

**BARNSELY METROPOLITAN BOROUGH COUNCIL**

**CABINET**

**14<sup>th</sup> August, 2013**

83. **Present:** Councillors Houghton (Chairman), Andrews, Bruff (for Tim Cheetham), Gardiner, Howard, K. Dyson (for Lamb), Mitchell (for Miller) and Platts.

Councillors Morgan, Richardson and T. Sheard were also in attendance.

84. **Declarations of Pecuniary and Non-Pecuniary Interests**

Councillor Mitchell declared a non-pecuniary interest in Minute No. 14 in her capacity as a Governor of Worsbrough Common Primary School.

85. **Leader of the Council - Call-In of Cabinet Decisions**

The Leader reported that no decisions from the previous meeting held on 31<sup>st</sup> July, 2013 had been called-in.

86. **Minutes of the Meeting held on 31<sup>st</sup> July, 2013 (Cab.14.8.2013/3)**

The minutes of the meeting held on 31<sup>st</sup> July, 2013 were taken as read and signed by the Chairman as a correct record.

87. **Decisions of Cabinet Spokespersons (Cab.14.8.2013/4)**

It was reported that there were no Record of Decisions taken by Cabinet Spokespersons under delegated powers.

88. **Petitions Received Under Standing Order 44 (Cab.14.8.2013/5)**

It was reported that no petitions had been received under Standing Order 44.

89. **Corporate Services Spokesperson – Strategic Risk Register – Zero Based Review 2013 (Cab.14.8.2013/6.1)**

**RESOLVED:-**

- (i) that the high level strategic risks articulated with the Strategic Risk Register which fully reflects the current position of the Authority, as detailed in the report now submitted be noted; and
- (ii) that the Corporate Risk Management process and the embedding of a Risk Management Culture be supported.

**CABINET****14<sup>th</sup> August, 2013****90. Corporate Services Spokesperson – Houghton Road Recreation Ground – Deed of Dedication (Cab.14.8.2013/6.2)**

**RESOLVED** that the Assistant Chief Executive Legal and Governance be authorised to enter into the relevant documentation for a Deed of Dedication commencing immediately until the year 2026 with Sport England, in relation to funding given to the Council for the benefit of improving Houghton Road Recreation Ground, Thurnscoe.

**91. Corporate Services Spokesperson – Capital Programme Update – Month Ending 30<sup>th</sup> June, 2013 (Cab.14.8.2013/6.3)****RESOLVED:-**

- (i) that the position on the 2013/14 – 2015/16 Capital Programme, as detailed in the report now submitted, be noted;
- (ii) that further reports be submitted if any schemes within the approved programme experience significant cost overruns during implementation; and
- (iii) that the additional new start schemes as identified in paragraphs 4.22 and 4.40, of the report, totalling £2.195m be approved.

**92. Corporate Services Spokesperson – Corporate Finance Summary – Month Ending 30<sup>th</sup> June, 2013 (Cab.14.8.2013/6.4)****RESOLVED:-**

- (i) that the budget virements, as detailed in Appendix 1 of the report now submitted, be noted;
- (ii) that the forecast outturn, including the latest position on the 2013/14 Key Lines of Enquiry contained within the report, be reviewed within the context of the recently updated Medium Term Financial Strategy;
- (iii) that the one-off balances identified in paragraph 5.2 of the report, of £3.4m be transferred to strategic reserves pending further consideration of the Council's one-off investment needs related to the Economic Plan and other emerging priorities stemming from the work to deliver 'Future Council';
- (iv) that approval be given to write off bad debts totalling £306,274 relating to uncollectable income as detailed in paragraph 5.8 of the report;
- (v) that a further report be submitted detailing the implementation plan required to mitigate the cost pressures relating to Children in Care; and
- (vi) that Executive Directors report any other adverse budgetary or performance issues.

