

**BARNSELY METROPOLITAN BOROUGH COUNCIL****COUNCIL MEETING****2<sup>nd</sup> April, 2015****COUNCILLOR KEN RICHARDSON (DEPUTY MAYOR)**

At a meeting of the Barnsley Metropolitan Borough Council duly convened and held on Thursday 2<sup>nd</sup> April, 2015 at The Town Hall, Barnsley.

**149. Present:**

The Deputy Mayor (Councillor Richardson)

- 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, Markham and Saunders
- Darton East Ward - Councillors Miller and Spence
- Darton West Ward - Councillors Burgess, Cave and Howard
- Dearne North Ward - Councillors 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 and T. Sheard
- Monk Bretton Ward - Councillors S. Green and M. Sheard
- North East Ward - Councillors Ennis 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 BEM, Dures and Lamb
- Royston Ward - Councillors 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 and G. Carr

### **150. Retiring Members**

The Deputy Mayor reminded Members that this was the last meeting of the Council before the Municipal and General Elections to be held on Thursday 7<sup>th</sup> May, 2015. It would, therefore, be the last meeting to be attended by several Members prior to their retirement from the Council.

The Leader of the Council, Councillor Sir S. Houghton CBE paid tribute to the following Members for their services and hard work to the Council and the local community they represented:-

- Councillor Barlow
- Councillor Tracey Cheetham
- Councillor Key
- Councillor North
- Councillor Perrin
- Councillor Rusby
- Councillor T. Sheard.

The Mayor and Leader of the Council wished the Members well for the future.

The Mayor presented Councillors Barlow, Tracey Cheetham and Rusby with vases. Councillors Key, and North were presented with tankards and to mark more than 10 years service as Councillors, Councillors Perrin and T. Sheard were presented with bowls.

The Leaders of the Barnsley Independent Group and Conservative Group added their own thanks to the retiring Members as did several other Members of the Council. Several of the retiring members also responded to the expression of thanks.

All retiring Members were thanked for their services in the usual manner.

The Deputy Mayor also extended his best wishes on behalf of Members of the Council to all those seeking re-election at the Municipal Elections on the 7<sup>th</sup> May.

### **151. Declarations of Pecuniary and Non Pecuniary Interest**

Councillor Saunders declared a Non Pecuniary Interest in Minute 27 of the Children's Services Scrutiny Committee held on the 10<sup>th</sup> March, 2015 'Child and Adolescent Mental Health Services (CAMHS)' in view of her previous involvement with the Service.

### **152. Minutes**

The minutes of the meeting held on 5<sup>th</sup> and 26<sup>th</sup> February, 2015 were taken as read and signed by the Chairman as a correct record.

### **153. Communications**

The Director of Legal and Governance reported, on behalf of the Chief Executive, the following communications.

#### (a) Multi Systemic Therapy Team

Multi Systemic Therapy was a research programme method for working with the families of teenagers at risk of entering the Care System or going into custody. It was an intensive model that worked with families to identify better strategies for helping them present and parent their children more effectively.

For their excellent work the Barnsley MST Team had been nominated for a 'Whatever it Takes Award' and the Team was selected by MST Services in the US from over 500 Teams in several dozen countries as the Team of the Quarter for December 2014.

This was a fantastic achievement by the whole Team who were Collette Beeston (Acting MST Supervisor) together with her colleagues John Cooper, Emma Lowe, Laura Lynden and Louise Winstanley.

The Deputy Mayor and Members of the Council expressed, in the usual manner, their congratulations to the Team in the usual manner.

#### (b) Council Adoption Services

The Director of Legal and Governance reported the receipt of a letter by the Leader of the Council from Mr Edward Timpson (Parliamentary Under Secretary of State for Children and Families) in relation to the Council's Adoption Services and the timeliness of its responses.

The letter noted that the Council's Team had met the Government's thresholds for the time taken to place children with their adopted families. In doing so the Team had reduced the time children had to wait from entering care to being placed. The Team had also, therefore, reduced the time taken in gaining a Placement Order and matching children with their adoptive family. The Minister had said that it was clear that the Service shared the Governments commitment to ensure that no child waited too long before being placed in a safe loving home.

The Deputy Mayor and Members of the Council expressed, in the usual manner, their congratulations to all members of the Adoption Service at this excellent achievement.

Councillor Bruff, Cabinet Spokesperson for People (Safeguarding) asked to place on record her own personal thanks and appreciation to the staff of both Teams for their hard work and dedication in these achievements.

