



Department for
Communities and
Local Government

Date: 11 February 2016

Sharon Kemp
Chief Executive
Riverside House
Main Street
Rotherham
S60 1AE

Dear Ms Kemp,

ROTHERHAM METROPOLITAN BOROUGH COUNCIL: REVISED INTERVENTION

I am writing to you to inform you that the Secretary of State for Communities and Local Government and the Secretary of State for Education (“the Secretaries of State”) have today made Directions, under section 15(5) and (6) of the Local Government Act 1999 and section 497A(4B) of the Education Act 1996, in relation to your Authority. I enclose a copy of the Directions, together with an explanatory memorandum.

The Directions implement the revised intervention package proposed by the Secretary of State for Communities and Local Government on 21 January and which were set out in my letter to you of that date, i.e. to return certain service areas and associated executive and non-executive functions to the Authority to exercise (“the identified service areas”), with certain service areas and functions to be retained by the Commissioners (“the retained service areas”). You will see that certain Directions are also made by the Secretary of State for Education, who also endorses the other Directions. The identified service areas are not defined explicitly in the Directions. Instead the Directions set out (at paragraph 6 of Annex B) which service areas and associated executive and non-executive functions are to be exercised by the Commissioners; all others will therefore fall to the Authority to exercise by default.

Alex Powell
Deputy Director – Intervention and Accountability
Department for Communities and Local
Government
2nd Floor North East Corner Fry Building
2 Marsham Street
London SW1P 4DF

☎ 0303 444 3755
E-mail ✉: alex.powell@communities.gsi.gov.uk

The Commissioner team will remain in place and be structured in the same way as set out in the nominations of 26 February 2015, albeit without a Managing Director Commissioner whose post came to an end on 29 January.

The Directions require the Authority to take two sets of actions – one in respect of the identified service areas and one in respect of the retained service areas. In respect of the identified service areas the Authority is required to take actions to ensure that Commissioners are able to influence decision making and ensure compliance with the best value duty but without clouding where ultimate authority and responsibilities lie. In respect of the retained service areas the Authority is required to take actions including: three monthly reviews on whether it would be appropriate to return any functions to the Authority to exercise; 6 monthly progress reports to the Secretaries of State; in relation to improvement panels; and on special responsibility allowances. The Authority is also required to provide the Commissioners with such reasonable assistance, amenities, services and administrative support as they may reasonably require from time to time to carry out their responsibilities under the Directions in relation to both the identified service areas and the retained service areas.

The Secretary of State for Communities and Local Government has made Directions in relation to the Commissioners, including provision for them to exercise the following functions in relation to the retained service areas:

- 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 under section 9E of the Local Government Act 2000, in relation to the service areas [set out in paragraph 6]. For the avoidance of doubt, these functions include all “local choice” functions (i.e. functions that may be exercised by either an authority’s executive or council) of the Authority in relation to the service areas [set out in paragraph 6] that were exercisable by the executive as of 4 February 2015.
- All non-executive functions relating to the appointment and dismissal of persons to positions the holders of which are to be designated as statutory officers, and the designation of those persons as statutory officers, to include the following functions:
 - a. Designating a person as a statutory officer and removing a person from a statutory office;
 - b. The functions under section 112 of the Local Government Act 1972 of:
 - i. Appointing and determining the terms and conditions of employment of an officer of the Authority, insofar as those functions are exercised for the purpose of appointing a person as an officer of the Authority principally in order for that person to be designated as a statutory officer; and
 - ii. Removing any person who has been designated as a statutory officer from his or her position as an officer of the Authority;
- All non-executive functions relating to licensing, to include all related enforcement and regulatory functions;

- Functions of arranging, under section 101 of the Local Government Act 1972, for the discharge of any of the Authority's functions by another body or person insofar as the latter functions are functions in relation to the service areas [set out in paragraph 6];
- All functions of the Authority relating to the nomination or appointment of persons to other bodies insofar as the functions relate to the service areas [set out in paragraph 6].

The Directions 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. In recognition of the nature of the intervention and improvements still needing to be made, and in order to maintain continuity of payment levels following the Directions made by the Secretaries of State on 26 February 2015, he has determined fees of £800 per day for the Lead Commissioner and £700 per day for other Commissioners. 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 standard policies and practices.

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 "Alex Powell". The signature is written in a cursive style with a long horizontal stroke at the end.

ALEX POWELL