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Lead Commissioner, Sir Derek Myers

10<sup>th</sup> May 2016

The Rt. Honourable Greg Clark MP  
Secretary of State for Communities & Local Government  
Department for Communities & Local Government  
Fry Building  
2 Marsham Street  
London  
SW1P 4DF

The Rt. Honourable Nicky Morgan MP  
Secretary of State for Education  
Department for Education  
Sanctuary Buildings  
Great Smith Street  
London  
SW1P 3BT

Dear Secretaries of State,

As new directions were issued on 11<sup>th</sup> February 2016, I write to provide the next three month progress report from Commissioners and to recommend a return of licensing functions to the Council.

On 5<sup>th</sup> May, all-out elections took place across the borough. All 63 council seats were contested and the Labour Party remained the majority party. In summary, Labour won 48 seats (no change from 2015), UKIP won 14 seats (+2 from 2015), Independents won 1 seat (-1 from 2015), and Conservatives lost its only seat. Turnout was 33% - consistent with previous local elections.

Rotherham Council will induct 24 newly elected members which takes the total number of those who have served less than two years to 36 (out of 63).

The Cabinet remains largely intact. Councillor Sims (waste, roads and community safety) retired and Emma Wallis (housing) lost her seat. All others were re-elected and are expected to continue as Cabinet members. The leader will appoint to two vacancies by 20<sup>th</sup> May.

The Licensing Board, appointed by full Council 20<sup>th</sup> May 2016, will continue to be chaired by the previous Advisory Chair, and following the elections on 5<sup>th</sup> May, 15 of the 21 councillors have been re-elected who were members of the previous board. Other important re-elections included the chairs of Scrutiny, Standards and Audit committees.

The leader of UKIP failed to get re-elected and the decision as to his successor is likely to be made later this month.

From 11<sup>th</sup> February 2016, about a third of decision-making responsibilities were returned to the Council. Transition has been smooth with officers, Councillors and Commissioners demonstrating maturity and a willingness to work together.

A balanced revenue budget has been agreed within the context of an approved medium term financial strategy and five year capital strategy. The new Assistant Chief Executive took up his post on 1<sup>st</sup> March whilst the new Strategic Director of Finance and Customer Services, along with the new Strategic Director of Regeneration and Environmental Services started work in the last month. The appointment of Strategic Director of Adult Social Care and Housing has now been made which completes the new complement of senior appointments. Performance continues to improve across Education, 14-19 and School Admissions and Appeals. More children are now attending good or better schools; 94% of parents of primary, and 96% of parents of secondary aged pupils seeking school places for September 2016 obtained their first preference.

The Council continues to exert its influence on the developing Sheffield City Region with senior officers and members sitting within key strategic and decision making structures. Public Health has seen no issues in transferring powers back to elected members and Housing Services has achieved its best ever performance in 2016 across a broad range of measures. A new transport strategy has now been adopted and reviews of areas assemblies and library services are currently in train.

## **Children's Services**

Lincolnshire Conservative deputy leader Patricia Bradwell officially started as new Commissioner for Children's Social Care this week, and will be assisted by Lincolnshire's Director of Children's Services Debbie Barnes who will take on an advisory role for children's social care.

Malcolm Newsam's final day was 4<sup>th</sup> May and his last three months have seen continued improvements in the quality of children's social care practice. Ofsted inspectors have completed their five improvement visits and their validation of progress is helpful. In their visit to the duty and assessment service they reported no widespread or serious concerns and identified a clear improvement in practice and management oversight since their last visit in October 2015. Services to children who are looked after and care leavers are improving but are less secure than the child protection services given the long standing consequences of previous poor decision making and drift. These services will require continued scrutiny and challenge in the next few months. The pace of improvement in relation to the development of the 'early help pathway' has now accelerated.

