

## **CABINET MEMBER FOR HOUSING AND ENVIRONMENTAL SERVICES**

**Venue: Town Hall, Moorgate  
Street, Rotherham.**

**Date: Monday, 15 November 2004**

**Time: 9.30 a.m.**

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

1. To determine if the following matters are to be considered under the categories suggested in accordance with the Local Government Act 1972.
2. To determine any item which the Chairman is of the opinion should be considered as a matter of urgency. (Pages 1 - 8)  
Almo  
- Verbal report by the Executive Director of Neighbourhoods  
  
Neighbourhood Development  
  
Conferences
3. Anti-Social Behaviour Unit Update (Pages 9 - 15)  
- to note the report and the proposals for sustainable actions on tackling anti-social behaviour in Rotherham
4. Streetpride Performance Response Times (Pages 16 - 20)  
- to note the report and receive reports on a quarterly basis
5. Petition - Dalton (Pages 21 - 22)  
- to receive the report and note the action taken to date
6. Petition - Herringthorpe (Pages 23 - 24)  
- to receive the petition and note the action taken to date
7. Garage Management Review Update (Pages 25 - 44)  
- to note the progress made with the management and maintenance/improvement of garage sites across the Borough
8. Void Property Monitoring for 30th August to 29th October, 2004 (Pages 45 - 50)  
- note the action taken and current progress
9. Licensing Act (Pages 51 - 119)  
- to approve the draft Statement of Licensing Policy
10. Exclusion of the Press and Public

Resolved:- That, under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in those paragraphs indicated below of Schedule 12A to the Local Government Act 1972:-

11. Update District Heating Management Contract (Pages 120 - 123)  
(Exempt under Paragraphs 7 and 9 of the Act – financial affairs of another body/negotiation of terms)
12. Housing and Environmental Services Complaint Panel held on 22nd October, 2004 (Pages 124 - 129)  
(Exempt under Paragraphs 4 and 7 of the Act – information as to services provided by the Authority/affairs of an outside person)
13. Petition - Tarran Properties, Maltby  
Report not available electronically  
(Exempt under Paragraph 3 of the Act - accommodation provided by the Council)
14. Grounds Maintenance - Cemeteries and Crematorium Service (Pages 130 - 140)  
(Exempt under Paragraph 9 of the Act – negotiation of terms for the provision of services)
15. Grant Repayment (Pages 141 - 144)  
(Exempt under Paragraphs 4, 5 and 8 of the Act – contains name and address of applicant requesting financial assistance from the Authority)
16. Repairs Freephone Service (Pages 145 - 147)  
(Exempt under Paragraph 8 of the Act – expenditure incurred for the provision of service)
17. Public and Private Sector Applications Exceeding Delegated Powers (Pages 148 - 156)  
(Exempt under Paragraphs 4, 5 and 8 of the Act – contains names and addresses of applications requesting financial assistance from the Authority)

|  |
|--|
| <b>ROTHERHAM BOROUGH COUNCIL – REPORT TO CMT</b> |
|--|

|           |                        |   |
|-----------|------------------------|---|
| <b>1.</b> | <b>Meeting:</b>        | <b>Corporate Management Team</b>          |
| <b>2.</b> | <b>Date:</b>           | <b>2<sup>nd</sup> September 2004</b>      |
| <b>3.</b> | <b>Title:</b>          | <b>Neighbourhood Development</b>          |
| <b>4.</b> | <b>Programme Area:</b> | <b>Housing and Environmental Services</b> |

## 5. Summary

The report sets out the local and national context in which the council's proposals for neighbourhood development is set.

It puts forward proposals for the development of neighbourhood management and provides a summary of the steps that will be need to be taken to establish effective arrangements. It also recognises the importance of creating the right conditions for neighbourhood management to develop and to develop confidence in the Council's commitment to lead.

## 6. Recommendations

- I. Report to Cabinet
- II. Agree the outline project plan.
- III. Establish a task group involving officers and members to drive the Council's approach.
- IV. All member seminar

## 7. Proposals and Details

A number of national and local policy initiatives are requiring local authorities to assess their relationship with communities and consider how they deliver high quality services that contribute to the sustainability of communities, particularly those experiencing high levels of deprivation and disadvantage.

The broad policy intention behind the Government's approach is to:

- Reduce inequalities
- Improve local services and ensure they are integrated and accessible to the public
- Increase democracy and engagement in civil society
- Promote community cohesion
- Improve the quality of life for all

The Rotherham Community Strategy and Neighbourhood Renewal Strategy incorporate these objectives. Locally we have made specific commitments in the Neighbourhood Renewal strategy to:

- Drive forward service integration at neighbourhood level through the development of a neighbourhood management approach
- Prioritise the active involvement of communities and place community needs and aspirations at the heart of neighbourhood renewal
- Ensure effective mainstreaming of neighbourhood renewal in the plans and activities of partner organisations
- Maximise the use of external resources to facilitate the transformation of deprived areas

The recent establishment of a new programme area focusing on neighbourhood issues is a direct response to a number of complementary drivers for change in the Council, including:

- Addressing the corporate weaknesses identified in the CPA of 2002
- Providing an infra structure to deliver neighbourhood renewal
- Developing the role of Area Assemblies
- Strengthening community planning
- Supporting the community leadership role of elected members

The importance of neighbourhood management as a means of delivering neighbourhood renewal was identified through the work of the Social Inclusion Unit and Policy Action Teams at a national level. An evaluation of the neighbourhood management pathfinder projects has provided valuable evidence of what works and has been used to consider the way forward. In Rotherham the development of effective neighbourhood management will contribute to achieving three outcomes for citizens:

- *People can see that someone is in charge and can get things done in every neighbourhood.*
- *Neighbourhood plans, investment and services are all designed to ensure that no-one is disadvantaged by where they live.*
- *Services are delivered in a way that contribute to the sustainability of communities.*

The Neighbourhoods Programme Area will provide the impetus to the development of a neighbourhood management approach to co-ordinating and delivering services at local level. This approach aims to secure improvements in the quality of people's lives by developing objectives relating to the renewal of local communities, for example:

- To provide communities and agencies with a clearly identified contact to resolve issues within the neighbourhood
- To help co-ordinate effectively the activities of service providers on the ground and transform the nature of delivery

- To raise the standard of services being delivered to the neighbourhood in line with targets agreed with service providers
- To ensure service providers are held to account by the local community for the quality of service delivered
- To develop neighbourhood investment plans that align mainstream and external funding to address local priorities

There are a number of issues that will need to be addressed to ensure we put in place the essential building blocks of neighbourhood management, some of which have been considered as part of the Year Ahead statement:

- Review the current nature of delivery on an area basis - a number of services across the Council are currently configured on an area or neighbourhood basis. Some but not all are configured on Area Assembly boundaries
- Strengthen the community planning framework and review neighbourhood action plans - community planning is not systematically connected to service planning and stronger linkages need to be made between activity on the ground and the top line outcomes of the Council and its partners.
- Provide absolute clarity about the future role of Area Assemblies - although the council has expressed an intent to see their role shift from consultation to co-ordination of mainstream services and special programmes, the part area assembly can play in monitoring and transforming delivery has not been defined.
- Strengthen our engagement with hard to reach groups, including communities of interest - to improve access and involvement in the design, delivery and monitoring of services and enable people to thrive and participate fully within the community.
- Agree clearly defined neighbourhood targets and outcomes – so that the Council and our partners through the LSP, can monitor and evaluate the success of our actions and progress in delivering Neighbourhood Renewal .

Effective neighbourhood management can only be developed with the commitment of partners at a strategic and local level over several years.

Recent discussions with partner agencies, through the Rotherham Partnership Chief Executive's Group have identified significant interest amongst partner agencies for a more coherent approach to neighbourhoods. We need to seize the moment and ensure that the Council is seen to take the community leadership role. Each agency has its own policy drivers and constraints that need to be more fully understood before a common framework can be developed.

A number of formal steps will need to be taken before the end of this financial year to ensure maximum "buy in" from Council services and partner agencies.

The main elements will comprise:

- Agreeing a vision for neighbourhood management and the outcomes that will be achieved.
- Understanding the aspirations and objectives of our key partners within the LSP in relation to neighbourhood service delivery.
- Developing a baseline – understanding the current nature and extent of neighbourhood services across the Council and assessing current objectives and targets that will impact on neighbourhood management.
- Utilising the baseline information to conduct a Best Value Review of Neighbourhood Management.
- Developing a framework for community planning that supports the effective implementation of neighbourhood management.
- Producing an approach for developing neighbourhood standards to guide service delivery and programme planning.
- Strengthening Neighbourhood Action Plans, making explicit linkages to high level strategies.

We have already taken some bold steps to put in place the infrastructure to deliver neighbourhood management and help us build confidence and gain credibility for our intentions:

- I. The creation of a *Neighbourhoods Programme Area* with the explicit aim to make a difference in the neighbourhood and ensuring the delivery of the Council's contribution towards Neighbourhood Renewal Strategy. These structures provide a problem solving resource at a neighbourhood level, capable of identifying opportunities for reshaping the way services are delivered, through understanding the effectiveness of provision and the needs of residents.
- II. The establishment of an ALMO, uniquely with the intention to establish a neighbourhood management company. This will prevent the fragmentation of services as the Council develops its enabling role and will ensure that we respond to the wishes of tenants to see the ALMO adopt a new set of values centred on the neighbourhood.
- III. Successfully bidding for ODPM funding to develop an innovative investment model to design programmes that provide the optimum contribution to a range of national floor targets. This will enable funding available for Decent Homes to be legitimately used to support the wider needs of residents and broader priorities of the Council as a landlord and community leader.

A number of complimentary actions need to be taken, which represent quite significant challenges to the way the Council is currently constituted and go to the heart of the Council's role as community leader. Some of these issues have already been identified for review and the conclusions will be linked to the neighbourhood management agenda. These actions include reviewing the democratic structures and governance arrangements, scheme of delegation, base budget review, partnership framework, etc.

Additionally agreement with our partners, through the Rotherham Partnership, on the principles that will guide our approach to neighbourhood management will have significant implications to the way the Council is organised and proposals for joint service centres.

### **8. Finance**

There are no direct financial implications arising from these proposals for the current year but there is the potential for a significant reallocation of resources in future years. This will need to be underpinned by an analysis of the impact of revenue and capital spending within each neighbourhood.

### **9. Risks and Uncertainties**

The principal risks involved are the failure to ensure a co-ordinated approach to neighbourhood management resulting in fragmented service delivery, and a lack of commitment by services providers to co-operate with a shared framework for local delivery partnerships. These risks will be minimised through careful research to identify common principles on which services can work together.

### **10. Policy and Performance Agenda Implications**

Developing a robust, coherent approach to neighbourhood management presents some incredibly challenging issues for the Council. Such an issue inherently impacts on all areas of performance and policy development. It will help develop and deliver common goals with partner agencies, strengthen relationships and potentially extend the Council's influence.

Quite specifically it will place the Council in a stronger position to implement its contribution to the Neighbourhood Renewal Strategy and tackle inequalities and deprivation.

As our approach evolves there may be implications for some quite fundamental issues that define how the council currently operates, including democratic structures and governance arrangements, scheme of delegation, base budget review, partnership framework.

### **11. Background Papers and Consultation**

CPA assessments

Inspection reports

The Year Ahead

Report to Cabinet on Area Assemblies Development. Minute no. B264 of 9<sup>th</sup> April, 2003.

Report to Cabinet on Restructuring of the Chief Executives Office. Minute no. B154 of 15<sup>th</sup> October, 2003

**Contact Name : Tom Cray, Executive Director, Housing and Environmental Services Programme Area, extension 3400, [tom.cray@rotherham.gov.uk](mailto:tom.cray@rotherham.gov.uk)**

| <u>ACTION</u>  | <u>OUTCOME</u>   | <u>TIMESCALE</u>                | <u>LEAD OFFICER</u>                                 |
|--|--|---------------------------------|---|
| Report to CMT on Neighbourhood Agenda  | Agreement to a one council approach to neighbourhood development.  | 3 <sup>rd</sup> September 2004  | Executive Director - Neighbourhoods                 |
| Establish a corporate task group   | Develop issues papers and option appraisal on main elements.   | 30 <sup>th</sup> September 2004 | Executive Director - Neighbourhoods                 |
| Corporate audit by Area Assembly of: <ol style="list-style-type: none"> <li>1. Current and planned service delivery arrangements</li> <li>2. Expenditure by services (where identifiable)</li> </ol> | Improved understanding of the nature and extent of neighbourhood services, and potential constraints on development                              | 31 <sup>st</sup> October 2004   | Neighbourhood Development/Chief Executive's Service |
| Update statistical profiles for each Assembly  | Neighbourhood profiles produced to improve understanding of neighbourhoods.  | 31 <sup>st</sup> October 2004   | Chief Executive's Service                           |
| Produce area baseline assessment in relation to key Community Strategy, LPSA and NRS targets   | Increased understanding and ability to target resources at priority areas. Basis of performance managements framework for neighbourhood renewal. | 31 <sup>st</sup> October 2004   | Chief Executive's Service                           |



|   |  |                                |   |
|---|--|--------------------------------|---|
| Production of seven neighbourhood plans identifying community priorities and area-based initiatives                 | Development of Local area agreements and local delivery partnerships.  | 31 <sup>st</sup> October 2004  | Area Assembly Officers                              |
| Develop a set of neighbourhood standards  | To guide service delivery and programme planning   | 31 <sup>st</sup> March 2005    | Neighbourhood Services                              |
| Consultation with partner agencies – Neighbourhood Renewal Adviser to identify partner approaches to neighbourhoods | A common set of principles to provide the basis for inter-agency service delivery and partnership arrangements   | 31 <sup>st</sup> October 2004  | Neighbourhood Renewal Adviser                       |
| Review role of area assemblies.   | Agree precise role informed by review of democratic structures and work of Neighbourhood Renewal Advisor.  | 31 <sup>st</sup> January 2005. | Neighbourhood Development/Chief Executive's Service |
| Report to CMT/Cabinet following analysis of responses from partners.  | Agree vision for neighbourhood management for Rotherham.   | 29 <sup>th</sup> November 2004 | Executive Director - Neighbourhoods                 |
| Best Value Review of Neighbourhood Management   | Establish scope of neighbourhood management and learn lessons from existing pilots in Rotherham. Produce an improvement Plan to inform phase two of the review 2005/6. | 28 <sup>th</sup> February 2005 | Exec Director - Neighbourhoods                      |

|  |   |                                |   |
|--|---|--------------------------------|---|
| Strengthen the community planning framework. | Clarify the route through democratic decision-making processes and partnership arrangements. Agree a range of tools and techniques to improve access and involvement. | 28 <sup>th</sup> February 2005 | Chief Executive's Service / Neighbourhood Development |
| Report to LSP Chief Executives Group         | Report progress, identify emerging issues and consider options.   | 28 <sup>th</sup> October 2004  | Neighbourhood Development/Chief Executive's Service   |
| Report to LSP Board                          | Report progress, emerging issues and options.   | 10 <sup>th</sup> November 2004 | Neighbourhood Development/Chief Executive's Service   |
| Report to Cabinet                            | Agree way forward.  | 28 <sup>th</sup> February 2005 | Neighbourhood Development/Chief Executive's Service   |

**ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS**

|                           |   |
|---------------------------|---|
| <b>1. Meeting:</b>        | <b>Delegated powers Meeting - Cabinet Member for Housing and Environmental Services</b> |
| <b>2. Date:</b>           | <b>15<sup>TH</sup> November 2004</b>  |
| <b>3. Title:</b>          | <b>Anti-Social Behaviour Unit Update</b>  |
| <b>4. Programme Area:</b> | <b>Neighbourhood Services</b>   |

**5. Summary**

This report is to advise members of the changes within the anti social behaviour unit, the current staffing structure and give an outline of current cases being dealt with and achievements.

**6. Recommendations**

**That Chairman and members take note of the report and the proposals for sustainable actions on tackling anti social behaviour in Rotherham**

## **7. Proposals and Details**

Anti-social behaviour causes misery for many people. The distress and disruption on families and individuals can and does lead to a spiral of decline in areas if left unchecked. There are no barriers, the behaviour occurs regardless of tenure and the Government states that all local authorities must take action to address the problems caused.

In Appendix 1 details of the work carried out by the anti social behaviour unit in respect of tackling anti social behaviour across all housing tenure

## **8. Finance**

There are no direct financial implications arising from this report.

## **9. Risks and Uncertainties**

Failure to effectively tackle anti-social behaviour can contribute to a spiral of decline in neighbourhoods which will invariably have higher management costs.

## **10. Policy and Performance Agenda Implications**

The Council has a duty to take into consideration Section 17 of the Crime and Disorder Act which states that it will be the duty of the authority to which the section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonable can, to prevent, crime and disorder in its area.

Section 218A of the Housing Act 1996 as introduced by Section 12 of the Anti Social Behaviour Act 2003 places a duty on the Authority to publish our policies and procedures in tackling anti-social behaviour which will invariable have an impact on performance. This has been recently reported to Cabinet Member on 6<sup>th</sup> September and considered by the ALMO board on 25<sup>th</sup> October 2004.

## **11. Background Papers and Consultation**

The Anti Social Behaviour Act 2003

ODPM Anti Social Behaviour: Policy and Procedure Code of Guidelines August 2004.

Social Landlords Crime and Nuisance Group - Dealing with anti social behaviour – Model policies and procedures for social landlords.

Cabinet member for Housing and Environmental Services 6<sup>th</sup> September 2004.

The Crime and Disorder Act 1998 Section 17.

**Contact Name** : *Helen Nixon Anti-Social Behaviour Manager ext 4362*  
*helen.nixon@rotherham.gov.uk*

## **Introduction**

This is the second update to Cabinet in respect of the Anti Social Behaviour Unit. The report will give details of the changes within the unit, the current situation and outlines expectations for the next 6months.

## **Background**

The November 2002 Environment Scrutiny Panel reviewed anti-social behaviour from a housing perspective which introduced a fifteen point action plan which produced findings that showed that anti-social behaviour causes misery for families taking disregard to the type of housing tenure in which they reside. This in turn has ensured that suitable changes should be made in order for the unit to work across all housing tenure in order to assist the residents of Rotherham.

## **Present Staffing within the Unit.**

Since the previous update to Cabinet Member in February 2004 which, highlighted the success of a bid to draw down monies from the Basic Command Fund for the employment of a Youth Liaison Officer. The post was advertised and a suitable applicant was recruited and is now in post.

In addition further Neighbourhood Renewal Funding has been secured until March 2006 for a second Police Officer to be seconded to the unit. The post has been advertised with an officer to be in post December 2004.

The attached document (Appendix 2) shows a break down of the staff within the unit.

## **Current Situation**

The unit is continuing to work along with the targets set out by the Safer Rotherham Partnership's Anti Social Behaviour Task Group which are:-

1. By March 2004 to develop and implement a Borough wide Anti-Social Behaviour Strategy.
2. By March 2004 to identify and develop a suite of baseline indicators to measure against.
3. By March 2005 to apply for 5 Anti-Social Behaviour Orders and increase by 50% the number of Acceptable Behaviour Contracts Served.
4. By March 2004 develop and a mediation service within Housing Services and by March 2005 develop a mediation service across all tenures.

5. By March 2005 to have created 7 Safer Estates Groups at Area Assembly Level.
6. By March 2005 to reduce by 25% the number of reports of off-road motorcycle nuisance in targeted areas.
7. By March 2005 to have developed 6 multi agency problem solving projects targeted at Youth Nuisance.

The targets set out are continuing to be worked on and the final draft of the Anti-Social Behaviour Strategy will be presented to the Safer Rotherham Partnership in December following full consultation with all parties.

To date there have been 10 Anti Social Behaviour Orders Served in Rotherham 9 of which are full orders and 1 which is an interim order. This places us well over our target set out by the Safer Rotherham Partnership.

The Anti-Social Behaviour Act 2003 requires the Council as the landlord to produce and publish its policies and a summary of its procedures for tackling anti-social behaviour by 30<sup>th</sup> December 2004. The Procedures have been updated, with training being provided to housing, environmental health and South Yorkshire Police. The Anti Social Behaviour Policy has been drafted, presented to Cabinet Members on 6<sup>th</sup> September 2004 and also the Environment Scrutiny Panel on 23 September. The ALMO Board will consider the policies and procedures before a formal report is made to adopt them.

### Current Case Load

There are presently 3 cases which have been passed by the Anti Social Behaviour Case Conference Panel who are currently about to enter the Court Process.

At the time of writing this report since April 2003 a total of 223 Acceptable Behaviour Contracts have been signed.

The chart below outlines the actions taken by the unit since May last year

| Action  | Total |
|---|-------|
| Visit to Witnesses / complainants                                   | 1686  |
| Visits to Perpetrators  | 222   |
| Safer Estates Meetings Attended                                     | 155   |
| Injunctions   | 4     |
| 1 <sup>st</sup> Code of Conduct Warnings                            | 2     |
| Arrests of perpetrators   | 1     |
| Joint Operations with South Yorkshire Police                        | 10    |
| Surveillance Operations carried under RIPA 2000                     | 13    |
| Other Operations  | 3     |
| Joint Training with SY Police, Neighbourhood Wardens, Environmental | 3     |

|  |    |
|--|----|
| Health                                       |    |
| Youth Engaged with the Youth Liaison Officer | 31 |

### The Future of the Unit

The unit has been aligned to the new Neighbourhood Standards Service in August 2004 and work is continuing to increase within the private sector. Housing Association cases are being taken on by the anti-social behaviour unit for a fixed fee and to date two Housing Associations have requested the service.

The unit will work closer with Private Landlords under the Private Landlord Accreditation Scheme when it is introduced.

The table below advises Cabinet Member of the current tenure being dealt with by staff and the areas in which the case are.

| Area               | Non Council Tenant | Council Tenant | Total     |
|--------------------|--------------------|----------------|-----------|
| Maltby             | 3                  | 2              | 5         |
| Rawmarsh           | 6                  | 9              | 15        |
| Dinnington         | 3                  | 3              | 6         |
| Wath               | 1                  | 6              | 7         |
| Swinton            | 0                  | 0              | 0         |
| Kimberworth        | 6                  | 10             | 16        |
| Greasbrough        | 2                  | 5              | 7         |
| East Herringthorpe | 0                  | 7              | 7         |
| Town Centre        | 11                 | 6              | 17        |
| Aston              | 5                  | 2              | 7         |
| <b>Total</b>       | <b>37</b>          | <b>50</b>      | <b>87</b> |

Staff within the unit now work outside office hours in order to accommodate those witnesses who work and to carry out surveillance operations and monitor hotspot areas.

A witness telephone service has been established and some additional funding provided by Neighbourhood Renewal has allowed for further surveillance equipment and dispersed alarms to be purchased.

The second seconded Police Officer within the unit will have the role of attending schools along with the Youth Liaison Officer and arranging the targeting of hotspot areas throughout the borough.

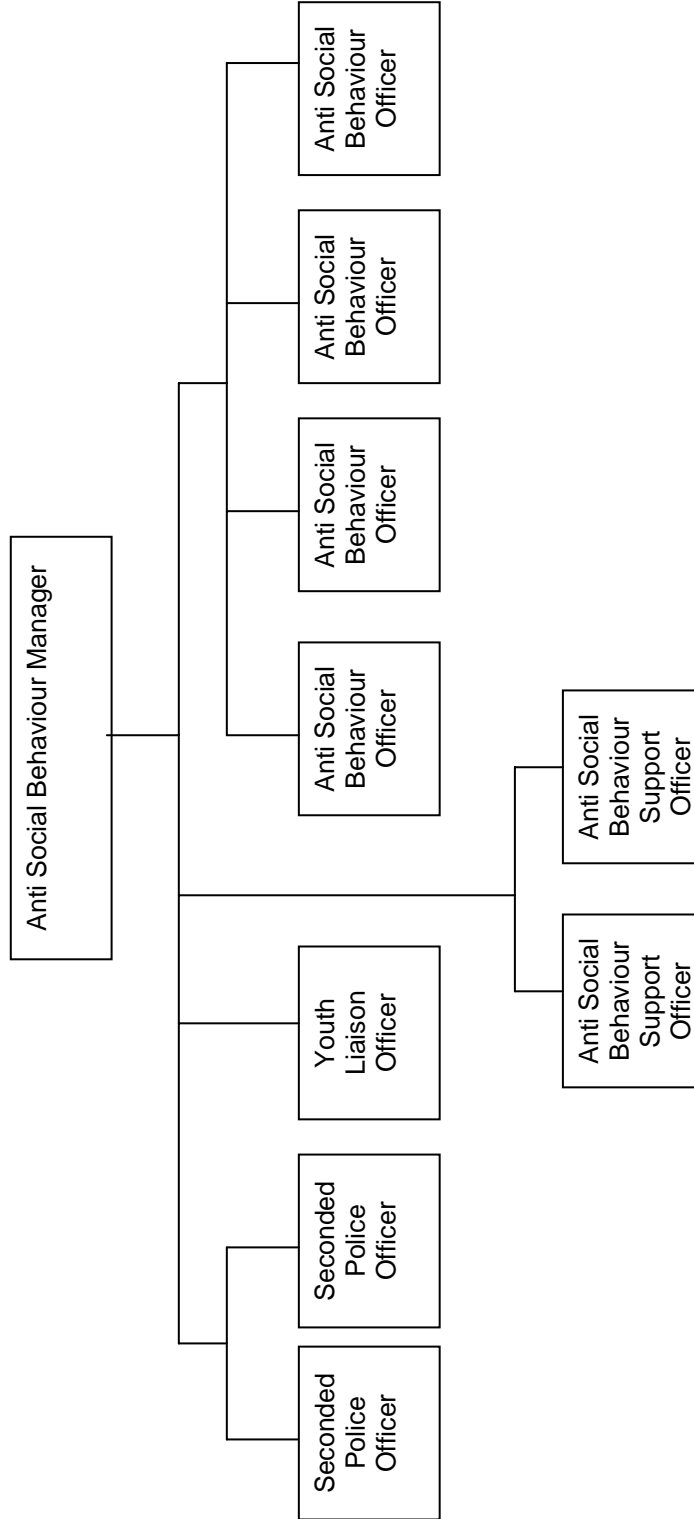
The unit performance is exceeding planned targets and financial plans are being made to ensure that the service is sustained at the end of external fund. South Yorkshire Police are in the process of looking at the security of tenure for the

Seconded Police Officers and have stated that they are very pleased with the effective work being carried out by the unit.



