

**BARNSELY METROPOLITAN BOROUGH COUNCIL****COUNCIL MEETING****6<sup>th</sup> February, 2014****COUNCILLOR KENNETH RICHARDSON (THE MAYOR)**

At a meeting of the Barnsley Metropolitan Borough Council duly convened and held on Thursday 6<sup>th</sup> February, 2014 at The Town Hall, Barnsley.

**133. Present:**

The Mayor (Councillor K. Richardson)

- |                     |                                                              |
|---------------------|--------------------------------------------------------------|
| Central Ward        | - Councillors D. Birkinshaw, Bruff and M. Dyson              |
| Cudworth Ward       | - Councillors Hayward, Sir S. Houghton CBE and C. Wraith MBE |
| Darfield Ward       | - Councillors Markham, Key and Saunders                      |
| Darton East Ward    | - Councillors Duerden, Miller and Spence                     |
| Darton West Ward    | - Councillors Burgess, Cave and Howard                       |
| Dearne North Ward   | - Councillors Gardiner and Worton                            |
| Dearne South Ward   | - Councillors Brook, Noble and Sixsmith MBE                  |
| Dodworth Ward       | - Councillors P. Birkinshaw and J. Carr                      |
| Hoyland Milton Ward | - Councillors Franklin, Shepherd and Stowe                   |
| Kingstone Ward      | - Councillors D. Green, Mitchell and T. Sheard               |
| Monk Bretton Ward   | - Councillors S. Green and M. Sheard                         |
| North East Ward     | - Councillors Ennis, Higginbottom and North                  |
| Old Town Ward       | - Councillor Cherryholme and Lofts,                          |
| Penistone East Ward | - Councillors Barnard, Hand-Davis and Wilson                 |
| Penistone West Ward | - Councillors Millner, Rusby and Starling                    |
| Rockingham Ward     | - Councillors Andrews, Dures and Lamb                        |
| Royston Ward        | - Councillors T.J. Cheetham and Makinson                     |
| St. Helen's Ward    | - Councillors Leech, Platts and Tattersall                   |
| Stairfoot Ward      | - Councillors Johnson and Mathers                            |
| Wombwell Ward       | - Councillors Frost, Morgan and R. Wraith                    |
| Worsbrough Ward     | - Councillors B. Barlow, G. Carr and Clarke                  |

**134. Declarations of Pecuniary and Non Pecuniary Interests**

Councillors Franklin and T. Sheard declared a non-pecuniary interest in Minute No. 157 (c) Cabinet Recommendation to Council – ‘Housing Revenue Account – Draft Budget 2014/15’, together with any other items relating to Berneslai Homes in view of their Membership of Berneslai Homes Board.

Councillor Johnson declared a non-pecuniary interest in Minute No. 157 (e) Cabinet Recommendations to Council – ‘Barnsley Town Centre Regeneration – The Way Forward’ in view of him being a Market Trader.

**135. Minutes**

The minutes of the meeting held on 28<sup>th</sup> November, 2013, were taken as read and signed by the Chairman as a correct record.

**136. Communications**

(a) Charter for Member Development

The Chief Executive reported that the Council had received notification that it had successfully retained the Charter for Member Development, a National Standard established by the Local Government Association.

The Assessors, who had visited Barnsley on 16<sup>th</sup> January, 2014 had concluded that not only had the Council met the standards required for the Charter but that it should now try for the next level and go for the ‘Charter Plus’ which would mark the Authority out as one of the Country’s top local authorities on Member Development.

The Charter was a prestigious award and the Mayor and Members of the Council expressed their thanks to the Member Development Working Party and the officers who had given support for all their efforts in achieving this award.

Councillor Howard, Cabinet Spokesperson without Portfolio stated that the Member Development Working Party was extremely pleased that the Council had retained the Charter. Thanks were expressed to all Members who had participated in the training programme that had been provided. Special thanks were also recorded to those Members who had attended the ‘interview panel’s with the Assessors as well as to the officers who had supported the Working Party, Mr. A. Maher (Principal Scrutiny and Member Development Officer) and Ms L. Glanville (Scrutiny and Member Development Officer) who were present in the Council Chamber this morning.

Councillor Burgess, Chair of the Working Party, echoed Councillor Howard’s comments and expressed her thanks to all Members who had indicated that they would be participating in Member Development activities and training in the forthcoming year. She particularly hoped the Authority would be successful in obtaining Charter Plus in the next year.