Ofsted inspectors remain impressed by the work undertaken within the specialist child sexual exploitation team and in her latest report the inspector noted a continued child centred approach to this work with evidence of proactive, sensitive and robust investigative practice between police and social care. Multi-agency CSE investigations are progressing well but remain resource intensive. The second phase of Operation Clover will be heard in court in September and Operation Thunder, a non-recent operation, will be heard in January 2017. Operation Taffeta continues to progress according to plan with 30 suspects progressing through to the prosecution advice stage. Operation Scorpio, a current CSE operation focused on a significant number of female victims from the Roma community, is also progressing.

Operation Stovewood, the investigation by the National Crime Agency into non-recent allegations, is starting to have a considerable impact on resources in the Council's front-door

with over 150 referrals to date for information sharing. Although no arrests have yet been made, the NCA anticipate that ultimately we may be dealing with approximately 300 perpetrators and 600 victims. For 2016/17 the Home Office has funded a special grant of £5.9 million. This will grow the complement of detectives from the current figure of 70 to 120. Operation Stovewood requires an appropriate balance of social care staff. All the experience from Rotherham and other places is that CSE cannot be effectively investigated and the risks to children appropriately managed without a team commensurately resourced by police officers, social workers and multi-agency colleagues. An application has been made to the Home Office for this complementary funding.

The post of deputy Strategic Director for Children's Services has now been permanently filled and will commence in June. The new Head of Quality Assurance for children's social care started work in March and is already strengthening the approach to quality assurance, by making sure auditors are providing mentoring and coaching to workers and team managers, and ensuring that practice improvements are shared and implemented across the whole service. It will track all the activity taking place and over time will be able to show sustainable improvements along with being able to identify areas that need further improvement.

In Commissioner Newsam's last report to the Secretary of State for Education, he set out seven tests to be considered in respect of Commissioners recommending the restoration to the Council of executive powers for children's social care in September. Work has started on refocusing the Children's Improvement Plan around these seven tests. Prospects for passing these tests are promising but this will require sustained corporate focus from Members and senior officers across the Council, better use of resources and will also be dependent on the children's services senior management team sustaining the pace and focus that has been set in the first part of this year.

## **Licensing**

The Directions place a positive responsibility on Commissioners to report on whether further functions can be returned to the Council and this report recommends that with effect from an early date, that the new Licensing Board as appointed to at the AGM in May 2016, should have responsibility for determining licensing applications and reviews.

I recommended in the 12 month report to Secretaries of State that those functions relating to Licensing be restored. You asked me to return to this matter once the elections have concluded as we will know if there are any changes to the make-up of the Licensing Board. I can report that as a result of the elections, the Licensing Board will continue to be chaired by the previous Advisory Chair, whilst 15 of the 21 Councillors who were members of the previous board have been re-elected. The Leader of the Council supports this restoration of the Council's powers, which would be exercised by a cross-party board, not by his Cabinet.

Commissioner Ney has made a convincing case for the return of licensing functions and her report (Appendix A) details the improvements made over the last 15 months. I also enclose a number of companion documents which give further evidence to this function being returned to an improving Council. Commissioners are satisfied that the four tests outlined in my nine month letter have now been met. These are detailed within the enclosed documents.

My intention is always to write you a short report at this stage, with a comprehensive report for the end of July.

On behalf of the Commissioner Team, I invite your consideration for the proposition as set out in Appendix A and I look forward to your reply.

I am of course available, as are other members of the team, to meet with you at your request.

Yours sincerely,

A handwritten signature in blue ink that reads "Derek Myers". The signature is written in a cursive style with a comma at the end.

Sir Derek Myers  
Lead Commissioner

Encs:

1. Appendix A - Restoration of functions for licensing May 2016.
2. Appendix B - Summary of evidence for restoration of functions for licensing May 2016.
3. Appendix C - Proposed Business regulation structure including Licensing Team.
4. Appendix D - Licensing Improvement Plan.
5. Appendix E (I and ii) - Licensing case studies
6. Appendix F - Statistical record of decisions
7. Appendix G - Licensing cases heard summary financial year 2015-16.
8. Appendix H - Letter from the Leader of the Council