

ENVIRONMENT SCRUTINY PANEL

Venue: Council Chamber, Town Hall, Moorgate Street, Rotherham
Date: Thursday, 18 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 - 78)
Neighbourhood Development

Licensing Act 2003
3. Questions from members of the public and the press.
4. Declarations of Interest.

FOR INFORMATION

5. ALMO Inspection
- Verbal feedback by the Executive Director, Neighbourhoods
6. Waste Management Inspection (Pages 79 - 83)
- report by Head of Neighbourhood Services
7. Garage Management Review (Pages 84 - 103)
- Update by Dave Abbott, Housing Manager
8. Housing Disrepair Claims - Section 11/82 (Pages 104 - 117)
- update by Simon Bunker, Head of Housing Services (report previously considered by Cabinet Member for Housing and Environmental Services on 11th October, 2004)

9. Members Housing and Environmental Tours (Pages 118 - 129)
- Feedback by Bronwen Moss, Scrutiny Advisor

FOR MONITORING

10. Minutes of meetings of the Cabinet Member for Housing and Environmental Services held on 25th October, 2004 (attached). (Pages 130 - 132)

MINUTES - FOR INFORMATION

11. Minutes of meeting held on 21st October, 2004 (attached). (Pages 133 - 140)
12. Minutes of meeting of the Performance and Scrutiny Overview Committee held on 8th and 22nd October, 2004 (attached). (Pages 141 - 149)

**Date of Next Meeting:-
Thursday, 16 December 2004**

Membership:-

Chairman – Councillor Atkin

Vice-Chairman – Councillor Hall

Councillors:-Burke, Clarke, Hodgkiss, Jackson, McNeely, Nightingale, Rushforth, P. A. Russell, Vines
and The Mayor (Councillor F. Wright)

ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS

1.	Meeting:	Environment Scrutiny Panel
2.	Date:	18th November, 2004
3.	Title:	Neighbourhood Development
4.	Programme Area:	Neighbourhoods

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.

This report was presented to Corporate Management Team on 2nd September and Cabinet on 10th November. CMT agreed the outline project plan and the establishment of a task group to drive the Council's approach.

6. Recommendations

Note the report and outline project plan.

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.

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 9th April, 2003.

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

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Appendix 1

Summary Plan Neighbourhood Development

<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 rd September 2004	Executive Director - Neighbourhoods
Establish a corporate task group	Develop issues papers and option appraisal on main elements.	30 th September 2004	Executive Director - Neighbourhoods
Corporate audit by Area Assembly of: Current and planned service delivery arrangements Expenditure by services (where identifiable)	Improved understanding of the nature and extent of neighbourhood services, and potential constraints on development	31 st October 2004	Neighbourhood Development/Chief Executive's Department
Update statistical profiles for each Assembly	Neighbourhood profiles produced to improve understanding of neighbourhoods	31 st October 2004	Chief Executive's Department
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 st October 2004	Neighbourhood Statistics
Production of seven neighbourhood plans identifying community priorities, local partnership arrangements and area-based initiatives	Improved and shared understanding of community identified priorities.	31 st October 2004	Area Assembly Officers

Develop a set of neighbourhood standards	To guide service delivery and programme planning	31 st 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 st October 2004	Neighbourhood Renewal Adviser
Review role of area assemblies	Agree precise role informed by work from Neighbourhood Renewal Advisor.	31 st January 2005.	Neighbourhood Development/Chief Executive's Department
Report to CMT/Cabinet following analysis of responses from partner agencies	Agree vision for neighbourhood management for Rotherham.	29 th 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 th February 2005	Exec Director - Neighbourhoods
Produce community planning framework to support neighbourhood management implementation	Systematic approach to the involvement of local communities resulting in clearly defined long term outcomes for neighbourhood renewal	28 th February 2005	Neighbourhood Development/Chief Executive's Department
Report to LSP Chief Executives Group	Report progress, identify emerging issues and consider options.	28 th October 2004	Neighbourhood Development/Chief Executive's Department

Report to LSP Board	Report progress, emerging issues and options.	10 th November 2004	Neighbourhood Development/Chief Executive's Department
Report to Cabinet	Agree way forward.	28 th February 2005	Neighbourhood Development/Chief Executive's Department

ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS
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1.	Meeting:	Environment Scrutiny Panel
2.	Date:	18th November 2004
3.	Title:	Licensing Act 2003
4.	Programme Area:	Neighbourhoods

5. Summary

The Licensing Act received Royal Assent in July 2003. The Act provides a unified system of regulation of 'licensable activities' namely the sale by retail of alcohol, the supply of alcohol by a registered club to or to the order of a member of the club, regulated entertainment and the supply of hot food and/or hot drink after 11 pm. In all, the new legislation will encompass six existing licensing regimes: alcohol, public entertainment, cinemas, theatres, late night refreshment houses and night cafes. The Act also requires the system of licensing these activities to be administered by local authorities.

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 draft Statement of Licensing Policy was approved by Members of the Licensing Board at a special meeting held on Monday, 8th November, 2004.

The matter was also considered by the Cabinet Member for Housing and Environmental Services and her advisers at a meeting held on Monday, 15th November, 2004.

The matter is scheduled for consideration by Cabinet on the 8th December, 2004, and the Full Council on 22nd December, 2004.

6. Recommendations

It is recommended that the Scrutiny Panel approve the draft Statement of Licensing Policy attached hereto.

7. Proposals and Details

The Licensing Act 2003 requires Rotherham Metropolitan Borough Council as the licensing authority for the Borough of Rotherham to prepare and publish a Statement of Licensing Policy. This Policy must be published by the Council prior to exercising any licensing functions under the Act and one month before the first day on which applications can be made to the licensing authority. The first day on which applications can be made is the 7th February, 2005. Prior to the publication of the Policy, the Act requires the licensing authority to consult with various persons/bodies. 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, 29th 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. 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 Schedule of Responses also summarises the changes made to the draft Policy as a result of the comments received.

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 23rd December, 2004, therefore, fees are not expected to be finalised until January, 2005, at the earliest.

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 7th 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

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LICENSING STATEMENT OF POLICY

LICENSING ACT 2003

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**ROTHERHAM METROPOLITAN BOROUGH COUNCIL
LICENSING POLICY**

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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 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
- 1.10 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.
- 1.11 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.
- 1.12 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.

1.13 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.

1.14 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 the primary 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. Nonetheless, it is a key aspect of such control and licensing law will always be part of a holistic approach to the management of the evening and night-time economy in town and city centers.

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

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

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 (01226) 282222 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

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

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 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 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.

- 14.9 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.

- 14.10 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.

- 14.11 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).

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

Children and Cinemas

14.13 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.

14.14 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.

14.15 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

14.16 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.

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

14.18 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 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

- 14.19 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.
- 14.20 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.
- 14.21 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 1968. 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 or Safeguarding Children Board – Children and Family Services to confirm]

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.

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 accompanying 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

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.

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Recommended delegation of functions

Matter to be dealt with	Full Committee	Sub Committee	Officers
Application for personal Licence		If a police objection made	If no police objection made
Application for personal Licence with unspent Convictions		All cases	
Application for premises Licence/club premises Certificate		If a relevant representation made	If no relevant representation made
Application for provisional Statement		If a relevant representation made	If no relevant representation made
Application to vary premises Licence/club premises Certificate		If a relevant representation made	If no relevant 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.		Where matter referred by officer	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, North East Regional Organiser, 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>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. Added paragraph 5.2 to refer to licensing objectives as only matters to be taken into account. Paragraph 6.2</p>
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		<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>
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		<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>
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		<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. (b) Noted. Committee Members will be encouraged to refrain from hearing cases in their own Ward where they have an</p>
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		<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>
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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"> 1. Suggested a number of factors that will impact on the four licensing objectives and should be taken into consideration. 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. 3. Makes a number of statements on the issue of drinks promotions. 4. Alterations – Makes a number of statements on the issue of alterations. 	<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>
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		<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>8. 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>9. Statements noted. Nothing in the policy seeks to impose a limit on the number of licensed premises.</p> <p>10. Addressed in the policy at paragraph 21.</p>
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008	Live Music Forum	<ol style="list-style-type: none"> 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. 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. 3. Would ask that licensing authorities consider the cultural and economic importance of live music within their areas. 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. 5. Attached a useful example to be included in the policy which may strike a positive balance. 	<ol style="list-style-type: none"> 1. Accepted. Now addressed in 27.1 and 27.2 as a result of a similar comment received. In accordance with Section 182 Guidance. 2. Accepted. Now addressed in 27.1 and 27.2 3. Accepted. Now amended to address this in 27.1 and 27.2. 4. Accepted. Amended to include this at paragraphs 27.1 and 27.2. 5. Accepted. Amended to include most of this.
009	Brian Messider, Access Officer, RMBC	<ol style="list-style-type: none"> 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? 	<ol style="list-style-type: none"> 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.

		<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>
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		<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>
<p>0010</p>	<p>Mick Moss, CAMRA (Rotherham)</p>	<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>
<p>0011</p>	<p>Rank Group Gaming Division</p>	<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, Rotherham Chamber of 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 12.1 (where such orders would be appropriate). No change to policy.</p>
0013	BCU Command 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 www.southyorks.police.uk 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 & 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>Accepted. Added web address at 7.7 www.the-sia.org.uk.</p> <p>Accepted. Licensing authority supports aims of Pub Watch and is therefore happy to strongly encourage membership without making membership compulsory.</p> <p>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>Accepted. Furthers prevention of crime and disorder objective. Web address added to Annex ‘C’ – CCTV.</p>
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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>
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		<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>
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	<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 12.1, 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. Drinks promotions – covered in Annex ‘C’, no changes made. CCTV – covered in Annex ‘C’, condition could refer to condition and storage. No changes made. Pub Watch – no need to reserve right to impose a condition. Can impose condition without needing to reserve the right. Toughened glasses – covered in Annex ‘C’, no changes made. 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. 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"> 1. We would recommend that a section on public health is essential. 2. We believe that the very least we should do is to protect children in licensed premises from the effects of tobacco smoke. 3. We would recommend that the policy should include a section on “The Promotion of Public Health” and have made some suggestions. 	<ol style="list-style-type: none"> 1. 2. 3. 	<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>

				<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.</p>
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.</p> <p>2.</p>	<p>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.</p> <p>2.</p> <p>3.</p>	<p>Accepted. Appendix D has been amended accordingly.</p> <p>Accepted. Policy amended to include this under Public Safety.</p> <p>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>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>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>
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		<p>6. Review CRB checks for people working with children.</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>Dealt with at 0019 (10). Now removed.</p>
<p>0019</p>	<p>Public meeting held on 11.10.04</p>	<p>1. Felt that 7.4 regarding training all staff was too onerous.</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>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>
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		<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 may 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>
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		<p>10. Concerns over 14.5 – could be mandatory condition and appears to be onerous.</p> <p>11. Concerned over paragraph 20.1 – setting a time limit that could be unlawful.</p> <p>12. Paragraph 21.4 – Notice is presumed to be served on posting.</p>	<p>10</p> <p>11</p> <p>12</p>	<p>provisions of DDA now in force. Original paragraph 11.1 removed.</p> <p>Accepted. Was worded as a mandatory requirement, now removed.</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>Paragraph 21.4 (recorded delivery) has now been removed as a result of other comments received.</p>
0020	Public meeting held on 12.10.04	1. Paragraph 7.2 – guidance would be useful.	1.	Accepted. Guidance has been added to the policy.

