



Doncaster Council

Agenda

To all Members of the **CABINET**

Notice is given that a Meeting of the Cabinet is to be held as follows:

Venue: 007a and b - Civic Office Waterdale, Doncaster, DN1 3BU

Date: Tuesday, 10th April, 2018

Time: 10.00 am

Item for discussion:

1. Apologies for Absence
2. To consider the extent, if any, to which the public and press are to be excluded from the meeting
3. Public Questions and Statements

(A period not exceeding 20 minutes for questions and statements from members of the public and Elected Members to the Mayor of Doncaster, Ros Jones. Questions/Statements should relate specifically to an item of business on the agenda and be limited to a maximum of 100 words. As stated within Executive Procedure Rule 3.3 each person will be allowed to submit one question/statement per meeting. A question may only be asked if notice has been given by delivering it in writing or by e-mail to the Governance Team no later than 5.00 p.m. of the third working day before the day of the meeting. Each question or statement must give the name and address of the person submitting it. Questions/Statements should be sent to the Governance Team, Floor 2, Civic Office, Waterdale, Doncaster, DN1 3BU, or by email to democratic.Services@doncaster.gov.uk)

Issued on: Thursday, 29 March, 2018

Governance Services Officer for this meeting:

Andrea Hedges
Tel: 01302 736713

Doncaster Metropolitan Borough Council
www.doncaster.gov.uk

4. Declarations of Interest, if any.
5. Decision Record Forms from the meeting held on 20th and 27th March, 2018 for noting (previously circulated)

A. Reports where the public and press may not be excluded

Non-Key Decisions

- | | | |
|----|---|-------|
| 6. | Partnership and Outside Body Reporting: Update from Trent Regional Flood and Coastal Committee. | 1 - 8 |
|----|---|-------|

Key Decisions

- | | | |
|----|---|---------|
| 7. | Approval of Housing Enforcement Policy including implementation of Civil Penalties. | 9 - 36 |
| 8. | Behaviour Improvement Programme | 37 - 58 |
| 9. | Big Picture Learning - Social Impact Bond. | 59 - 72 |

Appendix A is not for publication because it contains exempt information within paragraph 3 of schedule 12a of the Local Government Act 1972, as amended.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

- | | | |
|-----|--|---------|
| 10. | Sheffield City Region Business Investment Fund to support the development of new TV and film production centre | 73 - 88 |
|-----|--|---------|

Appendix A of the report includes commercially sensitive information which is NOT FOR PUBLICATION as it refers to information which is 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.

B. Reports where the Public and Press may be excluded in accordance with grounds specified in the Local Government Act 1972, as amended.

- | | | |
|-----|---------------------------------------|----------|
| 11. | Scot Lane - Town Centre Regeneration. | 89 - 120 |
|-----|---------------------------------------|----------|

The report is exempt and is NOT FOR PUBLICATION because it contains 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).

Notice of any representations received

This is the formal 5 clear day notice under the Local Authorities

(Executive Arrangements) (Meetings and Access to information) (England) Regulations 2012, to confirm that it is the intention that this Cabinet meeting will be partly held in private to consider agenda item No. 11, for the reasons set out in the Agenda.

At the time of publication, no representations from the public have been received regarding this meeting being held in private (Agenda Item No. 11).

Cabinet Members

Cabinet Responsibility For:

**Chair – Ros Jones, Mayor of
Doncaster**

**Vice-Chair – Deputy Mayor
Councillor Glyn Jones**

Housing and Equalities

Councillor Nigel Ball

Portfolio Holder for Public Health, Leisure and Culture

Councillor Joe Blackham

Portfolio Holder for Highways, Street Scene and Trading Services

Councillor Rachael Blake
Councillor Nuala Fennelly

Portfolio Holder for Adult Social Care
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 Services

This page is intentionally left blank



Doncaster Council

Report

Date: 10 April, 2018

To the Chair and Members of the
Cabinet

PARTNERSHIP GOVERNANCE REPORT - Trent Regional Flood and Coastal Committee

Relevant Cabinet Member(s)	Wards Affected	Key Decision
Cllr Chris McGuinness	Conisborough, Edlington and Warmsworth, Hexthorpe and Balby, Town, Wheatley and Intake, Stainforth and Barnby Dun and Thorne and Moorends, Rossington and Bawtry, Finningley, Bessacarr, Tickhill and Wadworth, Armthorpe, Edenthorpe and Kirk Sandall	No

EXECUTIVE SUMMARY

1. As part of the Council's approach to monitoring and evaluating its relationship with external organisations and partnerships this report provides details on activities undertaken by the following organisations (s):

Yorkshire Regional Flood and Coastal Committee

EXEMPT REPORT

2. This is not an exempt report.

RECOMMENDATIONS

3. To note the feedback and comments in respect of the Council's partnership arrangements with **Trent Regional Flood and Coastal Committee**

WHAT DOES THIS MEAN FOR THE CITIZENS OF DONCASTER?

4. Reviewing the activities of partnerships where the Council or Executive appoints representatives helps to ensure alignment with Borough wide priorities, improved stewardship of public funds and public confidence that effective controls are in place to manage any relevant risks. Effective governance also ensures partnerships' working contributes to the effective and efficient provision of services to the Public and the achievement of value for money.

BACKGROUND

5. At its meeting on 19th May 2017, Council agreed that where it made appointments to external partnerships, a mechanism should be put in place to report back to the Council on the activities of that body in a consistent manner. As the Council increasingly works with partners to achieve common objectives and/or ensure effective stewardship of public funds this process will demonstrate greater transparency and accountability within partnership working.
6. Attached at Appendix A is a Partnership Governance template relating to **Trent Regional Flood and Coastal Committee** this provides Members with an overview of key activities undertaken, any significant future activities and any significant governance or other issues.

OPTIONS CONSIDERED

7. Without consistent and effective information on their activities, it is 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, misses the opportunity / requirement to respond to the ever-growing incidence of partnerships working and strengthen the Council's control framework and its management of risks.

REASONS FOR RECOMMENDED OPTION

8. To regularly report back on the activities of partnerships provides an opportunity to strengthen governance arrangements, monitor the effectiveness of those arrangements and raise awareness of wider partnership activities.

IMPACT ON THE COUNCIL'S KEY OUTCOMES

9. Good partnerships governance has the following impacts on Council priorities

	Outcomes	Implications
	Doncaster Working: Our vision is for more people to be able to pursue their	

	<p>ambitions through work that gives them and Doncaster a brighter and prosperous future;</p> <ul style="list-style-type: none"> • Better access to good fulfilling work • Doncaster businesses are supported to flourish • Inward Investment 	
	<p>Doncaster Living: Our vision is for Doncaster's people to live in a borough that is vibrant and full of opportunity, where people enjoy spending time;</p> <ul style="list-style-type: none"> • The town centres are the beating heart of Doncaster • More people can live in a good quality, affordable home • Healthy and Vibrant Communities through Physical Activity and Sport • Everyone takes responsibility for keeping Doncaster Clean • Building on our cultural, artistic and sporting heritage 	<p>Flood Risk management throughout the borough reduces the flood risk to properties, businesses and infrastructure.</p>
	<p>Doncaster Learning: Our vision is for learning that prepares all children, young people and adults for a life that is fulfilling;</p> <ul style="list-style-type: none"> • Every child has life-changing learning experiences within and beyond school • Many more great teachers work in Doncaster Schools that are good or better • Learning in Doncaster prepares young people for the world of work 	
	<p>Doncaster Caring: Our vision is for a borough that cares together for its most vulnerable residents;</p> <ul style="list-style-type: none"> • Children have the best start in life • Vulnerable families and individuals have support from someone they trust • Older people can live well and independently in their own homes 	
	<p>Connected Council:</p> <ul style="list-style-type: none"> • A modern, efficient and flexible workforce 	<p>Strengthening partnership working by identifying, managing and reducing risks in order to</p>

	<ul style="list-style-type: none"> • Modern, accessible customer interactions • Operating within our resources and delivering value for money • A co-ordinated, whole person, whole life focus on the needs and aspirations of residents • Building community resilience and self-reliance by connecting community assets and strengths • Working with our partners and residents to provide effective leadership and governance 	<p>enable strategic and operational partnerships achieve all our objectives.</p> <p>By providing robust partnership guidance ensures the stewardship of public funds.</p>
--	---	---

RISKS AND ASSUMPTIONS

- 10.** Failure to review partnerships' and key internal groups' activities exposes the Council to risks that can impact on a number of levels as follows:
- Failing to ensure an effective Strategic Fit
 - Failing to identify and address the gaps and shortfalls in Relationships
 - Failing to fully assess and plan for the Organisational Impact the changes will have
 - Failing to robustly develop and test the Economic Case for partnership working
 - Reputational damage to DMBC due to flawed partnerships
 - Conflicts of interest not being managed
 - Damaged relationships with partners.

LEGAL IMPLICATIONS Officer Initials...SF.. Date

- 11.** S 1 of the Localism Act 2011 provides a general power of competence which allows local authorities to do anything an individual can do, unless prohibited by law (and subject to public law principles). This power allows for the general oversight of the external organisation on which Council members and officers sit. It is important that where the Authority nominate officers or members to sit on external partnerships they we do have an ongoing oversight of the governance standards of the partnerships. As a minimum, the partnerships should be aware and have policies reflecting the ethical standards of behaviour expected of public office holders as detailed in the Nolan principles.

It is essential that those the Council appoints to sit on outside bodies understand their duties and responsibilities in relation to their position on those bodies and the limit of any delegations they may enjoy. Further specific advice should be sought if they are in any doubt as to these matters.

FINANCIAL IMPLICATIONS Officer Initials RT Date 02/03/18

12. DMBC Make an annual contribution of £20,000 to the Local Levy. This amount is part of DMBC central budgets.

HUMAN RESOURCES IMPLICATIONS Officer Initials: DK Date: 05/03/2018

13. There are no Human Resource implications.

TECHNOLOGY IMPLICATIONS Officer Initials...PW Date...05/03/18

14. There are no Technology implications in relation to this report.

HEALTH IMPLICATIONS Officer Initials CEH Date 05/03/018

15. There are significant impacts on health and wellbeing associated to flooding and the perceived risk of flooding. Effective partnership processes via the Yorkshire Regional Flood and Coastal Committee to manage flood risks throughout the Borough can support the health and wellbeing of Doncaster communities.

EQUALITY IMPLICATIONS Officer Initials K.H Date 04/01/2018

16. There are no Equality implications

CONSULTATION

17. Not required.

BACKGROUND PAPERS

18. Report to Council 19th May 2017, Governance Arrangements: Oversight And Transparency Of The Work Of External Partnerships And Council Committees

REPORT AUTHOR & CONTRIBUTORS

Name: Kyle Heydon Title: Senior Flood Risk Engineer
☐☐01302 735531 ☐☐Kyle.Heydon@doncaster.gov.uk

Peter Dale (Director of Regeneration and Environment)

**PARTNERSHIP GOVERNANCE – REVIEW OF PARTNERSHIP ACTIVITY
TEMPLATE AND GUIDANCE NOTES**

1. NAME OF PARTNER ORGANISATION:

Trent Regional Flood and Coastal Committee

2. OBJECTIVES OF THE ORGANISATION

The Regional Flood and Coastal Committee (RFCC) is a committee established by the Environment Agency under the Flood and Water Management Act 2010 that brings together members appointed by Lead Local Flood Authorities (LLFAs) and independent members with relevant experience for 3 purposes:

- to ensure there are 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 represents value for money and benefits local communities
- 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

3. NAME OF THE COUNCIL'S REPRESENTATIVE(S) APPOINTED TO THE ORGANISATION AND THE CAPACITY IN WHICH THEY SERVE:

Committee Members
Cllr Chris McGuinness

4. NAME OF COUNCIL'S LEAD OFFICER:

Kyle Heydon – Senior Flood Risk Engineer (DMBC)

5. KEY ACTIVITIES UNDERTAKEN DURING THE PERIOD April 2016 to April 2018

To ensure (to include formal approval of the programme expenditure) the Environment Agencies 6 year medium term capital programme, continues to be delivered.

The forecast Capital expenditure from April 2017 to April 2018 is £32 million pounds to ensure protection of 300,000 properties a target set by central government.

The overall settlement for the MTP up to the year 2020/21 is around £179 million pounds following the 2015 floods.

Setting of the Local Levy, of which Doncaster MBC contributes £20,000 pounds per annum.

6. KEY ACTIVITIES EXPECTED TO BE UNDERTAKEN DURING THE PERIOD April 2018 TO April 2019

To ensure (to include formal approval of the programme expenditure) the Environment Agencies 6 year medium term programme, continues to be delivered.

Setting of the Local Levy, of which Doncaster MBC contributes £20,000

7. DETAILS OF ANY SIGNIFICANT GOVERNANCE ISSUES

None

8. ADDITIONAL COMMENTS

None.

9. PLEASE STATE NAME OF RELEVANT DIRECTOR OR ASSISTANT DIRECTOR

Peter Dale (Director) and Gill Gillies (Assistant Director)

10. DATE: 01/03/2018

11. DATE OF NEXT SCHEDULED REPORT – To be confirmed

List of current projects under Trent RFCC, in Doncaster MBC's area.

Project Name	Number of Properties Benefitting	Organisation	Cost
Thorne Crowle and Goole Moors	N/A	Doncaster East IDB	£1,618,580
Godcross Drain, Blaxton Quarry PS replacement	N/A	Doncaster East IDB	-
River Torne, Rossington Flood Alleviation Studay	45	Doncaster MBC	£162,000
Papermill Dyke Hydraulic Model	N/A	Doncaster MBC	£20,000
Papermill Dyke Flood Defence Wall	10	Doncaster MBC	£36,000
Broomhouse Lane	3	Doncaster MBC	£12,000
Main Street, Auckley	1	Doncaster MBC	£5,000

Other Large Schemes within the Trent RFCC Area

Project Name	Number of Properties Benefitting	Organisation	Cost
Derby Flood Risk Management Scheme	1483	Derby City Council	£59,619,573
Beckingham Drain Pumping Station Refurbishment	-	Trent Valley IDB	£1,161,000
Southwell Flood Alleviation Scheme	236	Nottinghamshire County Council	£1,675,000
Cotton Brook Culvert Renewal	174	Derby City Council	£1,585,628
Walkeringham Flood Alleviation Scheme	45	Bassetlaw District Council	£693,000



Doncaster Council

Report

Date: 10th April 2018

To the Chair and Members of the
CABINET

Approval of Housing Enforcement Policy including implementation of Civil Penalties

Relevant Cabinet Member(s)	Wards Affected	Key Decision
<p>Councillor Chris McGuinness Cabinet Portfolio Holder for Communities, the Voluntary Sector and Environment</p> <p>Councillor Glyn Jones Cabinet Portfolio Holder for Housing</p>	All wards	Yes

EXECUTIVE SUMMARY

1. Civil Penalties have been introduced by several pieces of government legislation as an alternative to traditional criminal law enforcement against businesses, mostly relating to Housing offences. Local authorities have the power to set civil penalty amounts locally up to a statutory maximum. Civil Penalties allow for a higher financial penalty than the currently low court fines; they will provide an effective deterrent and protect Doncaster residents against rogue landlords; they will protect against unscrupulous letting agents and other poor business practices. Civil penalties would also deliver more cost efficient and faster enforcement in the area of housing disrepair and fire safety standards.

EXEMPT REPORT

2. The report may be published as it does not contain exempt information.

RECOMMENDATIONS

3. It is recommended:-
 - a) To adopt the Housing Enforcement Policy attached to this report, which sets out the out standards of enforcement that landlords, businesses, individuals and the community can expect from Doncaster Council in relation to housing matters.
 - b) Civil Penalties are 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.
 - c) Civil Penalties are 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.

WHAT DOES THIS MEAN FOR THE CITIZENS OF DONCASTER?

4. Despite the removal of the cap of maximum fines in March 2015, the fines awarded by Magistrates Courts in relation to offences by businesses are often so low that they are unable to provide an effective deterrent for poor management practices. Civil penalties would introduce a higher financial penalty and therefore provide a better deterrent for businesses such as landlords and letting agents who are flaunting legal requirements for financial gain. This would increase the protection for citizens of Doncaster against rogue landlords, unscrupulous letting agents and other poor business practices. Civil penalties would also deliver more cost efficient and faster enforcement in the area of housing disrepair and fire safety standards and it allows the Authority to retain the income from such penalties provided that it is used to further the Authorities statutory functions in relation to enforcement covering the private rented sector.

BACKGROUND

Civil Penalties versus traditional criminal enforcement

5. Traditionally Regulation and Enforcement has enforced legislation using the principles of criminal law. Breaches of legislation would result in a legal notice being served and prosecution if non-compliance is witnessed. This is sometimes a long winded process. In the last 15 years Fixed Penalty Notices have been introduced to offer a more appropriate alternative to prosecution for some simpler offences such as littering and breach of community protection notices. If such penalties are not paid the matter would still end up in the Magistrates' Court giving the recipient a court fine and a criminal conviction.

6. Over the last few years government policy has been focused on de-criminalisation of many offences. This has led to many pieces of new legislation being introduced based on Local Authorities issuing civil penalties, instead of taking cases through the traditional criminal route. Civil penalties are already successfully used for enforcement in other areas such as parking. They are based on the principle that if an offence is witnessed the Local Authority would send out an intention to serve a civil penalty, stating the amount and details of the breach, giving the person a set time to appeal the decision. The Council would consider any appeal received internally and progress the matter to a civil penalty if appropriate. If the penalty is paid the matter is closed at this stage. If penalties remain unpaid the Council would issue a Charge Certificate and pass the debt for recovery through an Enforcement Agent if necessary. Once the civil penalty is issued the recipient could appeal this to a tribunal.

Requirement for Smoke Detectors and Carbon Monoxide Alarms in rented accommodation

7. The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 were enacted and became law on the 1st of October 2015. The regulations require landlords to ensure at least one smoke alarm is installed on every storey in a rented property on which there is a room used wholly or partly as living accommodation. A carbon monoxide alarm must also be installed in any room which is used wholly or partly as living accommodation and contains a solid fuel burning combustion appliance. For any new tenancy started after 1st October 2015, there is also a requirement on the landlord to check the alarms and ensure they are in working order at the start of each new tenancy. Social Housing, Licenced HMOs, live-in landlords, long leases and student hall of residence are excluded from the new requirements.
8. The legislation introduces a statutory duty on Local Authorities to serve a remedial notice on any landlord/agent within 21 days when they have reasonable grounds to believe that they have breached their duties under the regulations giving them 28 days to put the matter right. If no action is taken within this time scale the Local Authority must install the required smoke and/or carbon monoxide detection in the property and issue a Civil Penalty Notice. The Local Authority has the power to specify the Civil Penalty amount they feel is appropriate for non-compliance up to a maximum of £5000.
9. Before commencing enforcement of this legislation the Council must publish a statement of principles on their website, including the locally agreed Civil Penalty amounts.

