



Please Note: This meeting will be webcast.
You can access this by clicking on the link from the Council's website: www.barnsley.gov.uk

BARNSELY METROPOLITAN BOROUGH COUNCIL

COUNCIL SUMMONS

You are hereby summoned to attend a meeting of the Barnsley Metropolitan Borough Council to be held in the Town Hall, Barnsley at 10.30 a.m. on Thursday 26th September, 2013

Business

1. Declarations of Pecuniary and Non Pecuniary Interests

To receive any declarations of Pecuniary and Non-Pecuniary interest from Members in respect of the items on this agenda.

2. Suspension of Standing Orders

To consider suspending Standing Order 13(5) in respect of the following presentation only (item 3 refers) insofar as it relates to restrictions on Members speaking more than once.

3. External Annual Governance Report – Presentation

The Council will receive a presentation from the District Auditor on the External Annual Governance Report.

Members will have the opportunity to question the District Auditor and the Assistant Chief Executive (Finance, Property and Information Services) (in her capacity as the Section 151 Officer).

4. Audit Committee – Minutes

To receive the minutes of the Audit Committee held on the 20th September, 2013 (to be circulated).

5. External Audit Annual Governance Report 2012/13

To consider a report of the Assistant Chief Executive (Finance, Property and Information Services) introducing the External Auditor's Annual Governance Report for 2012/13. (Copy 'A' attached)

6. Final Annual Governance Statement 2012/2013

To consider a joint report of the Chief Executive, Assistant Chief Executive (Legal and Governance) and the Assistant Chief Executive (Finance, Property and Information Services) on the Final Annual Governance Statement 2012/13. (Copy 'B' attached)

7. Minutes

To approve as a correct record the minutes of the meetings of the Council held on 25th July, 2013 (page nos 1 to 10).

8. Communications

To consider any communications to be submitted by the Mayor or the Chief Executive.

9. Questions by Elected Members

To consider any questions which may have been received from Elected Members and which are asked pursuant to Standing Order No. 11.

10. Questions to Section 41 Members on Joint Authority Business

To receive any questions from Elected Members submitted in writing pursuant to Standing Order No. 12 on the business of Joint Authorities to the Member nominated by the relevant Joint Authority for that purpose under Section 41 of the Local Government Act 1985:

Following the consideration of any questions submitted under the provisions of this Standing Order, any Member of the Council shall have the opportunity to comment on any matters referred to in the relevant minutes of the Joint Authorities circulated with the Minute Book for the meeting.

The relevant representative shall then be given the opportunity to respond to any comments made by Members on those minutes.

- (a) South Yorkshire Integrated Transport Authority – 4th July, 2013
- (b) South Yorkshire Integrated Transport Authority – 1st August, 2013
- (c) South Yorkshire Integrated Transport Authority (Draft) – 5th September, 2013
- (d) South Yorkshire Fire and Rescue Authority – 29th July, 2013
- (e) South Yorkshire Fire and Rescue Authority – Extraordinary Meeting (Draft) – 2nd September, 2013
- (f) South Yorkshire Pensions Authority (Draft) – 22nd August, 2013

11. Police and Crime Panel Minutes

Members of the Council shall have the opportunity to comment on any matters referred to in the minutes of the following Police and Crime Panel Meeting which are circulated within the Minute Book for the Meeting.

The relevant representatives shall then be given the opportunity to respond to comments made by Members on those Minutes:

- (a) Police and Crime Panel – 2nd September, 2013

12. Regulatory Boards – Minutes

To receive the minutes of the following Regulatory Boards:-

- (a) Planning – 23rd July, 2013

- (b) Audit – 24th July, 2013
- (c) General Licensing – 11th September, 2013
- (d) Planning – 17th September, 2013 (to follow)
- (e) General Licensing – Various
- (f) Appeals, Awards and Standards - Various

13 Health and Well Being Board - Minutes

To receive the minutes of the Health and Well Being Board held on the 23rd July, 2013.

14. Overview and Scrutiny Committee – Minutes

To receive the minutes of the Overview and Scrutiny Committee held on the 30th July, 2013.

15. Children’s Services Scrutiny Committee – Minutes

To receive the minutes of the Children’s Services Scrutiny Committee held on the 16th September, 2013 (to follow).

16. Area Council’s – Minutes

To receive the minutes of the following Areas Councils:-

- (a) Dearne – 22nd July, 2013
- (b) North – 22nd July, 2013
- (c) North East – 1st August, 2013
- (d) Penistone – 5th September, 2013
- (e) South – 6th September, 2013
- (f) Central – 9th September, 2013

17. Scrutiny Task and Finish Group 1

Proposed - to appoint a Chairperson of Scrutiny Task and Finish Group 1, to replace Councillor Lofts.

