



Doncaster Council

EXECUTIVE FUNCTIONS DECISION RECORD

The following decisions were taken on Tuesday, 10th April, 2018 by Cabinet.

Date notified to all Members: Friday, 13th April, 2018

The end of the call in period is 5.00 p.m. on Tuesday, 24th April, 2018 and therefore, the decisions can be implemented on Wednesday, 25th April, 2018.

Present:-

Chair - Mayor Ros Jones (Mayor of Doncaster with responsibility for Budget and Policy Framework)

Vice-Chair - Councillor Glyn Jones (Deputy Mayor, Portfolio Holder for Housing and Equalities)

Cabinet Member for:

Councillor Nigel Ball	Portfolio Holder for Public Health, Leisure and Culture
Councillor Rachael Blake	Portfolio Holder for Adult Social Care
Councillor Nuala Fennelly	Portfolio Holder for Children, Young People and Schools
Councillor Chris McGuinness	Portfolio Holder for Communities, Voluntary Sector and the Environment
Councillor Bill Mordue	Portfolio Holder for Business, Skills and Economic Development
Councillor Jane Nightingale	Portfolio Holder for Customer and Corporate Resources

Apologies:-

An apology for absence was received from Councillor Joe Blackham

PUBLIC MEETING – SCHEDULE OF DECISIONS

Decision records from the meetings held on 20th and 27th March, 2018, were noted.

Public Questions and Statements

There were no public questions or statements made at the meeting.

DECISION 1

1. AGENDA ITEM NUMBER AND TITLE

6. Partnership and Outside Body Reporting: Update from Trent Regional Flood and Coastal Committee.

2. DECISION TAKEN

Cabinet noted the feedback and comments in respect of the Council's partnership arrangements with Trent Regional Flood and Coastal Committee.

3. REASON FOR DECISION

Cabinet received a report which provided an overview of the objectives, key activities undertaken, future activities and current schemes funded by the Trent Regional Flood and Coastal Committee.

It was reported that there were two Flood and Coastal Committees covering Doncaster; the Trent region to the south and Yorkshire region to the north part of the Borough. Members noted that the Trent region extended as far south as Birmingham, west to Stoke on Trent and to Lincoln in the east. The Regional Flood and Coastal Committee (RFCC) was established by the Environment Agency under the Flood and Water Management Act 2010 that brought together members appointed by Lead Local Flood Authorities (LLFAs); Doncaster being a Lead local Flood Authority.

Members noted that the main purposes of the RFCC were:-

- To ensure there were coherent plans for identifying, communicating and managing flood and coastal erosion risks across catchments and shorelines;
- to encourage efficient, targeted and risk-based investment in flood and coastal erosion risk management that represented value for money and benefited local communities; and
- to provide a link between the Environment Agency, LLFAs, other risk management authorities, and other relevant bodies to build understanding of flood and coastal erosion risks in its area.

Members were informed of the key activities expected to be undertaken for 2018, which included:-

- To ensure and approve the programme and expenditure of the Environment Agency's 6 year medium term programme
- The setting of a Local Levy, of which Doncaster MBC contributed £20,000 per annum.

Members noted that there were 4 schemes funded by the Trent Region in the current programme for a total sum of £73,000. These were listed along with the major schemes across the whole Trent Region and were detailed in the Appendix to the report.

Councillor McGuinness, Cabinet Member for Communities, Voluntary Sector and the Environment, welcomed the partnership working and highlighted the importance of this work, in particular in relation to the south east of the Borough, and spoke of the importance of being kept informed of progress for existing schemes and any future planned work.

Cabinet welcomed the report and the work undertaken to date.

4. ALTERNATIVES CONSIDERED AND REJECTED

Without consistent and effective information on their activities, it was more difficult for the Council to understand and register the effects of decisions made by partnerships and take action where appropriate on any decisions made/proposed. The option to do nothing therefore, missed the opportunity/requirement to respond to the ever-growing incidence of partnership working and strengthen the Council's control framework and its management of risks.