Requirement for property managers and letting agents to be a member of a recognised property redress scheme.

10. The Enterprise and Regulatory Reform Act 2013 introduced a requirement for property managers and letting agents to be registered with one of the government approved redress schemes. The background of the legislation was a growing number of concerns from tenants regarding poor practices and unfair fees set by property managers and letting agents. The main purpose of the redress scheme is to create a neutral mediator to settle unresolved complaints from consumers who have suffered a loss as a result

of the action of a scheme member. It is seen as an alternative to using the courts process.

11. Living in a privately rented property that is badly managed may expose tenants to possible hazards in their home. Better management by more accountable agents and property managers should help to reduce hazards. This legislation is a valuable tool in tackling irresponsible letting and management in the private rented sector.
12. The Enforcement Team has already provided a large amount of informal advice to local business in respect to this new legislation. An informal letter has been sent to all known letting agents and management companies with properties in Doncaster advising them of the need to register with one of these schemes. Checks are also already in place for any landlord applying for a HMO or Selective Licence, with advice provided to any agent/manager found to be non-compliant with the requirements of the Act. The local compliance with this requirement amongst reputable letting agents and property managers is now very high, making it appropriate to introduce effective enforcement against any individuals not adhering to this legislation.
13. The legislation allows the Council to issue a notice of intent to impose a monetary penalty followed by a final notice with a fine. The Local Authority has the power to specify the civil penalty amount they feel is appropriate for non-compliance up to a maximum of £5000.

Civil Penalties as an alternative to prosecution under existing legislation:

14. In addition to being the preferred enforcement option for any new legislation coming into force, the Secretary of State has in the last 12 months announced a number of proposals where Civil Penalties would be introduced as an alternative to prosecution to offences that are already enforced by Local Authorities under existing legislation.
15. One example of this is the Housing and Planning Act 2016 which received Royal Assent on 12th May 2016 and came into force on the 1st April 2017. The legislation includes measures to further target rogue landlords and bad practices in the private rented sector. The Act provides the option for Local Authorities to impose Civil Penalties 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)
 - Failure to comply with HMO Management Regulations.
16. The amount of a financial penalty imposed under this legislation is to be determined by the Local Authority, but must not be more than £30,000.
17. In order to start issuing civil penalties for these offences rather than continuing the practice of taking these matters to court, the Local Authority would need to agree a policy on determining the appropriate level of Civil Penalty and publish a statement of policy on their website.

Considerations made when determining a fair, transparent and proportionate fine structure for Civil Penalties.

18. In April 2017, further guidance for Local Authorities was issued by Department for Communities and Local Government, setting out the process and procedures that must be followed. The guidance also sets out the factors Local Authorities should consider when setting civil penalty levels which include: severity of the offence, culpability and track record of the offender, the harm caused to the tenant, punishment of the offenders and ability to provide a deterrent for further offences.
19. It is an established legal principle that a criminal court should take into consideration if an early guilty plea was entered when determining the appropriate fine for an offence. This has been re-enforced by recent consultation issued by the Sentencing Council. An early acceptance of guilt reduces the impact of the crime on the victim, saves witnesses from having to testify and is in the public interest as it saves public time and money on file preparation, administration and court trial/tribunal appearances. For cases going to Magistrates Court, the Sentencing Council propose an early plea discount of 1/3rd. The legislation which introduced Civil Penalties in other areas of enforcement has left it to the individual Local Authorities to determine the level of Civil Penalty appropriate in each case. Enforcement Team feel it would be in the public interest to encourage early resolution of cases. As the alternative to a Civil Penalty would be a prosecution, it would be fair to offer the same early resolution discount of 1/3rd (as applied by the Sentencing Council) for any civil penalty paid within 14 days.
20. Government guidance makes it clear that prosecution of landlords still serves an important purpose for repeat offenders. The reviewed Enforcement Policy proposes that any landlord/agent that has already been served with two civil penalties in the last 2 years, or any case where a previous civil penalty remain unpaid, would still be referred for prosecution.

Expected impact of introduction and volumes of penalties.

21. In any 12-month period the Enforcement Team investigate around 300 cases of housing disrepair. Most of these cases are resolved by working with the landlord to complete necessary repairs but enforcement action is taken to ensure compliance in around 50 cases a year, including service of Improvement Notices. In approximately 3-5 cases a year, such notices are not complied with and cases referred for prosecution action. If Civil Penalties was introduced, these landlords could have been fined, rather than officers preparing legal files, saving time as well as imposing a more substantial penalty.
22. During the implementation of Selective Licensing in Hexthorpe, the Enforcement Team has investigated around 100 cases of landlords failing to licence their property in time. Approximately 50 such cases have been forwarded for prosecution action. Civil penalties would provide a better deterrent and a swifter penalty for these types of offences.

23. When inspecting private rented properties, smoke detection is often found to be lacking or not working. Being able to issue warnings under The Smoke and Carbon Monoxide Alarm (England) Regulations 2015, impose civil penalties if warnings are ignored and complete work in default would give officers a quicker and more efficient route to deal with this serious hazard. Based on evidence from other Local Authorities who have already implemented this legislation, it is expected that nearly all landlords will comply with the requirement when receiving a warning letter including the threat of a civil penalty fine. Even if few fines are expected to be issued under this legislation, it would greatly benefit private rented tenants in Doncaster as the threat of civil penalty fines are likely to drive up compliance in this sector.

OPTIONS CONSIDERED

24. The only other option is 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 is no provision in these two pieces of legislation for any other formal action apart from civil penalties.

REASONS FOR RECOMMENDED OPTION

25. Civil penalties have 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 have also adopted Civil Penalties for other offences as introduced by the Housing and Planning Act 2016. Civil Penalties were introduced by the government to tackle some of the poor private rented sector practices outlined in this report. Introduction of civil penalties as an alternative to prosecution of businesses under other legislation is also expected to provide more time efficient enforcement, a more effective deterrent and further protection of Doncaster residents against rogue landlords, unscrupulous letting agents and other poor business practices.

IMPACT ON THE COUNCIL'S KEY OUTCOMES

26.

Outcomes	Implications
<p>Doncaster Working: Our vision is for more people to be able to pursue their ambitions through work that gives them and Doncaster a brighter and prosperous future;</p> <ul style="list-style-type: none"> • Better access to good fulfilling work • Doncaster businesses are supported to flourish • Inward Investment 	<p>All civil penalties currently proposed relate to offences committed by businesses. Civil penalties are higher than current court fines awarded for these offences and will ensure poor management practices cost more than compliance and do not give a commercial advantage. This will be beneficial for all the responsible businesses operating in Doncaster.</p>
<p>Doncaster Living: Our vision is</p>	<p>The purpose of the relevant legislation is</p>

<p>for Doncaster’s people to live in a borough that is vibrant and full of opportunity, where people enjoy spending time;</p> <ul style="list-style-type: none"> • The town centres are the beating heart of Doncaster • More people can live in a good quality, affordable home • Healthy and Vibrant Communities through Physical Activity and Sport • Everyone takes responsibility for keeping Doncaster Clean • Building on our cultural, artistic and sporting heritage 	<p>to ensure those accessing the private rented sector can do so in the knowledge that they can expect safe living standards and be protected from fraud by letting agents and property managers.</p> <p>Some of the civil penalties in this report relate to the failure to appropriately maintain private rented properties. Poorly maintained properties cause detriment not just to the individual tenants, but to the surrounding areas by causing an eyesore and a negative impact on the residential amenity.</p>
<p>Doncaster Learning: Our vision is for learning that prepares all children, young people and adults for a life that is fulfilling;</p> <ul style="list-style-type: none"> • Every child has life-changing learning experiences within and beyond school • Many more great teachers work in Doncaster Schools that are good or better • Learning in Doncaster prepares young people for the world of work 	<p>Many of the most vulnerable families in Doncaster live in private rented accommodation as this is the only option available to them. Effective enforcement of housing standards safeguards all families who have the right to a safe home. It is hoped that higher penalties for housing offences would serve as an effective deterrent and drive up private rented housing standards.</p>
<p>Doncaster Caring: Our vision is for a borough that cares together for its most vulnerable residents;</p> <ul style="list-style-type: none"> • Children have the best start in life • Vulnerable families and individuals have support from someone they trust <p>Older people can live well and independently in their own homes</p>	<p>Many of the most vulnerable families in Doncaster live in private rented accommodation as this is the only option available to them. Effective enforcement of housing standards safeguards all families who have the right to a safe home. It is hoped that higher penalties for housing offences would serve as an effective deterrent and drive up private rented housing standards.</p>
<p>Connected Council:</p> <ul style="list-style-type: none"> • A modern, efficient and flexible workforce • Modern, accessible customer interactions • Operating within our resources and delivering value for money • A co-ordinated, whole person, whole life focus on the needs and aspirations of residents • Building community resilience and self-reliance by connecting 	<p>Enforcement through civil penalties is more efficient and provides better value for money than traditional enforcement through prosecution.</p>

<p>community assets and strengths</p> <ul style="list-style-type: none"> • Working with our partners and residents to provide effective leadership and governance 	
--	--

RISKS AND ASSUMPTIONS

27. The local authority cannot choose to adopt The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 and The Enterprise and Regulatory Reform Act 2013, we have a statutory duty to do so. Failure to enforce this legislation may result in action by the Local Government Ombudsman. The authority does however have discretion in the level of civil penalty they will impose if a landlord does not comply with the remedial notice.
28. In relation to Smoke and Carbon Monoxide Alarms, there is an absolute duty for the Local Authority to take remedial action to remove the risk if the remedial notice is not complied with. This will incur a cost for the Local Authority. A quick survey shows that 10 year Lithium Battery smoke detectors will cost between £9.24 and £12.76; CO detectors between £19.56 and £20.68 per unit (excl. VAT) depending on the amount purchased and bulk discounts applied. Most properties would require a minimum of two smoke detectors and one CO monitor at a potential unit cost of £40 (excl. VAT) in addition to installation costs.
29. However, each case where remedial action is required, would result in a civil penalty and the Council is allowed to keep the full amount of any income gained this way, to use for housing enforcement purposes. This should ensure costs are recovered for any remedial action required. It is unlikely that the amount spent by the Council on remedial work as a result of this legislation would exceed £1000 a year as most landlords are likely to comply with the remedial notice.
30. Introducing enforcement in relation to Smoke/Carbon monoxide detectors and the Property Redress Scheme is likely to result in an initial increase in officer time spent enforcing smoke alarms and making sure agents are registered with a redress scheme. However, it is expected that there would be a long term resource benefit of the legislation providing clear expectations to landlords and a time efficient way of enforcement for any landlord ignoring their duties.
31. There is a likelihood that some landlords may challenge remedial notices or civil penalties imposed. Landlords have a legal route to request the Local Authority to review any civil penalty notice and can further appeal the notice to a First-tier Tribunal. Such challenges can be time consuming for the officers involved, however the Enforcement Hub has substantial experience of handling such reviews in a time efficient manner through the FPN process and parking enforcement. To limit the number of appeals as far as possible and ensure high quality of evidence in all cases, the Enforcement Team already operates a rigorous case disposal authorisation process for Criminal Cases. The same safeguards will be implemented for any Civil Penalty

Offences. To defend an appeal in a First-tier Tribunal is not more time consuming than the current practice of taking cases to court.

32. Some landlords and property managers may feel that higher penalties are unfair and inhibiting to further investment. However, it is worth noting that when officers from the Enforcement Team have recently attended local landlord's forums, many reputable landlords have expressed the view that the authority should take stronger action against those in the sector ignoring legal requirements as they feel they undermine their business financially and by damaging the reputation of local landlords.

LEGAL IMPLICATIONS [Officer Initials: HP/MCC Date: 2.3.18]

33. The change in legislation to put more emphasis in housing enforcement on civil penalties rather than traditional criminal enforcement is set out in the body of the report and as the Council proceeds with this enforcement method good practice requires an update to the housing enforcement policy. This sets out clearly the Council's enforcement intentions and failure to follow this without good reason will put the Council at risk of legal challenge.

The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 were enacted and became law on the 1st of October 2015. The regulations require landlords to ensure at least one smoke alarm is installed on every storey in a rented property on which there is a room used wholly or partly as living accommodation.

The legislation introduces a statutory duty on Local Authorities to serve a remedial notice on any landlord/agent within 21 days when they have reasonable grounds to believe that they have breached their duties under the regulations giving them 28 days to put the matter right. If no action is taken within this time scale the Local Authority must install the required smoke and/or carbon monoxide detection in the property and issue a Civil Penalty Notice. The Local Authority has the power to specify the Civil Penalty amount they feel is appropriate for non-compliance up to a maximum of £5000.

Before commencing enforcement of this legislation the Council must publish a statement of principles on their website, including the locally agreed Civil Penalty amounts.

The civil penalty amounts are generally more than criminal sanctions so by introducing these measures, the Council is providing a greater deterrent.

FINANCIAL IMPLICATIONS [Officer Initials: RT Date: 1.3.18]

34. These new penalties will help generate additional income for the enforcement service. It is difficult to estimate how many charges would be made and from this how many would be fully paid.

It is likely that by introducing the new charges there will be a high level of compliance so a reduction in the number of fines issued.

An income budget of £10,000 will be set for 2018/19 which will contribute

towards the overall savings in Regulation and Enforcement which has a target of £200,000 for 2018/19.

HUMAN RESOURCES IMPLICATIONS [Officer Initials: DK Date: 22.11.17]

35. This proposal is changing working practices for staff, but not affecting the overall job role or number of posts.

TECHNOLOGY IMPLICATIONS [Officer Initials: PW Date: 16.03.18, supported by ODR for Fine Processing Software RE18 0038]

36. A business case to procure a specialist Parking Management solution to manage the full process of Parking Penalty Charge Notices, Fixed Penalty Notices and Civil Penalty Notices on expiry of the current contract with Conduent for Si-dem SPUR was considered and agreed by the ICT Governance Board (IGB) in June 17. A Technology Project Manager has been assigned to lead the project and ICT have been fully involved in the procurement exercise to ensure that the new solution meets the necessary technical and security standards. A full Privacy Impact Assessment has also been completed and approved by SIRO.

Following contract award, implementation planning will commence with the Project Manager from Chipside.

The new solution will enable the delivery of the improvements and efficiencies identified in the Digital Council Future State Report together with supporting a number of other projects and savings targets for Regulation and Enforcement.

It is not yet clear whether permit management, parking enforcement and fixed penalty fine office processing will be within the scope of the Doncaster Integrated Customer Asset and Property Solution (DICAPS) for which an options appraisal is currently underway. However, it has been necessary to procure the Chipside solution for an initial 5 year term to commit to the investment required for bus lane enforcement, together with the Digital Council savings. The timescales for the new contract with Chipside would need to be taken into consideration as part of the phased implementation planning for any replacement solution to be delivered by DICAPS.

EQUALITY IMPLICATIONS [Officer Initials: HP/MCC Date: 2.3.18]

37. The Council is statutorily required to have due regard to the protected characteristics of those affected by the proposals. These proposals are aimed at business owners and landlords irrespective of their personal characteristics, including any protected characteristics. Similarly, any improvement in property standards or business compliance achieved by these proposals will benefit all citizens in Doncaster irrespective of their personal, including any protected, characteristics.

HEALTH IMPLICATIONS [Officer Initials: RS Date; 05.03.18]

38. Poor quality rented housing can seriously affect the health of tenants. These proposals implements measures introduced by the government to tackle rogue landlords to ensure private rented housing reach minimum standards and reduce the risk to health of the occupiers.

CONSULTATION

39. Consultation has taken place with the Portfolio Holders.

BACKGROUND PAPERS

40. None

REPORT AUTHOR & CONTRIBUTORS

Tracey Harwood
Head of Service Regulation and Enforcement
Tracey.harwood@doncaster.gov.uk
01302 862485

Carolina Borgstrom
Enforcement Manager
Carolina.borgstrom@doncaster.gov.uk
01302 737553

Peter Dale
Director of Regeneration and Environment

This page is intentionally left blank

ENFORCEMENT POLICY PRIVATE SECTOR HOUSING

1. Introduction

Doncaster Council aims to maintain and improve housing conditions in privately owned property in Doncaster. This document sets out standards of enforcement that landlords, businesses, individuals and the community as a whole can expect from the Council's Enforcement Team in relation to Housing matters.

This policy contains the Council's principles for enforcing and executing its duties as a Housing Authority under the following Acts and Regulations:

- The Housing Act 1985
- The Housing Act 2004
- The Building Act 1984
- The Environmental Protection Act 1990 in relation Section 79 (1) (a) any premises in such a state as to be prejudicial to health or a nuisance.
- The Equality Act 2010
- The Housing and Planning Act 2016
- Carbon Monoxide Alarm (England) Regulations 2015
- The Enterprise And Regulatory Reform Act 2013

The policy ensures all housing enforcement taken by Doncaster Council will be in line with the principles of good enforcement outlined in the Enforcement Concordat which was formally adopted by Doncaster Council at its Policy and Strategy Board on 26 February 2001. The document also implements the principles of the Regulators' Code 2014, the Code for Crown Prosecutors and should be read in conjunction with the overarching Enforcement Policy of Regulation and Enforcement.

The aim of the Council's Housing Enforcement work is to protect our residents and communities by enforcing the legislation efficiently and effectively without imposing unnecessary burdens upon property owners and occupiers.

When we take enforcement action it will be:

- **Targeted:** Examples of properties that we will seek to target for enforcement include those that pose the greatest risk, or nuisance.
- **Proportionate:** When deciding what enforcement action to take, we will take actions that are proportionate given the breach. We will avoid actions which may provide a perverse incentive for non-compliance (for example carrying out costly works in default where it is difficult for us to recover our costs).
- **Fair and objective:** Our decisions will not be influenced by the race, culture etc of the offender, victim or witness. Decisions will be based on the situation and all available facts will be taken into consideration.
- **Transparent:** We will endeavour to clearly define our policies and procedures to ensure that they can be easily understood. As far as possible, we will

provide full details upon demand. Clear reasons will be given to a person against whom enforcement action is being taken.

