

## **CABINET MEMBER FOR HOUSING AND NEIGHBOURHOODS**

**Venue: Eric Manns Building,  
45 Moorgate Street,  
Rotherham S60 2RB**

**Date: Wednesday, 31st March, 2010**

**Time: 10.00 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 (as amended March 2006).
2. To determine any item which the Chairman is of the opinion should be considered later in the agenda as a matter of urgency.
3. Dog Control Orders - Review of Stray Dog Arrangements (Pages 1 - 7)
4. Proposed Changes to the Board of 2010 Rotherham Ltd (Pages 8 - 25)
5. Empty Property Update (Pages 26 - 42)
6. 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 item of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 3 of Part I of Schedule 12A to the Local Government Act 1972 (information relating to the financial/business affairs of any person (including the Council)).
7. Housing Revenue Account 2010/11 (Pages 43 - 48)

<b>ROTHERHAM BOROUGH COUNCIL – REPORT TO CABINET MEMBER</b>
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<b>1.</b>	<b>Meeting:</b>	<b>Cabinet Member for Housing &amp; Neighbourhoods</b>
<b>2.</b>	<b>Date:</b>	<b>29<sup>th</sup> March 2010</b>
<b>3.</b>	<b>Title:</b>	<b>Review of Stray Dog Arrangements</b>
<b>4.</b>	<b>Directorate:</b>	<b>Neighbourhoods and Adult Services</b>

## **5. Summary**

The report provides a review of the Stray Dog arrangements within Housing and Neighbourhood Services with options for the future based on projected costs of service provision, as well as a benchmark of services within the sub region.

## **6. Recommendations**

**That the Cabinet Member for Housing & Neighbourhood Services:**

- 6.1 recognise the ongoing cost of maintaining an out of hours service for a relatively small number of dogs;**
- 6.2 agrees to Option 3 being implemented to amend the arrangements for the out of hours service to a “drop off” out of hours service until 10pm, 7 days per week**

## 7. Proposals and Details

Since the introduction of the legislative changes to remove Police responsibilities for stray dogs in July 2008 and, thereafter, place full duties with the Council there has been a significant increase in the reports of stray dogs made to the Council. This is demonstrated in Table 1 below.

Although there was an increase in the number of service requests in 2008/9 on the previous year, the number of stray dogs that the Council has processed did not increase as much as expected. Initially it was estimated that there would be an increase of about 400 dogs per year, however the actual increase was less than 200 dogs in 2008/9.

The Council has a responsibility under the Environmental Protection Act 1990 to provide a service which can receive stray dogs handed in by the public. It makes no reference to the hours of operation. However to tackle the public safety and health problems caused by stray dogs as well as the concerns residents have, the Council has provided a patrolling dog warden service as a normal service since before the 1990 Act. As an additional service, the Council provided a 24 hour reception facility after the Police ceased providing these services in 2008.

<b>Actions from July – July</b>	<b>2007/8</b>	<b>2008/9</b>	<b>2009/10 (projected)</b>
Service Requests made to Community Protection	1472	1772	1532
Dogs Seized and processed by RMBC	344	592	528
Dogs Seized and processed by Police	394		
Of these, taken to RMBC out of hours (OOH) kennels and collected by 10pm		173	182
Of the total number of dogs seized, the number left in out of hours cabin after 10pm and before 8am.		5	9
<b><u>Total seized in the Rotherham Area</u></b>	<b><u>738</u></b>	<b><u>592 (20% less)</u></b>	<b><u>528 (11% less)</u></b>

*Table 1: Number of dogs handled 2007-8 and 2008-9*

In the table above, it can also be seen that the projected year end figures for the number of dogs seized by the Council in 2009/10 fell again by 11% as well as a decrease in complaints by 13.5%. With regards to the out of hours provision, there has been an increase of 5% in the projected numbers of dogs received out of hours up to 10pm and taken to our contracted kennels. This demonstrates that there is still a demand for the out of hours provision, however after 10pm there is only a small number of dogs left in the out of hours cabin.

When comparing the service with other neighbouring Councils, Rotherham provides the most comprehensive stray dog out of hours service in South Yorkshire. Doncaster Council only provides a reception facility at its contracted kennels in Doncaster, which are operated privately. Barnsley Council does not provide any out

of hours service. Sheffield City Council owns and operates its own Stray and re-homing kennels as a business which operates outside office hours due to very large demand (which has no spare capacity).

In 2008/09, there was an increase to the Stray Dog budget of £10,000 per year which was funded by a dedicated increase in the Revenue Support Grant to cover the changes in the legislation which removed the Police from the process of dealing with stray dogs.

This funded 7 additional spaces at the main contracted kennels and an out of hours transit kennel arrangement in Rotherham that is linked via Rotherham Connect and Rothercare Direct to an out of hours service to transfer the stray dogs to Doncaster.

With RMBC's approach to all dogs "seized" being received out of hours there has been an increase in customer demand on the owner of the animal sanctuary where the transit kennel facility is sited. Consequently, there has been a need for re-negotiation regarding the arrangements for on-site customer service, including the time spent by the owner on dealing with dogs out of office hours, and basic dog welfare issues. This has resulted in the introduction of part year service fees for 2009/10 and increased annual leasing cost. The costs are shown in Table 2. The use of the Animal Sanctuary staff for the welfare and cleaning work will free up the Dog Wardens to spend more time patrolling and dealing with stray dogs.

The tables below show the costs for 2009/10 which have been incurred to provide a comprehensive out of hours service, and the projected costs for 2010/11 in section 8 of this report assume a 3% increase in the cost of these services;

	<b>2009/10 costs</b>
Additional contracted kennels (Doncaster) (7 no.)	£5,000
Transit Kennel Land Lease (Rotherham)	£1,040
Transit Kennel Customer & Dog Welfare Services (Rotherham) (8 months)	£2,288
OOH stray dog transfer from Transit to Contracted Kennels	£3,460
<b>Total</b>	<b>£12,288</b>

*Table 2: 2009/10 costs*

Due to increasing costs which are not sustainable in the budget as well as decreasing demand for the service, four options have been assessed. These are set out below.

#### **Option 1 – Continue with current provision in 2010/11**

This option will retain our current out of hours provision and provide a 24 hour service. It will enable us to respond to local needs and deal with dogs quickly and provide a local drop off point for customers. See Table 3 for financial details.

The continuation of this service however has a number of disadvantages and uncertainties for the future. These are:

- The Portacabin design kennels require ongoing maintenance and some additional safety modifications in addition to the costs for renting the site. These are detailed in the next section; however there will be an increased budget pressure of £4033 in 2010/11 if the service continues in its current form with a projected overspend of £6,321. With the current climate it is not possible to fund any of this overspend from existing revenue budgets, and an increase in the budget would be required.
- The use of its current location is not guaranteed as it is on privately owned premises (which was the only suitable site identified in 2007 and no other sites have since been identified).
- The temporary nature of the site provides further uncertainties regarding the acceptability of the site.

Continuing with the current arrangements is not financially sustainable without prioritising an increase for out of hours kennelling of £6,400 in 2010/11 reducing to an additional £4,800 in 2011/12.

### **Option 2 – Remove all out of hours stray dog services.**

This option would restrict customer access to stray dog services to office hours, Monday to Friday. Customers would be able to arrange for a Dog Warden to collect Stray dogs from premises, or be advised not to apprehend dogs themselves if they cannot keep them until a Dog Warden can attend.

The increased provision of kennels at our contracted Kennels would need to continue to ensure we can meet the increased demand since the Council took sole responsibility for Stray Dogs, and various scripts within Rotherham Connect would need to be amended. Accordingly Table 4 shows an estimated saving of £1,350 (from the £10,000 additional allocation in 2008/09) on the anticipated cost of the full service in 2010/11, which would increase to an estimated saving of £4,695 in 2011/12.

The disadvantages of this option are:

- There would be no weekend provision and nowhere for the public to take dogs themselves
- There would be an increase in the number of complaints about stray dogs as there will not be any provision to store and collect them at weekends.
- There is likely to be increased pressures on the Dog Warden staff to respond to all the complaints and reports of Stray Dogs.
- Partner agencies such as the RSPCA and the Police would not be able to ensure any stray dogs are secured outside normal Council office hours.