5. DECLARATIONS OF INTEREST AND DISPENSATIONS

There were no declarations.

6. IF EXEMPT, REASON FOR EXEMPTION

Not Exempt.

7. DIRECTOR RESPONSIBLE FOR IMPLEMENTATION

Peter Dale, Director Regeneration and Environment.

DECISION 2

1. AGENDA ITEM NUMBER AND TITLE

7. Approval of Housing Enforcement Policy including implementation of Civil Penalties.

2. DECISION TAKEN

Cabinet agreed:-

- (1) to adopt the Housing Enforcement Policy attached to the report, which set out the standards of enforcement that landlords, businesses, individuals and the community could expect from Doncaster Council in relation to housing matters;
- (2) that Civil Penalties be introduced for offences under The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 and The Enterprise and Regulatory Reform Act 2013, with the civil penalty amounts listed in Appendix 3 of the Housing Enforcement Policy; and
- (3) that Civil Penalties be further introduced as an alternative to prosecution for any offences enforced by the Enforcement Team, where government

legislation introduces this option, in accordance with the Civil Penalty Enforcement Policy detailed, in Appendix 2 of the Housing Enforcement Policy.

3. REASON FOR DECISION

Cabinet considered a report which outlined in detail what civil penalties were and how they could be used. The report sought Cabinet's approval for adoption of the Housing Enforcement Policy, attached at the Appendix to the report.

In introducing the report, Councillor McGuinness Cabinet Member for Communities, Voluntary Sector and the Environment, reported that traditionally Regulation and Enforcement had enforced legislation using the principles of criminal law. He explained that this was sometimes a long winded process. Civil Penalties had been introduced by several pieces of government legislation. Local Authorities had the power to set civil penalty amounts locally up to a statutory maximum. Local Authorities were allowed to retain any Civil Penalty income and use this for activities further combatting rogue landlords and poor practices in the private rented sector.

It was noted that Civil Penalties had been successfully implemented by other Local Authorities for Smoke/Carbon monoxide Detection enforcement and for not being registered with a Redress scheme. Many Local Authorities had also adopted Civil Penalties for other offences as introduced by the Housing and Planning Act 2016 which came into force on the 1st April, 2017. The Act provided the option for Local Authorities to impose Civil Penalties of up to £30,000 as an alternative to prosecution for several offences already existing under the Housing Act 2004, such as:-

- Failure to comply with a Housing Improvement Notice;
- Failure to comply with an Overcrowding Notice;
- Failure to licence premises (HMOs and Selective Licensing); and
- Failure to comply with HMO Management Regulations.

In order to implement these provisions, the Council needed to publish an Enforcement Policy Statement on the Internet and agree a fee structure which was fair, transparent and proportionate. For Smoke Detectors and Redress, the Council could pre-agree fees and the proposal was a range between £1,000 - £5,000, which was dependent on the size of the business.

It was noted that the Statutory Guidance made it clear that Civil Penalties for other Housing Offences must be set on a case to case basis, considering severity of the offence, culpability, track record, harm caused and ability to provide a deterrent. This was a more complex model, but worked well with what was already in place for criminal cases. Fines could be up to £30,000, but the highest fines would only be appropriate for high culpability (intentional breaches), which caused a high level of harm, committed by a large national professional landlord. It was very unlikely that the Council would have any such cases in Doncaster and the majority of fines were expected to be in the region of £500 to £10,000.

It was reported that to limit the number of appeals as far as possible and ensure

high quality of evidence in all cases, the Enforcement Team already operated a rigorous case disposal authorisation process for Criminal Cases. The same safeguards would be implemented for any Civil Penalty Offences ensuring no penalties were issued unless the standard of evidence was equally high as any case taken to court. Members noted that all the higher level Civil Penalties related to offences where the landlord has had ample warnings and opportunity to comply with requirements, prior to a penalty being issued.

The Mayor welcomed the report stating that the safety of tenants was of paramount importance. By the Council adopting this Policy, it would help secure better safety and living conditions for tenants. The legislation provided for Councils to take enforcement action against those landlords who failed to provide the minimum safety standards in properties.

