

Council Meeting:

Cabinet and Commissioners' Decision Making Meeting – 11 July 2016

Title:

Habershon House Residential & Field Study Centre

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

This is not a key decision but has been included on the forward plan.

Strategic Director Approving Submission of the Report

Ian Thomas, Strategic Director of Children and Young People's Services

Report Author(s)

Collette Bailey Head of Service; Early Help & Family Engagement

David McWilliams, Assistant Director, Early Help & Family Engagement

Ward(s) Affected

Various (but not all)

Executive Summary

1. The Early Help and Family Engagement Service currently manages two residential centres; Habershon House Residential and Field Study Centre, at Filey, North Yorkshire and Crowden Outdoor Education Centre, in Derbyshire on the Dark Peak.
2. Crowden offers Outdoor Education with accommodation and provides a range of activities (climbing, stream scrambling, canoeing, mountain walking, etc.) to meet the needs of a variety of client groups and educational outcomes. The centre provides accommodation and full board or a self-catering option and employs four staff; two instructors, a cook/ hospitality manager and a cleaner. The current forecast outturn 2016/17 for Crowden is that running costs (circa £147,000) will be met in full through bookings.
3. Habershon House Residential and Field Study Centre provides a range of outdoor and indoor educational activities. The centre provides accommodation and full board or a self-catering option for school or youth groups as well as private family hire.
4. This report has been co-produced by Children and Young People Services and Planning, Regeneration and Environment and provides information to inform the decision with regard to the future of Habershon House.

Recommendations

1. Cabinet is asked to consider three options in relation to the future of Habershon House Residential and Field Study Centre and approve the recommended option, which is option three.
 - Option One: Close Habershon House Residential and Field Study Centre and sell the property on the open market.
 - Option Two: Additional investment in the centre with a view to develop and re launch the provision.
 - Option Three (Recommended Option): Facilitate an asset transfer to a voluntary organisation or consortia of partners to deliver activity that benefits the residents of the Rotherham.

List of Appendices Included:

Appendix A: Financial implications of identified options

Appendix B: Legal Covenants and advice with regard to the Localism Act (2011)

Appendix C: Equality Analysis

Background Papers

- Learning Outside the Classroom: How far should you go? Ofsted, 2008
- Lead Commissioner's technical Best Value note of 26 January 2016.
- 2015/16 School Bookings.
- Asset Transfer Policy.
- Venues used by Rotherham Primary Schools for residential trips and feedback from schools on customer requirements.

Consideration by any other Council Committee, Scrutiny or Advisory Panel:

No.

Council Approval Required

No.

Exempt from the Press and Public

No.

Title: Habershon House Residential & Field Study Centre

1. Recommendations

Cabinet is asked to consider three options in relation to the future of Habershon House Residential and Field Study Centre and approve the recommended option, which is option three.

- Option One: Close Habershon House Residential and Field Study Centre and sell the property on the open market.
- Option Two: Commit to additional investment in the centre with a view to developing and re-launching the provision.
- Option Three: (Recommended Option) Facilitate an Asset Transfer to a voluntary organisation or consortia of partners to deliver activity that benefits the residents of Rotherham.

2. Background

- 2.1 Habershon House Residential & Field Study Centre provides a range of outdoor and indoor educational activities which help children and young people to progress their personal, social and emotional development skills to achieve learning outcomes. The centre provides accommodation and full board or a self-catering option for school or youth groups as well as private family hire.
- 2.2 The house stands in large, fenced grounds enabling groups to work and play outside and can accommodate groups of up to 42 children and young people.
- 2.3 Whilst providing a curriculum package, Habershon does not offer organised day and evening activity and is not an accredited 'Learning Outside the Classroom' provider. This weakens the appeal of the current offer and to address this would require further investment of additional staffing and management time.
- 2.4 All schools visiting Habershon have to provide their own transport to get to and from the site. Habershon House is approximately 85 miles from Rotherham Town Centre.
- 2.5 To assess schools' purchasing habits, an analysis from Evolve, the educational off-site visit data base was undertaken in April 2016 of the overall number and type of residential trips undertaken over the past two years by Rotherham primary schools, as they are the predominant users of Habershon House.
- 2.6 All of the 96 Rotherham Primary Schools had taken pupils on at least one residential during the past two years. During the period April 2014 to March 2016, 240 groups attended a residential activity. Of these, one third

booked a 'seaside location' and the remaining two thirds booked inland venues which offered centre led activity programmes.