- **Consistent:** Whilst Officers exercise their judgement in each individual case, we will have arrangements in place to promote consistency, including liaison with other authorities and agencies. We will carry out training of our officers to promote consistency in the interpretation and enforcement of legislation and liaise with other local authorities throughout the Yorkshire Region.
- **Accountable:** We will seek to consult landlords, tenants and others with an interest in the private housing sector; where possible and appropriate.

Any complaint against the service will follow Doncaster Council's formal complaint procedure, which is easily accessible to all service users on the Council website which also explains the rights of complaint and appeal, including the likely timescales involved.

2. Policy

The protection of public health, residents' safety and the tackling of anti-social behaviour will be paramount when enforcing the law and assistance will be given to landlords and tenants to comply with legal requirements.

All enforcement action taken will be proportional to the risk any situation presents and will always be in accordance with statutory Codes of Practice, Council procedures and protocols, and official guidance from central and local government bodies.

Reasonable effort will be made to ensure compliance with the law by a process of advice and education. Formal action must be considered in the following circumstances:-

- Where there is a serious risk to public health or safety of residents;
- Where there is a blatant or deliberate contravention of the law;
- Where there is history of non-compliance, or cooperation for an informal approach is not forthcoming;
- Where landlords fail to take action in the timescales agreed within an informal process;
- Where the failure gives the landlord an unfair commercial advantage such as failure to licence a property.

Except in emergency situations, tenants of the private rented sector who have yet to inform their landlord of the problem and allowed them an opportunity to resolve it, will be directed to do so. Should the complainant then be unsatisfied with response or action undertaken by the landlord we will investigate the complaint. This is to ensure all landlords and property managers are given a fair chance and opportunity to resolve issues without involvement by the Council whenever this is possible.

As staff resources within the Enforcement Team are limited, we do not always respond to requests for service from tenants of Residential Social Landlords or the tenants of St Leger Homes. The reasoning behind this is that occupiers of Social Housing have alternate means of resolving any disrepair issues within their property, namely their landlord's complaints procedure which would not be available to tenants from the Private Sector. In addition to this, the Government has set targets to ensure that all Social Housing should have met the Decent Homes standard by 2010. In meeting this standard all properties should be free of Category 1 hazards and be warm, weatherproof and have reasonably modern facilities. In practice this means that unless the complainant can demonstrate to the Council they have exhausted their own landlord's complaints procedure we will not investigate their complaint.

All Housing and Licensing Officers are fully trained, competent and authorised to carry out their duties. All investigations will be carried out in accordance with the requirements of the:

- Human Rights Act 1998
- Regulation of Investigatory Powers Act 2000
- Police and Criminal Evidence Act 1984
- Criminal Procedure and Investigations Act 1996

3. Range of Options to regulate and ensure Compliance with Housing Legislation

Type of Action	Circumstances
No Action	In some circumstances formal action may not be appropriate and if necessary, the person will be directed to other sources of advice. In particular the Council will usually not find it appropriate to intervene in cases where only the person in control of the premises or their family member is affected by the breach of legislation, unless this person is vulnerable.
Informal actions including verbal advice, advisory letters and hazard awareness notices	Reasonable effort will be made to ensure compliance with the law is achieved by a process of advice and education. In most cases when a complaint is received regarding housing conditions at an address, the Council would first write to the landlord to highlight the alleged or observed deficiencies and request that the complaint be investigated and remedial action taken as necessary.
Service of Notice requiring repairs or specific legal requirements.	In some situations it is appropriate to serve a legal notice. Such decisions are made on a case by case basis, but below are a number of situation where serving a notice would usually be the most appropriate next step. The list is not exhaustive: <ul style="list-style-type: none"> • There is a risk to health, safety and wellbeing of a household or the public; • A person/company refuses or fails to carry out the works informally or there is a lack of confidence that the individual/company will respond to an informal approach; • Standards are generally poor with little management awareness

	<p>of statutory requirements;</p> <ul style="list-style-type: none"> • There is a record of criminal convictions, simple cautions or civil penalty notices for failure to comply with housing related offences (including offences that are likely to affect housing management) in the last 5 years; • It is necessary to bring an empty property back into use when informal requests to do so have failed. <p>Under the Housing Act 2004 the Local Authority has the right to recover their cost in serving a statutory notice. Details of how Doncaster Council would calculate and apply such charges can be seen in Appendix 1.</p>
Formal Powers of Entry	<p>We recognise that most houses are also someone’s home and take great care to liaise with occupiers prior to entry to safeguard their rights to privacy. However, in some situations formal powers of entry by notice or warrant are necessary to safeguard residents’ safety and ensure compliance with legislation. This includes where it is necessary in order to:</p> <ul style="list-style-type: none"> • Protect the health safety of any person from a serious risk of harm; • To protect the environment from serious risk of harm without avoidable delay; • Investigate a possible offence; • Prevent the obstruction of officers; • Carry out a statutory duty or power.
Powers to Require Documents	<p>Authorised officers have the power to require:</p> <ul style="list-style-type: none"> • Documents to be provided to enable them to carry out their powers and duties under the Housing Act 2004; • Electrical and gas safety certificates to be provided; • Details of any person with an interest in the property.
Emergency Remedial action/Emergency Prohibition Order	<p>Where there is a Category 1 HHSRS hazard present that is considered to represent an imminent risk of serious harm to the health and safety of the occupiers of/visitors to a dwelling, the Council may serve an Emergency Prohibition Order or take Emergency remedial action.</p>
Overcrowding	<p>We recognise that overcrowding of houses affects the lives of occupiers, but also the community around as it often lead to increases in waste and anti-social behaviour. We will take formal action by serving overcrowding notices or other appropriate action guided by HHSRS, where we feel the problem has an impact on residents or the community.</p>
Works in Default for non-compliance with a notice	<p>We may choose to carry out works required by a notice if they have not been completed within the permitted time. This may be in conjunction with, or followed by a prosecution. As cost for work can often be high, the Council will consider the likelihood of recovering their expenses as part of their decision, to ensure appropriate use of</p>

	<p>public funds and also to ensure there is no financial benefits for landlords from not complying with a statutory notice. The improvement in health, safety and well-being of the tenant compared to the cost of the works will also be a key consideration.</p>
Refusal/Revocation of licenses	<p>We will consider refusal or revocation of licenses in cases where we have evidence that:</p> <ul style="list-style-type: none"> • The manager is not a 'fit and proper person'; and/or • There are serious breaches of licensing conditions, or poor standards of management.
Simple Caution	<p>The purpose of a Simple Caution is to deal quickly and simply with less serious offenders by diverting them away from the courts, and to reduce the chances of repeat offences. Simple Cautions will be kept on file for three years. A Caution will only be issued if there is sufficient evidence of guilt, the offender is over eighteen years old, the offender admits the offence, and consents to the Caution. If the offender refuses to accept a Simple Caution, a prosecution or a Civil Penalty will normally be pursued.</p>
Civil Penalty	<p>The Council may impose Civil Penalties, as an alternative to prosecution, for some offences. The level of the Civil Penalty is up to a maximum of £30,000 in respect of the following offences:</p> <ul style="list-style-type: none"> • Failure to comply with an Improvement Notice; • Failure to license or other licensing offences relating to Houses in Multiple Occupation (HMOs); • Failure to licence or other licensing offences under the Council's Selective Licensing Scheme; • Failure to comply with an Overcrowding Notice; • Failure to comply with a Management Regulation in respect of an HMO; • Breaching a Banning Order. <p>The level of the Civil Penalty is up to a maximum of £5,000 in relation to offences under Smoke and Carbon Monoxide Alarm England Regulations 2015 and the Enterprise and Regulatory Reform Act 2013.</p> <p>There are grounds of appeal against a Civil Penalty being imposed. If there is no upheld appeal, failure to pay a Civil Penalty, will result in County Court action to recover the debt owed.</p> <p>In circumstances where the Council has determined that it would be appropriate to issue a Civil Penalty as an alternative to prosecution, the level of the penalty would be calculated having regard to the matrix set out in the attached Appendix 2 and Appendix 3.</p>
Prosecutions	<p>The Council will determine, on a case by case basis, whether to instigate prosecution proceedings or to serve a Civil Penalty, if these are the enforcement options following non-compliance, in respect of any of the offences listed above. Examples of situations in which a decision to prosecute would normally be taken include:</p> <ul style="list-style-type: none"> • Issues that are judged to be particularly serious offences;

	<ul style="list-style-type: none"> • Where the offender has committed similar offences in the past; • Where a Civil Penalty had been served for a previous offence and this remains unpaid; • Offences where there is no option to serve a Civil Penalty such as breach of prohibition notice. <p>Before deciding whether a prosecution shall be taken against a business or individual, we will consider a number of factors in line with the Code for Crown Prosecutors.</p>
Rent Repayment Orders	<p>The Council may apply for a Rent Repayment Order to be issued by the First Tier Tribunal for the repayment of rents received where there has been certain offence or breach of legislative requirements.</p>
Management Orders	<p>The Council may apply for Interim/Final Management Orders or empty dwelling management orders. These powers are used as a last resort where it appears that there is no reasonable prospect of a property requiring a licence gaining a license in the near future and that it is necessary to protect the health and safety or welfare of persons occupying it. Management orders will also be considered where no responsible appropriate person can be identified to manage a privately rented or empty home or where the landlord or property agent has received a Banning Order.</p>
Banning Orders	<p>The Council will consider applying for a Banning Orders where a landlord has been convicted of one or more Banning Order offence as defined by regulations made under the Housing and Planning Act 2016. This will exclude him/her from letting or engaging in letting agency or property management work. When considering applying for a Banning Order, the Council will have consideration of applicable Government Guidance ensuring that all statutory requirements are met.</p>

4. Application of our policy

All officers will refer to this policy when making housing enforcement decisions. It will be read in conjunction with relevant guidance on enforcement action which may be produced and regard will be given to any relevant quality procedure. Officers will also take into account the view of any other enforcement agency where there is shared or complementary enforcement role.

Any departure from this policy must be exceptional, capable of justification and be fully considered by the Head of Service Regulation and Enforcement before a final decision is taken. This provision shall not apply where a risk of injury to health is likely to occur due to a delay in any decision of being made.

5. Review

This document will be subject to review as and when required. Improvements will be introduced to accommodate changes in legislation and local needs.

Tracey Harwood
Head of Service
Regulation and Enforcement
October 2017

If you have any comments please contact nuisanceteam@doncaster.gov.uk or by telephoning on (01302) 736000

Appendix 1

Recovery of cost for the Service of Statutory Notices, Orders and Work in Default

The legislation (Section 49, Housing Act 2004) allows for the recovery of reasonable fees for certain administrative and other costs, where a Housing Act statutory notice is served. Due to the variances in premises, hazards and time an Officer may have to spend on a case, it is reasonable that each Notice is calculated on its own merits. The cost will be calculated based on the hourly rate of an Officer including on-costs. This is reviewed annually. No maximum amount is set under legislation, but it is clear that charging can only be for the purpose of cost recovery and not to generate income.

It shall be the duty of each case officer to record accurately the time taken and cost incurred (including postage and travel) on a case, broken down into each category of work (e.g. inspection, HHSRS assessment, drawing plans, considering action etc.). For the purposes of transparency, this breakdown would be made available in any appeal or internal review. For the purpose of consistency and fairness all calculations, time records and final amounts will be reviewed by a Manager prior to any charge being applied.

The Council is given discretionary powers to carry out works in default where a person has been required to do works but has failed to do so. The cost of the works will be recovered in accordance with the relevant statutory provisions. The Council is also entitled to recover the costs of officer time in arranging and supervising the work, plus interest. Where charges for enforcement action are levied, they will be registered as a local land charge against the property. This means that when the property is sold the debt has to be repaid, including any interest accrued on the initial charge. The Council will vigorously pursue all debts owed to it as a result of enforcement charges or charges for carrying out works in default (as well as any other charges). This includes smaller debts where the cost of recovery is greater than the debt owed. To recover debts the Council will use some of the following means:

- The enforced sale procedure under the Law and Property Act 1925. This allows the Council to force the owner to sell their property in order to recover its costs;
- Use of tracing services to track down debtors and secure judgments to recover debts;
- Use of Debt Recovery and Enforcement Agents;
- Demand rents are paid to the Council instead of the landlord to recover outstanding debts (where the legislation allows and it is appropriate to do so).

Appendix 2

Civil penalties under the Housing and Planning Act 2016

The Council has the power to impose civil penalties of up to £30,000. This guidance outlines the Council's policy in setting the level of a civil penalty in each case where it has been determined to issue a civil penalty as an alternative to prosecution proceedings.

The Government has issued statutory guidance under Schedule 9 of the Housing & Planning Act 2016. Local Authorities must have regard to this guidance in the exercise of their functions in respect of civil penalties. Paragraph 3.5 of the statutory guidance states that the actual amount levied in any particular case should 'reflect the severity of the offence, as well as taking account of the landlord's previous record of offending'. The same paragraph sets out several factors that should be taken into account to ensure that the civil penalty is set at an appropriate level in each case:

- a) **Severity of the offence.** *The more serious the offence, the higher the penalty should be.*
- b) **Culpability and track record of the offender.** *A higher penalty will be appropriate where the offender has a history of failing to comply with their obligations and/or their actions were deliberate and/or they knew, or ought to have known, that they were in breach of their legal responsibilities. Landlords are running a business and should be expected to be aware of their legal obligations.*
- c) **The harm caused to the tenant.** *This is a very important factor when determining the level of penalty. The greater the harm or the potential for harm may be perceived by the tenant, the higher the amount should be when imposing a civil penalty.*
- d) **Punishment of the offender.** *A civil penalty should not be regarded as an easy or lesser option compared to prosecution. While the penalty should be proportionate and reflect both the severity of the offence and whether there is a pattern of previous offending, it is important that it is set at a high enough level to help ensure that it has a real economic impact on the offender and demonstrate the consequences of not complying with their responsibilities.*
- e) **Deter the offender from repeating the offence.** *The ultimate goal is to prevent any further offending and help ensure that the landlord fully complies with all of their legal responsibilities in future. The level of the penalty should therefore be set at a high enough level such that it is likely to deter the offender from repeating the offence.*
- f) **Deter others from committing similar offences.** *While the fact that someone has received a civil penalty will not be in the public domain, it is possible that other landlords in the local area will become aware through*

informal channels when someone has received a civil penalty. An important part of deterrence is the realisation that (a) the local authority is proactive in levying civil penalties where the need to do so exists and (b) that the level of civil penalty will be set at a high enough level to both punish the offender and deter repeat offending.

- g) Remove any financial benefit the offender may have obtained as a result of committing the offence.** *The guiding principle here should be to ensure that the offender does not benefit as a result of committing an offence, i.e. it should not be cheaper to offend than to ensure a property is well maintained and properly managed.*

STEP ONE – Determining the offence category

The Council will determine the offence category using only the culpability and harm factors in the tables below. Where an offence does not fall squarely into a category, individual factors may require a degree of weighting to make an overall assessment.

Factor	Level	Description
Culpability	Very High	Where the offender intentionally breached, or flagrantly disregarded, the law or who has a high public profile and it is reasonable to assume that they knew their actions were unlawful.
	High	Actual foresight of, or wilful blindness to, risk of offending but risk nevertheless taken.
	Medium	Offence committed through act or omission which a person exercising reasonable care would not commit.
	Low	Offence committed with little fault, for example, because: <ul style="list-style-type: none"> • Significant efforts were made to address the risk although they were inadequate on this occasion; • there was no warning/circumstance indicating a risk; • failings were minor and occurred as an isolated incident.
Harm- Dealing with a risk of harm involves consideration of both the likelihood of harm occurring and the severity if it does	High	<ul style="list-style-type: none"> • Serious adverse effect(s) on individual(s) and/or having a widespread impact, including failure to address Category 1 or multiple Category 2 hazards; • High risk of an adverse effect on individual(s) including where persons are vulnerable.
	Medium	<ul style="list-style-type: none"> • Adverse or risk of adverse effect(s) on individual(s) and/or having a some wider impact, including failure to address low Category 1 or high Category 2 hazards; • The Council and/or legitimate landlords substantially undermined or put at commercial disadvantage by offender's activities; • The Council's work as a regulator to address risks to health is inhibited; • Consumer/tenant/Council misled.
	Low	<ul style="list-style-type: none"> • Low risk of an adverse effect on individual(s), including failure to address Category 2 hazards; • Public misled but little or no risk of actual adverse effect

on individual(s).

Having determined the category, the LA should refer to the following starting point to reach an appropriate level of civil penalty within the category range. The LA should then consider further adjustment within the category range for aggravating and mitigating features.

Harm	Culpability			
	Very High	High	Medium	Low
High	5	5	4	3
Medium	5	4	3	2
Low	4	3	2	1

This will give the penalty band for the offence. This penalty band both determines the starting amount and the upper limit for the penalty calculation.

Penalty Level	Penalty Band
1	£500-£2,000
2	£2,000-£4,000
3	£4,000-£6,000
4	£6,000-£15,000
5	£15,000-£30,000

STEP TWO- Review suitable financial deterrent of penalty and ability to pay

The principle behind issuing civil penalty notices is that there should be no financial gain to the alleged perpetrator of the relevant offences from not complying with legal requirements. It is important that fines are set at a high enough level to help ensure that it has a real economic impact on the offender and demonstrate the consequences of not complying with their responsibilities. To achieve this the Council will consider the size and extent of the alleged perpetrators property business, when deciding the level of fine which is appropriate.

Although the Council is permitted to consider all of a landlord's income and assets when calculating a civil penalty, full financial investigations will normally only be considered for the more serious offences.

Extent of Business	Description	Impact on Penalty level
Regional or National landlord/letting agent	Large professional landlord gaining substantial income from property rentals.	Expected penalty at top range of penalty band,
Large local	Professional landlord	Expected penalty at top

landlord/letting agent • Local business premises • Employed staff	gaining substantial income from property rentals.	range of penalty band minus 30%.
Local landlord/letting agent who owns or manages several properties	Regular but low to medium financial income from property rentals	Expected penalty at bottom range of penalty band plus 30%.
Single Property owner/accidental landlord	Limited financial income from property rentals	Expected penalty at bottom range of penalty band

In setting a financial penalty, the Council may conclude that the offender is able to pay any financial penalty imposed unless the offender has supplied any financial information to the contrary. It is for the offender to disclose to the Council during the notice of intended penalty stage any data relevant to his financial position that will enable it to assess what he can reasonably afford to pay. Where the Council is not satisfied that it has been given sufficient reliable information, the Council will be entitled to draw reasonable inferences as to the offender's means from evidence it has heard and from all the circumstances of the case which may include the inference that the offender can pay any financial penalty.