4. ALTERNATIVES CONSIDERED AND REJECTED

The only other option was not to take any action. This would mean continuing the current practice of prosecution for any offences currently enforced. It would also mean not implementing the powers provided to Local Authorities to take action under The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 and The Enterprise and Regulatory Reform Act 2013, as there was no provision in these two pieces of legislation for any other formal action apart from civil penalties.

5. DECLARATIONS OF INTEREST AND DISPENSATIONS

There were no declarations.

6. IF EXEMPT, REASON FOR EXEMPTION

Not Exempt.

7. DIRECTOR RESPONSIBLE FOR IMPLEMENTATION

Peter Dale, Director Regeneration and Environment.

DECISION 3

1. AGENDA ITEM NUMBER AND TITLE

8. Behaviour Improvement Programme

2. DECISION TAKEN

Cabinet:-

- (1) agreed the continuum of graduated support as the delivery model for the behaviour system and pathway; this would form the bedrock for strategic commissioning;
- (2) agreed the indicative modelling of finance and the potential asset and human resources implication;
- (3) delegated strategic decision making of re-deployment of resources,

consideration of potential changes to the Alternative Provision estate and challenge to the wider system, to the Director of People and the Chief Finance Officer, in consultation with the Cabinet Member for Children and Young People; and

- (4) provided a mandate to progress with the 3 year transformation programme and support a 6 monthly cycle of progress update and decision making to the Executive Board and Cabinet, where necessary.

3. REASON FOR DECISION

Further to the Cabinet meeting held on 28th March, 2017, Cabinet considered a further report which evidenced progress made against the 3 phase plan that was set out in March 2017 and marked the conclusion of Phase 2. Approval was sought in relation to the preferred continuum of graduated support as the delivery model for the behaviour Induction system and pathway, the preferred option in relation to systems leadership and management, high level 3 year plan and the anticipated financial, asset and legal implications.

It was noted that Doncaster currently had high numbers of fixed term exclusions and managed moves, high rates of persistent absence and poor educational outcomes for children and young people in alternative provision. This provision was currently funded from the High Needs Block of the Dedicated Schools Grant.

The report presented to Cabinet on 28th March 2017, entitled 'Endorsement of the Children's Commissioning Inclusion Program (February 2017- August 2018)', set out the ambition to develop a systems wide Inclusion Strategy that would ensure equity of access to education for all children and young people in the Borough. The report provided an overview of the current system and provision, the pressures within the system and the need for change. Interim proposals were made in relation to Learning Centres to provide a holding position for 2017/18, whilst further work was undertaken to develop a structural design, fit for purpose to meet the changing needs in Doncaster.

Cabinet had supported the delivery of the program in 3 phases:-

Phase 1 – review of current need, capacity, pathways, provisions etc, had been completed;

Phase 2 – remedial actions to prepare and align the system for a new way of working was now completed as detailed in the report; and

Phase 3: linking with the 'One Doncaster' programme to create a sustainable fit for purpose system that meets the needs of all young people in the Borough. On-going changes to the system would embed with continued long term commissioning against need with appropriate resources, (underway).

The Phase 2 review report was presented to the Learning and Opportunities: Children and Young People Senior Leadership Team in May 2017, which included a number of operational and strategic recommendations. Actions against operational recommendations had been progressing since then and continued to be implemented. The recommendations were aimed at improving support to

schools, ensuring clear, evidence based decision making in agreeing and securing appropriate alternative provision for young people disengaging from learning and/or who had been excluded on a fixed or permanent basis.

The Phase 2 strategic recommendations indicated a review of the current structural arrangements and consideration of need, capacity and future direction aligned to the 'Doncaster Growing Together', 'One Doncaster' and the 'Children and Young People's Plan'. The findings and options for consultation with wider stakeholders were presented to Executive Board in December 2017. Options for Primary and Secondary support were different due to the profile of need and challenges in each sector being different.