- 2.7 Of those that booked a seaside location (75 bookings) 42% stayed at Habershon House and the remainder stayed in hotels and Youth Hostels, predominantly in Whitby and Scarborough.
- 2.8 Views were sought from three distinct groups of schools with regard to what influenced their choice when booking a residential activity;
- Schools that currently use Habershon.
 - Schools that have used Habershon House in the past.
 - Schools that have never used Habershon House.
- 2.9 The findings showed that for a small number of Rotherham primary schools, residential visits to Habershon House are a fixed part of the school calendar. However, the majority of schools surveyed favoured a centre led approach to providing a menu of activities, both curriculum and personal/group challenges, organised and delivered by qualified centre staff to whole year groups of up to 90 pupils.
- 2.10 Habershon charges £37 (per person/bed) per night, with full board high season and £25 off peak (November to March) with a minimum booking of 20 beds and a free staff space for bookings of over 25 beds. Self-catering is offered at £15 per person per night (minimum booking 10 beds). For schools and organisations outside Rotherham the rate is £39.50 high season and £28 off peak for full board.
- 2.11 Whilst not a like-for-like comparison, a standard Youth Hostel Association (YHA) offer with full board and activities ranges from £35 per night (low season) full board including activities (in line with 'Learning Outside the Classroom' accreditation), to £165 per night (high season) for adventure activities and a full evening programme. The Youth Hostel Association is also open all year.
- 2.12 Similarly, Robinwood Activity Centre is a provider situated between Burnley and Rochdale. Robinwood is an accredited 'Learning Outside the Classroom' provider and offers a full package of experiences including indoor and outdoor activities such as climbing walls, caving areas, trapeze halls, themed problem-solving areas and indoor archery. Their rates are £171 per night (high season) or from £59 per night off-peak (November to March). Robinwood operates on a similar annual operational profile to Habershon, of a 42 week opening season and, like Habershon, does not provide transport to and from the site.
- 2.13 There is significant competition in the local area from Kingswood in the Dearne Valley which is in close proximity to Rotherham schools and has the highest usage of all providers; 41 visits from 23 primary schools over

the last two years. Dearne Valley's prices and curriculum offer are comparable to Robinwood.

3. Key Issues

- 3.1 The services provided by Habershon House are non-statutory and are not targeted to vulnerable groups. Given the pressures on the Children and Young People's Services budget, it is essential that any expenditure on non-statutory activity contributes to the reduction in demand for high cost statutory services such as social care.
- 3.2 Continuing to operate Habershon House Residential and Field Centre is not the most cost effective way of supporting our most vulnerable young people and their families and improving outcomes.
- 3.3 Officers from Children and Young Peoples Services and Planning, Regeneration and Environment have met to discuss the potential options for Habershon and in particular the viability of retaining the provision as a Council asset.
- 3.4 The conclusion reached was that private sector parties are better able to provide residential outdoor education facilities opportunities more affordably and to a higher standard than the Council, and that even with additional investment, Habershon House would not be able to compete. Retaining the facility would not offer value for money or be sustainable in either Children and Young Peoples Services or Regeneration and Environment Directorate.

4. Options

- 4.1 Option One: Closure and sale
 - 4.1.1 A decision to close Habershon would require the Council to undertake a consultation with staff, schools and partners.
 - 4.1.2 Should Habershon be declared surplus to operational requirements, a full review of the asset would be undertaken by Estates and Facilities Management and the building would be transferred into the Land & Property Bank until disposal. This will include further investigation in relation to planning permission and sale, including investigating the residual root conveyances through land and property. Any proceeds from the sale of Habershon would be transferred to the Capital Receipts Fund administered centrally by Corporate Finance.
 - 4.1.3 Asset Management would then circulate details to all Council Directorates to seek interest in taking on Habershon as an asset, and if this was not forthcoming, the building would be decommissioned and advertised for lease or sale.

- 4.1.4 The proposed balanced Council budget for 2016/17 is predicated on an assumption that £2m of new capital receipts will be made available to substitute for revenue budget in line with the Government announcements around new capital receipt flexibility. In respect of the sale of Habershon House it is proposed that the use of any capital receipt is determined in accordance with the council's corporate priorities.
- 4.1.5 An initial review of Habershon was conducted in April 2016 and has estimated a valuation of the property at between £150,000 and £175,000. This figure is based on the number of existing covenants attached to the usage of the building and land.
- 4.1.6 Scarborough Borough Council is not in favour of planning applications for building residential properties on this site due to issues with regard to infrastructure in relation to drainage and utilities.
- 4.1.7 Legal Services have advised that it would not be beneficial at this stage to register Habershon as an 'Asset of Community Value' under the Localism Act the circumstances as it could limit or delay any future development in the event that Option One (closure and disposal) is chosen.
- 4.1.8 This option carries a risk of on-going costs if Habershon House does not sell. The estimated costs of closure for 2016/ 17 are shown in Appendix A: Table One. There would be ongoing costs for security and maintenance and these costs would need to be met from within the Early Help and Family Engagement revenue budget until such time as the building transfer is completed to the Land & Property Bank.
- 4.1.9 This option will impact on staff employed in the Centre and may lead to a requirement for redundancy or redeployment.
- 4.2 Option Two: Additional investment in the centre with a view to re-launching and develop the provision.
 - 4.2.1 If Habershon House was to be re-launched it would require an estimated additional investment of £19,818 to market the facility, provide internet access and to improve facilities. Full breakdowns of costs are included in Appendix A: Table Two.
 - 4.2.2 The running costs for Habershon, (based on 2016/17 budget) are shown in Appendix A: Table Three. However, should additional investment result in increased bookings there would also be additional overheads such as laundry and food. Therefore it is difficult to establish the definitive costs at this stage.