The Council will consider if it is appropriate to reduce the penalty to the bottom range of the penalty band in cases where the alleged perpetrator can demonstrate that their total weekly income from all income sources falls below £440/week after deducting income tax and national insurance. The threshold for such a reduction is based on the Magistrates Courts sentencing guidelines and will be amended as necessary to take into any changes in such guidelines. The Council reserves the right to request further information to support any financial claim and where this is incomplete or not sufficiently evidenced may determine that the premium should not be applied.

STEP THREE – Determining aggravating and mitigating factors

Below is a non-exhaustive list of factual elements that provide the context of the offence and factors relating to the offender. Identify whether any combination of these, or other relevant factors, should result in an upward or downward adjustment from the starting point.

	Description	Expected % change in penalty
AGGREVATING FACTORS	Previous convictions or Civil Penalties, having regard to a) the nature of the offence to which the conviction relates and its relevance to the current offence; and b) the time that has elapsed since the conviction	+50% - for relevant conviction/penalty in the last 2 years. +20% - for relevant conviction/penalty in the last 5 years.
	Motivated by financial gain	+5%
	Deliberate concealment of illegal nature of activity	+5%
	Established evidence of wider/community impact	+10%
	Multiple offences at the property in question	+5%
	Obstruction of justice	+5%
	Record of providing substandard accommodation	+5% - for previous proven complaints in past 5 years (excluding current case)
	Record of poor management or not meeting legal requirements.	+10% - for previous notices/other formal action in last 5 year (excluding current case)
	Refusal of free advice or training	+5%
	MITIGATING FACTORS	Member of Accreditation scheme
No previous convictions or no relevant/recent convictions		-5%
Steps voluntarily taken to remedy problem		-10%
High level of co-operation with the investigation, beyond that which will always be expected		-10%
Good record of maintaining property		-10% if first proven complaint in last 5 years.
Self-reporting, co-operation and acceptance of responsibility		-5%
Good character and/or exemplary conduct		-5%
Mental disorder or learning disability, where linked to the		-20%

Mitigating factors	commission of the offence	
	Serious medical conditions requiring urgent, intensive or long-term treatment	-20%
	Age and/or lack of maturity where it affects the responsibility of the offender	-20%
	Sole or primary carer for dependent relatives	-20%

If several mitigating factors apply the maximum added reduction of penalty is 50% of the amount resulting after step 2. If several aggravating factors apply the maximum added increase is to the statutory maximum of £30,000.

STEP FOUR- Reduction for early admission of guilt

It is an established legal principle that criminal courts should take into consideration if an early guilty plea was entered when determining the appropriate fine for an offence. For cases going to Magistrates Court, the Sentencing Council propose an early plea discount of 1/3rd. As the alternative to a Civil Penalty would be a prosecution, it would be fair to offer the same early resolution discount for any civil penalty. The following factors will be considered in setting the level of reduction. When deciding on any reduction in a financial penalty, consideration will be given to:

- The stage in the investigation or thereafter when the offender admitted guilt. Normally any discount would only be available for payment within 14 days of the penalty being issued.
- The circumstances in which they admitted guilt
- The degree of co-operation with the investigation

The maximum level of reduction in a penalty for an admission of guilt will be 1/3rd. In some circumstances there will be a reduced or no level of discount. For example where the evidence of the offence is overwhelming or there is a pattern of criminal behaviour.

STEP FIVE- Totality Principle

If issuing a financial penalty for more than one offence, or where the offender has already been issued with a financial penalty, the Council will consider whether the total penalties are just and proportionate to the offending behaviour. Where the offender is issued with more than one financial penalty, the Council should determine the financial penalty for each individual offence based on the seriousness of the individual offence and taking into account the circumstances of the case including the financial circumstances of the offender so far as they are known, or appear, to the Local Authority. The Council should add up the financial penalties for each offence and consider if they are just and proportionate. If the aggregate total is not

just and proportionate the Council should consider how to reach a just and proportionate financial penalty. There are a number of ways in which this can be achieved. For example:

- a) Where an offender is to be penalised for two or more offences that arose out of the same incident or where there are multiple offences of a repetitive kind, especially when committed against the same person, it will often be appropriate to impose for the most serious offence a financial penalty which reflects the totality of the offending where this can be achieved within the maximum penalty for that offence. No separate penalty should be imposed for the other offences;
- b) where an offender is to be penalised for two or more offences that arose out of different incidents, it will often be appropriate to impose a separate financial penalties for each of the offences. The Council should add up the financial penalties for each offence and consider if they are just and proportionate. If the aggregate amount is not just and proportionate the Council should consider whether all of the financial penalties can be proportionately reduced. Separate financial penalties should then be passed.

Where separate financial penalties are issued, the Council must be careful to ensure that there is no double-counting.

Appendix 3
Civil penalties under Smoke and Carbon Monoxide Alarm (England)
Regulations 2015 and The Enterprise and Regulatory Reform Act 2013

The table below details the proposed Civil Penalty structure for any offences with a Statutory Maximum of £5000.

Size of business	Type of offence	Civil Penalty Amount		Second Offence (within 12-month)
			If paid within 14 days	
Regional or National landlord/letting agent	% of maximum	100%	33% discount	
	Smoke detectors/Redress Scheme and any other Civil Penalties with £5,000 maximum.	£5,000	£3,300	£5,000
Large local landlord/letting agent -Local business premises -Employed staff	% of maximum	60%	33% discount	
	Smoke detectors/Redress Scheme and any other Civil Penalties with £5,000 maximum.	£3,000*	£2,000	£5,000
Local landlord/letting agent -owns or manages several properties	% of maximum	40%	33% discount	
	Smoke detectors/Redress Scheme and any other Civil Penalties with £5,000 maximum.	£2,000*	£1,320	£4,000
Single Property owner / "accidental landlord"	% of statutory maximum	20%	33% discount	
	Smoke detectors/Redress Scheme and any other Civil Penalties with £5,000 maximum.	£1,000*	£666	£2,000

** Any second offence in the subsequent 12-month period for the same landlord/agent even if for a different property would be charged at 200% of the first penalty amount up to the statutory maximum level.*



Doncaster Council

Date: 10 April, 2018

To the Chair and Members of the CABINET

BEHAVIOUR IMPROVEMENT PROGRAMME

Relevant Cabinet Member(s)	Wards Affected	Key Decision
Cllr Nuala Fennelly Lead Member	All	Yes/No

EXECUTIVE SUMMARY

1. Doncaster currently has high numbers of fixed term exclusions and managed moves, high rates of persistence absence and poor educational outcomes for children and young people in alternative provision. This provision is currently funded from high needs block DSG.
2. A report was presented to Cabinet in March 2017: Endorsement of the children's commissioning inclusion program (February 2017–August 2018) which set out the ambition to develop a systems wide Inclusion Strategy that will 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 is done to develop a structural design, fit for purpose to meet the changing needs in Doncaster.
3. Cabinet supported the delivery of the program in 3 phases: phase 1 – review of current need, capacity, pathways, provisions etc. (completed); phase 2 – remedial actions to prepare and align the system for a new way of working (completed and presented in this 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 will embed with continued long term commissioning against need with appropriate resources (underway).
4. The phase 2 review report was presented to LOCYP senior leadership team in May 2017 which included a number of operational and strategic recommendations. Actions against operational recommendations have been progressing since then and continue to be implemented. The recommendations are 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 have been excluded on a fixed or permanent basis.
5. 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 are different due to the profile of need and challenges in each sector are different.

6. Children and young people with behaviour problems usually face a number of environmental, social or emotional difficulties. It is therefore critical that a more integrated and holistic view of a child's needs is taken. Effective support at home and in school is necessary.
7. There is a sense of collective responsibility and purpose evident across the Team Doncaster partnership to address the issues that schools in Doncaster face. Building on the evidence of the Children and Young People's Plan the Education & Skills Commission seeks to strengthen schools by improving the quality of teaching and learning, improving teacher recruitment and retention, and by ensuring that there is a broad and balanced curriculum that both meets the needs of pupils and the labour market. This is reflected in our 'Raising aspiration and achievement strategy', which sets out how local partnerships will impact upon school provision and outcomes. Behaviour, along with attendance, forms one of the three strands of the work of the Doncaster Growing Together Inclusion board, which provides overall governance for this strategy.
8. This is strongly correlated with the ambition and intent of the Social Mobility Opportunity Area. Doncaster is set to receive £6m in funding over the next three years to improve the life chances of children and young people. This work is informing and informed by the work of the behaviour review as it aims to address challenges around common areas such as quality of teaching, absence and variable outcomes for disadvantaged children.
9. The recommendations in this 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.
10. This report evidences progress against the 3 phase plan that was set out in March 2017 and marks the conclusion of phase 2. It makes recommendations in relation to the preferred continuum of graduated support, the preferred option in relation to systems leadership and management, high level 3 year plan and the anticipated financial, asset and legal implications.
11. This work will complement the ongoing Attendance Strategy as it develops 'whole school' approaches to improving attendance and captures and disseminates good practice across the borough. So far, the attendance strategy has created audits and action plans in over 50 schools and has attracted 80 schools to the first attendance network. We are anticipating that this will lead to reductions in school absence over the next 18 months, but recognise also that securing inclusive school cultures is critical to the success of the overall project.

EXEMPT REPORT

12. This report is not exempt.

RECOMMENDATIONS

13. The following is recommended to Cabinet:

Recommendation 1: Consider and agree the continuum of graduated support as the delivery model for the behaviour system and pathway. This will form the bedrock for strategic commissioning.

Recommendation 2: Consider and agree the indicative modelling of finance and the potential asset and human resources implication.

Recommendation 3: To delegate strategic decision making 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.

Recommendation 4: To provide a mandate to progress with the 3 year transformation program and support a 6 monthly cycle of progress update and decision making to the Executive Board and Cabinet where necessary.

WHAT DOES THIS MEAN FOR THE CITIZENS OF DONCASTER?

14. In addition to absence and exclusions it is also known that young people that are accessing alternative provision due to their behaviour do not fare well academically and struggle to progress later on in life. Furthermore, due to their limited engagement in learning and the environments they grow up in, they are at a higher risk of engaging in risk taking behaviours/anti-social/criminal activity and potentially could suffer with low self-esteem/resilience/mental health. The development of a continuum of provision that accurately matches curriculum to individual need will allow a significant number of our most vulnerable young people to lead happier and more successful adult lives, thereby reducing the social costs mentioned above.
15. The development of a cohesive and consistent school outreach service will ensure that student need is identified as early as possible and that schools can become consistent in meeting this need. This can contribute to the development of stronger teaching and outcomes for young people in all schools.

BACKGROUND

The problem and current position

16. Doncaster currently has high and increasing numbers of fixed term exclusions and managed moves and high rates of persistence absenteeism. More recently there has also been a sharp rise in the number of permanent exclusions issued by schools and growing demand for alternative provision places (children being educated in settings away from mainstream provision). There is a need to ensure that schools are both supported and challenged so that they are planning effectively to meet the needs of their students.
17. The Behaviour Review concluded that:
 - There is a need to build a range of inclusive practices across all of our schools so that they are increasingly capable of meeting student needs earlier, without the support of alternative provision.
 - Behavioural problems are often a symptom of a range of difficulties that a young person may face, ranging from family problems, speech and language needs, autism, etc. It is therefore important that other parts of the system, for example CAMHS, social care etc. work better together with schools and alternative

provision.

- Whilst Doncaster has a relatively high number of alternative provision places available, there is a lack of a clear continuum of provision to match need and consequently some young people are not in the correct form of provision to meet their needs.
- There is insufficient provision locally to meet the needs of young people with acute Social, Emotional and Mental Health needs or Autism. . These factors have led to poor attendance and educational outcomes for many of these children.
- ensure that our alternative provision is focussed on meeting the specific needs of our young people.

Systems leadership and management of the pathway

18. The LA presented 3 options to the mainstream sector in relation to how other areas (in the country) manage the behaviour pathway:

- i. Delegation to Mainstream schools: Schools determine their behaviour management policy without any regard for other practice in the locality, high needs funding is delegated to schools to manage pupils however they see fit. This will drive a no exclusion policy in Doncaster due to the fines that the LA will impose if a placement should be needed for a young person who has been excluded from school. This option will create inconsistency and will put undue pressure on mainstream schools. It will also impact on economies of scale since a small number of young people will have to receive specialist packages of support within their mainstream setting, drawing on specialist knowledge and experience which the school will have to buy in.
- ii. Local Authority commissions all provision from external providers: All interventions in and out of school is bought from external providers. In this option the LA will manage the system at arm's length via contracts with provider that will deliver services in and out of mainstream settings. This will be expensive and quality is not always guaranteed.
- iii. Mixed Economy – The LA and the mainstream sector work in partnership to oversee the continuum of provision that matches the needs of children and young people at the earliest opportunity, as far as possible within the mainstream setting. Where a young person can benefit from being educated in an alternative setting, the LA will ensure the quality of that provision.

19. There has been comprehensive support for a 'mixed economy' model whereby we refocus some resource towards outreach whilst ensuring that the delivery model anticipates specific need more effectively.

20. The activities following Phase 1 of the behaviour review are beginning to impact upon practice across schools. There has been a strong take up from schools of the new Behaviour Networks and a visible improvement in training, monitoring, decision making and assessment. We are currently developing a comprehensive toolkit for schools to complement our training and networking offer.

The graduated approach to support: Systems delivery

21. The LA developed and consulted on the new graduated response to student need which forms the basis for the development or adaption of new support/provision and needs endorsement from Cabinet.

22. The Intended Continuum of Support

Level of need	Who provides it	What needs to be provided
Tier 1 – no additional needs; universal services	Mainstream school; LA provides system wide	Quality First Teaching; Behaviour network; SENCO network; school support and challenge. LA's role is to generate and share 'best practice'
Tier 2 –universal plus services; can meet vulnerable children's needs with additional support	Mainstream school; Behaviour and other outreach services; early help in partnership with the family .	Time limited intervention; Early identification and support to school; Team around the family; Case discussion at low level but pupil focussed Outreach is part of a seamless evidence based APDR process,
Tier 3 – child more complex needs with escalating learning/behaviour difficulties	Mainstream School; Alternative provision bought by mainstream school or commissioned via LA in partnership with family; Pupil Referral unit; Early Help services; EP services. LA supports schools in ensuring sufficient good quality KS4 Alternative Provision places.	Individualised support plan supported by EP; done in full partnership. Refocus current PRU provision- admissions policy, delivery model- build a 'centre of excellence'. Solution focused intervention that returns YP to mainstream as soon as viable.
Tier 4 – Acute needs SEMH	Specialist schools/specialist provision	Single registration with a specialist provision.

23. Please note the following regarding the principles of the 'graduated approach':

- The intention is that the response will match the need of the child through early identification and intervention.
- That expert outreach support should be developed in order to support mainstream settings to support young people with behavioural problems for as long as possible in the mainstream setting.
- That the pupil referral unit will become an assessment centre and short stay alternative provision. This is a change from the current practice where children are

unable to return to mainstream education once placed in a PRU.

- That Big Picture Learning will provide an alternative curriculum model with the intention to re-engage children with learning.
- That a specialist, high quality, alternative setting is created to support children with acute social, emotional, mental health problems. It is unlikely that children in this setting will return to mainstream school.
- The wider systems, i.e. social care, mental health services, etc. plays an important role in supporting families in need. Work is underway to ensure that pathways align and that a holistic view of family need is embedded.

24. We have developed a high level plan for transforming the system within three years.

25. Our 3 year timeline (see Appendix A) sets out this ambition and identifies the steps towards the intended transformation. It acknowledges that current gaps in provision (especially around acute Social Emotional and Mental Health needs and Autistic Spectrum Disorders) and how these will be filled. The council's resources, working in partnership with the wider system, will need to be refocused in order to support the delivery of greater capacity within schools at each tier of intervention.

26. By the end of three years we will:

- Build a consistent, high quality, single outreach offer to support schools. This will inform and be informed by other processes for support and challenge across the borough. In doing this we will aim to build effective and consistent practice across Doncaster schools.
- Reduce the demand for alternative provision places due to increasing levels of capacity and know-how within our schools.
- Have developed a range of provision that will deliver stronger outcomes for our most vulnerable youngsters for example Big Picture Learning.
- Develop a 40 place SEMH provision that will ensure that we are able to offer the right provision to young people with the most acute needs, many of whom are currently educated in non-specialist or out of authority provision. This will reduce the demand for out of authority places and ensure that more young people are educated in their local community.
- Have delivered the necessary reduction in school exclusions and school absence, alongside improvements in quality of provision across the whole sector.

27. We will do this by:

- Building partnerships so that the school system has a collective responsibility for key decisions around funding and provision.
- Engage the wider system to ensure holistic support for children, young people and their families.
- Strengthening our processes around identifying schools for further challenge and support in relation to inclusive practice.
- Reducing the number of alternative places over three years and refocusing some of these resources so that they are used in order to build capacity in schools through a single outreach offer. This will involve the ending of the secondment of our Primary Learning Centre staff to the Inspiring Futures trust and incorporating this team into a Local Authority outreach team. Secondary learning centres will be decommissioned over two years, with staffing used in order to create 'assessment centres' which will target high quality reintegration for students who are temporarily out of mainstream education and to support our central outreach offer.
- Develop the 'Big Picture Learning' model in order to accommodate increasing

numbers of students in high quality provision with stronger likelihood of gaining good outcomes.

- Changing the remit and capacity of the PRU in order to focus resource on students who are out of mainstream on medium term placements.

28. Transformation over 3 years

Intended milestones over 3 years:

Year 1	Year 2	Year 3
<p>Persistent Absenteeism- gap closes with National Average. Collective responsibility is the core strategy that guides all Inclusion processes in Doncaster.</p> <p>Behaviour network builds expertise and best practice across the system.</p> <p>Establish BPL</p> <p>Primary Behaviour outreach team is in place.</p>	<p>Reducing fixed term and permanent exclusions at both phases.</p> <p>Reducing exclusions for Year 7 students.</p> <p>Assessment centre for KS3-4 opens.</p> <p>There are 20 specialist places in Doncaster for acute need.</p> <p>The number of alternative provision places reduces to 342.</p> <p>'Out of area' budget reduces by £300k.</p>	<p>Fixed term exclusions are lower than statistical neighbours.</p> <p>There is effective and consistent practice in meeting behaviour needs across all schools and sectors.</p> <p>Learning centres are fully decommissioned.</p> <p>The number of alternative provision places reduces to 320 which will include a small contingency.</p> <p>There are 40 specialist places in Doncaster for acute need.</p> <p>'Out of area' budget for the council is reduced by £300k</p>

Assets

OPTIONS CONSIDERED

29. Option 1: Do nothing. This option cannot be considered due to the ongoing impact that current provision has upon outcomes and life chances for young people.
- Option 2: To take immediate action in order to support the recommendations outlined in this report. This is the recommended option.