		<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>Furtherers 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. Furtherers the public safety objective.</p> <p>4. Accepted that relevant to the issue of public nuisance. Added as a matter which</p>
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		<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>
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		<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>
<p>0021</p>	<p>Environmental Health Officers, RMBC</p>	<ol style="list-style-type: none"> 1. Paragraph 8.5 - add "or engage their own consultant". Words similar to 13.4. 2. 13.3 – "Urinating in street" what has this got to do with premises? 3. 13.4 - Reword as "Neighbourhood Services" along with 8.5 to be consistent and add telephone number. 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. 5. Add noxious smells. 	<ol style="list-style-type: none"> 1. Accepted. Furthers public safety objective, added to policy. 2. Accepted. See 004 and 007 (10). Removed 'urinating in street'. 3. Accepted. Correct title. Policy amended. 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. 5. Accepted that may be relevant to public nuisance.

		<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 13.4.</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>
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		<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.	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>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 14.18 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>
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		<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. Accepted. Further provisions of DDA now in force. See 0019 (9).</p> <p>7. For the avoidance of doubt paragraph 8.6 (now 8.7) has been amended to make it clear that further certificates or documents may be required where necessary to promote the licensing objective.</p>
0024	Clive Taylor	<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. Accepted. Typing error, amendment to policy made.</p> <p>2. 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.
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ROTHERHAM BOROUGH COUNCIL – Scrutiny Meeting

1.	Meeting:	Environment Scrutiny Panel
2.	Date:	18th November 2004
3.	Title:	Waste Services Best Value Inspection
4.	Programme Area:	Neighbourhoods

5. Summary

During July 2004 the Council's waste services were subject to a Best Value Review conducted by the Audit Commission. The result was that the service was judged to be good (2 star) with promising prospects of improvement. A summary to the report is attached at Appendix 1

An Improvement Plan is currently being drafted to address the issues raised by the Inspectors.

6. Recommendations

Members Note the report and await consideration of the Service Improvement Plan

7. Proposals and Details

The summary report is attached. Proposals to address issues raised will be contained within the Service Improvement Plan.

8. Finance

The net value of the services reviewed is £10.5m. Any financial impacts of the Inspectors recommendations will be addressed in the Service Improvement Plan.

9. Risks and Uncertainties

Failure to comply with the key recommendations of the report would damage the Council's reputation for providing good quality services.

10. Policy and Performance Agenda Implications

The provision of effective waste services is a key element in the Council's priority to create a clean safe and sustainable environment.

11. Background Papers and Consultation

Audit Commission Best Value Report on Waste Services 2004

Contact Name: **Bob Crosby, Head of Neighbourhood Services**
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WASTE MANAGEMENT SERVICES

Best Value Review Report Summary

The waste management service provided by Rotherham Council is 'good' and has 'promising prospects for improvement', according to an independent report released by the Audit Commission.

The Audit Commission inspection team gave the service two stars out of a possible three because it is efficient and effective in keeping public spaces and town centres clean and tidy. Refuse collection is reliable and local people have many facilities to recycle their household waste.

Sue Sunderland, Audit Commission senior manager, said:
"The council works with local communities to ensure that Rotherham is clean and tidy. Council services work together and with partners to deliver education programmes, provide a responsive cleansing service and, where appropriate, take enforcement action against those who discard litter or caught fly-tipping."

The inspection covered the council's waste management service, including refuse collection, recycling, waste disposal, environmental education, enforcement and street cleansing. The cost of these services is £11.5 million (£10.5 million net).

1.0 Scoring the service

'a good service that has promising prospects for improvement'

The Inspectors assessed the council as providing a **'good', two-star** service that has **promising** prospects for improvement. Their judgements are based on the evidence obtained during the inspection and are outlined below.

1.1 The service is **good** because it has a number of strengths including:

- Efficient and effective refuse collection and street care services that are accessible and responsive to users.
- Increased user satisfaction.
- A strong contribution to achieving the council's corporate aims.
- Reductions in the amount of municipal waste and household waste collected per head of population.
- Taking action to reduce the council's own waste production.
- An extensive recycling infrastructure has ensured that the council's statutory target has been achieved.
- The standard of street cleanliness is exceeding the Government's target.
- A strong brand image through Streetpride, which encourages environmental cleanliness.
- Proactive enforcement and education policies with demonstrable outcomes, and street cleansing and waste disposal are providing value for money.

1.2 The Inspectors noted that some matters require attention:

- The council does not yet have an approved Municipal Waste Management Strategy (MWMS), with a clear reduction strategy based on the sources of growth.
- Local businesses are not encouraged to reduce or recycle their own waste production.
- It is not clear by how much the council is reducing its own waste production.
- The cost of waste collection is high.
- 13 per cent of telephone calls for service requests are not answered and this is restricting access to the service.
- Standards of street cleanliness have not been communicated across the borough and are not fully meeting user's expectations and perceptions.
- A lack of information and signage at recycling bring sites.
- Co-ordination with grounds maintenance services is not fully effective.
- Participation rates in kerbside collections of recyclables are not measured and monitored.

1.3 The service has **promising** prospects for improvement. Positive developments include:

- Significant changes have been introduced within the service that have improved efficiency, effectiveness and customer focus.
- Councillors and officers are committed to continuous improvement in the local quality of life.
- The council has financed growth in the service to complement investment from external funding.
- Good consultation mechanisms and dialogue with local communities to respond to their needs.
- Good performance management and business planning systems.
- A revised specification for grounds maintenance services will ensure closer integration with street cleansing and litter collection services.
- Strong partnership working.
- The council has now assessed its own environmental impacts.
- The council is aware of what further improvements are needed and is building on its co-ordinated approach to street scene management with a strategic partner.

1.4 The Inspectors noted some issues which need to be addressed, including:

- Progress in developing a MWMS has been slow.
- The client/contractor structure for refuse collection has not been challenged.
- Targets have not been set to reduce the incidence of fly-tipping, dog fouling and graffiti.
- Funding to sustain schools waste education programmes and the employment of Environmental Wardens has not been secured.

2.0 Recommendations

To rise to the challenge of continuous improvement, councils need inspection reports that offer practical pointers for improvement. In this context, the inspection team makes the following recommendations:

To Improve Accessibility and Responsiveness

- Introduce a facility for users to leave details of non-emergency service requests outside office hours.
- Review procedures within Rotherham Connect and set targets for reducing the number of abandoned calls.
- Adopt minimum quality standards and common branding at recycling bring sites and use these locations for publicising service aims, standards and contact details more widely.

To Improve Efficiency and Effectiveness

- Use numerical and process comparisons with other, high-performing council's to challenge the high cost and structure of the refuse collection service and act on the findings.
- Ensure that the approved Municipal Waste Management Strategy contains clear actions for waste reduction, based on an understanding of the sources of growth.
- Set targets to reduce the incidence of fly-tipping and graffiti.
- Ensure that targets continue to be challenging to reflect the outcomes and impacts achieved by the service.

To Demonstrate Community Leadership

- Formulate and implement a strategy for reducing and recycling the council's own waste production, which addresses the contribution of all council services.
- Enhance awareness amongst all council staff to develop a culture where waste minimisation is mainstreamed within council activities.
- Formulate and implement a strategy for promoting re-use activities with related targets for landfill diversion.

ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS

1.	Meeting:	Environment Scrutiny Panel
2.	Date:	18 November 2004
3.	Title:	Garage Management Review Progress Report
4.	Programme Area:	Neighbourhoods

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 MEMBERS NOTE 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.

This report was presented under Delegated Powers to the Cabinet Member for Housing and Environmental Services on 15th November 2004.

**Contact Name: Dave Abbott, Housing Manager, Ext. 2294,
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Appendix One - Garage Sites Appropriate for Disposal, Demolition or Alternative Use.

Management Area	Location	District Office	Identified In Review	Comment	Disposal
Management Area 1					
	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
Management Area 2					
	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	
Management Area 3					
	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
Management Area 5					
	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
Management Area 6&7							
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
Management Area 9							
Occupation Road	Broom	Town Centre	Town Centre	Yes		Large poor quality plot site - sell for redevelopment.	Yes
Management Area 10							
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

Appendix Two - Year 1 (2004/5) Garage Site Planned Maintenance Scheme.				
Site	Location	District Area	Garages	Plots
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	
	Totals		23	14
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		
	Totals		1	31
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	
	Totals		12	30
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	
	Totals		100	37
Brameld Road	Rawmarsh	Rawmarsh	12	
Mahon Avenue/Jokell Drive	Rawmarsh	Rawmarsh	4	
Roman Crescent	Rawmarsh	Rawmarsh		3
St Marys Road	Rawmarsh	Rawmarsh		23
	Totals		16	26
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	
	Totals		180	0
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	
	Totals		64	0
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	
	Totals		95	0
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
	Totals		0	53
	Total Garages		491	191

Appendix Two - Year 2 (2005/6) Garage Site Planned Maintenance Scheme.				
Site	Location	District Area	Garages	Plots
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	
	Total		427	0
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	
	Total		91	0
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	
	Total		70	0
	Total Garages		588	0

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	
	Total		77	5
Abby Close	Laughton	Dinnington	10	
Wilberforce Road	South Anston	Dinnington		6
Windmill Road	North Anston	Dinnington		10
	Total		10	16
Dryden	Wath	Swinton		16
Elsecar Road	Brampton	Swinton		6
Hurleycroft	Brampton	Swinton		3
Wetmoor Lane	Wath	Swinton		3
	Total		0	28
Albany Road	Swinton	Wath	4	
Highthorne	Kilnhurst	Wath	27	
	Total		31	0
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	
	Total		83	50
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	
	Total		287	0
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
	Total		12	15
	Total Garages		500	114

Appendix 2 - Year 4 (2007/8) Garage Site Planned Maintenance Scheme.				
Site	Location	District Area	Garages	Plots
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	
	Total		451	18
	Total Garages		451	18

Appendix Two - Year 5 (2008/9) Garage Site Planned Maintenance Scheme.				
Site	Location	District Area	Garages	Plots
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
	Total		51	18
Rowena Drive	Thurcroft	Dinnington	7	
Sycamore Avenue	Dinnington	Dinnington	2	
	Total		9	0
Cover Close	Harley	Swinton	5	
Ocupation Road	Wath (Harley)	Swinton	6	3
	Total		11	3
Manor Road	Swinton	Wath	7	
	Total		7	0
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	
	Total		130	6
Pingle Crescent	Thrybergh	East Herringthorpe	8	
Royds Close Crescent	Thrybergh	East Herringthorpe	3	
Stacy Drive	Thrybergh	East Herringthorpe	6	
	Total		17	6
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	
	Total		282	23
	Total Garages		507	56

Appendix 2 - Year 6 (2009/10) Garage Planned Maintenance Scheme.				
Site	Location	District Area	Garages	Plots
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
	Total		32	65
Danby Road	Kiveton Park	Dinnington		12
	Total		0	12
Campsall Field Road	Wath	Swinton	29	
Hall Drive	Wath	Swinton	10	
Prince Street	Swinton	Swinton	23	
Victoria Road WMC	Swinton	Swinton		5
	Total		62	5
Montgomery Square	Wath	Wath	12	
Varney Road	Wath	Wath	23	30
	Total		35	30
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	
	Total		203	0
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	
	Total		66	7
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
	Total		35	28
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	
	Total		89	8
	Total Garages		522	155

Appendix Two - Year 7 (2010/11) Garage Site Planned Maintenance Scheme.				
Site	Location	District Area	Garages	Plots
Newhall Avenue	Wickersley	Maltby		1
	Total		0	1
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
	Total		34	55
Bierlow Close		Swinton	1	1
Garden Drive	Brampton	Swinton	9	2
Masefield Road		Swinton	7	
Missionfield		Swinton		3
Springhill Avenue	Brampton	Swinton	1	
	Total		18	6
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	
	Total		84	20
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	
	Total		56	18
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	
	Total		164	12
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	
	Total		69	0
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	
	Total		48	16
	Total Garages		473	128

