Director of Legal Services (Monitoring Officer)	Phillip Horsfield	18/05/26
The Executive Director with responsibility for this report	Chris Paddock, Interim Director of Policy, Strategy and Engagement	20/05/26

Report Author: Kerry Grinsill-Clinton
01709 807267 or kerry.grinsill-clinton@rotherham.gov.uk

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Agenda Item 9

Overview and Scrutiny Management Board – Work Programme 2026-27

Chair: Councillor Brian Steele | **Vice-Chair: Cllr Joshua Bacon**
Governance Manager: Barbel Gale | **Link Officer: Phillip Horsfield**

The following principles were endorsed by OSMB at its meeting of 5 July 2023 as criteria to long/short list each of the commission's respective priorities:

Establish as a starting point:
- What are the key issues?
- What is the outcome that we want?

Agree principles for longlisting:
- Can scrutiny add value or influence?
- Is it being looked at elsewhere?
- Is it a priority – council or community?

Developing a consistent shortlisting criteria e.g.

T: Time: is it the right time, enough resources?
O: Others: is this duplicating the work of another body?
P: Performance: can scrutiny make a difference
I: Interest – what is the interest to the public?
C: Contribution to the corporate plan

Meeting Date	Responsible Officer	Agenda Item
Wednesday 6 May 2026	Jayne Metcalfe	Progress Update on Future Rothercare Model
	Ian Spicer	Homelessness Prevention and Rough Sleeper Strategy 2026 2031 - Pre-decision scrutiny
	Andrew Bramidge	Rotherham Markets and Libraries - Pre-decision scrutiny
	Andrew Bramidge	Selective Licensing Community Impact - Pre-decision scrutiny
	Barbel Gale	Work Programme
	Each Governance Advisor	Work in progress from Select Commissions
	Barbel Gale	Forward Plan of Key Decisions
Wednesday 3 June 2026	Judith Badger & Rob Mahon	Finance Update June 2026 - Pre-decision scrutiny
	Andrew Bramidge	Renters Rights Act Policy Consultation - Pre-decision scrutiny
	Kerry Grinsill-Clinton	Menopause Scrutiny Review by Health Select Commission
	Barbel Gale	Work Programme
	Each Governance Advisor	Work in progress from Select Commissions
	Barbel Gale	Forward Plan of Key Decisions
Wednesday 1 July 2026	John Edwards	Council Plan 2025 - 2028 & New Year Ahead Delivery Plan - Pre-decision
		Leader Q&A - to be scheduled after Council plan on the agenda.
	Judith Badger & Rob Mahon	Financial Outturn 2025-26 - Pre-decision scrutiny
	Judith Badger & Rob Mahon	Treasury Management Outturn 2025-26 - Pre-decision scrutiny
	Judith Badger & Rob Mahon	Financial Monitoring for May - Pre-decision scrutiny
	Andrew Bramidge	Draft Street Trading Policy - Pre-decision scrutiny
	Kerry Grinsill-Clinton	Scrutiny Annual Report 2025-2026
	Barbel Gale	Work Programme
	Each Governance Advisor	Work in progress from Select Commissions
	Barbel Gale	Forward Plan of Key Decisions
Tuesday 8 September 2026	Kevin Fisher & Judith Badger	Investing in our Community Facilities - Update report to include the the updated condition survey results
	Chris Paddock	Social Value Annual Report - Pre-decision
	Barbel Gale	Work Programme
	Each Governance Advisor	Work in progress from Select Commissions
	Barbel Gale	Forward Plan of Key Decisions