# Neighbourhood Services

## Anti Social Behaviour Team – November 2004



**ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS**

|           |                        |  |
|-----------|------------------------|--|
| <b>1.</b> | <b>Meeting:</b>        | <b>Cabinet Member - Delegated Powers Meeting</b> |
| <b>2.</b> | <b>Date:</b>           | <b>15 November 2004</b>                          |
| <b>3.</b> | <b>Title:</b>          | <b>Streetpride Performance Response Times</b>    |
| <b>4.</b> | <b>Programme Area:</b> | <b>Housing and Environmental Services</b>        |

**5. Summary**

Results for the third quarter of 2004 are presented in tabular form in Appendix 1. They show that overall, performance is slightly improved compared to the previous quarter with the most now achieving 100%

**6. Recommendations**

**(a) That the report be noted, and**

**(b) That Streetpride continue to monitor performance response times and report to the Cabinet Member quarterly.**

---

## 7. Proposals and Details

The Streetpride Service has a set of targets covering 'response times' for 26 key services. Our actual performance achieved in respect of each of these targets is recorded and monitored monthly.

The results for the last quarter (see Appendix 1) show that 84% of these key services are now consistently being delivered within the target response times 100% of the time. In September 2004, those services which did not meet the specified targets 100% of the time were as follows:

|                                      |       |
|--------------------------------------|-------|
| Streetlight out                      | (79%) |
| Removal of fly tipping               | (91%) |
| Removal of dog mess                  | (94%) |
| Estimate for vehicle access crossing | (97%) |

*Action is continuing to further improve performance in all of these 4 areas.*

## 8. Finance

All costs incurred in meeting these response times are contained within existing budgets.

## 9. Risks and Uncertainties

Streetpride is now a high profile Council Service. There is a risk that if the demand for services rises, there may be some reduction in performance response times compared to current levels.

## 10. Policy and Performance Agenda Implications

Improving Streetpride's response times in respect of all 26 services makes a significant contribution to the delivery of the Council's Sustainability and Safer Rotherham agendas - particularly in respect of the removal of abandoned cars, fly tipping and graffiti, as well as the repair of street lighting faults and highway defects.

## 11. Background Papers and Consultation

Appendix 1 - Streetpride response times (produced jointly with Streetpride)

**Contact Name :** *Jon Surridge, Specialist Support Manager, Streetpride Service*  
*Extension 2908 e-mail: jonathan.surridge@rotherham.gov.uk*

APPENDIX 1 - STREETPRIDE RESPONSE TIMES

| STREETPRIDE RESPONSE TIMES |  | Target Response 2004/05 |                                |                    |                                | Jul-04             |                                | Aug-04             |                                | Sep-04   |  | Comments |
|----------------------------|--|-------------------------|--------------------------------|--------------------|--------------------------------|--------------------|--------------------------------|--------------------|--------------------------------|--|--|----------|
| Resp                       | Request for Action   | Number of requests      | % meeting target response time | Number of requests | % meeting target response time | Number of requests | % meeting target response time | Number of requests | % meeting target response time |  |  |          |
| Steve Wibberley            | 1(a) Make safe dangerous overhanging trees/vegetation on highway land. | 0                       | 100%                           | 1                  | 100%                           | 0                  | 100%                           | 0                  | 100%                           | Target fully met   |  |          |
| Steve Wibberley            | 1(b) Cutting back will be carried out within 5 days.                   | 3                       | 100%                           | 5                  | 100%                           | 8                  | 100%                           | 8                  | 100%                           | Target fully met   |  |          |
| Steve Wibberley            | 2(a) Make safe dangerous overhanging trees/vegetation on private land. | 1                       | 100%                           | 1                  | 100%                           | 0                  | 100%                           | 0                  | 100%                           | Target fully met   |  |          |
| Graham Weaver              | 2(b) Estimate/license for vehicular dropped crossing.                  | 26                      | 100%                           | 28                 | 100%                           | 17                 | 100%                           | 17                 | 100%                           | Target fully met   |  |          |
| Bob Stevenson              | 3 Street light out.  | 34                      | 97%                            | 21                 | 100%                           | 32                 | 97%                            | 32                 | 97%                            | Target fully met in August   |  |          |
| Mick Powell                | 4 Faulty traffic lights.   | 196                     | 88%                            | 285                | 82%                            | 354                | 79%                            | 354                | 79%                            | There has been a significant increase in the number 'resident' reports in the last 2 months. The number reported per month has almost doubled since June |  |          |
| Steve Wibberley            | 5(a) Dangerous defect in carriageway.                                  | 4                       | 100%                           | 11                 | 100%                           | 2                  | 100%                           | 2                  | 100%                           | Target fully met   |  |          |
| Steve Wibberley            | 5(b) Dangerous defect on footpath.                                     | 7                       | 100%                           | 12                 | 92%                            | 18                 | 100%                           | 18                 | 100%                           | Target fully met in July and Sept  |  |          |
| Nigel Defley               | 6 Removal of fly tipping   | 15                      | 93%                            | 20                 | 100%                           | 14                 | 100%                           | 14                 | 100%                           | Target fully met in August and Sept  |  |          |
| Janet Waiklate             | 7 Removal of dog mess  | 35                      | 100%                           | 24                 | 100%                           | 24                 | 100%                           | 24                 | 100%                           | Target fully met   |  |          |
|                            | 8  | 263                     | 69%                            | 254                | 69%                            | 229                | 91%                            | 229                | 91%                            | Performance improved in September following resolution of the problems with asbestos disposal  |  |          |
|                            | 9  | 17                      | 100%                           | 12                 | 100%                           | 17                 | 94%                            | 17                 | 94%                            | Target fully met in July and August  |  |          |

## APPENDIX 1 - STREETPRIDE RESPONSE TIMES

| Resp            | Request for Action | Target Response 2004/05  | Jul-04 |      | Aug-04 |      | Sep-04 |      | Target fully met   |
|-----------------|--------------------|--|--------|------|--------|------|--------|------|--|
|                 |                    |  |        |      |        |      |        |      |  |
| Steve Finley    | 10(a)              | Burnt out - within 24 hrs  | 7      | 100% | 3      | 100% | 1      | 100% | Target fully met   |
|                 | 10(b)              | Removal of abandoned car.  | 7      | 100% | 6      | 100% | 5      | 100% | Target fully met   |
|                 | 10(c)              | Runner - 15 working days   | 4      | 100% | 3      | 100% | 4      | 100% | Target fully met   |
| Steve Wibberley | 11                 | 4 hrs to make safe and inform the owner. Owner to carry out repairs.                               | 19     | 100% | 18     | 100% | 15     | 100% | Target fully met   |
| Janet Walklate  | 12                 | 4 hrs<br>Clear up spillage on carriageway.   | 33     | 100% | 41     | 100% | 36     | 100% | Target fully met   |
| Janet Walklate  | 13                 | 4 hrs<br>Empty overflowing litter bin/dog bin  | 3      | 100% | 1      | 100% | 3      | 100% | Target fully met   |
| Graham Kaye     | 14(a)              | 4 hrs to sign and guard with,  | 18     | 100% | 51     | 100% | 3      | 100% | Target fully met   |
|                 | 14(b)              | blockage relieved within 1 working day.  | 18     | 100% | 51     | 100% | 3      | 100% | Target fully met   |
| Adrian Gabriel  | 15                 | Same or next working day.<br>Empty missed wheelie bin (if reported within 24 hrs of being missed). | 92     | 100% | 74     | 100% | 94     | 100% | Target fully met   |
| Adrian Gabriel  | 16                 | 10 working days.<br>Remove bulky item (after receipt of payment).                                  | 638    | 100% | 579    | 100% | 594    | 100% | Target fully met   |
| Nigel Deffley   | 17                 | Within 24 hrs subject to agreement of property owner.<br>Remove racist or offensive graffiti       | 11     | 100% | 11     | 100% | 14     | 100% | Target fully met   |
| Mark Ford       | 18                 | 98% within 5 working days.<br>Request for a Warden visit   | 147    | 100% | 151    | 100% | 128    | 100% | Target fully met.<br>In the quarter 122 litter and 36 dog fouling fixed penalty notices were issued. Of these 29 arose in part from the "Don't Be a Tosser" campaign and the Eyes and Ears initiative particularly promoted to the Streetpride workforce. The total number of fixed penalty fines from the 1st April 2004 is 199 and 61 respectively.                                  |
| Mark Ford       | 19                 | 95% within 3 hours<br>Clear up drug litter   | 25     | 100% | 15     | 100% | 13     | 100% | Target fully met.<br>The collection of drug litter from public places is a cross Council initiative and overall for the year all 142 notifications have been removed to safety within the 3 hour target. Of these the Neighbourhood Warden team have removed more than 50% (79) of the total.  |
| Mark Ford       | 20                 | 85% actioned within 24 hrs.<br>Report of a stray dog   | 101    | 100% | 87     | 97%  | 115    | 88%  | Target fully met.<br>For the year to date there have been 557 reports of stray dogs and despite there being only one employed Dog Warden overall response performance (90%) has exceeded target. This has been the result of both the realignment of support for the Dog Warden and also re-engineering of the handling of service requests within the Neighbourhood Enforcement team. |

**APPENDIX 1 - STREETPRIDE RESPONSE TIMES**

| Resp | Request for Action | Target Response 2004/05 | Jul-04 | Aug-04 | Sep-04 |
|------|--------------------|-------------------------|--------|--------|--------|
|------|--------------------|-------------------------|--------|--------|--------|

**ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS**

|    |                        |  |
|----|------------------------|--|
| 1. | <b>Meeting:</b>        | <b>Cabinet Member for Housing &amp; Environmental Services</b>                   |
| 2. | <b>Date:</b>           | <b>15 November 2004</b>  |
| 3. | <b>Title:</b>          | <b>Petition regarding anti-social behaviour at Meadow Close, Dalton. Ward 17</b> |
| 4. | <b>Programme Area:</b> | <b>Neighbourhoods</b>  |

**5. Summary**

A petition has been received from the residents of Meadow Close, Dalton concerning the alleged anti- social behaviour arising from a neighbouring household.

**6. Recommendations**

**THAT THE REPORT BE RECEIVED AND THE ACTION TAKEN TO DATE BE NOTED.**

---

## **7. Proposals and Details**

Prior to the receipt of the petition, a complaint had been received at the East Herringthorpe Neighbourhood Office on 27 July 2004 regarding the alleged anti-social behaviour from a household at Meadow Close. The complainant requested that the incident be recorded but did not wish any action to be taken at that time.

On receipt of the petition a letter was sent to the petitioners, asking that they contact the Housing Officer to discuss their concerns in more detail. The petition alleges incidences of theft, vandalism, and disturbance requiring police involvement. Five of the twenty petitioners responded. The Housing Officer has subsequently visited these petitioners and has agreed an action plan with them to resolve the problem. The Housing Officer has provided nuisance monitoring sheets to them, in order to record any further incidents. The alleged perpetrators of the nuisance behaviour have been visited by the Housing Officer and the Police Constable attached to the Anti Social Behaviour Unit. They have been advised of the action that will be taken, should they fail to comply with their tenancy agreement and cease any further nuisance to their neighbours. A letter has been sent to all the petitioners advising them of the action taken to date and providing them with diary sheets to record any further incidents. The situation is currently being monitored

## **8. Finance**

None

## **9. Risks and Uncertainties**

Whilst there is no guarantee that further problems will not be encountered, the situation will be closely monitored. Should any further complaints be received, they will be investigated and appropriate tenancy enforcement action will be taken.

## **10. Policy and Performance Agenda Implications**

The successful elimination of anti-social behaviour will assist in the sustainability of the local neighbourhood, improve community confidence and reduce levels of reported crime. The work being undertaken to address the problem contributes towards Priority 8 (to reduce the number of nuisance calls to the police) and Priority 9 (to increase the level of public reassurance and reduce the fear of crime) in Rotherham Borough Council's Strategy to Reduce Crime and Disorder. It is also consistent with our People and Service First commitment to tackling anti-social behaviour in Rotherham and building sustainable neighbourhoods.

## **11. Background Papers and Consultation**

The petition and copy letters to the petitioners are held on file.

**Contact Name: Lesley Gaunt**  
**Senior Housing Officer**  
**Ext. 6943**  
[lesley.gaunt@rotherham.gov.uk](mailto:lesley.gaunt@rotherham.gov.uk)



**ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS**

|    |                        |   |
|----|------------------------|---|
| 1. | <b>Meeting:</b>        | <b>Cabinet Member for Housing and Environmental Services</b>                                    |
| 2. | <b>Date:</b>           | <b>15 November 2004</b>   |
| 3. | <b>Title:</b>          | <b>Petition regarding the condition of footpaths at Swinburne Place, Herringthorpe. Ward 17</b> |
| 4. | <b>Programme Area:</b> | <b>Neighbourhoods</b>   |

**5. Summary**

A petition has been received from the residents of Swinburne Place, requesting that work be carried out to the in-curtilage footpaths.

**6. Recommendations**

**THAT THE REPORT BE RECEIVED AND THE ACTION TAKEN TO DATE BE NOTED.**

---

## **7. Proposals and Details**

The residents of Swinburne Place have requested that work be carried out to the footpaths to their homes. Streetpride is currently improving the public footpaths. The residents would like to see the individual paths leading to their homes similarly improved. A survey has been carried out by the Area Technical Officer of all the footpaths and a work schedule produced detailing all necessary works required. The cost of the work required exceeds the monthly area programmed works budget. It is therefore proposed that the paths will be improved on a month to month basis, on a 'worst first' basis. Work orders have already been placed on a number of properties to start the programme. The residents have been advised of the course of action to be taken, to address their request.

## **8. Finance**

The total cost of the work required is £28,380. This exceeds the monthly programmed works budget allocation of £13,000 allocated to the area. As such, the work will be released in phases, over the coming months and will be funded from the area programmed works budget allocation.

## **9. Risks and Uncertainties**

The 'worst first' approach being adopted has identified those paths in the greatest need of work, to eliminate potential health and safety risks to residents and reduce potential risks to the authority resulting from third party claims.

## **10. Policy and Performance Agenda Implications**

Addressing the issue raised, links with our service objective to deliver a 'three star excellent' repairs and maintenance service to support sustainability and regeneration of neighbourhoods. In addition, to our corporate vision to ensure that services are delivered in a way that contributes to the sustainability of communities. By programming the work required in this way, we are also contributing to improving our performance on Key Performance Indicator HES9 – budget spend ratio for programmed/responsive repairs.

## **11. Background Papers and Consultation**

The petition and copy letters to the petitioners are held on file.

**Contact Name : Paul Walsh**  
**Neighbourhood Manager**  
**Ext. 3471**  
[Paul.walsh@rotherham.gov.uk](mailto:Paul.walsh@rotherham.gov.uk)

**ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS**

|    |                        |  |
|----|------------------------|--|
| 1. | <b>Meeting:</b>        | <b>Cabinet Member for Housing and Environmental Services</b> |
| 2. | <b>Date:</b>           | <b>15 November 2004</b>                                      |
| 3. | <b>Title:</b>          | <b>Garage Management Review Progress Report</b>              |
| 4. | <b>Programme Area:</b> | <b>Neighbourhoods</b>  |

**5. Summary**

During the year 2003/2004 Housing Services carried out a review of garage site management which resulted in the identification of an 11-point service improvement plan. This report is designed to update members on progress so far.

**6. Recommendations**

**THAT CABINET MEMBER NOTES THE PROGRESS MADE WITH THE MANAGEMENT AND MAINTENANCE/IMPROVEMENT OF GARAGE SITES ACROSS THE BOROUGH.**

---

## 7. Proposals and Details

7.1 The major issue identified by the review carried out in 2003, was the poor condition of many garage sites, mainly as a result of a lack of investment. Therefore it was agreed that an annual budget would be established for planned maintenance, improvements and demolitions, based on garage income. The figure agreed was £291,612 for this year (2004/2005). In addition to this sum £112,914 has been made available for responsive repairs on garages. Any underspend on the responsive budget will be switched to the planned maintenance and improvements side to ensure that the whole budget is spent on garage issues.

7.2 In June 2004 a technical officer was allocated to work exclusively on garage site management issues, to carry out three main tasks:

- Carry out a stock condition survey of all garage sites
- Draw up a 7 year planned maintenance scheme
- Implement a planned maintenance, improvement and demolition programme for 2004/2005.

7.3 *Appendix one identifies the garage sites presently appropriate for disposal, demolition or alternative use.* This list is likely to increase, and in many cases consultation work is still required.

7.4 *Appendix two identifies the 7 year planned maintenance programme.* This includes all the sites where there is no present intention to dispose of the land or use it for another purpose. Clearly this situation will change during the 7-year period and the general policy is to dis-invest in the plot sites, because the review identified that these were a major problem, ie

- Poor condition of the sites and environment
- Poor condition of the garages
- Targets for illegal dumping and fly-tipping
- Anti social behaviour

A small number of the plot sites are in a good enough condition to justify continued investment. A definitive list of these sites is being prepared.

7.5 *Appendix three shows the planned maintenance programme for 2004/05.* This includes improvements/demolitions and the table identifies the type of work and cost. So far this year work to the value of £216,053 has been ordered and it is likely that the remaining budget (£75,559) will be spent replacing the tarmac surface of sites in the Kimberworth Park area which are particularly poor. Because this is the first year of the programme it has been necessary to spend the budget on many sites not included in the year one programme, as a result of problems like abandoned or dangerous garages. In future years this will be less of a problem as the quality of garage sites improves across the whole Borough.

7.6 The Garage Management Review Improvement Plan identified 11 targets - a summary of progress so far:

- A new council garage waiting list form has been introduced
- A new council garage tenancy agreement has been introduced

- A new garage allocation policy has been introduced that gives priority to council tenants
- The area teams now have the option of introducing local lettings policies
- A monthly inspection regime for garage sites has been introduced
- Garage site plots will only be let on sites that are in a good condition, in high demand, deemed sustainable and not required for another use
- The area based, garage site management strategies are being continually developed and implemented. However many objectives are achieved through the improvement programme
- The introduction of a computerised garage waiting list has been put on hold pending the introduction of the OHMS estate management module. It is a function identified as suitable for transfer to RBT
- A 7 year garage site planned maintenance programme has been identified
- A list of sites suitable for disposal has been identified
- A budget to cover the cost of demolishing garages has been identified

Therefore in summary 10 of the 11 improvement targets have been, or are being achieved.

## **8. Finance**

This year (2004/2005) a budget of £291,612 has been allocated for the planned maintenance, improvement and demolition of garages and sites. So far work to the value of £216,053 has been ordered.

A budget of £112,914 has been allocated for responsive repairs on garages and sites. So far this year approximately £30,000 has been spent. Any underspend on the responsive programme will be transferred to the planned maintenance and improvement programme and spent.

## **9. Risks and Uncertainties**

Not Applicable

## **10. Policy and Performance Agenda Implications**

Untidy and poorly maintained garage sites have a negative effect on neighbourhoods at a local level. They attract illegal fly tipping and anti-social behaviour. Neighbourhood Services manage 442 sites across the Borough so the effective management of the land is critical to the sustainability of estates, a core value of the Corporate Plan, and driving principal in the Community Strategy.

This initiative also impacts on the performance indicator BV74 satisfaction with the landlord.

## **11. Background Papers and Consultation**

The background paper is the Garage Management Review 2003/2004.

Progress will be reported to the Estate Management and Repairs Policy Panels.

**Contact Name: Dave Abbott, Housing Manager, Ext. 2294,  
dave.abbott@rotherham.gov.uk**

## Appendix One - Garage Sites Appropriate for Disposal, Demolition or Alternative Use.

| Management Area          | Location                  | District Office | Identified In Review | Comment   | Disposal |
|--------------------------|---------------------------|-----------------|----------------------|---|----------|
| <b>Management Area 1</b> |                           |                 |                      |   |          |
|                          | Bevan Crescent            | Maitby          | Yes                  | Only 2 of 7 plots used. High value site.                  | Yes      |
|                          | Plantation Close          | Maitby          | Yes                  | Site requires landscaping.                                | Yes      |
|                          | Redwood Drive             | Maitby          | Yes                  | Site subject to fly tipping.                              | Yes      |
|                          | School Walk               | Maitby          | Yes                  | Site requires landscaping.                                | Yes      |
|                          | Walters Road              | Maitby          | Yes                  | Site subject to fly tipping.                              | Yes      |
|                          | Moorfield Close Plot Site | Ravenfield      |                      | Landscape to match surrounding area.                      |          |
|                          | Flanderwell Avenue        | Maitby          | Yes                  | Site suitable for residential development.                | Yes      |
|                          | Chestnut Close            | Maitby          |                      | Site suitable for residential development.                | Yes      |
| <b>Management Area 2</b> |                           |                 |                      |   |          |
|                          | The Crescent End          | Dinnington      | Yes                  | Could be a residents parking area.                        |          |
|                          | High Nook Road            | Dinnington      | Yes                  | Sale for residential development.                         | Yes      |
|                          | Byron Road                | Dinnington      | Yes                  | Sale for residential development (sheltered housing).     | Yes      |
|                          | Howard Street             | Dinnington      | Yes                  | Could be a residents parking area.                        |          |
|                          | Shakespeare Drive         | Dinnington      | Yes                  | Could be a play area or landscape for local amenity.      |          |
|                          | Doe Quarry Lane           | Dinnington      | Yes                  | Suitable for development                                  | Yes      |
|                          | St Withold Avenue         | Dinnington      |                      | Suitable for housing development - large site.            | Yes      |
|                          | Zamor Crescent            | Dinnington      | Yes                  | Suitable for housing development - large site.            | Yes      |
|                          | Manor Road                | Dinnington      | Yes                  | Small site requires landscaping.                          |          |
|                          | Mill Lane                 | South Anston    | Yes                  | Suitable for residential development.                     | Yes      |
|                          | Sycamore Avenue           | Kiveton Park    | Yes                  | Could move garages to create development site.            | Yes      |
|                          | Methodist Chapel          | Harthill        |                      | Confined site needs landscaping                           |          |
| <b>Management Area 3</b> |                           |                 |                      |   |          |
|                          | Moorbridge Crescent       | Swinton         | Yes                  | Anti social behaviour / fly tipping problems - landscape. |          |
|                          | Pontefract Road           | Swinton         | Yes                  | Anti-social behaviour / fly tipping - landscape           |          |
|                          | Oak Road                  | Swinton         |                      | Garages demolished sell site for redevelopment.           | Yes      |
|                          | Knollbeck Avenue          | Swinton         |                      | Suitable for redevelopment.                               | Yes      |
|                          | Knollbeck Crescent        | Swinton         |                      | Clear the site and landscape.                             |          |
|                          | Chapel Avenue             | Swinton         | Yes                  | Suitable for residential development.                     | Yes      |
| <b>Management Area 5</b> |                           |                 |                      |   |          |
|                          | St Marys Road             | Rawmarsh        |                      | Suitable for residential development.                     | Yes      |