### **154. Questions by Elected Members**

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

‘Should the Council continue to have an interest in the Oakwell Stadium through its membership of Oakwell Community Assets Ltd, given the football club’s recent refusal to host this years Barnsley and District Football Association’s Cup Finals at the ground?’

Councillor Sir Steve Houghton CBE, Leader of the Council responded by stating that when the Council agreed to go into partnership with Mr Cryne in purchasing 50% of the assets at Oakwell, there were three main reasons for doing this. Firstly, the Council was anxious to protect the Town Centre from ‘out of town’ development until such time as the Town Centre Regeneration proposals could be brought forward. This had been largely successful given that ‘out of town’ retail had been avoided and the regeneration proposals were now starting to come to fruition. Secondly, it was to ensure that the sporting assets, the Stadium and the playing fields and associated facilities were protected for the long term. This too had been successful during the period that the Council had been joint owners of the site. Thirdly, and Councillor J Carr quite rightly raised the issue, was about ensuring the community use of these facilities into the future, and up to this point, this too had been successful.

Councillor Carr had raised with him a few weeks previously the fact that the Football Club had turned down an application from the Barnsley FA to play the Finals there as they had done in previous years. This was, of course, very disappointing as he knew that local footballers and football teams very much valued this opportunity. Councillor Carr had asked if he, in his position as Leader of the Council, could speak to the Football Club to see what the issues were and whether or not the matter could be resolved. He had, on behalf of Councillor Carr and the Barnsley FA, spoken to the Chief Executive of the Football Club who then explained the reasons behind the decision.

He had been informed that last year when the finals had been held, sadly, anti social behaviour and vandalism took place and someone tried to set fire to the West Stand. Clearly, this was very disappointing that a small minority should take actions that were negligent and potentially damaging. He had spoken to the Club who were willing to talk about the issue and how it could be resolved. It had been suggested that Oakwell Community Assets would give a rent holiday for a sum of money to allow the Finals to be stewarded. The Club were very willing to look at that, however, since that time, the Football Club had received significant health and safety concerns from various agencies about this years Finals and, as a consequence, believed it would be inappropriate for those Finals to go ahead. The Leader was sorry that this was the case but if there were serious health and safety considerations and there was a danger that the problems of the previous year being repeated, it was very difficult for him to criticise the Football Club for the action they had taken.

The Council had no direct control because the ground was let to the Football Club and it was their business but, equally, the Council had an interest in the assets being protected and not damaged. In the circumstances, therefore, he felt that the Football Club were right in taking the action they had. He hoped that, in future, the small minority would stop damaging the facilities and potential opportunities for the majority and that the Finals could return to Oakwell. He was sure that the Football Club would be more than willing to discuss this and how that could be managed.

In conclusion has stated that the Council was very proud of the Football Club at Oakwell. It was a big asset for the community and he was very proud of local football which had produced some great footballers for Barnsley and for elsewhere. He acknowledged that football was a major pastime for many people but the Council had to take the right decisions in the right circumstances and if there were any risks involved it was necessary, for public safety and the facilities, to take appropriate action. In this case, sadly, he felt there was no alternative option to take than the one taken.

Councillor Carr responded by thanking the Leader for working with him over the last three weeks in trying to find a solution to the problem at Oakwell. He did not ask a supplementary question.

**155. 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 Fire and Rescue Authority – 5<sup>th</sup> January, 2015
- (b) South Yorkshire Fire and Rescue Authority – 16<sup>th</sup> February, 2015
- (c) Sheffield City Region Combined Authority – 5<sup>th</sup> January, 2015
- (d) Sheffield City Region Combined Authority – 16<sup>th</sup> February, 2015
- (e) South Yorkshire Pensions Authority – 15<sup>th</sup> January, 2015
- (f) Police and Crime Panel – 30<sup>th</sup> January, 2015

Councillor Sixsmith, with the permission of the Deputy Mayor, in his capacity as one of the Council's representatives on the Policy and Crime Panel reported on the potential implications of the decision by the Government to only award the South Yorkshire Police £10.7m towards the cost of the Hillsborough Inquiry rather than the full costs involved. This left a potential shortfall of around £6m. A further request for funding had been submitted but if this was not successful, there could be implications for future year's precept of the South Yorkshire Police.

**RESOLVED** that the report be received and the minutes noted.

**156. 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 17<sup>th</sup> February, 2015 be received.

**157. 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 17<sup>th</sup> March, 2015 be received.

**158. General Licensing Panel**

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

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

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

Moved by Councillor Leech – Seconded by Councillor Howard; 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.