Children and young people with behaviour problems usually faced a number of environmental, social or emotional difficulties. It was therefore critical that a more integrated and holistic view of a child's needs was taken. Effective support at home and in school was necessary.

There was a sense of collective responsibility and purpose evident across the Team Doncaster partnership to address the issues that schools in Doncaster faced. Building on the evidence of the Children and Young People's Plan, the Education and Skills Commission sought to strengthen schools by improving the quality of teaching and learning, improving teacher recruitment and retention, and by ensuring that there was a broad and balanced curriculum that both met the needs of pupils and the labour market. This was reflected in the Council's 'Raising Aspiration and Achievement Strategy', which set out how local partnerships would impact upon school provision and outcomes. Behaviour, along with attendance, formed one of the three strands of the work of the Doncaster Growing Together Inclusion board, which provided overall governance for this Strategy.

This was strongly correlated with the ambition and intent of the Social Mobility Opportunity Area. Doncaster was set to receive £6m in funding over the next three years to improve the life chances of children and young people. This work was informing and informed by the work of the behaviour review as it aimed to address challenges around common areas such as quality of teaching, absence and variable outcomes for disadvantaged children.

The recommendations in the report must be understood in the context of the current Inclusion programme delivering on the Doncaster Growing Together ambition. Other reports in relation to Communication and Interaction school and an application to Life Chances Fund to introduce a new educational delivery vehicle.

The work would complement the ongoing Attendance Strategy as it developed 'whole school' approaches to improving attendance and captured and disseminated good practice across the Borough. So far, the Attendance Strategy had created audits and action plans in over 50 schools and had attracted 80 schools to the first attendance network. The Council anticipated that this would lead to reductions in school absence over the next 18 months, but recognised that securing inclusive school cultures was critical to the success of the overall project.

The Director of People reported that in relation to the Language School, the Council had received confirmation from the DFE that Nexus was the provider for the school.

Nexus currently provide the secondary special provision at Pennine View, so the Council could now progress with the department in the implementation of that school.

In welcoming the report, Councillor Nuala Fennelly, Cabinet Member for Children, Young People and Schools, commented that the proposal would help to support those children affected, to function more appropriately both inside and outside school, which she felt was important.

The Mayor was supportive of the proposal, which would ensure that all children and young people were given the opportunity to reach their full potential.

4. ALTERNATIVES CONSIDERED AND REJECTED

Option 1: Do nothing. This option could not be considered due to the ongoing impact that current provision has upon outcomes and life chances for young people.

5. DECLARATIONS OF INTEREST AND DISPENSATIONS

There were no declarations.

6. IF EXEMPT, REASON FOR EXEMPTION

Not Exempt.

7. DIRECTOR RESPONSIBLE FOR IMPLEMENTATION

Damian Allen, (DCS/DASS), Director of People.

DECISION 4

1. AGENDA ITEM NUMBER AND TITLE

9. Big Picture Learning - Social Impact Bond.

2. DECISION TAKEN

Cabinet:-

(1) agreed to mandate the establishment of a Programme Board to oversee the development from concept to implementation. The Board would be chaired by an Assistant Director from Learning and Opportunities with representation from Legal, Procurement, Finance, and Assets Services. The provider would be invited to observe and influence decision making at this level;

(2) agreed that strategic decisions in relation to the appointment of a social investor, designation of the provision and the use of the proposed site, is delegated to the Director of Children Services and the Chief Financial Officer in consultation and agreement with the Portfolio Holder for Children and Young People, with ODRs needing to be approved for each of these decisions;

- (3) noted that an update report be presented to Executive Board in July 2018, following submission of final documentation to the 'Life Chances Fund' at the end of May, and a report be submitted to Cabinet in December 2018, for final sign off; and
- (4) approved the location of the Big Picture Learning on the Bentley Training Centre site and that the capital budget is released via an ODR with delegated authority for spend to the Implementation Programme Board.

3. REASON FOR DECISION

Cabinet received a report relating to the Education Inclusion programme, which sought to improve educational outcomes for all children in Doncaster, with a particular focus on vulnerable and/or disadvantaged children. It was reported that this work was made up of three projects; the Behaviour and Attendance Review, the SEND Review and an application to the Life Chances Fund for a Social Impact Bond to introduce Big Picture Learning to Doncaster.

