

BARNSELY METROPOLITAN BOROUGH COUNCIL

COUNCIL MEETING

5th February, 2015

COUNCILLOR TIM SHEPHERD (THE MAYOR)

At a meeting of the Barnsley Metropolitan Borough Council duly convened and held on Thursday 5th February, 2015 at The Town Hall, Barnsley.

116. Present:

The Mayor (Councillor T. Shepherd)

- Central Ward - Councillors D. Birkinshaw, Bruff and M. Dyson
- Cudworth Ward - Councillors Hayward, Sir Stephen Houghton CBE and C. Wraith MBE
- Darfield Ward - Councillors Key and Saunders
- Darton East Ward - Councillors Duerden, Miller and Spence
- Darton West Ward - Councillors Burgess and Howard
- Dearne North Ward - Councillors Gardiner, Sim and Worton
- Dearne South Ward - Councillors Noble and Sixsmith MBE
- 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 and Grundy
- Penistone East Ward - Councillors Barnard and Wilson
- Penistone West Ward - Councillors Rusby and Unsworth
- Rockingham Ward - Councillors Andrews BEM, Dures and Lamb
- Royston Ward - Councillors T. Cheetham, T.J. Cheetham and Makinson
- St. Helen's Ward - Councillors Leech and Platts
- Stairfoot Ward - Councillors K. Dyson and Mathers
- Wombwell Ward - Councillors Frost, Morgan and R. Wraith
- Worsbrough Ward - Councillors G. Carr and Clarke

117. Declarations of Pecuniary and Non Pecuniary Interest

Councillor Ennis declared a Non Pecuniary interest in Minute No 141 (e) 'Community Governance Review of the Civil Parish of Brierley' in view of him being a resident of the area and a payer of the Parish Precept.

Councillors Ennis, Franklin and T. Sheard declared Non Pecuniary interest in Minute No 141 (c) 'Housing Revenue Account - Draft Budget 2015/16' in view of them being Members of the Berneslai Homes Board.

Councillor Noble declared a Non Pecuniary interest in Minute No 144 (c) 'Proposed Lease by the Council as Trustee of the Dearne Valley Playhouse Community Theatre to a newly formed Charitable Incorporated Organisation' in view of her involvement in discussions regarding the proposed lease.

118. Minutes

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

119. Communications

(a) Centre for Cities Outlook Report 2015

The Director of Legal and Governance, on behalf of the Chief Executive, was pleased to report that the Centre for Cities report 2015 had shown that Barnsley was the best performing 'city' in the UK with regard to private sector employment growth, and that over the last ten years was ranked as ninth for growth in the number of private sector jobs and was in the top ten with the highest housing stock growth. This was fantastic news for Barnsley's economy.

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

(b) Cannon Hall Parks and Gardens – Heritage Lottery Funding

Councillor Miller (Cabinet Spokesperson Place) was pleased to report that the Council had secured £2.8m Heritage Lottery and Bid Lottery Funding for Cannon Hall Park and Gardens to restore and repair the important features of the Georgian Park and the gardens including the Ice House, the Deer Shelter and the Gardener's Cottage as well as providing improvements to the lakes and the antiquated drainage system. It was important to note that this bid was considered against national competition. It was one of only four to be accepted and the only scheme in the whole of the north of England.

The Arts and Heritage Leader, Lynne Dunning had worked tirelessly for a number of years to ensure that the funding for this project was secured against such stiff competition. Lynne was supported by Members of her Team including, in particular, Jane Galvin, John Tanner and Richard King all of whom were in the Council Chamber this morning and who had made contributions to ensure the success of the project.

The Friends of Cannon Hall had fund raised for several years to gain funds to provide a much needed contribution to 'matched' funding.

Councillor Miller thanked all those involved for their dedication and hard work and also congratulated them for their contribution.

Councillor Wilson, local Ward Member for the area, asked to place on record his personal congratulations to all staff and to the members of the Friends of Cannon Hall for their hard work and dedication. He felt that this funding would make a tremendous difference to Cannon Hall and make it an even bigger 'jewel' in Barnsley's crown.

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

(c) Hoyland Common Primary School

The Director of Legal and Governance was pleased to report that the Rt Hon David Laws (Minister of State for Schools) had written to Mr T Banham, the Headteacher at Hoyland Common Primary School, congratulating the school on the improvement in Key Stage 2 results for their disadvantaged pupils.

Councillor Andrews, (Deputy Leader), Ward Member for the area and Governor at the School also asked to place on record his personal congratulations to the Headteacher who had done such a marvellous job at the school, to Teaching and Non Teaching staff but, more importantly, to the pupils who had worked so hard in order to achieve the outstanding results they had.

