

**BARNSELY METROPOLITAN BOROUGH COUNCIL****COUNCIL MEETING**  
**27<sup>th</sup> November, 2014****COUNCILLOR TIM SHEPHERD (THE MAYOR)**

At a meeting of the Barnsley Metropolitan Borough Council duly convened and held on Thursday 27<sup>th</sup> November, 2014 at The Town Hall, Barnsley.

- 88. Present:** The Mayor (Councillor T. Shepherd)
- |                     |   |
|---------------------|---|
| Central Ward        | - Councillors Birkinshaw, Bruff and M. Dyson                      |
| Cudworth Ward       | - Councillors Hayward, Sir Stephen Houghton CBE and C. Wraith MBE |
| Darfield Ward       | - Councillor 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 and Noble                                     |
| Dodworth Ward       | - Councillors P. Birkinshaw, J. Carr and Perrin                   |
| Hoyland Milton Ward | - Councillors Franklin and Stowe                                  |
| Kingstone Ward      | - Councillor D. Green, Mitchell and T. Sheard                     |
| Monk Bretton Ward   | - Councillors S. Green, Richardson and M. Sheard                  |
| North East Ward     | - Councillors Ennis, Higginbottom and North                       |
| Old Town Ward       | - Councillors Cherryholme, Davies and Grundy                      |
| Penistone East Ward | - Councillors Barnard, Hand-Davis and Wilson                      |
| Penistone West Ward | - Councillors Griffin, Rusby and Unsworth                         |
| 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 K. Dyson, Johnson and Mathers                       |
| Wombwell Ward       | - Councillors Frost, Morgan and R. Wraith                         |
| Worsbrough Ward     | - Councillors Barlow, G. Carr and Clarke                          |

**89. Declarations of Pecuniary and Non Pecuniary Interest**

The following Councillors declared a pecuniary interest in Minute 114 'Member Pensions' as they or their spouse/partner or family member were Members of the South Yorkshire Pensions Authority. They also left the meeting during the consideration and voting on this item:-

Councillors Andrews, Barlow, Davies\*, K. Dyson, M. Dyson, Howard, D. Green, Higginbottom, Sir Stephen Houghton CBE, Lamb, Leech, Miller, Platts, Richardson, M. Sheard, T. Sheard, Stowe and R. Wraith.

\*Councillor Davies made his declaration immediately prior to the consideration of this item as he was not present at the commencement of the meeting.

**90. Minutes**

The minutes of the meeting held on 25<sup>th</sup> September, 2014 were taken as read and signed by the Chairman as a correct record.

**91. Communications**

(a) Ofsted Inspection – Improvement Notice

The Chief Executive was delighted to inform Members of the Council that the Improvement Notice, which had been placed upon the Council by the Department for Education following an Ofsted Inspection of the Authority's Social Care and Looked After Children's Services in November 2012, had been lifted with immediate effect.

This was a huge achievement and was testament to the effort of all staff and Councillors who had been involved in this process. There had been a huge step change in the way in which services were provided and decisions made and thanks were extended to Rachel Dickinson, Executive Director, Children, Young People and Families and to all staff and Members for their hard work, professionalism, dedication and support in achieving this outcome.

Councillor Tim Cheetham, Cabinet Spokesperson for People (Achieving Potential) asked to place on record his personal thanks at this achievement which, he felt, should not be underestimated. He commented that to achieve this improvement within 23 months was a testament to the hard work and dedication of all staff, Members and Partnership organisations. Particular thanks were extended to Rachel Dickinson, Jane Haward (Chair of the Ofsted Improvement Board) and Bob Dyson (Chair of the Safeguarding Children Board). Councillor Bruff, Cabinet Spokesperson for Safeguarding, asked to be associated with these remarks.

The Mayor and Members of the Council expressed their thanks and appreciation to all involved in the usual manner.

(b) Silkstone Common Junior and Infant School

The Chief Executive was pleased to inform Members of the Council that the Sunday Times had recently published a table of the top 200 state primary school in the country. Silkstone Common Junior and Infant School had been placed at No 11. This made the school the best primary school in Yorkshire which was a fantastic achievement for all pupils, staff and Governors.