|                                |                    |             |             |     |  |  |     |
|--------------------------------|--------------------|-------------|-------------|-----|--|--|-----|
| Roman Crescent                 | Rawmarsh           | Rawmarsh    | Rawmarsh    |     |  | Suitable for residential development                   | Yes |
| Eastfield Place                | Rawmarsh           | Rawmarsh    | Rawmarsh    | Yes |  | Suitable for residential development.                  | Yes |
| Hague Avenue                   | Rawmarsh           | Rawmarsh    | Rawmarsh    | Yes |  | Suitable for residential development                   | Yes |
| Ladyoak Road                   | East Herringthorpe | Rawmarsh    | Rawmarsh    | Yes |  | Garages demolished & land for sale                     | Yes |
| Laudsdale Road                 | East Herringthorpe | Rawmarsh    | Rawmarsh    | Yes |  | Garages demolished & land for sale                     | Yes |
| Vale Avenue                    | Thrybergh          | Rawmarsh    | Rawmarsh    | Yes |  | Clear site for residential development.                | Yes |
| St Leonards Avenue             | Thrybergh          | Rawmarsh    | Rawmarsh    | Yes |  | Clear site for residential development.                | Yes |
| Park Close                     | Thrybergh          | Rawmarsh    | Rawmarsh    | Yes |  | Clear site for residential development.                | Yes |
| Deerpark Road                  | Thrybergh          | Rawmarsh    | Rawmarsh    | Yes |  | Clear site for residential development.                | Yes |
| <b>Management Area 6&amp;7</b> |                    |             |             |     |  |  |     |
| Clifford Road                  | Kimberworth        | Going Local | Going Local |     |  | Large plot site suitable for residential development.  | Yes |
| 21-65 Winterhill Road          | Richmond Park      | Going Local | Going Local | Yes |  | Site needs landscaping.                                |     |
| Oakdale Road                   | Meadowbank         | Going Local | Going Local | Yes |  | Suitable for redevelopment if includes depot.          | Yes |
| Derwent Road                   | Wingfield          | Going Local | Going Local | Yes |  | Suitable for redevelopment.                            | Yes |
| <b>Management Area 9</b>       |                    |             |             |     |  |  |     |
| Occupation Road                | Broom              | Town Centre | Town Centre | Yes |  | Large poor quality plot site - sell for redevelopment. | Yes |
| <b>Management Area 10</b>      |                    |             |             |     |  |  |     |
| Arundel Street                 | Treeton            | Aston       | Aston       | Yes |  | Large empty site ideal for redevelopment.              | Yes |
| Shaldon Grove                  | Aston              | Aston       | Aston       | Yes |  | Under used site ideal for redevelopment.               | Yes |
| Springwood Avenue              | oughton            | Aston       | Aston       | Yes |  | Under used site ideal for redevelopment.               | Yes |
| Wesley Avenue                  | Aston              | Aston       | Aston       | Yes |  | Underused site includes closed depot                   | Yes |
| Treetown Crescent              | Treeton            | Aston       | Aston       | Yes |  | Site now empty.  | Yes |
| Rotherham Road                 | Catcliffe          | Aston       | Aston       | Yes |  |  | Yes |
| Waverley View                  | Catcliffe          | Aston       | Aston       |     |  | Under used site suitable for development.              | Yes |
| Mason Avenue                   | Aston              | Aston       | Aston       | Yes |  | Anti-social behaviour problems - landscape the site.   |     |
| Willowgarth                    | Brinsworth         | Aston       | Aston       | Yes |  | Under used site suitable for redevelopment.            | Yes |

| <b>Appendix Two - Year 1 (2004/5) Garage Site Planned Maintenance Scheme.</b> |                  |                      |                |              |
|---|------------------|----------------------|----------------|--------------|
| <b>Site</b>   | <b>Location</b>  | <b>District Area</b> | <b>Garages</b> | <b>Plots</b> |
| Birchwood Drive   | Ravenfield       | Maltby               |                | 7            |
| Burns Road  | Maltby           | Maltby               |                |              |
| Moorfield Close   | Ravenfield       | Maltby               | 7              |              |
| Moorfield Grove   | Ravenfield       | Maltby               | 4              |              |
| Sandeby Drive   | Ravenfield       | Maltby               | 9              | 7            |
| Spencer Drive   | Ravenfield       | Maltby               | 3              |              |
|   | <b>Totals</b>    |                      | <b>23</b>      | <b>14</b>    |
| Caperns Road  | North Anston     | Dinnington           | 1              |              |
| Doe Quarry Lane   | Dinnington       | Dinnington           |                | 1            |
| Howard Street   | Dinnington       | Dinnington           |                |              |
| Park Avenue   | North Anston     | Dinnington           |                | 10           |
| Shakespeare Drive   | Dinnington       | Dinnington           |                | 20           |
| Methodist Chapel  | Harthil          | Dinnington           |                |              |
|   | <b>Totals</b>    |                      | <b>1</b>       | <b>31</b>    |
| Avenue Road   | Wath             | Swinton              |                | 11           |
| Cherrytree Place  | Wath             | Swinton              |                |              |
| Oak Road  | Wath             | Swinton              |                | 5            |
| Oak Road  | Wath             | Swinton              | 5              |              |
| Sandymount Road   | Wath             | Swinton              |                | 14           |
| Sycamore Crescent   | Wath             | Swinton              | 7              |              |
|   | <b>Totals</b>    |                      | <b>12</b>      | <b>30</b>    |
| Brameld Road  | Swinton          | Wath                 | 8              |              |
| Grange Road   | Swinton          | Wath                 | 40             |              |
| Piccadilly Road   | Swinton          | Wath                 | 18             | 1            |
| Rig Drive   | Swinton          | Wath                 | 14             |              |
| The Crescent  | Swinton          | Wath                 |                | 36           |
| Toll Bar Road   | Swinton          | Wath                 | 12             |              |
| Warren Vale Road  | Swinton          | Wath                 | 8              |              |
|   | <b>Totals</b>    |                      | <b>100</b>     | <b>37</b>    |
| Brameld Road  | Rawmarsh         | Rawmarsh             | 12             |              |
| Mahon Avenue/Jokell Drive   | Rawmarsh         | Rawmarsh             | 4              |              |
| Roman Crescent  | Rawmarsh         | Rawmarsh             |                | 3            |
| St Marys Road   | Rawmarsh         | Rawmarsh             |                | 23           |
|   | <b>Totals</b>    |                      | <b>16</b>      | <b>26</b>    |
| Abdy Road   | Kimberworth Park | Going Local          | 15             |              |
| Ashworth Drive  | Kimberworth Park | Going Local          | 18             |              |
| Cinderhil Road  | Kimberworth Park | Going Local          | 8              |              |
| Jewitt Road   | Kimberworth Park | Going Local          | 8              |              |
| Lovetot Road  | Kimberworth Park | Going Local          | 5              |              |
| Oaks Lane   | Kimberworth Park | Going Local          | 17             |              |
| Redscope Crescent   | Kimberworth Park | Going Local          | 3              |              |
| Redscope Crescent   | Kimberworth Park | Going Local          | 17             |              |
| Redscope Crescent   | Kimberworth Park | Going Local          | 18             |              |
| Redscope Crescent   | Kimberworth Park | Going Local          | 2              |              |
| Remount Road  | Kimberworth Park | Going Local          | 16             |              |
| Remount Way   | Kimberworth Park | Going Local          | 7              |              |
| Sandbergh Road  | Kimberworth Park | Going Local          | 4              |              |
| Shearman Avenue   | Kimberworth Park | Going Local          | 19             |              |



|                                  |                      |                    |            |            |
|----------------------------------|----------------------|--------------------|------------|------------|
| Wellfield Road                   | Kimberworth Park     | Going Local        | 3          |            |
| Wheatly Road                     | Kimberworth Park     | Going Local        | 20         |            |
|                                  | <b>Totals</b>        |                    | <b>180</b> | <b>0</b>   |
| Far Lane                         | Herringthorpe        | East Herringthorpe | 7          |            |
| First Avenue                     | Herringthorpe        | East Herringthorpe | 16         |            |
| Lowgreave                        | Herringthorpe        | East Herringthorpe | 9          |            |
| Herringthorpe Thorpe Valley Road | Herringthorpe        | East Herringthorpe | 18         |            |
| Mowbray Gardens                  | Herringthorpe        | East Herringthorpe | 14         |            |
|                                  | <b>Totals</b>        |                    | <b>64</b>  | <b>0</b>   |
| Aldred Street                    | Wellgate             | Town Centre        |            |            |
| Beeversleigh                     | Clifton              | Town Centre        | 13         |            |
| Elizabeth Way                    | Masborough           | Town Centre        | 4          |            |
| Hollowgate                       | Wellgate             | Town Centre        | 4          |            |
| Masborough Street                | Masborough           | Town Centre        | 8          |            |
| St Bedes                         | Masborough           | Town Centre        | 9          |            |
| Vine close                       | Masborough           | Town Centre        | 5          |            |
| Wharncliffe Hill                 | Town (flats)         | Town Centre        | 45         |            |
| William Street                   | Wellgate             | Town Centre        | 7          |            |
|                                  | <b>Totals</b>        |                    | <b>95</b>  | <b>0</b>   |
| Aughton Avenue                   | Aughton              | Aston              |            | 1          |
| Holmes Crescent                  | Treeton              | Aston              |            | 3          |
| Poynton Avenue                   | Ulley                | Aston              |            | 2          |
| Rotherham Road                   | Catcliffe            | Aston              |            | 16         |
| Spawell Crescent                 | Treeton              | Aston              |            | 17         |
| Springwood Avenue                | Aughton              | Aston              |            | 1          |
| Treetown Crescent                | Treeton              | Aston              |            | 13         |
|                                  | <b>Totals</b>        |                    | <b>0</b>   | <b>53</b>  |
|                                  | <b>Total Garages</b> |                    | <b>491</b> | <b>191</b> |

| <b>Appendix Two - Year 2 ( 2005/6) Garage Site Planned Maintenance Scheme.</b> |                      |                      |                |              |
|--|----------------------|----------------------|----------------|--------------|
| <b>Site</b>  | <b>Location</b>      | <b>District Area</b> | <b>Garages</b> | <b>Plots</b> |
| Baring Road  | Blackburn            | Going Local          | 16             |              |
| Chapel Close   | Wingfield            | Going Local          | 13             |              |
| Goodwin Road   | Wingfield            | Going Local          | 47             |              |
| Goodwin Way  | Wingfield            | Going Local          | 27             |              |
| Grayson Road   | Wingfield            | Going Local          | 37             |              |
| Lapwater Road  | Wingfield            | Going Local          | 163            |              |
| Library Close  | Wingfield            | Going Local          | 29             |              |
| Ochredyke Walk   | Wingfield            | Going Local          | 8              |              |
| Plowmans Way   | Wingfield            | Going Local          | 14             |              |
| Thatch Place   | Wingfield            | Going Local          | 10             |              |
| Whitehall Way  | Wingfield            | Going Local          | 14             |              |
| Whitehall Road   | Wingfield            | Going Local          | 49             |              |
|  | <b>Total</b>         |                      | <b>427</b>     | <b>0</b>     |
| Creswick Road  | East Herringthorpe   | East Herringthorpe   | 21             |              |
| Hawksworth Road  | East Herringthorpe   | East Herringthorpe   | 13             |              |
| Hirst Drive  | East Herringthorpe   | East Herringthorpe   | 5              |              |
| Hounsfield Crescent  | East Herringthorpe   | East Herringthorpe   | 18             |              |
| Hounsfield Crescent (flats)  | East Herringthorpe   | East Herringthorpe   | 13             |              |
| Langley Close  | East Herringthorpe   | East Herringthorpe   | 15             |              |
| Langley Close  | East Herringthorpe   | East Herringthorpe   | 4              |              |
| Ridgeway   | East Herringthorpe   | East Herringthorpe   | 2              |              |
|  | <b>Total</b>         |                      | <b>91</b>      | <b>0</b>     |
| Browning Road  | Herringthorpe        | Town Centre          | 3              |              |
| Cawthorne Road   | Herringthorpe        | Town Centre          | 7              |              |
| Goldsmith Road   | Herringthorpe        | Town Centre          | 12             |              |
| Shelley Road   | Herringthorpe        | Town Centre          | 0              |              |
| Sheridan Drive   | Herringthorpe        | Town Centre          | 39             |              |
| Swinburne Place  | Herringthorpe        | Town Centre          | 9              |              |
|  | <b>Total</b>         |                      | <b>70</b>      | <b>0</b>     |
|  | <b>Total Garages</b> |                      | <b>588</b>     | <b>0</b>     |

**Appendix Two - Year 3 (2006/2007) Garage Site Planned Maintenance Scheme.**

| Site                 | Location         | District Area | Garages   | Plots     |
|----------------------|------------------|---------------|-----------|-----------|
| Attlee Close         | Maltby           | Maltby        | 3         |           |
| Cripps Close         | Maltby           | Maltby        | 2         |           |
| Glencairn Court      | Maltby           | Maltby        |           |           |
| Millicent Square     | Maltby           | Maltby        |           | 5         |
| Bank View            | Whiston          | Maltby        | 7         |           |
| Birchall Avenue      | Whiston          | Maltby        | 12        |           |
| Dewhill Avenue       | Whiston          | Maltby        | 6         |           |
| Hall Close Avenue    | Whiston          | Maltby        | 22        |           |
| Moorlands Crescent   | Whiston          | Maltby        | 6         |           |
| Sorrel Sykes         | Whiston          | Maltby        | 1         |           |
| Westby Crescent      | Whiston          | Maltby        | 2         |           |
| Hungerhill Road      | Whiston          | Maltby        | 16        |           |
|                      | <b>Total</b>     |               | <b>77</b> | <b>5</b>  |
| Abby Close           | Laughton         | Dinnington    | 10        |           |
| Wilberforce Road     | South Anston     | Dinnington    |           | 6         |
| Windmill Road        | North Anston     | Dinnington    |           | 10        |
|                      | <b>Total</b>     |               | <b>10</b> | <b>16</b> |
| Dryden               | Wath             | Swinton       |           | 16        |
| Elsecar Road         | Brampton         | Swinton       |           | 6         |
| Hurleycroft          | Brampton         | Swinton       |           | 3         |
| Wetmoor Lane         | Wath             | Swinton       |           | 3         |
|                      | <b>Total</b>     |               | <b>0</b>  | <b>28</b> |
| Albany Road          | Swinton          | Wath          | 4         |           |
| Highthorne           | Kilnhurst        | Wath          | 27        |           |
|                      | <b>Total</b>     |               | <b>31</b> | <b>0</b>  |
| Gregory House        | Rawmarsh         | Rawmarsh      | 9         |           |
| Hague Avenue         | Rawmarsh         | Rawmarsh      |           | 23        |
| Hague Avenue         | Rawmarsh         | Rawmarsh      | 17        |           |
| Payne Crescent       | Rawmarsh         | Rawmarsh      |           | 25        |
| Potterdyke Avenue    | Rawmarsh         | Rawmarsh      | 20        |           |
| Rosehill House       | Rawmarsh         | Rawmarsh      | 12        |           |
| Scovel Avenue        | Rawmarsh         | Rawmarsh      | 17        |           |
| Springfield Road     | Kilnhurst        | Rawmarsh      |           | 2         |
| The Parade           | Rawmarsh         | Rawmarsh      | 8         |           |
|                      | <b>Total</b>     |               | <b>83</b> | <b>50</b> |
| Baring Road          | Blackburn        | Going Local   | 16        |           |
| Chambers Road        | Kimberworth      | Going Local   | 4         |           |
| Chapel Close         | Wingfield        | Going Local   | 13        |           |
| Crane Road           | Kimberworth Park | Going Local   | 24        |           |
| Elliot Drive         | Kimberworth Park | Going Local   | 2         |           |
| Ewers Road           | Kimberworth      | Going Local   | 10        |           |
| Habershon Road       | Kimberworth Park | Going Local   | 25        |           |
| Maycock Avenue       | Kimberworth Park | Going Local   | 18        |           |
| Richmond Park Avenue | Kimberworth      | Going Local   | 18        |           |
| Simonite Road        | Kimberworth Park | Going Local   | 46        |           |
| Sopewell Road        | kimberworth      | Going Local   | 16        |           |
| Strafford Road       | Kimberworth Park | Going Local   | 19        |           |
| Thundercliffe Road   | Blackburn        | Going Local   | 8         |           |

|                  |                      |             |            |            |
|------------------|----------------------|-------------|------------|------------|
| Walker Road      | Kimberworth Park     | Going Local | 3          |            |
| Winterhill Road  | Kimberworth          | Going Local | 65         |            |
|                  | <b>Total</b>         |             | <b>287</b> | <b>0</b>   |
|                  |                      |             |            |            |
| Mansfield Road   | Aston                | Aston       | 2          |            |
| Nickerwood Drive | Aston                | Aston       |            |            |
| Old School Lane  | Catcliffe            | Aston       | 5          | 10         |
| Waleswood View   | Aston                | Aston       | 5          |            |
| Wood View Place  | Canklow              | Aston       |            | 5          |
|                  | <b>Total</b>         |             | <b>12</b>  | <b>15</b>  |
|                  |                      |             |            |            |
|                  | <b>Total Garages</b> |             | <b>500</b> | <b>114</b> |

| <b>Appendix 2 - Year 4 ( 2007/8) Garage Site Planned Maintenance Scheme.</b> |                      |                      |                |              |
|--|----------------------|----------------------|----------------|--------------|
| <b>Site</b>  | <b>Location</b>      | <b>District Area</b> | <b>Garages</b> | <b>Plots</b> |
| Beevers Road   |                      | Going Local          | 19             |              |
| Bennet Street  | Meadowbank           | Going Local          |                | 1            |
| Cromwell Road  |                      | Going Local          | 10             |              |
| Derwent Road   | Wingfield            | Going Local          | 64             |              |
| Eldertree Road   | Thorpe Hesley        | Going Local          | 10             |              |
| Eldertree Road   | Thorpe Hesley        | Going Local          | 14             |              |
| Fox Close  |                      | Going Local          | 6              |              |
| Keppel Road  |                      | Going Local          | 5              |              |
| Loy Close  |                      | Going Local          | 54             | 1            |
| Monks Close  |                      | Going Local          | 16             | 1            |
| Orchard Flatts Crescent  |                      | Going Local          | 30             |              |
| Psalters Way   |                      | Going Local          |                | 6            |
| Robinetts Road   |                      | Going Local          | 49             |              |
| Studmoor Road  |                      | Going Local          | 17             |              |
| Teesdale Road  |                      | Going Local          | 49             |              |
| Upper Wortley Road   |                      | Going Local          | 49             | 9            |
| Wensleydale Road   |                      | Going Local          | 40             |              |
| Wingfield Com Centre   |                      | Going Local          | 5              |              |
| Wingfield Road   |                      | Going Local          | 14             |              |
|  | <b>Total</b>         |                      | <b>451</b>     | <b>18</b>    |
|  | <b>Total Garages</b> |                      | <b>451</b>     | <b>18</b>    |

| <b>Appendix Two - Year 5 (2008/9) Garage Site Planned Maintenance Scheme.</b> |                 |                      |                |              |
|---|-----------------|----------------------|----------------|--------------|
| <b>Site</b>   | <b>Location</b> | <b>District Area</b> | <b>Garages</b> | <b>Plots</b> |
| Acacia Avenue   | Bramley         | Maltby               | 1              |              |
| Ash Grove   | Wickersley ?    | Maltby               |                |              |
| Baytree Avenue  | Sunnyside       | Maltby               | 4              |              |
| Chestnut Close  | Flanderwell     | Maltby               | 4              |              |
| Greenwood Crescent  | Wickersley      | Maltby               | 10             |              |
| Greenwood Crescent  | Wickersley      | Maltby               |                | 8            |
| Hornbeam Road   | Flanderwell     | Maltby               |                |              |
| Laurel Avenue   | Bramley         | Maltby               | 6              |              |
| Peartree Avenue   | Bramley         | Maltby               | 13             |              |
| Wadsworth Road  | Bramley         | Maltby               | 6              |              |
| Willow Close  | Flanderwell     | Maltby               | 7              |              |
| Willow Road   | Maltby          | Maltby               |                | 10           |
|   | <b>Total</b>    |                      | <b>51</b>      | <b>18</b>    |
| Rowena Drive  | Thurcroft       | Dinnington           | 7              |              |
| Sycamore Avenue   | Dinnington      | Dinnington           | 2              |              |
|   | <b>Total</b>    |                      | <b>9</b>       | <b>0</b>     |
| Cover Close   | Harley          | Swinton              | 5              |              |
| Ocupation Road  | Wath (Harley)   | Swinton              | 6              | 3            |
|   | <b>Total</b>    |                      | <b>11</b>      | <b>3</b>     |
| Manor Road  | Swinton         | Wath                 | 7              |              |
|   | <b>Total</b>    |                      | <b>7</b>       | <b>0</b>     |
| Charles Street  | Rawmarsh        | Rawmarsh             | 15             |              |
| Griffiths Close   | Parkgate        | Rawmarsh             | 9              |              |
| Heatons Bank  |                 | Rawmarsh             | 13             |              |
| Hollybush Street  |                 | Rawmarsh             | 14             |              |
| Marrion Road  |                 | Rawmarsh             |                | 6            |
| Netherfield Lane  |                 | Rawmarsh             | 7              |              |
| Rockingham Road   |                 | Rawmarsh             | 17             |              |
| Ryan Place  |                 | Rawmarsh             | 9              |              |
| Victoria Road   |                 | Rawmarsh             | 18             |              |
| Wheatcroft Road   |                 | Rawmarsh             | 16             |              |
| William Street  |                 | Rawmarsh             | 12             |              |
|   | <b>Total</b>    |                      | <b>130</b>     | <b>6</b>     |
| Pingle Crescent   | Thrybergh       | East Herringthorpe   | 8              |              |
| Royds Close Crescent  | Thrybergh       | East Herringthorpe   | 3              |              |
| Stacy Drive   | Thrybergh       | East Herringthorpe   | 6              |              |
|   | <b>Total</b>    |                      | <b>17</b>      | <b>6</b>     |
| Longfellow Drive  | Herringthorpe   | Town Centre          | 1              |              |
| Longfellow Drive  | Herringthorpe   | Town Centre          |                | 18           |
| The Lanes   | Herringthorpe   | Town Centre          | 45             |              |
| Beaconsfield Rd   | Broom           | Town Centre          | 18             |              |
| Broom Valley Road   | Broom           | Town Centre          | 10             |              |
| Brunswick Road  | Broom           | Town Centre          | 22             |              |
| Guest Place   | Broom           | Town Centre          | 46             |              |
| Hartington Road   | Holmes          | Town Centre          |                | 4            |
| Hartington Road   | Holmes          | Town Centre          | 7              |              |
| Mile Oak Road   | Broom           | Town Centre          | 35             |              |

|                    |                      |             |            |           |
|--------------------|----------------------|-------------|------------|-----------|
| Mile Oak Road      | Broom                | Town Centre |            | 1         |
| Moorgate Road      | Broom                | Town Centre | 27         |           |
| Norrells Croft     | Broom                | Town Centre | 41         |           |
| Oakwood Grove      | Broom                | Town Centre | 22         |           |
| Oakwood Grove West | Broom                | Town Centre | 8          |           |
|                    | <b>Total</b>         |             | <b>282</b> | <b>23</b> |
|                    |                      |             |            |           |
|                    | <b>Total Garages</b> |             | <b>507</b> | <b>56</b> |