REASONS FOR RECOMMENDED OPTION

30. In order to develop a high quality continuum of provision for young people we believe that the actions within this report and plan are the only method of delivering a coherent and consistent capacity building strategy from existing resources.

IMPACT ON THE COUNCIL'S KEY OUTCOMES

	Outcomes	Implications
	<p>Doncaster Working: Our vision is for more people to be able to pursue their ambitions through work that gives them and Doncaster a brighter and prosperous future;</p> <ul style="list-style-type: none"> • Better access to good fulfilling work • Doncaster businesses are supported to flourish • Inward Investment 	<p>This strategy will significantly impact upon the ability of our young people to be able to access fulfilling work, developing the skills and resilience of some of our most vulnerable young people.</p>
	<p>Doncaster Living: Our vision is for</p>	<p>The provision of high quality</p>

	<p>Doncaster's people to live in a borough that is vibrant and full of opportunity, where people enjoy spending time;</p> <ul style="list-style-type: none"> • The town centres are the beating heart of Doncaster • More people can live in a good quality, affordable home • Healthy and Vibrant Communities through Physical Activity and Sport • Everyone takes responsibility for keeping Doncaster Clean • Building on our cultural, artistic and sporting heritage 	<p>learning environments for young people will support their engagement in cultural and sporting activities within educational settings and beyond.</p>
	<p>Doncaster Learning: Our vision is for learning that prepares all children, young people and adults for a life that is fulfilling;</p> <ul style="list-style-type: none"> • Every child has life-changing learning experiences within and beyond school • Many more great teachers work in Doncaster Schools that are good or better • Learning in Doncaster prepares young people for the world of work 	<p>Young people will be more able to access education as they benefit from increasingly personalised experiences in all learning environments. Teachers and school leaders will benefit from the increases in skills and understanding that this strategy will deliver. This will, in turn, improve outcomes for children and secure an increase in the number of 'good' schools. We will diminish the difference between disadvantaged and non-disadvantaged children and young people as we improve educational provision and develop increasingly effective models of early help and prevention for young people from less affluent backgrounds</p>
	<p>Doncaster Caring: Our vision is for a borough that cares together for its most vulnerable residents;</p> <ul style="list-style-type: none"> • Children have the best start in life • Vulnerable families and individuals have support from someone they trust • Older people can live well and independently in their own homes 	<p>The 3 year plan will deliver increasingly effective and early intervention for vulnerable children and young people through strong assessment and placement in provisions that will be able to build their social skills and resilience.</p>
	<p>Connected Council:</p> <ul style="list-style-type: none"> • A modern, efficient and flexible workforce • Modern, accessible customer interactions • Operating within our resources and delivering value for money • A co-ordinated, whole person, whole life focus on the needs and aspirations of residents • Building community resilience and 	<p>We will engage all of our key stakeholders in managing the system more effectively through 'collective responsibility'. Curriculum within all of our settings will be increasingly focused upon building self-reliance in our young people.</p>

	<p>self-reliance by connecting community assets and strengths</p> <ul style="list-style-type: none"> • Working with our partners and residents to provide effective leadership and governance 	
--	--	--

RISKS AND ASSUMPTIONS

31. Key risks are:

- Not maintaining effective partnerships with schools.
- Demand for alternative provision places continues to grow despite our work.
- Not delivering change on time.

32. These will be mitigated by:

- Regular communication and transparency at all possible opportunities with leaders from across the school system.
- Developing a planning group, meeting frequently in order to ensure that deadlines are set up and met in good time.

LEGAL IMPLICATIONS [Officer Initials HMP Date...07.03.18]

33. The Council has a number of statutory duties that this programme assists in ensuring are met. The Council has a duty to make arrangements for the provision of suitable education at school or otherwise for each child of school age who for reasons including exclusion would not receive it unless such arrangements were made under s19 Education Act 1996. There is also a duty to provide education for a permanently excluded child from the sixth day after the exclusion.

34. In addition, there are a number of statutory duties concerning attendance including identifying those children not receiving education, the power to prosecute a parent for a child's non-attendance; administering the penalty notice regime; and to investigate the whereabouts of pupils who have poor attendance and are at risk of being deleted from the schools' admission register.

35. Further legal advice should be sought on the specific actions arising from the recommendations as these projects progress.

FINANCIAL IMPLICATIONS [Officer Initials DB Date 8/3/18]

36. The financial implications of the changes outlined within the report and accompanying 3 year timeline are summarised in the attached Dedicated Schools Grant High Needs Block medium term financial plan covering 2018/19 - 2020/21 (finance appendix 1). All changes to high needs education provision outlined within this report are funded from the High Needs Block of the Dedicated Schools Grant (DSG) which is a ring fenced grant, provided by the DfE for these purposes, with carry forward of any balance to the following year. It is the LA's responsibility to manage the High Needs Block of DSG within budget, with accountability to School Forum on how it manages and makes arrangement for provision.

37 As set out in the attached medium term financial plan, the overall position on the High Needs Block of DSG across the 3 year period from 2018/19 - 2020/21, taking account of changes included within this report, shows a small surplus position of £59,946, therefore indicating that these changes can be managed within overall resources available.

- 38 The medium term financial plan shows, with notes and assumptions relating to these figures included within the appendix:
- High Needs DSG revenue grant funding that Doncaster is expected to receive across the 3 year period, increasing as a result of the DfE's National Funding Formula consultation (less deductions for places funded in Academies which DfE pass the funding on for);
 - Current expenditure projections, including costs of Big Picture learning referenced in this report;
 - A summary of the additional costs and savings expected as a result of the changes identified within this report: and,
 - The overall balance of funding remaining for each year, which across the 3 year period amounts to a cumulative surplus of £59,946.
- 39 Also referenced in this report is the planned Communication and Interaction free school which was subject to a separate report. This provision as outlined in that report is anticipated to make revenue savings of up to £500k, based on average current place funding costs of the identified potential cohort of children who will eventually attend, when open. These potential saving have not been incorporated within the medium term financial plan for this report and any savings would expect to contribute to changes that may be identified through the current SEND review, also referenced in this report, which will need to be costed accordingly once agreed.
- 40 As set out above and in the appendix there are a number of risks and assumptions associated with the costs and savings identified within the overall budget and will require careful monitoring throughout the period to ensure that the High Needs Block DSG can be managed within the overall budget available. Should there be any significant changes to any of the figures these will need to reviewed and if necessary the High Needs Block budget overall reconsidered & revised in order to ensure the budget remains balanced.

HUMAN RESOURCES IMPLICATIONS [Officer Initials MLV Date 07/03/18]

- 41 There will be implications for staff in the Primary and Secondary Learning Centres. The secondments of the staff currently based in the Primary Learning Centre will be brought to an end and they will return to the local authority. Their function and roles need to be defined which may require new job descriptions to be devised and job evaluated. Consultation with staff and trade unions may also need to take place dependent upon the proposals. Staff based in Secondary Learning Centres are not currently council employees. Proposals are likely to involve the TUPE of employees into the local authority which will require appropriate consultation with the current employer, staff and relevant trade unions. Any proposals to change the future service delivery model will need to be subject to appropriate consultations post transfer (any proposals to make changes would need to be identified in measures as part of the TUPE transfer process).
- 42 More detailed implications will provided when the proposals for each element are clearer. Any further implications that emerge as the outcomes of the behaviour review progress will be highlighted at the appropriate time.

TECHNOLOGY IMPLICATIONS [Officer Initials...PW Date 05/03/18]

- 43 There are no direct technology implications at this stage. Where requirements for new, enhanced or replacement technology to support the recommendations are

identified, these would need to be considered by the ICT Governance Board (IGB).

HEALTH IMPLICATIONS [Officer Initials CW Date 05/03/18]

44 Learning outcomes and health outcomes are intrinsically linked. On the whole, investments in improving learning outcomes should also improve health outcomes. Evidence shows that education, training and employment are key socio-economic factors in determining health status (Marmot, 2010). The Behaviour Improvement programme looks to enhance education, training and employment prospects for children in Doncaster. With its focus on reducing the gap in educational attainment for the most vulnerable children, the programme is likely to impact positively in reducing long-term health inequalities in Doncaster. The health impact of this programme will need to be monitored in the course of its implementation, and public health can provide the appropriate advice in assessing the health impact.

EQUALITY IMPLICATIONS [Officer Initials MO date 2/03/18.]

45 The equality of expectation for all children, including those that disadvantaged, is a core value within all aspects of the work undertaken in education settings and underpins the support and challenge provided by officers. This strategy aims to ensure that our provision offers genuine equality of opportunity to young people with Social emotional and Mental Health needs.

Accommodation Requirements

46 The Local Authority has established an Organisation of Learning Provision Strategy which is managed by the Organisation of Learning Provision Board. One of the key outcomes of the Strategy is to ensure there are sufficient places to meet the needs of learners with individual needs, including those with Education, Health and Care Plans and those who require additional support in order to access an appropriate curriculum. It is therefore important that the future demand for such provision and for meeting Behaviour Needs arising from demographic changes are given full consideration as part of the Behaviour Review. This will include undertaking a review of the current and potential accommodation options. Where options require additional accommodation or disposal of premises these will be considered by the Local Authority's Assets Board with any necessary Key Decisions brought to Cabinet as necessary.

CONSULTATION

47 The consultation took place between January 29th and February 26th. The consultation involved meetings with key stakeholders in this area, including:

- Head teachers from special, primary and secondary schools.
- Meetings with affected groups including the high Needs sub-group, school behaviour leaders, learning centre staff, young people and academy trusts

BACKGROUND PAPERS

Endorsement of the Children's Inclusion commissioning Programme (March 2017)
Behaviour Review Consultation Slides February 2018.
Behaviour Review Consultation summary March 2018.
Behaviour Review Three Year Plan Summary March 2018

REPORT AUTHOR & CONTRIBUTORS

Riana Nelson, Assistant Director
Partnerships and Operational Delivery
Telephone 737909
Email: riana.nelson@doncaster.gov.uk

Martyn Owen, Head of Service - Behaviour
Telephone 735674
Email: martyn.owen@doncaster.gov.uk

Damian Allen
Director of People (DCS/DASS)

This page is intentionally left blank

	Year 0 March 2018- September 2018	Year 1 September 2018-September 2019	Year 2 September 2019-September 2020	Year 3 September 2020-September 2021
Tier 1 Universal Services	<ul style="list-style-type: none"> Attendance Network to continue in current format Behaviour Network to continue in current format Set borough wide principles for inclusion and set out how this will be visible. Plan new "Inclusion Conversation" system and agree incentives, QA and vision. Link to analysis of all key inclusion data around individual schools. Develop Borough Wide collective responsibility agreements with Head Teachers which should include funding arrangements (PEX, AWPU/PP and High Needs Element 3), behaviour policy, non-negotiable, pupil movement through the continuum, aims, aspirations and shared principles. Continue to develop data capture in respect of: managed moves, part time timetables and PEX. 	<ul style="list-style-type: none"> Attendance Network to continue In current format Behaviour network to be strengthened and themed. Themes should be linked to Doncaster Priorities, updates and local appetite. Pilot new "Inclusion Conversation" and evaluate The collective responsibly becomes the core strategy that guides all Inclusion processes in Doncaster. Review Fair Access Protocols using collective responsibility strategy. 	<ul style="list-style-type: none"> Explore combining Attendance & Behaviour Networks Embed "Inclusion Conversation" and develop QA Framework for use across the Borough e.g. Charter Mark and/or Inclusion Quality Mark 	There is effective and consistent practice across all sectors, supported by a high quality outreach offer and appropriate support and challenge.
Tier 2 universal plus services; can meet vulnerable children's needs with additional support OUTREACH SUPPORT	<ul style="list-style-type: none"> Cancel secondment of PLC team to Inspiring Futures. PLC Outreach team becomes L.A. Primary Outreach Service. Skills audit of current Primary Learning Centre Outreach Teams Develop comprehensive approach to outreach to include: agreed model, methods of assessment, needs analysis, intervention menu and evaluation/success criteria. Design/develop multi-professional outreach service. Consider alignment and refocussing of LA delivered services in line with design of outreach service. Develop vision for outreach service which includes role of wider partners including (but not limited to EPS/ASCETS) Plan how outreach support TRANSITION & REINTEGRATION and finalise Policy & Guidance Develop training strategy for outreach teams (to include identified Borough wide priority areas) Re-launch transition panel with tiered outreach offer to support transition utilising new primary outreach team. Re-broker Service Level Agreement for all Secondary Learning centre settings to ensure 	<ul style="list-style-type: none"> Skills audit of secondary Learning Centre outreach team. De-commissioning of Learning Centre outreach, with resource brought in-house as part of outreach support service. TUPE of staff to the L.A. begins. Implement high quality, specialised training opportunities for outreach teams Provide greater capacity for outreach support at KS3 and KS4 utilising new outreach support service. Complete cohort analysis around PRU/LC numbers to inform PAN of proposed Assessment Centre Monitor and QA SLA with Learning Centres Ensure Outreach Teams effectively support TRANSITION & REINTEGRATION and evaluate against success criteria Develop and design new KS3-4 assessment and reintegration centre. 	<ul style="list-style-type: none"> Begin the decommission of Learning Centre in-reach provision Increase Secondary Outreach provision utilising existing Learning Centre staff (currently used to supervise high levels of in-reach placements across all LC settings) Open KS3-4 Assessment Centre based on cohort analysis from Year 1 (no more than 12 places) 	<ul style="list-style-type: none"> Demand for AP places reduces considerably due to impact of outreach support and strengthened assessment and allocation system. Consider offering Outreach Provision and/or CPD as a Traded Service.

	<p>robust outreach delivery and set clear expectations around pupil numbers and priority groups.</p> <ul style="list-style-type: none"> • Make meaningful links with wider outreach services- special schools, local partners, DCST & DMBC colleagues 			
<p>Tier 3 child more complex needs with escalating learning/behaviour difficulties</p>	<ul style="list-style-type: none"> • Increase PAN at Levett by 10 places to 100. This will provide much needed flexibility within the system to include: picking up Day 6 provision, flexible placements during transition and re-integration phase and resource sharing and a very small number of PLC in-reach who can't immediately be accommodated in mainstream. • Co-design with Levett new admissions policy; analyse current cohort of young people and develop transitional plan to ensure yr 3 refocus of provision • Co-design transitions panel and process with secondary heads and support successful transition. • Agree 1 year contract extension for NBEC under existing criteria • Pilot specialist AP that meets identified need e.g. Knife Crime- funding already in place for up to 20 places. 	<ul style="list-style-type: none"> • Maintain Levett @ 100 places • BPL to open with 30 places • NBEC- Continue to commission 50 places with strengthened QA. • Closure of PLC in-reach provision. • Learning Centres KS3 Current commissioned Spaces: St Wilfrids: 17 (includes 10 @ KS2) Central: 17 South West: 18 North: 12 Learning Centres KS4 – brokered directly by schools- 90 places • Pilot specialist AP that meets identified need e.g. Knife Crime Funding for up to 30 places @ £10k £300k across 2018/2019 	<ul style="list-style-type: none"> • Maintain Levett at 100 places • BPL to expand to 60 places • C&I school: cohort to include 10 students from Levett • Maintain a commitment to a 50 place KS4 single registered PRU- similar to NBEC model, working in partnership with secondary schools in order to ensure outcomes. • Reduce KS3 (and KS4) Learning Centre Places by one third – 102 places 	<ul style="list-style-type: none"> • Maintain Levett at 100 places • BPL to expand to 120 places • Maintain a commitment to a 50 place KS4 single registered PRU- similar to NBEC model • Fully decommission Learning Centres (reduction of previous total PAN by 100 places)
<p>Tier 4 Acute needs SEMH</p>	<ul style="list-style-type: none"> • Confirm number of OOA placements where the primary need is SEMH and complete cost analysis • Explore sufficiency around both/one of the PRU becoming an SEMH specialist provision for KS1-4 (40 places) as part of the SEND review. • Cohort analysis for both PRU settings which includes primary need • Develop criteria for placement in SEMH acute provision. 	<ul style="list-style-type: none"> • SEMH Acute pilot class in a PRU setting – 1 academic year (10 places) & specialist SEMH outreach/EPS c. £170k • Develop specialist knowledge around SEMH to inform provision at Tiers 2,3 and 4. <p>Total places at Tier 3 and 4 = 374</p>	<ul style="list-style-type: none"> • Extend pilot of SEMH Acute to 20 places for one year c. £340k <p>Estimated 5 OOA places return to in-house provision. This would create a saving of at least £150k</p> <p>Total places at Tier 3 and 4 = 342</p>	<ul style="list-style-type: none"> • 40 place acute SEMH provision located at a current PRU site at £17k per pupil. Projected cost: £680k <p>Estimated 10 OOA places return to in-house provision. This would create a saving of at least £300k</p> <ul style="list-style-type: none"> • <p>Total places at Tier 3 and 4 = 320</p>



Doncaster Behaviour Review Consultation March 2018

Context and purpose of consultation:

Doncaster council have conducted a review of it the behaviour provision across the borough. The findings of this review have been shared across the school system and a new model of delivery has been developed. In order to serve the delivery of the new model we have developed a set of options which will shape how services are delivered in the future. Consultation will help to shape a 3 year plan for managing the continuum of support for schools and young people.

Process:

The consultation took place between January 29th and February 26th. The consultation involved meetings with key stakeholders in this area, including:

- Head teachers from special, primary and secondary schools.
- Meetings with affected groups including the high Needs sub-group, school behaviour leaders, learning centre staff, young people and academy trusts.

Key questions :

Stakeholders were asked to respond to the following:

1. Agreement with the new 'delivery model' which describes the intended graduated provision across the borough and the use of resources in order to support this over the next three years.
2. To consider three methods of managing the continuum:
 - a) Delegating all resources back to schools so that schools are responsible for provision.
 - b) The Local authority acts as the strategic commissioner for all AP provision through a procurement process.
 - c) A 'mixed economy' model at primary and secondary phases.