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

Site	Location	Area Office	Garages	Paint	Tarmac	Fencing	Demo	Sundries
Chestnut Close	Flianderwell	Maltby	4		2916	928.18		
Moorfield Close	Ravenfield	Maltby	7	419.86				916
Moorfield Grove	Ravenfield	Maltby	4	239.92				
Sandebly Drive	Ravenfield	Maltby	9	539.82				
Spencer Drive	Ravenfield	Maltby	3	179.94				1067.7
Hall Close Avenue	Whiston	Maltby				880		
Totals			27	1379.54				
Manor Road/Plot	Dinnington	Dinnington					600	
Caperns Road	North Anston	Dinnington	1	59.98				
Totals			1	59.98				
Denman Road	Wath	Swinton	24	1439.52				10007.57
Cherrytree 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			
Totals			61	3658.78				
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
Totals			79	4378.54				
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
	Totals		57	2939.02					
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
	Totals		196	11756.08					
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
	Totals		47	2819.06					
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				
	Totals		94	5638.12				
Masons Avenue	Aston	Aston					4100	
Wesley Avenue	Aston	Aston					600	
	Totals		0	0				
	Total Garages		561	33648.78	85354.92	30823.62	24511.47	41715.02
			Total		216053.81			

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.	Meeting:	Environment Scrutiny Panel
2.	Date:	18 November 2004
3.	Title:	HOUSING DISREPAIR CLAIMS
4.	Programme Area:	Neighbourhoods

5. Summary:

The report sets out the impact of the current management strategy for dealing with disrepair claims (Section 11.82), in particular, reports on progress with Housing Disrepair Claims for the 12-month period following implementation of a pro-active management approach.

6. Recommendations:

TO NOTE THE REPORT

7. Proposals and Details:

Background:

In common with many Local Authorities, Rotherham in recent years has experienced a dramatic increase in the number of disrepair claims being submitted on behalf of its tenants by solicitors, most of which operate from outside the Borough and sub-region.

In the first 6-months of 2003/04, the number of cases had risen to such an extent that it was having a serious negative effect on the repairs budget. In view of this it was decided to recruit additional specialist legal assistance to support a more assertive approach to the solicitors' involved, whom it was suspected were submitting spurious claims. Rotherham also made clear, by way of publicity material, that tenants should submit repairs issues direct to Council staff and that spurious cases that were submitted would be contested with the utmost vigour (see Appendix 1).

The current position (at 28/09/04) is that numbers of cases have fallen during that 12 month period from **267** live claims to **161**, despite receiving **67 new claims** during this period.

173 claims have settled, comprising:

- 51 cases where payment is required
- 90 cases where no payment is required
- 32 cases where Rotherham MBC will receive costs

Of the 51 cases where payment is required, the **amount paid to 28.9.04** is: **£197,266.45**.

Of this, the sum of £114,928.45 was paid during the 2003/2004 financial year and the remaining £82,338.00 during 2004/05 so far.

However, costs remain to be paid on 7 of these cases and are likely to be paid during 2004/05. The estimated cost is a further £35,000.

Of the 32 cases where Rotherham will receive costs, the total sum of **£121,101.73** is due, of which £101,578.28 has already been recovered, during the 2004/05 financial year.

8. Finance

Comparison costs for the legal salary against savings on not defending claims are:

Average cost of the 51 claims paid out in this period is £4,555.00 per claim.

Had all 173 settled cases proceeded undefended and cost the same average amount this could have cost, $173 \times £4555.00 = £788,015.00$

The 90 cases settled without payment has potentially saved £409,950.00

In addition, 32 cases have been successfully defended and costs orders obtained in Rotherham's favour, in the total sum of £121,101.73, of which the sum of £101,578.28 has already been received.

Had these 32 cases proceeded undefended and cost the same average amount as above, this could have cost, $32 \times £4555 = £145,760$.

The Council's legal input has easily been covered by the amount of fees expected to be recovered for the 32 cases successfully defended.

9. Risks and Uncertainties

There is no way of knowing whether claims will continue to come in at the same rate, will diminish, or will again be received in similar quantities to those coming in this time last year. However, it is known that at least one firm is actively recruiting "door-knockers" to locate potential claimants. It is considered prudent to retain legal assistance to continue to deal with the existing claims and deal with any new claims as and when they arise as the Programme Area has benefited from having a dedicated specialist legal resource working on the resolution of Housing Disrepair Claims.

10. Policy and Performance Agenda Implications

There are no implications.

11. Background Papers and Consultation

Appendix 3 - Case Outcome Schedule – 8.10.03 to 28.09.04

Cases settled – no court proceedings – same dates

Appendix 2 - Breakdown of figures table

This report was presented under Delegated Powers to the Cabinet Member for Housing & Environmental Services on 11 October 2004.

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APPENDIX 1

ADDENDUM TO REPORT RE HOUSING DISREPAIR CLAIMS

BACKGROUND

As Landlords, RMBC are responsible for repairs to the housing stock. The tenants rights and landlords responsibilities are set out in the Tenancy Agreement.

Under S.82 of the Environmental Protection Act 1990 and S.11 of the Landlord and Tenant Act 1985, if a tenant advises a landlord of disrepair at the property and the landlord fails to repair this in a reasonable period of time (or at all) the tenant is entitled to financial compensation from the landlord.

Whilst tenants have, therefore, always had a right to compensation if the landlord fails to meet its responsibilities, it is only in the last 2 to 3 years that tenants have been actively encouraged to do so.

RECENT DEVELOPMENTS

In the same way that Personal Injury Claims have become big business over the last few years, with lawyers advertising widely and certain firms cold calling and canvassing for work, there are now companies who seek Housing Disrepair clients in a similar way.

Teams of canvassers attend housing estates and approach tenants on their doorstep asking if they can make a claim for them. They apparently advise the tenant that it will cost them nothing but will get their repairs done and they will also be awarded compensation. Not unnaturally, many tenants agree to this.

They sign an agreement, and take out an insurance policy to cover legal fees. The house is inspected and a survey report prepared. They then sell the claims on to firms of solicitors.

It is known that at least one such firm is still actively recruiting for “door knockers” – see advert in Daily Mail, 9th September 2004.

Housing estates throughout the country have been targeted and the number of claims being handled by the various local authorities varies in proportion to the size of their housing stock. Leeds has over 900 claims, for example.

DISREPAIR PROTOCOL

On 8th December 2003, the Government brought in a Housing Disrepair Protocol which lays down rules for bringing such claims to Court. It sets out

every step of the procedure, from the initial letter of claim through to the issue of Court proceedings.

Under the Protocol the solicitors cannot now conduct the transaction in the way they have now previously. They should not now, for example, obtain a survey report before attempting to agree a joint surveyor with the landlord.

However, many solicitors are attempting to bend the Protocol rules to suit themselves, and it is important that any local authority seeking to defend such claims has thorough knowledge of the protocol.

KEEPING ABREAST OF DEVELOPMENTS

The Locum, on behalf of RMBC, has forged links with lawyers dealing with Housing Disrepair claims in other local authorities, Barristers specialising in Disrepair Claims, and is also actively involved with the Northern Disrepair Group in order to ensure that RMBC keep up to date with the overall picture of Housing Disrepair in the UK.

She has also attended a Continuing Professional Development course on Disrepair earlier this year and attended the National Disrepair Conference in June 2004.

APPENDIX 2

BREAKDOWN OF FIGURES

	PAYMENT REQUIRED	NO PAYMENT REQUIRED	PAYMENT DUE TO RMBC	TOTAL
UP TO 16.12.03	20	35	--	55
16.12.03 TO 26.3.04	14	39	10	63
25.3.04 to 28.9.04	17	16	22	55
TOTAL	51	90	32	173

APPENDIX 3

HOUSING DISREPAIR CASE OUTCOME SCHEDULE

Property	Hearing date	Outcome	Comments
1	No hearing fixed – settled 14.7.03	£760.00 for both damages and costs	Settled before court proceedings
2	10.09.03	Claim dismissed	Small claim - no order re costs
3	17.10.03	Generals £3000 Interest £40 Costs £10046.48 TOT: £13086.48	Apparently an inexperienced Judge. Accepted Claimants evidence of “notice” but not of £2,000 + specials
4	24.10.03	Claim for damages withdrawn. Costs £2,500	The Claimants costs schedule was almost £15,000
5	24.10.03	Generals £750 Specials £250 Interest £27.50 Costs £5394.96 TOTAL £6422.46	At pre-trial conference Claimant offered to settle for £1500 + £6500 costs = £8000. Costs would have been more but sols couldn't find their CFA risk assessment and the Judge disallowed success fee. (They were claiming 50%).
6	28.10.03	Damages £2500 + costs of £5,000	Settlement out of Court
7	03.11.03	Damages £1250 +costs £3400	Settlement out of Court
8	06.11.03	Damages £900 + costs £5,500	Settlement before Hearing
9	07.11.03	Damages £1000 + costs £3000	Settlement out of court
10	11.11.03	Damages £1000 + £5000 costs	Settlement out of Court
11	14.11.03	Damages £1750 Costs £4112.50	They were seeking £3000 + £6741.75
12	19.6.03 (costs settled 7.11.03)	£800 + costs of £5500	They wanted damages of £2,500, then £1250, settled for £800. Costs claimed were £8,911.11, settled for £5,500
13	27.11.03	£2,500 + costs of £10,300	Settlement out of Court
14	2.12.03	Case Discontinued – Damages £0 Costs £0	Client did Moonlight, owing rent. Pestered solicitors for her new address. They discontinued their claim.
15	25.11.03	Case Discontinued Damages £0	Counsel had advised we offer to settle at £1000 + £3500 costs. Put forward our

APPENDIX 3

HOUSING DISREPAIR CASE OUTCOME SCHEDULE

		Costs £0	submissions and their case folded.
16	03.12.03	Damages £750 Costs £2250	Settlement at door of Court. They were claiming £2500 + £14,000+ costs
17	04.12.03	Damages £750 + £5250 costs	Settlement out of court
18	05.12.03	Damages £500 + Costs £4000	Settlement at door of Court
19	09.12.03 – settled 8.12.03	Damages NIL Costs NIL	Settlement out of Court
20	No hearing fixed – settled 8.12.03	Damages £350 Costs £450	Settlement out of court
21	10.12.03	Damages £690 + costs £10,250	They were asking for £1500 + costs at the door of Court.
22	11.12.03	Damages £1500 + costs £9,900.00	Settled at door of Court. They were seeking £3,500 + costs. Counsel negotiated to £1500 + costs
23	No hearing date : settled 12.12.03	Damages £500 Costs £450	Settlement out of Court
24	22.12.03	Discontinued on 15.12.03 – no damages, no costs.	Settled 1 week before hearing Claimant being persuaded to discontinue.
25	16.01.04	Damages £2,250 + costs of £7,750.00.	Settlement out of Court
26	15.12.03	Damages £2000 + costs £3100	Settlement out of Court (by PI lawyers)
27	No hearing fixed. Settled 9.1.04	Damages £500 + costs £450	Settlement out of Court
28	No hearing fixed. Settled 14.1.04	Damages £550 + costs £450	Settled out of Court
29	23.01.04	Damages £500 +	Settlement out of Court