The Mayor and Members of the Council expressed, in the usual manner, their thanks and appreciation to all involved in helping to retain this Charter.

(b) Ms Sarah Creighton OBE

The Chief Executive reported that following the nomination in 2013 by the National College for Teaching and Learning, Ms Sarah Creighton had been successful in being awarded the OBE in the New Year's Honours List 2014.

Ms Creighton had been the Headteacher of The Hill Primary School, Thurnscoe since 2006 and had provided inspirational leadership in moving The Hill School forward to become an outstanding school.

Since then, Ms Creighton had taken on the Executive Headship of Littleworth Grange Primary Learning Centre and Gooseacre Primary School. Under her leadership, Littleworth Grange had been judged to be the most improved school in the North of England.

The Mayor and Members of the Council expressed their congratulations to Ms Creighton in the usual manner.

(c) Berneslai Homes – Recognition in the 24 Housing Magazine

The Chief Executive reported that Berneslai Homes had been named as one of the top landlords in a national poll conducted by 24 Housing Magazine.

The Magazine (which was for Housing Professionals) had commissioned a Panel of housing industry judges to compile a list of the UK's top fifty social housing landlords and then asked their readers to vote on the final positions of the top ten.

Berneslai Homes had won plaudits from the judges for its efficiency, for being resident-focussed and for the range of impressive community projects. The judges had commented that Berneslai Homes was 'a mix of the very solid and the very exciting'.

This was extremely good news and the Mayor and Members of the Council expressed, in the usual manner, their congratulations to all concerned.

(d) Spring Lane Children's Home

The Chief Executive reported that following an unannounced inspection yesterday, Spring Lane Children's Centre, Carlton, had retained its 'outstanding' rating and was praised by the Ofsted Inspectors for its good work.

This information was extremely pleasing to note and the Mayor and Members of the Council expressed their congratulations in the usual manner.

**137. Questions by Elected Members**

The Chief Executive reported that she had received no questions from Elected Members in accordance with Standing Order No.11.

**138. Questions to Section 41 Members on Joint Authority Business**

The Chief Executive reported on the following question received from Councillor G. Carr in accordance with Standing Order No 12.

“I note that the Fire and Rescue Service has made a decision to dispose of two fire appliances which were purchased a few short years ago at a cost of over £1m.

Could Councillor Andrews, as the Section 41 representative on the Fire and Rescue Authority inform the Council of the following:

- (a) What was the expected working life of these two appliances when purchased?
- (b) Will the Authority/Service receive any ‘income from the sale of these appliances and what will this be?
- (c) Will there be a charge to the Authority/Service for the disposal/sale of these appliances?”

Councillor Andrews responded in his capacity as Section 41 representative on the Fire and Rescue Authority and thanked Councillor G. Carr for her question. He explained that the expected working life of the appliances referred to would have been 10 years. Approximately, £50,000 would be received as income from their sale and there would be no charge for the disposal of these appliances to either the Authority or the Service.

Councillor G. Carr asked, as a supplementary question, whether Councillor Andrews could provide details of the costs of the new vehicles to be purchased.

Councillor Andrews commented that the new vehicles would be normal pumping appliances at a cost of around £300,000 each.

The Council then received the following Minutes:-

- (a) South Yorkshire Pensions Authority – 21<sup>st</sup> November, 2013
- (b) South Yorkshire Fire and Rescue Authority – 25<sup>th</sup> November, 2013
- (c) South Yorkshire Integrated Transport Authority – 5<sup>th</sup> December, 2013
- (d) South Yorkshire Integrated Transport Authority (Draft) – 9<sup>th</sup> January, 2014

**RESOLVED** that the minutes be noted.

**139. Police and Crime Panel - Minutes**

The minutes of the two Police and Crime Panel meetings held on 2<sup>nd</sup> December, 2013 were received and noted.

**140. Planning Regulatory Board – Minutes**

Moved by Councillor D. Birkinshaw – Seconded by Councillor R. Wraith; and

**RESOLVED** that the minutes as printed and now submitted of the proceedings of the Planning Regulatory Board held on 19<sup>th</sup> November, 17<sup>th</sup> December, 2013 and 21<sup>st</sup> January, 2014, be received.