Responses to consultation:

1. *Agreement with the new 'delivery model' which describes the intended graduated provision across the borough and the use of resources in order to support this over the next three years.*

There was clear support for the new 'Intended continuum' and the need for clearer definition regarding the purpose behind each setting. Head teachers welcomed the delivery model but felt that more work needed to be done now in order to be specific about what the models will look like and to ensure that the new model is informed by clear data around current need and future provisions.

2. *To consider three methods of managing the continuum:*

- d) *Delegating all resources back to schools so that schools are responsible for provision.*
- e) *The Local authority acts as the strategic commissioner for all AP provision through a procurement process.*
- f) *A 'mixed economy' model at primary and secondary phases.*

There was clear support for a 'mixed economy' model in both phases. Further points were noted as part of this discussion:

Outreach support:

Most head teachers felt that it is desirable to build capacity through a cohesive outreach offer. Current outreach support has strengths but is inconsistent and fragmented. Primary heads felt that centralising outreach resources would allow work to be carried out with greater consistency and speed. Secondary heads favoured a greater focus on consistency and building the knowledge and skill set of outreach teams. Primary Learning Centre staff felt that there needs to be cohesive and comprehensive outreach offer with further clarity around role, professional development and governance. They felt that there is a need to broaden their skills and knowledge in supporting schools to develop effective therapeutic intervention, developing links with both mainstream and PRU environments. There was also a perceived need for more support around developing appropriate curriculum models within mainstream schools.

Secondary heads favoured a greater focus on consistency and building the knowledge and skill set of outreach teams. Some head teachers felt that there needed to be greater knowledge about how to use the curriculum flexibly in order to meet the needs of more vulnerable young people

Transition:

All three Head teacher groups wanted to emphasise the critical importance of transition and the need to focus resources wherever possible on primary age pupils in order to support earlier intervention. There also needs to be greater continuity and a common approach to assessing need and decision making. Heads in all three groups wanted to work together in order to identify how transition can be improved. Secondary heads felt that there was insufficient information given at transition points and this affected their ability to offer appropriate support for students with behavioural needs.

Decision making:

There needs to be clear, evidence based decision making throughout all processes in order for the correct provision to be matched to pupil need. Pupils should not be placed in any environment without clear, evidence based assessment and an appropriate plan for meeting need. Stakeholders should be fully engaged in all of the processes around student mobility in order to ensure appropriateness and equity.

SEMH Provision:

All were in agreement that there was an urgent need for specialist SEMH provision and acknowledged that the intended C&I provision would ease some pressure on the system. Currently there are too many children with SEMH needs who are educated in provision that is not suitable to their needs. Out of authority placements are expensive and it would be more efficient and appropriate to offer increased provision within the borough. Primary representatives and some trusts felt that there was increasing pressure with greater numbers of younger children experiencing trauma and attachment issues in the early years of primary school and that appropriate in-reach should be developed. There were some suggestions that we should look to existing provisions with strong expertise in this area in order to set up satellite provision.

The role of Learning Centres and the PRU:

There is currently confusion regarding the roles of PRU and Learning Centres. There needs to be greater differentiation of roles, whilst maintaining greater 'join-up' of resources and consistency of approach. There needs to be a clear 'flow' of provision and a system that is sensitive to changes in need. Some heads were keen to acknowledge the role played by Learning centres currently and don't want to lose the benefits provided by them in future models.

Improving the multi-agency response:

All three Head teacher groups cited difficulties in utilising support from Early Help and CAMHS in order to support early intervention. Can more be done in the pre-school years in order to identify families for further support? How can we ensure that there are appropriate resources in place to support parenting support? Primary Heads felt also that Educational Psychology support would benefit from being targeted more effectively. This would be an area where Head Teachers would value more dialogue regarding future strategies in order to build a Doncaster vision for earlier intervention.

Accountability:

Some secondary heads are concerned about accountability when students are in AP. Schools would like greater accountability around provision and outcomes. Some would prefer a model where students are taken off-roll for the period of AP with the potential to reintegrate at a later date. There should be strong quality assurance and governance for all providers.

Other feedback:

We would prefer Outreach divided into 4 specialist teams (locality based) supporting schools in locality with multi agency teams offering specialist in-reach and outreach – thresholds of support looked at so students can access it in a timely manner. Robust quality assurance in place with LA termly feedback being sought on the quality of each of the services school access – CAMHS, early help, hub, outreach work etc so deficiencies in service delivery can be addressed early. (Empowering minds Academy Trust).

XP trust do not support any of the models offered, but favour a ‘needs-based perspective’:

- ‘A system based upon meeting individual needs not numbers...where provision is flexible and not one size fits all, based on well-informed evidence of need’
- ‘The needs of individual students who are struggling to access mainstream are assessed through professional and collaborative dialogue between school, LA and other stakeholders as necessary’
- ‘Clear accountability and understanding of the legal responsibilities for schools and the LA.’
- ‘A cultural acceptance that mainstream is not suitable for some young people and that effective Alternative Provision is successful and suitable for specific students and will meet their needs where appropriate’

Dedicated Schools Grant High Needs Block Medium Term Financial Plan (2018/19 - 2020/21)

High Needs Block Funding	2018/19	2019/20	2020/21	Notes/Assumptions
DSG Settlement 2018/19	29,730,000	30,517,545	31,372,036	2019/20 indicative & 2020/21 estimated funding based on National Funding Formula consultation 2018/19.
less High Needs Places deductions (for places in Academies)	-2,937,833	-2,937,833	-2,937,833	Deductions as per 2017/18 - updated end March for each Financial Year
	26,792,167	27,579,712	28,434,203	
High Needs Block Expenditure Projections				
EHCP (Statementing) funding	2,900,000	2,900,000	2,900,000	High Needs Block Indicative Budgets based on 2017/18 figures adjusted for inflation, known/current pupil number increases and 2017/18 projected outcomes. All these budgets are subject to the Behaviour & SEN reviews currently underway.
Special Schools	7,906,160	7,906,160	7,906,160	
Contributions to Centrally Retained & De-delegated Schools Budgets	83,426	83,426	0	
ARC's (Plover and Speech & Language provision)	337,365	337,365	337,365	
Primary Learning Centres (Bentley HS & St Wilfrid's)	341,080	344,191	347,333	
Secondary Learning Centres (Key Stage 3 only) Top-Up Payments	350,870	350,870	350,870	
Key Stage 4 provision - North Bridge Enterprise College (NBEC)	616,000	616,000	616,000	
PRUs Incl. Mulberry Unit	2,586,350	2,586,350	2,586,350	
SpED - HI / VI / ASD Teams	1,264,950	1,277,040	1,289,251	
SEN Pre School Inclusion, Portage, Seedlings & Early Intervention Allowance	779,699	785,344	791,051	
Pupils Educated Out Of Area - LA/SEN	3,157,470	3,248,061	3,341,362	
Pupils Educated Out Of Area - LA/CWD	729,541	751,427	773,970	
Pupils Educated Out Of Area - Trust	2,419,520	2,419,520	2,419,520	
Pupil Educated At Home	75,386	76,140	76,902	
Learning & Behaviour Support Service	318,332	321,294	324,285	
SEN Statemented Pupils - Recoupment	235,000	235,000	235,000	
TOPS Team	139,612	141,008	142,419	
Post 16 - Element 3 Top Up's for FE College and ISP's	1,549,298	1,594,791	1,641,639	
Childrens Specialist Equipment	24,500	24,500	24,500	
Transfer to EY Block - Early Help funding	450,000	450,000	450,000	
Big Picture Learning	539,729	613,214	648,673	Provisional estimates based on original cost model/funding profile for Life Chances Fund bid (awarded at 30% Feb 18) and a start date of Sept 18.
	26,804,288	27,061,700	27,202,647	

Balance of funding remaining (Current provision incl. Big Picture Learning)	-12,122	518,012	1,231,556
--	----------------	----------------	------------------

Behaviour Improvement Programme changes				
Increased PAN at Levett from 90 to 100 from March 2018	150,000	150,000	150,000	
Decommissioning of 5 in reach places at Primary PLC from Sept 18	-29,167	-50,000	-50,000	
Decommissioning of Secondary Learning centres - 1/3rd from Sept 18	-165,447	-283,623	-283,623	Assumed reduction of a third in places will translate as a third in financial value of the contract.
Decommissioning of Secondary Learning centres - fully from Sept 19	0	-330,894	-567,246	
Additional Outreach & Assessment Centre for KS3-4 funded from Sec LC budget savings	165,447	614,517	850,870	Budget required currently assumed at same level as Secondary Learning centre budgets.
Specialist AP for up to 30 places (Knife Crime) from Sept 18	175,000	300,000	300,000	Cost estimates as provided by report author - final cost will depend upon the provider/agreement.
SEMH provision - 10 places from Sept 18	99,167	170,000	170,000	Cost estimates as provided by report author - final cost will depend upon the provider/agreement. Figure of £17k per place is equivalent to a placement cost in Maple's Mulberry Unit or Northridge/Coppice Special School.
SEMH provision - increase to 20 places from Sept 19	0	99,167	170,000	
SEMH provision - increase to 40 places from Sept 20	0	0	198,333	Savings estimates as provided by report author - on average Out of Authority placement costs for SEMH need are higher than £30k so cost saving could be greater, if total numbers returned 'in house' are achieved.
Estimated 5 x Out of Authority places return to in house from Sept 19	0	-87,500	-150,000	
Estimated further 5 x Out of Authority places return to in house from Sept 20	0	0	-87,500	

Balance of funding remaining (Current provision incl. Big Picture Learning & Behaviour Improvement Programme costings)	-407,122	-63,655	530,722
---	-----------------	----------------	----------------

Overall balance of funding across 3 year period (2018/19 - 2020/21)

59,946

This page is intentionally left blank



Doncaster Council

Date: 10 April, 2018

To the Chair and Members of the CABINET

BIG PICTURE LEARNING – SOCIAL IMPACT BOND

Relevant Cabinet Member(s)	Wards Affected	Key Decision
Cllr Nuala Fennelly, Cabinet Member	All	Yes

EXECUTIVE SUMMARY

1. The Education Inclusion programme seeks to improve educational outcomes for all children in Doncaster, with a particular focus on vulnerable and/or disadvantaged children. This work is 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.
2. 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 our local contextual knowledge and expertise with their ability to applying innovative learning methods to different contexts that achieve high impact. The final confirmation of this decision from the Life Chances Fund (LCF) is expected in June.
3. Based on the model worked up for the full application the total cost of the project is £5.99m covering the 6 years from September 2018 to July 2024. We applied for 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).
4. In anticipation of this decision, there are a number of strands of work pertaining to assets, staff recruitment, procurement and co-design with children and young people that need to take place between February and August 2018 to enable this to happen, with a provisional start date of January 2019.

EXEMPT REPORT

5. Whilst this report is not exempt it does contain an exempt appendix. The appendix is not for publication because it contains exempt information within paragraph 3 of schedule 12a of the Local Government Act 1972, as amended, as it contains exempt information relating to the financial or business affairs of any particular person (including the Authority holding that information).

RECOMMENDATIONS

6. Cabinet is recommended to:

Recommendation 1: To mandate the establishment of a programme board to oversee the development from concept to implementation. The board will be chaired by an assistant director from Learning and Opportunities with representation from legal -, procurement -, finance -, and assets services. The provider will be invited to observe and influence decision making at this level.

Recommendation 2: 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.

Recommendation 3: Although it is suggested that these strategic decisions are delegated, it is recommended that an update report is presented to Executive Board in July 2018 following submission of final documentation to the Life Chances Fund at the end of May, and again for final sign-off by Cabinet in December 2018.

Recommendation 4: Cabinet to approve the location of Big Picture Learning on Bentley Training Centre site and that the capital budget is released via an ODR with delegated authority for spend to the Implementation Programme Board.

WHAT DOES THIS MEAN FOR THE CITIZENS OF DONCASTER?

7. In addition to absence and exclusions it is also known that young people that are accessing alternative provision due to their behaviour do not fare well academically and struggle to progress later on in life. Furthermore, due to their limited engagement in learning and the environments they grow up in, they are at a higher risk of engaging in risk taking behaviours/anti-social/criminal activity and potentially could suffer with low self-esteem/resilience/mental health.
8. The implementation of BPL ultimately provides an opportunity to test a delivery model that has the potential to improve outcomes for children and young people in the medium to long term, improving overall levels of social mobility in the borough.

BACKGROUND

The problem and current position

9. Doncaster currently has high numbers of fixed term exclusions and managed moves, high rates of persistence absence and poor educational outcomes for children and young people in alternative provision. This provision is currently funded from high needs block DSG.
10. This triggered a whole system review in relation to behaviour management which commenced in September 2016, with a 2 part report presented to LOCYP leadership team in June 2017. Part one of the report included a number of operational and pathway recommendations across the system, which the directorate is implementing at present. Part two of the review report is concerned with the commissioning of current alternative provision, including Pupil Referral Units and Learning Centres. A report: *Commissioning Options for Alternative Provision* was previously presented to elected members. This indicated our intent to commission a variety of provision which will

result in a graduated response to need, mirrored by the future delivery model. Big Picture Learning is one of these intended forms of provision, alongside the new Communication & Interaction Free School, and planning for a social, emotional & mental health provision.

11. This is couched within main options of the behaviour report, namely: take no action, which maintains the risk of continued underperformance and consequent social cost brought about by low attendance and high levels of exclusion; and the graduated model outlined above.
12. By introducing this educational model via a SIB, which currently does not exist anywhere else in the UK, we have the opportunity to test innovation due to the use of an outcomes contract and making funding for the services conditional on achieving results. The Social Investors (still to be identified) will pay the provider at the start, and then receive payments from the DMBC (the commissioner) based on the results achieved by the project via a Special Purpose Vehicle (SPV) or other appropriate mechanism. This was previously shared with Exec Board in October 2017, and the full application to the Life Chances Fund is available on request.

The difference Big Picture Learning can make

13. Big Picture is an innovative learning design which follows a mantra of 'one child at a time'. Working with young people in small advisory groups, advisors invest in building powerful, authentic relationships with each and every student. Advisors support individuals to connect with their passion and make their learning relevant to the real world, and as a result drive student engagement. Each student has a bespoke learning plan that is unique to them. After the age of 14, every young person spends two days a week in a 'interest-led internship' which places them alongside a mentor, learning in a real world setting which has meaning to them as individuals
14. Big Picture schools are achieving high standards for their students. Despite coming from challenging socio-economic backgrounds, with high levels of academic underachievement, geographic transition, and high school dropout: 89% of students from Big Picture Established Schools are accepted into college (2015), while they also boast a 95% on-time graduation rate within Big Picture Established Schools (2015).
15. The provision would work with 30 children and young people in the first year, with the rising to 60 for years 2-6 of the SIB. The ethos of BPL is one where the entire learning experience is personalised to each student's interests, talents and needs. This expands beyond mere academic work and involves looking at each student holistically. This learning model will not be suitable for all students and therefore a clear eligibility criteria has been developed.

Concept to implementation

16. There are a number of work strands that will contribute to the successful development and implementation Big Picture Learning, including but not limited to:
 - Ensuring the regulatory compliance in relation to the designation of pupils, DFE and OFSTED registration of provision. Options are currently being explored with colleagues in Legal and School Organisation.
 - The identification of a social investor. See paragraph 21 for update on progress
 - The option of setting-up of a Special Purpose Vehicle to govern the delivery of the Social Impact Bond: to be fully considered.
 - Final agreement on the outcomes framework associated with Payment by Results. The current proposal needs to be refined and agreed between the 3 parties:

commissioner, provider and investor.

- Identification of site and associated capital spend. See paragraph 17 for update and progress.
- Operational delivery model - under development.
- Learning – work to develop our learning re SIBs and new delivery model developments (linked to overarching evaluation of the SIB) so that the organisation (and partnership) can benefit from the process overall

17. It is proposed that a programme management approach is adopted with an accountable programme board established and co-ordinated by the Learning & Opportunities Directorate.

18. Work is underway to bring together a high level milestone plan that will identify key developments and sequencing of decision making (across the council, provider and social investor) to enable a successful delivery by January 2019. It is anticipated that the Programme Board will be convened from the beginning of March 2018.

19. Although it is suggested that strategic decisions are delegated, it is recommended that an update report is presented to Executive Board in July 2018 and final sign-off by Cabinet in December 2018.

Progress to Date

Location & capital programme

20. After initial discussions with the Assets team, the site of Bentley Training Centre at Bentley was identified as a potential delivery site for Big Picture, providing the requisite scale and accessibility necessary. The Bentley Training Centre team are currently going through a restructure and are already planning to vacate from this site. They can in the interim move into another area of the site (training room C) with two weeks' notice. This would not have an impact on this proposal, but they are looking at a relocation to the Civic Office in the Learning and Opportunities re-structure. At present the site is occupied as follows:

- Bentley Training Centre - plans are in place to relocate the service in the Civic Office.
- Museum Services currently occupy a building for storage,
- NDDT have a lease on one of the buildings,
- there is a temporary nursery on site; and
- the remainder of the site went out to tender and a Community Lease has been awarded to a Community Group (Manna Community CIC). A temporary licence has been signed that commenced on Monday 19th February 2018, to allow preliminary works to take place. This is prior to the main licence commencing on the 1st April 2018.

21. It is anticipated that there will be some interaction between the community enterprises and BPL, potentially for the real world learning experiences for Key Stage 4 pupils. This will be developed in more detail during the implementation phase. Manna CIC are very keen to work with other occupants on the site.

22. The internal configuration of the site for vehicle and pedestrian movements will be altered to ensure user safety and this is capable of being done within the user agreements on site. This has already been taken into consideration within the Community Lease.

23. In order to create a learning space conducive to Big Picture learning a quote was requested from Wernicks for making the site suitable for Big Picture Learning. The cost of the refit and refurbishment of the site is estimated to be £805k (identified and agreed as part of the capital programme). Of this, £605k is for the demolition and rebuild of a high quality modular building, with the additional £200k being set aside for work on gas and electricity mains, security alarms, fencing etc. The Assets Board met on 7th March and approved the use of the Bentley site. It was agreed that the Assets team would work with the Planning team to ensure the necessary applications are in order, as it is green belt land but it is being used for the same purposes as before (education), and that this decision would be temporary for the duration of the social impact bond.
24. This is the preferred option, due to its suitability but also as we own the site, and there is sufficient contingency in terms of time for the proposed start date. This would see the demolition of the current modular building, as well as the removal of shipping containers, and the building of a new high quality modular building on the same site, which would provide an appropriate learning environment for the young people. There would also be some repurposing of the land as it stands to include more green space, and to ensure the effective safeguarding of the young people in Big Picture.