- 4.2.3 The minimum projected overspend to retain the facility without upgrading to the end of this financial year would be £57,714, based on 2016/17 expenditure, with current bookings and no active marketing.
- 4.2.4 Option Two would require additional one off investment costs creating an estimated projected overspend of £67,714 in 2016/17. Should this additional investment result in increased bookings there would also be additional overheads such as laundry and food. Therefore increased income through enhanced and expanded bookings would also need to have been evidenced to support any such decision.
- 4.2.5 The Council's Best Value Duties will need to be applied when considering additional investment. A technical note drafted by the Lead Commissioner, Sir Derek Myers notes;
- That money spent should be for a proper purpose with a sufficient justification.
 - That costs arising from policy decisions should be fairly calculated and financial risks considered.
 - That from time to time procurement options should be examined to make sure that value for money is being achieved.
 - That money should be spent for a proper legal purpose.
 - That the Council should seek to maintain an overall coherent set of priorities, allocating scarce resources to its agreed priorities.
- 4.2.6 Retaining the facility for outdoor education or leisure purposes would not be sustainable or offer value for money in either Children or Young People's Services or the Regeneration and Environment Directorate as it does not deliver services that meet the Council's corporate priorities.
- 4.3 Option Three: Asset transfer to a Voluntary Organisation (Recommended Option)
- 4.3.1 If Option Three is adopted and the service is to continue in some form, there would be an opportunity of retaining Habershon House to deliver activity for the benefit of Rotherham residents.
- 4.3.2 Early soundings with voluntary and community groups have indicated that there is genuine interest in pursuing this option.

4.3.3 In order to achieve the best deal possible for the Council and the Borough's children and young people, it is proposed that the Council seeks engagement with all relevant interested parties both within the borough and the property's locality. This will include discussion of the potential TUPE implications with the relevant parties.

4.3.4 Should option three be the preferred option, there are legal implications which must be adhered to as detailed in section 8.2.

4.4 Management arrangements

4.4.1 As Habershon is a Directorate specific asset, if it was transferred to a voluntary and community sector provider then Children and Young People's Services would be responsible for managing the tenant in terms of its service delivery and community aims.

4.4.2 The Corporate Property Unit would provide any assistance in the initial granting of leases and as a separate agreement with Children and Young People's Services, ensure that the maintenance and other statutory and lease provisions are adhered.

4.5 Transfer of Undertakings (Protection of Employment)

4.5.1 If the property is to be used for a similar purpose there would be Transfer of Undertakings (Protection of Employment) implications for existing staff. This would need to be explored with prospective partners as part of the asset transfer process.

4.6 Timeframes for implementation

4.6.1 This option would require capacity from a designated officer and a minimum timeframe of three months to consult with stakeholders and oversee this option to a conclusion.

5. Consultation

5.1 Should a decision be taken to close Habershon there would need to be a period of consultation for staff, schools and other partners. Any transfer of services will require TUPE consultation. Indicative dates for a consultation processes are outlined in the table below:

Indicative Consultation Timetable	
Dates (2016)	Action Required
Friday 15 th July 2016	Staff, schools and Trade Union consultation meeting. Consultation with schools and partner agencies.
Monday 15 th August	30 working days consultation period ends.
Friday 29 th August	Assuming no changes to the proposals, Notices issued and staff considered within the Rotherham Metropolitan Borough Councils Talent Pool.
Wednesday 18 th November 2016	If staff could not be redeployed, contracts would end via redundancy.

5.2 Should a decision be taken to seek an Asset Transfer, the Council would need to seek applications from interested parties and consult with schools and Council Directorates to inform any potential Service Level Agreement (SLA).

6. Timetable and Accountability for Implementing this Decision

6.1 Staff, schools and Trade Union consultation meetings would be held during the Summer Term and feedback will be invited from all partners.

6.2 If closure is the agreed decision, staff would need to be issued with redundancy notices on the 15th August 2016 and if staff were not successfully redeployed, they would be made redundant on 30th November 2016.

7. Financial and Procurement Implications

7.1 Habershon's current budget projection for 2016/17 is £21,944 (Deficit). The budget outturn for the previous three years has been;

2013/14: £38,943 (Deficit)

2014/15: £28,555 (Deficit)

2015/16: £24,717 (Deficit)

7.2 The earliest date Habershon could be closed is estimated to be 18th November 2016. Habershon has bookings up until 25th November 2016, so costs have been calculated to 30th November 2016. The estimated out-turn for operating the centre until this date is £21,944 (Over spend). If Rotherham Metropolitan Borough Council is to retain Habershon until a buyer is found, the closure costs added to the above would give an estimated out-turn for 2016/17 of £71,401. Following closure, the estimated annual costs until sold are estimated at £9,701.

7.3 If Option Two was the preferred option, additional one off investment costs would be required (ICT, increased marketing and project management), creating an estimated projected overspend of £67,714 in 2016/17. Should

this additional investment result in an increase in bookings there would also be additional overheads such as laundry, cleaning and food and therefore it is difficult to establish any definitive costs.

- 7.4 If Option Three was the preferred option, the estimated timescale to achieve transfer would be the end of November 2016. The estimated out-turn for operating the centre until this point is £21,944 (Overspend). If an asset transfer was not achieved by November ongoing costs of decommissioning would transfer to the Corporate Property unit and would then then be decommissioned as in Option One.

8. Legal Implications

8.1 Closure and Sale (Option 1)

8.1.1 Legal Services previously investigated the various covenants in relation to Habershon House and produced a Memorandum dated 4th February 2015. (Appendix B)

8.1.2 The Memorandum confirms that the property is subject to restrictive covenants regarding the use of the property. While some of the restrictive covenants may be unenforceable others are still applicable. The implications of these covenants will need to be considered and Rotherham Metropolitan Borough Council's Legal Services need to be fully involved to ascertain any potential risks prior to closure and sale option being pursued.