APPENDIX 3

HOUSING DISREPAIR CASE OUTCOME SCHEDULE

	Settled 19.1.04	costs £3,500.00.	
30	No Hearing Settled 22.1.04	Damages £500 + £450 costs	Settlement out of Court
31	No hearing – struck out 24.10.03	Damages NIL Costs NIL Costs order in our favour	Case struck out for non- compliance. Default costs order in our favour - £3122.24. NOTE: Claimant applying to re- instate
32	28.01.04 Settled 27.01.04	Damages NIL Costs NIL Costs order in our favour	Discontinued the day before hearing. Default costs order in our favour - £4022.33 PAID
33	29.01.04 Settled 27.01.04	Damages NIL Costs NIL Costs order in our favour	Discontinued two days before hearing. Default costs order in our favour - £3943.77 PAID
34	30.01.04 Settled 27.01.04	Damages NIL Costs NIL Costs order in our favour	Discontinued before hearing. Default costs order in our favour - £3890.77 PAID
35	02.02.03 Heard on 23.3.04	Damages £1208.13 (less any rent arrears). Costs £10,038.88	Adjourned in November and again in February. They were asking for damages of £3000 + costs of £15,316.05
36	05.02.04 Settled 27.01.04	Damages NIL Costs NIL Costs order in our favour	Discontinued before hearing. Default costs order in our favour - £5983.51 PAID
37	No hearing – settled 6.2.04	Damages £400 + costs £260	Settled out of court. They were claiming £500 + £140 specials + potential personal injury claim for mother + costs.
38	No Hearing: settled 10.2.04	Damages £1250 + costs of £5,250.00	Reports showed quite a number of defects. They asked for £2250 + costs, we negotiated it down to £1250
39	No hearing. Settled 12.2.04	Damages £550 + costs £450	Settled out of Court. They were claiming £1160 + Fast Track costs. Settled for £550 + Small claims costs.
40	No hearing. Settled 16.2.04	Damages £500 + costs £450	Settled out of Court – they were claiming £2300 + Fast track costs. Settled for £500 + Small Claims costs.

APPENDIX 3

HOUSING DISREPAIR CASE OUTCOME SCHEDULE

41	No Hearing. Settled 20.2.04	Damages NIL Costs NIL COSTS DUE IN OUR FAVOUR	Case Discontinued. Default costs order in our favour - £2328.83 PAID
42	No Hearing. Settled 5.5.04	Damages NIL Costs NIL COSTS DUE IN OUR FAVOUR	Case Discontinued. We will be claiming for costs, to be assessed by the Court if not agreed PAID
43	No Hearing. Settled 5.5.04	Damages NIL Costs NIL COSTS DUE IN OUR FAVOUR	Case Discontinued. We will be claiming for costs, to be assessed by the Court if not agreed PAID
44	No Hearing. Settled 5.5.04	Damages NIL Costs NIL COSTS DUE IN OUR FAVOUR	Case Discontinued. We will be claiming for costs, to be assessed by the Court if not agreed PAID
45	No Hearing. Settled 5.5.04	Damages NIL Costs NIL COSTS DUE IN OUR FAVOUR	Case Discontinued. We will be claiming for costs, to be assessed by the Court if not agreed PAID
46	No Hearing. Settled 5.5.04	Damages NIL Costs NIL COSTS DUE IN OUR FAVOUR	Case Discontinued. We will be claiming for costs, to be assessed by the Court if not agreed PAID
47	No Hearing. Settled 5.5.04	Damages NIL Costs NIL COSTS DUE IN OUR FAVOUR	Case Discontinued. We will be claiming for costs, to be assessed by the Court if not agreed PAID
48	No Hearing. Settled 5.5.04	Damages NIL Costs NIL COSTS DUE IN OUR FAVOUR	Case Discontinued. We will be claiming for costs, to be assessed by the Court if not agreed PAID
49	No Hearing. Settled 5.5.04	Damages NIL Costs NIL COSTS DUE IN OUR FAVOUR	Case Discontinued. We will be claiming for costs, to be assessed by the Court if not agreed PAID
50	No Hearing. Settled 5.5.04	Damages NIL Costs NIL COSTS DUE IN OUR FAVOUR	Case Discontinued. We will be claiming for costs, to be assessed by the Court if not agreed PAID
51	No hearing date – settled 1.3.04	Damages NIL Costs NIL COSTS DUE IN OUR FAVOUR	Case Discontinued. Default costs order in our favour - £2371.17 PAID
52	No hearing date – settled	Damages £700 + costs £450	They had been claiming £1200 + Fast track costs. Settled for £700 and Small Claims track costs.

APPENDIX 3

HOUSING DISREPAIR CASE OUTCOME SCHEDULE

	3.3.04		
53	No hearing Settled 3.3.04	Damages – NIL Costs NIL	Claim struck out after Claimants solicitors applied to come off the record. No order for costs either way. (NOTE We have paid £381.88 to external surveyor).
54	No hearing Settled 8.3.04	Damages – NIL Costs – NIL COSTS DUE IN OUR FAVOUR	Case Discontinued. Default costs order in our favour - £2472.05 PAID
55	No hearing Settled 15.3.04	Damages – NIL Costs – NIL COSTS DUE IN OUR FAVOUR	Case Discontinued. Default costs order in our favour - £2510.01 PAID
56	No hearing Settled 15.3.04	Damages – NIL Costs – NIL COSTS DUE IN OUR FAVOUR	Case Discontinued. Default costs order in our favour - £2414.96 PAID + Enforcement costs paid
57	No date fixed	Damages NIL Costs NIL COSTS DUE IN OUR FAVOUR	Case Discontinued. Default costs order in our favour - £2549.99 PAID
58	No date fixed	Damages NIL Costs NIL COSTS DUE IN OUR FAVOUR	Case Discontinued. We will be claiming for costs, to be assessed by the Court if not agreed PAID
59	4 th May 2004	Damages NIL Costs NIL COSTS DUE IN OUR FAVOUR	Case Struck Out. We will be claiming for costs, to be assessed by the Court if not agreed
60	Settled 18 th May 2004	Damages £600 Costs £460	Settled by negotiation
61	Settled 24 th May 2004	Damages £1,250 + costs £3,200	Settled by negotiation
62	No date fixed	Damages NIL Costs NIL COSTS DUE IN OUR FAVOUR	Case Discontinued. We will be claiming for costs, to be assessed by the Court if not agreed
63	No date fixed	Damages NIL Costs NIL COSTS DUE IN OUR FAVOUR	Case Discontinued. We will be claiming for costs, to be assessed by the Court if not agreed PAID
64	No date fixed	Damages NIL Costs NIL COSTS DUE IN	Case Discontinued. We will be claiming for costs, to be assessed by the Court if not

APPENDIX 3

HOUSING DISREPAIR CASE OUTCOME SCHEDULE

		OUR FAVOUR	agreed PAID
65	No date fixed	Damages NIL Costs NIL COSTS DUE IN OUR FAVOUR	Case Discontinued. We will be claiming for costs, to be assessed by the Court if not agreed
66	No date fixed	Damages NIL Costs NIL COSTS DUE IN OUR FAVOUR	Case Discontinued. We will be claiming for costs, to be assessed by the Court if not agreed PAID
67	No date fixed	Damages NIL Costs NIL COSTS DUE IN OUR FAVOUR	Case Discontinued. We will be claiming for costs, to be assessed by the Court if not agreed PAID
68	No date fixed	Damages NIL Costs NIL COSTS DUE IN OUR FAVOUR	Case Discontinued. We will be claiming for costs, to be assessed by the Court if not agreed PAID
69	No hearing. Settled 7.6.04	Damages £800.00 + £460.00 costs.	Settled by negotiation
70	Trial window 4.10.04– 22.10.04	Damages NIL Costs NIL COSTS DUE IN OUR FAVOUR	Case Discontinued. We will be claiming for costs, to be assessed by the Court if not agreed PAID
71	Struck out – 7.6.04	Damages NIL Costs NIL COSTS DUE IN OUR FAVOUR	Case Struck out. We will be claiming for costs, to be assessed by the Court if not agreed COSTS PAID
72	14.06.04 (SCC)	Damages £600 + Costs £820.	Settled by negotiation on the morning of the hearing
73	Hearing 17.6.04 Settled 14.6.04	Damages £500 + Costs £820.	Settled by negotiation – 3 days before hearing
74	No Hearing Settled 17.6.04	Damages £500 + Costs £460	Settled by negotiation
75	Hearing 30.06.04 Settled 21.6.04	Damages £2000 + costs £5750	Settled on Counsel's advice to accept their Part 36 offer of £2075. Their costs schedule was originally £11,113.85
76	No hearing. Settled 30.6.04	Damages £550 (including £235.44 to write off rent arrears) + costs £450	Settled by negotiation

APPENDIX 3

HOUSING DISREPAIR CASE OUTCOME SCHEDULE

77	Settled 16.7.04	Damages £1250 Cost £2000	Settled by negotiation
78	Settled 20.7.04	Damages £250 + costs £460	Settled by negotiation. NOTE: On 4 th June 2004 they were seeking £5,000 + costs!
79	30 th July 2004 (SCC)	Damages NIL Costs NIL COSTS DUE IN OUR FAVOUR	Case Struck out. Costs order for £3269.63 against the Claimant
80	8 th Sept. 2004 Settled 31.8.04	Damages £1,000 + costs of £3,500 + VAT	Settled before hearing by negotiation. They were seeking £2,500 damages + £5,000 + VAT for costs
81	Hearing 30.9.04	Damages £500 + Small Claims Costs of £820	Settled 8.9.04 by negotiation, on Counsels advice
82	Hearing 27.10.04 Settled 9.9.04	Damages £1000, costs £3,000 + VAT	Settled by negotiation, on Counsels advice

APPENDIX 3

HOUSING DISREPAIR CASE OUTCOME SCHEDULE

CASES	WITH	COSTS	OUTSTANDING
Property and Tenant	Hearing date	Outcome	Comments
83	11.12.03 – settled 10.12.03	Damages £1250 + costs to be agreed	Counsel had advised making an offer of £2500 + costs to settle.
84	19.12.03 Settled 15.12.03	Damages £800 + costs to be agreed	Settlement out of Court
85	23.01.04 Settled 19.1.04	Damages £500 + costs to be agreed	Settlement out of Court. (They were wanting £1600 + costs. Counsel advised offering £750.00 + costs).
86	Settled 25.5.04	Damages £1000 costs to be agreed	Settled by negotiation
87	No hearing. Settled 1.6.04	Damages £1,200 costs to be agreed	Settled by negotiation
88	Hearing 29.07.04 Settled 8.07.04	Damages £650 + Costs to be agreed	Settled by negotiation
89	Settled 23.8.04	Damages £750 + costs to be agreed	Settled by negotiation

SUMMARY:

51 cases where payment required

32 cases where we are entitled to costs

6 cases where no payment of damages or costs are required.

PLUS:

A further 90 claims have been closed where no hearing was fixed and the claim has been settled on the basis that no damages and costs are to be paid.

ROTHERHAM BOROUGH COUNCIL – REPORT TO Environment Scrutiny Panel

1.	Meeting:	Environment Scrutiny Panel
2.	Date:	18 November 2004
3.	Title:	Members Housing and Environmental Tours
4.	Programme Area:	Housing and Environmental Services

5. Summary

To inform the Environment Scrutiny Panel of the Housing and Environmental Tours undertaken on 7 October 2004 and 28 October 2004 respectively. The purpose of the visits was to give new Members a practical perspective of current housing and environmental objectives.

The itinerary for the Housing Tour is contained in Appendix A and the itinerary for the Environmental Tour is contained in Appendix B.