**CABINET****14<sup>th</sup> August, 2013****93. Corporate Services and Cabinet Support Member for Children, Young People and Families Spokespersons – Barnsley Primary School Academy Conversions – Private Finance Initiative (Cab.14.8.2013/7)****RESOLVED:-**

- (i) that the Authority maintained schools, as detailed at Appendix B of the report now submitted, which are subject to the conditions of the Primary PFI Project Agreement, that have already or that may seek in the future to establish themselves as Academy Trust Schools, be noted;
- (ii) that the Assistant Chief Executive, Legal and Governance and/or his authorised nominated officers be authorised to vary the PFI Project Agreement to facilitate the conversion of any school listed in Appendix B of the report to a school which has an Academy Trust status and thereby maintained and operated by the Academy Trust;
- (iii) that NPS Barnsley Ltd be instructed by the Head of Strategic Property and Procurement to agree terms for a lease to facilitate the conversion of any school listed in Appendix B to the converting Academy Trust for a term of 125 years; and
- (iv) that the Assistant Chief Executive, Legal and Governance and/or his authorised nominated officers be authorised to negotiate, agree and execute the contractual documents relating to the conversion of any school listed in Appendix B of the report which shall include a School Agreement being an agreement between the Authority and the Academy Trust; the Principal Agreement, which is an Agreement between the Department for Education, the Academy Trust and the Authority; the Commercial Transfer Agreement, being an agreement between the Authority and the Academy Trust; and to complete, agree and enter into a Department for Education PFI standard form lease for a period of 125 years.

**94. Cabinet Support Member for Children, Young People and Families Spokesperson – Consultation on the Expansion of Worsbrough Common School (Cab.14.8.2013/8)****RESOLVED:-**

- (i) that statutory consultation be commenced to enlarge the premises of Worsbrough Common Primary School, increasing the capacity of the school from 210 places to 420 places;
- (ii) that the timetable for the procedure, as detailed in Annex 1 of the report now submitted, be approved; and
- (iii) that the Executive Director, Children, Young People and Families present a further report providing details of the outcome of the statutory consultation.

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(Note: In accordance with the Council's Constitution (Responsibility for Executive Functions Officer Delegations Paragraph B6(iii)) the above matter to be considered is reserved for Full Council but requires a decision before the next scheduled meeting of Full Council, therefore the Chair of the relevant Scrutiny Committee had been consulted and had agreed that Cabinet could take a decision on this item, as it was impractical to convene a meeting of the Full Council in the time available and in view of the need to commence public consultation without delay in order to meet the timescale for the works).

95. **Cabinet Support Member for Development, Environment and Culture Spokesperson – Objections to Implementation of Revised Staff Parking Arrangements (Cab.14.8.2013/9.1)**

**RESOLVED:-**

- (i) that all the objections received in relation to the proposed implementation of revised staff parking arrangements be overruled, and the objectors informed accordingly, as detailed at Option 1 of the report now submitted; and
- (ii) that the Assistant Chief Executive, Legal and Governance and the Executive Director, Development, Environment and Culture be authorised to seal and implement the Order.

96. **Cabinet Support Member for Development, Environment and Culture Spokesperson – Berneslai Homes Performance Report – January to March, 2013 (Cab.14.8.2013/9.2)**

**RESOLVED:-**

- (i) that the performance of Berneslai Homes in the period January to March, 2013, as set out in the report now submitted, be noted;
- (ii) that the Assistant Director, Development liaise with Berneslai Homes to progress the actions identified within the report; and
- (iii) that the Assistant Director, Development be authorised to formally notify Berneslai Homes that, following an assessment at the year end of 2012/13, the organisation remain on track for the automatic renewal of the Services Agreement in 2016.

97. **Development, Environment and Culture Spokesperson – Fleet Services Vehicle Replacement Programme (Cab.14.8.2013/9.3)**

This item was withdrawn.

**CABINET****14<sup>th</sup> August, 2013****98. Adults and Communities Spokesperson – Stronger Barnsley Together – Transforming Health and Social Care (Cab.14.8.2013/10)****RESOLVED:-**

- (i) that the future policy direction around health and social care, known locally as 'Stronger Barnsley Together – Inverting the Triangle' and the establishment of three programmes around Ageing Well and Promoting Independence and Think Family, be noted;
- (ii) that the expression of interest for integrated health and social care services in Barnsley, as the catalyst for whole systems transformation, aligned to the strategy and intentions of the Health and Wellbeing Board be noted; and
- (iii) that the establishment of a time limited programme management office, lead by one post for 12 months, jointed funded with NHS Barnsley CCG, be approved; and further reports be submitted on any additional programme management support as required.