| <b>Appendix 2 - Year 6 (2009/10) Garage Planned Maintenance Scheme.</b> |                  |                      |                |              |
|---|------------------|----------------------|----------------|--------------|
| <b>Site</b>   | <b>Location</b>  | <b>District Area</b> | <b>Garages</b> | <b>Plots</b> |
| Beech Close   | Maltby           | Maltby               | 5              |              |
| Chestnut Grove  | Maltby           | Maltby               |                | 6            |
| Elm Tree Road   | Maltby           | Maltby               |                | 10           |
| Hawthorne Avenue  | Maltby           | Maltby               | 4              |              |
| Milton Street   | Maltby           | Maltby               |                | 14           |
| Old Hall Drive  | Maltby           | Maltby               | 12             |              |
| Redwood Drive   | Maltby           | Maltby               | 11             |              |
| Sycamore Avenue   | Maltby           | Maltby               |                | 24           |
| Yew Tree North  | Maltby           | Maltby               |                | 6            |
| Yew Tree North  | Maltby           | Maltby               |                | 5            |
|   | <b>Total</b>     |                      | <b>32</b>      | <b>65</b>    |
| Danby Road  | Kiveton Park     | Dinnington           |                | 12           |
|   | <b>Total</b>     |                      | <b>0</b>       | <b>12</b>    |
| Campsall Field Road   | Wath             | Swinton              | 29             |              |
| Hall Drive  | Wath             | Swinton              | 10             |              |
| Prince Street   | Swinton          | Swinton              | 23             |              |
| Victoria Road WMC   | Swinton          | Swinton              |                | 5            |
|   | <b>Total</b>     |                      | <b>62</b>      | <b>5</b>     |
| Montgomery Square   | Wath             | Wath                 | 12             |              |
| Varney Road   | Wath             | Wath                 | 23             | 30           |
|   | <b>Total</b>     |                      | <b>35</b>      | <b>30</b>    |
| Ashwood Road  | Parkgate         | Rawmarsh             | 4              |              |
| Boardma Avenue  | Rawmarsh         | Rawmarsh             | 14             |              |
| Brett Close   | Rawmarsh         | Rawmarsh             | 7              |              |
| Central Drive   | Rawmarsh         | Rawmarsh             | 19             |              |
| Cornwell Close  | Rawmarsh         | Rawmarsh             | 4              |              |
| Durnan Grove  | Rawmarsh         | Rawmarsh             | 18             |              |
| Goosebutt House   | Rawmarsh         | Rawmarsh             | 8              |              |
| Hawke Close   | Rawmarsh         | Rawmarsh             | 20             |              |
| Hollis Close  | Rawmarsh         | Rawmarsh             | 3              |              |
| Holmflatt   | Rawmarsh         | Rawmarsh             | 20             |              |
| Kay Crescent  | Rawmarsh         | Rawmarsh             | 8              |              |
| Kilnhurst Road  |                  | Rawmarsh             | 2              |              |
| Machin Drive  | Rawmarsh         | Rawmarsh             | 10             |              |
| Manor Close   | Rawmarsh         | Rawmarsh             | 10             |              |
| Oates Avenue  | Rawmarsh         | Rawmarsh             | 10             |              |
| Roden Way   | Rawmarsh         | Rawmarsh             | 7              |              |
| Symonds Avenue  | Rawmarsh         | Rawmarsh             | 7              |              |
| Thompson Close  | Rawmarsh         | Rawmarsh             | 3              |              |
| Wadsworth Road  | Rawmarsh         | Rawmarsh             | 7              |              |
| Wild Avenue   | Rawmarsh         | Rawmarsh             | 6              |              |
| Willowgarth   | Rawmarsh         | Rawmarsh             | 8              |              |
| Westfield Road  | Parkgate         | Rawmarsh             | 8              |              |
|   | <b>Total</b>     |                      | <b>203</b>     | <b>0</b>     |
| Barkers Croft   | Rockingham       | Going Local          | 23             |              |
| Beauchamp Road  | Kimberworth Park | Going Local          | 5              |              |
| Blinders Road   | Kimberworth Park | Going Local          | 7              |              |
| Clover Green  | Kimberworth Park | Going Local          | 4              |              |



|                             |                      |                    |            |            |
|-----------------------------|----------------------|--------------------|------------|------------|
| Cross Street/Regenmt Street |                      | Going Local        | 3          |            |
| Cross Street/Regenmt Street |                      | Going Local        |            | 7          |
| St Marys View               | Munsborough          | Going Local        | 24         |            |
|                             | <b>Total</b>         |                    | <b>66</b>  | <b>7</b>   |
|                             |                      |                    |            |            |
| Chesterhill Avenue          | Thrybergh            | East Herringthorpe |            | 0          |
| Connery Close               | Thrybergh            | East Herringthorpe |            | 10         |
| Deer Leap Drive             | Thrybergh            | East Herringthorpe | 9          |            |
| Foljambe Drive              | Thrybergh            | East Herringthorpe |            | 11         |
| Leveton Way                 | Thrybergh            | East Herringthorpe |            | 2          |
| Link Road                   | Thrybergh            | East Herringthorpe | 6          |            |
| Meadow Close                | Thrybergh            | East Herringthorpe | 6          |            |
| Musgrove Avenue             | Thrybergh            | East Herringthorpe | 14         |            |
| Staple Green                | Thrybergh            | East Herringthorpe |            | 3          |
| Well Drive                  | Thrybergh            | East Herringthorpe |            | 2          |
|                             | <b>Total</b>         |                    | <b>35</b>  | <b>28</b>  |
|                             |                      |                    |            |            |
| Barden Crescent             | Brinsworth           | Aston              |            | 8          |
| Bawtry Road                 | Brinsworth           | Aston              | 14         |            |
| Brinsford Road              | Brinsworth           | Aston              | 20         |            |
| Fortway Road                | Brinsworth           | Aston              | 17         |            |
| Godric Green                | Brinsworth           | Aston              | 1          |            |
| Gotham Road                 | Brinsworth           | Aston              | 6          |            |
| Manor Road                  | Brinsworth           | Aston              | 6          |            |
| Roman Crescent              | Brinsworth           | Aston              | 12         |            |
| Whitecroft Crescent         | Brinsworth           | Aston              | 13         |            |
|                             | <b>Total</b>         |                    | <b>89</b>  | <b>8</b>   |
|                             |                      |                    |            |            |
|                             | <b>Total Garages</b> |                    | <b>522</b> | <b>155</b> |

| <b>Appendix Two - Year 7 (2010/11) Garage Site Planned Maintenance Scheme.</b> |                 |                      |                |              |
|--|-----------------|----------------------|----------------|--------------|
| <b>Site</b>  | <b>Location</b> | <b>District Area</b> | <b>Garages</b> | <b>Plots</b> |
| Newhall Avenue   | Wickersley      | Maltby               |                | 1            |
|  | <b>Total</b>    |                      | <b>0</b>       | <b>1</b>     |
| Abbotsford Drive   | Thurcroft       | Dinnington           | 2              |              |
| Arbour Drive   | Thurcroft       | Dinnington           |                | 7            |
| Brampton Avenue  | Thurcroft       | Dinnington           | 6              |              |
| Carver Way   | Harthill        | Dinnington           |                | 14           |
| De Sutton Place  | Harthill        | Dinnington           |                | 11           |
| Katherine Road   | Thurcroft       | Dinnington           | 3              |              |
| Pryor mede   | Harthill        | Dinnington           |                | 18           |
| Rowena Drive   | Thurcroft       | Dinnington           | 7              |              |
| Sawnmoor Road  | Thurcroft       | Dinnington           |                | 4            |
| Scott Close  | Thurcroft       | Dinnington           | 6              |              |
| Street Edmunds   | Thurcroft       | Dinnington           | 10             |              |
| Walnut Drive   | Dinnington      | Dinnington           |                | 1            |
|  | <b>Total</b>    |                      | <b>34</b>      | <b>55</b>    |
| Bierlow Close  |                 | Swinton              | 1              | 1            |
| Garden Drive   | Brampton        | Swinton              | 9              | 2            |
| Masefield Road   |                 | Swinton              | 7              |              |
| Missionfield   |                 | Swinton              |                | 3            |
| Springhill Avenue  | Brampton        | Swinton              | 1              |              |
|  | <b>Total</b>    |                      | <b>18</b>      | <b>6</b>     |
| Fitzwilliam Street   | Swinton         | Wath                 | 18             |              |
| Hatherley Road   | Swinton         | Wath                 | 16             |              |
| John Street  | Swinton         | Wath                 |                | 8            |
| Queens Street  | Swinton         | Wath                 | 14             | 12           |
| Street Johns Road  | Swinton         | Wath                 | 36             |              |
|  | <b>Total</b>    |                      | <b>84</b>      | <b>20</b>    |
| Ash Grove  | Rawmarsh        | Rawmarsh             |                | 6            |
| Bellows Road   | Rawmarsh        | Rawmarsh             | 16             |              |
| EaStreetfield Place  | Rawmarsh        | Rawmarsh             |                | 12           |
| Greaseborough Road   | Rawmarsh        | Rawmarsh             | 4              |              |
| Haugh Road   | Rawmarsh        | Rawmarsh             | 12             |              |
| Jockell Drive  | Rawmarsh        | Rawmarsh             | 7              |              |
| West Avenue  | Rawmarsh        | Rawmarsh             | 9              |              |
| Willowgarth  | Rawmarsh        | Rawmarsh             | 8              |              |
|  | <b>Total</b>    |                      | <b>56</b>      | <b>18</b>    |
| Barberbault Road   |                 | Going Local          | 17             |              |
| Beauchamp Road   |                 | Going Local          | 7              | 11           |
| Billam Place   |                 | Going Local          | 6              |              |
| Birks Road   |                 | Going Local          | 8              |              |
| Byley Road   |                 | Going Local          | 7              |              |
| Clifford Road  |                 | Going Local          | 6              |              |
| Duke Crescent  |                 | Going Local          | 3              |              |
| Gloucester Road  |                 | Going Local          | 7              |              |
| Great Park Road  |                 | Going Local          | 34             |              |
| Kiln Road  |                 | Going Local          |                | 1            |
| Leybourne Road   |                 | Going Local          | 8              |              |
| Neville Road   |                 | Going Local          | 3              |              |

|                 |                      |                    |            |            |
|-----------------|----------------------|--------------------|------------|------------|
| Sellars Drive   |                      | Going Local        | 12         |            |
| St Johns Grove  |                      | Going Local        | 12         |            |
| Stubbs Crescent |                      | Going Local        | 34         |            |
|                 | <b>Total</b>         |                    | <b>164</b> | <b>12</b>  |
|                 |                      |                    |            |            |
| Bradstone Road  |                      | East Herringthorpe | 9          |            |
| Greenfield Road |                      | East Herringthorpe | 27         |            |
| Hardwick Road   |                      | East Herringthorpe | 3          |            |
| Hounsfield Road |                      | East Herringthorpe | 12         |            |
| Lady Oak Road   |                      | East Herringthorpe | 6          |            |
| Laudsdale Road  |                      | East Herringthorpe | 8          |            |
| Malin Road      |                      | East Herringthorpe | 4          |            |
|                 | <b>Total</b>         |                    | <b>69</b>  | <b>0</b>   |
|                 |                      |                    |            |            |
| Estone Drive    | Swallownest          | Aston              | 3          |            |
| Gray Avenue     | Swallownest          | Aston              | 13         | 3          |
| Henley Way      | Masbrough            | Aston              |            | 11         |
| Mason Avenue    | Swallownest          | Aston              | 7          |            |
| Oates Close     | Thornhill            | Aston              |            | 2          |
| Rosedale Road   | Aston                | Aston              | 1          |            |
| West Park Drive | Swallownest          | Aston              | 23         |            |
| Windyridge      | Aughton              | Aston              | 1          |            |
|                 | <b>Total</b>         |                    | <b>48</b>  | <b>16</b>  |
|                 |                      |                    |            |            |
|                 | <b>Total Garages</b> |                    | <b>473</b> | <b>128</b> |

## Appendix Three - Year 1 (2004/5) Planned Maintenance Expenditure - Work Ordered.

| Site              | Location     | Area Office | Garages   | Paint          | Tarmac   | Fencing | Demo    | Sundries |
|-------------------|--------------|-------------|-----------|----------------|----------|---------|---------|----------|
| Chestnut Close    | Flanderwell  | Maltby      | 4         |                | 2916     | 928.18  |         |          |
| Moorfield Close   | Ravenfield   | Maltby      | 7         | 419.86         |          |         |         | 916      |
| Moorfield Grove   | Ravenfield   | Maltby      | 4         | 239.92         |          |         |         |          |
| Sandby Drive      | Ravenfield   | Maltby      | 9         | 539.82         |          |         |         |          |
| Spencer Drive     | Ravenfield   | Maltby      | 3         | 179.94         |          |         |         | 1067.7   |
| Hall Close Avenue | Whiston      | Maltby      |           |                |          | 880     |         |          |
| <b>Totals</b>     |              |             | <b>27</b> | <b>1379.54</b> |          |         |         |          |
| Manor Road/Plot   | Dinnington   | Dinnington  |           |                |          |         | 600     |          |
| Caperns Road      | North Anston | Dinnington  | 1         | 59.98          |          |         |         |          |
| <b>Totals</b>     |              |             | <b>1</b>  | <b>59.98</b>   |          |         |         |          |
| Denman Road       | Wath         | Swinton     | 24        | 1439.52        |          |         |         | 10007.57 |
| Cherytree Place   | Wath         | Swinton     | 5         | 299.9          |          |         |         | 60.32    |
| Oak Road          | Wath         | Swinton     | 5         | 299.9          |          |         |         |          |
| Rig Drive         | Swinton      | Swinton     | 7         | 419.86         |          |         | 8676.12 |          |
| Toll Bar Road     | Swinton      | Swinton     | 12        | 719.76         | 17644.58 |         |         |          |
| Warren Vale Road  | Swinton      | Swinton     | 8         | 479.84         | 5734.96  |         |         |          |
| <b>Totals</b>     |              |             | <b>61</b> | <b>3658.78</b> |          |         |         |          |
| Manor Road        | Swinton      | Wath        | 6         |                |          |         | 2862.07 |          |
| Brameld Road      | Swinton      | Wath        | 8         | 479.84         | 10358.76 |         |         |          |
| Grange Road       | Swinton      | Wath        | 40        | 2399.2         | 6532.23  |         |         |          |
| Piccadilly Road   | Swinton      | Wath        | 18        | 1079.64        |          |         |         |          |
| Sandymount Road   | Wath         | Wath        |           | 0              |          |         |         |          |
| Sycamore Crescent | Wath         | Wath        | 7         | 419.86         |          |         |         | 621.68   |
| <b>Totals</b>     |              |             | <b>79</b> | <b>4378.54</b> |          |         |         |          |
| Heatons Bank      | Rawmarsh     | Rawmarsh    |           |                |          | 2001.12 |         | 2863.67  |
| Gregory House     | Rawmarsh     | Rawmarsh    |           |                | 12959.52 |         |         | 277.05   |
| The Parade        | Rawmarsh     | Rawmarsh    | 8         |                |          | 5346.08 |         | 13064.71 |

|                   |                    |                    |            |                 |         |  |         |  |         |
|-------------------|--------------------|--------------------|------------|-----------------|---------|--|---------|--|---------|
| Brameld           | Rawmarsh           | Rawmarsh           | 12         | 719.76          |         |  |         |  |         |
| Jokell Drive      | Rawmarsh           | Rawmarsh           | 7          | 419.86          |         |  |         |  | 232.61  |
| Victoria Street   | Parkgate           | Rawmarsh           | 18         | 1079.64         | 307.84  |  |         |  | 1626.44 |
| William Street    | Parkgate           | Rawmarsh           | 12         | 719.76          |         |  |         |  | 2144.39 |
|                   | <b>Totals</b>      |                    | <b>57</b>  | <b>2939.02</b>  |         |  |         |  |         |
| Lapwater Road     | Wingfield          | Going Local        |            |                 | 2209.35 |  |         |  |         |
| Chapel Close      | Wingfield          | Going Local        |            |                 |         |  |         |  | 100     |
| Eldertree         | Thorpe Hesley      | Going Local        |            |                 |         |  | 4673.28 |  | 269.85  |
| Baring Road       | Blackburn          | Going Local        | 16         | 959.68          |         |  |         |  |         |
| Abdy Road         | Kimberworth park   | Going Local        | 15         | 899.7           | 1326.08 |  |         |  | 205.5   |
| Ashworth Drive    | Kimberworth park   | Going Local        | 18         | 1079.64         |         |  |         |  | 2521.59 |
| Cinderhill Road   | Kimberworth park   | Going Local        | 8          | 479.84          |         |  |         |  |         |
| Jewitt Road       | Kimberworth park   | Going Local        | 8          | 479.84          |         |  |         |  |         |
| Lovetot Road      | Kimberworth park   | Going Local        | 5          | 299.9           |         |  |         |  | 123.03  |
| Oaks Lane         | Kimberworth park   | Going Local        | 17         | 1019.66         |         |  |         |  |         |
| Redscope Crescent | Kimberworth park   | Going Local        | 3          | 179.94          |         |  |         |  |         |
| Redscope Crescent | Kimberworth park   | Going Local        | 17         | 1019.66         | 3522.55 |  |         |  |         |
| Redscope Crescent | Kimberworth park   | Going Local        | 18         | 1079.64         | 5346.08 |  |         |  | 1052    |
| Redscope Crescent | Kimberworth park   | Going Local        | 2          | 119.96          |         |  |         |  |         |
| Remount Road      | Kimberworth park   | Going Local        | 16         | 959.68          |         |  |         |  |         |
| Remount Way       | Kimberworth park   | Going Local        | 7          | 419.86          |         |  |         |  |         |
| Sandbergh Road    | Kimberworth park   | Going Local        | 4          | 239.92          |         |  |         |  |         |
| Shearman Avenue   | Kimberworth park   | Going Local        | 19         | 1139.62         |         |  |         |  |         |
| Wellfield Road    | Kimberworth park   | Going Local        | 3          | 179.94          | 6703.2  |  |         |  |         |
| Wheatly Road      | Kimberworth park   | Going Local        | 20         | 1199.6          |         |  |         |  |         |
| Simmonite Road    | Kimberworth park   | Going Local        |            |                 |         |  |         |  | 1676.91 |
|                   | <b>Totals</b>      |                    | <b>196</b> | <b>11756.08</b> |         |  |         |  |         |
| Creswick Close    | East Herringthorpe | East Herringthorpe | 21         | 1259.58         |         |  |         |  |         |
| Creswick Road     | East Herringthorpe | East Herringthorpe | 26         | 1559.48         |         |  |         |  |         |
| Houndsfield Road  | East Herringthorpe | East Herringthorpe |            |                 | 1000    |  | 3000    |  | 780     |
|                   | <b>Totals</b>      |                    | <b>47</b>  | <b>2819.06</b>  |         |  |         |  |         |
| Far Lane          | Herringthorpe      | Town Centre        | 7          | 419.86          |         |  |         |  |         |
| First Avenue      | Herringthorpe      | Town Centre        | 16         | 959.68          |         |  |         |  |         |

|                           |                      |             |            |                 |                  |                 |                 |
|---------------------------|----------------------|-------------|------------|-----------------|------------------|-----------------|-----------------|
| Lowgreave                 | Herringthorpe        | Town Centre | 9          | 539.82          |                  | 6155            |                 |
| Herringthorpe Valley Road | Herringthorpe        | Town Centre | 18         | 1079.64         |                  |                 |                 |
| Mowbray Gardens           | Herringthorpe        | Town Centre | 14         | 839.72          |                  |                 |                 |
| Mile Oak Road             | Broom                | Town Centre |            |                 |                  | 816.44          |                 |
| Moorgate Road             | Broom                | Town Centre |            |                 | 18662.4          | 1344.78         |                 |
| Mile Oak Road Flats       | Broom                | Town Centre |            |                 |                  | 1603.39         |                 |
| Beaconsfield Road         | Broom                | Town Centre |            |                 |                  | 1880            | 2104            |
| Elizabeth way             | Masborough           | Town Centre | 4          | 239.92          |                  |                 |                 |
| Hollowgate                | Wellgate             | Town Centre | 4          | 239.92          |                  |                 |                 |
| Masborough Street         | Masborough           | Town Centre | 8          | 479.84          |                  |                 |                 |
| St Bedes                  | Masborough           | Town Centre | 9          | 539.82          |                  |                 |                 |
| Vine Close                | Masborough           | Town Centre | 5          | 299.9           |                  |                 |                 |
|                           | <b>Totals</b>        |             | <b>94</b>  | <b>5638.12</b>  |                  |                 |                 |
| Masons Avenue             | Aston                | Aston       |            |                 |                  | 4100            |                 |
| Wesley Avenue             | Aston                | Aston       |            |                 |                  | 600             |                 |
|                           | <b>Totals</b>        |             | <b>0</b>   | <b>0</b>        |                  |                 |                 |
|                           | <b>Total Garages</b> |             | <b>561</b> | <b>33648.78</b> | <b>85354.92</b>  | <b>30823.62</b> | <b>24511.47</b> |
|                           |                      |             |            |                 |                  |                 | <b>41715.02</b> |
|                           |                      |             |            | <b>Total</b>    | <b>216053.81</b> |                 |                 |

Sundries is a term used to describe a number of repairs like new doors, works to gutters, joinery, roofing etc.

**ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS**

|    |                        |  |
|----|------------------------|--|
| 1. | <b>Meeting:</b>        | <b>Cabinet Member for Housing &amp; Environmental Services</b>         |
| 2. | <b>Date:</b>           | <b>15 November 2004</b>  |
| 3. | <b>Title:</b>          | <b>Void property monitoring for 30 August 2004 to 29 October 2004.</b> |
| 4. | <b>Programme Area:</b> | <b>Neighbourhoods</b>  |

**5. Summary**

Performance on re-let times and rent loss on void properties needs to improve this year for the Service to meet its performance targets, and the needs and aspirations of tenants in Rotherham.

**6. Recommendations**

**THAT THE CABINET MEMBER NOTES THE ACTION TAKEN AND CURRENT PROGRESS**

---

**7. Proposals and Details**

The targets set for HES68 and BVPI 69 are 20 days and 1.25% respectively. The report shows that the number of voids has significantly reduced with performance on rent loss being 1.12%, and the overall time to let dwellings from 1 April 2004 to 29 October 2004 is 17.70 days.

**8. Finance**

No additional resources required. Improved performance will increase rental income.

**9. Risks and Uncertainties**

Failure to re-let tenancies in a timely manner will affect the sustainability of communities and increase rent loss, which in turn reduces the ability of the Service to deliver quality housing management services.

**10. Policy and Performance Agenda Implications**

Improved performance on re-letting voids contributes to the Community Plan and neighbourhood renewal agenda by helping to provide sustainable neighbourhoods of quality, choice and aspiration. The actions taken to improve performance include the introduction of guaranteed standard "Houseproud", Local lettings standards, Furnished tenancies, which alongside future Choice Based lettings will enhance sustainability because people will choose the area and type of property they live in.

**11. Background Papers and Consultation**

Audit Commission guidance

**Contact Name** : David Abbott, Housing Manager, Tel Ext. 2294



**Void Performance Monitoring for the Period 30.08.04– 29.10.04**

**1. The Number and Type of Voids**

- 1.1 The number of voids on 29 October 2004 increased by seven from the start of the period to 260 or 1.13% of the stock. The majority of voids, (193 or 74.23%) are those currently excluded from HES 68; these include properties such as those awaiting renovation and disposal.
- 1.2 The number of voids that meet the criteria to be included within the HES 68 increased during the period to 67. This equates to 0.29% of the stock.

**2. Performance Against BVPI 68**

- 2.1 The definition for HES 68 is, the average re-let times for dwellings let in the financial year. The time is calculated from the day the authority becomes aware that a property is to become void up to the day a tenant is signed up for a property and receives the keys.
- 2.2 **The overall performance against this indicator is 17.70 days** during the period, an improvement of 1.90 days from the last period. Six Neighbourhood Housing Offices are operating within the target of 20 days and the others are on track to meet the target. The steps taken to improve performance during the period are highlighted in section 5.
- 2.3 The performance on allocating open access properties has continued with 11 open access properties being let in the period. The overall performance if all open access properties were removed from the indicator would be 18.04 days. This indicates that open access properties are no longer having a significant impact on the indicator.
- 2.4 The current level of performance, based on the first quarter of 2004/5 comparative ALMO data would place the authority in the top quartile of All England ALMO's and move it into second place behind Carrick District Council and South Lakes Housing which are equal first on 17 days. Local performance at the end of the first quarter of 2004/5 was Berneslai Homes (79 days), Doncaster M.B.C. (35.86 days) and Sheffield City Council (50 days) However, it must be assumed that other authorities have also improved over the last two months. There is no direct comparable data on HES 68 for Registered Social Landlords (RSL).
- 2.5 A new Local Performance Indicator was introduced for 2003/04 - HES14. This indicator measures the average time taken to let a void from when one tenancy terminated until the next one starts as defined by dates entered onto the open house management system. This indicator excludes all those properties that are excluded from HES68. Performance based on this indicator is 14.06 days during the period. Comparable data is held by Housemark for this indicator but it is for 2002. They are currently conducting a benchmarking exercise to update the information. The combined top quartile

performance for the 171 Local Authorities and RSL's submitting data in 2002 was anything below 25.2 days.

### **3. Terminations, Lettings and Properties Available to Let**

**3.1 Terminations & Lettings** There were 303 terminations in the period of which 277 met the criteria to be included in HES 68 and 288 lettings. The cumulative figures for this year are 1065 terminations and 1089 lettings. In addition there have been 56 new tenancies created by mutual exchanges since April 2004.

### **3.2 Property Available to Let**

The number of available to let properties at the start of the period is 22.

### **4. Performance against HES 69**

**4.1** Definition for HES 69 is the percentage of rent lost through local authority dwellings becoming vacant.

**4.2** The amount of rent income lost on voids up to 1 October 2004 has improved from 1.21% at the last report to **1.12%**. This level of performance, based on the 2001/02 comparative data, would continue to place the authority in the upper quartile for Metropolitan Authorities. This indicator has been discontinued as a National Indicator and is difficult to collect more up to date data to give a meaningful comparison. But if we were to compare performance with the 171 Local Authorities and RSL's submitting data to Housemark in 2002 it would show top quartile as being anything under 1%, the median as 1.5%. Performance Locally at the end of the first quarter of 2004/5 was Doncaster MBC (3.09), Sheffield City Council (2.82) and Berneslai Homes (3.64% May figure only).