6. Recommendations

That Members:

- 1. Note the report for information.**
 - 2. That further visits are arranged for members of the Environment Scrutiny Panel during the 04/05 Municipal Year.**
 - 3. That the Panel thank officers involved in arranging the itinerary for the tours.**
-

7. Proposals and Details

A request for new Member visits to Housing and Environmental Projects was raised by Cllr Sue Ellis – Cabinet Member for Housing and Environmental Services in July 2004. The first of these visits took place on the 7 October 2004 to the following housing areas.

- Wath (White Bear) Regeneration Scheme
- Brinsworth – Duncan Street and Ellis Street
- North Anston – Woodland Drive Estate
- Dinnington – East Street
- Eastwood Village Housing Scheme

The tour did not visit Wharncliffe Flats due to time constraints.

The second tour took place on 28 October 2004. The following Environmental Projects were visited:

- Howard Building
- Carr Hill Household Waste Recycling Centre
- Rawmarsh Leisure Centre
- East Herringthorpe Cemetery and Crematorium
- Members were given details of Creation Recycling, Eastwood Trading Estate

The tour did not visit Brinsworth Howarth School - Air Quality Management or Orgreave/Treeton/Canklow – Environmental Quality Issues due to time constraints.

8. Finance

The cost of the tours was met from existing budgets.

9. Risks and Uncertainties

The locations were chosen to give Members an indication of current housing developments and environmental projects undertaken in line with Council objectives. Due to time constraints, the tour was not able to visit all the locations selected. Nor was it possible for all invited Members to attend the tours. Site visits support the process of decision making by increasing Members' understanding of appropriate issues; arranging further visits during the Municipal Year would be to the advantage of Members unable to attend the above visits.

10. Policy and Performance Agenda Implications

The visits were undertaken in line with the Council's Community Strategy and the priorities set out in the Corporate Plan – primarily A Place to Live.

The visits also gave Members a practical dimension of the Waste Management Strategy currently under consultation.

11. Background Papers and Consultation

Not Applicable

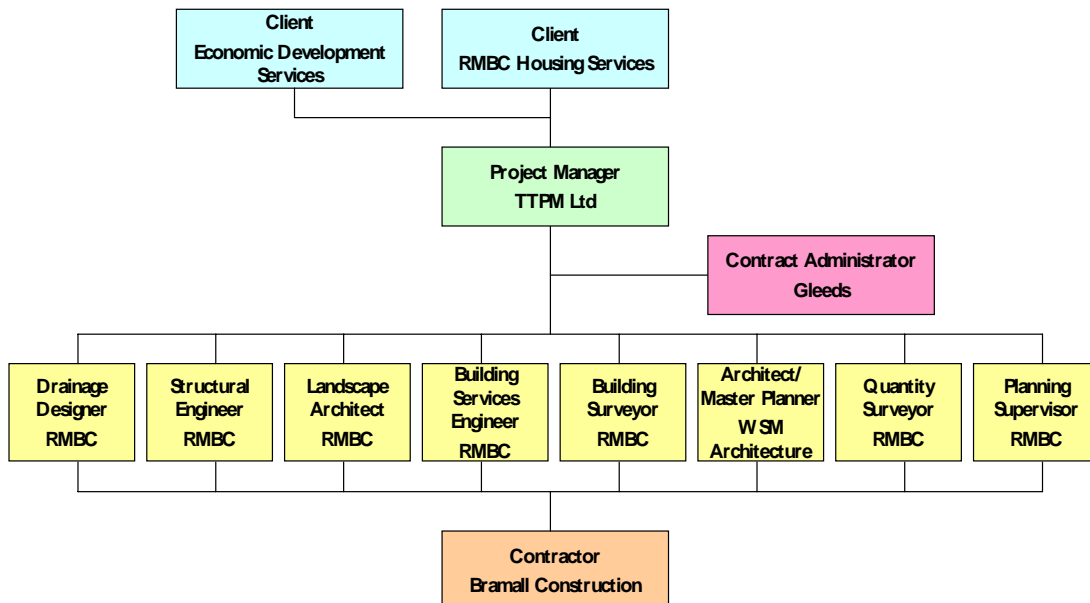
**Contact Name : Bronwen Moss, Scrutiny Advisor: Ext: 2790;
bronwen.moss@rotherham.gov.uk**

ENVIRONMENTAL SCRUTINY PANEL/NEW MEMBERS TOUR OF THE BOROUGH.

THURSDAY 7TH OCTOBER 2004

Wath (White Bear) Regeneration Scheme

- The project involves the repair and refurbishment of one and two-storey dwellings, together with the refurbishment of three-storey blocks of flats
- Total properties – 370 nr.
- The works being carried out include roofing, new windows and doors, replacement of kitchens and bathrooms, and new central heating and rewiring; although not all properties will have all these works carried out
- An option appraisal has been produced by consultants recommending that 2 blocks of flats, originally planned for refurbishment, are demolished and the cleared land be included within the Land Development Brief. A report is currently being drafted requesting a decision to demolish and will be tabled at the Cabinet meeting of 11th October 2004.
- The master plan indicates a total project budget of circa £12.7 million. The budget 2004/05 is £4.46 million.
- Housing are awaiting the marketing of the cleared land in January 2005 in accordance with a Land Development Brief for the area with contribution from the local community.
- It is anticipated that the scheme will be complete within the next 12 months.
- The organisation chart below defines the formal reporting structure and methods for formal communications of the core project team.



Brinsworth - Duncan Street and Ellis Street

Housing Regeneration Officers has worked closely with the community, the TARA group, ward members, a private developer, and other owners in this area by addressing all of the following issues.

- **High percentages of voids**
 - **Vandalism,**
 - **Anti social behaviour,**
 - **Fly tipping**
 - **Environmental Issues**
-
- The area is predominantly private sector rented accommodation.
 - All voids including derelict properties have now been refurbished and brought back to use.
 - The area has been greatly improved.
 - House prices have risen dramatically and the private developer Forth Estates have been successful in selling all their properties on completion.
 - Proposals for environmental improvements has also been developed and agreed with residents.
-
- To assist the crime reduction proposals, Housing Services have instigated and paid for additional lighting to be installed in the rear alleys and a further upgrade of street lighting from yellow to white bulbs. It was intended to pilot the first alleygate scheme for Rotherham here but traffic regulations re adopted highway prevented this.
-
- Orders have been placed for works to commence to address issues relating to the alleys and ginnels. The removal of derelict planters will facilitate the resurfacing of paths and some varying styles of street furniture will be placed appropriately to compliment the work.
-
- Environmental improvement start date Oct / Nov 2004 and to be completed by Spring 2005.

North Anston - Woodland Drive Estate - not led by regeneration team

An open plan estate comprising of 217 family houses, flats and bungalows. There was no demand and a high percentage of void property. Regeneration has been achieved using a combination of demolition and remodelling of unpopular dwellings. It now meets the Decent Homes standard. The estate

is fully let and there is a waiting list for property. Following completion in 2002 it received a Secure by Design award.

Dinnington - East Street

- Prior to demolition the supply of terraced housing in the area was greater than demand.
- The properties were a mixture of Council owned owner occupied and private rented dwellings.
- General decline, numerous voids and vandalism over a number of years has led to their demolition and this has facilitated the building of a new school on the site, which opened September 2004.
- We have worked in partnership with Education in securing a vandalised child's play area which had become a race track with off road bikers and car thieves making local residents fear for their own safety. Work to provide multi use games area has commenced and will be completed by the end of October 2004.

- Discussions have taken place in partnership with landowners regarding the clearance of the adjacent old school buildings, a derelict public house and the police station to enable the land to be offered for redevelopment. The old school buildings are in the process of being stripped out for demolition.
- The cleared site has been suggested as being suitable for an extra care facility, incorporating a police sub station on this site.
- Proactive work by Housing Regeneration team officers has averted the need for further intervention of this nature to surrounding properties. All vacant property in the area has now been brought back into use in partnership with local landlords.

Eastwood Village Housing Scheme

The Eastwood Village Housing Scheme, comprising the refurbishment of the exterior envelope of approximately 900 older style properties via the Group Repair Scheme and the acquisition and demolition of 40 properties, has continued into its eighth financial year.

Eastwood Village was declared a Renewal Area in 1998 after a Notice of Intention regarding the declaration was issued to all residents in the area. This was carried out to guarantee further funding for the project.

Group Repair Scheme

- The Group Repair Scheme aims to provide a weather tight and secure exterior, off street parking and improvements to insulation and energy efficiency.

- The scheme has been successful in refurbishing approximately 650 properties since January 1998 on a rolling programme consisting of approximately 30 individual contracts.
- The re-tender of the Scheme, with the successful contractor being the Council's own DLO, has illustrated best value and highlighted the Council's continued commitment to the Regeneration of Eastwood Village. It is anticipated that an additional year's programme will be necessary to allow the remaining properties within the Village the opportunity to participate in the Group Repair Scheme based on an budget of approximately £1.4 million.
- At present, 52 properties have been completed since the DLO won the re-tender last year (commencing November 2003) with a further 92 properties programmed for completion prior to 31st March 2005, dependant upon sign-ups, participation and funding.
- The success of the scheme is noticeable with a high number of owners participating in a Group Repair Scheme and a reduction in the number of properties for sale within the area.
- A resident led steering group continues to determine and monitor the programme of works, and the group has recently been introduced to the proposals regarding the 'Alley Gating' project.

Selective Demolition

A tentative feasibility study was carried out on three suitable demolition sites, consisting of a combined total of 40 properties, in December 1998.

In addition to this study, extensive individual consultation began in the summer of 1999 on the three areas with further consultation of the wider community, taking place in March 2000. The results of these consultation exercises indicated the community's strong desire to see the areas demolished and possible future uses of the sites were identified.

Currently, two areas have been demolished and cleared with one of them, Lindley Street, having been landscaped. Landscaping schemes for the central area, Lindley Street, Hatherley Road and Selborne Street, have been consulted on with the intention of having this work begun (with possible completion), before the end of this financial year.

Of the remaining block of 8 properties, 4 properties have been acquired with 4 properties presently with Valuation Services awaiting agreement.

In the short-term, the demolition of these three blocks of properties will reduce the congestion within the exclusively terraced part of the Village and remove one of the poorest blocks of housing, which is uneconomical to repair and more importantly, is more suitable for the development of suitable and affordable housing.

Alley gating

The Group Repair scheme has uplifted this area and has improved the communities' confidence in its long-term future. Environmental works, which will now include the implementation of an alley gating pilot scheme will further assist to benefit the whole community by helping to reduce incidences of crime and anti social behaviour, and reducing the fear of crime.

Proposals to gate the first 41 passageways are underway, a newsletter has been delivered to all 998 properties and door to door consultation of residents is still being carried out in partnership with South Yorkshire Police, and the Housing Regeneration team working in Eastwood Village. The latter is being carried out to obtain the permission from the owners to gate the passageway. Tender documents for the supply of the gate and locking system is currently being prepared, and we would expect an onsite start at the beginning of 2005. The project has the full support of the local ward members. Funding has been earmarked via the group repair scheme budget and via match funding due to achieving a successful bid from the Regional Housing Board. It is hoped that the scheme can be further expanded to other areas of the Rotherham Borough, and be offered for sale to assist private owners and businesses at a later stage in its development.

Wharncliffe Flats Position Statement – 05 October 2004

Regeneration work to 172 flats and maisonettes is ongoing and will bring all properties up to the Decent Homes standard with a number of other essential issues being addressed to secure the long term future of the estate.

Current Scope of works / Time scales

Balcony / Ramp walls

Works commenced October 2003, completed February 2004.
Surface Treatment of balcony & Ramp Walls.
Cleaning / redecoration of concrete panels, soffits and ramps.

Flat to pitched roof conversion.