The Mayor and Members of the Council expressed their congratulations to all concerned in the usual manner.

(c) Cooper Gallery Heritage Lottery Fund

The Chief Executive reported that the Cooper Gallery was celebrating its Centenary this year and it was pleasing to report that it had been awarded a grant of £638,000 by the Heritage Lottery Fund towards the cost of extending and improving the Gallery further.

The Council was very proud of its relationship with the Gallery Trustees on whose behalf the Authority run the Gallery. Thanks were extended to the Trustees for their hard work and vision and congratulations were extended to them on this success.

Paul Elmhirst, Chair of the Trustees, was in the Council Chamber this morning together with Lynn Dunning, Natalie Murray and Jane Galvin from the Council's Culture Team who had worked tirelessly in securing funding for this project.

Councillor Bruff, Cabinet Member for Safeguarding, asked to place on record her personal thanks to all concerned at this achievement and reminded Members of the Council that the Gallery was one of the 'jewels' in Barnsley's crown.

The Mayor and Members of the Council expressed, in the usual manner, their congratulations to all involved in this achievement.

(d) Animation Awards

The Chief Executive was delighted to announce that the Youth Panel at the Experience Barnsley Museum had been nominated for several awards for their animation films Lego Heist: Barnsley Museums and Women of the Working Class which had been playing in the Chamber this morning prior to the meeting.

Councillor Miller, Cabinet Spokesperson for Place commented that Lego Heist had been nominated at the 2014 Bradford Animation Festival Award for Best Commissioned film and the film Women of the Working Class had won the British Film Industry Kids for Kids Award, Best Mixed Media (14-17 years) Class at the International Family Film Festival in Hollywood and had gained third place at the My Hero International Film Festival in Santa Monica, California. This meant that these films had gained both national and international recognition which was a significant achievement.

He reminded Members that Women of the Working Class was an animated short film made by young women from the Youth Panel to mark the 30<sup>th</sup> anniversary of the 1984/85 Miners' Strike. The film was based on the research the Panel had gathered on the women against pit closures movement and was created from their own drawings, objects featured in the Women Against Pit Closures exhibition and Lego Characters. It had been made with support from Aardman Storyboarder David Bunting (who usually worked on Shaun the Sheep and Chuggington) and was funded by the Arts Council Museums and Schools Programme.

Mr Bunting was to be commended for his ongoing support and commitment to Barnsley and its young people, both in producing work of such high quality and in designing the successful after school programme. He also wanted to acknowledge the work of Jemma Conway, Community Heritage Curator and May Redfern for their support on this project with the Youth Panel.

India Sedgewick, who had interrupted her studies, was in the Council Chamber this morning representing her fellow 'movie makers' who were commended on their achievements.

The Mayor and Members of the Council expressed their congratulations to all concerned in the usual manner.

(d) Chief Superintendent Andy Brooke

The Chief Executive informed Members of the Council of the retirement of Barnsley's Chief Superintendent Andy Brooke. Andy had been the District Commander in Barnsley for the past 7 years overseeing ongoing reductions in crime and anti-social behaviour rates in the Borough and maintaining Barnsley's enviable position as the safest town in South Yorkshire. He had returned to his roots and hometown in Barnsley after an illustrious career throughout South Yorkshire which had commenced 35 years ago as a cadet and rookie Police Constable walking the beat in Goldthorpe.

He had been a true stalwart of neighbourhood policing and working in partnership with the Council and had been central to maintaining a Barnsley focused approach to District Policing. He had a genuine passion for ensuring that Barnsley's residents had a significant voice in determining their local priorities and had been a huge advocate for working closely with the Council to deal proactively and intelligently with the needs of the community.

Chief Superintendent Brooke had contributed significantly to the strategic leadership of the town successfully chairing both the Drugs and Alcohol Action Group and the Community Safety Partnership and being an enthusiastic member and contributor to the One Barnsley Partnership and Health and Wellbeing Board. His leadership within the Police Force was legendary and resonated across all ranks and his commitment to frontline services had been epitomised by his keenness to don the uniform and accompany his frontline staff on the streets at times of real pressure.