8.1.3 In summarised terms, the restrictive covenants arising from three conveyances dated; 1903, 1912 and 1927 respectively, prevent the property from being used for trade or business, to sell alcohol or any use which will cause a nuisance. Instead any building shall only be used as a private dwelling house. It is however, confirmed that this prohibition does not prevent the land being used for lodgers or boarders, as a convalescent home, infirmary, learned or artistic profession or as a school. Accordingly any of these uses would not constitute a breach of the restrictive covenants affecting title to the property but other uses would.

8.2 Asset Transfer (Option Three)

8.2.1 The Localism Act (2011) provides Councils with general powers of competence to deal with their assets as they might subject only to legal requirements such as obtaining "Best Value" or complying with title covenants. The Act also introduces the concept of public bodies divesting themselves of assets to voluntary and community groups.

8.2.2 These provisions have been embodied in the protocols of the Council's Asset Transfer Lease programme and the Council's

Corporate Property Team will ensure that the requirements of the Localism Act are complied with.

- 8.2.3 The Council's Asset Transfer policy provides a clear framework to enable the transfer of Council held land and property assets to the community in an efficient and sustainable way, for the benefit of the community as a whole.
- 8.2.4 In the event of an Asset Transfer, Corporate Property will negotiate with interested parties to agree on the terms of the Asset Transfer Lease.
- 8.2.5 In addition to the property interest being disposed of through the Asset Transfer Lease, either Corporate Property or Children and Young People's Services would need to negotiate and agree future terms and conditions with regard to the level of Rotherham Council usage and agreed charges in relation to this. This latter agreement would not sit well within the lease itself, as it strays beyond the grant of an interest in land and into contractual areas. Legal Services have advised that a separate contract would be required in parallel with the Asset Transfer Lease akin to a Service Level Agreement (SLA).
- 8.2.6 Both the Asset Transfer Lease and the SLA would be completed at the same time and they would contain complementary provisions relating to termination, i.e. if the contract is terminated for breach, the Council also has the right to break the lease and vice versa.
- 8.2.7 If a parallel contract is also agreed, the same procedure would be followed; Corporate Property would negotiate a parallel arrangement and Legal would draft and complete the contract.

9 Human Resources Implications

- 9.1 A total of four staff would be affected by the decision to close Habershon House. Redundancy costs would be approximately £15,000. Two members of staff are over 55 and so there would be additional associated pension costs £19,417 if they were to be made redundant. (Appendix A).
 - 9.1.1 As indicated above the adoption of option three would require a TUPE transfer of staff. If staff declined to be transferred they are likely to be deemed to have resigned.

10. Implications for Children and Young People and Vulnerable Adults

- 10.1 The main implication for children, young people and vulnerable adults would be in relation to those schools and youth groups that currently use the facilities at Habershon and have done so over a number of years. This

would also extend to some local Councillors, staff and parents who may have had a previous experience of the centre.

11. Equalities and Human Rights Implications

11.1 An Equality Analysis has been completed. (Appendix C). In taking any decisions, due regard will be given to implications for protected groups and mitigating action taken.

12. Implications for Partners and Other Directorates

12.1 Implications for partners and other directorates would be minimal given the current user profiles identified in this report.

13. Risks and Mitigation

13.1 Legal & Democratic Services has advised that there are a number of restrictive covenants that are still applicable associated with the building which impact both on saleable value and future usage (See Appendix B)
To mitigate this risk Estates team would need to take further legal advice on the original deeds and consider indemnity insurance against the covenants if Option One (closure and sale) is the preferred option.

Consultation would need to be completed with Habershon House staff, current customers and Rotherham schools prior to closure.

14. Accountable Officer(s)

Collette Bailey, Head of Service Early Help (North)
David McWilliams, Assistant Director Early Help and Family Engagement

Approvals Obtained from:-

Strategic Director of Finance and Corporate Services:

Finance: Yvonne Thiede, Principal Finance Officer **Date:** 24/05/2016

HR: Paul Fitzpatrick **Date:** 27/5/2016

Director of Legal Services:-

Neil Concannon, Service Manager **Date:** 27/5/2016

Lesley Doyle, RMBC Solicitor **Date:** 01/06/2016

Head of Procurement (if appropriate): Not applicable.

Appendix A:

Financial implications of identified options:

Table One Estimated Costs of Closure of Habershon House		
Estimated cost of closure	16/17	17/18 Ongoing costs until disposal
Staff redundancy on 30 th November 2016	£15,005	
Staff pension strain	£19,417	
Staff salaries	£39,853 **	
Projected running costs until closure	£21,283	
Additional closure costs:		
Clearance of building*	£1,800	
Decommissioning of the boiler and draining water*	£1,250	
Security alarm monitoring installation*	£500	
Ongoing grounds maintenance and repairs*	£2,000	£1,000
Buildings insurance	£1,200	£1,300
Fire alarm maintenance*	£250	£250
Rates	£484	£6101
Electricity*	£200	£200
Security alarm maintenance and key holding*	£850	£850
Initially securing of the building*	£6,500	
Estimated income	£-39,191 ***	
Total Closure costs	£71,401	£9,701

* Indicative figures provided by Facilities Management.