**141. Audit Committee – Minutes**

Moved by Councillor T. Sheard - Seconded by Councillor Barnard; and

**RESOLVED** that the minutes as printed and now submitted of the proceedings of the Audit Committee held on 11<sup>th</sup> December, 2013 and 22<sup>nd</sup> January, 2014 be received.

**142. General Licensing Regulatory Board Panel**

Moved by Councillor C. Wraith, MBE – Seconded by Councillor Wilson; and

**RESOLVED** that the details of the General Licensing Regulatory Board Panel meeting held on the 10<sup>th</sup> December, 2013 be received.

**143. Appeals, Awards and Standards Regulatory Board**

Moved by Councillor Leech – Seconded by Councillor T. Shepherd; and

**RESOLVED** that the details of the Appeals, Awards and Standards Regulatory Board Panels held in the last cycle of meetings together with their decisions be received.

**144. Health and Well Being Board – Minutes**

Moved by Councillor Sir Steve Houghton CBE – Seconded by Councillor Platts; and

**RESOLVED** that the minutes as printed and now submitted of the proceedings of the Health and Well Being Board held on 7<sup>th</sup> January, 2014 be received.

**145. Overview and Scrutiny Committee – Minutes**

Moved by Councillor M. Sheard – Seconded by Councillor Hayward; and

**RESOLVED** that the minutes as printed and now submitted of the proceedings of the Overview and Scrutiny Committee held on 3<sup>rd</sup> December, 2013 be received.

**146. Children’s Services Scrutiny Committee – Minutes**

Moved by Councillor Worton - Seconded by Councillor C. Wraith MBE; and

**RESOLVED** that the minutes now submitted of the proceedings of the Children’s Services Scrutiny Committee held on 14<sup>th</sup> January, 2014 be received.

**147. Dearne Area Council - Minutes**

Moved by Councillor Noble – Seconded by Councillor Gardiner; and

**RESOLVED** that the minutes as printed and now submitted of the proceedings of the Dearne Area Council held on 18<sup>th</sup> November, 2013 be received.

**148. North Area Council - Minutes**

Moved by Councillor Burgess – Seconded by Councillor Howard; and

**RESOLVED** that the minutes as printed and now submitted of the proceedings of the North Area Council held on 25<sup>th</sup> November, 2013 be received.

**149. North East Area Council - Minutes**

Moved by Councillor Hayward – Seconded by Councillor C. Wraith MBE; and

**RESOLVED** that the minutes as printed and now submitted of the proceedings of the North East Area Council held on 5<sup>th</sup> December, 2013 be received.

**150. Penistone Area Council - Minutes**

Moved by Councillor Barnard – Seconded by Councillor Hand-Davis; and

**RESOLVED** that the minutes as printed and now submitted of the proceedings of the Penistone Area Council held on 12<sup>th</sup> December, 2013 be received.

**151. South Area Council - Minutes**

Moved by Councillor Stowe – Seconded by Councillor Franklin; and

**RESOLVED** that the minutes as printed and now submitted of the proceedings of the South Area Council held on 20<sup>th</sup> December, 2013 be received.

**152. North Area Council – Minutes**

Moved by Councillor Burgess – Seconded by Councillor Howard; and

**RESOLVED** that the minutes as printed and now submitted of the proceedings of the North Area Council held on 13<sup>th</sup> January, 2014 be received.

**153. Central Area Council - Minutes**

Moved by Councillor D. Green - Seconded by Councillor Bruff; and

**RESOLVED** that the minutes as printed and now submitted of the proceedings of the Central Area Council held on 20<sup>th</sup> January, 2014 be received.

**154. Proposed Bye-Laws for the Town Hall Square Area**

Further to minute 104(f) of the meeting held on 26<sup>th</sup> September, 2013, the report of the Assistant Chief Executive (Legal and Governance) and the Executive Director (Development, Environment and Culture) seeking the adoption of By-Laws covering the Town Hall Square Area of Barnsley was:

Moved by Councillor Miller - Seconded by Councillor Mitchell; and

**RESOLVED:-**

- (i) that the Council, using its power under Section 235 of the Local Government Act 1972 make the bye-laws in form annexed to this report;
- (ii) that the Director Legal and Governance, be authorised to complete the procedure for enacting the bye-laws, by sealing and advertising the bye-laws and submitting them to the Secretary of State for Communities and Local Government for confirmation in accordance with the statutory procedure, including responding to Department for Communities and Local Government (DCLG) in respect of any objections received;
- (iii) that the Executive Director, Development, Environment and Culture procure and affix in the area covered by the bye-law appropriate signage as part of the enforcement strategy to bring about complaint behaviour.