**Option 3 – Adjust the service to providing a reception facility at the Councils contracted Kennels.**

This option will enable the Council to make a saving of £6,471 on the projected expenditure for 2010/11 as compared with Option 1, and will enable the service to be delivered within the additional £10,000 budget. This can be seen in Table 5 and these savings will be repeated in 2011/12 to reduce the total cost of the out of hours provision to only £6,568. The service would operate out of office hours from 8am until 10pm, Monday to Sunday, with enquiries being directed through the Councils main telephone numbers, where a reference number would be provided for the customer to contact the Kennels. Alternatively members of the public would be told if they wish they can keep the dog until the Dog Warden is on Duty. The RSPCA and other external partners would still have a drop off point for stray dogs that they happen to deal with. Bearing in mind the low demand for out of hours kennelling after 10pm, and the increasing costs of operating the service to maintain 24 hour provision, this option may be the most appropriate.

The disadvantages of this service are:

- customers would have to take stray dogs directly to our Kennels at Hampole, near Doncaster out of office hours. This is an average round trip of 30 miles. Alternatively they could keep the dog until the next working day when it could be collected by the Warden.
- Some dogs may be released or not held by customers and therefore be allowed to continue to roam the streets.
- After 9.30pm (bearing in mind the travelling time to Hampole), there would be nowhere for a stray dog to be taken by members of the public.

**Option 4 – Stray dog collection service out of hours by a private kennelling company.**

This has the ability for customers to have dogs collected from their own property up to 10pm (no calls responded to after 9pm), however there would be no service provision overnight until 8am. There are no savings associated with this option, as a very competitive quote by our current kennelling provider would result in a total cost of £15,700 in 2010/11 and £12,567 in 2011/12 onwards. The advantage of this service however is the lack of an ongoing asset liability and a simple commercial relationship with one kennelling provider.

**8. Finance**

The cost of the out of hours service for 2009/10 is £12,288. This is set against a provided budget of £10,000 the £2,288 part year pressure being absorbed by the revenue budget in 2009/10, however this not something which is sustainable. Below are the tables detailing the finance issues and projections for the 4 options.

**Table 3 Option 1 – Continue with the current arrangements**

	2010/11	2011/12
Additional contracted kennels (Doncaster) (7 no.)	£5,150	£5,305
Transit Kennel Land Lease (Rotherham)	£1,072	£1,104
Transit Kennel Customer & Dog Welfare Services (Rotherham) (Full 12 months)	£3,535	£3,641
OOH stray dog transfer from Transit to Contracted Kennels	£3,564	£3,671
Annual maintenance costs (repairs/painting) of out of hours cabin (estimated)	£1,000	£1,000
Modifications to the electrical and solar power system for safety reasons	£2,000	
<b>Total</b>	<b>£16,321</b>	<b>£14,721</b>

**Table 4 Option 2 – No out of hours service**

	2010/11	2011/12
Additional contracted kennels only (Doncaster) (7 no.)	£5,150	£5,305
Est. Administrative changes (RBT charges) within Rotherham Connect in 2010/11 only	£3,000	
Disposal of Cabin	£500	
<b>Total</b>	<b>£8,650</b>	<b>£5,305</b>

**Table 5 Option 3 – Stray Dog Drop off at Contracted Kennels**

	2010/11	2011/12
Additional contracted kennels only (Doncaster) (7 no.)	£5,150	£5,305
Stray Drop off point at Hampole Kennels out of hours by the public	£1,200	£1,263
Est. Administrative changes within Rotherham Connect in 2010/11 only	£3,000	
Disposal of Cabin	£500	
<b>Total</b>	<b>£9,850</b>	<b>£6,568</b>

**Table 6 Option 4 – Stray collection by Contracted Kennels**

	2010/11	2011/12
Additional contracted kennels only (Doncaster) (7 no.)	£5,150	£5,305
Pick up service out of Hours by current kennelling provider to customer addresses taking calls up to 9pm through Rotherham Connect (150 dogs per year; £47 call out including mileage)	£7,050	£7,262
Est. Administrative changes within Rotherham Connect in 2010/11 only	£3,000	
Disposal of Cabin	£500	
<b>Total</b>	<b>£15,700</b>	<b>£12,567</b>

## 9. Risks and Uncertainties

The current holding kennel facility in Rotherham does not have a guaranteed future as we do not own the site and do not have a long term lease. Some operational difficulties exist but are being accommodated e.g. the use of solar energy for lighting and hot water.

There is a risk to the reputation of Rotherham Council, as the provision currently in place is the most comprehensive in South Yorkshire, and this has been praised by the RSPCA.

Continuing with the current arrangements is not financially sustainable without an increase in the budget for out of hours kennelling by £6,400 in 2010/11 reducing to an additional £4,800 in 2011/12.

There are no National Indicators or local Performance Indicators relating to Stray Dogs, however there is a risk that a reduction in the service provision could impact in the public's perception of how well the Council and partners are dealing Crime and Anti-Social Behaviour under the Place Survey (NI 1).

## 10. Policy and Performance Agenda Implications

The Clean Neighbourhoods and Environment Act strengthen the tools and powers that are key for safer and cleaner neighbourhoods. In doing so addressing the issues that are often a signal for the well being and perceptions of safety in communities will address the "Safe" priority in both the Community Strategy and Corporate Plan.

The Policy has clear linkages to the seven outcomes of the Outcomes Framework for Social Care, and importantly includes:

- ***Freedom from Discrimination or Harassment***, by supporting those who need social care having equal access to services without hindrance from discrimination or prejudice; people feel safe and are safeguarded from harm

## 11. Background Papers and Consultation

- Enviro-crime Strategy
- Clean Neighbourhoods and Environment Act 2005
- Environmental Protection Act 1990
- Guidance on Stray Dogs, DEFRA, October 2007

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1.	Meeting	CABINET MEMBER FOR HOUSING AND NEIGHBOURHOODS
2.	Date	31st March 2010
3.	Title	Proposed Changes to the Board of 2010 Rotherham Ltd
4.	Directorate	Neighbourhoods and Adult Services

## 5. Summary

The previous Board Chair resigned in December 2009, and as none of the other current Board Members was willing to replace the Chair, it was agreed by Board in February 2010 that an independent chair should be appointed and that remuneration would be offered. This was considered further by a specific 'task and finish' group consisting of Board members and senior officers of 2010 Rotherham Ltd, and 2010 Rotherham Ltd has prepared a report (attached as appendix 1) that sets out the detailed proposals of this group. These are summarised in the recommendations below. The purpose of this covering report is to highlight the key issues for Cabinet Member's consideration.

## 6. Recommendations

That Cabinet Member:

- a) **Authorises the ALMO to appoint an independent Chair for the Board of 2010 Rotherham Ltd**
- b) **Approves remuneration of £9,000 per annum for the position of Chair.**
- c) **Agrees that the leaseholder position should remain vacant, pending the outcome of recommendation (e).**
- d) **Agrees the required changes to the Articles of Association to enable the recommendations above to be implemented.**
- e) **Notes the proposal to review the make-up of the Board and agrees to receive a paper on this at a future meeting.**

## **7. Proposals and details**

2010 Rotherham Ltd's proposals are as follows:

- To recruit an independent person to the vacant position of Board Chair, in addition to the current Board membership. The total membership would therefore be 15 members plus the Chair.
- To remunerate the Chair of the Board, in order to attract the necessary set of skills and to establish a clear framework for what is expected of the Chair (see appendix 2 – draft job description and person specification).
- To pay the Chair at a rate of £9K per annum, following benchmarking with three-star ALMOs that have similar levels of stock and turnover. This will be paid from the ALMO's existing resources.
- To make the necessary changes to the Articles of Association (these are set out in detail in 2010 Rotherham Ltd's report – appendix 1).
- To allow the leaseholder position on the Board to remain vacant, as further changes to the Board may be proposed (see below).

Cabinet Member is asked to approve the proposals above.

2010 Rotherham Ltd's task and finish group is considering additional changes, and a further report will be provided to Cabinet Member once the detailed proposals have been developed and approved by the new Board Chair and Board. These are:

- To review the size of the Board (with a view to reducing the number of members).
- To consider remuneration for all Board members.
- To develop a clear scheme of delegation detailing the powers of the Board, Committees, and Chairs (of the Board and Committees) to complement the scheme agreed by the Council and the ALMO in 2008.

## **8. Financial implications**

Both the cost of the recruitment process and the payment of £9K per annum to the Chair will be met from the ALMO's existing resources. If consideration is given at a later stage to paying other Board Directors, resource implications will be discussed between 2010 Rotherham Ltd and RMBC.

## **9. Risks and uncertainties**

The risk of not appointing a chair is that the Board may lose focus at an important time in the company's development, thus reducing the Council's and customers' confidence.