It was noted that in October 2017, the Executive Board approved the submission of an application for a Social Impact Bond (SIB) to bring Big Picture Learning (BPL) to Doncaster as a new form of alternative provision. This was produced in partnership with the Innovation Unit, combining local contextual knowledge and expertise with their ability to apply innovative learning methods to different contexts that achieved high impact. Based on the model worked up for the full application, the total cost of the project was £5.99m covering the 6 years from September 2018 to July 2024.

It was reported that in January 2018, the Council was successful in receiving a 30% top-up from LCF funding which would provide £1.8m of the total £5.99m, leaving £4.19m to be paid by the Council (via Dedicated Schools Grant – High Needs Block). Formal confirmation of the offer from the LCF was expected in June, 2018.

It was noted that there were a number of work strands pertaining to assets, staff recruitment, procurement and co-design with children and young people, that needed to take place between February and August 2018, to enable this to happen with a provisional start date of January, 2019.

Councillor Nuala Fennelly, Cabinet Member for Children, Young People and Schools, welcomed the proposal, as during her time as both an Elected Member and as a Cabinet Member, she had visited a number of schools who had identified behavioural problems as a key issue and this Policy would help to address those issues.

Councillor Rachael Blake, Cabinet Member for Adult Social Care, welcomed the Big Picture Learning and was pleased to see that schools were achieving high standards for their students.

The Director of People informed Members that Doncaster was the first place in the UK to introduce this model which was being piloted by Doncaster. Members were further informed that the location of the site would be sited at Bentley Training Centre.

The Mayor welcomed the report commenting that anything that improved children's

life chances was to be applauded.

4. ALTERNATIVES CONSIDERED AND REJECTED

No other options were considered.

5. DECLARATIONS OF INTEREST AND DISPENSATIONS

There were no declarations.

6. IF EXEMPT, REASON FOR EXEMPTION

Appendix A to the report was not for publication because it contained exempt information within paragraph 3 of schedule 12a of the Local Government Act 1972, as amended, as it contained exempt information relating to the financial or business affairs of any particular person (including the Authority holding that information).

7. DIRECTOR RESPONSIBLE FOR IMPLEMENTATION

Damian Allen, (DCS/DASS), Director of People.

DECISION 5

1. AGENDA ITEM NUMBER AND TITLE

10. Sheffield City Region Business Investment Fund to support the development of new TV and film production centre.

2. DECISION TAKEN

Cabinet gave approval for:-

- (1) the Council's support of the application for funding to the SCR Business Investment Fund by the TV and film production financing company for the sum of £4.1m;
- (2) committing the Council to the future re-payment, subject to Doncaster College selling the site to the TV and film production financing company, of £2.05m of the funding obtained by the TV and film production company to the SCR; and
- (3) delegation to negotiate acceptable terms and conditions with the SCR, to include repayment conditions which are acceptable to the Council, to the Director of Environment and Regeneration, in consultation with the Chief Finance Officer and the portfolio holder for Business, Economic Development and Tourism.

3. REASON FOR DECISION

Cabinet considered a report which sought approval for the Council's support of an application for funding to the SCR Business Investment Fund by a TV and film production financing company, to redevelop the High Melton College site as a major centre for film and TV production.

In presenting the report, Councillor Bill Mordue, Cabinet Member for Business,

Skills and Economic Development, commented that the production of TV, film and digital content was growing strongly thanks to a very supportive environment and the most globally advantageous tax system. UK film and TV was growing at 12% p.a. with inward investing film and TV productions spend growing 23% between 2016 and 2017. The creative and digital sector locally was very small employing only 2.5% of people in Doncaster compared to 4.3% in SCR, 4.9% in Yorkshire and Humberside and 7% nationally.