Extraordinary Meeting in September 2026	Mat Dyson	OSMB Children's Takeover Challenge - Topic yet to be chosen by the Rotherham Youth Cabinet
Wednesday 7 October 2026		
	Barbel Gale	Work Programme
	Each Governance Advisor	Work in progress from Select Commissions
	Barbel Gale	Forward Plan of Key Decisions
Wednesday 11 November 2026	Andrew Bramidge / Simon Moss / Fiona Fletcher	Progress update on the implementation of the Pathways to Work Economic Inactivity Trailblazer programme - The programme will be a good way through year 2, therefore members will receive an update on both year 1 outcomes, year 2 developments and target forecasts.
	Fiona Boden	Complaints Annual Report
	Barbel Gale	Work Programme
	Each Governance Advisor	Work in progress from Select Commissions
	Barbel Gale	Forward Plan of Key Decisions
Wednesday 9 December 2026		
	Barbel Gale	Work Programme
	Each Governance Advisor	Work in progress from Select Commissions
	Barbel Gale	Forward Plan of Key Decisions
Tuesday 12 January 2027		Council Plan and Year Ahead Delivery Plan Progress Update - Pre-decision
	Barbel Gale	Work Programme
	Each Governance Advisor	Work in progress from Select Commissions
	Barbel Gale	Forward Plan of Key Decisions
Wednesday 3 February 2027		Budget and Council Tax Report 2027-28 - Pre-decision
	Barbel Gale	Work Programme
	Each Governance Advisor	Work in progress from Select Commissions
	Barbel Gale	Forward Plan of Key Decisions
Wednesday 10 March 2027		
	Barbel Gale	Work Programme
	Each Governance Advisor	Work in progress from Select Commissions
	Barbel Gale	Forward Plan of Key Decisions
Wednesday 7 April 2027		
	Barbel Gale	Work Programme
	Each Governance Advisor	Work in progress from Select Commissions
	Barbel Gale	Forward Plan of Key Decisions

Substantive Items for Scheduling

Nov-26	Andrew Bramidge / Simon Moss / Fiona Fletcher	Progress update on the implementation of the Pathways to Work Economic Inactivity Trailblazer programme - The programme will be a good way through year 2, therefore members will receive an update on both year 1 outcomes, year 2 developments and target forecasts.
Jul-29	Andrew Bramidge / Polly Hamilton	At it's meeting on 10 December 2025 during its consideration of the Library Strategy as part of it's pre-decision work OSMB agreed to receive a mid-point progress update on the implementation of the Library Strategy 2027–2032.
December 2026 / April 2027	Mike Thomas	It was agreed that the final Community Governance Review report would be presented to OSMB as part of its pre-decision scrutiny work ahead of its consideration by Cabinet

Reviews for Scheduling

In Progress	Sam Barstow	Lighting Columns - Cut unnecessary red tape

Items to be Considered by Other Means (e.g. workshop etc)		
Autumn 2026	Andrew Bramidge	An update on progress following the implementation of Waste Service Route Optimisation programme be brought back to OSMB within twelve months via an off-agenda briefing.
Autumn 2026	Andrew Bramidge	An update on the progress following the implementation of the Street Safe Team programme be brought back to OSMB within twelve months via an off-agenda briefing.
Sep-26	Andrew Bramidge	Replacement of refuse vehicles: Information to be provided to give an update on the procurement of the new refuse vehicles and progress against the target for renewal of the fleet. These briefings should be split to represent the different phases of the programme.
June / July 2026	Andrew Bramidge / Sam Barstow	Public on street bin collections: Information to be provided regarding the emptying of public bins. This information should include details of how overflowing bins can be reported, how often collections are scheduled for and how those are monitored, what join arrangements are in place with Parish Council's, if any, and a list of the locations of bins under RMBC management, if available.
TBC	Luke Sayers	IT Systems: Workshop to be arranged for members of OSMB to understand what IT systems the Council is using, what the purpose of those systems is, are those systems as up to date as possible, how updates to those systems are managed, how the Council is using artificial intelligence (AI), is the Council using outdated technology, and was the Council spending too much or too little in this area.
TBC	Lynsey Linton	Recruitment: Initially information has been requested to understand how recruitment is carried out across the Council, indicating if the same processes were used across all directorates, detailing if recruitment was centralised, was there a reliance on agency staff to cover staff vacancies. After consideration of the off-agenda briefing Members of OSMB will then consider if a workshop needs to be held to discuss this in more detail.
TBC	Fiona Fletcher	Pathways to Work Economic Inactivity Trailblazer programme: Agreed that a briefing be provided to share the details of the commissioned VCSE organisations and their geographic reach with members of OSMB.
Items for Future Consideration		

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Rotherham Metropolitan Borough Council