** Salaries to 30th November 2016 without overtime.

*** Bookings taken to 30th November.

Table Two: Relaunch of Habershon House Additional investment in 16/17 – 17/18	
Implementation of Wi-Fi	£1,775
Upgrade of showers	£5,000
Recurrent additional ICT costs	£1,043
Classroom costs	£2,000
Marketing costs	£10,000
Minimum investment required	£19,818

Table Three: Running Costs, 2016/17			
<u>Fixed costs</u>		<u>Variable costs</u>	
Staff	£57,217	Food	£8,034
Rates	£5,810	Laundry	£1,756
Insurances	£1,494	Utilities	£10,098
communications	£600	Equipment	£882
Waste	£800	Repairs	£4,340
		Other overheads, stationery, printing, cleaning products	£890
Entertainment	£254	staff mileage	£409
		overtime	£2,562
Total	£66,175	Total	£28,971

Appendix B:

Legal Covenants:

Adelle Chapell, Rotherham Metropolitan Borough Council legal department, investigated the various covenants in relation to Habershon House and produced a memorandum dated 4 February 2015. The memorandum confirmed that the property is subject to restrictive covenants as follows:-

The 1973 Conveyance:

The 1973 Conveyance does contain two covenants, one to comply with the provisions of the previous root conveyances (these provisions are set out below) and one to comply with the following covenant:-

“The Corporation hereby covenant with the Vendors as follows:-

To use the Home only for the purposes which are similar to though not necessarily identical with its present purpose PROVIDED ALWAYS AND IT IS HEREBY AGREED that the use of the Home for the benefit of any children residing in the Metropolitan District of Rotherham shall be deemed to be a similar purpose.”

It was the above covenant that was previously advised would restrict a sale of the property; the law on restrictive covenants is extremely complex and should be carefully considered.

The 1973 covenant can be broken down into two parts – it requires that any use must be similar to the use in 1973 and then goes further to confirm that use for the benefit of children residing in Rotherham is accepted as a similar use. What is a ‘similar use’ to that in 1973 could be debated – it is possible that interpretation would be to follow the restrictions in the root conveyances.

From the information available, based on the conveyance plan and local knowledge regarding use of adjacent land (private houses and Primrose Valley Caravan Park), we do not think the trustees of the Rotherham and District Children’s Convalescent Home at Filey held any retained benefitting land when the covenants were created (it may be possible that we could request searches through the Land Registry, but this is not guaranteed to be successful).

If the trustees did not hold any land, the covenants would not meet the requirements to create a restrictive covenant – they would merely be contractual arrangements between the Trustees and the Council – therefore they would not bind any future owner of the property, so would not be enforceable against them as restrictive covenants.

However, as a precaution Rotherham Metropolitan Borough Council could look to obtain indemnity insurance. The cost of the insurance cannot be determined until a potential purchaser is found and the future use of the property/land known, however estimations of the cost are to be approximately £200 - £300. Or, it could be left to the

purchaser to take their own legal advice and decide whether they wish to accept or otherwise.

Previous Root Conveyances:

There are also three 'root conveyances' dated 10th August 1903, 31st August 1912 and 11th October 1927. These conveyances are the historic purchase deeds for three separate pieces of land, which each form a part of Habershon House.

The root conveyances also contain covenants, which restrict the use of the property and should be considered individually in detail. They do, however, all follow this restriction:-

not to sell alcohol, not to cause any offensive noisome noisy or dangerous trade or business pursuit or occupation to whoever owns the retained land, no building shall be used for any purpose other than a private dwelling house or stables and no trade manufacture or business [nor any patients suffering from infectious diseases] shall be allowed on the land. They all continue to confirm that the restriction does not prevent the land being used for the reception of lodgers or boarders or for a convalescent home or any infirmary or learned or artistic profession including a school.

The 1927 conveyance also states that that plot of land is to be used as garden, ground, meadow land and plant nursery or orchard until built upon, and once built upon to be used as prohibited above.

In summarised terms, the covenants prevent the property from being used for trade or business, to sell alcohol or cause a nuisance. Instead any building shall only be used as a private dwelling house; but they confirm that this does not prevent the land being used specifically for lodgers or boarders, as a convalescent home, infirmary, learned or artistic profession or as a school. Therefore, provided that any owner of the property complies with this, then the covenants would not be breached.

The plans attached to these conveyances show that the seller, Robert William Smith, did hold adjoining land at the time of the sales; therefore there is no uncertainty as to whether there was retained land when the covenants were created. The covenants are therefore binding on whoever owns the property and are enforceable by the current owner(s) of the retained land.

These root conveyance covenants therefore affect the possible future use of the property.