Works commenced July 2003, completed July 2004.
To alleviate problems experienced with rain penetration through the existing flats roofs to improve the appearance of the estate and improve the appearance of the estate and improve thermal comfort

Replacement Windows & external doors.

Works commenced February 2004, completed July 2004.
PVCu windows and High security Doors. Carried out by Building Works. Minor snagging works on-going.

Balcony Drainage

Works due to start October 2004. It is anticipated for the work to be completed within 2 / 3 months.

Improvements to existing balcony drainage pipes to be removed and replaced with a discrete drainage system designed to take surface water from the balcony floors and discharge it into the existing underground drainage system.

Internal refurbishment

Works to commence November 2004 anticipated completion date June 2005. The flats are to be brought up to the 'Decent Homes Standard', covering the following four elements of work;

- **Kitchen**
- **Bathroom**
- **Re-wire**
- **Central heating**

Environmental / external works

Commencement of works TBA - 2005 / 2006

Improvements to 'Secure by Design' principle.

Outline concept drawn up. Detail design work to be arranged.

Underground Parking Bays

Refurbishment of the underground parking bays has been completed as part of the scheme, and has proved a great success, providing secure parking for residents and has also reduced problems with anti-social behaviour. Works carried out 2001.

Concrete Repairs

Concrete repairs and strengthening works were carried out in 2002. Concrete floors, interconnecting walkways, ramps and stairways. Interim lighting scheme carried out 2002. One bedsit was remodelled to 1 bed flat. 2002

Consultation process

Full community consultation carried out at all stages of works. Resident members at technical meetings. Steering group meetings, maintained resident participation.

Scrutiny Members Site Visits October 2004

Appendix B

NEIGHBOURHOOD SERVICES

HEAD OF SERVICE, Bob Crosby, Ext 3100

Consisting of

- **Neighbourhood Standards (Manager, Mark Ford, Ext 3105)**
 - Neighbourhood Enforcement, including pest control
 - Industrial Pollution Control
 - Environmental Quality
 - Antisocial Behaviour
 - Neighbourhood wardens
 - Food and Health and Safety
 - Trading Standards and Licensing

- **Waste Strategy (Manager, Adrian Gabriel, Ext 3108)**
 - Domestic, Commercial and Clinical Waste collection
 - Recycling
 - Bulky Items
 - Waste strategy

- **Community Services (Manager, Angela Smith, Ext 3412)**
 - Homelessness
 - Housing Advice
 - Asylum Seekers
 - Home Energy Efficiency
 - Disabled Facility and other housing grants
 - Bereavement Services

Services Operating from Howard Building, Canklow, Eastwood, Greasbrough and Bramely Depots, Norfolk House, Warncliffe Flats

ITINERARY

Howard Building

- Reception
- Air Quality Monitoring Station
- Tour of Building ?

Car Hill Household Waste Recycling Centre

- South Herts Waste Managed Sites on behalf of the Council. There are 4 sites in Rotherham.

- The contract is performance based and incentivised, with a minimum requirement of 45% recycling of waste through the sites.
- The recycling performance in Rotherham is the best across the 3 authorities and sites regularly achieve 70+%.
- We have invested significantly in improving the signs at the sites. The electronic variable message boards were funded as part of a bid to DEFRA.
- The barriers and permit system was introduced in September 2000 and re-affirmed by Members following an update report in November 2003.
- The cost savings from the introduction of the system are substantial. A percentage of the savings has been used to fund an additional Environmental Warden post. Our wardens are recognised as one of the most successful services in the Country. Fly tipping is rising nationally and with new legislation on hazardous waste and restrictions on materials that can go to landfill it is predicted that fly tipping will increase further.



Rawmarsh Leisure Centre Recycling Site

- Over the past 18 months we have doubled the number of bring sites across the Borough. We now have 60 sites.
- The expansion in the number of bring sites has been funded by DEFRA following a successful bid for £317,000.
- We are encouraging communities to 'adopt' a recycling site. This partnership with the Waste Management Service asks that a local group report any problems with the site, for example full banks, in return for a payment for every tonne of waste collected.
- The majority of our sites (where on Council land, or in agreement with the site owner) are now clearly signed from the highway.



CREATION Recycling

- Operational since April this year CREATION is a not for profit community enterprise.
- CREATION have secured over £300,000 worth of funding from a number of sources including; Objective 1, CRED, SRB, Neighbourhood Renewal Fund, National Lottery and Yorkshire Forward.
- All the material collected by the Council's Blue Box scheme is handled (processed, bulked and sold) by CREATION.



- CREATION launched a new trial collection service to 12,000 households in September. The service collects from some of the Boroughs most deprived and hard to reach areas on a weekly basis. Collection operatives use hand pulled carts and have a high visible presence.



East Herringthorpe Cemetery and Crematorium

- 1800 cremations per year
- 750 burials in 9 Borough cems 5 parish councils
- grounds maintenance and grave digging is through a contractor

HOUSING AND ENVIRONMENTAL SERVICES
25th October, 2004

Present:- Councillor Ellis (in the Chair); Councillors Hall (Environment Scrutiny Panel, N. Hamilton, Jack and Kaye (Policy Advisors).

88. SALE OF ALCOHOL

The Acting Head of Environmental Services submitted a report seeking the delegation of powers to the Head of Neighbourhood Services.

The delegation would authorise officers to carry out regulatory duties and responsibilities including provision relating to test purchasing checks that tackled unlawful alcohol sales to young people in accordance with existing legislation and the Licensing Act 2003.

Resolved:- That the Cabinet be requested to recommend to Council the following delegation of powers to the Head of Neighbourhood Services:-

(1) Any executive function not otherwise reserved to the full Council, the Cabinet, a committee of the Cabinet, a Member of the Cabinet, a joint committee discharging executive functions or another local authority and

(2) Any non-executive functions not otherwise reserved to the Licensing Board, or any other person or body discharging non-executive functions in accordance with executive arrangements made by the Council in respect of the following:-

Licensing Acts 1964 and 2003
Weights and Measures Act 1985
Criminal Justice and Police Act 2001

The powers conferred include:-

Test Purchasing
Instigation of Legal Proceedings
Authorisation of Informations and Summonses
Authorisation of Applications for a Warrant to Enter Premises
Service of Statutory Notices
Granting and Refusal of Licences.

89. 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.

90. PETITION - USE OF COMMUNAL FACILITIES

The Democratic Services Manager reported receipt of a petition, containing 36 signatures, regarding the use of communal facilities at Westpit Hill, Brampton Bierlow.

Resolved:- (1) That the petition be noted.

(2) That the issues raised be investigated and a report submitted thereon in 1 month.

(Exempt under Paragraph 3 of the Act – accommodation provided by the Authority)

91. PETITION - ANTI-SOCIAL BEHAVIOUR, DALTON

The Democratic Services Manager reported receipt of a petition, containing 23 signatures, regarding allegations of anti-social behaviour by tenants of a property in Dalton.

A number of actions had already been taken by the Senior Housing Officer.

Resolved:- (1) That the petition be noted.

(2) That the matters raised be investigated and a report submitted thereon in one month.

(Exempt under Paragraph 3 of the Act – accommodation provided by the Authority)

92. PROCUREMENT OF CEMETERIES GROUND MAINTENANCE AND GRAVE DIGGING SERVICES

Richard Gibson, Manager and Registrar of the Cemeteries and Cremation Service, submitted a report on the financial implications to the Cemeteries and Cremation Services of the award of the grounds maintenance contract.

A procurement exercise had been undertaken of construction partners services with Ringway Highway Services Ltd. being the favoured contractor.

The contract was due to commence on 1st November, 2004.

Resolved:- (1) That the award of the grounds maintenance and grave digging contract to Ringway Highway Services Ltd. be noted, the contract to commence on 1st November, 2004.

(2) That the Executive Director of Economic and Development Services

be requested to attend the next meeting to discuss this issue further.

(Exempt under Paragraph 9 of the Act – contractual information)

93. MANAGEMENT/LEASING ARRANGEMENTS OF PROPERTY

The Housing Needs Manager submitted a report proposing changes to the management/leasing arrangements of property currently occupied by the Rotherham Women's Refuge.

The property currently leased by South Yorkshire Housing Association expired on 19th November, 2004. New accommodation was to be constructed with a completion date of Summer 2005, following submission of a successful joint bid by Hallam Housing Association and the Refuge. Accordingly, South Yorkshire Housing was not seeking an extension to their leasing arrangement.

It was proposed that the Neighbourhoods Programme Area manage the property with effect from 19th November, 2004, where the Refuge would continue to operate their service until the new premises were completed.

The Refuge would also wish to continue the use of the premises, either through lease or purchase, as an office outreach base, drop-in centre and training resource.

Resolved:- (1) That the Neighbourhoods Programme Area take over the management of the property occupied by Rotherham Women's Refuge when the present leasing arrangements with South Yorkshire Housing Association expires on 19th November, 2004.

(2) That a grant be made to the Refuge in lieu of rent.

(3) That the Refuge be informed that the proposal to use the property as an administration base be not supported.

(Exempt under Paragraph 7 of the Act – financial/business affairs of a body other than the Authority)

ENVIRONMENT SCRUTINY PANEL
Thursday, 21st October, 2004

Present:- Councillor Atkin (in the Chair); The Mayor (Councillor F. Wright), Councillors Burke, Clarke, Hall, Jackson, McNeely, Nightingale, Rushforth and Vines together with Mr. D. Alderson (Housing Tenant Panel) and Mr. D. Willoughby (Housing Tenant Panel)

Apologies were received from Councillors Hodgkiss, P. A. Russell, Mr. J. Carr and Mr. B. Bell.

56. ANNOUNCEMENTS

The Executive Director, Housing and Environmental Services was pleased to inform the Scrutiny Panel of the following recent announcements:-

“Inspection of Waste Services had received a 2-star rating and promising prospects.

Under the South Yorkshire Pathfinder Scheme funding had been awarded for the next 18 months of £8.5m for renewing the housing market and housing provision on four sites within the town centre area.

If the 2-star rating was achieved, funding would be made available for developing the ALMO. Local Authorities were informed by the ODPM earlier in the year that they would receive between 80% -100% of their bid. An announcement has been made that, for the first two years the Council would receive £52.5m – this is equivalent to our full bid for the first two years. If the Council met their targets in the first two years, we assume therefore we will also receive our full bid which would be an extra £215m between the years of 2005 to 2010/2011.”

Resolved:- That the announcements be noted with pleasure and that the work of all concerned, including the work undertaken by Members of this Scrutiny Panel, in achieving good results be placed on record.

57. DECLARATIONS OF INTEREST.

There were no declarations of interest made at the meeting.

58. QUESTIONS FROM MEMBERS OF THE PUBLIC AND THE PRESS.

There were no members of the public or press present.

59. A FRAMEWORK FOR THE DELIVERY OF ANIMAL HEALTH AND WELFARE

Lewis Coates, Assistant Principal Environmental Health Officer, submitted

a report and gave a power point presentation about the Framework Agreement between Local Authorities, the Department for Environment, Food and Rural Affairs (DEFRA) and the Welsh Assembly Government to deliver a risk based approach to Animal Health enforcement. The Framework Agreement would be linked to and consistent with The Department's business strategies such as the Animal Health and Welfare Strategy.

Its objectives in developing and testing a Framework Agreement were to:

- Improve communications between The Departments and Local Authorities by working more in partnership.
- Introduce a more risk-based and focused approach to enforcement.
- Achieve greater consistency.
- Develop best practice.
- Give clear direction and achieve better planning.
- Have better informed people.
- Produce better management information.
- To raise the profile of animal health and welfare work.