Health Select Commission (HSC) Chair's Briefing for the Overview and Scrutiny Management Board (OSMB) meeting on 3 June 2026

Items covered since the last meeting:

At the HSC meeting on 14 May 2026 the following items were considered:

1. Adult Social Care CQC Inspection Outcome

Members scrutinised the Adult Social Care CQC outcome by probing the strength of evidence underpinning the 'Good' rating, focusing on performance variation, data reliability and lived experience. The Commission examined delays in assessments, safeguarding and equipment provision and the management of associated risks, whilst challenging low carers' support uptake and poorer wellbeing outcomes. Particular emphasis was placed on equity and inclusion, testing engagement with seldom-heard groups, accessibility of services and equity of experience, alongside the effectiveness of community-based approaches and partnerships. Members also questioned how meaningful co-production was in practice, sought assurance on safeguarding for people with complex needs, and pressed for clear improvement priorities, notably strengthening the carers' offer, improving equity and co-production, and reducing waiting times, supported by robust action planning and monitoring. Members also celebrated the success of the Service in achieving the 'Good' rating and looked forward to monitoring progress against targets on its continuing improvement journey.

The following recommendations were agreed during the meeting:

That the Health Select Commission:

1. Noted the contents of the report including the areas of strength and the areas of focus, as detailed in the CQC assessment report.

2. Noted Requested that the service provides the Health Select Commission with a copy of the 18 month action plan referred to under paragraph 5.1 of the report, upon this being developed.

3. Requested that service formalises arrangements, including the method of delivery and a suitable timeline, for reporting progress against CQC improvement areas documented in the 18 month action plan to the Health Select Commission.

4. Requested that service provide the Health Select Commission with information regarding the role of 'Community Connectors' to aid their understanding

2. NHS 10 Year Plan; Local Implications Incorporating Neighbourhood Health Services

Members scrutinised the NHS 10 Year Plan's local delivery by testing how the Neighbourhood Health model would be implemented in Rotherham, focusing on governance, clarity of roles and accountability, and how success would be measured and assured. The

Commission examined risks around ambiguous neighbourhood definitions, data-sharing and alignment across services, while challenging how the model would tackle health inequalities and ensure equitable access across deprived, rural and cross-boundary communities. They also probed workforce capacity, cultural change and the lack of additional funding, particularly how resources would shift from hospital to preventative and community-based care, whilst emphasising the need for strong Member oversight and meaningful engagement with residents, including seldom-heard voices, as delivery developed.

The following recommendations were agreed during the meeting:

That the Health Select Commission:

1. Noted the contents of the presentation and the update provided.

2. Requested that, as with the roles of the Place Board and Health and Wellbeing Board, the role of Health Select Commission be clearly defined and agreed at the earliest opportunity to ensure that focussed outcome driven scrutiny can be appropriately framed and scheduled in line with delivery plans and timelines. The specific details and timeline for completion of this subsequent scrutiny activity would be agreed at a suitable stage once greater clarity was achieved.

3. Requested that the Commission be sighted on and included in any engagement, consultation and co-production work supporting the Neighbourhood Health transition, including considerations around neighbourhood footprints.

3. Menopause Review Report

Members considered of the Menopause Review Report which had been prepared following work undertaken by a Working Group with the support of Council Officers, Place Partners and the Voluntary and Community Sector.

The following recommendations were agreed during the meeting:

That the Health Select Commission:

1. Noted the content of the Menopause Review Report.

2. Supported Option B as described in the report.

3. Supported the report being presented to OSMB, and subsequently Cabinet.

Work programme 2025-26 updates:

- **Quality Accounts**

The Health Select Commission has reviewed and provided formal responses to the following Quality Accounts:

- Yorkshire Ambulance Service (YAS)
- The Rotherham NHS Foundation Trust (TRFT)
- Rotherham, Doncaster and South Humber NHS Trust (RDaSH)

Items to be discussed at the next meeting:
At the HSC meeting on 18 June 2026 the following items are due to be considered: • Castle View Transition Plan • Rotherham Women's Health Network Introduction and Overview • Nominate Representative to Health, Safety and Welfare Panel

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Improving Lives Select Commission Chair's Briefing for the Overview and Scrutiny Management Board meeting on 3rd June, 2026

Items covered since the last update meeting:-

- Improving Lives held its meeting on 28th April, 2026 and the following items were considered:-

    - Corporate Parenting Partnership Board Update – Members received a verbal update following the Corporate Parenting Partnership Board meeting held on 24th March, 2026.