Again, Rotherham Metropolitan Borough Council could therefore look to obtain indemnity insurance. The cost of the insurance cannot be determined until a potential purchaser is found and the future use of the property/land known, however estimations the cost to be approximately £200 - £300 for each covenant. Or, it could again be left to the purchaser to take their own legal advice and decide whether they are not intending to use the property for a restricted use so would not cause a breach in any event; whether they wish to accept the risk; whether they wish to consider at

the possibility of asking the benefitting owner(s) to agree to release the covenant;
wish to take out their own indemnity insurance; etc

<p>Under the Equality Act 2010 Protected characteristics are age, disability, gender, gender identity, race, religion or belief, sexuality, civil partnerships and marriage, pregnancy and maternity. Page 6 of guidance. Other areas to note see guidance appendix 1</p>	
<p>Name of policy, service or function. If a policy, list any associated policies:</p>	<p>Early Help Savings Proposals - Habershon House</p>
<p>Name of service and Directorate</p>	<p>Early Help – Children and Young Peoples Services</p>
<p>Lead manager</p>	<p>Collette Bailey</p>
<p>Date of Equality Analysis (EA)</p>	<p>24/05/2016</p>
<p>Names of those involved in the EA (Should include at least two other people)</p>	<p>Elenore Fisher David McWilliams</p>
<p>Aim/Scope (who the Policy /Service affects and intended outcomes if known) See page 7 of guidance step 1</p> <p>Rotherham’s Early Help Services are currently undergoing a transformation with the aim of align with the Council’s Key Priorities;</p> <p>Priorities:</p> <ul style="list-style-type: none"> • Every child making the best start in life. • Every adult secure, responsible and empowered. • A strong community in a clean, safe environment. • Extending opportunities and planning for the future. <p>To achieve this, we must work in a modern, efficient way, to deliver sustainable services in partnership with our local neighbourhoods, looking outwards, yet focused relentlessly on the needs of our residents.</p> <p>Children’s Services key objectives are :</p> <p>Working with children, families and our partners, for Rotherham’s Children’s Services to be rated outstanding by 2018;</p> <ul style="list-style-type: none"> • Children and young people are healthy and safe from harm. • Children and young people start school ready to learn for life. • Children, young people and their families are ready for the world of work. <p>This will mean our children, young people and families are proud to live and work in Rotherham.</p> <p>Government guidance on safeguarding and promoting the welfare of young people, “Working Together 2015,” states that; “Providing early help is more effective in promoting the welfare of children than reacting later. Early help means providing</p>	

support as soon as a problem emerges, at any point in a child's life, from the foundation years through to the teenage years"

Early Help in Rotherham spans a wide age range; 0-19 years (and up to 25 years if there is a disability or special educational need). It incorporates pre-birth, early years, adolescence through to early adulthood. Early Help has a critical role to play at the key transition points in a child's journey from dependence to independence. The service brings together a range of Family Support Services, Children Centres, Education Welfare, Youth Justice and Youth Support Services.

Under the current spending review the funding to the council from national government will reduce by 30% over the next 3 years.

Consequently service change and transformation is required with the challenge of delivering high quality services and low cost, and responding more effectively to the changing nature of and demand for tailored services.

This will be achieved by having a range of effective, evidence-based interventions in place to address needs early and prevent issues escalating into more complex and costly higher tier services.

The area for consideration within this equality impact assessment is the viability of retaining the residential field study provision at Habershon given the dependency on external funding arrangements with schools as the primary user of the facility and its current usage as a universal provision which is not within the core remit of Early Help moving forward.

Options in relation to proposed savings in respect of Rotherham Education Learning Facilities:

2016/17 options are as follows

- **Option 1:** Close Habershon House Residential and Field Study Centre and sell the property on the open market.
- **Option 2:** Facilitate an asset transfer to a voluntary organisation or consortia of partners to deliver activity that benefits the residents of the Rotherham.
- **Option 3:** Additional investment in the centre with a view to develop and relaunch the provision.

What equality information is available? Include any engagement undertaken and identify any information gaps you are aware of. What monitoring arrangements have you made to monitor the impact of the policy or service on communities/groups according to their protected characteristics?

Habershon is DDA compliant providing full access to the ground floor and has one bedroom downstairs and a disabled bathroom.

Individual level data on ethnicity or specific needs such as disability are collated.

<p>Bookings for Habershon come from a range of providers across Rotherham including schools, minority ethnic and deprived communities, and specific groups, such as the Looked After Children Council and the Black and minority Ethnic community Aiming High group. Uptake of the provision is monitored on an annual basis and evidences that the facility is used by primary schools from across the borough including those from deprived areas. For many of these children it is the first time that they have been away from home.</p> <p>Early Help have undertaken a consultation with users of Habershon to seek their views on the impact of closure. The evidence confirmed that a small number of schools really valued the location and sole occupancy and would continue to use it but that many schools are accessing provision elsewhere and would continue to do so due to wider range of facilities and activities on offer.</p> <p>Four staff are employed at administrative and support levels re catering and caretaking equivalent or below with oversight from the Outdoor Education Manager (Band L).</p> <p>Options one and two have an impact on this workforce and consultations will take place with staff, unions and human recourses to ensure a fair and transparent process in accordance with RMBC policies and procedures is utilised either in respect to closure of the facility or transfer of the asset.</p>	
<p>Engagement undertaken with customers. (date and group(s) consulted and key findings) See page 7 of guidance step 3</p>	<p>RMBC has undertaken a consultation during April 2016 with</p> <ul style="list-style-type: none"> • Schools that currently use Habershon. • Schools that have used Habershon House in the past. • Schools that have never used Habershon House. <p>For a small number of Rotherham Primary schools residential visits to Habershon House are a fixed part of the school calendar and the intention is to as there is a very real affection for the centre and what it provides.</p> <p>However, the majority of schools surveyed favour a centre led approach to providing a menu of activities, both curriculum and personal/group challenges, organised and delivered by qualified centre staff and which can accommodate whole year groups of up to 90 pupils.</p> <p>This would require substantial investment to Habershon with no guaranteed increase of custom.</p>
<p>Engagement undertaken with</p>	<p>Staffs have been consulted (January and May</p>