Social Investor

25. We are currently in discussion with one social investor: Big Issue Invest, the social investment arm of the Big Issue. This organisation adhere to the best practice principles for social investment, as set out by Good Finance. We are currently doing due diligence to ascertain the extent to which: they are socially driven; their philosophy is to deliver better outcomes; and the quality of social investment (judged by the quality of outcomes) they achieve.
26. The intention would be to have a contract signed with a social investor by June 2018, meaning that negotiations around the outcomes framework, updating the financial model and the procurement of a provider would need to be completed in advance. A decision would be made by their internal investment board about whether to proceed in early May.

IMPACT ON THE COUNCIL'S KEY OUTCOMES

27. The introduction of Big Picture Learning would have a positive effect on a number of key outcomes for the Council, as set out below:

	Outcomes	Implications
	<p>Doncaster Working: Our vision is for more people to be able to pursue their ambitions through work that gives them and Doncaster a brighter and prosperous future;</p> <ul style="list-style-type: none"> • Better access to good fulfilling work • Doncaster businesses are supported to flourish • Inward Investment 	<p>The use of 2 day a week real world learning placements for years 10 and 11 pupils will help to ensure businesses have highly skilled young people who are equipped to meet the needs of the labour market</p>
	<p>Doncaster Living: Our vision is for Doncaster's people to live in a borough that is vibrant and full of opportunity, where people enjoy spending time;</p> <ul style="list-style-type: none"> • The town centres are the beating 	

	<p>heart of Doncaster</p> <ul style="list-style-type: none"> • More people can live in a good quality, affordable home • Healthy and Vibrant Communities through Physical Activity and Sport • Everyone takes responsibility for keeping Doncaster Clean • Building on our cultural, artistic and sporting heritage 	
	<p>Doncaster Learning: Our vision is for learning that prepares all children, young people and adults for a life that is fulfilling;</p> <ul style="list-style-type: none"> • Every child has life-changing learning experiences within and beyond school • Many more great teachers work in Doncaster Schools that are good or better • Learning in Doncaster prepares young people for the world of work 	<p>Young people will be better equipped to access education, employment or training due to the personalised learning experience they enjoy at BPL provision</p> <p>Children and young people enjoy improved social mobility due to improved attainment and a model of education that focuses on their interests and ambitions</p> <p>It will diminish the difference between disadvantaged and non-disadvantaged children and young people by acting as an effective model of early help and prevention for young people from less affluent backgrounds</p>
	<p>Doncaster Caring: Our vision is for a borough that cares together for its most vulnerable residents;</p> <ul style="list-style-type: none"> • Children have the best start in life • Vulnerable families and individuals have support from someone they trust • Older people can live well and independently in their own homes 	
	<p>Connected Council:</p> <ul style="list-style-type: none"> • A modern, efficient and flexible workforce • Modern, accessible customer interactions • Operating within our resources and delivering value for money • A co-ordinated, whole person, whole life focus on the needs and aspirations of residents • Building community resilience and self-reliance by connecting community assets and strengths • Working with our partners and residents to provide effective leadership and governance 	<p>The use of a SIB provides value for money to the Council as it allows it to test a new intervention but only pay for it if it is successful.</p> <p>The established of a Special Purpose Vehicle and a Social Investment Board will ensure strong leadership and governance.</p>

RISKS AND MITIGATIONS

28. Regulatory compliance is a key risk for the authority and successful delivery of the SIB. This is being mitigated by a full options appraisal being completed by senior officers at the council, and by taking advice from the DfE, Ofsted and independent experts as to what is the best solution.
29. There is a risk that the provision would not be open in time to begin admitting pupils for 2018. We have mitigated this by proposing that the start date is delayed until January 2019 to ensure that the building quality is of the required standard, that it has been signed off by Ofsted, and that the Department for Education have ratified the designation of the provision. This has the potential to increase set up costs, but these may be met from L&OCYP revenue budget. Further detail is provided in paragraph 38.
30. There is a risk that a provider would not have a track record for delivery as this is entirely novel provision in the UK, and as such there will be no previous record of impact or achievement to draw on. To mitigate this, we are taking external legal advice about the use of a practice & quality guarantor to ensure that the provision is validated, alongside the usual contractual mechanisms.
31. There is a risk that the provider is unable to employ the right delivery team for the provision. This is being mitigated by an extensive executive search for candidates, and by Doncaster MBC being on the decision making panel for appointments.
32. There is a risk that the social investor pulls out of negotiations. This is being mitigated by having initial conversations with more than one investor, and building a relationship so that we in a position to state our preferred investor by the end of May.
33. There is a risk that provision might not be able to open in January 2019 due to delays in work at the preferred site for the provision, and that any registration for the establishment takes longer than the suggested 6 months. This is being mitigated by the production of an ODR to initiate design work essential for the work on site, by negotiating with the DfE about expediting the process for approval of any new provision, and by negotiating with any potential social investor about opening BPL after September 2018 (expected contingency of January 2019).

LEGAL IMPLICATIONS Officer Initials ND Date 16/3/2018

34. Section 1 of the Localism Act 2011 provides the Council with a general power of competence, allowing the Council to do anything that individuals generally may do. Section 111 of the Local Government Act 1972 gives an Authority power to purchase goods and services.
35. Under the Education Act 1996, the Council as an education authority has a duty to promote high standards of education and fair access to education. It also has a general duty to secure sufficient schools in their area, and to consider the need to secure provision for children with special educational needs. The Department of Education has statutory guidance for the Local Authority on Alternative Provision that should be followed.
36. A Social Impact Bond (SIB) is a funding mechanism whereby the Council contracts for the delivery of specified social outcomes. There will be a contractual arrangement between the service provider, the social funder and the Council which will provide that

payment will be made by the Council only and to the extent that the specified social outcomes are achieved. Capital will be provided by the social investor to fund the project and the social investor will receive a financial return on their investment should the outcomes be achieved. As such the capital and return remain at risk should the outcomes fail to be achieved by the Service Provider.

37. The Social Value Act 2012 gives the Council statutory duty to consider at the pre-procurement stage of any services contract, how what is proposed to be procured may improve the economic, social and environmental well-being of their areas, how the Council may act with a view to securing that improvement in conducting the process of procurement.
38. Legal Services should be consulted to advise on the contractual documentation and arrangements as the project progresses. Any conditions attached to the receipt of the funding from the Life Chances Fund must be adhered to avoid any liability for the Council.
39. It is assumed that the redevelopment of the site will not affect the existing tenants on the site.
40. The demolition of the existing building and the construction of new building will require planning consent and building regulation approval. Further detailed advice should be sought from the relevant service areas in respect of this.
41. Once complete the third party service provider will be in occupation of the property which should either be through a licence to occupy or a lease of part of the premises.
42. If the premises are to be leased then S123 Local Government Act 1972 allows the Council to lease premises to a third party for less than seven years without the need to obtain the best consideration reasonably available.
43. All applicable laws should be adhered to together with the Council's Constitution, including CPRs and FPRs.

FINANCIAL IMPLICATIONS [Officer Initials DB Date 22.2.18]

44. Commissioning the Innovation Unit to develop, in partnership with DMBC, an application to the Life Chances Fund (LCF) to create a social impact bond (SIB) for Big Picture Learning in Doncaster, was covered by Officer Decision Record (LOCYP ODR reference 1718152) at a cost to the council of £29k and funded from LOCYP's Change & Transformation Programme budget. This included the procurement of the services of a technical expert on SIB development, awarded to Future Public, with Jen Byrne (a Director there) being the principal point of contact.
45. The use of a Social Impact Bond means that payments for provision are only made based on outcomes being achieved and therefore the overall cost could potentially be less than £5.99m, this will be subject to the terms of the final legal agreement and the agreed outcomes measures with the investors, with contract expected to be signed with a social investor by June 2018. This will also cover the initial working capital to be provided for the project by the investor of £810k as per the current SIB financial model used.
46. The cost of education provision under this model of alternative provision would be funded from the High Needs Block of the Dedicated Schools Grant (DSG), similar to other alternative education provision, such as a Pupil Referral Unit or Learning Centre. Guidance sought from the DfE stated that the use of a SIB to invest in the provision of

alternative provision is permissible under DSG conditions of grant and that the proportion charged to the DSG should reflect the education costs of any commissioned provision only (set aside in that year and held for payment of outcomes). Therefore the LCF bid is required to at least cover the additional (non-education provision) SIB costs of £638k for interest and running costs which cannot be funded from DSG.

47. The education provision costs remaining of £4.19m would therefore be funded in full from High Needs Block DSG. Over the 6 years of provision this would now be expected to represent an average annual per pupil cost of £13,690 to DMBC/DSG (previously £15,650 to DMBC) based on the current SIB financial model, which will require revision, and 100% of outcomes paid. Should the opening date be delayed until January 2019 the SIB financial model would need to be revised on that basis however it wouldn't be expected that the annual running costs should change significantly as a result, however terms of LCF funding for instance will need to be confirmed to ensure they still fund across the whole project life as currently modelled. Following completion of the project, should this form of alternative provision be considered successful and commissioned directly (without the use of a SIB), the expected cost per year would be £14,226 (excluding additional SIB costs and with the provision model running at full capacity). In comparison the current cost of a placement in a Doncaster Pupil Referral Unit is £15,000 per annum.
48. Doncaster is to receive an additional £800k High Needs Block allocation for 2018/19, informed by the DfE in December 2017, and a further £800k per annum from 2019/20, both as a result of the DfE's National Funding Formula changes to be implemented from April 2018. It is the LA's responsibility to manage the High Needs Block of DSG within budget, with accountability to School Forum on how it manages and makes arrangement for provision. The current budget position on High Needs DSG is expected to be sufficient to cover the annual costs of this provision, however it is expected that this provision will eventually create saving elsewhere in the High Needs Block over the life of the project, as 60 children can be referred to this provision as an alternative in some cases to those other places currently being funded, such as Pupil Referral Unit or Learning Centre placements, which are also under consideration within the current behaviour review.
49. Following notification from the Life Chances Fund as to whether our application has been successful it is also proposed that the LA will contribute a further £50k to the costs of the Innovation Unit for further development of the project. Alongside this the Innovation Unit will separately be making a financial contribution of £21,000. This is currently being covered in a separate CPR waiver and to be met from 2018/19 LOCYP general fund budget. This will cover costs of the IU based on an opening date for the Big Picture Learning provision of September 2018 however should this opening date need to be delayed then there is likely to be a requirement for additional funding, up to the revised opening date, which will need to be quantified and appropriate budget will need to be identified within LOCYP revenue budgets for 2018/19 in order to cover.
50. As included within the report, the site is still subject to approval. Capital funding for the building and related work of £805k was included in the 2018/19 budget setting report to Council on 5th March. Draw down of the funding would be through ODR and full costing of the project will be required at that point.

HUMAN RESOURCES IMPLICATIONS [Officer Initials MLV Date 21/02/18]

51. While there are no specific HR implications related to the content of this report there may be HR implications arising from the implementation of Big Picture Learning which will be addressed at the appropriate time through relevant reports and governance arrangements .

TECHNOLOGY IMPLICATIONS [OFFICER INITIALS PW DATE 22/02/18]

52. ICT need to be involved from the outset to fully understand the plans and implications in relation to existing ICT services to the Bentley Training Centre site together with the relocation of the existing occupants. Where there are requirements for DMBC ICT services to the new build, this would require a proposal to the ICT Governance Board to allow ICT to understand the requirements, feed into the design, propose any relevant solutions and prioritise and deliver any solutions in accordance with the wider ICT priorities of the Council and its partners.

HEALTH IMPLICATIONS [Officer Initials RS Date 22/02/2018]

53. Learning outcomes and health outcomes are intrinsically linked. On the whole investments in improving learning outcomes should also improve health outcomes. The strategy makes reference to matching provision to geographical demand and the needs of specific population groups. Decision makers will want to ensure that there is effective ongoing monitoring of the implementation of this strategy.

EQUALITY IMPLICATIONS [Officer Initials D. Ayre; Date 20.2.18]

54. Big Picture Learning is an inclusive model of education that seeks to ensure that all children and young people accessing it are treated equally. It is particularly targeted at disadvantaged young people, with the eligibility criteria citing that young people will have experience of interaction with social care, health services, the police, or be from a family in receipt of long term welfare support. As such, we believe that Big Picture Learning has the potential to deliver improved social mobility for the young people in the provision, and reduce levels of inequality in the borough as a result.

CONSULTATION

55. Consultation with young people has taken place to inform the design of the Big Picture Learning model in Doncaster. There will be individual consultation with parents at the point of referral to Big Picture Learning to confirm that they are happy for their children to attend, and that the young people themselves are happy to. Consultation has taken place, and will continue to, with businesses to design the work placements that form part of the model. There was also initial consultation with primary and secondary schools via the Partners in Learning meetings on 23rd February and 6th March. Finally, there will be further consultation with Cabinet prior to the provision officially opening.

BACKGROUND PAPERS

Full application to Life Chances Fund
Assets Board report

REPORT AUTHOR & CONTRIBUTORS

David Ayre, Head of Service – Strategy & Performance Unit
01302 735412 david.ayre@doncaster.gov.uk

Damian Allen
Director of People (DCS/DASS)

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank



Doncaster Council

Report

Date: 10 April, 2018

To Chair and Members of Cabinet

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

Relevant Cabinet Member(s)	Wards Affected	Key Decision
	Sprotbrough	Yes

EXECUTIVE SUMMARY

1. A TV & film production financing company detailed in Appendix A have come forward with a proposal to redevelop the High Melton College site as a major centre for film and TV production. A Regeneris Consulting study suggests that this proposal will:
 - Involve investment of £64m
 - Will create 1,040 jobs on the new studio site.
 - Potentially create a further 6,700 jobs in the local supply chain.
 - Provide a £290m p.a. boost to Doncaster's GVA (circa 6% increase)
 - VFX Academy in association with DN College will train 750 students p.a. at up to Master level
 - Construct up to 402,000 sq.ft. of new sound stages, offices, workshops and warehouse.
 - Phase 1 of 207,600 sq.ft to be completed by 2021
 - Phase 2 of 195,000 sq.ft to be completed by 2023
 - Rateable Value of new development of circa £1,678,400
 - Annual business rates available to Doncaster Council from Phase 1 of development £204,300

2. This investment has the potential to have a game-changing impact on Doncaster's creative and digital industry (CDI), the availability of quality jobs, higher level skills, local aspirations and Doncaster's overall attractiveness to skilled and talented workers, visitors and investors. An increase of 1,040 jobs in the TV & film industry in Doncaster would provide a 100% boost to the number of

people employed in this industry in the Sheffield City Region and a 25% boost to Yorkshire & Humber as a whole, positioning Doncaster and the region to be major industry players outside of London and the South East of England.

3. To support this investment and help to attract it into the Sheffield City Region the SCR and Business Doncaster team propose to support an application to the SCR Business Investment Fund. This grant will;
 - Be for £4.1 million
 - Represent 11% of their first phase costs of £36m.
 - Help deliver 3 sound stages, production offices, and VFX Academy.
 - Enable the creation of 430 jobs at the new studios.
 - Support the establishment of high level training course at a new VFX Academy.
4. The SCR Business Investment Fund requires sponsoring Local Authorities to share the cost of the grant at a later date (repayment terms and date to be agreed).
5. In supporting this investment Doncaster Council would be required to pay back to the City Region a sum of £2.05m. This sum to be paid out of new Business Rates receipts generated by the development. Appendix B contains tables detailing the accommodation to be built, rateable values and anticipated income resulting from the development.
6. The application was considered by the SCR Business and Investment Panel on the 20th March and was supported. A paper will now be presented for approval by the Combined Authority on the 30th April. It is intended to take this report for Doncaster Council Cabinet on the 10th April via Executive Board on the 27th March.

EXEMPT REPORT

7. Yes. This report includes commercially sensitive information (appendix A) which is not for publication as it refers to information which is 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.

RECOMMENDATIONS

8. This report is seeking approval for:-
 - The Council's support of the application for funding to the SCR Business Investment Fund by the TV & film production financing company for the sum of £4.1m
 - Committing the Council to the future re-payment, subject to Doncaster College selling the site to the TV & film production financing company, of £2.05m of the funding obtained by the TV & film production company to the SCR
 - The delegation to negotiate acceptable terms and conditions with the SCR which shall 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

WHAT DOES THIS MEAN FOR THE CITIZENS OF DONCASTER?

9. The proposal is for the site to be developed in two phases with phase one 1 2018-21 and the second phase 2021-23. Regeneris Consulting estimate that once complete the studio development will:
 - Create 1,040 jobs at the new studios
 - Average salary for these jobs is over £30,000 p.a.
 - Stimulate up to 6,700 new jobs in the local supply chain.
 - Boost Doncaster GVA by £290m p.a.

10. The first element of the project to be delivered will be establishment of a VFX Academy Hub in conjunction with Doncaster College delivering;
 - The company's intention is that whilst the Film, TV and VFX Academy Hub building is receiving planning permission and being built, they will operate VFX training courses (a mix of lower end HND as well as MA's in specific VFX software) from the existing College buildings on the site. The aim would be to run courses as follows:
 - January 2019 – MA course in VFX (40 students)
 - (July 2020 – Film, TV and VFX Academy building is completed and operational for the start of the educational year.)
 - September 2020 – HND, Degree and MA courses in VFX (150 students p.a.)
Film and TV training courses commence across a range of disciplines (250 p.a.)
 - September 2021 – The number being trained will rise to 600 p.a.
 - September 2022 – The number being trained will rise to 750 p.a.
 - Indicative remuneration levels once qualified are provided as;
 - VFX junior starting rate £25k
 - Rising to £35- 40k after 3 years
 - After 5 years rising to £50k plus
 - High demand and low levels of supply are driving salary levels upwards

11. This investment has the potential to have a game-changing impact on Doncaster's creative and digital industry (CDI), the availability of quality jobs, higher level skills, local aspirations and Doncaster's overall attractiveness to skilled and talented workers, visitors and investors.

BACKGROUND

12. The film and TV production sector is one of the UK's most vibrant and rapidly growing business sectors and is well supported at Government level with what was described as being the most advantageous tax regime for film/TV content production globally.

13. During 2017 £1.69b was spent on UKTV and film projects (up 23% on the previous year) with a 13% increase in the previous year.