The Framework Agreement aimed to assist in the delivery of improved health and welfare services through facilitating prioritisation of enforcement activities. With a well-developed framework, successfully piloted and implemented, this would achieve outcomes that included:-

- Effective disease control.
- A well educated and compliant farming industry, capable of greater self-regulation.
- Sound welfare practices.
- Identifying and dealing consistently with breaches of legislation and best practice.
- Sound evidence to provide assurance to central government and to support the Departments' Public Service Agreement objectives.

The background to the consultation with stakeholders on the Framework Agreement was detailed.

Jeremy Jones, Veterinary Officer, State Veterinary Service, was then

introduced and he gave a slide presentation which covered the Foot and Mouth Disease outbreak in 2001 and how the Department for Environment, Food and Rural Affairs was accountable in these matters to Parliament and the European Union.

The Panel noted how Local Authorities were highly involved during the Foot and Mouth Disease outbreak as they worked with the Departments to deal with it demonstrating the value of local and central government working in partnership.

A question and answer session ensued with questions answered by both Lewis Coates and Jeremy Jones which were noted. A particular question was asked regarding the availability of funding by the Government and it was confirmed that the Government had earmarked funding for the whole of the country of £10m. Local authorities could have access to this if and when required.

The Cabinet Member, Housing and Environmental Services, commented on the high quality of staff in this Service and referred particularly to Tony Lowe, Animal Health Inspector, who was due to receive a National Award.

Resolved:- (1) That the report be received and the new working partnership be welcomed.

(2) That the contents of the report be endorsed and Mr. Lewis Coates and Mr. Jeremy Jones be thanked for their informative and interesting presentations.

(3) That Tony Lowe, Animal Health Inspector at Rotherham MBC, be congratulated on his impending National Award.

60. THE WASTE AND EMISSIONS TRADING ACT 2003 - THE LANDFILL REGULATIONS 2004

The Waste Strategy Manager submitted, for information, a copy of a report relating to the implications of the new Landfill Regulations 2004.

The Strategy Manager reported on the Government's announcement of the provisional allocation of landfill allowances which would be made to the Council under the Waste and Emissions Trading Act 2003 through The Landfill (Scheme Year and Maximum Landfill Amount) Regulations 2004 for each year from 2005/06 to 2019/20. There were interim target years where statutory reductions to 1995 levels had to be achieved. The scheme would operate from 1st April, 2005.

Each waste disposal authority had now received details of the provisional allocation of allowances they would receive for the period 2005 to 2020. The permit allocation reflected a year-on-year reduction in the amount of biodegradable waste the Council would be allowed to landfill to ensure the 2020 target for the United Kingdom was achieved.

An initial analysis of Rotherham's allocation indicated that, based upon the trends in waste growth in Rotherham and the continued development of the recycling infrastructure, the Council would exceed its permit allocation with effect from the 2007/08 financial year.

For those local authorities that exceeded their allowances a fine of £200 per tonne may be levied. It was currently projected that Rotherham would face an increase of approximately £2.5M in disposal costs to comply with the Legislation

It was reported that this report had been considered and approved by both the Cabinet Member, Housing and Environmental Services on 20th September, 2004 (Minute No. 73 refers) and the Cabinet on 20th October, 2004 (Minute No. B76 refers).

Resolved:- (1) That the Scrutiny Panel notes the following recommendations of the report:-

- the long term implications for the landfilling of Municipal Waste generated by Rotherham.
- the diversion of biodegradable waste through the landfill permit scheme is given full consideration as part of the development of a waste strategy for Rotherham.

(2) That the Waste Strategy be submitted to this Scrutiny Panel.

61. CHOICE BASED LETTINGS

The Head of Housing Services submitted, for information, a report setting out the background to the concept of choice based lettings and detailing the issues that would need to be addressed, with particular reference to continuing to meet the housing needs of vulnerable people in a fair and equitable manner.

It was reported that the report had been considered and approved by the Cabinet Member, Housing and Environmental Services, on 30th July, 2004 (Minute No. 43 refers).

Resolved:- That the report and its recommendations as follows be noted:-

- approval of the proposals for a choice based lettings policy;
- that officers will carry out further feasibility work on a proposal to develop a Property Shop able to provide other key services;
- that officers develop further matters relating to the approach to choice-based lettings, and procedures, and return with a final report prior to implementation.

62. FLY TIPPING REVIEW

Consideration was given to a joint report by the Executive Director Neighbourhoods and the Executive Director, Economic and Development Services, relating to the Fly Tipping Review. The twelve recommendations made by the Scrutiny Review Group had been assessed by the Corporate Management Team (CMT) and their comments were detailed in Appendix 1 to the report submitted. It was explained that on the basis of the information presented by CMT, amendments could be made to the recommendations of the Flytipping Review by the Scrutiny Panel. This report would then be forwarded to Performance and Scrutiny Overview Committee for their comments and endorsement, prior to its submission to Cabinet for their decision.

The Scrutiny Panel went through each of the twelve recommendations and officers expanded on the Corporate Management Team's comments:-

Particular reference was made to the following issues in the report that were not supported by the Corporate Management Team or where they had reservations: -

13.2 - that a dedicated Environmental Streetpride Team be set up by Rotherham Connect – this recommendation was not favoured as the Management Team considered that sufficient staff were already employed to deal with environmental issues. If a dedicated team was established this may lead to staffing problems when cover was needed for sickness or holidays.

13.4 - Enforcement – increase the numbers of prosecutions– CMT's reservations were noted particularly the strict protocols on enforcement and prosecution. CMT suggested that low fines that did not act as a deterrent and that the Environment Scrutiny Panel meets with the Rotherham Magistrates' to make the case for the environment and higher sentencing.

13.5(a)(ii) – Streetpride Banners - the subject of each banner needing to be relevant to the area in which it was displayed not agreed and therefore recommended for deletion. It was noted that the numbers of banners would be increased and rotated on a regular basis as part of a new publicity strategy.

13.6(c) – Reservation by CMT noted on the Anti-Social Behaviour Strategy and the Crime and Disorder Strategy - need to align to reflect the Council's commitment to Environmental Crime and the Streetpride concept - this would be carried out if resources were available.

13.8 – Community Skips – Reinstate the provision of Community Skips until the Landfill Site at Thurcroft was opened in September, 2005 – this recommendation was not supported by CMT. It was outlined that the

cessation of the community skip service had been previously endorsed by Members of the Environment Scrutiny Panel as a consequence of legislative changes limiting the types of waste that would be accepted at landfill sites.

13.9 – Bulky Waste Collection Service – Review the cost of this service with a view to providing a free collection service for all users. This recommendation was not supported by CMT as the service had been subject to an annual price review which was approved by Members of Environment Scrutiny Panel.

13.10 – Blue Bag/Box/Green Bin Recycling Scheme – Review the timing of collections was not supported by CMT as the Recycling Services provided for and on behalf of the Council had been aligned to the current household waste collection schedules.

Resolved:- (1) That the report be received and the comments of the Corporate Management Team be noted along with the policy and resource risk/benefit implications of the Review Group's proposals.

(2) That the Flytipping Review be amended to reflect the Scrutiny Panel's comments in relation to 13.5(a)ii.

(3) That the amended review with the Corporate Management Team's comments be referred to the Performance and Scrutiny Overview Committee for their consideration and from there, forwarded to Cabinet for their decision on the recommendation.

(4) That arrangements be made for the Scrutiny Panel to meet with representatives of the Rotherham Magistrates' Court to make the case for the environment and higher sentencing relating to enforcement issues.

63. BUDGET MONITORING - APRIL TO JULY, 2004

The Finance and Accountancy Manager submitted the Budget Monitoring Report relating to the Housing Revenue Account and the Housing and Environmental Health General Fund, together with detailed appendices for the period April, 2004 to July, 2004.

The Housing Revenue Account identified the impact of the Right to Buy on budgets and consequent recalculations of housing subsidy for both the current and last financial years.

The Housing and Environmental Health General Fund report detailed the projected outturn for the first third of the year and the budget position.

Resolved:- That the reports be accepted and the amendments to the Housing Revenue Account Budget be noted.

64. MINUTES OF MEETINGS OF THE CABINET MEMBER FOR HOUSING

AND ENVIRONMENTAL SERVICES HELD ON 20TH SEPTEMBER AND 11TH OCTOBER, 2004

The Panel noted the decisions made under delegated powers by the Cabinet Member for Housing and Environmental Services held on 20th September, 2004 and 11th October, 2004.

65. ENVIRONMENT SCRUTINY PANEL MINUTES - 23RD SEPTEMBER, 2004

The minutes of the meeting of the Panel held on 23rd September, 2004 were noted.

66. PERFORMANCE AND SCRUTINY OVERVIEW COMMITTEE MINUTES - 24TH SEPTEMBER, 2004

The Panel noted the minutes of a meeting of the Performance and Scrutiny Overview Committee held on 24th September, 2004.

67. ASYLUM SEEKERS WORKING PARTY MINUTES - 29TH SEPTEMBER, 2004

The Panel noted the minutes of the Asylum Seekers Working Party held on 29th September, 2004.

68. 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 Part I of Schedule 12A to the Local Government Act 1972.

69. BUDGET MONITORING - APRIL TO JULY, 2004 - WASTE SERVICES DSO AND HOUSING SERVICES DSO

The Finance and Accountancy Manager submitted the Budget Monitoring Reports for Waste Services DSO and Housing Services DSO for the period April, 2004 to July, 2004, together with the trading account for the Refuse Collection and Recycling Services DSO.

Resolved:- That the reports be noted and that the Scrutiny Panel be provided with a copy of the trading account for the Housing Services DSO.

(Exempt under Paragraph 8 of the Act – report contains expenditure proposed to be incurred by the Authority)

70. DEMONSTRATING COMPETITIVENESS IN RESPONSIVE REPAIRS AND MAINTENANCE SERVICES OF HOUSING SERVICES DSO

The Head of Housing Services submitted a report on the obligation of the Council and ALMO to demonstrate that its service delivered value for money to service users. The report addressed the procurement issues facing the Repairs and Maintenance Service and set out the arguments for and against the various options available.

It was reported that the report had been considered and agreed by the Cabinet Member for Housing and Environmental Services on 6th September, 2004 (Minute No. 70 refers) and the Cabinet on 6th October, 2004 (Minute No. B71 refers).

Resolved:- (1) That report and its recommendations as follows be noted:-

(a) That Housing Services develop a market analysis and consultation action plan, for gauging the strength of the market and identify issues that can help scope the subsequent competitive process.

(b) That (a) above be completed by 31st January, 2005 and a decision be taken regarding an appropriate procurement option by the ALMO for its repairs and maintenance service by 28th February, 2005.

(2) That a report be brought to this Scrutiny Panel outlining the procurement options prior to a decision being taken.

(Exempt under Paragraphs 1 and 8 of the Act – financial and staffing matters)

PERFORMANCE AND SCRUTINY OVERVIEW COMMITTEE
8th October, 2004

Present:- Councillor Stonebridge (in the Chair); Councillors Clarke, Doyle, Hall, Hussain, License, R. S. Russell, St.John, Sangster and Whelbourn.

Apologies for absence were received from Councillors Atkin and G. A. Russell.

43. DECLARATIONS OF INTEREST

Personal interests were declared by Councillors Hall and Hussain in item 48 below "Middle Lane Traffic Calming Scheme" and they took no part in the discussion or voting thereon.

44. FUTURE ARRANGEMENTS FOR CHILDREN AND YOUNG PEOPLE'S SERVICES IN THE BOROUGH

Resolved:- (1) That consideration of this matter be deferred.

(2) That this Committee views with concern the lack of opportunity, at this meeting, to discuss and answer questions on the future arrangements for children's and young people's services in the borough.

