

BARNSELY METROPOLITAN BOROUGH COUNCIL**COUNCIL MEETING****10th April, 2014****COUNCILLOR KENNETH RICHARDSON (THE MAYOR)**

At a meeting of the Barnsley Metropolitan Borough Council duly convened and held on Thursday 10th April, 2014 at The Town Hall, Barnsley.

164. 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 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, J. Carr and Perrin |
| 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. Cheetham, 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 |

165. Declarations of Pecuniary and Non Pecuniary Interests

Councillor Gardiner declared a Non-Pecuniary interest in Minute No 192 (a) 'Cabinet Recommendations to Council - NPS Barnsley Ltd and Barnsley Norse Business Plans 2014/15' in view of him being a Director of both organisations.

166. Minutes

The minutes of the meeting held on 6th February, 2014 and 27th February, 2014, were taken as read and signed by the Chairman as a correct record.

Further to Minute No 154 of the meeting held on the 6th February, 2014, 'Proposed Bye-Laws for the Town Hall Square Area' the Cabinet Spokesperson for Development, Environment and Culture informed Members of the Council that the Bye-Laws had been enacted and that the Council now had the powers bring about compliant behaviour within that area.

167. Communications

(a) Experience Barnsley

The Chief Executive was delighted to inform Members that the Council had won the 2014 Local Government Chronicle Award for 'Community Involvement' for its work in engaging the community to develop the Experience Barnsley Museum and Discovery Centre.

A record breaking 640 entries had been submitted for this year's awards and to win was an exceptional achievement. The judges had felt that 'The Experience Barnsley project was an outstanding example of community involvement in the innovative and exciting development of a museum'.

This award was a significant achievement for Barnsley.

Developing the Museum had been an enormous undertaking for the Council and a real team effort, though special mention had to go to the Project Director, Lynn Dunning, who had led the project with determination for several years and who had also ensured that this ambitious project was delivered leading to this accolade. This was a resounding success for the Council and all the people of Barnsley.

The Mayor and Members of the Council expressed, in the usual manner, their appreciation to the project team and to the front of house team, some of whom were in the Chamber this morning, for all their hard work and dedication in making the museum such a success.

(b) Barnsley Pals Centenary Square

The Chief Executive informed the Council that the Barnsley Pals Centenary Square, which was amongst 20 shortlisted projects, had received a commendation for 'excellence in concept, design and execution of civil engineering works' at the recently held Yorkshire and Humberside branch of the Institute of Civil Engineers (ICE) Awards ceremony. The scheme had been designed and built by the Council's in-house teams in Highways and Engineering and Operational Services.

Since its completion in September 2013, the Square had proved to be popular and much loved Town Centre attraction.

The Mayor and Members of the Council expressed, in the usual manner, their congratulations to all officers involved in the project and also to Group Engineer, Ian Wilson, who was in the Chamber this morning.

(c) Local Land Charges

The Chief Executive reported that the Local Land Charges Team had been 'Highly Commended' in the 2014 Local Land Charges Awards for Excellence. These were national awards that celebrated the work and achievements of Local Authority Local Land Charges Services who carried out land and property searches required for conveyancing transactions in England and Wales.

Some of the comments made by customers were:-

- Excellent turnaround time. Accurate information. Very friendly and knowledgeable staff. A pleasure to deal with.
- Quick, efficient online and extremely helpful over the phone.
- Fast, friendly, helpful.

The Mayor and Members of the Council expressed, in the usual manner, their congratulations to Mary Kilroy and Tina Norton who were in the Chamber this morning.

Arising out of the above three commendations the following additional accolades were expressed:-

- (a) Councillor Miller (Cabinet Spokesperson for Development, Environment and Culture) on behalf of himself and Councillor Mitchell (Cabinet Support Member for Development, Environment and Culture) asked to add their thanks to all the groups who had received commendations this morning.

With regard to Experience Barnsley, he commented that the LGC Awards were the biggest celebration of Innovation and Talent across British Councils and helped publicise best practice and highest quality service provision. The award was a significant achievement for Barnsley and involved local people in its development and contribution to the success. The Museum had attracted over 107,000 visitors to date.

The work of the Steering Group in particular the involvement of representatives of the community was vital in securing this engagement and working with the public. Evidence from exit interviews at the Museum had revealed that it had endeared itself with pride to the Town.