      Members welcomed the update and the positive information that was shared.

    - Corporate Parenting Partnership Board Annual Report 2024-2025 – Members considered the progress made by Corporate Parenting Partnership Board in 2025 and noted the areas of focus for 2026.

      Members discussed at length and received clarification from officers to answer their many questions. As a result a further two recommendations sought to seek a breakdown of the Children in Care 2025 placement numbers and suggested the Cabinet Member ask the LGA's Children and Families Committee if they were aware of any work being undertaken to change the narrative surrounding children in care and care leavers and how it could be positively reframed to challenge stigma and dispel common myths.

    - Child Exploitation Strategy Update – Members welcomed this report and noted the progress made against the Child Exploitation Strategy 2024-29.

      Members questioned and challenged the content at length and the sought assurance how the four priorities in the Child Exploitation Strategy 2024-29 would be delivered.

      As a result further recommendations were suggested to consider the work taking in the primary sector around the work on healthy relationships, sharing detail with Community Safety and Environmental Health about the risks of exploitation associated with non-licensed food premises and to consider how to equip non-traditional partners and contractors to identify and respond to child exploitation now and in the future.

Work Programme 2025-26 Updates:-

- Children's Capital of Culture Workshop - Impact and Legacy for Children and Young People

  A workshop took place on Tuesday, 21st April, 2026 looking at the Impact and Legacy for Children and Young People following the Children's Capital of Culture. An invitation was also extended to Improving Places Select Commission for any interested Members to attend.

  Officers provided Members with results of the interim evaluation, showed a short film and followed with a workshop giving members the chance to share their experiences in facilitated groups focused on:-

  - Member engagement - what worked well, what could be better.
  - Ward experience - what took place in their wards, what worked well, what could be better.

  Members welcomed the opportunity to discuss at length the evaluation process for the Children's Capital of Culture and fed back their own experiences which would be incorporated into the results and included in the final evaluation report.

- Children and Young People's Partnership Board

  At its meeting on 17th March, 2026 Improving Lives Children agreed to a request by the Young People's Partnership Board to attend their next meeting on 28th April, 2026 to be part of a pre-decision scrutiny session on their new draft strategy and their priorities moving forward.

  This session provided a great opportunity to hear directly from the young people on the priorities they had identified and the rationale, the potential impact and outcome measures and the presentation of the strategy itself much the same way pre-decision scrutiny had worked before.

  The Members that volunteered to attend found the process welcoming and rewarding. The presentation on the strategy by the young people was inspirational as they aspired to improve the lives of young people in Rotherham.

  Members volunteered several suggestions on how the strategy may be improved before it was presented to Cabinet for approval. The suggestions included adding a little more detail to some of the statistics to make them more meaningful for impact, identification of where support was available and expansion of some information in the narrative.

The Children and Young People's Partnership welcomed the feedback and found the experience of speaking to Improving Lives of high value.

Items to be discussed at the next meeting:-

9th June, 2026

- Kinship Local Offer Annual Update.

- Expert at Hand Model (Linked to the SEND Reform Plan).

Rotherham Metropolitan Borough Council

Improving Places Select Commission (IPSC) Chair's Briefing: for OSMB meeting on 3 June 2026

Items covered since the last update meeting:
There has been no meeting of IPSC since the last OSMB meeting on 6 May 2026. The first meeting of the 2026-27 municipal year is due to take place on Tuesday 23 June 2026.
Work Programme Updates
• **School Road Safety Review Group** The review group has recently met with representatives from the Road Safety and Active Travel teams at South Yorkshire Mayoral Combined Authority (SYMCA) to explore what support might be available from SYMCA in relation to any future school road safety plans in Rotherham.
Items to be discussed at the next meeting:
At the next meeting of IPSC on 23 June 2026 Members are due to scrutinise the following items:- • **Draft Neighbourhood Leadership Strategy;** and • **Update on Housing Strategy Action Plan**.

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