**155. Registration Acts – Various – Designation of Superintendent Registrar and Proper Officer Roles**

Moved by Councillor Platts - Seconded by Councillor Morgan; and

**RESOLVED:-**

- (i) that the Section Leaders, Celebratory Service Unit and Life Events Registrations and Certificate Production Unit, be designated to undertake the statutory roles of Superintendant Registrar and Registrar of Births, Deaths and Marriages; and
- (ii) that the statutory role of Proper Officer Representative be transferred from the Superintendent Registrar/Registration Service Manager to the Head of Libraries and Information Services.

**156. Brierley Town Council – Cabinet Resolutions and Recommendations to Council**

4<sup>th</sup> December, 2013

- (a) Local Government and Public Involvement in Health Act 2007 Community Governance Review Petition – Brierley Town Council

Moved by Councillor Gardiner - Seconded by Councillor Franklin; and

**RESOLVED:-**

- (i) that the Community Governance Review in respect of Brierley Town Council be progressed in accordance with the provisions of the Local Government and Public Involvement in Health Act 2007 and having regard to the statutory guidance issued by the Secretary of State;
- (ii) that a consultation exercise be undertaken with regard to the scope of the Terms of Reference for the Review;
- (iii) that a further report be submitted as to how the review should be undertaken and to formalise its terms of reference at the Cabinet meeting on 15<sup>th</sup> January, 2014 to make appropriate recommendations to the Council at its meeting on 6<sup>th</sup> February, 2014;
- (iv) that the 12 months statutory period for the completion of the review commence from the date of the meeting of the Council to be held on 6<sup>th</sup> February, 2014; and
- (v) that consideration be given to instructing officers to undertake a parallel exercise to examine the scope for alleviating the current burden of the cost of the Parish precept, as set out in section 4.18 of the report now submitted, and that officers report back to Cabinet within the statutory period for the conclusion of the formal Community Governance Review.

15<sup>th</sup> January, 2014

(b) Community Governance Review

Moved by Councillor Gardiner – Seconded by Councillor Franklin; and

**RESOLVED** that the Terms of Reference for the Community Governance Review of the Parish of Brierley, as detailed in paragraph 4.8 the report now submitted, be approved on the following basis:-

- (a) to consider whether the existing arrangements for Community Governance within the Parish of Brierley, including the Town Council and the Civil Parish:-
  - are effective and convenient
  - appropriately reflect the identity of the community within the area
  - appropriately reflect the interests of the community within the area
  - are appropriately organised to align with Barnsley Council's new Area Governance arrangements
- (b) to consider further:-
  - the implications for the proper and effective representation of the identities and interests of the community
  - whether there would be better community engagement and more effective delivery of services within the area



- if there were no longer to be a Town Council for the Parish of Brierley

- (c) to consider further the implications of there being any outstanding financial liabilities of Brierley Town Council if the Town Council were to be abolished and the fairness of any such liabilities falling on tax payers who were not residents of the Parish of Brierley.

**157. Cabinet Recommendations to Council**

15<sup>th</sup> January, 2014

(a) Our Future Council

Moved by Councillor Sir Steve Houghton, CBE – Seconded by Councillor Andrews; and

**RESOLVED:-**

- (i) that the Vision and supporting values underlying the development of a sustainable Future Council, as detailed in Section 5 of the report now submitted, be approved;
- (ii) that the post of Executive Director Corporate Services be deleted with the strategic duties and responsibilities of the post undertaken by the remainder of the Senior Management Team as appropriate;
- (iii) that the existing portfolios of the remaining three Executive Director posts and their statutory functions be reconfigured in line with the Future Council delivery model of People, Place and Communities and are designated accordingly;
- (iv) that the three posts of Assistant Chief Executive, which previously reported to the Executive Director Corporate Services, report directly to the Chief Executive, and be redesignated as “Directors” of the respective core service;
- (v) that a review of the pay and grading of the Senior Management Team be undertaken, which will complete the review of pay and grading across all the Council’s workforce, with a report submitted to Cabinet in due course;
- (vi) that the development of frontline business units within the three Directorates of People, Place and Communities, as set out at Section 7 of the report be approved; and
- (vii) that the process for taking forward the required organisational change, as outlined at Section 8 and 9 of the report, be approved and further reports be submitted as necessary to achieve this within the required timescale.
- (b) Implementation of the 2014/15 Pay Policy Statement

Moved by Councillor Gardiner - Seconded by Councillor Franklin; and

**RESOLVED:-** that the 2014/15 Pay Policy Statement, contained at Appendix B to the report now submitted, be approved with effect from 1<sup>st</sup> April, 2014.