In mentioning some Members of the Steering Group, Councillor Miller asked to place on record his thanks to:-

- former Councillor Mr W Newman, who was present in the Chamber this morning, for all his hard work and dedication to the project
- Councillor Hayward who had been present at the Awards Ceremony on behalf of Councillor Miller
- Councillor Sir Steve Houghton for his hard work and dedication in pursuing this project and ensuring it came to fruition
- Councillor Tracey Cheetham for her contribution
- Ms K Green (Head of Libraries and Information Services) who was present in the Chamber
- Mr T Sykes (Community Representative) and Chair of the Steering Group
- M Dyke, G Allott, B Elliott and P Birkby
- Mr J Tanner - Project Team Manager
- Ms N Murray - Collections Manager
- Ms M Redern - Curatorial Support Worker
- Ms J Conway - Community Heritage Curator
- Ms J Galvin - Commercial Development Manager
- the Front of House Team who had undertaken excellent work in greeting and welcoming visitors - Ms E Chalkley, Mr J White and Ms J Smith
- the Archives staff - Mr P Stebbing, Mr D Blunden, Ms G Nixon and Mr M Hardy
- Mr P Stott and members of the Collection Team.

Particular reference was made to the work of Lynn Dunning for her hard work in helping to improve and transform the cultural experience of the Borough.

This was a facility that Barnsley people had wanted for a long time and it was pleasing to see how well it was being received.

- (b) Councillor Andrews (Deputy Leader) added his thanks to all three groups receiving commendations.

He made particular reference to the work of the Local Land Charges Service. This was a 'back office' service that was largely 'hidden' as it did not have a 'physical presence' for Elected Members and Members of the public to see. The staff within the Service worked extremely hard to help provide home buyers and others with timely and accurate information and they had received excellent comments from service users. The Commendation at the National Awards was worthy recognition.

- (c) Councillor Sir Steve Houghton CBE (Leader of the Council) added his thanks to those of the Mayor and all other Members to all Award winners.

In these times of financial constraint and budget reductions within Local Authorities (together with the associated uncertainty that came with this) it would be very easy for staff to loose heart. Yet within the Authority there was a dedicated workforce (both the Award winners and within the workforce in general) which continued to provide an excellent public service to the residents of Barnsley. To do this against that background and to be national Achievers and Award Winners was a remarkable effort from all concerned. It also showed that despite all those challenges there was a huge amount of good things being undertaken and the aim of the Council was for that to continue.

There were, of course, difficult decisions to be made in the future but it was important that the Town and the Borough continued to move forward. This could only be achieved with the dedicated, talented and committed staff that were here both today and elsewhere within the Authority. He therefore extended his thanks to all involved in these projects/services for what they had done and for what they would do in the future.

168. Questions by Elected Members

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

169. Questions to Section 41 Members on Joint Authority Business

The Chief Executive reported that she had received no questions from Elected Members in accordance with Standing Order No 12.

The Council then received the following Minutes:-

- (a) South Yorkshire Fire and Rescue Authority – 27th January, 2014
- (b) South Yorkshire Fire and Rescue Authority – 17th February, 2014
- (c) South Yorkshire Integrated Transport Authority – 6th February, 2014
- (d) South Yorkshire Integrated Transport Authority – 6th March, 2014
- (e) South Yorkshire Pensions Authority - 13th February, 2014

RESOLVED that the minutes be noted.

170. Police and Crime Panel - Minutes

The minutes of the Police and Crime Panel meeting held on 31st January, 2014 were received and noted.

171. 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 18th February, 2014 and 18th March, 2014, be received.

172. General Licensing Regulatory Board - Minutes

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

RESOLVED that the minutes as printed and now submitted of the proceedings of the General Licensing Regulatory Board meeting held on the 12th March, 2014 be received.

173. 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 26th March, 2014 be received.

174. General Licensing Panel

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

RESOLVED that the details of the various General Licensing Regulatory Board Panels held in the last cycle of meetings together with their decisions be received.

175. Appeals, Awards and Standards Regulatory Board

Moved by Councillor Leech – Seconded by Councillor Shepherd; and

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

176. Appointment Panel - Executive Director (People)

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

RESOLVED that the minutes as printed and now submitted of the proceedings of the Appointment Panel Executive Director (People) held on the 11th February, 2014 be received.

177. Appointment Panel - Executive Director (Place)

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

RESOLVED that the minutes as printed and now submitted of the proceedings of the Appointment Panel Executive Director (Place) held on the 11th February, 2014 be received.

