



Department for Communities and Local Government

Jan Ormondroyd
Interim Chief Executive
Riverside House
Main Street
Rotherham
S60 1AE

26 February 2015

Dear Ms Ormondroyd,

ROTHERHAM METROPOLITAN BOROUGH COUNCIL: INTERVENTION

I am writing to inform you that the Secretary of State for Communities and Local Government and the Secretary of State for Education have today made Directions, under section 15(5) and (6) of the Local Government Act 1999 and section 497A(4B) of the Education Act, in relation to your Authority. I enclose a copy of the Directions, together with an explanatory memorandum.

The Secretary of State for Communities and Local Government also intends to make an Order under section 86 of the Local Government Act 2000 providing for full council elections to be held in Rotherham in 2016 and every fourth year thereafter. The Secretary of State for Communities and Local Government considers this key to achieving the fresh start your Authority needs.

The Directions implement, with certain clarifications, the Directions which the Secretary of State proposed on 4 February 2015 and which were set out in my letter to you of that date. You will see that certain Directions are also made by the Secretary of State for Education, who also endorses the other Directions. This is in recognition of both the importance of there being a specific focus on children's social care, and that this focus is part of a fully integrated wide-ranging intervention.

You will also see that the Directions provide for the Secretary of State for Communities and Local Government to nominate a team of Commissioners: including a Lead Commissioner, a Commissioner with a "managing director" role and a Children's Social Care Commissioner. The Secretary of State has nominated Sir Derek Myers as Lead Commissioner, Stella Manzie CBE as Managing Director Commissioner, Malcolm Newsam as Children's Social Care Commissioner and Mary Ney and Julie Kenny CBE as Commissioners.

The Secretary of State for Communities and Local Government has made a number of Directions in relation to the Commissioners, including providing for them to perform certain functions and having roles overseeing actions which the Authority is to perform.

The Commissioners are accountable to the Secretary of State for Communities and Local Government in that they have been nominated by him and can have their nomination withdrawn by him.

The Directions set out the following functions to be exercised by the Commissioners:

- all executive functions of the Authority i.e. all functions of the Authority which are the responsibility of the executive, including the delegation of the exercise of such functions for example to committees and subcommittees of the executive or officers of the Authority, under section 9E of the Local Government Act 2000;
- all “local choice” functions of the Authority (i.e. functions that may be exercised by either an Authority’s executive or council) that were exercisable by the executive as of 4 February 2015;
- non-executive functions relating to the appointment and dismissal of persons to positions the holders of which are to be designated as the head of paid service, the monitoring officer and the chief financial officer (section 151 officer), and the designation of those persons as statutory officers;
- all non-executive functions relating to licensing, including all related enforcement and regulatory functions;
- delegation functions under section 101 of the Local Government Act 1972 of arranging for the discharge of any of the Authority’s functions, for example, by a committee or subcommittee of the Authority or an officer of the Authority in relation to functions which are to be exercised by the Commissioners; and,
- all functions of the Authority relating to the nomination or appointment of persons to other bodies.

The Directions put in place a process for regular review by your Authority, under the direction of the Commissioners, of whether it would be appropriate for any function exercisable by the Commissioners to be rolled back to the Authority. The first review will take place as soon as is practicable after the date of the intervention and subsequent reviews will take place every three months thereafter. Where your Authority and Commissioners agree that it would be appropriate for the exercise of a function to be returned to the Authority, the Authority will report this to the Secretaries of State setting out reasons, including clear evidence as to why the public could be expected to have confidence in the Authority exercising this function in compliance with the best value duty and in the case of the Authority’s children’s social care functions, performing these functions to the required standard. The Secretaries of State will carefully consider any such reports.

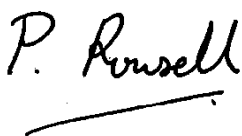
The Directions require your Authority to take certain actions, including in relation to preparing and implementing improvement or action plans, improvement panels, special responsibility allowances, and providing the Commissioners with such reasonable amenities, services and administrative support as the Commissioners may reasonably require from time to time to carry out their functions and responsibilities under these Directions. The Directions also require your Authority to allow the Commissioners at all reasonable times access to any premises of your Authority, to any document relating to your Authority, and to any employee or member of your Authority.

The Directions also require your Authority to pay the Commissioners’ reasonable expenses and such fees as the Secretary of State for Communities and Local

Government determines to be paid to them. The Secretary of State is mindful of the need for Commissioner remuneration to represent value for money for local taxpayers. In recognition of the nature and scale of the intervention, he has determined fees of £800 a day for the Lead Commissioner and £700 a day for other Commissioners except the Managing Director Commissioner. He has determined for the Managing Director Commissioner a fee of £160,000 per annum. The Secretary of State also expects the Commissioners to be paid reasonable expenses in accordance with the rules for senior officers set out in your Authority's staff handbook.

I am copying this letter to your Authority's Section 151 Officer, and to its Monitoring Officer.

Yours sincerely,

A handwritten signature in black ink that reads "P. Rowsell". The signature is written in a cursive style and is underlined with a single horizontal stroke.

Paul Rowsell