(c) Housing Revenue Account – Draft Budget 2014/15

Moved by Councillor Gardiner - Seconded by Councillor Franklin; and

**RESOLVED:-**

- (i) that the Housing Revenue Account Draft Budget for 2014/15, as detailed in the report now submitted be approved, with any final amendments / additions being delegated to the Cabinet Spokesperson for Development, Environment and Culture;
- (ii) that the development proposals for 2014/15, as set out at Appendix C, be approved;
- (iii) that the saving proposals for 2014/15, as set out at Appendix D and Sections 4.3 to 4.9, be approved;
- (iv) that individual dwelling rents be increased in line with the requirements of the Government's Rent Reform Policy, as set out in the December, 2000 Policy Statement "Quality and Choice A Decent Home for All" as updated by the guidance in the Annex A to the Office of the Deputy Prime Minister letter to Chief Finance Officers of 7<sup>th</sup> November, 2005;
- (v) that the rent increases be implemented with effect from 31<sup>st</sup> March, 2014, collectable on 7<sup>th</sup> April, 2014;
- (vi) that the 2014/15 Berneslai Homes Management Fee of £13.775M be approved, with any final amendments / additions being delegated to the Assistant Director, Development in consultation with the Cabinet Spokesperson for Development, Environment and Culture;
- (vii) that the use of Berneslai Homes Ltd retained surplus as outlined in sections 3.31 to 3.32 of the report be approved; and
- (viii) that the earmarking of Housing Revenue Account (HRA) Working Balance, as outlined in section 3.23 and Appendix E, be approved.

29<sup>th</sup> January, 2014

(d) Proposed Temporary Re-Location of Central Library to Wellington House, Barnsley

Moved by Councillor Platts - Seconded by Councillor Morgan; and

**RESOLVED:-**

- (i) that the consultation findings on the proposed temporary relocation of the Central Library to Wellington House, as set out in the report now submitted, be received and noted;

- (ii) that the proposed mitigations from the key impacts identified in the consultations be noted;
- (iii) that the potential relocation of the Central Library, on the basis of the analysis of the issues arising from the consultation and the implications of any relocation referred to in section 3 of the report now submitted, including the impact if the core proposal is not supported, be noted; and
- (iv) that, in light of the findings from the formal consultation (and broader responses) Option 2 detailed in the report be progressed, which is to proceed with the relocation of Central Library, on a temporary basis to Wellington House, pending building a new purpose built Library in the Town Centre; which will also support the development of a Sixth Form College on Shambles Street and investment in the development of the Town Centre.
- (e) Barnsley Town Centre Regeneration – The Way Forward

Moved by Councillor Miller - Seconded by Councillor Mitchell; and

**RESOLVED:-**

- (i) that the proposal for the Council to work jointly with key stakeholders to advance the development proposal for the Town Centre, as detailed in the report now submitted, and incorporating the construction of a new Central Library, be endorsed and a further report be brought to Cabinet in July, 2014;
- (ii) that approval be given to the earmarking at this stage of £35m, within the Medium Term Financial Strategy (MTFS) for securing the enhancement and revitalisation of the Town Centre, and a further detailed report be brought to Cabinet on the use of these resources; and
- (iii) that the Interim Executive Director, Development, Environment and Culture and the Assistant Chief Executive, Legal and Governance serve notice to terminate the current contractual arrangement with 1249 Regeneration Partnership, as contained within the revised Development Agreement of 30<sup>th</sup> March, 2012.

**158. Cabinet Minutes**

Moved by Councillor Sir Steve Houghton CBE – Seconded by Councillor Andrews; and

**RESOLVED** that the minutes as printed and now submitted of the Cabinet Meetings held on 20<sup>th</sup> November, 4<sup>th</sup> and 18<sup>th</sup> December, 2013 and 15<sup>th</sup> January, 2014 be received.

Chairman