(3) That, further to (2) above, this Committee requests the opportunity to discuss such issues regarding the future arrangements for children's and young people's services in the borough.

45. RISK ASSESSMENT AND MANAGEMENT

The Chairman welcomed Steve Merriman, Corporate Risk Manager, who gave a presentation on the management of risk throughout the Local Authority.

The presentation covered:-

- Risk Assurance.
- Summary.
- Good Corporate Governance – Private Sector Drivers.
- Key Features of the Combined Code.
- A Combined Code for the Public Sector.
- Local Government Driver: CIPFA/SOLACE Framework.
- CIPFA/SOLACE Corporate Governance Agenda for Local Government.
- Twin Tracking Approach to the Corporate Governance Framework.
- In Local Government, which area of Governance is the least developed.
- CIPFA/SOLACE Steer for Change.
- Present Regulatory and Guidance Position.

- Audit Commission's Perspective on Risk Management.
- Rotherham's Triple "A" Strategy for Managing Risk: Attitude, Action and Achievement.
- The Risk Management Process.
- Risk Management Cycle.
- How Risks are identified.
- How Risks can be categorised.
- Suitable Responses to Risk.
- How Risk information is captured.
- RISGEN Risk Register Software.
- Rotherham's Principal Risk Registers.
- Other Risk Registers.
- Links with "Year Ahead" Statement.
- Rotherham's Principal Risks.
- Cross Cutting/Common Risks.
- Questions.
- Private Sector Perspective: Retailers' Principal Risks.
- European Survey of Business Leaders Principal Risks.
- Major Project/Procurement Cycle Risk.
- Causes of Project Risk.
- Risk Management and Comprehensive Performance Assessment.
- Top Level Questions and Links to Risk.
- Risk Management Messages for Members.

A question and answer session ensued and the following issues were covered:-

- Need for an audit trail and updating of registers.
- Trades Union involvement.
- Benchmarking.
- External involvement.
- Role of external auditors.
- Scrutiny involvement in risk management.
- Need to consider future risk management challenges.
- Future risk management workshop.

A briefing note on strategic risk management and a coloured summary of the Corporate Management Team's Risk Register were made available to Members.

Resolved:- (1) That a report be submitted to a future meeting of the Audit Committee regarding the Council's future external auditor and the Government's framework for the use of external auditors.

(2) That risk management should be given a higher profile and employees should be made more visibly aware of risk management issues utilising posters etc.

(3) That the proposed "flash card" system regarding risk and managing

risk be welcomed.

(4) That a guide be prepared with regard to risk management and the elected Members' role.

(5) That any strategy should include external challenge.

(6) That there was a need to understand better the Council's internal controls.

(7) That consideration be given to providing a risk management workshop for elected Members.

(8) That individual scrutiny panels be requested to challenge Programme Area Directors to bring reports to their respective meetings on risk management activity.

(9) That Steve Merriman be thanked for an informative presentation.

46. PERFORMANCE AND SCRUTINY OVERVIEW COMMITTEE - PLANNING SESSION

The Chairman reminded Members that the next planning session was scheduled for Monday, 11th October, 2004 in the Town Hall at 12.30 p.m.

Items for discussion would include:-

- Scrutiny Structures.
- Drivers for Change.
- Role of the Audit Committee.

47. CABINET AWAY DAY - FEEDBACK

The Chairman reported briefly feedback from the Cabinet away day held on 1st October, 2004.

Discussion included:-

- Aligning the Council's corporate priorities and the Community Strategy.
- Core Values.
- Service Delivery.
- The Year Ahead.

It was noted that a report would be submitted to Cabinet.

48. MIDDLE LANE TRAFFIC CALMING SCHEME - CALL-IN

Further to Minute No. 34 of the meeting of this Committee held on 24th September, 2004, the Committee noted Minute No. 87 of the meeting of the Cabinet Member for Economic and Development Services, and the

associated report, when the scheme was reconsidered.

Resolved:- (1) That the decision to proceed with the implementation of the scheme, including the installation of a zebra crossing outside Clifton School, on a trial basis, be noted.

(2) That officers be requested to submit quarterly progress reports to this Committee.

(3) That the objectors to the scheme be informed of the decision to proceed with the implementation of the scheme.

49. MINUTES

Resolved:- That the minutes of the meeting held on 24th September, 2004 be approved as a correct record for signature by the Chairman.

50. WORK IN PROGRESS

Members of the Committee reported on the following issues:-

(a) Councillor R. S. Russell indicated that a progress report on "Off Road Motorbiking and Nuisance" had been welcomed. Funding arrangements for the post of Off Road Motor Vehicle Prevention Officer were being further investigated in order that any budgetary savings be passed to the Safer Rotherham Partnership.

The Home Secretary and local M.P.'s were also being notified of the Panel's view that greater funding be made available to the Safer Rotherham Partnership.

(b) Councillor R. S. Russell indicated receipt of a progress report on the Neighbourhood Renewal Strategy.

(c) Councillor R. S. Russell indicated consideration of a report relating to the practice of some estate agents placing their advertising boards on or in the highway. A training session on the issue of planning enforcement had been arranged for 27th October, 2004, to which Panel Members had been invited.

(d) Councillor R. S. Russell indicated that the review of benefit take up and the link to regeneration was starting in January, 2005.

Agreed:- That participation be invited from the Democratic and Resources Scrutiny Panel.

(e) Councillor Hall indicated that the review had begun with regard to Neighbourhood and Environment Wardens, Community Caretakers and Rangers.

- (f) Councillor Doyle indicated that:-
- (i) The learning disability review had begun.
 - (ii) The corporate parenting review would begin later this month.
 - (iii) The Direct Payments Strategy would be considered next month.
 - (iv) Domestic Violence would be considered in the future.
 - (v) The complaints report had been greatly improved from Social Services.
- (g) Councillor St. John indicated it had been a pleasure to visit the new school at Ferham.
- (h) Councillor Hussain indicated that John Gomersall and Tim Hawkins had met regarding Anti-Social Behaviour and a feedback report was expected in three months.
- (i) Councillor Sangster reported the appointment of a new cardiologist and that the next meeting of the Health Services Working Group was scheduled for 20th October, 2004. Consideration was to be given to having more regular meetings.
- (j) Councillor Stonebridge indicated the need to proceed with the Local Strategic Partnership Review.
- Agreed:- That this be done by this Committee and Councillor Lakin be invited to attend.
- (k) Councillor Stonebridge indicated that the Policy Review could now begin.
- Agreed:- That this be done by this Committee.
- (l) Councillor Stonebridge referred to the need for a Member to Member protocol and particular reference was made to the Executive/Scrutiny relationship.
- Agreed:-That a draft protocol be submitted to a future meeting of this Committee.
- (m) Councillor Stonebridge made reference to a protocol for joint scrutiny and undertook to discuss this with Councillor Thirlwall.
- (n) Councillor Stonebridge indicated that, with regard to "Working with Parish Councils" Cabinet had requested further work on the Review recommendations.

51. CALL-IN ISSUES

There were no formal call in requests.

PERFORMANCE AND SCRUTINY OVERVIEW COMMITTEE
Friday, 22nd October, 2004

Present:- Councillor Stonebridge (in the Chair); Councillors Atkin, Clarke, Doyle, Hall, Hussain, License, G. A. Russell, R. S. Russell and St.John.

Apologies for absence were received from Councillors Sangster and Whelbourn.

52. DECLARATIONS OF INTEREST.

There were no declarations of interest made at this meeting.

53. FEEDBACK AND FOLLOW UP FROM THE PLANNING SESSION HELD ON 11TH OCTOBER, 2004

The Chairman presented a report of the proceedings of the Scrutiny Planning Session held by Members of this Committee on Monday, 11th October, 2004. Subjects discussed at this Session were:-

- comprehensive performance assessment
- links with the general public (eg: Members' surgeries; complaints procedure)
- the role of the Executive and the Cabinet
- the relationship between the Executive and Scrutiny
- the Council's political priorities
- the corporate plan and community strategies
- external audit and the role of the Audit Committee
- the Area Assemblies
- the Local Strategic Partnership

Resolved:- (1) That the report of the Scrutiny Planning Session be received and its contents noted.

(2) That Councillor Stonebridge report to the Cabinet about the various issues considered at this Scrutiny Planning Session.

(3) That Councillors Hall, G. A. Russell, R. S. Russell and Stonebridge, together with two Executive Members to be appointed, shall prepare a briefing document of issues to be considered at the future joint meeting of the Performance and Scrutiny Overview Committee and the Cabinet.

(4) That a review working group, comprising Councillors Clarke, Doyle, Lakin, R. S. Russell and Stonebridge, shall undertake a scrutiny review of Rotherham's Local Strategic Partnership.

(5) That the Performance and Quality Manager attend a future meeting of the Performance and Scrutiny Overview Committee for consideration of the Council's links with the general public (eg: Members' surgeries, customer complaints, etc.).

(6) That the scheduled meeting day and time of the Health Services Working Group be examined, in order to prevent any conflict with the arrangements for other meetings involving the same Elected Members.

54. SCRUTINY ROLE IN THE CORPORATE PLANNING PROCESS

Consideration was given to a report from the Centre for Public Scrutiny (CfPS), containing a model illustrating where scrutiny could best intervene in the policy and planning framework. The CfPS had prepared this model during the Summer, 2003, when working with the Oxfordshire County Council scrutiny team.

Members discussed the application of the model to this Authority.

Resolved:- (1) That the CfPS report be received and its contents noted.

(2) That every endeavour be made to apply the CfPS model to the scrutiny processes in Rotherham.

(3) That a meeting be arranged, at the earliest opportunity, to enable this Committee to have discussions with the Executive about the future arrangements for Children and Young People's Services in the Borough (Minute No. 44 of the meeting of the Performance and Scrutiny Overview Committee, held on 8th October, 2004, refers).

55. MINUTES

Resolved:- That the minutes of the previous meeting, held on 8th October, 2004, be approved as a correct record for signature by the Chairman.

56. WORK IN PROGRESS

Members of the Committee reported on the following issues:-

(a) Councillor St. John referred to the process whereby Elected Members were appointed to represent the Council on outside bodies and other organisations. The Head of Legal and Democratic Services had confirmed that decisions on such appointments were properly the responsibility of the Council's Executive.

(b) Councillor St. John expressed concerns about the repairs and maintenance budget within Culture and Leisure Services, which was already fully committed for the current financial year.

(c) Councillor Atkin reported on the progress of the scrutiny review of flytipping; a report would be submitted to a future meeting of this Committee. Concerns were also expressed about the apparent leniency of the fines imposed by the Courts on people convicted of flytipping offences.

(d) Councillor Hussain reported that the role of the Members' liaison group with Voluntary Action Rotherham was currently being reviewed.

(e) Councillor G. A. Russell reported that the scrutiny review of corporate parenting services had begun.

(f) Councillor R. S. Russell reported on a very informative visit to Bradford Metropolitan District Council, to view the operation of that Authority's methods of Regeneration scrutiny.

(g) Councillor Stonebridge reported that Members of Hull City Council wished to visit this Authority to view the operation of the Performance and Scrutiny Overview Committee. It was agreed that arrangements be made to host this visit on Friday, 12th November, 2004.

(h) Councillors Stonebridge and Hussain reported on the success of Local Democracy Week, 18th to 24th October, 2004, which had involved working with young people.

(i) Councillor Stonebridge reported that the I&DeA was now offering a range of support and opportunities in respect of the development of Elected Members.

(j) Councillor Stonebridge encouraged Members to view the user-friendly Forward Plan published by Halton Borough Council.

57. CALL-IN ISSUES

There were no formal call in requests.