178. Appointment Panel - Executive Director (Communities)

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

RESOLVED that the minutes as printed and now submitted of the proceedings of the Appointment Panel Executive Director (Communities) held on the 13th February, 2014 be received.

179. Health and Well Being Board – Minutes

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

RESOLVED that the minutes as printed and now submitted of the proceedings of the Health and Well Being Board held on 11th February, 2014 be received.

180. 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 11th February, 2014 be received.

181. 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 11th March, 2014 be received.

182. 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 3rd February, 2014 be received.

183. 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 3rd February, 2014 be received.

184. 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 13th February, 2014 be received.

185. Central Area Council - Minutes

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

RESOLVED that the minutes as printed and now submitted of the proceedings of the Central Area Council held on 17th February, 2014 be received.

186. Penistone Area Council - Minutes

Moved by Councillor Barnard – Seconded by Councillor Wilson; and

RESOLVED that the minutes as printed and now submitted of the proceedings of the Penistone Area Council held on 20th February, 2014 be received.

187. South Area Council - Minutes

Moved by Councillor Stowe – Seconded by Councillor Shepherd; and

RESOLVED that the minutes as printed and now submitted of the proceedings of the South Area Council held on 28th February, 2014 be received.

188. Central Area Council - Minutes

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

RESOLVED that the minutes as printed and now submitted of the proceedings of the Central Area Council held on 17th March, 2014 be received.

189. Penistone Area Council - Minutes

Moved by Councillor Barnard – Seconded by Councillor Wilson; and

RESOLVED that the minutes as printed and now submitted of the proceedings of the Penistone Area Council held on 20th March, 2014 be received.

190. Pavement Cafes - Amendment to Policy

The report of the Executive Director, Development, Environment and Culture seeking approval to amend the Council's policy in respect of pavement cafes and to extend its coverage to the whole of the Borough was:

Moved by Councillor Miller - Seconded by Councillor Mitchell; and

RESOLVED:-

- (i) that the amended policy and guidelines for pavement cafes outside Barnsley Town Centre, as set out in Appendix 2 to the report, be approved;
- (ii) that the inclusion of this function under Section 115 of the Highways Act 1980 within the Terms of Reference of the Planning Regulatory Board be noted, and the authorisation of the Executive Director, Development, Environment and Culture, to grant permission for provision, etc of services, amenities, recreation and refreshment facilities on highway under this provision be reaffirmed; and

- (iii) that the Executive Director process the application in respect of Linda's Café, 70 High Street, Wombwell, in accordance with the revised policy.

191. Representation on the Barnsley, Doncaster, Rotherham and Sheffield City Region Combined Authority and Transport Committee - Amendment to Standing Order 12

Further to minute No 163 (f) of the meeting held on the 27th February, 2014, the Cabinet Minute of 12th February seeking to amend Standing Order No 12 in relation to the submission of questions to Council, having stood adjourned in accordance with Standing Order 41 was:

Moved by Councillor Howard - Seconded by Councillor Cave; and

RESOLVED that Standing Order No 12 be amended to provide for questions in relation to the business of the Combined Authority to be asked of the Council's representative on that Authority.

192. Cabinet Recommendations to Council

12th March, 2014

- (a) NPS Barnsley Ltd and Barnsley Norse Business Plans 2014/15

Moved by Councillor Gardiner – Seconded by Councillor Franklin; and

RESOLVED:-

- (i) that the draft version of the NPS Barnsley Business Plan, attached as Appendix B to the report now submitted, be approved, subject to consultations with the Overview and Scrutiny Committee and other stakeholders;
- (ii) that the Barnsley Norse Business Plan, attached as Appendix C to the report now submitted, be approved, subject to consultations with the Overview and Scrutiny Committee and other stakeholders; and
- (iii) that the Head of Strategic Property and Procurement, in consultation with the Corporate Services Cabinet Spokesperson be authorised to approve any final amendments or additions to the NPS Barnsley Business Plan and Barnsley Norse Business Plan that are required following any consultations.

26th March, 2014

- (b) Joint Health Overview and Scrutiny Committee

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

RESOLVED:-

- (i) that the Council's commitment to the Joint Health Overview and Scrutiny Committee (JHOSC) be noted and approval be given to the Terms of Reference, attached as Appendix 1 to the report, insofar as this Council is concerned; and
- (ii) that the appointment of an appropriate member representative to serve on the JHOSC in 2014/15 be considered at Annual Council.