### **5. Actions Taken to Improve Performance in the Period**

#### **HES.68**

- The Local lettings strategies were reviewed and accepted by Cabinet Member on the 6<sup>th</sup> September, 2004. The BME Housing Strategy was accepted on the same date.
- The Choice Based Lettings Road shows commenced in preparation for Choice Based Lettings starting in April 2005.
- A virtual Furnished Home promotional DVD was launched at the Rotherham Show
- The Core Digital pilot was rolled out to all parts of the borough in advance of a full six-month trial which commenced on the 4<sup>th</sup> October, 2004.
- The Open Access website and displays have been updated to improve accessibility. The Open Access List was also issued to 150 customers and the Tenants and Residents Associations.
- A training programme commenced for Neighbourhood staff in advance of the implementation of the Preferred Supplier Scheme on the 1<sup>st</sup> November 2004.

## HES.69

On 11 October 2004 the HES Cabinet approved a strategy for the remaining unimproved flats at the White Bear Estate at Wath.

### 6. District Performance and Issues

- 6.1 The teams have a continuous target of letting one more property than is terminated each week. The table in Appendix 1 identifies the performance of the district offices during the period.
- 6.2 Due to the Local letting policies, the impact of letting long term voids is no longer a significant issue.
- 6.3 There are still delays caused by the time taken to establish electricity supplies to some voids. This issue will be resolved by the introduction of the preferred Supplier Scheme.
- 6.4 There have been some delays around the supply of high security doors which in some instances have taken two weeks to arrive. Steps to resolve this include the demonstration of a temporary high security door which will fit all door sizes.
- 6.5 The return of regeneration properties at Wath has had a positive impact on performance.

### 7. Sustainability

The 'sustainability of tenancies' indicator (HES5) measures the percentage of terminating tenancies in the year that have lasted longer than 12 months. This is on the basis that tenancies which last longer than this can be considered 'successful' and that it is less likely that subsequent terminations will be due to failure to maintain tenancies on the tenants part, or provide appropriate management support on that of Housing Services. Performance during the 12 months up to the 29th October 2004 was 96.14%. This figure does not include tenancies terminating within 12 months due to transfers, mutual exchanges and deaths. If these were included the figure would be 93.04%

## Appendix 1 – Status of Voids by Area Office as at 29/10/04

| District           | BVPI 68    | League Position | Properties Terminated in Period | Properties Let in Period | Properties Available to Let 29/10/04 | Open Access Properties Signed up in Period |
|--------------------|------------|-----------------|---------------------------------|--------------------------|--------------------------------------|--|
| Maltby             | 15.24 days | 3rd             | 40                              | 32                       | 1                                    | 0  |
| Dinnington         | 13.87 days | 2nd             | 17                              | 10                       | 2                                    | 0  |
| Wath               | 20.70 days | 8th             | 30                              | 36                       | 1                                    | 4  |
| Swinton            | 18.97 days | 6th             | 25                              | 22                       | 0                                    | 7  |
| Rawmarsh           | 18.79 days | 5th             | 33                              | 28                       | 0                                    | 0  |
| Going Local Pilot  | 20.64 days | 7th             | 46                              | 50                       | 4                                    | 0  |
| East Herringthorpe | 15.70 days | 4th             | 27                              | 34                       | 0                                    | 0  |
| Town Centre        | 21.26 days | 9th             | 57                              | 44                       | 14                                   | 0  |
| Aston              | 8.76 days  | 1st             | 28                              | 32                       | 0                                    | 0  |

*NB The termination figure includes properties in the Canklow Regeneration Scheme*

|  |
|--|
| <b>ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS</b> |
|--|

|           |                        |  |
|-----------|------------------------|--|
| <b>1.</b> | <b>Meeting:</b>        | <b>Cabinet Member for Housing and Environmental Services</b> |
| <b>2.</b> | <b>Date:</b>           | <b>15<sup>th</sup> November 2004</b>                         |
| <b>3.</b> | <b>Title:</b>          | <b>Licensing Act 2003</b>                                    |
| <b>4.</b> | <b>Programme Area:</b> | <b>Neighbourhoods</b>  |

## **5. Summary**

The purpose of this report is to update Members on the progress of the Statement of Licensing Policy.

The Statement of Licensing Policy is a statement of how the Council, as the licensing authority for Rotherham, intends to exercise the licensing functions imposed upon it by the Act.

The report also highlights a potential shortfall in licence fees in consideration of the Government's recently published consultation document on proposed fee levels.

## **6. Recommendations**

**It is recommended that the Cabinet Member approves the following:**

- 1. The draft Statement of Licensing Policy and the amendments made;**
  - 2. Any amendments advised by Counsel in order to reduce the risk of a successful challenge to the Policy;**
  - 3. That the draft Statement of Licensing Policy be referred to the Scrutiny Panel for comment;**
  - 4. That the draft Statement of Licensing Policy be referred to the Council for final approval; and**
  - 5. To consider lobbying local MP's with regard to the proposed licence fees.**
-

## 7. Proposals and Details

A previous report to the Cabinet Member was made on the 30<sup>th</sup> July, 2004. That report set out the list of consultees who the Council were required to consult by the Act. As part of the consultation process, various methods were adopted to invite comments upon the draft Policy. These included:

- Advertisements in the local press
- Open meetings at the Town Hall
- Publication of the draft policy on the Council's website
- Meetings with the Police and Fire Authorities
- Meeting with local solicitors
- Letters to licensed premises
- Attendance at Area Assemblies
- Presentations to other relevant bodies, groups and businesses
- Forwarding a copy of the draft policy to all Members
- Forwarding a copy of the draft policy to all Tenants and Residents Associations
- Making the policy available to the public at town centre council receptions
- Internal meetings and presentations

A thirteen week period of public consultation ended at 17.30 on Friday, 29<sup>th</sup> October, 2004. In addition to the comments made at the various meetings, a total of nineteen written comments were received. These comments, together with the points raised by individuals at various meetings, are summarised in the attached Schedule of Responses. The Schedule of Responses also summarises the changes made to the draft Policy as a result of the comments received.

All of the comments received have now been considered by officers and amendments to the draft Statement of Licensing Policy, deemed appropriate by the officers concerned, have been made as a result of the comments received. The comments and the amendments were considered and approved by Members of the Licensing Board at a special meeting held on Monday, 8<sup>th</sup> November, 2004.

A Schedule of Responses received and amendments made to the draft Policy has been prepared and is attached hereto, together with a copy of the amended Statement of Licensing Policy, in which the amendments have been underlined for ease of reference. Both documents are also available for reference in the Members' Room.

For this reason it is proposed that advice upon the amended Statement of Licensing Policy be taken from a leading licensing Counsel. However, this advice could not be taken until the consultation period had closed and all comments had been received and the draft Policy amended. The advice from Counsel is pending but is unlikely to be available prior to the meeting. In the event that the advice recommends that changes be made to the Policy in order to reduce the risk of any successful challenge to the Policy, those changes will be made prior to the matter being reported to Cabinet on 8<sup>th</sup> December, 2004 and thereafter Full Council on 22<sup>nd</sup> December, 2004.

## 8. Finance

The fees will be determined by central government and are intended to recover the full administration and enforcement costs. The amount of revenue that the local authority will receive in respect of this function cannot at present be quantified.

The Government has, however, recently produced a consultation document on fee levels to be established by regulation under the Licensing Act 2003. The consultation period set by the Secretary of State will end on the 23<sup>rd</sup> December, 2004, therefore, fees are not expected to be finalised until January, 2005, at the earliest.

The Secretary of State proposes that the fees relating to applications for premises licence, club premises certificate, variations, the conversion of existing licences, and conversion/variations should be graduated using five bands. Band A is priced at £80, Band E at £500. The banding system is based on the non-domestic rateable value of the premises.

The Secretary of State also proposes that a similar banding system is used for determining annual charges payable by those holding premises licences and club premises certificates. Band A is priced at £40, Band E at £225.

The fee for a personal licence, which lasts for ten years, is proposed to be £37.

The maximum fees under the new Act would fall below the current fees charged for a public entertainment licence. The fee for a public entertainment licence which allow entertainment at a premises up to midnight is currently £185. For those premises that operate after midnight, the fee is £2010.

Although the Government argues that the fees generated from a whole range of activities not currently licensed by local authorities, such as off licences, will make up the shortfall, there are still concerns that the proposed fees will not cover the cost of maintaining the service, such as administrative, inspection and legal costs.

The Government has stated that the Audit Commission (or similar) will conduct a review of licence fees after the first year to assess whether the new scheme is, as promised, self-financing.

An extra £70,000 has been allocated to the licensing section for this year, to assist in meeting any additional costs, consultation exercises, additional staff, etc.

## 9. Risks and Uncertainties

The consequences of the Statement of Licensing Policy not being ready for publication before 7<sup>th</sup> January would be nothing short of disastrous. If the Statement was not ready, the effect would be that applications which are quite properly made could not be considered if the Statement had not been published. Applications made but not determined within time limits set out in the Act are either deemed granted or refused

depending on the circumstances. This could, therefore, lead to a host of appeals against the “decision” to the Magistrates’ Court, which if successful would result in orders for costs against RMBC.

The consequences of the Statement of Licensing Policy being unlawful would also be disastrous. These proceedings would be very costly to defend, may impinge upon the licensing authority’s discretion, require substantial amendment to the Statement of Licensing Policy and affect licence application decisions.

With regard to the financial implications, central government could decide to set the licensing fees at a level significantly less than required to cover costs.

## **10. Policy and Performance Agenda Implications**

The purpose of the new system of licensing is to promote the four licensing objectives namely: the prevention of crime and disorder; public safety; the prevention of public nuisance; and the protection of children from harm.

## **11. Background Papers and Consultation**

Licensing Act 2003

Guidance issued by The Secretary of State for Culture, Media and Sport

Consultation on Fee Levels to be Established by Regulation Under Licensing Act 2003

**Contact Name** : David Stockdale, Senior Licensing Officer, Ext 3167,  
[david.stockdale@rotherham.gov.uk](mailto:david.stockdale@rotherham.gov.uk)





**LICENSING STATEMENT OF POLICY**

**LICENSING ACT 2003**

Licensing Office  
Howard Building  
College Lane  
Rotherham  
S65 1AX

Tel: 01709 823163

**ROTHERHAM METROPOLITAN BOROUGH COUNCIL  
LICENSING POLICY**

**INDEX**

| <u>Section</u> | <u>Content</u>                           | <u>Page No</u> |
|----------------|--|----------------|
| 1.             | Preamble                                 | 4-5            |
| 2.             | Scope of Policy                          | 5              |
| 3.             | Consultation                             | 5-6            |
| 4.             | Summary of Process                       | 6-7            |
| 5.             | Promotion of Licensing Objectives        | 7              |
| 6.             | Licence Conditions                       | 7-8            |
| 7.             | The Prevention of Crime & Disorder       | 8-10           |
| 8.             | Public Safety                            | 10-11          |
| 9.             | Safer Clubbing                           | 11             |
| 10.            | Safer Clubbing In Clubs                  | 11             |
| 11.            | Disabled People                          | 11-12          |
| 12.            | Other Mechanisms                         | 12             |
| 13.            | The Prevention of Public Nuisance        | 12-13          |
| 14.            | Protection of Children From Harm         | 13-16          |
| 15.            | Portman Group Code of Practice           | 16-17          |
| 16.            | Cumulative Impact                        | 17-19          |
| 17.            | Licensing Hours                          | 19             |
| 18.            | Shops, Stores and Supermarkets           | 19             |
| 19.            | <u>Casinos and Bingo Clubs</u>           | 19-20          |
| 20.            | Club Premises Certificates               | 20             |
| 21.            | Application for a Temporary Event Notice | 20-21          |

|     |   |       |
|-----|---|-------|
| 22. | Responsible Authorities                                     | 21-22 |
| 23. | Applications  | 22    |
| 24. | Integrating Strategies                                      | 22-23 |
| 25. | Duplication   | 23    |
| 26. | Enforcement   | 23-24 |
| 27. | Live Music, Dancing, Theatre, <u>Circus and Street Arts</u> | 24    |
| 28. | <u>Personal Licences</u>                                    | 25    |
| 29. | Promotion of Racial Equality                                | 25    |
| 30. | Administration, Exercise & Delegation of Functions          | 25    |
| 31. | Advice  | 26    |
| 32. | <u>Appeals</u>  | 26    |
| 33. | Table of Recommended Delegation of Functions                | 27    |

## ROTHERHAM METROPOLITAN BOROUGH COUNCIL

### ROTHERHAM LICENSING COMMITTEE

#### 1. Preamble

- 1.1 With a population of around 248,000 people, Rotherham Borough is made up of a diverse and vibrant mix of people, cultures and communities.
- 1.2 The majority of Rotherham (75%) is rural in nature, and the Borough benefits from a wealth of natural and built environments. One of its greatest strength's lies in its central location, with direct access to the M1, M18 and A1, the two universities in Sheffield and excellent rail access via Doncaster and Sheffield.
- 1.3 Rotherham is also home to some of the countries most highly regarded leisure and nightlife providers and is a popular destination for the provision of food, drink, cultural activities and entertainment. The Council recognises that licensed premises in the district are a major contributor to employment and in attracting visitors, making Rotherham a vibrant town and community.
- 1.4 Part of our aim is to make the town a pleasant, safe and prosperous place in which to live, work, learn and relax.
- 1.5 The Rotherham Metropolitan Borough Council has carried out a comprehensive consultation process prior to and during the writing of its Licensing Policy Document. This process will continue in accordance with the Act.
- 1.6 This document sets out Rotherham's Licensing Policy, which will guide the Licensing Committee when considering applications in connection with licences for the sale of alcohol, the supply of alcohol by or on behalf of a club to, or to the order of, a member of a club, regulated entertainment, and late night refreshment. The Licensing Act 2003 provides for a unified system of regulation of "licensable activities" as defined in the Act. The Act has wide application and will affect the following:

Premises selling alcohol

Registered Clubs

Premises providing any of the following to the public, to the members of a club or for the members of a club and their guests or for consideration and with a view to profit:

a performance of a play

an exhibition of a film

an indoor sporting event

a boxing or wrestling entertainment

a performance of live music

any playing of recorded music

a performance of dance

entertainment of a similar description to a performance of live music, any playing of recorded music or a performance of dance

provision of facilities for making music

provision of facilities for dancing

provision of facilities for entertainment of a similar description to making music or dancing

Premises offering hot food or hot drink between 11 pm and 5 am

The licensing authority estimate that the Act will affect in excess of 1000 premises within the borough of Rotherham.

- 1.7 This document should be read in conjunction with the Rotherham Metropolitan Borough Council's Licensing Guidance Notes. However the Guidance Notes do not form part of this policy.
- 1.8 This document sets out Rotherham's Licensing Policy, which will guide the Licensing Committee when considering applications for the sale of alcohol, regulated entertainment, late night refreshment, cinematographic and theatrical performances.
- 1.9 This document should be read in conjunction with the Council's Licensing Guidance Notes.
- 1.10 The aim of the policy is to promote the four licensing objectives set out in the Licensing Act 2003, namely:-
  - The prevention of crime and disorder;
  - Public safety;
  - The prevention of public nuisance; and
  - The protection of children from harm
- 1.11 The licensing authority wish to promote the above whilst still encouraging a sustainable entertainment and leisure industry. The Council recognises both the needs of local residents for a safe and healthy environment in which to work and live and the importance of safe and well run entertainment and leisure facilities to the town.
- 1.12 The policy aims to provide guidance to applicants, responsible authorities and interested parties on the general approach to licensing in the town. Although each and every application will be dealt with separately and on its own individual merits, the Council in writing this policy is offering guidance on the wider considerations that will be taken in to account.

- 1.13 The policy comes into force on ( ?? January), 2005, and will be reviewed at least every three years, and / or if any amendments and / or additions are required to the policy at any time within those three years.
- 1.14 The policy document and guidance contained therein which are appropriate to Rotherham are intended for the guidance of the Licensing Committee as well as to assist applicants in presenting their application.
- 1.15 The policy is not intended to limit the power or fetter the discretion of the Licensing Committee who will listen to and determine on its own individual merits any application placed before them.

## 2. **SCOPE OF POLICY**

- 2.1 The policy covers applications, reviews, transfers and variations of licences for the following licensable activities:
- The sale by retail of alcohol
  - The supply of alcohol by or on behalf of a club to, or to the order of a member of that club
  - The provision of regulated entertainment, and
  - The provision of late night refreshment
- 2.2 Any application for a licence, certificate, variation or review, will be dealt with on its own individual merits and by reference to the four licensing objectives.

## 3. **CONSULTATION**

- 3.1 The local authority is committed to consulting with as wide and varied an audience as possible regarding this and any future policies or any amendments in accordance with the Licensing Act 2003.
- 3.2 Before publishing this policy statement, or any review, or amendments, the licensing authority has consulted with the following:-
- (a) The Chief of Police for the area
  - (b) The Fire Authority
  - (c) Such persons as the licensing authority considers to be representative of holders of the following existing licences in respect of premises situated in the authority's area:
    - justices' licences (off- and on- licences);
    - canteen licences issued under the Licensing Act 1964;
    - licences issued under Schedule 12 to the London Government Act 1963 (licensing of public entertainment in Greater London);
    - licences issued under the Private Places of Entertainment (Licensing) Act 1967;

- licences issued under the Theatres Act 1968;
  - licences issued under the Late Night Refreshment Houses Act 1969;
  - licences issued under Schedule 1 to the Local Government (Miscellaneous Provisions) Act 1982 (licensing of public entertainments outside Greater London);
  - licences issued under section 1 of the Cinemas Act 1985; and
  - licences issued under Part 2 of the London Local Authorities Act 1990 (night café licensing).
- (d) Such persons as the licensing authority considers to be representative of clubs registered (within the meaning of the Licensing Act 1964) in respect of any premises situated in the authority's area.
- (e) Such other persons as the licensing authority considers to be representative of businesses and residents in its area.

The period of consultation was 13 weeks.

- 3.3 The views of the above consultees who responded were given due consideration when writing this policy.
- 3.4 The licensing authority may depart from this policy if the individual circumstances of any case merit such a decision in the interests of the promotion of the licensing objectives. In the event of a departure from this policy the licensing authority will give full reasons for the decision to depart.

#### 4. **A SUMMARY OF PROCESS**

- 4.1 Each application for a licence will be considered:-
- On its own individual merits
  - In accordance with the Licensing Act 2003 together with any amendments and supporting Regulations
  - With reference to the guidance issued under section 182 of the Licensing Act 2003
  - In accordance with this policy
- 4.2 Nothing in this statement of policy will:-
- Prevent any person from applying under the 2003 Act for any of the permissions and from having that application considered on its own individual merits
  - Prevent any person or stop any person from making representations on any application or from seeking a review of a licence or certificate where the 2003 Act permits them to do so.

4.3 Licensing is about regulating the carrying on of licensable activities on licensed premises within the terms of the Licensing Act 2003. Conditions attached to licences and certificates by the licensing authority will focus on matters within the control of individual licences and centre on the premises and places used for the licensable activities and their vicinity.

4.4 The local authority recognises that licensing law is not a mechanism for the general control of anti social behaviour by individuals once they are away from the premises and therefore, beyond the direct control of the individual club or business holding the licence, certificate or authorisation concerned.

## 5. **PROMOTION OF LICENSING OBJECTIVES**

5.1 The Licensing Objectives are:-

- i) the prevention of crime and disorder,
- ii) public safety,
- iii) the prevention of public nuisance, and
- iv) the protection of children from harm.

5.2 These are the only matters that may be taken into account when the licensing authority is determining an application.

5.3 Each objective is of equal importance.

5.4 Each applicant must provide with their application full details as to how they will promote each of the four licensing objectives detailed above.

## 6. **LICENCE CONDITIONS**

6.1 Conditions include any limitations or restrictions attached to a licence or certificate and are essentially the steps the holder of a licence or certificate will be required to take at all times when licensable activities are taking place at the premises.

6.2 The licensing authority will only impose conditions on licences and certificates where necessary for the promotion of one or more of the licensing objectives and will not impose them for any other purpose. Any conditions imposed will be proportionate. If no relevant representations are received from a responsible authority or an interested party as defined in the Licensing Act 2003, the applicant's application must be granted subject only to the mandatory conditions set out in the Licensing Act 2003 and such conditions as are consistent with the applicant's operating schedule. The licensing authority has no discretion to impose any conditions other than those conditions required by the Act and those consistent with the applicant's operating schedule unless relevant representations are received from a responsible authority or interested party.



- 6.3 The Government has provided pools of example conditions which relate to the licensing objectives and which are to be treated as a potential pool of conditions which may be tailored and attached as necessary conditions for premises licences and Club Premises Certificates. Copies of these pools of conditions are attached to this policy at Annexes 'A', 'B', 'C' and 'D'. The licensing authority will not consider these as standard conditions and will not apply them universally. However, the pools of example conditions cannot cover every scenario and conditions not appearing in the pool may be attached by the licensing authority where necessary for the promotion of one or more of the licensing objectives.
- 6.4 The licensing authority will ensure that conditions attached to licences or certificates are tailored to the individual style and characteristics of the particular premises and events concerned.
- 6.5 The licensing authority will impose mandatory conditions where required by the Licensing Act 2003.
- 6.6 Conditions attached to licences and certificates by the licensing authority will focus on matters within the control of individual licences and centre on the premises and places used for the licensable activities and their vicinity. Whether or not incidents can be regarded as being "in the vicinity" of licensed premises is a question of fact and will depend on the particular circumstances of the case. In addressing this matter the licensing authority will focus primarily on the direct impact of the activities taking place at the licensed premise on members of the public living, working or engaged in normal activity in the area concerned.
7. **THE PREVENTION OF CRIME AND DISORDER**
- 7.1 Under the Crime & Disorder Act 1998 Rotherham Metropolitan Borough Council, as the licensing authority, must have regard to the likely effect of the exercise of its licensing function and do all it can to prevent crime and disorder within the town. In doing so the Council will have regard to the likely impact of licensing and related crime and disorder in the town when considering the location, operation and management of all proposed licence applications reviews and variations.
- 7.2 All applicants will be expected to demonstrate to the satisfaction of the licensing authority in their Operating Schedule how they intend to promote the prevention of crime and disorder as an objective.
- 7.3 It is recommended that applicants seek advice from South Yorkshire Police when addressing this issue as well as taking in to account local planning and transport policies, tourism, cultural and crime prevention strategies. The South Yorkshire Police website where information relating to crime reduction is available can be found at [www.southyorks.police.uk](http://www.southyorks.police.uk)

- 7.4 The steps to be taken to promote the prevention of crime and disorder as an objective will be a matter for each applicant to consider, depending upon the nature of the premises and the licensable activities for which a [licence](#) is sought. [These](#) steps will therefore differ from premises to premises.
- 7.5 Examples of measures that the licensing authority may expect applicants to consider and address include:
- Membership of a Pub/Club watch scheme approved by South Yorkshire Police
  - The use of toughened glass or plastic drinking glasses
  - Provision and standard of CCTV
  - The use and number of door supervisors registered with the Security Industry Authority
  - Search procedures
  - Amount of seating to be provided
  - Training to be given to staff in crime prevention and drug awareness measures
  - Dispersal policies
  - Measures to be taken to prevent the use / supply of illegal drugs
  - Procedure for risk assessment and drinks policy of alcohol promotions
- 7.6 The above examples are neither exhaustive nor mandatory.
- 7.7 Full details about registration with the Security Industry Authority can be found on the [Security](#) Industry Authority website at [www.thesia.org.uk](http://www.thesia.org.uk)
- 7.8 The licensing authority support the aims of Pub and Club Watch schemes. Pub and Club Watch Schemes are designed to discourage troublemakers from pubs and clubs in the town by information sharing and are also a useful body to represent licensees. Persons responsible for the day to day management of any premises where alcohol is available for sale or supply and consumption on those premises are strongly recommended to be a member of and fully participate in a Pub & Club Watch Scheme or any similar scheme approved by the South Yorkshire Police.
- 7.9 Conditions may be attached to Premises Licences and Club Premises Certificates, in order to promote the prevention of crime and disorder as a licensing objective, and will, so far as possible, reflect local crime prevention strategies.
8. **PUBLIC SAFETY**
- 8.1 The licensing authority recognises that licensed premises will cover a wide range of premises and activities, each with their own particular safety risks/issues.