The Mayor and Members of the Council expressed, in the usual manner, their congratulations to all the pupils and staff for all their hard work and dedication and for this fantastic achievement.

(d) Defence Employer Recognition Scheme

The Director of Legal and Governance reported that the Council had been formally recognised with the Bronze Award from the SaBRE (Supporting Britain's Reservists and Employers) Defence Employer Recognition Scheme on the 10th December, 2014. The Bronze Award was for employers who wished to pledge their intention to support Defence and indicate a positive approach towards Reservists who were either prospective or existing employees. The Employer Recognition Scheme had been launched in line with Defence aims to reward and recognise commitment and support from UK Employers for Defence Personnel.

As a Council, the Authority had declared itself as an armed forces-friendly organisation and had showed commitment to supporting UK Service Veterans, leavers, spouses, partners and reservists as well as UK Cadets and wounded, sick and injured Service Personnel. The Council would also continue its ongoing support for Armed Forces Day.

Alex Longley HR Advisor, Organisation Design and Development had been particularly involved in the Award.

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

(e) **Food for Life Catering Mark**

The Director of Legal and Governance reported that the Council's Schools Catering Service was the first catering provider in Barnsley to achieve the prestigious Bronze Level Food for Life Catering Mark Award.

The Catering Mark was awarded by the Soil Association and was an assurance that the food served was healthy with at least 75% of menus made from fresh ingredients, freshly prepared at each kitchen and sourced from the region's producers.

The Catering Service provided healthy, nutritious meals to 55 of Barnsley's Primary Schools, Children's Centres and Nurseries.

Gillian Taylor, Skills Development Officer representing the Catering Service was in the Council Chamber this morning.

The Mayor and Members of the Council expressed their congratulations to all concerned in achieving this remarkable award.

120. Questions by Elected Members

The Director of Legal and Governance reported that he had received no questions from Elected Members in accordance with Standing Order No.11.

121. Questions relating to Joint Authority, Police and Crime Panel and Combined Authority Business

The Director of Legal and Governance reported that he had received no questions from Elected Members in accordance with Standing Order No 12.

The Council then received the following Minutes:-

- (a) South Yorkshire Pensions Authority – 13th November, 2014
- (b) South Yorkshire Pensions Authority – 27th November, 2014
- (c) Sheffield City Region Combined Authority – 17th November, 2014
- (d) Police and Crime Panel – 19th November, 2014
- (e) South Yorkshire Fire and Rescue Authority – 24th November, 2014
- (f) South Yorkshire Fire and Rescue Authority – 15th December, 2014

RESOLVED that the minutes be noted.

122. 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 November, 2014 be received.

123. General Licensing Regulatory Board - Minutes

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

RESOLVED that the minutes as printed and now submitted of the proceedings of the General Licensing Regulatory Board Panel meeting held on the 26th November, 2014 be received.

124. 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 10th December, 2014 be received.

125. 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 16th December, 2014 be received.

126. 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 20th January, 2015 be received.

127. 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 21st January, 2015 be received.

128. General Licensing Panel

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

RESOLVED that the minutes as printed and now submitted of the proceedings of the various General Licensing Panel meetings held in the last cycle of meetings together with their decisions be received.

129. Statutory Licensing Regulatory Board Sub-Committee – Minutes

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

RESOLVED that the minutes as printed and now submitted of the proceedings of the various Statutory Licensing Regulatory Board Sub-Committee meetings held in the last cycle of meetings together with their decisions be received.

130. 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.

131. 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 2nd December, 2014 be received.

132. Overview and Scrutiny Committee – Minutes

Moved by Councillor Ennis – Seconded by Councillor Sixsmith, MBE; and

RESOLVED that the minutes as printed and now submitted of the proceedings of the Overview and Scrutiny Committee held on 2nd December, 2014 be received.

133. 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 13th January, 2015 be received.

134. 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 17th November, 2014 be received.

135. 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 18th November, 2014 be received.

136. 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 24th November, 2014 be received.

137. 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 4th December, 2014 be received.

138. Penistone Area Council - Minutes

Moved by Councillor Barnard – Seconded by Councillor Unsworth; and

RESOLVED that the minutes as printed and now submitted of the proceedings of the Penistone Area Council held on 11th December, 2014 be received.

139. 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 19th December, 2014 be received.

140. 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 19th January, 2015 be received.

141. Cabinet Recommendations to Council

17th December, 2014

(a) Appointment of a Representative as a Cooper Art Gallery Trustee

Moved by Councillor Howard – Seconded by Councillor Richardson; and

RESOLVED that approval be given to the appointment of Councillor Burgess as a Cooper Art Gallery Trustee to replace Councillor Bruff.