**160. 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 3<sup>rd</sup> February, 2015 be received.

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

Moved by Councillor Ennis – Seconded by Councillor Markham; and

**RESOLVED** that the minutes as printed and now submitted of the proceedings of the Overview and Scrutiny Committee held on 10<sup>th</sup> February, 2015 be received.

**162. 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 10<sup>th</sup> March, 2015 be received.

**163. 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> January, 2015 be received.

**164. Dearne Area Council - Minutes**

Moved by Councillor Noble – Seconded by Councillor Worton; and

**RESOLVED** that the minutes as printed and now submitted of the proceedings of the Dearne Area Council held on 2<sup>nd</sup> February, 2015 be received.

**165. 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 2<sup>nd</sup> February, 2015 be received.

**166. South Area Council - Minutes**

Moved by Councillor Stowe - Seconded by Councillor Frost; and

**RESOLVED** that the minutes as printed and now submitted of the proceedings of the South Area Council held on 5<sup>th</sup> February, 2015 be received.

**167. 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 12<sup>th</sup> February, 2015 be received.

**168. 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 19<sup>th</sup> February, 2015 be received.

**169. South Area Council - Minutes**

Moved by Councillor Stowe - Seconded by Councillor Frost; and

**RESOLVED** that the minutes as printed and now submitted of the proceedings of the South Area Council held on 27<sup>th</sup> February, 2015 be received.

**170. Central Area Council - Minutes**

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

**RESOLVED** that the minutes as printed and now submitted of the proceedings of the Central Area Council held on 16<sup>th</sup> March, 2015 be received.

**171. Transfer of Position of Proper Officer Following Future Council Restructure**

The report of the Executive Director, Adults and Communities was:

Moved by Councillor Platts - Seconded by Councillor Morgan; and

**RESOLVED:-**

- (i) That the appointment of Proper Officer for the registration of Births, Deaths and Marriages be transferred from the Assistant Director, Neighbourhoods, Access and Support to the Service Director, Customer Services with immediate effect; and
- (ii) That the power to licence approved premises for the conduct of Marriages and Civil Partnerships be delegated to the Service Director, Customer Services.

**172. Audit Committee Recommendations to Council**

25<sup>th</sup> March, 2015

- (a) Appointment of two Independent Members to fill existing vacancies

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

**RESOLVED:-**

- (i) That following interview by an Appointment Panel chaired by Councillor T Sheard, Chair of the Audit Committee, Ms K Armitage and Mr P Johnson be appointed as Independent members to the Audit Committee to fill two existing vacancies; and
- (ii) That following the appointment of the Independent members, the quorum of the Audit Committee be reinstated to require at least 2 Elected Members and 3 Non-Elected Members to be present for the duration of the meeting for that meeting to be quorate.

**173. Planning Regulatory Board Recommendations to Council**

17<sup>th</sup> March, 2015

- (a) Renewal of the Ashroyd and Shortwood Business Park Local Development Order 2012

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

**RESOLVED** that the Local Development Order 2012 be renewed to 31<sup>st</sup> March, 2018 subject to amending the height limits at Ashroyd 4 to a maximum of 12m for the eaves and 18m overall.

**174. Cabinet Recommendations to Council**

25<sup>th</sup> February, 2015

- (a) Appointment of a Representative to the Barbers Relief in Need Charity and Barbers School Charity

Moved by Councillor Howard – Seconded by Councillor Leech; and

**RESOLVED** that approval be given to the appointment of Councillor Cave as a representative to the Barbers Relief in Need Charity and Barbers School Charity.

**175. 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) 28<sup>th</sup> January, 2015      With the exception of Minute No 190 (Community Governance Review of the Civil Parish of Brierley) and Minute No 197 (Former Lacewood Primary School, Station Road, Bolton Upon Dearne: The Council Acting in its Capacity as Trustee) which were approved by the Council on the 5<sup>th</sup> February, 2015.
- (b) 11<sup>th</sup> February, 2015      With the exception of Minute no 205 (A) & (B) Service & Financial Planning 2015-16 and 2016-17 – Revenue Budget, Capital Programme and Council Tax); Minute 206 (Redundancy Compensation and Procedures); Minute 207 (Treasury Policy Strategy Statement 2015/16); and Prudential Indicators 2015/16) which were approved by the Council on the 26<sup>th</sup> February, 2015.
- (c) 25<sup>th</sup> February, 2015
- (d) 11<sup>th</sup> March, 2015

.....  
Chairman