<p>staff about the implications on service users (date and group(s)consulted and key findings) See page 7 of guidance step 3</p>	<p>2016) re their views on the broad context and extent of savings re Habershon and how the venue could be developed as a viable concern. Views of staff were that wider marketing to groups beyond school could achieve a break even position but as evidence in the report this could take two to three years.</p> <p>The facility is currently used as a universal provision for Rotherham’s children and young people and as such would have a limited impact for priority groups.</p> <p>Bookings would be honoured until closure at the end of November 2016 so there would be no impact on users.</p> <p>No vulnerable groups would be adversely affected by closure as there are a range of other providers offering similar residential opportunities.</p> <p>Information will be publicised through internal communication channels such as staff meetings, emails and briefings as well as through partner’s communication routes.</p>
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The Analysis

How do you think the Policy/Service meets the needs of different communities and groups?

Protected characteristics of age, disability, gender, gender identity, race, religion or belief, sexuality, Civil Partnerships and Marriage, Pregnancy and Maternity.

*Rotherham also includes Carers as a specific group. Other areas to note are Financial Inclusion, Fuel Poverty, and other social economic factors. This list is not exhaustive - see guidance appendix 1 **and** page 8 of guidance step 4*

Habershon is a residential facility in Filey available to all Rotherham residents but is primarily used by primary schools and youth groups. It accepts bookings from all age groups and can accommodate cultural and religious needs in terms of space for prayer and dietary requirements. It is compliant in terms of access for disabled children but has limited overnight capacity having one downstairs bedroom. Users are required to provide their own transport and activities and as such this can present a barrier to its use in terms of accessibility and cost.

Closure of Habershon would not impact adversely on any particular community as there are a range of other providers delivering residential activity. Habershon currently does not offer a service that meets Early Help priorities. Closure or transfer could provide resources in terms of funding or an asset which could be used to meet broader community priorities.

A 30 day consultation period will be undertaken with the staff, young people,

communities and other stakeholders affected by the Habershon proposal. Staff and partner briefings are planned for July 2016 subject to approval by Cabinet of the preferred option. These will take the form of presentations to the staff team, face to face meetings, electronic communications and regular communication routes such as supervision, staff meetings, briefings etc.

Analysis of the actual or likely effect of the Policy or Service:

See page 8 of guidance step 4 and 5

The services provided by Habershon House are non-statutory and are not targeted. Given the pressures on the Children and Young People's Services (CYPS) budget, it is essential that any expenditure on non-statutory activity contributes as far as possible to the reduction in demand for high cost statutory services such as social care. Habershon House does not contribute to this imperative.

Continuing to operate Habershon House Residential and Field Centre is not a cost effective way of supporting our most vulnerable young people and their families. Children and Young People's Services are currently working with the leading national youth charities Ambition, The Centre for Youth Impact, and a number of local authorities, including: Sheffield City Council, Derbyshire and the Royal Borough of Windsor and Maidenhead to refocus our youth offer as part of our Early Help transformation programme.

Habershon is funded through income generation only and does not receive revenue from the Council. The venue has makes a loss of circa £23k per year over the past three years. The preferred option of asset transfer, if agreed, would enable this resource to continue to be available for use by all the Rotherham community. I would also support Early Help to concentrate on its core business of early prevention and intervention support to families.

As part of the Asset transfer arrangements the agree provider would be required to;

- **Commit to engagement** in economic, environmental or social regeneration in Rotherham or be providing a service of community benefit in line with the Councils core purposes.
- Evidence that they can embrace diversity and work to improve **community cohesion** and reduce inequalities including extensive reach into the community and accessibility to all.

Does your Policy/Service present any problems or barriers to communities or Group? Identify by protected characteristics

In constructing the Early Help offer and factoring in savings that need to be made, considerable thought has been devoted to how best to deliver personal development activity with children, young people and families and this has involved consultation with partner agencies, young people and others.

Alternatives considered have been to retain the status quo, partnership delivery models and differential services to different groups. Asset transfer would enable the facility to continue to be available to Rotherham residents.

The current offer has been accessed by schools across Rotherham and by specific groups such as gay lesbian bi sexual transgender youth group, BME Aiming High Group, People with learning disabilities and looked after children youth group. This would continue after asset transfer.

Does the Service/Policy provide any improvements/remove barriers? Identify by protected characteristics

For those families most in need there will be an improved, targeted offer from Early Help and Family Services.

The closure or asset transfer of residential facilities in relation to personal development opportunities for children and young people of vulnerable families will not impact on the wider Early Help offer.

In the past Habershon has been accessed by schools across Rotherham and by specific groups such as gay lesbian bi sexual transgender youth group, Black and minority ethnic Aiming High Group, people with learning disabilities and the looked after children youth group. If Habershon is closed these groups would still be able to access personal development activity through Crowden or via purchasing provision through other providers.

If asset transfer is achieved the strength of model would be if it is founded on strong partnerships with Early Help, Social Care, Early Years, Schools, Colleges, Police, and Health and the voluntary and Community Sector. Thus moving forward Habershon can be developed as an asset that provides opportunities for all Rotherham children young people and families.