## 10. Policy and Performance Agenda Implications

Strong leadership and governance arrangements will be essential to directing 2010 Rotherham Ltd through significant challenges over the coming year:

- Delivery of the improvement plan
- Externalisation of the repairs and maintenance service
- Reconfiguration of the organisation's delivery plan and structure to focus on core housing management services
- Delivering excellent asset management planning services to ensure the Decent Homes Standard is achieved by December 2010 and maintained in the future
- Implementation of new Tenant Services Authority Standards

The changes proposed in this report should have a significant positive impact on leadership and governance.

## 11. Background papers and consultation

### Appendices

Appendix 1: 2010 Rotherham Ltd report's: *Appointment of Independent Chair and Associated Governance Issues*

Appendix 2: Draft job description and person specification for the ALMO Board Chair

### Consultation

- 2010 Rotherham Ltd consulted the Board, RotherFed, and RMBC's Director of Housing and Neighbourhoods in developing these proposals.
- RMBC Legal Services have been consulted on and approved the proposed changes to the Articles of Association.
- If payment of the Board Chair is approved, it will be necessary to formally notify Communities and Local Government.

### **Contact name**

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## Report of 2010 Rotherham Ltd

<b>MEETING:</b>	<b>Cabinet Member for Housing and Neighbourhoods</b>
<b>DATE:</b>	<b>31st March 2010</b>
<b>TITLE OF REPORT:</b>	<b>Appointment of Independent Chair and Associated Governance Issues</b>
<b>ACTION REQUIRED:</b>	<b>For Decision</b>
<b>FINAL DECISION TAKING BODY:</b>	<b>Cabinet Member for Housing and Neighbourhoods</b>
<b>CLASSIFICATION:</b>	<b>To be advised</b>
<b>RECOMMENDATION(S):</b>	<p><b>Cabinet Member is recommended to:</b></p> <ol style="list-style-type: none"> <li><b>1. authorise the ALMO to seek the appointment of an independent Chair for the Board of 2010 Rotherham Ltd;</b></li> <li><b>2. approve remuneration of £9,000 per annum for the position of Chair;</b></li> <li><b>3. agree to the position of leaseholder on the Board remaining unfilled pending the outcome of recommendation (5);</b></li> <li><b>4. agree the required changes to the Articles of Association to enable the recommendations above to be implemented; and</b></li> <li><b>5. note the proposal to review the make-up of the Board and agree to receive a paper on that subject at a subsequent devolved powers meeting.</b></li> </ol>
<b>REPORT AUTHOR AND CONTACT DETAILS:</b>	<p>Name: Teresa Butler          Job Title: Director of Business Support          Tel: 334373          Email address: <a href="mailto:Teresa.Butler@2010rotherham.org">Teresa.Butler@2010rotherham.org</a></p>
<b>EXECUTIVE SUMMARY:</b>	<p>This report develops the proposals of a Task and Finish Group to address a number of governance issues within the company.</p> <p>Of most urgency is the appointment of a Chair following the resignation of the previous incumbent in December 2009. The Articles of Association currently require Board Members to appoint a chair</p>

from within their number but none was willing to serve in that capacity. At its February 2010 meeting, the Board agreed an independent Chair should be appointed and remuneration offered. Detailed proposals are given in the body of this report.

In the medium term, it was agreed to review the make-up and size of the Board.

**IMPLICATIONS:**

**CONSULTATION:**

General consultation is not required on the issues for decision in this paper as they are for the company to determine. Communities and Local Government must be informed if any non-executive director of an ALMO is to be remunerated; that will be done if approved. The proposals have been discussed with the Council's client representative and also with RotherFed.

**ENVIRONMENTAL:**

There are no significant environmental implications arising from this report.

**EQUALITIES/DIVERSITY:**

Equalities & diversity issues will be taken into account in the search for suitable candidates for the position of Chair of the Board. E&D statistics are collected annually to compare representation against the profile of the communities we serve.

**FINANCE AND VFM:**

Details of the costs associated with the proposals are given in the body of the report. The proposed process for identifying and selecting a Chair has previously demonstrated value for money in the recent recruitment of three independent Board members whereby payment was a minimal "finders fee" plus payment by results, i.e. suitable candidates appointed.

**HEALTH & SAFETY:**

There are no H&S implications arising from this report.

**LEGAL:**

The Memorandum and Articles of Association, lodged at Companies House, govern the powers and conduct of 2010 Rotherham Ltd. If recommendations (1) and (3) are approved, the Articles will need to be changed before implementation, hence recommendation (4).

**PERSONNEL:**

There are no personnel implications.

**RISK:**

Good governance is critical if the ALMO is to be recognised as an excellent provider of services; effective chairmanship of the Board is an essential element of robust governance arrangements. The risk of not appointing a chair is that the Board may lose focus at an important time in the company's development, thus reducing the Council's and customers' confidence.

**1. Introduction**

This paper sets out a number of proposals to ensure strong governance of 2010 Rotherham Ltd. In particular, it proposes the appointment of and remuneration for an independent chair of the Board.

**2. Background**

2010 Rotherham Ltd is a company limited by guarantee without shareholding, registered at Companies House. The sole member of the company is the Council, represented by the Cabinet Member for Housing and Neighbourhoods. The Articles of Association set out how many members should be on the board and how they are appointed, including the Chair. Any payments to non-executive directors (i.e. Board members) must be authorised by the Member.

Non-executive directors (NEDs) are responsible for the governance of organisations in all sectors, ranging from financial institutions through public quangos to social and community enterprises. Some are well paid for their services, others are voluntary.

**3. Proposals and Rationales**

*3.1 Direct Appointment of the Chair of the Board*

In order to secure an effective Chair of the Board it is proposed to recruit an independent person directly to that office. The Chair will be a member of the Board in addition to the standing members. The reasons for so doing are:

1. No director currently on the Board is willing to serve as Chair
2. External recruitment can be undertaken in a relatively short timescale and at reasonable cost
3. The Audit Commission has cited Berneslai Homes' governance arrangements as good practice, including the direct appointment of the Chair
4. Applying robust recruitment processes to the selection and appointment to the position of Chair gives clarity to the qualities expected of the candidate and the responsibilities to be discharged.

Recently, 2010 Rotherham Ltd appointed three independent Board members who were selected by an agency (NRG) applying the principles of executive search to

NEDs, generating a long list for review by the ALMO and a shortlist of six high calibre candidates for interview by the Board and CEO. It is proposed to use the same agency to seek out potential candidates for the position of Chair. Clear criteria in terms of knowledge, skills and experience will be set out based on a review of NED Awards winners. That report: "What makes an outstanding board chairman?", published in *Corporate Governance: An International Review* in 2007 identified the key competencies as being:

- ✓ a high level of integrity
- ✓ high ethical standards as shown in the individual's own behaviour
- ✓ ability to provide a lead on corporate governance matters
- ✓ promotion of investors' (stakeholders') confidence and return on investment
- ✓ mentoring skills to develop and advise colleagues on the board
- ✓ effective team building abilities
- ✓ empathy towards others, encouraging contributions from all NEDs
- ✓ critical thinking to challenge and probe NEDs and executive management.

### 3.2 *Remuneration for the Chair of the Board*

At present, Board members of 2010 Rotherham Ltd receive only reimbursement of expenses for their service, direct remuneration is not paid. That position has been reviewed periodically since the establishment of the ALMO: in 2008 and again in 2009. On the first occasion it was agreed by the Board that remuneration should not be made to any member of the Board and so did not put it forward to the Cabinet Member for Housing and Neighbourhoods, with whom the decision rests. Last year, Tribal Consulting Group was appointed to review remuneration of Board members at other ALMOs, including payments to Chairs.

The Housing Corporation (now Tenant Services Authority) introduced payment for NEDs in housing associations in 2003. In the ALMO guidance published in 2004 (and revised October 2005), payment was extended to ALMOs using the same principles. Take up in the ALMO sector has been slower than in housing associations but is accelerating – recent enquiries of the ALMO governance e-network confirms a number of ALMOs are now actively considering payment for NEDs. Those who favour payment suggest it will:

- ✓ help attract more skilled NEDs willing to carry out more onerous duties and commitments
- ✓ make it easier to introduce more challenging good governance tools such as individual appraisal
- ✓ increase attendance
- ✓ create a clearer framework for dealing with NEDs who are not performing effectively
- ✓ establish a clear agreement as to what is required of the Chair, e.g. in reviewing the performance of the CEO and that of Board members.