Councillor Mordue reported that a TV and film production financing company had proposed a development that would take this growth opportunity and increase Doncaster's employment rate in this rapidly growing sector. Initially, this would be by building:-

- 4 sound stages
- 2 workshops
- 4 warehouses
- VFX training academy
- £36m investment

The development would be located at the High Melton College site, subject to Doncaster College agreeing to the site being sold. This would result in, 207,700 sq. ft of new buildings, generating 851,000 of new Rateable Value bringing £408,600 of new business rates income of which £204,300 p.a. would be retained by DMBC. This would bring 265 new jobs to be employed by the TV and film production financing company and a total of 430 on site. A new VFX training academy would also be opened in conjunction with Doncaster College providing HND to MA courses, starting with an intake of 40 in 2019 and rising to 750 by 2022.

Furthermore, Regional support through the Sheffield City Region business investment Fund of £4.1m had been agreed by the SCR BIF Panel subject to ratification by the Combined Authority. As part of this support process, Doncaster Council, over time, was required to reimburse the SCR £2.05m of this grant. The monies to cover this repayment would be generated by the new business rates that the development will generate.

To conclude, Councillor Mordue advised that in return for a relatively modest investment of £2m by Doncaster Council, the Council would receive all of the foregoing, which would lead to a second phase that would double phase one, taking the total number of jobs on site to over 1,000 and support a significant number of new jobs in the local supply chain.

Cabinet welcomed the development of the new TV and film production centre, as it not only offered opportunities to aspiring young people in the Borough, but would also stimulate Doncaster's economy by creating jobs and bring high level skills to the Borough. Members felt that this was a unique opportunity for the Borough and not to support the application would be detrimental to Doncaster. Subject to Doncaster College selling the High Melton College site, Cabinet supported the development and the application for funding to the Sheffield City Region Business Investment Fund.

4. ALTERNATIVES CONSIDERED AND REJECTED

Don't support the grant application and hope that the company could secure sufficient commercial funding to bring this significant new startup operation to fruition. With such significant levels of investment (£36m) and lead time before such a facility becomes operational, this would be unlikely without an element of public sector pump priming.

5. DECLARATIONS OF INTEREST AND DISPENSATIONS

There were no declarations.

6. IF EXEMPT, REASON FOR EXEMPTION

Appendix A to the report included commercially sensitive information which was not for publication, as it referred to information which was exempt, as defined within paragraph 3, (information relating to the financial and business affairs or any particular person, including the authority holding that information) of Part 1 of Schedule 12A of the Local Government Act, 1972, as amended.

7. DIRECTOR RESPONSIBLE FOR IMPLEMENTATION

Peter Dale, Director Regeneration and Environment.

The press and public were excluded from the remaining proceedings (Decision 6) of the meeting in accordance with Section 100(A)(4) of the Local Government Act 1972, as amended, on the grounds that exempt information as defined in Paragraph 3 of Schedule 12A to the Act, is likely to be disclosed.

DECISION 6

1. AGENDA ITEM NUMBER AND TITLE

11. Scot Lane - Town Centre Regeneration.

2. DECISION TAKEN

Cabinet approved the recommendations to secure the regeneration of an area of the town centre, as identified in the report.

3. REASON FOR DECISION

Cabinet considered a report which sought approval to regenerate part of the town centre, in order to create a vibrant town centre, bringing in new jobs and increase in footfall and subsequent private investment.

4. ALTERNATIVES CONSIDERED AND REJECTED

The alternative option considered and rejected, was detailed within the report.

5. DECLARATIONS OF INTEREST AND DISPENSATIONS

There were no declarations.

6. IF EXEMPT, REASON FOR EXEMPTION

The report was exempt and was not for publication, because it contained exempt information under paragraph 3 (*information relating to the financial or business*

affairs of any particular person, including the authority holding that information) of schedule 12A of the Local Government Act 1972, as amended).

In accordance with the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, it was noted that no representations from the public had been received regarding the meeting being held in private.

7. DIRECTOR RESPONSIBLE FOR IMPLEMENTATION

Peter Dale, Director Regeneration and Environment.

Signed.....Chair/Decision Maker