- 8.2 The premises must be constructed or adapted and operated to safeguard occupants against those risks/issues.
- 8.3 The licensing authority expects applicants to provide in their application an operating schedule, which satisfactorily addresses these risks/issues.
- 8.4 Applicants for a licence or certificate under this legislation are reminded that one of the four licensing objectives is Public Safety and will therefore be required to demonstrate to the satisfaction of the licensing authority in their operating schedule how they intend to deal with this issue.
- 8.5 Applicants are advised to seek guidance from the Councils' Neighbourhood Services on Rotherham 01709 823161, from South Yorkshire Fire and Rescue on Barnsley or via dearnefs@syfire.org.uk or to engage their own consultant.
- 8.6 The steps to be taken to promote public safety as an objective will be a matter for each applicant to consider, depending upon the nature of the premises and the licensable activities for which a license is sought. These steps will therefore differ from premises to premises.
- 8.7 Examples of measures that the licensing authority may expect applicants to consider and address include:
- The number of door supervisors
  - Use of equipment and special effects
  - Provision and standard of CCTV
  - The use of toughened glass and plastic drinking glasses
  - Availability of free drinking water
  - Evacuation procedures
  - Fire training
  - Occupancy figures
- 8.8 The above examples are neither exhaustive nor mandatory.
- 8.9 In certain premises where existing legislation does not provide adequately for the safety of the public, club members or guests the licensing authority may require the provision of Electrical Safety Certificates, Gas Certificates, Fire Safety Certification, Risk Assessments, Health and Safety Policy including safe capacities appropriate for the type of premise and usage or other certificates or documents necessary to promote the public safety objective.
- 8.10 The licensing authority may attach conditions to licences to promote the Public Safety Objective and to promote general safety.

## 9. **SAFER CLUBBING**

“Safer Clubbing” concerns drugs and nightclubs. The Home Office, in conjunction with the Department of Health and the DCMS, has also produced

the Safer Clubbing Guide that provides comprehensive new advice for nightclub owners, dance event promoters and existing local authority licensing departments on how to ensure the health and safety of anyone attending dance events in England. The Guide can be viewed in full on [www.drugs.gov.uk](http://www.drugs.gov.uk).

## 10. **SAFER CLUBBING IN CLUBS**

10.1 The Government has outlined its commitment to addressing drugs in clubs in 1998 in its strategy “Tackling Drugs to Build a Better Britain”. In 2001 the Home Office and the London Drug Policy Forum produced guidance entitled “Safer Clubbing” which, building on the earlier success of “Dance Till Dawn Safely”, was nationally welcomed and proved an extremely useful document for licensing officers, club managers and promoters. The aim of reducing the potential harm through better management of dance venues was affirmed in the 2003 “Updated Drug Strategy” which may be viewed with the “Safer Clubbing” at [www.drugs.gov.uk](http://www.drugs.gov.uk).

10.2 A key element of the strategy describing in “Safer Clubbing” is the use of necessary and appropriate licensing conditions to control the environment at relevant premises. A check-list of the most important measures described in “Safer Clubbing” are produced in Annex ‘E’ (modified to refer to the provisions of the 2003 Act). This licensing authority commends this document for use by the Police, all responsible authorities and all authorised persons under the 2003 Act. Although the checklist refers to the role of club owners, managers and event promoters is to ensure that all aspects of their venue are designed and run in ways which maximize the safety of customers, performers and staff, the licensing authority commends the use of the checklist by owners, managers and event promoters at places other than clubs.

## 11. **DISABLED PEOPLE**

11.1 Applicants are reminded of the duties imposed by the Disability Discrimination Act 1995. Applicants are expected to obtain their own advice on these duties and may contact the Disability Rights Commission in that regard.

11.2 The licensing authority recognises both the importance of proper steps to ensure the safety of people with disabilities at places of entertainment and the need to avoid the imposition of conditions to a licence which would enable an operator to justify the exclusion of persons with disabilities from the premises by reference to such conditions.

## 12. **OTHER MECHANISMS**

12.1 The local authority recognises that licensing law is not a mechanism for the general control of anti social behaviour by individuals once they are away from the premises and therefore, beyond the direct control of the individual club or business holding the licence, certificate or authorisation concerned.

12.2 Other mechanisms for addressing problems relating to unlawful behaviour and badly behaved consumers include:

- Planning Controls
- Positive measures to create a safe and clean town centre environment in partnership with local businesses, transport operators and other departments of the local authority
- The provision of CCTV surveillance in town centres, ample taxi ranks, provision of public conveniences open late at night, street cleaning and litter patrols;
- Powers of local authorities to designate parts of the local authority area as places where alcohol may not be consumed publicly
- Police enforcement of the normal law concerning disorder and anti social behaviour including the issuing of fixed penalty notices
- The prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk
- The confiscation of alcohol from adults and children in designated areas
- Police powers to close down instantly for up to 24 hours any licensed premises or temporary event on grounds of disorder; the likelihood of disorder or excessive noise emanating from the premises
- The power of the police, other responsible authorities or a local resident or business to seek a review of the licence or certificate in question

### 13. **THE PREVENTION OF PUBLIC NUISANCE**

13.1 The licensing authority would remind applicants that a major concern for residents in premises close to licence outlets and a regular cause of complaint is noise nuisance.

13.2 Applicants for a licence under this legislation are reminded that one of the four licensing objectives is the prevention of public nuisance, and applicants will therefore be required to demonstrate to the satisfaction of the licensing authority in their operating schedule how they intend to address this issue. The prevention of public nuisance could include low level nuisance perhaps affecting a few people living locally as well as major disturbance affecting the whole area. It may also include in appropriate circumstances the reduction of the living and working amenity and environment of interested parties (as defined in the Licensing Act 2003) in the vicinity of licensed premises.

13.3 The steps to be taken to promote the prevention of public nuisance as an objective will be a matter for each applicant to consider, depending upon the nature of the premises and the licensable activities for which a license is sought. These steps will therefore differ from premises to premises.

13.4 Examples of measures that the licensing authority may expect applicants to consider and address include:

The proximity of premises to residential properties, places of worship and noise sensitive premises

Steps to prevent noise nuisance

Steps to prevent disturbance from customers in the vicinity of the premises

Steps to prevent light pollution

Steps to prevent litter

Steps to prevent nuisance from smells

Dispersal policy

Availability of parking

Availability of public transport

Management of customers arriving and leaving the premises

- 13.5 The above examples are neither exhaustive nor mandatory.
- 13.6 Applicants are advised to seek guidance from the Councils' Neighbourhood Services on 01709 823172 and/or a suitably qualified Noise Consultant.
- 13.7 The licensing authority may attach conditions to licences to promote the prevention of public nuisance objective. The licensing authority may impose stricter conditions with regard to noise control in areas which have denser residential accommodation but will not limit opening hours without regard to the individual merits of the application.

14. **THE PROTECTION OF CHILDREN FROM HARM**

- 14.1 The licensing authority judges the [waiting for confirmation from Children and Families Services as to the most appropriate body] as being the body that represents those who are responsible for, or interested in, matters relating to the protection of children from harm and recognises the [waiting for confirmation from Children and Families Services] as to the most appropriate body] as being competent to advise the licensing authority on such matters. Notice of applications should therefore be forwarded to the [waiting for confirmation from Children and Families Services as to the most appropriate body] as one of the Responsible Authorities.
- 14.2 The wide range of premises that will fall to be licensed under this Act means that children will visit many of these either as part of a family group or on their own.
- 14.3 Applicants for a licence under this legislation are reminded that one of the four licensing objectives is the protection of children from harm, and that applicants will therefore will be required to demonstrate in their operating schedule how they intend to address this issue.
- 14.4 The licensing authority interprets "children" as meaning [persons](#) aged under 18.

14.5 The steps to be taken to promote the protection of children from harm as an objective will be a matter for each applicant to consider, depending upon the nature of the premises and the licensable activities for which a license

14.6 Applicants can in their submission make it clear that any of the following limitations will be in place for the protection of children from harm.

Note: Age restriction re classification of films  
No access – Sex Shows  
No access – Adult Entertainment

14.7 The Licensing Committee cannot and will not impose any condition requiring children to be admitted to the premises. This will remain a matter for the individual licensee.

14.8 It is advisable that applicants having completed their own risk assessment etc. seek the views of the key responsible authorities, including

|                           |   |                              |
|---------------------------|---|------------------------------|
| Crime and Disorder        | - | South Yorkshire Police       |
| Noise / Health and Safety | - | Environmental Health         |
| Fire Safety               | - | South Yorkshire Fire Service |

14.9 The Act does not prohibit the access of children to licensed premises including those selling alcohol for consumption on the premises. However, the licensing authority may limit the access of children to any premises where necessary for the prevention of physical, moral or psychological harm to them.

14.10 The licensing authority recognises the vast array of entertainment/leisure facilities targeted at family entertainment, these include cinemas, theatres, concert venues, pubs, restaurants, cafes, takeaways, fast food outlets and certain nightclubs.

14.11 The licensing authority encourages applications from licensees that make venues family friendly and safe for children. However, the licensing authority would have concerns about access to children where:-

- There have been convictions for serving alcohol to minors or where there is a reputation for underage drinking;
- There is known association with drug dealing or drug taking;
- There is a strong element of gambling on the premises (but not small numbers of cash prize machines); and
- Entertainment of an adult or sexual nature is commonly provided.

14.12 In order to accommodate children in premises where licensable activities take place the licensing authority will assess each individual case on its own merits

and impose certain restrictions where these are considered necessary for the prevention of harm to children. These may include:-

- A restriction on the hours when children may be present (e.g. no children after 9:00 p.m.);
- A restriction on the age of children to be admitted to the premises (e.g. over 14 years of age only);
- A limitation or exclusion of children when certain activities are taking place (e.g. no children when entertainment of an adult or sexual nature is taking place);
- A requirement for accompanying adults (e.g. all children must be accompanied by a person over 18 years of age); and
- A full exclusion of children when licensable activities are taking place (complete bans are likely to be rare).

14.13 The licensing authority fully support the Rotherham Tobacco Control Strategy.

#### **Children and Cinemas**

14.14 The licensing authority will require licensees to ensure in the case of premises giving film exhibitions that children will be restricted from viewing films unless that film is classified for that age group by the British Board of Film Classification (BFC) or the local authority.

14.15 In the case of premises giving film exhibitions, the licensing authority will require applicants/licensees to include in their operating schedules to the satisfaction of the licensing authority, arrangements for ensuring that children will be restricted from viewing films unless that film is classified for that age group by the British Board of Film Classification or the licensing authority itself.

14.16 In all premises licences and club premises certificates authorising the exhibition of films for the admission of children, the licensing authority will impose a condition restricting the admission only to children who meet the required age limit set out in any certificate issued by the BFC or the licensing authority itself as required by the Licensing Act 2003.

#### **Proof Of Age**

14.17 Applicants and licensees should note that the licensing authority are concerned that under 18's are allowed to purchase alcohol and are frequently involved in drink related disorder. To prevent illegal purchases of alcohol the authority recommends that all licensees join a proof of age scheme such as that operated by the Portman Group or the national proof of age scheme called the "Citizens Card", and ensure that there is prominently displayed in licence premises "under 18" warning signs. The licensing authority expect that all staff responsible for the sale of alcohol receive information and advice on the licensing laws relating to children and young persons in licensed premises.



14.18 Licensees must be aware that if they are convicted of an illegal sale their licence may be reviewed.

14.19 Details of the forms of proof of age identification deemed as acceptable to South Yorkshire Police may be viewed on the South Yorkshire Police website at [www.southyorks.police.uk](http://www.southyorks.police.uk)The licensing authority recommends that the following types of proof of age identification also be accepted:

Passport

Photo driving licence

Safer Rotherham Partnership "Out of the Blue" Citizens Card

### **Staffing Levels**

14.20 Where regulated entertainment is to be provided and children will be present on the premises, the licensing authority will impose conditions requiring a sufficient ratio of adult staff to be present on the premises to control the access and egress of children and to protect them from harm. The number of attendants to assist persons entering or leaving the premises (excluding the licensee and/or the premises supervisor) must be stated in the operating schedule and must be of a level to ensure the safety of those attending the premises.

14.21 The 2003 Act details a number of offences designed to protect children in licensed premises. The licensing authority will work with the Police to ensure that the law is enforced.

14.22 The licensing authority may attach conditions to licences to protect children from harm. These conditions will be based on the applicants operating schedule and tailored specifically for those premises in relation to this objective.

### **15. PORTMAN GROUP CODE OF PRACTICE**

15.1 The Portman Group operates, on behalf of the alcohol industry, a Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks. The Code seeks to ensure that drinks are packaged and promoted in a socially responsible manner and only to those who are 18 years old or older. Complaints about products under the Code are considered by an Independent Complaints Panel and the Panel's decisions are published on the Portman Group's website, in the trade press and in an annual report. If a product's packaging or point-of-sale advertising is found to be in breach of the Code, the Portman Group may issue a Retailer Alert Bulletin to notify retailers of the decision and ask them not to replenish stocks of any such product or to display such point-of-sale material, until the decision has been complied with. The Code is an important weapon in protecting children from harm because it addresses the naming, marketing and promotion of alcohol products sold in

licensed premises in a manner which may appeal to or attract minors. This licensing authority commends this Code.

16. **CUMULATIVE IMPACT**

- 16.1 When considering an application for a licence the licensing authority will not take “need” in to account. (“Need” relates to the commercial demand for another licensed premise. It is not a matter for the licensing authority to take into account when determining applications for licences. It is a matter for planning committees and the market to decide upon.) However, the cumulative impact of licensed premises on the promotion of the Licensing Objectives may be considered by the licensing authority.
- 16.2 Although the licensing authority will not consider need it recognises that serious problems of nuisance and disorder can arise where there is a concentration of premises as a result of the increased capacity of those premises taken together and this has a resulting impact on the surrounding area.
- 16.3 Cumulative impact means the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area. It is concerned with the serious problems of nuisance and disorder that can arise where there is a concentration of premises and reflects the increasing capacity of all those premises taken together and the resulting impact on the surrounding area. The cumulative impact of licensed premises on the promotion of the licensing objectives is a proper matter for the licensing authority to consider.
- 16.4 Where the licensing authority receives representations from a responsible authority, or interested party, that an area has become saturated with licensed premises, making it a focal point for large groups of people to gather and circulate, creating exceptional problems of disorder and nuisance over and above the impact from any individual premises, the licensing authority may, where satisfied that the imposition of conditions may not address the issue, adopt a “Special Saturation Policy” of refusing new licences. This is because the area is already saturated with certain types of licensed premises and the granting of any further licences would undermine one of the licensing objectives.
- 16.5 However, such a policy would not be absolute and the circumstances of each application will be properly considered by the licensing authority on its own merits.
- 16.6 The licensing authority will take the following steps in considering whether to adopt a Special Saturation Policy:-
- Identification of serious and chronic concern from a responsible authority or representatives of residents about crime and disorder or nuisance

- Assessment of the causes
  - Consideration of whether it can be demonstrated that crime and disorder and nuisance is arising and is caused by the customers of licensed premises and if so identifying the area from which problems are arising and the boundaries of that area
  - Adopting a policy about future licence applications from that area
- 16.7 The effect of adopting a Special Saturation Policy would be to create a rebuttable presumption that applications for new premises licences or club premises certificates or material variations will normally be refused, if relevant representations to that effect are received, unless it can be demonstrated that the operation of the premises involved will not add to the cumulative impact already being experienced. Applicants will, therefore, need to address the Special Saturation Policy issues in their operating schedule in order to rebut such a presumption.
- 16.8 A Special Saturation Policy would not relieve responsible authorities or interested parties of the need to make a relevant representation to the licensing authority before the licensing authority may consider giving effect to the Special Saturation Policy.
- 16.9 The licensing authority will consider representations from responsible authorities and/or interested parties based on the impact on the promotion of the licensing objectives in the licensing authority's area generally of the grant of the particular application before them.
- 16.10 The onus would be on the party making the representation for providing evidence to back up any assertion that the addition of the premises in question would produce the cumulative impact claimed.
- 16.11 The licensing authority recognises and will take into account the diversity of licensed premises and the different impact on the local community of premises with different styles and characteristics. Accordingly the licensing authority recognises that within any such policy it may be able to approve licences that are unlikely to add significantly to the saturation and will consider each application on its own individual merits.
- 16.12 The licensing authority will review any Special Saturation Policy at least every three years to measure its effectiveness and to confirm whether it is still needed.
- 16.13 The licensing authority will not use such policies solely as grounds for removing a licence when representations are made about an existing licensed premise or refuse variations to a licence, except where those variations are directly relevant to the policy, such as an application to significantly increase the capacity.

16.14 The licensing authority does not consider that a particular concentration of licensed premises in a particular area is already causing a cumulative impact on one or more of the licensing objectives.

16.15 The absence of a Special Saturation Policy does not prevent any responsible authority or interested party making representation on a new application for the grant of a licence on the grounds that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives.

17. **LICENSING HOURS**

17.1 The licensing authority recognises that longer licensing hours for the sale of alcohol will avoid large numbers of people leaving premises simultaneously. This should reduce friction at late night fast food outlets, taxi ranks and other sources of transport, which can lead to disorder and disturbance.

17.2 The licensing authority will not set fixed trading hours within designated areas. This will prevent significant numbers of people crossing boundaries to seek premises with later opening hours, with the resulting concentration of disturbance and noise being reduced.

17.3 The licensing authority will deal with each application on its own individual merits. However, applicants will be expected to demonstrate in their operating schedule to the satisfaction of the licensing authority how they will promote the four licensing objectives.

17.4 The licensing authority may impose stricter conditions in respect of noise control where premises are situated in mainly residential areas.

18. **SHOPS, STORES AND SUPERMARKETS**

18.1 The licensing authority will normally licence shops, stores and supermarkets to sell alcohol for consumption off the premises at any times the premises are open for shopping.

18.2 However, there may be good reason for restricting those hours, for example following Police representations made in respect of isolated shops known to be the focus of disorder and disturbance.

19. **CASINOS AND BINGO CLUBS**

19.1 Casinos and bingo clubs are the subject of separate legislation with regard to the licensing of gaming – the Gaming Act 1964. When granting, varying or reviewing licences authorising the sale of alcohol for consumption on such premises and/or the provision of regulated entertainment and/or late night refreshment at such premises, the licensing authority should not duplicate any conditions imposed by virtue of such legislation. Where applicants wish to carry on activities licensable under the Licensing Act 2003, they will need to prepare and submit an operating schedule, but in detailing the steps to be

taken in promoting the four licensing objectives the applicant may refer to the statutory conditions in respect of the gaming licence where relevant. In addition, any conditions which are attached to premises licences should not prevent the holder from complying with the requirements of the 1968 Act and its supporting regulations.

- 19.2 When considering an application for the variation of a premises licence held by a casino or bingo club, the licensing authority will give consideration to the fact that the hours during which gaming may take place on such premises is prescribed by the Gaming Act 1968 and regulations made under it. The hours during which alcohol may be sold should normally be restricted to lesser hours only where that is necessary for the promotion of the licensing objectives.

## 20 **CLUB PREMISES CERTIFICATES**

- 20.1 The licensing authority recognizes that non-profit making clubs have made an important and traditional contribution to the life of many communities, that their activities take place on private premises to which the public do not generally have access and that they operate under codes of discipline applying to members and their guests.
- 20.2 The licensing authority will bear these matters in mind in determining what conditions should be included in certificates.
- 20.3 In considering any representations from responsible authorities and interested parties the licensing authority will not impose any conditions to a certificate unless it has been demonstrated that they are strictly necessary for the promotion of the Licensing Objectives.
- 20.4 The licensing authority recognises that the indirect costs of conditions attached to certificates will be borne by individual members of the Club and cannot be recovered by passing on those costs to the general public.
- 20.5 The licensing authority will not impose conditions which interfere with the arrangements for granting membership or voting within the Club.

## 21 **APPLICATIONS FOR TEMPORARY EVENT NOTICES**

- 21.1 Whilst the Licensing Act 2003 provides that any temporary event notice must be given to the licensing authority no later than ten working days notice before the day on which the temporary event period begins, the licensing authority requests that any temporary event notice be given to the licensing authority as early as possible and, if possible at least 28 working days before the day on which the temporary event period begins. This will allow the licensing authority to help organisers of temporary events plan the events safely.
- 21.2 However, the licensing authority recognises that it will not always be possible to give a temporary event notice at least 28 working days before the day on

which the temporary event period begins. If it is not possible to give a temporary event notice to the licensing authority at least 28 working days before the day on which the temporary event period begins, the licensing authority strongly encourages temporary event notice givers to give the temporary event notice to the licensing authority at the earliest possible time. However, for the avoidance of doubt the licensing authority cannot and is not attempting to extend the ten working day notice period required by the Licensing Act 2003.

- 21.3 In order to avoid the potential for disputes about whether a Temporary Event Notice was served and if so when, givers of Temporary Event Notices are advised to consider service by registered post.

## 22. **RESPONSIBLE AUTHORITIES**

- 22.1 Applicants for Premises Licences and Club Premises Certificates or variations to Premises Licences and Club Premises Certificates are required to give notice of their application to each of the Responsible Authorities.

- 22.2 Addresses to which notice of applications should be sent to each of the Responsible Authorities, where appropriate, are:

The Licensing Sergeant, South Yorkshire Police Headquarters, Main Street, Rotherham.

RMBC, Neighbourhood Services, Howard Building, College Lane, Rotherham, S65 1AX

RMBC, Planning, Bailey House, Rawmarsh Road, Rotherham (Postcode)

RMBC, Social Services, Children Protection and Planning Section, Floor 4, Crinoline House, Effingham Square, Rotherham, S65 1AW

South Yorkshire Fire and Rescue, Dearne District Fire Safety Office, Broadway, Barnsley, S70 6RA

The Health and Safety Executive, Edgar Allen House, 241 Glossop Road, Sheffield, (Postcode)

In the case of vessels, the following should also be included:

Navigation Authority  
British Waterway Board  
Environment Agency  
Secretary of State

- 22.3 Applicants are reminded that the enforcing authority within the meaning given by section 18 of the Health and Safety at Work Act 1974 for any area in which the premises are situated is one of the responsible authorities and that in

certain circumstances this will be the Council and in other circumstances will be the Health and Safety Executive. Applicants are advised to contact the Council or the Health and Safety Executive in cases of doubt as to the correct responsible authority

- 22.4 If any notice is sent to any responsible authority at any addresses other than those listed above the licensing authority may deem that the notice has not been given.

### 23. **APPLICATIONS**

- 23.1 The licensing authority requires all applications to be made in the correct form and in accordance with, and having satisfied, the requirements of the Licensing Act 2003 and the accompanying Regulations.

- 23.2 Any application not made in accordance with, or not having satisfied the requirements of the Licensing Act 2003 or the Regulations may be returned to the applicant for resubmission. The licensing authority will not consider that any such application has been properly made and accordingly will not consider that the time limits set out in the Licensing Act 2003 have commenced.

### 24. **INTEGRATING STRATEGIES**

- 24.1 The licensing authority shall secure the proper integration of this policy with local crime prevention, planning, transport, tourism and cultural strategies by:-

- Liaising and consulting with the South Yorkshire Police, Community Safety Forum and the Crime and Disorder Partnership;
- Liaising and consulting with the Planning and Regeneration authority;
- Liaising and consulting with the Highways authority;
- Liaising and consulting with the Rotherham Town Centre Management Team and the Rotherham Tourism Team;
- Having regard to any future documents issued relating to the Private Security Industry Act 2001, for example liaison or information sharing protocols;
- Liaising and consulting with the Trading Standards Team, for example with regard to test purchasing codes of practice
- Having regard to the Home Office Safer Clubbing Guide

- 24.2 The licensing authority in dealing with the Licensing Act 2003, will adopt a multi disciplinary approach to ensure proper integration of local and national strategies to promote the licensing objectives.

- 24.3 This will include working closely with other agencies to ensure proper integration of local Crime, Prevention, Planning, Transport, Tourism and Cultural Strategies.

24.4 The licensing authority will agree protocols with the Police to enable them to report to the Committee responsible for transport matters on the need for swift and safe dispersal of people to avoid concentrations that can produce disorder and disturbance.

24.5 Arrangements will be made by the licensing authority for the Licensing Committee to receive reports from time to time on the:-

- Needs of the local tourist economy
- Cultural strategy for the area
- Employment situation in the area and the need for new investment and employment where appropriate.

24.6 The licensing authority will ensure that reports are sent from the Licensing Committee to the Planning Committee advising them of the situation regarding licensed premises in the area and including the general impact of alcohol related crime and disorder to assist them in the decision making.

## 25. **DUPLICATION**

25.1 The licensing authority recognises that there should be a clear separation of the Planning and Licensing functions. Licensing applications will not be a re-run of the planning application.

25.2 The licensing authority will so far as possible avoid duplication with other regulatory regimes, for example many aspects of Fire Safety will be covered by existing and future legislation.

## 26. **ENFORCEMENT**

26.1 Once licensed it is vital that premises are operated and maintained in accordance with the Licensing Act 2003, the four licensing objectives and any conditions imposed by the licensing authority. The licensing authority will, therefore, take enforcement action where necessary to ensure this.

26.2 The licensing authority will establish with South Yorkshire Police and South Yorkshire Fire Service protocols relating to the enforcement of the 2003 Act.

26.3 The licensing authority will have particular regard to the following principles; the targeting of high risk premises or activities which require greater attention; consistency of approach; transparency and proportionality.