What affect will the Policy/Service have on community relations? Identify by protected characteristics

A = Age, C= Carers D= Disability, G = Gender, GI Gender Identity, O= other groups, RE= Race/ Ethnicity, RoB= Religion or Belief, SO= Sexual Orientation, PM= Pregnancy/Maternity, CPM = Civil Partnership or Marriage.

A. The service will continue to target work with the specific age groups defined previously. Groups disenfranchised from mainstream protective factors, (i.e. not in school, difficulty with parental boundaries, disability sexual orientation). Development of broader activity will be dependent on the continuing partnership with other agencies with a focus on income generation. Impact on priority groups will be low.

O. Reconfiguration may lead to some reduction in the frequency of delivery of some services such as personal development activity through in house provision. It is likely that some universal group work delivered to groups of young men and women in residential settings will no longer be available. However, assessments of service users will define interventions and this will involve specific delivery (groupwork or individual) for identified gender needs.

O. In respect of other groups and specifically the older generation the Service does

not specifically engage with them unless it is part of an intervention within the scope of the service.

- O Young people may experience reductions in some service provision as a result of closure or asset transfer of Habershon. There still will be opportunities for residential personal development activity but this may incur an increased cost. The Council will maintain a commitment to the Voice and Influence of young people and residents, through the Service level agreement of the asset transfer if this is the agreed option moving forward.
- O The closure of Habershon or asset will not impact on the wider Early Help offer. Services will still be maintained and accessible in all the locality areas of Rotherham, with the potential to increase provision by working with partners/local communities.

The Service will continue to place a high priority on community cohesion and community relations will continue to work in partnership with agencies and this would be upheld in the provider service level agreement if the asset is transferred.

RoB. The Service has a commitment to respecting religion or belief, where these do not advocate harm to others, and a proven track record, (e.g. Children's centres, youth services). In celebrating with young people and others those beliefs that are relevant to communities in Rotherham. This will continue to be the case.

CPD. There will be a low impact from Early Help services with this group.

APPENDIX C: EQUALITY ANALYSIS HABERSHON HOUSE

Please list any **actions and targets** by Protected Characteristic that need to be taken as a consequence of this assessment and ensure that they are added into your service plan.

Website Key Findings Summary: To meet legislative requirements a summary of the Equality Analysis needs to be completed and published.

Equality Analysis Action Plan - See page 9 of guidance step 6 and 7

Time Period: 01/04/16 – 31/03/18

Manager: Collette Bailey Service Area: Early Help Tel: **01709 855217**

Title of Equality Analysis:

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

List all the Actions and Equality Targets identified

Action/Target	State Protected Characteristics (A,D,RE,RoB,G,GI O, SO, PM,CPM, C or All)*	Target date (MM/YY)
<p>ACTION: Consultation with young people. Local Authority Protocols preclude consultation with young people until proposals have been to cabinet.</p> <p>TARGET: Presentation and meetings will take place after the advisory meeting</p>	All	7/07/16
<p>ACTION: Ensure services remain accessible to those most in need through asset transfer and SLA with partner agency leading on delivery.</p> <p>TARGET: MI is collated on characteristics of users of Habershon House usage of building and customer feedback.</p>	All	Quarterly 2016
<p>ACTION: Mitigate reductions in youth service provision.</p>	Young People	September 2016

TARGET: Early Help locality Managers to develop and explore partnership alternatives for residential activities.			
ACTION: Maintain the annual programme of events that raise awareness, and educate and bring people from different groups together. Promote community cohesion and One Town, One Community.		All	Various throughout year
TARGET: Work with Community partners to evidence usage of Habershon to deliver community cohesion activity.			
Name Of Director who approved Plan	David McWilliams	Date 03/02/16	

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

Website Summary – Please complete for publishing on our website and append to any reports to Elected Members, SLT or Directorate Management Teams

Completed equality analysis	Key findings	Future actions
<p>Directorate: Early Help</p> <p>Function, policy or proposal name: Savings Proposals 2016-2018</p> <p>Function or policy status: (new, changing or existing)</p> <p>Name of lead officer completing the assessment:</p> <p>Collette Bailey</p> <p>Date of assessment: :Version 3 25/05/16 DMcW</p>	<p>The Early Help proposals are predicated on the following:</p> <p>Youth work activity requires a shift in emphasis from open access, universal provision to targeted interventions. To achieve this saving have been identified in areas of the service where transformation is required.</p> <p>This provides a notional number of posts but this may change as the process evolves.</p> <p>The proposal assumes 50% of efficiencies would be achieved in 2016 and 50% in 2017- this builds in sufficient time for the transformation plan to be implemented.</p> <p>The overall savings required for Early Help of £ 0.988 million. This equates to a 9% cut to the Early Help Budget and an 11% reduction in the Early Help workforce.</p> <p>*In terms of the Youth budget, the required savings equate to 26% of the budget (£3,862,910) and 28% of the workforce.</p> <p>Closure of Habershon would not impact adversely on any particular community as there are a range of other providers delivering residential activity. Habershon currently does not offer a service that meets Early Help priorities. Closure or transfer could provide resources in terms of funding or an asset which could be used to meet broader community priorities.</p>	<p>To ensure Early Help provision is outcome focused and developed in partnership with wider services across the Council to achieve synergy and further efficiencies (e.g. buildings, workforce, partnerships, shared systems and processes).</p>