193. 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 following Cabinet Meetings be received:-

- (a) 29th January, 2014 with the exception of Minute No 250 ' Proposed Temporary Re-location of Central Library to Wellington House'; and Minute No 251 'Barnsley Town Centre - The Way Forward' which were approved by Council on the 6th February, 2014
- (b) 12th February, 2014 with the exception of Minute No 266 ' Redundancy Compensation and Procedures 2014/15'; Minute 267 'Treasury Management Policy and Strategy Statement 2014/15'; Minute No 268 'Prudential Framework and Indicators 2014/15'; Minute 270 'Representation on the Barnsley, Doncaster, Rotherham and Sheffield City Region Combined Authority and Transport Committee' and Minute No 275 'Service and Financial Planning 2014/15 - Revenue Budget, Capital Programme and Council Tax' which were approved by the Council at its meeting on the 27th February, 2014
- (c) 26th February, 2014
- (d) 12th March, 2014
- (e) 26th March, 2014

194. Exclusion of the Public and Press

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

RESOLVED that the public and press be excluded during consideration of the following items because of the likely disclosure of exempt information as defined by Paragraph 3 of Part I of Schedule 12A of the Local Government Act 1972 as amended.

195. Cabinet Recommendations to Council

(a) Asset Disposal Programme 2013-2018

Moved by Councillor Gardiner – Seconded by Councillor Franklin; and

RESOLVED:-

- (i) that the sites listed at Appendix B of the report now submitted, be approved in principle for inclusion in the Asset Disposal Programme 2013-2018, subject to detailed consideration and further consultation with stakeholders;
- (ii) that, as appropriate, further reports be submitted on specific proposals for individual sites and properties, following consultations with local members and consideration by a multi-disciplinary asset management working group;
- (iii) that, should the disposal of any of the properties be “materially” or significantly prejudicial to the Council’s VAT partial exemption position, they be withdrawn from the programme until steps have been taken to protect the Council’s VAT position;
- (iv) that all capital receipts, including Housing/HRA land receipts continue to be pooled corporately to support the Authority’s Medium Term Financial and Asset Investment Strategies unless specifically earmarked, in accordance with the policies set out in this report;
- (v) that the capital receipts earmarked for the Building Schools for the Future project currently at a value of £20 million be noted, with any additional receipts beyond this indicative total required for the scheme once actual costs are identified being the subject of further reports;
- (vi) that a target Rate of Return be established for investment properties of 10% with those properties not achieving this target being subject to further analysis and consideration given for disposal;
- (vii) that any property leased out by the Council be at full market value unless otherwise specifically agreed by Cabinet;
- (viii) that, in the future, all housing schemes consisting of pure affordable/social housing be sold on a freehold basis at the previously agreed £5,000 per unit (subject to the financial viability of each scheme);
- (ix) that all HRA non-dwelling assets be disposed of on a freehold basis rather than via long term lease to assist with minimising the financial implications to the HRA 30 year business plan following current international accounting rules;
- (x) that monies be earmarked from capital receipts to fund future specialist reports and planning application fees which will enhance the value of future development sites due to be released for disposal;

- (xi) that the Head of Strategic Property and Procurement be authorised to offer properties and sites listed in the report for sale by informal tender/auction or private treaty sale, subject to full consultations being completed prior to disposal; and
 - (xii) that the Director of Legal and Governance be authorised to complete the transactions based on those terms agreed, either using in house resources or through the legal framework agreement which is often used for property transactions.
- (b) Hoyland Nether Public Hall - Allocation of Capital Receipts

Moved by Councillor Miller – Seconded by Councillor Gardiner; and

RESOLVED:-

- (i) that the Council as Trustee approve the use of the capital receipt received through an insurance settlement and the sale of land to the value of £156,300, or thereabouts, to deliver the business plan prepared for Elsecar Park;
- (ii) that the established capital scheme be used to provide a programme of improvements to the park and its facilities, as outlined in the report now submitted, and the Scheme be included in the Capital Programme and be released in accordance with Financial Regulations Code of Practice Paragraph C.5.2a;
- (iii) that the delivery of the proposals contained within the report be managed by Parks Services in conjunction with elected members; and
- (iv) that the Director of Legal and Governance be authorised to undertake the necessary procedures to wind up and dissolve the Hoyland Nether Public Hall Charity.

.....
Chairman