26.4 The licensing authority will operate a light touch inspection regime for well managed and well maintained premises.

## 27. **LIVE MUSIC, DANCING, THEATRE, CIRCUS AND STREET ARTS**



- 27.1 The licensing authority recognises and will take proper account of the need to encourage and promote a broad range of live entertainment, including live music, dancing, theatre, circus and street arts, recognising the wider benefits for local communities. The potential for limited disturbance in neighbourhoods will always be balanced with these wider benefits and the licensing authority will endeavour to encourage all venues to offer entertainment as far as possible. In determining what conditions should be attached to licences as a matter of necessity for the promotion of the licensing objectives, the licensing authority will be aware of the need to avoid measures that deter live entertainment, especially where the indirect effect of conditions would be to impose costs of a disproportionate nature. Live performance is central to the development of cultural diversity and vibrant, exciting communities, particularly traditional entertainment such as circus and street arts. The licensing authority subscribes to the view expressed in the Guidance to the Act that the absence of cultural provision in any area can lead itself to a loss of community awareness and can expose young people to anti-social activities that damage local communities.
- 27.2 The licensing authority will encourage the Council to seek premises licences for public spaces in the community in its own name. This could include, for example, open spaces, town [centre](#) squares, community halls and similar public spaces. If the Council had already obtained a premises licence for such spaces, performers and entertainers would not need to obtain a premises licence or give a temporary event notice themselves in order to perform in accordance with the provisions of that premises licence. Instead they would require permission from the Council as the premises licence holder. The licensing authority expects that any charges related to this permission will be reasonable and proportionate. The licensing authority will also monitor the impact of licensing on regulated entertainment to ensure that only necessary, proportionate and reasonable licensing conditions impose restrictions on such events. Where there is evidence that licensing requirements deter such activities, the licensing authority will consider how to prevent it, and if necessary will change this policy.
- 27.3 Where part of the Council seeks a premises licence from the licensing authority, the licensing committee and the licensing authority's officers will consider the matter from an entirely neutral standpoint.

## **28 PERSONAL LICENCES**

- 28.1 The licensing authority acknowledges the Secretary of State's recommendation that where the police have issued an objection notice as a result of the applicant having an unspent conviction for a relevant or foreign offence, refusal of the application should be the norm unless there are, in the opinion of the licensing authority, exceptional and compelling circumstances which justify granting the application.

29. **PROMOTION OF RACIAL EQUALITY**

- 29.1 The Race Relations Act 1976, as amended by the Race Relations (Amendment) Act 2000, places a legal obligation on Rotherham Metropolitan Borough Council to have due regard to the need to eliminate unlawful discrimination; and to promote equality of opportunity and good relations between persons of different racial groups.
- 29.2 The Council has developed a Race Equality Scheme. The Race Equality Scheme makes clear how the Council will meet the Race Relations (Amendment) Act 2000. If you require a copy please contact Luisa Fletcher, Corporate Equalities Unit, Chief Executive's Office, Bailey House, Rawmarsh Road, Rotherham S60 1RU Telephone 01709 822871.

30. **ADMINISTRATION, EXERCISE AND DELEGATION OF FUNCTIONS**

- 30.1 The licensing authority has established a Licensing Committee to administer the wide range of licensing decisions and functions which the Council will be involved in.
- 30.2 The Licensing Committee has delegated certain decisions and functions and established a number of sub committees to deal with them. This will provide an efficient and cost effective service for all parties involved in the licensing function. The licensing authority will ensure that the members of the Licensing Committee are adequately trained to administer the new regime.
- 30.3 The grant of non-contentious applications has been further delegated to officers.
- 30.4 The table on the following page sets out the agreed delegation of decisions and functions to Licensing Committee, Sub-Committees and Officers.
- 30.5 Any such matters delegated in this way will be listed for comment at the next committee meeting.
- 30.6 The agreed delegation of decisions and functions is without prejudice to the ability of officers to refer an application to a sub-committee, or a sub-committee to full committee if considered appropriate in the particular circumstances.

31. **ADVICE**

- 31.1 Advice about whether or not activities require a licence may be obtained from the Senior Licensing Officer, RMBC, Licensing Section, Howard Building, College Lane, Rotherham, Telephone 01709 823163, Fax, 823154 or e mail [trading.standards@rotherham.gov.uk](mailto:trading.standards@rotherham.gov.uk)

## 32. APPEALS

- 32.1 The Licensing Act 2003 does provide for a right of appeal against decisions of the licensing authority (except against the licensing authority's decision that representations made by an interested party are frivolous or vexatious) to the magistrates' court.
- 32.2 Other than in the case of personal licences, an appeal has to be made to the magistrates' court for the petty sessions area (or any area) in which the premises concerned are situated. In the case of personal licences, the appeal must be made to the magistrates' court for the petty sessions area in which the licensing authority (or any part of it) which made the decision is situated.
- 32.3 An appeal has to be commenced by the giving of a notice of appeal to the justices chief executive for the magistrates' court within a period of 21 days beginning with the day on which the person appealing to the magistrates' court was notified by the licensing authority of the decision to be appealed against.

## 33

### Recommended delegation of functions

| Matter to be dealt with  | Full Committee | Sub Committee                            | Officers                                  |
|--|----------------|--|---|
| Application for personal Licence                               |                | If a <u>police</u> objection made        | If no <u>police</u> objection made        |
| Application for personal Licence with unspent Convictions      |                | All cases                                |   |
| Application for premises Licence/club premises Certificate     |                | If a <u>relevant</u> representation made | If no <u>relevant</u> representation made |
| Application for provisional Statement                          |                | If a <u>relevant</u> representation made | If no <u>relevant</u> representation made |
| Application to vary premises Licence/club premises Certificate |                | If a <u>relevant</u> representation made | If no <u>relevant</u> representation made |
| Application to vary designated personal licence holder         |                | If a police objection made               | All other cases                           |
| Request to be removed as designated personal licence holder    |                |  | All cases                                 |
| Application for transfer of premises licence                   |                | If a police objection made               | All other cases                           |

|   |  |   |                 |
|---|--|---|-----------------|
| Applications for Interim Authorities  |  | If a police objection made              | All other cases |
| Application to review premises licence/club premises certificate                  |  | All cases                               |                 |
| Decision on whether a complaint is irrelevant, frivolous, vexatious, etc.         |  | <u>Where matter referred by officer</u> | All other cases |
| Decision to object when local authority is a consultee and not the lead authority |  | All cases                               |                 |
| Determination of a police representation to a temporary event notice              |  | All cases                               |                 |

### Schedule of Responses to Licensing Policy

| Reference | Respondent   | Comments   | Response   |
|-----------|--|--|--|
| 001       | Nigel Jones,<br>North East<br>Regional<br>Organiser,<br>Equity | <p>1. Would like to see reference to circus and street arts and would welcome a paragraph specifically dedicated to a more proactive and all-embracing promotion of the Performing Arts. Attached 2 model paragraphs.</p> <p>2. Concerns regarding notice requirements with regards to TENs. Paragraph 20 states a preference for 28 days' notice.</p> <p>3. Annex B – backstage facilities for child performers. Would like to see similar for all performers.</p> <p>4. Happy to see safety guidance refer to ABTT in Annex D and the link to the ISAN website.</p> <p>5. Would like to see reminder to pub and hotel managers, licensees and owners to maximise the safety of performers (and others) as in Annex E for club owners and street and event promoters.</p> | <p>1. Accepted. Amended and included the suggested two model paragraphs at 27.1 and 27.2, in accordance with Section 182 Guidance.</p> <p>2. Accepted. Add amendment at paragraph 21.2</p> <p>3. Accepted. Will add an additional condition to pool 'D'. "The backstage facilities should be large enough to accommodate safely the no. of adults taking part in any performance" – Promotes public safety objective.</p> <p>4. Noted.</p> <p>5. Accepted. Amend paragraph 10.2 to include this. Promotes public safety objective.</p> |

|            |                                |  |  |
|------------|--------------------------------|--|--|
|            |                                | <p>6. Should include reference referring to Council licensing public spaces in the community for entertainment. Included a draft paragraph.</p>  | <p>6. Accepted. This has been addressed at paragraph 27.2, in accordance with Section 182 Guidance.</p>  |
| <p>002</p> | <p>Luminar Leisure Limited</p> | <p>1. Each venue should have a Dispersal Policy.</p> <p>2. Luminar supports the concept of a mandatory condition on the premises licence setting a minimum price for alcohol drinks.</p> <p>3. Luminar believes that a capacity figure should appear as a mandatory condition on all premises licences where alcohol is being sold for consumption on the premises and that 25% of the public areas should be allocated for seating.</p> | <p>1. Cannot introduce a standard condition. However, have added reference to dispersal policy in matters which applicants may need to consider and address and could be imposed as a condition on individual basis in appropriate circumstances.</p> <p>2. The licensing authority have concerns regarding lawfulness of minimum prices. Further, cannot introduce a standard condition. No change to policy made.</p> <p>3. Cannot introduce a standard condition. The Guidance states that “safe capacities” should only be imposed where necessary for the promotion of public safety or the prevention of</p> |

|     |                  |   |  |
|-----|------------------|---|--|
|     |                  | <p>4. Luminar supports the view that councils should consider establishing a special policy on cumulative effect.</p> <p>5. Dance floors should be properly risk assessed and be submitted as a part of the Operating Schedule. Certain premises may consider offering dancing as an “easy addition”. This should not be permitted.</p> | <p>disorder on the relevant premises”. Annex “C” of the policy states that a capacity limit can be introduced to prevent overcrowding. No change to policy made.</p> <p>There is no evidence that any area in Rotherham requires a special policy at this time. No change to policy made.</p> <p>The licensing authority has no power to request a risk assessment other than the Operating Schedule. The licensing authority must look at every application on its own merits. Unless representations are made, the licensing authority would have to grant the application. No changes to policy made.</p> |
| 003 | Musicians' Union | Concerned that there is no mention of live music. Take this opportunity to demonstrate a commitment to promote live music.  | Accepted. Paragraphs 27.1 and 27.2 have now addressed this in accordance with the Section 182 Guidance.  |

|                    |  |   |   |
|--------------------|--|---|---|
| <p>004 and 007</p> | <p>Nick Bish (ALMR) and The Association of Licensed Multiple Retailers</p> | <p>1. Concerned that the reference in the draft policy to the issues which the Council will expect applicants to address may not be appropriate for all types or size of premises. Document must stress that it is for the applicant to consider whether and how to address these issues in their operating statement.</p> <p>2. Preamble – Believe it would be helpful to include some information on the scale and scope of the licensed retail trade covered by this policy.</p> <p>3. Would like Summary of Process to be expanded to include some of the key elements stated in the Government’s Guidance. This will give applicants and interested parties a better understanding of the parameters governing the licensing authority’s decision making powers.</p> <p>4. Paragraph 5.1 – Conclude the list of licensing objectives with a reference to the fact that these objectives are the only matters to be taken into account in determining the application and that any conditions to be attached must be necessary to achieve the</p> | <p>Accepted. Different premises will require different considerations. Amended policy at paragraphs 7, 8, 13 and 14 to make this clear.</p> <p>Accepted the fact that it would be more helpful. Amended policy accordingly at paragraph 2 which deals with scope of policy.</p> <p>Although the elements appear elsewhere in the policy it is accepted that it would be helpful if some of the elements appeared in the introduction. Some of the elements appear at section 6 (“Conditions”) in any event and remain there as this is the appropriate section. Amended policy accordingly.</p> <p>Accepted in part. Amended paragraph 5.1 to refer to licensing objectives as only matters to be taken into account. Paragraph 6.2</p> |
|--------------------|--|---|---|



|  |  |  |  |
|--|--|--|--|
|  |  | <p>licensing objectives.</p> <p>5. Paragraph 6.2 should be amended to refer to the imposition of conditions only as a result of relevant representations and that the licensing authority cannot impose them for any other purpose. Paragraph 6.4 should conclude that conditions must be absolutely necessary to secure the licensing objectives and be proportionate.</p> <p>6. The Licensing Act and Guidance give the licensing authority no role to monitor staff training and the only aspect of management that they can legitimately require an operating schedule to cover is the possession of a personal licence and the identification of responsible individuals within the premises. We note the reference to the use of toughened glass or plastic glasses. Imposition of such a condition may be</p> | <p>already states that conditions imposed must be necessary to promote the licensing objective so no further amendments made.</p> <p>Accepted in part. Mandatory conditions and conditions consistent with operating schedule may be imposed in the absence of representations. However, policy amended at paragraph 6. To make this clear. Paragraph 6.2 already states that conditions will only be imposed where necessary for promotion of one or more of the licensing objectives. However, policy amended to make reference to proportionality.</p> <p>Staff training may be necessary in order to promote the licensing objectives and in appropriate circumstances may therefore be required. Imposition of any condition would be applied on a case</p> |
|--|--|--|--|

|  |  |   |   |
|--|--|---|---|
|  |  | <p>disproportionate in some circumstances. We would urge that this be applied on a case by case basis.</p> <p>7. Public Safety – There is a danger of duplication with other statutory regimes here, particularly, in respect of risk assessments, certification and testing. Concerned that the reference to safe capacities implies that occupancy limits will be applied routinely, rather than on a case by case basis.</p> <p>8. People with Disabilities – The provision of access to services for disabled people is already adequately covered by separate statutory legislation. It could be reworded to reflect the licensing objective of public safety.</p> <p>9. Noted Council's expectation of stricter conditions in residential areas, but would again remind it that it is only able to do so where its discretion has been engaged by means of a relevant representation. In all other circumstances it is obliged to grant the hours sought.</p> <p>10. The licensing function is not a mechanism for dealing with general anti-social behaviour away from premises. Care should therefore be taken with the wording of paragraph 13.3 which refers to such matters.</p> | <p>by case basis. No change to policy made.</p> <p>Danger of duplication noted and paragraph 8.9 amended. Occupancy limits will not be applied routinely. We can only impose a condition where necessary for the promotion of the licensing objectives (see paragraph 6.2). No change to policy made.</p> <p>Accepted. Further provisions of DDA now in force. Deleted paragraph 11.1 and noted.</p> <p>Noted. No change in policy made.</p> <p>Dealt with at 12.1. Removed "urinating in the street". List at 13.4 now centres on matters connected with the</p> |
|--|--|---|---|

|  |  |  |  |
|--|--|--|--|
|  |  | <p>11. Protection of Children – It should be made clear that “gambling” in the list of inappropriate activities relates to substantial gambling operations and not the inclusion of small numbers of AWP machines in pubs.</p> <p>12. We would remind the Council that “no attempt should be made to use a licensing condition to impose a smoking ban”.</p> <p>13. TENs – Would remind the Council that 10 working days is the statutory minimum notice and that a longer notice period may not be insisted upon. Would welcome clarification as to whether the longer period is working days or calendar days.</p> <p>14.(a) Delegation of Functions – recommend that the table is amended to refer to ‘police’ objections in respect of personal licences and ‘relevant’ representations for all other cases. We note that provision is made for determining whether complaints are relevant, frivolous or vexatious and suggest that this be expanded to refer also to representations, with</p> | <p>premises.</p> <p>We do refer to a “strong” element of gambling. However, we will add “but not small numbers of cash prize machines” at 14.11 as per the Section 182 Guidance.</p> <p>Noted. The policy does not attempt to use the licensing policy to impose a smoking ban. No change to policy made.</p> <p>Accepted. To make it clear that longer notice is not a requirement we have amended paragraphs 21.1 and 21.2. We have also now referred to working days to maintain consistency.</p> <p>(a) Accepted. Amended table.<br/>                 (b) Noted. Committee Members will be encouraged to refrain from hearing cases in their own Ward where they have an</p> |
|--|--|--|--|

|  |  |  |           |  |
|--|--|--|-----------|--|
|  |  | <p>decision again being made by officers. (b) It may be helpful to include reference to the handling of conflicts of interest eg preventing committee members from hearing cases in their own ward or where they have a direct or indirect interest. (c) A commitment to training members of the full and sub-committee would also be welcome.</p> <p>15. Many licensees will rely solely on this document to make their applications, it would be helpful to provide additional information on a number of other aspects. Document makes no reference as to how the licensing authority will approach applications for personal licences, provisional statements, the handling of the transitional regime and gaming machine permits.</p> | <p>15</p> | <p>interest, but ultimately the matter is for the individual Members concerned. No change to policy made. (c) Accepted, we will amend paragraph 30.2 to include "The licensing authority will ensure that members of the licensing committee are adequately trained to administer the new regime".</p> <p>Noted. A paragraph dealing with applications for personal licences has been added to the policy. The licensing authority intends to publish a Guidance document which is intended will give guidance on the requirements of the Act. It is felt that guidance on the requirements of the Act and regulations are more appropriate for a guidance document as opposed to a Statement of Policy. AWP's are not dealt with in the Licensing Act 2003.</p> |
|--|--|--|-----------|--|

|     |                       |  |   |
|-----|-----------------------|--|---|
| 005 | Steve Earnshaw        | 1. Regard to proof of service, a certificate of service should be adequate.  | 1. Accepted that this is unworkable e.g. Saturday delivery. The reference to recorded delivery at 21.4 has now been removed.  |
| 006 | Campaign for Real Ale | <ol style="list-style-type: none"> <li>1. Suggested a number of factors that will impact on the four licensing objectives and should be taken into consideration.</li> <li>2. Sets out how it is submitted that the design, character and lay out of licensed premises will influence how easily a premise is able to meet the four licensing objectives.</li> <li>3. Makes a number of statements on the issue of drinks promotions.</li> <li>4. Alterations – Makes a number of statements on the issue of alterations.</li> </ol> | <p>Noted. Each application for a premises licence or club premises certificate (other than for conversion) must include a plan of the premises, thereby allowing responsible authorities to consider design, character and layout and make representations on the same, based upon the licensing objectives if necessary. No change to policy.</p> <p>Does not suggest any amendments to the policy, merely makes a number of statements which are noted. No change to policy.</p> <p>Does not suggest any amendments to the policy, merely makes a number of statements which are noted.</p> |

|  |  |  |  |
|--|--|--|--|
|  |  | <p>5. Commented that customers should be consulted on draft licensing policies and asked to contribute to local fora.</p> <p>6. Makes two comments in relation to hours.</p> <p>7. States that policies should discourage the rapid turnover of licensees.</p> | <p>No change to policy.</p> <p>5. Does not suggest any amendments to the policy, merely makes a number of statements which are noted. No change to policy.</p> <p>6. Does not suggest any amendments to the policy, merely makes a number of statements which are noted. No change to policy.</p> <p>7. Many premises licences may be held in the name of a company or charity etc as opposed to an individual and in those cases the issue of rapid turnover is unlikely to arise. The person or body who holds the premises licence may be different to the day to day manager of the premises. Poor management will not therefore necessarily lead to a change of the premises licence holder. In any event the Act allows for the transfer of premises</p> |
|--|--|--|--|

|  |  |  |   |
|--|--|--|---|
|  |  | <p>8. States that applicants should be expected to have obtained any planning permission or building control approval that may be needed, before any application will be considered.</p> <p>9. Statements made in relation to Saturation including that nothing in a policy should seek to impose a limit on the number of licensed premises.</p> <p>10. Policy should encourage TENs to be submitted at least 20 working days prior to the event.</p> | <p>licences and for the Police to make representations on such applications and does not limit the number of applications for transfers of premises licences that may be made. There may be various reasons for "a high turnover of licencees". No change to Policy made.</p> <p>The licensing authority have no power to refuse to consider any application properly made in accordance with the Act and Regulations. Unless relevant representations are received applications must be granted. No change to policy.</p> <p>Statements noted. Nothing in the policy seeks to impose a limit on the number of licensed premises.</p> <p>Addressed in the policy at paragraph 21.</p> |
|--|--|--|---|

|     |                                      |   |  |
|-----|--------------------------------------|---|--|
| 008 | Live Music Forum                     | <ol style="list-style-type: none"> <li>1. Licensing reform represents a unique opportunity for your authority to take a positive stance in relation to the performance of live music and hope this will be reflected in the policy.</li> <li>2. Local authorities can use new opportunities for the development of a range of cultural activities, including the performance of live music, in local communities.</li> <li>3. Would ask that licensing authorities consider the cultural and economic importance of live music within their areas.</li> <li>4. The Forum is very keen to encourage local authorities to adopt as many of the recommendations contained within the S. 182 Guidance in relation to live music as possible.</li> <li>5. Attached a useful example to be included in the policy which may strike a positive balance.</li> </ol> | <ol style="list-style-type: none"> <li>1. Accepted. Now addressed in 27.1 and 27.2 as a result of a similar comment received. In accordance with Section 182 Guidance.</li> <li>2. Accepted. Now addressed in 27.1 and 27.2</li> <li>3. Accepted. Now amended to address this in 27.1 and 27.2.</li> <li>4. Accepted. Amended to include this at paragraphs 27.1 and 27.2.</li> <li>5. Accepted. Amended to include most of this.</li> </ol> |
| 009 | Brian Messider, Access Officer, RMBC | <ol style="list-style-type: none"> <li>1. Can the conditions attached to a licence or details provided by applicants be required to include the steps to be taken to ensure the <u>safe</u> access and egress of disabled customers when appropriate?</li> </ol>  | <ol style="list-style-type: none"> <li>1. Noted. Such a condition may be imposed where proportionate necessary to promote one or more of the licensing objectives and where existing legislation does not already provide.</li> </ol>  |



|  |   |  |
|--|---|--|
|  | <p>2. “Access to services - disability equality in local government”. It would be helpful to licence holders for this recommendation to be implemented within the licensing process.</p> <p>3. Policy should refer to ‘disabled people’ rather than to ‘people with disabilities’.</p> <p>4. 11.1 and 11.2 should be amended to emphasise the Council’s expectation that positive steps will be taken to make premises suitable for disabled people and that services should be provided in an inclusive way. It would be helpful to provide reference to the Disability Rights Commission and the Code of Practice, and to summarise licence holders’ duties as service providers under the DDA.</p> <p>5. 12.2 The ‘public conveniences open late at night’ will need to include an accessible toilet at each site.</p> <p>6. Annex ‘C’ – It is questionable whether a HVVD with no seating would be complying with the DDA, considering the needs of ambulant disabled customers. That should be taken into account in specifying any ratio of tables and chairs to customers.</p> <p>7. Annex ‘D’ – The applicable part of BS 5599 re means of escape for disabled people is BS5588-8:1999.</p> | <p>Covered by DDA. No change to policy made.</p> <p>Accepted. Paragraph 11 amended to refer to disabled people.</p> <p>11.1 is now covered by DDA and is therefore a duplication and has been removed. At 11.1 we have added that applicants are expected to seek their own advice on the above by contacting the Disability Rights Commission.</p> <p>This is not in our remit. However the comment has been noted. No change to policy made.</p> <p>Noted but no amendment to policy made.</p> <p>Noted but no amendment to policy made.</p> |
|--|---|--|

|      |                                    |   |                     |  |
|------|------------------------------------|---|---------------------|--|
|      |                                    | <p>8. It would be helpful to also include a reference to 'Personal Emergency Egress Plans' by the Northern Officer Group.</p> <p>9. Conditions re escape routes could also refer specifically to the need to keep refuges unobstructed where applicable.</p>  | <p>8.</p> <p>9.</p> | <p>PEEPS – added under Annex D. Furthers licensing objective of public safety</p> <p>Noted. No amendment to policy made.</p>   |
| 0010 | Mick Moss,<br>CAMRA<br>(Rotherham) | <p>1. Repeats all comments made by CAMRA (006).</p> <p>2. Recommends that CAMRA should be included as a responsible body.</p>   | <p>1.</p> <p>2.</p> | <p>See 006 above.</p> <p>Responsible bodies are the bodies to whom notice of applications must be sent. The responsible bodies are set out in the Licensing Act 2003 and the licensing authority has no power to add to them. However, CAMRA has obviously been consulted on the licensing authority's draft policy.</p> |
| 0011 | Rank Group<br>Gaming Division      | <p>A number of authorities appear to have assumed that the Licensing Act 2003 will not have relevance to bingo halls. I am anxious to ensure that local authorities are aware of the dual regime which will operate and that the formulation of policy in this context, does not create discrepancies or lead to the "overlap" of functions. I note there is no specific reference in the draft to bingo halls.</p> |                     | <p>This licensing authority is aware of the relevance of the Licensing Act 2003 to bingo halls, and have added sufficient new paragraphs to address this, and the concerns raised, at 19.1</p>   |

|      |  |   |                               |   |
|------|--|---|-------------------------------|---|
|      |  |   |                               | and 19.2 headed "casinos and bingo clubs".  |
| 0012 | John Lewis,<br>Rotherham<br>Chamber of<br>Commerce | <p>1. We strongly advise that Pub Watch is made compulsory and the membership fees raised used to establish self-help networks and provide services to licensees.</p> <p>2. On integrating strategies there is no reference to EDS/Regeneration.</p> <p>3. On disorderly behaviour should there not be a reference to ASBO's: Anti-social Behaviour Orders.</p> | <p>1.</p> <p>2.</p> <p>3.</p> | <p>Cannot impose a standard condition making Pub Watch compulsory. However, paragraph 7.8 does strongly encourage membership. Minor amendments to paragraph 7.8 made to strongly recommend membership and participation.</p> <p>Accepted. Added "Regeneration".</p> <p>This is implied within paragraph 12.2 (where such orders would be appropriate). No change to policy.</p> |
| 0013 | BCU Command<br>Team, SYP                           | <p>1. Paragraph 7.3 to include the Web Address of South Yorkshire Police where a link will be available to direct a licensee to a web page based information document relating to Crime Reduction advice. (This advice is being written at this time and should be available by January 2005).</p>  | <p>1.</p>                     | <p>Accepted. Added web address at <a href="http://www.southyorks.police.uk">www.southyorks.police.uk</a> where information relating to crime reduction is available. Further crime prevention objective.</p>  |