He had been a true ally to the Council and had helped to cement the relationship between the Council and the Police at all levels. He would be a hard act to follow.

Councillor Sir Stephen Houghton CBE (Leader of the Council) and several other Members asked to place on record their appreciation to Chief Superintendent Brooke for his contribution to the safety of the Borough's residents and his enthusiasm for working with the Council to tackle the problems throughout the area.

The Chief Superintendent was then given a presentation by the Mayor of an engraved bowl to mark his retirement which bore the following citation:

'Presented to Chief Superintendent Andy Brooke on his retirement from the South Yorkshire Police to mark our appreciation of his hard work and dedication to the people of Barnsley, November, 2014'

The Mayor and Members of the Council extended, in the usual manner, their best wishes to Chief Superintendent Brooke for a happy and health retirement and gave him their best wishes for the future.

## **92. Questions by Elected Members**

The Director of Legal and Governance, on behalf of the Chief Executive, reported receipt of a question received from Councillor Hand-Davis in accordance with Standing Order No.11.

'Could Members of the Planning Regulatory Board be given authority to allow local Ward Members to speak at meetings of the Planning Regulatory Board'

Councillor Miller, Cabinet Spokesperson for Place responded by stating that the Council's Planning Code of Conduct, which had been introduced in 2004, amended Standing Orders to expressly provide that Elected members who were not Members of the Planning Regulatory Board were not permitted to speak at meetings of the Board. The Code had been considered by the Standards and Probity Board prior to it being recommended to the Council. The changes were influenced by the importance of establishing clear accountability for who was responsible for making decisions on planning applications.

However, given that it was some 10 years since the Code had been introduced, he was more than happy to ask officers to re-examine the document in consultation with himself and the Chair of the Board giving due consideration to the current legislative requirements and the increasing localism agenda which had assumed an increasing significance since 2004.

A further report would be presented so that the relative merits of the alternative approaches of the issue could be given proper consideration.

Councillor Hand-Davis welcomed this approach and commented that this issue had arisen due to a number of particularly contentious planning applications being submitted. He asked, therefore, as a supplementary question, whether consideration could be given to the adoption of an approved protocol perhaps requiring written consent for permission to speak.

Councillor Miller welcomed any suggestions and asked Members to let him have any suggestions so that all options could be considered prior to the submission of a report.

**93. Questions relating to Joint Authority, Police and Crime Panel and Combined 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 – 8<sup>th</sup> September, 2014
- (b) South Yorkshire Fire and Rescue Authority – 20<sup>th</sup> October, 2014
- (c) Police and Crime Panel – 11<sup>th</sup> September, 2014
- (d) Police and Crime Panel – 18<sup>th</sup> September, 2014
- (e) Police and Crime Panel – 29<sup>th</sup> October, 2014
- (f) South Yorkshire Pensions Authority – 2<sup>nd</sup> October, 2014
- (g) Sheffield City Region Combined Authority – 6<sup>th</sup> October, 2014

**RESOLVED** that the minutes be noted.

**94. 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 23<sup>rd</sup> September, 2014 be received.

**95. General Licensing Regulatory Board - Minutes**

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

**RESOLVED** that the minutes as printed and now submitted of the proceedings of the General Licensing Regulatory Board held on the 1<sup>st</sup> October, 2014 be received.

**96. 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 21<sup>st</sup> October, 2014 be received.

**97. 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 5<sup>th</sup> November, 2014 be received.

**98. General Licensing Panel**

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

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

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

Moved by Councillor Leech – Seconded by the Mayor, 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.

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

Moved by Councillor Sir Stephen 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 18<sup>th</sup> September, 2014 be received.

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

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

**RESOLVED** that the minutes as printed and now submitted of the proceedings of the Overview and Scrutiny Committee held on 30<sup>th</sup> September, 2014 be received.

**102. Children's Services Scrutiny Committee – Minutes**

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

**RESOLVED** that the minutes as printed and now submitted of the proceedings of the Children's Services Scrutiny Committee held on 11<sup>th</sup> November, 2014 be received.