The research by Tribal Consulting Group in 2009 revealed the following levels of payment to board members:

<b>Annual turnover</b>	<b>Remuneration to Chair of the Board (£)</b>
Less than £3m	0
£3m - £6m	6,350
£6m - £12m	6,750
£12m - £25m	7,500
£25m - £50m	10,000
£50m - £100m	12,000
Over £100m	20,000

The rates given in the table generally tally with information provided through networking and scanning trade papers. For example, Berneslai Homes manages a similar number of properties to 2010 Rotherham Ltd and pays its Chair £8,913; Sheffield Homes pays £10,000 (both are 3-star ALMOs). The highest payment identified was £19,000 for 30 days' service per year at a Housing Association group with a turnover of £41m.

It is therefore proposed to offer the Chair of the Board an annual remuneration of £9,000 plus out of pocket expenses. The Chair would have a job description specifying their responsibilities and would be required to sign an agreement similar to a contract of employment. A draft job description and person specification is attached to this report.

### *3.3 Position of Leaseholder Representative on the Board*

Clause 13.8 of the Articles of Association requires the company to use reasonable endeavours to appoint further board members should the numbers fall below 15 in total. This provision would apply to the vacancy created by the resignation of the Chair who was the leaseholder representative on the Board.

At the time of the leaseholder election, in the summer of 2009, the only nomination received from the 428 leaseholders was for that person, indicating a lack of willingness to come forward as a formal representative on the Board of the ALMO.

That, together with the intention, outlined below, to review the size and composition of the Board later this year, leads to the proposal not to seek to make an appointment in this instance. The proposed change to that clause given in section 3.4.1 of this report includes provision for this course of action.

### *3.4 Changes to the Articles of Association*

If the proposals above are supported, it will be necessary to amend the Articles of Association lodged with Companies House before they can be implemented. The specific changes are detailed below.

#### *3.4.1 For the Direct appointment of the Chair person and with regard to the Leaseholder vacancy*



In order to directly appoint a chair in addition to the current Board membership, clauses 13 and 33 require changing. The proposed revision to 13.8 (which becomes 13.9) would enable the Board to defer seeking an appointment to fill the leaseholder vacancy. The current and revised clauses are given below.

Current clause 13:

- (1) The number of Board Members shall be fifteen.
- (2) Five Board Members shall be Council Board Members.
- (3) Four Board Members shall be Tenant Board Members.
- (4) One Leaseholder Board Member.
- (5) Five Board Members shall be Independent Board Members.
- (6) No more than seven Board Members shall be Tenants.
- (7) No more than seven Board Members shall be Local Authority Persons.
- (8) In the event that the number of Board Members shall be less than the numbers specified in this Article 13 the remaining Board Members shall use reasonable endeavours to appoint further Board Members and may act notwithstanding this Article.
- (9) The First Board Members shall be those persons named in the statement delivered pursuant to Section 10(2) of the Act who shall be deemed to have been appointed under the Articles. Future Board Members shall be appointed as provided in the Articles.

Proposed revised clause 13 (material changes are in bold):

- (1) The total number of Board Members shall be **sixteen: fifteen ordinary members plus one Chair person.**
- (2) Five Board Members shall be Council Board Members.
- (3) Four Board Members shall be Tenant Board Members.
- (4) One Board Member shall be a Leaseholder.
- (5) Five Board Members shall be Independent Board Members.
- (6) **One further Independent Board Member shall be Chair of the Board.**
- (7) No more than seven Board Members shall be Tenants.
- (8) No more than seven Board Members shall be Local Authority Persons.
- (9) In the event that the number of Board Members shall be less than the numbers specified in this Article 13 the remaining Board Members shall use reasonable endeavours to appoint further Board Members and may act notwithstanding this Article. **Permission of the Member of the Company may be sought to not endeavour to appoint further Board Members immediately in specified circumstances.**

- (10) The First Board Members shall be those persons named in the statement delivered pursuant to Section 10(2) of the Act who shall be deemed to have been appointed under the Articles. Future Board Members shall be appointed as provided in the Articles.

Current clause 33:

- (1) At the first Board Meeting following each annual general meeting the Board Members shall appoint one of their number to be the chairman of the Board to hold office until the next annual general meeting and may at any time remove him from that office.

Proposed revised clause 33 (material changes are in bold):

- (1) **The Chairman of the Board shall be an independent person appointed by the Member of the Company (or their nominated representative) and three ordinary members of the Board, one from each sector: tenant, Council and independent representatives. The term of office shall initially be for two years at which time the appointment shall be reviewed.**

#### *3.4.2 For remuneration to be offered to the Chair of the Board*

For remuneration to be offered to the Chair of the Board it will be necessary to supplement clause 26 of the Articles as shown in bold below.

#### **BOARD MEMBERS' EXPENSES & CHAIR'S REMUNERATION**

- 26 The Board Members may be paid all travelling, hotel, and other expenses reasonably and properly incurred by them in connection with their attendance at meetings of the Board or committees of the Board or general meetings or otherwise in connection with the discharge of their duties and such other sums as may be determined by the Council Member PROVIDED THAT no sum shall be paid to a Board Member in excess of that which would be permitted to be paid to a board member of a social landlord registered under the Housing Act 1996 and PROVIDED FURTHER THAT no sum shall be paid to a Board Member who is an elected member of the Council Member in excess of that permitted by the Order. **Additionally, the appointed Chair of the Board shall be remunerated at a rate to be determined by the Council Member.**

#### *3.5 Other proposals to strengthen governance*

The Task and Finish Group also recommended the following:

1. Review the size of the Board with a view to reducing the number of members and representation of sectors of interest
2. Consider remuneration for all Board members
3. Develop a clear scheme of delegation detailing the powers of the Board, Committees, and Chairs (of the Board and Committees) to complement the scheme agreed by the Council and the ALMO in 2008.

When the Board was appraised of the group's proposals it was agreed the appointment of a Chair and consideration of remuneration for that position should take priority and be progressed with some urgency. It was also agreed the remaining issues should then be considered in the order given above. Papers will be presented to the Board of 2010 Rotherham Ltd and, if supported and required, to the Cabinet Member for Housing and Neighbourhoods later in the year.

### **Recommendations**

#### **Cabinet Member is recommended to:**

1. **authorise the appointment of an independent Chair for the Board of 2010 Rotherham Ltd;**
2. **approve remuneration of £9,000 per annum for the position of Chair;**
3. **agree to the position of leaseholder on the Board remaining unfilled pending the outcome of recommendation (5);**
4. **agree the required changes to the Articles of Association to enable the recommendations above to be implemented; and**
5. **note the proposal to review the make-up of the Board and agree to receive a paper on that subject at a subsequent delegated powers meeting.**



TURNING HOUSES INTO HOMES

## **CHAIR - JOB DESCRIPTION**

### **Purpose of the Role**

The Chair is the public face of 2010 Rotherham Ltd and is responsible for its leadership and for giving direction, clarity and impetus to its strategies and policies. In carrying out his/her duties the Chair should always remember that he/she is acting on behalf of the Board, and not in isolation.

### **Main Responsibilities**

- Ensures the efficient conduct of the Board's business.
- Leadership of the Board, ensuring its effectiveness on all aspects of its role and ensuring it maintains a focus on strategic issues. Manages the Board meetings to allow sufficient time for discussion of complex or contentious issues.
- Ensures that all Board members are given the opportunity to express their views before any important decision is taken and that appropriate standards of behaviour are maintained in accordance with the Code of Conduct for Directors, approved by the Board.
- Establishes a constructive yet challenging working relationship with the Chief Executive, providing support and advice and ensuring that the Board as a whole acts in partnership with executive management.
- Ensures that the Board delegates sufficient authority to its committees, the Chair, the Chief Executive and others to enable the business of the company to be carried on effectively between meetings of the Board. Also ensures that the use of these powers is monitored by the Audit & Governance Committee.
- Ensures that the Board receives professional advice when it is needed, either from its senior staff or from external sources.
- Promotes the highest standards of corporate governance and ensures that the company complies with the requirements of Companies House and relevant recommendations of the Tenant Services Authority.
- Representing and actively promoting the company externally and understanding the views of its members and major stakeholders.