18. Representatives on the South Yorkshire Integrated Transport Authority

To appoint a Section 41 Member to the Integrated Transport Authority and deal with any consequential vacancy following the resignation of former Councillor Kyte.

19. Audit Committee Recommendations to Council

To consider the following recommendation of the Audit Committee meeting held on the 24th July, 2013. The Chair of the Committee will respond to any comments or amendments concerning this minute.

19 (a) (21) Audit Committee – Draft Annual Report 2012/13

(The report that is subject to Audit Committee recommendation is available for download from the Council's web-site).

RECOMMENDED TO COUNCIL that the Council receive the Annual Report 2012/13 and that it be published on the Council's web-site in order to demonstrate the Council's Commitment to operate an effective Audit Committee.

20. Cabinet Recommendations to Council

To consider the following recommendations of the Cabinet Meetings held on the dates specified. The Cabinet Spokesperson with the Portfolio for the service in question will respond to any comments or amendments concerning these minutes.

31st July, 2013

20 (a) (79) Procurement Strategy

(The report that is subject to a Cabinet Recommendation is available for download from the Council's website)

RECOMMENDED TO COUNCIL that the Procurement Strategy (2013-2016) and associated action plan, as detailed in the report now submitted, be approved.

20 (b) (80) Commissioning Strategy

(The report that is subject to a Cabinet Recommendation is available for download from the Council's website)

RECOMMENDED TO COUNCIL that the Commissioning Strategy, as detailed in the report now submitted, be approved.

20 (c) (81) Review of Contract Standing Orders

(The report that is subject to Cabinet Recommendations is available for download from the Council's website)

RECOMMENDED TO COUNCIL:-

- (i) that the revised Contract Procedure Rules, attached as Appendix 1 to the report now submitted, be adopted by the Authority as its Standing Orders for the making of Contracts pursuant to Section 135 of the Local Government Act 1972;

- (ii) that appropriate amendments be made to the Scheme of Delegations to delegate authority in all cases for the formal acceptance of tenders to the relevant member of the Senior Management Team;
- (iii) that the Members of staff involved in the production of the revised Contract Procedure Rules be thanked for their efforts.

11th September, 2013

20 (d) (122) Council Nomination to Berneslai Homes Board

(The report that is subject to Cabinet Recommendations is available for download from the Council's website)

RECOMMENDED TO COUNCIL that Councillor T. Sheard be appointed to the Berneslai Homes Board with immediate effect.

20 (e) (126) Proposed Surrender of Lease between the Council and Worsbrough Common Community Association and Grant of Further 25 Year Lease of Worsbrough Recreation Ground, Worsbrough Common to Worsbrough Common FC

(The report that is subject to a Cabinet Recommendation is available for download from the Council's website)

RECOMMENDED TO COUNCIL:-

- (i) that, subject to the statutory procedures under the Charities Act 2011 being complied with, the Council in its capacity as Trustee of the Recreation Ground at Worsbrough Common approves the surrender of the existing lease with Worsbrough Common Community Association Limited;
- (ii) that, subject to the statutory procedures under the Charities Act 2011 being complied with, the Council as Trustee of the Worsbrough Common Recreation Ground at Worsbrough Common, grant a further 25 year lease at a peppercorn rent to Worsbrough Common Football Club;
- (iii) that NPS Barnsley Ltd be instructed by the Head of Strategic Property and Procurement on behalf of the Council as Trustee to agree terms for the surrender of the existing lease;
- (iv) that NPS Barnsley Ltd be instructed by the Head of Strategic Property and Procurement on behalf of the Council as Trustee to agree terms for a 25 year lease of the Worsbrough Common Recreation Ground at a peppercorn rent; and
- (v) that the Assistant Chief Executive Legal and Governance be authorised to address any representations made by the general public to the proposal on behalf of the Council as Trustee and to conclude the necessary legal documentation relating to the surrender of the existing lease and grant a further 25 year term to Worsbrough Common Football Club.

20 (f) (128) Proposed Bye-Laws for the Town Hall Square, Barnsley

(The report that is subject to Cabinet Recommendations is available for download from the Council's website. A copy of the finalised Bye-Laws will be circulated at the meeting)

RECOMMENDED TO COUNCIL:-

- (i) that the Assistant Chief Executive, Legal and Governance be authorised to negotiate with the Department for Communities and Local Government (DCLG) to procure provisional approval for draft byelaws, making any representations and concessions, and amendments to the drafting of the byelaws annexed to the report now submitted, that he sees fit;
- (ii) that, using its power under Section 235 of the Local Government Act 1972, the Council makes byelaws in the form annexed to the report, or in such form as they are in after having been amended by the Assistant Chief Executive, Legal and Governance in accordance with (i) above;
- (iii) that the Assistant Chief Executive, Legal and Governance be authorised to complete the procedure for enacting the byelaws, by sealing and advertising the byelaws and submitting them to the Secretary of State for Communities and Local Government for confirmation; and
- (iv) that the Assistant Chief Executive, Legal and Governance be authorised to make representations to the Department for Communities and Local Government about the any responses received to the advertisement of the byelaws or any other consultations, without further recourse to the Cabinet or full Council.

