

BARNSELY METROPOLITAN BOROUGH COUNCIL

CABINET

28th January, 2015

184. **Present:** Councillors Houghton (Chairman), Bruff, Tim Cheetham, Gardiner, Miller, Platts and Richardson (for Howard).

Councillors K. Dyson, Franklin, Mitchell, Morgan, M. Sheard and T. Sheard were also in attendance.

185. **Declarations of Pecuniary and Non-Pecuniary Interests**

There were no declarations of Pecuniary or Non-Pecuniary interests.

186. **Leader of the Council - Call-In of Cabinet Decisions**

The Leader reported that no decisions from the previous meeting held on 14th January, 2015 had been called-in.

187. **Minutes of the Meeting held on 14th January, 2015 (Cab.28.1.2015/3)**

The minutes of the meeting held on 14th January, 2015 were taken as read and signed by the Chairman as a correct record.

188. **Decisions of Cabinet Spokespersons (Cab.28.1.2015/4)**

It was reported that no Records of Decisions had been taken by Cabinet Spokespersons under delegated powers.

189. **Petitions Received Under Standing Order 44 (Cab.28.1.2015/5)**

RESOLVED that the report notifying the receipt of the following petitions be noted and the recommended actions for responding to them be endorsed:-

- (a) Containing the signatures of 5 signatories, in respect of concerns regarding parking arrangements for 172-184 Redbrook Road, Barnsley

The properties on Redbrook Road are included in the hospital area resident only parking scheme which was introduced in 2006.

The bay outside 172–184 Redbrook Road was amended to shared use in 2011 following consultation with Ward Members, in order to accommodate short-stay time-limited waiting, as well as residents only.

The lead petitioner, a new resident to the area, is unhappy with the existing parking arrangements on Redbrook Road and has spoken with a number of officers, a Ward Councillor and his MP on two occasions to express his dissatisfaction. He has received comprehensive verbal responses from officers, and in writing via his MP.

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It is recommended that the Assistant Director, Operational Services write to the lead petitioner to advise that it will not be possible to make any amendments to the current scheme.

190. **Leader of the Council – Community Governance Review of the Civil Parish of Brierley (Cab.28.1.2015/6)**

The Leader 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.

RECOMMENDED TO COUNCIL ON 5TH FEBRUARY, 2015:-

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

191. **Place Spokesperson – Proposed Introduction of No Waiting At Any Time at the Junction of Nancy Road Objection Report (Cab.28.1.2015/7)**

RESOLVED:-

- (i) that the objection received to the revised proposal to introduce a prohibition of waiting at any time restriction at the junction of Nancy Road and Nancy

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Crescent, as indicated on the plan at Appendix 1 of the report now submitted, be overruled and the objector be informed accordingly; and

- (ii) that the Head of Highways, Engineering and Transportation be authorised to implement the Order as shown in Appendix 1 of the report, and the Director of Legal and Governance be authorised to make and implement the Order.

192. **Communities Spokesperson – Transfer of the Independent Living Fund into the Local Authority (Cab.28.1.2015/8)**

RESOLVED:-

- (i) that the Government's decision to close the Independent Living Fund (ILF) and the transfer of ILF users to sole Local Authority support be noted;
- (ii) that approval be given to Barnsley's local approach in relation to the transfer programme, as set out in Appendix A of the report; and
- (ii) that the Director of Adults and Communities writes to those directly affected to clarify how this matter will be progressed.

193. **Corporate Services Spokesperson – Disqualification by Association – Policy and Procedure (Cab.28.1.2015/8a)**

RESOLVED that the Disqualification by Association Policy and Procedure, as now submitted, be approved and implemented immediately.

(Note: The above item was accepted by the Chairman as an urgent item in view of the need to ensure that the Policy is implemented as soon as possible and therefore enable schools to have an appropriate policy in place, which is a key requirement of the OFSTED inspection framework.)

194. **Exclusion of the Public and Press**

RESOLVED that the public and press be excluded from the meeting during consideration of the following items, because of the likely disclosure of exempt information as described by the specific paragraphs of Part I, of Schedule 12A of the Local Government Act 1972, as amended, as follows:-

<u>Item Number</u>	<u>Type of Information Likely to be Disclosed</u>
195	Paragraph 3
196	Paragraph 3
197	Paragraph 3
198	Paragraph 3

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RESOLVED that the action taken under Paragraph B6 of the Responsibility for Executive Functions – Officer Delegations, as contained within the Appendix attached to the report, be noted.

196. Corporate Services Spokesperson – Community Asset Transfer: Proposed Lease by the Council of Hall Royd Lane Wood to Silkstone Parish Council (Cab.28.1.2015/11.1)**RESOLVED:-**

- (i) that the Council approves the grant of a 125 year lease of Hall Royd Lane Wood to Silkstone Parish Council as detailed in the report now submitted;
- (ii) that the Director of Finance, Property and Information Services be authorised to agree terms for the granting of such lease;
- (iii) that the Service Director (Designate) Assets finalise Heads of Terms for the proposed 125 year lease; and
- (iv) that the Director of Legal and Governance be granted delegated authority to conclude the necessary legal documentation relating to the lease of the property.

197. Corporate Services Spokesperson – Former Lacewood Primary School, Station Road, Bolton upon Dearne: The Council Acting in its Capacity as Trustee (Cab.28.1.2015/11.2)**RECOMMENDED TO COUNCIL ON 5TH FEBRUARY, 2015:-**

- (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

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- (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.

198. **Corporate Services Spokesperson – Options for the BULL IT Services Contract (Cab.28.1.2015/11.3)**

RESOLVED:-

- (i) that the current position regarding the Bull ICT Services contract, as detailed in the report now submitted, be noted; and
- (ii) that approval be given to the delegation of powers for the Director of Finance, Property and Information Services, in consultation with the Cabinet Spokesperson and with the advice of the Director of Legal and Governance, to take all such steps in relation to the Bull contract and subsidiary agreements as she considers necessary or desirable in the Council's interest in the circumstances.

(Note: In accordance with Part 2, Paragraph 5(6) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, the Chair of the relevant Overview and Scrutiny Committee had given approval for the above item to be considered at a private meeting of Cabinet where it had not been possible to give 28 days notice.)

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Chairman