**103. Central Area Council - Minutes**

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

**RESOLVED** that the minutes as printed and now submitted of the proceedings of the Central Area Council held on 8<sup>th</sup> September, 2014 be received.

**104. 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 22<sup>nd</sup> September, 2014 be received.

**105. North Area Council - Minutes**

Moved by Councillor Burgess – Seconded by Councillor Leech; and

**RESOLVED** that the minutes as printed and now submitted of the proceedings of the North Area Council held on 22<sup>nd</sup> September, 2014 be received.

**106. 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 2<sup>nd</sup> October, 2014 be received.

**107. Penistone Area Council - Minutes**

Moved by Councillor Barnard – Seconded by Councillor Griffin; and

**RESOLVED** that the minutes as printed and now submitted of the proceedings of the Penistone Area Council held on 9<sup>th</sup> October, 2014 be received.

**108. Central Area Council - Minutes**

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

**RESOLVED** that the minutes as printed and now submitted of the proceedings of the Central Area Council held on 10<sup>th</sup> November, 2014 be received.

**109. Appointment Panel – Director of Public Health**

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

**RESOLVED** that the minutes as printed and now submitted of the proceedings of the Appointment Panel for the Director of Public Health held on 29<sup>th</sup> August, 25<sup>th</sup> September and 10<sup>th</sup> October, 2014 be received.

**110. Polling District and Station Review 2014**

Further to Minute No. 83 of the meeting held on 25<sup>th</sup> September, 2014, the report of the Chief Executive on the outcome of consultation on a Review of Polling Districts and Polling District Provision was considered and was:

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

**RESOLVED:-**

- (i) that the proposed amendments by the Electoral Registration Officer to existing Polling Station locations within the Metropolitan Borough of Barnsley as set out in Appendix 1 to the report now submitted and which has been the subject of consultation, be approved;



- (ii) that the representations received in response to the consultation exercise as set out in Appendix 2 to the report be noted and the extent to which it is recommended by the Electoral Registration Officer to give effect to such representations and such additional changes to existing Polling Station locations be approved;
- (iii) that the comprehensive list of Polling Station locations as set out in Appendix 3 be noted and implemented as the approved Polling places for the Metropolitan Borough of Barnsley for implementation on 1<sup>st</sup> December, 2014 and for all electoral events up to the 30<sup>th</sup> September, 2018;
- (iv) that the Chief Executive, in their capacity as Electoral Registration Officer be authorised to consider further the outstanding issues relating to the future use of certain locations as polling places as identified in Appendix 2 and to make any further changes which may prove to be necessary in consultation with local ward Members; and
- (v) that in the event that any further reconsideration of polling places is required due to any subsequent unavailability of any of the above locations as polling stations, the Chief Executive in their capacity as Electoral Registration Officer be authorised to make appropriate arrangements for alternative locations in consultation with local ward Members.

#### **111. Cabinet Recommendations to Council**

30<sup>th</sup> July, 2014

- (a) Policy for the Admission of People to be Honorary Freeman/Freewomen of the Borough

Further to Minute 85(a) of the previous meeting held on 25<sup>th</sup> September, 2014 the proposed amendment to Standing Orders was:

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

#### **RESOLVED:-**

that Standing Order 18 (Voting) be amended by the addition of the following paragraph:-

- (d) Voting on any question to admit a new Freeman/Freewoman of the Borough, or rescind any honour previously conferred, must be supported unanimously by those Members present at a Full Council meeting specially convened for that purpose.