21. Cabinet Minutes

To receive the minutes of the following Cabinet Meetings:-

- (a) 17th July, 2013 (with the exception of Minute No 67 Future Council and Financial Planning 2014/15 to 2016/17 which was approved by the Council on 25th July, 2013)
- (b) 31st July, 2013
- (c) 14th August, 2013
- (d) 28th August, 2013
- (e) 11th September, 2013

NB: No Cabinet decisions have been called in from these meetings

22. Notices of Motion Under Standing Order No.6

- (a) 'Bedroom Tax'

Notice of Motion to be moved by Councillor Sir S. Houghton – Seconded by Councillor Andrews.

'Barnsley Metropolitan Borough Council opposes the Government's 'Bedroom Tax' and is seriously concerned about its implications for the poorest and most vulnerable families within the Borough.

It calls upon the Coalition Government or any future Labour Government to repeal the bedroom tax as soon as possible. In the meantime the Council, working with Berneslai Homes, will do all it can to help tenants, working within the law and its legal responsibilities'.

(b) Blacklisting

Notice of Motion to be moved by Councillor Sir S. Houghton – Seconded by Councillor Andrews.

'Barnsley Metropolitan Borough Council notes and welcomes the campaigning by Trade Unions to end the serious practice of 'Blacklisting'.

It will do all it can to ensure that no such practices exist within organisations which do business with the Council'.

23. Exclusion of the Public and Press

To consider if the public and press should be excluded from this meeting during consideration of the following item because of the likely disclosure of exempt information.

***24. Cabinet Recommendations to Council**

To consider the following recommendations of the Cabinet Meeting held on 28th August, 2013. The Cabinet Spokesperson with the Portfolio for the Service in question will respond to any comments of amendments concerning this minute.

24 (a) (115) Proposed Sale by the Council as Trustee of 37a Washington Road, Goldthorpe

(The report that is subject to Cabinet Recommendations is available for download from the Council's website)

RECOMMENDED TO COUNCIL:-

- (i) that, subject to the statutory procedures under the Charities Act 2011 being complied with, the Council in its capacity as Trustee of the Miners' Recreation or Pleasure Ground, Goldthorpe approve the sale of 37a Washington Road, Goldthorpe;
- (ii) that NPS Barnsley Ltd be authorised on behalf of the Council as Trustee to dispose of 37a Washington Road, Goldthorpe, by way of auction to achieve best value;
- (iii) that the Assistant Chief Executive Legal and Governance be authorised to address any representations made by the general public to the proposal on behalf of the Council as Trustee and to conclude the necessary legal documentation relating to the disposal of the property;

- (iv) that the Assistant Chief Executive Legal and Governance be authorised to address and conclude the division of the capital receipt between the Council as Trustee and CISWO (should CISWO require a share) and that until settlement is concluded that the Council as Trustee hold the capital receipt in a separate trust account;
- (v) that, subject to any division of the capital receipt being settled between the Council as Trustee and CISWO, the capital receipt from the sale retained by the Council be applied for the benefit of the remainder of the site in accordance with the objectives set out in the Trust Deed and approval be given for the Acting Executive Director, Development, Environment and Culture, to use the proceeds in accordance with the Trust Deed.


* It is likely that the public and press will be excluded from this meeting during consideration of the item so marked because of the likely disclosure of exempt information as defined by the specific paragraphs of Part 1 of Schedule 12A of the Local Government Act 1972 as amended, subject to the public interest test, as follows:-

Item	Type of Information Likely to be Disclosed
24(a)	Paragraph 3

Note:(i) Public Interest Test – A report may only be exempt from publication if, in all the circumstances of the case, the public interest in maintaining confidentiality outweighs the public interest in disclosing the information;

(ii) The categories of exempt information referred to above are described as follows:

Paragraph 3 – Financial and Business Affairs – Information which, if disclosed to the public would, or would be likely to, prejudice the financial or business affairs of any particular person (including the Local Authority holding the information). Financial or business affairs includes contemplated, as well as past or current activities.



Diana Terris
Chief Executive

18th September, 2013



The next meeting of the Council to be webcast will be held at 10.30am on Thursday 28th November, 2013