- Takes decisions delegated to the Chair with the advice of the Chief Executive and, where appropriate, in consultation with other Board members.
- Ensures that the Board makes proper arrangements to appraise the performance of the Chief Executive and to determine the remuneration of the Chief Executive and other senior staff.
- Ensures, when necessary, that replacement of the Chief Executive is undertaken in a timely and orderly fashion.
- Ensures that the performance of the Chair, individual members and the Board as a whole is evaluated regularly.
- Takes the lead in providing a properly constructed induction of all new Board members and in identifying the development needs of existing Board members with a view to enhancing overall effectiveness as a team.
- Builds an effective and complementary Board, initiating change and planning succession in Board appointments, subject to Board approval.
- Ensures that the levels of any agreed Board member remuneration or reimbursement of expenses result from approved processes that minimise the potential for conflicts of interest.
- Develops and maintains effective working relationships with the Chairs of Committees.
- Agrees the role of the Vice-chair.
- Promotes the company's vision and values both internally and externally.

## **CHAIR – PERSON SPECIFICATION**

### **Essential Abilities**

- Ability to chair/co-ordinate the development and delivery of a complex agenda.
- Ability to manage meetings to time, ensuring agenda items have received appropriate discussion and decisions are clear. Strives to achieve consensus.
- Ability to motivate/inspire groups of different stakeholders towards common goals.
- Ability to build good relations with and earn the confidence of Board members.
- Ability to build good relations with and earn the confidence of different communities and stakeholders.
- Ability to create openness, transparency, clarity and trust between members of the Board and between the Board and the Chief Executive and senior management.
- Ability to see the long term perspective when discussing issues.
- Ability to be creative in generating and recognising new ideas and solutions.
- Politically aware and sensitive to the environment in which the company operates.
- Ability to make sensible decisions and to encourage others to consider all the facts.
- Ability to promote effective relationships and open communication; ensures all Board members are encouraged to express their views.
- Ability to demonstrate integrity, by focusing on key issues and taking responsibility for decisions taken by the Board.
- Ability to promote, by example, the company's values.
- Ability to communicate effectively at all levels.

## **Desirable Abilities**

### ***Skills and Experience***

- Planning - experience of formulating and developing corporate plans.
- Use of Resources - understanding of the efficient and effective management of an organisation's financial, human and other assets.
- Networking - ability to operate effectively and easily with other organisations and with a reputation for credibility and authority.
- Strategic Awareness – is aware of the various factors which determine the company's opportunities and threats.
- Financial Acumen – is able to analyse financial information and identify implications of decisions.
- Contextual Awareness – is aware of the environment in which the company operates and of the likely impact of Board decisions.
- Change Orientation – is aware of, and responsive to, the need to change; encourages new initiatives and the implementation of new policies, structures and practices.
- Customer Orientation – is aware of the impact of decisions on customer service; has clear "customer insight" and understands the differing needs of customers.
- Housing Sector – experience of operating at Board level within a housing organisation, preferably but not necessarily an ALMO.

### ***Decision Making***

- Thinking – probes facts, challenges assumptions, identifies the advantages and disadvantages, and ensures discussions are penetrating.
- Decisiveness – shows a readiness to take decisions and action.

### ***Leadership***

- Articulate – speaks clearly and concisely. Ensures decisions are reached and clearly understood.
- Openness – readily shares information with others; encourages others to challenge point of view and provides a positive response when challenged.

- Continuous Improvement – encourages change and improvement, establishes processes to monitor and improve Board performance.
- Core Values – operates within the core values of the company by leading by example.

### ***Business, Financial & Community Awareness***

- Analysis & Use of Information – is conscious of the need for the Board to have reliable information, in sufficient detail, on which to make decisions. Is numerate and able to identify problems.
- Financial – is financially literate and able to contribute effectively to financial decisions.
- Community Awareness – has an understanding of the social and economic issues pertaining in the areas in which the ALMO operates.
- Risk Acceptance – is aware of risk management policies and processes and is willing to consider taking action that involves calculated risk in order to achieve a desired business benefit or change.
- Business Practice – has a good knowledge of business practice.
- Monitor Overall Business Performance – able to monitor performance in respect of plans/controls.
- Governance – is conversant with the six principles of good governance in the public sector; with the requirements of Companies House and the emerging standards of the Tenant Services Authority.
- Equality & Diversity – understands equality and diversity issues and the importance of using customer profile information when shaping services.

### ***Personal Attributes***

- Motivation and Drive – inspires others to achieve by showing commitment, enthusiasm, encouragement and support.
- Integrity – is truthful and trustworthy, displays a high level of business ethics and demonstrated Nolan's principles of public service.
- Presence – makes a strong positive impression on first meeting and is able to represent the company with its customers and stakeholders.
- Persuasiveness – through constructive argument and debate persuades others to give their agreement and commitment and, in the face of conflict,



uses personal influence to achieve consensus, agreement or accommodation.

- Tenacity – stays with a position or plan of action until the desired objectives are achieved or require adaptation.
- Loyalty – constant in trust and obligation to the company.

DRAFT

## (NOLAN) PRINCIPLES OF PUBLIC LIFE

The Chair and Board Members will be expected to operate in accordance with the following 'Nolan' principles of Public Life.

In 1995, the Committee on Standards in Public Life defined seven principles, which should underpin the actions of all who serve the public in any way. These are:

**Selflessness** Holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or other friends.

**Integrity** Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.

**Objectivity** In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

**Accountability** Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

**Openness** Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

**Honesty** Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

**Leadership** Holders of public office should promote and support these principles by leadership and example.

<b>ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS</b>
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<b>1.</b>	<b>Meeting:</b>	<b>Cabinet Member for Housing and Neighbourhoods</b>
<b>2.</b>	<b>Date:</b>	<b>31st March 2010</b>
<b>3.</b>	<b>Title:</b>	<b>Empty Property Update Report</b>
<b>4.</b>	<b>Directorate:</b>	<b>Neighbourhoods and Adult Services</b>

### **5. Summary**

On the 4<sup>th</sup> January 2010 the Cabinet Member for Housing and Neighbourhoods received an Empty Property Progress Report. Minute No. J112 requested that a more comprehensive progress report should be submitted in March 2010.

This report includes analysis, activity, and the specific actions that the Council and its partners are undertaking to reduce both public and private sector long term voids and includes a draft Empty Residential Property policy which identifies a systematic approach is being used in addressing empty properties Boroughwide.

### **6. Recommendations**

**That the Cabinet Member:**

- **Notes progress and the joint approach being used in addressing both public and private sector long term empty properties**

## **7. Background**

The government set a target nationally (PSA7) that 70% of vulnerable households are to be living in decent homes by 2010. The Council's 2007 Private Sector Stock Condition Survey identified that in Rotherham 75.8% of private sector households do live in decent housing so therefore the target had been met.

There are however, pockets of non-decent private sector housing which add to long term void numbers. Strategic action planning is required and in some areas is already underway, to support further improvement in decency standards.

Further to this and following a review of empty properties by Sustainable Scrutiny Panel; Members raised several areas of concern relating to the level of both Council owned and private sector voids.

Much of the concern related to specific void properties within Member Wards or in specific areas of the Borough and as a previous report, submitted in January 2010, did not fully answer or satisfy these concerns. Members asked that a full comprehensive report be re-submitted in March 2010.

This report details the actions now being taken to address long term empty properties and the issues that can have a bearing on achieving desired outcomes.

### **7.1 Demographic change**

A recent review of current statistics indicates that that the empty homes picture for the Borough is changing and that the mid-year outturn (2009/10) for Rotherham demonstrates that the number of empty properties in the Borough has reduced to 3,881 (3.53%), from 4,273 (3.88%).