**99. Exclusion of Public and Press**

**RESOLVED** that the public and press be excluded from the meeting during consideration of the following items, because of the likely disclosure of exempt information as described by the specific paragraphs of Part I, of Schedule 12A of the Local Government Act 1972, as amended, as follows:-

<u>Item Number</u>	<u>Type of Information Likely to be Disclosed</u>
100	Paragraph 3
101	Paragraph 3
102	Paragraph 3

**100. Leader of the Council – Digital Region Limited (Cab.14.8.2013/12)**

The Leader of the Council presented a report on the current position of Digital Region Limited. The report highlighted that the costs of re-procurement of the contract to allow the company to continue were now estimated to be greater than those of closure, following further developments in the EU and UK Government funding position. The cost to the Council of closure could still be contained within the £7.2m previously allocated for re-procurement.

The meeting noted the circumstances that had lead to this situation and that an investigation into issues relating to this had been instigated. The extent to which the original objectives of the project, to provide fast broadband connectivity across South Yorkshire, had now been met by subsequent private sector investment was noted.

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**RESOLVED** that formal shareholder approval be given by the Council to the Digital Region Limited (DRL) Board to serve notice to the existing operator Thales to cease operating the network and seek an orderly closure and winding up of DRL as a business.

- (Note (i) In accordance with Part 2, Paragraph 5(6) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, the Chair of the relevant Overview and Scrutiny Committee had given approval for the above item to be considered at a private meeting of Cabinet where it had not been possible to give 28 days notice; and
- (ii) the Chair of the relevant Overview and Scrutiny Committee had agreed to waive the call-in requirement on this occasion in view of the need to co-ordinate the announcement of the decision on the future of DRL within the other South Yorkshire Local Authorities).

101. **Corporate Services Spokesperson – Sale of Land at the Former Foulstone School, Darfield (Cab.14.8.2013/13)**

**RESOLVED:-**

- (i) that the Assistant Chief Executive, Finance, Property and Information Services be authorised to exchange contracts on the sale of the former Foulstone School site at Darfield, to Rothstone Estates with immediate effect;
- (ii) that NPS Barnsley Ltd be authorised to finalise the heads of terms and contract details for the proposed disposal; and
- (iii) that the Assistant Chief Executive, Legal and Governance be authorised to complete the sale of the site to Rothstone Estates upon approval of the scheme by the Planning Regulatory Board.

102. **Cabinet Support Member for Development, Environment and Culture Spokesperson – Barnsley’s Proposed Business Parks – Economic Strategy and Investment Plan Capital Expenditure (Cab.14.8.2013/14)**

**RESOLVED:-**

- (i) that the Capital Programme and funding in respect of Barnsley’s Proposed Business Parks, as detailed in Appendix A of the report now submitted, be approved and funding be released in accordance with Financial Regulations Code of Practice Paragraph C.5.2(a), and the Assistant Director, Development and Interim Assistant Director Environmental Services, be authorised to undertake measures necessary to develop the preliminary designs as detailed in the report, subject to scheme costs being contained within the approved Economic Strategy (Cab.6.6.2012/7) and Funding the Economic Plan – 2012/13 and 2013/14 (Cab.24.10.2012/7.1);

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- (ii) that the Assistant Director Development and the Interim Assistant Director Environmental Services be authorised to submit supporting bids with funding contained within the detailed programmes and bid approval be delegated to the Development, Environment and Culture Cabinet Spokesperson;
- (iii) that the Assistant Director Development and the Interim Assistant Director Environmental Services be authorised to develop detailed proposals for the feasibility, master planning and capital works, with schemes reported to Cabinet for approval;
- (iv) that the Assistant Director Development and the Interim Assistant Director Environmental Services, in consultation with the Development, Environment and Culture Spokesperson, be authorised to appoint specialist support consultants when considered necessary, subject to all expenditure being contained within the Economic Strategy, Capital Programme or the appropriate service revenue budgets and that the Assistant Chief Executive Legal and Governance be authorised to enter into and complete any necessary documentation;
- (v) that NPS Barnsley be instructed by the Head of Strategic Property and Procurement to negotiate, on acquisition of key parcels of land, to facilitate infrastructure improvements and the Assistant Chief Executive Legal and Governance be authorised to complete any necessary documentation subject to costs being contained within the Capital Programme;
- (vi) that Area Councils be informed of the proposed programme as decisions are known on funding bids;
- (vii) that the Assistant Director, Development be authorised to carry out further public consultation to support the delivery of the business parks; and
- (viii) that further reports be submitted to Cabinet in terms of the future anticipated requirements on the Economic Plan.

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Chairman