14. With a regional lack of production facilities Doncaster and the Sheffield City Region have not to date benefited from the growth in this sector. Doncaster has 3,000 jobs in the creative and digital industry, which is a low proportion compared to Great Britain as a whole – and the same applies to the Sheffield City Region and the Yorkshire and Humber:

Place	CDI jobs as % of all jobs
Doncaster	2.5%
Sheffield City Region	4.3%
Yorkshire & Humber	4.9%
Great Britain	7.0%

15. Of the 3,000 CDI jobs in Doncaster, less than 50 are within the TV & film industry. Across the Sheffield City Region there are 1,000 jobs and across Yorkshire and Humber there are 4,300. An increase of 1,040 jobs would therefore provide a 100% boost to the number of people employed in the TV & film industry in the Sheffield City Region and a 25% boost to Yorkshire & Humber as a whole. This would position Doncaster and the region to become major industry players outside of London and the South East of England. With 5,340 jobs, the Y&H region would have the potential to overtake the North West (6,300 jobs) and Scotland (6,500 jobs) to become the largest employing region outside of London and the South East. To put the Doncaster development in context, Channel 4's plans to establish a second HQ outside of London, which has attracted significant national publicity, involves 300 staff relocating and the potential creation of 3,000 new jobs in the creative industries outside London.
16. The Doncaster Growing Together (DGT) Plan includes the ambitions to:
- Ensure all Doncaster's people and places can participate in a growing, productive economy and feel the benefit of doing so - making Doncaster a thriving place to learn, work, live and care
 - Become a University City that grows the opportunities our young people and adults have to gain higher level education and skills
17. There is an increasing recognition within DGT that creativity and culture have a significant role to play in achieving these ambitions – as reflected in the strategic aims of the Partnership Creative and Culture Strategy (2016 – 2021):
- To raise the profile of Doncaster through arts, creativity, heritage and culture.
 - To see all children and young people and their families take part in and enjoy great cultural experiences across Doncaster.
 - To encourage people from all sections of the communities across Doncaster to access and take part in creative and cultural activities.
 - To use culture, creatives and creativity to drive inclusive growth in Doncaster, reflecting the diversity of its people.
18. The Regeneris Consulting forecast for 6,700 jobs in the local supply chain for this project is based on the assumption that this project brings up the employment rate within the anticipated supply chain companies to the national average.
19. The proposal would be to build out the development in 2 phases with the first phase delivering;
- 4 sound stage,
 - 2 workshops,
 - 4 warehouses and a
 - VFX Academy
 - totalling 207,700 sq.ft

- New RV of approx. £851,265.
20. This will immediately be followed by a slightly smaller second phase of 195,000 sq.ft including a further 4 sound stages, 2 workshops, 4 warehouses and large office with a further R.V. increase of £827,167.
 21. The Sheffield City Region Business Investment Fund was created to help attract major new investment to the region and requires the host local authority to pay back 50% of the grant and to do so over a period of 5 years to 10 years after the award of the grant and start of development. The intention is that the liability will be repaid from an expected increase in Business Rates resulting from the investment. This sum must be repaid regardless of whether Doncaster experiences any new growth in Business Rates.
 22. This grant application process requires Doncaster to cover a sum of £2.05M from Business Rates. Repaying this figure over a period to be agreed, Current forecast indicate that the Phase 1 build should generate sufficient funds to repay the City Region.
 1. Business Rates income of £2.05M over 10 years equates to £205,000 p.a.
 2. DMBC share of any new Business Rates is currently 49%*
 3. There has recently been a proposal that from 20-21 financial year Local Authorities will retain 75% of Business Rates collected.
 4. Assume an average multiplier of 0.48 (17/18 is 0.479 and 18/19 is provisionally 0.493)
 5. The rateable value required to yield an average annual Business Rates charge of 408,163 with a 0.48 multiplier would be **£850,340**
 6. The company proposes a First Phase build of 207,673 sq.ft with a likely R.V. of circa £851,265 with a second phase of 195,045 sq.ft with a R.V. increase of circa £827,167 as detailed in the table below. In addition to the R.V. to be retained from the existing buildings.
 23. New/additional Business Rates from the studio site will represent only part of the benefits resulting from the investment. If only 20% of the 6,700 new jobs potentially created in the local supply chain require new build property then that equates to 1,340 jobs, which at 80sqf per person would require new office space of 107,200sqf. Such space would equate to a combined Rateable Value in excess of £1m and an annual payment figure of over £0.5m with DMBC receiving over £0.25m p.a.
 24. Caveats and variables that would need bearing in mind;
 - There are likely to be at least 2 revaluations over the next 10 years. One in 2022 and then moving to 3 year revaluations in 2025 (see financial Imps)
 - There could be appeals which may lead to fluctuations in RV.
 - The multiplier will rise each year in line with CPI but will normally reduce at revaluation time to make any revaluation cost neutral.
 - Statements have been made by Ministers suggesting changes to the retention rates that Councils are allowed to retain from the Business Rates pool. The suggestion is that a 75% retention might be in place by 2020 and possible 100% at a later date. It should be noted that this forms part of the Government's wider financial settlement to the Council, therefore any growth from increased Business Rates would not last indefinitely

OPTIONS CONSIDERED

25. Support the company's grant application to the Sheffield City Region and prepare to repay half of the grant in 10 years' time and anticipate to benefit from; the creation of 1,040 jobs, 6,700 jobs in the local supply chain, 750 high level education course places and £290m of new GVA p.a. for Doncaster
26. Don't support the grant application and hope that the company can 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.

REASONS FOR RECOMMENDED OPTION

27. Supporting the development of new TV and Film production facilities in the manner described has the potential to create nearly 8,000 new jobs in a relatively short space of time, increasing Doncaster's GVA by 6% (£290m p.a.) and expanding the Higher education course offer significantly. This proposal is the type and scale of inward investment project that arises very infrequently and presents an opportunity that needs to be exploited.

IMPACT ON THE COUNCIL'S KEY OUTCOMES

28.

	Outcomes	Implications
	<p>Doncaster Working: Our vision is for more people to be able to pursue their ambitions through work that gives them and Doncaster a brighter and prosperous future;</p> <ul style="list-style-type: none"> • Better access to good fulfilling work • Doncaster businesses are supported to flourish • Inward Investment 	<p>Potential for 1,040 jobs to be created on site at the new studios with a further 6,700 created in the local supply chain.</p> <p>£64m of investment generating an increase to Doncaster's GVA of £290m p.a.</p>
	<p>Doncaster Living: Our vision is for Doncaster's people to live in a borough that is vibrant and full of opportunity, where people enjoy spending time;</p> <ul style="list-style-type: none"> • The town centres are the beating heart of Doncaster • More people can live in a good quality, affordable home • Healthy and Vibrant Communities through Physical Activity and Sport • Everyone takes responsibility for keeping Doncaster Clean • Building on our cultural, artistic and sporting heritage 	<p>Development of 7 sound stages and the attraction of film and TV productions and the use of local settings and assets in films programmes increase the town's profile and attracts visitors to the town.</p>

	<p>Doncaster Learning: Our vision is for learning that prepares all children, young people and adults for a life that is fulfilling;</p> <ul style="list-style-type: none"> • Every child has life-changing learning experiences within and beyond school • Many more great teachers work in Doncaster Schools that are good or better • Learning in Doncaster prepares young people for the world of work 	<p>Up to 750 new course places to be created in high paying media related courses in a sector that currently struggles to recruit personnel</p>
	<p>Doncaster Caring: Our vision is for a borough that cares together for its most vulnerable residents;</p> <ul style="list-style-type: none"> • Children have the best start in life • Vulnerable families and individuals have support from someone they trust • Older people can live well and independently in their own homes 	
	<p>Connected Council:</p> <ul style="list-style-type: none"> • A modern, efficient and flexible workforce • Modern, accessible customer interactions • Operating within our resources and delivering value for money • A co-ordinated, whole person, whole life focus on the needs and aspirations of residents • Building community resilience and self-reliance by connecting community assets and strengths • Working with our partners and residents to provide effective leadership and governance 	

RISKS AND ASSUMPTIONS

29. Planning Consent. This is a redevelopment of a large site in open countryside around a listed building with challenging topography. However, the site fluctuation in levels potentially works to the advantage of this use and the Council's Planning team have had regular meeting with the company and both sides have a very good understanding of the key issues.
30. New business rates uplift. The proposed first phase of development should deliver sufficient new buildings to generate enough new business rates receipts to cover the level of repayments to SCR. Appendix B details the scale of the

proposed two phases of development and the expectation that they could generate in excess of £3m of new Business Rates receipts to Doncaster in the first 10 years of the first new studios opening. If legislation changes to allow Local Authorities to retain a higher percentage of business rates (75% has been suggested) then this figure increases to £5.1m across both phases of development. There are a number of variables that will need to be reviewed before agreeing to the grant conditions. In addition there should be additional new business rates generated in the local supply chain for this development result in new builds in line with the new Town Centre Masterplan then this figure will be achievable.

31. Project viability. The company behind this proposal are not themselves TV & Film producers in this instance but will be enablers providing the accommodation and environment in which others will create employment opportunities and media content. The principals of the company as detailed in Appendix A have a proven track record and excellent industry contacts to attract production companies. The operating environment and Tax system in the UK means that there is great demand from the industry which outstrips its current capacity. Should the project not develop as anticipated, fall short of its growth aspirations or fail entirely then the council will still be responsible to repay half of the grant received by the company up to that point and possibly up to £2.05m irrespective of whether Doncaster benefited from any Business rates growth.

LEGAL IMPLICATIONS (NJD 12/03/18)

32. Section 1 of the Localism Act 2011 provides the Council with a general power of competence, allowing the Council to do anything that individuals generally may do. Section 111 of the Local Government Act 1972 gives the Council the power to purchase goods and services.
33. Although the Council will not be expected to enter into the funding agreement with Sheffield City Region (SCR) Business Investment Fund nor receive the grant of £4.0m from SCR, the Council will be expected to enter into an agreement with SCR for the repayment of £2.0m. The terms and conditions of this agreement have not yet been prepared by SCR and will need to be agreed between the parties at a later date.
34. Further legal advice and assistance will be required once the Council has a better understanding of the funding arrangement between the SCR and the TV and Film production financing company, what obligations will be placed on the Council for the repayments of £2.05m.

FINANCIAL IMPLICATIONS (DR 13/03/18)

35. The £4.10m Sheffield City Region (SCR) Business Investment Fund support for the development of new TV and Film production studios is currently expected to require the Council to pay £2.05m to the SCR over the period 5 years to 10 years after the award of the grant and start of development, so c. £0.41m per year during that time. The exact terms and conditions of this arrangement have yet to be determined and the report requests a delegation for the conclusion of that to the Director of Regeneration & Environment, in consultation with the Chief Finance Officer and the portfolio holder for Regeneration. The Council's ability to make a provision for this payment is predicated on the assumption that the Council will have benefitted from sufficient uplift in Business Rates resulting from

the development of the site in the intervening period

36. Under the proposals outlined above the net increase in Business Rates generated by the development of these new studios and facilities should cover DMBC commitment to the repayment of the SCR grant. However, the valuation of specialist new developments such as this is a very difficult area to estimate. While using existing valuations of other established properties is the only logical way to estimate a rateable value and therefore a level of Business Rates yield, it is wise to be prudent on valuations for long term projects.
37. The uncertainty around Business Rate retention and it's importance to local Government finances remains unclear. The current 50% retention scheme was expected to be replaced with a 100% scheme by 2020 as part of the Local Government Finance Bill, however, this bill was dropped following the recent General Election. However, it appears the Government still intends to increase this share with the Minister for Housing, Communities and Local Government announcing an increase to 75% from 2020/21 in December 2017.
38. However, the uncertainty around the future of Business Rates remains, only this week the Chancellor has announced a change to how often businesses' rateable values will be revalued, bringing forward the next revaluation to 2021 and then making them 3 yearly rather than 5 yearly after that.
39. The proposal is at a formative stage and there are a number of risks and issues behind this assumption that require clarification before the Council should make a formal commitment. Including but not limited to: -
 - Forecast and actual business rates may not provide sufficient uplift to cover the provision. Further work will be required to make a proper assessment, though this may be difficult as the actual figure is likely to be subject to a specialist valuation. However, the Council may still wish to make the provision, given the other benefits of the development.
 - What happens should the company go out of business during the 10 year period and/or the development is not delivered as envisaged? If this occurs there is potential for the Council to have to pay earlier than in 10 years or cover some element of claw back. The company is currently dormant with no assets and minimal equity and dependent on new financing for the project. The viability of the company as a going concern seems to be solely dependent on the business case for this development. Further due diligence on the company and more information regarding claw back requirements will be required.
 - Financing arrangements may be dependent on the relationship between the parties involved and the how the payment itself is defined. This could dictate that the liability has to be recognised immediately rather than in 10 years and whether it could be funded from a capital or revenue resource. Full details of how the scheme is set to work have yet to be received from SCR for this to be properly assessed.

HUMAN RESOURCES IMPLICATIONS (CR 08/03/18)

40. There are no HR related implications in connection to this Cabinet report to support the proposed Sheffield City Region business grant application made by a film/tv production company to buy and develop this film studio.

TECHNOLOGY IMPLICATIONS (PW 06/02/18)

41. There are no direct technology implications in relation to this report

HEALTH IMPLICATIONS (CEH 13/03/18)

42. There is the potential for positive health implications in relation to support the grant application for the redevelopment of this site. There is a strong evidence base showing that work is generally good for physical and mental health and well-being. The provisos are that account must be taken of the nature and quality of work and its social context; jobs should be safe and accommodating.

It is recommended that the health impacts of the redevelopment of the site are considered within in the planning process to consider the potential effects on green space/countryside, transport links and the local residents.

EQUALITY IMPLICATIONS (TPH 05/02/18)

43. The industry supported by this application operates in a vary equal opportunities manner both in terms of the film/TV production and the post production activities associated with the VFX Academy

CONSULTATION

44. This project has been worked on jointly with the Inward Investment Team at the Sheffield City Region and the senior management team at Doncaster College

BACKGROUND PAPERS

45. None

REPORT AUTHOR & CONTRIBUTORS

Name & Title of Report Author

01302 862465 : Tim.hazeltine@doncaster.gov.uk

Name & Title of Lead Officer

Peter Dale, Director of Regeneration and Environment

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

Appendix B

Business Rates expected to be generated by the development of 360's Doncaster Studios. Presently DMBC retains 49% of business rates payments. The tables below indicate how much the proposed 2 phases could generate in new business rates.

360 Doncaster Studio					0.48	0.49			
					multiplier	DMBC			
Phase 1	sq.ft.	sq.mtrs	R.V. sq.m.	RV	Annual payable	retained			
Workshop 1	10000	990	40	39600	19008	9504			
Warehouse 1	15000	1395	40	55800	26784	13392			
Stage 1	20000	1860	34	63240	30355.2	15177.6			
Stage 2	20000	1860	34	63240	30355.2	15177.6			
Warehouse 2	10000	930	40	37200	17856	8928			
Stage 3	15000	1395	34	47430	22766.4	11383.2			
Office 1	30000	2790	37.5	104625	50220	25110			
warehouse3	15000	1395	40	55800	26784	13392			
stage 4	15000	1395	34	47430	22766.4	11383.2			
warehouse 4	10000	930	40	37200	17856	8928			
Workshop 2	10000	930	40	37200	17856	8928			
VFX Academy	37673	3500	75	262500	126000	63000			
207673		19370		851265	408607	204303.6	10	years	£2,043,036.00

					0.48	0.49		
					multiplier	DMBC		
Phase 2	sq.ft.	sq.mtrs	R.V. sq.m	RV	Annual payable	retained		
Stage 5	30000	2788	34	94792	45500.2	22750.08		
stage 6	20000	1860	34	63240	30355.2	15177.6		
Office 2	45045	4185	75	313875	150660	75330		
Workshop 3	10000	930	40	37200	17856	8928		
warehouse 5	10000	930	40	37200	17856	8928		
warehouse 6	15000	1395	40	55800	26784	13392		
warehouse 7	10000	930	40	37200	17856	8928		
warehouse 8	15000	1395	40	55800	26784	13392		
workshop 4	10000	930	40	37200	17856	8928		

Stage 7	15000	1395	34	47430	22766.4	11383.2		
stage 8	15000	1395	34	47430	22766.4	11383.2		
	195045	18133		827167	397040	198520.1	7	years
								£1,389,640.56

Total after 10 years of operation the studios DMBC will have received £3,432,676

Should legislation change allowing Local Authorities to retain 75% of business rates then the benefits of this development to Doncaster are expected to be;

360 Doncaster Studio

					0.48	0.75		
					multiplier	DMBC		
					Annual	retained		
Phase 1	sq.ft.	sq.mtrs	r.v	RV	payable			
			sq.m..					
Workshop 1	10000	990	40	39600	19008	14256		
Warehouse 1	15000	1395	40	55800	26784	20088		
Stage 1	20000	1860	34	63240	30355.2	22766.4		
Stage 2	20000	1860	34	63240	30355.2	22766.4		
Warehouse 2	10000	930	40	37200	17856	13392		
Stage 3	15000	1395	34	47430	22766.4	17074.8		
Office 1	30000	2790	37.5	104625	50220	37665		
warehouse3	15000	1395	40	55800	26784	20088		
stage 4	15000	1395	34	47430	22766.4	17074.8		
warehouse 4	10000	930	40	37200	17856	13392		
Workshop 2	10000	930	40	37200	17856	13392		
VFX Academy	37673	3500	75	262500	126000	94500		
	207673	19370		851265	408607	306455.4	10	years
								£3,064,554.00

					0.48	0.75		
					multiplier	DMBC		
					Annual	retained		
Phase 2	sq.ft.	sq.mtrs	r.v	RV	payable			
			sq.m..					
Stage 5	30000	2788	34	94792	45500.2	34125.12		
stage 6	20000	1860	34	63240	30355.2	22766.4		
Office 2	45045	4185	75	313875	150660	112995		
Workshop 3	10000	930	40	37200	17856	13392		
warehouse 5	10000	930	40	37200	17856	13392		
warehouse 6	15000	1395	40	55800	26784	20088		
warehouse 7	10000	930	40	37200	17856	13392		
warehouse 8	15000	1395	40	55800	26784	20088		
workshop 4	10000	930	40	37200	17856	13392		
Stage 7	15000	1395	34	47430	22766.4	17074.8		

stage 8	15000	1395	34	47430	22766.4	17074.8		Total at 10 yrs
	195045	18133		827167	397040	297780.1	7 years	£2,084,460.84
								£5,149,014.84

In this scenario with higher retention rates this development could generate new business Rates payments to DMBC of £5,149,014

This page is intentionally left blank

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank