

BARNSELY METROPOLITAN BOROUGH COUNCIL

CABINET

23rd October, 2013

149. **Present:** Councillors Houghton (Chairman), Andrews, Tim Cheetham, K. Dyson (for Lamb), Franklin (for Gardiner), Howard, Miller and Platts.
- Councillors Bruff, Morgan, Richardson, M. Sheard and T. Sheard were also in attendance.
150. **Declarations of Pecuniary and Non-Pecuniary Interests**
- There were no declarations of pecuniary or non-pecuniary interests.
151. **Leader of the Council - Call-In of Cabinet Decisions**
- The Leader reported that no decisions from the previous meeting held on 9th October, 2013 had been called-in.
152. **Minutes of the Meeting held on 9th October, 2013 (Cab.23.10.2013/3.1)**
- The minutes of the meeting held on 9th October, 2013 were taken as read and signed by the Chairman as a correct record.
153. **Minutes of the One Barnsley Board Meeting held on 18th September, 2013 (Cab.23.10.2013/3.2)**
- RESOLVED** that the minutes of the One Barnsley Board Meeting held on 18th September, 2013 be received.
154. **Minutes of the Barnsley, Doncaster and Rotherham Joint Waste Board Meeting held on 14th June, 2013 (Cab.23.10.2013/3.3)**
- RESOLVED** that the minutes of the Barnsley, Doncaster and Rotherham Joint Waste Board Meeting held on 14th June, 2013 be received.
155. **Decisions of Cabinet Spokespersons (Cab.23.10.2013/4)**
- The Record of Decisions taken by Cabinet Spokespersons under delegated powers during the week ending 18th October, 2013 were noted.
156. **Urgent Action Taken Under Paragraph B6 of the Responsibility for Executive Functions – Officer Delegations (Cab.23.10.2013/5)**
- RESOLVED** that the action taken under Paragraph B6 of the Responsibility for Executive Functions – Officer Delegations, as contained within the Appendix to the minutes, be noted.

CABINET**23rd October, 2013****157. Petitions Received Under Standing Order 44 (Cab.23.10.2013/6)**

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

158. Cabinet Support Member for Corporate Services Spokesperson – Corporate Finance Summary – Quarter Ending 30th September, 2013 (Cab.23.10.2013/7.1)**RESOLVED:-**

- (i) that the update on the Authority's 2013/14 budget and Key Lines of Enquiry (KLOE) position for the quarter ending 30th September, 2013, as set out in the report now submitted, be noted;
- (ii) that the budget virements in Appendix 1 of the report be noted;
- (iii) that the forecast outturn, including the latest position on the 2013/14 KLOE contained within the report, be reviewed within the context of the recently updated Medium Term Financial Strategy;
- (iv) that the one-off balances, identified in paragraphs 5.3 to 5.8 of the report, of £2.8m 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';
- (v) that approval be given to write off bad debts totalling £110,647 relating to uncollectable income as outlined in paragraph 5.13 of the report;
- (vi) that a further Cabinet report be submitted detailing the implementation plan required to mitigate the cost pressures relating to Children in Care; and
- (vii) that Executive Directors report into Cabinet on any other adverse budgetary or performance issues.

159. Cabinet Support Member for Corporate Services Spokesperson – Capital Programme Update – Quarter Ending 30th September, 2013 (Cab.23.10.2013/7.2)**RESOLVED:-**

- (i) that the position on the 2013/14 – 2015/16 capital programme, as at 30th September, 2013, as detailed in the report now submitted, be noted;
- (ii) that the variation in scheme costs requiring approval as shown in Appendix 1A of the report amounting to a decrease of £0.5M be approved;
- (iii) that Executive Directors be required to report separately into Cabinet on major capital projects anticipated to exceed budgeted resources; and
- (iv) that the budget virement of £0.4M as identified at paragraph 4.32 of the report, be approved.

CABINET**23rd October, 2013****160. Cabinet Support Member for Corporate Services Spokesperson – Barnsley BSF School Academy Conversion (Cab.23.10.2013/7.3)****RESOLVED:-**

- (i) that the Authority maintained BSF Schools (listed in Appendix B), which are subject to the conditions of the BSF PFI Project Agreement, the Design and Build (D&B) FM Agreement and the ICT Contract that have already indicated a desire, or that may seek in the future, to establish themselves as Academy Trust Schools be noted;
- (ii) that the Assistant Chief Executive, Legal & Governance and/or his authorised nominated officers be authorised to vary the BSF Project Agreement and/or the D&B FM Agreement and/or the ICT Contract to facilitate the conversion of any BSF Schools listed in Appendix B 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 & Procurement to agree terms for a lease to facilitate the conversion of any of the BSF Schools, listed in Appendix B, to the converting Academy Trust for a term of 125 years and any leases-back required in order that the Authority maintains ownership and control of Authority-space within a school; and
- (iv) that approval be given for the Assistant Chief Executive, Legal & Governance and/or his authorised nominated officers be able to negotiate, agree and execute the contractual documents relating to the conversion of any BSF School listed in Appendix B, 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 and any leases-back required in order that the Authority maintains ownership and control of Authority space within a school.

161. Cabinet Support Member for Corporate Services Spokesperson – Restructure of Human Resources, Performance, Partnerships and Communications (Cab.23.10.2013/7.4)

RESOLVED that the revised structure of Human Resources, Performance, Partnership and Communications, as set out in Appendix D to the report now submitted, be approved for implementation from 1st April, 2014.

162. Cabinet Support Member for Corporate Services Spokesperson – Fixed Term/Temporary Contracts Policy Revision (Cab.23.10.2013/7.5)

RESOLVED that the revised Fixed Term/Temporary Contracts Policy, as detailed in Appendix A to the report now submitted, be approved.

CABINET**23rd October, 2013****163. Development, Environment and Culture Spokesperson – Neighbourhood Planning Process (Cab.23.10.2013/8.1)****RESOLVED:-**

- (i) that approval be given to the scheme of delegation for the formal decisions that have to be taken in relation to Neighbourhood Planning, as detailed in the revised Appendix 1 to the report now circulated; and
- (ii) that approval be given for limited advice and support, as detailed in the report, to be given to local communities in relation to Neighbourhood Planning.

164. Development, Environment and Culture Spokesperson – Local Authority Housing Tenancy Policy 2013 (Cab.23.10.2013/8.2)

RESOLVED that the draft Local Authority Housing Tenancy Policy, attached as Appendix 1 to the report now submitted, be approved.

165. Children, Young People and Families Spokesperson – Outcome of the Consultation Undertaken on the Proposal to Enlarge Worsbrough Common Primary School (Cab.23.10.2013/9)

RESOLVED that a Statutory Notice be published to enlarge the premises of Worsbrough Common Primary School from a net capacity of 210 to 420 and, following this, that the Representation Period be started.

166. Public Health Spokesperson – Director of Public Health Annual Report 2013 (Cab.23.10.2013/10)**RESOLVED:-**

- (i) that Cabinet approve the publication of the Director of Public Health's Annual Report, 2013; and
- (ii) that future years' reports provide consideration of the next year's priorities in addition to a review of activity in the previous year.

167. Adults and Communities Spokesperson – Volunteering – Corporate Performance Report (Cab.23.10.2013/11.1)**RESOLVED:-**

- (i) that the information about the context for volunteering in Barnsley, current performance and resource allocations, as detailed in the report now submitted, be noted;
- (ii) that Area Council Plans be encouraged to identify worklessness interventions linked to the growth of volunteering and social enterprise;

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- (iii) that support be given for volunteering targets to be developed within Area Councils and Ward Alliance plans;
- (iv) that the development of volunteering opportunities, registration with the Volunteer Centre and take up be reviewed across Council Directorates and with partners through One Barnsley;
- (v) that Council Directorates register their volunteer opportunities with the Barnsley Volunteer Centre and agree volunteering action plans with the Volunteer Policy lead in Communities and Area Governance;
- (vi) that a 'Supporting Active Citizens' proposal be scoped out to complement the area arrangements and enable 'place based' volunteering programmes around local priorities;
- (vii) that work be undertaken with the Council's Head of Communications to develop a Volunteering Marketing Plan and campaign to support the Active Citizens proposal;
- (viii) that consideration be given to how the Council's Commissioning and Procurement arrangements can be used to promote social value and volunteering;
- (ix) that a report on the impact of Council Employer Supported Volunteering Scheme opportunities be undertaken in December 2013; and
- (x) that the Barnsley BEST scheme re-launch be undertaken in November and performance measures be reviewed to include take up and progression routes.

168. **Adults and Communities Spokesperson – Future Library Strategy – Consultation Findings (Cab.23.10.2013/11.2)**

RECOMMENDED TO COUNCIL ON 28TH NOVEMBER 2013 that the Future Library Strategy and action plan, attached to the report now submitted, be agreed.

RESOLVED that the revised Library opening hours, as detailed in Appendix C to the report now submitted, be implemented with effect from Monday 4th November, 2013.

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Chairman

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Appendix

Action Taken under Paragraph B6 of the Responsibility for Executive Functions – Officer Delegations Contained in the Council Constitution

	<u>Date of Decision</u>
<p>1. <u>Proposed Sixth Form College Development</u></p> <p>Consultation with Corporate Services & Adults & Communities Spokespersons</p>	9 th October, 2013
Executive Director – Adults & Communities:	
To undertake specific library user consultation on exploring the development option in more detail before entering legal agreements.	
Assistant Chief Executive (Finance, Property & Information Services):	
To instruct NPS Barnsley Ltd to:	
<ul style="list-style-type: none"> • negotiate terms for an agreement to lease and 125 year ground lease with the Barnsley College for the Shambles Street site; • negotiate lease terms with the landlord of Wellington House for a 5 year lease with at tenant break clause at 3 years for accommodation at Wellington House; • negotiate sub lease terms with Barnsley Citizens Advice Bureau (CAB) for a 5 year lease with at tenant break clause at 3 years for accommodation at Wellington House. 	
To authorise Barnsley College to act as its agents in the demolition of the parade of shops/offices (1-17 Shambles Street) or, in the alternative, should the college development not proceed on the site to procure a contractor to demolish no's 1 - 17 Shambles Street to market the vacant site for redevelopment.	
To grant a new lease for the Barnsley CAB to occupy accommodation at Wellington House at a nominal / peppercorn rent per annum, in order to secure the promotion and improvement of the economic and social well-being of the citizens' of the Borough, as set out at paragraph 5.3. of the report, in accordance with Circular 06/03 of the Local Government Act 1972, General Disposal Consent (England) 2003.	

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To commission NPS Barnsley to design and build the fit out works, including CAB facilities, a public library and book storage under an arrangement based on best value principles.

To submit a planning application to provide Library use at Wellington House.

Assistant Chief Executive (Legal & Governance):

To enter into all necessary agreements and leases with Barnsley College and any other documentation necessary to secure the proposed demolition of the existing buildings and the development of the sixth form college on the Shambles Street site.

To enter into leases and / or agreements with the Landlord of Wellington House and the Barnsley CAB for accommodation in Wellington House.