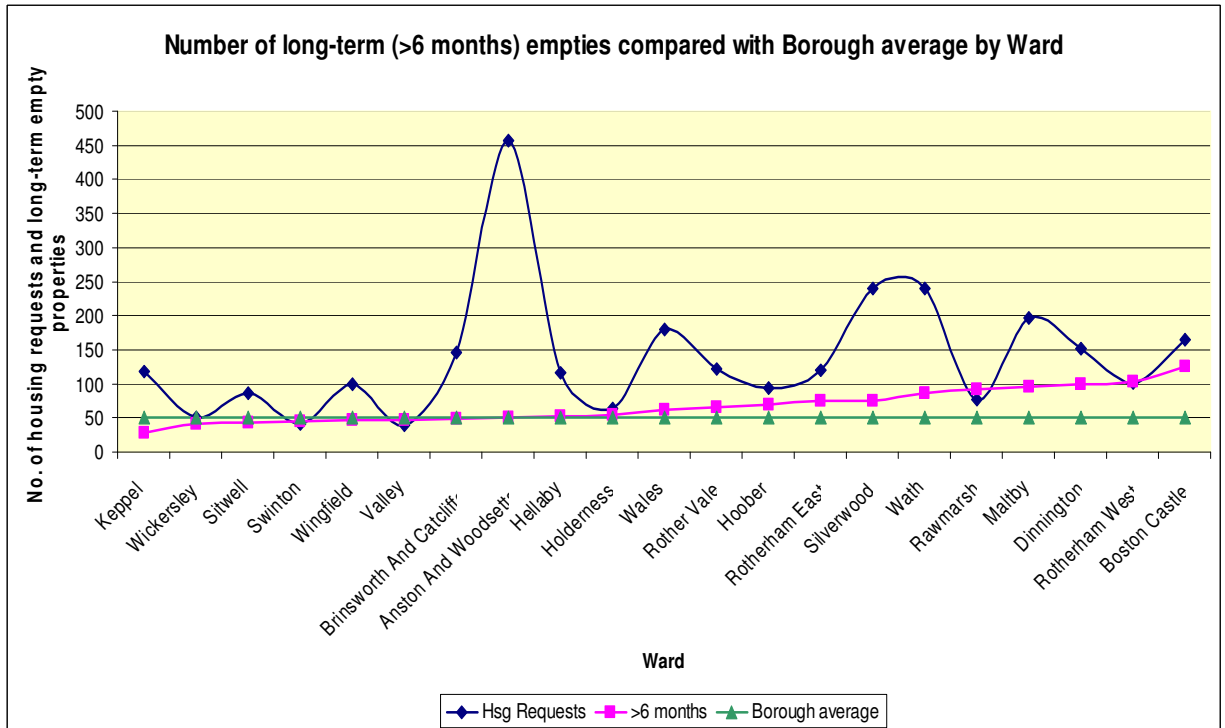
These figures include an amount of short term empty properties (less than 6 months) which are deemed vital to allow the housing market to function effectively and to facilitate both residential mobility and the improvement or redevelopment of the housing stock.

It is recognised and has been identified that there are site specific locations, for instance centrally and in the south of the Borough where high levels of deprivation, crime and private sector landlords does affect the Councils ability to bring private sector properties back into use easily.

Housing demand in these locations is affected by the demographic changes taking place boroughwide and low demand is based specifically around the private sector stock condition and location in many cases.

These areas being targeted are site specific and across tenure; actions are being strategically aligned, using a joined up approach involving Neighbourhood Investment Services, Key Choices, Community Protection Unit and 2010 Rotherham Ltd and other partners

The table below identifies those wards where there has been high demand for housing based on Key Choices monitoring of Choice Based Letting requests and the wards where there are the highest numbers of empty properties and low demand.



The table demonstrates that in the wards Keppel, Wickersley, Sitwell, Swinton, Wingfield, Valley, Brinsworth and Catcliffe, Anston and Woodsetts, and Hellaby, the level of properties vacant for longer than 6 months is at, or below, the Borough average.

The following wards have above Borough average numbers of dwellings vacant for longer than 6 months; these are listed with key issues in the area.

- Holderness                      Vacant new build properties
- Wales                              Vacant non-traditional council stock
- Rother Vale                      New build and private sector rent vacants
- Hooper                              Private sector and Council investment requirements
- Rotherham East                      Private rented sector vacants
- Silverwood                      Vacant new build developments
- Wath                              White Bear estate and vacant new build development
- Rawmarsh                      Bellows Road and major works to some Council stock

- Maltby Braithwell Road Clearance Area
- Dinnington Leicester Road private rented sector vacants
- Rotherham West Kimberworth new build development and private rented
- Boston Castle Canklow Clearance Area and private rented sector

## 7.2 Current Activity

The Council is currently focussing activity cross-tenure, around long term (over 6 month) empty properties, and in doing so has identified site specific target areas of the Borough.

Public and private sector empty properties are being addressed strategically, using a joined up approach, involving NIS, Community Protection Unit, 2010 Rotherham Ltd, Area Regeneration Co-ordinators and Neighbourhood Area Teams.

An Empty Property Steering Group, co-ordinated by NIS has been formed and its primary objective is to achieve:

- A reduction of long term voids,
- Improved void turn around periods in support of area investment programmes and to minimise rental / income loss.
- Targeted enforcement activity in worst affected areas.
- A summary Action Plan to draw activity together and monitor progress.

This will allow the Council to focus action on areas where both private sector and council owned long term voids are an issue, and task specific areas of the service. The Action Plan is attached at Appendix 1.

## 7.3 Monitoring and Outcomes:

### Private Sector

In order to monitor long term empties in the private sector, the Council has retained local indicator BVPI64 (NAS22) and successfully utilised non-statutory initiatives that have contributed towards achieving government targets, such as:

- Key Choices Landlord Accreditation Scheme and
- Key Choices Property Management Service
- KC Housing Solutions Service – assisting with mortgage repossessions
- Demolition
- Registered Social Landlord intervention

The Council also utilises the Community Protection Unit's statutory enforcement powers to educate and advise owners of opportunities to bring private sector empty properties back into use.

The following table shows the private sector outcomes, that is the number of private sector empty properties that have been brought back into use over the last three years; the target figure set for the current year is 135.

<b>Agency</b>	<b>2006/07</b>	<b>2007/08</b>	<b>2008/09</b>	<b>2009/10*</b>
Community Protection Unit	0	45	79	62
Key Choices Property Management	0	31	39	25
Registered Social Landlord Activity	0	0	1	3
Demolition	15	3	3	18
Home Improvement Agency	0	0	0	2
	<b>15</b>	<b>79</b>	<b>122</b>	<b>110</b>

\* Figures are for the first three quarters of the financial year.

### **Public Sector**

Neighbourhood Investment Services are working closely with 2010 Rotherham Ltd to reduce long term voids in the Council's stock. Concentration is on properties vacant for over 16 weeks.

The working group consists of members of the In-House Service Provider (Empty Homes, Decent Homes and Asset Management Teams) and has identified reasons why each property is void and what actions are being taken to resolve this. In general, long term vacant council owned dwellings fall into the following categories:

- Identified as needing a high level of investment
- Awaiting or undergoing major improvement works
- Programme alignment issue such as requirement to carry out structural works prior to decent homes works on non-trad properties.
- Lack of funding
- No or low demand (flats over shops etc)

2010 Rotherham Ltd and NIS have agreed a plan of action relating to 116 long term voids. So far, 27 long term voids have been brought back into use since November 2009 and the overall target has been set to reduce the level of long term voids (over 16 weeks) to 75 by the end of March 2010.

The overall target is to reduce all Council owned voids from over 440 at its peak to 200, to be achieved by the end of March. 2010 Rotherham Ltd is currently on target to deliver this. As at 15<sup>th</sup> February the figure was 287; however continued success may be affected by;

- high termination levels
- adverse weather conditions affecting work programmes
- unforeseen works extending work programmes and
- current advertising procedures linked to bidding processes

## **Public and Private Sector:**

In order to succeed in reducing empty properties and bring homes back into use across the Borough, these public and private sector outcomes have been drawn together.

The Community Protection Unit has led on the production of a draft Empty Residential Property policy that provides a systematic approach and takes into account the recent Public Sector Empty Property Strategy currently managed by 2010 Rotherham Ltd.

### **7.4 Draft Empty Residential Property Policy:**

The draft Empty Residential Property Policy will set out the continuation of a multi-agency approach in addressing empty homes cross-tenure. The following details those approaches and includes progress made during January:

- Using a statutory approach to 'chasing-up' long-term empty properties,
  - Database and reporting procedure established and administration support identified.
  - Letters to landlords and property owners to be sent by end February.
- Develop legislative tools such as Enforced Sale Procedures and Empty Property Management Orders not currently used by RMBC,
  - CPU and Legal have agreed a procedure and the Empty Property Database will trigger enforcement action.
- Promote the private sector housing web pages on the Council web site and increase advertising opportunities,
  - Web page now established – 105 'hits in the first month and 15 e.mail enquiries.
- Consider how financial assistance such as equity based loans and grants to bring properties back into use and achieve decency can be explored,
  - The Council are exploring extension of service provision with Anchor.
- Utilise opportunities to work with key choices in relation to the housing register and help promote private sector opportunity,
  - Key Choices continuing to increase the level of engagement.
- Analysis of housing demand in relation to the location of long-term empty properties within the Borough,
  - Quarterly tracking of data at Ward level now established.
- Identifying additional resources to support initiatives specifically targeted to property type and location,
  - Benchmarking against LAs commenced and best practice captured in the draft Empty Residential Property Policy.
- Aligning interventions and actions with regeneration activity within the more deprived areas of the Borough.
  - Pro-active activity continues in Maltby and Dinnington, and
  - Demolition continues at Maltby, Dalton and Canklow



## **8. Finance**

Funds to enable the demolition of inappropriate private sector housing and RSL renovation projects are met through capital budgets managed by Neighbourhood Investment Services (NIS).

The HIP budget comprises a small element related to bringing back into use void properties. There is no funding allocated for direct capital investment in the areas earmarked for regeneration in the external funding programme, but £400,000 has been budgeted for structural repairs on 25 Council housing dwellings in the 'one off properties' budget.

A small proportion of the Regional Housing Board funding of £108,000 2009/10 and £73,000 2010/11, approximately £36,000, is currently used to provide targeted actions that contribute towards bringing empty properties back into use via the Pro-active Enforcement Team, currently in the designated areas of Dinnington and Maltby; however this funding ends in August 2010.

There are no further funding pots or set budgets identified to support specific empty property management activity. Initiatives, with the exception of pro-active enforcement until August, are currently delivered within existing revenue budgets through Neighbourhoods and Adult Services.

In order to 'step-up' activity to reduce the level of long term empty property in the Borough; or to extend targeted intervention by CPU Officers beyond August 2010, new funding would have to be secured or made available.

In the absence of funding for targeted activity, the emphasis has to be on joined up delivery using existing resources and initiatives identified in the Empty Property Group action plan.

## **9. Risks and Uncertainties**

Failure to reduce the number of empty private sector properties throughout the Borough may have an adverse impact on:

- the Councils CAA rating;
- Target to achieve PSA7 for the private sector by 2010.
- BVPI64 measurement of empty properties brought back into use
- BVPI98 measurement of the percentage of people satisfied with cleanliness and standards
- BVPI199 measurement of street cleanliness.
- Targets contained within the Anti-Social Behaviour Strategy and the overall drive to reduce the fear of crime.
- Support for the Homelessness Strategy – provision of suitable housing.

Uncertainty around the following matters should also be considered:

- Housing Market Renewal (TSY) future funding is not yet determined.

- Regional Housing Board funds are to be reduced for 2010/11 and therefore there is a greater need to work more effectively and ensure value for money is achieved when bringing empty properties back into use.
- Targeted enforcement activity ends in August 2010 after which the posts, in CPU, will not be supported by RHB funding.

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

The works carried out contribute towards the Corporate and cross cutting policy agenda related to Regeneration and in particular the priority for improving and promoting the image of Rotherham.

Empty properties being brought back into use contributes towards our key corporate strategic themes of:-

Rotherham Proud  
Rotherham Safe

The benefits of adopting an Empty Property Policy, when considered within a regeneration context, are as follows;

- An increased supply of affordable housing
- Older properties brought up to a decent standard therefore improving the quality of the housing stock
- Retaining property that is of a Community or architectural value
- Reducing crime and disorder and the fear of crime
- A more sustainable housing market within targeted areas
- Contribute towards a strong, balanced housing market and sustainable neighbourhood

Contribution to the Corporate Assessment – The introduction of an Empty Property Policy helps to demonstrate commitment to tackling non-decency in the private sector (PSA7). PSA7 is a Neighbourhood Renewal Floor target and a responsibility of the LSP. Also, reducing the number of private sector properties empty for more than 6 months contributes towards the CPA rating.

Contribution to BVPI Performance;

- BVPI64 - Private Sector Empty Properties brought back into use
- BVPI98 measurement of the percentage of people satisfied with cleanliness and standards
- BVPI199 measurement of street cleanliness.
- BV212 - Time taken to relet a property
- BV69 - Rent loss through voids.
- PSA7 - Tackling non-decency in the private sector
- NI156 - Number of households living in temporary accommodation
- NI155 - Number of affordable housing units

The Council's refreshed Housing Strategy identifies the need to make best use of the Borough's existing stock and bringing long-term empty properties back into use will contribute towards providing affordable housing of choice and creating sustainable communities.

**11. Background Papers and Consultation**

Draft Residential Empty Property Policy

2010 Rotherham Ltd: Empty Property Strategy and Action Plan

Minute 188 20/04/09 Cabinet Member for Neighbourhoods: Private Sector

Empty Property Policy Progress Report

Minute J112 04/01/10 Cabinet Member for Neighbourhoods: Private Sector

Empty Property Policy Progress Report

**Contact Name:** Tom Bell: Neighbourhood Investment Services. Ext. 4509

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Appendix 1 Empty Property Action Plan (Work in Progress Document):

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**NAS/2010 EMPTY PROPERTY WORKING GROUP**

**TERMS OF REFERENCE**

<b>NAME OF GROUP :</b>	<b>Empty Property Steering Group</b>
<b>ACCOUNTABLE TO :</b>	NIS/2010 Liaison Meeting
<b>PRIMARY PURPOSE :</b>	To establish a baseline detailing the number and status of empty homes across all tenures in the Borough and develop actions/recommendations to ensure that they are brought swiftly back into use. Particular focus will be upon properties owned and managed by the Council.
<b>COMPOSITION OF GROUP :</b>	Programme Manager, NAS Property Investment Co-ordinator, NAS Property Investment Officer, NAS Technical Client Officer, NAS Performance Management Officer, NAS Empty Homes Manager, 2010 Empty Homes Repairs Co-ordinator, 2010 Housing Options Co-ordinator, NAS Housing Options Manager, NAS Private Sector Housing Officer, NAS Community Protection Manager, NAS
<b>IN ATTENDANCE :</b>	Nominated at the meeting
<b>CHAIR:</b>	Programme Manager, NAS.
<b>RESPONSIBILITIES :</b>	To establish a baseline position of empty homes, by tenure, across the Borough  To identify and monitor empty homes exceeding four months (private sector six months) and agree an action plan to bring them back into use.  Report issues and progress to NIS/2010 Liaison meetings and other forums/meetings as required.
<b>SERVICED BY :</b>	Neighbourhood Investment Service
<b>FREQUENCY OF MEETINGS :</b>	Monthly
<b>REPORTING MECHANISM :</b>	To monthly NIS/2010 Liaison Meetings  See attached communication structure.
<b>MINUTES CIRCULATED TO :</b>	Membership group only

## Empty Homes Working Group - Action Plan (March 2010)

	Action	Target/ Completion	Lead officer	Resources	Status	Progress
<b>Empty Homes Working Group</b>						
1.	Establish EH Working Group <ul style="list-style-type: none"> <li>• Membership</li> <li>• Terms of Reference (attached)</li> <li>• Reporting framework</li> <li>• Meeting timetable - monthly until April '10 - quarterly during 10/11</li> </ul>	December 2009	Paul Walsh	Existing NIS	G	<ul style="list-style-type: none"> <li>• Working Group established</li> <li>• Meeting dates set</li> <li>• Draft terms of reference circulated</li> </ul> <b>COMPLETED</b>
2.	Establish sub-groups <ul style="list-style-type: none"> <li>• Membership</li> <li>• Terms of reference</li> <li>• Reporting framework</li> <li>• Meeting timetable</li> <li>• Assign 'ownership' of empty homes to specific sub-group</li> </ul>	December 2009	Paul Walsh	Existing NIS	G	<ul style="list-style-type: none"> <li>• NIS/2010 Empty Homes Group established. Reporting to NIS/2010 Liaison Meeting and EHWG.</li> <li>• Private Sector Working Group Established. Reporting to EHWG.</li> <li>• Standing item at RSL Partnership Forum.</li> <li>• Sub group meetings take place monthly and incorporate adhoc meetings with relevant team members as determined</li> </ul> <b>COMPLETED</b>