14th January, 2015

- (b) Appointment of Representatives to the Dearne Valley Landscape Partnership Board

Moved by Councillor Howard – Seconded by Councillor Richardson; and

RESOLVED that approval be given to the appointment of Councillor Sim to the Dearne Valley Landscape Partnership Board.

- (c) Housing Revenue Account – Draft Budget 2015/16

Moved by Councillor Gardiner – Seconded by Councillor Franklin; and

RESOLVED:-

- (i) that the Housing Revenue Account Draft Budget for 2015/2016, as detailed in the report now submitted, be approved, with any final amendments/additions being delegated to the Cabinet Spokesperson for Place and the Executive Director Development Environment and Culture;
- (ii) that the Development Proposals for 2015/2016 as set out at Appendix C of the report be approved;
- (iii) that the Saving Proposals for 2015/2016 as set out at Appendix D and Sections 4.3 to 4.9 of the report be approved;
- (iv) that individual dwelling rents be increased in line with the requirements of the Government's Rent policy to increase rents by the Consumer Price Index plus 1%;
- (v) that the rent increases be implemented with effect from 30th March, 2015, collectable on 6th April 2015;
- (vi) that the 2015/16 Berneslai Homes Management Fee of £13.946M be approved with any final amendments/additions being delegated to the Assistant Director, Housing, Culture and Regulation and the Executive Director Development Environment and Culture in consultation with the Cabinet Spokesperson for Place;
- (vii) that the use of Berneslai Homes Ltd retained surplus as outlined in Section 3.28 to 3.29 of the report be approved;
- (viii) that the earmarking of HRA Working Balance as outlined in Section 3.20 and Appendix E of the report be approved;
- (ix) that the affordability of a new build development programme be investigated for implementation in 2017/18; and
- (x) that a specific HRA reserve strategy be developed for approval by Cabinet clearly setting out how the Council's strategic housing aspirations will be supported over the medium term.

(d) Implementation of the 2015/16 Pay Policy Statement

Moved by Councillor Gardiner – Seconded by Councillor Franklin; and

RESOLVED that approval be given to implement the 2015/16 Pay Policy Statement contained at Appendix A of the report now submitted, with effect from 1st April, 2015.

28th January, 2015

(e) Community Governance Review of the Civil Parish of Brierley

The Leader of the Council set out the issues and options available to the Council in concluding its statutory Community Governance Review of Brierley Town Council. The democratic significance of any decision on the future of the Town Council and the importance of letting local Parish residents decide on this issue was recognised.

It was proposed that the local community be clearly informed of the implication of choosing either to maintain or abolish the Town Council and that a community vote be undertaken so as to clearly ascertain the preference of local residents.

Should the local community choose to maintain the Town Council then it would be required to take steps to begin to repay the current outstanding loan from the Council. Should they choose to abolish the Town Council, the Council would, in giving effect to that preference, assume any land and property assets of the Town Council and these would be used as a contribution towards the outstanding loan. Existing services funded by the Parish precept would cease.

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

RESOLVED:-

That the Recommended Outcome of the Review pursuant to the 2007 Act be as follows:

- (i) that Brierley Parish residents be given the opportunity to express their view as to the future of Brierley Town Council and a non statutory community vote on the future of the Town Council be undertaken so as to clearly ascertain the preference of local residents and inform the final decision of the Council;
- (ii) that residents be made clearly aware of the implications of choosing to maintain or abolish the Town Council; and
- (iii) that a report back on the outcome of the community vote be submitted to Council to enable the Council to make a formal decision as to the Outcome of the Review giving due consideration to the expressed preference of local residents.

142. Cabinet Minutes

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

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

- (a) 19th November, 2014.
- (b) 3rd December, 2014.
- (c) 17th December, 2014.
- (d) 15th January, 2015.

143. Exclusion of the Public and Press

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

RESOLVED that the public and press be excluded from this meeting 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.

144. Cabinet Recommendations to Council

17th December, 2014

- (a) Proposed Lease by the Council as a Trustee of Wombwell Main Miners Welfare Scheme of Wombwell Main Community Centre and Recreation Ground to Wombwell Main Community and Sporting Association

Moved by Councillor Gardiner – Seconded by Councillor Franklin; and

RESOLVED:-

- (i) that subject to the statutory procedures under the Charities Act 2011 being complied with, and the consent of the Coal Industry Social Welfare Organisation (CISWO), the Council in its capacity as Trustee of the Wombwell Main Miners Welfare Scheme approves the grant of a twenty-five year lease at a peppercorn rent to Wombwell Main Community and Sporting Association;
- (ii) that the Director of Finance, Property and Information Services be authorised to agree terms for the granting of a twenty-five year lease of Wombwell Main Community Centre to the Wombwell Main Community and Sporting Association;
- (iii) that the Service Director (Designate) Assets finalise Heads of Terms for the proposed twenty-five year peppercorn lease, in accordance with charity legislation which allows charity to charity transactions on this basis; and

- (iv) that the Director of Legal and Governance be authorised to address any representations made by the general public to the proposal on behalf of the Council as Trustee and to conclude the necessary legal documentation relating to the lease of the property.