*Note: In accordance with Standing Order No. 41 this item was deferred from the previous meeting held on the 25<sup>th</sup> September, 2014.*

24<sup>th</sup> September, 2014

(b) Review of Delegation Limits and Restrictions on Reporting and Recording of Delegated Decisions

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

**RESOLVED:-**

- (i) that the increase in all of the general officer financial decision thresholds from £50,000 to £250,000 be approved, together with the changes to the specific financial thresholds and revisions to other delegations set out in the Appendix to the report now submitted;
  - (ii) that the officer virement limit also be increased from £50,000 to £250,000;
  - (iii) that, in exercising their delegated powers, officers continue to brief Cabinet Spokespersons, as appropriate;
  - (iv) that the increase in the financial threshold for Key Decisions from £250,000 to £500,000 be approved;
  - (v) that the implications of the above recommendations for decision-making by Cabinet Spokespersons be noted;
  - (vi) that reports for delegated decision by Cabinet Spokespersons no longer be considered in advance by the Senior Management Team, subject to the Assistant Director Governance and Member Support ensuring appropriate consultation with Corporate Core officers and the Overview and Scrutiny Committee Chairs and the Constitution be amended accordingly;
  - (vii) that the requirements for the recording of officer decisions be noted and the Director of Legal and Governance issue appropriate guidance to officers; and
  - (viii) that the financial threshold for recording of officer decisions that materially affect the financial position of the Council be set at £250,000.
- (c) Appointment to Outside Bodies

Moved by Councillor Howard – Seconded by Councillor Richardson; and

**RESOLVED:-**

- (i) that approval be given to the appointment of Mr J. Cooper as a Trustee to the Wombwell Town Land Charity with immediate effect; and
- (ii) that approval be given to the appointment of Councillors D. Birkinshaw, Burgess, Mitchell, Noble and T. Sheard as Trustees to the Shaw Lands Trust for a three year term.

**112. Cabinet Minutes**

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

**RESOLVED** that the minutes as printed and now submitted of the following Cabinet Meetings be received:-

- (a) 24<sup>th</sup> September, 2014
- (b) 8<sup>th</sup> October, 2014
- (c) 22<sup>nd</sup> October, 2014.
- (d) 5<sup>th</sup> November, 2014.

**113. Notice of Motion Under Standing Order 6**

**Social Housing Under Threat**

A Notice of Motion submitted in accordance with Standing Order No. 6 in relation to Social Housing Under Threat was:

Moved by Councillor Miller – Seconded by Councillor Mitchell; and

**RESOLVED:-**

That this Council:-

- a) Notes the launch of the SHOUT (Social Housing Under Threat) campaign on 18<sup>th</sup> June, 2014;
- b) Supports SHOUT's agenda to increase 'affordable' housing provision across this Borough (both affordable, Low-Cost Home Ownership and social rented via our Council House Build Programme);
- c) Welcomes this Council's commitment of £18m to deliver 110 new build Council homes and to acquire 100 more as part of its 2015-19 programme, responding to housing need and the impact of the Right-to-Buy (RTB);
- d) Acknowledges the contribution that affordable housing makes to economic growth and the impact that investment in affordable housing has on growing our economy, supporting local businesses/local spend and enhancing jobs and training opportunities for our communities; and
- e) Supports other practical ways of encouraging further investment in Council Housing, including:-

- The removal of the Housing Revenue Account borrowing caps; and
- Allowing Councils to determine how they use RTB receipts for the purposes of delivering new homes and reviewing the rules on RTB discounts and eligibility periods.

**114. Member Pensions**

The joint report of the Director of Legal and Governance and the Director Finance, Property and Information Services on Member Pensions was considered and was:

Moved by Councillor Gardiner – Seconded by Councillor Franklin; and

**RESOLVED:-**

- (i) that the Council exercise discretion as the relevant employing body under the Local Government Pension Scheme to allow existing elected Members to access their pensions at the age of 55 to reflect the fact that they are no longer permitted to participate in the Local Government Pension Scheme; and
- (i) that such an approach to the exercise of discretion be consistent with the Council's policy with regard to officers where access to benefits at age 55 is permitted in appropriate cases.

**115. Town Hall Open Day**

The Mayor reminded Members of the Council that the Town Hall Open Day was to be held on Saturday 29<sup>th</sup> November, 2014 from 12.30 pm.

In closing the meeting, the Mayor reminded Members that this was the last meeting of the Council to be held before Christmas. He therefore, asked to place on record his best wishes all Members and officers for a Merry Christmas and a Happy New Year.

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Chairman