	Action	Target/ Completion	Lead officer	Resources	Status	Progress
3.	Private and public sector key outputs: <ul style="list-style-type: none"> <li>• Empty Property Policy update report               <ul style="list-style-type: none"> <li>○ Draft to DLT - 16th March 2010 (deadline 5<sup>th</sup> March)</li> <li>○ Report to Cabinet Member for HNS - 29th March 2010 (deadline 15<sup>th</sup> March)</li> <li>○ Report to Sustainable Communities Scrutiny Panel - 22nd April 2010 (deadline 1<sup>st</sup> April)</li> <li>○ Report to Cabinet (deadline 7<sup>th</sup> May)</li> </ul> </li> </ul>	May 2010 5 <sup>th</sup> March 2010 5 <sup>th</sup> March 2010 15 <sup>th</sup> March 2010 8 <sup>th</sup> April 2010 9 <sup>th</sup> June 2010	Paul Benson, Chris Stone, (Steve Clarke), Sharon Pedersen	Existing NIS, CPU (EHW Group Members) (RHB Funds to support role of Enforcement Officer to produce Empty Property Policy)	G	<ul style="list-style-type: none"> <li>• Overview presentation delivered to Sustainable Communities Scrutiny Panel 10<sup>th</sup> December 2009</li> <li>• Draft report for Cabinet Member HNS completed for DLT approval.</li> <li>• Draft framework produced</li> <li>• Joint working with Legal Services to confirm opportunities for utilising 'new' tools</li> <li>• Support from Director and Elected Members to present a draft Empty Property Policy</li> </ul>
4.	Develop case studies/portfolio of intervention activity by RMBC	31 <sup>st</sup> March 2010	All	Existing NIS, CPU, KCPM, Anchor, 2010	G	<ul style="list-style-type: none"> <li>• Advice and assistance provided to owners and prospective owners to bring empty properties back into use</li> <li>• Examples of owners successfully bringing empty properties back into use have been collated</li> </ul>
5.	Benchmark with other organisations, share good practice and develop best practice approach across all tenures. <ul style="list-style-type: none"> <li>○ Performance</li> <li>○ Actions</li> <li>○ Operational and policy development</li> </ul>	Ongoing	Paul Walsh	NIS, CPU, Performance Management	G	<ul style="list-style-type: none"> <li>• HSSA empty property statistical data captured for Y&amp;H and sub-region 2007/08 &amp; 2008/09</li> <li>• Contractual agreement with Manchester CC to provide support regarding Enforced Sale Procedure</li> <li>• Discussions held with Manchester CC regarding EDMO experiences.</li> </ul>



	Action	Target/ Completion	Lead officer	Resources	Status	Progress
<b>Private Sector Empty Homes</b>						
1.	<p>Establish robust baseline of long-term (&gt;6 months) empty properties = 1,354 properties:</p> <ul style="list-style-type: none"> <li>Private landlords/ managing agents = 69</li> <li>Individual owners = 912</li> <li>Private Sector New Build = 80</li> <li>Other (eg probate, trusts, charities, etc) = 293</li> </ul>	December 2009	Paul Benson	C. Tax data	G	<ul style="list-style-type: none"> <li>Mid year Council Tax data separated into differing tenures and overall figures presented to Cabinet Member and Scrutiny Panel.</li> </ul>
2.	<p>Establish comprehensive tool kit to address empty homes</p> <p>Initiate action to:-</p> <ol style="list-style-type: none"> <li>2.1 Produce an empty dwelling monitoring process (<b>COMPLETED</b>)</li> <li>2.2 Enable Key Choices Property Management to target empty property owners to offer property management service (31<sup>st</sup> March 2010)</li> <li>2.3 Consider using Empty Dwelling Management Orders (31<sup>st</sup> March 2011)</li> <li>2.4 Consider using the Enforced Sale Procedure (31<sup>st</sup> March 2011)</li> <li>2.5 Improve general enforcement activity (31<sup>st</sup> March 2010)</li> <li>2.6 Investigate amending the Council Tax charging regime (31<sup>st</sup> March 2010)</li> </ol>	31 <sup>st</sup> march 2011	Chris Stone, Paul Benson, James Greenhedge, Pete Stringer	Existing CPU, NIS, KCPM, Council Tax	G	<ul style="list-style-type: none"> <li>Empty dwelling monitoring process in place</li> <li>Letters distributed to all owners of long-term empty properties by CPU enquiring as to what owners intentions are for bringing properties back into use</li> <li>Letters sent to empty property owners in Dinnington offering opportunities for KCPM to manage properties for rent on behalf of property owners</li> <li>Contractual agreement with Manchester CC to provide support regarding Enforced Sale Procedure</li> <li>Discussions held with Manchester CC regarding Empty Dwelling Management Orders</li> <li>CPU deal with complaints regarding empty properties on a reactive basis</li> <li>Benchmarking undertaken with neighbouring authorities has identified differing charging regimes</li> </ul>



	Action	Target/ Completion	Lead officer	Resources	Status	Progress
<b>RSL Empty Homes</b>						
1.	Establish robust baseline of empty RSL properties = 140 properties. <ul style="list-style-type: none"> <li>• Long-term empties (&gt;6 months) = 61 properties</li> <li>• Short-term empties (&lt;6 months) = 79 properties</li> <li>• Obtain periodic statistical returns</li> <li>• Refine data and establish void periods</li> <li>• Establish actions with RSL's to bring back into use.</li> </ul>	31 <sup>st</sup> March 2010	Paul Benson	Existing NIS, RSL's	G	<ul style="list-style-type: none"> <li>• List of RSL empty homes as at October 2009 obtained.</li> <li>• Individual RSL's providing current and up to date list of empty properties in their possession</li> <li>• RSL's indicating reasons why properties are currently empty and anticipated dates for bringing back into use</li> </ul>
2.	Continue to utilise the established referral mechanism and timescale for RSL's wishing to dispose of empty homes.	Ongoing	Tracie Seals Uzma Sattar	Existing NIS, RSL's	G	<ul style="list-style-type: none"> <li>• TSA &amp; Section 9 Consent framework already in place.</li> <li>• RSL's seeking Council consent under Section 9 to dispose of affordable housing stock</li> </ul>
<b>NIS/2010 Ltd Empty Homes</b>						
1.	Establish robust baseline of long-term empty properties = 199. <ul style="list-style-type: none"> <li>• With 2010 = 81</li> <li>• With NIS = 31</li> <li>• With other RMBC departments = 87</li> </ul>	January 2010	Adrian Cheetham, Andy Chambers Sharon Pedersen	Existing NIS, 2010, EDS Facilities Management	G	<b>COMPLETED</b> <ul style="list-style-type: none"> <li>• Data base developed captures progress on each property over 16 weeks for monitoring purposes to include Decent Homes works, structural / major improvement works, empty homes</li> <li>• Data incorporates any managed void properties e.g. cemeteries</li> </ul>

	Action	Target/ Completion	Lead officer	Resources	Status	Progress
2.	Refresh 2010/NIS referral process for void properties exceeding £20k	February 2010	Adrian Cheetham, Sharon Pedersen  Lynsey Skidmore	Existing NIS, 2010	G	<ul style="list-style-type: none"> <li>Procedure refreshed and adopted.</li> </ul> <b>COMPLETED</b>
3.	<p>Agree investment recommendations for all properties exceeding £20k to bring back into use, pending with NIS</p> <p>Review all empty properties exceeding 3 months empty and establish reasons and actions to bring back into use.</p>	Ongoing	<p>Sharon Pedersen, 2010ltd</p> <p>Key choices / Independent living</p>	Existing NIS, 2010	G	<ul style="list-style-type: none"> <li><i>Report produced and approved by Cabinet Member for Neighbourhoods – 15<sup>th</sup> March 2010</i></li> <li><i>Each individual property is assessed independently on level of works required, cost breakdown, funding ability, and option appraisal linked to other NIS project work, e.g. master planning , and aligned with in-depth reviews</i></li> </ul> <p>Former sheltered housing unit option appraisal currently underway includes:</p> <ul style="list-style-type: none"> <li>Condition survey</li> <li>Investment needs linked to DDA</li> <li>Bed-sit conversion proposal</li> <li>Identification general needs demand locally</li> <li>Open day market testing and demand event to take place 25<sup>th</sup> March</li> <li>Show flat established and furnished at little cost</li> <li>Report being submitted by Shiv Bhurtun</li> </ul>

	Action	Target/ Completion	Lead officer	Resources	Status	Progress
4.	Review all empty properties under £20k investment value and establish reasons and actions to bring back into use.	Ongoing	Adrian Cheetham,  Sharon Pedersen	Existing NIS, 2010	G	<ul style="list-style-type: none"> <li>NIS working closely with 2010 to determine positive outcomes</li> <li>Properties assessed independently on level of works required, cost breakdown, funding ability, and option appraisal and aligned to strategic planning, other NIS project work, e.g. master planning , and in-depth reviews</li> </ul>
5.	Implement recommendations from 2010 Empty Homes Service Review 'Every Day Counts'. <ul style="list-style-type: none"> <li>Further update to Sustainable Communities Scrutiny Panel (April 2010)</li> </ul>	1 <sup>st</sup> April 2010	Adrian Cheetham	Existing 2010	G	<ul style="list-style-type: none"> <li>Update provided to Sustainable Communities Scrutiny Panel Meeting 10.12.09</li> </ul>

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