- (b) Proposed Lease by the Council as Trustee of the Miners Recreation Ground Ardsley of the Bowling Green to Ardsley Bowling Club

Moved by Councillor Gardiner – Seconded by Councillor Franklin; and

RESOLVED:-

- (i) that subject to the statutory procedures under the Charities Act 2011 being complied with, and the consent of the Coal Industry Social Welfare Organisation (CISWO), the Council in its capacity as Trustee of the Miners' Recreation Ground, Ardsley approve the grant of a ten year lease to Ardsley Bowling Club;

- (ii) that the Director of Finance, Property and Information Services be authorised to agree terms for the granting of a ten year lease of Ardsley Bowling Green to the Ardsley Bowling Club at a peppercorn rent;

- (iii) that the Service Director (Designate) Assets finalise Heads of Terms for the proposed ten year lease, in accordance with charity legislation which allows charity to charity transactions on this basis; and

- (iv) that the Director of Legal and Governance be authorised to address any representations made by the general public to the proposal on behalf of the Council as Trustee and to conclude the necessary legal documentation relating to the lease of the property.

14th January, 2015

- (c) Proposed Lease by the Council as a Trustee of the Dearne Playhouse Community Theatre to a newly formed Charitable Incorporated Organisation

Moved by Councillor Gardiner – Seconded by Councillor Franklin; and

RESOLVED:-

- (i) that, subject to the statutory procedures under the Charities Act 2011 being complied with, the consent of the Coal Industry Social Welfare Organisation (CISWO), the approval of the Arts Council, and the completion of a sustainable business plan, the Council in its capacity as Trustee of the Miners Recreation Ground, Goldthorpe approves 'in principle' the granting of a 50 year lease to the Charitable Incorporated Organisation (CIO) specifically created to take responsibility of the Dearne Playhouse community theatre;

- (ii) that the Director of Finance, Property and Information Services be authorised to agree terms for the granting of a 50 year lease, at a peppercorn rent, of the Theatre to the CIO when established as permitted by charity legislation on the basis that it is a charity to charity transaction;

- (iii) that the Service Director (Designate) Assets finalise Heads of Terms for the proposed 50 year lease;
- (iv) that the Director of Legal and Governance be authorised to address any representations made by the general public to the proposal on behalf of the Council as Trustee and to conclude the necessary legal documentation relating to the lease of the property;
- (v) that agreement be given in principle to provide an ongoing loan facility, up to a maximum of £25,000 to the new CIO, and the Director of Finance, Property and Information Services be authorised to agree the terms of any loan subject to compliance with relevant guidance issued by the Charity Commission and HM Revenue and Customs;
- (vi) that the Director of Finance, Property and Information Services be authorised to use the Trust Fund in order to fund the necessary works identified in the condition survey in order to ensure the building is watertight and for the necessary test certificates to be carried out at the commencement of the lease; and
- (vii) that approval be given to the appointment of Councillor Noble to the CIO when constituted.

28th January, 2015

- (d) Proposed Transfer of the War Memorial Site at the Former Lacewood Primary School, Station Road, Bolton upon Dearne to the Friends of the War Memorial Trust

Moved by Councillor Gardiner – Seconded by Councillor Franklin; and

RESOLVED:-

- (i) that the Director of Legal and Governance on behalf of the Council as Trustee, be authorised to make an application to the Charity Commission for a scheme to transfer the war memorial site situated within the former Lacewood Primary School to the Friends of the War Memorial Trust, upon charitable trust for a war memorial and to update the existing charitable trusts to provide for promotion of education in Bolton upon Dearne, as detailed in the report now submitted;
- (ii) that subject to Charity Commission consent that the Director of Legal and Governance transfers a small part of the Trust land to the Friends of Lacewood War Memorial by way of a gift for nil consideration, upon charitable trust for the purposes of a war memorial;
- (iii) that subject to the Charity Commission consent that the costs incurred in clearing, securing and improving the development potential of the site, a total cost of £93,555 be re-paid into the Housing Revenue Account to support further schemes to increase the provision of affordable housing in the Borough; and

- (iv) that the transfer of the balance of sale proceeds after payment of the Council's expenses to be transferred to the South Yorkshire Community Foundation to use in accordance with the updated trust provisions for the promotion of education in Bolton upon Dearne.

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Chairman