|  |  |  |  |
|--|--|--|--|
|  |  | <p>2. Paragraph 7.7 to include the web address for the Securities Industries Authority.</p> <p>3. 7.8 Pub and Club Watch Schemes – Licensees are to be encouraged to be a member. Could the word STRONGLY be inserted.</p> <p>4. Annex B &amp; C – Proof of Age Cards – This part of the document states that Student Cards are an acceptable form of identification for proof of age. The Police would ask that this list be limited to: passport, photocard driving licence, Portman Group ‘Pass 18’ proof of age card and Safer Rotherham Partnership ‘Out of the Blue’ citizens’ card.</p> <p>5. Annex C – CCTV – Can the web address of the South Yorkshire Police be included here as the link mentions at 7.3 above will also include advice on CCTV its role in Crime Reduction and any statutory requirements under existing legislation.</p> | <p>2. Accepted. Added web address at 7.7 <a href="http://www.the-sia.org.uk">www.the-sia.org.uk</a>.</p> <p>3. Accepted. Licensing authority supports aims of Pub Watch and is therefore happy to strongly encourage membership without making membership compulsory.</p> <p>4. Accepted. Potential for forgery of student cards recognised. The licensing authority will recommend that the suggested list will be the acceptable forms of ID. Furthers prevention of crime and disorder and protection of children from harm objectives.</p> <p>5. Accepted. Furthers prevention of crime and disorder objective. Web address added to Annex ‘C’ – CCTV.</p> |
|--|--|--|--|

|      |                           |  |  |
|------|---------------------------|--|--|
| 0014 | Wickersley Parish Council | <p>1. The objectives are the same as any responsible licence holder would want.</p> <p>2. As the policy is reviewed every three years, should the licence be issued every three years, rather than annually?</p> <p>3. Wickersley Village Hall has no problem with providing details of how we will promote the licensing objectives.</p> <p>4. When the new Community Building is opened, some of the issues will be further reinforced e.g. facilities for disabled people.</p> <p>5. A sensible document</p> <p>6. Many conditions will be met by the use of staff who are involved in the licensed trade.</p> <p>7. It is a very comprehensive document similar to the old system.</p> <p>8. The Village Hall requires an entertainment licence, in the past there has been no cost. In the future will this</p> | <p>1. Observation noted. No change to policy.</p> <p>2. No. The Act provides for premises licences to last indefinitely unless the application is for a time limited licence. The licensing authority has no power to impose a time-limited licence of its own initiative. No change to policy.</p> <p>3. Observation noted. No change to policy.</p> <p>4. Observation noted. No change to policy.</p> <p>5. Observation noted. No change to policy.</p> <p>6. Observation noted. No change to policy.</p> <p>7. Observation noted. No change to policy.</p> <p>8. This is a question not a comment. No change to</p> |
|------|---------------------------|--|--|

|             |  |  |                     |  |
|-------------|--|--|---------------------|--|
|             |  | <p>no longer be the case?</p> <p>9. There appears to be no mention of the existence of any appeals procedure.</p> <p>10. Every avenue and aspect appears to have been considered.</p>  | <p>9.</p> <p>10</p> | <p>policy.</p> <p>Observation noted. Paragraph addressing appeals added to policy at paragraph 32.</p> <p>Observation noted. No change to policy.</p>  |
| <p>0015</p> | <p>Rotherham Community Alcohol Service</p> | <p>1. (a) There are several references to an operating schedule, does this require the identification of a Designated Premises Supervisor? In my view it would be highly advantageous for someone to have overall responsibility and therefore be accountable for the terms of an operating schedule.</p> <p>(b) Interested in views about the inclusion of guidance about the details of the operating schedule being included in the policy.</p> | <p>1.</p>           | <p>(a) It is a statutory requirement of the Licensing Act 2003 that the application for a premises licence for the supply of alcohol includes details of the Designated Premises Supervisor together with their consent, therefore no change to policy made.</p> <p>(b) Throughout the policy references are made to matters which may need to be addressed in an operating schedule. Whilst it is not possible to set out an exhaustive list further matters have been added as a result of the consultation process.</p> |

|  |  |   |  |
|--|--|---|--|
|  |  | <p>2. (a) 28.4 – The role of the full Licensing Committee is not clear.</p> <p>(b) Would it be helpful to state that members of the Licensing Committee will not hear, decide on or influence applications for licenced premises in their own electoral ward, nor will an interest in the premises, or the applicant, influence any decision to grant or not to grant a licence.</p> <p>(c) Which part of the committee deals with applications which relate to cumulative impact? Would it be helpful to clarify this on the table at page 23?</p> <p>3. Will premises licence applications have to be advertised? Will you automatically notify interested parties? Could the Alcohol Task Group be made aware of the list of new applications in a specific area – e.g. the town centre?</p> | <p>2.</p> <p>(a) There are no functions that only the full committee can carry out and the Scheme of Delegation reflects this. 30.6 does however, explain that decisions and functions may be referred to full committee if considered appropriate.</p> <p>(b) Noted, but see note above at 004 (15).</p> <p>(c) A Cumulative Impact would be a matter for full Council when determining each Statement of Licensing Policy. No change to policy made.</p> <p>3.</p> <p>Comments noted, however this is a general question unrelated to policy. No changes made.</p> |
|--|--|---|--|

|  |  |           |  |
|--|--|-----------|--|
|  | <p>4. (a) Might it be useful to define what is meant by “child”, in terms of their age?</p> <p>(b) At 14.5, it may be useful to define a threshold of supervision which licensees should aspire to when holding an event for the benefit of children e.g. one steward/supervisor for thirty children?</p> <p>(c) At 14.13, would it be good practice to allow some flexibility to this example by building in different times for school term and holiday periods?</p> | <p>4.</p> | <p>(a) Accepted. “under 18” to 14.4. Added</p> <p>(b) The licensing authority does not feel that it is appropriate to define such a threshold. The issue of supervision is for the applicant to address and will depend upon the particular premises, the type of activity, the number of children, etc. and for this reason the licensing authority feel that it is not possible to define any threshold. Further, any such standard definition would be unlawful.</p> <p>(c) 14.13 (now 14.12) is simply an example. Particular condition imposed will be geared to individual circumstances. We are unable to list every eventuality. No change to policy made.</p> |
|  | <p>5. Crime and Disorder – May I emphasise the potential of this policy to minimise crime and disorder in Rotherham. Therefore I have the following</p>  | <p>5.</p> | <p>Drinking on the street – covered at 12.2, no changes made.</p>  |



|  |  |  |   |
|--|--|--|---|
|  |  | <p>suggestions: Drinking on the street – the Council could make an order under the Police and Criminal Justice Act 2001, to control drinking on the streets; removal of open containers; Drinks promotions; Closed circuit TV; Pub Watch; Toughened glasses for premises with incidents of glassings; Drugs.</p> | <p>Removal of open containers – dealt with in pool of conditions at Annex ‘C’, no changes made.<br/>         Drinks promotions – covered in Annex ‘C’, no changes made.<br/>         CCTV – covered in Annex ‘C’, condition could refer to condition and storage. No changes made.<br/>         Pub Watch – no need to reserve right to impose a condition. Can impose condition without needing to reserve the right.<br/>         Toughened glasses – covered in Annex ‘C’, no changes made.<br/>         Drugs – It is made clear in the policy that conditions may be imposed with a view to furthering one or more of the licensing objectives and the licensing authority cannot refer to every possible scenario in which conditions may be imposed.</p> |
|  | <p>6. Other crime and disorder issues – Catch all clause e.g. “if there is a cause for concern about crime and disorder that has not been addressed in the policy we</p> | <p>6.<br/>         It is clear from the policy that the licensing authority may impose any</p>   |   |

|             |                                     |  |  |   |
|-------------|-------------------------------------|--|--|---|
|             |                                     | <p>may attach conditions if we feel they are necessary and there is reasonable cause</p>   |  | <p>proportionate condition that is deemed necessary for the promotion of one of the licensing objectives following a representation. No changes made to policy.</p>   |
| <p>0016</p> | <p>Rotherham Primary Care Trust</p> | <ol style="list-style-type: none"> <li>1. We would recommend that a section on public health is essential.</li> <br/> <li>2. We believe that the very least we should do is to protect children in licensed premises from the effects of tobacco smoke.</li> <br/> <li>3. We would recommend that the policy should include a section on "The Promotion of Public Health" and have made some suggestions.</li> </ol> | <ol style="list-style-type: none"> <li>1.</li> <br/> <li>2.</li> <br/> <li>3.</li> </ol> | <p>Public health is not one of the statutory licensing objectives and accordingly is not and cannot be addressed in the policy. The policy must promote the statutory licensing objectives. The Secretary of State's Guidance makes it clear that public health is dealt within other legislation.</p> <p>The Secretary of State's Guidance to the Act makes it clear that no attempt should be made to use a licensing condition to impose a smoking ban. No change to policy.</p> <p>Notwithstanding (1) above, some of the matters raised in the context of the promotion of public health</p> |

|      |                                   |   |   |
|------|-----------------------------------|---|---|
|      |                                   |   | are relevant to one or more of the four statutory licensing objectives and have been addressed in the policy in the context of the relevant licensing objective e.g. proof of age.                    |
| 0017 | Independent Street Arts Network   | <p>1. References to encouraging and promoting regulated entertainment only appear in brief. It would be helpful if the policy outlined a general encouragement to a broad range of entertainment (attached sample paragraph 1).</p> <p>2. We would like your policy to include a statement that recognises the value of open spaces and for your Council to actively seek to licence these areas for cultural activities, including the core traditional entertainment like circus and street arts (attached sample paragraph 2).</p> | <p>1. Accepted. Both issues raised have now been addressed as a result of comments received and appear in the policy at paragraph 27. In accordance with Section 182 Guidance.</p>                    |
| 0018 | Meeting with SYP and Fire Service | <p>1. Fire recommended that all conditions specific to fire should be put together.</p> <p>2. 21.2 - Add Fire Service on to offer advice on all fire safety aspects, include telephone number and email address.</p> <p>3. Paragraph 8.6 duplicates other legislation – remove.</p>   | <p>1. Accepted. Appendix D has been amended accordingly.</p> <p>2. Accepted. Policy amended to include this under Public Safety.</p> <p>3. Possibility of duplication noted. Therefore, added “In</p> |

|  |  |   |  |
|--|--|---|--|
|  |  | <p>4. Annex B – Student Union cards should be removed as proof of ID. Refer to SYP website for forms of ID that are acceptable. This should be South Yorkshire wide).</p> <p>5. Serving of TENs – should this be registered post?</p> | <p>certain premises where existing legislation does not provide adequately for the safety of the public, club members or guests....” To paragraph 8.9 (previously 8.6).</p> <p>4. Accepted in part. Student cards are dealt with in 0013 (4) above. Reference to SYP website containing details of forms of identification deemed as acceptable by SYP has been made at paragraph 14.18 as the licensing authority considers that this reference would be more appropriate in the body of the policy as opposed to the annexes. Furthers the prevention of crime and protection of children from harm objectives.</p> <p>5. In order to protect applicants from disputes about whether a TEN was served and if so when, the licensing authority recognises the benefits in</p> |
|--|--|---|--|

|  |           |   |  |
|--|-----------|---|--|
| <p>temporary event notices being sent by registered post. However, the regulations do not compel applicants to do so and the licensing authority is therefore unable to compel applicants to do so. However, the policy will be amended to advise applicants to consider service of TENs by registered post.</p>             |           | <p>6. Deal with at 0019 (10).<br/>Now removed.</p>            |  |
| <p>Accepted in part. Paragraph 7.4 appeared to impose a mandatory requirement. Now dealt with in paragraph 7.5 and no longer worded as mandatory. Reference to training not removed altogether as the licensing authority feels that training may be necessary in order to promote the prevention of crime and disorder.</p> | <p>1.</p> | <p>6. Review CRB checks for people working with children.</p> | <p>0019</p> <p>Public meeting held on 11.10.04</p> |

|  |  |  |   |
|--|--|--|---|
|  |  | <p>2. Paragraph 3.4 seems too vague could it give examples of when Council would depart from policy?</p> <p>3. It should state in the policy that all concerns would be discussed fully with the applicant before the application was considered or reported to the committee.</p> | <p>2.</p> <p>Paragraph 3.4 does state that the licensing authority may depart from the policy "If the individual circumstances of any case merits such a decision in the interests of the promotion of the licensing objectives". It is not possible to foresee all the instances in which the licensing authority would decide to do so or to fetter the discretion by listing such instances. Each case must be dealt with on its own merits. In the event of a departure full reasons would be given and the policy has been amended at paragraph 3.4 to record this.</p> <p>3.</p> <p>Whilst the licensing authority will endeavour to discuss any representations made with an applicant, this may not be possible in every case, especially during transition. For this reason the licensing authority do not feel it appropriate to adopt such a</p> |
|--|--|--|---|

|  |  |   |   |
|--|--|---|---|
|  |  | <p>4. Cannot see anything in the policy regarding Appeals.</p> <p>5. Would like to see more guidance on how licensees can address the four objectives.</p> <p>6. Paragraph 7.4 – Blanket condition would be unlawful.</p> <p>7. Could give some indications under Public Safety of what applicants need to address.</p> <p>8. Paragraph 8.7 “may” not authoritative.</p> <p>9. Paragraph 11.1 – duplication of DDA.</p> | <p>policy. No change to policy made.</p> <p>4. Accepted. Amendment to policy at paragraph 32 to address appeals.</p> <p>5. Accepted. Furthers licensing objectives. Amendments made to paragraphs 7, 8, 13 and 14 to refer to matters which applicants may need to consider and address.</p> <p>6. Accepted that a blanket condition would be unlawful and have amended the policy accordingly by removal of the mandatory requirement.</p> <p>7. Accepted. See above.</p> <p>8. Conditions <u>may</u> only be attached where deemed necessary to address one of the four licensing objectives. No change to policy made.</p> <p>9. Accepted. Further</p> |
|--|--|---|---|

|             |   |           |   |
|-------------|---|-----------|---|
|             |   |           | <p>provisions of DDA now in force. Original paragraph 11.1 removed.</p>   |
|             | <p>10. Concerns over 14.5 – could be mandatory condition and appears to be onerous.</p> | <p>10</p> | <p>Accepted. Was worded as a mandatory requirement, now removed.</p>  |
|             | <p>11. Concerned over paragraph 20.1 – setting a time limit that could be unlawful.</p> | <p>11</p> | <p>Whilst the licensing authority feels that it was clear from paragraphs 20.1 and 20.2 that the request for service of a TEN at least 28 days before the beginning of an event was clearly worded as a request and not a mandatory requirement or an extension of the time limit set out in the Act, paragraphs 21.1 and 21.2 (previously 20.1 and 20.2) have been amended to make this clearer.</p> |
|             | <p>12. Paragraph 21.4 – Notice is presumed to be served on posting.</p>                 | <p>12</p> | <p>Paragraph 21.4 (recorded delivery) has now been removed as a result of other comments received.</p>  |
| <p>0020</p> | <p>Public meeting held on 12.10.04</p>  | <p>1.</p> | <p>Accepted. Guidance has been added to the policy.</p>   |



|  |  |   |   |
|--|--|---|---|
|  |  | <p>2. Paragraph 7.4 – too onerous.</p> <p>3. 8.3 Would like some indication of what will be considered.</p> <p>4. 13.3 – Add problems with car parking.</p> | <p>Furtheres the prevention of crime and disorder objectives.</p> <p>2. It is accepted that paragraph 7.4 was worded as a mandatory requirement. The mandatory requirement has now been removed but the licensing authority's view is that training may be necessary to promote the licensing objectives and reference to training therefore still appears at paragraph 7.5.</p> <p>3. The matters to be addressed in the operating schedule will vary from premise to premise. Some guidance as to which matters applicants may wish to include in their operating schedule has now been added. Furtheres the public safety objective.</p> <p>4. Accepted that relevant to the issue of public nuisance. Added as a matter which</p> |
|--|--|---|---|

|  |  |  |  |
|--|--|--|--|
|  |  | <p>5. 14.10 – Could this be more specific?</p> <p>6. I think there should be a minimum age allowed and stated in policy with regards to Working Men's Clubs – at the moment some people bring babies in prams.</p> <p>7. 20.1 – 28 days seems the right time limit for applicants to ensure that everything is OK.</p> | <p>applicants may need to take into account in preparing their operating schedule.</p> <p>5. Whilst we are unable to set out all the situations in which the licensing authority may limit the access of children, Paragraph 14.11 (previously paragraph 14.10) sets out some of these. No change to policy.</p> <p>6. The Act does not prohibit the access of children to licensed premises. Whilst the licensing authority may limit the access of children to any premises where necessary for the prevention of physical, moral or psychological harm to them, any limitation must be on a case by case basis. To impose a blanket limitation would be unlawful and not dealing with each case on its own merits.</p> <p>7. Observation noted.</p> |
|--|--|--|--|

|      |                                     |   |  |
|------|-------------------------------------|---|--|
|      |                                     | <p>8. Why can't an applicant send all copies of application forms to the licensing authority for distribution to other services in Council?</p>   | <p>The draft Regulations require the <u>applicant</u> to give notice of the application to each responsible authority. The suggestion would not therefore be in compliance with the draft Regulations. No change to policy.</p>  |
| 0021 | Environmental Health Officers, RMBC | <ol style="list-style-type: none"> <li>1. Paragraph 8.5 - add "or engage their own consultant". Words similar to 13.4.</li> <li>2. 13.3 – "Urinating in street" what has this got to do with premises?</li> <li>3. 13.4 - Reword as "Neighbourhood Services" along with 8.5 to be consistent and add telephone number.</li> <li>4. 13.3 – Not expressed correctly, says what we want to achieve but not how we want to do it, eg provision of litter bins.</li> <li>5. Add noxious smells.</li> </ol> | <p>1. Accepted. Furthers public safety objective, added to policy.</p> <p>2. Accepted. See 004 and 007 (10). Removed 'urinating in street'.</p> <p>3. Accepted. Correct title. Policy amended.</p> <p>4. It is for the applicant to address how they will promote the licensing objectives. However, the policy has been amended to provide further guidance to applicants as a result of other comments received.</p> <p>5. Accepted that may be relevant to public nuisance.</p> |

|  |  |  |  |
|--|--|--|--|
|  |  | <p>6. Annex 'A' – "nuisance", in document is sometimes by itself and sometimes with "public", not consistent throughout. Can have differing meanings. Should be "public nuisance".</p> <p>7. Need to identify which applications need to go to Health and Safety Executive in the policy. Could give some broad guidance.</p> <p>8. Could there be something under Public Safety referring to noise damage to hearing – Tinnitus?</p> <p>9. At 8.6 and 8.7 – can we replace "may" with "will".</p> | <p>Added to paragraph 13.</p> <p>6. Accepted. The licensing objective is "public nuisance". Policy amended accordingly.</p> <p>7. Accepted that in certain circumstances the relevant responsible authority may be the Health and Safety Executive as opposed to the local authority. Policy amended to remind applicants of this and to contact the Health and Safety Executive or local authority if in doubt as to the appropriate authority.</p> <p>8. Tinnitus is likely to be a public health issue. The public safety objective is not concerned with public health. No change to the policy.</p> <p>9. No. This would have the effect of creating mandatory conditions which would be unlawful. No change to policy.</p> |
|--|--|--|--|

|             |              |   |                               |  |
|-------------|--------------|---|-------------------------------|--|
|             |              | <p>10.21.2 – “May” this should be “should”.</p> <p>11.Add Health and Safety Executive and Environment Agency.</p> <p>12.20.2 – Amend – “this in no way extends statutory period however, minimum is 10 working days”.</p>                         | <p>10</p> <p>11</p> <p>12</p> | <p>Accepted. The application should be sent to the stated addresses. Policy amended accordingly.</p> <p>Accepted. Health and Safety Executive may be the appropriate responsible authority as opposed to the local authority. Policy amended at 22.2. and 22.3.</p> <p>Accepted. Paragraph 21 reworded to make it clear that statutory time limit not being extended. See 0019 (11).</p> |
| <p>0022</p> | <p>RSPCA</p> | <p>The RSPCA’s view is that circuses require a licence. We believe that the current legislation is inadequate to ensure the welfare of circus animals. We actively encourage authorities to refuse permission for circuses to use their land.</p> |                               | <p>It would be unlawful for the statement of licensing policy to contain a policy refusing premises licences for circuses. To do so would not be to determine every application on its own merits. As far as TENs are concerned only the police may object and only on the grounds of crime and disorder. If no representation was made by</p>   |

|      |                                 |  |    |   |
|------|---------------------------------|--|----|---|
|      |                                 |  |    | <p>the police the licensing authority may only intervene of its own volition if the limits set out in the Act on the number of TENs that may be given would be exceeded. Further, the welfare of animals is not a licensing objective and is therefore not a matter that the licensing authority can lawfully take into account. The issue of refusing permission for circuses to use local authority owned land in respect of which the local authority holds a premises licence is not a Licensing Act 2003 matter and it is therefore not appropriate for the matter to be addressed in the licensing policy. No change to policy.</p> |
| 0023 | Solicitors' meeting on 27/10/04 | 1. Queried 14.13 "a requirement for accompanying adults..." This is part of the Act – duplication. | 1. | <p>Not accepted. The requirement in the Act for children to be accompanied relates to premises open for the purposes of being used for the supply of alcohol for</p>  |

|  |  |   |  |
|--|--|---|--|
|  |  | <p>2. 14.17 – Proof of Age – photo driving licence and passport could be included.</p> <p>3. Registered Post – Is there any point of this – no-one can usually sign for this on a Saturday. The magistrates have accepted first class post.</p> <p>4. 28 Days – Sounds mandatory, could alter to “28 days if possible”.</p> <p>5. 21.2 – Add Crime and Disorder Reduction partnerships.</p> | <p>consumption there. The licensing authority may where considered necessary for the prevention of harm to children, require children to be accompanied in premises at which alcohol is not being supplied.</p> <p>2. Accepted. Furthers protection of children from harm and prevention of crime objectives. Paragraph 14.19 amended.</p> <p>3. Accepted. Unworkable. See 005 (1).</p> <p>4. Accepted. See 0019 (11).</p> <p>5. The regulations prescribing crime and disorder reduction partnerships as responsible authorities are currently in draft form only. Such partnerships therefore, are not responsible authorities at this moment in time.</p> |
|--|--|---|--|

|             |                     |   |                     |  |
|-------------|---------------------|---|---------------------|--|
|             |                     | <p>6. Disabled People – 11.1 should be removed. Should not duplicate DDA.</p> <p>7. 8.6 – By itemising what may be required, the licensing authority is limiting itself to those only.</p>  | <p>6.</p> <p>7.</p> | <p>Accepted. Further provisions of DDA now in force. See 0019 (9).</p> <p>For the avoidance of doubt paragraph 8.6 has been amended to make it clear that further certificates or documents may be required where necessary to promote the licensing objective.</p>  |
| <p>0024</p> | <p>Clive Taylor</p> | <p>1. 7.1 “city” should read “town”.</p> <p>2. Paragraph 13. Public nuisance could be caused if licensed premises were to be situated next to a mosque or church. The distance from such places should be considered when application for licences are made and when these applications are received.</p> | <p>1.</p> <p>2.</p> | <p>Accepted. Typing error, amendment to policy made.</p> <p>Noted. Paragraph 6.6 does address the matter in the context of conditions in stating that in addressing the matter the licensing authority will focus primarily on the direct impact of the activities taking place at the licensed premises, on members of the public living, working, or engaged in normal activity in the area concerned. However, a direct reference to the proximity of premises to</p> |



|  |  |  |  |   |
|--|--|--|--|---|
|  |  |  |  | places of worship has now been made at paragraph 13.4 as a matter to which applicants may need to consider and address. |
|--|--|--|--|---|

Document is Restricted

By virtue of paragraph(s) 4, 7 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

By virtue of paragraph(s) 9 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

By virtue of paragraph(s) 9 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

By virtue of paragraph(s) 4, 5, 8 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

By virtue of paragraph(s) 8 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

By virtue of paragraph(s) 4, 5, 8 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted



By virtue of paragraph(s) 4, 5, 8 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

By virtue of paragraph(s) 4, 5, 8 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

By virtue of paragraph(s) 4, 5, 8 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted